



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING NO. 290 – WEDNESDAY 12 MARCH 2025

**RED MULGA EVENT SPACE
ALICE SPRINGS DESERT PARK
539 LARAPINTA DRIVE
ALICE SPRINGS**

MEMBERS PRESENT: Suzanne Philip (Chair), Deepika Mathur and Matt Paterson.

APOLOGIES: None
LEAVE OF ABSENCE: None

OFFICERS PRESENT: Chay Garde, Nellie Reinhard, and Courtney Ackerman (Development Assessment Services)

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 10.25 am and closed at 11.00 am

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THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **THIS APPLICATION HAS BEEN WITHDRAWN - OUTBUILDING (SHED)**
PA2024/0326 **ADDITION TO DWELLING SINGLE WITH A REDUCED BUILDING SETBACK**
 TO THE PRIMARY STREET BOUNDARY
 LOT 8448 (8) MIRUS COURT, LARAPINTA, TOWN OF ALICE SPRINGS
APPLICANT **SMAJO LLEWELLYN**

ITEM 2 **PREMISES FOR SALE OF MATERIALS FOR USE IN PRIMARY PRODUCTION**
PA2024/0388
APPLICANT **LOT 9141 (2) MCDONALD STREET, TOWN OF ALICE SPRINGS**
 MASTERPLAN NT

Attended via teams: Nick Kearns (Planner - MasterPlan NT) and Michael Duldig (Operations Manager - Laucke Mills), Condor Laucke (Managing Director - Laucke Mills), Steven Bell (Designer - Building Group), Gabe Laucke (Veterinarian - Laucke Mills).

Pursuant to section 97 of the Planning Act 1999, Chris Neck, a specialist member of the Alice Springs Division of the Development Consent Authority disclosed an interest and was not present during, did not contribute to or took part in the deliberation or decision of the Division in relation to Item 2.

RESOLVED That, pursuant to section 53(a) of the *Planning Act 1999*, the Development
09/25 Consent Authority consent to the application to develop Lot 9141 (2) McDonald Street, Town of Alice Springs, for the purpose of premises for sale of materials for use in primary production with ancillary office subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Height of proposed industrial building measured from ground floor to roof ridgeline to be clearly shown on drawings.
 - (b) A functional car parking layout that is in accordance with the requirements of Clause 6.5.3 of the NT Planning Scheme 2007, and to include the following information:

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- i. Nineteen (19) car parking spaces to be provided to service the use of the site and include the allocation of:
 - seventeen (17) car parking spaces in the car parking area; and
 - two (2) additional internal (located within the building) car parking spaces.
 - ii. Details of drainage and surface treatment of all parking areas as sealed.
 - iii. Dimensions that are set out in the diagram to Clause 6.5.3 to be clearly notated on plans.
 - iv. The dimensions of the loading bay in the northwest corner of the site, amended to accommodate the largest anticipated service vehicle/truck (19m semi-trailer), with appropriate clearance, and demonstrating that its location would not obstruct sightlines for drivers entering or exiting the car parking area.
 - v. The customer drive through internal to the building to have a minimum width of 6 metres to allow for traffic flow over two lanes that is not obstructed by the inclusion of the two (2) internal car parking spaces, at any time.
 - vi. Defined vehicle access lanes to be clearly marked to show:
 - the direction of traffic along access lanes and driveways
 - the delineation of vehicle movement on site that differentiates between service vehicles and customer vehicles.
- (c) A Landscape Plan that includes the following:
- i. layout of landscaping and planting within all open areas of the subject land.
 - ii. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - iii. the provision of an in-ground irrigation system to all landscaped areas.

All species selected must be to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

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3. Prior to the commencement of the use areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed
 - (b) properly formed to such levels that they can be used in accordance with the plans
 - (c) surfaced with an all-weather-seal coat
 - (d) drained
 - (e) line marked to indicate each car space and all access lanes
 - (f) clearly marked to show the direction of traffic along access lanes and driveways

to the satisfaction of the consent authority.

4. Prior to the commencement of the use, signs must be provided that:
 - (a) Direct drivers to the areas set aside for car parking
 - (b) Direct service vehicles & trucks to the area set aside for loading/unloading.
 - (c) Directs that it is Entrance only for service vehicles & trucks entering the site from Colson Street.
 - (d) Directs that it is Exit only and Right turn only for service vehicles & trucks exiting the site from McDonald Street
5. Before the commencement of the use, “No entry/no exit” signs and arrows directing the internal traffic movement on site shall be provided.
6. At all times, the signs must be located and maintained to the satisfaction of the consent authority.
7. The loading and unloading of goods from service vehicles must only be carried out on the land, within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.
8. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) transport of materials, goods or commodities to or from the land
 - (b) appearance of any building, works or materials
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - (d) presence of verminothers as appropriate.
9. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
10. The landscaping shown on the endorsed drawings must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

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11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunication networks to the development/each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 3, 4 and 5 for further information.
12. All stormwater runoff from impervious areas is to be contained within the site or discharged to the Council stormwater drainage system. If the developer discharges stormwater into Council's drainage system a permit to work within the road reserve must be obtained from Alice Springs Town Council before commencement of the work.
13. Sight lines shall be provided at the junction between the means of ingress and egress to the site and any public roads and fencing constructed to the satisfaction of the Director Technical Services, Alice Springs Town Council. No fence, hedge or tree exceeding 0.6 metres in height shall be planted in between the sight lines.
14. A "Permit to work within the Alice Springs Town Council Road Reserve" must be obtained prior to the construction of anything along the verge, such as pipework, kerb crossovers and driveways. Any kerb crossovers not required to service the development shall be reinstated to the satisfaction of the Director of Technical Services, Alice Springs Town Council, at no cost to the Council.
15. Sight lines shall be provided at the junction between the means of ingress and egress to the site and any public roads and fencing constructed to the satisfaction of the Director Technical Services, Alice Springs Town Council. No fence, hedge or tree exceeding 0.6 metres in height shall be planted in between the sight lines.
16. The developer shall be responsible for the reinstatement, at no cost to the Council, of any damage caused to Council infrastructure during the construction and servicing of the development. Such reinstatement shall be to the satisfaction of the Director Technical Services, Alice Springs Town Council.

NOTES

1. This permit will expire if one of the following circumstances applies:
 - the development *and use is* not started within two years of the date of this permit; or
 - the development is not completed within *four* years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

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2. Notwithstanding the approved drawings, all signage proposed to be installed on site is subject to Alice Springs Town Council approval, at no cost to Council.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
4. You are advised to contact Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
5. If you choose NBN to service your development, you will need to enter into a development agreement with NBN. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to NBN guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/buildersdesigners.html>
6. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
7. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment and Natural Resources ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
8. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT

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Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The subject land is contained in a specific use zone, SA3. SA3 is identified in Schedule 4: Specific Use Zones of the Northern Territory Planning Scheme 2020 as subject to the relevant requirements contained in the former Planning Scheme, NT Planning Scheme 2007 (NTPS2007). applies to the land and requires consent under Clause 2.2(4)(d), *where a provision of this Planning Scheme expressly requires consent*.

The application proposes to use the land for a premises for the sale of materials for use in primary production with an ancillary office in a large one storey industrial shed, which is consistent with the purpose of Zone SA3 which is to facilitate the subdivision, use and development of the land for a range of commercial uses while ensuring a level of visual amenity appropriate to the location.

Provision 2(k) of the Schedule to Clause 2.4 -Specific Uses – Alice Springs (SA3) outlines that consent is required to develop the land for the purpose of *premises for sale of materials for use in primary production with ancillary office*

The development complies with the requirements of Specific Use Zone (SA3). The consent authority noted the references in the DAS report to the “visual amenity” component of SA3 but considers that sub-clauses (3), (4) and (5) specify the means by which that aspect of the purpose of the specific use zone is to be achieved. That position mirrors the remarks of Barr J in the Supreme Court decision of *Kalhmera Pty Ltd v Planning for People Inc & Development Consent Authority [2019] NTSC 85*. In considering the requirements of a Specific Use Zone under NTPS2007, he clarifies that where the zone sets out planning objectives, those objectives do not specify any additional or essential overriding requirements. In fact, the detailed requirements of the specific use zone are to be interpreted as setting out the means by which the objectives are to be achieved. Clause 2.4.2 of NTPS2007 provides that the provisions of Parts 1, 2, 4, 5, 7 and 8 apply to Specific Use Zones except where they conflict with the zone conditions. It is considered that the following Clauses are relevant to the Application:

- Clause 6.12 (Landscaping)
- Clause 6.5.1 (Parking Requirements)
- Clause 6.5.3 (Parking Layout)
- Clause 6.2.1 General Height Requirements

The consent authority considers that the proposal does not comply with Part 4 of NTPS2007, Clause 6.12 (Landscaping) because the application does not provide an adequate landscape plan. The landscape plan does not include a

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planting schedule, and the location and type of irrigation systems. It is considered that compliance with this clause can be achieved through the inclusion of Condition Precedent 1c) that requires a detailed landscape plan that is in accordance with Clause 6.12, to the satisfaction of the consent authority.

The proposed use specified at paragraph 2(k) of Specific Use Zone SA3 at Schedule 1, is not a listed use in Table to Clause 6.5.1 (Parking Requirements). The conditions of the Specific Use Zone (SA3) do not require car parking. Despite this, the consent authority considers that the provision of car parking with an appropriate layout is necessary for the proposed use.

Sub-clause 3 of Clause 6.5.1 (Parking Requirements) guides that *if a proposed use or development which is not listed in the table to this clause requires consent, the number of car parking spaces required for that use or development is to be determined by the consent authority.*

The proposal provides for seventeen (17) external car parking spaces. Car parking is predominantly located to the northern and eastern boundaries. There are four (4) spaces including one (1) accessible space adjacent the buildings east elevation, facing south to McDonald Street. Car parking to the east and south of the site is buffered from the street frontages with landscaping.

The consent authority considers that the provision of nineteen (19) car parking spaces is appropriate in this instance having regard to the nature of the business which predominantly provides for short stay visits for the collection of bulky goods. Further the authority notes that the business will be reliant on the functionality of the internal 'drive through' component so have requested that two of the 19 car parking spaces to be internal to the building, and for two lanes to be available internally to ensure that vehicles are not blocked by parked cars at any time.

The proposed parking layout is not consistent with Clause 6.5.3 (Parking Layout). Specifically, the potential conflict between large service vehicles and patron vehicle access to the car parking area, that may result from the location of the loading bay.

Sub-clause 5 of Clause 2.5 guides that *when consenting to a development of land, the consent authority may impose a condition requiring a higher standard of development than is set out in a provision of Parts 4 or 5 if it considers it necessary to do so.*

There are no constraints of the land or specified reasons as to why the carparking layout cannot be appropriately designed, constructed and maintained for its intended use. It is considered that the proposal can meet all the requirements of this clause. Condition Precedent 1 b), requires a car parking layout in accordance with the requirements of Clause 6.5.3.

In relation to Clause 6.2.1, the consent authority has included a condition precedent for amended plans to show the height of proposed industrial

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building measured from ground floor to roof ridgeline to ensure compliance with this requirement.

2. Pursuant to section 51(h) of the *Planning Act 1999*, the consent authority must take into consideration the merits of the proposal. The proposal is considered to have merit and is considered to generally comply with the objectives of Zone SA3 and relevant provisions under Part 4 of the Planning Scheme.
3. Pursuant to section 51(j) of the *Planning Act 1999*, the consent authority must take into consideration 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 subject land is cleared and exhibits a generally flat topography. It can support the proposed development, subject to appropriate stormwater drainage and installation of utilities to the satisfaction of the relevant service authorities.

4. Pursuant to section 51(n) of the *Planning Act 1999*, the consent authority must consider the potential impact on the existing and future amenity of the area in which the land is situated. The land is situated in SA3 which is intended to facilitate the subdivision, use and development of the land for a range of commercial uses while ensuring a level of visual amenity appropriate to the location. The surrounding area has been developed with a range of commercial uses and includes a mixture of showrooms, car sales, motor repairs and warehousing, light industry and construction storage. Most buildings are low in scale. The Site abuts land in the Light Industry Zone to the north. The consent authority considers that the proposal is in keeping with the development of the surrounding area and that there will be little impact on the existing or future amenity.

FOR: 3

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

RATIFIED AS A RECORD OF ATTENDANCE AND DETERMINATIONS MADE AT THE MEETING

SUZANNE PHILIP
Chair

20 March 2025