



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING NO. 416-FRIDAY 8 MARCH 2024

**AGORA ROOM
HUDSON BERRIMAH
4 BERRIMAH ROAD
BERRIMAH**

MEMBERS PRESENT: Suzanne Philip (Chair), Marion Guppy, Peter Pangquee and Mick Palmer

APOLOGIES: Mark Blackburn

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Sally Graetz, David Burrow, Sam Pallet and Lingyi Kong (Development Assessment Services)

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 10.45 am and closed at 2.00 pm

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **WAREHOUSE AND ANCILLARY OFFICE AND CARETAKER'S RESIDENCE IN**
PA2024/0004 **2 SINGLE STOREY BUILDINGS**
SECTION 7731 (20) VAUGHAN STREET, BERRIMAH, HUNDRED OF BAGOT
APPLICANT Tatam Planning Co

Applicant: Cat Tatam (Tatam Planning Co) and Dominik Stopyra (landowner) attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act 1999*, the Development
15/24 Consent Authority consent to the application to develop Section 7731 (20)
Vaughan Street, Berrimah, Hundred of Bagot, for the purpose of Warehouse and
ancillary office and caretaker's residence in 2 single storey buildings, subject to
the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), an engineered plan completed by a suitably qualified civil engineer demonstrating the on-site collection of stormwater and its discharge into the local underground stormwater drainage system, shall be submitted to, and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels, and Council's stormwater drain connection point/s and connection details.
2. Prior to the commencement of works (including site preparation), the applicant is to prepare a Site Construction Management Plan (SCMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The SCMP should specifically address the impact to Council owned public spaces and include a waste management plan for disposal of waste to Shoal Bay, traffic control for affected City of Darwin roads, haulage routes, storm water drainage & sediment control, use of City of Darwin land, and how this land will be managed during the construction phase.
3. Prior to the commencement of works (including site preparation), a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Guidelines, shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.
4. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.

Darwin DCA Meeting No 416 – Friday 8 March 2024

5. Prior to the commencement of works (including site preparation), in principle approval is required for the crossover and driveway to the site from the City of Darwin road reserve, to the satisfaction of the consent authority.

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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunications networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. 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, to the satisfaction of the consent authority.
9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.
10. 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, to the satisfaction of the consent authority.
11. Upon completion of any works within or impacting upon existing road reserves, the infrastructure within the road reserve shall be rehabilitated to the standards and requirements of the City of Darwin and returned to the condition as documented in the dilapidation report.
12. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed;
 - b) properly formed to such levels that they can be used in accordance with the plans;
 - c) surfaced with an all-weather-seal coat;
 - d) drained;
 - e) line marked to indicate each car space and all access lanes; and
 - f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.

Darwin DCA Meeting No 416 – Friday 8 March 2024

13. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
14. 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.
15. The required loading bay must be provided (and clearly delineated) in accordance with the location and dimension requirements of Clause 6.6 of the Northern Territory Planning Scheme, to the satisfaction of the consent authority.
16. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
17. 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.
18. The development must be designed and constructed to comply with AS2021-2015 'Acoustics – Aircraft noise intrusion – Building siting and construction' (AS2021), and a statement from a suitably qualified acoustic engineer confirming compliance with AS2021- 2015 must be submitted prior to occupation of the development, to the satisfaction of the consent authority.
19. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land, roads, and on the operation of the RAAF Base Darwin and Darwin International Airport.
20. 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.
21. 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), to the satisfaction of the consent authority.
22. 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.
23. Before the 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.

Darwin DCA Meeting No 416 – Friday 8 March 2024

24. 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. 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 one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
2. Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
3. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
4. City of Darwin advises that designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the General Manager Infrastructure, City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
5. In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction and at no cost to City of Darwin.
6. All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of City of Darwin.
7. 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.
8. 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.

Darwin DCA Meeting No 416 – Friday 8 March 2024

9. The applicant is advised that the provision of lighting at the site is required to be consistent with the CASA Manual of Standards (MOS-139) Aerodromes to minimise the potential for conflict with aircraft operations. The design of lighting is a developer responsibility and if it is later found that lights or glare endangers the safety of aircraft operations, the Department of Defence or the Civil Aviation Safety Authority may require the lighting to be extinguished or suitably modified.
10. Darwin International Airport advises that there must be no site activity which would attract birds and create a hazard for aircraft operations.
11. The Department of Defence has advised that organic waste and/ or storage of commercial waste bins associated with the proposed development might be attractive to vermin and/or birds and will potentially increase the risk of bird strike for aircraft, therefore organic waste should be managed appropriately.
12. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
13. 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.
14. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

Section 7731 (20) Vaughan Street, Berrimah, Hundred of Bagot is located within Zone SD42 (Specific Use Darwin No 42) of the Northern Territory Planning Scheme 2007. As the site is located within a specific use zone established under the NT Planning Scheme 2007, this application is to be determined under the same planning scheme.

Darwin DCA Meeting No 416 – Friday 8 March 2024

The purpose of SD42 seeks to 'facilitate the development of land for light industrial purposes that minimise the impacts from exposure to aircraft noise, and that does not inhibit the operation of the Darwin International Airport.' The zone is divided into two areas ('Area A' and 'Area B') with Section 7731 located within defined 'Area A'. The zone directs that in Area A, the land may be developed (with consent) in accordance with Zone LI (Light Industry).

The application is for a warehouse, office and caretakers residence, all of which would be 'permitted' uses if developed in Zone LI. The application has been assessed against the specific requirements under Zone SD42, together with the following clauses applicable to the land use/development in Zone LI: Clauses 6.1 (General Height Control), 6.5.1 (Parking Requirements), 6.5.3 (Parking Layout), 6.6 (Loading Bays), 7.10.3 (Caretaker's Residence), 9.1.1 (Industrial Setbacks) and 14.1.2 (Berrimah North Planning Principles).

The consent authority noted the assessment and that the proposal is generally consistent with the requirements of Zone SD42 and applicable clauses with the exception of Clause 9.1.1 (Industrial Setbacks).

In response to exhibition of the proposal, the Department of Defence raised concerns with the proposal, and in particular, inclusion of a caretaker's residence as part of the design. It flagged potential high noise levels associated with nearby Darwin International Airport and that due to the positioning of the site, establishment of a residential use on the site may inhibit ongoing operations of Defence and the airfield generally. Defence tempered its advice however with a recommendation that, should the consent authority consider the use to be appropriate, that it should also require compliance with the relevant Australian Standard relating to construction for noise attenuation. This advice was noted.

In response, the applicant provided supplementary information suggesting generally that while the proposal included a residential component, its presence on the site was entirely in support of the primary industrial use of the property and was necessitated for operational and security reasons. Both the application material and supplement acknowledged potential impacts associated with aircraft noise and of the intention to meet Australian Standard AS2021-2015.

In consideration of the above, the consent authority considers the application to be consistent with the purpose of Zone SD42, which seeks to ensure that development is for light industrial purposes, minimises impacts of aircraft noise and does not inhibit the operation of Darwin International Airport.

A combination of standard conditions and notations relating to the advice of the Department of Defence and compliance with AS2021-2015 are therefore considered reasonable inclusions of development approval for this development.

Darwin DCA Meeting No 416 – Friday 8 March 2024

The non-compliance with Clause 9.1.1 (Industrial Setbacks) occurs as a result of a reduced building setback to the rear property boundary of 4.2m instead of the 5m required.

Clause 2.5 (Exercise of Discretion by the Consent Authority) provides that the consent authority may consent to the development of land that does not meet the standards set out in Part 4 if it is satisfied that special circumstances justify the giving of consent.

The application acknowledges the non-compliance and argues that due to its minor nature together with the circumstances of the site, with land immediately to the rear of the property located within Zone U (Utilities), that the variation is appropriate and unlikely to have any adverse amenity impacts.

In consideration of the overall design, high level of overall compliance achieved and justification put forward in the application, the minor departure from rear building setback requirements is also assessed as reasonable and appropriate to the site and locality.

2. Pursuant to section 51(j) of the *Planning Act 1999*, 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 capability of the land has been previously considered through the introduction of the Berrimah North Planning Principles and Area Plan, and the specific use zoning of the area which allows for development which responds to the constraints of the Darwin Airport.

The lot is flat and cleared. Previous subdivision of the land which created the subject lot has ensured that all lots are situated above 1% AEP flood event levels, allow for the anticipated access, stormwater and servicing requirements.

3. Pursuant to section 51(n) of the *Planning Act 1999*, 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 development will result in a change in the amenity of the area, as the land is currently undeveloped. The development however is broadly consistent with the zoning and Area Plan, and the anticipated future development of the area. No undue impact on the existing and future amenity of the area is anticipated as a result of the development including as a result of the reduced building setback to the rear boundary.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

Darwin DCA Meeting No 416 – Friday 8 March 2024

ITEM 2
PA2024/0003

SUBDIVISION OF TWO LOTS TO CREATE THREE LOTS

LOTS 2916 AND 2917 (12 & 14) CONIGRAVE STREET, FANNIE BAY, TOWN OF DARWIN

APPLICANT

Earl James and Associates

Applicant: Kevin Dodd (Earl James and Associates) attended.

RESOLVED
16/24

That, pursuant to section 53(a) of the Planning Act 1999, the Development Consent Authority consent to the application to develop Lot 2916 and 2917 (12 and 14) Conigrave Street, Fannie Bay, Town of Darwin for the purpose of subdivision of two lots to create three lots, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2024/0003/01 to 2024/0003/03 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, and electricity to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
Please refer to notations 1 for further information.
4. Power and Water Corporation advise that prior to initial reviews and assessments being undertaken to determine Power and Water Corporations servicing requirements, the developer should submit an Expression of Interest (Eol) form via email to remotedevelopment@powerwater.com.au
5. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.
7. All proposed works impacting on Conigrave Street 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 City of Darwin. Drawings must be submitted to the City of Darwin

Darwin DCA Meeting No 416 – Friday 8 March 2024

for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

8. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street, in accordance with the requirements of City of Darwin, to the satisfaction of the consent authority.
9. Prior to the issue of Part 5 clearance, confirmation must be provided that the existing shed on Lot 2917 and existing house and pool on Lot 2916 have been demolished/removed, to the satisfaction of the consent authority.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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. A "Permit to Work Within a Road Reserve" may be required from (insert relevant local government council or Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics) before commencement of any work within the road reserve.
3. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5356. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
4. The development must comply with the technical standards of the Northern Territory Subdivision Development Guidelines for the construction of public infrastructure as part of subdivision works to the requirements of the relevant local and service authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authorities to confirm their requirements, and any variations that may be sought to the Subdivision Development Guidelines, to ensure the works are completed to the relevant authorities' requirements. The Northern Territory Subdivision Development Guidelines can be found at: <https://www.ntlis.nt.gov.au/sdg-online/>

REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and subdivision of two lots to create three lots requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(ii), therefore Clause 2.0 (Strategic Framework), Clause 4.2 (Zone LR – Low Density Residential), Clause 6.2 (Subdivision in Zones LR, LMR, MR and HR), need to be considered.

The above clauses have been considered and the proposal is found to comply with the relevant requirements of the NT Planning Scheme 2020. The lots are connected to reticulated services, provide adequate access and are considered of an appropriate size and orientation for future residential uses within the Fannie Bay locality. The use of the proposed lots will continue to be for low-density residential, as per the current zoning, and will cause no land use conflicts.

It is noted that the subdivision will occur in the following sequence:

- Subdivision of Lot 2917 to create Lots A (981m²) and B (319m²). Lot B will then be transferred to the owner of Lot 2916.
 - Consolidation of Lot 2916 and Lot B, following a subdivision of the new lot into Lot C (856m²) and Lot D (861m²).
2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, 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.

Two public submissions were received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal. The consent authority noted the concerns raised, including that the subdivision will result in densification and its potential to adversely impact on living conditions, airflow, greenery, privacy, and property prices, etc. The issues raised in the submission also relate to concerns regarding construction noise, dust and building activities and the impact these works would have on surrounding residents.

While the consent authority acknowledges the identified concerns, it considers the subdivision to be acceptable for the following reasons:

- The subdivision results in the efficient use of land and resources for urban development. The proposal complies with the key residential objectives of Darwin Regional Land Use Plan 2015, which seeks to ensure sustainable development by encouraging the efficient use of land, as well as the Darwin Inner Suburbs Area Plan which aims to facilitate new housing

Darwin DCA Meeting No 416 – Friday 8 March 2024

opportunities that reflect the diverse needs of Darwin's regional population.

-
- The subdivision results in 3 lots of an area at 981m², 856m², and 861m² respectively, all of which comply with the minimum lot size requirements under Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR) of the Northern Territory Planning Scheme 2020. The subdivision is compatible with the existing character of the locality, which includes development predominantly of larger allotments with single dwellings and large gardens. The application includes lots sizes in excess of the minimum specified under the NT Planning Scheme and will enable future development of single dwellings with adequate space for landscaping and outdoor living spaces, much like other lots in the area. Lots of similar sizes are also observed at Lot 11228 (34A) East Point Rd at 579m², Lot 11227 (34B) East Point Rd at 579m², Lot 5008 (12) Giles St at 732m², and Lot 5009 (15) Holtze St at 650m².

Future development on the site does not form part of this proposal. A dwelling-single is a permitted use in Zone LR and is anticipated within the area. Should future owners wish to vary the requirements of the NT Planning Scheme 2020, such as boundary setbacks, private open space or vehicle parking, a development application is required to be lodged and an assessment of the impacts on amenity is undertaken.

3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, 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 land is unconstrained and capable of supporting the proposed development.

Additionally, the Department of Environment, Parks and Water Security did not comment, nor any service authority identify or raise any issues of concern in relation to land capability.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2023/0394

**PART CHANGE OF USE FROM OFFICE TO OFFICE AND PLACE OF
WORSHIP (PRAYER ROOM) (UNITS 29 - 32)
LOT 5606 (24) CAVENAGH STREET, DARWIN CITY, TOWN OF DARWIN**

APPLICANT

UMNT Incorporated

Applicant: Mohammed Raziuddin, Abdul Azeem and Kamson Azeem (UMNT), attended.

Submitter: Thiagus Cheliah attended via Teams videolink

Darwin DCA Meeting No 416 – Friday 8 March 2024

**RESOLVED
17/24**

That, the Development Consent Authority pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop (Units 29 – 32) Lot 5606 (24) Cavenagh Street, Darwin City, Town of Darwin for the purpose of part change of use from office to office and place of worship (prayer room), 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 water supply and sewerage to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notation 1 for further information.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The place of worship (prayer room) use approved by this permit and as shown on the endorsed plans must not be altered without the further consent of the consent authority
5. The use of the land for the purpose of an office and place of worship (prayer room) must cease on (date to be inserted upon issue of Development Permit – two year period from date of permit).
6. The use (place of worship) may operate only on Fridays between the hours of 12pm and 4pm.
7. The use and operation shall provide for a maximum of 75 persons at any one time during the hours of operation.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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 applicant is advised to engage a Northern Territory registered building certifier to ensure that the intended use of any existing buildings or structures is permitted by occupancy certification in accordance with the *Building Act 1993*.
3. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory

Darwin DCA Meeting No 416 – Friday 8 March 2024

Building Act 1993 before commencing any demolition or construction works. Due to provisions in the National Construction Code (NCC), the subject lots may need to be consolidated before a building permit can be issued.

REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 (NTPS 2020) applies to the land and a Place of Worship requires consent under Clause 1.8 (When development consent is required). It is identified as Merit Assessable under Clause 4.10 Zone CB (Central Business), therefore zone purpose and outcomes of Clause 4.10 and Clause 5.2.1 (General Height Controls), Clause 5.2.4 (Car Parking), Clause 5.2.5 (Loading Bays), Clause 5.2.6 (Landscaping), Clause 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR), Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), Clause 5.5.3 (General Building and Site Design), Clause 5.5.4 (Expansion of existing Development in Zones CB, C, SC and TC), Clause 5.8.4 (Exhibition Centre, Place of Assembly and Place of Worship), need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme.

The application proposes a change of use of existing tenancies within an existing building, with many of the abovementioned clauses therefore not applicable, as they typically relate to new development works within new buildings. In particular, Clauses 5.2.1 (General Height Controls), Clause 5.2.4 (Car Parking), Clause 5.2.5 (Loading Bays), Clause 5.2.6 (Landscaping), Clause 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR), Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), Clause 5.5.3 (General Building and Site Design), Clause 5.5.4 (Expansion of existing Development in Zones CB, C, SC and TC) were determined to be not applicable through alternative requirements under the Scheme, or as a result of the requirements not applying due to the nature of the application.

The consent authority noted the assessment provided by Development Assessment Service, including its position that the use was 'ancillary' to the existing and ongoing office use. The consent authority, however, considered that the use was not ancillary to the office, but amounted to a secondary, standalone use of the premises. The Authority noted the applicant's comments and considered that the place of worship would be available to the public and not limited to the applicant's employees or otherwise "auxiliary and subordinate to" the office use. Despite this difference of interpretation, it does not alter the assessment of the proposal and, as a result, the consent authority's decision. The consent authority has therefore altered the purpose description of the application to remove reference to 'ancillary'.

As per the Definitions under Schedule 2 of the NTPS 2020, a place of worship means, 'premises used as a church, chapel, mosque, temple, synagogue or place of religious instruction or worship or for the purpose of religious training. The use can include where ancillary an office and shop'. While the use does not include the typical form or intensity of a church, chapel, mosque, temple or synagogue, the space is used for the purpose of religious worship (albeit for a very short period of time) and therefore considered to fall into this land use category.

Clause 5.8.4 (Exhibition Centre, Place of Assembly and Place of Worship) is relevant and seeks to ensure that such uses:

- provide convenient access without interfering with the local road network
- incorporate appropriate building and landscape design so there is no unreasonable loss of amenity
- are of a scale and intensity suitable for the site and is consistent with the prevailing and likely neighbourhood character in which the development is proposed, and
- are operated to be considerate of the amenity of adjoining and nearby property.

The consent authority noted that as the land is not adjacent to land within Zones LR, LMR, MR or HR, the relevant requirements for this proposal are contained within sub-clause 3, which states that, "the operation of the use or development must take into account the amenity of the surrounding locality having regard to (a) hours of operation; (b) number of events annually; (c) maximum capacity of patrons; and (d) any other relevant aspects of the day-to-day operation of the use or development.'

The application proposes the part change of use of approximately 77m² of an existing 129m² office space to hold 30-minute prayer sessions one day per week. According to the application, prayer sessions are held on Friday between 1pm-1:30pm with a maximum capacity of 75 persons. The application confirms that the use has been occurring at the premises for three years without issue, until a recent complaint prompted the lodgement of the development application that is the subject of this decision. The application details basic management procedures including that members are provided pre-instruction for attending sessions and that member numbers are regulated by organisers to avoid overcrowding and minimise potential noise impacts. The application suggests that its members are typically city based professionals, students and visitors, attending Friday sessions to meet cultural obligations.

Representatives of the applicant (UMNT Incorporated) attended the meeting and provided additional information about the use, its membership and additional management measures employed following receipt of the complaint.

In relation to (a), the proposed hours of operation are considered as reasonable given the site's CBD location and surrounding land uses, which

Darwin DCA Meeting No 416 – Friday 8 March 2024

comprise primarily of other office and commercial buildings. Some residential is intermixed, however these uses generally occur within other streets or at higher levels of nearby buildings. It is not unreasonable to expect some overflow of the use beyond the identified 30 minute prayer session window as a result of early/late arrivals or perhaps members visiting the premises on other business first. It is noted that the building houses a range of other businesses and services, including beauty therapists, restaurants/takeaway shops, grocers, administrators/legal professionals, with patrons therefore having the opportunity to access these services while attending prayer in their lunch breaks, much like other mixed use CBD buildings. The proposed hours of operation are therefore reasonable, with the consent authority of the opinion that a longer time period was more appropriate taking into account the reasonable likelihood that prayer session times and their duration may need to be altered from time to time, that some degree of spill outside the hours nominated in the application was likely due to early/late arrivals, and that members may need to be present on the site at other times which would be difficult to monitor. A maximum timeframe between 12pm to 4pm has been set, to be controlled via condition of development approval.

In relation to (b) and the frequency of use, sessions are offered once per week or 52 events per year on average. Given the site's CBD location and the building's commercial nature, the proposed frequency of use was considered reasonable.

In relation to (c) and the maximum capacity of patrons, the application suggests a maximum capacity of 75 persons. In a space of 77m² this would afford patrons approximately 1m² each to occupy during prayer sessions which is consistent with the minimum area per person for this use under the National Construction Code. The number of patrons is an issue raised in the public submission, and in particular, the impact that the number of patrons and associated impacts such as noise, vibration etc. may have on other occupants/users of the building. Tenancies 29-31 are located toward the centre of the building, with patrons needing to pass by other tenancies in order to gain access. The building is serviced by 3 stairwells, 2 immediately adjacent to the subject tenancies and another at the rear of the site, and an escalator (current status unknown). The consent authority noted the additional information presented at the meeting, including improvements to management practices and use of a volunteer to chaperone/guide members to the subject tenancies, to aid in minimising unnecessary traffic throughout the rest of the building and to control noise levels. In recognition of the matters raised in the public submission and to ensure the ongoing appropriateness of the use and its management, the consent authority considers that a time-limited approval is appropriate in this situation, with the approval limited to a period of two years. At the end of this period, the use must either cease or further planning consent must be sought. Any application to remove or alter the time limit should be accompanied by evidence of demonstrated consultation with the body corporate and all other unit owners. Additionally, to further mitigate against potential amenity impacts, a condition limiting the maximum number of persons that may be on the premises to 75 persons at any one

Darwin DCA Meeting No 416 – Friday 8 March 2024

time, in line with the number identified in the application, will also be included on the permit.

In relation to (d), and any other relevant aspects of day-to-day operations of the use/development, the consent authority noted current management procedures, which have already been outlined above.

Based on the information provided above, the proposed hours of operation, frequency of use, maximum capacity of patrons and general management procedures identified are considered reasonable given the site's CBD location and commercial nature of the building. The use will enable continued activation of the CBD and seeks inclusion of the cultural and community focused activities promoted by the zone outcomes for Zone CB and contribute to the diversity and activity of uses reasonably expected within the zone.

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, 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 during the public exhibition period, primarily objecting to the development on the basis of amenity impacts. The submission raised concerns with the activities of patrons, structural capacity of the building and its facilities to accommodate the number of patrons proposed, disturbance caused by patrons and associated impacts such as noise, vibration etc., hazards created by personal possessions left within common areas, lack of disabled access, additional expense imposed through additional cleaning and building insurance costs and security concerns.

Mr Thiagus Cheliah (submitter) attended the meeting via teams video link and reiterated key concerns raised in the submission including noise, inappropriateness of the use in a commercial building and non-compliance with building regulations.

The consent authority notes the concerns raised by Mr Cheliah both within the written submission and at the meeting.

As outlined in (1) above, the consent authority has given consideration to the appropriateness of the use and its location, determining that the use as proposed is a reasonable use of an existing CBD tenancy. The identified amenity concerns were also considered, with the management practices outlined by the applicant together with conditions of the development approval, expected to minimise the likelihood of future amenity disturbance beyond what is reasonably expected within a mixed-use commercial building. Additionally, while the consent authority considers the use to be acceptable, it has limited the use of the site for a period of two years, after which the use must either cease, or further consideration be given to the adequacy of agreed management practices.

Darwin DCA Meeting No 416 – Friday 8 March 2024

Matters relating to the structural capacity of the building, adequacy of facilities and disability access, while noted, are more appropriately addressed under the provisions of the *NT Building Act* and *Disability Discrimination Act*.

3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, 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 application proposes a change of use of part an existing commercial building with no changes proposed to the physical characteristics of the land on which the building occurs. No land capability concerns were identified under assessment and the land is therefore capable of accommodating the use as proposed.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, 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.

Any change to the use or way land is developed has the potential to impact the amenity of the surrounding areas.

In making this decision, consideration has been given to potential amenity impacts associated with the use, the circumstances under which it is to occur and be managed, and its location.

One public submission was received raising concerns with the development on the basis that the use was/would impact the amenity of the surrounding area and, in particular other uses of the site. Of the matters identified in the submission that were planning related, many can be addressed through altered management practices, including those understood to have been implemented by the proponents since they became aware of a complaint about the use. Limitations on the maximum capacity of patrons, hours of operation and time-limiting the use, by way of conditions on a development permit, are expected to further minimise potential for future amenity impacts as a result.

In relation to amenity impacts more broadly, the development is proposed to occur within an existing commercial building located within the CBD, proposes a use that will occur once per week during business hours for a duration of 30 minutes only (note that the consent authority determined a period of 4 hours to be more appropriate), does not alter car parking demand or access arrangements and proposes no alterations to the exterior of the building. For these reasons, the proposal is assessed as unlikely to have any adverse impact on the amenity of surrounding locality.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

Darwin DCA Meeting No 416 – Friday 8 March 2024

ITEM 4
PA2023/0356

HOTEL/MOTEL IN 12 X 1 STOREY AND 2 X 2 STOREY BUILDINGS LOTS 663 AND 664 (106 & 108) ESPLANADE, DARWIN CITY, TOWN OF DARWIN

APPLICANT One Planning Consult

Applicant: Israel Kgosiemang (One Planning Consult) attended.

RESOLVED
18/24

That, the Development Consent Authority vary the requirements of Clause 5.5.16 (Active Street Frontage) and Clause 5.9.2.9 (Public Domain Contributions for Development on Large Sites) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lots 663 and 664 (106 and 108) Esplanade, Darwin City, Town of Darwin for the purpose of Hotel/motel in 12 x 1 storey and 2 x 2 storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), an engineered plan completed by a suitably qualified civil engineer demonstrating the on-site collection of stormwater and its discharge into the local underground stormwater drainage system, shall be submitted to, and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels, and Council's stormwater drain connection point/s and connection details.
2. Prior to the commencement of works (including site preparation), the applicant is to prepare a Site Construction Management Plan (SCMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The SCMP should specifically address the impact to Council owned public spaces and include a waste management plan for disposal of waste to Shoal Bay, traffic control for affected City of Darwin roads, haulage routes, storm water drainage & sediment control, use of City of Darwin land, and how this land will be managed during the construction phase.
3. Prior to the commencement of works (including site preparation), a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Guidelines, shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.
4. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
5. Prior to the commencement of works (including site preparation), approval is required for the awning to the requirements of the City of Darwin and Power and Water Corporation, to the satisfaction of the consent authority.

Darwin DCA Meeting No 416 – Friday 8 March 2024

6. Prior to the commencement of works (including site preparation), in principle approval is required for the crossover(s) and driveway(s) to the site, including adjustments to any pram ramps affected by the proposed crossover and driveway, from the City of Darwin road reserve, to the satisfaction of the consent authority.
7. Prior to the commencement of works, a revised Road Safety Audit is to be prepared by a suitably qualified traffic engineer with attention to the internal circulation of the largest vehicles intended to access the site, the safe access and egress to/from the site, and identify any necessary upgrades to the surrounding street network to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

8. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notation 1 for further information.
10. 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, to the satisfaction of the consent authority.
11. If Council approval is obtained for Condition 5 and any other encroachments into the City of Darwin Reserve/building elements over City of Darwin road reserve, the applicant will be required to enter into appropriate agreements with the City of Darwin and the design specifications are to be to the satisfaction of the City of Darwin, to the satisfaction of the consent authority.
12. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.

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, to the satisfaction of the consent authority.
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

Darwin DCA Meeting No 416 – Friday 8 March 2024

of the driveway and the public street to the requirements of the City of Darwin, to the satisfaction of the consent authority.

14. Upon completion of any works within or impacting upon existing road reserves, the infrastructure within the road reserve shall be rehabilitated to the standards and requirements of the City of Darwin and returned to the condition as documented in the dilapidation report.
15. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
16. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
17. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act 1999*, pay a monetary contribution to the City of Darwin for the upgrade of local infrastructure, in accordance with its Development Contribution Plan.
18. 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.
19. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to stand clear of the Esplanade pavement and footpath.
20. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
21. The loading and unloading of goods from vehicles must only be carried out on the land (*within the designated loading bay[s] and must not disrupt the circulation and parking of vehicles on the land*).
22. 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.
23. 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*.
24. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional-confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to

Darwin DCA Meeting No 416 – Friday 8 March 2024

both landdevelopmentnorth@powerwater.com.au and
powerconnections@powerwater.com.au

25. Prior to occupation of the development, a right of way easement must be registered on both titles allowing free and unrestricted vehicle access to occur in accordance with the endorsed plans.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind
3. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
4. A "Permit to Work Within a Road Reserve" may be required from City of Darwin before commencement of any work within the road reserve.
5. The development and use hereby permitted must be in accordance with Northern Territory legislation including (but not limited to) the *Building Act 1993*, the *Public and Environmental Health Act 2011* and the *Food Act 2004*.
6. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* 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.

REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and hotel/motel and demountable structures require consent under Clause 1.8 (When development consent is required). It is identified as Merit Assessable under Clause 4.10 Zone CB (Central Business), therefore, zone purpose and outcomes of Clause 4.10 Zone CB (Central Business), and Clause 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.5 (Loading Bay), Clause 5.2.6 (Landscaping), Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), Clause 5.5.15 (Design in Commercial and Mixed Use Areas), Clause 5.5.16 (Active Street Frontage), and Clause 5.9.2 (Darwin City Centre), need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clause 5.5.16 (Active Street Frontage) and Clause 5.9.2.9 (Public Domain Contributions for Development on Large Sites).

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
 - (a) The purpose and administration clauses of the requirement; and
 - (b) The considerations listed under Clause 1.10(4).

The proposal has been found not to be in accordance with Clause 5.5.16 (Active Street Frontage) and Clause 5.9.2.9 (Public Domain Contributions for Development on Large Sites), because the proposal will result in the entire length of the site boundary with the primary street (Esplanade) being either fence, gate or service equipment and less than 10% of the site will be available as publically accessible open space.

It is considered that a variation to this clause is appropriate in this instance because:

- (a) The proposal is consistent with the purpose of Clause 5.5.16 (Active Street Frontage) in that the proposal is considered to meet the purpose of the clause and Zone CB by providing a site-responsive interface with the public realm using a mixture of aluminium slats and blockwork fencing that reflects the character of fencing in the area and allows some passive surveillance of the public realm. Administratively, the consent authority may consent to a development that is not in accordance with sub-clauses 5, 6 and 7 of Clause 5.5.16 if; (a) an alternative solution effectively meets the purpose of this clause; (b) the site design reflects the established character of the area; or (c) it is satisfied that compliance would be

Darwin DCA Meeting No 416 – Friday 8 March 2024

impractical considering servicing requirements and any advice provided under sub-clause 4. This proposal results the entire length of the site boundary with the primary street (Esplanade) being either fence, gate or service equipment, with the design considered to therefore offer an alternative solution that still meets the purpose of the clause and, in a method that reflects the established character of the area created by other established developments along the Esplanade. Activation of the remaining parts of the frontage is hampered by the need to provide necessary servicing equipment in an accessible location, appropriate to the low-level design of the development.

- (b) The proposal is consistent with the purpose of Clause 5.9.2.9 (Public Domain Contributions for Development on Large Sites) in that the proposal provides ample communal open spaces, and is located directly adjacent Bicentennial Park. Administratively, the consent authority may consent to development that is not in accordance with sub-clause 3 and 4 of Clause 5.9.2.9 if it is satisfied that: (a) the development provides an alternative provision of publically accessible open space that is appropriate to the site, having regard to the locality and scale of the development; or (b) the application provides an equivalent contribution to publically accessible open space outside of the subject site. The proposal includes provision of 4.44m² of publically accessible open space on-site in the form of designated 'scooter parking' along the site's frontage. Although considered insufficient in terms of overall area, the space is considered to present an 'alternative provision' that is appropriate to the site, given its nature and scale, likelihood for future re-development of the site, and its location directly across from the Esplanade public open space area. On this basis, the consent authority was satisfied that a variation to this requirement was reasonable.
- (c) The considerations listed under Clause 1.10(4) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NT Planning Scheme 2020, except for Clause 5.5.16 (Active Street Frontage) and Clause 5.9.2.9 (Public Domain Contributions for Development on Large Sites), as identified above.
3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, 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 site is located within Zone CB (Central Business) and is considered capable of development of a greater intensity than that which is currently proposed.

As the development will occur over two allotments, the consent authority considers the inclusion of a right of way easement in favour of both lots to be necessary to enable ongoing free and unrestricted vehicle access to occur through the site as per the plans endorsed as forming part of the permit.

Darwin DCA Meeting No 416 – Friday 8 March 2024

4. Pursuant to section 51(1)(e) of the *Planning Act 1999*, 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 during the public exhibition period raising concerns with the appropriateness of the development and its construction due to the nature of the surrounding land uses, including a number of entertainment venues and noise associated with these uses.

The consent authority acknowledges these concerns, however consider the use to be appropriate to the location with some level of amenity disturbance from CBD noise to be expected. On this basis, additional mitigation measures are considered unnecessary.

5. Pursuant to section 51(1)(n) of the *Planning Act 1999*, 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 proposed development is for a hotel/motel within Zone CB (Central Business) that promotes an active and attractive mixed use environment. The proposal is considered to be consistent with the types of uses anticipated within the area, and is unlikely to cause any undue impact as a result.

During the exhibition period, concerns about existing/future external amenity impacts on the proposal were raised. However, these impacts are anticipated within Zone CB.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

15 March 2024