



DEVELOPMENT CONSENT AUTHORITY

TENNANT CREEK DIVISION

MINUTES

MEETING No. 26 – MONDAY 4 APRIL 2011

PHONE CONFERENCE
DEPARTMENT OF LANDS AND PLANNING
LEICHHARDT STREET, TENNANT CREEK

MEMBERS PRESENT: Peter McQueen (via phone link Darwin), Ray Wallis (excluding item 3), Tony Boulter (via phone link Alice Springs), Barbara Shaw and Hal Ruger (excluding item 3)

APOLOGIES: Nil

OFFICERS: Melissa Pascual (minutes) (via phone link Alice Springs) and Bonnie Kappler-Thompson

COUNCIL REPRESENTATIVE: Eric Schoppe

Meeting opened at 2:20pm and closed at 4:05pm

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 – DEMOUNTABLE STRUCTURE (SEA CONTAINER) FOR
 USE AS SHOP
 LOT 183, 52 PATERSON STREET, TOWN OF TENNANT CREEK
 HOCANE PTY LTD

Brain McDuffly attended on behalf of the applicant Hocane Pty Ltd.

RESOLVED That, pursuant to section 53(a) of the Planning Act, the Development Consent
0004/11 Authority consent to the application to develop Lot 182, 52 Paterson Street,
 Tennant Creek for the purpose a demountable structure to be used as a shop,
 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 plans submitted with the application but modified to show the provision of adequate car parking and a loading bay area.

CONDITIONS

2. Works carried out under this permit shall be in accordance with plans endorsed as forming part of this permit.
3. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. transport of materials, goods or commodities to or from the land
 - b. appearance of any building, works or materials
 - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
4. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunications services to the land shown on the

endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

6. Electrical reticulation to the development must be provided to the requirements and satisfaction of the Power and Water Corporation (PAWC), at no cost to that Corporation.
7. Any works, required by the Power and Water Corporation (PAWC) to upgrade, extend or augment existing PAWC infrastructure (including off-site works), must be undertaken by the developer, to the satisfaction of Power and Water Corporation (PAWC) at no cost to that Corporation.
8. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Barkly Shire Council or the Department of Lands and Planning, Road Network Division, where relevant, to the satisfaction of the consent authority.
9. 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 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.
10. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
11. 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.
12. Notwithstanding the approved plans, all signage is subject to Barkly Shire Council and/or the Road Network Division, Department of Lands and Planning approval, at no cost to those authorities.
13. All proposed works impacting on the rear laneway or 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 the Barkly Shire Council or Chief Executive Officer, Department of Lands and Planning. Drawings must be submitted, where relevant, to the Council or Senior Director, Road Network Division of the

Department of Lands and Planning for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

NOTES:

1. This development permit does not grant "building approval" for a development or use. You are advised to contact a registered private building certifier to ensure that you have attained all necessary approvals before commencing construction or the approved use. The Building Advisory Services Branch (89519235), Department of Lands and Planning may also be able to advise you with regard to Building Permit requirements.
2. A 'Permit to Work within a Road Reserve' may be required from the Construction Division before commencement of any work within the Paterson Street road reserve.
3. Notwithstanding the approved plans, all signage is subject to Barkly Shire Council approval, at no cost to Council.

VARIATIONS

1. Clause 6.5.1 (Vehicle Parking) of the Northern Territory Planning Scheme.

REASONS

1. 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 proposal is consistent with the purpose of zone C (Commercial) and complies with all relevant provisions of the NT Planning Scheme with the exception of Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme.
2. The conditions of approval are intended to assist in ensuring the orderly servicing, use and development of the site.

ACTION:

DAS to prepare Development Permit and Notice of Consent to applicant.

ITEM 2

DEVELOPMENT – GENERAL INDUSTRY (SHED AND OFFICE) AND CARETAKERS RESIDENCE WITH FLOOR AREA IN EXCESS OF 50M² LOT 1198, 37 BROWN STREET, TOWN OF TENNANT CREEK PROBUILD PTY LTD

Josef Penaluna representing Probuild Pty Ltd attended the meeting.

RESOLVED
0005/11

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to use and develop Lot 1198, 37 Brown

Street , Tennant Creek, for the purposes of General Industry (shed and office) and Caretakers Residence with floor area in excess of 50m² 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 plans submitted with the application but modified to show floor plans, private open space, landscaping and fencing for the Caretaker's Residence.

CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered PA2011/0073/1 to PA2011/0073/4 endorsed as forming part of this permit.
3. Before the approved use commences, 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
 - c) with the plans;
 - d) surfaced with compacted cracker dust treated to suppress dust at all times;
 - e) drained;
 - f) marked to indicate each car space and all access lanes; to the satisfaction of the consent authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.
4. 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.
5. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors / clients.
6. 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.
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. All areas of the site that are not occupied by buildings, landscaping, car parking or driveways shall be maintained in a condition so they will not cause detriment to the amenity of the locality by reason of appearance or the emission of dust.
9. The loading and unloading of goods and persons from vehicles must only be carried out on the land (within the designated loading areas and must not disrupt the circulation and parking of vehicles on the land).
10. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Barkly Shire Council, to the satisfaction of the consent authority.
11. Storm water is to be contained within the site or collected and discharged into the drainage network to the technical standards of and at no cost to Barkly Shire Council to the satisfaction of the consent authority.
12. 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.

NOTES:

1. This development permit does not grant 'building approval' for a development or use. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction or the approved use. The Building Advisory Services Branch (89519235), Department of Planning and Infrastructure may also be able to advise you with regard to Building Permit requirements.
2. The owner of the land or the operator of the premises shall ensure that dignified access to the development is provided for persons with a disability. Due consideration should be given to the guidelines given by the Human Rights and Equal Opportunities Commission: http://www.hreoc.gov.au/disability_rights/buildings/guidelines.htm
3. The Building Code of Australia stipulates the required number of disabled car parking spaces to service the use of the building.
4. Any construction or planting within the Power and Water Corporations power supply, water supply and/or sewerage easements, or adjacent to Power and Water Corporation assets within road reserves shall be in

accordance with the requirements of the Power and Water Corporation.

REASONS

1. The development meets most of the relevant planning scheme requirement and is consistent with the form of development expected within Zone GI (General Industry) of the Northern Territory Planning Scheme .
2. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates. On merit the application to vary the floor area requirements to allow a Caretaker's Dwelling with a floor area of 96m² 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.
3. The conditions of approval are intended to assist in ensuring the orderly servicing and development of the property.

ACTION:

DAS to prepare Development Permit and Notice of Consent to applicant.

ITEM 3 DEVELOPMENT – DEVELOP BEER GARDEN INCORPORATING TWO SHADE STRUCTURES LOT 2422, 48 SCHMIDT STREET, TOWN OF TENNANT CREEK PROJECT BUILDING CERTIFIERS

Rodney Molyneux from Project Building Certifiers attended the meeting. Mr Ray Wallis provided comment in support of the application.

Mr Ray Wallis and Mr Hal Ruger, members of the Development Consent Authority declared an interest pursuant to section 97(1) of the *Planning Act*, and were absented from the meeting for the deliberation of this item.

RESOLVED 0006/11

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 2422, 48 Schmidt Street, Tennant Creek to require the application to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- A report identifying the specifications of the sound proofing material to be installed along the eastern fence line of the beer garden and demonstrating that when installed sound levels from the proposed beer garden, when measured from the effected adjoining land in accordance with paragraphs 11, 12 and 13 of the 2007 NRETAS draft "Noise Guidelines for Entertainment Venues" will not exceed the maximum level specified in paragraph 10 of the said guidelines; and
- Amended site plans and elevations showing the extent (and height) of the

specified noise barrier fencing.

ACTION: DAS to notify the applicant of deferral

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



PETER MCQUEEN
Chairman

13/4/2011