DEVELOPMENT CONSENT AUTHORITY

TENNANT CREEK DIVISION

MINUTES

MEETING No. 34 – THURSDAY 9 MAY 2013

PYRAMID ROOM
BARKLEY SHIRE COUNCIL
TENNANT CREEK

MEMBERS PRESENT: Peter McQueen (Chairman), Tony Boulter, Ray Wallis and Hal Ruger

APOLOGIES: Lennart Holbrok

OFFICERS PRESENT: Peter Somerville

COUNCIL REPRESENTATIVE : Erich Shoppe

Meeting opened at 9:30 am and closed at 10:00 am
ITEM 1
DEVELOPMENT – EDUCATION ESTABLISHMENT (TRAINING FACILITY) WITH ANCILLARY OFFICE AND HOSTEL ACCOMMODATION
LOT 1143, PATERNSON STREET, TOWN OF TENNANT CREEK
BENNETT DESIGN

Jacki Bethel from Julalikari Council attended the meeting.

RESOLVED
0014/13

That, pursuant to section 53(b) of the Planning Act, the Development Consent Authority varies the requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme, alters the proposal and grants consent to develop Lot 1143, Paterson Street, Town of Tennant Creek for the purpose of an educational establishment (Training Facility) with ancillary office and hostel accommodation subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to commencement of works (including site preparation), a Assessment for Site Contamination addressing the NT Environmental Protection Authority’s (NTEPA) requirements, must be submitted to the NTEPA for assessment, to the satisfaction of the consent authority. If no such Assessment for Site Contamination is required, written confirmation of this from NTEPA must be submitted to the consent authority.

2. Prior to the 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:

(a) a landscape plan and associated planting schedule specifying plant species and quantities, for all landscaped areas, descriptions of proposed fencing and surface finishes of pathways.

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. Stormwater (associated with works approved by this permit) is to be collected and contained within the site or discharged into the drainage network to the technical standards of and at no cost to the Department of Transport (Road Network Division) and / or Balakly Shire Council to the satisfaction of the consent authority.
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. Before the use or occupation of the development starts, the area 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 a dust suppressed road based material;
(d) drained;
(e) line marked (or suitably delineated) to indicate each car space and all access lanes; and
(f) clearly marked to show the direction of traffic along access lanes and driveways;

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

5. 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.

6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Barkly Shire Council, to the satisfaction of the consent authority.

7. 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.

8. 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.

9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

10. Where unfenced, the Paterson Street frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to the satisfaction of the consent authority.

11. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
12. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.

NOTES

1. This development permit does not grant building approval for the proposed works. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing works.

2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power 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. A “Permit to Work Within a Road Reserve” may be required from Barkly Shire Council and the Department of Transport before commencement of any work within the road reserve.

4. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
   (a) so as not to create sun or headlight reflection to motorists; and
   (b) be located entirely (including foundations and aerially) within the subject lot.

5. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

6. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.

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 proposed development does not conflict with the objectives and performance criteria of the NT Planning Scheme and will not prejudice the ongoing use of the land in accordance with the objectives of Zone GI (General Industry). The design incorporates landscaping that will enhance the visual appearance of the development and the residential accommodation is in association with and ancillary to the primary (educational establishment) use of the land.

2. A variation to clause 6.5.3 (Parking Layout) is granted to allow the car parking areas to be constructed with a permeable (dust suppressed) surface. The
proposal is not expected to impact on the amenity of the area and will assist in reducing stormwater runoff.

3. Pursuant to section 51(e) of the Planning Act, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. One public submission was received about the application. The matters raised in the submission have been noted by the applicant and consent authority. The requirement for an "Assessment for Site Contamination" has been included within the conditions of approval.

4. 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 residential accommodation for students.

5. Pursuant to section 51(n) of the Planning Act, the consent authority must take into consideration the potential impact on existing and future amenity of the area in which the land is situated. The proposed works are not expected to adversely impact on the visual amenity of the area and it is likely to enhance the visual aspect of the existing surroundings.

6. The application was publicly exhibited in accordance with the requirements of the Planning Act and Planning Regulations.

**ACTION:** Notice of Consent and Development Permit

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**ITEM 2**

**DEVELOPMENT - 8 X 1 BEDROOM MULTIPLE DWELLINGS IN 1 X 1 STOREY BUILDING**

LOT 2474, 5 CHITTOCK CRESCENT, TOWN OF TENNANT CREEK

NOVUS GROUP PTY LTD

Michelle Harwood, on behalf of the applicant, attended the meeting.

**RESOLVED 0015/13**

That, the Development Consent Authority varies the requirements of Clause 7.1.1 (Residential Density Limitations), Clause 7.3 (Building Setbacks of Residential Buildings), Clause 7.5 (Private Open Space) and Clause 7.6 (Communal Open Space) of the NT Planning Scheme, and pursuant to section 53(a) of the Planning Act, consents to the application to develop Lot 2474 (5) Chittock Crescent, Town of Tennant Creek for the purpose of 8 x 1-bedroom multiple dwellings in 1 x single storey building, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings prepared by Steve Acler Building Design and numbered Job 1290,
Plans A01 – A05 (inclusive) and endorsed as forming part of this permit.

2. 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 to the satisfaction of the consent authority.

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity and telecommunication networks to the subject land in accordance with the authorities' requirements and relevant legislation at the time.

4. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Barkly Shire Council, to the satisfaction of the consent authority.

5. 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; and
   d) drained;
   to the satisfaction of the consent authority.

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

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 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.

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

10. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

11. A “Permit to Work Within a Road Reserve” will be required from Barkly Shire Council before commencement of any work within the road reserve.

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. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from Department of Land Resource Management.

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. 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.

**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 proposed development is considered to respond satisfactorily to the provisions of the Northern Territory Planning Scheme.

2. Pursuant to section 51 (e) of the Planning Act the consent authority must take into consideration any submissions received. No public submissions were received.

3. The Barkly Shire Council did not make a submission under section 49 of the Planning Act and no public submissions were received.

4. Pursuant to section 51 (h) of the Planning Act the consent authority must take into consideration the merits of the proposal. The proposed development is expected to assist in meeting the current demand for modern worker
accommodation in Tennant Creek and will add to the variety and volume of dwelling stock available. The proposed dwellings are expected to offer residents a good level of amenity and the development is expected to present well to the adjoining streets.

5. Clause 2.5.3 of the allows the Development Consent Authority discretion to consent to development that does not meet a standard set out in Part 4 of the NT Planning Scheme only if it is satisfied that special circumstances justify the giving of consent. There are a number of circumstances which exist in relation to the proposed development which, collectively are considered to constitute a reasonable basis for supporting the required variations, including:

a) The proposed development is considered to be consistent with the purpose of Clause 7.1.1, which is to ensure that residential density is compatible with the existing and planned provision of reticulated services and community facilities which will service the area and consistent with land capability.

b) The required variation to Clause 7.3 (Building Setbacks of Residential Buildings), is marginal and the development is considered to respond well to the purpose of the provision.

c) The proposed private yards areas are expected to ensure adequate space for occupants, particularly given the relatively small dwelling sizes.

d) Private yards provided are considered to meet the on-site open space needs of occupants.

6. The conditions of approval are expected to assist in ensuring the orderly development of the site and duly recognise service authority interests.

**ACTION:** Notice of Consent and Development Permit

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

\[[Signature]\]

PETER McQUEEN
Chairman

14/5/2013