DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 282 – FRIDAY 9 SEPTEMBER 2016

BILLABONG ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: John Gleeson (Deputy Chair), Doug Phillips, Bob Elix and Emma Young

APOLOGIES: Denis Burke (Chairman),

OFFICERS PRESENT: Kate Walker (Secretary), Adelle Godfrey, Sarah Gooding, Amit Magotra, Walter Hawkins and May Banh

COUNCIL REPRESENTATIVE: Nil
Meeting opened at 9.35 am and closed at 10.00 am
That, pursuant to section 101(3)(c) of the Planning Act, in the Chairman’s absence the members of the Darwin Division of the Development Consent Authority elect John Gleeson to preside at the meeting held on Friday 9 September 2016.

ITEM 1 CHANGE OF USE FROM OFFICE TO HOTEL (WINE BAR AND CAFE), INCLUDING BEER GARDEN AND RETENTION OF EXISTING UPPER LEVEL DWELLING FOR USE AS A CARETAKER’S RESIDENCE LOT 2785 (3) HARRIET PLACE, TOWN OF DARWIN

APPLICANT NORTHERN PLANNING CONSULTANTS PTY LTD

Mr Brad Cunnington from Northern Planning Consultants attended with Mr Andrew Giles and Ms Pippa Ainsworth.

RESOLVED That/ the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 2785 (3) Harriet Place, Town of Darwin for the purpose of change of use from office to hotel (wine bar and cafe), including beer garden and retention of existing upper level dwelling for use as a caretaker’s residence, 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. two car parking spaces and one shared car parking / loading space to the rear portion of the site.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a waste management plan including details of waste bin storage and pick-up to the requirements of the City of Darwin and the Crown Land Estate Division of the Department of Lands, Planning and the Environment, to the satisfaction of the consent authority. The plan is to demonstrate details of the loading bay including swept path diagrams for the proposed delivery/loading/servicing vehicles proposed to the rear of the site and shall demonstrate that all loading will be undertaken within Lot 2785, with the exception of traversing through Crown Lot 5784 to gain access to Lot 2785.
3. 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.

4. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan (ECMP) to the requirements of the City of Darwin. 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, the use of City of Darwin land during construction and how the subject site will be managed during the construction phase.

5. Prior to the commencement of works, sanitary drainage plan showing all trade waste details for the building development shall be submitted to Power and Water for review and approval. A trade waste discharge agreement must be entered into prior to the commencement of works.

GENERAL CONDITIONS

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

7. The floor layout as shown on the endorsed plans must not change without the further consent of the authority.

8. Lot 5784 shall not be blocked by any vehicles relating to the development (staff, rubbish, delivery and so forth) for substantial periods of time, to the satisfaction of the consent authority.

9. The owner of land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, and electricity services to the development shown on the endorsed plans in accordance with the authorities’ requirements and relevant legislation at the time.

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. All new 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 slot screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.

12. Any new 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 placed in accordance with the requirements of the consent authority.
appropriately screened, or designed to soften the visual impact of such equipment from view from neighbouring or nearby developments (or developments reasonably anticipated).

13. All new 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.

14. Any new 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. Detail 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.

15. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.

16. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

17. Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the General Manager Infrastructure, City of Darwin and all approved works shall be constructed at the applicant’s expense, to the requirements of the City of Darwin.

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 to determine the Corporation’s servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. The Environment Protection Agency of the Department of Lands, Planning and the Environment 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. Notwithstanding the approved plans, any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin, at no cost of Council.

4. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within the City of Darwin’s road reserve is subject to Council’s approval and shall meet Council’s requirements, to the satisfaction
5. The City of Darwin advises that all street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of the City of Darwin.

6. The use as defined by the Northern Territory Planning Scheme comprises a hotel. The applicant has described the use of the hotel as a wine bar and café during the day. The proposal as considered by the authority comprises the serving of finger food and drinks only, with no food cooking conducted at the premises. Food will be delivered from another business, currently operated by the same business owner.

7. The use 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.

8. The City of Darwin advises that prior to occupation, the applicant shall ensure that a building number, in accordance with City of Darwin By-Laws, is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction of, and at no cost to the City of Darwin.

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 application proposes the change of use of the existing office to café/hotel (wine bar) on the ground floor and the retention and use of an existing residence on the first floor as a caretaker's residence which is consistent with the primary purpose of Zone CB (Central Business) in providing for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities.

2. A reduction under the requirements of Clause 6.5.2 (Reduction in Parking Requirements) for less on-site parking is granted having considered all relevant matters specified in Clause 6.5.2. Clause 6.5.1 (Parking Requirements) would normally require 16 spaces per 100m² for a lounge bar or beer garden, or 56 car parking spaces in total for the development including for the hotel, beer garden and upper level caretakers residence. The authority had regard to the proposed use and analysis of similar uses existing in the Darwin CBD as contained in the Aurecon Central Darwin Car Parking Generation and Utilisation Study (2010). A rate of 3.4 spaces for every 100m² of net floor area is determined to be appropriate, which equates to a lower demand of 12 spaces. The anticipated car parking generation is for a hotel use that provides a focus on dining, which is considered to be less intensive than a typical nightclub use.
Further, the authority had regard to the provision of car parking spaces in the vicinity of the land. The authority considered the site's history with historically no parking provided on site, and the unique location with access to street parking along Harriet Place. The applicant provided anecdotal evidence to support the availability of car parking during the anticipated peak demand time on Friday and Saturday nights. During the day, the use would operate more as a café with a parking rate consistent with that of the existing office with no additional demand anticipated.

3. Despite the reduction to the parking requirements for visitors to the hotel, the authority determined that amended plans are required demonstrating two car parking spaces plus a shared car parking / loading space to provide parking for a caretaker and staff of the hotel, as the rear portion of the site has the potential to provide on site car parking. The authority acknowledges that a reduced size loading space may be provided pursuant to Clause 6.6 (Loading Bays) of the Planning Scheme given the limited size of Lot 2785, provided loading is to the requirements of the City of Darwin and the Crown Land Estate division of the Department of Lands, Planning and the Environment in preparing the waste management plan as conditioned. A shared car parking / loading space is considered preferable to maximise the provision of on-site parking.

4. The development proposes the re-use of an existing building and minimum upgrades are proposed to the Harriet Place façade. The proposal exceeds the active street frontage requirements to Harriet Place.

5. Pursuant to Section 51(p) of the Planning Act, the consent authority must take into consideration the broader public interest. Further, pursuant to Section 51(e) of the Planning Act, the consent authority must take into consideration any submissions made under Section 49 in relation to the application. No public submissions were received for the development.

ACTION:

Notice of Consent and Development Permit

ITEM 2

CHANGE OF USE FROM WAREHOUSE TO LEISURE AND RECREATION (DANCE STUDIO)

PA2016/0428

LOT 9674 (18) CARYOTA COURT, TOWN OF NIGHTCLIFF

APPLICANT

NICOLE WHEELER

Ms Nicole Wheeler attended with Mr Stuart Bolger and Kara Bolger. Mr Bolger tabled three images from his iPad.

RESOLVED

That the Development Consent Authority determine to reduce the car parking pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 9674, Unit 8 (18) Caryota Ct, Coconut Grove, Town of Nightcliff for the purpose of the change of use from warehouse to leisure and recreation (dance studio), subject to the following conditions:
CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2016/0428/01 and 2016/0428/02, endorsed as forming part of this permit.

2. 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.

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.

4. Waste bin storage shall be provided to the requirements of City of Darwin to the satisfaction of the consent authority.

5. Group dance classes must only be scheduled between the hours of 5:30-10:00pm Monday to Friday, and any time on weekends, to the satisfaction of the consent authority.

6. Drop-off and pick-ups of patrons must be conducted within the parking area of Lot 9674, to the satisfaction of the consent authority.

NOTES:

1. The applicant is advised to engage a building certifier, within the meaning of the Building Act, as to whether the building/s comply with the Building Act and associated Regulations.

2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

3. The applicant is advised any proposed changes to the class scheduling times as conditioned through this permit will require the further consent of the authority.

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. ‘Leisure and recreation’ is considered a discretionary use within Zone LI. The application is consistent with the purpose of Zone LI as the nature of the proposed dance studio is not expected to have a detrimental impact on adjoining or nearby land.

The use generates a demand for 13 car parking spaces under Clause 6.5.1 (Parking Requirements) with 3 spaces provided on site. Taking into account the parking shortfall, a reduction under Clause 6.5.2 (Reduction in Parking Requirements) is granted since:
• Originally the proposal included classes scheduled between 3:30pm and 8:30pm on weekdays. The proposal was amended by the applicant at the hearing in response to concerns regarding the availability of car parking during business hours. The amended class times are 5:30pm – 8:30pm weekdays, and one class on weekends.

• Class times are restricted to times outside of standard business hours, when the applicant has consent from a neighbouring tenancy on the same lot to utilise 5 additional spaces, and when Caryota Court is expected to be less busy, to cover any parking overflow.

• Parents of 6 – 14 year old dancers will utilise on-site drop-offs and pick-ups, thereby reducing the number of car parks required at any one time. The applicant confirmed that drop-offs and pick-ups would occur on-site, as opposed to on Caryota Court, to ensure pedestrian safety. The applicant also confirmed that drop-offs and pick-ups would be managed by the proponent.

• Based on the information provided by the applicant, the average class size is to be around 10 students, with a maximum class size of 15. The parking provided is deemed to be sufficient to meet the requirements of these class sizes given parents will utilise on-site drop-offs and pick-ups. The class scheduled for the weekend is to have a maximum of 8 ‘tiny-tots’ students with sufficient parking deemed to be available at this time for the class duration.

2. 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.

It is considered that the change of use from warehouse to leisure and recreation is consistent with the type of development currently taking place, and reasonably anticipated to take place within Caryota Court. The proposed car parking shortfall is offset by restrictions on class times, and the permission to utilise car parking from neighbouring tenancies.

3. Pursuant to Section 51 (e) of the Planning Act, the consent authority must take into consideration any submissions made under Section 49 in relation to the development application. No public submissions were received for the application.

ACTION: Notice of Consent and Development Permit

ITEM 3 GARAGE ADDITION TO EXISTING SINGLE DWELLING WITH A REDUCED FRONT SETBACK
PA2016/0425 PORTION 2504 (33) LAKES CRESCENT, HUNDRED OF BAGOT
APPLICANT PROJECT BUILDING CERTIFIERS PTY LTD

Mr Craig Harvey attended on behalf of Project Building Certifiers Pty Ltd with Mr Mark McKee
RESOLVED
182/16

That, the Development Consent Authority vary Clause 6.11 (Garages and Sheds) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 2504 (33) Lakes Crescent, Hundred of Bagot for the purpose of a garage addition to an existing single dwelling with a reduced front setback, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2016/0425/01 to 2016/0425/02 endorsed as forming part of this permit.

3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

4. The 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 plan in accordance with the authorities' requirements and relevant legislation at the time.

5. 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.

6. Before the use 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.

7. The landscaping shown on endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (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 Environment Protection Agency of the Department of Lands, Planning and the Environment 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.

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 NT Planning Scheme applies to the land. Lot 2540, Hundred of Bagot is identified in Zone SD (Single Dwelling Residential) of the NT Planning Scheme and is surrounded by lots predominantly developed as single dwellings. The primary purpose of Zone SD is to provide for single dwellings on individual lots. As the garage is considered an ancillary structure to the existing single dwelling it is determined that the proposal is consistent with the purpose of the zone.

A variation to Clause 6.11 (Garages and Sheds) is granted for a reduced front setback as it appears to be the most practical solution to site the garage as there is limited opportunity on the site to locate the garage elsewhere due to the location of the existing dwelling. Also the proposed location is considered appropriate given that it will utilise an existing driveway crossover. Further,

- the variation to the reduced front setback is quite minor (5.5m) and will not have any detrimental effect on the streetscape and adjoining land; and
- the landscaping proposed adjacent to the shed along with existing vegetation assists to minimise any adverse effects of building massing when viewed from street.

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 no significant issues were identified that area unable to be addressed by the inclusion of conditions on the development permit. Conditions requested by City of Darwin and PWC (Power) are included on the development permit.

ACTION: Notice of Consent and Development Permit
ITEM 4 CARAVAN PARK ADDITION TO EXISTING MOTEL
PA2016/0434 SECTION 6587 (378) STUART HIGHWAY, HUNDRED OF BAGOT
APPLICANT AMINJARRINJA ENTERPRISES ABORIGINAL CORPORATION

Mr Michael Alakiotis attended with Mr Scott Forster

RESOLVED
183/16 That the Development Consent Authority determine to vary the requirements of clause 7.10.2 (Caravans) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Section 6587 (378) Stuart Hwy, Hundred of Bagot for the purpose of a caravan park addition to existing motel, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, the applicant is to obtain confirmation from the Department of Transport for the use of caravans accessing the site from the Stuart Highway, to the satisfaction of the consent authority.

2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin’s stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council’s stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council’s system.

3. 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 City of Darwin. 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.

4. 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.

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, to the satisfaction of the consent authority.

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with drawing number 2016/0434/01 and 2016/0434/02, endorsed as forming part of this permit.

6. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.

7. 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.

8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

9. 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.

10. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Department of Transport and 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.

11. The existing access to Section 6587 from the Stuart Highway shall be used as an entry to the Caravan Park development only, to the requirements of the Department of Transport to the satisfaction of the consent authority. Vehicles towing caravans shall exit the site via the Sadgroves Crescent access only and shall not be permitted to exit the site onto the Stuart Highway.

12. All proposed works impacting on the Stuart Highway is to be in accordance with the standards and specifications of the Department of Transport, to the satisfaction of the consent authority. Drawings must be submitted to the Transport Infrastructure Planning Division of the Department of Transport for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it.
Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
13. Access to the site for construction purposes is prohibited from the Stuart Highway to the requirements of the Department of Transport, 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, to the satisfaction of the consent authority.

15. Building materials must be selected so as to not create reflective glare for aircraft operations, to the satisfaction of the consent authority.

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. 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.

18. 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.

19. Soil erosion and dust control measures must be employed through the construction stage of the development to the satisfaction of the consent authority.

20. 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, to the requirements of the Department of Transport to the satisfaction of the consent authority.

21. The use of the land is to not attract birds that would create a hazard for aircraft operations, to the satisfaction of the consent authority.

NOTES

1. Notwithstanding the approved plans, all signage is subject to City of Darwin and Department of Transport approval, at no cost to Council. The Department of Transport advises 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.
2. 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.

3. 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.


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 primary purpose of Zone SC is to provide for commercial activities which, because of the nature of their business or size of the population catchment, require large sites. A ‘caravan park’ is a use that requires a larger site, and would normally be a prohibited use in Zone SC. As the primary use of the land is for ‘motel’, and the ‘caravan park’ element is ancillary, a ‘caravan’ park becomes a discretionary use and is permitted with consent.

2. A variation to clause 7.10.2 (Caravans) of the Northern Territory Planning Scheme is granted as the addition of 25 caravan sites will be ancillary to an existing motel development (Leprechaun Motel and Restaurant) and will fall under the same management. The caravan sites are to be located in the south western portion of Section 6587. The development has street frontage to Sadgroves Crescent and will be set back approximately 85m from the Stuart Highway frontage, behind the existing two-storey motel building. Additional landscaping is proposed along the Sadgroves Crescent frontage. Given that the site is surrounded by service commercial and industrial developments, there will be no impact upon any residential uses. For the reasons above, it is considered that the siting of a small ancillary caravan park is appropriate upon Section 6587.

3. Pursuant to section 51(j) of the Planning Act, the consent authority must consider the capability of the land to which the proposed development relates to support the proposed development, and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The site is situated within the 20 – 25 Australian Noise Exposure Forecast (ANEF) of the Darwin International Airport, where the development of a caravan park is conditionally acceptable. Visitors to the caravan park will be subject to noise from aviation activities at the airport, however will be limited to short stays only. The consent authority determined that it would not be practical to attenuate noise given the nature of the development.
the use as a caravan park, and also noted that restrictions were not imposed on previous approvals at the site.

Given caravans will enter the site from the Stuart Highway, the consent authority seeks further advice through condition from the Department of Transport regarding the access.

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 5 CHANGE OF USE FROM WAREHOUSE TO LEISURE AND RECREATION (UNIT 1) WITH 9 OVERFLOW PARKING SPACES PROVIDED ON SECTION 6132
PA2016/0446 SECTION 6131 (4) ARISTOS PLACE, HUNDRED, OF BAGOT
APPLICANT CROSSFIT TOP END PTY LTD

Mr Michael Ladler attended on behalf of the applicant.

RESOLVED That the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Car Parking Requirements), and vary 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 6131 (4) Aristos Place, Hundred of Bagot for the purpose of a change of use from warehouse to leisure and recreation (Unit 1) with 9 overflow parking spaces provided on Section 6132, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawing number 2016/0446/01, endorsed as forming part of this permit.

2. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.

3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
NOTE

1. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

2. There is a shortfall of 9 parking bays on the site. As these are accommodated within an informal overflow parking area on Section 6132, future applications may be impacted in the event that Section 6132 is redeveloped.

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 ‘leisure and recreation’ development is for a fitness training centre (CrossFit NT) and is located within an existing building within Zone GI (General Industry of the NT Planning Scheme. ‘Leisure and recreation’ is listed as a consent use within the subject zone. The gym is relatively small in size and will provide a service to employees within the surrounding area. Given the early sessions of 5:30am and the potential noise created by the centre, it is considered appropriate to site the centre within a zone that lacks residential uses (with the exception of caretakers’ residences).

2. A reduction in car parking pursuant to Clause 6.5.2 (Reduction in Parking Requirements) is considered appropriate for the use in consideration of the following matters:

   The specific nature of an CrossFit fitness centre, and the specific nature of the proposed use within the subject tenancy, is such that the application of an alternative approach to car parking rather than the broad leisure and recreation car parking rate (which itself isn’t specifically tailored to gyms) is appropriate. The group fitness sessions will occur before or after standard working hours; classes are to predominantly occur outside of standard business hours (5:30am to 7:30pm and 4:30pm – 7:30pm Mondays to Fridays; and 9:15am-10:30am on Saturday). Weekday morning and evening classes are designed to facilitate attendees before, after or otherwise outside work hours, and as such will occur when demand for parking on-site from the other tenancies is low. A potential overlap may be during the 4:30pm class, which is still within business hours and the adjoining Section 6132 can be used for parking purposes during this time.

   In summary, given the nature of the proposed use, the availability of after hours car parking within the complex and the parking agreement with the owners of Section 6132, the proposed use is not likely to create an undue demand on available car parking and a reduction in the required parking pursuant to Clause 6.5.2 is considered appropriate.

3. A variation to Clause 6.5.3 (Parking Layout) is granted for the provision of 9 spaces to be provided informally with parking spaces not sealed, drained or line marked given this relates to overflow spaces only.
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 given its location within Zone GI (General Industry) of the NT Planning Scheme.

**ACTION:** Notice of Consent and Development Permit

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

DENIS BURKE
Chairman

14/9/16

These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.