

DEVELOPMENT CONSENT AUTHORITY

TENNANT CREEK DIVISION

MINUTES

MEETING No. 38 – WEDNESDAY 26 FEBRUARY 2014

**DEPARTMENT OF INFRASTRUCTURE OFFICES
33 LEICHARDT STREET
TENNANT CREEK**

MEMBERS PRESENT: Peter McQueen (via telephone), Ray Wallis, Hal Ruger,
Lennart Holbrok

APOLOGIES: Tony Boulter

OFFICERS PRESENT: Peter Somerville

COUNCIL REPRESENTATIVE : NA

Meeting opened at 9:30 am and closed at 10:30 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 DEVELOPMENT - WAREHOUSE & CARPORT WITH REDUCED SETBACKS TO
FRONT AND SIDE BOUNDARY
LOTS 263 & 264, 7 & 9 IRVINE STREET, TOWN OF TENNANT CREEK
TENNANT DRAFTING & CONSULTING SERVICES**

Keith Wilson attended the meeting in support of the application.

**RESOLVED
0006/14**

That, the Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements), Clause 6.5.3 (Parking Layout), Clause 6.6 (Loading Bays) and Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lots 263 & 264, Irvine Street, Town of Tennant Creek for the purpose of a warehouse and carport, subject to the following conditions:

CONDITIONS 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 must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the drawings that are included as part of "Attachment B" of the February 2014 Development Consent Authority agenda report but modified to show:
 - (a) A minimum of four car parking bays on the subject site, compliant with the (bay) length, width and manoeuvring dimensions contained in Clause 6.5.3 (Parking Layout) of the NT Planning Scheme;
 - (b) details of surface finishes of pathways and driveways (extent of sealing, driveway widths to be identified);
 - (c) Identification of fencing and gates on the site plan (positions, building materials, height/s above ground level);
 - (d) Locations and dimensions of doors and windows of the warehouse and carport identified on the floor plans and elevations.

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. Before the use or occupation of the development starts, the 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 or otherwise suitable delineated to indicate each car space; to the satisfaction of the consent authority.
- Car spaces, access lanes and driveways must be kept available for these purposes at all times.
4. The loading and unloading of goods from 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).
 5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
 6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
 7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Barkly Regional Council, to the satisfaction of the consent authority.
 8. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Barkly Regional Council to the satisfaction of the consent authority.
 9. An Occupancy Permit under the *Building Act* must not be issued until Lots 263 & 264, Town of Tennant Creek have been consolidated and a new title issued for the consolidated lot.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. A "Permit to Work Within a Road Reserve" may be required from the Barkly Regional Council before commencement of any work within the road reserve.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (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.
4. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance

with the Agency's Noise Guidelines for Development Sites. 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.

5. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/are not started within two years of the date of this permit; or
 - (b) 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.

REASONS FOR THE DECISION

1. Amended plans demonstrating partial compliance with the car parking requirements of Clause 6.5.1 and Clause 6.5.3 of the NT Planning Scheme are required as it is considered in the public interest for industrial developments to provide an adequate amount of on site car parking in a functional layout. Furthermore, the application did not demonstrate any special circumstances which would justify a complete departure from the standards set by the NT Planning Scheme in respect to car parking requirements, as required in accordance with clause 2.5 (Exercise of Discretion by the Consent Authority).
2. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates. The development is consistent with the form of development expected within Zone GI (General Industry) of the NT Planning Scheme.
3. On merit, and noting the history of the land, the retention of a caretakers residence on the site with a floor area exceeding 50m² is considered appropriate for the site and responds satisfactorily to the purpose of clause 7.10.3 (Caretaker's Residence) of the Northern Territory Planning Scheme.
4. Subject to the receipt of satisfactorily amended drawings, a variation to Clause 6.5.3 (Parking Layout) and Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme is granted for a reduced landscaping buffer between the property boundary and the buildings and car parking areas as the boundary fencing will partly screen the buildings and car parking areas from the public realm.
5. A variation to Clause 6.6 (Loading Bays) of the NT Planning Scheme is granted as it is considered that there will be adequate vehicle loading space provided on site through the nominated dimensions of the loading bay, width of the driveways and provision of appropriately dimensioned car parking spaces.
6. The Development Consent Authority considers that a reduction in the car parking requirements specified by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme from 7 to 4 car spaces for the use of the site (shown on the endorsed drawings) is supportable under Clause 6.5.2 (Reduction in Parking Requirements) of the Scheme in recognition of:

- Part of the shortfall is considered to be an over count of parking requirements on account of the submitted drawings not distinguishing “net floor area” from other “floor area” (floor plans showing net floor areas and wall thicknesses are not included with the application).
 - In respect to car parking numbers, the Authority has assessed that based on the land use, applicants statement of effect and floor areas proposed, the approved number of parking spaces would satisfy the empirical demand for car parking on site; and
 - Provision of 3 additional car parking bays may compromise the functionality of the car parking area and adversely affect the visual amenity of the site.
7. The variations granted to the provisions of Part 4 of the NT Planning Scheme are not expected to contribute greatly to any major disturbance to the level of amenity currently experienced by adjacent and nearby allotments.
8. The conditions of approval are intended to assist in ensuring the orderly servicing and development of the site.

ACTION: Notice of Consent and Development Permit

**ITEM 2 DEVELOPMENT - DEPENDANT UNIT WITH A FLOOR AREA EXCEEDING 50M2
(INCLUDING ADDITIONS TO EXISTING BUILDING)
LOT 282, 20 SCHMIDT STREET, TOWN OF TENNANT CREEK
TENNANT DRAFTING & CONSULTING SERVICES**

Keith Wilson attended the meeting in support of the application.

**RESOLVED
0007/14**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks for Residential Buildings) and Clause 7.10.4 (Dependant Units) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 282, 20 Schmidt Street, Town of Tennant Creek for the purpose of alterations and additions to a Dependant Unit, subject to the following conditions:

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 must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the drawings that are included as part of “Attachment B” of the February 2014 Development Consent Authority agenda report but modified to show:
 - (a) Dimensioned floor plans of the dependant unit and single dwelling showing floor layout, partitioning and use of each room.

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 owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
- 4 Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Barkly Regional Council to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (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.
3. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. 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.
4. This permit will expire if one of the following circumstances applies:
 - (c) the development and use is/are not started within two years of the date of this permit; or
 - (d) 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.

REASONS FOR THE DECISION

1. Amended drawings showing the floor layouts of the single dwelling and dependant unit are required as this information was not included with the Development Application and will assist in conforming that the dependant unit is ancillary to the single dwelling.
2. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into

consideration the planning scheme that applies to the land to which the application relates. The dependant unit use is consistent with the primary purpose of the SD (Single Dwelling Residential) zone, which is to provide for single dwellings (and ancillary structures) on individual lots.

3. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow the reduced building setbacks to the secondary street (laneway) is granted as:
 - the buildings will be partially screened by 1.8m high solid metal fencing to the affected boundaries;
 - no adverse effects of building massing are anticipated when viewed from adjoining land. There is no potential for overlooking to or from habitable areas of the adjoining lots;
 - the owners of adjacent and nearby properties did not lodge any objection/s to the reduced building setback distances;
 - the single storey appearance of the development will not result in building massing when viewed from the streets or adjacent land;
 - the road reserve width of the laneway (10.5m) provides significant separation of the development from nearby allotments;
 - The dependant unit is an existing structure and building setbacks are consistent with the setbacks of other residential developments within Schmidt Street.
4. A variation to Clause 7.10.4 (Dependant Units) is supported as the application is formalising the existing use of the site and the increased floor area (18m²) is not considered to be significant in terms of the additional space that can be occupied within the dwelling. The current and increased floor area is also not expected to have any negative impact on the single dwelling or other dwellings developed on adjacent or nearby allotments.
5. Pursuant to section 51(b) of the *Planning Act*, the consent authority must, in considering a development application, take into account any proposed amendments to the NT Planning Scheme. Proposed Planning Scheme Amendment PA2013/0345 has been publicly exhibited and seeks to:
 - i) Replace the definition of dependant units with a definition of an independent unit and revise Clause 7.10.4 of the NT Planning Scheme;
 - ii) specify that the proposed independent unit would be required to go through Development Assessment Services for a change of use to second dwellings if they do not meet all requirements in the clause (including 50m² size restriction).
 - iii) require appropriate service infrastructure.With the exception of floor area, the development application has been assessed as being compliant with the other objectives and performance criteria contained in PA2013/0345 and service authorities have not identified any concerns in terms of vehicle access and power, water and sewerage services.
6. Pursuant to section 51(n) of the *Planning Act* the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The dependant unit is existing, located within Zone SD (Single Dwelling Residential), adds to the variety of housing options in the locality and is likely to positively contribute to the future amenity of the area, fencing and landscaping soften the development's impact.

7. The conditions of approval are expected to assist in ensuring the orderly servicing and development of the site and minimise potential impacts on the adjoining streets and properties.
8. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public submissions were received.

ACTION: Notice of Consent and Development Permit

**ITEM 3 DEVELOPMENT - SUPPORTING ACCOMMODATION IN FOUR SINGLE STOREY BUILDINGS
 LOT 2155, 8 WATTLE STREET, TOWN OF TENNANT CREEK
 JULALIKARI COUNCIL ABORIGINAL CORPORATION**

**RESOLVED
 0008/14**

That the Development Consent Authority vary the requirements of clause 6.5.3(3)(g)(Parking Layout) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 2155 (8) Wattle Street, Town of Tennant Creek for the purpose of supporting accommodation in four single storey buildings, including accommodation buildings, communal and administration buildings and a manager's residence, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans and supporting documentation 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 be provided electronically in Adobe PDF format. The plans must be generally in accordance with the plans submitted with the application but modified to include:
 - (a) all driveway and parking areas as sealed;
 - (b) a detailed landscape and fence plan (to the satisfaction of the consent authority), with planting generally consistent with that shown on the site plan provided with the application, but amended to include:
 - (i) a planting schedule of all proposed plants, including any existing trees/shrubs to be retained, including botanical names, common names, pot sizes, sizes at maturity (indicative), and quantities of each plant;
 - (ii) provision of an in ground irrigation system to all formally landscaped areas;
 - (iii) details, including height, materials and location, of any fencing and gates; and
 - (iv) details of proposed surface finishes of pathways;
 - (c) detail of external lighting to parking areas and communal open space areas;
 - (d) garbage storage and collection areas with screening from the street and adjoining properties;
 - (e) details of air-conditioner units (including condenser units, external ducts, pipes, plant etc) and where appropriate/relevant, screening of such

equipment from the adjoining street and properties.

When approved, the plans will be endorsed and will then form part of the permit.

The consent authority encourages:

- the applicant to consider locating all air conditioning units (including condensers) at ground level with a view to minimising visual impacts on the street and adjoining properties; and
- a review of current Department of Education fact sheets relating to suitable and unsuitable plant species for school environments; and
- retention of established trees and groundcover wherever possible and practical; and
- (for the landscaped area to the front of the site) consideration of selection of species that may provide shade for vehicles; and allow some passive surveillance between the street and the parking area; and
- consideration of providing some on-site lawned area/s (for sitting, passive recreation etc) for residents.

GENERAL CONDITIONS

2. The works carried out under this permit must be in accordance with the drawings endorsed as forming part of this permit, to the satisfaction of the consent authority. The development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
4. Any development on or adjacent to any easements on site must be carried out to the requirements of the relevant service authority, to the satisfaction of the consent authority.
5. 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.
6. The kerb crossover and driveway to the site approved by this permit are to meet the technical standards of the Barkly Regional Council, to the satisfaction of the consent authority.
7. Storm water is to be collected and contained within the site or discharged into the drainage network to the technical standards of, and at no cost to, the Barkly Regional Council, to the satisfaction of the consent authority.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. Driveways and car parking areas must be:
 - (a) constructed;

- (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) paved or surfaced with an all-weather-seal coat;
 - (d) line-marked (or otherwise suitably delineated to identify car parking spaces); and
 - (e) drained;
- to the satisfaction of the consent authority.
Car spaces and driveway areas must be kept available for these purposes at all times.
10. Protective kerbs (of a minimum height of 150mm) must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas by vehicles using the parking area.
 11. All air conditioning condensers are to be located in accordance with plans endorsed as part of this permit and condensate must be disposed of at ground level in a controlled manner to the satisfaction of the consent authority. Where endorsed plans show screening of air-conditioner units from adjoining properties and/or the street, such screening must be provided to the satisfaction of the consent authority.
 12. External lighting must be located in accordance with endorsed plans and designed and baffled to prevent any adverse effect on adjoining land, to the satisfaction of the consent authority.
 13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

NOTES

1. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (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.
3. A "Permit to Work Within a Road Reserve" may be required from Barkly Regional Council before commencement of any work within the road reserve.
4. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. 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.

5. It is recommended that the developer contacts "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.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into consideration the NT Planning Scheme (the Planning Scheme). The development is considered to be consistent with the purpose statement of Zone MD (Multiple Dwelling Residential).
2. A variation to clause 6.5.3.3(g) of the NT Planning Scheme is supported, as the proposed landscaped strip to the front of the site is expected to provide satisfactory partial screening of the parking area.
3. A variation to clause 6.5.3(3)(b) of the NT Planning Scheme is not supported, as no special circumstances have been identified as offering justification to vary the requirement to seal parking areas.
4. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the *Act* and any evidence or information received under section 50 of the *Act*. No public or local authority submissions were received in relation to the application.
5. Pursuant to section 51(h) of the *Planning Act* the consent authority must take into consideration the merits of the proposal. The consent authority considers the proposed development to have merit, in that the facility will provide appropriately designed supported accommodation for young people in need of such accommodation.
6. Pursuant to section 51(n) of the *Planning Act* the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The development and use is not expected to unduly impact on the amenity of adjoining properties or the locality.
7. The conditions of approval are expected to assist in reasonably ensuring:
 - a) the orderly development of the site;
 - b) due recognition of service authority interests;
 - c) a satisfactory level of amenity for future occupants of the supporting accommodation; andno material impact on the amenity of adjoining properties or the locality

ACTION:

Notice of Consent and Development Permit

**ITEM 4 DEVELOPMENT - SHOPS, OFFICES AND CARETAKERS RESIDENCE IN 2 X 1 STOREY BUILDINGS
LOT 989, 25 STANDLEY STREET, TOWN OF TENNANT CREEK
MKEA ARCHITECTS PTY LTD**

Rebecca Adams attended the meeting in support of the application.

**RESOLVED
0009/14**

That, the Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements), Clause 7.10.3 (Caretaker's Residence) and Clause 8.1.1 (Shops, in Zones CV, CL, LI, GI, DV, OR and CN) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 989, 25 Standley Street, Town of Tennant Creek for the purpose of shops, offices and caretaker's residence in 2 x 1 storey buildings, subject to the following conditions:

CONDITIONS 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 must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the drawings that are included as part of "Attachment B" of the February 2014 Development Consent Authority agenda report but modified to show:
 - (e) car parking bays on the subject site, compliant with the (bay) length, width and manoeuvring dimensions contained in Clause 6.5.3 (Parking Layout) of the NT Planning Scheme;
 - (f) details of surface finishes of pathways and driveways (extent of sealing, driveway widths to be identified);
 - (g) landscaping and planting within the 3m wide area at the front of the site to comply with Clauses 6.5.3(3)(g), 6.12 and 9.1.1(3) of the NT Planning Scheme;
 - (h) 4 canopy trees (minimum two metres tall when mature) spaced ~20m apart along the front boundary of the site;
 - (i) 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; and
 - (j) provision of an in ground irrigation system to all landscaped areas.All species selected must be to the satisfaction of the consent authority – preferably species native to the Barkly Region.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. Before the use or occupation of the development starts, the 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; and
- (f) clearly marked to show the direction of traffic along access lanes and driveways; to the satisfaction of the consent authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

4. Protective kerbs (of a minimum height of 150mm) must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.
5. The loading and unloading of goods from vehicles must only be carried out on the land (and must not disrupt the circulation and parking of vehicles on the land).
6. Before the *use/occupation of the development* starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Barkly Regional Council, to the satisfaction of the consent authority.
10. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Barkly Regional Council to the satisfaction of the consent authority.
11. Storage for waste disposal bins is to be provided to the requirements of Barkly Regional Council to the satisfaction of the consent authority.
12. An Occupancy Permit under the *Building Act* must not be issued until either:
 - (a) Lots 989 & 990, Town of Tennant Creek have been consolidated and a new title issued for the consolidated lot; or
 - (b) Access or Right-of-Way easements shall be registered on the Titles of Lots 989 & 990, respectively, such that the easements facilitate vehicle access to all driveways and car parking spaces located on the land that comprises those lots.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. A "Permit to Work Within a Road Reserve" may be required from the Barkly Regional Council before commencement of any work within the road reserve.
3. Notwithstanding the approved plans, all signage is subject to Barkly Regional Council approval, at no cost to Council.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (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.
5. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. 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.
6. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Aboriginal Sacred Sites Act*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
7. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
8. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.

REASONS FOR THE DECISION

1. Amended plans demonstrating compliance with the car parking requirements of Clause 6.5.3(3)(j) of the NT Planning Scheme are required as it is considered in the public interest for commercial developments to provide car parking bays in a functional layout with adequate manoeuvring dimensions. Furthermore, the application did not demonstrate any special circumstances which would justify a complete departure from the standards set by Clause 6.5.3(3)(j) of the NT Planning Scheme in respect to car parking requirements, as required in

accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority).

2. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates. The development is consistent with the scale and architectural form of development expected within Zone GI (General Industry) of the NT Planning Scheme, shop and office use is discretionary within Zone GI. The proposed multi-tenancy development provides floor areas of sufficient size to accommodate a range of commercial and office uses to service the needs of the surrounding industrial and residential areas. Given the context of the site, being adjacent to land Zoned CL, FD and opposite and established Single Dwelling Residential area, the land uses proposed will not result in a development which is out of character with existing and nearby uses or compromise the development of adjacent and nearby land.
3. A variation to clause 7.10.3 (Caretakers Residence) of the NT Planning Scheme is supported as the provision of a caretaker's residence with a floor area of 105m² is seen as appropriate in the context of the size of the site, the significant commercial uses proposed for the site and its clearly secondary or ancillary nature. The location of the proposed residence on the site abuts land zoned CL (Community Living) that includes residential development. The use accords with the definition given in clause 3.0 (Definitions) of the NT Planning Scheme in that it is a "dwelling which is ancillary to the lawful use of the land on which it is erected, and which is used by the caretaker of the land" and responds satisfactorily to the purpose of clause 7.10.3 (Caretaker's Residence) of the Northern Territory Planning Scheme.
4. The Development Consent Authority considers that a reduction in the car parking requirements specified by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme from 50 to 42 car spaces for the use of the site (shown on the endorsed drawings) is supportable under Clause 6.5.2 (Reduction in Parking Requirements) of the Scheme in recognition of:
 - Part of the shortfall is considered to be an over count of parking requirements on account of the stock/storage room within the supermarket tenancy being assessed as "shop" and the submitted drawings not distinguishing "net floor area" from other "floor area" (floor plans showing net floor areas and wall thicknesses are not included with the application); and
 - In respect to car parking numbers, the Authority has assessed that based on the land use, other parking available in the area, applicants statement of effect and floor areas of proposed , the approved number of parking spaces would satisfy the empirical demand for car parking on site.
5. Pursuant to section 51(m) of the *Planning Act*, the Development Consent Authority must take into consideration 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. Appropriate responses to the matters raised by service authorities, as reflected in the conditions and advisory notes given on the development permit intended to ensure those agencies' interests are duly recognised.
6. Pursuant to section 51(n) of the *Planning Act*, the Development Consent Authority

is required to consider the potential impact on the existing and future amenity of the area in which the land is situated. Subject to the receipt of a detailed landscaping plan, the proposed development is expected to enhance the visual amenity of the site and surrounding area through contemporary building design, generous setbacks and a functional car parking layout. The variations granted to the provisions of Part 4 of the NT Planning Scheme are not expected to contribute greatly to any major disturbance to the level of amenity currently experienced by adjacent and nearby allotments.

7. Pursuant to section 51(p)(i) of the *Planning Act* the Development Consent Authority must take into consideration the public interest including how community safety through crime prevention principles in design are provided for in the application. The presence of a caretaker and family on this large commercially developed site may prove advantageous with respect to passive surveillance and site security. No solid front fencing to the site will be used thereby meeting two of the Core Design Principles contained within the *Community Safety Design Guide* and allows interaction and surveillance to the streetscape.
8. Pursuant to section 51(t) of the *Planning Act* the Development Consent Authority must, in considering a development application, take into account other matters it thinks fit. The consent authority noted that Crown Lease Term 02474 has been issued in relation to the subject site. The purpose of the lease is: *light industry/service commercial to provide for light industry uses or development activities that will not by nature of their operations, detrimentally affect adjoining or nearby land and to provide for commercial activities which because of the nature of their business or size of the population catchments, require large sites.*

ACTION: Notice of Consent and Development Permit

**ITEM 5 DEVELOPMENT - CAR WASH AND CARETAKERS RESIDENCE
LOT 990, 21 STANDLEY STREET, TOWN OF TENNANT CREEK
MKEA ARCHITECTS PTY LTD**

Rebecca Adams attended the meeting in support of the application.

**RESOLVED
0010/14**

That, the Development Consent Authority vary the requirements of Clause 7.10.3 (Caretaker's Residence) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 990, 21 Standley Street, Town of Tennant Creek for the purpose of a car wash and caretaker's residence, subject to the following conditions:

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 must be drawn to scale with dimensions and two copies must be provided.

The plans must be generally in accordance with the drawings that are included as part of "Attachment B" of the February 2014 Development Consent Authority agenda report but modified to show:

- (k) details of surface finishes of pathways and driveways (extent of sealing, driveway widths to be identified);
 - (l) landscaping and planting within the 3m wide area at the front of the site to comply with Clauses 6.5.3(3)(g), 6.12 and 9.1.1(3) of the NT Planning Scheme;
 - (m) 4 canopy trees (minimum two metres tall when mature) spaced ~20m apart along the front boundary of the site;
 - (n) 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; and
 - (o) provision of an in ground irrigation system to all landscaped areas.
- All species selected must be to the satisfaction of the consent authority – preferably species native to the Barkly Region.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. Before the use or occupation of the development starts, the 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; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways; to the satisfaction of the consent authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.
4. Protective kerbs (of a minimum height of 150mm) must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.
5. The loading and unloading of goods from vehicles must only be carried out on the land (and must not disrupt the circulation and parking of vehicles on the land).
6. Before the *use/occupation of the development* starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Barkly Regional Council, to the satisfaction of the consent authority.
10. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Barkly Regional Council to the satisfaction of the consent authority.
11. Storage for waste disposal bins is to be provided to the requirements of Barkly Regional Council to the satisfaction of the consent authority.
12. An Occupancy Permit under the *Building Act* must not be issued until either:
 - (c) Lots 989 & 990, Town of Tennant Creek have been consolidated and a new title issued for the consolidated lot; or
 - (d) Access or Right-of-Way easements shall be registered on the Titles of Lots 989 & 990, respectively, such that the easements facilitate vehicle access to all driveways and car parking spaces located on the land that comprises those lots.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. A "Permit to Work Within a Road Reserve" may be required from the Barkly Regional Council before commencement of any work within the road reserve.
3. Notwithstanding the approved plans, all signage is subject to Barkly Regional Council approval, at no cost to Council.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (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.
5. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. 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.

6. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Aboriginal Sacred Sites Act*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
7. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates. The development is consistent with the scale and architectural form of development expected within Zone GI (General Industry) of the NT Planning Scheme, car wash use is discretionary within Zone GI by virtue of it being unlisted/undefined. The proposed land use will not result in a development which is incompatible with existing and nearby uses or compromise the development of adjacent and nearby land.

In accordance with Clause 6.5.1(3) (Parking Requirements) of the NT Planning Scheme, the consent authority is to determine the number of car parking spaces required by an unlisted/undefined use. The land is to be used and developed for the purpose of a carwash and caravan wash with an ancillary caretaker's residence. The provision of 4 wash bays and 2 vacuum bays and 4 extra car parking bays as well as one space for the caretakers residence are determined to be adequate given that the development is not expected to generate an overwhelming amount of traffic.

2. A variation to Clause 7.10.3 (Caretakers Residence) of the NT Planning Scheme is supported as the provision of a caretaker's residence with a floor area of 105m² is seen as appropriate in the context of the size of the site, the car wash use proposed for the site and its clearly secondary or ancillary nature. The location of the proposed residence on the site abuts land zoned CL (Community Living) that includes residential development. The use accords with the definition given in Clause 3.0 (Definitions) of the NT Planning Scheme in that it is a "dwelling which is ancillary to the lawful use of the land on which it is erected, and which is used by the caretaker of the land" and responds satisfactorily to the purpose of Clause 7.10.3 (Caretaker's Residence) of the Northern Territory Planning Scheme.
3. Pursuant to section 51(j) of the *Planning Act*, the Development 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 site has an area of 4040m², is regular in shape, unconstrained by easements, without gradient and has a street frontage to Standley Street. Provided that storm water and other waste water is appropriately managed on site without impacting on surrounding areas, no adverse impact on the surrounding land is anticipated.

4. Pursuant to section 51(m) of the *Planning Act*, the Development Consent Authority must take into consideration 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. Appropriate responses to the matters raised by service authorities, as reflected in the conditions and advisory notes given on the development permit intended to ensure those agencies' interests are duly recognised.
5. Pursuant to section 51(n) of the *Planning Act*, the Development Consent Authority is required to consider the potential impact on the existing and future amenity of the area in which the land is situated. Subject to the receipt of a detailed landscaping plan, the proposed development is expected to enhance the visual amenity of the site and surrounding area through contemporary building design, generous setbacks and a functional car parking layout. The variations granted to the provisions of Part 4 of the NT Planning Scheme are not expected to contribute greatly to any major disturbance to the level of amenity currently experienced by adjacent and nearby allotments.
6. Pursuant to section 51(p)(i) of the *Planning Act* the Development Consent Authority must take into consideration the public interest including how community safety through crime prevention principles in design are provided for in the application. The presence of a caretaker and family on this large commercially developed site may prove advantageous with respect to passive surveillance and site security. No solid front fencing to the site will be used thereby meeting two of the Core Design Principles contained within the *Community Safety Design Guide* and allows interaction and surveillance to the streetscape.
7. Pursuant to section 51(t) of the *Planning Act* the Development Consent Authority must, in considering a development application, take into account other matters it thinks fit. The consent authority noted that Crown Lease Term 02475 has been issued in relation to the subject site. The purpose of the lease is *light industry/service commercial to provide for light industry uses or development activities that will not by nature of their operations, detrimentally affect adjoining or nearby land and to provide for commercial activities which because of the nature of their business or size of the population catchments, require large sites.*
8. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public or local authority submissions were received.

ACTION:

Notice of Consent and Development Permit

**ALLOW CAR PARKING AREA TO BE CONSTRUCTED IN GRAVEL; RATHER THAN SEALED
LOT 456, 23 LEICHARDT STREET, TOWN OF TENNANT CREEK
JIM THOMAS**

Jim Thomas attended the meeting in support of the application

**RESOLVED
0011/14**

That, the Development Consent Authority, pursuant to section 57(3)(5) of the *Planning Act*, refuses to vary Condition 6 of Development Permit DP13/0830 relating to Lot 456 (23) Leichhardt Street, Town of Tennant Creek, in accordance with the application, but instead varies Condition 6, to the allow car parking and driveways to be constructed in two stages, by amending Condition 6 to read as follows, for the following reasons:

Stage 1

Before the use or occupation of the new dwellings commences, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- (a) constructed to road base gravel standard;
 - (b) constructed, formed drained, managed and maintained to such levels that they can be used in accordance with the plans and in a manner that ensures no erosion or siltation occurs onto the adjoining road reserve or properties; and
 - (c) linemarked/delineated;
- to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Stage 2

Within two years of the date of the commencement of the use of the new dwellings, the 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; and
 - (d) drained; and
 - (e) linemarked;
- to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

A Certificate of Compliance for Development Permit DP13/0830 is required to be obtained for Stage 1 and Stage 2, as set out in this condition.

REASONS FOR THE DECISION

1. Pursuant to clause 2.5.3 of the NT Planning Scheme, the consent authority may consent to development that does not meet a standard set out in Part 4 of the Planning Scheme unless it is satisfied that special circumstances justify the giving of consent. Special circumstances have not been identified that are considered to justify the granting of a variation to the standard requirement to seal proposed parking areas and driveways on Lot 456 (23) Leichhardt Street, Town of Tennant Creek.
2. Notwithstanding Reason 1(above):
 - (i) it is not envisaged that interim use of gravel driveways and parking areas

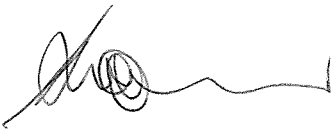
would result in a material amenity impact on any adjoining property or the locality;

- (ii) given that the driveway and parking area is currently unsealed, gravel driveways and parking areas may be considered to provide an acceptable standard of construction on a temporary basis; and
- (iii) the driveway to the rear of the site may be expected to carry a relatively limited amount of traffic, as the proposed parking provision is expected to exceed the needs of the development (which includes four x 1 bedroom dwellings and two x 2 bedroom dwellings) and it is expected to primarily service the two new dwellings.

ACTION:

Notice of Consent and Development Permit

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



PETER McQUEEN
Chairman

5/13/2014