

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 7923 (94) Todd Street, Town of Alice Springs for the purpose of 144 dwellings-multiple in 4 x 6 storey and 1 x 5 storey buildings, and office in a single storey building 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 144 dwellings-multiple in 4 x 6 storey and 1 x 5 storey buildings, and office in a single storey building in three stages, on land that is zoned Tourist Commercial within Alice Springs than to amend the NT Planning Scheme 2020 (NTPS2020). While Zone CB (Central Business) allows a maximum building height above ground level of 8 storeys to a maximum of 34m and could accommodate a development of this nature. Rezoning the site to Zone CB is not preferable as the site is situated outside the extent of the existing CBD.

The creation of a tailored SU (Specific Use) zone would require many detailed design provisions to address aspects such as building heights and setbacks, car parking, private open space and landscaping. SU zones are typically used to accommodate unusual or non-standard uses and would not be considered appropriate for a residential development of this height in Alice Springs.

The Land Use Structure of the Alice Springs Regional Land Use Plan (ASRLUP), designates the subject site for tourist use and development, aligning with its existing zone. The ASRLUP provides valuable insights into objectives for future development, particularly in relation to Urban Residential development and Activity Centres, emphasising the need to:

- increase housing choice;
- promote infill development; and
- encourage residential development within or near the existing urban area to support infrastructure viability.

Support for infill development highlights the benefits of using underutilised land and ensuring proximity to pedestrian and transport networks, as well as community and commercial facilities. The Plan also acknowledges the recent increase in the CBD height limit to 8 storeys.

One of the key urban residential objectives within the ASRLUP includes expanding housing options by introducing a greater variety of housing types and

sizes to accommodate diverse households, including singles, couples, temporary residents, and retirees as well as promoting infill development, including mixed-use and residential opportunities within the CBD.

The Central Alice Springs Area Plan (CASAP) specifically addresses the future growth of Central Alice Springs. It acknowledges the need for the area to accommodate a portion of the projected population growth while promoting a sustainable, compact urban centre with higher-density development and appropriate transitions to lower-density areas. Additionally, the CASAP emphasises that the commercial and retail sectors must continue to grow in a way that reinforces the CBD's economic primacy.

The proposal is considered overall to be consistent with the strategic land use policy direction provided by both the ASRLUP and the CASAP. Given the above policy guidance, approval of the proposed development through an EDP is considered to be preferable to facilitating it through an amendment to the NTPS 2020.

2. Pursuant to section 51(h) of the *Planning Act 1999*, the development is considered to have merit in regard to:
 - the proposed provides additional housing choice in the local market;
 - the proposed design responds to the requirements to protect three sacred trees, and retains several other notable trees on the site;
 - the proximity of the site to the CBD, hospital, schools and recreational facilities promotes greater pedestrian movement and thereby reducing dependency on cars;
 - the development provides for sufficient managed car parking which is expected to reduce demand on existing parking capacity in the area;
 - the development includes provision of designated bicycle parking areas for residents, at ground level and in convenient locations together; and
 - the inclusion of a single storey office building on Hartley Street, to be built with a heritage theme, provides design consistency along the Hartley Street frontage.

3. In accordance with section 51(m) of the *Planning Act 1999*, consideration has been given to all comments received from service authorities, with the majority of matters addressed through conditions or notes on the Exceptional Development Permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality.

It is noted that Alice Springs Town Council (ASTC) requested a monetary contribution due to an overall shortfall of car parking spaces (as per the requirements of the NTPS2020). However, the requirement to pay a monetary contribution does not apply to EDP's noting Section 71 of the Act specifically refers to development permits. Furthermore, an application for an EDP is not subject to the planning provisions of the NTPS2020. While it is reasonable to use the rates outlined in the NTPS2020 to determine the required number of car parking spaces, it is not a statutory requirement to comply with the NTPS2020. Furthermore, the applicant has provided suitable justification for the number of spaces proposed as part of the development.

4. In accordance with section 51(n) of the *Planning Act 1999*, it is acknowledged that due to the nature of the proposed building height the development is expected to have some impact on the visual amenity of the immediate area. The affect has however been found to be acceptable due to the buildings being consistent in height with that of future buildings reasonably expected in the Alice Spring CBD nearby, and based on the use of 3D images, the position of the development will not significantly impede views from ANZAC Hill to Heavitree Gap and the MacDonnell Ranges.



JOSHUA BURGOYNE

Minister for Lands, Planning and Environment

11 / 2 / 2025

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999

NOTICE OF DECISION EXCEPTIONAL DEVELOPMENT PERMIT EDP2024/0081

I, JOSHUA BURGOYNE, the 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 7923 (94) Todd Street, Town of Alice Springs;
- (b) The Exceptional Development Permit has been granted for the purpose of 144 dwellings-multiple in 4 x 6 storey and 1 x 5 storey buildings, and office in a single storey building in three stages;
- (c) The land is within Zone TC (Tourist Commercial) of the NT Planning Scheme 2020, and the development proposes a development that exceeds 3 storeys to a maximum of 14m, which would otherwise be prohibited development within land in Alice Springs that is zoned TC (Tourist Commercial);
- (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 BURGOYNE
Minister for Lands, Planning and Environment

11 / 2 / 2025