



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING NO. 457 – FRIDAY 5 JUNE 2026

AGORA ROOM
HUDSON BERRIMAH
4 BERRIMAH ROAD
BERRIMAH

MEMBERS PRESENT: Marion Guppy (Presiding Member), Rod Applegate, Peter Pangquee and Jimmy Bouhoris

APOLOGIES: Suzanne Philip
LEAVE OF ABSENCE: Mick Palmer

OFFICERS PRESENT: Elya Sugg (A/Secretary), Madison Harvey and Amber Roth (Development Assessment Services)

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 10.15 am and closed at 10.47 am

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

That, pursuant to section 101(3) of the *Planning Act 1999*, in the Chair's absence the members of the Darwin Division of the Development Consent Authority elect Marion Guppy to preside at the hearing of item 1 at the meeting on Friday 5 June 2026.

ITEM 1 **VARIATION TO CONDITION 11 OF DP2025/0044B FOR THE PURPOSE OF**
PA2025/0044 **THE ADDITION OF SECURITY MESH TO UPPER LEVEL WINDOWS ON THE**
 EAST AND SOUTH ELEVATIONS
 LOT 9703 (6) RYKO COURT, DARWIN CITY, TOWN OF DARWIN
 LOT 9704 (2) RYKO COURT, DARWIN CITY, TOWN OF DARWIN
APPLICANT **CUNNINGTON ROSSE TOWN PLANNING AND CONSULTING**

Applicant: Gerard Rosse (Cunnington Rosse Town Planning and Consulting) attended.

Interested parties: Kainaaz Variava, Mitchell Ryan, Jasen Floyd, Jason Ludwig (NextDC) and Michael Booth (Hames Sharley Architects) attended via Microsoft Teams

RESOLVED
35/26

That, the Development Consent Authority (the Authority) defer consideration of the application to vary condition 11 of DP2025/0044B for the purpose of the addition of security mesh to upper level windows on the east and south elevations at Lots 09703 (6) and 09704 (2) Ryko Court, Darwin City, Town of Darwin, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- Amended plans providing alternative measures to protect the upper level windows from vandalism, in lieu of fine mesh security screening. Any such measures must retain the visual connection between the streetscape and the building achieved by the existing glazing design.

REASONS FOR THE DECISION

1. The application seeks to vary condition 11 of Development Permit DP2025/0044B for the purpose of the addition of security mesh to upper level windows on the east and south elevations at Lots 09703 (6) and 09704 (2) Ryko Court, Darwin City, Town of Darwin (the site).

The site is located in Zone CB (Central Business) and is affected by the GL Overlay (Gateway Location Overlay) pursuant to the Northern Territory Planning Scheme 2020 (NTPS2020).

At the meeting, Ms Marion Guppy (Presiding Member of the Authority) highlighted the significance of the building for Darwin City with reference to its gateway location and visibility for people entering the Darwin CBD along Garramilla Boulevard.

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The Authority notes that DP2025/0044 was issued on 11 April 2025 for the purpose of data centre with ancillary office in a 7-storey building and endorsed drawings were subsequently issued on 12 May 2025, noting that condition 1(b) required the plans to show 'details of façade treatments/finishes as demonstrated in the architectural statement prepared by Hames Sharley, tabled at the hearing'.

DP2025/0044A (and associated endorsed drawings) was issued on 15 October 2025 to vary condition 11 of DP2025/0044 to allow changes to floor layout, plant area, car parking layout, building facades and landscaping.

DP2025/0044B (and associated endorsed drawings) was issued on 27 March 2025 to vary condition 11 of DP2025/0044A for the purpose of changes to the parapet wall and screening to the plant deck, addition of security screens to windows and minor changes to colours and materials.

At the meeting, Gerard Rosse (the applicant) explained that security external to this facility is a very high priority, noting that a Data Centre is a land use that is not often seen in the city. Mr Rosse further advised that vandalism has been an issue particularly from rock throwing.

Mr Rosse highlighted that the building has a treatment that is very unique due to its land use as a Data Centre, and also unique in the CBD context.

Mr Rosse noted that the upper level windows are a key architectural feature and that the size and location of the windows are not changing. The only change proposed relates to the finish and treatment to protect the windows.

2. Pursuant to section 57(3)(a) of the *Planning Act 1999*, the consent authority may, in writing, vary a condition of a development permit if... (a) the proposed variation will not materially affect the amenity of adjoining or nearby land or premises.

The Authority notes that the *Planning Act 1999* defines amenity 'as amenity, in relation to a locality or building, means any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable'.

At the meeting, Mr Rosse noted the concept of amenity and highlighted that a Data Centre is not an active development, and that regardless of the treatment of the windows there would be limited visual interest within the building. Mr Rosse further highlighted that the proposed treatment, being the fine mesh, to the upper level windows does not restrict outward views from within the building.

Mr Rosse advised that fine mesh security screening to windows is very common in the Darwin CBD, and that consideration of what is appropriate treatment of windows is very subjective.

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Mr Rosse explained that the windows provide an architectural interface to those looking at the building and were provided to achieve some of the outcomes of the gateway overlay. Mr Rosse posited that due to the isolation of the upper level windows as active elements of the building these are becoming a target for vandalism.

Ms Guppy requested that the applicant provide evidence to substantiate the vandalism that has occurred.

Mr Rosse referenced the example provided in the variation application documentation including an image of a damaged window and security camera still from a rock throwing incident that occurred at the existing D1 Stage 1 Data Centre. Mr Rosse noted he understands that the client has observed multiple instances of vandalism to both the existing Data Centre and the Data Centre under construction and elucidates that for the client to propose these screening measures, on top of the glazing, demonstrates and validates the clients concerns about the upper floors being targeted by vandalism.

Ms Guppy asked the applicant to clarify if the potential for opportunistic vandalism would be reduced once the building is completed and site is no longer under construction.

Mr Rosse advised that he is not sure whether the vandalism would stop once the building is completed, however, noted that he is aware of vandalism occurring to upper level windows at sites across the Darwin CBD.

Ms Guppy noted the evidence provided that the upper-level windows are susceptible to rock throwing, and asked the applicant if this may be attributable to the type of glazing that has been installed.

Mr Rosse advised that the fine mesh finish is the safest and most practical way to protect the upper level windows.

Mr Rod Applegate (a member of the Authority) asked the applicant if alternative glazing options, such as triple glazing or poly carbonate, had been explored rather than security screening. Mr Applegate noted that this would allow the approved interface to be retained whilst protecting the windows.

Mr Mitchell Ryan (NextDC) advised that different glazing options have been explored and that it is not standard glazing that is proposed to be installed on the windows.

Mr Ryan advised that the fine mesh screening is the best option from a security perspective noting it is very common across the Darwin CBD and also the large area of vacant land to the rear of the site which has lots of people walking through it and provides availability of rocks. Mr Ryan advised the vandalism that has occurred is not an isolated incident.

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Mr Michael Booth (Hames Sharley Architects) explained that during construction alternative suppliers for glass and protection of the glass, including films and security films and other methods, were explored. Due to the projectiles that were previously used, they were not able to get a film that could protect the glass sufficiently, and the suppliers suggested that the best path forward was mesh screening.

Mr Booth highlighted that the ground level windows have protective film over the glass that is transparent, and the glass itself is toughened and laminated.

Mr Applegate queried whether all potential options for maintaining a glazed or transparent appearance while ensuring adequate protection of the windows had been fully explored.

Mr Rosse stressed that the windows are not being removed, and the windows are still an architectural feature.

Mr Booth further clarified that poly was explored however the façade issue was in regard to mobility; shading structures were also explored however these could not protect all sides of the windows and louvres were explored however again this removes visibility, so that was why the fine mesh finish was the preferred treatment.

Mr Jasen Floyd (NextDC) advised that the risk of vandalism will not go away once the building has been constructed, it might be lowered a little, but not completely removed. Mr Floyd noted that a number of options have been explored in relation to protection of the windows, and highlighted that attack resistant glass is proposed to be installed at the ground level and was extremely expensive.

The Authority acknowledges the vulnerability of the windows to vandalism as highlighted by the applicant and notes that alternative options, to the installation of the fine mesh screening, were explored by the design team.

Notwithstanding this, the Authority considers that the proposed addition of security mesh, in its current form, is a factor that detracts from making the building 'harmonious, pleasant or enjoyable'. Whilst the additional security mesh allows for views from the building to the surrounding area, it removes opportunity for visual connection from the streetscape to the building.

The Authority considers the visual connection provided by these windows a key element highlighted in the architectural design statement prepared by Hames Sharley considered by the Authority in its original decision. In addition, the location of the windows at the upper levels inherently provides a degree of security due to the elevated position above ground level.

The Authority considers that amended plans are required to provide alternative measures to protect the upper level windows from vandalism, in lieu of fine mesh security screening. Any such measures must retain the

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visual connection between the streetscape and the building achieved by the existing glazing design (deferral point one).

3. Pursuant to section 57(3)(b) of the *Planning Act 1999*, the consent authority may, in writing, vary a condition of a development permit if... (b) the variation does not authorise a substantive change to the development approved by the development permit

Section 57(6) of the *Planning Act 1999*, prescribes for subsection (3)(b), a substantive change is:

- (a) a change that increases non-compliance with a measurable aspect of the development permit by more than 5%;
- (b) if the change is not conveniently measurable - a variation that materially changes the character of the development approved by the development permit.

The proposed addition of fine mesh security screens to the upper level windows along the east and south elevations is not considered conveniently measurable against a measurable aspect of the original development permit. Therefore it must be considered if the proposal 'materially changes the character of the development approved by the development permit'.

At the meeting, Ms Guppy acknowledged that there have been various changes to the overall development from the original design considered by the Authority. In particular, DP2025/0044B added security screening to the bottom section of the upper ground level windows facing Garramilla Boulevard and Harvey Street and to the upper level windows along Ryko Court.

In addition, the Authority notes that condition precedent 1(b) of DP2025/0044 (and its subsequent variations) required amended architectural plans to show 'details of façade treatments/finishes as demonstrated in the architectural statement prepared by Hames Sharley, tabled at the hearing'.

Ms Guppy highlighted that the original decision of the Authority relied upon an updated architectural statement prepared by Hames Sharley, which was tabled by DAS during the original meeting, which emphasised the importance of the upper level windows in providing a visual connection to the streetscape. Ms Guppy highlighted the importance of the upper level windows in allowing the community and visitors to Darwin to be able to engage with the building.

Ms Guppy asked the applicant if vandalism was a known issue, why the security screening was not incorporated as part of the original development permit application.

Mr Rosse advised that we often see vandalism targeting an engaging element of a building, and posited that due its quiet nature and lack of activation, that perhaps it was assumed the proposed development would not be a target for vandalism.

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Mr Ryan advised that the initial security risk assessment undertaken for the area predates the commencement of Stage D1 Data Centre and that all windows are equally vulnerable to vandalism.

The Authority considers that in this context, noting the importance of the visual connection provided by these windows combined with the extent of previously approved changes (notably the extent of security screening to the bottom section of the upper ground level windows facing Garramilla Boulevard and Harvey Street and to the upper level windows along Ryko Court), the proposed changes are considered to materially change 'the character of the development approved by the development permit'.

The Authority considers that amended plans are required that retain the visual connection between the streetscape and the building achieved by the existing glazing design (deferral point one).

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Deferred

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



MARION GUPPY
Presiding Member

11 June, 2026