



**DEVELOPMENT CONSENT AUTHORITY**

**ALICE SPRINGS DIVISION**

**MINUTES**

**MEETING No. 266 – WEDNESDAY 13 OCTOBER 2021**

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

**MEMBERS PRESENT:** Suzanne Philip (Chair), Chris Neck, Deepika Mathur,  
Jamie de Brenni, Jimmy Cocking

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Benjamin Taylor, Dawn Parkes, Julie Driver, Jennie Ryan

**COUNCIL REPRESENTATIVE:** Kaitlyn Weekes

**Meeting opened at 11:00 am and closed at 11:25 am**

**THE MINUTES 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 TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.**

**ITEM 1 CHANGE OF USE (UNIT 2) TO CLUB (SPORTING CLUBROOMS)**  
**PA2021/0275 LOT 7440 (UNIT 2, 78) LOVEGROVE DRIVE, SUBURB OF CICCONE**  
**APPLICANT WORKS CRICKET CLUB INCORPORATED**

Luke Gardiner (Works Cricket Club Inc.) and Michael Trull (Owner, Sole Director & Company Secretary Leighton Holdings (NT) Pty Ltd and Committee Member of Works Cricket Club Inc) attended the meeting and spoke further to the application.

Kaitlyn Weekes (Alice Springs Town Council) attended the meeting and spoke further to the Alice Springs Town Council comments.

**RESOLVED** That, the Development Consent Authority varies the requirements of Clause 5.2.4.1  
**0058/21** (Parking Requirements), Clause 5.2.4.4 (Parking Layout), Clause 5.2.5 (Loading Bays), and Clause 5.2.6 (Landscaping) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 7440, 78 Lovegrove Drive, Suburb of Ciccone, Town of Alice Springs for the purpose of a change of use (Unit 2) to a club (sporting club), subject to the following conditions and for the following reasons:

#### **CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), 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 in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited, but modified to:
  - a) label the “net floor area” of the ground level of Unit 2 used as a lounge bar; and
  - b) delete reference to “warehouse” and label the usage of rooms on the 1<sup>st</sup> floor that are part of the “club”.

Amended plans prepared in response to the conditions precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, DIPL (Alice Springs Branch) via email to DAS.NTG@nt.gov.au. When endorsed, the plans will form part of the permit.

#### **GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities and to the development/use shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time.

5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
7. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the satisfaction of the consent authority, on technical advice from the Alice Springs Town Council.
8. The car parking shown on the endorsed plans must be available at all times for the use of the occupants of the site and their members/visitors.
9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.

NOTES:

1. This development permit is not an approval to undertake building work or change the use. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the *Northern Territory Building Act 1993* before commencing any construction works.
2. A "Permit to Work Within a Road Reserve" is required from the Alice Springs Town Council before commencement of any work within the road reserve, which would include alterations to any verge works or formalised parking.
3. Waste bin storage and collection shall be provided in accordance with Alice Springs Town Council requirements.
4. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
5. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section([powerconnections@powerwater.com.au](mailto:powerconnections@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.
6. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 2005 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 Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
7. The land owner / developer is reminded that the approval of a *Planning Act 1999* application for the proposed use does not mean that approval from the Liquor Commission (*Liquor Act 2019*) will also be granted as they are two very distinct processes with separate decision-making authorities.

8. You are advised to contact Dial 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.
9. The Department of Environment, Parks and Water Security 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.
10. The Department of Environment, Parks and Water Security and Natural Resources has advised that the proponent complies with the noise requirements contained in the latest version of the NTEPA Northern Territory Noise Management Framework Guideline, available at: [https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0004/566356/noise\\_management\\_framework\\_guideline.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0004/566356/noise_management_framework_guideline.pdf)
11. There are statutory obligations under the Waste Management and Pollution Control Act 1998 (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

## REASONS

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 (NTPS2020) applies to the land which is zoned LI (Light Industry), the change of use of Unit 3 to a "club" requires consent under Clause 1.8 (When development consent is required)

The development is identified as '*Impact Assessable*' under Clause 4.14 – Zone LI (Light Industry), and therefore the:

- strategic Framework (Part 2 of the Scheme – Alice Springs Regional Land Use Plan 2016)
- zone purpose and outcomes of Clause 4.14 (Zone LI – Light Industry), and
- Clause 5.2.2.1 (General Height Controls in Alice Springs);
- Clause 5.2.4.1 (Parking Requirements)
- Clause 5.2.4.4 (Parking Layout)
- Clause 5.2.5 (Loading Bays)

- Clause 5.2.6 (Landscaping)
  - Clause 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV)
  - Clause 5.6.2 (Expansion of Existing Developments in Zone LI and GI)
  - Clause 5.8.3 (Club)
- need to be considered.

There is no Area Plan for the locality and the proposed change of use accords with the Strategic Framework outlined in the Alice Springs Regional Land Use Plan.

Regarding zone Outcome 4 for Zone LI, which requires that “*other non-industrial activities, such as community activities including club, community centre and place of worship may be established where they do not compromise the ongoing operation and viability of industrial activities or the integrity of the zone.*”

The Authority notes that the proposed club use is located within a Zone LI locality that has a variety of established non-industrial land uses and smaller lot/unit sizes providing a range of retail, entertainment and business activities that serve the broader locality.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for:

- Clause 5.2.4.1 (Parking Requirements)
- Clause 5.2.4.4 (Parking Layout)
- Clause 5.2.5 (Loading Bays)
- Clause 5.2.6 (Landscaping)

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), sub-clause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
  - (a) The purpose and administration clauses of the requirement; and
  - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

The proposal has been found not to be in accordance with the minimum standards of:

- (a) The proposal has been found not to be in accordance with Clause 5.2.4.1 (Parking Requirements), because the proposal will result in 9 car parking spaces being provided for the uses on site in lieu of 11 spaces. The technical shortfall of 2 car parking spaces resulting from the change of use of Unit 2 from a “warehouse” to a “club”

The proposal is consistent with the purpose of Clause 5.2.4.1 (Parking Requirements) in that the number of car parking spaces proposed is considered sufficient for the club use. Administratively, *the consent authority may consent to a use or development that is not in accordance with the minimum parking requirements only if it is satisfied the use or development is appropriate to the site having regard to the purpose of this clause and the potential impact on the surrounding road network and the amenity of the locality and adjoining property.*

The existing car parking arrangements for the site were approved by Development Permit DP96/0016. The endorsed drawing for DP96/0016

shows 8 car parking spaces, all located in the common property area (Unit Plan UP98/031).

The reduction of 2 spaces has been assessed under Clause 5.2.4.2 (Reduction in Parking Requirements outside of Zone CB in Darwin). Administratively, the consent authority may consent to a use or development with fewer car parking spaces than required by column 2 of the table to clause 5.2.4.1 (Parking Requirements) if it is satisfied that a reduction is appropriate for the use or development, having considered all the matters at sub-clause 2. The matters at sub-clause 2 have been considered and the reduced number of car parking spaces is considered appropriate due to the location of the site, floor area and sporting club nature of the “club” use, availability of parking spaces within the road reserve and the differing operating hours between the uses on the site. Further, given the nature of the proposal, it is anticipated that many patrons will be dropped off or picked by taxis or ride-share vehicles.

(b) Clause 5.2.4.4 (Parking Layout)

*The purpose of Clause 5.2.4.4 is to - ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.*

Development Permit DP96/0016 granted retrospective consent for the existing car parking and driveway arrangements (prior to the site being unit titled). Sub-clause 1 and sub-clause 4(a) of Clause 1.10 specifies, in considering this application for a change of use, the consent authority must consider that use and development in its entirety.

Sub-clause 4(b) specifies a car parking area is to - *be sealed and well drained.*

Parts of the driveway and car parking area at the rear of the site are dust suppressed and no upgrading is proposed.

Sub-clause 4(g) specifies that a car parking area is *to - be not less than 3m from a road, and the area between the car parking area and the road is to be landscaped with species designed to lessen the visual impact of the car parking area.*

The car parking area is setback ~0.5m from the boundary of Lovegrove Drive and no landscaping (within the setback area) will be provided.

*Sub-clause 1 (administration) identifies that - the consent authority may consent to a car parking area that is not in accordance with sub clause 3 if it is satisfied that the non-compliance will not:*

- 1. result in adverse impacts on the local road network or internal functionality of the car parking area; and*
- 2. unreasonably impact on the amenity of the surrounding locality.*

The dust suppressed surface treatment of the rear car parking and driveway area is considered to be supportable as:

- Development Permit DP96/0016 approved the existing arrangements on site and the surface treatment appears to have be suitable since that time;

- There is a ~3m wide PAWC (sewerage) easement located along the rear boundary of the site
- The small scale (tenancy floor areas) of the development on the site and type of vehicles using the site.

The reduced setback (and no landscaping) arrangement is considered to be supportable as:

- Development Permit DP96/0016 approved the existing arrangements on site and visual amenity matters were considered at that time
- the car parking and driveway area has been bitumen sealed to the boundary, civil works required to establish landscaping would be costly and may impact the functionality of car parking and driveway areas
- no sensitive land uses about the site and buildings/dwellings along the western side of Lovegrove Drive do not have views orientated towards Lot 7440;
- the reduced setback allows for greater functionality of the driveways and car parking spaces (driver line of sight, manoeuvring arrangements and length and width of bays).

(c) Clause 5.2.5 (Loading Bays)

*The purpose of this clause is to provide for the loading and unloading of vehicles associated with the use of land.*

Sub-clauses 2(a) and 3 require, for the club use of Unit 2, one designated loading bay is required (minimum dimensions 7.5m (l) x 3.5m (w) x 4m (height clearance)) with access that is adequate for its purpose.

No loading bays exist on the site and the drawings included with the exhibited application did not show a loading bay.

Sub-clause 1 of Clause 5.2.5 specifies that *the consent authority may consent to a use or development that is not in accordance with sub-clauses 2 and 3 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and that the non-compliance will not result in adverse impacts on the local road network nor the number or availability of car parking spaces.*

Utilising the existing car parking area at the front of the site is expected to be adequate for the proposed club noting:

- small scale of the club (cricket club) in terms of floor area and membership
- the nature and frequency of the deliveries which would be limited to bar supplies i.e. alcoholic & non-alcoholic beverages as well as bar/snack type foods.
- type of vehicle/s likely to deliver items to the site (ie: not large trucks)
- length of time it may take to deliver items to the club and delivery times will not adversely impact availability of the car parking spaces.

(d) Clause 5.2.6 Landscaping

The purpose of Clause 5.2.6 is to - *ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall amenity of the locality.*



Development Permit DP96/0016 granted retrospective consent for the existing landscaping arrangements (prior to the site being unit titled). Sub-clause 1 and sub-clause 4(a) of Clause 1.10 specifies in considering this application for a change of use, the consent authority must consider that use and development in its entirety.

Sub-clause 5 specifies that - *in Zones LI, GI and DV all street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m.*

No landscaping is provided along the Lovegrove Drive boundary of the site

Sub-clause 1 provides that - *the consent authority may consent to landscaping that is not in accordance with sub-clauses 4 and 5, only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and is appropriate to the site having regard to the amenity of the streetscape, and the potential impact on the amenity of the locality and adjoining property.*

The reduced setback (and no landscaping) arrangement is considered to be supportable as:

- Development Permit DP96/0016 approved the existing arrangements on site and visual amenity matters were considered at that time
- the car parking and driveway area has been bitumen sealed to the boundary, civil works required to establish landscaping would be costly and may impact the functionality of car parking and driveway areas
- the reduced setback (and no landscaping) allows for greater functionality of the driveways and car parking spaces (driver line of sight, manoeuvring arrangements and length and width of bays).

The application has been assessed as compliant with the requirements of sub-clauses 2 to 5 of Clause 5.8.3 (Club). The site does not abut any residential uses and the proposed club use (sporting clubrooms) and associate floor area is considered to be appropriate to the locality. The Authority notes that the proposed club use is located within a locality providing a wide range of industry, warehouse, retail, entertainment, community and business activities that serve the broader locality.

4. Pursuant to section 51(1)(m) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The conditions of approval are intended to assist in ensuring:
  - Service authority interests are duly recognised in terms of storm water drainage, vehicle access, electricity, sewerage and water services that apply to the change of use of Unit 2 of the land; and
  - The NTPS 2020 objectives and development performance criteria relating to site access and the provision of services/infrastructure will be complied with.
5. Pursuant to section 51(1)(n) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated.



In considering the potential impact on amenity the Authority referred to the definition of amenity within the *Planning Act 1999* which states that “amenity in relation to a locality or building, means any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.”

The Authority notes that the proposed club use is located within a locality providing a wide range of industry, warehouse, retail, entertainment, community and business activities that serve the broader locality.

A note advising the applicant of their obligation to comply with the general environmental duty under section 12 of the *Waste Management and Pollution Control Act* is included on the permit. A condition requiring that the use and development as shown on the endorsed plan must not be altered without the further consent of the consent authority is also included on the permit.

The Authority considers that the proposed use would be unlikely to impact the area's existing or future amenity. The operator will need to adhere to relevant legislation such as the *Liquor Act 2019*, the *Waste Management and Pollution Control Act 1998*, and the permit conditions.

6. The application was placed on public exhibition in accordance with the requirements of the *Planning Act 1999* and *Planning Regulations 2000*. No public or local authority submissions were received during the statutory period.

**FOR: 5      AGAINST: 0      ABSTAIN: 0**

**ACTION:** DAS to prepare a Notice of Consent and Development Permit

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

**SUZANNE PHILIP**  
**Chair**

21 October 2021