

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 5773, 20 Mueller Street, Suburb of East Side, Town of Alice Springs for the purpose of 2 x 3 bedroom dwellings-group in 2 x 1 storey buildings 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 a dwelling-group (x2) development on land zoned LR (Low Density Residential) than to amend the NT Planning Scheme 2020 (NTPS2020). Rezoning the subject land to Zone LMR (Low-Medium Density Residential) would potentially facilitate a higher density of development than that proposed in the EDP, and such development is not considered to be appropriate in the context of the locality, having regard to established dwelling densities, streetscape character, zoning and Land Subject to Flooding Overlay. No other NTPS2020 zone is considered to be appropriate for the land (to facilitate the development of 2 x dwelling-group). Furthermore, the issue of an EDP provides assurance in regard to the future built form of the development which could not be provided through a standard planning scheme amendment process.
2. Pursuant to section 42(1) of the *Planning Act 1999*, the Minister must take into consideration section 51(1)(j) for the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The physical characteristics of the land are considered suitable for the proposed development and use. The design of the dwellings (concrete slab) will require minimal fill and finished floor levels of "habitable rooms" will be 300mm above the 1% AEP flood level (riverine flooding - Todd River). Conditions and advisory notes included in the permit are expected to assist in ensuring appropriate management of dust and noise during construction. Conditions of approval will address Alice Springs Town Council requirements in terms of works/impact on the adjacent road reserves and storm water drainage.

3. Pursuant to section 42(1) of the *Planning Act 1999*, the Minister must take into consideration section 51(1)(m) for the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer.

The conditions of approval and advisory notes on the permit are intended to assist in ensuring service authority interests are duly recognised in terms of vehicle access, storm water drainage, works within the road reserve, connections to and upgrading of electricity supply, water supply and sewerage services that apply to the development on the site.

4. Pursuant to section 42(1) of the *Planning Act 1999*, the Minister must take into consideration section 51(1)(n) for the potential impact on the existing and future amenity of the area in which the land is situated.

The approved dwellings will be single storey and, subject to compliance with permit conditions, are not expected to have any adverse impact on the amenity of other properties in the locality. The development will be of a scale, form and dwelling density that are comparable with other established development in the East Side locality.

5. Pursuant to section 42(1) of the *Planning Act 1999*, the Minister must take into consideration section 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*.

There are no declared heritage places on the subject site or in the immediate locality. The Aboriginal Areas Protection Authority have indicated that there are recorded sacred site/s (under the *Northern Territory Aboriginal Sacred Sites Act 1989*), within the locality (Lot 8164) and recommended the developer obtain an Authority Certificate prior to undertaking any works. An advisory note to this effect is included on the permit.

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

There is no legislative requirement for an application for an EDP to be subject to the controls of the NTPS2020. However, the criteria under Part 2 (Strategic Framework), Part 3 (Overlays), Part 4 (Zone LR - Low Density Residential) 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

No Area Plan/s (sub-clause 3(c) of Clause 2.2 of NTPS2020) are applicable to the subject site or immediate locality.

The Alice Springs Regional Land Use Plan 2016

The Alice Springs Regional Land Use Plan 2016 (ASRLUP) is a referenced document in the NTPS2020 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.

The proposal is consistent with key objectives of the ASRLUP including:

- Adopting a design response to the risk associated with riverine flooding (1% AEP flood event), limited fill will be used and finished floor levels of habitable rooms will be above modelled flood height. Use of an EDP to approve a maximum of two dwellings (rather than rezoning) will limit the intensification of land use within the 1% AEP defined flood area.
- The infill development will represent 'compact urban form', utilising a site that is connected to reticulated services and in close proximity to public open space and community facilities.

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

Overlay 3.6 (Land Subject to Flooding) applies to the land. Finished floor levels of "habitable rooms" of the dwellings will be 300mm above the 1% AEP flood level without the need for filling of the site.

Part 5 – Development Requirements

The proposal is generally consistent with the minimum standards of development listed in "Part 5" except for Clause 5.2.4.4 (Layout of Car Parking Areas), Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), Clause 5.4.3.2 (Distance Between Residential Buildings on One Site) and Clause 5.4.17 (Building Articulation).



JOSHUA ROLAND BURGOYNE
Minister for Lands, Planning and Environment

7/10/2024

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999

NOTICE OF DECISION EXCEPTIONAL DEVELOPMENT PERMIT EDP24/0008

I, JOSHUA ROLAND BURGOYNE, Minister for Lands, Planning and Environment, 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 5773, 20 Mueller Street, Suburb of East Side, Town of Alice Springs;
- (b) The Exceptional Development Permit has been granted for the purpose of 2 x 3 bedroom dwellings-group in 2 x 1 storey buildings;
- (c) The land is within Zone LR (Low Density Residential) of the NT Planning Scheme 2020, and the development proposes dwellings-group, which would otherwise be a prohibited land use in the zone;
- (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>.



JOSHUA ROLAND BURGOYNE
Minister for Lands, Planning and Environment

7/10/2024