

DEVELOPMENT CONSENT AUTHORITY

TENNANT CREEK DIVISION

MINUTES

MEETING No. NO 35 – WEDNESDAY 25 SEPTEMBER 2013

**PYRAMID ROOM
BARKLY SHIRE COUNCIL
TENNANT CREEK**

MEMBERS PRESENT: Peter McQueen (via telephone), Ray Wallis and William Boulter

APOLOGIES: Hal Ruger

OFFICERS PRESENT: Peter Somerville, Ben Taylor (via telephone)

COUNCIL REPRESENTATIVE : Erich Schoppe

Meeting opened at 1:00pm and closed at 2:00pm

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 RECONSIDERATION – CHANGE OF USE (PART OF SITE) FROM OFFICE TO MEDICAL CLINIC & CONSTRUCT EMERGENCY STAIRS
LOTS 50 & 51, 164 & 172 PATERSON STREET, TOWN OF TENNANT CREEK
SCOTT ANDERSON**

Mr Scott Anderson attended the meeting in support of the application.

**RESOLVED
0019/13**

That, the Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements) and Clause 6.5.3 (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 Lots 50 & 51, 164 & 172 Paterson Street, Town of Tennant Creek for the purpose of change of use (part of site) from Office to Medical Clinic and construct emergency exit stairs and car parking area, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. 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 land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. 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.
4. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Department of Transport (Paterson Street) and Barkly Shire Council (laneway), to the satisfaction of the consent authority.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Department of Transport (Paterson Street) and Barkly Shire Council (laneway) to the satisfaction of the consent authority.
6. Storage for waste disposal bins is to be provided to the requirements of Barkly Shire Council to the satisfaction of the consent authority.
7. 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 or suitably dust suppressed;

(d) line marked or suitably 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.

8. 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.
9. 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 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.
2. A Permit to Work Within a Road Reserve may be required from the Department of Transport and the Barkly Shire Council before commencement of any work within the road reserve.
3. This development permit does not grant building approval for the building(s) or use. 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.
4. Notwithstanding the approved plans, the demonstrated awning in the Department of Transport's road reserve is subject to the Department of Transport's approval at no cost to that agency.

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 changes made to the development are consistent with the primary purpose of Zone C (Commercial) which is to provide for a range of business and community uses.
2. A reduction of car parking requirements specified by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme is supported under Clause 6.5.2

(Reduction in Parking Requirements) in recognition of:

- There will be 30 dust suppressed car parking bays constructed on Lot 50 for use by the occupants and visitors to the tenancies within Lot 51;
- The floor areas of building on Lot 50 will not increase from that which was previously approved through Instrument of Determination DV1887;
- Availability of existing car parking spaces within the Paterson Street road reserve.

3. Variations to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme for:

- Part of a car parking area (on Lot 50) being located less than 3m from a street frontage;
- the car parking and driveway area (on Lot 50) not being surfaced in an all weather seal coat;

are considered satisfactory in context of the history of the land and conditions of approval will ensure that car parking will be managed in an appropriate manner within designated car parking areas, and that all car parking bays are screened from the street, useable, functional and convenient and in accordance with the intent of the clause.

4. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public submissions were received.

ACTION:

DAS to prepare a Notice of Consent and Development Permit

ITEM 2

**DEVELOPMENT – 6 X 1 BEDROOM MULTIPLE DWELLINGS IN 2 X 1 STOREY BUILDINGS
LOT 1, 46 NOBLE STREET, TOWN OF TENNANT CREEK
NOVUS GROUP PTY LTD**

Ms Michelle Harwood and Mr Kevin Reid attended the meeting in support of the application.

**RESOLVED
0020/13**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout), Clause 7.1.1 (Residential Density Limitations), Clause 7.3 (Building Setbacks for Residential Buildings), Clause 7.5 (Private Open Space) and Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) 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 1, 46 Noble Street, Town of Tennant Creek for the purpose of 6 x 1 bedroom multiple dwellings in 2 x 1 storey buildings, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a landscape and fencing plan to the satisfaction

of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must be generally in accordance with the landscape and fence information shown on the site plan dated 07/08/2013 prepared by Steve Adler Building Design (Job No. 1374), except that the plan must show:

- (a) All elevations of buildings, indicating finished indicating ground levels, finished floor levels, apex height/s of buildings, external finishes and positions of doors and windows.
 - (b) A mixture of permeable fencing and solid fencing to a height of 1.8m to the Blain Street and Noble Street boundaries of the site;
 - (c) Solid fencing to a height of 1.8m between private open space of each unit;
 - (d) where permeable fencing is used, additional planting adjacent to private open space boundaries that will satisfactorily achieve privacy screening outcomes under Clause 7.5(3)(b) of the NT Planning Scheme (all fence heights and plant heights at maturity are to be noted on site and landscaping plans).
 - (e) details of surface finishes of carports, pathways and patio/verandah areas;
 - (f) 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;
 - (g) landscaping and planting within all open areas of the site;
- All species selected must be to the satisfaction of the consent authority.

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. 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. 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.

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, drainage, 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 owner shall:
 - (a) remove disused vehicle and/or pedestrian crossovers;
 - (b) provide footpaths/ cycleways; and
 - (c) undertake reinstatement works;
 all to the technical requirements of and at no cost to the Barkly Shire Council to the satisfaction of the consent authority.
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. Stormwater is to be 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. All air conditioning condensers 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. 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. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
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. 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 primary purpose of Zone MD (Multiple Dwelling Residential) of the NT Planning Scheme to 'provide for a range of housing options'. Furthermore, the single storey design and building setbacks are considered compatible with the streetscape and surrounding development.
2. A variation to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme for parts of a car parking area to be located ~1.9m from a street boundary and not landscaped to a depth of 3m is considered satisfactory in this instance as the proposed design is considered to be functional, maintains sight lines and the landscaping and fencing proposed is expected to provide effective screening of that part of the car parking area from the public realm, thereby lessening the visual impact of the car park when viewed from the street.
3. A variation to Clause 7.1.1 (Residential Density Limitations) of the NT Planning Scheme is considered justified in this instance as:
 - There is no evidence to suggest that the existing reticulated services, community facilities and public infrastructure in the area cannot support the proposed development and the proposal is consistent with land capability; and
 - The proposed dwelling density is consistent with the planning principle of Clause 4.5(a) of the NT Planning Scheme for Tennant Creek, which aims to "provide for orderly and appropriate land use and development catering for a growing population using development options including urban infill".

4. Variations to Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres) of the NT Planning Scheme to allow the reduced building setbacks to primary and secondary streets are granted as:
- the setbacks to Noble Street and the laneway (both secondary streets) are only non-compliant by virtue of being over 18m in length;
 - the positioning of the footprints of the dwellings and carports enables greater compliance with Clause 6.5.3 of the Scheme in terms of dimensions and functionality of the car parking bays;
 - the buildings will be partially screened by 1.8m high solid metal fencing to the affected boundaries;
 - the carports are open structures with a flat roof design and will have minimal visual impact to the streetscape or adjoining land, the design enables breeze penetration/circulation;
 - 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 lot;
 - 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 and the articulated facades (which include open sided verandahs attached to the dwellings) will not result in building massing when viewed from the streets or adjacent land;
 - the road reserve widths of Blain Street, Noble Street (each 30.5m) and the laneway (10.5m) provide significant separation of the development from nearby allotments and the carriageways;
 - the site is a corner allotment on the edge of the Tennant Creek urban area, the property abuts one allotment (Lot 2) and the building setbacks to that (south) boundary comply with Clause 7.3; and
 - The proposed building setbacks are consistent with the setbacks of the motel on the opposite side of Blain Street (Lot 2062).
5. A variation is granted to Clause 7.5 (Private Open Space) of the NT Planning Scheme to allow private open space areas under 45m² (in area) that do not comply with the minimum standard of a 5m x 5m open space 'envelope'. A variation to these provisions is supported, as the following circumstances apply to the development:
- The dimensions of the non-compliant private open space areas are considered adequate to meet the expected needs of future occupants of the single bedroom dwellings. The application has identified that private open space for each dwelling will include a covered patio area, a clothes line and landscaping (planting);
 - the private open space areas are accessed from the kitchen/dining room of each dwelling and enables an extension of the function of the dwelling;
 - all private open space areas will be screened in accordance with Clause 7.5(3) of the NT Planning Scheme;
 - the site is opposite land zoned PS (Public Open Space) and is located within walking distance to other areas of open space and community facilities which provide opportunity for outdoor recreation.

6. Pursuant to section 51(h) of the *Planning Act* the consent authority must take into consideration the merits of the proposal. The proposal will benefit the local community through the provision of additional modern residential accommodation.
7. 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 proposed multiple dwelling development is located within Zone MD (Multiple 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 will soften the development's impact.
8. 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.
9. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public submissions were received.

ACTION: DAS to prepare a Notice of Consent and Development Permit

**ITEM 3 DEVELOPMENT – CARETAKERS RESIDENCE
 LOT 1041, 216 PATERSON STREET, TOWN OF TENNANT CREEK
 PROSPECT NT PTY LTD**

Mr Michael Dodd attended the meeting in support of the application.

RESOLVED That, the Development Consent Authority vary the requirements of Clause
0021/13 7.10.3(2)(a) 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 1041, 216 Paterson Street, Town of
 Tennant Creek for the purpose of a caretakers 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 plans submitted with the application but modified to show any fire-isolated stairs (where required by the Building Code of Australia) or written verification from a suitably qualified person (registered building certifier, Building Advisory Services, NT Fire and Rescue Service) that such stairs are not required for the development/use approved by this permit.

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, sewerage facilities and electricity services to the subject development in accordance with the authorities' requirements and relevant legislation at the time.

NOTES:

1. This development permit does not grant building approval. 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.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority, in considering a development application, must take into consideration any planning scheme that applies to the land to which the application relates. The Northern Territory Planning Scheme (the Planning Scheme) is the applicable planning scheme and the site is zoned SC (Service Commercial).
 - pursuant to Clause 2.2(4)(c) of the Planning Scheme, consent is required for a caretaker's residence that does not comply with Clause 7.10.3(2)(a) (maximum floor area allowance of 50m²);
 - Pursuant to Clause 7.10.3(3) of the Planning Scheme, the consent authority must not consent to the application unless it is satisfied that the proposed caretaker's residence is appropriate to the site, having regard to the potential impact on adjoining and nearby property. The consent authority:
 - a) notes that:
 - (i) there is presently no caretaker's residence on the land; and
 - (ii) the proposed caretaker's residence will be located within an existing building which is setback approximately 10 metres from a caravan park on adjoining Lot 2133 Paterson Street and significantly further from other properties; and
 - b) is satisfied that the caretaker's residence:
 - (i) is appropriate to the site;
 - (ii) is unlikely to have any adverse impact on the amenity of any other property in the locality; and
 - (iii) will not be contrary to relevant objectives of the Northern


Territory Planning Scheme.

2. Pursuant to section 51(e) of the *Planning Act* the consent authority must take into consideration any local authority and public submissions received. The Barkly Shire Council did not make a submission under section 49 of the *Planning Act* and no public submissions were received.
3. Pursuant to section 51 (h) of the *Planning Act* the consent authority must take into consideration the merits of the proposal. The proposed caretaker's residence is an appropriate adaptive re-use of floor area within an existing building and is not expected to materially affect any other property.
4. The conditions of approval are expected to assist in ensuring the orderly development of the site and duly recognise service authority interests.

ACTION:

DAS to prepare a Notice of Consent and Development Permit

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



PETER McQUEEN
Chairman

2/10/13

