



## **DEVELOPMENT CONSENT AUTHORITY**

### **DARWIN DIVISION**

### **MINUTES**

**MEETING No. 345 – FRIDAY 18 OCTOBER 2019**

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

**MEMBERS PRESENT:** Suzanne Philip (Chair), Mark Blackburn, Marion Guppy and Simon Niblock

**APOLOGIES:** Peter Pangquee and Mick Palmer

**OFFICERS PRESENT:** Breanna Lusty (A/Secretary), Dawn Parkes, Amit Magotra and Richard Lloyd (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** James Whyte, Brian Sellers, Peter Heffernan and Conneil Brown

**Meeting opened at 10.30 am and closed at 11.45am**

**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**

**PA2019/0085 CHANGES TO THE CAR PARKING AREA ASSOCIATED WITH AN EXISTING COMMERCIAL DEVELOPMENT (WOOLWORTHS)  
LOTS 1515 & 1516 (7 & 5) SEARCY STREET & LOT 7118 (47) CAVENAGH STREET, DARWIN CITY, TOWN OF DARWIN  
APPLICANT/S MASTERPLAN SA PTY LTD**

Joseph Sheridan (Masterplan SA Pty Ltd) attended.

Brad Cunnington (Northern Planning Consultants Pty Ltd) and Tim Dixon (National Trust NT) attended.

**RESOLVED  
169/19**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 7118 (47) Cavenagh Street, Lot 1515 (7) Searcy Street and Lot 1516 (5) Searcy Street, Town of Darwin, for the purpose of changes to the car parking area associated with an existing commercial development (Woolworths), 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:

- Details of agreement between the applicant and City of Darwin regarding proposed traffic arrangements for Searcy Street. Consideration is also to be given for a potential exit from the car parking area onto Cavenagh Street.
- Provision of amended plans showing landscaping along the boundary of the site with Searcy Street consistent with subclause 6 of Clause 6.3.3 (Urban Design Requirements in Central Darwin) and subclause 3(g) of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme. Any variations sought to these clauses must be clearly justified under Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Scheme.
- Provision of amended plans and/or details showing anticipated pedestrian movement within the car parking area with particular regards to pedestrian safety.

**REASONS FOR THE DECISION**

1. City of Darwin does not support the restriction of the two existing loading zones at the north-eastern end of Searcy Street to “No Stopping” during peak traffic periods. It also does not support the two-way traffic for Searcy Street, which relies on vehicles pulling over in gaps of parking bays to provide passing opportunities. This issue needs to be resolved prior to the issue of any development permit for the proposal particularly as any changes to the arrangements of Searcy Street could potentially also have an impact on the proposed crossover and layout of the carpark. Consideration for a potential exit from the car parking area onto Cavenagh Street is also required to determine whether traffic flow within the car parking area can be further improved. Additionally, the Authority notes that the Traffic Impact Statement adopts traffic generation rates identified in the NSW Roads and Maritime Services’ “*Guide to Traffic Generating Developments*” (the RMS Guide) and on the basis of that guide identified relevant peak hour traffic generation as

Friday 5pm to 6pm and Saturday mid-afternoon. The Authority considered that, given the standard NT Public Service finishing time is 4.21pm, that the period of 5 – 6pm cannot be considered a peak hour for traffic generation in the Darwin CBD. Nor is there any evidence to suggest that, given the conditions prevailing in the Darwin CBD, that Saturday afternoon could be considered a peak hour.

2. The Authority considers that the proposed landscaping along the boundary of the site with Searcy Street is insufficient and should generally comply with Clause 6.3.3 (Urban Design Requirements in Central Darwin) and Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme. Any variations sought to these clauses must be clearly justified under clause 2.5 (Exercise of Discretion by the Consent Authority) of the Scheme. The Authority also noted that the proposed provision of 6 shade trees seems to intrude into Darwin City Council land.
3. The Authority determined that consideration should be given to amending the design or providing additional detail of anticipated pedestrian movement within the car parking area with particular regards to pedestrian safety, as it is not clear from the current plans how pedestrian safety is considered. It is noted that a new pedestrian walkway to/from the entrance of the store to the car park is proposed but it terminates opposite the new parking area. Additionally, it is not clear how pedestrians are expected to access the store entrance from Searcy Street other than walking through the vehicular driveway.
4. While not a point of deferral, the Authority noted the comments from the Heritage Division in which they requested inclusion of a condition precedent on any permit issued requiring the documentation of the existing houses on site and that this information be provided to the Heritage Division for its records. Tim Dixon from the National Trust NT attended the meeting on 18 October 2019 and addressed the Authority. Mr Dixon acknowledged and supported the comments made by the Heritage Division noting that these houses had attracted significant comment from National Trust members. Mr Dixon encouraged the applicant to install interpretative panels on the site if possible to recognise the heritage value of the site and the history of the family that had lived there. The applicant noted that notwithstanding any permit issued, the site on Searcy Street will remain in the ownership of the family and therefore any interpretive material would require their approval.

**ACTION:** Notice of Deferral

**ITEM 2**

**PA2019/0157**

**RECONSIDERATION: ALTERATIONS AND ADDITIONS TO AN EXISTING SHOPPING CENTRE (CASUARINA SQUARE)  
LOT 9576 (247) TROWER ROAD, CASUARINA, TOWN OF NIGHTCLIFF  
NORTHERN PLANNING CONSULTANTS PTY LTD**

**APPLICANT/S**

Brad Cunnington (Northern Planning Consultants) attended.

Ryan Prescott and Mark Saldanha (Cardno) attended.

**RESOLVED  
170/19**

That, the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Parking Requirements) and vary the requirements of 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 1999*, consent to the application to develop Lot 9576 (247) Trower

Road, Town of Nightcliff for the purpose of alterations and additions to an existing shopping centre (Casuarina Square), 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 must be provided to the requirements of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics to the satisfaction of the consent authority. The traffic impact assessment shall identify the impact of increased trips generated as a result of the development and analyses of the five identified intersections along Trower Road as a network at am/pm peak times.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment must be provided to the requirements of the City of Darwin to the satisfaction of the consent authority. The traffic impact assessment shall include risk assessment around the northern Trower Road access to site, due to the proximity of the next driveway and potential conflict of vehicles turning left from Trower Road into the adjacent site, to reduce risk of conflict.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to provide written confirmation regarding acceptance of design from the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics on the proposed pedestrian access to the bus interchange through the basement car park.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a site stormwater drainage schematic plan demonstrating the on-site collection of stormwater and its discharge into the local stormwater drainage system shall be submitted to and approved by the City of Darwin and/or Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics as the case may be, to the satisfaction of the consent authority. The plan shall show the relevant drain connections point/s and indicate how stormwater will be collected on site and discharged to the relevant authorities' drainage system.
5. 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. The plans must be generally in accordance with the plans submitted with the application but modified to show any changes required as a result of compliance with Conditions Precedent 1, 2 and 3.
6. Prior to the commencement of works (including site preparation), an Environmental and Construction Management Plan (ECMP) is to be submitted to and approved by the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics and/ or the City of Darwin as the case may be, to the satisfaction of the consent authority. The ECMP should specifically address the following:
  - a) Impact of proposed works on Trower Road bust stop;
  - b) Potential impact on the bus interchange during demolition and construction works;

- c) Pedestrian access arrangements to the bus interchange during demolition and construction works;
  - d) Waste management;
  - e) Traffic control;
  - f) Haulage routes;
  - g) Stormwater drainage;
  - h) Use of City of Darwin land; and
  - i) How this land will be managed during the construction phase .
7. Prior to the commencement of works (including site preparation), the applicant is to prepare designs and specifications for landscaping of the road reserve adjacent to the property, to the requirements of City of Darwin, to the satisfaction of the consent authority.
  8. Prior to the commencement of works (including site preparation), the crossover and driveway design shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.
  9. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin.

#### **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. Any proposed works (including the provision or connection of services) within, or impacting upon the Trower Road road reserve shall be designed, supervised and certified on completion by a practicing and registered Civil Engineer, and shall be in accordance with the standards and specifications of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
12. 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 land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
13. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
14. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics and the City of Darwin as the case may be, to the satisfaction of the consent authority.
15. The owner shall:
  - a) remove disused vehicle and/ or pedestrian crossovers;
  - b) provide footpaths/ cycleways;
  - c) collect stormwater and discharge it to the drainage network; and
  - d) undertake reinstatement works;

all to the technical requirements of and at no cost to the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics and the City of Darwin as required, to the satisfaction of the consent authority.

16. Before the use/occupation of the development starts, the areas set aside for 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.
17. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics and the City of Darwin as the case may be, to the satisfaction of the consent authority.
18. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
19. Before the occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
20. 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.
21. 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.
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. 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).
24. The loading and unloading of goods from vehicles must only be carried out within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land.

## Notes

1. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/wastepollution/guidelines/guidelines>.

The proponent is advised to take notice of the SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS provided by DENR.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

2. Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and the Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
3. This development permit does not grant building approval. You are advised to contact a NT registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
4. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/newdevelopments/builders-designers.html>
5. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
6. The 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 City of Darwin.

7. Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
8. Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
9. Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
10. 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 2011* and Regulations, the *NT Food Act 2004* and National Food Safety Standards.

## REASONS FOR THE DECISION

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

The land is located in Zone C (Commercial) of the Northern Territory Planning Scheme (NTPS) of which the purpose is to provide for a range of business and community uses. The zone applies to shopping areas ranging from neighbourhood convenience shopping to regional centres. The zone also provides that development should be of a scale and character appropriate to the service function of a particular centre; respect the amenity of adjacent and nearby uses; and promote community safety in building design, having regard to adjacent and nearby uses.

The proposal comprises alterations and additions to an existing shopping centre 'Casuarina Square' which is identified as a "Primary Activity Centre" in the Darwin Regional Land Use Plan. The scale of the development is considered appropriate to the service function of the existing shopping centre as a primary centre and is sufficiently separated from sensitive land uses, including residential uses to the east of Trower Road.

2. The purpose of Clause 6.5.1 (Parking Requirements) of the NTPS 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. While the NTPS provides the car parking assessment as per Net Floor Area (NFA), for shop uses, the Development Consent Authority at the time of previous development approvals for the existing development considered Gross Lettable Area (GLA) for car parking assessment. The previous approvals granted for the existing development has considered the parking rate of 4.52/100m<sup>2</sup> of GLA instead of 6/100m<sup>2</sup> of NFA. The assessment notes that the existing parking rate for the shopping centre is 4.48/100m<sup>2</sup> of Gross Lettable Area – Retail (GLAR). The application states that the variation between the current parking provision and the identified 4.52/100m<sup>2</sup> GLA in the previous approvals is likely due to inconsistencies between the methods used to determine the GLA. The application provides a detailed assessment of the criteria for the determination of GLA considered as part of previous approvals and the current application. The application states that according to the previous approvals GLA "*includes floor space that is not assessable for parking under this clause, including*



*lunchrooms, loading docks, toilets and showers that form part of the tenancy areas of the larger tenancies.*” However, the Property Council of Australia’s method for calculating floor space is GLAR which includes *“the total floor space measuring from the internal finished surface of external walls or from the centre line of inter-tenancy walls, whichever is deemed appropriate. Shopfronts outside, on, or inside the mall line are measured from the mall line or from the external finished surface, whichever is deemed appropriate, and the area calculation is the aggregate of floor space contained within a tenancy at each floor level”*. As this is broadly accepted as the appropriate method of measurement to calculate retail tenancy areas in shopping centres, commercial buildings, stripshops, free standing shops and semi-detached or terrace-type shops in suburban streets the existing and proposed area provided in the proposed development is based on the GLAR definition.

The assessment notes that as per the most recent approval granted for the shopping centre (under DP15/0306) the GLA of the shopping centre is 53812.2m<sup>2</sup> which is 515.8m<sup>2</sup> less than the GLAR calculated in the current application thus resulting in parking rate of 4.48/100m<sup>2</sup>.

The original application was considered by the Authority at its meeting on 9 August 2019 and it was determined that the new definition/rate (4.48/100m<sup>2</sup> of GLAR) could be accepted as it appears to be consistent with the rate previously applied (4.52/100m<sup>2</sup> of GLA) and likely includes slightly more floor area than previously calculated using GLA. The Authority also noted that the a comparison of the parking based on the GLAR and GLA shows that the variation in parking requirement is less than 1%. This is minor considering the scale and nature of the development.

At the same time, the Authority also noted that applying a parking rate of 4.48/100m<sup>2</sup> of GLAR the proposed development results in a shortfall of 136 parking spaces. The Authority considered that the parking rate of 4.48/100m<sup>2</sup> of GLAR and previous approvals issued for the existing development is already a significantly reduced rate when compared to the requirements of Clause 6.5.1 of the NTPS and granting a further reduction has the potential to result in insufficient parking for the development. The Authority determined to defer consideration of the application to require the applicant to provide the following additional information that the Authority considered necessary in order to enable proper consideration of the application:

- Amended plans to demonstrate greater compliance with a car parking rate of 4.48/100m<sup>2</sup> of Gross Lettable Area – Retail (GLAR); and
- Further justification and evidence to support any remaining shortfall if a rate of 4.48/100m<sup>2</sup> of GLAR cannot be achieved.

In response to the Notice of Deferral, the applicant provided further information to address the points of deferral above:

- a) The suitability of the ongoing provision of 4.52/100m<sup>2</sup> of GLA rate, as part of the previous approvals (per each application), was supported by evidence confirming the existing rate was sufficient to accommodate the proposed developments.
- b) The parking shortfall of 136 spaces (due to the proposed development) must be taken in the context of car parking available across the entire site, rather than car parking provision within the proposed development.

- c) The opening of new secondary shopping centres (like Gateway and Coolalinga Central) in the Darwin region has caused a sharp drop in footfall of customers in Casuarina Shopping Centre. Prior to these centres, Casuarina visitations was artificially high due to an under-provision of major retail facilities elsewhere.
- d) Analysis of the 2018 surveys indicated that the existing peak occupancy is 86%, and resultant peak parking demand is 3.84 spaces per 100m<sup>2</sup> GLAR or 4.5 spaces per 100m<sup>2</sup> of NFA. This compared with the survey results in August 2017 (4.17/100m<sup>2</sup> of GLA) and September 2013 (4.13/100m<sup>2</sup> of GLA) clearly shows that there is a reduction in visitation.
- e) The implementation and enforcement of timed parking restrictions in the shopping centre deter non-customer car parking and ensure that car parking is available for shoppers.
- f) The implementation of the car park optimisation plan including improved traffic flow and line-marking, Dynamic Parking Guidance System, new signage and designated staff parking areas has increased the efficiency of the car parking in the shopping centre, especially during the high demand periods. This supports to revisit the historic car parking rate.

At the hearing on 18 October 2019 the applicant restated the comments provided in his response to the Notice of Deferral and maintained his position that the various car parking management strategies adopted by the centre management and recent parking surveys assist in reducing the parking demand further. The applicant also clarified that since the previous approvals granted there have been a number of changes in the car parking management and land use policies (like the introduction of the Darwin Regional Land Use Plan) due to which the car parking demand has varied.

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 Authority carefully considered the information provided by the applicant in response to the Notice of Deferral along with the matters provided under Clause 6.5.2 and determined that a parking reduction of 136 car parking spaces is granted in recognition of the following:

- a) The parking generation of a large shopping centre is significantly lower than the cumulative generation of its individual components.
- b) The implementation of the car park optimisation plan including improved traffic flow and line-marking, Dynamic Parking Guidance System, new signage, enforced timed parking limits (1.5 hours to 4 hours) and designated staff parking areas has increased the efficiency of the car parks. This assists in reducing the parking demand further.
- c) The subject land provides much of the car parking within the area, with some public car parking provided along Bradshaw Terrace, Rowling Street and Dripstone Road in the broader area.
- d) Casuarina shopping centre is directly adjacent to and integrated with the Casuarina bus terminal, providing convenient access to public transport.

The Authority, while granting a reduction in car parking, was clear that this reduction does not approve a reduction to the 4.48/100m<sup>2</sup> of GLAR (4.52/100m<sup>2</sup> of GLA) car parking rate previously approved by the Authority for the existing development. The Authority considered that the reduction in car parking granted

under this permit is only for the proposed development and any future expansion of the shopping centre will need to demonstrate compliance (or provide adequate justification for any variation sought) with a car parking rate of 4.48/100m<sup>2</sup> of GLAR.

3. The purpose of Clause 6.5.3 (Parking Layout) is to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose. Non-compliances were identified as the proposed new car park at the basement and at ground level are consistent with Australian Standards in providing spaces of 5.4m x 2.6m when 5.5m x 2.5m is required by Clause 6.5.3 of the NTPS.

Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority), the consent authority may consent to a development that does not meet the standard set out in Parts 4 or 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent. The following are considered unique and lead to a set of circumstances that justify the extent of the variation sought:

The assessment notes that a variation to the dimensional requirements of this clause had been previously granted under DP13/0124, DP15/0073 and DP15/0306, issued for alterations and additions to the shopping centre, on the basis of written confirmation from a qualified traffic engineer that all car parking and accesses are compliant with the relevant standards. The application includes a traffic assessment report which confirms that the car parking spaces are designed in accordance with the Australian / New Zealand Standard – Parking Facilities, Part 1: Off-street car parking (AS/NZS 2890.1:2004). Furthermore, the reduced parking space length (from 5.5 metres to 5.4) is offset by a greater width of individual parking spaces (2.6m) and the driveways (6m – 7m).

At the hearing held on 9 August 2019 the Authority made an observation that provision of shade structures on the existing uncovered car park towards the Trower Road frontage may have impact on the parking of large vehicles (motorhomes, cars towing caravans, trucks etc.) that currently utilise the ground level car park. In response to this the applicant explained that the shade sails provide a vertical clearance between 2.5m - 2.9m, enabling some larger vehicles to be accommodated beneath the shade structures. For larger caravans and motorhomes, there are uncovered parking spaces along the new driveway from Trower Road, adjacent the Trower Road boundary, and within the car parking areas along and as an extension of the Linton Street driveway. In addition, there are 16 end-on (i.e. can be used as tandem) spaces with no vertical restrictions in the car parking area adjacent the supermarket loading dock. The response provided by the applicant was accepted by the Authority.

4. The purpose of Clause 6.6 (Loading Bays) is to provide for the loading and unloading of vehicles associated with the use of the land. Office, restaurant and shop use or development is required to provide 1 loading bay for every 2000m<sup>2</sup> of NFA. The loading area should be at least 7.5m by 3.5m; have a clearance of at least 4m; and have access that is adequate for this purpose.

The proposed development comprises a net increase of 4719m<sup>2</sup> GLAR equivalent to 3969m<sup>2</sup> of NFA. This generates an additional requirement of 2 loading bays.

The development proposes to remove 4 existing loading bays adjacent the southern side of the existing supermarket, and a loading/service area (with two undercover loading bays) adjacent to the northern side of the supermarket, and includes a dedicated loading area for the new supermarket, with sufficient dimensions to accommodate up to 2 loading bays and 2 dedicated HRV loading

bays in the service area adjacent the northern boundary. Furthermore, the applicant claims the area around the compactors can be considered as loading area as this area will be used to carry out the loading and unloading of waste compactors. As this area can accommodate loading/unloading for up to three vehicles, the proposed development provides a total of 7 new loading bays, a net increase of 1 bay.

Notwithstanding the purpose of the clause is to provide for the loading and unloading of vehicles associated with the use of land the DAS assessment notes, and the Authority agreed, that the applicant's claim to consider the loading and unloading of the compactor and area around it as loading area is not appropriate as the area functions more like a bin/refuse area. The development requires a variation to this clause as it does not provide 2 additional loading bays.

A variation to Clause 6.6 is supported noting the following special circumstances which have been identified:

- The loading requirements under Clause 6.6 of the NTPS does not consider a large mixed-tenancy development of this size and nature, which has multiple loading bays in the development.
- The majority of NFA proposed in the new development comprise of two major tenancies for which loading bays are provided in the proposed development. The shortfall of 2 loading bays could be accommodated through shared use of other existing loading bays provided in the development. Conditions are included on the development permit to ensure that all loading and unloading must occur within dedicated loading bays.

5. Pursuant to section 51(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

Comments were sought from service authorities including the Transport and Civil Services Division (TCSD) of the Department of Infrastructure, Planning and Logistics and the City of Darwin, in relation to the adequacy of the surrounding road network. Both agencies requested that a traffic impact assessment be prepared to ensure any changes required to accommodate the development are identified and then appropriately undertaken. The TCSD has also requested further details regarding modified pedestrian access to the bus interchange, and provision of the taxi rank in the new development. The requirements are addressed through the inclusion of conditions precedent on the development permit.

6. Pursuant to Section 51 (m) of the *Planning Act 1999*, 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 appropriate conditions and notes on the development permit.

7. Pursuant to section 51(n) of the *Planning Act 1999*, 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 proposal is anticipated to provide improved amenity when viewed from Trower Road and is consistent with the form of development anticipated within a primary activity centre. The addition of a new entry forecourt with landscaped pedestrian entry plaza and vehicle cover at grade car parks will have a positive contribution to the amenity of the users of the shopping centre.

8. Pursuant to section 51(p) of the *Planning Act 1999*, the consent authority must take into consideration the public interest, including (if relevant) how the following matters are provided for in the application:
- i. community safety through crime prevention principles in design;
  - ii. water safety; and
  - iii. access for persons with disabilities.

The development has not (through the application process) generated any broader public interest, and there are no relevant matters with respect to water safety and access for persons with disabilities. The application demonstrates consideration of key safety design elements provided in the Community Safety Design Guide to reduce opportunities for crime in the proposed development.

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

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

**SUZANNE PHILIP**  
**Chair**  
23 October 2019