



DEVELOPMENT CONSENT AUTHORITY

TENNANT CREEK DIVISION

MINUTES

MEETING NO. 72 – MONDAY 15 JUNE 2026

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

MEMBERS PRESENT: Suzanne Philip (via Teams), Narelle Bremner, Bonita Thompson, Gregory Marlow

APOLOGIES: Penelope Cowin

LEAVE OF ABSENCE: None

OFFICERS PRESENT: Sebit Rambang (via Teams) Kieran Marsh, Dennis Rop (Development Assessment Services)

COUNCIL REPRESENTATIVE: None

Meeting opened at 10:20 am and closed at 11:47 am

Tennant Creek DCA Meeting No 72 – Monday 15 June 2026

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 **SHOP AND FOOD PREMISES-CAFÉ/ TAKEAWAY WITH REDUCED CAR**
PA2026/0013 **PARKING**
LOT 48, 49 & 382, (128), (136) & (146) PATERSON STREET, TOWN OF
TENNANT CREEK
APPLICANT **MASTERPLAN SA PTY LTD**

Applicant: George Dakis (Masterplan Pty Ltd) attended via Teams

Paul Pizzolato – (APC Manufacturing and Logistics) attended via Teams

RESOLVED
09/26

That, the Development Consent Authority vary the requirements of Clause 5.2.4.1 (Car Parking Spaces) Clause 5.2.5 (Loading Bay), Clause 5.5.15 (Design in Commercial and Mixed Use Areas) and Clause 5.5.17 (Building Frontage in Commercial and Mixed Use Areas) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 49 (136) Paterson Street, Town of Tennant Creek for the purpose of shop and food premises-café/ takeaway with reduced car parking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, an updated traffic impact assessment report is to be prepared by a suitably qualified traffic engineer with attention to the car parking layout of the site and modify plans to show the following, to the satisfaction of the consent authority.
 - (a) Swept paths for vehicle entering and exiting the car parking bays at the rear of the building and;
 - (b) Demonstrate that the proposed 90-degree car parking bays are safer and preferred over angle car parking spaces at the rear of the site

2. Prior to the endorsement of plans and prior to commencement of works, amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Site layout that is consistent with the updated traffic assessment report;
 - (b) Storage for waste disposal bins to the requirements of Barkly Regional Council to the satisfaction of the consent authority.
 - (c) Removal of the temporary car parking lanes to ensure that front driveway and temporary parking lanes will not be used for drive-thru purposes;
 - (d) Redesign of the front driveway area and consider moving the building forward and improved landscaping and planting of additional trees within the lot frontage suitable to Arid Climate, that can provide shade when at mature growth or;
 - (e) Any design feature that provides an alternative response for shading

Tennant Creek DCA Meeting No 72 – Monday 15 June 2026

3. Prior to the commencement of works, confirmation is to be provided to the consent authority that a right of way or access easement has been created and registered with the Surveyor General over lots 48 and 382 (128 and 146 Paterson Street, Tennant Creek) Town of Tennant Creek to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. The works carried out under this permit shall be generally in accordance with the drawings endorsed as forming part of this permit.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Barkly Regional Council (Rear Laneway) and Transport and Civil Services Division of the Department of Logistics and Infrastructure (Paterson Street) to the satisfaction of the consent authority.
6. All proposed works impacting on Paterson Street are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of Transport and Civil Services Division of the Department of Logistics and Infrastructure), Drawings must be submitted to the (Council or Transport and Civil Services Division of the Department of Logistics and Infrastructure), for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Transport and Civil Services Division of the Department of Logistics and Infrastructure), to the satisfaction of the consent authority.
8. 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.
9. 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 on the plan of subdivision submitted for approval by the Surveyor General.
10. 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.
11. 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.
12. 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.

Tennant Creek DCA Meeting No 72 – Monday 15 June 2026

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

14. The owner shall:
- (a) remove disused vehicle crossovers;
 - (b) provide footpaths
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;
- all to the technical requirements of and at no cost to Transport and Civil Services Division of the Department of Logistics and Infrastructure), to the satisfaction of the consent authority.

15. 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 2 for further information.

16. Storage for waste disposal bins is to be provided to the requirements of Barkly Regional Council to the satisfaction of the consent authority.
17. The use of the land or premises for the purpose of a drive through is not permitted.

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.

Tennant Creek DCA Meeting No 72 – Monday 15 June 2026

3. 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 8936 4070 to determine if the proposed works are subject to the Act.
4. A “Permit to Work Within a Road Reserve” is required from Transport and Civil Services Division of the Department of Logistics and Infrastructure, before commencement of any work within the road reserve.
5. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Northern Territory Aboriginal Sacred Sites Act 1989. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.

REASONS FOR THE DECISION

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 application seeks development permit for a shop and food premises-café/takeaway with reduced car parking. The proposed development primarily consists of a prefabricated containers design with 4 roller/server windows and a cool room for sales. The internal floor area of the main building consists of approx. 236m² with cool rooms and a kitchen layout. The proposal includes 8 on site car parking spaces, temporary parking spaces, one loading bay and an ingress/ egress driveway with landscaping proposed along the boundary.

The proposed driveway encroaches into the adjoining lots and therefore an access easement is conditioned to be registered over part of Lot 48, and 382 (128 and 146 Paterson Street, Tennant Creek) Town of Tennant Creek prior to the commencement of works.

The NT Planning Scheme 2020 applies to the land and shop and food premises café/ takeaway 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 following provisions of the Planning Scheme need to be considered.

- Clause 4.11 Zone C (Commercial)
- Clause 5.2.1 (General Height Control)
- Clause 5.2.4.1 (Car Parking Spaces)
- Clause 5.2.4.4 (Layout of Car Parking Areas)
- Clause 5.2.5 (Loading Bay)
- Clause 5.2.6.1 (Landscaping in Zones other than Zone CB)
- Clause 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR and HR)
- Clause 5.5.2 (Commercial Plot Ratio)

Tennant Creek DCA Meeting No 72 – Monday 15 June 2026

- Clause 5.5.11 (Food Premises)
- Clause 5.5.15 (Design in Commercial and Mixed-Use Areas)
- Clause 5.5.17 (Building Frontage in Commercial and Mixed-Use Areas)

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

- Clause 5.2.4.1 (Car Parking Spaces)
- Clause 5.2.5 Lading Bay)
- Clause 5.5.15 (Design in Commercial and Mixed Use Areas)
- Clause 5.5.17 (Building Frontage in Commercial and Mixed Use Areas)

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).

George Darkis and Paul Pizzolato attended the meeting via Microsoft Teams and spoke to their application.

George Darkis on behalf of the applicant highlighted that the proposed use is for the purpose of shop (liquor store) and food premises- café/takeaway (pizza store) with reduced car parking only and is not for a drive-through either in respect of the bottle shop or the food premises. Mr Dakis acknowledged the recommendation made by Development Assessment Services (DAS) and requested that the Development Consent Authority (the Authority) note there is no intention to have a drive-thru for the shop or fast-food outlet.

Mr Dakis acknowledged the variations sought as listed above and the recommended conditions in DAS report. However, Mr Dakis suggested that the Authority reconsider any conditions president in the determination. Nonetheless, Mr Dakis welcomed questions and outlined that the applicant is open to discussion with the Authority to improve the development outcome.

The Authority questioned if the proposed bottle shop will be associated with the hotel on Lot 382 Town of Tennant Creek. Mr Pizzolato on behalf of the applicant explained that the hotel next door has a liquor licence for a bottle shop which will be ceased and relocated to the proposed site upon completion of the development.

Clause 5.2.4.1 Car Parking Spaces

The development does not comply with sub-clause 5 of Clause 5.2.4.1 in that 8 car parking bays and 3 temporary parallel parking bays in front of the shop and food-premises are proposed instead of 14 car spaces resulting in a shortfall of 3 car parking spaces.

Tennant Creek DCA Meeting No 72 – Monday 15 June 2026

The Authority acknowledged the variation sought and applicant's intention to have a development that does not include a drive-thru component, The Authority asked the applicant if they had any objection to a condition that would ensure 'no drive-thru is permitted' on the subject site and the applicant did not raise any objection to the proposed condition.

Administratively, the consent authority may consent to use or development that is not in accordance with sub-clause 5 if it is satisfied a reduction in the number of car parking spaces is appropriate with regard to:

- a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land.*
- b) the provision of car parking spaces in the vicinity of the land.*
- c) the availability of public transport in the vicinity of the land.*
- d) the potential impact on the surrounding road network and the amenity of the locality and adjoining property; and*
- e) if the use or development relates to a heritage place and the Minister responsible for the administration of the Heritage Act 2011 supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place.*

The purpose of Clause 5.2.4.1 is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of a site.

The applicant and the Authority agreed that, given the availability of on street parking and the co-location of the proposed development and the existing hotel and associated parking, the proposed use is generally consistent with the purpose of Clause 5.2.4.1. The off-street car parking, subject to removal of the temporary car parks as discussed below, is constructed to a standard and is conveniently located, to service the proposed use of a site.

A variation is supported in this instance because development is intended for pizza shop and bottle shop that are of scale and size which does not encourage customers to stay for long period of time. The pizza store is for take-way and does not provide any seating for customer to dine-in. Additionally, the liquor store appears to have a servery window for faster turn-around for customers.

During the deliberation, the Authority determined to include condition precedent 1, 2 and general condition 17 on the development permit. Condition precedent to ensure that prior to endorsement of plan, plans are to be amended to be consistent with the updated traffic impact assessment, remove temporary car parking lanes and driveway and redesign the site to improve character from the street and improve landscaping. General condition 17 ensures that drive-thru service is not permitted on the site.

Clause 5.2.5 Loading Bay

The development does not comply with subclause 3 of Clause 5.2.5 in that 2 loading bays are required but only 1 loading bay is provided onsite.

Tennant Creek DCA Meeting No 72 – Monday 15 June 2026

The Authority questioned the size and type of delivery vehicles anticipated. The applicant explained that both uses are anticipated to be serviced by vans and small refrigerated trucks. The space identified as loading bay measures approx. 4.3m x 16.8m which is significantly greater than 3.5m x 7.5m which is required by the Scheme. The Authority considered the proposed loading bay to be sufficient to service both liquor store and pizza shop.

Administratively, the consent authority may consent to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:

- a) the scale of the use and development on the site;*
- b) any potential adverse impacts on the local road network; and*
- c) any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or secondary street.*

The purpose of Clause 5.2.5 is to provide for the loading and unloading of vehicles associated with the use of land.

A variation to Clause 5.2.5 is supported for the following reasons;

- The floor area proposed as part of the development forms both defined uses. Therefore, it is considered that one loading bay located within the site can support the development.
- The location of the loading bay is at the rear of the site adjoining the boundary that meets the rear laneway. The drawings indicate the adaption of new 2.1m high fencing along the rear which assumes that no access via the rear laneway for vehicles will form part of the development.
- No impacts with the local road network are anticipated.
- The dimensions of the loading bay exceed the measurement (3.5m x 7.5m) requirements listed within sub clause 4 of Clause 5.2.5.

Clause 5.5.15 Design in Commercial and Mixed-Use Areas

The development does not comply with sub clause 17 as no awning or verandah is proposed to support the development.

Sub clause 5 of Clause 5.5.15 states that the consent authority may consent to a development that is not in accordance with sub-clause 17 if it is satisfied that:

- a) the development provides a considered response to the established character of the streetscape; and*
- b) the development provides an alternative response for shading.*

The purpose of Clause 5.5.15 is to encourage a diverse mix of commercial and mixed-use developments that are safe, contribute to the activity and amenity of commercial centres, are appropriately designed for the local climate, and minimise conflicts between different land uses within and surrounding the commercial centre.

Tennant Creek DCA Meeting No 72 – Monday 15 June 2026

The Authority asked the applicant if landscaping with shade trees and/or development may provide an alternative character to the streetscape if the temporary parking lanes and driveway is removed from the front of the buildings. The applicant acknowledged that the landscaping would improve if those car parking lanes were moved subject to further variation to the car parking requirements.

During the deliberation, the Authority determined to include condition precedent 1, 2 and general condition 17 on the development permit. The Authority highlighted that if a drive-through was included, Clause 5.2.4 would require 10 further spaces for cars being served or awaiting service. The applicant was adamant that there was to be no such component to the development. The Authority considers that the removal of the front driveway, and 3 temporary car parking lanes will prevent the potential use of a defacto drive-through. It also allows the building to be relocated toward the front setback and the provision of additional spaces at the rear, allowing the car parking area to be redesigned as per conditions precedent.

A variation is supported in this instance because the revised plans requested can accommodate additional shade trees within the front boundary or alternative response for shading as per condition precedent 2. This shall result in planting of native trees that can provide decent canopy at mature growth and improve amenity appearance of the site.

Clause 5.5.17 Building Frontage in Commercial and Mixed Use Areas

The development does not comply with sub-clause 6 of Clause 5.5.17 in that no awning or shade structure is proposed within the primary street/ building frontage. It is noted that existing buildings along Paterson Street pertain verandahs and awnings.

Sub clause 3 of Clause 5.5.17 states that *the consent authority may consent to a development that is not in accordance with sub clause 6 if the development provides appropriate shading for pedestrians adjacent to the primary frontage.*

The purpose of Clause 5.5.17 is to encourage primary frontages of commercial buildings to contribute to a pleasant pedestrian environment and provide visual connectivity with their surroundings.

A variation is supported in this instance because the development can be amended to include two native trees that can provide canopy when at a mature growth. Additionally, it is noted that the development intends to retain the existing stone masonry wall which may retain the character of the site but may also limit the growth of trees/landscaping.

A condition precedent requesting amended plans is included on the development permit recommending that the applicant consider all design options that can provide appropriate shading for pedestrians adjacent to the primary frontage.

Tennant Creek DCA Meeting No 72 – Monday 15 June 2026

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.

The land is not currently connected to power and servicing upgrades to the water and sewerage connection would be required to support the development. The land parcel is currently empty and includes a rear laneway. The adjoining parcels (Lot 48 and 382) are freehold to the same landowner who intends to register a right of way easement to formalise the ingress and egress driveway layouts. The historical land use has supported commercial activity which is not impacted by land constraints such as flooding.

The Authority acknowledged the right of way easement over the adjoining sites is preferred by the applicant as it can be achieved faster than consolidation of lots as explained by Mr Pizzolato. The Authority questioned the location of waste storage/bins area on the proposed site plan and the applicant explained that waste storage will be located at the rear of the building near the loading bay and noted that there is no objection to condition precedent that request for amended drawings with a bins area identified.

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.

Given the conditions precedent included in the proposed permit, no undue impacts on amenity are anticipated. The development is noted as being prefabricated which is not ideal with consideration of the specific development requirements within Part 5 of the NTPS 2020. Nevertheless, it is noted that that buildings will be designed and appear as consistent with established development on Paterson Street and the development is to include native trees along the Paterson Street boundary. The provision of native trees can assist with canopy into the future and support amenity of the site.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

22 June 2026