DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 294 – FRIDAY 5 MAY 2017

BILLABONG ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Denis Burke (Chairman), Bob Elix, Garry Lambert, John Gleeson and Doug Phillips

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Anthony Brennan, Sarah Silva and Amit Magotra (Development Assessment Services)

COUNCIL REPRESENTATIVE: James Whyte and David Burrow (Planner)

Meeting opened at 9.45 am and closed at 12 noon
ITEM 1  
PA2015/0446  
APPLICANT FRANK EYNDOVEN  
EXTENSION OF TIME  
SECTION 5602 (55) BOULTER ROAD, HUNDRED OF BAGOT

Mr Frank Eyndhoven and Mr Martin Klopper (both Elton Consulting) attended.

RESOLVED  
78/17

That, pursuant to Section 59(3)(a) of the Planning Act, the Development Consent Authority consent to the application to extend the base period of DP15/0490 for an additional period of 3 years.

ACTION: Extension of Time

ITEM 2  
PA2017/0114  
APPLICANT MASTERPLAN NT  
SHOWROOM SALES, OFFICES, WAREHOUSE AND SHOP IN A SINGLE STOREY BUILDING  
PORTION 1827 (660) STUART HIGHWAY AND SECTION 4298 (658) STUART HIGHWAY, HUNDRED OF BAGOT

Mr Simon Tonkin (Masterplan NT), Mr Wayne Gabbert (Gabbert Design) and Mr Phil Grice (Landowner) attended.

Mr Tonkin showed DCA members amended plans in response to the dot point in the DAS report - reduction in the bulk and scale of the development including minimising the span of blank walls to the northern elevation of Showroom A (main showroom) addressing Stuart Highway;

Mr Tonkin showed DCA members plans showing landscaping in response to the dot point in the DAS report - an alternative form of vegetation be provided in place of palm trees which maximises shade for vehicles and pedestrians;

Mr Tonkin showed DCA members plans in response to the dot point in the DAS report - awnings to be incorporated over pedestrian connectivity to provide shelter from sun and rain; and

Mr Tonkin showed DCA members plans in response to the dot point in the DAS report - bicycle parking facilities be proposed as per the provisions of the Austroads ‘Cycling Aspects of Austroads Guides’.

RESOLVED  
79/17

That, the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Parking Requirements), vary the requirements of Clause 6.1 (General Height Control) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Section 4298 (658) Stuart Highway & Portion 1827 (660) Stuart Highway, Hundred of Bagot for the purpose of showroom sales, offices, warehouse and shop in a single storey building subject to the following conditions:

Page 2 of 20
CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a comprehensive Traffic Impact Report is to be prepared to the requirements of the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) and City of Darwin to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to include:

- All of the changes presented to the consent authority at its meeting on 5 May 2017, which include additional façade treatments, awnings, pedestrian connectivity treatments and bicycle parking facilities;
- Changes to the car parking layout demonstrating compliance with Clause 6.5.3 (Carparking Layout) of NTPS and relevant Australian Standards as identified by a suitably qualified person;
- Any changes identified in the Traffic Impact Report; and
- Removal of all signage (noting that signage is subject to City of Darwin approval).

Any changes identified in the Traffic Impact Report are to be to the requirements of the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) and City of Darwin as the case may be, to the satisfaction of the consent authority. All other changes are to be to the requirements of the consent authority.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the local stormwater drainage system shall be submitted to and approved by the City of Darwin and Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) as the case may be, to the satisfaction of the consent authority. The plan shall include details of the drainage connection points. The plan shall also indicate how stormwater will be collected on the site and discharged to the City of Darwin and/or Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) stormwater drainage system.

4. Prior to the commencement of works (including site preparation), a Construction Traffic Management Plan (detailing all appropriate site management measures, including construction access, proposed haulage routes, vehicle types, protection of existing assets, protection of public access and a risk assessment) shall be submitted to the City of Darwin and Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division).

Page 3 of 20
5. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of the Department of Environment and Natural resources. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, on advice from DENR. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and the IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in the ESCP. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the NT Government website: https://nt.gov.au/environment/soil-land-vegetation/soil-management-erosion-sediment-control.

GENERAL CONDITIONS

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

7. Before the use/occupation of the development starts, all works identified within the Traffic Impact Report and any other works associated with the development as required by the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) and/or City of Darwin as the case may be, are to be undertaken to the requirements of, and at no cost to the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) City of Darwin, to the satisfaction of the consent authority.

8. Any works identified in the Traffic Impact Report are to be carried out to the requirements of the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) and/or City of Darwin as the case may be, to the satisfaction of the consent authority.

9. All works are to be in accordance with the Construction and Traffic Management Plan to the requirements of the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) and/or City of Darwin as the case may be, to the satisfaction of the consent authority.

10. Before the use or occupation of the development, Potion 1827 Hundred of Bagot and Section 4298 Hundred of Bagot are to be consolidated into a single parcel.

11. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority and approval to carry out works shall be obtained prior to the commencement of construction, 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 facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.
13. Engineering design and specifications for the affected roads, street lighting, stormwater drainage, vehicular access, and streetscaping including kerb crossovers and driveways to the site approved by this permit are to be to the technical requirements of the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) and/or City of Darwin as the case may be, to the satisfaction of the consent authority and all approved works are to be constructed at the developer’s expense.

14. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) and/or City of Darwin to the satisfaction of the consent authority.

15. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) and/or City of Darwin drains or to any watercourse.

16. Soil erosion control measures in accordance with the approved ESCP must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

17. The developer 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 Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) and City of Darwin as the case may be, to the satisfaction of the consent authority.

18. 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.

19. 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.

20. No entry/no exit signs and arrows directing the internal traffic movement on site shall be provided to the requirements and satisfaction of the consent authority.
21. 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.

22. 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.

23. Where unfenced, the Stuart Highway road frontages are to be appropriately fenced in accordance with the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) standards and requirements to the satisfaction of the consent authority.

24. Dryland grassing shall be established on the verges fronting the development and shall be undertaken to the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) standards to the satisfaction of the consent authority.

25. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

26. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading areas, and must not disrupt the circulation and parking of vehicles on the land.

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

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

NOTES:

1. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

3. The developer is responsible for safety clearance compliance between existing overhead power lines in the area and any new building or extension during construction and completion in accordance with the NT Electricity Reform (Safety and Technical) Regulations 2000. If any work is required on existing overhead power lines or relocation of any power line as requested, the design and installation cost shall be borne by the Developer.

Page 6 of 20
4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval.

5. All proposed works impacting on the Stuart Highway are to 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 Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division). Drawings must be submitted to the Department of Transport for approval and no works are to commence prior to approval and receipt of a Permit to Work Within a Road Reserve.

6. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
   (a) so as not to create sun or headlight reflection to motorists; and
   (b) be located entirely (including foundations and aerially) within the subject lot.

**REASONS FOR THE DECISION**

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

   The proposed development incorporates showroom sales, offices, warehouse and a shop which are considered to be generally consistent with the purpose of the Zone SC (Service Commercial) which is to provide for commercial activities which, because of the nature of their business or size of the population catchment, requires large sites.

2. A variation granted under Clause 6.1 (General Height Control) is considered appropriate to the maximum allowable building height of 8.5m to incorporate a 1.5m to 3.6m increase, with an overall total height of 10m to 12m for the primary warehouse:
   - The variation relates to a minor component of the overall development to the rear of the development and is not easily visible from the Stuart Highway;
   - The majority of the buildings on site comply and are less than the maximum 8.5m allowable height requirement and;
   - The landscaping proposed to the front setback of the development is considered to assist with screening the bulk and scale of the development from the public domain.

3. A reduction under Clause 6.5.2 (Reduction in Parking Requirements), is granted for the use in consideration of the following matters:
   - The shortfall is equivalent to a 10.9 percent reduction of the overall requirements and is considered minor given the size of the site;
   - The site has been purposefully designed for the intended use and the provided number of car parking spaces are considered appropriate for the intended use;
   - Due to the number of different complementary office, shop, and warehouse/ storage uses multipurpose trips to the site are anticipated;

Page 7 of 20

These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
A parking study of the adjoining property with similar showroom sale operations was undertaken by the Applicant which observed that car parking spaces were underutilised and that only 55% of the car parking spaces were utilised during peak periods for the scale of the operations. It is considered that the proposed 253 spaces are adequate for the proposed development.

- The site is within close proximity (approximately 207 metres) of the nearest bus stop along the Stuart Highway.

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

The application was circulated to the relevant authorities and comments received from these authorities are addressed by the inclusion of conditions on the development permit. Transport and Civil Services also raised no concerns with proposed access to the Stuart Highway.

5. Pursuant to Section 51 (n) of the Planning Act, the consent authority must give consideration to the potential impact on the existing and future amenity of the area in which the land is situated.

The proposed showroom sales are considered a compatible land use with the locality and will provide additional services to the community.

6. The requirement for amended plans as presented at the Darwin DCA meeting (5th May 2017) ensures adequate amendments to ensure adequate design, pedestrian connectivity, weather protection and provision of bicycle facilities.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2017/0113

APPLICANT DANIEL WAUCHOPE

SHED ADDITION TO AN EXISTING SINGLE DWELLING WITH REDUCED FRONT AND REAR SETBACKS
LOT 1610 (35) ORIOLE STREET, TOWN OF SANDERSON

Mr Daniel Wauchope (landowner) attended.

RESOLVED 80/17

That, the Development Consent Authority vary the requirements of Clause 6.1 (General Height Control) of the Northern Territory 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 1610 (35) Oriole Street, Town of Sanderson for the purpose of a shed addition to an existing single dwelling with reduced secondary and rear setbacks subject to the following conditions:
CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to include:
   - An increased secondary street setback to 1m.

2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.

3. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

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

5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin to the satisfaction of the consent authority.

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.

NOTES:

1. Power and Water Corporation advise 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 one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.

2. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays.
REASONS FOR THE DECISION

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

The purpose of Zone SD (Single Dwelling Residential) is to provide for single dwellings on individual lots. Lot 01610, Town of Sanderson is within Zone SD zoned land and is surrounded by lots predominantly zoned SD of the Northern Territory Planning Scheme. As the proposed shed is considered an ancillary structure to the existing single dwelling it is considered that the proposal is consistent with the purpose of the zone.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Scheme is granted as:
   - The adjoining property (Lot 1611 (33) Oriole Street, Town of Sanderson) has an existing Power and Water Easement registered along the property boundary which cannot be built over and hence, the neighbouring property is setback approximately 2.5 metres away from the boundary line which provides adequate separation from the proposed shed.
   - The secondary street setback distance is considered acceptable given the height of the proposed shed being 3.47 metre and is largely screened by the existing fence.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2017/0125
ALTERATIONS TO EXISTING MEDICAL CLINIC
LOT 534 (32) PROGRESS DRIVE, TOWN OF NIGHTCLIFF
APPLICANT
NORTHERN PLANNING CONSULTANTS PTY LTD

Mr Brad Cunnington (Northern Planning Consulting Pty Ltd) attended.

RESOLVED
81/17
That, the Development Consent Authority reduce the required parking pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 534 (32) Progress Drive, Town of Nightcliff for the purpose of alterations to an existing medical clinic including four consulting rooms, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation), a waste management plan in accordance with the City of Darwin’s waste management policy is required to be submitted to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawing 2017/0125/01 endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

4. 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.

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

6. The Medical Clinic must operate with normal trading hours between Monday to Saturday to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am to 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

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

4. The City of Darwin has advised that any proposed awning at the site shall be subject to City of Darwin Policy.

5. Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager, Infrastructure, City of Darwin.

REASONS FOR THE DECISION

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

   The proposed alterations to an existing medical clinic is considered to be generally consistent with the purpose of the Zone C (Commercial) which is to provide for a range of business and commercial uses.
2. A reduction under Clause 6.5.2 (Reduction in Parking Requirements), is considered appropriate for the use in consideration of the following matters:
   • The car parking available in the vicinity is a time limited and is not dedicated to individual business, and therefore parking turnaround is maximised;
   • A parking survey conducted by the Applicant and DAS showed that the car parking in the vicinity of the subject site is rarely at full capacity. This is due to the fact that the majority of existing tenancies within the Nightcliff Shops are either restaurants or shops that only require the short-term availability of space;
   • The overall site includes a number of different but complementary uses and is likely to attract a high number of multi-purpose trips to the available off-street car parking spaces, and;
   • A public bus stop is located adjacent the Nightcliff Shops along the Progress Drive frontage which provides access to regular services to Darwin City and Casuarina shopping centre. It is expected that the patients and staff would be able to access public transport easily in this location if required.
   • The requirement to restrict Sunday trading is considered acceptable as the Authority believed that the parking shortfall may result in conflicts with the established Nightcliff Markets which operate on a Sunday.

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

   The application was circulated to the relevant authorities and comments received from these authorities are addressed by the inclusion of conditions on the development permit.

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

   The consulting rooms relate only to a change in the way existing floor area is used and the works are entirely internal. The operation of a medical clinic within the existing neighbourhood activity centre is considered a compatible land use with the existing shops and offices and will provide additional services to the community.

ACTION: Notice of Consent and Development Permit
LICENSED CLUB
LOT 5298 (20) DICK WARD DRIVE, TOWN OF DARWIN
NORTHERN PLANNING CONSULTANTS PTY LTD

DAS tabled further comments from PowerWater dated 4.5.17.

Mr Brad Cunnington (Northern Planning Consultants Pty Ltd) Mr Keith Stacey (Darwin Turf Club) attended.

Submitters Mr Geoffrey and Mrs Janet Farnell attended.

Mrs Farnell tabled a copy of her comments from addressing the authority.

Ms Ellen Leonhardt and Mr Chris Secull (both from PAWA) attended.

RESOLVED
82/17

That the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Car Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 5298 (20) Dick Ward Drive, Town of Darwin for the purpose of a Licensed Club, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale, and must be generally in accordance with the plans submitted with the application but modified to show:
   - Bicycle storage facilities.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an amended traffic impact assessment report is to be prepared by a suitably qualified traffic engineer. The amended assessment shall consider the impact of the development on the existing intersection and road network for a five year design horizon on the assumption that this intersection is not signalised. The applicant shall undertake the traffic modelling assessments for:
   - the base case;
   - traffic at opening; and
   - at the five year design horizon.

The Traffic Impact Assessment shall propose mitigation measures to ameliorate any potential traffic impacts in this assessment period. The applicant shall, as part of their assessment, obtain a 12-hour video traffic count between 6:30 am and 6:30 pm on a typical weekday to get an accurate snapshot of the operations of the intersection at present that also identifies the traffic volumes actual peak hours, and identifying any necessary upgrades to the surrounding street network to the requirements of the City of Darwin, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a Waste Management Plan to the requirements of the City of Darwin, to the satisfaction of the consent authority. The waste management plan is required to confirm waste collection will occur wholly on site.

4. Prior to the endorsement of plans and commencement of works (including site preparation), an agreement is to be reached with Power and Water Corporation, given the siting of the development within the Ludmilla Waste Water Treatment Plant’s 700m odour buffer zone, in relation the appropriate mechanism (for example: a caution notice on title) identifying the said risk on the land title for the development parcel, to the satisfaction of the consent authority.

5. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan to the requirements of the City of Darwin, to the satisfaction of the consent authority. The plan is to address construction access, haulage routes, public access, waste management, and the use of Council land during construction.

6. Prior to the commencement of works (including site preparation), an agreement is to be reached with Transport Infrastructure Planning Division of Department of Infrastructure Planning and Logistics, in relation to the provision of an additional inbound bus stop near the entrance to Buntine Road, to the satisfaction of the consent authority.

7. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR). All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the Consent Authority, on advice from DENR. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning, and in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding ESCP content is available at: www.austieca.com.au.

GENERAL CONDITIONS

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

9. All works recommended by the traffic impact assessment are to be completed to the requirements of the Department of Transport and the City of Darwin, to the satisfaction of the consent authority.

10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunication facilities to the development shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.
11. 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.

12. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.

13. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Detail will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.

14. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Environment and Natural Resources.

15. All proposed works related to intersection, road upgrades and work impacting on Dick Ward Drive are to 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 City or Darwin whoever the case may be. Drawings must be submitted to the appropriate authority for approval and works are to commence prior to gaining approval and receipt of a "Permit to Work Within a Road Reserve".

16. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s).

17. 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.

18. The area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
(a) constructed;
(b) properly formed to such levels that they can be used in accordance with the plans;
(c) surfaced with an all-weather-seal coat;
(d) drained;
(e) line marked to indicate each car space and all access lanes; and
(f) clearly marked to show the direction of traffic along access lanes and driveways;

to the satisfaction of the consent authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.
19. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority. The owner shall:
(a) remove disused vehicle and/or pedestrian crossovers;
(b) provide footpaths/cycleways;
(c) collect stormwater and discharge it to the drainage network; and
(d) undertake reinstatement works;
All to the technical requirements of and at no cost to the City of Darwin and the Transport Infrastructure Planning Division of Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.

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. 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.

22. The landscaping is to be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

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

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

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

26. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Dick Ward Drive traffic.

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

28. No amplified music or amplification of any kind is to be played within the outdoor areas (beer garden, observation deck and smoking area) after 10pm Sunday - Thursday and after 12pm Friday - Saturday and public holidays, and decibel levels shall be restricted to a maximum 81dBA within these areas at all times*.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works.
commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

3. Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

4. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
   (a) so as not to create sun or headlight reflection to motorists; and
   (b) be located entirely (including foundations and aerially) within the subject lot.

   Temporary advertising signage e.g. 'A' frame, vehicle or trailer mounted shall not be erected within the Dick Ward Drive road reserves.

6. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.

7. Detailed plans for the restaurant and kitchen must be submitted to the Department of Health, via a Building Certifier for assessment, prior to the commencement of any building works. Following assessment the premises is required to be registered as a Food Business with Department of Health prior to operating.

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

9. There is a shortfall of 9 parking bays on the site. As these are accommodated within an informal overflow parking area on Lot 5298, future applications may be impacted in the event that this area is redeveloped.

**REASONS FOR THE DECISION**

1. Pursuant to section 51(a) of the Planning Act, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.
The Darwin Inner Suburbs Area Plan identifies Lot 5298 for Organised Recreation and the site is zoned OR (Organised Recreation). Lot 5298 is a large site and has large expanses of underutilised areas. It is considered that the development of a Licensed Club (with shared office space and an observation deck overlooking the race track) is in accordance with the existing organised recreational uses on the site and therefore is in accordance with the principles of the Darwin Inner Suburbs Area Plan and the purpose of Zone OR.

Current storm surge mapping indicates that Lot 5298 is located within both the (Primary Storm Surge Area (PSSA) and Secondary Storm Surge Area (SSSA). The application proposes commercial development, which should be avoided within the PSSA and confined to the SSSA. It is noted that only a section of the carparking area and the proposed observation deck are located within the PSSA and the remainder of the building is located within the SSSA. Commercial uses are permitted within the SSSA. No residential uses are proposed. The applicant has provided engineering advice confirming the PSSA and SSSA levels within the subject land at 5.52 and 6.9 metres AHD respectively, relative to the height of the subject land at 6.0 metres (in the location of the proposed building). Accordingly, to meet the requirements of Clause 6.14 (floor level at least 300mm above Defined Flood Area level), the floor level of the club is required to be a minimum of 7.2 metres. The proposal identifies a floor level of 7.4 metres AHD in order to maximise views across the racecourse and therefore the floor level of the club will be situated well above both the PSSA and SSSA levels, and thus protected from storm surge events.

Clause 8.2 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) requires bicycle access, storage facilities and shower facilities to be provided. Provided that amended plans are received which demonstrates a bicycle storage area, the development can with comply with the requirements of Clause 8.2 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) of the Northern Territory Planning Scheme.

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

There are two large expanses of informal, over-flow parking areas available to the western side of Bunting Drive. These areas are used during racing carnivals when the demand for parking exceeds what the formalised car parking areas can physically accommodate. This area is located directly adjacent to the formal carpark proposed for the Licensed Club and within easy walking distance. It is considered that a parking shortfall of 8.77 bays is relatively minor, and given the intermittent use of the Darwin Turf Club (all race events occur between April and August), and the variable parking demand times for the proposed club (given that the administration element would largely operate during business hours and the club element after hours) it is unlikely that the various uses on-site would conflict. The
Authority acknowledges there may some potential overlap that occurs during racing carnivals (as identified in the application material that estimates the carparking being capable of accommodating greater than 90% of the Licensed Club's operations, but considers the overflow parking area would be more than adequate to accommodate for this.

In summary, given the nature of the proposed use and the availability of after hours carparking within the complex, the proposal is not likely to create an undue demand on available car parking and a reduction in required parking, pursuant to Clause 6.5.2, is considered appropriate. The Authority notes that the shortfall can be accommodated within an informal overflow parking area on Lot 5298, and advises that future applications may be impacted in the event that this area is redeveloped.

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

The Department of Environment and Natural Resources advised that the northern boundary of the lot is impacted by primary (PSS) and secondary (SSS) storm surge. The maximum PSS level (100 Average Recurrence Interval (ARI)) of the surge affected area is approximately 5.52m Australian Height Datum (AHD). The maximum SSS level (1000 ARI) of the surge affected area is approximately 6.90m AHD. An engineering solution has been provided which has been discussed within reason 1 above.

Due to the size (approximately 7990m²), location (situated within a storm surge zone, 3m upslope of an open drain which discharges into Ludmilla Creek) and nature of the proposed works (earthworks required), the Department of Environment and Natural Resources recommends an Erosion and Sediment Control Plan (ESCP) be prepared. Provided that an Erosion and Sediment Control Plan (ESCP) is prepared and implemented as required by condition precedent 6, the land is considered capable of supporting the Licensed Club.

4. Pursuant to section 51(n) of the Planning Act, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.
Provided that the applicant adheres to all recommended conditions, the proposed use is considered appropriate for the site and unlikely to have an unreasonable amenity impact on the surrounding area given its location within Zone OR (Organised Recreation) of the NT Planning Scheme.

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

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

DENIS BURKE
Chairman

16/5/17