

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999

NOTICE OF DECISION EXCEPTIONAL DEVELOPMENT PERMIT EDP24/0001

I, ANDREW KIRKMAN, Delegate of the Minister for Infrastructure, Planning and Logistics, in pursuance of section 40(6) of the *Planning Act 1999*, give notice that

- (a) I have, in pursuance of section 40(2)(a), granted an Exceptional Development Permit for Lot 1018 (2) Stuart Terrace, Town of Alice Springs;
- (b) The Exceptional Development Permit has been granted for the purpose of a car park (83 car parking spaces);
- (c) The land is within Zone TC (Tourist Commercial) of the NT Planning Scheme 2020. The development proposes a car park, which would otherwise be prohibited, as mandatory landscaping requirements of clause 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR) could not be varied;
- (d) Copies of the Exceptional Development Permit and the Reasons for the Decision are available online at <https://nt.gov.au/property/land-planning-and-development/our-planning-system/exceptional-development-permit-decisions>.



ANDREW KIRKMAN

Delegate of the Minister for Infrastructure, Planning and Logistics

10 / 1 / 2024

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999 - section 41

REASONS FOR DECISION IN RELATION TO PROPOSED EXCEPTIONAL DEVELOPMENT PERMIT

The decision to grant an Exceptional Development Permit for Lot 1018 (2) Stuart Terrace, Town of Alice Springs for the purpose of car park (83 car parking spaces) 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*, it is preferable to issue an Exceptional Development Permit (EDP) than to amend the NT Planning Scheme 2020 (NTPS2020), because in this particular instance, a scheme amendment to remove the mandatory control over the 3m landscaping requirement (as specified in sub-clause 3 of Clause 5.2.7 of the NTPS2020) is not considered appropriate. This requirement is applied throughout the Northern Territory and considering such a change to the NTPS2020 should be undertaken through thorough and broader research and consultation.
2. Pursuant to section 42(1) of the *Planning Act 1999*, the Minister must take into consideration 51(1)(n) for the potential impact on the existing and future amenity of the area in which the land is situated;

The car park on Lot 1018 shares the boundary of only one residential property (Lot 9329, 1 Skinner Street) that is developed with dwellings-group.

The proposal was publicly exhibited to gauge public opinion and raise any potential concerns. No public submissions were received and there were no adverse local government council or service authority submission's during the statutory notification period.

The low-key nature of the car park (for staff of the Alice Springs Hospital) is unlikely to adversely impact on the amenity of adjoining dwellings, with an existing >1.8m high fence expected to provide adequate visual and acoustic screening, and with suitable lighting and management of the surface treatment of the car park to ensure no loss of amenity for adjoining residential properties.

3. Pursuant to section 42(1) of the *Planning Act 1999*, the Minister must take into consideration 51(1)(r) for any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*;

The proposal for a car park is located within the Alice Springs Heritage Precinct, a declared heritage place under the *Heritage Act 2011*. The proposal was circulated

to the Heritage Branch (Department of Territory Families, Housing and Communities) for comment.

The Heritage Branch advised that they did not have any concerns with the proposed car park. The car park is consistent with the character of the locality and is preferable in the event the car parking use ceases, any works involved can be reversed and returned to its original condition.

An assessment of Aboriginal heritage was undertaken and it was identified that there is a recorded "sacred site" under the *Northern Territory Aboriginal Sacred Sites Act 1989*, within the area.

The proposed car park, including access, avoids restricted work areas, maintaining compliance with the Aboriginal Areas Protection Authority, Authority Certificate.

4. Pursuant to section 42(1) of the *Planning Act 1999*, the Minister must take into consideration 51(1)(t) for other matters it thinks fit;

An application for an EDP is not subject to the controls of the NTPS2020. However, the general performance criteria under Part 2 (Strategic Framework), Part 3 (Overlays), Part 4 (Zone TC – Tourist Commercial) and Part 5 (Development Requirements) of the NTPS2020 have been used to gauge the potential impact of the development on the locality.

Part 2 – Strategic Framework

The Alice Springs Regional Land Use Plan 2016

The Alice Springs Regional Land Use Plan 2016 (ASRLUP) is a referenced document in the Northern Territory Planning Scheme to guide more detailed planning including Area Plans. The purpose of the ASRLUP is to identify the essential characteristics and needs that will shape future development in the region and establish an overarching framework for development, it provides a land use policy vision for Alice Springs.

Alice Springs provides facilities and services to the wider region, particularly in the health sector, and has an important role in supporting remote communities. Demand on the health services has required greater staffing requirements and has required the use of the old Gaol site as a car park. The proposal is consistent with the following key objectives of the ASRLUP to:

- Protect and manage regional culture and heritage recognising their capacity to enrich lives and provide a sense of connection for locals and visitors via the provisions of the Heritage Act (NT).
- Ensure appropriate levels of community services and facilities based on future population growth.
- Recognise the regional role of Alice Springs as a regional centre and continue to support remote communities with adequate provisions of services and facilities, especially in the health sector.

The Central Alice Springs Area Plan 2019

The Central Alice Springs Area Plan 2019 (CASAP) is a referenced document in the Northern Territory Planning Scheme to recognise the changing nature of the built environment in order to guide future development of land within central Alice Springs.

The proposal is consistent with the following objectives of the CASAP to:

- Facilitate a legible local road network – that provides parking facilities that do not visually dominate the public realm or create obstructions to the pedestrian environment.
- Provide adaptive reuse of a heritage place that is sympathetic to the values of the site.
- The adaptive reuse of this heritage place does not result in the demolition of significant cultural or historic value, with the use of car park able to be reversible.

Part 3 – Overlays and Part 4 – Zone Purpose and Outcomes

Overlay 3.6 (Land Subject to Flooding) applies to the land. The proposal does not increase the risk to people, property including adjoining property, or increased cost to the community.

The proposal is generally consistent with the purpose of Zone TC (Tourist Commercial) to facilitate hospital services that caters for the need of locals, visitors and is of a scale and character compatible with surrounding development. The car park minimises unreasonable impacts to the amenity of surrounding premises and mitigates the potential land use conflict with a solid fence providing a visual, acoustic and dust screen to adjoining land.

Part 5 – Development Requirements

The proposal is generally consistent with Part 5 except for clauses 5.2.4.4 (Layout of Car Parking Areas) and 5.2.7 (Setbacks for Development Adjacent to Land Zones LR, LMR, MR or HR).

5.2.4.4 (Layout of Car Parking Areas)

The purpose of this clause is to ensure that a car parking area is appropriately design, constructed and maintained for its intended purpose. The car parking area is not consistent with this clause as part of the driveway width for two-way traffic flow is less than 6m, and the solid wall on the street boundary restricts sight lines for drivers entering or exiting the car parking area.

Despite the non-compliances, the car park is considered generally safe and functional as; the car park has been built and used for a significant amount of time demonstrating its functionality; has limited access, for hospital staff only, to prevent itinerants and incivilities; and, access onto Simpson Street is considered to be low risk with low traffic/pedestrian volumes.

To ensure public safety, approval has been condition to ensure sightlines meet the Alice Springs Town Council requirements.

5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR)

The purpose of this clause is to protect the visual and acoustic amenity of residential buildings where they are adjacent to non-residential development. The car park area is not consistent with this clause as a 3m landscaping setback is required to the adjoining residential boundary.

Despite the proposal not providing a 3m landscaped setback, the car park is considered consistent with the purpose of the clause to protect the visual and

acoustic amenity of the adjoining buildings as there is there is a solid boundary fence (retained from old gaol use) greater than 1.8m in height.

There were also no adverse public submissions or service authority comments received and it is considered that there is negligible amenity impacts on adjoining residential amenity as part of this proposal.



ANDREW KIRKMAN

Delegate of the Minister for Infrastructure, Planning and Logistics

10 / 1 / 2024