

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 169 – FRIDAY 3 JUNE 2011

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Peter McQueen (Chairman), David Hibbert, Grant Tambling, Bob Elix and Garry Lambert

APOLOGIES: Heather Sjoberg

OFFICERS PRESENT: Mone Coats-Ross (Acting Secretary), Hanna Stevenson and Steven Conn and for part of the meeting Doug Lesh and Peter Sdraulig (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 1.45 pm and closed at 5.00 pm

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 **ADDITIONS (INCLUDING A SHED) TO AN EXISTING SINGLE**
PA2011/0267 **DWELLING WITH REDUCED FRONT AND SIDE SETBACKS**
APPLICANT **PORTION 2585 (25) CARNOUSTIE COURT, HUNDRED OF BAGOT**
JAMES JOSEPH O'BRIEN

Applicant James Joseph O'Brien attended the meeting.

RESOLVED
109/11

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 6.11 (Garages and Sheds) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the proposed development to develop Portion 2585 (25) Carnoustie Circuit, Hundred of Bagot for the purpose of additions (including a shed) to an existing single dwelling with reduced front setbacks, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site to the requirements of Darwin City Council. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.
2. Prior to the use/occupation of the development commences a landscape 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application. The landscape plan is to show landscaping within the property boundary to provide a softening impact to the approved development on the site. A planting schedule specifying plant species and quantities for all landscaped areas is to accompany the plan.

CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the Darwin City Council.
7. 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.
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. 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that any structure within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.

REASONS FOR THE DECISION

1. The reduced front setback to the dwelling and the shed is supported as the proposal is considered to support the relevant purposes of Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 6.11 (Garages and Sheds). In addition, the reduced front setback is considered consistent with the existing streetscape along Carnoustie Circuit as a number of dwellings along the street have reduced front setbacks, most frequently those on similar corner blocks, including those neighbouring the lot concerned.
2. The reduced side setback to the shed is supported as the shed is located some 20m from the existing development on the adjoining lot. The adjoining lot is some 39m deep and 935m² in size. The large size, large depth and location of existing development of the adjoining lot will not render future development of this site vulnerable to a loss of amenity due to the location of the shed. Given this set of factors, the location of the shed will not detract from the existing of future amenity of adjoining

land. Consequently, the reduced setback is considered consistent with the purpose of Clause 6.11 (Garages and Sheds). In further support of the locational factors, additional special circumstances have been identified which justify the granting of consent. These special circumstances are the specialised use of the shed and the particular design of the shed to contribute positively to the built form within the area.

ACTION

Notice of Consent and Development Permit

ITEM 2
PA2011/0200

**OFFICES IN A 2 STOREY BUILDING EXCEEDING 8.5M IN HEIGHT
PLUS BASEMENT CAR PARKING
SECTION 5309 (9) DOWNES STREET & SECTION 5310 (12) CATTERTHUN
STREET, HUNDRED OF BAGOT.**

APPLICANT

P & T TSOUGRANIS FAMILY TRUST

Applicant Colin Brown attended the meeting.

RESOLVED
110/11

That, the Development Consent Authority vary the requirements of Clause 6.1 (General Height Control) and Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5309 (9) Downes Street and Lot 5310 (12) Catterthun Street, Hundred of Bagot for the purpose of offices in a 2 storey building exceeding 8.5m in height plus basement car parking, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged to the requirements of Darwin City Council and to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation) a full set of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to include a landscape plan and associated planting schedule specifying plant species and quantities for all landscaped areas and including:
 - (a) species and quantities capable of providing an appropriate softening impact to the development as viewed from both streets; and
 - (b) written advice confirming that soil depth, growth areas and plant species are all suitable in ensuring the ongoing sustainability of the landscaping as proposed above the basement car park.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. 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.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to Darwin City Council to the satisfaction of the consent authority.
8. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
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. 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.
13. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
14. Storage and collection for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
15. An Occupancy Permit under the *Building Act* shall not be granted until such time as Lots 5309 & 5310, Hundred of Bagot have been consolidated and a new title issued in respect of that consolidated allotment.

NOTES:

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.
2. The developer is to contact Service Stream on 1800 773 776 or Commercial.leadin@servicestream.com.au prior to any work commencing to facilitate the installation of the Telstra Network.

REASONS FOR THE DECISION

1. The proposed development is generally consistent with the purpose of Zone GI (General Industry) where 'offices are expected to primarily provide a service to the general industry in the zone and be of a size commensurate with the service provided', due to the small individual tenancies.
2. The requirement for a landscape plan to provide a softening effect to the development is considered appropriate in this instance given that the proposed development encroaches within the minimum front setbacks, and in recognition that any landscape areas are located above a basement car park.
3. A variation to Clause 6.1 (General Height Control) of the NT Planning Scheme for a building height of 9.63m is supported in this instance as the height proposed is not considered excessive in the site's context, and therefore considered to be consistent with the purpose of the clause which is to 'ensure that the height of buildings in a zone is consistent with development provided for by that zone'.

4. A variation to Clause 9.1.1 (Industrial Setbacks) is considered satisfactory as the overall design of the building is of a quality exceeding that typically found in industrial areas, and as such the overall development considered to satisfy the purpose of the clause by providing an adequate level of amenity to the street and wider surrounding area.
5. Darwin City Council advises it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and as such have requested details of the collection and discharge of stormwater for this proposal.

ACTION

Notice of Consent and Development Permit

**ITEM 3
PA2011/0265**

**CHANGE OF USE OF PART OF A BUILDING FROM WAREHOUSE
TO RESTAURANT
LOT 2845 (11) GOYDER ROAD, TOWN OF DARWIN
MASTERPLAN SA PTY LTD**

APPLICANT

Applicant Brad Cunnington (MasterPlan) and owner Lyn Stark attended the meeting.

**RESOLVED
111/11**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 2845 (11) Goyder Road, Town of Darwin for the purpose of a light industry (car detailing) and restaurant use, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with drawing number 2011/0265/1, 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. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
5. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to Darwin City Council, to the satisfaction of the consent authority.
6. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and

- (d) undertake reinstatement works;
all to the technical requirements of, and at no cost to, Darwin City Council, and to the satisfaction of the consent authority.
7. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat; 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.
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.
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.
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10. The loading and unloading of goods from vehicles must only be carried out on the subject site, and is not to disrupt the circulation and parking of vehicles on the land.
11. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advise that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
2. Notwithstanding the approved plans, all signage is subject to the approval of Darwin City Council.
3. Notwithstanding the approved plans, any proposed awnings, footpaths and landscaping works within Council's road reserve are subject to approval from Darwin City Council, and shall be undertaken at no cost to Council.
4. The Department of Health and Families advises that the proposed enclosed refuse storage area should include a floor that is smooth, impervious, non-slip, a minimum of 75mm thick and evenly graded to the sewerage or applicable

drainage system, and the enclosure should be provided with a tap connected to an adequate water supply.

5. In the event that food is provided for customers, the business must be registered with the Department of Health and Families' Environmental Health Greater Darwin Region and must comply with the NT Food Act 2004 and the national food safety standards: Standard 3.1.1 Interpretation and Application, Standard 3.2.2 Food Safety Practices and General Requirements and Standard 3.2.3 Food Premises and Equipment.
6. The design and construction of the food premises must comply with the NT Food Act 2004 and the national food safety standards: Standard 3.2.3 Food Premises and Equipment and the Building Code of Australia.
7. Detailed plans must be submitted to the Department of Health and Families' Environmental Health Greater Darwin Region via a building certifier for approval prior to the construction of building works. Following approval the premises is required to be registered as a Food Business with the Department of Health and Families' Environmental Health Greater Darwin Region prior to the use being undertaken.

REASONS FOR THE DECISION

1. The development does not impinge on the primary purpose of Zone SC (Service Commercial), being to "provide for commercial activities which, because of their business or size, require large sites".
2. Pursuant to 51(n) of the *Planning Act*, the Development Consent Authority must, in considering a development application take into account the potential impact on the existing and future amenity of the area in which the land is situated. It is considered that 'light industry' and 'restaurant' uses are appropriate for the site and its locality, and that there will be no resultant detrimental amenity impact on occupants of the site or surrounding premises.

The development is compliant against all relevant clauses of the Northern Territory Planning Scheme.

ACTION

Notice of Consent and Development Permit

ITEM 4
PA2011/0251

**2 STOREY SINGLE DWELLING WITH REDUCED PRIVATE OPEN SPACE AREA
FROM THAT REQUIRED IN ZONE SD20 (SPECIFIC USE DARWIN NO. 20)
LOT 7736 (31) RUDDICK COURT, TOWN OF DARWIN**

APPLICANT

ABP PERMITS PL

Applicant Chris Lovewell (ABP Permits Pty Ltd) attended the meeting.

**RESOLVED
112/11**

That, the Development Consent Authority vary the requirements of Part 5 of the Schedule to Zone SD20 (Specific Use Darwin No. 20) and Clause 7.5 (Private Open Space) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 7736 (31) Ruddick Circuit, Town of Darwin for the purpose of a 2 storey single dwelling with reduced private open space area from that required in Zone SD20 (Specific Use Darwin No. 20), subject to the following conditions:

CONDITIONS

1. The development carried out under this permit shall be in accordance with drawing numbers 2011/0251/1 through 2011/2051/5 endorsed as forming part of this permit.
2. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
5. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that any structure within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (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.
3. Notwithstanding the approved plans, any works and/ or landscaping within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager or Infrastructure, Darwin City Council and at no cost to Council.

REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone SD20 (Specific Use Darwin No. 20) which is to facilitate the subdivision, use and development of the land as a residential estate.
2. A variation to the requirements of Part 5 of the Schedule to Zone SD20 (Specific Use Darwin No. 20) and Clause 7.5 (Private Open Space) of the NT Planning Scheme for private open space without a 6m x 6m area is considered satisfactory in this instance as:
 - the proposal includes a total of 156 m² which is well in excess of the minimum 50 m² required by Clause 7.5 (Private Open Space) of the NT Planning Scheme, including an area with dimensions of 10m x 5.5 m which is only marginally less than that required by Clause 7.5 (Private Open Space) and Part 5 of the Schedule to Zone SD20 (Specific Use Darwin No. 20);
 - there is no adverse impact on the surrounding area as the dwelling complies with all other aspects of the building envelope applicable to the site; and
 - any impact of the development is limited to future resident's therein and it is considered that, due to the minor reduced dimension, and the 2 high quality ground-level areas of open space, any adverse impact on future residents therein would be negligible.
3. Darwin City Council advises it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and as such have requested details of the collection and discharge of stormwater for this proposal.

ACTION

Notice of Consent and Development Permit

ITEM 5 **WITHDRAWN**

ITEM 6 **WITHDRAWN**

ITEM 7 **35M HIGH TELECOMMUNICATIONS TOWER WITH**
PA2011/0241 **ANTENNAS AND ASSOCIATED EQUIPMENT SHELTER**
 LOT 6682 (37) KALYMNOS DRIVE, TOWN OF SANDERSON
APPLICANT **TELSTRA CORPORATION LTD**

Applicant Mark Baade attended the meeting and tabled a document.

Submitter Annick Beyderwellen attended the meeting and tabled a new petition against the development.

Submitters Richard Teo, Kweilin Ho, Emma Harper, Helen Christensen, Rod Shepard, Gillian Shaw on behalf of Kevin Rooney and Ingrid Beyderwellen attended.

Member of the public David Jones attended the meeting out of interest.

**RESOLVED
114/11**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consents to the application to develop Lot 6682 (37) Kalymnos Drive, Town of Sanderson for the purpose of a 35m high telecommunications tower with antennas and associated equipment shelter, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with drawing numbers 2011/0241/1 and 2011/0241/2, 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 to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

NOTES:

1. PAWC advise that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
2. Department of Defence advise that during the construction phase of installing the communications facility, cranes must be used on the site. Defence requires that prior to the commencement of rigging cranes, that the proponent submits details to Defence, so that the air traffic controller can be advised.
3. The owner shall provide RAAF Aeronautical Information Service (AIS) with 'as constructed' details. RAAF AIS has a web site with a Vertical Obstruction Report Form www.raafais.gov.au/obstr_form.htm which can be used to enter the location and height details of tall structures.
4. Department of Defence have advised that to ensure adequate aircraft safety the highest point on the mobile phone tower will need to be illuminated using appropriate obstruction lighting during night time hours.

REASONS FOR THE DECISION

1. Whilst the Development Assessment Services report to the Development Consent Authority recommended that the application be refused, it is the view of the Development Consent Authority in its consideration of the matters under section 51 of the *Planning Act*, that the application warranted approval for the reasons forming Reasons for Determination 2 through to 9 outlined below. Of particular significance to the

consideration of the Development Consent Authority was the verbal and written evidence provided by the applicant at the meeting which specifically addresses Development Assessment Services' concerns with regard to amenity, visual mass and alternative location opportunities.

2. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into consideration the planning Scheme that applies to the land to which the application relates. The telecommunications tower and associated equipment is consistent with the purpose of Clause 13.5 (Mobile Telephone Communications Towers etc) of the Northern Territory Planning Scheme which requires that the provision of mobile telecommunications towers and infrastructure does not unreasonably detract from the amenity of the locality. Given the information provided at the hearing in relation to the technical requirements of the telecommunications towers which necessitates a degree of visibility in order to be effective, the particular site chosen, being a commercial zoning site developed with a supermarket, petrol station and other shops, strikes a balance between minimising the amenity impact of the facility on the locality while providing effective service coverage. The Development Consent Authority in particular considered the close proximity of the SD (Single Dwelling Residential) zoned land and the child care centre on Kalymnos Drive in coming to this conclusion.
3. Pursuant to section 51(e) of the *Planning Act*, the Development Consent Authority must take into consideration any submissions received. All issues raised in submissions were considered. In particular, potential health impacts, property values and visual impacts. The applicant has provided a response which is considered to adequately address the concerns. In regard to the potential health impacts, which was primarily discussed at the hearing by submitters that attended, the information demonstrates that the facility is within the Australian Communications and Media Authorities mandated exposure limits. The information also details the objective nature of property values and the irrelevance of property values as a planning concern. Visual impacts are discussed by the applicant and are, in light of the proposal in question, considered as limited as possible.
4. Pursuant to section 51(n) of the *Planning Act*, the Development Consent Authority must take into consideration the potential impact on the existing and future amenity of the area. It is submitted by the applicant that the technical requirements of the facility and the demand for telecommunications services in the area dictates that the new structure is required with antennas of a sufficient height. It is unavoidable that this structure will conflict with the predominant built form of the area, however the site chosen is that of commercial zoning, developed as such, which possesses a different built form to the surrounding area. The telecommunication service provided to the area is considered to improve the amenity of the area.

5. The applicant has provided many details regarding the site selection, including the particular location within the site, and the unfeasibility of alternative locations, both in writing and verbally at the hearing. In summary the authority has considered the information and considers that the particular site chosen is suitable and balances the impact on the wider locality and the need for telecommunication services.
 6. The applicant provided commentary at the hearing regarding the co-location requirements within the telecommunications industry, whilst the authority cannot mandate another provider to co-locate on the tower, it is understood that the industry is regulated in such a way that erection of an additional tower within the vicinity of the subject sites would be restricted in favour of the co-location opportunity.
 7. The authority has considered the land use features of the area. Given the identified need for the service, this particular site being zoned C (Commercial) is considered to be the most desirable site. The Australian Industry Communications Industry Forum's Industry Code is noted with particular reference to 'community sensitive locations'. In determining this application, the authority was aware that identification or proximity of 'community sensitive locations' does not prohibit the siting of a telecommunication facility on a particular site.
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8. In addition to sections 51(a), 51(e) and 51(n) of the *Planning Act* as referred to in Reasons for Determination 1, 2 and 3, the authority has fully considered the remaining sections of section 51 and has determined that there are no matters of such significance to the assessment of the application under these sections to warrant specific mention in these reasons.
 9. The cumulative impact of the evidence provided by the applicant has informed the authority to such a point where they are of the opinion that the favourable consideration of this application will not result in an outcome which is manifestly contrary to any provision of the Northern Territory Planning Scheme.

ACTION

Notice of Determination

**ITEM 8
PA2011/0259**

**35 M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOCIATED
ANTENNAS AND EQUIPMENT SHELTERS
LOT 4991 (36) GARDENS HILL CRESCENT, TOWN OF DARWIN
OPTUS MOBILE PTY LTD**

APPLICANT

Submitter Ross Tonkin attended the meeting.

**RESOLVED
115/11**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 4991 (36) Gardens Hill Crescent, Town of Darwin for the purpose of a 35m high telecommunications facility with associated antennas and equipment shelter, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with drawing numbers 2011/0259/1 through 2011/0259/6, 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. Upon commencement of the operation of the facility, written advice from the applicant/ developer that the lattice tower on the southeastern end of Lot 4991, Town of Darwin has been removed is to be provided, to the satisfaction of the consent authority.

NOTES:

1. PAWC advise that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
2. Darwin International Airport and the Department of Defence advise that separate requests for assessment and approval must be submitted to Darwin International Airport and 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. The owner shall provide RAAF Aeronautical Information Service (AIS) with 'as constructed' details. RAAF AIS has a web site with a Vertical Obstruction Report Form www.raafais.gov.au/obstr_form.htm which can be used to enter the location and height details of tall structures.

REASONS FOR THE DECISION

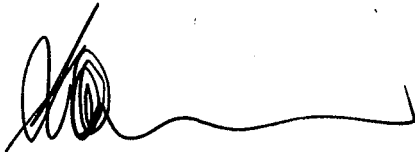
1. The proposal is consistent with the purpose of Clause 13.5 (Mobile Telephone Communications Towers etc) of the Northern Territory Planning Scheme, being to ensure that "the erection of mobile telecommunications towers and infrastructure do not unreasonably detract from the amenity of the locality".

2. The proposed monopole will not impinge on the primary purpose of Zone SC (Service Commercial), being "to provide for commercial activities which, because of their business or size of the population catchment, require large sites".
3. In accordance with the requirements of section 51(e) of the *Planning Act*, consideration has been given to the submissions received, which have been addressed through a response from the applicant.
4. The removal of the lattice tower on the southeastern end of Lot 4991 will see no effective increase in the site's impact on visual amenity, with no overall increase in the number of telecommunications structures on the site.
5. The monopole is a joint Optus and Telstra facility, and is in a location suitable for the coverage objectives of both carriers, thereby reducing the potential for further facilities to be constructed in the locality.

The two equipment shelters will be surrounded by the existing buildings on the site and will not be visible from the public roadway or residential properties in the locality.

ACTION Notice of Determination

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



PETER MCQUEEN
Chairman

8/6/11