

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 162 – FRIDAY 18 FEBRUARY 2011

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

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Doug Lesh, Hanna Stevenson, Kate Smyth and for part of the meeting Steven Conn and Israel Kgosiemang (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.15 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 **DEPENDANT UNIT ADDITION (EXCEEDING 50M² IN AREA) TO**
PA2010/1370 **AN EXISTING SINGLE DWELLING WITH REDUCED FRONT AND**
 SIDE SETBACKS
 LOT 5390 (27) LAMBELL TERRACE, TOWN OF DARWIN
APPLICANT **MASTERPLAN NT**

DAS emailed a response from the applicant in regard to response to public submissions and service authorities to the DCA members and the submitters the day before the meeting.

Mr Brad Cunnington (Masterplan NT), Mr David Flint (owner), Mr Lutz Frankenfeld and Mr Nick Zaroufis (SK Formwork) attended.

Mr Cunnington tabled:-

- a statement by Mr Lutz Frankenfeld owner of adjoining property 15 Kirkland Crescent until 1987 on the works undertaken excavation on the joint boundary with Mr Flint and an old photograph showing excavation;
- 26 photographs of the site from various angles; and
- Response to public submissions and service authorities (the same document emailed by DAS to DCA members and submitters).

Submitters:- Mr David and Mrs Jodie McLeod, Mrs Patty Buntine and Mrs Kim Leslie attended.

Mr McLeod tabled a valuation report from Herron Todd White on the impact on market value due to proposed development on neighbouring property.

RESOLVED
28/11

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 5390 (27) Lambell Terrace, Town of Darwin for the purpose of Dependant Unit addition (exceeding 50m² in area) to an existing single dwelling with reduced front and side setbacks for the following reasons:

1. Sub-clause 3 of Clause 2.5 of the NT Planning Scheme has been considered in relation to this application. This clause states that 'the consent authority may consent to the development of land that does not meet the standard set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent'. In respect to this it is considered no special circumstances have been identified to justify varying Clause 7.1 (Residential Density and Height Limitations) and Clause 7.3 (Building Setbacks of Residential Buildings). It is considered that the development is an overdevelopment of the site and granting consent to the application will materially affect the amenity of adjoining or nearby land or premises and creates a situation which conflicts with the purposes of Clause 7.1 (Residential Density and Height Limitations) and Clause 7.3 (Building Setbacks of Residential Buildings).

2. Special circumstances for the reduced side setback provided at the meeting by the applicant included the desire of the owner of the site to build the garage and the dependent unit as one building thus locating the western wall of the dependent unit over the western wall of the garage. This is not considered to be a special circumstance to warrant the varying of Clause 7.3 (Building Setbacks of Residential Buildings) as previous applications for construction above the garage have provided a setback to this boundary. Furthermore no special circumstances were provided as to why a setback on this western boundary could not be achieved. The claim by the applicant that locating the top floor on the boundary will have little further impact on the adjoining land is disputed by the authority as it was evident upon a site inspection that the development presented the opportunity for undue overlooking of the adjoining land; and the unarticulated wall presented considerable visual mass to the adjoining site.
3. The proposal does not comply with the technical requirements or the purpose of Clause 7.1 (Residential Density and Height Limitations). It is considered that the shear wall, on the boundary, is not compatible with the existing development on the neighbouring properties at 12 or 15 Kirkland Crescent or the locality generally as these properties are developed as single dwellings, setback from the boundaries that do not present shear walls to the magnitude of that proposed to a neighbouring site. Zone SD (Single Dwelling Residential) has a tight set of bulk and location parameters and land use is almost exclusively residential or is residential based. This in most opinions provides a clear baseline of what type of development to what scale could be reasonably anticipated. It should be noted that a shear wall, on the boundary to approximately 8.8m in height and a proposed overall building height of 9.58m is not considered to be of a height compatible with adjoining or nearby existing development or development reasonably anticipated.
4. The proposal does not comply with the technical requirements or the purpose of Clause 7.3 (Building Setback of Residential Buildings). The location of the subject site is that of a setting of single dwellings. All adjoining dwellings are located on their respective sites with setbacks to all boundaries. The anomaly in this area is the existing garage on the boundary within the subject site. In respect to these facts, it is considered that the proposed addition at 0.0m for an additional 4.7m in height and with a minimum setback of 1.5m to the street is not compatible with the surrounding development and exasperates an existing situation with the garage on the boundary (rather than setback 1.5m as is currently required). Furthermore the proposed development is at odds with development anticipated on the vacant site on the opposite side of Lambell terrace which is in Zone TC (Tourist Commercial). It is considered that the dominating appearance and the visual mass that the shear wall and the building would result in will have an unacceptable impact on the immediately adjoining land owners. In regard to mitigating against the visual mass, the shear wall does not present any articulated elements and due to fire rating requirements and over looking concerns it would be undesirable if not impossible to incorporate any fenestration features. Upon inspection of the site and the neighbouring site it is apparent that the proposed dependent unit, in particular the verandah element will have the opportunity to unduly overlook

12 and 15 Kirkland Crescent, which is plainly in conflict with the purpose of the clause.

ACTION: Notice of Refusal

Mr Grant Tambling a member of the Darwin Division of the Development Consent Authority dissented from the DCA's determination of the application to develop Lot 5390 (27) Lambell Terrace, Town of Darwin.

ITEM 2
PA2010/1300

**CHANGES TO DP09/0385 TO EXTEND LOUNGE AREAS
AND REDUCE BALCONIES WITHIN THE BUILDING FOOTPRINT.
LOT 4969 (10) SOMERVILLE GARDENS, TOWN OF DARWIN
YELLOWCITY PTY LTD**

APPLICANT

Mr Terry Nixon (Yellowcity) attended.

RESOLVED
29/11

That pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 4969 (10) Somerville Gardens, Town of Darwin for the purpose of changes to DP09/0385 to extend lounge areas and reduce balconies within the building foot print, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and the commencement of works, the owner/developer must resolve Power Water Corporation's concerns with regard to the provision of water/sewerage services to the site to the requirements of the Power and Water Corporation, to the satisfaction of the consent authority; and
2. Show locations of air-conditioners appropriately screened from public view, to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the plans 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 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.

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. 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.
8. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
9. 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.
10. The carparking, access aisle and driveway shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
11. Before the use or 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, notwithstanding that two of the *Ixora javanica* be removed from the northwestern end of the site and replaced with turf or paving, to the satisfaction of the consent authority, to allow for pedestrian access to the communal open space area.
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. The landscaping must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
14. 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 of to ground level in a controlled manner to the satisfaction of the consent authority.

15. 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.

REASONS FOR THE DECISION

1. The proposal for changes to DP09/0385 to extend lounge areas and reduce balconies within the building footprint is consistent with the primary purpose of Zone MR (Medium Density Residential), which is to "Provide for a range of housing options to a maximum height of four storeys".
2. The requirements for the owner/developer to address Power Water Corporation's concerns with regard to the provision of water/sewerage services to the site will ensure these issues are satisfactory to the requirements of Power and Water Corporation.

ACTION: Notice of Consent and Development Permit

ITEM 3 **42 X 2 BEDROOM MULTIPLE DWELLINGS IN A 12**
PA2009/1333 **STOREY BUILDING INCLUDING GROUND LEVEL SHOPS**
 LOT 5966 (130) SMITH STREET, TOWN OF DARWIN
APPLICANT **KIM ENTERPRISES**

Mr Savvas Savvas (Architect) attended on behalf of the applicant.

RESOLVED
30/11

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 5966 (130) Smith Street, Town of Darwin for the purpose of 40 x 2 bedroom multiple dwellings in a 12 storey building including ground level shops and carparking at levels 1 – 4 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. Information confirming the total number of existing car parking spaces that will be lost as the result of the proposed development (both on and off the site). This information is not apparent from the plans submitted, and it is noted that the plans originally submitted showed "existing parking" to be retained on the plans abutting the site to the north, which is incorrect, as it is apparent that this parking will be removed.
2. Amended plans showing additional car parking provided on site to cater for the parking needs of the commercial component of the development, or information with regard to why this parking is not necessary, having consideration for the need for people to park conveniently when visiting the proposed ground level shop component of the development.

ACTION: Advice to Applicant

ITEM 4
PA2010/1224

**REDEVELOPMENT OF THE SITE TO CONSTRUCT 12 X 2 BEDROOM
MULTIPLE DWELLINGS IN A 3 STOREY BUILDING AND RETAIN 2 X 3
BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING WITH
GROUND LEVEL CAR PARKING**

APPLICANT

GEORGE SAVVAS

Mr George Savvas and Mr John Tambouras (owner) attended.

RESOLVED
31/11

That the Development Consent Authority determine to vary the requirements of Clause 6.5.3 (Parking Layout), Clause 7.3 (Building Setbacks of Residential Buildings) and 7.6 (Communal Open Space) of the Northern Territory Planning Scheme, and pursuant to Section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered develop Lot 9293 (232) Trower Road, Town of Nightcliff for the purpose of redevelopment of the site to construct 12 x 2 bedroom multiple dwellings in a 3 storey building and retain 2 x 3 bedroom multiple dwellings in a 2 storey building with ground level car parking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation) a full set of amended plans 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 must be provided, and be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Details of the screening details of units 1 and 2 private open space to comply with the requirements of Clause 7.5 (Private Open Space);
 - (b) Fencing and gate details of the communal open space areas;
 - (c) A schedule of proposed upgrade works to the existing building and features on the site (such as painting of existing building and fencing);
 - (d) Specifications of proposed window, balcony and verandah screening mechanisms to demonstrate compliance with Table B to Clause 7.3 of the NT Planning Scheme;
 - (e) Car park bay number 1 increased in width by 0.1m;
 - (f) Car park bay number 13 decreased in width by 0.1m;
 - (g) A 3.5m x 3.5m electricity easement to the requirements of Power and Water Corporation; and
 - (h) The new location of the sewer easement once it has been diverted, to the requirements of Power and Water Corporation (alternatively written approval from Power and Water Corporation to permit the building over the existing sewer easement can be provided).
2. Prior to the endorsement of plans and 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 underground to Council's and/ or the Department of Lands and Planning stormwater drainage system, to the requirements of Darwin City Council and/ or the Department of Lands and Planning as the case may be and to the satisfaction of the consent

authority. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

3. Prior to the commencement of works (including site preparation), a "Traffic Management Plan" for the construction phase of the project is required to be provided to Public Transport Division, to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
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 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 telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
7. 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 and/ or the Department of Lands and Planning as the case may be, to the satisfaction of the consent authority.
8. 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 Department of Lands and Planning, to the satisfaction of the consent authority.
9. 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 Department of Lands and Planning, and to the satisfaction of the consent authority.
10. All proposed work (including provision of services) within, or impacting upon the Main Road road reserve 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.. Design drawings must be submitted to the Director, Road network Division for Road Agency Approval, and no works are to commence prior to gaining Road Agency Approval.
11. 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.

- 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. 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.
- 15. 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.
- 16. 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.
- 17. 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.
- 18. 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 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. Due to the proximity to the Trower Road, the developer should consider having an assessment carried out by a suitable qualified person of the developments' present and predicted future exposure to road traffic noise levels in accordance with AS3671-1989 "Road Traffic Noise Intrusion – Building Siting and Construction" and where required, provide appropriate noise attenuation measures.

3. A "Permit to Work Within a Road Reserve" may be required from Darwin City Council or the Department of Lands and Planning before commencement of any work within the road reserve.
4. Any services or connections within Trower Road road reserves are subject to Road Network Division approval.

REASONS FOR THE DECISION

1. The proposal to develop and use the site for multiple dwellings is consistent with the primary purpose of Zone MR (Medium Density Residential) of the Northern Territory Planning Scheme, which is to "provide for a range of housing options to a maximum height of four storeys" and the development is considered to be of a "scale, character and architectural style [that is] compatible with the streetscape and surrounding development".
2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is supported as it has been established that no undue overlooking impacts will arise due to the screening of proposed windows, balconies and verandahs. The rear elevation (elevation 4) shows variety in the façade with articulation, screening measures and fenestration elements which effectively reduce the visual impact of the built form to the rear.
3. A variation to the minimum dimension of communal open space as required in Clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme is supported as the variation is minor and the resulting space is of a compliant area and is considered suitable for communal recreation. Furthermore the site is not developed to maximum density (in regard to Clause 7.1 (Residential Density and Height Limitations) of the Northern Territory Planning Scheme which means pressures on the area will not be as great as if the site was developed to maximum density.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2010/1354
APPLICANT

4 X 3 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING
LOT 2238 (7) PHILIP STREET, TOWN OF DARWIN
SAVVAS SAVVAS

DAS tabled an addendum – amended plans to accommodate manoeuvring on the units.

Mr Savvas Savvas (Architect) attended.

RESOLVED
32/11

That, the Development Consent Authority vary the requirements of Clause 7.1 (Residential Density and Height Limitations), Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the Northern Territory Planning Scheme and

pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 2238 (7) Philip Street, Town of Darwin for the purpose of 4 x 3 bedroom multiple dwellings in a two storey building 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 and discharged underground to Council's stormwater drainage, to the requirements of Darwin City Council and to the satisfaction of the consent authority. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbers 2010/1354/1 through to 2010/1354/7 endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
6. The kerb crossovers and driveways to the site approved by this permit shall be to the technical standards of and at no cost to the 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 the 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; 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.
9. 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.
10. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
11. 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.
12. 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.
13. 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.
14. 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 of to ground level in a controlled manner to the satisfaction of the consent authority.
15. 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.

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.

REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) to provide for a range of housing options.
2. A variation to Clause 7.1 (Residential Density and Height Limitations) of the Northern Territory Planning Scheme Clause is supported as the proposal does not conflict with the relevant part of the purpose of the

clause which is to ensure that residential development is of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area. Furthermore the site is located in an area of Zone MD, near public transport with a commercial centre which is an ideal location for higher density infill development.

3. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is supported as:
 - neither the front verandah nor the reduced side setback presents an overlooking impact to the adjoining land as they overlook the street and the park;
 - the setback non-compliances arise on the street side and park side of the development. Given that the façades facing the park and street are well articulated with interesting fenestration elements and balconies the proposal is not considered to be visually bulky; and
 - the open sided verandah with a reduced front setback (of less than 1m) is considered to be compatible with the streetscape which is an area of multiple dwellings and some single dwellings.
4. A variation to Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the Northern Territory Planning Scheme is supported as the proposal is considered to provide an attractive and pleasant development that is in keeping with the purpose of Clause 7.7 which states 'the purpose of this clause is to ensure that landscaping for hostels, multiple dwellings and supporting accommodation complements and enhances the streetscape, is attractive and pleasant and contributes to a safe environment'.

ACTION: Notice of Consent and Development Permit

ITEM 6 35M HIGH TELECOMMUNICATIONS TOWER, ANTENNAS AND
PA2010/1347 **EQUIPMENT SHELTER**
SECTION 3139 (60) BATTEN ROAD, HUNDRED OF BAGOT
APPLICANT **LYNETTE BRANDWOOD**

Ms Brandwood attended via telephone hook up.

RESOLVED That, pursuant to section 53(b) of the *Planning Act*, the Development Consent
33/11 Authority alter the proposed development and consent to the proposed development as altered to develop Section 3139 (60) Batten Road, Hundred of Bagot, for the purpose of a 35m high telecommunications tower, antennas and equipment shelter, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation) a full set of amended plans 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, and be generally in accordance with the plans submitted with the application but modified to show the proposed tower and equipment shelter relocated to the western corner of the site as suggested as an option by the applicant, with adequate landscaping provided to soften the visual impact of the development in this location.

2. Prior to the endorsement of plans and the commencement of works (including site preparation) a schematic plan demonstrating the feasibility of all stormwater to be collected on the site and discharged to Department of Lands and Planning's and/or Darwin City Council's stormwater drainage system must be provided meeting the Department's and/or Council's requirements to the satisfaction of the consent authority. The plans shall include details:
 - Of site levels and connection point/s; and
 - How stormwater will be collected on the site and connected underground to the Departments and/or Council's systems.

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. 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. A low intensity steady red obstacle light is to be installed to the requirements of the Civil Aviation Service Authority, to the satisfaction of the Consent Authority.
6. The owner of the land must enter into agreements with the Power and Water Corporation for the provision of water and sewer services to the land shown on the endorsed plans in accordance with the Power and Water Corporation's requirements. No use of onsite wastewater treatment systems to service the proposed development is permitted.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council and/or the Department of Lands and Planning to the satisfaction of the consent authority.
8. Before the use 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.
10. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to McMillans Road traffic.

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. The Department of Lands and Planning advise that all proposed works impacting on McMillans Road are to 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 Officer, Department of Lands and Planning. Drawings must be submitted to the Senior Director, 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.

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 need to relocate the tower to the western corner of the property is necessary in order to reduce the visual impact of the proposed monopole when viewed from McMillan's Road.
3. The proposed monopole is considered to be consistent with the purpose of zone CP being to provide for community services and facilities, whether publicly or privately owned or operated.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

21/2/11

