



**DEVELOPMENT CONSENT AUTHORITY**

**DARWIN DIVISION**

**MINUTES**

**MEETING No. 195 – FRIDAY 17 AUGUST 2012**

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

**MEMBERS PRESENT:** Peter McQueen (Chairman), Grant Tambling, Garry Lambert, Robin Knox and Jeanette Anictomatis (observer)

**APOLOGIES:** David Hibbert

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Hanna Stevenson, Steven Conn and Tony Brennan (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 9.30 am and closed at 12.30 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**                      **RELOCATION OF AIR CONDITIONING PLANT**  
**PA2009/1494**              **LOT 2291 (6) KNUCKEY STREET, TOWN OF DARWIN**  
**APPLICANT**              **JALOUISE PTY LTD**

Mr Vin Keneally (Vin Keneally Architects) and Mr Manual Liveris attended.

Mr Keneally tabled an amended plan.

**RESOLVED**  
**200/12**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 2291 (6) Knuckey Street, Town of Darwin for the purpose of relocation of air conditioning plant 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:

- Evidence that consultation regarding the relocated air conditioner plant has occurred with the Body Corporates of the residential buildings located on Lot 640 Town of Darwin (Le Grand) and Lot 7594 Town of Darwin (Old Admiralty House Tower). The consultation period may be time limited to a period of no less than 14 days.

**REASON FOR THE DECISION**

1. In determining the application, the authority is required to determine if the application will materially affect the amenity of adjoining or nearby land or premises. Evidence to demonstrate consultation has occurred with the adjoining residential premises will allow the authority to make an informed decision if the proposal will materially affect the amenity of these residences.

**ACTION:**                      Advice to Applicant

**ITEM 2**                      **35M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOCIATED ANTENNAS**  
**PA2012/0402**              **AND EQUIPMENT SHELTER**  
**APPLICANT**              **LOT 6495 (73) REICHARDT ROAD, TOWN OF DARWIN**  
**TELSTRA CORPORATION LIMITED**

Mr Mark Baade (S K Planning Pty Ltd) attended.

**RESOLVED**  
**201/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 6495 (73) Reichardt Road, Town of Darwin for the purpose of a 35m telecommunications tower 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 drawings numbered 2012/0402/1 through 2012/0402/5, 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.
4. 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 and discharged to the requirements of the City of Darwin.
5. The facility must satisfy the controls of sections 8.10 and 9.4 of the Civil Aviation Safety Authority's Manual of Standards Part 139 for obstacle markings and lighting, to the requirements of Darwin International Airport, to the satisfaction of the consent authority.

## NOTES:

1. 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 Services – Operations (PANS-OPS) surfaces for Darwin Airport.
2. Department of Defence advise that a separate request for assessment and approval under the Defence (Area Control) Regulations must be submitted to the Minister's Delegate at the following address:

Assistant Secretary Estate Planning  
Department of Defence  
BP3-1-B001  
Brindabella Park  
CANBERRA ACT 2602

Until such time as an approval is obtained, the applicant may not construct any structure on the site that exceeds 15m AGL.

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](http://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 proposed monopole will not impinge on the primary purpose of Zone GI (General Industry), being "to provide for general industry".
2. 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". Furthermore, pursuant to section 51(n) of the *Planning Act* the authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The site is not located in proximity to any permanent residential premises, will not be of any detriment to the operation of the industrial premises contained on the site, and has shown consideration of views from the surrounding area and potential for co-location. As such, the facility will not unduly impact on the existing and future amenity of the area.
3. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
4. Compliance with the Civil Aviation Safety Authority's Manual of Standards Part 139 shall ensure that there is no resultant safety impact for aircraft accessing the Darwin International Airport.
5. 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.

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

ITEM 3

WITHDRAWN

ITEM 4  
PA2012/0333

MIXED USE DEVELOPMENT COMPRISING A 5 STOREY BUILDING WITH COMMERCIAL AND EDUCATION ESTABLISHMENT TENANCIES AND 12 X 2 BEDROOM MULTIPLE DWELLINGS (INCLUDING 2 LEVELS OF CAR PARKING), A 6 STOREY BUILDING WITH 24 X 1 & 24 X 2 BEDROOM MULTIPLE DWELLINGS, A 9 STOREY BUILDING WITH 26 X 1, 33 X 2 & 6 X 3 BEDROOM MULTIPLE DWELLINGS AND GROUND LEVEL COMMERCIAL TENANCIES AND ASSOCIATED BASEMENT CAR PARKING, ROADS AND OPEN SPACE

APPLICANT

TOGA DARWIN NO. 1 PTY LTD

Mr Jeffrey Klein (Toga Darwin No 1 Pty Ltd) and Mr Terry O'Neill (Darwin Waterfront) attended.

RESOLVED  
202/12

That the Development Consent Authority vary the requirements of clauses 7.5 (Private open Space), 7.6 (Communal Open Space) and 14.1.1 (Darwin City Waterfront Planning Principles and Area Plan) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 8025 (2) Stokes Hill Road, Town of Darwin for the purpose of 'a 5 storey building with commercial and education establishment tenancies and 12 x 2 bedroom multiple dwellings (including 2 levels of carparking), a 6 storey building with 24 x 1 bedroom and 24 x 2 bedroom multiple dwellings, a 9 storey building with 26 x 1 bedroom, 33 x 2 bedroom and 6 x 3 bedroom multiple dwellings and ground level commercial tenancies and associated basement carparking, roads and open space', subject to the following conditions:

#### CONDITIONS PRECEDENT

1. Prior to endorsement of plans and prior to commencement of works (including site preparation), confirmation that the site is suitable for the proposed land use in accordance with the requirements of the Department of Natural Resources, the Environment, the Arts and Sport (NRETAS) is to be provided, to the satisfaction of the consent authority.
2. Prior to endorsement of plans and prior to commencement of works (including site preparation), a full set of revised plans are to be submitted that incorporate all changes to the bicycle path and communal open space area, implemented as a result of the deferral given on 6 July 2012, to the satisfaction of the consent authority.

#### GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
4. All actions recommended through the Construction Environment Management Plan (CEMP) endorsed through development permit DP09/0760 are to be followed as part of this permit. The CEMP included the following 'sub plans':
  - (a) A Noise Management Plan demonstrating how the applicant will achieve the objective of limiting the impact of noise from construction to acceptable levels and contains the organisation structure, responsibilities, practices, procedures, processes and resources required for implementation.

- (b) An Acid Sulphate Soil Management Plan detailing a soil testing regime consistent with the New South Wales Environmental Protection Authority's Environmental Guideline Assessing and Managing Acid Sulphate Soil or equivalent and includes details of management and disposal options for acid sulphate soils.
  - (c) An Archaeological and Heritage Management Plan detailing procedures to be followed in the event that items of archaeological or heritage interest are discovered during construction activity, and contains the organisation structure, responsibilities, practices, processes and resources required for implementation.
  - (d) A Soil Erosion and Sediment Control Management Plan detailing measures to be implemented, maintenance requirements and the organisation structure, responsibilities, practices, processes and resources required for implementation.
  - (e) A Weed Management Plan detailing strategies to be implemented to minimise the introduction of weeds to the site and spread of weeds from the site.
  - (f) A Lighting Management Plan demonstrating how the permit holder will avoid any adverse impact of lighting from construction activities on shipping navigation requirements and residential amenity and contains the organisation structure, responsibilities, practices, processes and resources required for implementation.
  - (g) A Waste Management Plan specifying measures to minimise the impact of all soil, air and water wastes to be excavated, dredged, pumped, generated, handled, treated, transported and disposed of during development. The Waste Management Plan:
    - Listed all wastes (liquid and non-liquid) that may be generated at the site including building or demolition or excavated materials.
    - Detailed the intended manner of handling, storing, tracking and transport of wastes.
    - Included procedures for the disposal of all wastes to a licensed facility or location in accordance with the *Water Act* and the *Waste Management and Pollution Control Act* and their respective classifications at that facility.
    - Designated waste storage areas, including stockpiles and bins and areas for segregation and storage of recyclable materials.
    - Contained the organisation structure, responsibilities, practices, processes and resources required for implementation.
5. All remediation works shall be carried out to the requirements of the Remediation Action Plan (RAP) prepared by URS, Version 6 – Volumes 1 and 2, dated 9 August 2005, as endorsed through DP09/0760.
6. Upon completion of all remediation works required by the Remediation Action Plan (RAP) and prior to the commencement of the use, an independent environmental auditor appointed under the *Environmental Protection Act (Victoria)* is to provide to the consent authority a Statement of Environmental Audit. The Statement is to verify that the site has been remediated in such a way that it is suitable for its intended use(s), giving proper consideration to land fill, unexploded ordnances, groundwater, fill and soil contamination. All recommendations of the Statement of Environmental Audit are to be complied with in full.

7. The actions of the Site Management Plan (SMP) endorsed through DP09/0760 are to be followed as required for this development.
8. 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.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
10. Engineering design and specifications for stormwater drainage and vehicular access are to be to the technical requirements of the City of Darwin or the Department of Lands and Planning, as the case may be, to the satisfaction of the consent authority and all approved works constructed at the permit holder's expense.
11. The road works and/ or all proposed works impacting affecting existing roads are to be designed, supervised and certified on completion by a Chartered Professional Civil Engineer in accordance with the standards and specifications of the Department of Lands and Planning, to the satisfaction of the consent authority.
12. The permit holder shall at all times during the construction of the works ensure continuity of vehicular and pedestrian access and reticulated services to all existing businesses and uses accessed from Kitchener Drive or Stokes Hill Road.
13. 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 the City of Darwin and/ or the Department of Lands and Planning, as the case may be, to the satisfaction of the consent authority.
14. 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, the City of Darwin and/ or the Department of Lands and Planning, as the case may be, to the satisfaction of the consent authority.
15. 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.

16. 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.
17. Before the use 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.
18. The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
19. All roads, storage areas, external stockpiles, or vacant areas must be maintained to avoid dust nuisance to any residential area to the satisfaction of the consent authority.
20. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin or the Department of Lands and Planning, as the case may be, to the satisfaction of the consent authority.
21. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the consent authority.
22. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s).
23. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
24. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.
25. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
26. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land and on the operations of the Darwin port.
27. The ground floor, finished floor levels of the buildings must be at a minimum of 6.5 metres Australian Height Datum (AHD).



## NOTES:

1. The Power and Water Corporation advises 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 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/ or surrounding infrastructure.
2. The Department of Health 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.
3. In the event that food is provided for customers, the business must be registered with the Department of Health 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.
4. 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.
5. Detailed plans must be submitted to the Department of Health 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 prior to the use being undertaken.
6. It is an offence to cause an environmental nuisance under section 83(5) of the *Waste Management and Pollution Control Act*.
7. The proponent must ensure that only uncontaminated fill is accepted and that the fill has been adequately assessed as being suitable for its intended use. Polluting a site with contaminated fill may constitute an offence under section 83 of the *Waste Management and Pollution Control Act*.
8. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: <http://www.telstrasmartcommunity.com/>, and is to register the development with NBN Co at <http://www.nbnco.com.au/getting-connected/new-developments.html>.
9. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required.

## REASONS FOR THE DECISION

1. The development is consistent with the primary purpose of Zone CB (Central Business), being to “provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities, with a commitment to the separation of incompatible activities”.
2. A variation to the requirements of subclause 2 of clause 7.5 (Private open Space) of the Northern Territory Planning Scheme is supported as 123 of the 125 proposed multiple dwellings comply with the controls and the two non-compliant units are still provided with areas of private open space, of 39.7m<sup>2</sup>, that is suitable for recreational and amenity purposes. In line with the purpose of clause 7.5, “each dwelling has private open space that is appropriately sited and of an adequate size to provide for domestic purposes”, and the development is inclusive of a high level of quality commonly accessible open space that is landscaped and provides for a range of recreational activities, and is within walking distance of other facilities within the Waterfront precinct and the Darwin central business area.
3. A variation to the requirements of subclause 2 of clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme is supported as the development is providing a significant amount of high quality and commonly accessible space that is thoughtfully landscaped and integrated with the other aspects of the Waterfront precinct. This space is publicly accessible, providing an amenity for the locality and city as a whole, accords with the open space being sought by the Darwin City Waterfront Area Plan given in clause 14.1.1 of the Planning Scheme.
4. The development’s departure from the principles of clause 14.1.1 (Waterfront Planning Principles and Area Plan) of the Northern Territory Planning Scheme for a primarily commercial development, comprising offices, commercial uses and an education establishment, within building 4 is supported as:
  - The separation of the residential and commercial uses reduces potential for conflict between the 2 uses which still maintaining the mixed use character of the development and Waterfront precinct.
  - The use of building 4 for primarily commercial, instead of residential, purposes recognises the primary collector road nature of Kitchener Drive and its potential to adversely impact on a more sensitive residential use.
  - The introduction of an education establishment use should see a level of vitality and diversity of uses come to the site while not impacting on the amenity of residences.
5. Revised plans showing confirmation that the tenancies marked on levels 2, 3 and 4 of building 4 are for ‘education establishment’ use is required as this space has been assessed on the basis of it being for the purposes of education establishment alone, and in recognition of the differing requirements under the Northern Territory Planning Scheme of the two

uses. Development approval will be required from the consent authority for any change of use of this space from 'education establishment'.

6. All matters of environmental concern raised by the Department of Natural Resources, the Environment, the Arts and Sport (NRETAS) shall be appropriately addressed through the plans outlined in this permit, and development permit DP09/0760.
7. The proposed development is similar in scale and built form to that approved through development permit DP09/0760. The subject proposal is not expected to result in impacts beyond that previously approved, and is consistent with development anticipated in zone CB (Central Business) and the Waterfront precinct.

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

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



**PETER MCQUEEN**  
Chairman

20 /8/12

