



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 283 – FRIDAY 7 OCTOBER 2016

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

MEMBERS PRESENT: Denis Burke (Chairman), Bob Elix and Alan Sprigg (Katherine DCA)

APOLOGIES: Doug Phillips, John Gleeson, Garry Lambert and Emma Young

OFFICERS PRESENT: Kate Walker (Secretary), Adelle Godfrey, Walter Hawkins, Ann Marie Dooley and Amit Magotra (Development Assessment Services); Julia Wanane and Campbell Grace (Lands Planning)

COUNCIL REPRESENTATIVE: Cindy Robson and James Whyte

Meeting opened at 9.30 am and closed at 12.20 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
PA2015/0241
VARIATION OF DP15/0390 TO INCLUDE A DESIGNATED SMOKERS' AREA IN THE NORTH EASTERN CORNER OF THE DEVELOPMENT ADJACENT TO PARAP ROAD
LOT 2168 (15) PARAP ROAD, TOWN OF DARWIN
PLANNER
ANN MARIE DOOLEY
APPLICANT
YELLOWCITY PTY LTD

Submitters Mr John and Mrs Elaine Edwards attended and tabled one page of photos and a petition. Mr Terry Nixon from YellowCity Pty Ltd was not present.

RESOLVED
194/16
The Development Consent Authority, defer consideration of the application to vary Condition 4 of Development Permit DP15/0390 to include a designated smoking area in the north eastern corner of the development adjacent to Parap Road, to require the applicant to provide further information to enable the proper consideration of the proposal. The additional information should include details of how potential noise will be managed in the designated smoking area.

REASON FOR THE DECISION

1. The consent authority has deferred consideration of the proposal to allow the applicant to provide additional information it considers necessary to enable the proper consideration of the proposal, including details of how potential noise will be managed in the designated smoking area.

The additional information is required to enable the proper consideration of the proposal under Section 57 of the *Planning Act* in considering the potential effect on the amenity of the adjoining or nearby land or premises.

ACTION: Advice to applicant

ITEM 2
PA2016/0552
WITHDRAWN FROM MEETING

ITEM 3
PA2016/0507
EXTENSIONS TO EXISTING LEISURE AND RECREATION FACILITY (SQUASH COURTS) INCLUDING A CARETAKER'S RESIDENCE
SECTION 6236 & 6294 (9) MARRARA DRIVE & (23) ABALA ROAD, HUNDRED OF BAGOT
PLANNER
AMIT MAGOTRA
APPLICANT
SUNBUILD PTY LTD

Mr Dean Osborne and Mr Neil Sunners from Sunbuild Pty Ltd attended.

**RESOLVED
195/16**

That, the Development Consent Authority reduce the required parking pursuant to Clause 6.5.2 (Reduction in Parking Requirements), vary the requirements of Clauses 6.1 (General Height Control) and 7.10.3 (Caretaker's Residence), and pursuant to section 53(a) of the Planning Act, consent to the application to develop Section 6236 (9) Marrara Drive and Section 6294 (23) Abala Road, Hundred of Bagot for the purpose of extensions to an existing leisure and recreation facility (squash courts) including a caretaker's residence, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the stormwater drainage system shall be submitted to and approved by the City of Darwin and the Transport Infrastructure Planning Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority. The plan is also to be submitted to and approved by adjacent land owners if stormwater discharge to adjacent lots is proposed if the land is not protected by appropriate drainage easements, and to the Crown Land Estate Division of the Department of Infrastructure, Planning and Logistics if drainage to NT Government easements is proposed. 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 underground to system.
2. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP) to the requirements of the City of Darwin and the Transport Infrastructure Planning Division of the Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land.
3. Prior to endorsement of plans and 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.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer. The Report must detail the development's traffic generation, trip distribution, traffic operation impact, the nature and timing of impacts, and recommended measures required to accommodate and / or mitigate the traffic impacts of the development, including construction traffic. All road sections and / or intersections where traffic generated by the development increases the existing traffic by 5% or more must be assessed to the requirements of the Transport Infrastructure Planning Division of the Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. A review of the Memorandum of Understanding (MoU) and car parking arrangements between Darwin Toy Library (DTL) and Squash Northern Territory for exclusive use of carparks by DTL during the working hours of DTL to the satisfaction of the consent authority.
7. Any developments works identified in the traffic impact assessment report shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
8. All proposed works related to intersection, road upgrades and work impacting on (Marrara Drive or McMillans Road) 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. Drawings must be submitted to the Transport Infrastructure Planning Division of Road Agency approval and works are to commence prior to gaining approval and receipt of a "Permit to Work Within a Road Reserve".
9. Where unfenced, the Marrara Drive and McMillans Road frontages are to be appropriately fenced in accordance with the requirements of Transport Infrastructure Planning Division of Department of Infrastructure Planning and Logistics to the satisfaction of the consent authority.
10. Building materials must be selected so as to not create reflective glare for aircraft operations to the satisfaction of the consent authority.
11. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land, roads, and on the operation of the RAAF Base Darwin and Darwin International Airport.
12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development 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. 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.
15. 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).

16. 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-sealed coat;
- (d). drained;
- (e). line marked to indicate each car space and all access lanes;
- (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.

17. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their visitors.

18. 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.

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

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

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

23. Soil erosion control measures must be employed throughout the construction stage of the development 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 Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. 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 8936 4070 to determine if the proposed works are subject to the Act.
4. A "Permit to Work Within a Road Reserve" may be required from Transport Infrastructure Planning Division of Department of Infrastructure Planning and Logistics before commencement of any work within the road reserve.
5. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
6. The Transport Infrastructure Planning Division of the Department of Infrastructure, Planning and Logistics advises that any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Marrara Drive and McMillans Road traffic.
7. The Transport Infrastructure Planning Division of the Department of Infrastructure, Planning and Logistics advises that:
 - a) Any road or intersection upgrade is subject to Road Safety Audit in accordance with the Department's Policy "Road Safety Audit".
 - b) The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the Developer will be obliged to sweep and clean material off the road.
 - c) Dryland grassing shall be established on the Marrara Drive verge fronting the development and shall be undertaken to the Department's standards and requirements. Any other landscaping proposed by the Developer within the Marrara Drive road reserve shall be to the standards and approval of Transport Infrastructure Planning Division.
 - d) Temporary advertising signage, e.g. 'A' frame, vehicle or trailer mounted shall not be erected or located within the McMillans Road or Marrara Drive road reserves.
 - e) The finish of any Prime Identification sign shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or of 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 land.

8. 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.

9. The site is subject to the 'Defence Areas Control Regulations (DACR)'. All structures, including temporary structures, higher than 15m above ground level, including, but not limited to, additional buildings, light poles, cranes used during construction, vegetation etc., require approval from the Department of Defence.

REASONS FOR 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. Sections 6236 & 6294 Hundred of Bagot are identified within Zone OR (Organised Recreation) of the NT Planning Scheme. The purpose of Zone OR (Organised Recreation) is to provide areas for organised recreational activities. Development is to be limited to that which is consistent with the recreational opportunities of the land. The development comprises an extension to the existing leisure and recreation facility (squash courts); for sporting activities and to provide additional training and match day facilities at the existing sporting complex. This is consistent with the intent of Zone OR.

2. A variation to the general height limit of Clause 6.1 (General Height Control) of the NT Planning Scheme is granted given that the proposal satisfies the purpose of the clause based upon following reasons:

- the height of the building is consistent with the specific nature of the sporting activities proposed including the clearance required for volleyball and badminton events;
- there is an established character of buildings exceeding 8.5m height within that zone;
- the built form adjacent to the Multipurpose Sports Exhibition Hall has sufficient area/ setback to provide separation for visual amenity; and
- no objections were received from Darwin International Airport in relation to increased height of the structure.

3. Clause 6.5.1 (Parking Requirements) identifies 224 car parking spaces are required to support the development however only 176 spaces are provided. A reduction to the parking required under Clause 6.5.1 (Parking Requirements), pursuant to Clause 6.5.2 (Reduction in Parking Requirements), is granted based upon following reasons:

- The development consists of varied uses, including sports facilities (squash, table tennis and judo), a gymnasium/physiotherapy centre, café, offices and caretakers residence. A separate assessment was made for those uses which are characterised as either a fixed parking demand or a variable parking demand. The portion of parking required by the offices, physiotherapy rooms, and caretaker's residence has been provided on site.
- Of the remaining uses, the following assessment was provided:

- the peak parking demand for the development occurs mostly after 5pm on weekdays, when the community centre (Toy Library) is not operational. Anecdotal evidence provided by the applicant plus site inspections suggests the actual usage of the parking available for the Toy Library is less than the 30 allocated spaces;
 - on Saturday mornings between 9am-12pm the parking demand for the Squash Centre is less as there is a Junior Programme which last for 2 hours with children dropped off / picked up by parents;
 - the peak parking demand for squash and judo will be less as these facilities attract less players than required by Clause 6.5.1 due to their space requirements; and
 - the café is deemed to be ancillary as its customers will primarily be the members of the complex or the parents who travelled to drop-off their children for the sporting activities. Hence it is considered that there will not be any separate parking requirement for the café as the allocation is accounted within the broader requirements of the complex.
- The normal operating days of the facility and major event days will have different parking demands. As the major event days may be infrequent, any benefit gained by providing more parking on site would be disproportionate to the loss of land that might otherwise be developed for organised recreation uses. The applicant has outlined that on major event days, visiting teams are likely to arrive on buses, and that overflow parking can be managed by the centre. The ongoing use of a parking management approach for major sporting events is considered to be a more practical and sustainable approach to providing for car parking demand generated during such events.
4. A variation to Clause 7.10.3 (Caretaker's Residence) to allow a larger caretakers residence is granted based upon following reasons:
- there is only one caretaker's residence on site and the primary purpose of the land remains unchanged;
 - no adverse effects on the amenity of the surrounding land is anticipated as it is adequately setback from McMillan Road;
 - the caretaker's residence is of a scale reasonably expected for this type of development;
 - the size of the caretaker's residence relates to the intention to attract a high calibre coach to support the facility.
5. 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.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2016/0328
PLANNER
APPLICANT

**105 X 3 BEDROOM MULTIPLE DWELLINGS IN 62 SINGLE STOREY BUILDINGS
SECTION 4278 & 4279 (32 & 38) BOWERLEE ROAD, HUNDRED OF BAGOT
STEVEN KUBASIEWICZ
ONE PLANNING CONSULT**

Mr Israel Kgosiemang from One Planning Consult attended with land owners Tony Murray Williams and Chris Gahan. Submitters Mr Danny and Mrs Jane Maxwell were present, who are landowners of the adjoining property.

**RESOLVED
196/16**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Sections 4278 and 4279 (32 and 38) Bowerlee Road Hundred of Bagot for the purpose of 105 x 3 bedroom dwellings in 62 single storey buildings to be developed in 3 stages 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:

- Further information and amended plans that provide greater consideration to building setbacks to the central spine road to ensure an appropriate level of residential amenity is achieved.
- Amended plans demonstrating compliance with setback requirements between buildings in accordance with the requirements of the Northern Territory Planning Scheme.
- Amended plans demonstrating compliance with the open space requirements of the Northern Territory Planning Scheme.
- Clarification on the types of fencing to proposed to all the areas of private opens space and to the perimeter of the site.
- Clarification on the proposed boundary treatment to Section 4280 Hundred of Bagot to the west, including fencing and landscaping details.
- All plans are to be drawn to an appropriate scale to allow the authority to determine compliance with the relevant provision.
- If required an amended Statement of Effect that demonstrates compliance or provides reasons for consideration of the authority as to why a variation should be granted.
- A technical analysis supporting an interim stormwater management system until regional infrastructure is developed, including the feasibility and constructability agreed to in principle by the Department of Infrastructure, Planning and Logistics (Infrastructure division, Planning and Development) and the City of Darwin. Details should include an assessment of any filling required on the site to accommodate the proposed stormwater drainage and its impact on the ability of this proposed development to integrate with adjoining sites. The analysis should also have regard to the proposed staging of the development.
- Amended plans clarifying the proposed staging.
- Full elevation plans for dwelling types H1 and H2.

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 plans provided in support of the application lack sufficient detail to determine compliance or otherwise of the proposed development.

2. 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.

An interim stormwater management is required for the development until infrastructure in the broader region is developed. Service authorities have expressed concern about the design and connectivity of this system to the future stormwater management plan to service the locality.

ACTION: Advice to applicant.

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| ITEM 5 PA2016/0504 PLANNER APPLICANT | REFURBISHMENT OF EXISTING MOTEL INCLUDING CHANGES TO COMMUNAL AREAS ON GROUND FLOOR PLUS 2 CARETAKER'S RESIDENCES EXCEEDING 50M2 LOT 6519 (79) CAVENAGH STREET, TOWN OF DARWIN WALTER HAWKINS SAVAGE ARCHITECTURE PTY LTD |
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Mr Keith Savage from Savage Architecture Pty Ltd attended with Mr Carlo Borromeo.

RESOLVED
197/16

That, the Development Consent Authority vary the requirements of Clauses 6.3.3 (Urban Design Requirements in Central Darwin), 6.6 (Loading Bays), 7.10.3 (Caretaker's Residence) and 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, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 6519 (79) Cavanagh Street, Town of Darwin for the purpose of the refurbishment of an existing motel including changes to communal areas on the ground floor plus 2 caretakers' residences exceeding 50m², 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:
 - a. a loading area to provide for the servicing of the development; and
 - b. bicycle racks.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required for the provision of awnings to the Cavanagh Street frontage to the requirements of 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 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.
4. 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.

CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. 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.
7. 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.
8. 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/guests.
9. All proposed works (including awnings and signage) impacting Cavanagh Street 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 of Darwin. Drawings must be submitted to the General Manager Infrastructure, City of Darwin for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
10. Any new 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.

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

NOTES

1. A "Permit to Work Within a Road Reserve" may be required from City of Darwin before commencement of any work within the road reserve.
2. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
3. Notwithstanding the approved plans, the demonstrated awning in City of Darwin Council's road reserve is subject to Council approval at no cost to Council. Council advises that all street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of the General Manager Infrastructure, City of Darwin.
4. 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.
5. It is noted that the elevations advertised as part of the application include screening to the air-conditioning units on each balcony.

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the Planning Act, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The application for refurbishments to an existing motel is consistent with the primary purpose of Zone CB (Central Business) which is to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities.
2. A variation to the requirements of Clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme is considered acceptable as the non-compliances are pre-existing. Furthermore, aspects of the proposal act to increase compliance with the purpose of this clause, such as the screening of air-conditioning units and the improvement of disabled access to the site.
3. In relation to compliance with Clause 6.6 (Loading Bays), the applicant provided information to the consent authority at the hearing in relation to the current loading

arrangements at the site and confirmed that loading currently occurs adjacent to the laundry at the northern corner of the site. Amended plans are required reflective of the location of on-site loading as described to the consent authority.

4. A variation to the requirements of Clause 7.10.3 (Caretaker's Residence) of the Northern Territory Planning Scheme is considered acceptable as the proposed caretakers' residences are expected to meet the purpose of the Clause. Although the provision of 2 caretakers' residences exceeds the restriction of 1, and the sizes of 214m² and 219m² far exceed the limit of 50m², they are not expected to prejudice the primary use of the site as a motel. The caretakers' residences are to be located internally, therefore making their permanency largely invisible to motel patrons and the public.

5. A variation to the requirements of Clause 8.2 (Commercial and other Development in Zone CB) of the Northern Territory Planning Scheme is considered acceptable as the proposal generally increases compliance with the purpose of the clause. The proposal retains an existing non-compliance due to the lack of bicycle storage facilities. The applicant provided information to the consent authority at the hearing confirming the provision of bicycle parking facilities on site and amended plans are requested which are reflective of this.

6. 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. Service authority comments have been addressed through the inclusion of condition precedents to ensure that the proposal will comply with the necessary requirements.

ACTION: Notice of Consent and Development Permit

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| ITEM 6 PA2016/0421 | CONCURRENT APPLICATION - AMEND ZONE SD3 (SPECIFIC USE ZONE DARWIN NO.3) TO INCLUDE THE USE 'CHILD CARE CENTRES' AND CHANGE OF USE FROM AN OFFICE TO FACILITATE A CHILD CARE CENTRE LOT 3327 (55) HUDSON FYSH AVENUE, TOWN OF DARWIN |
| PLANNER APPLICANT | ANN MARIE DOOLEY MOONBEAN DESIGN |

RESOLVED Ms Ayla Lorimer from Moonbeam Design attended and spoke to the application. Ms

198/16 Lorimer tabled two new documents. Proposed tenants Mr Kevin Tang and Ms Lim Shih were present with Mr Ryan Doyle from North Commercial Rest Estate (land owners agent). Ms Meriel Corbett-Weir attended as an interested party.

Eight submitters were present who opposed the application including Mr Andrew and Mrs Sabrina Mason; Mr Brad and Mrs Cherill Hopkins; Mr William Suffolk; Mr Sean A Redwood; Ms Caroline Hughes and Ms Pamela Trotman who tabled her submission.

DECISION (1)

Pursuant to section 30P(1)(a) the Development Consent Authority, determine that if the Minister were to approve the amendment proposed by the concurrent application, the Development Consent Authority would be likely to determine to consent to the application to develop Lot 3327 (55) Hudson Fysh Avenue, Town of Darwin for the purpose of a change of use from office to child care centre, under section 30W(1)(a) 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 and generally in accordance with the plans submitted with the application but modified to show:
 - a) the dimensions of the car parking bays proposed to demonstrate compliance with clause 6.5.3 (Parking Layout);
 - b) a 2.4m high solid fence to the affected boundaries to screen the outdoor play area at the rear of the property;
 - c) a landscaping plan detailing the extent of the existing landscaping and the location and type of all plants proposed within the development boundaries, landscaping is to be provided to a depth of 1.5m; and
 - d) approval, removal, and/or changes to structures located within the sewer easement to the requirements of the Power and Water Corporation.
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a Traffic Impact Assessment Report is to be prepared by a suitably qualified traffic engineer with attention to vehicular, pedestrian, and cyclist issues, 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 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.
4. 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.
5. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan (ECMP) to the requirements of the City of Darwin. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land during

construction. The ECMP should include details of the location of the crane and any holding areas.

GENERAL CONDITIONS

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

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

8. 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.

9. 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.

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

11. The use and operation shall provide for a maximum of thirty eight (38) children at any one time during the hours of operation, to the satisfaction of the consent authority.

12. The use may operate only between the hours of 7.30am and 5.30pm Monday to Friday, to the satisfaction of the consent authority.

13. 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.

14. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.

and

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.

15. Storage 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. 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.

REASONS FOR DECISION (1)

1. Pursuant to sections 30P(2)(a) and (b) of the *Planning Act*, the consent authority must take into account any planning scheme that applies to the land to which the application relates and the amendment proposal contained within the application.

The development is located within a residential suburb and in close proximity to community facilities such as Ludmilla Primary school, Parap Primary school and Parap village. The development will improve the standard of services available to local residents as well as improving the amenity of existing building.

A variation to the requirements of Clause 8.3 (Setbacks for Commercial Uses adjacent to Land in Zones SD, MD, MR or HR) to allow landscaping to a depth of 1.5m is considered acceptable as a solid screen fence of a minimum height of 2.4m is required along the north east boundary to protect the visual and acoustic amenity of the neighbouring residential dwelling as recommended by the acoustic assessment tabled by the applicant. Furthermore, requiring landscaping to a depth of 3m is unlikely to provide any additional screening and may restrict the useable outdoor space available to the child care centre.

Amended plans are required as a condition precedent to address the functionality of the car parking bays specifically in relation to the dimensions proposed to ensure compliance with the provisions of Clause 6.5.3 (Parking Layout) is achieved.

2. Pursuant to Section 30P(2)(l) of the *Planning Act*, the consent authority must take into consideration the capability of the public utilities or infrastructure provided in the area in which the land is situated and any requirement for public facilities and services to be connected to the land; and facilities, infrastructure or land to be provided by the applicant.

A traffic impact assessment report, a schematic stormwater plan, a waste management plan and an environmental and construction management plan are required to ensure that issues raised by City of Darwin are properly assessed and managed for both the constructions and operational stages of the development.

The applicant is also required to seek approval from Power and Water Corporation to locate structures within its sewer easement prior to the endorsement of plans.

3. Pursuant to Section 30P(2)(f) of the *Planning Act*, the consent authority must take into consideration any information received as a result of consultations carried out, submissions received, or evidence given at a hearing;

Forty nine public submissions were received in relation to the application. Forty eight objected to the development; concerns related to the potential increase in traffic flow and associated noise in a residential area, the car parking area and the impact the development may have on residential amenity. The applicant tabled an acoustic assessment at the hearing which identified the requirement for a 2.4m fence to the adjoining property. The authority considers the inclusion of a condition precedent requiring a 2.4m high fence along the north eastern boundary and additional landscaping appropriate to protect the visual and acoustic amenity of residential buildings abutting the development.

The authority considers the inclusion of a standard condition to limit the hours of operation appropriate to further mitigate the potential impact of the development.

The authority notes that a traffic impact assessment is also required (as a condition precedent) to the requirements of City of Darwin to address concerns in relation to traffic and safety.

DECISION (2)

That under section 30Q of the *Planning Act*, the Development Consent Authority report to the Minister for Lands and Planning on the preliminary decision, issues raised in the submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the amendment proposal.

DECISION (3)

That, pursuant to section 86(1) of the *Planning Act*, the Development Consent Authority delegates its powers to the Chairman or in the absence of the Chairman any member of the Authority to:

- determine pursuant to Section 30W(1)(a) to consent to the development proposal contained in the concurrent application after receipt of a notice under Section 30U(1) that the Minister has approved the amendment proposal contained in the application;
- issue a notice of determination under section 30X(2) in relation to the development proposal to develop Lot 3327 (55) Hudson Fysh Avenue, Town of Darwin for the purpose of a change of use from office to child care centre; and
- subject to advice from the Register, Appeals Tribunal that no appeal is lodged within (14) days of the notice of determination, issue a development permit under section 54(2) in relation to the development proposal to develop Lot 3327 (55) Hudson Fysh Avenue, Town of Darwin for the purpose of a change of use from office to child care centre.

ACTION: Advice to applicant.

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

A handwritten signature in black ink, appearing to read "Denis Burke". The signature is fluid and cursive, with the first name "Denis" and last name "Burke" clearly distinguishable.

DENIS BURKE
Chairman

14/10/16