



DEVELOPMENT CONSENT AUTHORITY

TENNANT CREEK DIVISION

MINUTES

MEETING No. 58 – MONDAY 14 SEPTEMBER 2020

**CONFERENCE ROOM
DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS
33 LEICHHARDT STREET
TENNANT CREEK**

MEMBERS PRESENT: Suzanne Philip, Narelle Bremner, Len Holbrok, Hal Ruger

APOLOGIES: Kris Civitarese

OFFICERS PRESENT: Peter Somerville

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 11:05 am and closed at 12:00

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 8 X 2 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS
PA2020/0165 LOTS 87 & 88, 7 & 9 NOBLE STREET, TOWN OF TENNANT CREEK

APPLICANT GRAHAM NOMINEES (NT) PTY LTD

Paul Graham (for Applicant) attended the meeting via telephone and spoke further to the application.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 5.2.4.4
0021/20 (Parking Layout), Clause 5.4.1 (Residential Density Limitations), Clause 5.4.3
 (Building Setbacks of Residential Buildings and Ancillary Structures), Clause 5.4.6
 (Private Open Space) of the Northern Territory Planning Scheme 2020, and
 pursuant to section 53(b) of the *Planning Act 1999*, alter the proposed development
 and consent to the proposed development as altered to develop Lot 87 (9) and Lot
 88 (7) Noble Street, Town of Tennant Creek for the purpose of 8 x 2 bedroom
 dwellings-group in 2 x 2 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), 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 in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans contained in Bookmark B of the DAS DIPL agenda report (14/09/2020 meeting), but modified to:
 - a) omit the letterboxes (noting that there is no mail delivery in Tennant Creek);
 - b) show fencing and landscaping details which maintain good passive surveillance opportunities and sight lines for vehicles entering and exiting the site. Open style fencing should be used at the front boundary and communal open space area to the front of the site;
 - c) provide details of communal open space for residents (e.g. lawn and /or paved area/s, fixed garden furniture (such as benches and tables) or BBQ facility). Note: The applicant is recommended to review species selection for trees/shrubs with a view to including trees likely to provide appropriate seasonal amenity for outdoor spaces;
 - d) locations of water and electricity meters shown on the site and landscaping plan;
 - e) details of the finished floor levels of proposed dwellings as they relate to adjacent internal boundary and side boundary fencing and fence heights with privacy screening a minimum of 1.8m above ground level and a minimum of 1.6m above finished floor levels of adjacent dwellings on the site;
 - f) details of proposed one-way glass treatment to 'Bedroom1' for each dwelling (treatment should be selected with a view to ensuring privacy between dwellings, while limiting the potential for excessive glare from windows);
 - g) details of location of proposed air-conditioner condenser units and/or suitable notes on drawings showing:
 - (i) all condenser units 'ground-mounted' or 'low-mounted' such that they are screened from adjoining dwellings by proposed internal or side boundary

- screen fencing with condenser units extending no higher than the adjacent screen fencing; or
- (ii) (if condenser units or other air-conditioner units are proposed to be roof-mounted or mounted partially or wholly above the height of adjacent privacy screening) other suitable screening of the units from adjacent dwellings and the street;
- h) details of location of bin storage enclosure (suitably located so as to maintain sightline for vehicles accessing and egressing the site), but no closer than 1.0m from the front boundary or where sight-lines for vehicles existing the site are unaffected;
- i) a stormwater drainage concept plan for the site designed to ensure that any stormwater not retained on site:
 - (i) is not directed to adjacent dwellings or properties; and
 - (ii) is directed to the stormwater drainage network to the requirements of the Barkly Regional Council, to the satisfaction of the consent authority; and
- j) written support (in principle) of the Barkly Regional Council in relation to the stormwater drainage concept plan prior to its endorsement.

Amended plans and associated supporting documentation prepared in response to the conditions precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, DIPL (Alice Springs Branch) via email to DAS.NTG@nt.gov.au. When endorsed, the plans will form part of the 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 and electricity facilities and telecommunication networks to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time.
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. 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.
6. Stormwater is to be retained on the site or collected and discharged into the drainage network to the technical standards of, and at no cost to, the Barkly Regional Council, to the satisfaction of the consent authority.
7. The kerb crossover and driveway to the site approved by this permit is to be provided, and any required re-instatement works are to be completed, to the requirements and technical standards of the Barkly Regional Council and at no cost to the Council, to the satisfaction of the consent authority.
8. 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. This condition is to the technical standards of the Barkly Regional Council, to the satisfaction of the consent authority.

9. Before the use or occupation of the development starts, driveways and areas set-aside for the parking of vehicles 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) sealed; 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.
10. 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.
11. 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.
12. Before the use/occupation of the development starts, the private open space area/s of each dwelling shall be screened in accordance with a landscaping and fence plan endorsed by the consent authority as part of this permit and fences must be a minimum of 1.8m above ground level and a minimum of 1.6m above the finished floor level of the adjacent dwellings on the site. This condition is to the satisfaction of the consent authority.
13. 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.
14. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. A Certificate of Compliance (section 65 of the *Planning Act 1999*) will not be able to be granted until such time as addressing is obtained.”
15. Provision for the storage and collection of garbage and other solid waste is proposed to be provided other than within private yards, the area/s must be screened from public view to the satisfaction of the consent authority.
16. All air conditioning units (evaporative or condenser units), including any 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.
17. The subject lots must be consolidated to create one lot prior to the issue of a Certificate of Compliance (section 65 of the *Planning Act 1999*) for this Development Permit, unless this permit has been amended to allow

development of the land as two separate lots, with right-of-way easements on both ensuring functional, safe and convenient vehicle access to each dwelling.

NOTES:

1. 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 construction works.
2. A "Permit to Work Within a Road Reserve" is required from the Barkly Regional Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Council's road network.
3. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5354 (surveylandrecords@nt.gov.au).
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@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.
5. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
6. The Department of Environment, Parks and Water Security (DEPWS), formerly the Department of Environment and Natural Resources (DENR) advise that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority (NTEPA) Northern Territory Noise Management Framework Guideline September 2018, available at: https://ntepa.nt.gov.au/_data/assets/pdf/file/0004/566356/noisemanagementframework_guideline.pdf
7. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at www.austieca.com.au and the Department of Environment, Parks and Water Security (DEPWS) for ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
8. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern

Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.

9. If you choose NBN to service your development, you will need to enter into a development agreement with NBN. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to NBN guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
10. 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.

REASONS

1. An amendment to the *Planning Act 1999* came into effect on 31 July 2020. The amendments include transitional provisions in section 214(1) of the Act which state that any application or proposal that was not determined before the commencement is to proceed and be determined:
 - (a) in accordance with this *Act* applicable at the time the determination is made; and
 - (b) in relation to the elements of the planning scheme applicable at the time the determination is made.

Subsequent to the subject application being lodged, the Northern Territory Planning Scheme 2007 (NTPS 2007) was repealed and the Northern Territory Planning Scheme 2020 (NTPS 2020) took effect on 31 July 2020.

It was noted that at the time the application was submitted, the NTPS 2007 was in effect, and was addressed by the applicant in the Statement of Effect. Because the application was not heard before the commencement of the amendment to the Act, and to satisfy the requirements of section 51 of the Act, the application is required to be assessed against NTPS 2020. This assessment was undertaken by Development Assessment Services (DAS) having regard to the applicant's Statement of Effect and how this relates to the current provisions of NTPS 2020 and amended Act. The application was assessed against the requirements of the Act (as at 31 July 2020) and the requirements of the NTPS 2020 (as at 31 July 2020).

The proposed development as approved is considered to respond satisfactorily to applicable requirements and objectives of NTPS 2020 as it relates to the site and locality and is assessed as aligning with the purpose of Zone LMR, which is to "*provide a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available.*"

The consent authority granted variation/s to:

- (a) clause 5.2.4.4 (Parking Layout) of the NTPS 2020, to allow the driveway to be narrowed to 5.8m instead of 6m minimum in 3 places, as most of the driveway between the dwellings significantly exceeds the 6m minimum width and the proposed layout is expected to be functional and allow convenient access and egress for all spaces.
- (b) clause 5.4.1 (Residential Density Limitations) of the NTPS 2020, to allow a dwelling density of 1/251.5m², instead of a maximum of 1/300m², as:
 - (i) the development and design:
 - is assessed as accordant with the Tennant Creek Land Use Plan (an applicable Strategic Land Use Plan) and generally accordant with the Compact Urban Growth Policy (an applicable Strategic Planning Policy); and
 - is expected to:
 - ensure that residents enjoy a good level of amenity; and
 - meet relevant objectives of NTPS2020 despite variations to requirements of Part 5 of the Scheme; and
 - be compatible with the existing streetscape and development that may be reasonably be expected within the locality, given current zoning and development controls;
 - (ii) the Power and Water Corporation has not identified any issues of concern in relation to servicing;
 - (iii) the Barkly Regional Council has not identified any concerns in relation to stormwater drainage or site access;
 - (iv) the development is not expected to frustrate the purpose of clause 5.4.1 (Residential Density Limitations); and
 - (v) the development and use are not expected to frustrate the LMR Zone 'Purpose' or 'Outcomes' on account of the variation to clause 5.4.1; and
- (c) clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NTPS 2020 to allow garden sheds to be constructed less than the required minimum setback distance from the primary and secondary street boundaries respectively, as they:
 - (i) will have a floor area of 6m² and a height of 1.8m above floor level; and
 - (ii) will be effectively screened from the adjacent streets and properties by privacy screening; and
 - (iii) are expected to be compatible with the streetscape and surrounding development including residential buildings on the same site; and
 - (iv) are not expected to:
 - have any discernible building massing impact on adjacent land or streets;
 - the streetscape or surrounding development; or
 - result in any overlooking of adjoining properties; or
 - have any discernible impact on breeze penetration to and through the site; or
 - be discordant with the LMR Zone 'Purpose' or 'Outcomes';
- (d) clause 5.4.6.4(a) (Private Open Space) of the NTPS 2020, to allow a reduced open to the sky private open space provision with respect to dwellings 2,3,6 and 7, as the proposed private open space provision for each dwelling is expected to:
 - offer occupants of all dwellings a good level of private open space amenity complemented by communal open space areas (as approved) at the front of the site;
 - be consistent with the purpose of the clause and the zone purpose and outcomes; and

- be appropriate to the site having regard to location, scale and impact on adjoining and nearby property.
2. Pursuant to section 51(e) of the *Planning Act 1999*, 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. The application was publicly exhibited and no submissions were received. The Barkly Regional Council was invited to comment on the application, but did not make any submissions in its capacity as local authority.
 3. Pursuant to section 51(h) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account the merits of the proposed development as demonstrated in the application. The application identified/contended generally as follows:
 - a) The development is a purpose designed to the requirements of Department of Territory Families, Housing and Communities for a long term lease arrangement for the improvement of Government Employee housing;
 - b) The development will improve the streetscape and generally lift building standards in the township of Tennant Creek; and
 - c) The development will stimulate the building industry in the town and support many local businesses, whether directly or indirectly, which is essentially sustaining, maintaining and possibly creating jobs.
 4. Pursuant to section 51(j) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account 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. Neither the Department of Infrastructure, Planning and Logistics nor the Department of Environment, Parks and Water Security has identified any issues of concern in terms of land capability or suitability. Advisory notes included in the development permit may be expected to assist in ensuring appropriate management of erosion, dust and noise during construction.
 5. Pursuant to section 51(m) of the *Planning Act 1999*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer. Service authorities have not identified any concerns in principle with the proposed development and the conditions of approval are expected to assist in ensuring that the Barkly Regional Council, the Power and Water Corporation and the relevant telecommunications authority's respective interests as a service authorities are duly recognised and that the development is serviced in an orderly manner.
 6. Pursuant to section 51(n) of the *Planning Act 1999* the consent authority must take into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated. The proposed development is of a form and scale expected to be compatible with the established streetscape and locality and is not expected to adversely impact on the amenity of the locality. Permit conditions relating to height of garden sheds, landscaping and screening or air-conditioning units may be expected to assist in ensuring that the development is integrated into the streetscape.

7. Pursuant to section 51(p) of the *Planning Act 1999* the consent authority must take into consideration the public interest, including (if relevant) how the following matters are provided for in the application;
 - (i) community safety through crime prevention principles in design;
 - (ii) water safety; and
 - (iii) access for persons with disabilities.

The Community Safety Design Guide promotes community safety through crime prevention principles in design. The development has been designed with regard to the guide through crime prevention principles and includes provision of passive surveillance opportunities. No swimming pools are proposed and no special disabled accessible provision is required for development of this type.

8. Pursuant to section 51(r) of the *Planning Act 1999* the consent authority must take into consideration any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*. There are no known natural, social, cultural or heritage values on the site or in the immediate surrounding area.
9. Condition 17 of development permit is included to ensure lawful and convenient access to each dwelling.
10. The consent authority noted that as there is currently no mail delivery to street addresses, letter boxes would be redundant.

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

FOR: 4 AGAINST: 0 ABSTAIN: 0

**ITEM 2 31.4M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOCIATED
ANTENNAS AND EQUIPMENT SHELTER
PA2020/0221 LOT 1017, 58 PEKO ROAD, TOWN OF TENNANT CREEK**

APPLICANT PLANNING SOLUTIONS (AUST) PTY LTD

Hal Ruger declared a possible conflict of interest pursuant to section 97 of the *Planning Act 1999*, as Barkly Regional Council were the land owner, and absented himself from the hearing and did not take part in any deliberation on the matter.

Laurie Chantry (Planning Solutions (Aust) Pty Ltd) and Rafael Sterk (Telstra) attended the meeting via teleconference and spoke further to the application.

Submitter Paul Graham attended the meeting via teleconference and spoke further to his submission.

**RESOLVED
0022/20**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defers consideration of the application to develop Lot 1017 (58) Peko Road, Town of Tennant Creek for the purpose of a 31.4m high telecommunications facility with associated antennas and equipment shelter to require the applicant to provide the following additional information that it considers necessary in order to enable the proper consideration of the application:

1. Clearly detailed documentation of a feasibility assessment of the subject site and alternative sites considered, as required by clause 5.8.10.3 of the Northern Territory Planning Scheme 2020 (NTPS 2020), in the application for the establishment of the facility, including rationale/reasons for discounting the other sites and selecting the preferred site over the other sites.

2. Additional photomontages or similar from other locations in the locality, prepared with a view to better illustrating the likely visual impact of the proposed monopole and facility on views towards the site (including for example from Blackmore Road and Hilda Street and other roads in the locality).
3. If the location of the monopole on Lot 1017 is proposed to be revised, all photomontages should reflect the proposed (revised) location.

The consent authority further recommends that the applicant also considers reviewing and documenting the feasibility of developing the facility at Lot 1042 (65) Staunton Street, Tennant Creek, noting the apparent potential to set the monopole back substantially from boundaries and residential zoned land and anticipating that the site may be suitable in terms of telecommunications coverage and safety clearance from aircraft approaching and exiting runways at the Tennant Creek Airport (Lot 998).

A deferral response may be directed to the Development Consent Authority C/- Development Assessment Services, Department of Infrastructure, Planning and Logistics, by email: das.ntg@nt.gov.au, for attention Alice Springs Branch.

REASONS

1. An amendment to the *Planning Act 1999* came into effect on 31 July 2020. The amendments include transitional provisions in section 214(1) of the Act which state that any application or proposal that was not determined before the commencement is to proceed and be determined:
 - (a) in accordance with this *Act* applicable at the time the determination is made; and
 - (b) in relation to the elements of the planning scheme applicable at the time the determination is made.

Subsequent to the subject application being lodged, the Northern Territory Planning Scheme 2007 (NTPS 2007) was repealed and the Northern Territory Planning Scheme 2020 (NTPS 2020) took effect on 31 July 2020. It is noted that at the time the application was submitted, the NTPS 2007 was in effect, and was addressed by the applicant in the Statement of Effect. The application also addressed the (then) draft NTPS 2020, as publicly exhibited. Because the application was not heard before the commencement of the amendment to the Act, and to satisfy the requirements of section 51 of the Act, the application is required to be assessed against NTPS 2020. Assessment of the application as exhibited was undertaken by Development Assessment Services (DAS) having regard to the applicant's Statement of Effect and how it related to the current provisions of NTPS 2020 and amended Act.

The Development Consent Authority (the consent authority) having considered:

- the application as exhibited;
- written and verbal submissions by the applicant and the submitter (Paul Graham) respectively, in relation to the application;
- the report prepared by DAS in relation to the application; and the requirements of the NTPS 2020 and the *Planning Act 1999* (as amended at 31 July 2020);

decided to defer further consideration of the application, as it was not satisfied that the application:

- properly addressed the requirements of NTPS 2020 (in particular with respect to documenting feasibility assessments (clause 5.8.10.3 refers); or
- noting the requirements of clauses 5.8.10.4 and 5.8.10.5 respectively, reasonably demonstrated and represented the likely impact of the proposed

- screen fencing with units extending no higher than the adjacent screen fencing; or
 - (if air-conditioner units are proposed to be roof-mounted or mounted partially or wholly above the height of adjacent privacy screening) other suitable screening of the units from adjacent dwellings and the street;
- c) Locations of water and electricity meters shown on the site and landscaping plan;
- d) deletion of letterboxes from the site layout (as no Australia Post street delivery of mail is provided in Tennant Creek)
- e) A stormwater drainage concept plan for the site designed to ensure that any stormwater not retained on site:
 - is not directed to adjacent dwellings or properties; and
 - is directed to the stormwater drainage network to the requirements of the Barkly Regional Council, to the satisfaction of the consent authority; and
- f) Written support (in principle) of the Barkly Regional Council in relation to the stormwater drainage concept plan prior to its endorsement.

Amended plans and associated supporting documentation prepared in response to the conditions precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, DIPL (Alice Springs Branch) via email to DAS.NTG@nt.gov.au. When endorsed, the plans will form part of the 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 and electricity facilities and telecommunication networks to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time.
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. 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.
6. Stormwater is to be retained on the site or collected and discharged into the drainage network to the technical standards of, and at no cost to, the Barkly Regional Council, to the satisfaction of the consent authority.
7. The kerb crossover and driveway to the site approved by this permit is to be provided, and any required re-instatement works are to be completed, to the requirements and technical standards of the Barkly Regional Council and at no cost to the Council, to the satisfaction of the consent authority.
8. 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. This condition is to the technical standards of the Barkly Regional Council, to the satisfaction of the consent authority.

9. Before the use or occupation of the development starts, driveways and areas set-aside for the parking of vehicles 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;
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Car spaces, access lanes and driveways must be kept available for these purposes at all times.
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11. 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.
12. Before the use/occupation of the development starts, the private open space area/s of each dwelling shall be screened in accordance with a landscaping and fence plan endorsed by the consent authority as part of this permit and fences must be a minimum of 1.8m above ground level and a minimum of 1.6m above the finished floor level of the adjacent dwellings on the site. This condition is to the satisfaction of the consent authority.
13. 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.
14. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. A Certificate of Compliance (section 65 of the *Planning Act 1999*) will not be able to be granted until such time as addressing is obtained."
15. If provision for the storage and collection of garbage and other solid waste is proposed to be provided other than within private yards, the area/s must be screened from public view to the satisfaction of the consent authority.
16. All air conditioning units (evaporative or condenser units), including any 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 at ground level in a controlled manner, to the satisfaction of the consent authority.

NOTES

1. 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 construction works.

2. A "Permit to Work Within a Road Reserve" is required from the Barkly Regional Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Council's road network.
3. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5354 (surveylandrecords@nt.gov.au).
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@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.
5. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
6. The Department of Environment, Parks and Water Security (DEPWS) advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority (NTEPA) Northern Territory Noise Management Framework Guideline September 2018, available at: https://ntepa.nt.gov.au/_data/assets/pdffile/0004/566356/noisemanagementframework_guideline.pdf
7. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at www.austieca.com.au and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
8. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.nt.gov.au/waste-pollution/guidelines/guidelines>.
9. If you choose NBN to service your development, you will need to enter into a development agreement with NBN. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to NBN guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>

10. 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.

REASONS

1. An amendment to the *Planning Act 1999* came into effect on 31 July 2020. The amendments include transitional provisions in section 214(1) of the Act which state that any application or proposal that was not determined before the commencement is to proceed and be determined:
 - (a) in accordance with this Act applicable at the time the determination is made; and
 - (b) in relation to the elements of the planning scheme applicable at the time the determination is made.

Subsequent to the subject application being lodged, the Northern Territory Planning Scheme 2007 (NTPS 2007) was repealed and the Northern Territory Planning Scheme 2020 (NTPS 2020) took effect on 31 July 2020.

It was noted that at the time the application was submitted, the NTPS 2007 was in effect, and was addressed by the applicant in the Statement of Effect. Because the application was not heard before the commencement of the amendment to the Act, and to satisfy the requirements of section 51 of the Act, the application is required to be assessed against NTPS 2020. This assessment was undertaken by Development Assessment Services (DAS) having regard to the applicant's Statement of Effect and how this relates to the current provisions of NTPS 2020 and amended Act. The application was assessed against the requirements of the Act (as at 31 July 2020) and the requirements of the NTPS 2020 (as at 31 July 2020).

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

The proposed development (as approved) is considered to respond satisfactorily to applicable requirements and objectives of NTPS 2020 as it relates to the site and locality and is assessed as aligning with the purpose of Zone LMR, which is to "provide a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available."

The consent authority grants a variation to Clause 5.4.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 Storeys in Height) of the NTPS2020 to allow a building which houses Units 1 & 2 to be constructed less than the required minimum setback distance from the western side boundary, as:

- (a) the wall of units 2 & 3 fully comply with the primary street setbacks;
- (b) the development is single storey and solid metal boundary fencing will provide some screening
- (c) the development is expected to be compatible with the streetscape and surrounding development including residential buildings on the same site; and
- (d) the building is not expected to:

- have any discernible building massing impact on adjacent land or streets;
 - the streetscape or surrounding development; or
 - result in any overlooking of adjoining properties; or
 - have any discernible impact on breeze penetration to and through the site; or
 - be discordant with the LMR Zone 'Purpose' or 'Outcomes'.
3. Pursuant to section 51(e) of the *Planning Act 1999*, 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. The application was publicly exhibited and no submissions were received. The Barkly Regional Council was invited to comment on the application, but did not make any submissions in its capacity as local authority.
 4. Pursuant to section 51(h) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account the merits of the proposed development as demonstrated in the application. The application identified/contended generally as follows:
 - b) The development is a purpose designed to the requirements of Department of Territory Families, Housing and Communities for one bedroom urban public housing dwellings as part of the Government's Urban Public Housing package;
 - c) The development will improve the streetscape; and
 - d) The development will stimulate the building industry in the town and support many local businesses, whether directly or indirectly, which is essentially sustaining, maintaining and possibly creating jobs.
 5. Pursuant to section 51(j) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account 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. Neither the Barkly Regional Council nor the Department of Environment, Parks and Water Security has identified any issues of concern in terms of land capability or suitability. Advisory notes included in the development permit may be expected to assist in ensuring appropriate management of erosion, dust and noise during construction.
 6. Pursuant to section 51(m) of the *Planning Act 1999*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer. Service authorities have not identified any concerns in principle with the proposed development and the conditions of approval are expected to assist in ensuring that the Barkly Regional Council, the Power and Water Corporation and the relevant telecommunications authority's respective interests as a service authorities are duly recognised and that the development is serviced in an orderly manner.
 7. Pursuant to section 51(n) of the *Planning Act 1999* the consent authority must take into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated. The proposed development is of a form and scale expected to be compatible with the established streetscape and locality and is not expected to adversely impact on the amenity of the locality. Permit conditions relating to landscaping and screening for air-conditioning units may be expected to assist in ensuring that the development is integrated into the streetscape.

8. Pursuant to section 51(p) of the *Planning Act 1999* the consent authority must take into consideration the public interest, including (if relevant) how the following matters are provided for in the application;
 - (i) community safety through crime prevention principles in design;
 - (ii) water safety; and
 - (iii) access for persons with disabilities.

The Community Safety Design Guide promotes community safety through crime prevention principles in design. The development has been designed with regard to the guide through crime prevention principles and includes provision of passive surveillance opportunities. No swimming pools are proposed and no special disabled accessible provision is required for development of this type.

9. Pursuant to section 51(r) of the *Planning Act 1999* the consent authority must take into consideration any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*. There are no known natural, social, cultural or heritage values on the site or in the immediate surrounding area.

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

FOR: 4 AGAINST: 0 ABSTAIN: 0

ITEM 4 4 X 1 BEDROOM DWELLINGS-GROUP IN 2 X 1 STOREY BUILDINGS
PA2020/0234 LOT 2478, 86 PEKO ROAD, TOWN OF TENNANT CREEK
APPLICANT DEPARTMENT OF LOCAL GOVERNMENT, HOUSING AND COMMUNITY
DEVELOPMENT (DLGHCD)

Catriona Tatam of the Department of Territory Families, Housing and Communities (DTFHC), formerly Department of Local Government, Housing and Community Development (DLGHCD), attended the meeting via telephone and spoke further to the application.

RESOLVED That, pursuant to section 53(b) of the *Planning Act 1999*, the Development Consent
0025/20 Authority alter the proposed development and consent to the proposed development as altered to develop Lot 2478 (86) Peko Road, Town of Tennant Creek for the purpose of 4 x 1 bedroom dwellings-group in 2 x single 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), 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 in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited, but modified to include:
 - a) An amended landscaping and fencing plan maintaining good passive surveillance opportunities and sight lines for vehicles entering and exiting the site and detailing solid 1.8m high fencing to all private open space areas; and
[Note: The applicant is recommended to review plant species selection for trees/shrubs with a view to including trees likely to provide winter solar access to outdoor spaces, while providing shading during summer]
]
 - b) Removal of 4 x garden sheds from development as indicated on original plans;

- c) Deletion of mail boxes from the design (as no Australia Post mail delivery service to street addresses is available in Tennant Creek);
- d) Locations of water and electricity meters shown on the site and landscaping plan
- e) Details of location of proposed air-conditioner units and/or suitable notes on drawings showing:
 - all units as 'ground-mounted' or 'low-mounted' such that they are screened from adjoining dwellings by proposed internal or side boundary screen fencing with units extending no higher than the adjacent screen fencing; or
 - (if air-conditioner units are proposed to be roof-mounted or mounted partially or wholly above the height of adjacent privacy screening) other suitable screening of the units from adjacent dwellings and the street;
- f) A stormwater drainage concept plan for the site designed to ensure that any stormwater not retained on site:
 - is not directed to adjacent dwellings or properties; and
 - is directed to the stormwater drainage network to the requirements of the Barkly Regional Council, to the satisfaction of the consent authority; and
- g) Written support (in principle) of the Barkly Regional Council in relation to the stormwater drainage concept plan prior to its endorsement.

Amended plans and associated supporting documentation prepared in response to the conditions precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, DIPL (Alice Springs Branch) via email to DAS.NTG@nt.gov.au. When endorsed, the plans will form part of the 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 and electricity facilities and telecommunication networks to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time.
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. 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.
6. Stormwater is to be retained on the site or collected and discharged into the drainage network to the technical standards of, and at no cost to, the Barkly Regional Council, to the satisfaction of the consent authority.
7. The kerb crossover and driveway to the site approved by this permit is to be provided, and any required re-instatement works are to be completed, to the requirements and technical standards of the Barkly Regional Council and at no cost to the Council, to the satisfaction of the consent authority.
8. 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. This condition is to the technical standards of the Barkly Regional Council, to the satisfaction of the consent authority.

9. Before the use or occupation of the development starts, driveways and areas set-aside for the parking of vehicles 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) sealed; 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.
10. 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.
11. 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.
12. Before the use/occupation of the development starts, the private open space area/s of each dwelling shall be screened in accordance with a landscaping and fence plan endorsed by the consent authority as part of this permit and fences must be a minimum of 1.8m above ground level and a minimum of 1.6m above the finished floor level of the adjacent dwellings on the site. This condition is to the satisfaction of the consent authority.
13. 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.
14. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. A Certificate of Compliance (section 65 of the *Planning Act 1999*) will not be able to be granted until such time as addressing is obtained."
15. If provision for the storage and collection of garbage and other solid waste is proposed to be provided other than within private yards, the area/s must be screened from public view to the satisfaction of the consent authority.
16. All air conditioning units (evaporative or condenser units), including any 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 at ground level in a controlled manner, to the satisfaction of the consent authority.

NOTES

1. 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 construction works.
2. A "Permit to Work Within a Road Reserve" is required from the Barkly Regional Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Council's road network.
3. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5354 (surveylandrecords@nt.gov.au).
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (water.development@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.
5. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
6. The Department of Environment, Parks and Water Security advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority (NTEPA) Northern Territory Noise Management Framework Guideline September 2018, available at: https://ntepa.nt.gov.au/_data/assets/pdffile/0004/566356/noisemanagementframework_guideline.pdf
7. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at www.austieca.com.au and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
8. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.nt.gov.au/waste-pollution/guidelines/guidelines>.
9. If you choose NBN to service your development, you will need to enter into a development agreement with NBN. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least 3 months before any civil works

commence. All telecommunications infrastructure should be built to NBN guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>

10. 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.

REASONS

1. An amendment to the *Planning Act 1999* came into effect on 31 July 2020. The amendments include transitional provisions in section 214(1) of the Act which state that any application or proposal that was not determined before the commencement is to proceed and be determined:
 - (c) in accordance with this *Act* applicable at the time the determination is made; and
 - (d) in relation to the elements of the planning scheme applicable at the time the determination is made.

Subsequent to the subject application being lodged, the Northern Territory Planning Scheme 2007 (NTPS 2007) was repealed and the Northern Territory Planning Scheme 2020 (NTPS 2020) took effect on 31 July 2020.

It was noted that at the time the application was submitted, the NTPS 2007 was in effect, and was addressed by the applicant in the Statement of Effect. Because the application was not heard before the commencement of the amendment to the Act, and to satisfy the requirements of section 51 of the Act, the application is required to be assessed against NTPS 2020. This assessment was undertaken by Development Assessment Services (DAS) having regard to the applicant's Statement of Effect and how this relates to the current provisions of NTPS 2020 and amended Act. The application was assessed against the requirements of the Act (as at 31 July 2020) and the requirements of the NTPS 2020 (as at 31 July 2020).

2. Pursuant to section 51(a) of the *Planning Act 1999*, the Development Consent Authority (the consent authority) must take into consideration the planning scheme that applies to the land to which the application relates. An amendment to the *Planning Act 1999* took effect on 31 July 2020.

The proposed development as approved is considered to respond satisfactorily to applicable requirements and objectives of NTPS 2020 as it relates to the site and locality and is assessed as aligning with the purpose of Zone LMR, which is to "provide a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available."

3. Pursuant to section 51(e) of the *Planning Act 1999*, 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. The application was publicly exhibited and no submissions were received. The Barkly Regional Council did provide comment as the local authority.

4. Pursuant to section 51(h) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account the merits of the proposed development as demonstrated in the application. The application identified/contended generally as follows:
 - a) This is a purpose built development to the requirements of Department of Territory Families, Housing and Communities for one bedroom urban public housing dwellings as part of the Government's Urban Public Housing package;
 - b) The development will improve the streetscape; and
 - c) The development will stimulate the building industry in the town and support many local businesses, whether directly or indirectly, which is essentially sustaining, maintaining and possibly creating jobs.
5. Pursuant to section 51(j) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account 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. Neither the Barkly Regional Council nor the Department of Environment, Parks and Water Security has identified any issues of concern in terms of land capability or suitability. Advisory notes included in the development permit may be expected to assist in ensuring appropriate management of erosion, dust and noise during construction.
6. Pursuant to section 51(m) of the *Planning Act 1999*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer. Service authorities have not identified any concerns in principle with the proposed development and the conditions of approval are expected to assist in ensuring that the Barkly Regional Council, the Power and Water Corporation and the relevant telecommunications authority's respective interests as a service authorities are duly recognised and that the development is serviced in an orderly manner.
7. Pursuant to section 51(n) of the *Planning Act 1999* the consent authority must take into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated. The proposed development is of a form and scale expected to be compatible with the established streetscape and locality and is not expected to adversely impact on the amenity of the locality. Permit conditions relating to landscaping and screening or air-conditioning units may be expected to assist in ensuring that the development is integrated into the streetscape.
8. Pursuant to section 51(p) of the *Planning Act 1999* the consent authority must take into consideration the public interest, including (if relevant) how the following matters are provided for in the application;
 - (i) community safety through crime prevention principles in design;
 - (ii) water safety; and
 - (iii) access for persons with disabilities.

The Community Safety Design Guide promotes community safety through crime prevention principles in design. The development has been designed with regard to the guide through crime prevention principles and includes provision of passive surveillance opportunities. No swimming pools are proposed and no special disabled accessible provision is required for development of this type.

9. Pursuant to section 51(r) of the *Planning Act 1999* the consent authority must take into consideration any potential impact on natural, social, cultural or heritage

values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*. There are no known natural, social, cultural or heritage values on the site or in the immediate surrounding area.

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

FOR: 4 AGAINST: 0 ABSTAIN: 0

**ITEM 5 CARETAKER'S RESIDENCE (INCLUDING ANCILLARY WORKERS
ACCOMMODATION) ADDITIONS TO LIGHT INDUSTRY AND WAREHOUSE
PA2020/0215 LOT 123, 18 SCOTT STREET, TOWN OF TENNANT CREEK
APPLICANT ZONE A PTY LTD**

RESOLVED That, the Development Consent Authority varies the requirements of clause 5.2.4.1
0025/20 (Parking Requirements), clause 5.2.4.4 (Parking Layout), clause 5.4.7 (Communal
Open Space), clause 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV),
and clause 5.6.2 (Expansion of Existing Use or Development in Zones LI or Zone GI)
of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the
Planning Act 1999, consents to the application to develop Lot 123 (18) Scott Street,
Town of Tennant Creek for the purpose of a dwelling-caretaker and rooming
accommodation (2 room worker accommodation) ancillary (auxiliary and subordinate)
to the primary use of the land as industry-light (materials testing laboratory) and
warehouse, subject to the following conditions and for the following reasons:

CONDITION PRECEDENT

1. Before the development starts, a landscaping 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 landscaping plan must be generally in accordance with the site plan dated July 2020 (prepared by Zone A Pty Ltd), except that the plan must show:
 - a) all existing vegetation to be retained and/or removed;
 - b) a planting schedule of all proposed trees, shrubs and ground covers; and
 - c) landscaping and planting within all open areas of the site (not used for vehicle parking or outdoor storage), to the satisfaction of the consent authority.Plant species endemic to the Barkly region are recommended, the locations/types/layout of planting should be selected to achieve the criteria listed in sub-clause 3 of Clause 5.2.6 of the NT Planning Scheme 2020.

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 and electricity facilities to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time.
4. Stormwater is to be retained on the site or collected and discharged into the drainage network to the technical standards of, and at no cost to, the Barkly Regional Council, to the satisfaction of the consent authority.

5. The kerb crossover and driveway to the site approved by this permit is to be provided, and any required re-instatement works are to be completed, to the requirements and technical standards of the Barkly Regional Council and at no cost to the Council, to the satisfaction of the consent authority.
6. 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. This condition is to the technical standards of the Barkly Regional Council, to the satisfaction of the consent authority.
7. Before the use or occupation of the development starts, driveways and areas set-aside for the parking of vehicles as shown on the endorsed plans must be:
 - a) constructed and maintained;
 - b) properly formed to such levels that they can be used in accordance with the plans; and
 - c) drained;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 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.
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. 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 construction works.
2. A "Permit to Work Within a Road Reserve" is required from the Barkly Regional Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Council's road network.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (water_development@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.
4. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
5. The Department of Environment, Parks and Water Security advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority (NTEPA) Northern Territory Noise

Management Framework Guideline September 2018, available at: https://ntepa.nt.gov.au/data/assets/pdf/file/0004/566356/noisemanagementframework_guideline.pdf

6. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at www.austieca.com.au and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
7. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.
8. If you choose NBN to service your development, you will need to enter into a development agreement with NBN. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to NBN guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
9. 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.

REASONS

1. An amendment to the *Planning Act 1999* came into effect on 31 July 2020. The amendments include transitional provisions in section 214(1) of the Act which state that any application or proposal that was not determined before the commencement is to proceed and be determined:
 - (a) in accordance with this *Act* applicable at the time the determination is made; and
 - (b) in relation to the elements of the planning scheme applicable at the time the determination is made.

Subsequent to the subject application being lodged, the Northern Territory Planning Scheme 2007 (NTPS 2007) was repealed and the Northern Territory Planning Scheme 2020 (NTPS 2020) took effect on 31 July 2020.

It was noted that at the time the application was submitted, the NTPS 2007 was in effect, and was addressed by the applicant in the Statement of Effect. Because the application was not heard before the commencement of the amendment to

the Act, and to satisfy the requirements of section 51 of the Act, the application is required to be assessed against NTPS 2020. This assessment was undertaken by Development Assessment Services (DAS) having regard to the applicant's Statement of Effect and how this relates to the current provisions of NTPS 2020 and amended Act. The application was assessed against the requirements of the Act (as at 31 July 2020) and the requirements of the NTPS 2020 (as at 31 July 2020).

Pursuant to section 51(a) of the *Planning Act 1999*, the Development Consent Authority (the consent authority) must take into consideration the planning scheme that applies to the land to which the application relates. An amendment to the *Planning Act 1999* took effect on 31 July 2020. The amendment to the *Planning Act 1999* includes transitional provisions in section 167(2) which states:
If:

- *an application was made to the former Authority as consent authority under section 48, 57 or 58 of the former Act; and*
- *a hearing in respect of the application had not been commenced under the former Act, this Act applies to the application as if it were an application under section 46, 59 or 57, respectively, of this Act.*

Subsequent to the subject application being submitted, the Northern Territory Planning Scheme 2007 (NTPS 2007) was repealed and the Northern Territory Planning Scheme 2020 (NTPS 2020) took effect on 31 July 2020. At the time the application was submitted, the Northern Territory Planning Scheme (2007) was in effect, and was addressed by the applicant in the Statement of Effect. Because the applications were not heard before the commencement of the amendment to the *Planning Act 1999*, and to satisfy the requirements of Section 51 of the *Planning Act 1999*, the application is required to be assessed against NTPS 2020. The proposal has been assessed against the requirements of the *Planning Act 1999* (as at 31 July 2020) and the requirements of the NTPS 2020 (as at 31 July 2020).

The proposed development as approved is considered to respond satisfactorily to applicable requirements and objectives of NTPS 2020 as it relates to the site and locality and is assessed as aligning with the purpose of Zone LI, which is to “*provide for low impact industrial and compatible non-industrial developments that will not by the nature of their operations, detrimentally affect adjoining or nearby land*”.

2. The consent authority grants variation/s to:
 - (a) Clause 5.2.4.1 (Parking Requirements) of the NTPS 2020 to allow 3 car parking spaces where 10 spaces are required, as
 - the various uses on site are not all being utilised at the same time;
 - the site is not used on a daily basis; and
 - the rear of the site has access from a laneway to an area suitable for informal vehicle parking.
 - (b) Clause 5.2.4.4 (Parking Layout) of the NTPS 2020, to waive the requirement for a formal parking layout plan as:
 - the site does not get utilised on a day-day basis;
 - the rear of the site is not accessible to the public;
 - the number of work vehicles accessing the site is minimal and for short periods of time;
 - most of the work is carried out in the field with short trips back to the laboratory or storeroom/warehouse; and

- the rear yard is unused and provides adequate space for vehicles to be kept inside the compound.
- (c) Clause 5.4.7 (Communal Open Space) of the NTPS 2020, to allow 3.6% of the site to be communal open space for the rooming accommodation, where a minimum of 15%, with no dimension less than 6m wide is required, as:
- the development of the rooming accommodation is for staff for relatively short durations (workers returning from field work);
 - it is for short stay accommodation on an infrequent basis;
 - the caretaker is the only regular resident;
 - the rooming accommodation is ancillary to the light industry use;
 - offers staff/workers a level of communal open space areas, around the site and under the adjoining verandah;
 - is compatible with the existing streetscape and development that may be reasonably be expected within the locality, given current zoning and development controls;
 - is consistent with the purpose of the clause and the zone purpose and outcomes; and
 - is appropriate to the site having regard to location, scale and impact on adjoining and nearby property.
 - meets the relevant objectives of NTPS2020 despite proposed variations to requirements of Part 5 of the Scheme;
- (d) Clause 5.6.1 (Setbacks and Building Design Requirements in Zones LI, GI and DV) of the NTPS 2020 to allow the dwelling-caretaker and rooming accommodation building to be constructed less than the required minimum setback distance from the side boundary (southern), as:
- the pre-existing laboratory and carport were built in 1972 on the northern side boundary, and have a reduced side setback;
 - the rooming accommodation cannot meet the 5m setback due to the existing structures on site;
 - it is expected to be compatible with the streetscape and surrounding development; and
 - is not expected to be discordant with the LI Zone 'Purpose' or 'Outcomes'.
- (e) Clause 5.6.2 (Expansion of existing Use or Development in Zones LI or Zone GI) of the NTPS 2020, to allow 2 x demountable structures and verandah to be placed on site for use as a dwelling-caretaker and ancillary rooming accommodation, as:
- the caretakers residence is a permitted use in the zone;
 - this application intends to replace the structure with an aesthetically pleasing caretakers residence and an additional 2-man bunkhouse for staff/worker accommodation (both as wholly subordinate uses to the primary use of the site);
 - the rooming accommodation will provide short-stay accommodation for HIQA's workforce allowing flexibility with respect to accommodating a specialist workforce undertaking field work and intermittently returning to the site to test materials;
 - the 2 x demountables will be joined with a verandah providing a breezeway, and communal open space; and
 - the building is not expected to adversely affect the amenity of the streetscape and locality.

3. Pursuant to section 51(e) of the *Planning Act 1999*, 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. The application was subject to Council notification and no submissions were received. The Barkly Regional Council was invited to comment on the application, but did not make any submissions in its capacity as local authority.
4. Pursuant to section 51(h) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account the merits of the proposed development as demonstrated in the application. The application identified/contended generally as follows:
 - a) The rooming accommodation will provide short stay accommodation for HIQA's transient field workers;
 - b) It will alleviate issues relating to accommodation bookings that may get cancelled due to delays in the field;
 - c) Staff can comfortably stay from 1 to 5 nights on site with a reasonable level of amenity;
 - d) The on-site activity of the caretaker and staff undertaking short stays will assist with site maintenance and security as well as providing passive surveillance of adjoining public spaces (street and laneway) to assist with deterring potential anti-social behaviour;
 - e) The development will improve the streetscape and improve amenity of the local area; and
 - f) The development will stimulate the building industry in the town and support many local businesses, whether directly or indirectly, which is essentially sustaining, maintaining and possibly creating jobs.
5. Pursuant to section 51(j) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account 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 Department of Environment, Parks and Water Security has not identified any issues of concern in terms of land capability or suitability. Advisory notes included in the development permit may be expected to assist in ensuring appropriate management of erosion, dust and noise during construction.
6. Pursuant to section 51(m) of the *Planning Act 1999*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer. The site is currently serviced. Service authorities have not identified any concerns in principle with the proposed development and the conditions of approval are expected to assist in ensuring that the Barkly Regional Council, the Power and Water Corporation and the relevant telecommunications authority's respective interests as a service authorities are duly recognised and that the development is serviced in an orderly manner.
7. Pursuant to section 51(n) of the *Planning Act 1999* the consent authority must take into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated. The proposed development is of a form and scale expected to be compatible with the established streetscape and locality and is not expected to adversely impact on the amenity of the locality. Permit conditions relating to stormwater management, kerb crossovers, landscaping, and construction of car parking space, may be

expected to assist in ensuring that the development is integrated into the streetscape.

8. Pursuant to section 51(p) of the *Planning Act 1999* the consent authority must take into consideration the public interest, including (if relevant) how the following matters are provided for in the application;
 - (i) community safety through crime prevention principles in design;
 - (ii) water safety; and
 - (iii) access for persons with disabilities.

The Community Safety Design Guide promotes community safety through crime prevention principles in design. The development has been designed with regard to the guide through crime prevention principles and includes provision of passive surveillance opportunities. No swimming pools are proposed and no special disabled accessible provision is required for development of this type.

9. Pursuant to section 51(r) of the *Planning Act 1999* the consent authority must take into consideration any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*. There are no known natural, social, cultural or heritage values on the site or in the immediate surrounding area.

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

FOR: 4 AGAINST: 0 ABSTAIN: 0

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

SUZANNE PHILIP
Chair
23 September 2020