



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 321 – FRIDAY 17 AUGUST 2018

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

MEMBERS PRESENT: Suzanne Philip (Chair), John Gleeson, Mick Palmer and Simon Niblock

APOLOGIES: Doug Phillips and Sherry Cullen

OFFICERS PRESENT: Poppy Zaronias (A/Secretary) Dawn Parkes, Amit Magotra, Adelle Godfrey and Alana MacKay (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nadia Smith and James Whyte

Meeting opened at 11.00 am and closed at 2.20 pm

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

ITEM 1 **ALTERATIONS AND ADDITIONS TO AN EXISTING MEDICAL CLINIC IN**
PA2018/0281 **THREE STAGES**
APPLICANT **LOT 4526 (182) DICK WARD DRIVE, TOWN OF NIGHTCLIFF**
HODGKISON PROPERTY LIMITED

Mr Henry Power and Ms Rebecca Adams (Hodgkinson Property Limited) attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
136/18 Authority consent to the application to develop Lot 4526 (182) Dick Ward Drive,
Town of Nightcliff for the purpose of alterations and additions to an existing medical
clinic in three stages, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to endorsement of plans and prior to the commencement of works(including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to system.
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), if required by City of Darwin, a traffic engineers' assessment report detailing necessary upgrades to the surrounding street network as a result of the implications of the development and swept paths for waste collection vehicles entering and exiting the site shall be submitted to and approved by City of Darwin, to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage.
4. Prior to the commencement of works (including site preparation), a waste management plan in accordance with the City of Darwin's waste management policy is required to be submitted to the requirements of the City of Darwin, to the satisfaction of the consent authority.
5. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant service authority at no cost to the relevant service authority.
9. All works recommended by the traffic impact assessment report are to be completed to the requirements of City of Darwin, to the satisfaction of the consent authority.
10. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
11. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-sealed coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
12. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their visitors.
13. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
14. 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.
15. Storage for waste bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.

16. 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.
17. 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.
18. The use and development as show on the endorsed plan must not be altered without the further consent of the consent authority.
19. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s).
20. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
4. Notwithstanding the approved plans, all signage is subject to the City of Darwin approval, at no cost to Council.
5. City of Darwin advises that 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 the General Manager, Infrastructure, City of Darwin.

REASONS FOR THE DECISIONS

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

The NTPS applies to the land, and the site is within Zone CP (Community Purpose) of the NTPS. The primary purpose of Zone CP is to provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration. The proposal is for alterations and additions to an existing medical clinic, 'Nightcliff Renal Unit' operated by the Department of Health. Furthermore, the clause states the design is expected to incorporate landscaping that will enhance the visual appearance of the building. The development provides landscaping along the street frontage (Dick Ward Drive) and side boundaries which will enhance the visual appearance of the development. The design of the medical clinic incorporates internal courtyards gardens and breakout area for clients. As such the proposed development is considered to be consistent with the purpose of the zone.

Based upon the description provided in the proposal, the development has been assessed against the relevant provisions of the Scheme. The assessment notes that the proposed development complies with Part 4 requirements for a Medical Clinic in Zone CP due to the following:

- The proposed development provide surplus of 5 car spaces. In addition the development also provide 4 motorbike parking, 1 bus drop off area (undercover beside the reception area) and one ambulance bay.
- The car parking area is located greater than 5 metres from Dick Ward Drive boundary, allows safe and efficient traffic flow, and permits vehicles to enter and exit the site in a forward gear. The car parking spaces are 2.5 by 5.5 metres, with driveways no less than 6 metres wide.
- The maximum height of the proposed building is 6.83m which is less than the permitted height in Zone CP (8.5m permitted).
- The design of the proposed building is site-responsive and contributes to a safe environment.

The subject site abuts land Zoned MR (Medium Density Residential) to its east and Zone SD (Single Dwelling Residential) to its south. While the setback of the building to these boundaries exceeds 5m the depth of landscape buffer is less than 3m at some sections. This includes the portion of the existing car parking retained along the eastern boundary with a landscape buffer of 1.85m and portion of the southern boundary with a landscape buffer of 2.60m. It is considered that the compliance of this clause is achieved as the current arrangement pre-dates planning requirements and the site has maintained the current landscape and car parking arrangements for a number of years without detriment to the adjacent zones. As such it is considered consistent with the clause objective.

2. Pursuant to Section 51 (m) of the *Planning Act*, the consent authority must consider 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 application was circulated to the relevant authorities and comments received from these authorities are addressed by the inclusion of conditions on the development permit. The Authority noted the applicant's request to remove condition precedent 2 but in the absence of any further advice from the City of Darwin, the Authority determined to revise the condition to give flexibility so that the condition can be cleared if Council determine that a traffic engineers' assessment report is no longer necessary.

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

Noting the surrounding zones comprises of residential use, the setback of the proposed building exceeds 5m to the boundary that abuts residential zones. A landscaping buffer and solid screen fence of a minimum height of 1.8m is also provided along the boundary to protect the visual and acoustic amenity of the residential areas.

ACTION Notice of Consent and Development Permit

ITEM 2 **PART CHANGE OF USE FROM WAREHOUSE TO PLACE OF WORSHIP AND**
PA2018/0238 **A CARETAKERS RESIDENCE EXCEEDING 50M2**
APPLICANT **LOT 8641 (4) STEELE STREET, TOWN OF DARWIN**
ONE PLANNING CONSULT

Mr Israel Kgosiemang (One Planning Consults) and Mr Savvas Savvas (Savvas Architects) attended along with their clients Mr Kamarudin Adjrun, Mr Ronya and Mr Chandra.

Submitter - Mr Brad Cunnington (Northern Planning Consultants) attended.

Mr Israel Kgosiemang tabled a signed petition in support of the proposal.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent
137/18 Authority defer consideration of the application to develop Lot 8641(4) Steele Street, Town of Darwin for the purpose of part change of use from warehouse to place of worship, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Further information as to why the proposal is a suitable land use in Zone GI (General Industry) and adequate justification to warrant a departure from the primary purpose of Zone GI being *to provide for general industry*.

REASONS FOR THE DECISION

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

The Northern Territory Planning Scheme (NTPS) applies to the land and the site is within Zone GI (General Industry). *The primary purpose of Zone GI is to provide for general industry. Offices are expected to primarily provide a service to the general industry in the zone and be of a size commensurate with the service provided. Shops are expected to be limited to those that either service the needs of the general industry in the zone or would be inappropriate in a commercial zone.*

The application seeks consent for part change of use of an existing warehouse with an ancillary office to place of worship and caretaker's residence.

The Authority determined that the application failed to address why the proposal was a suitable land use in the proposed location, or provide adequate justification to warrant a departure from the primary purpose of the zone, and therefore require this information to enable the proper consideration of the application.

The Authority noted that while a 'place of worship' is listed as a discretionary use within Zone GI and there are no specific requirements or guidance within the NTPS relating to such use, there must be adequate justification to depart from the primary purpose of the zone and it should be demonstrated that the use is suitable for the location from a land use perspective.

The Authority raised concerns in relation to reverse sensitivity issues and acknowledged that while surrounding sites may currently be developed with uses resulting in relatively unobtrusive impacts, the zoning allows for permitted uses that could by nature of their operation adversely affect the amenity of the surrounding locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise. These permitted uses include transport terminal, recycling depot, motor repair station, motor body works and general industry.

2. The proposal also seeks consent for a caretaker's residence exceeding 50m². The caretaker's residence is proposed on the first floor of the building and has a floor area of 78.5m² which is 28.5m² greater than the area permitted in the NTPS. The Authority noted that while an area of 78.5m² is identified on the plans, this area does not include a kitchen and is likely to utilise the areas shown as 'meeting room' and 'communal kitchen area' as an extension of the function of the caretaker's residence and therefore the floor area of the caretaker's residence is likely to be even greater than 78.5m².

The Authority acknowledged that the area of the caretaker's residence had been reduced in size from 117m² which was originally proposed and noted the applicant's comments that the building is existing and the proposed floor plan makes use of the current internal arrangement.

Clause 7.10.3 (Caretaker's Residence) states *that the consent authority may approve an application for a caretaker's residence that is not in accordance with sub-clause 2 only if it is satisfied the proposed caretaker's residence is appropriate to the site having regard to the potential impact of the caretaker's residence on adjoining land and*

nearby property. The Authority determined that while a 50m² caretaker's residence may be permitted on the site, the increased size of the proposed caretaker's residence was not appropriate to the site for the following reasons:

- The definition of a caretaker's residence *means a dwelling which is ancillary to the lawful use of the land on which it is erected and which is used by the caretaker of the land.* Furthermore the purpose of Clause 7.10.3 is *to ensure that a caretaker's residence is not the primary use of the land.* The proposed caretaker's residence is currently 80% of the size of the primary use of the land (proposed place of worship) and given the place of worship proposes to operate for 12 hours per week, a caretaker's residence in excess of the permitted 50m² is not considered appropriate to the site.
- The purpose of Clause 7.10.3 is *to ensure that a caretaker's residence is not the primary use of the land; and the caretaker's residential use does not prejudice the use of the site or adjoining land in accordance with its zoning.* The Authority considered that the increased size would provide greater opportunity for larger families to reside on the site and given the location of the site in a GI zone, this is considered inappropriate as the surrounding uses are likely to negatively impact on the residents' amenity and in turn receive complaints in relation to their operations. Limiting the size of the caretaker's residence to 50m² is likely to discourage family occupation and therefore limit the potential number of people who could be affected by the surrounding land uses. Furthermore, it is noted that the Northern Territory Environment Protection Authority (NTEPA) commented that *the proponent must be made aware that they are planning on living within a general industrial area, which may be subject to odour and noise generated from surrounding land uses* which further confirms the potential land use conflict and that any residential use of the site should be kept to a minimum.

3. *The consent authority may consent to the development of land that does not meet the standard set out in Parts 4 or 5 in circumstances set out in a provision of Parts 4 or 5 of the Planning Scheme. The consent authority may consent to the development of land that does not meet the standards if it is satisfied that special circumstances justify the giving of consent.*

The proposed parking layout seeks a variation to Clause 6.5.3 (Parking Layout) of the NTPS as the internal driveway widths in part do not meet the minimum dimensions and the traffic circulation relies on access through part of the existing warehouse which is secured by roller shutters.

The report by Development Assessment Services (DAS) recommended supporting a variation to this clause due to it being minor in nature and an acceptable level of vehicle access is expected to be achieved. A condition precedent requiring submission of written confirmation from a qualified traffic engineer that the car parking spaces comply with the relevant Australian Standards was also recommended to be included on any permit issued.

When questioned by the Authority on the proposed car parking layout and whether or not the roller shutters could be removed to allow

permanent access to the rear of the site, the applicant admitted that this had been considered but the removal of the roller shutters would likely result in building compliance issues in terms of meeting the requirements of the *Building Code of Australia*. The applicant added that they did not consider the proposed parking layout would cause any issues as it is to service a use that has a low patronage and is able to predict vehicular movements to such an extent as they know who will be attending and at what times. A parking management plan was provided with the application to further ensure the appropriate provision of car parking on the site and this can be endorsed to form part of any permit issued.

While the Authority noted the comments from both the DAS report and the applicant, concerns in relation to the proposed parking layout and its functionality remained.

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

Two public submissions were received in relation to the application. Of the two submissions received one submission was received under section 49(1) of the *Planning Act* and one late submission was received after the expiry of the exhibition period.

The Authority noted the signed petition in support of the proposal which was tabled by the applicant. The petition stated that there is currently insufficient places of worship for residents who embrace Islam as their religion and while there has been an increase in residents who are Muslim there had not been an increase in places of worship for residents to practice their faith. While acknowledging the comments made on the petition and the intended use of the proposed place of worship, the Authority clarified that a place of worship as defined by the NTPS can be for the use of any religion and the application would be considered within that context.

My Brad Cunnington of Northern Planning Consultants attended the meeting and acknowledged the submission was provided late as their clients were absent during the exhibition period and only became aware of the application after the exhibition period had ended. Northern Planning Consultants represent the proprietors of Penguin Ice which is situated immediately to the east of the subject site at Lot 8643 (2) Steele Street, Town of Darwin.

Further to his written submission Mr Cunnington explained that Darwin Ice is a general industry use and operates 24 hours per day. Mr Cunnington explained that the use results in noise and odour impacts and uses chemicals such as ammonia. In relation to the proposed caretaker's residence Mr Cunnington reiterated his submission that the current building layout and existing use does not justify approval and that there is no reason to go beyond the permitted 50m². Mr Cunnington raised concern with opening up adjacent GI zoned land to more sensitive uses and that the Authority should satisfy themselves that the proposal accords with the GI zone purpose. In summary Mr

Cunnington suggested that the proposed use was not appropriate in the current location within a GI zone and made reference to a notice of refusal that had been issued by the Minister for Lands and Planning in relation to a proposed leisure and recreation use which was a discretionary use within Zone DV (Development). One of the reasons for refusal was that the use did not align with the primary purpose of the zone and the application failed to demonstrate from a land use context/perspective, adequate justification to depart from the primary intent of the zone. Mr Cunningham submitted that the same reasoning applies to this proposal.

In response to the submitter's comments the applicant stated that the landowners consulted with Darwin Ice prior to purchasing the land and accepted the liability of the potential impacts from the location and surrounding land uses.

In response to the applicant's comments that Darwin Ice had been consulted, Mr Cunningham clarified that the ice business had recently been acquired by new owners and with this change in ownership will come operating changes that the proponents may not have considered.

In the written submission provided by Mr Cranley of Whittles Body Corporate for 6 Steele Street, concerns were raised regarding the provision of car parking and the potential for the proposed use to impact on adjacent land and the surrounding street network, and in particular the private property of 6 Steele Street. In response to those concerns the Authority noted that in accordance with Clause 6.5.1 (Parking Requirements) of the NTPS the proposal requires 10 car parking spaces and 10 car parking spaces are proposed to be provided on site. The Authority also note however that the current parking layout proposed requires a variation to Clause 6.5.3 (Parking Layout) of the NTPS and this is discussed further under reason 3 above. In summary while sufficient car parking spaces are proposed on site, the parking layout does not meet the required standards and this needs to be further addressed in any subsequent reconsideration of the proposal.

The Authority carefully considered the comments made within both the written and verbal submissions and have taken these comments into account when making its determination to defer consideration of the application.

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

The Authority has concerns in relation to the proposed place of worship in terms of its own amenity in a GI zone as well as its impact on the amenity of the surrounding area as a result of reverse sensitivity issues. In relation to the proposed caretaker's residence the Authority considered that the increased size of the proposed caretaker's residence will negatively impact on the existing and future amenity of the area for the reasons given above under reason 2.

ACTION

Notice of Deferral

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**ITEM 3
PA2017/0486
APPLICANT**

**RECONSIDERATION – OFFICES IN A TWO STOREY BUILDING
SECTION 4681 (388) STUART HIGHWAY, HUNDRED OF BAGOT
ONE PLANNING CONSULT**

That, pursuant to section 97(1) of the *Planning Act*, Mr John Gleeson a member of the Darwin Division of the Development Consent Authority declared a conflict of interest and was not present during and did not take part in any deliberation or decision in relation to this item.

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

**RESOLVED
139/18**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 4681 (388) Stuart Highway, Hundred of Bagot for the purpose of offices in a two-storey building, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer with attention to vehicular, pedestrian, cyclist and public transport issues, detailing sightlines and the impact to traffic due to the location of the proposed driveway and crossover, including swept paths for waste collection vehicles, and identifying any necessary upgrades to the surrounding street network to the requirements of the City of Darwin, in consultation with Transport and Civil Services Division – Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation), the applicant is to prepare a comprehensive landscape plan of the Hickman Street road reserve adjacent to the development, which shall include street trees and the removal of all bitumen from the road reserve, to the requirements of City of Darwin, to the satisfaction of the consent authority.
3. Prior to the commencement of works, a schematic plan 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 and / or Transport and Civil Services Division – Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.
4. Prior to the commencement of works, a Construction Environmental Management Plan (CEMP) for the management and operation of the use must be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority upon the advice of both City of Darwin and Transport and Civil Services Division – Department of Infrastructure, Planning and Logistics. When approved, the

CEMP will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The CEMP must include:

- (a) waste management;
 - (b) traffic control;
 - (c) haulage routes;
 - (d) stormwater drainage;
 - (e) use of City of Darwin land; and
 - (e) day to day management requirements for the use.
5. Prior to the commencement of works (including site preparation), a Waste Management Plan demonstrating waste disposal, storage and removal shall be submitted to and approved by the City of Darwin, 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.

GENERAL CONDITIONS

7. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
8. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
9. All works recommended by the traffic impact assessment are to be completed to the requirements of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics and the City of Darwin, to the satisfaction of the consent authority.
10. 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.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity, and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
12. 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.
13. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority. The owner shall:
- (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;

all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.

14. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land, roads, and on the operation of the RAAF Base Darwin and Darwin International Airport.
15. Building materials must be selected so as to not create reflective glare for aircraft operations
16. Storage and pick-up for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
17. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin and/or Transport and Civil Services Division – Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
18. 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.
19. “No entry/no exit” signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority. This includes within the existing right of way easement located on Section 4680.
20. 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, to the satisfaction of the consent authority.
21. All roof top plant equipment (such as 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), to the satisfaction of the consent authority.
22. 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.
23. 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.

24. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
25. 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.
26. Access to Section 4681 from the Stuart Highway shall be via the existing accesses to / from, and right of way easement over Section 4680 only. No new access to / from the Stuart Highway shall be permitted.
27. All proposed works impacting on the Stuart Highway is to be in accordance with the standards and specifications of the Transport and Civil Services Division – Department of Infrastructure, Planning and Logistics. Drawings must be submitted to the Transport and Civil Services Division – Department of Infrastructure, Planning and Logistics for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve", to the satisfaction of the consent authority.
28. Where the existing sealed surface of Section 4681 extends into the adjacent road reserves, the pavement shall be removed and the verge area scarified, top-dressed and grassed to the Transport and Civil Services Division - Department of Infrastructure, Planning and Logistics' standards and requirements, to the satisfaction of the consent authority.
29. Upon completion of any works within or impacting upon the Stuart Highway road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Transport and Civil Services Division – Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
30. Soil erosion and dust control measures must be employed through the construction stage of the development to the satisfaction of the consent authority.
31. 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 variable message). The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aerially) within the subject lot.

Advertising signage, either permanent or temporary, e.g. 'A' frame, vehicle or trailer mounted shall not be erected or located within the Stuart Highway road reserve.

32. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway road traffic.

NOTES

1. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
2. Notwithstanding the approved plans, the construction of awnings over the Stuart Highway road reserve is subject to the Transport and Civil Services Division – Department of Infrastructure, Planning and Logistics approval and may 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 structure and location in the road reserve shall be submitted to the Director Corridor Management, Transport and Civil Services Division for consideration and / or approval. Awnings proposed on Territory roads shall be in accordance with the Department’s Policy “Awnings and Columns in the Road Reserve”.
3. 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.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation’s servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
5. An application must be submitted to the Department of Defence and Darwin International Airport for any cranes used during construction that will infringe on the Defence (Areas Control) Regulations surfaces for Darwin Airport.
6. External lighting installed as part of the development is to consider section 9.21 “Lighting in the Vicinity of Aerodromes” of the CASA Manual of Standards Part 139, available at: <http://www.comlaw.gov.au/Details/F2014C01301>.
7. NBNC advised that they require all developments to be registered at least 3 months before any civil works commence.
8. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS FOR THE DECISIONS

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

The primary purpose of Zone SC (Service Commercial) is to provide for commercial activities which, because of the nature of their business or size of the population catchment, require large sites.

The proposal is to construct a two-storey office building on an otherwise vacant site. The subject site is located in the suburb of Winnellie and fronts both the Stuart Highway and Hickman Street and is surrounded by a variety of other commercial (showroom, office, shop and warehouse) and light industrial uses. It is considered that the proposed use does not conflict with the purpose of the zone and is consistent with the surrounding established uses.

2. Clause 2.5 (Exercise of Discretion by the Consent Authority) requires that the Authority only vary requirements specified in Part 4 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent. The proposal is assessed as non-compliant with the standards of Clause 6.53 (Parking Layout) of the NT Planning Scheme:

Clause 6.53 - Parking Layout

The car park spaces are located perpendicular to Hickman Street and are generally located a minimum of 3m from the road frontage, with the exception of bays 12 and 18 which are located approximately 2m-2.25m from the Hickman Street frontage. A variation to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme is supported given the irregular shape of Section 4681 and the difficulties associated with achieving all of the required setbacks due to an entirely truncated boundary, given that Section 4681 is a corner site. The encroachment is relatively minor and only affects two of the 18 bays proposed and the area in-between the parking areas and the road frontages are to be landscaped with species designed to lessen the visual impact of the car parking area.

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

Conditions precedent on the development permit require landscaping within the road reserve, a construction management plan, a waste management plan, a stormwater management plan, a traffic impact assessment, and a dilapidation report. It is anticipated that these measures, combined with standard conditions relating to the connection and upgrade of utility services and the provision and treatment of easements, are expected to ensure that the land is developed in accordance with physical capabilities, to address concerns raised by service authorities, and to ensure that utility and infrastructure requirements are appropriately addressed.

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

Provided that the applicant adheres to all recommended conditions, the proposed use is considered appropriate for the site and unlikely to have an unreasonable amenity impact on the surrounding area.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2014/0745
APPLICANT **EXTENSION OF TIME - SUBDIVISION TO CREATE SIX LOTS**
LOT 5182 (213) DICK WARD DRIVE, TOWN OF DARWIN
JAPE GROUP AUSTRALIA

Mr Terence Jape (Jape Group) Attended

RESOLVED That, the Development Consent Authority approve an extension of time to
139/18 Development Permit DP14/0831 for a further two years, in accordance with Section
59 of the *Planning Act*.

ACTION Extension of time

ITEM 5
PA2018/0258
APPLICANT **CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH A**
REDUCED FRONT SETBACK
LOT 1930 (3) ALICE STREET, TOWN OF NIGHTCLIFF
BRADLEY & BRONWYN BRAY

Mrs Bronwyn Bray (owner) attended

RESOLVED That, the Development Consent Authority vary the requirements of Clause 7.3
140/18 (Building Setbacks of Residential Buildings and Ancillary Structures) of the
Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning*
Act, consent to the application to develop Lot 1930 (3) Alice Street, Town of
Nightcliff for the purpose of a carport addition to an existing single dwelling with a
reduced front setback, 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The removal of the gate opening outwards onto the road verge.
 - b) A landscaping schedule showing the species and quantities of existing and any proposed landscaping along the front boundary.

GENERAL CONDITIONS

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

3. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority. The owner shall:
 - a) remove disused vehicle and/ or pedestrian crossovers;
 - b) provide footpaths/ cycleways;
 - c) collect stormwater and discharge it to the drainage network; and
 - d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
4. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage and electricity facilities to the development shown on the endorsed plans in accordance with the authority's requirements and relevant legislation at the time.
6. 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.
7. 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.
8. 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 Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
2. Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

REASONS FOR THE DECISIONS

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

The primary purpose of Zone SD is to provide single dwellings on individual lots. The proposed carport is considered ancillary to the existing single dwelling.

The proposal is compliant with the relevant clauses of the Northern Territory Planning Scheme apart from Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) as the application proposes a 2.5m setback to the front boundary where a 4.5m setback is required.

The purpose of this clause is to ensure residential buildings and ancillary structures are located so:

- a) *they are compatible with the streetscape and surrounding development including residential buildings on the same site;*
- b) *as to minimise any adverse effects of building massing when viewed from adjoining land and the street;*
- c) *as to avoid undue overlooking of adjoining properties; and*
- d) *as to encourage breeze penetration through and between buildings.*

Although a non-compliance to Clause 7.3 exists, the proposal is considered to still achieve the purpose of the clause as:

- established dense vegetation on site and along the street will minimise any impact the carport will have on the consistency of the streetscape;
- the carport will be 2.5m high and open so building massing and overlooking are not expected; and
- the carport does not propose any walls so breeze penetration will not be inhibited.

In accordance with Clause 2.5 (4) (Exercise of Discretion by the Consent Authority), *the consent authority can only vary Part 4 of 5 of the Northern Territory Planning Scheme if it is satisfied that special circumstances exist.*

Special circumstances are considered to be established given the existing easements, which when considered in conjunction with the existing dwelling, pool and landscaping on site, heavily restrict the location of any new development.

2. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into consideration 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.

No objections were made against the application by the relevant service authorities. Service authority comments have been addressed through the inclusion of relevant conditions and/or notations on the permit.

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

Given the existing, dense landscaping along the street which will partially screen the proposed carport, and given the structure is open and does not include any walls, the proposal is not expected to have any impact on the existing and future amenity of the area. General

conditions requiring the landscaping shown on the endorsed plans to be planted and maintained for the life of the development have been included on the permit.

ACTION

Notice of Consent and Development Permit

**ITEM 6
PA2018/0158**

**OFFICE AND GROUND LEVEL COMMERCIAL TENANCIES IN A 10 STOREY
BUILDING PLUS TWO LEVELS OF BASEMENT CAR PARKING
LOT 2365 (38) CAVENAGH STREET, TOWN OF DARWIN**

APPLICANT

MASTERPLAN NT

Mr Jack Priestley, Ms Kelsey Fetherstonhaugh and Mr Joseph Sheridan (MasterPlan), Mr William Phillips and Ms Kirby Dickenson (Sandran), and Mr Michael Grassi (Podia) attended.

**RESOLVED
141/18**

That, the Development Consent Authority vary the requirements of Clause 6.3.2 (Volumetric Control in Central Darwin), Clause 6.5.1 (Parking Requirements), Clause 6.5.3 (Parking Layout), and Clause 6.6 (Loading Bays) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 2365 (38) Cavenagh Street, Town of Darwin for the purpose of office and ground level commercial tenancies in a 10 storey building plus two levels of basement car parking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior the commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) extension of the awning to the full length of the Cavenagh and Litchfield Street frontages; and
 - (b) stairwell door openings internal to the site boundary or otherwise the written consent from the City of Darwin for doors that open into the road reserve.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required for the awnings to the three street frontages to the requirements of the City of Darwin and Power and Water Corporation, to the satisfaction of the consent authority. The awnings shall not reduce the achievement of active frontages below 77% of the total length of the site boundary to the street.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), in principal approval is required for any element of the building design (separate to awnings) that is designed to be constructed or installed over the City of Darwin road reserve, to the satisfaction of the consent authority.
4. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its

discharge into the underground 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 connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to the underground or an alternate approved connection.

5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified person, identifying any necessary upgrades to the surrounding street network to the requirements of the City of Darwin, to the satisfaction of the consent authority. The traffic impact assessment report is to detail a pedestrian and vehicle warning system for the reversing movements associated with the on-site loading bay. The traffic impact assessment report is also to confirm that waste collection from the site can occur within the designated loading area.
6. 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 road reserve, to the satisfaction of the consent authority.
7. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), in principle approval is required for the landscaping works within the City of Darwin road reserve, to the satisfaction of the consent authority.
8. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a suitably qualified person must confirm that the land is suitable for the intended use. This clearance will form part of this permit and must be provided to the NT Environment Protection Authority, to the satisfaction of the consent authority.
9. Prior to the commencement of works (including site preparation), the applicant is to prepare an environmental and construction management plan to the requirements of the City of Darwin, to the satisfaction of the consent authority. The plan is to address construction access, haulage routes, public access, waste management and the use of Council land during construction.
10. 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.
11. Prior to the commencement of works (including site preparation), a waste management plan shall be submitted to and approved by the City of Darwin to the satisfaction of the consent authority. The waste management plan is to confirm that waste collection from the site can occur within the designated loading area.

GENERAL CONDITIONS

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

13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, 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.
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. 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.
16. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
17. The area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-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 spaces, access lanes and driveways must be kept available for these purposes at all times.
18. 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.
19. Storage for waste disposal bins is to be provided to the requirements of City of Darwin, to the satisfaction of the consent authority.
20. All works recommended by the traffic impact assessment report are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.
21. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act*, provide 368 car parking bays. In accordance with section 70(5) of the *Planning Act*, 68 of the required parking bays may be provided through a monetary contribution to the City of Darwin. The contribution is to be

calculated in accordance with the requirements of section 70(6) of the *Planning Act*.

22. A Certificate of Compliance for this development will not be granted until the Certificate of Compliance has been issued for the related development at Lots 2396 & 2397 Town of Darwin as shown on Development Permit DP18/0298. At the time of completion for this development, if the related development at Lots 2396 & 2397 Town of Darwin is not completed, then the owner may instead, in accordance with Part 6 of the *Planning Act*, provide 368 car parking bays. In accordance with section 70(5) of the *Planning Act*, 302 of the required parking bays may be provided through a monetary contribution to the City of Darwin. The contribution is to be calculated in accordance with the requirements of section 70(6) of the *Planning Act*.
23. If the car park at Lots 2396 & 2397 Town of Darwin ceases to be available, then the owner must supply 302 car parking bays off-site for the duration and benefit of Lot 2365 Town of Darwin at a place or places proximate to the site to the satisfaction of the consent authority. The owner of Lot 2365 may instead, in accordance with Part 6 of the *Planning Act*, provide 302 parking bays through a monetary contribution to the City of Darwin. The contribution is to be calculated in accordance with the requirements of section 70(6) of the *Planning Act*.
24. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to the City of Darwin for the upgrade of local infrastructure, in accordance with its Development Contribution Plan.
25. 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 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, to the satisfaction of the consent authority.
26. 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.
27. 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.
28. 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.

29. 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).
30. 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.
31. 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.
32. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to stand clear of the Litchfield Street pavement and footpath.
33. General building lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
34. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their visitors.
35. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be suitably stabilised against erosion at completion of works, to the satisfaction of the consent authority.
36. The loading and unloading of goods from vehicles, including the loading of waste must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.
37. The use and development must be managed so that the amenity of the area is not unduly affected, through the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) loading of waste from the land;
 - (c) appearance of the building; or
 - (d) emission of noise or smells from the land.
38. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
39. 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. Notwithstanding the approved plans, the demonstrated awning in the City of Darwin road reserve is subject to Council approval at no cost to Council.
2. Notwithstanding the approved plans, any proposed works (including landscaping and awnings) within the City of Darwin's road reserve is subject to approval and shall meet all requirements to the satisfaction of the City of Darwin, at no cost to Council.
3. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost of Council.
4. The City of Darwin advises that all street trees shall be protected at all times during construction. Any tree on a footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of the General Manager Infrastructure, City of Darwin. A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards – AS 4970-2009 "Protection of Trees on Development Sites".
5. A "Permit to Work Within a Road Reserve" will be required from the City of Darwin before commencement of any work within the road reserve.
6. The City of Darwin advises that the applicant shall ensure that a building number is displayed in position clearly visible from the street in accordance with Council's by- laws.
7. The City of Darwin advises that the developer must protect and support adjacent properties and pedestrians during the basement excavation, and where necessary, underpin the adjoining premises to prevent any damage.
8. The City of Darwin advises that Energy House at 18 – 20 Cavenagh Street requires 255 car parking spaces for which 94 bays are located at 12 – 14 Litchfield Street. The remaining shortfall attracts a levy which is currently charged by the City of Darwin under the *Local Government (Darwin Parking Local Rates) Regulations*, and that the City of Darwin will adjust the levy amount for Energy House as a result of any permit issued.
9. Darwin International Airport advises that separate requests for assessment and approval must be submitted to Darwin International Airport and the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation Services – Operations (PANS-OPS) surfaces for Darwin Airport.
10. Water Services advice that essential infrastructure is located in the road reserve adjacent to the property and that a separate approval for the use of cranes during construction should be submitted.
11. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be

contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

12. The Environment division of the Department of Environment and Natural Resources advises that during the excavation, the basement may fill with turbid sediment laden stormwater. The proponent should ensure that any pitwater discharged from the development is in accordance with their document Guidelines to prevent pollution from building sites.
13. The Environment division of the Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
14. 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). The Power and Water Corporation should also be contacted to discuss multi-metering if unit tiling is intended.
15. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
16. 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/newdevelopments.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/newdevelopments/builders-designers.html>.
17. The permit holder is advised that the proposal may have assessment implications under the Waste Management and Pollution Control Act. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 89244218 or ntepa@nt.gov.au.

Also, construction noise has the potential to generate noise nuisance and impact the amenity of the surrounding commercial properties. Consideration should be given to the Noise guidelines for development sites in the Northern Territory. Noise emissions causing environmental nuisance may lead to compliance action under the Waste Management and Pollution Control Act.

18. The Environment division of the Department of Environment and Natural Resources advises that for fill material being relocated off-site, waste classification assessment in accordance with NSW Environment Protection

Authority's Waste Classification Guidelines, Part 1: Classifying Waste. The fill material must only be disposed of at a location legally able to accept it. Development Assessment Services should be contacted with regards to whether planning consent is required for any stockpiling of fill proposed off-site.

19. The Transport and Civil Services division of the Department of Infrastructure, Planning and Logistics advise that 'U' rail bicycle racks are preferred in preference to other styles. Also, that consideration be given to charging points to support electric vehicles in the basement car park. The applicant has confirmed to the consent authority that the cabling infrastructure will be incorporated as part of the development.
20. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.

REASONS FOR THE DECISION

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

The purpose of Zone CB (Central Business) is to provide for a diversity of activities with a commitment to the separation of incompatible activities, and building form and design is expected to be sensitive to the needs to pedestrian movement and facilitate the creation of safe and active street frontages and public places and a vibrant commercial precinct. The building aligns with the broader intent of Zone CB in providing development which is of high architectural quality and presents well to the street frontages in terms of pedestrian amenity and activation, particularly the Cavenagh Street and Knuckey Street frontages. Variations to Clause 6.5.2 (Volumetric Controls in Central Darwin) are discussed below however overall the building provides an overall height and scale comparable to a complying design expected in Zone CB.

2. The application was initially deferred by the consent authority to request further information and lodgement of a variation application to ensure that the related development of Lots 2396 & 2397 Town of Darwin addresses the parking requirements for the existing development at Lot 5396 Town of Darwin (Energy House), having regard to the previous determinations of the consent authority and the development permits issued under the *Planning Act*. A variation application has been lodged and subsequently approved by the Authority and amends the conditions of the existing development permits to ensure the ongoing provision of 88 car parking spaces for Lot 5396 (Energy House) and if the 88 spaces designated for Energy House cease to be available at any time in the future, then the owner of Energy House must supply 88 car parking bays for the duration and benefit of Energy House at a place or places proximate to the site or instead pay a monetary contribution for the same number of spaces.

3. The purpose of Clause 6.5.1 (Parking Requirements) 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 development is calculated with a shortfall of 306 spaces based on the table to Clause 6.5.1 requiring commercial tenancies provide 3 spaces per 100m² of net floor area.

The application accounts for the shortfall of spaces through a related development at 12-14 Litchfield Street, being a public car park of 324 spaces. The 324 spaces would replace the existing surface level car park, which was originally approved to service nearby Energy House at 18-20 Cavenagh Street, including an allocation of 88 spaces. The overall development as a result of the Energy House allocation results in a shortfall of 74 spaces.

Clause 6.5.2 (Reduction in Parking Requirements) allows the Authority to approve a use or development with fewer car parking spaces than required if it is satisfied that a reduction is appropriate, having considered matters including the zoning of the land, the use or development and the possible future use or development, and the provision of car parking spaces in the vicinity.

The simultaneous construction of both the office development and the related car park development at 12-14 Litchfield Street enables the provision of public car parking in the vicinity, and in a similar manner which would occur if a monetary contribution would be required to Council for the provision of public car parking.

The provision of motorcycle parking as part of the development and the nature as a large scale commercial development are such that a proportion of visitors are likely to use motorcycles to access the development which equates for an equivalent proportion of 6 car parking spaces, reducing the shortfall to an equivalent of 68 spaces which is reflected as a condition for payment in lieu to the City of Darwin. Conditions are included on the permit such that if the car park development is not available at any time now or into the future, then the owner of the office development must either supply 302 car parking spaces for the duration and benefit of the office development, or instead pay a monetary contribution for the same number of spaces. The 302 spaces is calculated as the shortfall of 306 spaces for the office development minus 4 additional car parking spaces accounting for the motorcycle parking spaces provided in the office development.

4. The purpose of Clause 6.3.3 (Urban Design Requirements in Central Darwin) is to promote exemplary urban design in Central Darwin and requires active street frontages, providing awnings, and limiting services at street level. The building responds to requirements of this clause including in providing a covered pedestrian colonnade to the full length of Knuckey Street and for the majority of the Cavenagh Street frontage, which enables an area within the site which is attractive, safe and functional for pedestrians, in providing basement car parking, and in providing building entrances and clear glass windows to the Cavenagh Street and part of the Knuckey Street frontages. The design of the building at ground level was amended during assessment to

reduce the extent of crossovers to the Litchfield Street frontage and the building now exceeds the 75% active street frontage requirements.

The applicant sought a variation to the part of this clause that requires full length awnings to each street frontage. The Authority determined that the development will be required to extend the street awning along the Cavenagh and Litchfield Street frontages through a condition of the development permit, such that full length awnings are provided to all street frontages as required by Clause 6.3.3. The circumstances suggested by the applicant to vary this part of the clause have been noted, including there being architectural merit in separating the stairwell core, that the adjacent site does not provide an awning, and that the ground level colonnade provides additional shelter beyond that which would normally be expected within the site boundary. The Authority failed to find special circumstances to vary this part of the clause. The extension of awnings to the Cavenagh and Litchfield Street frontages will allow for a continuous pedestrian shelter as the development of the adjacent site can one day be anticipated and will also require a full length awning. The site is also centrally located within the Darwin CBD with a high level of pedestrian traffic along all street frontages.

5. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Planning Scheme, the consent authority may consent to a development that does not meet the standard set out in Parts 4 and 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent. Clause 6.3.2 (Volumetric Control in Central Darwin) ensures that the siting and mass of buildings within Central Darwin promote:
 - (a) *a built form that maximises the potential for view corridors to Darwin harbour;*
 - (b) *the penetration of daylight and breeze circulation between buildings;*
 - (c) *privacy for residents of adjoining properties; and*
 - (d) *a built form that reasonably anticipates the future development of adjoining sites.*

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 only, and a Tier 2 / tower above with a maximum floor area of 1,200m² per tower, setback 6m from each boundary with building lengths of not more than 75% of the total length of each adjacent boundary. Levels 6 – 9 of the building form part of Tier 2 as they are above the 25m height with non-compliances to the floor area, setbacks and dimensions. These levels form the extension of a taller Tier 1, up to a maximum height of 41m. Levels 6 - 8 extend boundary to boundary with the extent of non-compliance being less at level 8 given the location of balcony, and also less at level 9 given the larger setback to the screened plant enclosure. The building also includes a stairwell core along the north-west boundary at all levels.

The applicant presented special circumstances to the consent authority which satisfied the identification of special circumstances pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority), being:

- With respect to maximising the potential for view corridors to Darwin harbour, the applicant has demonstrated that the development is of

relatively modest scale, with the impact of the volumetric controls affecting levels 6 – 9 only, and the building having a total height of 41m. The applicant has prepared comparison drawings indicating a building with the same net floor area with compliant car parking and volumetric controls demonstrating a striking impact on views of this comparison building.

The main opportunity for views are from the upper levels of buildings, along road corridors. Analysis of the road layout in the CBD shows that view corridors from the adjacent Lot 2364 Town of Darwin towards the south-east along Cavenagh Street from the site terminate, due to the existing developments at 13 & 15 the Esplanade (Harry Chan Avenue), which are developed as 9 storey buildings. Also, the potential for views along the upper levels of the Litchfield Street corridor terminate due to the road layout. The greatest impact for views from adjacent sites towards the Darwin harbour are along Knuckey Street, both towards the south-west and towards the north-east. The existing Mantra Pandanas building, and also the Evolution building predate the current Planning Scheme volumetric requirements and have narrow/nil setbacks to Knuckey Street. Having regard to (d) and the reasonable/future development of nearby development sites along the same side of Knuckey Street further to the south-west, views are already impacted by the existing buildings and are unlikely to be worsened. The applicant has prepared view perspectives of the impacted levels of the Mantra Pandanas building which demonstrate the very thin harbour aspect impacted and marginal impacts as a result of the reduced setbacks and larger floor area for levels 6 – 9. The perspectives also demonstrate that the lower building form results in a vastly improved amenity outcome from the residents of the adjacent Mantra Pandanas building. The design of the building is also noted as including larger setbacks to level 8 and 9 along the Knuckey Street view corridor.

The design includes internal atriums which whilst contributing to a larger non-compliance with the volumetric controls, provide an important amenity feature in a high quality commercial building, including for the provision of light and airflow.

- With respect to the penetration of daylight and breeze circulation, the applicant acknowledged that the existing 2 storey building at Lot 2364 to the north-west may one day be developed. The applicant undertook a breeze study to determine the impacts on the adjacent Lot 2364 Town of Darwin. The applicant identified that the design would not impact on the prevailing afternoon breezes from the north-west given the breezes would reach the adjacent site first. The applicant also identified that the design would have a modest impact on breezes at the four levels impacted by the volumetric controls (levels 6 – 9) for the prevailing morning breezes from the south-east, however that the benefits of a shorter building overall which does not interrupt breeze circulation at higher levels being a superior design outcome to that of a complying proposal. The applicant also presented that the effect of daylight would be most noticeable to lots to the south, however the building is separated by road frontages in this direction and the impact of the volumetric variations not likely to be undue on the penetration of daylight.
- The inclusion of the basement car park in reducing the overall building height, which reduces the overall mass of the building and also

improves the appearance of the building in terms of its interaction with the public realm and the benefit of encouraging passive surveillance over surrounding public spaces through the office floors (rather than above ground car parking levels).

- That privacy is not impacted by the design due to the building having three street frontages and the north-west boundary wall preventing any impacts to any future development on the adjacent Lot 2364.
- The height of the ground floor extending above a typical storey, which marginally increases the height of the overall building, however has merit in achieving the objectives of Clause 6.3.3 which encourage the use of full height clear glass frontages and alfresco dining in order to generate a greater interaction with the street. This is particularly important given the location of the building centrally within the Darwin CBD and having a high level of pedestrian activity. The building provides an excellent design outcome including an exceptional design standard, addressing the siting and mass of the building through coordinated facades, the variation of materials, colours and finishes and the banding of the overall form. This is particularly given the location of the building centrally located within the Darwin CBD.

Overall the Authority was satisfied that the impact of the non-compliances on the design is equal to that of a complying building and special circumstances identified to address the extent of variation sought.

6. Clause 6.6 (Loading Bays) provides for the loading and unloading of vehicles associated with the use of the land. The clause requires 7 loading bays be provided for an office development of this size however a single loading dock is provided. The provision of a single loading bay is considered acceptable given the predominant use of the building as offices and as the expected delivery needs for offices is lower than other retail uses. The applicant has outlined that the loading is sufficient to service the building with the design accepted by the City of Darwin. The Authority also noted that the applicant has investigated the provision of basement loading however this would have impacts on the achievement of active frontages at street level due to access requirements. Conditions are included on the development permit to require that all loading and unloading must occur on site including waste collection, and that the use and development of the land must be managed such that the amenity of the area is not detrimentally affected, through the transport of goods to/from the site, the appearance of the building, or the undue emission of noise or smells.
7. Clause 6.5.3 (Parking Layout) ensures that a car parking area is appropriately designed, constructed and maintained for its intended purpose. The design is functional, however a non-compliance identified where 2 x spaces are provided as the last space at the end of an aisle but the driveway adjacent does not extend 1m beyond the last space. A condition is included on the development permit requiring a suitably qualified person to confirm the parking design meets the applicable Australian Standard where it varies from the Clause requirements.
8. Pursuant to section 51(m) of the *Planning Act*, 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. The application was initially deferred by the consent authority to allow additional time in which public submissions could be received in relation to further material provided during assessment, to ensure an adequate time for review for interested persons and consideration by the consent authority of those submissions. During the original exhibition of the proposal, 3 public submissions were received, plus 1 late submission. Prior to the public hearing, 2 further submissions were received citing that insufficient notice had initially been provided to accept public comments.

Of the original submissions received and of those submissions made in person at the public hearing, the consent authority has taken into account the matters raised. The concerns include negative impacts to Mantra Pandanas including during demolition and construction, including traffic and noise impacts, the location of the driveway entrance on Litchfield Street, the proximity of the loading bay to an alfresco dining area on the adjacent land, the impacts of dust during construction, concern regarding asbestos removal, safety concerns including construction of the basement, the noise of air conditioning equipment, plus the impact of property values and matters concerning government spending on development projects.

The Authority considered the submissions made and found that a number of the issues raised relate to the demolition of the existing building, which is not subject to approvals under the *Planning Act*. Conditions are included on the development permit relating to traffic management and dust as part of building construction. The City of Darwin has requested a traffic impact assessment be prepared with respect to the development and has confirmed that turning paths have been provided and allow for appropriate access for service vehicles using the loading bay. Conditions are included on the development permit such that the traffic impact assessment and the waste management plan confirm that waste collection from the site can occur within the designated loading area, also requiring that all loading and unloading must occur on site including waste collection, and that the use and development of the land must be managed such that the amenity of the area is not detrimentally affected, through the transport of goods to/from the site, the appearance of the building, or the undue emission of noise or smells. The developer would have obligations under the *Waste Management and Pollution Control Act* if any asbestos was uncovered. Shoring and hording requirements for basement excavation, including for any seismic activity would be covered as part of building and structural certification requirements. A roof and screens are proposed to the plant level where air conditioning will be located which will assist in reduce noise transfer between buildings.

Further issues made at the initial public hearing related to a commitment of construction times. The Noise Guidelines for Development Sites produced by the Department of Environment and Natural Resources provides that construction can occur from 7am Monday to Saturday and 9am on Sunday and public holidays. The Authority noted that the applicant has made a commitment beyond this

such that construction works will not commence until 8am on site Monday to Saturday.

A concern also related to the design of the awning at street level with regard to the cantilevered design and glass materials. The Authority noted the location of the colonnade at ground level providing an additional pedestrian accessible area for shelter and that the City of Darwin has requested the glass be appropriately tinted. Building certification will ensure the awning is appropriately designed to withstand cyclonic conditions.

There was also a concern that the application was submitted in two parts (office and car park developments), and whilst each could be separately determined, the Authority has chosen to proceed with considering both applications in parallel.

9. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development and the effect of the development on land and on other land, the physical characteristics of which may be affected by the development. Also, pursuant to section 51(m) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated.

The application was initially deferred by the consent authority to ensure that the related development of Lots 2396 & 2397 is capable of being accommodated within the road network, plus requiring a greater level of understanding as to the likely changes required to the road network to enable the proper consideration of the application including to appreciate the impact of the development on the site and surrounding area.

The consent authority received confirmation from the City of Darwin that the Litchfield/Cavenagh Street intersection would be incapable of accommodating the development unless/until such time that the Barneson Boulevard extension had been completed. If the Barneson Boulevard extension had not occurred at the time, then the developer would be required to make Litchfield Street two-way between Knuckey Street and the car park to ensure the development is suitably accommodated. The consent authority imposed conditions on the related development to ensure this requirement is clear on the development permit.

The overall height and scale of the development is largely consistent with that anticipated in the Darwin CBD with respect to the capability of the land and the effect on surrounding properties. Comments by the City of Darwin, Power and Water Corporation, Transport and Environment divisions of the Northern Territory Government, the Department of Defence and Darwin International Airport have been sought in relation to the capability of the land including with regards to servicing requirements, easements, and building heights. Service authority comments are addressed through the inclusion of appropriate conditions and/or notations on the development permit.

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

The impact on amenity should be considered in context of the site and its surrounds, with the development being consistent with the broader intent of Zone CB (Central Business) and applicable clauses, including the overall height and scale of the building. The building is of a high architectural quality and presents to the Knuckey and Cavenagh Street frontages in terms of pedestrian amenity and activation. The development includes a variation to Clause 6.3.2 (Volumetric Controls in Central Darwin), and the assessment has found that the siting and mass of the building does not impact on existing or future view corridors to Darwin harbour, the penetration of daylight and breeze circulation between buildings, nor the privacy for residents of adjoining properties, beyond that of a compliant design.

ACTION

Notice of Consent and Development Permit

**ITEM 7
PA2018/0159
APPLICANT**

**7 STOREY CARPARK (320 SPACES)
LOTS 2396 & 2397 (14 & 12) LITCHFIELD STREET, TOWN OF DARWIN
MASTERPLAN NT**

Mr Jack Priestley, Ms Kelsey Fetherstonhaugh and Mr Joseph Sheridan (MasterPlan), Mr William Phillips and Ms Kirby Dickenson (Sandran), and Mr Michael Grassi (Podia) attended.

**RESOLVED
142/18**

That, the Development Consent Authority vary the requirements of Clause 6.3.3 (Urban Design Requirements in Central Darwin), Clause 6.5.3 (Parking Layout), and Clause 6.6 (Loading Bays) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lots 2396 & 2397 (14 & 12) Litchfield Street, Town of Darwin for the purpose of a 7 storey car park (324 spaces), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) the inclusion of mirrors to remove conflict points in the aisle turnaround as recommended in the traffic impact assessment submitted with the application, or otherwise written confirmation of resolution of this issue by a suitably qualified person;
 - (b) the location of a new distribution pillar to the requirements of the Power Networks division of the Power and Water Corporation, with no unreasonable detriment to the achievement of active frontage requirements; and
 - (c) the extension of the shade sails on the car park roof and further detail (colour, material etc.) of the shade sails to address the potential for reflectivity and glare when viewed from adjacent land.

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2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required for the awnings to the street frontage to the requirements of the City of Darwin and Power and Water Corporation, to the satisfaction of the consent authority. The awnings shall not reduce the achievement of active frontages below 54% of the total length of the site boundary to the street.
3. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the underground 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 connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to the underground or an alternate approved connection.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified person, identifying any necessary upgrades to the surrounding street network to the requirements of the 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), 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 endorsement of plans and prior to the commencement of works (including site preparation), in principle approval is required for the landscaping works within the City of Darwin road reserve, to the satisfaction of the consent authority.
7. Prior to the commencement of works (including site preparation), the applicant is to prepare an environmental and construction management plan to the requirements of the City of Darwin, to the satisfaction of the consent authority. The plan is to address construction access, haulage routes, public access, waste management and the use of Council land during construction.
8. 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.
9. Prior to the commencement of works (including site preparation), a waste management plan shall be submitted and approved by the City of Darwin to the satisfaction of the consent authority.

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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, and electricity facilities to the development shown on the endorsed plan in

accordance with the authorities' requirements and relevant legislation at the time.

12. 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.
13. 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.
14. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
15. The area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-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.
16. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
17. 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.
18. Storage for waste disposal bins is to be provided to the requirements of City of Darwin, to the satisfaction of the consent authority.
19. All works recommended by the traffic impact assessment report are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.

NOTE:

1. The carpark at 12 & 14 Litchfield Street cannot operate until Barneson Boulevard is 100% complete and operational.
OR
2. In the absence of Barneson Boulevard not being 100% complete and operational that the portion of Litchfield Street (from Knuckey Street to the proposed access of the carpark) be made two-way to cater for

the additional vehicles. All costs associated with the road upgrades are to be at cost of the developer.

20. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to the City of Darwin for the upgrade of local infrastructure, in accordance with its Development Contribution Plan.
21. The use must not commence until Lots 2396 & 2397 Town of Darwin have been consolidated and a new title issued for the consolidated lot, to the satisfaction of the consent authority.
22. 88 car parking spaces are to be made available on Lots 2396 & 2397 Town of Darwin (and the subsequently consolidated allotment) for the development approved through DV418, DV898 and its subsequent variations, located at Lot 5396 Town of Darwin.
23. 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 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, to the satisfaction of the consent authority.
24. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.
25. 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.
26. 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).
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. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to stand clear of the Litchfield Street pavement and footpath.
29. General building 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. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be suitably stabilised against erosion at completion of works, to the satisfaction of the consent authority.

NOTES

1. Notwithstanding the approved plans, the demonstrated awning in the City of Darwin road reserve is subject to Council approval at no cost to Council.
2. Notwithstanding the approved plans, any proposed works (including landscaping and awnings) within the City of Darwin's road reserve is subject to approval and shall meet all requirements to the satisfaction of the City of Darwin, at no cost to Council.
3. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost of Council.
4. The City of Darwin advises that all street trees shall be protected at all times during construction. Any tree on a footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of the General Manager Infrastructure, City of Darwin. A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards – AS 4970-2009 "Protection of Trees on Development Sites".
5. A "Permit to Work Within a Road Reserve" will be required from the City of Darwin before commencement of any work within the road reserve.
6. The City of Darwin advises that the applicant shall ensure that a building number is displayed in position clearly visible from the street in accordance with Council's by- laws.
7. The City of Darwin advises that the developer must protect and support adjacent properties and pedestrians during the basement excavation, and where necessary, underpin the adjoining premises to prevent any damage.
8. If the car park at Lots 2396 & 2397 Town of Darwin ceases to be available, then it is a condition of Development Permit DP18/0297 that the owner of Lot 2365 Town of Darwin must supply 302 car parking bays off-site for the duration and benefit of Lot 2365 at a place or places proximate to the site to the satisfaction of the consent authority. The condition states that the owner of Lot 2365 may instead, in accordance with Part 6 of the *Planning Act*, provide 302 parking bays through a monetary contribution to the City of Darwin. The contribution is to be calculated in accordance with the requirements of section 70(6) of the *Planning Act*.

9. If the car park at Lots 2396 & 2397 Town of Darwin ceases to be available, then it is a condition of Development Permit DP18/0299 that the owner of Lot 5396 Town of Darwin must supply 88 car parking bays off-site for the duration and benefit of Lot 5396 at a place or places proximate to the site to the satisfaction of the consent authority. The condition states that the owner of Lot 5396 may instead, in accordance with Part 6 of the *Planning Act*, provide 88 car parking bays through a monetary contribution to the City of Darwin. The contribution is to be calculated in accordance with the requirements of section 70(6) of the *Planning Act*.
10. The City of Darwin advises that Lot 5396 (18) Cavenagh Street requires 255 car parking spaces for which 94 bays are located at Lots 2396 & 2397 (14 & 12) Litchfield Street. The remaining shortfall attracts a levy which is currently charged by the City of Darwin under the *Local Government (Darwin Parking Local Rates) Regulations*, and that the City of Darwin will adjust the levy amount for Energy House as a result of any permit issued.
11. The City of Darwin has requested that the proponent of the 7 storey car park approved over Lots 2396 & 2397 Town of Darwin contact Council to confirm the location of the temporary parking spaces during construction of the development.
12. Darwin International Airport advises that separate requests for assessment and approval must be submitted to Darwin International Airport and the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation Services – Operations (PANS-OPS) surfaces for Darwin Airport.
13. Water Services advice that essential infrastructure is located in the road reserve adjacent to the property and that a separate approval for the use of cranes during construction should be submitted.
14. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
15. The Environment division of the Department of Environment and Natural Resources advises that during the excavation, the basement may fill with turbid sediment laden stormwater. The proponent should ensure that any pitwater discharged from the development is in accordance with their document Guidelines to prevent pollution from building sites.
16. The Environment division of the Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

17. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
18. 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/newdevelopments.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/newdevelopments/builders-designers.html>.
19. The permit holder is advised that the proposal may have assessment implications under the Waste Management and Pollution Control Act. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 89244218 or ntepa@nt.gov.au.

Also, construction noise has the potential to generate noise nuisance and impact the amenity of the surrounding commercial properties. Consideration should be given to the Noise guidelines for development sites in the Northern Territory. Noise emissions causing environmental nuisance may lead to compliance action under the Waste Management and Pollution Control Act.
20. The environment division of the Department of Environment and Natural Resources advises that for fill material being relocated off-site, waste classification assessment in accordance with NSW Environment Protection Authority's Waste Classification Guidelines, Part 1: Classifying Waste. The fill material must only be disposed of at a location legally able to accept it. Development Assessment Services should be contacted with regards to whether planning consent is required for any stockpiling of fill proposed off-site.
21. The Transport and Civil Services division of the Department of Infrastructure, Planning and Logistics advise that 'U' rail bicycle racks are preferred in preference to other styles. Also, that consideration be given to charging points to support electric vehicles in the basement car park. The applicant has confirmed to the consent authority that the cabling infrastructure will be incorporated as part of the development.

REASONS FOR THE DECISION

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

The purpose of Zone CB (Central Business) is to provide for a diversity of activities with a commitment to the separation of incompatible activities, and building form and design is expected to be sensitive to

the needs to pedestrian movement and facilitate the creation of safe and active street frontages and public places and a vibrant commercial precinct. The car park is generally consistent with the broader intent of Zone CB with above ground car parking being a form of development anticipated. The car park aligns with the siting and mass of buildings as anticipated by Clause 6.3.2 (Volumetric Control in Central Darwin) with regard to pedestrian needs and active frontages considered separately below.

2. The application was initially deferred by the consent authority to request further information and lodgement of a variation application given the impacts of the development including the parking requirements for Lot 5396 (18) Cavenagh Street (Energy House), having regard to the previous determinations of the consent authority and the development permits issued under the *Planning Act*. A variation application has been lodged and subsequently approved by the Authority and amends the conditions of the existing development permits to ensure the ongoing provision of 88 car parking spaces for Lot 5396 (Energy House) and if the 88 spaces designated for Energy House cease to be available at any time in the future, then the owner of Energy House must supply 88 car parking bays for the duration and benefit of Energy House at a place or places proximate to the site or instead pay a monetary contribution for the same number of spaces.
3. The purpose of Clause 6.3.3 is to promote exemplary urban design in Central Darwin and requires active street frontages, providing awnings, and limiting services at street level. During assessment, revised plans were submitted which represent a significant improvement to the overall design of the car park, including articulated features, depth perception, colour variation and shading treatments to the upper levels. The car park now includes a full length awning to the Litchfield Street frontage and screens to the upper levels of car parking.

The clause requires that 75% of the length of the site boundary at ground level is to provide an active street frontage through treatments such as building entrances, windows, landscaping, areas for pedestrians, alfresco dining and also by limiting services at street level. The consent authority may consent to an application that is not in accordance with the 75% active frontage requirement only if it is satisfied that compliance would be impractical. Non-active components of the frontage include 2 x fire access stairs, and 2 x lift lobby accesses, plus the driveway which presents as a double width entrance ramp of 11.6m in width. The applicant states that the use as a car park creates a practical limitation in compliance with Clause 6.3.3, evident in the pedestrian and vehicle access requirements for the frontage of the building, and that the double width entrance is required to accommodate the peak car park demand. This is discussed in the traffic impact assessment report submitted with the application and is noted by the City of Darwin. The Authority were satisfied that in this instance compliance with this requirement would be impractical.

4. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Planning Scheme, the consent authority may consent to a development that does not meet the standard set out in Parts 4

and 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent.

Clause 6.5.3 (Parking Layout) ensures that a car parking area is appropriately designed, constructed and maintained for its intended purpose. The design is functional, however a non-compliance is identified where 2 x spaces on level 1 are provided as the last space at the end of an aisle but the driveway adjacent does not extend 1m beyond the last space. A condition is included on the development permit requiring a suitably qualified person to confirm the parking design meets the applicable Australian Standard where it varies from the Clause requirements.

Also, the traffic study included with the application identified conflict points in the design of the aisle turnaround, despite the minimum aisle widths being met. The study suggests that ideally the aisle widths would be increased, however the conflicts may be acceptable due to the access times reducing the number of conflicts (i.e. entrance in the morning / exit in the evening), as there is sight line distance available for the entering car to hold to wait for the exiting car, and as mirrors could be included to provide greater sight lines. A condition is included on the development permit to confirm this issue is resolved.

Clause 6.6 (Loading Bays) provides for the loading and unloading of vehicles associated with the use of the land. The clause requires one loading bay given the 111m² commercial tenancy on the ground floor. The applicant has provided general comments that delivery vehicles are not expected to require access to the car park. The City of Darwin has also not raised any concerns with regard to the provision of loading for this application, and further has indicated a preference for on-street loading for the related application at Lot 2365 Town of Darwin. There is an existing loading zone in Litchfield Street which is proposed to be retained albeit relocated further to the south-east as part of the upgrade works intended along Litchfield Street. The Authority considered that in this instance a variation to allow the commercial tenancy to operate without a designated loading bay on site was justified given the provision of existing on-street loading bays in the immediate vicinity and that Council raised no concerns.

Clause 8.2(m) of the Planning Scheme requires that developments provide landscaping to reduce the visual impact and provide shade and screening of open expanses of pavement and car parking. The consent authority initially deferred consideration of the application to allow the applicant to provide further information and amended plans in response to this clause requirement. While shade sails have now been included on the rooftop which the applicant states will provide shade and weather protection for the users of the car park and break up the solid form of the rooftop, reducing the visual impact, the Authority require that further amended plans be provided to extend the provision of the shade sails and details to address reflectivity and glare with regard to the materials and colours selected, given the public submissions received during the assessment process, and to minimise the impact of the development on the adjoining land. No landscaping on the rooftop is proposed and the Authority noted the applicant's comments that they consider there are three major impracticalities:

impact on design and functionality; cost implications; and ongoing maintenance requirements. The applicant also considers that while it is not expressly written in the NT Planning Scheme, it is suggested that the intent of Clause 8.2(m) relates to at grade car parking and street interfaces and not the rooftop level of a multi-storey car park. The applicant's comments regarding the aisle widths being larger than that typically required through Clause 6.5.3 of the Planning Scheme to allow for appropriate vehicle access are noted. The Authority also notes the applicant's commitment to funding to provide an improved pedestrian experience along Litchfield Street at ground level through the provision of additional landscaping works.

5. Pursuant to section 51(m) of the *Planning Act*, 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.

The deferral of the application allowed additional time in which public submissions could be received in relation to the further material provided during assessment, to ensure an adequate time for review for interested persons and consideration by the consent authority of those submissions. During the original exhibition of the proposal, 4 public submissions were received, plus 1 late submission. Prior to the public hearing, 1 further submission was received citing that insufficient notice was provided to accept public comments.

Of the original submissions received and of those submissions made in person at the public hearing, the consent authority has taken into account the matters raised. The concerns include the height of the building impacting on the amenity of adjacent lots, that a car park was incompatible and that appropriate separation should be included, that breezes would be reduced, that no landscaping was included, that the building would retain heat, and that the use would create undue noise, cars would be reflective, there would be privacy impacts, that Litchfield Street is inadequate to provide for the development, and also with regards to building requirements. The submissions also proposed instead that spending be made on promoting bicycle access and public transport rather than car parking.

The Authority considers that the purpose of Zone CB (Central Business) is to provide for a diversity of activities, and with a commitment to the separation of incompatible activities. The development of a car park in a mixed use zone is not considered an incompatible land use activity, and amenity should be considered in the context of the mixed use zone in which it is located. The changes made by the applicant during assessment of the application including separating the car park roof from the podium levels of the adjacent buildings by over 5m is noted as addressing the majority of concerns raised and is considered an appropriate degree of separation. One of the 4 submissions received confirmed no further objections to the car park as a result of the design amendments given the applicant has confirmed limits to lighting and the provision of roller doors to secure the building at night.

There was also a concern that the application was submitted in two parts (office and car park developments), and whilst each could be separately determined, the Authority has chosen to proceed with considering both applications in parallel.

As a result of the submissions received, further information was requested with regard to the sub-clause 8.2(m) of the Planning Scheme.

Further comments were invited by interested parties following the initial deferral of the application and on the further material provided. The further comments received included amended plans showing shade sails on the car park roof. Further submissions raised concerns with a potential security issue of the clearance between the shade sails and the adjacent buildings parapet wall, however the consent authority determined that the vertical separation between the top of the shade sails and the adjacent building wall is sufficient. Further submissions also raised concerns with regards to the design and colour of the shade sails, and conditions have been imposed by the Authority to require further details to address glare and reflectivity with regards to the design of the shade sails.

A concern was raised regarding the emission of lighting from the site and the consent authority determined that condition 28 is satisfactory in requiring that general building lighting be designed, located and baffled to prevent adverse amenity impacts to adjacent properties.

6. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development and the effect of the development on land and on other land, the physical characteristics of which may be affected by the development. Also, pursuant to section 51(m) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated.

The application was initially deferred by the consent authority to allow for further resolution of the traffic concerns raised in the technical comments by the City of Darwin dated 15 May 2018. The consent authority received confirmation from the City of Darwin that the Litchfield/Cavenagh Street intersection would be incapable of accommodating the development unless/until such time that the Barneson Boulevard extension had been completed. If the Barneson Boulevard extension had not occurred at the time, then the developer would be required to make Litchfield Street two-way between Knuckey Street and the car park to ensure the development is suitably accommodated. The consent authority imposed conditions to ensure this requirement is clear on the development permit.

The overall height and scale of the development is consistent with that anticipated in the Darwin CBD with respect to the capability of the land and the effect on surrounding properties. Comments by the City of Darwin, Power and Water Corporation, Transport and Environment divisions of the Northern Territory Government, the Department of Defence and Darwin International Airport have been sought in relation to the capability of the land including the servicing requirements,

easements, and building heights. The Power Networks division of the Power and Water Corporation have requested that the subject lots be consolidated as only one point of power supply will be allowed for the development. Service authority comments are addressed through the inclusion of appropriate conditions and/or notations on the development permit.

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

The impact on amenity should be considered in context of the site and its surrounds, with the development being consistent with the broader intent of Zone CB (Central Business) and applicable clauses, including the overall height and scale of the building. The purpose statement of Zone CB is to provide for a diversity of activities ... with a commitment to the separation of incompatible activities. The development of a car park in a mixed use zone is not considered an incompatible activity, with amenity considered in the context of the surrounding mixed land uses and it is typical that multi-storey buildings include above ground car parking. The height of the walls from the upper level is assessed as being vertically separated from the adjoining mixed use building podium walls by a minimum of 5.21m which assists in minimising direct headlights.

ACTION

Notice of Consent and Development Permit

**ITEM 8
PA1981/0379
APPLICANT**

**VARIATION TO DEVELOPMENT PERMIT – DV898
LOT 5396 (18) CAVENAGH STREET, TOWN OF DARWIN
MASTERPLAN NT**

Mr Jack Priestley, Ms Kelsey Fetherstonhaugh and Mr Joseph Sheridan (MasterPlan), Mr William Phillips and Ms Kirby Dickenson (Sandran), and Mr Michael Grassi (Podia) attended.

**RESOLVED
143/18**

That, pursuant to section 57(3)(a) of the *Planning Act*, the Development Consent Authority consent to the application to vary Instrument of Determination DV418 and DV898 for the purpose of ensuring the ongoing provision of car parking associated with the development on Lot 5396 Town of Darwin by deleting condition 4 and 6 of DV418 and including the following conditions:

GENERAL CONDITIONS

1. 88 car parking spaces are to be made available on Lots 2396 and 2397 Town of Darwin (and the subsequently consolidated allotment) for the development approved through DV418, DV898 and its subsequent variations, located at Lot 5396 Town of Darwin. Where car parking spaces are temporarily unavailable due to construction being undertaken on Lots 2396 and 2397 Town of Darwin, 88 car parking spaces will be provided at a convenient alternate location, to the satisfaction of the consent authority.
2. If the 88 spaces designated for the development approved through DV418, DV898 and its subsequent variations, located at Lot 5396 Town of Darwin

cease to be available at any time in the future, then the owner of Lot 5396 Town of Darwin must supply 88 car parking bays for the duration and benefit of Lot 5396 Town of Darwin at a place or places proximate to the site, to the satisfaction of the consent authority or instead pay a monetary contribution to the City of Darwin in accordance with Part 6 of the *Planning Act* for the same number of spaces.

REASONS FOR THE DECISION

1. The proposed variation to substitute conditions 4 and 6 of DV418 with the abovementioned conditions will ensure the ongoing provision of the required 88 spaces associated with the development on Lot 5396 Town of Darwin and will ensure that DV418 and DV898 remain current and valid. The wording of condition 1 not only ensures the ongoing provision of the 88 spaces, but also the temporary provision of the spaces at an alternate location while construction is being undertaken on Lots 2396 and 2397 Town of Darwin. Condition 2 gives flexibility to the landowner and security to the consent authority that if the required 88 spaces associated with the development on Lot 5396 Town of Darwin cease to be available at any time in the future then the landowner of Lot 5396 Town of Darwin must provide the spaces at an alternate location or pay a monetary contribution to the City of Darwin.

ACTION

Development Permit

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

SUZANNE PHILIP
Chair

21 AUGUST 2018