



DEVELOPMENT CONSENT AUTHORITY

TENNANT CREEK DIVISION

MINUTES

MEETING No. 54 – 15 MAY 2019

OUT OF SESSION

MEMBERS PRESENT: Suzanne Philip (Chair), Steven Edgington, Hal Ruger,
Narelle Bremner, Lennart Holbrok

APOLOGIES: Nil

ITEM 1 6 X 3 BEDROOM MULTIPLE DWELLINGS IN 3 SINGLE STOREY BUILDINGS

PA2019/0094 LOT 2472, (40) HILDA STREET, TOWN OF TENNANT CREEK
APPLICANT THE FAIRWAY NT PTY LTD – PAUL GRAHAM

RESOLVED That, the Development Consent Authority varies the requirements of clause 7.3
0002/19 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning
Scheme, and pursuant to section 53(b) of the *Planning Act 1999*, alters the proposed
development and consents to the proposed development, as altered, to develop Lot
2472 (40) Hilda Street, Town of Tennant Creek for the purpose of 6 x 3 bedroom
multiple dwellings in 3 single 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 in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited, but modified to include a detailed fencing and landscaping plan that:

- a) includes additional detail responding to clause 6.12.3 (e), (f) and (g) of the NT Planning Scheme which identify that *Landscaping should be designed so that:*
- *energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;*
 - *the layout and choice of plants permits surveillance of public and communal areas; and*
 - *it facilitates on-site infiltration of stormwater run-off.*

Noting the applicant's advised intention to use either natural lawn or artificial turf within landscaped private yard areas, the consent authority encourages the use of natural lawn rather artificial turf as a primary surface treatment on the grounds of expected better performance and outcomes in terms of permeability, energy conservation and resident amenity.

b) complies with clause 7.5.4 of the NT Planning Scheme which requires that: "*Where the private open space is at ground level and other than for a single dwelling, or a single dwelling and associated independent unit it should be:*

- *screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or*
- *fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting*".

2. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR). The ESCP should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment control and ESCP content is available

at www.austieca.com.au and the NTP website: <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to: DevelopmentAssessment.DENR@nt.gov.au

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of the permit.
4. All works relating to this permit are to be undertaken in accordance with the approved Erosion and Sediment Control Plan (ESCP) to the requirements of the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR).
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
7. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
8. Stormwater is to be retained on the site or collected and 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.
9. The kerb crossings and driveways to the site approved by this permit (and any required re-instatement works) are to be provided to the requirements and technical standards of the Barkly Regional Council and at no cost to the Council, to the satisfaction of the consent authority.
10. 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 technical standards of the Barkly Regional Council, to the satisfaction of the consent authority.
11. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT Environment Protection Authority, to the satisfaction of the consent authority.
12. Before the use or occupation of the development starts, the area(s) 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 concrete or an all-weather-seal coat; and
 - d) drained;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.

13. 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.
14. 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.
15. Before the use/occupation of the development starts, the private open space area/s of each dwelling shall be screened in accordance with a landscaping and fence plan endorsed by the consent authority as part of this permit. This condition is to the satisfaction of the consent authority.
16. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both landdevelopmentsouth@powerwater.com.au and powerconnections@powerwater.com.au.
17. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.”
18. 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.
19. All air conditioning condenser units (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.

NOTES:

1. A Permit to Work Within a Road Reserve is required from the Barkly Regional Council, before commencement of any work within a road reserve.
2. This development permit does not grant "building approval" for the proposed works or change of use and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
3. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5354 (surveylandrecords@nt.gov.au).
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. 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.
6. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority (NT EPA) Northern Territory Noise Management Framework Guideline September 2018, available at: https://ntepa.nt.gov.au/_data/assets/pdf_file/0004/566356/noise_management_framework_guideline.pdf
7. The Department of Environment and Natural Resources has identified that if any fill is to be imported for use as part of the approved development, waste classification needs to be undertaken prior to import, to determine whether the fill is suitable for its intended use. The proponent must ensure that only Virgin Excavated Natural Material (VENM) is accepted as fill at the premises. For fill material being relocated off site, waste classification assessment in accordance with NSW EPA, *Waste Classification Guidelines, Part 1: Classifying waste, 2014* and associated waste classification guidelines needs to be undertaken. The fill material must only be disposed of at a location legal able to accept it.
8. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act 1998*. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au.
9. The Northern Territory Environment Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act 1998*.
10. 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 the Department of Environment and Natural Resources. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.
11. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act*, More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au
12. 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/builders-designers.html>

13. 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 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.
14. Notwithstanding the approved plans, all signage is subject to the Barkly Regional Council approval, at no cost to Council.

REASONS

1. Pursuant to section 51(a) of the *Planning Act 1999*, the Development Consent Authority (the consent authority) must take into consideration the NT Planning Scheme (the Planning Scheme). The development of 6 x 1 storey 3-bedroom multiple dwellings as proposed is considered to be consistent with the zone purpose statement, for Zone MD (Multiple Dwelling Residential). The proposed development is considered appropriate in terms of the Planning Principles and Framework and may be expected to contribute to housing choice in Tennant Creek.
2. The consent authority grants variations to clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Scheme with respect to primary street setbacks, as:
 - a) Peko Road includes a 14m wide verge to its southern side adjacent to the site, ensuring a substantial building setback from the road carriageway to the proposed buildings, despite the reduced setbacks.
 - b) The site has 3 street frontages and the design facilitates primary orientation of the development to Hilda Street. The design complies with or exceeds all other minimum boundary setback requirements and would require only minor variations to a secondary street boundary if assessed on the basis that Hilda Street was the primary street.
 - c) The proposed development is single storey and includes planting and fencing that may be expected to assist in integrating the buildings into the streetscape.
 - d) The development is not expected to frustrate the purpose of clause 7.3 which is “to ensure residential buildings and ancillary structures are located so:
 - they are compatible with the streetscape and surrounding development including residential buildings on the same site;
 - as to minimise any adverse effects of building massing when viewed from adjoining land and the street;
 - as to avoid undue overlooking of adjoining properties; and
 - as to encourage breeze penetration through and between buildings”.

The consent authority, in accordance with clause 2.5.4 of the Planning Scheme is satisfied that special circumstances, as outlined above justify the giving of consent as granted, despite non-compliance with clause 7.3 of the Scheme respectively and that the development of the site as proposed, is not expected to frustrate any objective of the Planning Scheme on account of the variations granted.

3. 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. The application was publicly exhibited and referred to the local authority in accordance with the *Planning Act* and the Planning Regulations and no public or local authority submissions under section 49 of the Act were received.

4. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposal. The proposed development would add to the range of housing available within the community and would be expected to offer residents a good level of amenity without undue impacts on any other property.
5. 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. Relevant permit conditions and notes are expected to assist in ensuring orderly development and limitation of amenity impact on other properties in the immediate locality during construction. The proposed development:
 - a) is single storey and of a scale, form and dwelling density considered compatible with a number existing multiple dwelling developments in the immediate locality; and
 - b) is not expected to have any material impact on the amenity of any other property or the streetscape.
6. Pursuant to section 51(m) of the *Planning Act* the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. Relevant service authorities have been consulted and the conditions of approval are expected to duly recognise agency interests.
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 dwellings; and
 - d) no material impact on the amenity of adjoining properties or the locality.

ACTION: DAS TO PREPARE NOTICE OF CONSENT AND DEVELOPMENT PERMIT

RATIFIED AS A RECORD OF DETERMINATIONS MADE AT THE MEETING

SUZANNE PHILIP
Chair

21 May 2019