



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 315 – FRIDAY 18 MAY 2018

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

MEMBERS PRESENT: Suzanne Philip (Chair), Mick Palmer and Sherry Cullen

APOLOGIES: Doug Phillips and John Gleeson

OFFICERS PRESENT: Margaret Macintyre (Secretary), Dawn Parkes, Amit Magotra and Ben Wollinski (Development Assessment Services)

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 9.45 am and closed at 10.30 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 **ALTERATIONS AND ADDITIONS TO AN EXISTING RESEARCH FACILITY**
PA2018/0140 **(BERRIMAH FARM)**
APPLICANT **SECTION 7347 MAKAGON ROAD, HUNDRED OF BAGOT**
ASHFORD GROUP PTY LTD

DAS tabled comments from Land Development Unit (DIPL) and a revised stormwater layout plan from the applicant.

Mr Randal Ashford and Ms Irma Lamaya (Ashford Group Pty Ltd), Ms Karen Timms (DPIR) and Mr Col Hosking (DIPL) attended.

Submitter Mr Regan Anderson (General Manager, Halikos Developments) attended.

RESOLVED That, pursuant to section 53(b) of the *Planning Act*, the Development Consent
77/18 Authority alter the proposed development and consent to the proposed
development as altered to develop Section 7347 Makagon Road, Hundred of Bagot for the purpose of alterations and additions to an existing research facility (Berrimah Farm), subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), 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, and must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) active frontages provided along the Curteis Road. This can include treatments such as building entrances, clear glass windows, open space, pedestrian access, alfresco dining and landscaping.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the developer is to provide written advice from the Power Services division of the Power and Water Corporation confirming that the development on or adjacent to their easements meets the requirement of PWC, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the stormwater drainage system shall be submitted to and approved by the City of Darwin and / or Land Development Unit of Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to system.

4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP) to the requirements of the City of Darwin to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage.
5. Prior to the commencement of construction works, detailed design documentation (engineering design, design report and specification) shall be submitted to the satisfaction of and provided with Permission to Use by the Land Development Unit. The Documentation shall include: a drainage masterplan for Lot 7347 including the development works; calculations for major and minor storm events within Lot 7347 and the development; major storm event flow paths within and discharging from Lot 7347; identify all stormwater discharge points; and include all documentation as required to demonstrate compliance with relevant development guidelines.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. 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.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time, to the satisfaction of the consent authority.
9. All access arrangements to the proposed development shall be via the internal local road network to the standards and requirements of the City of Darwin, to the satisfaction of the consent authority.
10. All air conditioning condensers (including any condenser units required to be added or replaced in the future) 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. 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).
11. 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-sealed coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes;
 - (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.

12. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their visitors.
13. 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.
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 is to be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
16. 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.
17. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin and / or Land Development Unit of Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.
18. All works are to be constructed in accordance with the design documentation provided with 'Permission to Use' by the Land Development Unit, excepting as varied with the approval of the Land Development Unit. All construction works to stormwater drainage are to comply with the relevant development guidelines, be certified by suitably qualified persons to the satisfaction of the Land Development Unit.
19. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT EPA, to the satisfaction of the consent authority.
20. Soil erosion control measures must be employed throughout the construction stage of the development 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. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. 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. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
4. Notwithstanding the approved plans, all signage is subject to the City of Darwin approval, at no cost to Council.
5. The Northern Territory Environment Protection Authority has advised that the proponent shall adhere to their general environmental duty under section 12 of the *Waste Management and Pollution Control Act (WMPC Act)*. The proponent should carefully consider how compliance will be achieved with Section 12 of the WMPC Act in relation to the proposed development and its likely environment impacts.
6. Any soil contamination identified during proposed construction works should be appropriately mitigated in consultation with the NTEPA.
7. 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.
8. Building materials must be selected so as to not create reflective glare for aircraft operations to the satisfaction of the consent authority.
9. External lights must be designed, baffled and located so as to prevent any adverse effect on adjoining land, roads, and on the operation of the RAAF Base Darwin and Darwin International Airport, to the satisfaction of the consent authority.

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 Northern Territory Planning Scheme (Scheme) applies, and the land is in Zone FD (Future Development) which identifies an area that is intended for future rezoning and development in accordance with an Area Plan (where applicable).

The application proposes a new field laboratory facility comprising of offices, research laboratory and amenities. While an office use is defined as discretionary in Zone FD, 'laboratory' is a use not defined by the Scheme, with Clause 2.2 providing that a use or development that is not shown on the relevant zoning table is discretionary and requires consent.

Based upon the description provided in the proposal, the development has been assessed against the relevant provisions of the Scheme related to 'Office' use in Zone FD. A technical assessment the Scheme highlights that the proposed development complies with Part 4 requirements of the Scheme.

The interpretation of this Planning Scheme and the determinations of a consent authority must have regard to the policies and planning concepts expressed in those documents appearing in Part 8 or Schedule 2 and ensure that a use or development is consistent with them.

The land is zoned FD of the Scheme which identifies an area that is intended for future rezoning and development in accordance with an Area Plan. Part 8 of the Scheme includes Clause 14.1.4 Berrimah Farm Planning Principles which provides an Area Plan and planning principles for future development within Berrimah Farm locality.

The Area Plan noted the subject land as part of various community uses within the Berrimah Farm. The use of the land is further defined as 'collection of government, private research, commercial based organisations and supporting uses'. The subject site is currently occupied by Department of Primary Industries and Resources (DPIR), which interact with teaching institutions and science and research organisations for soil testing, horticulture and other agronomy research works. As the application proposes development of a new field laboratory facility within the existing facility, it is considered that the development aligns with the use of the land defined in the Area Plan.

Clause 14.1.4(i) subclause (ii) of the Berrimah Farm Planning Principles requires active frontage to the surrounding road network or allows compatible ancillary uses to provide an active frontage to the surrounding road network.

Curteis Road (providing access to the site via an access easement) to the south and Garner Road to the north are the two roads surrounding the subject site. While Garner Road is part of the internal road of the Berrimah Farm residential subdivision, Curteis Road is considered 'primary frontage' to the subject site as it provides access to the subject site. Given Curteis Road will be upgraded to collector road as part of future stages of the Berrimah Farm residential estate development, a condition precedent is included on the development permit requiring submission of an amended plan to ensure that the development provides an active frontage to the Curteis Road.

2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into account any submissions made under section 49, in relation to the development application.

One public submission was received from the 'Halikos Developments' who is currently undertaking the residential development surrounding the subject site. Additional comments were also received from the submitter in response to the additional material submitted by the applicant during course of the assessment.

The submission was largely concerned with the interaction of the development with the future Berrimah Farm residential subdivision. Mr Regan Anderson from the Halikos Development at the meeting submitted that the two major roads, Curteis Road and Garner Road, surrounding the Lot 7347 should be integrated into the fabric of the urban residential subdivision by activating the street frontages. The Authority noted that the existing built form along the Garner Road is not altered as the proposed building is located away from the Road. The inclusion of a condition precedent on the development permit requiring the submission of amended plans to show active street frontage to the Curteis Road address the submitter's concerns.

Mr Regan Anderson also raised concern that the traffic generated through the proposed developments on Section 7347 will impact the internal roads of the Berrimah Farm Residential subdivision and a Traffic Impact Assessment should be prepared to control such adverse impacts. The Authority noted that the existing use of the site is not intensified as the new building will replace the existing demountable offices and therefore considered that a permit condition requiring submission of a Traffic Impact Assessment is not justified. Submitter's concern related to the parking requirements and undefined use in the NT Planning Scheme has been discussed in point (1) above. Other concerns raised by the submitter related to stormwater management and soil contamination are addressed via standard conditions and notations on the permit.

3. 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, and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

A number of conditions are included on the development permit to ensure that the proposed development does not negatively impact on surrounding land. These include the requirement for a stormwater management plan and an environment and construction management plan. Draft comments received from the NTEPA raises concerns regarding land contamination. Standard notes are included on the permit to address the issue of soil contamination.

4. Pursuant to Section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

Comments were received from a number of service authorities and highlighted a number of development specific requirements that have been addressed through appropriate conditions and/or notations on the development permit.

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

The existing vehicle access to the site via access easement (Curteis Road) located south of the subject is considered 'primary frontage' to the site. As Curteis Road at some stage will be upgraded to collector road, as part of future stages of the Berrimah Farm residential estate development, further details are requested as conditions to the permit to ensure that the development provides interest at street level (Curteis Road) and development along this road enhances the visual appearance of the urban residential neighbourhood.

ACTION: Notice of Determination

ITEM 2 **40M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOCIATED**
PA2018/0144 **ANTENNAS AND EQUIPMENT SHELTER**
APPLICANT **SECTION 6196 (171) HIDDEN VALLEY ROAD, HUNDRED OF BAGOT**
CPS GLOBAL

The applicant sent their apologies.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
78/18 Authority consent to the application to develop Section 6196 (171) Hidden Valley
Road, Hundred of Bagot for the purpose of a 40m 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 2018/0144/01 through to 2018/0144/03 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. 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 development proposed is consistent with the purpose of Zone FD (Future Development) of the Northern Territory Planning Scheme. A telecommunication facility is considered to be compatible with the zone, streetscape and surrounding development. The development proposal will not limit the uses or development within the zone and will not prejudice future development.

The development of the site is consistent with the intended zoning as identified in the Darwin Regional Land Use Plan (DRLUP). The proposal is not considered to impact on the ability of the site or locality to provide for future development.

The application is supported in this instance as:

- The proposal was assessed against the Northern Territory Planning Scheme and was found compliant.
- The site will not limit uses and development within the zone to a level that will prejudice the future development.
- The proposal accords with the DRLUP, being designated in an industry area outside of existing and planned urban and peri-urban areas.
- The development proposal will not limit the uses or development within the zone and will not prejudice future development.
- It is anticipated that the addition of a telecommunication facility will not have any detrimental effects on amenity, as existing telecommunication facilities exist within the locality.

- An improvement of telecommunications in the vicinity, surrounding suburbs, motor sport complex and along Tiger Brennan Drive is expected with the proposed telecommunication facility.
2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One public submission was received and raised concerns over the selection of the location as it will:

- Limit coverage to the crowd area within the motor sport complex and will have no pathway for coverage improvements.
- Restrict capacity improvements.
- Will not be suitable for 5G equipment being position too far away from the crowd areas in the motor sport complex.

The applicant provided a response which stating, each carrier operate their wireless networks independently and are driven by their individual circumstances.

All three carriers agree that a new facility is required to meet their needs within the proposed area.

It is considered that there is a difference in priorities in trying to provide the best coverage to the motor sports complex, suburbs to the north, and coverage along Tiger Brennan Drive between Telstra and Optus/Vodafone.

Two of the three carriers find this proposed site suitable with the third being not the most desired to give the users of the motor sports complex the best experience. Optus and Vodafone remain open for Telstra to operate and co-locate from the proposed facility, should they choose to.

It is noted that Telstra do not object to the development application.

3. 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 and will not prejudice future development. Furthermore, the service authorities did not raise any concerns with land capability.

4. 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 are existing telecommunication facilities nearby. Visual aesthetics impacting adjoining properties will be minimal as the site is designated for industry and is outside of existing and planned urban and peri-urban areas.

A photomontage was provided illustrating the visual impact of the proposed telecommunication facility. Visual impacts would be considered negligible with the siting of the telecommunication facility 340m from Tiger Brennan Drive, existing powerlines, and is adjacent to the existing motor sports complex with its light towers.

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

22 May 2018