



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 178 – FRIDAY 21 OCTOBER 2011

**BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN**

MEMBERS PRESENT: Peter McQueen (Chairman), David Hibbert, Bob Elix and Heather Sjoberg

APOLOGIES: Grant Tambling

OFFICERS PRESENT: Margaret Macintyre (Secretary), Doug Lesh and Peter Sdraulig and Israel Kgosiemang (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 11.00 am

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **SUBDIVISION TO CREATE 5 LOTS**
PA2011/0420 **LOT 5988 (57) BAYVIEW BOULEVARD, TOWN OF DARWIN**
APPLICANT **EARL JAMES AND ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) attended.

RESOLVED
225/11

That, the Development Consent Authority vary the requirements of Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5988 (57) Bayview Boulevard, Town of Darwin, for the purpose of subdivision to create 5 lots, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with drawing numbers 2011/0420/1 through 2011/0420/3 endorsed as forming part of this permit.
2. 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.
3. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
4. The permit holder must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity supply services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Part V Clearance for subdivision will not be granted until a statement from a registered building certifier is provided to the Department of Lands and Planning verifying that the existing building(s) on the site will continue to comply with the Building Act following the proposed subdivision to the satisfaction of the consent authority.

NOTE:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.

REASONS FOR THE DECISION

1. The subdivision to create 5 lots is for the purpose of surrendering strips of land from the current crown lease and vesting the lots in the NT Government. The proposed lots will not be developed.
2. A variation to Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme to create 2 lots within Zone FD (Future Development) less than 50ha in area is considered satisfactory in this instance as the land is to be excised from the crown lease to the NT Government and will not be developed.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2011/0613

**8 X 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING
INCLUDING UNDERCOVER CAR PARKING
LOT 4685 (13) QUANDONG CRESCENT, TOWN OF NIGHTCLIFF
APPLICANT BELL GABBERT ASSOCIATES PTY LTD**

Mr Mark Bell (Bell Gabbert Associates Pty Ltd) attended.

RESOLVED
226/11

That, pursuant to Section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 4685 (13) Quandong Crescent, Town of Nightcliff for the purpose of 8 x 2 bedroom multiple dwellings in a 4 storey building including undercroft car parking, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. Special circumstance being identified for the varying of Clause 6.5.3 (Parking Layout), Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.6 (Communal Open Space) of the NT Planning Scheme.
2. Any amendments to the application that arise as a result of the above information request.

REASON FOR THE DECISION

The request for additional information demonstrating special circumstances for the areas of non compliance with Clause 6.5.3 (Parking Layout), Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.6 (Communal Open Space) of the NT Planning Scheme is necessary as, pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority), consent can only be given if the consent authority is satisfied that special circumstances justify the giving of consent.

ACTION: Advice to Applicant

ITEM 3

WITHDRAWN

**ITEM 4
PA2011/0493**

**35M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOCIATED ANTENNAS
AND EQUIPMENT SHELTER**

APPLICANT

**LOT 9370 (544) LEE POINT ROAD, TOWN OF NIGHTCLIFF
TELSTRA CORPORATION LIMITED**

Mr Razi Malik (Aurecon) attended the meeting on behalf of the applicant and tabled another copy of the letter from Aurecon in response to the DCA's request for further information.

**RESOLVED
227/11**

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 9370 (544) Lee Point Road, Town of Nightcliff for the purpose of a 35m high telecommunications facility with associated antennas and equipment shelter, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2011/0493/1 through to 2011/0493/3, endorsed as forming part of this permit.
2. 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.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
4. 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.
5. Any upgrading of electricity supply is to be at the developer's expense, and undertaken in accordance with the Power and Water Corporation's Service and Installation Rules.
6. Deviation of the proposed underground consumer main on the road reserve is not accepted by the Power and Water Corporation. These consumer mains must be installed in accordance with the Power and Water Corporation's NP003 Installation Rules (Section 5.26), at the developer's expense.

NOTES:

1. The proximity of the historic site known as 'Konfrontasi Cruciform' or 'Konfrontasi 3' is brought to the attention of the applicant/ developer, and the necessity to ensure that its historic merit is not impacted and that public access to the site is to be maintained.
2. Approval must be submitted to the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation – Operations (PAN-OPS) surfaces for Darwin Airport.
3. Telstra has a statutory obligation under the *Telecommunication Act 1997* to have regard to 'obligations and opportunities to co-locate'. Telstra advised the Development Consent Authority that they will cooperate with any other carrier wishing to co-locate telecommunications infrastructure on this tower.

REASONS FOR THE DECISION

1. The proposed monopole will not impinge on the primary purpose of Zone SD26 (Specific Use), being to "facilitate the subdivision, use and development of the land as a residential estate that provides housing choice through a arrange of lots sizes and housing types".
2. As per the purpose of clause 6.9 (Land in Proximity to Airports) of the Planning Scheme, the proposed telecommunications facility will not result in greater numbers of people occupying an area affected by aircraft noise, and will not impact on the character of the land. Comment from the Darwin International Airport confirms that the tower will not infringe either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation – Operations (PAN-OPS) for the airport.
3. The proposal is consistent with the purpose of clause 13.5 (Mobile Telephone Communications Towers etc) of the Northern Territory Planning Scheme, being to ensure that "the erection of mobile telecommunications towers and infrastructure do not unreasonably detract from the amenity of the locality".
4. In line with section 51(p) of the *Planning Act*, the development will not impact on community safety, water safety or access for persons with disabilities. It has been confirmed that the level of electromagnetic emissions (EME) emitted by the proposed facility, as monitored by the Australian Communication and Media Authority (ACMA), will not exceed the regulated levels in any way. It is for this reason that the proposal is considered to have no impact on the public interest with regard to health.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2011/0508
APPLICANT

**SUBDIVISION TO CREATE TWO LOTS
SECTION 5826 (23) ABALA ROAD, HUNDRED OF BAGOT
DEPARTMENT OF LANDS AND PLANNING – LAND ADMINISTRATION**

Ms Ann-Marie Dooley (Land Administration DLP) and Mr Jaswant Deo (NT Squash) attended.

Submitter – Ms Michelle Ganzer (Treasurer, Darwin Toy Library) attended on behalf of Amanda Lanagan and tabled a letter of support from Department of Children and Families and a carpark study of the Darwin Toy Library parking.

**RESOLVED
228/11**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 5286 (23) Abala Road, Hundred of Bagot for the purpose of subdivision to create 2 lots, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings 2011/0508/1 & 2011/0508/2 and endorsed as forming part of this permit.
2. 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.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
5. Storm water is to be collected and discharged into the drainage network to the technical standards of Darwin City Council and/or Road Networks Division and at no cost to Darwin City Council/Road Networks Division.
6. All proposed work (including provision of services) within, or impacting upon the McMillans Road, Henry Wrigley Drive and Marrara Drive road reserves shall be designed, supervised and certified on completion by a practicing and registered Civil Engineer, and shall be in accordance with the standards and specifications of the Chief Executive, Department of Lands and Planning. No works (including the provision of services) within, or impacting upon NT Government road reserves are to commence prior to gaining Road Agency Approval.
7. Access to the proposed subdivision shall be via existing access from Marrara Drive only and to the standards and approval of Road Networks Division.

8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Road Networks Division and/or Darwin City Council to the satisfaction of the consent authority.

NOTE:

A 'Permit to Work within a Road Reserve' is required from Manager, Road Operations, Road Projects Division, Department of Construction and Infrastructure before commencement of any works within the road reserve.

REASON FOR DECISION

The development complies with the relevant provisions for subdivision and consolidation under the Northern Territory Planning Scheme and it is unlikely to have any negative impact on the surrounding area.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

24/10/11

