



# **DEVELOPMENT CONSENT AUTHORITY**

## **DARWIN DIVISION**

### **MINUTES**

**MEETING No. 295 – FRIDAY 19 MAY 2017**

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

**MEMBERS PRESENT:** Denis Burke (Chairman), Bob Elix, Justine Glover and Doug Phillips

**APOLOGIES:** Garry Lambert and John Gleeson

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

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 9.45 am and closed at 12 noon**

**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                      EXTENSIONS TO AN EXISTING SINGLE DWELLING WITH REDUCED SIDE  
PA2017/0141            AND REAR SETBACKS**

**APPLICANT              LOT 1557 (16) MCKAY PLACE, TOWN OF NIGHTCLIFF  
HEINER STRUCTURAL ENGINEERING CONSULTANTS PTY LTD**

DAS tabled further information from the submitter.

Ms Annette Joseland (Heiner Structural Engineering Consultants Pty Ltd) attended.

Submitter Mr Chris Allinson attended.

**RESOLVED  
83/17**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 1557 (16) McKay Place, Town of Nightcliff for the purpose of extensions to an existing single dwelling with a reduced side setback, 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:
  - The outer extremity of the roofline (including guttering) to be setback a minimum of 0.6m from the southern side boundary.
2. 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 underground stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to the underground system.

**GENERAL CONDITIONS**

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
6. 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.
7. 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.

**NOTE:**

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.

**REASONS FOR THE DECISION**

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

The primary purpose of Zone SD is to provide for low density urban developments. The development is for an extension to an existing single dwelling and will not change the residential use of the site.

A variation of the side setback to the wall of the building is granted, as the variations are relatively minor in nature and no undue impacts to the amenity of the neighbouring property are expected.

2. 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, and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The site is already developed with a single dwelling development and, as the extension has already been constructed, no land capability issues are expected.

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

Provided that the southern awning of the extension is reduced, it is considered that there will be minimal impacts on the existing and future amenity of the area.

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

ITEM 2  
PA2017/0149

APPLICANT

**SHED ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED FRONT SETBACK**  
**LOT 5013 (36) LONGWOOD AVENUE, TOWN OF SANDERSON**  
**TRISTAN FERGUSON**

Mr Tristan Ferguson and Ms Fiona Walker (landowners) attended.

**RESOLVED**  
**84/17**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Building and Ancillary Structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5013 (36) Longwood Avenue, Town of Sanderson for the purpose of a garage addition to existing single dwelling with a reduced front setback, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to 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 consent authority.
2. 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**

3. The works carried out under this permit shall be in accordance with the drawings no 2017/0149/01 and 2017/0149/02 endorsed as forming part of this permit.
4. Any developments on or adjacent to any easements on site shall be carried out to the prior requirements of the City of Darwin to the satisfaction of the consent authority.
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. 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.
7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

#### **NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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. City of Darwin advises that Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the General Manager Infrastructure, City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of 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 NT Planning Scheme applies to the land. Lot 5013 Town of Sanderson is identified within Zone SD (Single Dwelling Residential) of the NT Planning Scheme and is surrounded by lots predominantly developed as single dwelling. The primary purpose of Zone SD is to provide for single dwellings on individual lots. As the garage is considered ancillary to the existing single dwelling it is considered that the proposal is consistent with the purpose of the zone.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Scheme is granted as:

- Addition of landscaping along the front boundary will reduce the adverse effects of the reduced setback when viewed from the street.
  - The landscaping on road reserve is expected to filter views of the garage from the street and assist in integrating it into the streetscape.
  - Due to the building footprint for the existing dwelling on the property, suitable accessible areas for a garage with the dimensions proposed are limited.
  - The side setback on the eastern boundary maintains a 1.5 metre setback, which complies with current setback requirements;
  - Locating the garage with a reduced front setback will enable convenient access via an existing driveway and construction above an existing parking area; and
  - The garage is not a habitable room and therefore no issues of undue overlooking of adjacent properties is anticipated.
2. City of Darwin advises it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and as such has requested details of the collection and discharge of stormwater for this proposal.
  3. 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.

It is considered the addition of a garage to an existing single dwelling is consistent with the type of development reasonably anticipated in the area. The treatments proposed for the garage have been well thought out to reduce the impact of the reduced front setback and it is thus considered that the proposal will have little or no impact on the amenity of the street and the adjoining land. A condition regarding maintenance of the landscaping has been added on the permit to ensure that the screening is maintained.

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

**ITEM 3**  
**PA2017/0157**  
**APPLICANT**

**HOME OCCUPATION EXCEEDING 30M<sup>2</sup>**  
**LOT 2355 (44) CHAMBERS CRESCENT, TOWN OF SANDERSON**  
**CHIEN HA**

Mr Chien Ha (landowner) attended.

**RESOLVED**  
**85/17**

That, the Development Consent Authority vary the requirements of Clause 7.10.7 (Home Occupation) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 2355 (44) Chambers Crescent, Town of Darwin for the purpose of home occupation with floor area exceeding 30m<sup>2</sup>, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the commencement of works, 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.

#### **GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings no 2017/0157/01 and 2017/0157/02 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 facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Storage for waste bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
5. 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.
6. The landscaping and screening is to be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
7. No goods are to be stored or left exposed outside the building(s) so as to be visible from any public street

## NOTES:

1. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
2. City of Darwin advises that any gate over an access to a public road shall be placed on the subject site at least 4.5m from the face of the kerb line of the adjoining public road.
3. Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
4. The Power and Water Corporation advises that full lot fire coverage cannot be achieved from existing hydrants and indicate that internal firefighting arrangements should be arranged to the requirement of the NT Fire and Rescue Service.
5. Any type of food premises on the development should be designed, constructed, registered and operates in accordance with the National Construction Code of Australia, *NT Public Health Act and Regulations*, the *NT Food Act* and National Food Safety Standards.

## REASONS FOR THE DECISION

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

The Northern Territory Planning Scheme applies to the land and the site is within Zone SD (Single Dwelling Residential). Home occupation is a permitted use within the zone, subject to compliance with the performance criteria contained in Part 4 of the Scheme.

While the proposed home occupation exceeds the provisions of Clause 7.10.7 (Home Occupation) in relation to the floor area exceeding 30m<sup>2</sup> and number of vehicles, the use is not expected to unduly impact on the existing or future amenity of adjoining properties or the locality, provided that it is appropriately managed in accordance with the proposed permit conditions and that effective screening to neighbouring properties and adjoining streets is maintained. Additionally, there is no history of complaints received in past in relation to the existing home occupation operating from the site and no submission from the neighbours has been received.

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

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

3. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The home based contracting storage and associated activity is not expected to unduly impact on the existing or future amenity of adjoining properties as the area used for home occupation is well set back from all boundaries and surrounded by established tree plantings and vegetation.

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

**ITEM 4**  
**PA2017/0143**  
**APPLICANT**

**FIVE STOREY CARPARK ADDITION TO EXISTING HOSPITAL  
LOT 9731 (105) ROCKLANDS DRIVE, TOWN OF NIGHTCLIFF  
DEPARTMENT OF HEALTH AND FAMILIES**

Pursuant to section 97(1) of the *Planning Act*, Ms Justine Glover, a member of the Darwin Division of the Development Consent Authority declared a conflict of interest and was not present and did not take part in any deliberation or decision of this item.

Mr Alex Hatzi (Aurecon) and Mr Andrew Jacka (Building Services DIPL) attended.

Mr Hatzi tabled a copy of the Darwin Hospital masterplan.

**RESOLVED**  
**86/17**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 9731 (105) Rocklands Drive, Town of Nightcliff for the purpose of a five-storey carpark addition to an existing hospital, 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:

- Amended plans clearing identifying the proposed design and screening treatments/materials to the carpark exterior that are aesthetically pleasing, and add variety and interest at street level whilst allowing passive surveillance of public spaces. The Authority highlights that the Waterfont Carparking facility is one such example it considers to have been designed with an aesthetically pleasing façade treatment.
- Further information regarding the proposed pedestrian access and linkages to and from the carpark, and confirmation from a suitably qualified professional that the carpark has been appropriately designed for its intended use, and that any potential conflicts between pedestrian and traffic movement have been identified and addressed.
- A detailed landscaping plan that enhances the streetscape, is attractive, water efficient and contributes to a safe environment. The layout and choice of plants are to permit surveillance of public areas.



## REASONS FOR THE DECISION

1. The request for additional information regarding the proposed design, façade treatments, pedestrian access and safety, and proposed landscaping is considered necessary as the application does not provide adequate detail to adequately demonstrate that the proposal complies with the requirements and purpose of the Northern Territory Planning Scheme.

### RESOLVED 87/17

That, pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act, to determine the application to develop Lot 9731 (105) Rocklands Drive, Town of Nightcliff for the purpose of a five-storey carpark addition to an existing hospital subject to:

- Amended plans clearing identifying the proposed design and screening treatments/materials to the carpark exterior that are aesthetically pleasing, and add variety and interest at street level whilst allowing passive surveillance of public spaces. The Authority highlights that the Waterfront Carparking facility is one such example it considers to have been designed with an aesthetically pleasing façade treatment.
- Further information regarding the proposed pedestrian access and linkages to and from the carpark, and confirmation from a suitably qualified professional that the carpark has been appropriately designed for its intended use, and that any potential conflicts between pedestrian and traffic movement have been identified and addressed.
- A detailed landscaping plan that enhances the streetscape, is attractive, water efficient and contributes to a safe environment. The layout and choice of plants are to permit surveillance of public areas.

Further subject to conditions as determined by the delegate.

**ACTION:** Advice to Applicant

### ITEM 5 PA2017/0055 APPLICANT

### ALTERATIONS AND ADDITIONS TO AN EXISTING WAREHOUSE AND OFFICES LOT 6845 (47) BISHOP STREET, TOWN OF DARWIN NORTHERN PLANNING CONSULTANTS PTY LTD

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

### RESOLVED 88/17

That, the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Parking Requirements), vary the requirements of Clauses 6.1 (General Height Control) and 9.1.1 (Industrial Setbacks) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 6845 (47) Bishop Street, Town of Darwin for the purpose of a alterations and additions to an existing warehouse and offices 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/land owner must obtain approval from City of Darwin for access arrangements to the site. A traffic assessment shall form part of the access arrangements approval and be prepared by a suitably qualified traffic engineer and must detail adequate access sightlines for pedestrians, cyclists and vehicles. Access to the site shall meet City of Darwin requirements, particularly the width and the locations of the proposed crossovers.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a detailed Landscaping Plan outlining all proposed landscaping within the road verge, including existing and proposed infrastructure within the road reserve is to be provided to the requirements of City of Darwin.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a dilapidation report covering infrastructure within the road reserve is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required by the City of Darwin for any elements of the building (separate to awnings) that is designed to be constructed or installed over the City of Darwin road reserve, to the satisfaction of the consent authority.
5. 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 underground stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of the site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to the underground system.
6. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a Waste Management Plan demonstrating waste disposal, storage and removal is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
7. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) the applicant is to provide written advice from a suitably qualified person confirming that the parking layout and number of disabled car parking bays generally complies with Australian Standards for off-street carparking.
8. 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 waste management, traffic control, haulage routes, storm water drainage, use of City of Darwin land; and how this land will be managed during the construction phase.

## GENERAL CONDITIONS

9. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
10. The design and specifications for landscaping on the road verges adjacent to the property shall be submitted for approval by City of Darwin, and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
11. The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of City of Darwin.
12. The kerb crossovers and driveways to the site are to meet the technical standards of the City of Darwin to the satisfaction of the consent authority. The owner shall:
  - (a) remove disused vehicle and/or pedestrian crossovers;
  - (b) provide footpaths/cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
13. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
14. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-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;
  - (g) to the satisfaction of the consent authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.
15. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
16. 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.



17. Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.
18. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant authority to the satisfaction of the consent authority.
19. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

**NOTES:**

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
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. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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 (Note City of Darwin advises that Fire Booster Services doors must not open into the footpath).
4. The City of Darwin advise that all street trees shall be protected during construction, and any tree on the footpath which is damaged or removed during construction shall be replaced. A tree protection zone shall be constructed in accordance with the relevant Australian Standards.
5. A "Permit to Work Within a Road Reserve" is required from the City of Darwin before commencement of any work within the road reserve.
6. Any proposed work (including the provision or connection of services) within, or impacting upon the Stuart Highway road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval before commencing works.
7. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.



8. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
9. Notwithstanding the approved plans, any proposed works (including landscaping and awnings) within the City of Darwin's road reserve is subject to approval and shall meet all requirements to the satisfaction of the City of Darwin, at no cost to the relevant agency.

## REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The Northern Territory Planning Scheme applies and the land is within Zone GI (Central Industry). The application proposes alterations and additions to an existing warehouse and offices which is consistent with the primary purpose of Zone GI in providing for general industry use, and ancillary office uses.
2. A variation to the requirements of Clause 6.1 (General Height Control) to allow a maximum height of 10.77m is granted as the height is consistent with the existing warehouse building on site which measures 10.172 metre above the existing ground level. It is also considered necessary for the height clearance to allow for pallet racking and the provision of underfloor infrastructure. The minor increase in height is considered unlikely to impede on the amenity and unlikely to cause built form impacts.
3. Pursuant to Clause 6.5.2 (Reduction in Parking Requirements) a reduction of the parking requirements for the development from 153 parking bays to 144 parking bays is granted as:
  - The unique nature of the existing use, being a food storage and distribution centre, is such that a high proportion of visitations occur by truck and delivery vehicles resulting in a relatively low level of car parking demand to the site;
  - The proposal includes off-street parking of 144 (plus 5 tandem spaces) spaces which ensures that there is sufficient car parking spaces to accommodate the use; and
  - There are a number of bus routes which service the area and the bus stops for these routes are located a short walk from the site, including the services running along Stuart Highway.
4. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. No land capability issues were identified during assessment of the application. Conditions precedent on the development permit requires consent for a waste management plan, crossover access approval, sediment control plan, erosion and sediment control plan, waste management plan, and dilapidation report. It is anticipated that these measures, combined with standard conditions relating to the connection and upgrade of

utility services and the provision and treatment of easements, are expected to ensure that the land is developed in accordance with physical capabilities, to address concerns raised by service authorities, and to ensure that utility and infrastructure requirements are appropriately addressed.

5. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The land is zoned to accommodate the proposed general industry and ancillary office use development in that the development is considered to meet the purpose of Zone GI (General Industry) in providing for a diversity of general industry use. The proposed development is considered to be consistent with the provisions of the zone.

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

**ITEM 6**  
**PA2017/0148**  
**APPLICANT**

**CHANGE IN USE FROM SHOP TO GAMING ROOM (THE TAP BAR)**  
**LOT 5661 (58) MITCHELL STREET, TOWN OF DARWIN**  
**DKJ PROJECTS ARCHITECTURE PTY LTD**

Mr Peter Farinola and Mr Adam Walker (DKJ Projects Architecture Pty Ltd) and Mr Chris Foy attended.

Submitter Prestige Body Corporate sent their apologies.

**RESOLVED**  
**89/17**

That the Development Consent Authority, pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5661 (58) Mitchell Street, Town of Darwin for the purpose of a change of use from shop to gaming room, subject to the following conditions:

**CONDITION PRECEDENT**

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

**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with drawing numbers 2017/0148/01 and 2017/0148/02, endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and

electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading area on Shadforth Lane and must not disrupt the circulation and parking of vehicles on the land).

#### NOTES:

1. Notwithstanding the approved plans, all signage and awnings are subject to City of Darwin approval, at no cost to Council.
2. 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.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerdevelopmentnorth@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.

#### 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 proposal includes a change of use from a shop to a gaming area, which is in accordance with the intent of Zone CB (Central Business) in that it provides for an additional entertainment use. The proposal has been assessed against and found to be generally compliant with the relevant clauses of the NT Planning Scheme.

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



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 CB (Central Business) 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

**24/5/17**