

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 205 – FRIDAY 22 FEBRUARY 2013

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

MEMBERS PRESENT: Peter McQueen (Chairman), David Hibbert, Grant Tambling, Garry Lambert and Robin Knox

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Douglas Lesh and Peter Sdraulig and for part of the meeting Michael O'Neill (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 12 15 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 **309 BED STUDENT ACCOMMODATION DEVELOPMENT IN AN 8 STOREY**
PA2012/0995 **BUILDING INCLUDING GROUND LEVEL CAR PARKING**
 LOT 9576 (247) TROWER ROAD, TOWN OF NIGHTCLIFF
APPLICANT **JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario (June D'Rozario & Associates), Mr Peter McMillan (GPT - developer), Mr Steve Margetic and Mr Toby Preece (Sitzlers) and Mr Ken Holyoak (GTA Consultants) attended.

Ms D'Rozario tabled a response to submissions and a copy of Victorian Local Planning Policies – Student Housing Policy.

In attendance for submitter City of Darwin:- Ms Cindy Robson (Strategic Town Planner), Mr Clayton Logan (Graduate Trainee), Mr Drosso Lelekis, and Mr Brian Sellers (all COD) and Ms Wendy Smith (Elton Consultants)

RESOLVED
39/13

That, the Development Consent Authority determine to reduce the car parking requirement from 67 to 31 bays pursuant to clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme, and vary the requirements of clause 6.5.3 (Parking Layout), clause 7.1.2 (Residential Height Limitations) and clause 7.6 (Communal Open Space) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 9576 (247) Trower Road, Town of Nightcliff for the purpose of a 309 bed student accommodation development in an 8 storey building including ground level car parking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation) a full set of 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) provision of a slatted screen fence to the Dripstone Road property frontage adjacent to the undercroft car park, to assist in screening the car parking area from the street; and
 - (c) provision of awnings (at a height and/ or design suitable for providing protection to pedestrians from sun and rain), landscaping and other treatments to the footpath adjacent to the proposed development, to the requirements of City of Darwin (the treatments should be consistent with any similar treatments required as part of any development permit issued for development applications PA2012/0929 & PA2012/1003).

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an amended Traffic Impact Assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments' in the report structure provided at Appendix C of that document, with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities. The report is to be prepared in consultation with, and to the approval of, both the City of Darwin and the Department of Transport, to the satisfaction of the consent authority.
3. Prior to endorsement of plans and prior to the commencement of works (including site preparation), a Construction and Traffic Management Plan (CTMP) must be submitted to and approved by the consent authority. When approved, the CTMP will be endorsed and will then form part of the permit. The CTMP must include, but not necessarily be limited to, the following:
 - (a) how the development will manage the free flow of traffic (including public transport) during the construction period, including details of haulage routes as required by the City of Darwin and the Public Transport Division of the Department of Transport; and
 - (b) measures to minimise the loss of use of existing car parking spaces during the construction stage.
4. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.
5. Prior to endorsement of plans and prior to the commencement of works (including site preparation), a waste management plan addressing the City of Darwin's Waste Management Policy 054 must be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

6. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
7. Before the use/ occupation of the development starts, a Car Parking Management Plan for the use to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include, but not necessarily be limited to, the following:
 - measures to restrict and control student car ownership;
 - measures to ensure student/ visitor vehicles are not parked within car parking spaces not designated for this development, or on surrounding street;
 - operational and management details of any car share scheme;
 - procedures for monitoring, investigating and reporting; and

- procedures to receive and address complaints and infringements including the position and details of the Manager (or other nominated person, recording mechanisms of complaints received and infringements identified and actions undertaken.
8. All works are to be in accordance with the approved Construction and Traffic Management Plan to the satisfaction of the consent authority.
 9. Before the use/ occupation of the development starts, all works identified within the Traffic Impact Assessment and any other works as required by City of Darwin and the Department of Transport are to be undertaken to the requirements of, and at no cost to, City of Darwin and/ or the Department of Transport as the case may be, to the satisfaction of the consent authority.
 10. Before the use/ occupation of the development starts, written confirmation from a qualified Traffic Engineer that the car parking spaces and accessways comply with the relevant Australian Standard for car parking must be provided in instances where car parking does not comply with the minimum requirements of clause 6.5.3 (Parking Layout) of the NT Planning Scheme, to the satisfaction of the consent authority.
 11. Before the use/ occupation of the development starts, plans of the locations of existing and proposed air conditioner units, cooling towers, exhaust vents and the like within the site and for the proposed development, and details of measures to limit the impact of noise, odours, fumes, smoke and the like from those elements on the use are to be submitted to the requirements of the Department of Health, 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, electricity facilities, and telecommunication networks 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 City of Darwin, 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 City of Darwin to the satisfaction of the consent authority.

16. Before the use or occupation of the development starts, the areas 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
22. 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.
23. All air conditioning condensers 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.
24. Storage and collection for waste disposal bins is to be provided to the requirements of City of Darwin, to the satisfaction of the consent authority.

25. All proposed works (including provision/ upgrading of services) within, or impacting upon, the Trower Road road reserve shall be in accordance with the standards and specifications of the Department of Transport. Design drawings must be submitted to the Director Roads for Road Agency Approval and no works within, or impacting upon, the NT Government road reserve are to commence prior to gaining approval.
26. The finish of any Prime Identification signs, if erected, shall be such that, if illuminated, day and night readability is the same and is of a constant display (ie. not flashing or variable message). The sign shall be positioned so as not to create sun or headlight reflection to motorists.
27. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land and roads, and on the operation of the RAAF Base Darwin and Darwin International Airport.

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 developer is required to contact 'Dial Before You Dig' on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
3. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
4. The site is subject to the "Airports (Protection of Airspace) Regulations" and "The Defence Areas Control Regulations". Any structures (including temporary structures) intruding within protected airspace including, but not limited to, additional buildings, light poles, cranes used during construction etc. requires approval by Darwin International Airport and/ or the Department of Defence.
5. Darwin International Airport advises that the site is within extraneous lighting Zone D, and the lighting must comply with Section 9.21 "Lighting in the Vicinity of Aerodromes" of the CASA Manual of Standards Part 139, available at <http://www.casa.gov.au/wcmswr/assets/main/rules/1998casr/139/139mfull.pdf>.
6. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Safety Standards.

7. Notwithstanding the approved plans, any works within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.
8. The Developer, his Contractor or Service Provider is required to obtain a "Permit to Work within a Road Reserve" from the Department of Construction and Infrastructure prior to the commencement of any works within the Trower Road road reserve.
9. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department'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. The proposed development is generally consistent with the purpose of Zone C (Commercial) which includes that development should respect the amenity of adjacent and nearby uses, promote community safety in building design, and be of a scale and character appropriate to the service function of a particular centre.
2. A reduction in car parking is in recognition of:
 - the Casuarina bus interchange being located within close proximity to the proposed development;
 - the close proximity of the primary destination of residents; and
 - restrictions of car ownership for residents, and provision of a car share scheme, the details and management of which are required by a Car Parking Management Plan pursuant to condition 7 of this permit.
3. Variations to clause 6.5.3 (Parking Layout) of the NT Planning Scheme are on the basis that:
 - the car parking space dimensions being designed in accordance with the relevant Australian Standard (to be confirmed by an engineer's statement at completion of the development); and
 - that the existing and proposed car park will not alter the physical conditions from that currently existing, and the provision of slatted screen fence will provide screening to the car park;

and will therefore achieve the purpose of the clause which is to 'ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.

4. A variation to clause 7.1 (Residential Height Limitation) of the NT Planning Scheme for a residential building height greater than 3 storeys is based on the development being generally in keeping with the scale and character with the context of the significance of the existing commercial centre, its role as a major activity centre where increased density and mixed uses are reasonably anticipated.
5. A variation to clause 7.6 (Communal Open Space) for communal open space which is neither 15% of site area, not a minimum width of 6m, is on the basis that extensive internal communal recreation facilities are provided at each level, and that each unit is provided with either private or shared balcony open space (and which is otherwise not required for hostel use).
6. The requirement for amended plans will ensure:
 - the car park area is appropriately screened in recognition of its non compliance with the car park setback requirements of clause 6.5.3 (Parking Layout) of the NT Planning Scheme; and
 - 'protection for pedestrians from sun and rain' and 'provide landscaping to reduce the visual impact' as envisaged by parts 2(k) and 2(m) respectively of clause 8.2 (Commercial and other Development in Zones ...C...) of the NT Planning Scheme.
7. The requirement for an amended Traffic Impact Assessment and Traffic Construction Management Plan are to ensure that traffic issues are properly assessed and managed for both the constructions and operational stages of the development.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2012/0929

ALTERATIONS AND EXTENSIONS TO AN EXISTING COMMERCIAL DEVELOPMENT COMPRISING AN ADDITIONAL 17,093 M2 OF SHOPS AND RESTAURANTS, AND FOUR LEVELS OF CAR PARKING (INCLUDING ONE BASEMENT LEVEL)

APPLICANT

LOT 9576 (247) TROWER ROAD, TOWN OF NIGHTCLIFF
JUNE D'ROZARIO & ASSOCIATES PTY LTD

Ms June D'Rozario (June D'Rozario & Associates), Mr Peter McMillan (GPT - developer), Mr Steve Margetic and Mr Toby Preece (Sitzlers) and Mr Ken Holyoak (GTA Consultants) attended.

Ms D'Rozario tabled a response to submissions an amended plan and coloured perspectives of the Trower Road façade looking north, looking west and the Trower Road footpath.

In attendance for submitter City of Darwin:- Ms Cindy Robson (Strategic Town Planner), Mr Clayton Logan (Graduate Trainee), Mr Drosso Lelekis, and Mr Brian Sellers (all COD) and Ms Wendy Smith (Elton Consultants)

**RESOLVED
40/13**

That, the Development Consent Authority determine to reduce the car parking requirement pursuant to clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme, and vary the requirements of clause 6.5.3 (Parking Layout) and clause 6.6 (Loading Bays) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 9576 (247) Trower Road, Town of Nightcliff for the purpose of alterations and extensions to an existing commercial development comprising an additional 17,093 m² of shops and restaurants, and four levels of car parking (including one basement level), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation) a full set of 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - provision of a clearly identifiable shopfront entrance at the north-east corner of the major store which enables convenient pedestrian access to the store and to within the overall shopping centre;
 - provision of amended awnings (at a height and/ or design suitable for providing protection to pedestrians from sun and rain), landscaping and other treatments to the footpath adjacent to the proposed development, to the requirements of City of Darwin (the treatments should be consistent with those required as part of any development permit issued for development applications PA2012/0995 & PA2012/1003); and
 - details and locations of all taxi/ mini bus ranks as a result of confirmations required by condition 5 of this permit.

2. In the event that the development approved by this permit is preceded by the development proposed in development application PA2012/1003, then prior to the commencement of works (including site preparation) further 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 generally in accordance with the plans submitted with the application but modified to show:
 - the changes to the extent of works as a result of that other development; and
 - relocation of the bicycle parking racks to an alternative suitable location.

Any plan(s) endorsed under this condition will supersede equivalent drawings endorsed under condition 1 of this permit.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an amended Traffic Impact Assessment report prepared in accordance with the Austroads

document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments' in the report structure provided at Appendix C of that document, with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities. The report is to be prepared in consultation with, and to the approval of, both the City of Darwin and the Department of Transport, to the satisfaction of the consent authority.

4. Prior to endorsement of plans and prior to the commencement of works (including site preparation), a Construction and Traffic Management Plan (CTMP) must be submitted to and approved by the consent authority. When approved, the CTMP will be endorsed and will then form part of the permit. The CTMP must include, but not necessarily be limited to, the following:
 - how the development will manage the free flow of traffic (including public transport) during the construction period, including details of haulage routes as required by the City of Darwin and the Public Transport Division of the Department of Transport; and
 - measures to minimise the loss of use of existing car parking spaces during the construction stage.
5. Prior to endorsement of plans and prior to the commencement of works (including site preparation) written confirmation from the Commercial Passenger Vehicle branch of the Department of Transport is to be provided to the consent authority in respect to the provision of taxi/ minibus ranks. Should any taxi/ minibus rank be proposed within any City of Darwin or Department of Transport road reserves, additional written confirmation from those authorities must also be provided, to the satisfaction of the consent authority.
6. Prior to the commencement of works (including site preparation), written confirmation from the Public Transport division of the Department of Transport is to be provided to the consent authority in respect to the relocation or otherwise of the bus stop along Trower Road to the requirements of the Department of Transport, to the satisfaction of the consent authority.
7. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.
8. Prior to endorsement of plans and prior to the commencement of works (including site preparation), a waste management plan addressing the City of Darwin's Waste Management Policy 054 must be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

9. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.

10. All works are to be in accordance with the approved Construction and Traffic Management Plan to the satisfaction of the consent authority.
11. Before the use/ occupation of the development starts, all works identified within the Traffic Impact Assessment and any other works as required by City of Darwin and the Department of Transport are to be undertaken to the requirements of, and at no cost to, City of Darwin and/ or the Department of Transport as the case may be, to the satisfaction of the consent authority.
12. Before the use/ occupation of the development starts, written confirmation that the car parking spaces associated with the development comply with the from a qualified Traffic Engineer that the car parking spaces and accessways comply with the relevant Australian Standard for car parking must be provided in instances where car parking does not comply with the minimum requirements of clause 6.5.3 (Parking Layout) of the NT Planning Scheme, to the satisfaction of the consent authority.
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 land 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. 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.
16. 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 City of Darwin to the satisfaction of the consent authority.
17. Before the use or occupation of the development starts, the areas 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. 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 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.
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. 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.
22. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
23. Storage and collection for waste disposal bins is to be provided to the requirements of City of Darwin, 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.
2. The developer is required to contact 'Dial Before You Dig' on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
3. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
4. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT *Public Health Act* and Regulations, the *NT Food Act* and National Safety Standards.
5. Notwithstanding the approved plans, any works within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the

satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.

8. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department'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. The proposed development is consistent with the purpose of Zone C (Commercial) which is to provide for a range of business and community uses.
2. A reduction in car parking is in recognition of the traffic reports submitted with the application which indicate that:
 - the proposal is provided with the same car parking rate as that of the existing overall development which is sufficient to meet car parking demand for all but a few occasions per year;
 - further additional car parking would be underutilised for much of the time; and
 - large shopping centres of this type result efficiencies of car parking and that as these type of centres expand, demand for car parking actually decreases.
3. Variations to clause 6.5.3 (Parking Layout) of the NT Planning Scheme are on the basis that:
 - the car parking space dimensions being designed in accordance with the relevant Australian Standard (to be confirmed by an engineer's statement at completion of the development); and
 - the proposal redesigns and largely obscures the existing open expanse of car parking, with only a small amount of car parking within 3m of the Trower Road frontage and visible by this proposal.

and will therefore achieve the purpose of the clause which is to 'ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.

4. Variations to clause 6.6 (Loading Bays) of the NT Planning Scheme are on the basis that:
 - in relation to the major store, that 2 loading bays are for exclusive use of the one tenancy where loading requirements are well know, centralised and coordinated; and

- in relation to mini major/ speciality shops, 1 undersized bay out of the 3 loading bays required are compensated for by an additional designated loading bay and a general loading/ unloading/ setdown area, with the number and size of bays supported by a traffic report.
6. The requirement for amended plans will ensure:
- provision of prominent, immediate and convenient entry for pedestrians at the main entry intersection to which includes designated pedestrian crossings;
 - 'protection for pedestrians from sun and rain' and 'landscaping to reduce the visual impact' as envisaged by parts 2(k) and 2(m) respectively of clause 8.2 (Commercial and other Development in Zones ...C...) of the NT Planning Scheme;
 - finalised locations and details of taxi/ mini bus ranks following consultation with the Commercial Passenger Vehicles branch of Department of Transport and (if required) City of Darwin; and
 - ensure development in accordance with endorsed plans depending on the timing/ schedule of this development in relation to other development for the site.
7. The requirement for an amended Traffic Impact Assessment and Traffic Construction Management Plan are to ensure that traffic issues are properly assessed and managed for both the constructions and operational stages of the development.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2012/1003**

**ADDITION OF RESTAURANTS, LEISURE AND RECREATION FACILITY (BOWLING CENTRE) AND AN ADDITIONAL LEVEL TO THE MULTI LEVEL CAR PARK, TO AN EXISTING COMMERCIAL DEVELOPMENT
LOT 9576 (247) TROWER ROAD, TOWN OF NIGHTCLIFF
APPLICANT
JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario (June D'Rozario & Associates), Mr Peter McMillan (GPT - developer), Mr Steve Margetic and Mr Toby Preece (Sitzlers) and Mr Ken Holyoak (GTA Consultants) attended.

In attendance for submitter City of Darwin:- Ms Cindy Robson (Strategic Town Planner), Mr Clayton Logan (Graduate Trainee), Mr Drosso Lelekis, and Mr Brian Sellers (all COD) and Ms Wendy Smith (Elton Consultants)

**RESOLVED
41/13**

That, pursuant to Section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 9576 (247) Trower Road, Town of Nightcliff for the purpose of addition of restaurants, leisure and recreation facility (bowling centre) and an additional level to the multi level car park, to an existing commercial development, 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:

1. An amended Traffic Impact Assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments' in the report structure provided at Appendix C of that document, with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities. The report is to be prepared in consultation with, and to the approval of, both the City of Darwin and the Department of Transport.
2. Provision of written advice/ confirmation from the Department of Transport that the proposed vehicle access arrangements at the Trower Road/ Vanderlin Drive intersection is satisfactory, or amended plans and provision of written advice/ confirmation from Department of Transport in respect to any alternative arrangement.
3. Written confirmation from the Commercial Passenger Vehicle (CPV) branch of the Department of Transport that the provision of taxi/ minibus ranks is satisfactory, or amended plans and provision of written advice/ confirmation from CPV in respect to any alternative arrangement. Should any taxi/ minibus rank be proposed within any City of Darwin or Department of Transport road reserves, additional written confirmation from those authorities must also be provided.
4. Provision of additional justification in respect to proposed reduced car parking in acknowledgment of the different car parking rates of the NT Planning Scheme for leisure and recreation and shop/ restaurant uses.
5. Amended plans and/ or information on measures to address potential community safety issues associated with the pedestrian accessway adjacent to the southern side of Monterey House (which accesses an ATM machine), and any potential access to beneath the stairs which service the leisure and recreation. If access to the area beneath the stairs is restricted then plans are required to clearly demonstrate this.

REASONS FOR THE DECISION

1. Additional information is required in respect to vehicle access given the advice from the Department of Transport.
2. Both the Department of Transport and the City of Darwin have advised of issues with traffic at the Trower Road/ Driprstone Road and apparent inconsistencies in the traffic report.
3. The Commercial Passenger Vehicles branch of the Department of Transport has advised of issues in respect to provision of taxi/ mini bus ranks within the site.
4. Additional justification for a proposed reduction in car parking is considered necessary in respect to the different car parking rates for leisure and recreation and shop/ restaurant use.

5. Amended plans and/ or additional information is required in respect to potential community safety issues of the development to ensure the proposal is in accordance with the Community Safety Design Guide as required by Part 3 of Clause 8.2 (Commercial and other Development in Zones ...C...) of the NT Planning Scheme.

ACTION: Advice to Applicant

**ITEM 4
PA2012/1015
APPLICANT**

**MEDICAL CLINIC
LOT 413 (22) SMITH STREET, TOWN OF DARWIN
AECOM**

Mr Steve O'Neill (Integrated Practitioners Network (IPN) (Medical Centre Operators)), Mr Sandy McNab (Kinetic Health – subsidiary of IPN) Mr Alex Cook (Project Manager) and Mr Phil Grice (landowner) attended.

Mr Grice tabled correspondence relating to this site from the Minister Natural Resource, Environment and Heritage dated 2.1.08.

**RESOLVED
42/13**

That, the Development Consent Authority determine to reduce the car parking requirement from 60 bays to 39 bays pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme, and vary the requirements of Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 413 (22) Smith Street, Town of Darwin for the purpose of a medical clinic, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments'. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
3. Before the use / occupation of the development starts, all works identified within the Traffic Impact Assessment, and any other works as required by the City of Darwin, are to be undertaken to the requirements of, and at no cost to, the City of Darwin, to the satisfaction of the consent authority.
4. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.

5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, and electricity and telecommunications to the land shown on the endorsed plan in accordance with the authorities' 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 commences the owner must, in accordance with section 70(3) of the *Planning Act* provide 39 parking bays. In accordance with section 70(5) of the Act, 11 of the required parking bays may be provided through the payment of a monetary contribution to City of Darwin. The contribution is to be calculated in accordance with the requirements of section 70(6) of the *Planning Act*.
8. Before the use or occupation of the development starts, the areas 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.
9. 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.
10. 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.
11. Storage and collection for waste disposal bins is to be provided to the requirements of City of Darwin 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.

2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
3. The subject site is a declared heritage place, further information on which can be obtained by contacting the Heritage Branch of the Department of Lands, Planning and the Environment on 8999 5036.

REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zone CB (Central Business), which is to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities.
2. A reduction of 21 car parking spaces (from 60 to 39) is supported as:
 - a reduction of 1 car parking bay per general practitioner consulting room is based on the reasonable assumption that several persons attending the premises will already be working (or residing) within the central business area of Darwin, are therefore already in the area and would not generate any additional car parking; and
 - a reduction of 50% for the remaining components (pathology/ screening consulting rooms) based on these components being largely ancillary to the general practitioner use, and on the nature of how the overall use operates, and the overlap of services within the entire facility.
3. A request for a further reduction of car parking based on the use relating to a heritage place is not supported as no evidence has been submitted to indicate that the Minister responsible for administering the *Heritage Conservation Act* supports a reduced provision of car parking spaces for this proposal.
4. A traffic impact assessment report, in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments', is required in order to demonstrate that the development can be supported without undue impact on the site and locality.
5. A variation to the on-site provision of parking spaces required under clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported as a payment in lieu to the City of Darwin for 11 spaces will ensure that parking will be made available in the locality in the long term, and as the provision of parking for commercial uses in a publicly accessible centralised pool promotes land use efficiency and improves availability of parking to the full community.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2012/1018

ADDITION OF 46 SINGLE STOREY MOTEL UNITS TO AN EXISTING MOTEL DEVELOPMENT PORTIONS 1446, 1447, 1448, 1567 & 2950 (374) STUART HIGHWAY, (35), (39) & (29) SADGROVES CRESCENT & (378) STUART HIGHWAY, HUNDRED OF BAGOT

APPLICANT NORTHERN ABORIGINAL CULTURAL & EDUCATIONAL ASSOCIATION LTD

Mr Michael Alakiotis (Northern Building Consultants) and Mr Scott Foster (developers) attended.

RESOLVED
43/13

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Portions 1446, 1447, 1448, 1567 & 2950 (374) Stuart Highway, (35), (39) & (29) Sadgroves Crescent & (378) Stuart Highway, Hundred of Bagot for the purpose of the addition of 46 single storey motel units to an existing motel development, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation) a 'Traffic Impact Statement' is to be prepared, which advises on how operational site access is to be managed. The 'Traffic Impact Statement' is to be to the requirements of the Department of Transport, to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation) the applicant is to provide either:
 - (a) A 'Traffic Management Plan', which addresses the ongoing provision of public transport services during the construction phase, to the requirements of the Department of Transport, to the satisfaction of the consent authority; or
 - (b) Confirmation that deliveries to/ from the site during construction will not use the crossover to the Stuart Highway, to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation) a schematic plan demonstrating all stormwater to be collected on the site and discharged into the local underground stormwater system, to the standards and approval of the Department of Transport's Road Networks Division, Land Administration Division of the Department of Lands, Planning and the Environment and/ or the City of Darwin, to the satisfaction of the consent authority.
4. Prior to the commencement of works (including site preparation) a full set of 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) improved cross ventilation within/ through each motel suite; and
 - (b) provision of insect screens to all doors and windows.

GENERAL CONDITIONS

5. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
6. An Occupancy Permit under the *Building Act* shall not be granted until such time as Portions 1446, 1447, 1448, 1567 and Section 2950, Hundred of Bagot have been consolidated and a new title issued in respect of that consolidated allotment.
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, drainage, sewerage and electricity facilities, and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.
10. 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, and to the satisfaction of the consent authority.
11. Before the use or occupation of the development starts, the areas 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; and
 - (d) drained;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
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, nor is any of the landscaping within the 6m driveway aisle extent to exceed 0.6m, ensuring that an appropriate level of visual connectivity through the carparking area.
13. 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.

14. 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.
15. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner 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. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land and roads.
18. The finish of any Prime Identification signs, if erected, shall be such that, if illuminated, day and night readability is the same and is of a 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.
19. All proposed works (including provision of services) within, or impacting upon, the Stuart Highway road reserve shall be in accordance with the standards and specifications of the Department of Transport. Design drawings must be submitted to the Director – Roads for Road Agency Approval, irrespective of approvals granted by other Authorities i.e. Power and Water Corporation. No works within or impacting upon the NT Government road reserve are to commence prior to gaining Road Agency approval.
20. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
21. Any 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.casa.gov.au/wcmswr/assets/main/rules/1998casr/139/139mfull.pdf>.

NOTES:

1. Notwithstanding the approved plans, any works and/ or landscaping within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the City of Darwin and at no cost to Council.
2. Notwithstanding the approved plans, all signage is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager of Infrastructure, the City of Darwin, and be at no cost to Council.

3. The Power and Water Corporation advises that:
 - Payment is to be made in accordance with PAWC's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
 - The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the 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 servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
4. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department'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.
5. It is an offence to cause an environmental nuisance under section 83(5) of the *Waste Management and Pollution Control Act*.
6. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: <http://www.telstrasmartcommunity.com/>, and is to register the development with NBN Co at <http://www.nbnco.com.au/getting-connected/new-developments.html>.
7. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required.
8. Approval must be submitted to Darwin International Airport for any cranes used during construction that infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation – Operations (PAN-OPS) surfaces for Darwin Airport.
9. All commercial accommodation must comply with the *NT Public Health Act, NT Public Health (Shops, Boarding Houses, Hostels and Hotels) Regulations* and the proposed NT Public Health Guidelines for Commercial Visitor Accommodation. Related plans must be submitted to the Department of Health's 'Environmental Health Top End' division, via a Building Certifier, for approval prior to the commencement of construction works. The premises are required to be registered with the Department of Health prior to operation.
10. A 'Permit to Work within a Road Reserve' must be obtained' from the Department of Construction and Infrastructure prior to the commencement of any works that are within the Stuart Highway road reserve.

11. The Road Networks division of the Department of Transport advises that any services or connections within the Stuart Highway road reserve are subject to approval from the Road Networks division, with methods of construction for installation of services such that all works are contained within the Nominal Service Corridor.
12. Advertising signage, either permanent or temporary i.e. 'A' frame, vehicle or trailer mounted etc. shall not be erected or located within the Stuart Highway road reserve.

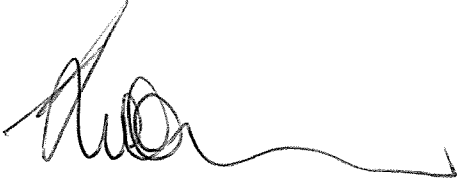
REASONS FOR THE DECISION

1. The proposal is generally consistent with the primary purpose of zone SC (Service Commercial) which is "to provide for commercial activities, which because of their business or the size of the population catchment, require large sites". The development is clearly consistent with the existing hotel use over Section 2950, Hundred of Bagot, and is not considered to result in any detrimental amenity outcomes to surrounding premises.
2. A 'Traffic Impact Statement' is to be provided to the satisfaction of the Department of Transport as it is unclear how new customers will access the site. Despite the site being accessible from two separate roadways it is likely that new customers will come via the Stuart Highway, which provides limited ability for cars to wait within the space between the gate and the road reserve and which can act to restrict access to the site and impact on traffic along the Stuart Highway.
3. A 'Traffic Management Plan' is to be provided to the satisfaction of the Department of Transport's Public Transport Division as the site is on a services route, in close proximity of an existing bus stop on the Stuart Highway, and assurance is required that bus routes will not be affected during the construction phase, or alternatively, confirmation is required from the Department of Transport that a traffic management plan is not required if deliveries do not use the Stuart Highway crossover.
4. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into the local underground stormwater system, to the appropriate standards, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
5. In accordance with the requirements of section 51(m) of the *Planning Act*, consideration has been given to all comments received from service authorities, ensuring an appropriate level of service is maintained for the site and surrounding locality, and that all relevant requirements are met by the development.
6. Amended plans are required to 'maximise energy efficiency through passive climate control measures' as envisaged by part 2(e) of clause 8.2

(Commercial and other Development in Zones ...SC...) of the NT Planning Scheme.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

26/2/13