



DEVELOPMENT CONSENT AUTHORITY

TENNANT CREEK DIVISION

MINUTES

MEETING NO. 69 – MONDAY 17 FEBRUARY 2025

**AJUURJURRU MEETING ROOM
BARKLY BUSINESS HUB
63 HADDOCK STREET
TENNANT CREEK**

MEMBERS PRESENT: Suzanne Philip (Chair - via teams), Deepika Mathur (via teams), Lennart Holbrok and Barbara Shaw.

APOLOGIES: Sebit Rambang

LEAVE OF ABSENCE: None

OFFICERS PRESENT: Chay Garde (via teams), Kieran Marsh, Nellie Reinhard, Courtney Ackerman and Sarah Fairhead (Development Assessment Services).

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 12.36 pm and closed at 1.10 pm

Tennant Creek DCA Meeting No 69 – Monday 17 February 2025

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

ITEM 1 **DWELLING-GROUP COMPRISING OF 1 X EXISTING SINGLE STOREY**
PA2024/0282 **DWELLING AND 2 X 3 BEDROOM IN 1 X TWO STOREY BUILDING**
APPLICANT **LOT 171 (73) AMBROSE STREET, TOWN OF TENNANT CREEK**
MARY KINGHAM-BRADLEY AND CHRISTOPHER RICHARDS

Attended in Person: Christopher Richards (Applicant).

Attended via teams: Mary Kingham-Bradley (Applicant).

RESOLVED That, the Development Consent Authority vary the requirements of Clause
06/25 5.4.1 (Residential Density) Clause 5.4.3 (Building Setbacks of Residential
Buildings and Ancillary Structures) Clause 5.4.6.1 (Private Open Space for
Dwellings – Single, Dwellings – Independent and Dwellings – Group) of the
Northern Territory Planning Scheme, and pursuant to section 53(a) of the
Planning Act 1999, consent to the application to develop Lot 171 (73) Ambrose
Street, Town of Tennant Creek for the purpose of dwelling group comprising of
1 x existing single storey dwelling and 2 x 3 bedroom in 1 x two storey building,
subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. 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.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity to the development/each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 1 for further information.
4. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
5. Before the 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.

Tennant Creek DCA Meeting No 69 – Monday 17 February 2025

6. 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.

7. 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.

8. 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.

9. Storage for waste disposal bins is to be provided to the requirements of Barkly Regional Council to the satisfaction of the consent authority.

7. 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: waterdevelopment@powerwater.com.au and powerconnections@powerwater.com.au

Notes

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. This development permit is not an approval to undertake building work. 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 demolition or construction works.
3. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind

Tennant Creek DCA Meeting No 69 – Monday 17 February 2025

4. 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) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
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

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

The NT Planning Scheme 2020 applies to the land and dwelling group x 3 requires consent under Clause 1.8 (When development consent is required). It is identified as *merit assessable* under Clause 1.8(1)(b)(ii)(2) therefore the zone purpose and outcomes of Clause 4.3, and the relevant development requirements as outlined within Part 5 of the NT Planning Scheme 2020 as follows;

4.3 Zone Low Medium Density Residential

5.2.1 General Height Control

5.2.4.1 Car Parking Spaces

5.2.4.4 Layout of Car Parking Areas

5.2.6.1 Landscaping in Zones other than Zone CB

5.4.1 Residential Density

5.4.3. Building Setbacks of Residential Buildings and Ancillary Structures

5.4.3.2 Distance Between Residential Buildings on One Site

5.4.6.1 Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group

5.4.8.1 Residential Building Design

5.4.17 Building Articulation

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

- 5.4.1 Residential Density
- 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures

Tennant Creek DCA Meeting No 69 – Monday 17 February 2025

- 5.4.6.1 Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group
2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 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)

Clause 5.4.1 Residential Density

The purpose of Clause 5.4.1 is to ensure that the development of residential buildings:

- (a) is of a density compatible with adjoining or nearby existing development or development reasonably anticipated;
- (b) is of a density compatible with the existing or planned provision of reticulated services and community facilities which will service the area;
- (c) is consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations.

Sub clause (2) of Clause 5.4.1 outlines that the maximum number of dwellings that may be constructed on a site is to be determined in accordance with Table A, B, C or D (as the case requires) to this clause.

Table A to Clause 5.4.1 requires that 1 dwelling per 300m² is required a dwelling group development on land that is zoned LMR. The proposal does not comply Table A to Clause 5.4.1 because the development would result in a 1 dwelling per 238m² of area.

The consent authority may consent to a development that is not in accordance with subclause 2 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

A variation is supported to Clause 5.4.1 because land is connected to reticulated services which only require upgrading to support the development. Although the size and shape of Lot 171 is unique for land that is zoned LMR, the design of the proposed dwellings is an attempt at maximising the use of the ground level and avoid vehicles being parked on the street or within the driveway.

The land is not subject to any land constraints and is provided with access from two roads which the development intends to utilise. The adjoining properties are zoned LMR but are only utilised with single dwellings that predate the commencement of the Planning Act 1999. As a result, the proposal is not

Tennant Creek DCA Meeting No 69 – Monday 17 February 2025

considered to be compatible with the adjoining properties, however, recent development on LMR zoning within Tennant Creek is experiencing an increase in dwelling density which is considered a beneficial response to the purpose of LMR zoning because it is a response to changing community need.

Clause 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures

The purpose of Clause 5.4.3 is to ensure that residential buildings and ancillary structures are located in a manner that:

- (a) is compatible with the streetscape and surrounding development including residential buildings on the same site;
- (b) minimises adverse effects of building massing when viewed from adjoining land and the street;
- (c) avoids undue overlooking of adjoining properties; and
- (d) facilitates breeze penetration through and between buildings.

The development does not comply with sub clause (6)(a) of Clause 5.4.3 Table A to Clause 5.4.3 Minimum building setbacks for residential buildings and ancillary structures in zones other than RR, RL, R, H and A.

Table A outlines that the development of a residential building is required to provide a 6m building setback from the primary street boundary. The development does not comply because unit 1 will result in a building setback shortfall of 200mm (from its wall to the front boundary).

The existing dwelling on Lot 171 does not comply with Table A to Clause 5.4.3 because the development of a residential building is required to provide a building setback of 1.5m (the existing building sits 1m off the side boundary adjoining Lot 2156).

Sub clause (3) of Clause 5.4.3 states that the consent authority may consent to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

A variation is supported to Clause 5.4.3 for the following reasons

- The reduced building setbacks are considered minimal shortfalls and are not anticipated to detract from the existing amenity of the streetscape.
- Although the proposed development is 8.25m in height, the building setback relates to the primary street which does not create overlooking on to any adjoining buildings.
- The existing building with a 1m building setback from the side boundary does not create overlooking as it is not sharing an interface with the adjoining residential building and associated ancillary structures.
- The design of the proposed dwellings can facilitate breeze infiltration due to the undercroft design which is opened on all sides.

Tennant Creek DCA Meeting No 69 – Monday 17 February 2025

- The reduced buildings setbacks are compatible with development in the immediate area which consists of varying building setbacks and building orientations.

Clause 5.4.6.1 Private Open Space to Dwellings – Single, Dwellings - Independent and Dwellings – Group

The purpose of Clause 5.4.6.1 is to extend the function of a dwelling and enhance the residential environment by ensuring that each dwelling has private open space that is:

- (a) of an adequate size to provide for domestic purposes;
- (b) appropriately sited to provide outlook for the dwelling;
- (c) open to the sky and sufficiently permeable to allow stormwater infiltration and lessen runoff from the site; and
- (d) inclusive of areas for landscaping and tree planting

Sub clause (2)(a) of Clause 5.4.6.1 “Table to Clause 5.4.6.1 Minimum Areas of Private Open Space for Dwellings – Single, Dwellings – Group and Dwellings – Independent” directs development to provide.

- (A) 45m² open vertically to sky with no dimensions less than 1.5m; and
- (B) 24m² all or partly covered, with no dimension less than 4m.

The proposed dwellings do not comply because the development only provides a functional area “open vertically to sky” of 36m² for Unit 1 and 38m² for Unit 2. The allocated POS areas are accessed via stairways and the laundry. As a result, it is considered that the development does not comply with sub clause (2)(b) of Clause 5.4.6.1 because POS should be directly accessible from the dwelling and enable an extension of the function of the dwelling.

Sub clause (1) of Clause 5.4.6.1 states that consent authority may consent to private open space that is not in accordance with sub-clauses 2 and 3 only if is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

A variation to Clause 5.4.6.1 is supported for the following reasons

- Although Lot 171 is notably small for land that is zoned LMR, the design of the proposed dwellings allows for parking spaces to not impede the allocated POS which are each provided separate access via staircases.
- The non-compliant “direct access” is counterbalanced by the inclusion of patio/balconies for each proposed dwelling. Each balcony is directly accessed via the living areas.
- The functional POS calculation does not include the areas set aside for the laundry clothesline.
- The allocated POS provides compliant dimensions for the purpose of deep soil planting allowing the area to be purposed for residential amenity by the occupants.

Tennant Creek DCA Meeting No 69 – Monday 17 February 2025

- The allocated POS is within areas that coincide with compliant side building setbacks which can assist stormwater infiltration towards permeable and landscaped areas.
 - Ground level walling between each undercroft allows for a level of privacy between allocated POS.
3. Pursuant to section 51(1)(j) of the Planning Act 1999, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

No overlays or notable land form restrict the capability of the land from supporting the development of two additional dwellings. The land is zone LMR (Low Medium Density Residential) and is connected to reticulated services which are subject to servicing upgrades to support the increased load.

4. Pursuant to section 51(1)(n) of the Planning Act 1999, 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.

Subject to the development complying with the permit conditions and advisory notes, the proposed development is considered to provide an increased quality of amenity for Lot 171 and the streetscape.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

**ITEM 2
PA2024/0239**

**COMMUNITY ACCOMMODATION VILLAGE WITH ANCILLARY
COMMUNITY CENTRE AND OFFICE IN MULTIPLE BUILDINGS
LOT 1238 (33) LEICHHARDT STREET, TOWN OF TENNANT CREEK
CUNNINGTON ROSSE TOWN PLANNING AND CONSULTING**

APPLICANT

Attended via teams: Applicant: Gerard Rosse (Cunnington Rosse Town Planning and Consulting), Jared Collins (Department of Housing Local Government and Community Development), Jason Randall (Department of Housing Local Government and Community Development) and Mark Rodt (Department of Logistics and Infrastructure).

Attended in person: Soana Vaihu (Department of Children and Families) and Clarissa Burgen (Department of Housing Local Government and Community Development).

Tennant Creek DCA Meeting No 69 – Monday 17 February 2025

**RESOLVED
07/25**

That, pursuant to section 46(4)(b) of the Planning Act 1999, the Development Consent Authority defer consideration of the application to develop Lot 1238, (33) Leichardt Street, Town of Tennant Creek for the purpose of a community accommodation village with ancillary community centre and office in multiple buildings.

The Authority requires the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. Additional information provided clearly outlining why the proposal can be considered to be an “undefined use” and why it does not fit in any of the existing definitions (in particular outline why it does not fit into the existing definition of “Caravan Park”).
2. Further justification as to how the provision of accommodation can fit with the Community Purpose (CP) zone.
3. Confirmation that the application has been properly advertised (or re-exhibition of the proposal)
4. Provision of a Management Plan for the facility clearly outlining how the facility operates.

REASONS

The application is seeking to establish a use described as a community accommodation village (visitor park) with ancillary recreation hall and office in multiple buildings at Lot 1238 (33) Leichardt Terrace, Town of Tennant Creek. The subject site is positioned on the south-west corner of the land and comprises Lot C on the drawing number: 2021/0309/01A issued under Development Permit DP22/0062A. The site has an area of 1 hectare within Zone CP (Community Purpose) of the Northern Territory Planning Scheme 2020 (NTPS2020).

The purpose of Zone CP is to provide for community services and facilities, whether publicly or privately owned or operated, in locations that are accessible to the community that it serves. Part 4 of the NTPS 2020 establishes the relevant zones and assessment tables. Clause 4 provides that the process to determine the assessment category and relevant requirements is to:

- (a) establish which definition in Schedule 2 applies to the use or development;
- (b) refer to the relevant zone map to identify the zone applicable to the site of the use or development, any relevant overlays or applicable components of the strategic framework;
- (c) refer to the assessment table to identify:
 - i. the assessment category applicable to the development;
 - ii. Any Overlays applicable to the site; and
 - iii. Development Requirements relevant to the defined use.

If a use is identified as “Prohibited” within the relevant Zone Assessment Table, the consent authority has no power to consider an application for such use. The listed uses in the Assessment Table for Zone CP exclude residential uses and are, by and large, limited to non-accommodation type uses. The Zone Outcomes of Clause 4.22 indicate the types of uses that would be expected in the Zone. For

Tennant Creek DCA Meeting No 69 – Monday 17 February 2025

example, Clause 4.2.2.1 identifies that “Community services and facilities such as medical clinic, place of worship, education establishment, emergency services facility, exhibition centre, residential care facility, community centre and childcare centre” are to be established to meet the social, educational, spiritual, cultural or health needs of the community.

At the meeting, the Authority outlined concerns that the use as detailed in the Development Application may fit the definitions of a number of defined uses, including “caravan park” in Schedule 2 of the NTPS 2020, and noted that such uses, as discussed below, are prohibited in the Zone.

Caravan Park is defined in Schedule 2 of the NTPS2020 as meaning “*land used for the parking of caravans or the erection or placement and use of tents or cabins for the purpose of providing accommodation, the use may include, where ancillary, a manager’s residence and office, bar-small, food premises-cafe/take away, food premises-restaurant, shop, amenity buildings, and the provision of recreation facilities for the use of occupants of the caravan park and their visitors*”.

The Chair noted that it was hard to see how the proposal did not fit into this definition and also queried the on-site community centre aspect (and its location on the drawings) with the Schedule 2 definition of community centre being “*community centre means a building or part of a building used for providing artistic, social or cultural facilities and community support services to the public and may include where ancillary an office or the preparation and provision of food and drink*”. It is clear however from the application materials that the facility will not be available to the public and will be intended for the use of residents only.

The applicant Mr Gerard Rosse attended via teams and spoke further to the application and reasons as to why he was of the view that the proposed is an undefined use. Mr Rosse noted that that while the report discussed the definition of a Caravan Park that the proposal does not accept the Report’s discussion as it would be misleading to the community to refer to the proposal as a caravan park because it is not used to be used for commercial activity or open to the general public. The applicant outlined that the facility was appropriate for the CP (Community Purpose) zone as it facilitates access to community services in Tennant Creek for people from remote indigenous communities currently accessing services within the wider Barkly region. The Authority noted that the clear wording of the definition had no requirement that a caravan park be a commercial use nor open to the public. The Authority also noted the reference in the Report to Lot 8132 Town of Alice Springs – “*The term visitor park has been adopted, similar to its use at Lot 8132 Town of Alice Springs, as it refers to temporary accommodation for people from remote areas needing to access essential community services that are only available in urban centres.*” However, the Authority highlighted that Lot 8132 was created through a specific use zone for the purpose of facilitating the use and development of the land for short-term managed accommodation. It explicitly uses the terms “caravan park”, “hostel” and “supporting accommodation” to describe the use.

The Authority notes that the Development Application seeks to characterise the use as “undefined” and therefore impact assessable in the CP zone but does not consider that the application materials exclude defined uses that are prohibited in the CP Zone, particularly, “caravan park”. The Authority further notes that the Report attempts to distinguish the proposed use from “Hotel/Motel on the basis

Tennant Creek DCA Meeting No 69 – Monday 17 February 2025

that it is not a commercial activity, such as a hotel, because it is essentially for purpose of providing affordable accommodation for individuals and families receiving Australian Government income support. However, the Authority notes there is no requirement that a Hotel/Motel be a commercial activity. The definition states *hotel/motel means premises primarily used for the short-term accommodation of travellers. The use can include where ancillary, meeting and function rooms, food premises-restaurant, a bar-small, and recreation facilities, but does not include a bar-public, club, or nightclub entertainment venue.* Similarly, the definition of “Rooming Accommodation” is dismissed, although it is acknowledged that “*the proposed development may be considered as a hostel in nature,*” because “*the use is not open to the public because its aim is to serve members of Aboriginal communities from remote area and provide temporary accommodation while they visit Tennant Creek for essential services*”. The Authority again notes that there is no such requirement that the rooming accommodation be open to the public.

The Authority reiterates that it does not have power to consider a Development Application that is for a prohibited use in a zone and that it considers that the materials to date, including the proposed permit, contain no material to exclude defined uses in Schedule 2 of the NTPS 2020.

Further, if the proposed use can be characterised as “undefined”, Clause 4.22.5 requires that such development may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development. Given that accommodation and residential uses are not generally recognised within the CP Zone, the Authority requires further justification for the provision of such services within the zone.

The Authority raised concerns about the advertising requirements noting that the only evidence supplied to the Authority was one image of an unreadable pink sign on site. The Authority requires further proof that exhibition and notification requirements had been met or should be subject to additional notification.

It was accepted by the applicant that additional information could be provided confirming advertising requirements had been met along with further clarity to the consent authority that the use only meets the definition of undefined use so that they have power to make a decision.

At the meeting, the Authority raised concerns about how the site would be managed if the use of the land is undefined. The Authority and the applicant agreed that the development of an “Operational Management Plan” may be a useful way forward to clarify how the site should operate on a daily basis. Once developed a copy of this plan should be provided to the Authority as part of additional information.

FOR: 4

AGAINST:

ABSTAIN: 0

ACTION: Notice of Deferral

Tennant Creek DCA Meeting No 69 – Monday 17 February 2025

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

SUZANNE PHILIP

Chair

26 February 2025