

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999 - section 40

EXCEPTIONAL DEVELOPMENT PERMIT

EDP24/0002

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 01954
Lot 01955
Lot 01971
Town of Alice Springs
20 BLOOMFIELD ST, GILLEN
22 BLOOMFIELD ST, GILLEN
7 NEWLAND ST, GILLEN

APPROVED PURPOSE

To use and develop the land for the purpose of the staged subdivision of 3 lots to create 4 lots (boundary realignments and creation of 2 lots less than 760m²), in accordance with the attached schedule of conditions.

BASE PERIOD OF THE PERMIT

This permit will expire if one of the following circumstances applies:

- (a) the development is not started within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if an application is made in the approved form before the permit expires.

RIGHT OF APPEAL

There is no right of appeal against a determination by the Minister in relation to the grant or variation of an Exceptional Development Permit.

ANDREW KIRKMAN

Delegate of the Minister for Infrastructure, Planning and Logistics

5 / 2 / 2024

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SCHEDULE OF CONDITIONS

CONDITION PRECEDENT

1. Amended drawings to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the drawings will be endorsed and will then form part of the permit. The drawings must be (drawn) to scale with dimensions and must be generally in accordance with the "proposed subdivision" drawing number GG:02103-PS1-3A (dated February 2022) prepared by MasterPlan and submitted with the application but modified to show - a schedule of stages that depicts the:
 - i) re-alignment of the boundaries of the 3 existing parcels (Lots 1954, 1955 & 1971 - that are owned by 3 different owners) which will require several stages in the subdivision that cannot be done in one step to create 2 new parcels)
 - ii) multiple parcels to be created through subdivision and transferred before being consolidated into 3 new parcels, and then
 - iii) the subdivision of one of those new parcels (ie: residual of Lot 1971) to create the 2 additional new parcels (ie: Lots "A" and "B" (as labelled on drawing number GG:02103-PS1-3A (dated February 2022)).documentation must be prepared in consultation with a licensed surveyor and Survey Land Records Division of the Department of Infrastructure, Planning and Logistics to ensure compliance with the technical requirements of the Surveyor General.

Amended drawings and documentation prepared in response to Condition Precedent 1 may be submitted to C/- Development Assessment Services, Department of Infrastructure, Planning and Logistics, C/- Alice Springs Branch via email to das.ntg@nt.gov.au

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawing/s endorsed as forming part of this permit.
3. The subdivision must proceed in the order of stages as shown on the endorsed drawing/s unless otherwise agreed in writing by the Minister.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the Minister.
5. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunication networks to each lot

shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 1, 2 and 3 for further information.

7. The kerb crossovers and driveways to each lot approved by this permit are to meet the technical standards of Alice Springs Town Council, to the satisfaction of the Minister.
8. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) collect stormwater and discharge it to the drainage network; and
 - (c) undertake reinstatement works;all to the technical requirements of and at no cost to the Alice Springs Town Council, to the satisfaction of the Minister.
9. Any proposed work (including the provision or connection of services) within, or impacting upon the road reserves shall be in accordance with the standards and specifications of the Alice Springs Town Council. Design documents must be submitted to the Alice Springs Town Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind
3. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
4. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Northern Territory Aboriginal Sacred Sites Act 1989. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
5. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by

the Northern Territory Building Act 1993 before commencing any demolition or construction works.

6. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 2005 must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
7. The development must comply with the technical standards of the Northern Territory Subdivision Development Guidelines for the construction of public infrastructure as part of subdivision works to the requirements of the relevant local and service authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authorities to confirm their requirements, and any variations that may be sought to the Subdivision Development Guidelines, to ensure the works are completed to the relevant authorities' requirements. The Northern Territory Subdivision Development Guidelines can be found at: <https://www.ntlis.nt.gov.au/sdg-online/>
8. The Department of Environment, Parks and Water Security advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
9. There are statutory obligations under the Waste Management and Pollution Control Act 1998 (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at: <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999 - section 41

REASONS FOR DECISION IN RELATION TO ISSUE OF EXCEPTIONAL DEVELOPMENT PERMIT

The decision to grant Exceptional Development Permit EDP24/0002 for Lot 1954, (20) Bloomfield Street, Lot 1955 (22) Bloomfield Street and Lot 1971 (7) Newland Street, Suburb of Gillen, Town of Alice Springs for the purpose of the staged subdivision of 3 lots to create 4 lots (boundary realignments and creation of 2 lots less than 760m²) was made pursuant to section 40(2)(a) of the *Planning Act 1999* for the following reasons:

1. Pursuant to section 40(1) of the *Planning Act 1999*, in this instance, it is considered preferable to issue an Exceptional Development Permit (EDP), to allow subdivision resulting in two lots with areas less than 760m² on land zoned LR (Low Density Residential) than to amend the NT Planning Scheme 2020 (NTPS2020). No other regular NTPS2020 zone is considered to be appropriate for the land (to facilitate the subdivision of Lot 1971 into a maximum of two freehold parcels).

The proposed subdivision is consistent with the purpose of Zone LR but in this instance, two of the proposed lot sizes will be less than the minimum area requirement that would otherwise be allowed for under the provisions of Part 6 of the Scheme. Amending the NT Planning Scheme 2020 to facilitate the subdivision through the Development Application process (rather than the EDP process) would require a change to the minimum lot size in Zone LR or rezoning, both of which are considered inappropriate. Furthermore, the issue of an EDP provides assurance in regard to the future parcel size of the lots which could not be provided through a standard planning scheme amendment process.

2. The decision to grant an Exceptional Development Permit was based on cumulative consideration of the reports referred to in section 24 of the *Planning Act 1999* as well as the matters listed in section 42 of the *Planning Act 1999*, including the following pertinent factors:
 - (a) Lot 1971, (7) Newland Street was developed as a "dwelling-group" (2 x dwellings in separate buildings). The subdivision delineation corresponds with the private open space boundary of those dwellings. The retention of the existing buildings on Lot 1971 and driveway layout is consistent with the character of the area and the appearance from the street will maintain the current scale of development in keeping with adjoining and adjacent low density residential development.

- (b) Each of the proposed lots is already lawfully developed with a dwelling. Lots A & B created through the subdivision (of Lot 1971) are considered to be of a sufficient size and configuration to allow continued use of the dwelling-single that will be retained on each of those parcels.
- (c) No local government council or public submission/s were received.
- (d) The Power and Water Corporation confirms the subdivision will have no significant impact on services to the area. Conditions of approval will ensure that the subdivision and boundary realignment is effected in accordance with service authority requirements.
- (e) The site is located in reasonable proximity to community facilities including public open space (neighbourhood parks and sports ovals), education establishments and local supermarkets, which support its suitability for the subdivision of Lot 1971 into two freehold parcels. Service authorities confirm that the proposal will have no significant impact on services to the area and the proposed development will utilise existing public infrastructure making more efficient use of existing network capacity. Conditions of approval will ensure that the subdivision is developed in accordance with service authority technical requirements.
- (f) The proposed boundary realignment will:
 - Formalise the boundaries between Lots 1971, 1954 & 1955 that is currently in place;
 - Ensure the ownership of assets and their associated responsibilities and liabilities are correctly located;
 - Correct the legal land title boundaries to reflect the on ground situation.



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