



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 387 – FRIDAY 18 FEBRUARY 2022

**BROLGA ROOM
NOVOTEL DARWIN CBD
100 THE ESPLANADE
DARWIN CITY**

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

APOLOGIES: Mark Blackburn

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Ann-Marie Reynolds, Amit Magotra, Sally Graetz, Monica Pham and Lachlan Skene (Development Assessment Services)

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 10.00 am and closed at 10.30 am

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

ITEM 1 **RECONSIDERATION - 24 X 3 BEDROOM DWELLINGS-MULTIPLE AND**
PA2021/0373 **GROUND LEVEL COMMERCIAL TENANCY IN A 10 STOREY BUILDING**
 INCLUDING 2 ABOVE-GROUND CAR PARKING LEVELS
 LOT 1421 (35) MCMINN STREET, DARWIN CITY, TOWN OF DARWIN
APPLICANT One Planning Consult

Israel Tshepo Kgosiemang (One Planning Consult) and Savvas Savvas (Savvas Architects) attended.

RESOLVED That, the Development Consent Authority vary Clauses 5.2.3.2 (Volumetric Control
6/22 in Central Darwin), 5.2.3.3 (Urban Design Requirements in Central Darwin), 5.2.4.4
(Parking Layout), 5.2.5 (Loading Bays) and reduce the car parking requirements
pursuant to Clause 5.2.4.3 (Reduction in Parking Requirements within Zone CB in
Darwin) of the Northern Territory Planning Scheme 2020, and pursuant to section
53(a) of the *Planning Act 1999*, consent to the application to develop Lot 1421 (35)
McMinn Street, Town of Darwin for the purpose of a 24 x 3 bedroom dwellings-
multiple and ground level commercial tenancy in a 10 storey building including 2
above-ground car parking levels, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) The removal of all tandem car parking spaces and the availability of 39 car parking spaces in two above-ground car parking levels.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a comprehensive Traffic Impact Assessment report is to be prepared by a suitably qualified traffic engineer to the requirements of the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics and City of Darwin, to the satisfaction of the consent authority. The traffic impact assessment report should be 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. The Traffic Impact Assessment shall include:
 - (a) Identify adequate access sightlines for pedestrians, cyclists and vehicles is provided for all vehicle access points exiting from the site;
 - (b) Swept paths for waste collection vehicles entering and exiting the site;
 - (c) Development traffic generation, trip distribution, traffic operation impact and measures required to mitigate the traffic impacts.
 - (d) Any necessary upgrades to the surrounding street networks.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), in principle approval is required for the crossover and driveway to the site from the City of Darwin and Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required for the awning to the requirements of the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics and City of Darwin, to the satisfaction of the consent authority.
5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required for any element of the building design (separate to awnings) that is designed to be constructed or installed over the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics and City of Darwin road reserve, to the satisfaction of the consent authority.
6. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
7. Prior to the commencement of works (including site preparation), an engineered plan completed by a suitably qualified civil engineer demonstrating the on-site collection of stormwater and its discharge into the local underground stormwater drainage system, shall be submitted to, and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels, and Council's stormwater drain connection point/s and connection details.
8. Prior to the commencement of works (including site preparation), a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's waste management standards, shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.
9. Prior to the commencement of works (including site preparation), the applicant is to prepare a Site Construction Management Plan (SCMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The SCMP should specifically address the impact to Council owned public spaces and include a waste management plan for disposal of waste to Shoal Bay, traffic control for affected City of Darwin roads, haulage routes, storm water drainage & sediment control, use of City of Darwin land, and how this land will be managed during the construction phase.

GENERAL CONDITIONS

10. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

11. All works recommended by the traffic impact assessment are to be completed to the requirements of the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics and City of Darwin, to the satisfaction of the consent authority.
12. All proposed work (including the provision or connection of services) within, or impacting upon McMinn Street road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division (TCSD) of the Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, TCSD for Road Agency Approval and no works are to commence prior to approval.
13. 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.
14. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
15. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
16. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au
17. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.
18. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics and City of Darwin, to the satisfaction of the consent authority.
19. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics and City of Darwin, to the satisfaction of the consent authority.

20. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics and City of Darwin, to the satisfaction of the consent authority.
21. 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.
22. Written confirmation from a qualified traffic engineer that the car parking spaces and access lanes associated with the development comply with the relevant Australian Standards for car parking must be provided in instances where the car parking does not comply with the minimum requirements of Clause 5.2.4.4 (Parking Layout) of the Northern Territory Planning Scheme 2020, to the satisfaction of the consent authority
23. 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.
24. 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 and from view of neighbouring or nearby developments (or developments reasonably anticipated), 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. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.
25. All roof top plant equipment, equipment relating to the operation of the lift and any other equipment (such as any vents and ducting associated with requirements for stairwell pressurisation or other such ventilation purposes or similar) that will be placed on the rooftop of the development shall be appropriately screened, or designed to soften the visual impact of such equipment from view from neighbouring or nearby developments (or developments reasonably anticipated).

26. Any gate over an access to a public road must be located a minimum of 4.5m inside the property to allow vehicles to stand clear of (specify road) pavement and footpath.
27. 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.
28. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
29. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
30. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street to the requirements of the City of Darwin, to the satisfaction of the consent authority.
31. Before the occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
32. 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.
33. The developer shall have carried out, in accordance with AS3671-1989, "Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction" an assessment by a suitably qualified person of the development's present and predicted future exposure to road traffic noise levels, and where required provide appropriate noise attenuation measures on the advice of the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics, to the satisfaction of the Authority. All noise attenuation works deemed necessary shall be carried out by and at the full cost of the developer and shall be wholly contained (including foundations) within the subject lot.
34. Upon completion of any works within or impacting upon the McMinn Street road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Department of Infrastructure, Planning and Logistics.
35. A Compliance Certificate under the *Swimming Pool Safety Act 2004* issued by the Swimming Pool Safety Authority is required for the swimming pool/s prior to the commencement of the use/development to the satisfaction of the consent authority.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5354 (surveylandrecords@nt.gov.au).
3. Notwithstanding the approved plans, the demonstrated awning in City of Darwin's road reserve is subject to Council approval at no cost to Council.
4. 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.
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. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.
7. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
8. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
9. 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.

10. In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction and at no cost to City of Darwin.
11. Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics has advised that all landscaping and setback requirements under the Northern Territory Government Planning Scheme shall be contained within the Lot boundaries. Any landscaping proposed by the developer additional to planning requirements and within the Northern Territory Government Road road reserve shall be to the standards and approval of Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.
12. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to McMinn Street traffic.
13. This development permit does not grant building approval. You are advised to contact a NT registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.

REASONS FOR THE DECISION

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

The Northern Territory Planning Scheme 2020 (NTPS 2020) applies to the land and 24 x 3 bedroom dwellings-multiple and ground level commercial tenancy in a 10 storey building including 2 above-ground car parking levels requires consent under Clause 1.8 (When development consent is required). It is identified as *Merit Assessable* under Clause 1.8(b); therefore, the strategic framework (Part 2 of the Scheme, including the Central Darwin Area Plan), zone purpose and outcomes of Clause 4.10 (Zone CB - Central Business), and Clauses 5.2.3.2 (Volumetric Control in Central Darwin), 5.2.3.3 Urban Design Requirements in Central Darwin, 5.2.4.1 Parking Requirements, 5.2.4.4 (Parking Layout), 5.4.6 Private Open Space, 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC, 5.4.7 (Communal Open Space), 5.4.8 (Building Design for Dwelling-Group, Dwelling-Multiple, Rooming Accommodation and Residential Care Facility) and 5.5.3 (Commercial and Other Development in Zones HR, CV, CB,C SC, TC, OR, CP, FD and T) apply.

The proposal is principally for a high-density residential development within Zone CB. The proposal is also situated outside of the core and city centre focus areas identified within the Central Darwin Area Plan. Despite this, the proposal will contribute to the overall mix of uses and diversity in housing choice in Darwin City and is not inconsistent with the Central Darwin Area Plan and zone purpose.

These clauses have been considered, and it is found that the proposal complies with the relevant requirements of the NTPS 2020 except for Clauses 5.2.3.2 (Volumetric Control in Central Darwin), 5.2.3.3 (Urban Design Requirements in Central Darwin), 5.2.4.1 (Parking Requirements), 5.2.4.4 (Parking Layout) and 5.2.5 (Loading Bays).

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), sub-clause 5, of the Northern Territory 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 application was considered by the Authority on 3 December 2021 and subsequently deferred to allow the applicant to provide further information to demonstrate:

- greater compliance with Clauses 5.2.3.2 and 5.2.3.3.
- improved bicycle parking facility design particularly the type of bicycle parking proposed and its suitability for the future use.
- how building is sympathetic to the character of buildings in the immediate vicinity.
- how the proposal reduces the appearance of building mass relative to its surroundings.

On 7 January 2022, the applicant responded to the points of deferral, which included a set of updated plans showing increased side setbacks to the boundary of Lot 1415 and street activation, revised design of bicycle parking facility and improved building design through articulation of building's façade and architectural embellishments to improve the appearance of the building.

The applicant's response to the points of deferral and amended plans were circulated to the submitter for comment.

Given that the information required by the Notice of Deferral was addressed by the Applicant, reconsideration of the application took place at the 18 February 2022 Development Consent Authority meeting.

The Authority notes the assessment of the Development Assessment Services (DAS) on the additional information from the applicant, which conclude that the proposal complies with the relevant requirements of the NTPS 2020 except for Clauses 5.2.3.2 (Volumetric Control in Central Darwin), 5.2.3.3 (Urban Design Requirements in Central Darwin), 5.2.4.1 (Parking Requirements), 5.2.4.4 (Parking Layout) and 5.2.5 (Loading Bays).

Clause 5.2.3.2 Volumetric Control in Central Darwin

The clause requires that development be constructed with a Tier 1 / podium up to 25m with 6m setbacks applying to windows to habitable

rooms, balconies and verandahs, and a Tier 2 / tower above with a maximum floor area of 56% of the site area, setback 6m from each boundary with building lengths of not more than 75% of the total length of each adjacent boundary. The proposal has been found not to be in accordance with Clause 5.2.3.2 Volumetric Control in Central Darwin as it will result in windows and balconies of Tire 1 (level 1-9) and Tire 2 (level 10) within 6m of the north-west side boundary.

The relevant Administration for the clause is:

The consent authority may consent to a development that is not in accordance with sub-clause 3 only if it is satisfied it is consistent with the purpose of this clause, and it is appropriate to the site having regard to such matters as its location, nature, scale and impact on surrounding amenity.

The Authority determined to grant a variation to this clause because the citing and mass promotes a built form that maximises the potential for view corridors to Darwin harbour. The analysis of the road layout shows that view corridors towards the south-west (along Gardiner Street towards Woods Street) from the site are obscured due to the existing developments at Woods Street. The greatest impact for views from adjacent sites towards the Darwin harbour are views to the south-east and north-east from adjacent sites. The Development Assessment Services (DAS) assessment notes that the views to the south-east are already impacted by the existing Evolution building and are unlikely to be worsened. The encroachment of the building into the north-west side boundary is minor (1m) and will not affect view corridors to the north-east from the adjacent site (Zest building).

In relation to the degree of impact to daylight and breeze penetration between the buildings, privacy and built form of future development has been considered by providing a setback of 5m (to the building) from the adjoining lot on the north-west boundary (Lot 1415). The non-compliance as they relate to two street frontages at level 10 are not impacted as the widths of the road reserve allow for adequate daylight and breeze penetration between buildings.

Clause 5.2.3.3 (Urban Design Requirements in Central Darwin)

The Authority notes the DAS assessment, which found that the building provides a total of 68% activation along the street frontages (36m of the total 53m street frontages). When assessed individually, McMinn Street provides 78% activation and Gardiner Street 57% activation. Non-active areas at Gardiner Street level include fire booster, electric substation, fire access stairs, vehicle access to the car park and bicycle storage area.

The relevant Administration for the clause is:

The consent authority may consent to a development that is not in accordance with sub-clause 5 only if it is satisfied that compliance would be impractical.

The Authority determined to grant a variation to the clause to allow 57% active street frontage to the Gardiner Street frontage as full compliance would be impractical to achieve given the boundary length of Gardiner Street is shorter than the McMinn Street and all service connections are located on Gardiner Street frontage. The Authority notes that the blank wall facing the Gardiner Street frontage is treated with architectural elements to provide a suitable visual presentation to the street.

Clause 5.2.4.4 (Parking Layout)

The purpose of the clause is to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.

The DAS assessment found that some of the car parking spaces are 2.4m wide rather than the required 2.5m. The Authority notes the DAS assessment which concludes that the Authority had previously granted a variation to the dimensional requirements of this clause based on written confirmation from a qualified traffic engineer that all car parking spaces and accesses are compliant with the relevant standards. The Authority is satisfied that the condition included on the permit to provide written advice from a suitably qualified person will ensure the car parking area is appropriately designed and constructed for its intended purpose.

5.2.5 (Loading Bays)

The purpose of the clause is to provide for the loading and unloading of vehicles associated with the use of the land. An office is required to provide 1 loading bay for every 2000m² of the total net floor area. The clause also requires that:

A loading bay is to:

- be at least 7.5m by 3.5m;
- have a clearance of at least 4m; and
- have access that is adequate for its purpose

The building provides one office tenancy of 82.60m² and requires one loading bay which is provided in the car park adjacent to Gardiner Street frontage, the loading bay measure 6.7m in length rather than the required 7.5m.

The relevant Administration for the clause is:

The consent authority may consent to a use or development that is not in accordance with the requirements of the clause only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and that the non-compliance will not result in adverse impacts on the local road network nor the number or availability of car parking spaces.

The Authority determines that, in this instance, the proposed office component is not conducive to the scale of large items transported by vehicles of a size that would constitute the need for a compliant loading

bay. Furthermore, the deliveries are expected to be infrequent and of a scale more appropriate to a small truck or van . The Authority is satisfied the designated loading bay is adequate to provide for the loading and unloading of vehicles associated with the office use in the building.

Clause 5.2.4.1 (Parking Requirements)

The purpose of the clause is to ensure that sufficient off-street car parking is constructed to a standard and conveniently located to service the proposed use of a site.

The Authority notes the technical assessment concluded that 43 parking spaces are required for the development, and the revised plans submitted by the applicant illustrated 40 car parking spaces are provided in two above-ground parking levels with four tandem parking spaces without separate access. The tandem spaces proposed do not comply with subclause 4(c), which requires a car parking area to be functional and provide separate access to every car parking space.

Clause 5.2.4.3 (Reduction in Parking Requirements within Zone CB in Darwin) allows the Authority to approve a use or development with fewer car parking spaces than required based on certain criteria.

The Authority notes that the DAS assessment on Clause 5.2.4.3 concludes that that the need for tandem parking could be avoided through the application of the parking reductions under Clause 5.2.4.3, which allows a further reduction to the number of parking spaces required by the development.

The Authority noted however that the applicant has not sought a reduction to the car parking requirement under Clause 5.2.4.3 of the NTPS 2020.

At the hearing, Mr Tshepo Kgosiemang (applicant) further outlined the need and management for tandem car parking spaces. Mr Kgosiemang told the Authority that the tandem car parks would be allocated to one tenancy/unit, which would minimise the issue of access. In response to the question of whether the proposed development would be unit titled in future, and the car parks will be allocated to each unit or body corporate, Mr Kgosiemang advised the Authority that if the development is unit titled in future, at least one car park would be allocated to each unit and the surplus would be allocated to the body corporate for further allocation or use as public/visitor car park. Mr Kgosiemang stressed that the tandem car parks would be allocated to one unit for better management.

While the applicant contended that tandem car parking spaces could be managed effectively, the Authority considered that the tandem car parking spaces are located too close to the car park entrance from Gardiner Street, and could potentially impact the functionality of the car park and restrict the movement of other cars. The DCA queried whether the applicant would like the Authority to consider the parking

reductions under Clause 5.2.4.3, if the tandem parking was not supported. Mr Kgosiemang confirmed that he was happy for the Authority to consider a reduction to the car parking requirement under this clause.

Clause 5.2.4.3 allows the Authority to reduce the parking requirement by 10% if the development is within 200m walking distance of an existing, publically accessible car park with a combined total of 100 car parking spaces or more. The Authority noted that the subject site is located within 200m walking distance of McMinns Road off-street public car parks and based on the allowable reduction of 10% the Authority determines to reduce the car parking requirement to 39 car parking spaces. A condition is included that requires the applicant to provide amended plans showing the removal of tandem car parking spaces and the availability of 39 car parking spaces in two above-ground car parking levels.

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 NTPS 2020, except for Clauses 5.2.3.2, 5.2.3.3, 5.2.4.4 and 5.2.5 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 Authority required a number of servicing matters to be addressed through conditions of consent. These matters include submission of a stormwater management plan, traffic impact assessment report, an environmental and construction management plan, a dilapidation report and a waste management plan. The Authority considers that these requirements, combined with standard conditions relating to the connection and upgrade of utility services and the provision and treatment of easements, will ensure that the land is developed in accordance with its physical capabilities and will ensure that utility and infrastructure requirements of the relevant agencies are appropriately addressed.

4. Pursuant to Section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One public submission was made under section 49 in relation to the proposed development during the exhibition period. The main issues raised in the submission relate to car parking not meeting the requirement due tandem parking, existing traffic issues along Gardiner Street loading bay size not adequate for a furniture truck to unload.

The amended plans and additional information provided by the applicant in response to the Notice of Deferral was circulated to the submitter. No further comments were received from the submitter.

Although the submitter did not attend the hearing, the Authority has taken the submission into account and carefully considered the concerns raised. The Authority also took into account the information provided by the applicant in response to the notice of deferral which reduced the number of tandem car parking spaces from seven to four. In relation to car parking and loading bay issue, the Authority relies on its reasons listed in point (2) above.

Regarding traffic issues along Gardiner Street, comments were sought from service authorities, including the City of Darwin (controlling agency), in relation to the adequacy of the surrounding road network. The agency requested that a traffic impact assessment be prepared to ensure any changes required to accommodate the development are identified and then appropriately undertaken. The requirement is addressed through the inclusion of conditions precedent on the development permit.

5. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The proposal is consistent with surrounding land uses in Zone CB in the immediate locality, which predominately comprise residential, office, and medical clinic uses. Given the scale and density of the proposal, no impact on the existing or future amenity of the area is anticipated. The internal orientation of dwellings and the use of solid perimeter walls will assist in reducing noise transmission from adjoining streets.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION:

Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

25 February 2022