Dear Minister,

Proposed Planning Scheme Amendment to include a new Kilgariff Area Plan replacing clause 14.4.7 in Part 8 of the NT Planning Scheme

I refer to the email from the Department of Infrastructure Planning and Logistics, dated 25/01/2019 and the details attached (reference PA2018/0440) regarding an amendment to the NT Planning Scheme by replacing existing clause 14.4.7 with a new Kilgariff Area Plan.

**Local authority matters**

Council is prepared to support this planning scheme amendment in principle subject to modifications that incorporate solutions to the concerns mentioned below.

Council understands that previously comments were provided to the NT Planning Commission in previous stages and that this amendment is proposed to allow the incorporation of latest information with regard to drainage, flood management and outcomes of the development to date. It is recognised that the Area Plan is formulated to allow changes in land use depending upon the development potential through rezoning. This fluid framework of the Area Plan would however need to be carefully moulded to ensure that the end result remains practically serviceable and complies with current standards. Council believes this is achievable through proper planning, consultation and the enforcement of current Alice Springs Subdivision Requirements.

Further broader comments may be provided as a result of Council's assessment of the application or by Council's representative at the Consent Authority meeting.

**Service authority matters**

The present application has been reviewed against Council's technical requirements for developments and the premise that all building construction should comply with Building Code of Australia.

**Observations:**

1. It is noted that the 'Kilgariff Area Plan' makes reference to the 'Alice Springs Regional Land Use Plan 2016' which identifies the area north of Colonel Rose Drive in the
suburb as Urban. This implies that the subdivision is expected to comply with the requirements of an urban subdivision as per the zoning.

2. It is noted that the area previously identified in Kilgariff West for sporting is now extended beyond the St. Mary's creek reserve into Kilgariff East. They are now identified as a community spaces with the potential to be used for education or sports.

3. The Planning Principles outline support for the creation of wide Road Reserves to include drainage, street trees and service infrastructure. Creation of Linear Open spaces that include drainage infrastructure are detrimental to public safety and amenity unless designed carefully.

4. Kilgariff South is observed to be located on Commonwealth land to the south of Colonel Rose Drive and is subject to the Alice Springs Airport Master Plan with Land Use being predominantly for residential development and some open space proposed to include the creeks and drainage corridors.

5. Concern was expressed in the Development Committee with the proximity of detention centres being located in this residential area and the resultant risk imposed to young families in the vicinity. This was also expressed by residents through submissions to the Consent Authority in previous exhibitions of applications that pertained to use by organisations like Life without Barriers. The residents were concerned that at the time of sale of allotments, the advertisements portrayed this area as a subdivision of young families only. The Kilgariff Area Plan under point 7, however only discusses the use of this locality to provide community services such as child and elderly persons care.

6. Commercial and mixed use zones are proposed along Harris Avenue separating Kilgariff West and North, with very little space identified within Kilgariff East and none proposed in Kilgariff south at this stage in the Kilgariff Land Use Plan.

Further to discussion of this amendment at the Development Committee meeting and various Council forums the following concerns need to be addressed:

1. Council requires a formal commitment from the NT Government for land that is available for Community Purpose space to provide for the future operational needs of the subdivision.

2. A sporting oval was identified in the earlier stage which is now marked for education. Council requires a formal commitment from the NT Government for the provision of land for sporting facilities.

3. With reference to recently supplied information the upcoming stages of the Kilgariff Subdivision proposes stormwater flow using rural area techniques such as open drains in an area identified as 'Urban'. In an urban subdivision dependency of overland flow to release stormwater is not acceptable. Provision of any infrastructure less than what is expected to be provided in an urban subdivision results in non-compliance to Council's subdivision requirements based on the zoning and also results in reduced service provision.

4. Dependency on public ‘Linear Open Space’ with drainage networks to release stormwater into them must be reduced where possible and if unavoidable must be designed in consultation with Council.
5. It is also noted that the 'Plan Structure' proposed for Clause 14.4.7 to support the Kilgariff Area Plan details "specific design parameters to ensure overall flood protection and drainage of the development works in an integrated and landscape sensitive manner". This 'specific design' when sighted by Council is expected to align with current subdivision requirements as communicated to the NT Government at the planning stages of the subdivision.

6. The 'Acceptable Land Use and development response' to Objective 2.4 of the Planning Principle although relating to flooding refers to Planning Principle 4.6 for Stormwater Management in Kilgariff West, which could not be located in the NT Planning Scheme or the attached amendment.

7. Objective 5.6 is responded to using the point numbers ii, iii and iv, below under the 'Acceptable land use and development response' which state:

   ii. Stormwater runoff is conveyed on the surface to drainage swales

   iii. Stormwater is conveyed by spoon drains across intersections

   iv. Where surface drainage is impossible, shallow pits and culverts are employed to convey stormwater to the surface drainage framework.

This contradicts Objective 1.2 (Minimise adverse impacts on natural stormwater drainage flows and water quality) as point (iii) of the response advises that 'Australian Best Practise standards are applied to water quality modelling of stormwater run-off into the natural drainage system' but contrary to this if there is no underground Stormwater drainage in an urban subdivision the water quality becomes compromised and the roads will get flooded quickly in minor flood events which is undesirable.

6. As the building certifiers do not assess new developments for compliance with the pre-development hydrological regime it is desirable that the stormwater infrastructure in the subdivision is designed appropriately for the worst case scenario.

Further technical observations may be provided by Council's representative at any hearing of the application should such be deemed necessary. If the Planning Commission would like to discuss this matter further, they should contact Director Technical Services on 08-89500517.

Sincerely,

Scott Allen
DIRECTOR TECHNICAL SERVICES
Dr David Ritchie  
Chairperson  
Northern Territory Planning Commission  
GPO Box 1680  
DARWIN NT 0801

Dear Dr Ritchie

Re: ALICE SPRINGS - PLANNING SCHEME AMENDMENT TO INCLUDE A NEW KILGARIFF AREA PLAN - DIPL


I am pleased to advise that the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics has no objections in principle to the above mentioned Planning Scheme Amendment to include a new Kilgariff Area Plan.

This response does not provide any endorsement to the proposed future subdivision/ development of the land or the access provisions. These issues shall be subject to formal assessment on lodgement of a Development Application for the subdivision/ development of the land.

1. Please note that there will be a future planning for duplication of Stuart Highway from Commonage Road to Airport Turn off and duplication through Heavitree Gap.

2. At the intersection of Stuart Highway/Roger Vale Drive the Area Plan shows a roundabout type of intersection. Please note that studies has undertaken to realign priorities at this intersection which may change its configuration.

3. It would be helpful if the Kilgariff West Concept Plan (page 10) showed connections to the existing and future pedestrian and cycleway network on the Stuart Highway (as shown in the plan on page 7).

4. Consideration should be given to how to address flooding in the area.

Should you wish to discuss the above mentioned further, please contact Corridor Access at the Transport and Civil Services Division on telephone 8924 7524.

Please quote the TCSD Project No 2019-0017 in all correspondence.

Yours sincerely

Mike Tait  
A/Director, Corridor Management

Digitally signed by Mike Tait  
Date: 2019.02.21 15:26:20 +09'30'
Dear Mr Somerville

RE: PA2018/0440, Proposal to include a new Kilgariff Area Plan within the NT Planning Scheme

The Department of Environment and Natural Resources (DENR) has assessed the information contained in the above application and provides the following comments:

**Water Resources Division**

The proposed Kilgariff Area Plan is within the Alice Springs Water Control District and Alice Springs Water Allocation Plan (ASWAP) Area. The ASWAP identifies 'demand management' (water use efficiency) as a priority issue. The Area Plan's Vision Statement includes that "...there will be less impact on natural resources through efficient use of water." While this statement is supported, there appears to be no objectives or "Acceptable Land Use and Development Response" that is relevant or sufficient to cause the achievement of this aspect of the Area Plan's Vision Statement.

How this potential gap could be addressed is a matter that the NT Planning Commission should consider. Power and Water's Alice Springs Water Reuse Project could potentially supply '3rd pipe' access to the Kilgariff development that could substitute the use of non-renewable high quality potable water for watering the parks and useable open spaces. The reused water supply is currently piped to the Arid Zone Research Institute (AZRI) on the northern boundary to the development, and is currently underutilised.

**Rangelands Division**

The Land Management Unit has assessed the proposed new Kilgariff Area Plan and provides the following advice:

- The whole of the Kilgariff Locality is located within the Alice Springs Erosion Hazard Area (EHA) declared under the Soil Conservation and Land Utilisation Act (see Figure 1). The declaration requires all landholders within the declared EHA to maintain ground cover on their respective holdings for the purposes of controlling dust. Therefore, DENR advises that all future development and land use within the EHA must ensure that appropriate permanent ground cover is established; and that future development and earth disturbing activities do not result in the soil surface being left in an unprotected (exposed) state. Accordingly, a forth Objective could be added under Planning Principle 1 (Minimise detrimental impacts of development on the landscape and natural environment). For example: 'Objective 1.4 – Prevent dust by ensuring preservation or establishment of effective ground cover'. Examples of acceptable land use and development responses might include: native grasses are retained wherever possible; appropriate mediums (e.g. paving, gravel, lawn, mulched garden beds) are established to ensure permanent soil surface protection. The Land Management Unit is available for further discussion regarding this matter; please contact the Regional Land Management Officer, NT at angela.estbergs@nt.gov.au.
Figure 1. The Kilgariff Locality (green dashed line) is located within the Alice Springs Erosion Hazard Area (red hatching) declared under the Soil Conservation and Land Utilisation Act.

- The following sentence under Planning Principle 1 requires revision, as its meaning is unclear: “Protection of these values within the confines of a very flat landform, natural stormwater flow and fragile soils will require care”.

- Planning Principle 1, Objective 1.1, Acceptable Response (v) “Sediment movement and erosion during construction is controlled” would read more accurately as: erosion and sediment transport is minimised and controlled during construction (i.e. erosion is a precursor to sediment transport).

- Terminology used in relation to vegetation should be checked. The NT Planning Scheme (NTPS) defines native vegetation as including native species of trees, shrubs and grasses. The Land Clearing Guidelines (2019) defines sensitive and significant native vegetation (NB. Release of this document is imminent; please contact DENR for a copy). The Kilgariff Area Plan uses a combination of terminology including: vegetation, native vegetation, significant native vegetation, significant trees, etc. which is not necessarily consistent with the NTPS or Guidelines and may not convey the intended meaning.

- Planning Principle 1.3 refers to “significant native vegetation” however its location is not identified on the Kilgariff Locality and Land Use Plan map; whereas the Kilgariff West Concept Plan map specifically shows “significant trees” referred to in sections 5.4.i and 5.4.ii.

Flora and Fauna Division

The proposed Planning Scheme Amendment covers areas of freehold, vacant Crown land and government tenure in the vicinity of the newly developed Kilgariff Estate. There are no current records of threatened or significant flora or fauna from within, or immediately adjacent to, the proposed Area Plan footprint. Consequently, there is likely to be a negligible impact on threatened species as a result of the proposal and any future land use change that it facilitates.

The area is partly covered by the Greater MacDonnell Ranges Site of Conservation Significance (SOCS) but does not contain any rugged range landscapes or significant species that the SOCS is defined by.
The proposed Kilgariff Area Plan recognises the natural values of St Mary’s Creek and proposes the protection of this landscape feature for its contribution to the natural character of the site. Given the recognised natural values associated with St Mary’s Creek it is recommended that any proposed future zoning of the land immediately surrounding the creek consider these values in the final determination of zoning and land use in the area.

The proposed Area Plan does not accurately define the boundaries using existing cadastral boundaries or precise location coordinates of features. The provided *Kilgariff Locality and Land Use Plan* shows the area imposes into a government research facility – Arid Zone Research Institute (AZRI) – and does not consider the physical security, biosecurity and traffic management for the property by including residential land use and transport corridors through the area. Subsequent maps *Kilgariff West Concept Plan* and *Kilgariff West Drainage Framework Plan* erroneously map the location of Heath Road (public) on the AZRI site implying public access through this area. Other proposed active transport and main roads do not align with the *Alice Springs Regional Land Use Plan 2016* and should first be considered at the regional level to better understand values and constraints on their placement.

Should you have any further queries regarding these comments, please contact Maria Wauchope by email maria.wauchope@nt.gov.au or phone (08) 8999 3692.

Yours sincerely

Luis Da Rocha

February 2019
From: Mapping AAPA
Sent: Thursday, 21 February 2019 2:53 PM
To: Planning NTG <Planning.NTG@nt.gov.au>
Cc: Secretariat AAPA <Secretariat.AAPA@nt.gov.au>
Subject: RE: Exhibition of proposal to include a new Kilgariff Area Plan within the NT Planning Scheme

To: NT Planning Commission

Re: PROPOSAL TO AMEND NT PLANNING SCHEME TO INCLUDE A NEW KILGARIFF AREA PLAN

Thank you for the opportunity to provide comment.

The Aboriginal Areas Protection Authority wishes to advice that is has no record of sacred sites listed within the area.

Since 2004 the authority has issued two authority certificates over parts of the Kilgariff Area Plan area.

- An authority certificate issued to a government department for works associated with residential development on Lot 9399, which is now Kilgariff West and Kilgariff East on the Kilgariff Locality and Land Use Plan.

- An authority certificate was issued to a private company for works associated with the development of commercial and aeronautical infrastructure in Kilgariff South.

For any future works not yet covered by an authority certificate, we recommend contacting the Authority.

If you have any further questions please do not hesitate to phone 08 89994332 or alternatively email secretariat.aapa@nt.gov.au

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Xin Li
SENIOR LAND INFORMATION OFFICER | Research and Land Information
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From: Jennifer Ryan <Jennifer.Ryan@nt.gov.au>
Sent: Friday, 25 January 2019 12:00 PM
To: Jennifer Ryan <Jennifer.Ryan@nt.gov.au>
Subject: Exhibition of proposal to include a new Kilgariff Area Plan within the NT Planning Scheme

Good morning,

Please be advised that the Minister for Infrastructure, Planning and Logistics has decided to exhibit a proposal to amend the NT Planning Scheme to include a new Area Plan for Kilgariff.

The Proposal can be found online at https://www.ntlis.nt.gov.au/planning/ltad.ar.list#amendments


If your agency has any comments, please make a submission through ILIS or by emailing planning.ntg@nt.gov.au by 22 February 2019.

Should you have any further queries please contact Peter Somerville on 89519242 or by email peter.somerville@nt.gov.au.

Jennie

Jennie Ryan
Planning & Development Officer, Development Assessment Services
Department of Infrastructure, Planning and Logistics
Northern Territory Government

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