

# 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 9997 (12) Werlatye Court, Mount Johns, Town of Alice Springs for the purpose of subdivision to create two lots 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 considered preferable to grant consent to an Exceptional Development Permit than to amend the NT Planning Scheme 2020. A rezoning is not preferable because changing the zone from Zone LR (Low Density Residential) to Zone LMR (Low-Medium Density Residential), NTPS 2020 could allow for up to four dwellings-group on the site which would not be a desired outcome for the locality. An EDP is preferable in this instance because it will provide certainty for adjoining residents. The site will remain as Zone LR and the development on the site will continue to be consistent with the established residential development in the area.
2. The proposal is consistent with the purpose of Clause 6.2.11 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR) in that the proposal provides development that ensure subdivision of land is for urban residential purposes and creates lots of a size, configuration and orientation suitable for residential development at a density that is generally envisaged by the zone. The proposed subdivision would result in two Lots that are of a standard configuration and orientation suitable for residential development. Substantively, the scale and configuration of the proposal is consistent with the pattern of the established development on Werlatye Court and there is noticeable increase of density within the locality as established by previous approvals.
3. The decision to grant an Exceptional Development Permit was based on 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:
  - a. The subdivision is consistent with the broader purpose of Zone LR (Low Density Residential) of the NTPS 2020 being, to *provide predominantly for low rise urban residential development comprising individual houses and uses compatible with residential amenity, in locations where full reticulated services are available*. The development pattern is also consistent with 4 other dwelling-groups approved under exceptional development permits and thereby is consistent with development within the locality.
  - b. Each lot provides sufficient area to accommodate a dwelling with direct vehicle access to paved road, car parking and open space. Additionally, a statement from a Building Certifier of WSP Australia Pty Ltd advised that the result of the subdivision and existing buildings will not cease to comply

with Building Act provided that future residential building on the vacant lot will adhere to setback requirements. A review of the proposed lot boundaries and indicative dwelling-singles on each confirms that the future buildings setbacks can be consistent with other development in the Mount Johns Estate.

- c. The subdivision will result in no physical works other than servicing arrangements and is not expected to unduly impact on the existing or future amenity of the area. The future residential development on each lot is expected to be consistent with the existing character of the locality.

A handwritten signature in black ink, appearing to read 'Jo Townsend', written over a faint circular outline.

**JO TOWNSEND**  
Delegate of the Minister  
for Lands, Planning and Environment

10/4 /2025