



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 324 – FRIDAY 5 OCTOBER 2018

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

MEMBERS PRESENT: Suzanne Philip (Chair), Doug Phillips, John Gleeson, Sherry Cullen, and Mick Palmer

APOLOGIES: Nil

OFFICERS PRESENT: Dawn Parkes and Ben Wollinski (Development Assessment Services)

COUNCIL REPRESENTATIVE: Apologies

Meeting opened at 10.15 am and closed at 10.45 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 **31.5M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOCIATED**
PA2018/0342 **ANTENNAS AND EQUIPMENT SHELTER**
APPLICANT **SECTION 6196 (171) HIDDEN VALLEY ROAD, HUNDRED OF BAGOT**
VISIONSTREAM

Daniel Hay from Visionstream and Rafael Sterk from Telstra attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
169/18 Authority consent to the application to develop Section 6196 (171) Hidden Valley
Road, Hundred of Bagot for the purpose of a 31.5m 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 endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the development shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
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. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be suitably stabilised against erosion at completion of works, to the satisfaction of the Consent Authority.

NOTES

1. The site is subject to the 'Defence Areas Control Regulations (DACR)'. All structures, including temporary structures, higher than 15m above ground level, including, but not limited to, additional buildings, light poles, cranes used during construction, vegetation etc., require approval from the Department of Defence.
2. Darwin International Airport advises 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.

3. The Power and Water Corporation advises that 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 Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
4. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
5. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from the Department of Environment and Natural Resources. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.

REASONS FOR THE DECISION

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

The subject site is situated next to the Hidden Valley Motor Sports Complex. The site is located within Zone OR (Organised Recreation). Zone OR is to provide areas for organised recreational activities. Development is to be limited to that which is consistent with the recreational opportunities of the land.

The proposal is considered not to negatively impact on organised recreational activities, with the development expected to support patronage and recreational opportunities of the motor sport complex. The development of the site is consistent with the intended zoning.

The application is supported in this instance as:

- The proposal was assessed against the Northern Territory Planning Scheme and was found compliant.
- The development is expected to support patronage and recreational opportunities of the motor sport complex.
- It is anticipated that the addition of this telecommunication facility will not have any detrimental effects on amenity, as existing telecommunication facilities exist within the locality.
- Visual impacts of the telecommunication facility have been minimised.
- An improvement of telecommunications in the vicinity, motor sport complex and along Tiger Brennan Drive is expected with the proposed telecommunication facility.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration 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 proposed development does not require the preparation of any environmental reports or impact statements under the *Environmental Assessment Act*.

The development proposal will not limit the uses or development within the zone. Power and Water Corporation (PWC) have advised that the development falls within Berrimah Wastewater Stabilisation Ponds odour risk area and a cautionary notification on the land title must be provided to the satisfaction of PWC. DAS considers that the request for a cautionary notice is not warranted in this instance as the proposed development is for a telecommunications facility that is uninhabited and therefore will not be impacted by odour.

The land is considered capable of supporting the proposed development and no other concerns with land capability were raised by service authorities.

3. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The addition of a telecommunication facility would be unlikely to have an adverse impact on the existing and future amenity of the area, as there is an existing telecommunication facilities nearby. Visual aesthetics impacting adjoining properties will be minimal as the proposed telecommunication tower is:

- Smaller than the nearby telecommunications tower.
- Located further away from Tiger Brennan Drive and residential areas than the nearby telecommunications tower.
- Close to existing powerlines.
- Adjacent to the existing motor sports complex with its light towers approved under development permit DP17/0465 for 20 x 12m and 1 x 20m lighting towers.

ACTION: Notice of Consent and Development Permit

**ITEM 2
PA2018/0352
APPLICANT**

**CHANGE OF USE FROM WAREHOUSE TO OFFICE
SECTION 5098 (116) REICHARDT, HUNDRED OF BAGOT
ABP PERMITS PTY LTD**

Garry Cross, General Manager Tiwi Land Council attended.

Mr Cross tabled an extract from a valuation report for the building identifying that there was 384m² of office space available within the building.

**RESOLVED
170/18**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 5098 (116) Reichardt Road, Hundred of Bagot for the purpose of change of use from warehouse to office, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an amended site or landscaping plan detailing the location and plant species along both street frontages 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 must be generally in accordance with the plans submitted with the application.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), written confirmation from a qualified traffic engineer that the car parking layout associated with the development complies with the relevant Australian Standards for car parking must be provided in instances where the car parking layout does not comply with the minimum requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings 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, drainage, sewerage, and electricity services to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
5. Before the use or occupation of the development starts, the area(s) 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.

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.

7. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
8. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

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 Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from the Department of Environment and Natural Resources. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.

REASONS FOR THE DECISION

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

The subject site is located within Zone GI (General Industry). The primary purpose of Zone GI is to provide for general industry. 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.

Office uses are commonly found within industrial zones as ancillary uses to industrial developments and are often permitted forms of development under the Planning Scheme. While offices in zone GI are expected to primarily provide a service to the general industry, an office is a discretionary form of development under the Planning Scheme.

The authority determined that in this instance the site was appropriate for the development of an office and noted the location of the site in close proximity to land in zones LI (Light Industry) and SC (Service Commercial) that are developed for similar commercial uses. The

authority also noted the retention of some warehouse space within the development to accommodate the Tiwi Land Council's specific needs to store items for transport to their main offices on the Tiwi Islands.

The authority raised the matter of reverse sensitivity issues given the sites' location adjacent to general industry uses and the potential for these uses to intensify in the future. Tiwi Land Council General Manager Mr Cross addressed concerns relating to the potential impact on their amenity and referenced the impact of the adjoining lots with noise that occurs due to boat building, metal fabrication and handling. Mr Cross considered that the impact arising from these intensive industrial uses as not being intrusive, with the impact on amenity of their office space minimal and continues to find the site suitable for their needs.

2. Mr Cross provided amended plans demonstrating compliance with Clauses 6.5.1 (Parking Requirements), 9.1.1 (Industrial Setbacks) and requested a variation to Clause 6.5.3 (Parking Layout).

Clause 2.5(4) (Exercise of Discretion by the Consent Authority) allows the authority to vary the provisions of Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent.

The non-compliance is limited to two areas of the driveway where the width reduces to less than the required 6m. The application is supported in this instance as:

- Mr Cross demonstrated the capacity for vehicles to adequately manoeuvre on site with the car parking area being functional and appropriately designed, satisfying the purpose of Clause 6.5.3 (Parking Layout);
- Mr Cross explained that the area identified for loading will rarely be utilised and therefore in reality the driveway in this area will meet the minimum 6m width requirement; and
- The carpark is expected to be used by staff only with limited vehicle movements throughout the day reducing the potential for any conflict as a result of a reduced driveway width.

Furthermore, a condition precedent has been included on the development permit requiring written confirmation from a qualified traffic engineer that the car parking layout associated with the development complies with the relevant Australian Standards to ensure that the purpose of Clause 6.5.3 is achieved.

3. The authority noted that the amended plans did not include landscaping details for the entire length of the street frontages as required by Clause 9.1.1 (Industrial Setbacks). As no variation is being sought to this requirement a condition precedent has been included on the development permit requiring the submission of further amended plans to include the provision of landscaping along all street frontages.
4. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration 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 proposal is for a change of use within an existing building which is largely limited to internal alterations only. Service authorities did not raise any concerns in relation to land capability and the land is considered capable of supporting the proposed development.

5. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

Offices are a discretionary use within Zone GI (General Industry) and are expected to primarily provide a service to the general industry in the zone and be of a size commensurate with the service provided. While the proposed office is for the use of the Tiwi Land Council and is therefore not expected to primarily provide a service to the general industry in the zone, it is not expected to impact on the existing or future amenity of the area as the office use will operate in less intrusive manner to that of the surrounding industrial uses. The General Manager of Tiwi Land Council has acknowledged the existing and possible future operations of the industrial area and the potential to be impacted from noise and odour etc. and has not raised any concern.

The location of the subject site is noted as providing easy access from both the Stuart Highway and the Tiger Brennan Drive and is surrounded by a wide range of industrial and service commercial uses which all contribute to the existing amenity of the area. The proposed office use is therefore considered appropriate in this specific location and is expected to positively contribute to the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair
09 OCTOBER 2018