

**DEVELOPMENT CONSENT AUTHORITY  
DARWIN DIVISION**

**NORTHERN TERRITORY PLANNING SCHEME 2020**

**AGENDA ITEM:** **2**      **MEETING DATE:**    04/04/2025      **FILE:** PA2025/0044

**APPLICATION PURPOSE:**    Data Centre with ancillary office in a 7-storey building

**SUBJECT SITE:**                Lots 9703 (6) and 9704 (2) Ryko Court, Darwin City,  
Town of Darwin (**Bookmark A**)

**ZONE:**                              CB (Central Business)

**SITE AREA:**                      2650 m<sup>2</sup>

**APPLICANT**                        Cunnington Rosse Town Planning and Consulting  
Director - Brad Cunnington

**PERSONS ON WHOSE  
BEHALF THE  
APPLICATION IS MADE**        Landowner

**LANDOWNER**                      NEXTDC Limited (Director – Paul Tomsic)

**ANY PERSON WITH AN  
AGREEMENT TO ACQUIRE  
AN INTEREST IN THE  
LAND**                                None

## 1. PROPOSAL

The proposal is for a data centre, which is an undefined use under the Northern Territory Planning Scheme 2020 (NTPS 2020), and for an office (up to 1 storey above ground level).

The proposed data centre consists of the following:

- Lower ground level –car parking, services, loading bay, storage areas;
- Ground level –office spaces, kitchenettes/break out spaces, storage areas, services, ablution and end of trip facilities, lobby, security office;
- Floors 1 to 3 –data hall and services;
- Floor 4 –services (batteries and pumps)
- Floor 5 – services (generator, fire pump)

The application was submitted by Brad Cunnington of Cunnington Rosse Town Planning and Consulting, on behalf of the landowner NEXTDC Limited (Paul Tomsic, Project Director).

A location plan is provided at **Bookmark A**, with a copy of the application as exhibited provided at **Bookmark B**.

Following the exhibition period, the applicant submitted amended plans which removed artwork that was proposed to be applied to the external tanks.

A copy of the amended plans are provided at **Bookmark C**.

Following the completion of a technical assessment of the application by Development Assessment Services (DAS), a request for further information was provided to the applicant. In response to this, the applicant submitted amended plans and a written response to the points raised.

The amended plans provided additional detail on the design/intended use of the spaces, and made the following changes:

- Lower ground level – Changes were made to the arrangement of car parking spaces and motorbike spaces moved around; arrangement of bicycle parking spaces ; arrangement of service and storage spaces. In addition, the door to the bicycle parking facility was changed to a sliding door.
- Ground level – Changes were made to the internal layout of the building elements; re-orientation of the pedestrian entrance towards Harvey Street. In addition, this plan removed the balcony overlooking Ryko Court, and proposed 4 bicycle parking spaces (bike hoops) to Harvey Street
- Additional information was provided on the proposed landscaping

A copy of the applicant's written response and amended plans are provided at **Bookmark D**.

## 2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

The proposed 'data centre' is undefined under the NTPS 2020. As an undefined use is shown as *Impact Assessable* on the relevant assessment table in Part 4, this application requires consent under Clause 1.8(1)(c)(i).

It is noted that office (up to 1 storey above ground level) is shown as *Permitted* on the on the relevant assessment table in Part 4.

Zoning	Part 3 Overlay	Consent required by virtue of Overlay Requirement	Part 5 – General and Specific Development Requirements	Level of Assessment
Zone CB (Central Business)	3.13 (GL – Gateway Locations)	No	5.2.1 General Height Control 5.2.4.4 Layout of Car Parking Area 5.2.5 Loading Bays 5.2.6.2 Landscaping in Zone CB 5.3.7 End of Trip Facilities in Zones HR CB C SC and TC 5.5.15 Design in Commercial and Mixed Use Areas 5.5.16 Active Street Frontages 5.9.2.1 Building Design in Darwin City Centre 5.9.2.2 Volumetric Control 5.9.2.7 Development along the Priority Pedestrian and Cycle Network 5.9.2.8 Development in Gateway Locations 5.9.2.11 Car parking spaces in Darwin City Centre	<i>Impact Assessable</i>



Zoning	Part 3 Overlay	Consent required by virtue of Overlay Requirement	Part 5 – General and Specific Development Requirements	Level of Assessment
			5.9.2.12 Reduction in car parking spaces in Darwin City Centre 5.9.2.13 Design of Car Parking Areas and Vehicle Access	

The exercise of discretion by the consent authority that applies is clause 1.10(4).

## 3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should reduce the car parking requirements pursuant to clause 5.9.2.12 (Reduction in Car Parking Spaces in Darwin City Centre), and vary the requirements of clauses 5.2.5 (Loading Bays), 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.5.16 (Active Street Frontages), 5.9.2.2 (Volumetric Control), 5.9.2.11 (Car parking spaces in Darwin City Centre) of the NTPS 2020, and approve the application subject to conditions on the development permit as detailed in section 9 of this report.

## 4. BACKGROUND

Lots 9703 and 9704 are situated between Garramilla Boulevard, Harvey Street, and Ryko Court, on the periphery of Darwin CBD, and are surrounded by a mix of land uses and building heights. Zone CB (Central Business) is the predominant zone within the wider locality, and is designed to cater for a range of commercial, cultural, administrative, tourist, civic and residential land uses that support the function of the surrounding region. To the north of the site is land Zoned PS (Public Open Space), to the east is Zoned PM (Proposed Main Road) and to the south and west of the site is land Zoned CB. The subject lots (development site) are currently undeveloped (albeit have been mostly levelled).

A review of the relevant planning history for the site found the following:

- DP04/0341 was issued on 2 December 2004 for the purpose of 91 x 3 bedroom and 34 x 2 bedroom apartments in 1 x 9 building, and 1 x 16 storey-building, including 2 levels of basement car parking.
- DP04/0341A was issued on 18 December 2006 for the purpose of extending the base period of the permit by 2 years. During this time, site preparation works commenced as demonstrated by the levelling of the land at the development site.
- DP12/0714 was issued on 16 December 2012 for the purpose of a subdivision to create 6 lots over the parent parcels Lots 7628, 7276 and 7278, Town of Darwin. This subdivision created the current Ryko Court layout.

## 5. PUBLIC EXHIBITION

The application was placed on public exhibition for a period of two weeks. No public submissions were received under section 49(1) of the *Planning Act 1999*.

## 6. SECTION 117 - THIRD PARTY RIGHTS OF REVIEW

There is no right of appeal by a third party under section 117 of the *Planning Act 1999* in respect of this determination as pursuant to Part 4 of the *Planning Regulations 2000*, section 14 (3)(d) states that there is no right of review when *any other type of development on land that is not in a residential zone, or for which no zone is specified [...]*.

## 7. MATTERS TO BE TAKEN INTO ACCOUNT (SECTION 51 OF THE PLANNING ACT)

**Pursuant to Section 51(1) of the *Planning Act 1999*, a consent authority must, in considering a development application, take into account any of the following relevant to the development:**

**(a) *any planning scheme that applies to the land to which the application relates***

Section 51 of the *Planning Act 1999* provides that in considering a development application the Authority must take into account a range of matter including compliance with the planning scheme.

The NT Planning Scheme 2020 applies to the land and a data centre (undefined use) and (up to 1 storey above ground level) requires consent under Clause 1.8 (when development consent is required). It is identified as *Impact Assessable* under Clause 1.8(1)(c)(i), therefore, pursuant to clause 1.10(4) (Exercise of Discretion by the Consent Authority), the strategic framework (Part 2 of the Scheme, including Darwin Regional Land Use Plan 2015 and Central Darwin Area Plan 2019), zone purpose and outcomes of Clause 4.10 (Zone CB – Central Business), and clauses 3.13 (GL – Gateway Locations) 5.2.1 (General Height Control), 5.2.4.4 (Layout of Car Parking Area), 5.2.5 (Loading Bays), 5.2.6.2 (Landscaping in Zone CB), 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.5.16 (Active Street Frontages), 5.9.2.1 (Building Design in Darwin City Centre), 5.9.2.2 (Volumetric Control), 5.9.2.7 (Development along the Priority Pedestrian and Cycle Network), 5.9.2.8 (Development in Gateway Locations), 5.9.2.11 (Car parking spaces in Darwin City Centre), 5.9.2.12 (Reduction in Car Parking Spaces in Darwin City Centre) and 5.9.2.13 (Design of Car Parking Areas and Vehicle Access), 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 clauses 5.2.5 (Loading Bays), 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.5.16 (Active Street Frontages), 5.9.2.2 (Volumetric Control), 5.9.2.11 (Car parking spaces in Darwin City Centre).

A copy of the technical assessment completed by DAS is provided at **Bookmark E**.

A summary of the relevant parts of the NTPS 2020 is as follows:

### Part 2 – Strategic Framework

#### **Darwin Regional Land Use Plan 2015 (DRLUP)**

The Darwin Regional Land Use Plan, which provides a broad framework for developing land in the greater Darwin, identifies the development site for urban land-uses. The DRLUP provides key residential and commercial objectives to identify adequate urban land, and ensure the detailed planning for future development in the greater Darwin region.

The development site is more specifically located within the Darwin Central Business District (CBD) activity centre which is identified as providing a capital city role and higher order function as the NT's dominant commercial, cultural, administrative, tourism and civil centre. The continued growth of the retail role of the CBD is identified as important to maximise tourism expenditure and to support further residential and commercial floor space growth.

The application states *The activity centre hierarchy on page 21 confirms the continued growth of the Darwin CBD in the provision of a full range of facilities and services, performing the critical capital city role and higher order function as the dominant commercial, cultural, administrative, tourist and civic centre. Consistent with the Northern Territory's confirmed intention to grow the digital ecosystem around a regional data centre, the proposal reaffirms the primacy of the Darwin CBD without compromising more central, higher value CBD areas (from a highest and best use perspective).*

### Central Darwin Area Plan 2019 (CDAP)

The proposal is located within an area identified on the Land Use Vision Map for *Mixed use (Commercial, Civic, Residential, Education, Tourism, Recreation & Retail)* development. The Mixed Use theme identifies that intensive residential and commercial activity drive the activities within the city centre. This area plan encourages diverse development and uses to ensure that mixed use environments are robust, flexible and responsive to economic and social change, and achieve this through a series of objectives that aim to support a dynamic mix of uses that contribute to safe, active, attractive, and diverse localities.

Since the introduction of the CDAP, these objectives have been captured under the NTPS 2020 Part 5 location specific development requirements. The proposal is considered to support the majority of the CDAP objectives, when relevant, and those which are not supported are discussed under their associated location specific development requirement, in section (2).

### Part 3 – Overlays

The only overlay that affects this proposal is clause **3.13 (GL – Gateway Locations)**.

The purpose of this overlay is to *Ensure that the use or development of land identified as a Gateway Location is designed to respect and enhance the unique characteristics of the locality.*

Sub-clause (2) of clause 5.9.2.8 states, *every application is to include a design statement prepared by a suitably qualified professional demonstrating how the proposed development meets the purpose and requirements of this clause.*

The application includes an architectural statement prepared by Hames Sharley. Of note, this statement states *The façade employs patterned and coloured concrete to create an articulated aesthetic, subtly referencing the cladding of perforated aluminium on the existing D1 centre. Linear lighting highlights key architectural elements, while corporate branding and colours are used thoughtfully as wayfinding tools. Vertical circulation elements are expressed from the primary building frontages, adding depth and articulation to the otherwise expansive facades. This design balances the functional requirements of a high-performing data centre with thoughtful architectural elements that enhance its urban presence, promote connectivity, and create a positive experience for both building users and the surrounding community.*

Sub-clause (4) requires that *Building design must be in accordance with the relevant requirements for gateway locations identified in Clause 5.9 (Location Specific Development Requirements), where the relevant requirement for development in the Darwin city centre is clause 5.9.2.8*

(Development in Gateway Locations). Under that clause, only sub-clause (4) is relevant to this proposal.

Clause 5.9.2.8(4) requires that *Development is to establish a strong sense of arrival through one or more of the following design elements: (a) an increased building height of at least one storey compared to adjacent buildings; [...]; (c) signage incorporated into the building design; or [...]*, where the proposal is considered to satisfy sub-clauses (a) and (c).

In response to (a), the development site is bound by three public streets, and only one neighbouring property. The neighbouring property is approximately 3 storeys tall from ground level. Although this development will utilise a similar style to the neighbouring data centre, as this application is for a 7-storey building, it is considered to satisfy (a).

In response to (c), the application proposes to incorporate distinct signage that states 'NextDC', with the entity logo next to this. The dimensions of the signage facing the north-east (towards Tiger Brennan Drive) and that towards the south (towards McMinn Street) is approximately 16 m wide, by 4 m high, and as such, will feature prominently to those entering and exiting the Darwin CBD via Garramilla Boulevard. This is considered to meet the criteria of (c).

It is recommended that a permit note be included on any development permit issued, that states 'The Authority advises the applicant that the building and façade must be constructed in accordance with the materials shown on the drawings endorsed as part of this permit'.

### Part 4 – Zoning

#### **Clause 4.10 Zone CB (Central Business)**

The purpose of Zone CB is to *Promote an active and attractive mixed use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development.*

In Zone CB, building form and design is expected to facilitate a vibrant commercial precinct along and the creation of safe, active street frontages and public places, whilst balancing competing demands with reference to the overall mixed use nature of the zone. The proposal is considered to support the broader intent of Zone CB. However, in particular, it is considered that zone outcome (10) warrants special attention.

Zone outcome (10) states *Developments are designed and operated in a manner that avoids unreasonable loss of amenity for surrounding premises, having regard to the close proximity between residential and entertainment uses, and the overall mixed use nature of the zone.*

The primary adverse impacts may be realised from this proposal that would not ordinarily be expected in the Darwin CBD relate to noise generation, in association with the telecommunication infrastructure and emergency power generation plant. As the application includes a noise assessment, and incorporates a 'selection [of] appropriately low noise equipment', and modelling shows that routine operations at the development site would produce external noise of 45 decibels, which is equal to the NT EPA lowest recommended maximum assigned amenity noise level. As such, it is recommended that a permit condition be included to require a statement from a suitably qualified acoustic engineer, to ensure the treatments that the acoustic report relied upon are built.

This development is not considered likely to have any other unreasonable adverse amenity impacts on the locality, that wouldn't be expected in the Darwin CBD.

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(3) or 1.10(4).

The proposal has been found not to be in accordance with clauses 5.2.5 (Loading Bays), 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.5.16 (Active Street Frontages), 5.9.2.2 (Volumetric Control), and 5.9.2.11 (Car parking spaces in Darwin City Centre).

- a) It is considered that variations to the above clauses are appropriate in this instance because:

### 5.2.5 Loading Bays

Sub-clause (4) requires that *A loading bay is to: (b) be at least 7.5m by 3.5m*, where the proposed loading bay facility is 2.5 m wide and 8.8 m long. It is noted that a minimum requirement for the data centre (undefined use) has not been considered necessary, with it expected that the single facility is sufficient for both the office and data centre land uses at the development site.

Administratively, sub-clause (2) states *The consent authority may consent to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to: (a) the scale of the use and development on the site; (b) any potential adverse impacts on the local road network; [...]*.

The purpose of this clause is to *Provide for the loading and unloading of vehicles associated with the use of land*.

The application states that *the proposed loading / unloading area is suited to the nature of the development and use of the site, will not adversely impact the road network, and does not require off-site loading or unloading*.

In response to sub-clause (a), as this application is for a specialised use, and that the design of this loading bay facility will meet the requirements of the developer, who is also the future site occupier, it is reasonably considered that the proposed loading bay facility will cater for the future use of the site. It is noted that the loading bay width of 2.5 m aligns with the width of the loading bay dock, which is expected to house a lift facility to lift goods from ground level to a 1 m high mezzanine level, and that there is 1 m of space located on each side of the proposed loading bay facility which may provide additional room for the ad hoc loading and unloading of goods.

In response to sub-clause (b), it is not reasonably envisaged that the reduced loading bay dimensions would result in delivery vehicles being unable to utilise the facility.

Based on the above discussion, the proposed variation to clause 5.2.5 (Loading Bays) is acceptable, as it is considered unlikely that the reduced dimensions would have an adverse impact on the local road network, nor its functionality. Notwithstanding, the consent authority may want to clarify this functionality with the applicant, and query if a compliant loading bay facility may be achievable at the development site.

### 5.3.7 End of Trip Facilities in Zones HR CB C SC and TC

Sub-clause (3) requires that *All bicycle parking facilities and associated bicycle parking devices should be designed in accordance with Australian Standard AS2890.3 – Bicycle Parking and must: (a) be located in a convenient and safe location with adequate security for the storage of bicycles; [...] (h) be easily accessible from the road [...]*, where the proposed bicycle parking facility is located on the lower ground level and will be accessed via a 2-door pedestrian hallway, and a single sliding door.

Administratively, sub-clause (1) states *The consent authority may consent to a use or development with fewer bicycle parking spaces, lockers and/or showers and changing facilities than required by sub-clauses 2-6 if satisfied that either: [...] (b) it would be unreasonable to provide the end of trip facilities as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; [...]*.

The purpose of this clause is to *Ensure that new commercial and high density residential buildings provide sufficient safe, quality and convenient end of trip facilities to enable active travel choices by residents, visitors, workers and customers for the proposed use of the site.*

The applicant has indicated that future cyclists will be able to access the bicycle parking facility via a hallway ('street airlock'), with potential for users to be able to access a 6 m<sup>2</sup> lift between the lower ground and ground levels.

In response to sub-clause (1)(a), it is considered that the site is encumbered by physical constraints (being located on a hill), and there is limited opportunity to provide a secure bike locker facility in a convenient location for future users, without compromising accessibility of essential services or office spaces.

Based on the above discussion, the proposed variation to clause 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC) is acceptable, as the development will provide a spacious bicycle parking facility that is accessible to future site users.

It is noted that a variation to this clause may not be necessary, in the event that the applicant demonstrates that an alternative measure that ensures that future users are able to access the bicycle parking facility in a convenient manner (i.e. access via the driveway), or otherwise that the proposed access arrangement is already convenient in nature.

It is also noted that although locker facilities appear to be shown within the end of trip facility room on the ground level, no details about their form or function were provided with this application. As such, it is recommended that a condition precedent be included on any future permit, requiring amended plans be provided that include an annotation stating that bicycle parking and lockers will be designed to Australian Standard AS2890.3 – Bicycle Parking, and the specific the number of bike lockers to be provided, to ensure compliance with Clause 5.3.7 (End of Trip Facilities).

### 5.5.15 Design in Commercial and Mixed Use Areas

Sub-clause (22) requires that *Development with a floor area of 3500m<sup>2</sup> or greater is to provide a dedicated parenting room (to allow for activities such as baby change and breastfeeding),* where despite having a floor area of 11,088 m<sup>2</sup>, no dedicated parenting room is provided.

Administratively, sub-clause (10) states *The consent authority may consent to a development that is not in accordance with sub-clause 22 if it is satisfied that the development provides appropriate provisions for parenting activities relative to the nature and scale of the development.*

The purpose of this clause is to *Encourage a diverse mix of commercial and mixed use developments that are safe, contribute to the activity and amenity of commercial centres, are appropriately designed for the local climate, and minimise conflicts between different land uses within and surrounding the commercial centre.*

The applicant has stated that the universal room is a multi-functional space that could be used as a parents room. This is not considered to meet the requirements of this clause, by virtue it requires a *dedicated* parenting room, and that the nature of a parenting room may adversely impact on the amenity of other uses that take place in this space.

In response to sub-clause (10), it is noted that although the floor area of the development is 11,088 m<sup>2</sup>, there are only expected to be up to 40 staff on-site at any given time. As such, it is considered that this commercial land use is not of a scale that would reasonably require a dedicated parenting room.

Based on the above discussion, the proposed variation to clause 5.5.15 (Design in Commercial and Mixed Use Areas) is acceptable, as the non-provision of a dedicated parenting room is not considered likely to result in adverse impacts to future site users.

### 5.5.16 Active Street Frontages

Sub-clause (5) requires that *Services on street level frontages are to be limited to: (b) a direct single point of access to service equipment for all service authorities*, where 9 separate equipment accesses are proposed to the development from the public domain (or within 4 m of the property boundary). This includes 2 accesses to a fire booster, 1 to a fire pump room, 4 to high voltage rooms, 1 to a water service, and another to a telecommunications closet.

Sub-clause (6) requires that *Buildings are to provide a minimum of 60% of the length of each site boundary that fronts a primary or secondary street, or public open space, as active street frontage, made up of any combination of the following components, where the distance between individual components is no more than 1.5m: [...], where only approximately 36% of the total building boundary (as viewed at ground level) that faces Garramilla Boulevard, Harvey Street and Ryko Court is made up of windows or main pedestrian entrances.*

Sub-clause (7) requires that *Building frontage that is outside the requirements of sub-clause 6, excluding areas for access, are to limit the scale and visual presentation of blank walls*, where limited treatments have been applied to reduce the scale and visual appearance of the development from the vantage point of pedestrians walking past. This is considered most relevant at the Harvey Street frontage, which includes a large presentation of blank walls (white concrete panels on one side, and concrete panels with coloured/grey additives on the other) from ground level to the relevant parapet.

Administratively, sub-clause (2) states *The consent authority may consent to a development that is not in accordance with sub-clauses 5, 6 and 7 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 impractical considering servicing requirements and any advice provided under sub-clause 4.*

The purpose of this clause is to *Provide a site-responsive interface between commercial buildings and the public domain that: (a) is attractive, safe and functional for pedestrians; (b) encourages activity within the streetscape; and (c) encourages passive surveillance of the public domain.*

In response to sub-clause (a), it is noted that the upper ground level provides approximately 22 m of full height windows that overlook Ryko Court (albeit some are semi-obscured by external fire tanks). Although these dimensions are not active street frontage, they're considered to provide some passive surveillance of the public domain. In addition, it is considered that the proposed inclusion of 2 styles of garden beds along the Harvey Street and Ryko Court property boundaries will aide in creating an attractive streetscape.

In response to sub-clause (b), it is considered that the locality of the development site is the area bound by McMinn Street, Day Street, the former railway reserve, and Garramilla Boulevard, and which is located on the periphery of the Darwin CBD. A review of the town planning history for this locality identified the area as being generally zoned for light industrial uses in 1966, highway commercial/special purpose (electrical substation) in 1978, highway commercial/community purpose (electrical substation) in 1992, and central business in 2007 and 2020. Although the existing locality comprises limited residential development (with varying levels of active street frontage), the majority of the area is high security fencing (such as a 170 m length along Harvey Street associated with the electrical substation site), light industrial)/commercial developments along the McMinn Street service road, or otherwise undeveloped lots. As such, the limited active street frontage proposed in this development is not considered to be inconsistent with the existing character of this locality.

In response to sub-clause (c), the provision of separate and dedicated accesses to essential services from the public domain are considered to be necessary for their operation, maintenance, and accessibility in the event of an emergency.

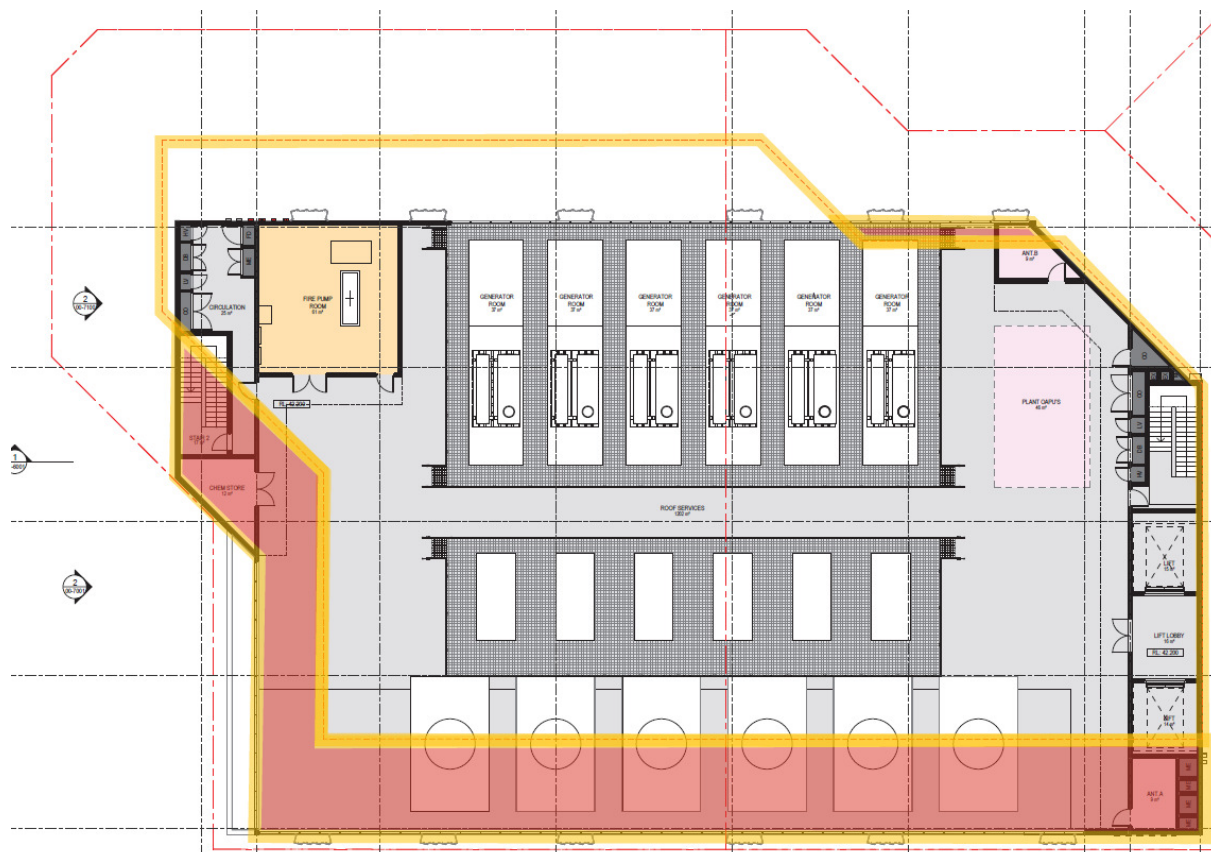
Based on the above discussion which takes into account site specific constraints and this particular locality, the proposed variation to clause 5.5.16 (Active Street Frontage) is acceptable, as although the proposal includes limited active street frontage, this development would improve the activation of the street by the provision of landscaping, and additional day time uses in the area.

However, it is considered that the consent authority may want to seek clarification from the applicant as what discussions have taken place with relevant service authorities, that would reasonably preclude the potential for services to be integrated, and/or co-located together. It is further noted that the consent authority may want to query why the provision of a balcony facing over Ryko Court is no longer proposed. Although this element is not active street frontage, it would improve passive surveillance of the public domain.

### 5.9.2.2 Volumetric Control

Sub-clause (6) requires that *The tower of a development is to: (a) have a footprint that covers a maximum of 56% of the site area, to a maximum of 1200m<sup>2</sup> in any single tower; (b) have the length of each side of the tower be no more than 75% of the length of the adjacent boundary; and (c) provide minimum setbacks of: i. 6m from any site boundary; [...], where (a) the application proposes the tower component will be 65% of the site area; (b) the length of the tower facing all property boundaries exceeds 75%, and (c) the development will be located within 6 m of the property boundaries fronting Garramilla Boulevard, Harvey Street, and Ryko Court.*

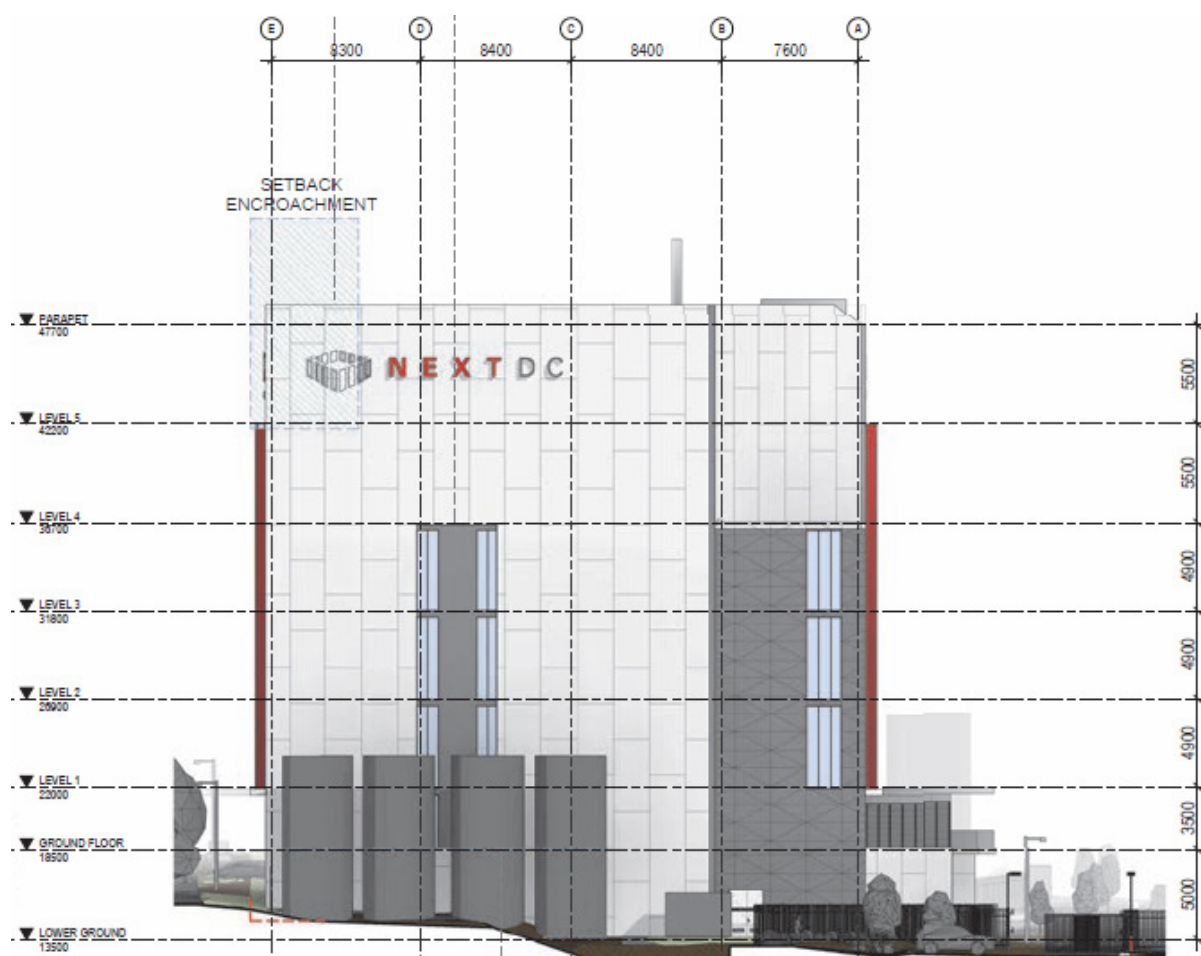




Red shading indicates area in breach of the 6 m setback on an typical level (level 5 shown)



Setback encroachment (top-right) from Harvey Street perspective



Garramilla Boulevard setback encroachment (top-left), looking inbound from Garramilla Boulevard

Administratively, sub-clause (3) states *The consent authority may consent to a development, excluding development located within the Smith Street Character Area, that is not in accordance with sub-clauses 5 and 6 if it is satisfied the development: (a) is appropriate to the location considering the scale of the development and surrounding built form; and (b) will not unreasonably restrict the future development of adjoining sites.*

The purpose of this clause is to *Ensure the siting and mass of buildings within the Darwin city centre promotes urban form that is of a scale appropriate to the locality, and provides adequate separation to allow: (a) potential for view corridors to Darwin Harbour; (b) breeze circulation between buildings; [...]; and (d) reasonable privacy for residents.*

The applicant has stated that *Emphasising the building mass towards Garramilla Boulevard and the Garramilla / Harvey Street intersection, with a corresponding reduction in volumetric massing to other elevations, directly responds to the arterial road frontage and Gateway location, providing a prominent and distinctive entry into the CBD whilst respecting the purpose of Clause 5.9.2.2. Emphasising the primary pedestrian entrance adjacent the intersection, including the provision of landscaping and entry awning, retains a human scale at ground level.*

In response to sub-clause (a), it is considered that a variation to the volumetric dimension is acceptable, as the subject lot is located at a gateway location, and a variation to the Garramilla Boulevard/Harvey Street frontage would help visually distinctive built form for people entering the Darwin CBD via Garramilla Boulevard.

The minor setback encroachment to Ryko Court (approximately 1.2 m) is due to the cul-de-sac, which results in an awkward lot boundary at this corner. As north-west side of the building is a straight line, and the setback breach is approximately 1.2 m, this is not considered likely to result in any adverse impacts to sight lines or local amenity.

In response to sub-clause (b), as the development site is bounded by three public streets, and another property with an existing data centre, this application is not considered to reasonably restrict the future development of other properties in the area.

Based on the above discussion, the proposed variation to clause 5.9.2.2 (Volumetric Control) is acceptable, as it will not result in an unreasonable impact on local visual amenity.

### 5.9.2.11 Car parking spaces in Darwin City Centre

Sub-clause (5) requires that a *Use and development is to include the minimum number of car parking spaces specified in the table to this clause (rounded up to the next whole number)* [calculated as 12.74 (13) car parking spaces], where only 12 car parking spaces are provided at the development site.

It is noted that net floor area is defined in Schedule 2 of the NTPS 2020 as *net floor area in relation to a building, includes all the area between internal surfaces of external walls but does not include: (a) stairs, cleaners cupboards, ablution facilities, lift shafts, escalators or tea rooms where tea rooms are provided as a standard facility in the building; (b) lobbies between lifts facing other lifts servicing the same floor; (c) areas set aside as public space or thoroughfares; (d) areas set aside as plant and lift motor rooms; (e) areas set aside for use of service delivery vehicles; and (f) areas set aside for car parking or access.* As such, this assessment has considered the following spaces as shown on the plans as measurable under this definition – Security office (42 m<sup>2</sup>); MCX meeting room (29 m<sup>2</sup>); MCX office (409 m<sup>2</sup>); NextDC office (103 m<sup>2</sup>); Utility meeting room (19 m<sup>2</sup>); NextDC meeting room (10 m<sup>2</sup>); Combined Quiet Rooms (18 m<sup>2</sup>); and concierge (7 m<sup>2</sup>). This results in an office space of 637 m<sup>2</sup>, which then requires 2 car parking spaces for every 100 m<sup>2</sup> of net floor area, resulting in a requirement for 12.74 (13) car parking spaces to be provided on-site.

Administratively, sub-clause (2) states *The consent authority may consent to a use or development that is not in accordance with sub-clause 5 as set out in clause 5.9.2.12 (Reduction in car parking spaces in Darwin City Centre).* A review of this clause is provided below.

### 5.9.2.12 Reduction in car parking spaces in Darwin City Centre

As discussed above, the development is calculated as requiring 13 car parking spaces on-site, where only 12 are proposed.

Administratively, sub-clause (1) states *The consent authority may consent to: [...] (b) for any bicycle spaces proposed for a use or development in excess of those required by the table to clause 5.3.7 (End of trip facilities in Zones HR, CB, C, SC and C), a reduction of 1 car parking space for every 10 excess bicycle parking spaces are appropriate in function and number for the use of the building, up to 2% of the number of car parking spaces required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre).*

In response to sub-clause (1)(b), it is considered that as 2.13 (3) bicycle parking spaces are required where 27 are proposed, there exists an excess of 24 bicycle parking spaces. As this clause can only allow a reduction up to 2% of the car parking spaces required under clause 5.9.2.11, a reduction of 0.255 (i.e. 2% of 12.74) car parking spaces can be considered by the consent authority.

In addition, administratively, sub-clause (2) states *The consent authority may also consent to a use or development with fewer car parking spaces than required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre), in accordance with the table to this clause.*

Pursuant to category (1), as *the development is located within 200m of a dedicated off-road bicycle path or on-road bicycle lane*, the consent authority can consider a 5% reduction. This would result in a reduction of 0.64 car parking spaces.

Based on the above discussion, it is considered that the application meets the relevant criteria to access a reduction of 0.895 car parking spaces, resulting in a revised requirement for the provision of 11.904 (12) car parking spaces at the development site. If acceptable, this would result in the provision of compliant number of car parking spaces.

- b) 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 clauses 5.2.5 (Loading Bays), 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.5.16 (Active Street Frontages), 5.9.2.2 (Volumetric Control), 5.9.2.11 (Car parking spaces in Darwin City Centre), as identified above
- (b) any proposed amendments to such a planning scheme:**
  - (i) that have been or are on exhibition under Part 2, Division 3;**
  - (ii) in respect of which a decision has not been made under Part 2, Division 5; and**
  - (iii) that are relevant to the development proposed in the development application**

There are no proposed amendments to the Northern Territory Planning Scheme 2020 which would affect this proposal.

- (c) an interim development control order, if any, in respect of the land to which the application relates**

There are no interim development control orders relevant to the site.

- (d) an environment protection objective within the meaning of the Waste Management and Pollution Control Act 1998 that is relevant to the land to which the application relates**

There are no environmental protection objectives relevant to the land.

- (e) any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application**

No public submissions were received during the exhibition period under Section 49 of the Planning Act 1999 with respect to the proposal.

- (f) a matter that the Minister has, under section 85, directed it to consider in relation to development applications generally**

The Minister has made no direction in relation to the application.

**(h) the merits of the proposed development as demonstrated in the application**

The applications states that the proposal has the following merits:

*The proposed data centre will provide additional data storage services for regional customers and is an appropriate development outcome on a periphery CBD allotment.*

**(j) 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 considered capable of supporting the proposed development. The overall scale of the development is consistent with that anticipated in the Darwin CBD with respect to the land's capability and the effect on surrounding properties. The City of Darwin, and Power and Water Corporation, have provided comments in relation to the capability of the land, and it is considered that the requirements of service authorities can be reasonably addressed through the recommended permit conditions and notes.

**(k) the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer**

It is not a requirement that this development provides additional facilities or open space for public use.

**(m) 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**

The proposal was circulated to the following authorities for comment:

**Local Authority:**

**City of Darwin – Bookmark F1**

Council provided comments that are considered standard for a development of this size, and located within Darwin CBD. This included around advertising signage, works within the road reserve, traffic generation, stormwater, waste, construction management, awning overhang, building identification, road verges, crossovers, and sight lines.

DAS response: Standard conditions precedent and general conditions have been recommended to ensure the development meets the relevant requirements of Council.

It is noted that Council raised concerns around the works shown within the Harvey Street road reserve (namely a proposed indented car parking bay, and landscaping). As these elements are not located at the development site, and have not been considered as part of this assessment, this is not considered to be relevant to this application. A standard permit note has been recommended, that states works within a road reserve must be to the satisfaction of the responsible agency.

### **Service Authority:**

#### Power and Water Corporation (PWC) Power Services – Bookmark F2

In addition to standard comments, Power Services raised have stated that the two constituent lots part of this development will need to be consolidated, to ensure that there is only one point of supply, and that the proposed electrical layout does not meet PWC standards.

DAS response: In addition to standard permit conditions, it is recommended that conditions precedent and associated general conditions be included where relevant, to require that prior to the occupation or use of the site, that the lots are consolidated; and that prior to commencement of works, electrical designs to PWC standards are provided to the requirements of Power Services.

#### PWC Water Services – Bookmark F3

No non-standard comments were provided by Water Services.

DAS response: Standard permit conditions are recommended to ensure the development is completed to the requirements of Water Services.

#### Environment Division, Dept of Lands, Planning and Environment (DLPE) – Bookmark F4

Only the Heritage Branch of DLPE provided comments on this application, and advised that there are no nominated, provisionally declared or declared heritage places or objects at the development site, and that it is unlikely that there is unrecorded Aboriginal or Macassan archaeological values at the development site.

DAS response: No permit conditions or notes relating to DLPE matters have been recommended for inclusion.

#### Transport and Civil Services Division, Dept of Logistics and Infrastructure – Bookmark F5

In addition to standard comments, TCSD noted the potential for conflicts between cyclists and pedestrians utilising the Garramilla Boulevard and pedestrians entering and exiting the development. Following the end of the exhibition period, the applicant provided amended plans that reorientated the pedestrian entrance from Garramilla Boulevard, to Harvey Street.

In addition, the applicant contacted TCSD to clarify if a road traffic noise intrusion assessment was necessary for this type of development. TCSD then advised that this policy does not apply to this development. A copy of this correspondence is provided at **Bookmark F6**.

DAS response: Standard permit conditions and notes are recommended to ensure the development is completed to, and the applicant is aware of, the requirements of TCSD, DLI.

#### Airport Development Group (ADG) – Bookmark F7

No non-standard comments were provided by ADG. It is noted that clarification was provided by ADG on 25 March 2025, that stated the conical surface applicable to the development site is 111 mAHD, where the comments state 122 mAHD. This clarification was circulated to the applicant.

DAS response: As the ADG did not request any permit conditions be applied, and states 'the development is unlikely to have any effect on prescribed airspace'. As such, only a permit note detailing that cranes used during construction may penetrate the Prescribed Airspace and may be subject to a separate application and approval process, has been recommended.

### Estate Planning, Dept of Defence – Bookmark F8

No non-standard comments were provided by Estate Planning.

DAS response: Of note, Estate Planning advised that any structures greater than 45 m above ground level will require approval under the Defence (Aviation Areas) regulations.

The application was also circulated to Telstra and NBN Co, however, no comments were received from these entities.

**(n) *the potential impact on the existing and future amenity of the area in which the land is situated***

The impact on amenity should be considered in the context of the site and its surroundings. The development is consistent with the broader intent of Zone CB (Central Business) and applicable clauses, the proposal is for a single storey building and is of a limited scale compared to other developments in the area. The proposal is located at the periphery of the CBD, at the end of a cul-de-sac and is situated outside of the core and city centre focus areas identified within the Central Darwin Area Plan, where there is less pedestrian activity. The building presents the Ryko Court frontage with increased activation. Any adverse impacts on amenity have been addressed through the recommended conditions and notes for any permit that may be issued for the proposal.

An acoustic report was provided as part of the application which includes an assessment of projected noise emissions and recommends noise emission treatments. It is recommended that a permit condition be included on any future development permit requiring a statement from a qualified acoustic engineer confirming that appropriate noise emissions treatments have been built, prior to the occupation of the development.

**(p) *the public interest, including (if relevant) how the following matters are provided for in the application:***

- (i) *community safety through crime prevention principles in design;***
- (ii) *water safety;***
- (iii) *access for persons with disabilities***

It is in the public interest to ensure that development generally accords with the land use requirements as stipulated within the NTPS 2020, as this sets out reasonable expectations of the community for developments in a given locality.

In response to sub-clause (i), it is considered that community safety through crime prevention principles in design are have been considered in the requirements of clauses 5.5.15 (Design in Commercial and Mixed Use Areas), 5.5.16 (Active Street Frontages), and 5.9.2.7 (Development along the Priority Pedestrian and Cycle Network).

In response to sub-clause (ii), water safety is not considered to be relevant to this proposal. It is noted that no pool facilities are proposed in this application.

In response to sub-clause (iii), access for persons with disabilities is expected to be reviewed as part of building requirements and dealt with under the *Building Act 1993*.

- (pa) for a proposed subdivision or consolidation of land in a Restricted Water Extraction Area – whether the subdivision or consolidation complies with the restrictions of sections 14A and 14B of the Water Act 1992 and the requirements of section 14C(1) of that Act;**

Subdivision is not proposed as part of this application.

- (q) for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building)**

Not applicable to this application.

- (r) any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the Heritage Act 2011**

There are no known natural, social, cultural or heritage values on the site or in the immediate surrounding area.

- (s) any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the Water Act 1992**

The following declared beneficial uses apply to the subject land for Darwin Harbour:

- Aquaculture, environment, cultural, rural stock and domestic

It is the responsibility of the developer and land owner to ensure that land use does not result in a contravention of the Water Act 1992.

- (t) other matters it thinks fit**

No other matters are raised for consideration by the consent authority.

### **Section 51(2) of the Planning Act 1999**

***If a development proposal is required to be referred to the NT EPA under Part 4, Division 3 of the Environment Protection Act 2019, the consent authority must not make a decision under this Division in relation to a development application for the proposal unless:***

- (a) the NT EPA has determined that an environmental impact assessment is not required under that Act for that proposal; or***  
***(b) if the NT EPA has determined that an environmental impact assessment is required – an environmental approval has been granted under that Act for the proposal and the decision is consistent with that approval; or***  
***(c) the Environment Protection Act 2019 otherwise permits the making of the decision.***

In response to sub-clause (a), the proposed development is not considered to be of scale or intensity that would reasonably require the preparation of any environmental reports or impact statements under the Environmental Protection Act 2019.

As such, pursuant to sub-clause (c), the consent authority may make a decision by virtue that referral is not required.



## 8. RECOMMENDATION

That, the Development Consent Authority should reduce the car parking requirements pursuant to clause 5.9.2.12 (Reduction in Car Parking Spaces in Darwin City Centre), and vary the requirements of clauses 5.2.5 (Loading Bays), 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.5.16 (Active Street Frontages), 5.9.2.2 (Volumetric Control), 5.9.2.11 (Car parking spaces in Darwin City Centre) 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 9703 (6) and 9704 (2) Ryko Court, Darwin City, Town of Darwin for the purpose of a data centre with ancillary office in a 7-storey building, subject to the following conditions:

### CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, in principle approval is required for a revised design layout showing suitable indoor substations to the requirements of the Power and Water Corporation, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to the commencement of works, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The landscaping plan must be generally in accordance with the landscape concept plan dated (25 March 2025) prepared by TCL. The plan must include a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to commencement of works, 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 with dimensions and must be generally in accordance with the plans submitted with the application but modified to include an annotation stating that bicycle parking and lockers will be designed to Australian Standard AS2890.3 – Bicycle Parking, and specify the number of bike lockers to be provided, to ensure compliance with Clause 5.3.7 (End of Trip Facilities).
4. Prior to the endorsement of plans and prior to the commencement of works, in principle approval is required for the provision of awnings to the street frontages to the requirements of the City of Darwin and to the Transport and Civil Services Division, of the Department of Logistics and Infrastructure, to the satisfaction of the consent authority. Refer to notation 7(l) for more information on TCSD, DLI requirements.
5. Prior to the endorsement of plans and prior to the commencement of works, 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.
6. Prior to the commencement of works, 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.

7. Prior to the commencement of works, a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer with attention to the in accordance with the Austroads Document Guide to Traffic Management Part 12: Traffic Impacts of Developments, in the report structure provided as Appendix C of that document, with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities. The Traffic Impact Assessment report is to also include swept paths for waste collection vehicles entering and exiting the site, and identifying any necessary upgrades to the surrounding street network to the requirements of the City of Darwin, to the satisfaction of the consent authority.
8. Prior to the commencement of works, 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.
9. Prior to the commencement of works, 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.
10. Prior to the commencement of works, 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.

### **GENERAL CONDITIONS**

11. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
12. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, 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 notations 1, 2, and 3 for further information.
14. 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.
15. 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.
16. All works recommended by the traffic impact assessment are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.
17. 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.

18. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street to the requirements of the City of Darwin, to the satisfaction of the consent authority.
19. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
20. 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.
21. If Council approval is obtained for in association with Condition 7 and other encroachments into the City of Darwin road reserve, the applicant will be required to enter into appropriate agreements with the City of Darwin to the requirements of City of Darwin, to the satisfaction of the consent authority.
22. 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.
23. The development must be designed and constructed to comply with the acoustic treatments for which the Acoustics Report, dated 28 January 2025, prepared by Aurecon, was based upon, and a statement from a suitably qualified acoustic engineer confirming compliance with the Acoustics Report must be submitted prior to occupation of the development, to the satisfaction of the consent authority.
24. Lots 9703 and 9704, Town of Darwin are required to be consolidated and a new title issued for the consolidated lot. Also please refer to Note 8 for advice related to the National Construction Code (NCC).
25. 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. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
26. The loading and unloading of goods from vehicles must only be carried out on the land and within the designated loading bays, to the satisfaction of the consent authority.
27. 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.

28. 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.
29. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority
30. 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.
31. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

### Notes

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto: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](http://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/buildersdesigners.html>
4. 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.
5. Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
6. Notwithstanding the approved plans, any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
7. The Transport and Civil Services Division, of the Department of Logistics and Infrastructure advises the following:
  - a) All proposed work (including the provision or connection of services) within, or impacting upon the Garramilla Boulevard road reserve shall be in accordance with

the standards and specifications of the TCSD, DLI. Design documents must be submitted to the TCSD for road agency approval and no works are to commence prior to approval. Note that a development permit issued under the *Planning Act 1999* is not an approval for access onto a Territory Road. Approval for access to be taken from, or constructed within the NTG controlled road reserve rests solely with the TCSD, DLI as the approving road authority.

- b) The developer, its contractor or service provider is required to obtain a 'permit to work within the NTG road reserves' prior to commencement of any works within the Garramilla Boulevard road reserve.
- c) Access shall not be permitted to the subject lot from the Garramilla Boulevard road reserve/ All access arrangements shall be via the internal local road network to the standards and approval of the City of Darwin.
- d) No temporary access for construction purposes shall be permitted from the Garramilla Boulevard road reserve. Construction and delivery vehicles shall not be parked on the Garramilla Boulevard road reserve.
- e) h. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the developer will be obliged to sweep and clean material off the road.
- f) Surface stormwater run-off from the development site onto the Garramilla Boulevard road reserve is not permitted. The developer shall ensure that the stormwater run-off from the development site is collected to prevent uncontrolled discharge to adjoining lands through the provision of kerbing, transverse grated drains and inlet pits, or alternatively the site is to be graded to collect the run-off internally. Accordingly, stormwater shall be wholly contained within the site and discharged into the local underground stormwater system to the standards and approval of the TCSD (where it impacts on the TNG controlled road reserves), the Crown Land Management Division (where it impacts on Crown land or a drainage easement in favour of the Territory) and/or the City of Darwin council. Stormwater design plans submitted for approval shall provide details of site levels and existing downstream drainage infrastructure.
- g) Discharge of untreated waters into the stormwater drainage system is not permitted. Any contaminated stormwater shall be isolated, contained and treated prior to discharge off-site to the standards and requirements of the Department of Lands, Planning and Environment and/or the Environment Protection Authority.
- h) The Garramilla Boulevard verge fronting the development is to be topdressed, grassed and landscaped consistent with existing Departmental landscaping plans, to the TCSD's standards and approval.
- i) Dryland grassing shall be established on the Garramilla Boulevard verge fronting the development and shall be undertaken to the Department's standards and requirements.
- j) All landscaping and setback requirements under the North Territory Planning Scheme shall be contained within lot boundaries. Any landscaping proposed by the developer additional to planning requirements and within the Garramilla Boulevard road reserve shall be to the standards and approval of TCSD, DLO.
- k) Any proposals for the upgrading/resurfacing of the Garramilla Boulevard footpath/verge fronting the development shall require the approval of TCSD, DLII
- l) The construction of awnings over the Garramilla Boulevard road reserve is subject to TCSD, DLI's approval (refer to condition 3) and will require the execution of a 'deed of indemnity and release' in favour of the Northern Territory of Australia prior to construction. An application with detail drawings of the proposed structures and locations in the road reserve, shall be submitted to the TCSD for consideration.

Awnings proposed on Territory roads shall be in accordance with the Department's policy 'Awnings and columns in the road reserve'.

- m) Where unfenced, the Garramilla Boulevard frontage is to be appropriately fenced in accordance with the Department's standards and requirements to deter unauthorised vehicular and/or pedestrian movement. Any gates provided are to be fixed to open inwards only.
- n) The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e not flashing or of variable message). The sign shall be positioned:
  - a. So as not to create sun or headlight reflection to motorists;
  - b. Be located entirely (including foundations and aerially) within the subject lot.Advertising signage including temporary or permanent, e.g. 'A' frame, vehicle or trailer mounted, etc. shall not be erected or located within the Garramilla Boulevard road reserve.
- o) Upon completion of any works within or impacting upon the Garramilla Boulevard road reserve, the road reserve shall be rehabilitated to the standards and requirements of DLI.

- 8. 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. Due to provisions in the National Construction Code (NCC), the subject lots may need to be consolidated before a building permit can be issued.
- 9. The Authority advises the applicant that the building and façade must be constructed in accordance with the materials shown on the drawings endorsed as part of this permit

### 9. REASONS FOR THE RECOMMENDATION

- 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 a data centre (undefined use) and (up to 1 storey above ground level) requires consent under Clause 1.8 (when development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(i), therefore, pursuant to clause 1.10(4) (Exercise of Discretion by the Consent Authority), the strategic framework (Part 2 of the Scheme, including Darwin Regional Land Use Plan 2015 and Central Darwin Area Plan 2019), zone purpose and outcomes of Clause 4.10 (Zone CB – Central Business), and clauses 3.13 (GL – Gateway Locations) 5.2.1 (General Height Control), 5.2.4.4 (Layout of Car Parking Area), 5.2.5 (Loading Bays), 5.2.6.2 (Landscaping in Zone CB), 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.5.16 (Active Street Frontages), 5.9.2.1 (Building Design in Darwin City Centre), 5.9.2.2 (Volumetric Control), 5.9.2.7 (Development along the Priority Pedestrian and Cycle Network), 5.9.2.8 (Development in Gateway Locations), 5.9.2.11 (Car parking spaces in Darwin City Centre), 5.9.2.12 (Reduction in Car Parking Spaces in Darwin City Centre) and 5.9.2.13 (Design of Car Parking Areas and Vehicle Access), 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 clauses 5.2.5 (Loading Bays), 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.5.16 (Active Street Frontages), 5.9.2.2 (Volumetric Control), 5.9.2.11 (Car parking spaces in Darwin City Centre).

A summary of the relevant parts of the NTPS 2020 is as follows:

### **Part 2 – Strategic Framework**

#### Darwin Regional Land Use Plan 2015 (DRLUP)

The Darwin Regional Land Use Plan, which provides a broad framework for developing land in the greater Darwin, identifies the development site for urban land-uses. The DRLUP provides key residential and commercial objectives to identify adequate urban land, and ensure the detailed planning for future development in the greater Darwin region.

The development site is more specifically located within the Darwin Central Business District (CBD) activity centre which is identified as providing a capital city role and higher order function as the NT's dominant commercial, cultural, administrative, tourism and civil centre. The continued growth of the retail role of the CBD is identified as important to maximise tourism expenditure and to support further residential and commercial floor space growth.

The application states The activity centre hierarchy on page 21 confirms the continued growth of the Darwin CBD in the provision of a full range of facilities and services, performing the critical capital city role and higher order function as the dominant commercial, cultural, administrative, tourist and civic centre. Consistent with the Northern Territory's confirmed intention to grow the digital ecosystem around a regional data centre, the proposal reaffirms the primacy of the Darwin CBD without compromising more central, higher value CBD areas (from a highest and best use perspective).

#### Central Darwin Area Plan 2019 (CDAP)

The proposal is located within an area identified on the Land Use Vision Map for Mixed use (Commercial, Civic, Residential, Education, Tourism, Recreation & Retail) development. The Mixed Use theme identifies that intensive residential and commercial activity drive the activities within the city centre. This area plan encourages diverse development and uses to ensure that mixed use environments are robust, flexible and responsive to economic and social change, and achieve this through a series of objectives that aim to support a dynamic mix of uses that contribute to safe, active, attractive, and diverse localities.

Since the introduction of the CDAP, these objectives have been captured under the NTPS 2020 Part 5 location specific development requirements. The proposal is considered to support the majority of the CDAP objectives, when relevant, and those which are not supported are discussed under their associated location specific development requirement, in section (2).

### **Part 3 – Overlays**

The only overlay that affects this proposal is clause 3.13 (GL – Gateway Locations).

The purpose of this overlay is to Ensure that the use or development of land identified as a Gateway Location is designed to respect and enhance the unique characteristics of the locality.

Sub-clause (2) of clause 5.9.2.8 states, every application is to include a design statement prepared by a suitably qualified professional demonstrating how the proposed development meets the purpose and requirements of this clause.

The application includes an architectural statement prepared by Hames Sharley. Of note, this statement states The façade employs patterned and coloured concrete to create an articulated aesthetic, subtly referencing the cladding of perforated aluminium on the existing D1 centre. Linear lighting highlights key architectural elements, while corporate branding and colours are used thoughtfully as wayfinding tools. Vertical circulation elements are expressed from the primary building frontages, adding depth and articulation to the otherwise expansive facades. This design balances the functional requirements of a high-performing data centre with thoughtful architectural elements that enhance its urban presence, promote connectivity, and create a positive experience for both building users and the surrounding community.

Sub-clause (4) requires that Building design must be in accordance with the relevant requirements for gateway locations identified in Clause 5.9 (Location Specific Development Requirements), where the relevant requirement for development in the Darwin city centre is clause 5.9.2.8 (Development in Gateway Locations). Under that clause, only sub-clause (4) is relevant to this proposal.

Clause 5.9.2.8(4) requires that Development is to establish a strong sense of arrival through one or more of the following design elements: (a) an increased building height of at least one storey compared to adjacent buildings; [...]; (c) signage incorporated into the building design; or [...], where the proposal is considered to satisfy sub-clauses (a) and (c).

In response to (a), the development site is bound by three public streets, and only one neighbouring property. The neighbouring property is approximately 3 storeys tall from ground level. Although this development will utilise a similar style to the neighbouring data centre, as this application is for a 7-storey building, it is considered to satisfy (a).

In response to (c), the application proposes to incorporate distinct signage that states 'NextDC', with the entity logo next to this. The dimensions of the signage facing the north-east (towards Tiger Brennan Drive) and that towards the south (towards McMinn Street) is approximately 16 m wide, by 4 m high, and as such, will feature prominently to those entering and exiting the Darwin CBD via Garramilla Boulevard. This is considered to meet the criteria of (c).

It is recommended that a permit note be included on any development permit issued, that states 'The Authority advises the applicant that the building and façade must be constructed in accordance with the materials shown on the drawings endorsed as part of this permit'.

### **Part 4 – Zoning**

#### Clause 4.10 Zone CB (Central Business)

The purpose of Zone CB is to Promote an active and attractive mixed use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development.



In Zone CB, building form and design is expected to facilitate a vibrant commercial precinct along and the creation of safe, active street frontages and public places, whilst balancing competing demands with reference to the overall mixed use nature of the zone. The proposal is considered to support the broader intent of Zone CB. However, in particular, it is considered that zone outcome (10) warrants special attention.

Zone outcome (10) states Developments are designed and operated in a manner that avoids unreasonable loss of amenity for surrounding premises, having regard to the close proximity between residential and entertainment uses, and the overall mixed use nature of the zone.

The primary adverse impacts may be realised from this proposal that would not ordinarily be expected in the Darwin CBD relate to noise generation, in association with the telecommunication infrastructure and emergency power generation plant. As the application includes a noise assessment, and incorporates a 'selection [of] appropriately low noise equipment', and modelling shows that routine operations at the development site would produce external noise of 45 decibels, which is equal to the NT EPA lowest recommended maximum assigned amenity noise level. As such, it is recommended that a permit condition be included to require a statement from a suitably qualified acoustic engineer, to ensure the treatments that the acoustic report relied upon are built.

This development is not considered likely to have any other unreasonable adverse amenity impacts on the locality, that wouldn't be expected in the Darwin CBD.

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(3) or 1.10(4).

The proposal has been found not to be in accordance with clauses 5.2.5 (Loading Bays), 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.5.16 (Active Street Frontages), 5.9.2.2 (Volumetric Control), and 5.9.2.11 (Car parking spaces in Darwin City Centre).

- a) It is considered that variations to the above clauses are appropriate in this instance because:

### 5.2.5 Loading Bays

Sub-clause (4) requires that *A loading bay is to: (b) be at least 7.5m by 3.5m*, where the proposed loading bay facility is 2.5 m wide and 8.8 m long. It is noted that a minimum requirement for the data centre (undefined use) has not been considered necessary, with it expected that the single facility is sufficient for both the office and data centre land uses at the development site.

Administratively, sub-clause (2) states *The consent authority may consent to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to: (a) the scale of the use and development on the site; (b) any potential adverse impacts on the local road network; [...].*

The purpose of this clause is to *Provide for the loading and unloading of vehicles associated with the use of land.*

The application states that *the proposed loading / unloading area is suited to the nature of the development and use of the site, will not adversely impact the road network, and does not require off-site loading or unloading.*

In response to sub-clause (a), as this application is for a specialised use, and that the design of this loading bay facility will meet the requirements of the developer, who is also the future site occupier, it is reasonably considered that the proposed loading bay facility will cater for the future use of the site. It is noted that the loading bay width of 2.5 m aligns with the width of the loading bay dock, which is expected to house a lift facility to lift goods from ground level to a 1 m high mezzanine level, and that there is 1 m of space located on each side of the proposed loading bay facility which may provide additional room for the ad hoc loading and unloading of goods.

In response to sub-clause (b), it is not reasonably envisaged that the reduced loading bay dimensions would result in delivery vehicles being unable to utilise the facility.

Based on the above discussion, the proposed variation to clause 5.2.5 (Loading Bays) is acceptable, as it is considered unlikely that the reduced dimensions would have an adverse impact on the local road network, nor its functionality.

### 5.3.7 End of Trip Facilities in Zones HR CB C SC and TC

Sub-clause (3) requires that *All bicycle parking facilities and associated bicycle parking devices should be designed in accordance with Australian Standard AS2890.3 – Bicycle Parking and must: (a) be located in a convenient and safe location with adequate security for the storage of bicycles; [...] (h) be easily accessible from the road [...],* where the proposed bicycle parking facility is located on the lower ground level and will be accessed via a 2-door pedestrian hallway, and a single sliding door.

Administratively, sub-clause (1) states *The consent authority may consent to a use or development with fewer bicycle parking spaces, lockers and/or showers and changing facilities than required by sub-clauses 2-6 if satisfied that either: [...] (b) it would be unreasonable to provide the end of trip facilities as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; [...].*

The purpose of this clause is to *Ensure that new commercial and high density residential buildings provide sufficient safe, quality and convenient end of trip facilities to enable active travel choices by residents, visitors, workers and customers for the proposed use of the site.*

The applicant has indicated that future cyclists will be able to access the bicycle parking facility via a hallway ('street airlock'), with potential for users to be able to access a 6 m<sup>2</sup> lift between the lower ground and ground levels.

In response to sub-clause (1)(a), it is considered that the site is encumbered by physical constraints (being located on a hill), and there is limited opportunity to provide a secure bike locker facility in a convenient location for future users, without compromising accessibility of essential services or office spaces.

Based on the above discussion, the proposed variation to clause 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC) is acceptable, as the development will provide a spacious bicycle parking facility that is accessible to future site users.

It is also noted that although locker facilities appear to be shown within the end of trip facility room on the ground level, no details about their form or function were provided with this application. As such, a condition precedent has been included that requires amended plans be provided that include an annotation stating that bicycle parking and lockers will be designed to Australian Standard AS2890.3 – Bicycle Parking, and the specific the number of bike lockers to be provided, to ensure compliance with Clause 5.3.7 (End of Trip Facilities).

### 5.5.15 Design in Commercial and Mixed Use Areas

Sub-clause (22) requires that *Development with a floor area of 3500m<sup>2</sup> or greater is to provide a dedicated parenting room (to allow for activities such as baby change and breastfeeding),* where despite having a floor area of 11,088 m<sup>2</sup>, no dedicated parenting room is provided.

Administratively, sub-clause (10) states *The consent authority may consent to a development that is not in accordance with sub-clause 22 if it is satisfied that the development provides appropriate provisions for parenting activities relative to the nature and scale of the development.*

The purpose of this clause is to *Encourage a diverse mix of commercial and mixed use developments that are safe, contribute to the activity and amenity of commercial centres, are appropriately designed for the local climate, and minimise conflicts between different land uses within and surrounding the commercial centre.*

The applicant has stated that the universal room is a multi-functional space that could be used as a parents room. This is not considered to meet the requirements of this clause, by virtue it requires a *dedicated* parenting room, and that the nature of a parenting room may adversely impact on the amenity of other uses that take place in this space.

In response to sub-clause (10), it is noted that although the floor area of the development is 11,088 m<sup>2</sup>, there are only expected to be up to 40 staff on-site at any given time. As such, it is considered that this commercial land use is not of a scale that would reasonably require a dedicated parenting room.

Based on the above discussion, the proposed variation to clause 5.5.15 (Design in Commercial and Mixed Use Areas) is acceptable, as the non-provision of a dedicated parenting room is not considered likely to result in adverse impacts to future site users.

### 5.5.16 Active Street Frontages

Sub-clause (5) requires that *Services on street level frontages are to be limited to: (b) a direct single point of access to service equipment for all service authorities,* where 9 separate equipment accesses are proposed to the development from the public domain (or within 4 m of the property boundary). This includes 2 accesses to a fire booster, 1 to a fire pump room, 4 to high voltage rooms, 1 to a water service, and another to a telecommunications closet.

Sub-clause (6) requires that *Buildings are to provide a minimum of 60% of the length of each site boundary that fronts a primary or secondary street, or public open space, as active street frontage, made up of any combination of the following components, where the distance between*

*individual components is no more than 1.5m: [...], where only approximately 36% of the total building boundary (as viewed at ground level) that faces Garramilla Boulevard, Harvey Street and Ryko Court is made up of windows or main pedestrian entrances.*

Sub-clause (7) requires that *Building frontage that is outside the requirements of sub-clause 6, excluding areas for access, are to limit the scale and visual presentation of blank walls*, where limited treatments have been applied to reduce the scale and visual appearance of the development from the vantage point of pedestrians walking past. This is considered most relevant at the Harvey Street frontage, which includes a large presentation of blank walls (white concrete panels on one side, and concrete panels with coloured/grey additives on the other) from ground level to the relevant parapet.

Administratively, sub-clause (2) states *The consent authority may consent to a development that is not in accordance with sub-clauses 5, 6 and 7 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 impractical considering servicing requirements and any advice provided under sub-clause 4.*

The purpose of this clause is to *Provide a site-responsive interface between commercial buildings and the public domain that: (a) is attractive, safe and functional for pedestrians; (b) encourages activity within the streetscape; and (c) encourages passive surveillance of the public domain.*

In response to sub-clause (a), it is noted that the upper ground level provides approximately 22 m of full height windows that overlook Ryko Court (albeit some are semi-obsured by external fire tanks). Although these dimensions are not active street frontage, they're considered to provide some passive surveillance of the public domain. In addition, it is considered that the proposed inclusion of 2 styles of garden beds along the Harvey Street and Ryko Court property boundaries will aide in creating an attractive streetscape.

In response to sub-clause (b), it is considered that the locality of the development site is the area bound by McMinn Street, Day Street, the former railway reserve, and Garramilla Boulevard, and which is located on the periphery of the Darwin CBD. A review of the town planning history for this locality identified the area as being generally zoned for light industrial uses in 1966, highway commercial/special purpose (electrical substation) in 1978, highway commercial/community purpose (electrical substation) in 1992, and central business in 2007 and 2020. Although the existing locality comprises limited residential development (with varying levels of active street frontage), the majority of the area is high security fencing (such as a 170 m length along Harvey Street associated with the electrical substation site), light industrial/commercial developments along the McMinn Street service road, or otherwise undeveloped lots. As such, the limited active street frontage proposed in this development is not considered to be inconsistent with the existing character of this locality.

In response to sub-clause (c), the provision of separate and dedicated accesses to essential services from the public domain are considered to be necessary for their operation, maintenance, and accessibility in the event of an emergency.

Based on the above discussion which takes into account site specific constraints and this particular locality, the proposed variation to clause 5.5.16 (Active Street Frontage) is acceptable, as although the proposal includes limited active street frontage, this development would improve the activation of the street by the provision of landscaping, and additional day time uses in the area.

### 5.9.2.2 Volumetric Control

Sub-clause (6) requires that *The tower of a development is to: (a) have a footprint that covers a maximum of 56% of the site area, to a maximum of 1200m<sup>2</sup> in any single tower; (b) have the length of each side of the tower be no more than 75% of the length of the adjacent boundary; and (c) provide minimum setbacks of: i. 6m from any site boundary; [...], where (a) the application proposes the tower component will be 65% of the site area; (b) the length of the tower facing all property boundaries exceeds 75%, and (c) the development will be located within 6 m of the property boundaries fronting Garramilla Boulevard, Harvey Street, and Ryko Court.*

Administratively, sub-clause (3) states *The consent authority may consent to a development, excluding development located within the Smith Street Character Area, that is not in accordance with sub-clauses 5 and 6 if it is satisfied the development: (a) is appropriate to the location considering the scale of the development and surrounding built form; and (b) will not unreasonably restrict the future development of adjoining sites.*

The purpose of this clause is to *Ensure the siting and mass of buildings within the Darwin city centre promotes urban form that is of a scale appropriate to the locality, and provides adequate separation to allow: (a) potential for view corridors to Darwin Harbour; (b) breeze circulation between buildings; [...]; and (d) reasonable privacy for residents.*

The applicant has stated that *Emphasising the building mass towards Garramilla Boulevard and the Garramilla / Harvey Street intersection, with a corresponding reduction in volumetric massing to other elevations, directly responds to the arterial road frontage and Gateway location, providing a prominent and distinctive entry into the CBD whilst respecting the purpose of Clause 5.9.2.2. Emphasising the primary pedestrian entrance adjacent the intersection, including the provision of landscaping and entry awning, retains a human scale at ground level.*

In response to sub-clause (a), it is considered that a variation to the volumetric dimension is acceptable, as the subject lot is located at a gateway location, and a variation to the Garramilla Boulevard/Harvey Street frontage would help visually distinctive built form for people entering the Darwin CBD via Garramilla Boulevard.

The minor setback encroachment to Ryko Court (approximately 1.2 m) is due to the cul-de-sac, which results in an awkward lot boundary at this corner. As north-west side of the building is a straight line, and the setback breach is approximately 1.2 m, this is not considered likely to result in any adverse impacts to sight lines or local amenity.

In response to sub-clause (b), as the development site is bounded by three public streets, and another property with an existing data centre, this application is not considered to reasonably restrict the future development of other properties in the area.

Based on the above discussion, the proposed variation to clause 5.9.2.2 (Volumetric Control) is acceptable, as it will not result in an unreasonable impact on local visual amenity.

## 5.9.2.11 Car parking spaces in Darwin City Centre

Sub-clause (5) requires that a *Use and development* is to include the minimum number of car parking spaces specified in the table to this clause (rounded up to the next whole number) [calculated as 12.74 (13) car parking spaces], where only 12 car parking spaces are provided at the development site.

It is noted that net floor area is defined in Schedule 2 of the NTPS 2020 as *net floor area in relation to a building, includes all the area between internal surfaces of external walls but does not include: (a) stairs, cleaners cupboards, ablution facilities, lift shafts, escalators or tea rooms where tea rooms are provided as a standard facility in the building; (b) lobbies between lifts facing other lifts servicing the same floor; (c) areas set aside as public space or thoroughfares; (d) areas set aside as plant and lift motor rooms; (e) areas set aside for use of service delivery vehicles; and (f) areas set aside for car parking or access.* As such, this assessment has considered the following spaces as shown on the plans as measurable under this definition – Security office (42 m<sup>2</sup>); MCX meeting room (29 m<sup>2</sup>); MCX office (409 m<sup>2</sup>); NextDC office (103 m<sup>2</sup>); Utility meeting room (19 m<sup>2</sup>); NextDC meeting room (10 m<sup>2</sup>); Combined Quiet Rooms (18 m<sup>2</sup>); and concierge (7 m<sup>2</sup>). This results in an office space of 637 m<sup>2</sup>, which then requires 2 car parking spaces for every 100 m<sup>2</sup> of net floor area, resulting in a requirement for 12.74 (13) car parking spaces to be provided on-site.

Administratively, sub-clause (2) states *The consent authority may consent to a use or development that is not in accordance with sub-clause 5 as set out in clause 5.9.2.12 (Reduction in car parking spaces in Darwin City Centre).* A review of this clause is provided below.

## 5.9.2.12 Reduction in car parking spaces in Darwin City Centre

As discussed above, the development is calculated as requiring 13 car parking spaces on-site, where only 12 are proposed.

Administratively, sub-clause (1) states *The consent authority may consent to: [...] (b) for any bicycle spaces proposed for a use or development in excess of those required by the table to clause 5.3.7 (End of trip facilities in Zones HR, CB, C, SC and C), a reduction of 1 car parking space for every 10 excess bicycle parking spaces are appropriate in function and number for the use of the building, up to 2% of the number of car parking spaces required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre).*

In response to sub-clause (1)(b), it is considered that as 2.13 (3) bicycle parking spaces are required where 27 are proposed, there exists an excess of 24 bicycle parking spaces. As this clause can only allow a reduction up to 2% of the car parking spaces required under clause 5.9.2.11, a reduction of 0.255 (i.e. 2% of 12.74) car parking spaces can be considered by the consent authority.

In addition, administratively, sub-clause (2) states *The consent authority may also consent to a use or development with fewer car parking spaces than required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre), in accordance with the table to this clause.*

Pursuant to category (1), as *the development is located within 200m of a dedicated off-road bicycle path or on-road bicycle lane*, the consent authority can consider a 5% reduction. This would result in a reduction of 0.64 car parking spaces.

Based on the above discussion, the application meets the relevant criteria to access a reduction of 0.895 car parking spaces, resulting in a revised requirement for 11.904 (12) car parking spaces at the development site, where 12 are provided.

- b) 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 clauses 5.2.5 (Loading Bays), 5.3.7 (End of Trip Facilities in Zones HR CB C SC and TC), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.5.16 (Active Street Frontages), 5.9.2.2 (Volumetric Control), 5.9.2.11 (Car parking spaces in Darwin City Centre), 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 land has been identified for mixed use purposes and is considered capable of supporting the proposed development, by virtue that no land capability concerns were identified during the assessment nor by service authorities.

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.

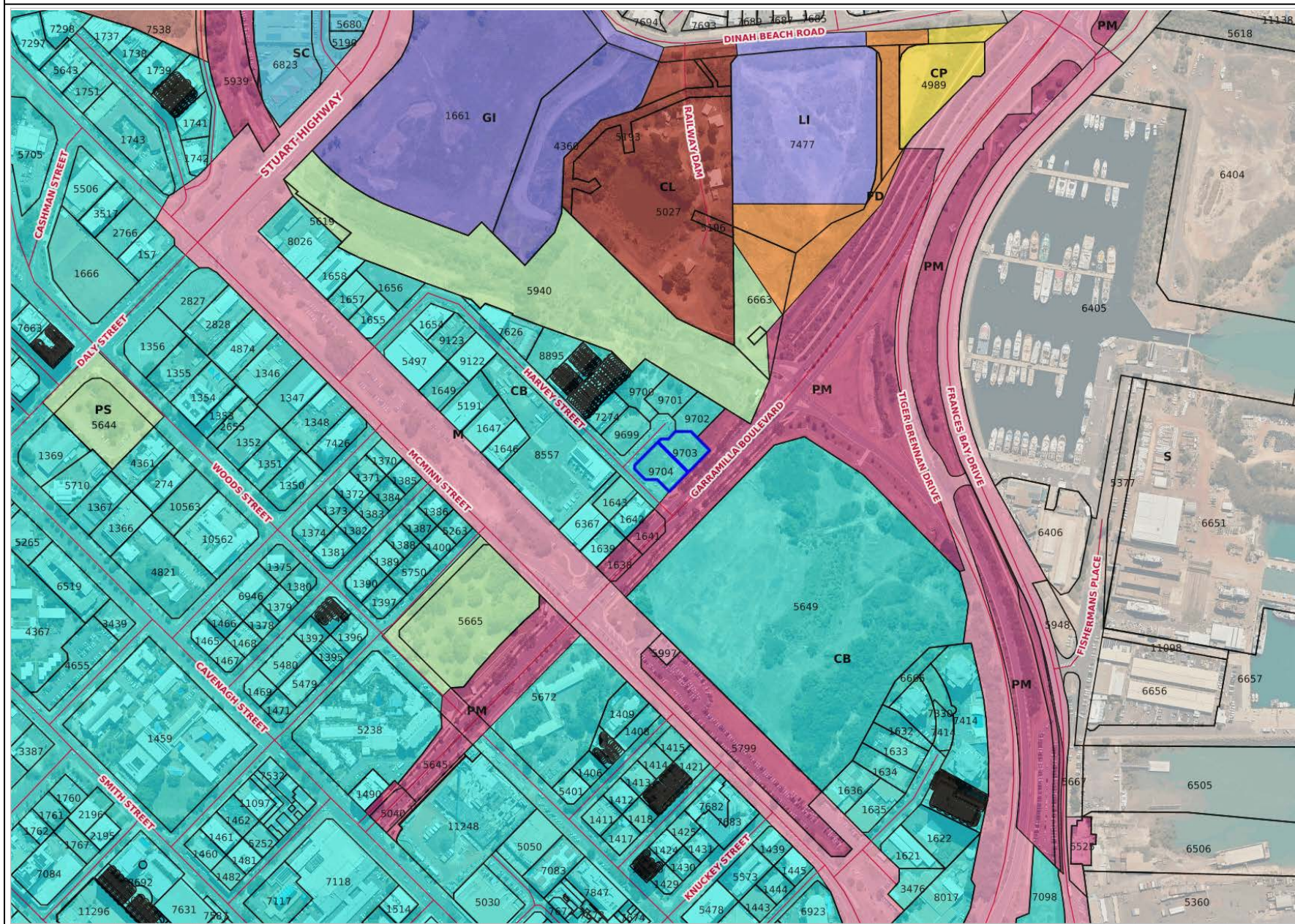
The impact on amenity should be considered in the context of the site and its surroundings. The development is consistent with the broader intent of Zone CB (Central Business) and applicable clauses, the proposal is for a single storey building and is of a limited scale compared to other developments in the area. The proposal is located at the periphery of the CBD, at the end of a cul-de-sac and is situated outside of the core and city centre focus areas identified within the Central Darwin Area Plan, where there is less pedestrian activity. The building presents the Ryko Court frontage with increased activation. Any adverse impacts on amenity have been addressed through the recommended conditions and notes for any permit that may be issued for the proposal.

An acoustic report was provided as part of the application which includes an assessment of projected noise emissions and recommends noise emission treatments. It is recommended that a permit condition be included on any future development permit requiring a statement from a qualified acoustic engineer confirming that appropriate noise emissions treatments have been built, prior to the occupation of the development.

**AUTHORISED:**





























  
.....  
SENIOR PLANNER - DARWIN  
DEVELOPMENT ASSESSMENT SERVICES





## Legend

### TOWN\_PLANNING\_ZONES

-  A - Agriculture
-  CV - Caravan Park
-  CB - Central Business
-  C - Commercial
-  CL - Community Living
-  CP - Community Purpose
-  CN - Conservation
-  DV - Development
-  RR - Rural Residential
-  GI - General Industry
-  HT - Heritage
-  HR - High Density Residential
-  H - Horticulture
-  LI - Light Industry
-  M - Main Road
-  MR - Medium Density Residential
-  LMR - Low-Medium Density Residential
-  CA - No Planning Scheme Control
-  OR - Organised Recreation
-  PM - Proposed Main Road
-  PS - Public Open Space
-  RW - Railway
-  RD - Restricted Development
-  R - Rural
-  RL - Rural Living
-  SC - Service Commercial
-  LR - Low Density Residential
-  S - Specific Use



Metres 50 100 150 200

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Geospatial Services Unit



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Department of Lands,  
Planning and Environment  
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# NOTICE OF PROPOSED DEVELOPMENT

SUBMISSIONS CLOSE: MIDNIGHT, 07/03/2025

APPLICATION REF: PA2025/0044

**APPLICANT:** Cunnington Rosse Town Planning and Consulting

**ADDRESS:** Lot 9703 Town of Darwin ( 6 Ryko Court, Darwin City )  
Lot 9704 Town of Darwin ( 2 Ryko Court, Darwin City )

**ZONE(S):** CB (Central Business)

**PROPOSAL:** Data Centre with ancillary office in a 7-storey building

VIEW THE APPLICATION AND LODGE A SUBMISSION:

**ONLINE:**



[www.ntlis.nt.gov.au/planning](http://www.ntlis.nt.gov.au/planning)

**EMAIL:** [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au)

**DARWIN**

**PHONE:** 8999 6046

**POST:** GPO Box 1680  
Darwin NT 0801



*Indicative image only*







# NOTICE OF PROPOSED DEVELOPMENT

## SUBMISSIONS CLOSE: MIDNIGHT, 07/03/2025

**APPLICATION REF:** PA2025/0044

**APPLICANT:** Cunningham Rosse Town Planning and Consulting

**ADDRESS:** Lot 9703 Town of Darwin ( 6 Ryko Court, Darwin City )  
Lot 9704 Town of Darwin ( 2 Ryko Court, Darwin City )

**ZONE(S):** CB (Central Business)

**PROPOSAL:** Data Centre with ancillary office in a 7-storey building

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**ONLINE:**



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*Indicative image only*

































































































# Statement of Effect

**NEXTDC D2 OFFICE AND DATA CENTRE**

LOTS 9703 AND 9704 TOWN OF DARWIN (2-6 RYKO COURT, DARWIN CITY)

**February 2025**

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## Document Control

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## 1.0 Introduction

Cunnington Rosse Town Planning and Consulting have been engaged by NEXTDC Limited to prepare, lodge and manage a Development Application for the purpose of offices and a data centre in a 7-storey building on the subject land at 2-6 Ryko Court, Darwin City. The proposed data centre comprises NextDC's D2 project, and will supplement the recently constructed D1 data centre at 8 Ryko Court, adjacent the northern boundary of the subject land. D2 includes ground level mission critical operations office space, NextDC administration space (which will also support D1), three levels of data halls, internal switch and cooling levels, generator and plant platforms at the upper level, and semi-basement car park, loading, refuse and plant level. The proposed data centre builds on NextDC's establishment on the periphery of the Darwin CBD, with the site layout and building design taking advantage of the existing topography, locating parking and service areas at the lower level and integrating the active use components with the prominent Garramilla Boulevard frontage and corner location.

The subject land is zoned CB (Central Business) per **Clause 4.10** of the Northern Territory Planning Scheme 2020 (the Scheme). The development and/or use of land for the purpose of an *office* as defined in **Schedule 2.1** (in a building of 2 or more storeys above ground level) is *Merit Accessible* in Zone CB. A data centre is not defined in **Schedule 2.1**, and the use and/or development of land in zone CB for *Undefined Use* is an *Impact Assessable* form of development. A Development Permit is therefore required pursuant to **Section 44(a)** of the *Northern Territory Planning Act 1999* (the Act).

This report details the nature of the subject land and locality, existing use and development within the locality, the proposed development, considers the proposal against the relevant provisions of the Scheme, and the relevant components of **Section 46(3)** of the Act. This report (and application) is to be read together with the following attachments.

**Attachment A:** Architectural Plans

**Attachment B:** Architectural Design Statement

**Attachment C:** Landscaping Plans

**Attachment D:** Acoustic Report

**Attachment E:** Traffic Impact Assessment

**Attachment F:** DP23/0213 and Endorsed Drawings

**Attachment G:** Title Documents

## 2.0 Site and Locality

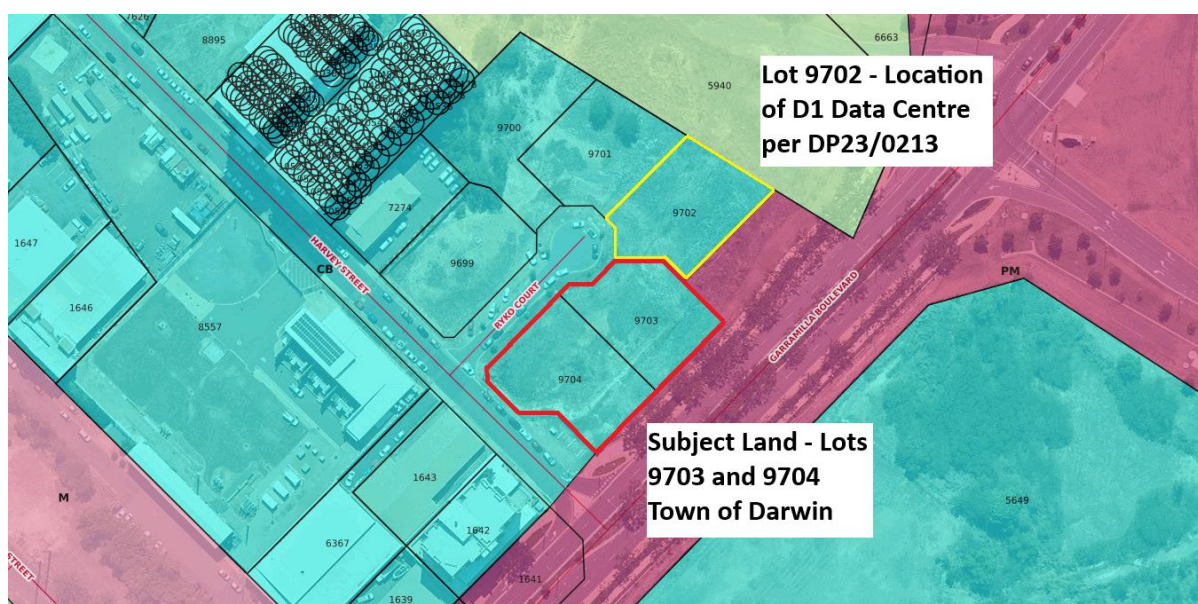
The subject land is identified and described in **Table 1** and **Figure 1** below.

Site Details	
<b>Location</b>	2 Ryko Court, Darwin City (Lot 9704 Town of Darwin) 6 Ryko Court, Darwin City (Lot 9703 Town of Darwin)
<b>Title Reference and Land Tenure</b>	CUFT 854 144 Estate in Fee Simple (freehold) – 2 Ryko CUFT 854 145 Estate in Fee Simple (freehold) – 6 Ryko
<b>Area</b>	2,650 square meters (combined)
<b>Easements</b>	None Identified
<b>Landowner</b>	NEXTDC Limited
Planning Considerations	
<b>Planning Scheme</b>	<a href="#">Northern Territory Planning Scheme 2020</a>
<b>Zone</b>	CB (Central Business)
<b>Strategic Framework</b>	<ul style="list-style-type: none"> <li>Darwin Regional Land Use Plan</li> <li>Central Darwin Area Plan</li> </ul>
<b>Overlays</b>	<ul style="list-style-type: none"> <li>Clause 3.13 (Gateway Locations)</li> </ul>
<b>General Development Requirements</b>	<ul style="list-style-type: none"> <li>Clause 5.2.1 (General Height Control)</li> <li>Clause 5.2.4 (Car Parking)</li> <li>Clause 5.2.5 (Loading Bays)</li> <li>Clause 5.2.6 (Landscaping)</li> <li>Clause 5.3.7 (End of Trip Facilities)</li> </ul>



<b>Location Specific Development Requirements</b>	<ul style="list-style-type: none"> <li>• Clause 5.9.2 (Darwin City Centre)</li> </ul>
<b>Land Use Specific Development Requirements</b>	<ul style="list-style-type: none"> <li>• Clause 5.5.1 (Interchangeable Use and Development)</li> <li>• Clause 5.5.4 (Expansion of Existing Use or Development in Zone CB)</li> <li>• Clause 5.5.15 (Design in Commercial and Mixed Use Areas)</li> <li>• Clause 5.5.16 (Active Street Frontages)</li> </ul>

**Table 1:** Site Details and Planning Scheme Context



**Figure 1:** Subject land (red border) and immediate locality

The subject land comprises lots 9703 and 9704, two contiguous lots situated at 2-6 Ryko Court, Darwin City. The subject land, together with the four other lots directly fronting Ryko Court (9699, 9700, 9701 and 9702) were created in 2012 as a result of the subdivision of lots 7628, 7276 and 7278 Town of Darwin to create six lots and a new public road. Ryko Court is a short (approximately 65 metres long) cul-de-sac connecting to the north-eastern side of Harvey Street at the northern edge of the Darwin Central Business District (CBD). The land is currently vacant, with the portion adjacent Ryko Court previously cut into the slope. A steep batter provides a level transition to the Garramilla Boulevard and Harvey Street boundaries.

As well as the slope across the site, the land slopes down from the high point adjacent the Garramilla Boulevard / Harvey Street boundary to the low point at the northern end.



## 2.1 Site and Locality Images



**Image 1:** Subject land from Ryko Court



**Image 2:** Subject land from Harvey Street. NextDC D1 is visible in the background





**Image 3:** Subject land from the Ryko Court Cul-de-sac



**Image 4:** Site frontage to Garramilla Boulevard. The chainmesh fence aligns with the boundary of 2-6 Ryko Court, with the Garramilla Boulevard shared path evident to the right of image





**Image 5:** Existing NextDC D1 Data Centre at 8 Ryko Court. The subject land is evident to the right of image



**Image 6:** Subject land (to the front of the existing apartment building at lot 1642 evident in the centre of image) taken from the (widened) Garramilla Boulevard road reserve to the north of the site. The existing NextDC D1 Data Centre is evident in the right of image

## 2.2 Locality

**Figure 1** identifies the site and surrounding locality. The immediate locality consists of Ryko Court, extending to the connection with Harvey Street and across to Garramilla Boulevard. With the exception of lot 9702 (NextDC D1), all allotments fronting Ryko Court are currently vacant, with a discernible slope from Garramilla Boulevard (to the south) down to the crown land corridor to the north.



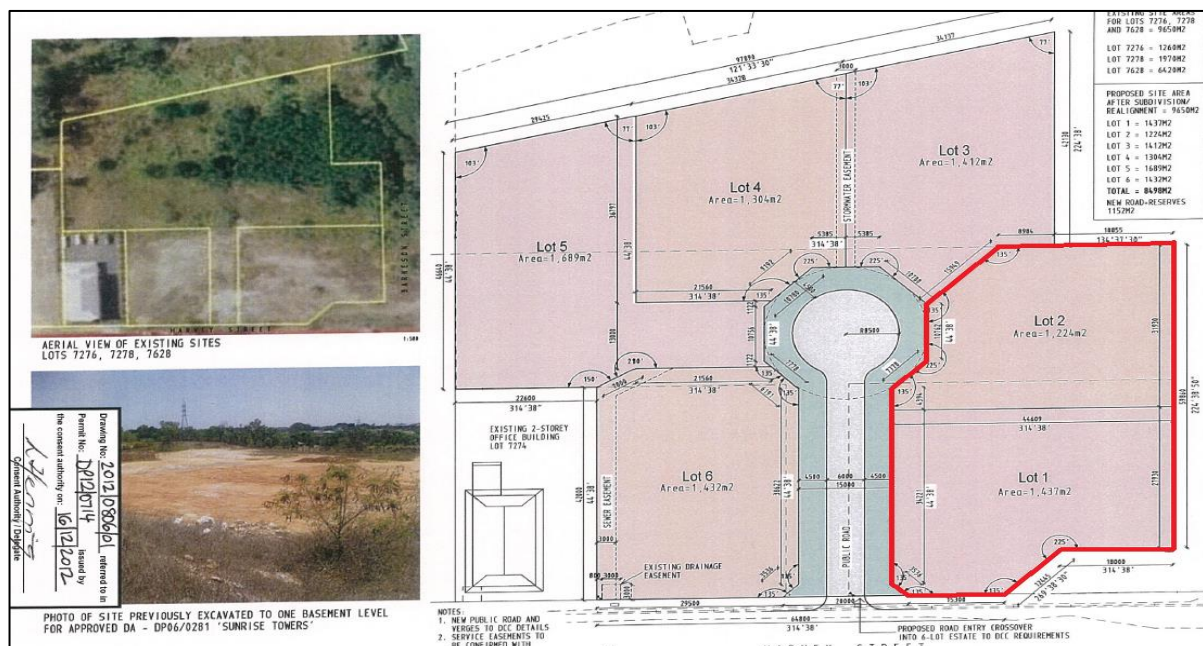
From a visual perspective the immediate locality is dominated by the 10-storey Tech One apartments to the west of the site (12 Harvey Street) and, to a lesser extent, the 8-storey residential building on lot 1642 adjacent the western corner of the Garramilla Boulevard / Harvey Street intersection. Development on the south-western side of Harvey Street (with the exception of the aforementioned apartment building) is largely industrial and/or utilitarian in nature, with the Darwin Zone Substation occupying a large portion of the land between Garramilla Boulevard and Day Street, together with warehouses, offices, trade sales, manufacturing and self-storage units.

To the east and south-east of the site, the land rises up to Garramilla Boulevard such that the road reserve, vegetated verges and medians, edge treatments and shared paths form a physical and acoustic barrier to the former Shell Site further east.

To the north and north-east is the former railway corridor, a lineal area of crown land extending from the Tiger Brennan Drive / Garramilla Boulevard connector to the inner suburbs. The One Mile Dam community is located further north.

### 2.3 Approval History

Lot 9702 was created as a result of the subdivision of lots 7628, 7276 and 7278 Town of Darwin (2, 6 and 8 Harvey Street). Development permit DP12/0714 approved on 16 December 2012 consented to a subdivision to create 6 lots, with a single condition precedent requiring engineering designs and specifications of the proposed and affected roads, street lighting, stormwater drainage, vehicle access, pedestrian / cycle corridors and streetscaping to be approved by the City of Darwin and Department of Lands, Planning and Environment. The endorsed drawings subsequently issued by the Development Consent Authority are included in **figure 2** below.



**Figure 2:** DP12/0714 Endorsed Drawings, with approved lots 1 and 2 (now lots 9703 and 9704) outlined in red.

In September 2023 the Darwin Division of the Development Consent Authority issued Development Permit DP23/0213 for the construction and use of the NextDC D1 Data Centre on lot 9702 Town of Darwin (8 Ryko Court, immediately north of the subject land). DP23/0213 included 8 precedent and 17 general conditions. Endorsed drawings were issued in October 2023, and construction works completed in June 2024. DP23/0213 and the associated endorsed drawings are included in **Attachment F**.

### 3.0 Proposed Development

The proposed development comprises an office and data centre in a seven storey building, including semi-basement / lower ground car parking, service and mechanical equipment level accessed from Ryko Court. Together with D1, the facility will function as a regional data centre as a result of NEXTDC's confirmation as the successful proponent in response to the Northern Territory's call for Expressions of Interest to identify proponents to build and operate a data centre in Darwin, and to work closely with the Territory's commitment to grow the Northern Territory's digital ecosystem around the Data Centre.

The data centre will function to store data for regional customers within three 1,091m<sup>2</sup> data halls, and will provide office space for both NextDC staff and mission critical workspace. On-site technical, security and administration staff (including NextDC staff responsible for the operation, service, upgrade and repairs to the data halls) will be based in the NextDC offices. The mission critical workspace (MCX offices) provide secure, resilient workspace for regional clients. In addition to on-site staff and customers, the site will be subject to sporadic visitation from regional clients and interstate NEXTDC staff, off-site technical and trade services.

The internal areas are as follows:

- Lower ground (semi-basement) level (generally aligning with the Ryko Court level, but below the Harvey Street and Garramilla Boulevard levels) with car and motorcycle parking, waste storage room, loading area and dock, storage and staging areas, electrical equipment, firefighting plant, fuel and water storage, bicycle storage, lift and stair access. Cooling water storage tanks are sited adjacent the north-eastern boundary, with the fire storage tanks in the western corner;
- Ground level (aligning with the ground level at the intersection between Garramilla Boulevard and Harvey Street) with shared lobby and meeting areas, concierge, security office, breakout space, NextDC offices and storage, MCX offices and storage, end of trip facilities, ablutions, communication area, plant equipment and riser access, lift and stair access and circulation space. The primary office entry adjoins the Garramilla Boulevard shared path adjacent the intersection with Harvey Street, emphasising the corner location and providing activation along the Garramilla frontage. The NextDC office space is located overlooking Ryko Court, with a balcony breakout space provided adjacent the Ryko Court boundary;



- Data halls across levels 1-3, with central data hall fringed by service corridors to the long-sides, stair, lift and riser access, communication equipment storage, breakout space and ablutions;
- Switch and plant platform at level 4, with individual switchrooms and associated battery rooms, heat exchanger pumps, gas bottle storage, general storage, lift, stair and riser access; and
- Generator and plant platform at level 5 (partially open), including power back-up generators and associated equipment, plant enclosures, mechanical ventilation equipment, chemical storage, fire pump room, riser, lift and stair access.

Vehicle access to the site will be via separate entry / exit driveways to Ryko Court, with a single-width entry driveway towards the Harvey Street intersection and separate exit driveway to the cul-de-sac head. A total of 12 car parking spaces, 6 motorcycle parking spaces and 27 bicycle parking spaces are provided in the lower ground level, with a single loading / unloading area providing access to the loading dock and equipment lifts.

Building design reflects NextDC's corporate architecture and colour scheme, with white / grey concrete panels with patterned inserts, aluminium louvres, coloured projecting riser screens, multi-level glazing with aluminium framing, NextDC signage and space for public art. The building layout and distribution of uses has been designed to activate the prominent Garramilla Boulevard and Harvey Street corner, and provide activation and interest to the Garramilla (via the entrance and office frontage), Harvey Street (via the entrance, office frontage and landscaping) and Ryko Court (via the raised office frontage and breakout space) frontages. Notwithstanding the high-level security and energy servicing requirements applicable to a data centre, and given the topographic variation across the site and inactive nature of Harvey Street and Ryko Court, the development will provide significant improvements to the public realm interface.

The landscaping design concepts in **Attachment C** emphasise planting to the Ryko Court frontage, the area adjacent the Ryko / Harvey Street intersection, along the Garamilla frontage, the interface with D1 and adjacent the northern boundary drainage swale. The landscaping package also includes concept designs for the verge space along Harvey Street adjacent the main entrance, and the Ryko Court frontage, including street planting, public furniture and pedestrian footpaths. These concepts will be pursued directly with the Northern Territory Department of Logistics and Infrastructure, and the City of Darwin.

The proposed development is detailed in the architectural plans in **Attachment A**, with the landscaping design plans in **Attachment C**, acoustic assessment in **Attachment D**, traffic assessment in **Attachment E** and architectural design statement in **Attachment B**.

## 4.0 Northern Territory Planning Scheme

### 4.1 Nature of Development

The proposed development comprises an integrated data centre with administration / office areas. The ground floor areas are predominantly consistent with the definition of *office* per **Schedule 2.1** of the Planning Scheme:

*Office means a building or part of a building used for the conduct of administrative, secretarial or management services or the practice of a profession, where no goods or materials are made, repaired, sold or hired but does not include a home based business.*

The use of land for the purpose of a data centre is not defined in **Schedule 2**. Whilst the land use shares attributes consistent with the definitions of *warehouse* and *industry* (below), the facility is not for the storage, display or wholesale of *goods*, and does not involve the requisite processes to constitute a form of *industry*.

*warehouse means premises used for the bulk storage of goods, or the display and sale of goods by wholesale, and may include where ancillary an office;*

*industry means the use of land for processes involving manufacturing, assembling, packaging, altering, repairing, renovating, finishing, cleaning, treating of waste materials, testing or analysis or dismantling of an article, goods, or material including the storage or transportation associated with any such activity;*

The Table applicable to Zone CB, per **Clause 4.10**, identifies the use of land for the purpose of *office* (in a building of 2 storeys or more above ground level) as *Merit Assessable*, and *any use not defined in schedule 2 as Impact Assessable*. Accordingly, the proposed development (taking the higher assessment category) requires a development permit at the level of *Impact Assessable*. **Clause 1.10(4)** identifies the components that must be considered in an application for *impact assessable* use or development:

- (a) *any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;*
- (b) *any Overlays and associated requirements in Part 3 that apply to the land;*
- (c) *the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and*
- (d) *any component of the Strategic Framework relevant to the land as set out in Part 2.*

Pursuant to **Clause 1.10(5)**, the consent authority may consent to a proposed use or development that 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(3) or 1.10(4).*

In addition to the *office* requirements, in order to identify the most applicable general and land use specific development requirements for the data centre, those applicable to the development and use of land for the purpose of *industry-light* (also an *impact assessable* form of development in Zone CB) have been applied.

#### 4.2 Clause 4.10 – Zone CB (Central Business)

##### Zone Purpose

*Promote an active and attractive mixed use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development.*

##### Zone Outcomes

1. *A diverse mix of commercial, community, cultural, recreational and residential developments of a scale and intensity commensurate with the role and function of the central business district.*

The development of a data centre within the Darwin CBD is consistent with the NT Government's Expression of Interest process for organisations to build and operate a regional data centre in Darwin, and to work closely with the Territory's commitment to grow the Northern Territory's digital ecosystem around the Data Centre. As a regional data centre, the facility will provide data storage and mission critical space to regional customers, including education providers, health services, Government agencies and industry. Locating a regional data centre within the CBD maximises accessibility for customers to access data storage and mission critical services within the facility, and is a form of development, scale and intensity commensurate with the role and function of the CBD.

2. *Residential developments that cater for residents and tourists, including **dwelling-multiple, serviced apartment, rooming accommodation, residential care facility, and hotel/motel**, are usually of high density and are integrated with complementary commercial and entertainment activities that are located nearby or contained within the same building.*

Not applicable – no residential development is proposed.

3. ***Dwelling-community residence and home based business** are designed and operated in a manner consistent with the residential **amenity** of the building or surrounding precinct.*

Not applicable – no residential development is proposed.

4. *Commercial developments and entertainment and dining activities such as **bar-public, bar-small, food premises (all), leisure and recreation, market, night club entertainment venue, office, shops and sex services-commercial premises:***

- a) encourage diversity and contribute to day and night activity within the zone; and*
- b) are designed and operated in a manner that is considerate of the character and **amenity** of surrounding uses, having regard to the mixed use nature of the zone.*

The office component increases activity within the site and, when provided as designed, enables a positive interaction with the public realm by activating the prominent intersection between Harvey Street and Garramilla Boulevard, and providing activation to a portion of both the Harvey Street and Garramilla Boulevard frontage. The inclusion of commercial floor space adds diversity to the existing residential, industrial, utilities and service commercial uses within the locality without adversely impacting amenity.

5. *Cultural and community focused activities such as **child care centre, community centre, exhibition centre, medical clinic, place of assembly and place of worship** support the needs of the local or regional population and contribute to the diversity and activity of uses within the zone.*

Not applicable – cultural and community focussed activities are not proposed.

6. *Developments such as **veterinary clinic, plant nursery, shopping centre, showroom sales, education establishment, and passenger terminal** are established in locations that complement and do not undermine the core functioning of the city precinct.*

Not applicable – no such development proposed.

7. *Developments such as **vehicle sales and hire, motor body works, motor repair station, service station, industry-light and emergency services facility:***

- a) are sited on the periphery of the CB area;*
- b) are located with good **access** to the local road network; and*
- c) are managed to minimise unreasonable impacts to the **amenity** of surrounding residents.*

Consistent with subclause 7 as it relates to the data centre component, the proposed development ensures less active land uses outside of the core CB Zone objectives (Zone Outcomes 1-5) are located on the periphery of the CBD, with direct access to the local road network in a manner consistent with the low traffic generating nature of the development (refer **Attachment E**). The proposal has been designed (and will be managed) to minimise unreasonable impacts to the amenity of surrounding residents through the use of screening and the location of mechanical equipment, together with the acoustic measures incorporated into the design (per **Attachment D**).



Consistent with the approach that would apply to the development of *vehicle sales and hire, motor body works, motor repair station, service station, industry-light and emergency services facility*, the proposal is located on the outer edge of the CBD, has access to the local road network sufficient to accommodate the resultant traffic, and ensures unreasonable impacts on amenity (particularly noise impacts) are minimised.

8. *Development incorporates innovative building design, **site** layout and landscaping that:*

- a) responds to and encourage pleasant microclimates, including through breeze capture and shading;*
- b) minimises privacy and overlooking impacts on private spaces;*
- c) maximises overlooking and passive surveillance of public spaces;*
- d) maximises pedestrian activity along **primary street** frontages;*
- e) reduces the appearance of building mass relative to its surroundings; and*
- f) creates attractive outdoor spaces and enhances the streetscape.*

The proposed development responds to the volumetric requirements by shifting mass towards the Garramilla frontage, away from residential land uses to the west and in response to the Gateway location along Garramilla. Shading is provided at the primary entrance, with the connection to the existing shared path maximising accessibility for pedestrians. The building mass is consistent with larger buildings in the immediate locality, and provides vertical interest and articulation to offset visual massing.

9. *Development contributes to the creation of an active, safe and legible public realm by:*

- a) incorporating and responding to high quality **public open spaces** including town squares, civic plazas and forecourts where appropriate; and*
- b) integrating with walking, cycling and public transport networks to promote accessibility and use.*

The proposal connects the primary pedestrian entrance to and overlooks the shared path along Garramilla Boulevard. The incorporation of public space within the proposed development is neither required nor appropriate.

10. *Developments are designed and operated in a manner that avoids unreasonable loss of **amenity** for surrounding premises, having regard to the close proximity between residential and entertainment uses, and the overall mixed use nature of the zone.*

The primary potential amenity impacts are from the operation of mechanical and plant equipment, including back-up generators. Mechanical and plant equipment has been integrated into the design of the building, either located internally or concealed via integrated screening. Per **Attachment D**, the building design ensures compliance with the NT Environment Protection Authority's acoustic requirements.

- 11. An efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks and with convenient **access** to open space, community and educational facilities.*

The land will be connected to reticulated services, is consistent with an efficient pattern of land use locating less active uses on the periphery of the CBD, and has sufficient access to services and facilities in the wider CBD consistent with anticipated demand.

- 12. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.*

The proposed undefined use component is appropriate on the subject land when considered against the Zone CB Purpose and Outcome statements.

#### **4.3 Strategic Framework**

Part 2 of the Scheme contains the Strategic Framework which consists of strategic planning policies and strategic land use plans. Consideration of the Strategic Framework is required for *Impact Assessable* development or where a *Merit Assessable* development seeks a variation the Scheme requirements. The [Darwin Regional Land Use Plan](#) (DRLUP) and [Central Darwin Area Plan](#) (CDAP) are applicable to the site.

##### **4.3.1 Darwin Regional Land Use Plan**

The DRLUP provides a vision, goals and intended outcomes for development of the Darwin Region, identifies regional opportunities and the intention for development into the medium and long term. The DRLUP Land Use Structure Plan identifies the site for Urban development.

Urban (and Per-Urban) areas accommodate a broad range of activities and land uses, including residential, retail, commercial, community facilities and services, sport, recreation and open space, and natural and conservation areas.

The activity centre hierarchy on page 21 confirms the continued growth of the Darwin CBD in the provision of a full range of facilities and services, performing the critical capital city role and higher order function as the dominant commercial, cultural, administrative, tourist and civic centre. Consistent with the Northern Territory's confirmed intention to grow the digital ecosystem around a regional data centre, the proposal reaffirms the primacy of the Darwin CBD without compromising more central, higher value CBD areas (from a highest and



best use perspective). The consistency of the proposal with the CB Zone objectives in **Clause 4.10** of the Planning Scheme ensure the proposal is consistent with the Darwin Regional Land Use Plan.

#### 4.3.2 Central Darwin Area Plan

The Central Darwin Area Plan (CDAP) was incorporated into the Planning Scheme in 2019 to provide a mid-tier policy as part of the Northern Territory Planning Scheme's strategic framework specifically applicable to the central Darwin area. The CDAP covers the overall land use themes applicable to the area, with specific focus areas further defining future land use, infrastructure and development outcomes. The Land Use Vision Map on Page 13 of the CDAP identifies the site within the *Mixed Use* theme with the following objectives applicable:

- *Encourage development that provides for a mix of uses;*
- *Encourage building design for new buildings that can be adapted to changing demand.*
- *Provide activated frontages with ground floor commercial activities in priority locations.*
- *Development mitigates against potential conflicts both within and between buildings.*
- *Provide landscaping and greening that contributes to the quality and amenity of communal and public spaces.*
- *Encourage development that contributes to the amenity of the public realm and reflects the character of the area.*
- *Design bus stops to enhance user comfort and safety.*
- *Design vehicle access points and onsite movement for new buildings to minimise streetscape impacts and avoid conflicts between pedestrians and vehicles.*
- *Encourage sustainable development.*
- *Design new buildings to address prominent corners and Gateway Precincts.*
- *Prevent development that would prejudice the safety or efficiency of an airport.*
- *New developments consider and respond to the potential use of laneways as shared spaces.*

Since the Designing Better initiatives were incorporated into **Part 5** of the Planning Scheme earlier in 2023, the majority of the applicable objectives have been refined into Planning Scheme clauses within the Darwin City Centre location-specific requirements in **Clause 5.9**. The following sections of this report, particularly **section 4.6**, confirms the suitability of the proposed development in accordance with the design purpose and

requirements applicable to the site, cognisant of the site, locality and CB Zone. Based on this assessment, the proposal is consistent with the broad achievement of the CDAP objectives.

#### 4.4 Overlays

##### 4.4.1 Clause 3.13 – Gateway Locations

###### Purpose

*Ensure that the use or development of land identified as a Gateway Location is designed to respect and enhance the unique characteristics of the locality.*

###### Administration

1. *This Overlay applies to any **site** within Zone C or CB identified as a Gateway Location in Clause 5.9 (Location Specific Development Requirements) except:*
  - a) *where a use or development complies with Clause 5.5.1 (Interchangeable Use and Development), and but for this Overlay, would not require **consent**.*
2. *The use and development of land subject to this Overlay requires **consent**.*
3. *The consent authority may **consent** to a use or development that is not in accordance with sub-clause 4 only if it grants **consent** through the relevant clause in Clause 5.9 (Location Specific Development Requirements).*

###### Requirements

4. *Building design must be in accordance with the relevant requirements for gateway locations identified in Clause 5.9 (Location Specific Development Requirements).*

The subject land is identified as a *Gateway Location* and the requirements of **Clause 5.9.2.8** are considered in **section 4.6.4** of this report.

#### 4.5 General Development Requirements

##### 4.5.1 Clause 5.2.1 – General Height Control

The Table to **Clause 5.2.1** confirms no height limit within Zone CB.



#### 4.5.2 Clause 5.2.4 – Car Parking

##### 5.2.4.4 Layout of car parking areas

###### Purpose

Ensure that a **car parking area** is appropriately designed, constructed and maintained for its intended purpose.

###### Administration

1. This clause does not apply to a **car parking area** where the car parking is required in association with a **dwelling-single, dwelling-independent** or a **home based business**.
2. A **car parking area** may be used for the purpose of a **market** if:
  - a) a market is Permitted in the zone; and
  - b) the market operates outside of the operating hours of the use for which the car parking area is established.
3. The consent authority may **consent** to a **car parking area** that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the **amenity** of the surrounding locality.
4. The consent authority may **consent** to a **car parking area** that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development.
5. The consent authority may **consent** to a **car parking area** that is not in accordance with sub-clause 9 if it is satisfied that the non-compliance will not result in adverse impacts on the local road network or internal functionality of the car parking area.

###### Requirements

6. A **car parking area** is to:
  - a) be not less than 3m from any lot boundary abutting a road; and

- b) provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the **car parking area** when viewed from the road.*

The proposed car parking spaces are setback over 6 metres to the Ryko Court frontage, and located within the proposed building. With the exception of the vehicle driveways, the ground level between the building wall and Ryko Court will be landscaped to a depth greater than 3 metres per the landscaping plan in **Attachment C**.

7. *A **car parking area** is to be constructed and maintained to be:*

- a) of a suitable gradient for safe and convenient parking; and*
- b) sealed and well drained in urban areas, or dust suppressed in non-urban areas.*

The car parking area is sealed, located within the proposed building, with a level floor surface.

8. *The layout of a **car parking area** is to:*

- a) be functional and provide separate access to every car parking space;*
- b) allow a vehicle to enter from and exit to a road in a forward gear;*
- c) be in accordance with the dimensions set out in the diagram to this clause; and*
- d) ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.*

The car parking area and site access enables vehicles to enter, manoeuvre on site and exit in a forward gear, with separate, unimpeded access to each car parking space. Car parking spaces are 5.5 metres long by 2.5 metres wide, with the internal (2-way) driveway 6.6 metres wide, and the 1-way entry and exit driveways a minimum of 3.5 metres wide. Parking spaces have sufficient clear reversing areas to ensure adequate space for manoeuvrability.

9. *The number of **access** points to the road is to be limited, and **access** points to **car parking areas** are to:*

- a) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and*
- b) maximise sight lines for drivers entering or exiting the car parking area.*

The 1-way entry / exit driveways have a minimum width of 3.5 metres, with the 2-way internal driveway at 6.6 metres.



#### 4.5.3 Clause 5.2.5 – Loading Bays

##### Purpose

*Provide for the loading and unloading of vehicles associated with the use of land.*

##### Administration

1. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:
  - a) the scale of the use and development on the **site**;
  - b) any potential adverse impacts on the local road network; and
  - c) any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or **secondary street**.
2. For the purposes of this clause, where an **exhibition centre, food premises (fast food outlet and restaurant), office, place of assembly, shop or shopping centre** are part of an integrated development, the minimum number of loading bays is to be calculated based on the combined **net floor area** of the integrated uses.

##### Requirements

3. Use and development is to include provision of a minimum number of loading bays in accordance with the table to this clause (rounded up to the next whole number).
4. A **loading bay** is to:
  - a) provide areas wholly within the **site** for loading and unloading of vehicles;
  - b) be at least 7.5m by 3.5m;
  - c) have a clearance of at least 4m; and
  - d) have access that is adequate for its purpose.

The table to **Clause 5.2.5** requires loading bays at the following rate:

- **Office** – 1 loading bay for every 2,000m<sup>2</sup> of the total net floor area, or part thereof; and

- *Data Centre* (if considered as *industry-light*) – 1 loading bay for a single occupation of a net floor area of 10,000m<sup>2</sup> or less; and 1 loading bay for every 5,000m<sup>2</sup> of net floor area or part thereof in excess of 10,000m<sup>2</sup>

The total net floor area of the *office* and ancillary storage areas are equivalent to 1,421m<sup>2</sup>, with the gross floor area of all other areas (lower ground, Levels 1-5) equivalent to 9,936m<sup>2</sup>. Accordingly, 2 loading bays are required.

A single loading bay has been provided in the semi-basement level specifically designed for the loading / unloading requirements of the proposed development, with a width of 2.5 metres, clear height of 4.7 metres and length of 8.8 metres. As an integrated *office* and data centre, loading bays are not separately required (the approach assumed by the table to **Clause 5.2.5**), rather a single loading / unloading area is sufficient. Whilst the marked area of the loading bay is below the required 3.5 metre width, there is ample clear space either side of the loading bay, and sufficient space for vehicle manoeuvring in and out of the loading bay and the site in general. Accordingly, the proposed loading / unloading area is suited to the nature of the development and use of the site, will not adversely impact the road network, and does not require off-site loading or unloading.

#### 4.5.4 Clause 5.2.6.2 – Landscaping in Zone CB

##### Purpose

*Ensure developments within central business districts minimise heat capture and enhance the visual **amenity** of the area when viewed from the street or from surrounding buildings.*

##### Administration

1. *The consent authority may **consent** to a development that is not in accordance with sub-clause 3 if:*
  - a) *it is a small development and the consent authority is satisfied that it would be unreasonable to provide the required landscaping, having regard to the intended use of the development or whether the development would become unfeasible; or*
  - b) *the development provides an alternative response to achieve the purpose of this clause.*
2. *This clause does not apply if the use or development is permitted through Clause 5.5.4 (Expansion of Existing Use or Development in Zones CB, C, SC and TC).*

##### Requirements

3. *Development in Zone CB is to provide areas of landscape planting equivalent to 10% of the **site** area.*



The landscaping design plans in **Attachment C** detail the extent, nature and type of landscaping proposed, with planting focussed within the building setback areas, road verges, and pedestrian access areas. Planting includes lawns, low bedding plants, screen planting, shade trees and medium buffer plants.

Overall softscape planting areas within the site boundaries equate to approximately 375m<sup>2</sup>, equivalent to 14.15% the total site area. In addition to the softscape planting areas, the landscaping concepts include pedestrian and hardscape areas, as well as verge concepts for Ryko Court, Harvey Street and Garamilla Boulevard that will be discussed directly with the City of Darwin and the Department of Logistics and Infrastructure.

#### 4.5.5 Clause 5.3.7 – End of Trip Facilities

##### Purpose

*Ensure that new commercial and high density **residential buildings** provide sufficient safe, quality and convenient **end of trip facilities** to enable active travel choices by residents, visitors, workers and customers for the proposed use of the **site**.*

##### Administration

1. The consent authority may **consent** to a use or development with fewer bicycle parking spaces, lockers and/or showers and changing facilities than required by sub-clauses 2-6 if satisfied that either:
  - a) there are alternative **end of trip facilities** (on or off the **site**), where:
    - i. the same function is provided which can accommodate the same number of bicycles and/or users required by the clause;
    - ii. **access** to the alternative **end of trip facilities** is safe and convenient for users;
    - iii. the alternative **end of trip facilities** are sheltered and secure; and
    - iv. the size and layout of alternative storage areas allows for safe and comfortable storage and **access** to bicycles and/or personal items; or
  - b) it would be unreasonable to provide the **end of trip facilities** as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or
  - c) it would be unreasonable to provide shower and changing facilities for a small development, where the development becomes unfeasible should such facilities be required.

##### Requirements

2. *All new buildings in Zones HR, CB, C, SC and TC should provide bicycle parking facilities with a number of bicycle parking spaces calculated at the rate specified in the table to this clause (rounded up to the nearest whole number).*
3. *All bicycle parking facilities and associated bicycle parking devices should be designed in accordance with Australian Standard AS2890.3 – Bicycle Parking and must:*
  - a) *be located in a convenient and safe location with adequate security for the storage of bicycles;*
  - b) *have an appropriate mix of long and short term, wall and floor mounted bicycle parking;*
  - c) *where secure parking is provided, provide e-bike charging facilities, as necessary;*
  - d) *not require **access** via steps;*
  - e) *be protected from the weather;*
  - f) *enable the wheels and frame of a bicycle to be locked to the device without damaging the bicycle;*
  - g) *be located outside pedestrian movement paths;*
  - h) *be easily accessible from the road;*
  - i) *be arranged so that parking and manoeuvring motor vehicles will not damage adjacent bicycles;*
  - j) *be protected from manoeuvring motor vehicles and opening car doors;*
  - k) *be as close as possible the cyclist's ultimate destination;*
  - l) *be well lit by appropriate existing or new lighting; and*
  - m) *be sympathetic in design, material and colour to compliment the surrounding environment.*
4. *A locker should accompany every secure bicycle parking space provided, and should be:*
  - a) *of suitable volume and dimensions to allow storage of clothing, cycling helmets and other personal items;*
  - b) *well ventilated, secure and lockable; and*
  - c) *located close to shower and changing facilities.*



5. All new **non-residential buildings, hotels/motels, and serviced apartments** in Zones HR, CB, C, SC and TC should provide sufficient and accessible shower and changing facilities for staff with the number of showers calculated at the rate specified in the table to this clause.
6. Shower and changing facilities must be secure facilities capable of being locked, and should:
  - a) be located as close as practical to the associated bicycle parking facilities;
  - b) provide one change space per shower; and
  - c) Provide for separate male and female facilities where more than one shower is provided.

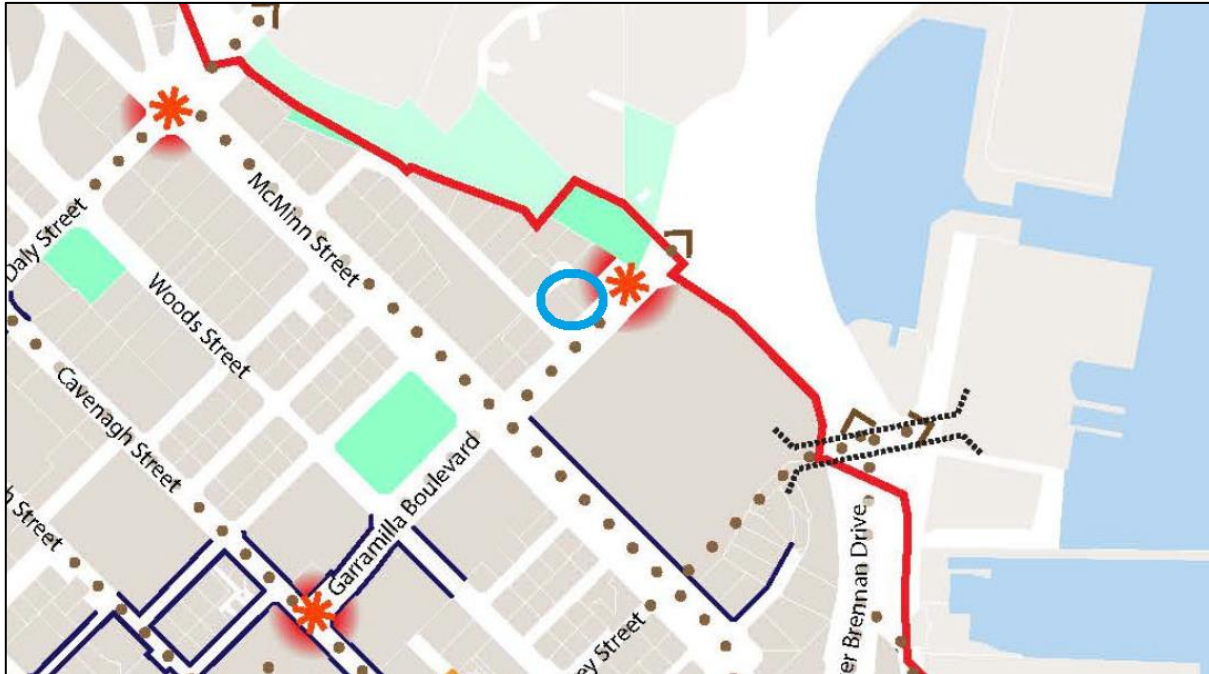
Bicycle parking and shower facilities for the proposed development are shown in the table below.

Use	Net floor area	Bicycle Parking Required	Bicycle Parking Provided	Showers Required	Showers Provided
Office	1,112m <sup>2</sup>	16 (15.65)	27	1	2
Non-residential (NextDC and MCX GL storage; Data Halls)	3,582m <sup>2</sup>			1 (maximum 40 staff, although staff are contained within office area)	

**Table 2:** Bicycle Parking

Bicycle parking is located in a secure, internal facility in accordance with the requirements of subclause 3. Lockers and showers are provided in the end of trip facilities in accordance with subclauses 4, 5 and 6.

#### 4.6 Location Specific Development Requirements – Darwin City Centre



**Figure 3:** Location of Subject Land (circled blue) within the **Clause 5.9.2** extents

##### 4.6.1 Clause 5.9.2.1 – Building Design in Darwin City Centre

###### Purpose

*Promote buildings in the Darwin city centre that are designed to support a mix of land uses now and in the future, contribute to a high level of **amenity** in the public domain and enable convenient pedestrian and cyclist movement to and across the city centre.*

###### Administration

1. *This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).*
2. *The consent authority may **consent** to a use or development that is not in accordance with sub-clause 6 if it is satisfied that the development is designed to support the ability of the ground floor to adapt to different uses over time.*
3. *The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design contributes to the functionality and visual interest of the streetscape.*



4. *The consent authority may **consent** to a use or development that is not in accordance with sub-clause 9 if it is satisfied that roof top plant equipment will not be seen from the street and will not unreasonably impact on the visual **amenity** of the public domain and neighbouring properties.*
5. *The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 10 if it is satisfied there are sufficient existing connections in the immediate locality to facilitate safe and convenient movement between desirable locations and across the priority pedestrian/cycle network (identified in the Diagram to Clause 5.9.2).*

#### Requirements

6. *New residential buildings are to provide a minimum 4m floor to ceiling height to the ground floor.*

Not applicable – no residential development proposed.

7. *Building facades are to have a clearly distinguished base, middle and top.*

Building design emphasises the active elements at ground level, with the central portion consisting of the data halls characterised by the varied concrete walls and riser screens, and the integrated plant screening defining the top.

8. *Any communal facilities, such as bicycle parking and seating, located at the front of the building are to be integrated into the **site** layout and building design.*

Bicycle parking and accessible areas are integrated into the site, building and landscape design. The primary pedestrian entrance connects with the existing shared path, with the landscape concept including verge area designs to be discussed with the relevant authorities.

9. *Any roof top plant and equipment is to be integrated into the building design, and screened from the public domain and neighbouring properties through planting or façade treatments.*

Plant equipment is incorporated into the building design either internally or on the Level 5 plant platform with integrated screening to all sides.

10. *Buildings with dual street frontage, excluding corner lots, are to provide mid-block pedestrian linkages (arcades) through the building at **ground level** to connect the two street frontages.*

Not applicable (corner lot).

#### 4.6.2 Clause 5.9.2.2 – Volumetric Control

##### Purpose

*Ensure the siting and mass of buildings within the Darwin city centre promotes urban form that is of a scale appropriate to the locality, and provides adequate separation to allow:*

- (a) potential for view corridors to Darwin Harbour;*
- (b) breeze circulation between buildings;*
- (c) penetration of daylight into **habitable rooms**; and*
- (d) reasonable privacy for residents.*

##### Administration

- 1. This clause applies to land in Zone CB within the area included in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features), with the exception of land within the Darwin Waterfront identified on the diagram to Clause 5.9.2.4 (Darwin Waterfront Building Heights and View Lines).*
- 2. In this clause:*
  - a) the Smith Street Character Area is identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features); and*
  - b) the podium and tower components of a building are illustrated in the diagram to this clause.*
- 3. The consent authority may **consent** to a development, excluding development located within the Smith Street Character Area, that is not in accordance with sub-clauses 5 and 6 if it is satisfied the development:*
  - a) is appropriate to the location considering the scale of the development and surrounding built form; and*
  - b) will not unreasonably restrict the future development of adjoining **sites**.*
- 4. The consent authority may **consent** to a development within the Smith Street Character Area that is not in accordance with sub-clauses 5-7 if it is satisfied that the development:*
  - a) provides adequate separation to neighbouring buildings and will not unreasonably restrict the future development of adjoining **sites**;*
  - b) responds to the existing street front **building heights**; and*



- c) *provides an equivalent or better outcome to maintain a human scale at street level.*

#### Requirements

5. *The podium of a development is to:*

- a) *have a maximum height of 25m, excluding any plant, equipment, aerials, **outbuildings** or visually permeable balustrades; and*
- b) *provide a minimum setback of 6m from any **site** boundary, for any verandah, balcony or room designed for accommodation with a window other than to a street or **public open space**.*

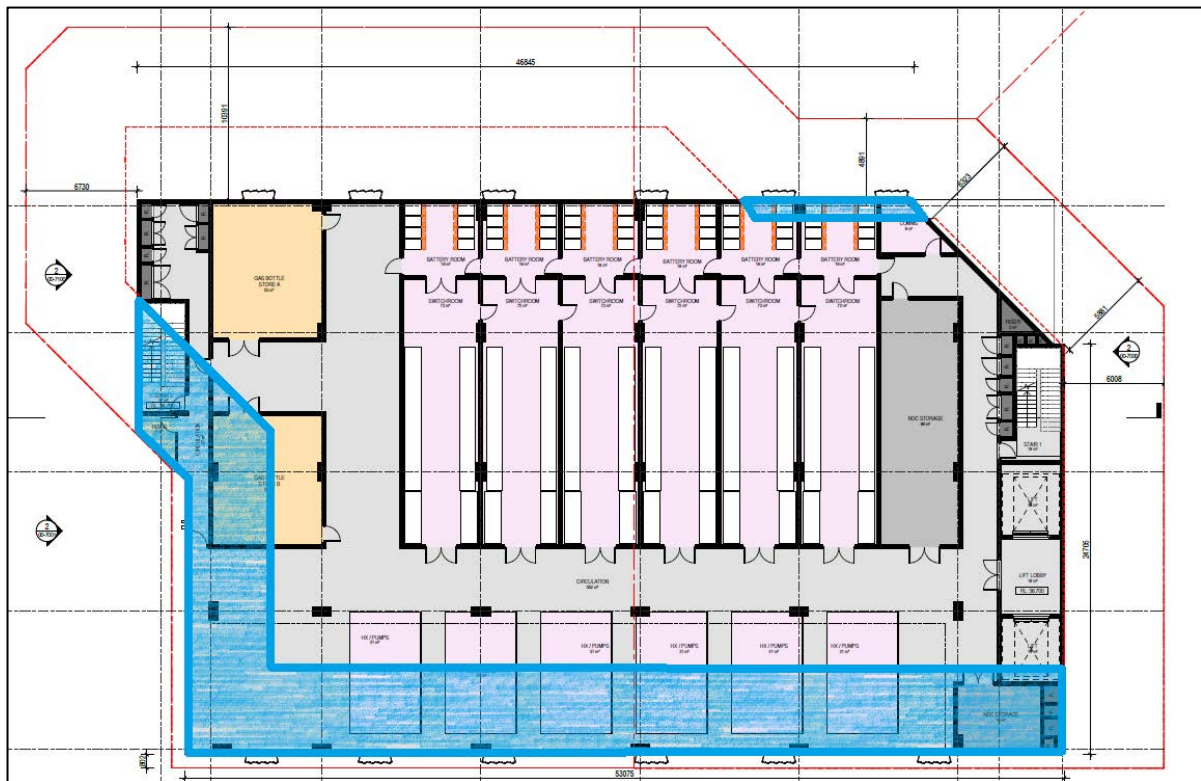
No verandahs, balconies or rooms designed for accommodation adjacent shared lot boundaries are proposed.

As a result of the higher floor to ceiling requirements applicable to a data centre, the proposed development includes a variation to the podium level above 25 metres, effectively resulting in a portion of reduced boundary setbacks (less than 6 metres) for the portions of the building above 25 metres. Evident in the sections in **Attachment A** and as a result of the varied ground level, the height encroachment applies to part of level 4 and level 5 in its entirety. The extent to which level 4 encroaches depends on the location within the site, with no encroachment at the high point adjacent the Garamilla / Harvey intersection, up to approximately 2/3 of the level 4 height encroaching at the low point adjacent Ryko Court. The extent of encroachment is shown in **figures 4 and 5** below.

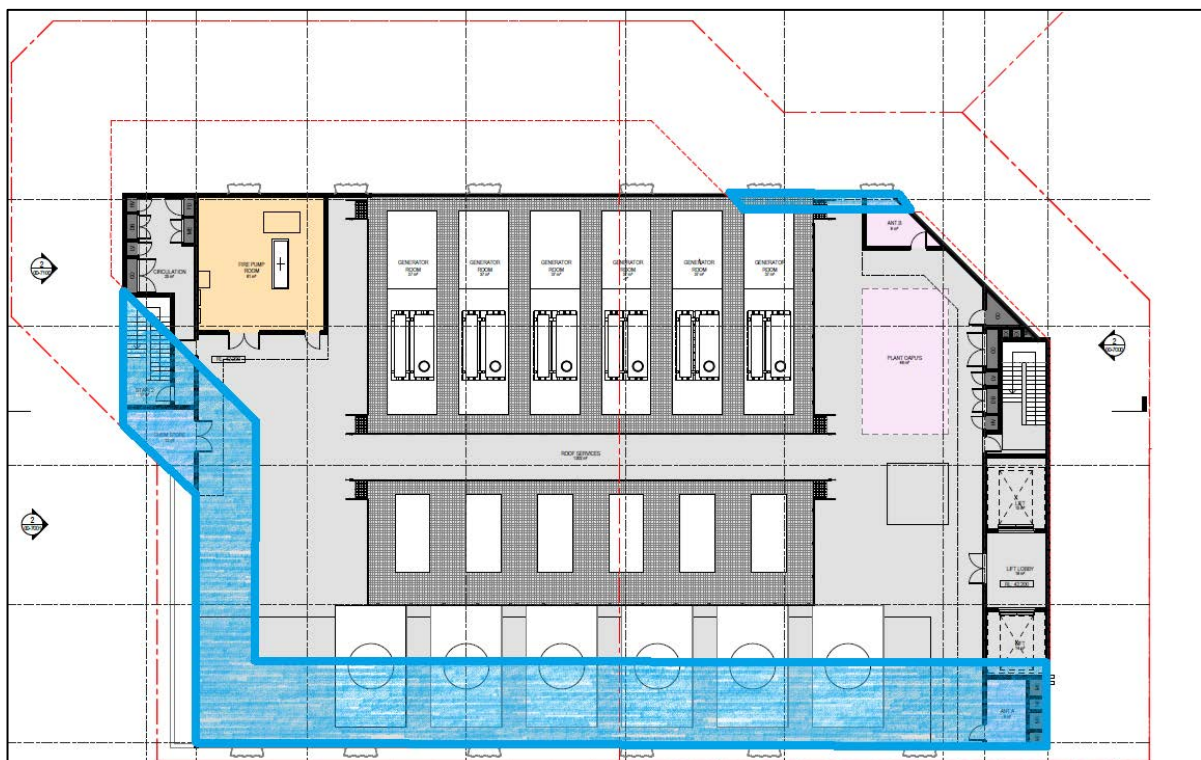
The podium height increase result in reduced boundary setbacks (i.e. building within 6 metres of the site boundaries) to the Garramilla Boulevard boundary, the indented portion of the Harvey Street boundary, and a small portion of the indented Ryko Court boundary.

To off-set the podium height increase and resultant boundary setback encroachments, the building layout:

- Ensures no building (from ground level up) within 6 metres of the outermost Harvey Street boundary (minimum setback of 6.73 metres);
- No building portion above the ground level within 6 metres of the majority (including the outermost portion) of the Ryko Court boundary (minimum setback from level 1 up is 10.39 metres). This area includes 2 standalone water tanks to less than 12 metres total height; and
- No building within 6 metres of the north-eastern boundary (standalone water tanks to less than 12 metres high).



**Figure 4:** Extent of L4 within 6m of the site boundaries. Outer red lines are site boundaries, inner red lines are 6m setbacks



**Figure 5:** Extent of L5 within 6m of the site boundaries. Outer red lines are site boundaries, inner red lines are 6m setbacks



Subclause 3 allows the consent authority to consider a variation to the volumetric requirements providing it is satisfied that the development:

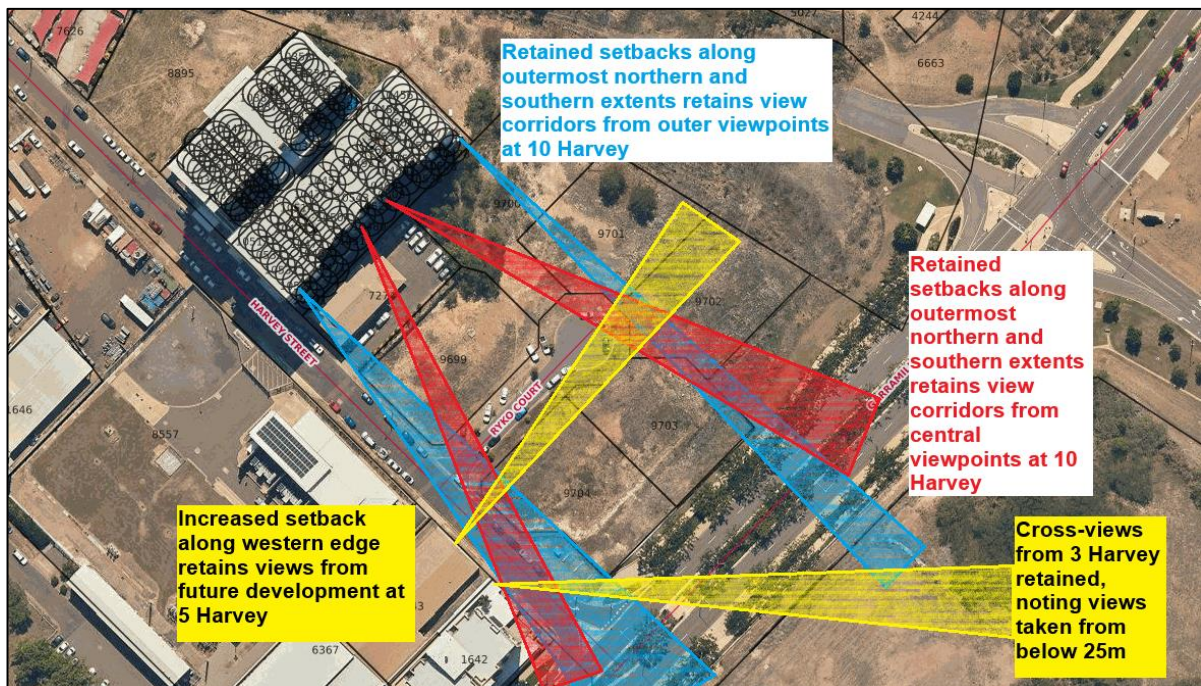
- a) is appropriate to the location considering the scale of the development and surrounding built form; and*
- b) will not unreasonably restrict the future development of adjoining sites.*

Balancing the design response to existing development and the requirements of the Gateway Overlay (including increased building height), the proposed building is comparable to larger (and visually dominant) building examples within the immediate locality. With regard to future development of surrounding land, the development response to underdeveloped land at 5 Harvey Street, and vacant land at 8 Harvey Street, 5 and 7 Ryko Court, is to minimise built form within 6 metres of the western, southern and northern boundaries at all levels (not just above 25 metres). Future development on the aforementioned lots is unaffected, or at the very most only minimally affected, by the podium encroachment to the east and the inner portion of the Harvey Street frontage.

Considering the **Clause 5.9.2.2** purpose, the 'shifting' of mass (rather than an 'increase' in mass) in response to surrounding development and the primary frontage (being Garramilla Boulevard) is an appropriate response given the nature of the locality, particularly the desired response to the Gateway location along Garramilla Boulevard, and provides adequate separation to:

- a) ensure the protection of view corridors to Darwin Harbour (refer **figure 6**);
- b) allow breeze circulation between buildings, noting the encroachment largely towards the wide Garramilla arterial road corridor and the inset portion of the Harvey Street frontage;
- c) per the shadow diagrams in **Attachment A**, will not affect the penetration of daylight into habitable rooms relative to a compliant outcome; and
- d) Won't impact on privacy for residents.

Emphasising the building mass towards Garramilla Boulevard and the Garramilla / Harvey Street intersection, with a corresponding reduction in volumetric massing to other elevations, directly responds to the arterial road frontage and Gateway location, providing a prominent and distinctive entry into the CBD whilst respecting the purpose of **Clause 5.9.2.2**. Emphasising the primary pedestrian entrance adjacent the intersection, including the provision of landscaping and entry awning, retains a human scale at ground level.



**Figure 6:** View corridor analysis

6. The tower of a development is to:

- a) have a footprint that covers a maximum of 56% of the **site** area, to a maximum of 1200m<sup>2</sup> in any single tower;
- b) have the length of each side of the tower be no more than 75% of the length of the adjacent boundary; and
- c) provide minimum setbacks of:
  - i. 6m from any **site** boundary; and
  - ii. 12m between towers on the same **site**.

The proposed development includes a variation to increase the height of the podium level in lieu of providing a tower level. The setback encroachments (within 6 metres of the street boundaries) are addressed in response to subclause 5.

7. Despite sub-clauses 5 and 6, development within the Smith Street Character Area may instead be designed so that:

- a) the podium height is reduced below 25m; and



- b) *the tower is setback a minimum of 3m from all street boundaries (including the Smith Street Mall); and*
- c) *the total volume of the tower section that is not in accordance with sub-clause 6 does not exceed the theoretical podium volume that is lost by reducing the height of the podium below 25m.*

Not applicable – the subject land is not located in the Smith Street Character Area.

#### 4.6.3 Clause 5.9.2.7 – Development along the Priority Pedestrian and Cycle Network

##### Purpose

*Encourage development along the Priority Pedestrian and Cycle Network that facilitates safe and convenient pedestrian and cyclist movement to and across the Darwin city centre.*

##### Administration

1. *This clause applies to any use or development fronting the priority pedestrian/cycle network identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).*
2. *The consent authority may **consent** to a use or development that is not in accordance with sub-clause 5 if it is satisfied an alternative layout provides safe and convenient pedestrian and cyclist movement to and from the **site**.*
3. *The consent authority may **consent** to a use or development that is not in accordance with sub-clause 6 if it is satisfied provision of lighting would be unnecessary or unreasonable, having regard to pedestrian and cyclist safety.*
4. *The consent authority may **consent** to a use or development that is not in accordance with sub-clause 7 if it is satisfied the use or development will not frustrate the ability to provide a future connection between the priority pedestrian cycle network and Frances Bay.*

##### Requirements

5. *Pedestrian and cycle links within a **site** are to be connected to the existing and future priority pedestrian/cycle network, identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).*
6. *Any pedestrian or cycle links or facilities provided within a **site** are to be well lit.*

7. *Use or development is to preserve the opportunity for a future sky bridge and landing connecting the priority pedestrian cycle network and Frances Bay.*

The subject land shares a boundary with the Garramilla Boulevard road reserve, identified in **Clause 5.9.2** as a priority pedestrian / cycle network. The development provides a pedestrian / cycle link to the priority pedestrian and cycle network along Garramilla Boulevard through the main ground level office entrance. Whilst access to bicycle storage within the lower ground level is via the lift, this is the preferred location for bicycle storage to locate inactive use elements away from the primary intersection frontage. The main access will be lit via soffit lighting, and the development will not affect a future Frances Bay sky bridge.

#### 4.6.4 Clause 5.9.2.8 – Development in Gateway Locations

##### Purpose

*Ensure buildings are designed to accentuate prominent corner locations to aid wayfinding and establish a strong sense of arrival into the Darwin City Centre city centre.*

##### Administration

1. *This clause applies to any use or development fronting a Gateway Location identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features).*
2. *Every application is to include a design statement prepared by a suitably qualified professional demonstrating how the proposed development meets the purpose and requirements of this clause.*

The design statement from Hames Sharley is included in **Attachment D**.

3. *The consent authority may **consent** to a use or development that is not in accordance with sub-clause 4 if it is satisfied that the development either:*
  - a) *provides an alternative; or*
  - b) *is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the **site**.*

##### Requirements

4. *Development is to establish a strong sense of arrival through one or more of the following design elements:*
  - a) *an increased **building height** of at least one **storey** compared to adjacent buildings;*



- b) *varied roof sections, raised parapets and spires;*
- c) *signage incorporated into the building design; or*
- d) *public art.*

The Gateway overlay applies to lot 9703 only (the northern-most lot, away from the Harvey Street frontage), clearly indicating the intended Gateway response primarily to vehicles, cyclists and pedestrians inbound along Garamilla Boulevard. In response, the proposed development adopts elements from subclause 4a) and 4c), including:

- an increased building height relative to adjacent buildings; and
- illuminated first party signage incorporated into the main building design.

The architectural design statement in **Attachment B** notes:

*“This design balances the functional requirements of a high-performing data centre with thoughtful architectural elements that enhance its urban presence, promote connectivity, and create a positive experience for both building users and the surrounding community.”*

#### 4.6.5 Clause 5.9.2.11 – Car Parking spaces in Darwin City Centre

##### Purpose

*Ensure that sufficient off-street car parking spaces, constructed to a standard and conveniently located, are provided to service the proposed use of a **site**.*

##### Administration

1. *This requirement overrides general car parking space requirements under general clause 5.2.4.1 (Car parking spaces) within the extent of the Darwin City Centre identified in Diagram to Clause 5.9.2 Darwin City Centre Extent and Features).*
2. *The consent authority may **consent** to a use or development that is not in accordance with sub-clause 5 as set out in clause 5.9.2.12 (Reduction in car parking spaces in Darwin City Centre).*
3. *An **alfresco dining area** on a **site** located along priority activated frontages identified in the Diagram to Clause 5.9.2 (Darwin City Centre Extent and Features) may result in the loss of up to 25 **ground level** car parking spaces associated with any existing development without requiring replacement **car parking***

*spaces. However, a change of use from an **alfresco dining area** (including the provision of air conditioning) will result in the new use being subject to full car parking space requirements of this clause.*

4. *The consent authority may require the provision of **car parking spaces** for any **ancillary** use or development in addition to that specified for the **primary use** or development in the table to this clause.*

#### Requirements

5. *Use and development is to include the minimum number of **car parking spaces** specified in the table to this clause (rounded up to the next whole number).*

The table to **Clause 5.9.2.11** requires *offices* be provided with 2 car parking spaces per 100m<sup>2</sup> net floor area. No parking requirement is provided for a data centre (as an undefined use) or ancillary storage space. Car parking for the proposed ancillary storage area is not considered at the rate applicable to *warehouse* (defined as “premises used for the bulk storage of goods, or the display and sale of goods by wholesale” noting that the warehouse rate in Zone CB Darwin is identical to *office* (2 spaces per 100m<sup>2</sup>). Whilst the storage area is consistent with the *bulk storage of goods* and, whilst not excluded from the definition of *net floor area*, is not part of the *office* or other administration floor area thus will not be accessible to customers and will be accessed by staff infrequently, and staff accessing the storage areas will be based in the office space. Accordingly, and consistent with the requirement of the table to **Clause 5.9.2.11** that *any other uses* are provided with a *Minimum number of car parking spaces to be determined by the consent authority*, no car parking requirements have been applied to the ancillary storage space aligning with the lack of actual generation.

Staff and visitor access to the data centre component is limited to sporadic client visitation for the purpose of inspecting the facility, as well as infrequent NextDC or customer technician or trade access. Access to the data centre is invariably linked to the NextDC and MCX office space, thus there’s no practical generation from the data centre over and above the office space. Accordingly, and as distinct from D1 (noting the lack of on-site office space within D1), there is no requirement for car parking to be applied to the data halls, mechanical or service areas on levels 1-5. The lower ground levels are entirely ancillary, thus do not generate a requirement for car parking.

Based on the above, the overall car parking requirement pursuant to **Clause 5.9.2.11** is shown in **table 3**.

Land Use	Net Floor Area	Parking Rate	Required parking	Car Proposed Parking	Car
Office	1,112m <sup>2</sup>	2/100m <sup>2</sup>	22.24	12	
Total	1,112m <sup>2</sup>	-	23		

**Table 3:** Car parking (C5.9.2.11)



#### 4.6.6 Clause 5.9.2.12 (Reduction in Car Parking Spaces in Darwin City Centre)

In addition to the base requirement identified in **Section 4.6.5** above, it is necessary to consider any applicable reductions in **Clause 5.9.2.12**.

##### Purpose

*Provide for a use or development with fewer **car parking spaces** than required by clause 5.9.2.11 (Car parking spaces in Darwin City Centre).*

##### Administration

1. The consent authority may **consent** to:

- a) *a reduction of 1 **car parking space** for every 3 motorcycle parking spaces proposed for a use or development, but only to a maximum of 1 motorcycle parking space for every 25 (or more) **car parking spaces** required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre); and*

Despite the provision of 6 motorcycle bays, the limitation within subclause 1 precludes a corresponding reduction in car parking.

- b) *for any bicycle spaces proposed for a use or development in excess of those required by the table to clause 5.3.7 (End of trip facilities in Zones HR, CB, C, SC and C), a reduction of 1 **car parking space** for every 10 excess bicycle parking spaces are appropriate in function and number for the use of the building, up to 2% of the number of **car parking spaces** required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre).*

The inclusion of 27 bicycle parking spaces in total, 11 spaces above the minimum requirement (16) in **Clause 5.3.7**, results in a reduction of 1 car parking space.

2. The consent authority may also **consent** to a use or development with fewer **car parking spaces** than required by Clause 5.9.2.11 (Car parking spaces in Darwin City Centre), in accordance with the table to this clause.
3. In using the table to this clause to calculate a reduction, only one reduction percentage is permitted per category.

##### Requirements

4. An application to reduce car parking requirements through the inclusion of vertical landscaping under category 3 of the table to this clause must demonstrate:

- a) *vertical landscaping (such as green walls, living walls or vertical gardens) that is fully vegetated, well-integrated with the overall building design and publically visible on the external building façade(s) fronting key pedestrian thoroughfares, major public spaces and/or main entrance areas;*
- b) *the suitability of the plants to be used in the landscaping;*
- c) *sufficient soil depth to accommodate the proposed types of plants;*
- d) *how the landscaping will be practically maintained for the lifetime of the development; and*
- e) *suitable management of drainage.*

Category 1(c) applies to the proposed development due to the development being located within 200 metres of a dedicated off-road bicycle path (the Garramilla Boulevard shared path), providing a 5% reduction. Whilst the subject land is located within 400 metres of an existing, publicly accessible car park with a combined total of 100 car parking spaces or more (the McMinn Street car park), it is noted that this car parking area is regularly at capacity, thus has not been relied upon to support a parking discount under **Section 5.9.2.12**.

The combined requirements of **Clause 5.9.2.11** and **5.9.2.12** result in car parking as follows:

- Base car parking required: 22.24 spaces;
- 5% discount under category 1(c): 21.128 spaces required;
- Reduction of 1 space due to additional bicycle parking: **21 (20.128) spaces required**

With 12 spaces provided as part of the proposed development, a resultant shortfall of 9 car parking spaces will occur. Pursuant to **Section 70(5)** of the Planning Act, the proponent proposes that a contribution to the City of Darwin be required in lieu of the 9 car parking spaces.

#### 4.6.7 Clause 5.9.2.13 – Design of Car Parking Areas and Vehicle Access

##### Purpose

*Promote design of car parking, vehicle access points and onsite movement that:*

- (a) is easily adapted to meet changing demand;*
- (b) minimises visual impact to the street and other public areas; and*
- (c) minimises impacts to pedestrian and cyclist movement.*

##### Administration



1. *This clause applies to the design of car parking, vehicle access points and onsite vehicle movement for new buildings, and the establishment of new **car parking areas** in Darwin City Centre.*
2. *The consent authority may **consent** to a development that is not in accordance with sub-clauses 3-6 if it is satisfied the use or development is appropriate to the **site** having regard the potential impact on the surrounding road network and the **amenity** of the locality.*

#### Requirements

3. ***Ground level car parking areas** in buildings are limited to the number of **car parking spaces** required for **ground level** commercial tenancies.*

Ground level car parking spaces (within the lower basement level) are limited to those required for the NextDC office space.

4. *All car parking spaces are to be screened so that they are not visible from the public domain.*

Car parking spaces are located entirely within the proposed building.

5. *Vehicle access and loading areas are to be consolidated and **car parking areas** are to be located away from street frontages.*

Vehicle access, loading and parking areas are consolidated, with the car parking area located internally within the proposed building and set back from the street frontage. Locating the vehicle access to Ryko Court and the car parking area at the lower ground level ensures car parking does not detract from the Harvey Street or Garramilla Boulevard frontages.

6. *Entry and access from a **car parking area** is to be from the lowest order vehicle access way. In order of priority, access should be from:*
  - a) *a laneway;*
  - b) *a **secondary street**; or*
  - c) *a primary street only if no other access is possible.*

Vehicle access / egress is to Ryko Court, the lowest order road frontage.

#### 4.7 Land Use Specific Development Requirements – *Industry-Light*

##### 4.7.1 Clause 5.5.4 – Expansion of Existing Use or Development in Zones CB, C, SC and TC

**Clause 5.5.4** relates to the expansion of existing land use and development in Zone CB (among others) and is not directly applicable to the current application.

#### 4.8 Land Use Specific Development Requirements – *Office*

##### 4.8.1 Clause 5.5.1 – Interchangeable Use and Development

**Clause 5.5.1** provides opportunities for land uses within existing buildings to interchange without the requirement for further approvals, and (in the case of the proposed development) would apply to the office component. As a new building, **Clause 5.5.1** is not directly applicable to this application. Notwithstanding the interchangeable use rights, the nature of the data centre is such that an alternative land use, or indeed unrelated tenant, poses an unacceptable security risk and will not occur.

##### 4.8.2 Clause 5.5.4 – Expansion of Existing Use and Development

**Clause 5.5.4** provides for the minor expansion of existing use and development in commercial zones without approval, and is not directly applicable to the proposed development.

##### 4.8.3 Clause 5.5.15 – Design in Commercial and Mixed Use Areas

###### Purpose

*Encourage a diverse mix of commercial and mixed use developments that are safe, contribute to the activity and **amenity** of commercial centres, are appropriately designed for the local climate, and minimise conflicts between different land uses within and surrounding the commercial centre.*

###### Administration

1. *A development application must, in addition to the matters described in sub-clauses 12-23, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide in Schedule 5.*

Refer **Section 4.9** for consideration of the Community Safety Design Guide.



2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 12-14 if it is satisfied that it is consistent with the purpose of the clause.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 15 if it is satisfied that services and utilities are appropriately concealed within the development to minimise their visual impact on the public domain.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 16 if it is satisfied that the development provides an appropriate level of shading that reduces heat capture of paved surfaces, having regard to the location of the **site** and scale of the development.
5. The consent authority may **consent** to a development that is not in accordance with sub-clause 17 if it is satisfied that:
  - a) the development provides a considered response to the established character of the streetscape; and
  - b) the development provides an alternative response for shading.
6. The consent authority may **consent** to a development that is not in accordance with sub-clauses 18 if it is satisfied that the development facilitates safe and shaded pedestrian movement through the **site**.
7. The consent authority may **consent** to a development that is not in accordance with sub-clause 19 if it is satisfied that all reasonable measures are taken to mitigate potential impacts between current and reasonably anticipated future developments.
8. The consent authority may **consent** to a development that is not in accordance with sub-clause 20 if it is satisfied that all reasonable measures have been taken to mitigate potential noise impacts on **habitable rooms** within the **site**.
9. The consent authority may **consent** to a development that is not in accordance with sub-clause 21 if it is satisfied that the development manages run-off from balconies to adjoining balconies and **dwelling**s below.
10. The consent authority may **consent** to a development that is not in accordance with sub-clause 22 if it is satisfied that the development provides appropriate provisions for parenting activities relative to the nature and scale of the development.
11. The consent authority may **consent** to a development that is not in accordance with sub-clause 23 if it is satisfied that the development provides an appropriate response to waste management.

#### Requirements

*12. Building design is to be sympathetic to the character of buildings in the immediate locality.*

The locality consists of a range of older industrial / utilities infrastructure and office buildings, more recent multi-level residential development, utilities infrastructure, major transport corridors and vacant land. Proposed building height, siting to ensure an appropriate response to residential buildings to the south and west, emphasis on active elements to the prominent corner, and the emphasis on varied façade design and enhanced outward presentation is sympathetic to the mix of built form character in the locality.

*13. Buildings are to incorporate and maintain passive climate control measures appropriate to the local climate.*

The proposed building includes structural shading to pedestrian areas and landscape shading to open areas, with the building itself well insulated to balance the adoption of passive climate control measures with the security and energy needs of a data centre.

*14. Building design is to minimise the expanse of blank walls facing the street and **public open spaces** and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.*

The building design incorporates a number of varied vertical and horizontal elements, varied patterned concrete finishes, feature signage, screening and a range of colours and materials to ensure visual interest and articulation in the final built form presentation. No materials that will result in excessive glare will be utilised, and feature signage and screen lighting will be low (lux) level and non-intrusive.

*15. Services and utilities (such as bin storage areas, service ducts, pipes, air conditioner plants etc.) are to be integrated into the development and/or screened to the public domain and neighbouring properties.*

Service areas and infrastructure are located within the building or screened from neighbouring properties and the public realm. Mechanical services are predominantly located within the lower ground level, and on levels 4 and 5, integrated into the design of the building and screened from surrounding land. The waste room and collection area are located internally on the lower ground floor.

*16. **Car parking areas**, including rooftop parking, and open expanses of pavement are to be shaded by landscaping and/or shade structures.*

Car parking is contained internally within the building, and no open expanse of paving is provided.

*17. Unless advised otherwise by the relevant local government council or controlling agency for roads (whichever is applicable), development is to provide an awning or verandah to all street frontages that adjoin a footpath, which:*



- a) extends along the full length of the **site** boundary to provide continuous coverage for pedestrians;*
- b) covers the full width of the footpath or has a minimum width of 3m; and*
- c) allows for the growth of existing trees and the planting and growth of reasonably anticipated trees within the road reserve.*

The site boundary to either Ryko Court or Harvey Street does not adjoin a footpath (there is no footpath along Ryko Court or Harvey Street). The Garramilla frontage is adjacent the shared cycle / pedestrian path, however the vegetated separation between the site boundary and the footpath, including service infrastructure and street lights, preclude the provision of a footpath awning. The shared path is extensively shaded with existing street vegetation, thus a footpath awning will likely conflict with the high amenity pedestrian / cycle corridor.



**Image 7:** Separation between the Garramilla shared path and the site boundary (chain mesh fence). Existing shading of the shared path is also evident.

18. Development is to provide legible pedestrian access from the street and public pathways to building entrances that:

- a) is direct and provides refuge from the sun and rain; and*
- b) avoids potential entrapment areas, blind corners or sudden changes in level that restrict sightlines.*

The development provides a dedicated, visible and covered pedestrian access from the Harvey Street / Garramilla frontage.

- 19. New developments are to be sited, designed and operated to minimise unreasonable impacts to surrounding uses and development related to noise, vibration, light, odours and other nuisance.*

The proposed development is located on the periphery of the CBD, with adjoining CB zoned allotments, and bordered by main and local roads. The subject land is not directly adjacent existing or future residential development (noting the only shared lot boundary is 9702 containing the D1 data centre). The proposed use has a relatively low traffic generation compared with a range of other potential land uses within Zone CB, and has been designed to ensure vibration and noise impacts do not adversely affect surrounding land. Lighting will be low level and feature single phase signage lighting with no unreasonable impact on surrounding land uses. Odours are unlikely to present an issue and noise mitigation measures are detailed in **Attachment D**.

- 20. Development is to minimise the transmission of noise and exhaust from services by:*

- a) locating lift shafts away from **habitable rooms**, or by using other noise attenuation measures; and*
- b) locating air conditioner plants away from openings in **habitable rooms**.*

The proposed condenser units are sited to ensure venting directly to the sky in a location away from existing or reasonably anticipated future development. The acoustic report in **Attachment D** confirms the required acoustic treatment and equipment selection to ensure that the relevant noise limits will be complied with.

- 21. Buildings are to provide internal drainage of balconies.*

The staff breakout balcony on the ground level (above the Ryko Court frontage) will be internally drained.

- 22. Development with a **floor area** of 3500m<sup>2</sup> or greater is to provide a dedicated parenting room (to allow for activities such as baby change and breastfeeding).*

Whilst the overall floor area is in excess of 3,500m<sup>2</sup>, regular occupation is limited to the office space on the ground floor, with a net floor area of 1,112m<sup>2</sup>. Accordingly a dedicated parenting room is not required.

- 23. Development is to provide designated areas for rubbish collection.*

The waste room provides a designated area for convenient rubbish storage and collection.

#### 4.8.4 Clause 5.5.16 – Active Street Frontages

##### Purpose



*Provide a site-responsive interface between commercial buildings and the public domain that:*

- (a) is attractive, safe and functional for pedestrians;*
- (b) encourages activity within the streetscape; and*
- (c) encourages passive surveillance of the public domain.*

Administration

1. *This clause does not apply where:*
  - a) alternative **active street frontage** requirements are established under Clause 5.9 (Location specific development requirements); or*
  - b) the land is within the Darwin Waterfront identified on the diagram to Clause 5.9.2.4 (Darwin Waterfront Building Heights and View Lines).*
2. *The consent authority may **consent** to a development that is not in accordance with sub-clauses 5, 6 and 7 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 impractical considering servicing requirements and any advice provided under sub-clause 4.*
3. *Landscaping may be counted toward the percentage of **active street frontage** required under sub-clause 6 if it is comprised of:*
  - a) significant existing vegetation; or*
  - b) vertical landscaping for the full height of the **ground level** street frontage;*

*and the development still meets the purpose of the clause.*
4. *Every application should include written acknowledgment from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of servicing requirements on **active street frontages**.*

Whilst preliminary consultation has been undertaken with the aforementioned agencies, the nature of the Ryko Court frontage provides an opportunity to consolidate service infrastructure away from the primary Harvey Street and Garramilla Boulevard frontages. The single service zone along the Ryko frontage balances service

authority access to infrastructure and other equipment with the achievement of an appropriate outward design presentation. Responses from the service authorities will be provided as received, or via service authority referral responses.

#### Requirements

5. *Services on street level frontages are to be limited to:*

- a) a single vehicle entry and exit point to and from the building (except on larger **sites** where additional access points are supported by a Traffic Study for the **site**);*
- b) a direct single point of **access** to service equipment for all service authorities;*
- c) required fire egress; and*
- d) required fire booster connection points.*

The Ryko Court frontage provides fire booster and pump room access, electrical service access (with substations and switch rooms integrated into the main building design), separate entry and exit driveways, and landscaping. Whilst the street frontage infrastructure differs from the requirements of subclause 5, the lack of pedestrian / vehicle thoroughfare or pedestrian infrastructure within Ryko Court and, the high servicing and infrastructure requirements of a data centre, and the more prominent Harvey Street and Garramilla Boulevard frontages presents Ryko Court as an ideal opportunity to minimise the impact of service infrastructure on the public realm. The inclusion of ground level vegetation to the Ryko Court frontage softens the appearance of service infrastructure, and the inclusion of active office and breakout frontages at ground level (above the lower ground level aligning with Ryko Court) provides opportunities for activation and improved visual presentation. Accordingly, and noting the lack of services to the Harvey Street and Garramilla frontages, and the nature of Ryko Court, the development proposes an alternative solution that is attractive and provides opportunities for passive surveillance.

6. *Buildings are to provide a minimum of 60% of the length of each **site** boundary that fronts a **primary** or **secondary street**, or **public open space**, as **active street frontage**, made up of any combination of the following components, where the distance between individual components is no more than 1.5m:*

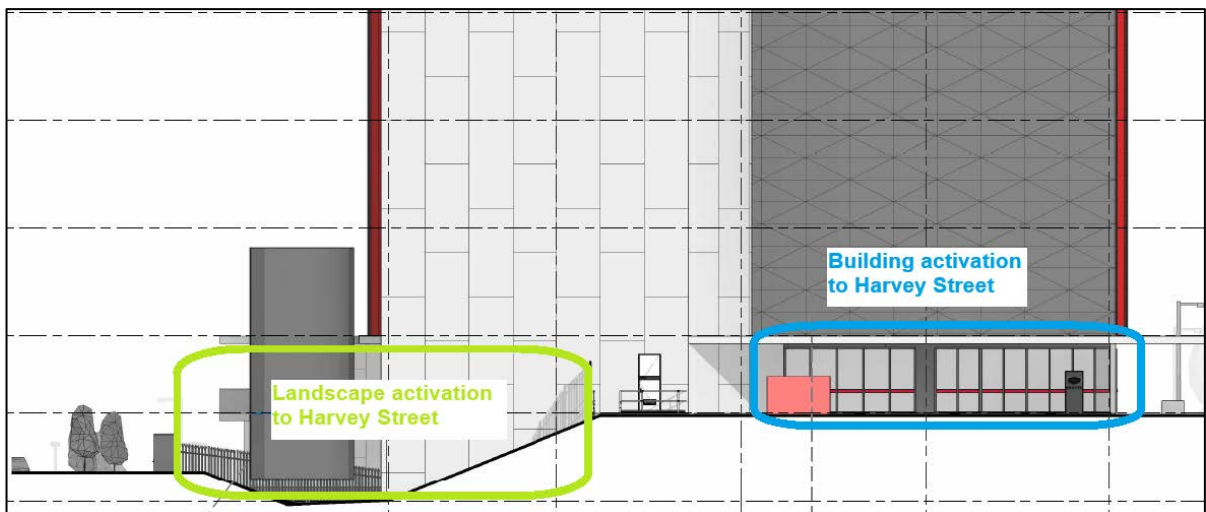
- a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;*
- b) operational and legible entrances (excluding fire egress) that are directly accessible from the public domain;*
- c) areas within the **site** that are used for alfresco dining that provide visual interaction with the street/**public open space**; or*



d) well-designed spaces that allow for pedestrian movement and/or seating.



**Figure 7:** Active frontage elements to the Garramilla Boulevard frontage



**Figure 8:** Active frontage elements to the Harvey Street frontage (landscaping per Attachment C)

The active frontage elements are shown in **figures 7** and **8** and comprise:

- 38.525 metres along the Garramilla Boulevard frontage, consisting of separate 12.05 and 26.475 metre lengths of full-height glazing / pedestrian entrance, equivalent to 64.36% of the 59.86 metre frontage;
- 15.09 metres full-height glazing along the Harvey Street frontage; and
- 18.2 metres of landscaping along the Harvey Street frontage, consistent with subclause 3 (taken from the Ryko Court boundary to the fence adjacent the fire stair access to Harvey Street, and per the

landscaping concept plans in **Attachment C**). The combined active frontage elements along Harvey Street (33.29 metres) are equivalent to 72.78% of the total (45.745 metre) Harvey Street boundary.

The site frontage to Ryko Court provides limited, if any, ground level activation, however the nature of the Ryko Court street frontage is such that increasing active frontage to Ryko Court is unlikely to provide any benefit to the public domain with regard to appearance, safety or functionality for pedestrians, activity within the streetscape or passive surveillance. It is noted that the development of *industry-light* on the periphery of the CBD would not be subject to active frontage requirements. In this case, the inclusion of ground level office space is a positive addition to activate the Harvey Street and Garramilla Boulevard frontages (particularly the prominent corner), and allows street level services and infrastructure to be consolidated to the Ryko Court cul-de-sac frontage.

In response to the Scheme requirements as they relate to the Ryko Court frontage, the site and building layout seeks to balance the outward appearance of the site and interaction with the public realm with the security and (significant) servicing requirements of a data centre. The Ryko Court frontage integrates the servicing requirements within the building, provides landscaping within the site and at the boundary, and emphasises the building beyond to ensure a positive design interface with the secondary street frontage. The first floor (being the development ground level) provides some activation to the Ryko Court frontage by projecting office glazing and staff breakout balcony towards the street, providing opportunity for passive surveillance, visual interest and public / private realm interaction.

Considering the relevant components of subclause 2, the development:

- Provides the aforementioned alternative solutions to ensure the private / public realm interface does not compromise appearance, safety and functionality for the streetscape, or the opportunity for activity or passive surveillance; and
  - Reflects the (admittedly evolving) character of Ryko Court, noting the lack of pedestrian infrastructure and the fact that the cul-de-sac constraints are such that future development is unlikely to provide significant active frontages along Ryko Court); and
7. *Building frontage that is outside the requirements of sub-clause 6, excluding areas for access, are to limit the scale and visual presentation of blank walls.*

The combination of landscaping, building articulation and material variation, horizontal awnings and the active frontage elements ensure the scale and visual presentation of ground level blank walls are minimised.



#### 4.9 Community Safety Design Guide

The *Community Safety Design Guide* seeks to ensure development considers the principles of *Community Protection through Environmental Design* (CPTED). The design guide encourages urban developments in the Northern Territory that *feel* safe and *are* safe, and includes:

- Safe design context and objectives for application to all developments;
- Design guidelines providing recommended solutions on methods for compliance to the key principles;
- Positive and negative design outcome examples; and
- Safety audit / application checklists.

The specific components of the design guide as they relate to the proposed development are considered below, including the *context*, *objective* and specific *design guidelines*.

##### ***Surveillance***

Page 3 of the design guide seeks to *ensure that development contributes to the safety of areas by optimising the opportunities to provide passive surveillance of public spaces, communal areas, streets and car parks*. The proposed development includes opportunities for passive surveillance to Ryko Court (the balcony breakout area), Harvey Street and Garramilla Boulevard (glazing to the office / lobby areas, and the primary pedestrian entrance).

##### ***Sightlines***

Page 4 of the design guide recommends the provision of clear sight lines to provide uninterrupted views of paths, public space and entries to enable people to see the route ahead and identify possible risks. The views of passing motorists, cyclists and pedestrians is also considered. The design guidelines seek *to ensure that built forms and landscaping do not obscure sightlines and allow a clear view of public spaces*.

The continuous frontage to Garramilla Boulevard, and pedestrian pathway provided adjacent the glazed front adjacent Harvey Street, ensure projections / indentations are avoided and entrapment opportunities along routes of travel are minimised.

##### ***Mixed Use Areas and Activity Generators***

Page 5 of the design guide seeks to increase the level of activity within areas to enhance passive surveillance opportunities; and to extend the hours of activity in an area beyond business hours.

The inclusion of the office administration and MCX area increases the range of activity and the number of people in and around the site.

### ***Building Design, Lighting, Signage, Wayfinding and Movement Predictors***

The primary pedestrian access responds to the shared path along Garramilla Boulevard and emphasises the active element and human scale at ground level. Movement areas are clear, legible and predictable, however are sufficiently open and visible to ensure their predictability does not detract from their safety. Soffit lighting and directional signage will be incorporated into the final design details where required to ensure outcomes contribute to visibility and legibility.

### ***Car Parks***

Car parking areas are secure and will be internally lit with identifiable and accessible lift and stairwell connections to upper levels.

### ***Active Security***

Active security measures will be employed throughout the site.

### ***Safety Audit***

A safety audit per **Section 5.0** of the design guide is recommended as part of a development application.

- *Is there adequate lighting available in areas and along routes which are meant to be accessed after dark?*
- *Are the lighting fittings vandal resistant?*
- *Is there ever lighting with limited contrasts and no dark spots?*

Lighting will be provided in accordance with the relevant Australian Standards and will ensure the achievement of necessary lighting levels, along with the durability and efficiency of fittings.

- *Are there sharp corners, grades, fences, or plants that reduce the ability to see what is coming?*

Sightline obstructions are minimised to ensure sightlines are maintained. Where obstructions do exist, they are sufficiently separated from the main routes to be visible and / or utilise glazing to active uses to ensure entrapment opportunities are minimised.

- *Can people on the site be seen by others from outside the site?*

Limited occupation of the external site areas will occur, and the site design ensures a secure facility.

- *Are other people likely to be in the immediate area at different times of day and night?*

Office activity will be generally limited to business hours, with 24 hour on-site security and technical staff access.

- *Are there other surveillance or emergency measures in place such as cameras or phones?*



Active security and CCTV will be utilised.

- *Do land uses in the immediate area generate activity at different times of day and night?*

Night-time activities in the immediate locality are limited.

- *Who are the users of land uses in the area and will they cause conflicts or perceived conflicts with proposed users of the development?*

There is adequate separation between the proposed office / data centre and nearby residential uses to ensure the potential for land use conflict is minimised.

- *Is it clear what areas are publicly accessible and which areas should not be publicly accessible?*

Whilst the main entry will be open during business hours, the remaining site areas are clearly secured.

- *Does the land and its surrounds appear owned and cared for and is there evidence of graffiti and vandalism?*

The proposed development and adjacent lot and verge areas will be maintained by NextDC.

- *Are there routes involving stairs, tunnels, bridges or other features which lead to predictable movements?*

Clear and predictable movements are essential for the integration of the development with the broader precinct, however are located and designed to be sufficiently wide and to ensure adequate sightlines are maintained.

- *Are there corners or recessed areas that enable people to hide?*

Entrapment locations are avoided and/or made highly visible, particularly in and around the main pedestrian entry location.

- *Is there clear signage and is it easy to navigate through an area on safe routes?*

The primary pedestrian entry point is prominently located and clearly legible, with secondary (vehicle) access via secure entry points.

- *Are there any land uses and facilities in the area which require special consideration?*

A data centre must be an inherently secure facility, with active security and passive design considerations factored into the proposal.

## **5.0 Section 46(3)(b) – Interim Development Control Order**

There are no Interim Development Control Orders currently applicable to the subject land.

## **6.0 Section 46(3)(c) – Referral to the NT EPA**

Section 48 of the Environment Protection Act 2019 (EP Act) requires a project be referred to the NT Environmental Protection Authority (NT EPA) for assessment if it has the potential to have a significant impact on the environment or meets a referral trigger. Given the nature of the proposed development and the subject land, referral under the EP Act is not required.

## **7.0 Section 46(3)(d) – Merits of Proposed Development**

The proposed data centre will provide additional data storage services for regional customers and is an appropriate development outcome on a periphery CBD allotment.

## **8.0 Section 46(3)(e) – Subject Land, Suitability of Development and Effect on Other Land**

**Section 2** of this report details the subject land and its locality, and **Section 4** considers the potential impact on surrounding land. Given the nature of the subject land and surrounding locality, the proposed development is considered suitable.

## **9.0 Section 46(3)(f) – Public Facilities and Open Space**

The proposed development is not required by the Scheme to provide any additional public facilities or public open space.

## **10.0 Section 46(3)(g) – Public Utilities and Infrastructure**

The subject land and proposed development will be connected to reticulated power, water and sewer services consistent with the service demand.

## **11.0 Section 46(3)(h) – Impact on Amenity**

The mixed utilities, industrial, service commercial and residential nature of the broader locality, lack of residential development immediately adjacent the subject land, integration of plant and mechanical equipment, proposed building and landscape design and compliance with applicable acoustic requirements ensures no unreasonable impact on amenity is likely to occur. The development is generally consistent with the requirements of the Northern Territory Planning Scheme that apply to ensure desired amenity outcomes to surrounding land, with appropriate variations based on the primary purpose and administration requirements (primarily to the volumetric controls and required active frontage). The development has been designed to ensure an appropriate outward appearance and interaction with the public realm, and the noise mitigation and



equipment isolation requirements identified in **Attachment D** ensure noise emissions will be appropriately controlled.

## **12.0 Section 46(3)(j) – Benefit/Detriment to Public Interest**

**Section 51** of the Act requires the consent authority to consider whether the proposal is in the public interest with specific consideration given to (where relevant) how the application addresses community safety through crime prevention principles in design, water safety, and access for persons with disabilities.

In response to these matters:

- the proposal does not compromise the intended outcomes of the Community Safety Design Guide. The emphasis on outward building design and site appearance, and efforts to maximise activation components to the public realm are such that the proposed outcome is appropriate;
- the land and development will be connected to reticulated water supply and is unlikely to increase demand beyond the planned capacity of existing infrastructure, thus not impacting on water security; and
- Site and access layout ensures compliance with the accessibility requirements under the *Disability Discrimination Act 1992* are adhered to.

In addition to the above, the data centre will further growth in the NT's digital ecosystem, providing secure, reliable data services to a range of customers, including major education, health, government and industry clients. There is no anticipated detriment to the public interest.

## **13.0 Section 46(3)(k) – Compliance with the Building Act**

The application does not comprise any form of subdivision. Accordingly, **Section 46(3)(k)** is not applicable. A separate application to consolidate the existing parcels to form a single lot will be lodged with the Development Consent Authority.

## **14.0 Section 46(3)(l) – Development of Scheme Land**

The application does not comprise the subdivision of land under a unit titles scheme. Accordingly, **Section 46(3)(l)** is not applicable.

## 15.0 Conclusion

This application proposes the development and use of land at lots 9703 and 9704 Town of Darwin for the purpose of a data centre and office in a seven storey building. The proposed building consists of three data halls, ground level office and administration area, ancillary areas, air conditioning and electrical infrastructure, cooling equipment and infrastructure, back-up power generators, car parking, landscaping and service areas. The building design responds to the unique site location, road frontages and topography by providing a suspended ground level aligning the active elements and primary pedestrian access to the Garramilla Boulevard and Harvey Street frontages, whilst consolidating service infrastructure and vehicle access to the less active Ryko Court.

The proposed building, whilst unique in the Darwin CBD context, provides an interesting and distinctive design response to the Garramilla CBD entrance and associated Gateway location. The design relies heavily on the use of feature screening, varied concrete finishes, roof forms, wall activation and vertical screening, signage and lighting in response to the Gateway location, accentuating the building to aid in establishing a strong sense of arrival into the Darwin CBD.

As the data centre component is an undefined use in Zone CB, the proposal is *impact assessable*. Consistent with the requirements of the Scheme, this report seeks to demonstrate the proposal is an appropriate development response in a periphery CBD location, in a mixed locality consisting of a range of older, industrial type uses, commercial and office development and more recent residential land uses. The extent, visual impact and occupation of the Harvey Street frontage by the Darwin Zone Substation is an important, established component within the locality. Noting the similarities between the land use and development considerations applicable to *industry-light*, such uses should be sited on the periphery of the Central Business area, located with good access to the local road network (which must be commensurate with the generation from and requirements of the use) and managed to minimise unreasonable impacts to the amenity of surrounding residents.

The proposed development is wholly consistent with these fundamental principles through:

- being located on a site at the edge of the Darwin CB Zone, with three road frontages enabling service infrastructure to front the cul-de-sac with no through or passing foot traffic, whilst the more active components front the higher amenity roads, in a locality with a mix of land uses including established industrial, industrial-type and utilities infrastructure featuring prominently;
- the provision of a low traffic-generating land use (noting the only possible vehicle entry is via the Ryko Court frontage), ensuring the potential traffic impacts resulting from a higher order land use on the limited capacity of Ryko Court and the intersection with Harvey Street / Garramilla Boulevard are avoided; and
- the incorporation of measures to control noise emissions to adhere to the required standards, together with the building design outcome and low traffic generation to ensure any amenity impacts on surrounding residents are appropriately minimised.



Ultimately, the proposed data centre is an ideal use and development of an allotment with access via a cul-de-sac whilst also ensuring an appropriate response to the gateway location, and is appropriate within the subject land and locality in the context of the Northern Territory Planning Scheme and Central Darwin Area Plan.



**Brad Cunnington**

Cunnington Rosse Town Planning and Consulting

1 February 2025

# Land owner/s authorisation to lodge a development application

## Under the *Planning Act 1999*

### Before you fill in the form

Signatures from ALL landowners registered on the land title must be provided.

Fields marked with an asterisk (*) are required. Fields marked with a caret (^) are for office use only.			
The owners and/or persons duly authorised as signatory on behalf of the landowner hereby authorise			
Name of consultant or acting agent on behalf of landowner			
Brad Cunningham, Cunningham Rosse Town Planning and Consulting			
Phone		Mobile	0427 796 140
to lodge a development application under the <i>Planning Act 1999</i> over the property described as			
Lot/NT portion	Lots 9703 and 9704		
Location/town	Town of Darwin		
Street address	2-6 Ryko Court, Darwin City		
Proposed development	office + Data Centre		
Owner signature 1			
Full name	Paul Tomsic		
Title (e.g. company director)	Project Director		
Company name	NEXTDC Limited		
Phone		Mobile	0457 512 221
Signature			
Date	03/12/2024		



Owner signature 2			
Full name			
Title (e.g. company director)			
Company name	NEXTDC Limited		
Phone		Mobile	
Signature			
Date			

## Privacy Note

The Department of Lands, Planning and Environment, on behalf of the Minister, is authorised under the *Planning Act 1999* to collect the information on this form, or otherwise provided by you, to consider a proposal to grant a Development Permit or to amend a planning scheme. Failure to provide the information in full may result in delays in processing of the application.

Some of the personal information provided by you on this application may be publicly available, as part of a public exhibition process. The information is also regularly provided to other Northern Territory Government agencies, the Australian Valuation Office, local governments and Commonwealth Government Departments and agencies, as required by law.

Collection of personal information on this form is done in accordance with the privacy legislation within the Northern Territory *Information Act 2002*. For more information, please refer to the Northern Territory Government's privacy statement located at <https://nt.gov.au/copyright-disclaimer-and-privacy>  
Any personal information provided can be subsequently accessed by you on request.