

NT PLANNING COMMISSION HEARING

EXCEPTIONAL DEVELOPMENT PERMIT APPLICATION PA2024/0081

Lot 7923, 94 Todd Street, Town of Alice Springs
144 x dwellings-multiple in 4 x 6 storey and 1 x 5 storey buildings
and office in single storey building (amended proposal)

Agenda Item Number: **2**

Meeting Date: **26 November 2024**

Attachment A	Locality Plans/exhibition signs
Attachment B	Proposal (as exhibited)
Attachment C	Public Submissions
Attachment D	Service Authority Submissions
Attachment E	Applicants Response to Submissions
Attachment F	Service Authority Submissions (on amended proposal)

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CHAY GARDE
Manager, Planning and Development,
Southern Region
Department of Lands, Planning and Environment

Report to the Planning Commission

This report is prepared under section 22 of the *Planning Act 1999*, and considers the submissions made in relation to the proposal.

1. GENERAL INFORMATION

ADDRESS:	Lot 7923, 94 Todd Street, Town of Alice Springs
AREA:	1.3 Hectares (13000 square metres)
CURRENT ZONE:	Zone TC (Tourist Commercial)
ORIGINAL PROPOSAL:	174 dwellings-multiple in 5 x 6 storey buildings and office in single storey building.
AMENDED PROPOSAL:	144 dwellings-multiple in 4 x 6 storey buildings and office in single storey building.
APPLICANT:	Cunnington Rosse Town Planning & Consulting
LAND OWNER:	Melanka Pty Ltd

2. LEGISLATIVE REQUIREMENTS

The Minister for Lands, Planning and Environment is responsible for determining proposals to amend the NT Planning Scheme, including the granting or varying of an Exceptional Development Permit (EDP). The *Planning Act 1999* establishes requirements relating to the exhibition, consultation and reporting of proposed amendments to the NT Planning Scheme.

Under section 22(6), the Planning Commission must hold a hearing if submissions are received during the exhibition period, and the Chairperson is satisfied that a hearing would provide further useful information.

Under section 24 of the Act, the Planning Commission must provide to the Minister for Lands, Planning and Environment, a written report that addresses the issues raised in the submissions; the issues raised at the hearing and during any consultation; and any other matters the Commission considers the Minister should take into account when considering the proposal.

3. PROPOSAL

On 4 April 2024, Mr. Brad Cunnington (Cunnington Rosse Town Planning and Consulting) lodged an EDP application seeking approval for 174 dwellings-multiple in 5 x 6 storey and 1 x 5 storey buildings, and office in a single storey building at 94 Todd Street Alice Springs (Lot 07923 Town of Alice Springs). A locality plan is at **Attachment A**.

The proposal includes a detailed statement of effect, drawings including architectural renders, elevations, staging plans and technical reports. A copy of the exhibition material for the proposal is at **Attachment B**.

On 3 October 2024, in response to matters raised in submissions, the applicant submitted revised drawings and reports (**Attachment E**). The amended design is for 144 x dwellings-multiple in 4 x 6 storey and 1 x 5 storey buildings and office in single storey building.

4. REASON FOR APPLICATION

Sub-clause 5(a) of Clause 5.2.1 (General Height Control) of the NT Planning Scheme 2020 (NTPS2020) limits the height of a building in Zone TC (Tourist Commercial) in Alice Springs to 3 storeys to a maximum of 14m above ground level. The proposed development of the site will consist of construction of buildings up to 6 storeys (apex height of 21.7m above ground level). As such the usual Development Application process cannot be used, as the Alice Springs Division of the Development Consent Authority (DCA) does not have the power to consent to building height variations.

The 'dwelling-multiple' primary land use and design of that component of the development proposed for part of the site is also inconsistent with aspects of the zone purpose and outcomes for Zone TC and the objectives of the Central Alice Springs Area Plan 2019.

Section 38(2)(a) of the *Planning Act 1999* specifies that an EDP may permit a development or use of land, although the development or use would otherwise not be lawful (i.e. would be prohibited) under the relevant planning scheme.

5. SITE AND LOCALITY CONTEXT

The subject site is 1.3ha in area, located at the south end of the CBD grid of Alice Springs and has frontages to the following public roads - Stott Terrace, Hartley Street, Stuart Terrace, Todd Street, and an unnamed laneway. Stott Terrace is an NT Government controlled road. Todd Street, Stuart Terrace and the unnamed laneway are Alice Springs Town Council controlled.

The part of the site with frontage to Hartley Street is within a declared heritage place. The Alice Springs Heritage Precinct to the west is zoned TC. The closest neighbourhood park to the subject site is Stuart Park (within the Stuart Terrace Road reserve to the southwest of the site).

The eastern side of Todd Street is developed with:

Lot 906, 95 Todd Street	Single storey bar (Montes Lounge – no longer in operation)
Lot 905, 101 Todd Street	Central Australian Aboriginal Media Association
Lot 904, 105 Todd Street	Shop (Alice 24hr store)
Lot 10979, 113 Todd Street	Six storey dwellings-multiple and single storey food premises
Lot 902, 119 Todd Street	Shops & dwellings-group (hairdresser, Asian supermarket)
Lot 9914, 127 Todd Street	Offices, medical clinic, and childcare centre (Central Australian Aboriginal Congress) – under construction

The abutting properties to the west side of the laneway are:

Lots 169 & 170 81 Hartley Street	Two storey rooming accommodation operated by Mission Australia
Lot 173 77 Hartley Street	Single storey building (offices for NT Legal Aid Commission)
Lot 174 75 Hartley Street	Single storey building (offices for Centrecorp)
Lot 9361 73 Hartley Street	Single storey building (Mall Medical Clinic)

No easements are registered on the land title. The land is zoned TC (Tourist Commercial) and the Overlay for Land Subject to Flooding (i.e.: 1% AEP riverine flood event), and the Gateway Location overlay applies to the site.

The buildings associated with the previous use (Melanka’s backpacker hostel and bar) were demolished in 2008, several mature trees have been retained and the boundaries fenced, the land is otherwise vacant.



Image 1 – 2023 satellite photo of locality

6. EXHIBITION OF PROPOSAL

On 27 June 2024, the previous Minister determined under section 39 of the *Planning Act 1999* to place the EDP proposal on exhibition.

The proposal was on public exhibition for a period of 28 days and notification was carried out in accordance with the requirements of the *Planning Act 1999* (online advertisement and yellow signs displayed on site). The exhibition closing date was 26 July 2024. Photographs showing exhibition signs placed on the property are at **Attachment A**.

7. SUBMISSIONS

Below is a summary of the matters raised in the submissions, refer Attachments **C1 – D9**

Public Submissions on exhibited proposal (C1 – C3)

Three submissions were received from the public regarding this proposal. A summary is below.

Submitter	Discussion Points
<p>Marli Banks (Attachment C1)</p>	<p>Objects to the proposal noting:</p> <ul style="list-style-type: none"> • Proposed development is not consistent with the character, scale, and aesthetics of the surrounding area. • Lack of communal open space within design of development. • The native trees on the block are not adequately protected. • Minimal public consultation regarding development. • Buildings will be highly reliant on mechanical ventilation / temperature control (increasing energy consumption and carbon footprint). • No opportunity for residents to have gardens.
<p>Miriam Wallace (Attachment C2)</p>	<p>Objects to the proposal noting:</p> <ul style="list-style-type: none"> • NT Government initiated or benefited projects should be supporting and adhering to the policy and minimum standards contained in NT Planning Scheme 2020 (NTPS2020), not using the Exceptional Development Permit process to circumvent the NTPS2020. • The NTPS2020 gives emphasis to the role of strategic planning in guiding decisions for future development. • The proposal is inconsistent with the purpose and objective statements listed for Zone TC of the NTPS2020. The development is not mixed use with active street frontages as promoted within the Area Plan and Gateway Locations Overlay contained in the NTPS2020. • Inadequate response to the NT Community Safety Design Guide 2010. • The development may compromise the cultural values and heritage significance of the site and locality (impact on trees with AAPA restrictions). • If the dwelling-multiple development will have a technical car parking shortfall (NTPS2020 requirements), then walkability and safety to and from the site should be a priority. • Poor legibility / wayfinding to building entries and visitor access to the site.

Submitter	Discussion Points
<p>Tim Kendrick (Attachment C3)</p>	<p>Submitter provided submission consisting of written annotations querying and commenting on various elements of the documents that were included with the exhibition material:</p> <p><u>Statement of Effect</u></p> <ul style="list-style-type: none"> • Pedestrian and vehicle access / safety to and from Stott Terrace • fire booster assembly at lot boundary not shown on all drawings, unclear of requirements for all stages. • adverse impacts on road network (traffic safety for access, cumulative impact on network). • shortfall in car parking spaces for current proposal (and previous EDP proposals for site provided more car parking spaces). • impact on availability of large public car park within Stuart Terrace road reserve. • queries reference to 'affordable' housing in terms of car parking shortfall justification. • queries accessible dwellings (disability access / age in place). • NTG or other employee leases sometimes make allowance for partners within accommodation (e.g.: more than one car per dwelling). • If all buildings were limited to 4 storeys, the development should be able to comply with NTPS2020 minimum number of car parking spaces. • Who will maintain plants proposed on outside of proposed boundary fence (but within legal parcel boundary of site)? <p><u>Drawings</u></p> <ul style="list-style-type: none"> • Ventilation for bin enclosures? • Air conditioning units (locations and screening) not clear on drawings. • Drawings are difficult to read (text blurred on some pages). • Details on drawings do not match commentary in engineering / technical reports (number of vehicle access points). • Tree protection zones should be shown on all drawings. • Queries ratio of car parking spaces provided for mobility impaired persons. • Pedestrian and driveway sightlines within laneway. • Garbage bin access and collection arrangements. • No car parking / drop off area for mail, freight, taxis or other delivery vehicles. • Disability access at ground level (dimensions, locations, and gradient of pathways etc.). • Car parking spaces within Hartley Street laneway will need to be removed.

Submitter	Discussion Points
<p>Tim Kendrick (cont'd) (Attachment C3)</p>	<ul style="list-style-type: none"> • Poor pedestrian and driver sightlines when existing onto Hartley Street. • Design of mailboxes. • No wayfinding signage or lighting shown on drawings. • Access to and functionality of bicycle parking areas. • Distance between bin storage locations and pedestrian access / lifts. <p><u>Technical Reports</u></p> <ul style="list-style-type: none"> • Road reserves should be upgraded to include signage and line marking regarding no parking areas. • Safety issues associated with vehicle and pedestrian access points to Stott Terrace. • Some details in engineering reports (e.g.: commentary about proposed access points etc.) do not match information on architectural drawings. • Pedestrian and vehicle safety / functionality within unnamed laneway not adequately addressed. • Laneway carriageway is 4m wide and not suitable for two-way traffic. • PAWC electricity substation will block vehicle and pedestrian sightlines to Stuart Terrace. • No “Appendix A” included in ARCCOS report. • Tree Protection Zones not shown on all site plans. • Tree report does not refer to Boab tree.

Service Authority Submissions (Attachments D1 to D8)

Submissions received from Service Authorities are summarised in the table below.

Service Authority	Comments
<p>Power and Water Corporation (Power) (Attachment D1)</p>	<ul style="list-style-type: none"> • PWC (Power) did not object or raise any concerns with the proposal. • PWC (Power) advised that the landowner / developer shall be responsible for the full cost to design and upgrade the electricity service/s to the development on the site in accordance with PWC’s guidelines. • An indoor electrical substation is required to be built. • The developer shall engage an accredited electrical consultant and contractor to design and construct the electrical infrastructure required for the proposed works. • PWC (Power) will approve the electrical drawings for construction and carry out the final connection works at applicable cost.

Service Authority	Comments
<p>Power and Water Corporation (Water Services)</p> <p>(Attachment D2)</p>	<p>PWC (Water Services) indicated no objections in principle to the proposal and have identified the following technical requirements:</p> <ul style="list-style-type: none"> • reticulated water and sewer services are connected to the site and these will need to be upgraded at the land owner / developers expense. • the developer's hydraulic consultant needs to confirm internal firefighting requirements and sewer connections / upgrades with PWC. • existing fire hydrants cannot provide full lot fire coverage. Internal firefighting arrangements will need to comply with NT Fire and Rescue Service requirements. • There may be trade waste requirements for the proposed development. • connection fees and developer contribution fees will be applicable to the development.
<p>Department of Environment, Parks and Water Security (DEPWS) – now part of Department of Lands, Planning and Environment</p> <p>(Attachment D3)</p>	<ul style="list-style-type: none"> • DEPWS did not object or raise any concerns with the proposal. • DEPWS advised that due to the location and scale of the development, general conditions and notes relating to appropriate environmental duty, erosion and sediment control measure, waste storage and disposal, noise emissions are recommended on any approval issued for the development.
<p>Transport and Civil Services – now part of Department of Logistics and Infrastructure (DLI)</p> <p>(Attachment D4)</p>	<ul style="list-style-type: none"> • Advised that the design (publicly exhibited drawings and technical reports) needs to be updated to delete reference to vehicle and pedestrian access to Lot 7923 being off Stott Terrace. <ul style="list-style-type: none"> ○ All access to the site needs to be via Alice Springs Town Council controlled roads. • The Traffic Impact Assessment prepared by ARCCOS (Revision C dated 2 April 2024) shall be amended, with specific attention given to matters including: <ul style="list-style-type: none"> ○ details of construction traffic impact ○ design horizon minimum 10 years from commencement of use. ○ entry / exit traffic assumptions to be reviewed. • Listed standard conditions that should be included on an EDP relevant to: <ul style="list-style-type: none"> ○ works within a road reserve (Stott Terrace is an NT Government controlled road) complying with DIL standards. ○ prohibition of vehicle access to Lot 7923 from Stott Terrace (including construction access) ○ fencing to the Stott Terrace boundary ○ any discharge of storm water drainage into Stott Terrace ○ removal of existing crossovers to Stott Terrace ○ upgrading of Stott Terrace footpath

Service Authority	Comments
Passenger Transport Division – now part of Department of Logistics and Infrastructure (DLI) (Attachment D5)	<ul style="list-style-type: none"> Advised of no objections or requirements.
Transport Policy Division – now part of Department of Logistics and Infrastructure (DLI) (Attachment D6)	Suggests the applicants consider: <ul style="list-style-type: none"> reviewing design of pedestrian and bicycle access arrangements to the site and bicycle storage area design including additional bicycle parking spaces and e-bike facilities (charging) discussing traffic safety requirements with the Alice Springs Town Council
Aboriginal Areas Protection Authority (AAPA) (Attachment D7)	AAPA’s comment on the publicly exhibited application notes that the landowner / developer has obtained an Authority Certificate from AAPA. The AAPA indicates the Certificate includes: <ul style="list-style-type: none"> several conditions regarding work around the listed trees Restricted Works Areas regarding the River Red Gums
Heritage Branch – now part of Department of Lands, Planning and Environment (DLPE) (Attachment D8)	<ul style="list-style-type: none"> Part of the site (west of laneway and with frontage to Hartley Street) is a declared heritage place under the <i>Heritage Act 2011</i> (Alice Springs Heritage Precinct). Management Plan provides guidance for development in the locality. Works on and adjacent to the declared heritage place will require approval pursuant to the <i>Heritage Act 2011</i>. Design of the proposed development may impact on visual character of Hartley Street and is not supported by the Heritage Branch. Car parking area on the Hartley Street component of the site is not supported.

Local Authority Submission - Alice Springs Town Council (Attachment D9)

Comments
<ul style="list-style-type: none"> This development is within close proximity of the Alice Springs Health Accommodation (ASHA) site consisting of 71 multiple dwellings, as well as an existing approval located at Lot 9914, 127 Todd Street for an office, medical clinic (Congress) and a childcare centre with access points on Todd Street. The applicant has submitted a Traffic Impact Assessment which appears to be outdated and may not account for recent changes in the surrounding area, such as the proposed new renal unit within the hospital precinct.

- The 174-multiple dwelling (58x 3BR, 98x 2BR & 18x 1BR) with a single storey office development proposes to offer 297 car parking spaces including 9 accessible parking spaces and 12 spaces from the office component. As per the NT Planning Scheme, there is a requirement of 348 spaces for the apartments and 7 spaces for the office component. This results in a shortfall of 46 parking spaces. While the current Planning Scheme doesn't address car parking requirements for unrestricted housing, comparisons are drawn utilising the SA Planning and Design Code with specific guidelines for such developments. The reduction in the required parking spaces is based on the following assumptions.
- That a significant portion (72 dwellings) of the residential units are designated for key worker housing managed by the NTG and it is assumed these dwellings are likely to have lower car ownership rates due to - shorter-term stays for some workers, reducing reliance on private vehicles - proximity to the Alice Springs CBD, public transport and amenities encouraging alternative transportation options;
- The development includes a high number of 1-bedroom dwellings, which typically have lower car ownership. This approach would result in a total car parking requirement of approximately 303 spaces compared to the actual requirement of 348 spaces from the NT Planning Scheme. Based on these assumptions the proposed development provides 297 parking spaces for the residential component and 12 for the office component.
- The statement of effect does not clarify if the development will be managed by a private body corporate; although the bins would have to be suitably sized skip bins to service the 174 dwellings and the office component.

Council provided a range of conditions to be included in any Exceptional Development Permit issued pursuant to the application. Council also advised that Further technical observations may be provided by Council's representative at any hearing of the application should such be deemed necessary.

8. APPLICANT RESPONSE

On 3 October 2024, the applicant provided (**Attachment E**) a written response to the submissions received during the exhibition period.

Updates were made to the drawings, with key changes made to the exhibited proposal include:

- the removal of one of the six proposed residential buildings such that the proposed residential development now comprises 4 x 6 storey and 1 x 5 storey buildings;
- increasing the residential building setback to the western boundary (adjacent the existing access lane) in the central portion of the residential component of the subject land;
- reducing the number of proposed dwellings from 174 to 144;
- removing the proposed Stott Terrace vehicle access and providing a new vehicle access to Todd Street; and
- removal of all residential car parking from the commercial portion of the site fronting Hartley Street, and
- reduce the number of car parking spaces on the residential portion of the site from 265 to 248, with a corresponding increase in landscaping and communal open space.

Updated Traffic Impact Assessment and Civil Services reports were provided.

On 8 October 2024, Development Assessment Services emailed the revised documents to all service authorities for comment, as well as to the 3 individuals who made public submissions in response to the original proposal. Closing date for comment was 23 October 2024.

The following responses were received.

Service Authority	Comments
Power and Water Corporation (Power) (Attachment F1)	<ul style="list-style-type: none"> • PWC has no objection to the above revised proposal. • The Proponent's (Melanka P/L) engaged LUCID electrical consultant shall review the current development proposal and submit a revised Negotiated Connection application under the Australian Energy (AER) compliance process and revised electrical design drawings for the new indoor substation on Lot 7923 to PWC for construction approvals. • Melanka shall engage a licensed electrician to install internal electricity reticulation including a new customer main switchboard suitable for the 3-stage development in accordance with PWC's current NP018 Service and Installation Rules 2024 and NP010 Meter Manual.
Power and Water Corporation (Water Services) (Attachment F2)	<ul style="list-style-type: none"> • PWC (Water Services) indicated no objections in principal and no additional comments to those previously noted.
Heritage Branch, DLPE (Attachment F3)	<ul style="list-style-type: none"> • Advised that works on and adjacent to the declared heritage place will require approval pursuant to the Heritage Act 2011 and noted the following: <ul style="list-style-type: none"> ○ removal of a residential block and the setback of building 3 on the western boundary adjacent to the access lane to address visual impact on the declared heritage places on Hartley Street. ○ removal of all residential car parking from the commercial (declared heritage) portion of the site. Amended drawings still maintain reference 32 total carpark on the commercial portion DA36-D, but we take that to be a misprint on the drawings. ○ an Authority Certificate from the Aboriginal Areas Protection Authority has been issued.
NT Fire and Rescue Service (Attachment F4)	<ul style="list-style-type: none"> • No objections to application and no technical requirements identified.
Survey Land Records, DLPE (Attachment F5)	<ul style="list-style-type: none"> • Any potential encroachment issues are to be taken into account with regards to the new boundaries. • Survey Land Records will assign street addressing to the development on data allocation according to the Australian / New Zealand Standard. • there may be survey marks within the area, if any of these become disturbed please advise Survey Land Records.

Service Authority	Comments
Alice Springs Town Council (Attachment F6)	<ul style="list-style-type: none"> Based on the updated Traffic Impact Assessment and the proposed modifications to the development, we conclude that the anticipated traffic generation will not have an adverse impact on the road network. Council also requested that the applicant pay a monetary contribution due to removal of parking bays along Todd Street to accommodate a slip lane for ingress and egress and due to an overall shortfall of 36 parking spaces.

9. RECOMMENDATION

That under section 24 of the *Planning Act 1999*, the Planning Commission report to the Minister for Lands, Planning and Environment on the issues raised in submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the proposal.