

NT PLANNING COMMISSION HEARING

PROPOSED NT PLANNING SCHEME AMENDMENT PA2024/0215

Rezone Lot 7602 Town of Alice Springs (12 Gnoilya St, The Gap NT)
Zone TC (Tourist Commercial) to Zone CP (Community Purpose)

Agenda Item Number: 1

Meeting Date: 24 March 2025

Attachment A – Exhibition Material

Attachment B – Submissions Received

Attachment C - Post Exhibition Correspondence



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James Calder
Planner,
Lands Planning

Report to the NT 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 7602 Town of Alice Springs (12 Gnoilya St, The Gap NT)
AREA:	2270m ²
CURRENT ZONE:	Zone TC (Tourist Commercial)
PROPOSED ZONE:	Zone CP (Community Purpose)
PROPOSED LAND USE:	Residential Care facility
APPLICANT:	Brad Cunnington of Cunnington Rosse Town Planning & Consulting
LAND OWNER:	The Salvation Army (Northern Territory)

2. LEGISLATIVE REQUIREMENTS

The Minister for Lands, Planning and Environment is responsible for determining proposals to amend the NT Planning Scheme (NTPS), including the rezoning of land. The *Planning Act 1999* (the Act) establishes requirements relating to the exhibition, consultation and reporting of proposed amendments to the NTPS.

Under section 22(6), the NT Planning Commission (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 Planning Commission considers the Minister should take into account when considering the proposal.

3. PROPOSAL

The proposal seeks to rezone Lot 7602 from Zone TC to Zone CP and change the designated land use of the site in the *Alice Springs Regional Land Use Plan (ASRLUP)* from 'Tourist' to 'Community/Government'.

The amendment would facilitate a development application for the re-purposing of an existing *Hotel/Motel* into a *Residential Care Facility*. A copy of the exhibition material, including the application is at **Attachment A**. The NTPS currently prohibits the establishment and operation of a *Residential Care Facility* on the site under the current zoning.

4. SITE AND LOCALITY CONTEXT

The subject site stretches across a whole block, between Kraegen and Gnoilya streets, and fronts a slip lane off Gap Road. The site has a single traffic crossover and a separate pedestrian crossover onto the service road. Gap Road carries much of Alice Springs's north-south traffic. The site and surrounding area is relatively flat.

The site was created via consolidation of two lots in 1986. DV1303 approved 'tourist flats' on the site in 1984.

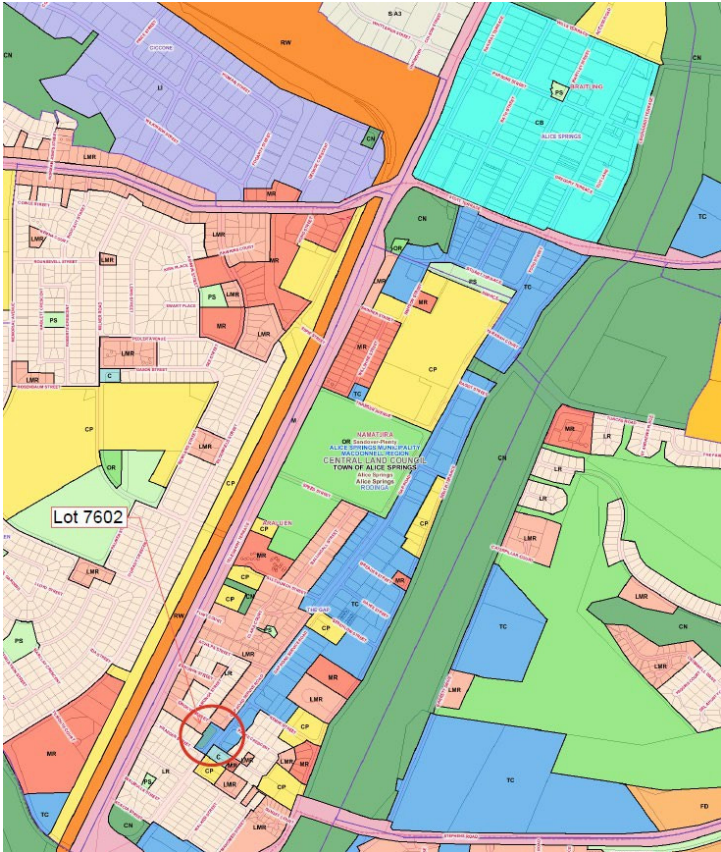
The immediate area surrounding the site is dominated by low-density residential land use. Lots fronting Gap Road are mostly residential or community land uses. Across the road from the site is Commercial zoned land with a developed supermarket (Piggly Wiggly's). Many community services are within 400m and 800m of the site and major services including the Alice Springs Hospital, Alice Springs Aquatic Centre and Traeger Park Sporting complex are within 1.5km. Two bus stops are within approximately 120m of the site.

Despite the existing surrounding land uses being predominately 'community' and 'residential', most of the lots fronting Gap Road (including the subject site) are zoned TC. The subject site is isolated from other TC zoned land on the west of Gap Road for approximately 470m (please refer to Map 1 below).

The Alice Springs Land Use Structure Plan 1999, which was replaced with an updated version in 2016, identified the site as appropriate for "Urban Residential" use. The current applicable area plan, the Alice Springs Regional Land Use Plan 2016 (ASRLUP) designates the site as appropriate for "tourist" land use. The plan does not explain why the site is preferred for tourist land uses, but perhaps reflects the site's history for tourism related activities. There are few 'tourist' land uses in the area, with the bulk of tourist attractions in or closer to the Alice Springs CBD and most tourist accommodation provided in the CBD or along South Terrace.

Additionally, the ASRLUP recognises the diversity of the community and range of aspirations in relation to housing type and, through policy statements, encourages the provision of a range of housing options to facilitate housing choice and affordability to meet diverse community needs.

Map 1: Showing Site, Surrounds and Zoning



5. EXHIBITION OF PROPOSAL

On 13 September 2024, the delegate for the Minister for Lands, Planning and Environment determined under section 13(3)(a) of the *Planning Act 1999* to continue consideration of the proposed amendment by placing it on exhibition.

The proposal was on public exhibition for a period of 28 days, in accordance with the requirements of the *Planning Act 1999*. The exhibition start date was 27 September 2024 and closed on 25 October 2024.

6. SUBMISSIONS

Below is a summary of the matters raised in the submissions, refer Attachments **B1 – B10**.

Public Submissions (B1 – B10)

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

Submitter	Discussion Points
Mr. Kumar Yethirajam (Attachment B1)	<ul style="list-style-type: none"> • Objective 2A(b) of <i>The Planning Act 1999</i> is for planning in the NT to reflect “the wishes and needs of the community”. The proposal does not reflect the wishes and needs of residents of The Gap who are the relevant “community” in the assessment of the proposed amendment. • The application does not justify a rezoning of the site as it is absent of any evidence, demand assessment or demographic analysis supporting a need for CP land or <i>Residential Care Facilities</i> in The Gap. • There is sufficient land elsewhere in Alice Springs to accommodate a <i>Residential Care Facility</i>. • Rezoning of the site would be contradictory of the Strategic Framework which, through the ASRLUP, reserves the site for tourist land uses. • The economic benefit provided by TC land better improves the community than the proposed rezoning and <i>Residential Care Facility</i>. • The submitter makes other arguments relating to Salvation Army (NT) Funding and alternative uses of the subject site not able to be considered under the <i>NT Planning Act 1999</i>.
Leith Phillips (Attachment B2)	<ul style="list-style-type: none"> • Should the site be used for a <i>Residential Care Facility</i>, the submitter is concerned with the development meeting the amenity requirements of the NTPS.
Tania Watson (Attachment B3)	<ul style="list-style-type: none"> • The rezoning will detrimentally change the character of Kraegen Street.

Table 1: Summary of Public Submissions

Service Authority Submissions (Attachments B4 to B9)

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

Service Authority	Comments
Aboriginal Areas Protection Authority (AAPA) (Attachment B4)	<ul style="list-style-type: none"> The applicant is advised to apply for an Authority Certificate in accordance with section 19B of the <i>Northern Territory Aboriginal Sacred Sites Act 1989</i> (the Sacred Sites Act) prior to undertaking any development activity or other work in Lot 07602 Town of Alice Springs as it is possible that there may be sacred sites that are currently not known to the Authority.
Health Protection (NT Health) (Attachment B5)	<ul style="list-style-type: none"> All wastewater to be discharged to an approved wastewater system to the satisfaction of the relevant authority.
Power and Water Corporation (Power) (Attachment B6)	<ul style="list-style-type: none"> Should the rezoning of the site occur, the Salvation Army NT shall engage and pay for power servicing upgrades as identified in the BCA engineers report included in the application.
Building Advisory Services (DLPE) (Attachment B7)	<ul style="list-style-type: none"> Some additional building works above those identified in the BCA report included in the application may be required to the building. <i>Building Regulations 1993</i> regulation 18AD contains provisions relating to the change of use of buildings. A building permit is required to change the use of the building.
Transport and Civil Services (DLI) (Attachment B8)	<ul style="list-style-type: none"> There is no objection to the proposed amendment.
Housing – Market Reform and Programs (DHLGCD) (Attachment B9)	<ul style="list-style-type: none"> There are limited new land opportunities in Alice Springs suitable for short term and residential care. There is a demand in Alice Springs for supported accommodation. The potential future conversion of the <i>Hotel/Motel</i> to <i>Residential Care Facility</i> will provide an injection of work activity for local contractors and improve the amenity of the area. The rezoning is supported.

Local Authority Submissions (Attachment B10)

Alice Springs Town Council	Comments
Attachment B10	<ul style="list-style-type: none"> There is no objection to the proposed amendment.

The application was referred to the below service authorities and no comment was received:

- Northern Territory Police, Fire and Emergency Services
- Water Services Land Development - Power and Water Corp.

- Transport Planning – Department of Logistics and Infrastructure
- Telstra
- NT Fire and Rescue Service
- NBNC Co
- Department of Industry, Tourism and Trade
- Department of Lands Planning and Environment

7. CORRESPONDENCE

On 6 November 2024, the Planning Commission invited submitters to attend a public hearing of the application scheduled for 26 November 2024. On 22 November 2024, submitters, Service Authorities and Alice Springs Town Council were notified that the hearing was postponed. On 12 December 2024, the Planning Commission notified the same groups of the intention not to hold a hearing.

The Planning Commission received many responses to the intention not to hold a hearing, from submitters, service authorities and Council as well as members of the public who had not made a submission within the exhibition period (correspondents).

Below is a summary of the matters raised in responses, refer Attachments **C1-C12**.

The content of the responses are summarised below. On 22 January 2025, the Planning Commission Chairperson David Ritchie determined that a hearing will be conducted relating to the proposed planning scheme amendment.

Respondent	Discussion Points
Kumar Yethirajam - Submitter C1	<p>The response was addressed to Minister Burgoyne.</p> <ul style="list-style-type: none"> • The Minister should reject the proposal and request from the proponent an operational plan, a feasibility study and that future rezonings align with the strategic framework. • The proposal will generate anti-social behaviour. • The proximity of the site to alcohol retailers risks the safety of potential future occupants of any residential care facility. • The application is misleading. • The design of any potential <i>Residential Care Facility</i> will have a negative impact on the surrounding area. • The design of the current building detracts from the privacy of neighbours. • The proposed rezoning is contrary to the existing Strategic Framework. • The community consultation as part of the application does not meet the requirements of the <i>Planning Act 1999</i> and the NTPS2020. • The proposal is contrary to the NTPS2020 and the application provides insufficient information. • The submitter will request a review of the assessment of the application and appeal it's decision if it's approved. <p>Correspondence 2:</p> <ul style="list-style-type: none"> • The consultation undertaken by the NTPC has been inadequate for this application.

L Eastwell – Correspondent C2	<ul style="list-style-type: none"> The location is inappropriate for a <i>Residential Care Facility</i>.
M Malele - Correspondent C3	<p>The response was addressed to the Minister for Lands, Planning & Environment.</p> <ul style="list-style-type: none"> The correspondence objected to the siting of a <i>Residential Care Facility</i> at 12 Gnoilya St, The Gap. The site is a poor location for a residential care facility due to the proximity to alcohol retailers. A <i>Residential Care Facility</i> would degrade the amenity of the surrounding area.
Correspondent 1 (Name redacted at request of correspondent) C4	<p>The response was addressed to the Minister for Lands, Planning & Environment, the NTPC and the Member for Araluen.</p> <ul style="list-style-type: none"> The potential design of a potential <i>Residential Care Facility</i> would degrade the amenity of the area. The potential use of the site as a <i>Residential Care Facility</i> would degrade the amenity of the area. The site is inappropriate for a <i>Residential Care Facility</i> due to its proximity to alcohol retailers, youth facilities and residential dwellings. The application is misleading. The Planning Commission, by not holding a hearing, is denying natural justice.
Robyn Lambley Office – Correspondent C5	<p>A request for “all relevant paperwork for proposed Planning Scheme Amendment PA2024/0215 for 12 Gnoilya, St. The Gap” was made by the office of the MLA for Araluen.</p>
K Lloyd – Correspondent C6	<ul style="list-style-type: none"> The correspondence objects to the proposed PSA. Residents of Brooke and Kraegen street were not consulted. The site is not suitable for use as a <i>Residential Care Facility</i>. The amenity of the local area would be degraded by a <i>Residential Care Facility</i>.
L & M Baldwin - Correspondent C7	<ul style="list-style-type: none"> The rezoning application is misleading. Insufficient community consultation has been undertaken. A <i>Residential Care Facility</i> has the potential to degrade the amenity of the surrounding area. Potential design of a potential <i>Residential Care Facility</i> has the potential to degrade the amenity of the area and change the character of the area. The site is not suitable for a <i>Residential Care Facility</i> due to its proximity to alcohol retailers, youth facilities, and private residences. A NTPC public hearing is requested.
ASTC – Local Government C8	<p>Council requested that the NT Planning Commission allow Council time to hear from the developer to determine Council’s position on the development.</p>
L Crompton – Correspondent C9	<ul style="list-style-type: none"> The correspondence asks who the “key stakeholders” are that have been consulted and why ASTC has not been consulted. There is property damage in the surrounding area. Elderly people don’t feel safe in the area. There are other more appropriate sites.
T Watson – Submitter C10	<ul style="list-style-type: none"> The use of the site for a <i>Residential Care Facility</i> would degrade the amenity of the area.

	<ul style="list-style-type: none"> • Use of the site as a <i>Residential Care Facility</i> would reduce the price of surrounding property. • Consultation on the proposed PSA has been inadequate. • The site is a poor location for a <i>Residential Care Facility</i> due to the proximity to alcohol retailers and youth facilities. • Questioned whether the youth facilities had been consulted. • T Watson took time off work to attend the original hearing. • Town Planning decisions made by the government are responsible for the 'town getting worse'. • Changing the use of the current building will reduce rental stock. • Questioned how the Salvation Army will keep people safe.
Correspondent 2 (Name redacted at request of correspondent) C11	<ul style="list-style-type: none"> • The correspondent was unaware of the proposed rezoning until after the exhibition period. • The amenity of the area will be degraded by a <i>Residential Care Facility</i>. • Questioned what will happen to the tenants of the existing use. • A residential care facility would cause a decline in surrounding property values. • A residential care facility will degrade the surrounding amenity. • Design of a <i>Residential Care Facility</i> will degrade the amenity of the area and the character of the surrounding neighbourhood. • Alcohol retailers, youth facilities and private dwellings mean the site is not suitable for a residential care facility. • The application is misleading.
Correspondent 3 (Name redacted at request of correspondent) C12	<ul style="list-style-type: none"> • A <i>Residential Care Facility</i> will degrade the surrounding amenity. • Design of a residential care facility will degrade the amenity of the area and the character of the surrounding neighbourhood. • Alcohol retailers, youth facilities and private dwellings mean the site is not suitable for a <i>Residential Care Facility</i>. • The application is misleading.

8. 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.