



## **DEVELOPMENT CONSENT AUTHORITY**

### **DARWIN DIVISION**

### **MINUTES**

**MEETING No. 312 – FRIDAY 6 APRIL 2018**

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

**MEMBERS PRESENT:** Suzanne Philip (Chair), Doug Phillips, John Gleeson, Sherry Cullen and Mick Palmer

**APOLOGIES:** Nil

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

**COUNCIL REPRESENTATIVE:** James Whyte and David Burrow

**Meeting opened at 10.00 am and closed at 11.45 am**

**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**                    **CAR WASH AND DETAILING FACILITY (LIGHT INDUSTRY) IN AN EXISTING**  
**PA2018/0058**            **2 STOREY BUILDING WITH AN EXISTING CARETAKERS RESIDENCE**  
**APPLICANT**            **LOT 8073 (3) DALY STREET, TOWN OF DARWIN**  
**NORTHERN PLANNING CONSULTANTS PTY LTD**

Mr Brad Cunnington (Northern Planning Consultants) Mr George Tsirbas (landowner) attended.

Submitters: Mr Phil Rofe (Sentinel Apartments), Ms Kitty Cahen and Ms Jo Vandermark attended.

Ms Vandermark tabled a further submission.

**RESOLVED**            That, the Development Consent Authority vary the requirements of Clause 6.5.3  
**46/18**                    (Parking Layout) and Clause 7.10.3 (Caretaker's Residence) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 8073 (3) Daly Street, Town of Darwin for the purpose of a car wash and detailing facility (light industry) in an existing 2 storey building with an existing caretakers residence, 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 and either two copies must be provided or they must be submitted electronically. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - The removal of the three existing non-complying car parking spaces, being directly accessed from Doctors Gully Road, and an extension of the landscaping along this boundary.
  - Landscaping along the road frontages to incorporate small trees in addition to shrubs.
  - Access arrangements in accordance with City of Darwin's requirements.
  - The location of the grated drain and relocated SEP in accordance with City of Darwin's requirements.
  
2. Prior to the endorsement of plans and prior to the commencement of works an operational environmental management plan for the site, shall be submitted to and approved by the Northern Territory Environmental Protection Authority, to the satisfaction of the consent authority. The plan should provide appropriate maps and sufficient detail of all structures, processes and management related to stormwater, contaminated waters, wastes, manures and animal effluent, to demonstrate the full protection of offsite water quality.

3. Prior to the 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 City of Darwin's 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 Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.
4. Prior to the commencement of works, a Construction Environmental Management Plan (CEMP) for the management and operation of the use must be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority upon the advice of City of Darwin. When approved, the CEMP will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The CEMP must include:
  - (a) waste management;
  - (b) traffic control;
  - (c) haulage routes;
  - (d) stormwater drainage;
  - (e) use of City of Darwin land; and
  - (e) day to day management requirements for the use.
5. 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.
6. 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**

7. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
8. The use and/ or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
9. 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).
10. 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.

11. Before the use 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.

12. 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.
13. 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.
14. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street.
15. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Daly Street, Mitchell Street and Doctors Gully Road traffic.
16. 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.
17. 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.
18. 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, to the satisfaction of the consent authority.
19. 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 City of Darwin, to the satisfaction of the consent authority.
20. Storage for waste bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.

21. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
22. 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.
23. 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.
24. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

#### **NOTES:**

1. Notwithstanding the approved plans, all signage is subject to City of Darwin's approval, at no cost to Council.
2. A "Permit to Work Within a Road Reserve" may be required from City of Darwin before commencement of any work within the road reserve.
3. The Northern Territory Environment Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act*.
4. 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.

#### **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 is to convert a disused vehicle sales and hire premises (including a caretaker's residence) into a car wash and detailing facility for a temporary period, until such a time when the economy supports a complete redevelopment of the site.

Some elements of the development are to be located quite close to neighbouring residential properties, particularly to Lots 9121 and 5633. The application includes an acoustic assessment report which makes a number of recommendations in order to minimise potential noise impacts. The application states that all recommendations have been incorporated into the proposal, and the report concludes that noise from the proposed development is predicted to achieve the recommendations of the Guidelines for Community Noise, and will be

designed to prevent annoyance at the nearby noise sensitive land uses in the vicinity. The NT Environmental Protection Authority have responded to the application and have referred to their draft NT 'Noise Management Framework Guidelines' for acceptable noise levels. Table 5.4 (Assigned amenity noise management levels – LAeq noise levels from industrial and commercial noise sources) assigns that noise management levels for *residential* receptors in an urban environment (as opposed to suburban and rural) are 60dba during the day and 50dba in the evening (6pm – 10pm). These levels align with the targets in the acoustic assessment. For this reason it is considered that the separation between the existing residential uses and the proposed car wash and detailing facility are acceptable and that the noise attenuation measures proposed are satisfactory, aligning with the intent of Zone CB.

Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Northern Territory Planning Scheme the Authority may consent to a development that does not meet the standard set out in Part 4 and 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent.

#### Clause 6.5.3 - Parking Layout

A variation to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme, to allow for car parking areas to be setback 1.5m from Daly and Mitchell Streets, rather than the 3m required is supported for the following reasons:

- The car parking areas are existing.
- The site has three street frontages.
- Additional landscaping is proposed to all street frontages which will visually enhance the existing site.
- All buildings on-site will be setback a minimum of approximately 2m to 24m (buildings below 25m AGL in Zone CB can be built right up to the lot boundary).
- The development will activate an otherwise vacant and dilapidated building.

#### Clause 7.10.3 Caretaker's Residence

A variation to Clause 7.10.3 (Caretaker's Residence) of the NT Planning Scheme, to allow for a Caretaker's Residence 140m<sup>2</sup> in size (rather than the maximum 50m<sup>2</sup> permitted) is supported given the existing nature of the dwelling, the siting of the dwelling at first floor level in the western corner of the site (no habitable windows face the residential building on the opposite side of Doctors Gully Road). The dwelling will increase the passive surveillance of the car-wash and the Daly Street area directly adjacent to the site and, despite being ancillary to the car wash, the use is not inconsistent with the residential uses surrounding the site in all directions. For these reasons it is considered that impacts of the caretaker's residence on adjoining and nearby property are unlikely.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration of 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. No land capability concerns were identified as part of the assessment. The site has already been cleared and developed for a vehicle sales and hire premises and the new development will utilise the existing building and parking areas.

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.

The proposed development will activate otherwise vacant and dilapidated buildings which is considered a positive change in the interim until the site is eventually re-developed. Additional landscaping is proposed to all three (3) street frontages in an attempt to screen/soften the development from the roads and pedestrian pathways are to be provided to the perimeter of the site. All wash bays are to be contained within buildings on-site and the Department of Health (Environmental Health) have advised that there are no concerns with the development.

Provided that all conditions of development are adhered to, in particular that the access to the site from Mitchell Street meets City of Darwin's requirements, the appropriate noise attenuation strategies, operational environmental management plan, stormwater disposal and general environmental duties, it is considered that the development is unlikely to have an amenity impact on the surrounding area.

4. Pursuant to section 51(p) of the *Planning Act*, the consent authority must take into consideration of the public interest of the area in which the land is situated.

It is unlikely that the development will have any detrimental impact on the public interest. The principles of CPTED (Crime Prevention through Environmental Design) are met through increased levels of passive surveillance of the surrounding area; by occupying an otherwise vacant building.

5. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into account any submissions made under section 49, in relation to the development application.

A total of three submissions were received during public exhibition period of the proposal, raising concerns in relation to noise and lighting impacts, traffic, security, health and environmental concerns.

In response these concerns, the applicant has submitted an Environmental Noise Assessment Report prepared by a suitably qualified acoustic consultant. The noise levels predicted are in-line with the NT Noise Management Framework Guidelines drafted by the NT Environmental Protection Authority. Furthermore, the 'future vacuum bays' previously located to the rear of the site have since been deleted from the plans.

City of Darwin have approved in principle, a Traffic Impact Assessment that was submitted with the application, subject to access to the site meeting their requirements. An agreement with City of Darwin is required by condition precedent 1 of the development permit issued for the use. Conditions 15 and 16 require that any lighting on the site is designed, baffled and located so as to prevent any adverse effect on adjoining land.

The car wash facility is defined as a 'light industrial' use under the NT Planning Scheme which is discretionary in Zone CB (Central Business), subject to appropriate separation between conflicting uses. The NT Planning Regulations do not define Zone CB land as 'residential', but rather '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'. The NT EPA have advised that the development will need to comply with the *Environmental Assessment Act* and the *Waste Management and Pollution Control Act (WMPC Act)*. A condition has been included requiring an Operational Environmental Management Plan for the site, to be approved by the NT EPA prior to the use commencing. A notation has also been included advising of general environmental duties under the *WMPC Act*. The Department of Health (Environmental Health) have advised Development Assessment Services that they have no concerns in relation to the use.

The existing site is currently vacant and it is considered that any activation would assist in reducing the potential for anti-social behaviour in the area. An existing caretaker's residence will be retained on-site as part of the new development.

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

**ITEM 2**                    **RUGBY STADIUM, ADMINISTRATION BUILDING AND SUPPORT FACILITIES**  
**PA2018/0084**            **SECTION 4109 (105) ABALA ROAD, HUNDRED OF BAGOT**  
**APPLICANT**            **JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario (June D'Rozario & Associates) and Mr Bill Kmon (Project Manager), Mr Chris Giannikouris and Mr Connor Newble (Halikos Constructions).

Submitter Mr Brendan Lawson attended.

Ms D'Rozario tabled a request for changes to recommended conditions in the DAS report.

**RESOLVED  
47/18**

That, the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Parking Requirements) and vary the requirements of Clause 6.1 (General Height Control) and Clause 6.5.3 (Parking Layout) and of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 4109 (105) Abala Road, Hundred of Bagot for the purpose of a rugby stadium, administration building and support facilities, 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) provision of bicycle parking spaces in accordance with Austroads guidelines.
  - (b) screening of bin area located adjacent to the sealed car parking area.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:
  - (a) planting within the car parking area and area between the car parking and Abala road.
  - (b) details of surface finishes of pathways and driveways.
  - (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - (d) provision of an in ground irrigation system to all landscaped areas.
3. Prior to 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 stormwater drainage system shall be submitted to and approved by the City of Darwin and Transport and Civil Services Division of Department of Infrastructure Planning and Logistics, 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 underground to system.
4. 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 Transport and Civil Services Division of 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.

5. Prior to the endorsement of plans and prior to the commencement of works (excluding site preparation), the developer is to provide written advice from the Water Services division of the Power and Water Corporation confirming that the development on or adjacent to their easements meets the requirement of PWC, to the satisfaction of the consent authority.
6. Prior to the endorsement of plans and prior to the commencement of works (excluding site preparation), the applicant is to provide advice from the Department of Defence and Darwin International Airport that approval is granted for the height of the structures, to the satisfaction of the consent authority.
7. Prior to the commencement of works, the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin.
8. 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). The ESCP must be developed by a Certified Professional in Erosion and Sediment Control (CPESC) and in accordance with the Key Principals of erosion and sediment control as specified in the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The ESCP should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works. Information regarding erosion and sediment control and ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au) and the NTP website: <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to: [DevelopmentAssessment.DENR@nt.gov.au](mailto:DevelopmentAssessment.DENR@nt.gov.au)

## **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. All works recommended in Section 8 of the Traffic Impact Assessment report by i3 Consultants dated 18 December 2017 are to be completed to the requirements of Transport and Civil Services Division of Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.
11. All works relating to this permit are to be undertaken in accordance with the approved Erosion and Sediment Control Plan (ESCP) to the requirements of the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR).
12. The proponent must ensure that only clean fill (virgin excavated natural material) is accepted as fill at the premises, to the satisfaction of the consent authority.
13. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority, to the satisfaction of the consent authority.

14. The 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, to the satisfaction of the consent authority.
15. Building materials must be selected so as to not create reflective glare for aircraft operations to the satisfaction of the consent authority.
16. External lights must be designed, baffled and located so as to prevent any adverse effect on adjoining land, roads, and on the operation of the RAAF Base Darwin and Darwin International Airport, to the satisfaction of the consent authority.
17. Any proposed work (including the provision or connection of services) within, or impacting upon the McMillans Road road reserve shall be in accordance with the standards and specifications of Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to approval.
18. Where unfenced, the McMillans Road frontages are to be appropriately fenced in accordance with the requirements of Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.
19. All access arrangements to the proposed development shall be via the internal local road network to the standards and requirements of the City of Darwin, to the satisfaction of the consent authority.
20. Upon completion of any works within or impacting upon the McMillans Road road reserve, the road reserve shall be rehabilitated to the standards and requirements of Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.
21. 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, to the satisfaction of the consent authority.
22. 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).

23. 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
- to the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
24. 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.
25. 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.
26. 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.
27. Prior the operation of the use, 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.
28. 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.
29. 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.
30. Storage for waste bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
31. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NTEPA, to the satisfaction of the consent authority.
32. 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](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. The Northern Territory Environment Protection Authority (NTEPA) 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 89364070 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 and Civil Services Division, Department of Infrastructure Planning and Logistics before commencement of any work within the McMillans Road road reserve.
5. 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 McMillans Road traffic to the requirement of Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.
6. Notwithstanding the approved plans, all signage is subject to the City of Darwin approval, at no cost to Council.
7. The NTEPA has advised that the proponent shall adhere to their general environmental duty under section 12 of the *Waste Management and Pollution Control Act (WMPC Act)*. The proponent should carefully consider how compliance will be achieved with Section 12 of the WMPC Act in relation to the proposed development and its likely environment impacts.
8. Transport and Civil Services Division, Department of Infrastructure Planning and Logistics advises that 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 Lot.
9. No temporary access for construction purposes shall be permitted from the McMillans Road road reserve. Construction and delivery vehicles shall not be parked on the McMillans Road road reserve.
10. 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.

11. Darwin International Airport advises that separate requests for assessment and approval must be submitted to Darwin International Airport for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation Services – Operations (PANS-OPS) surfaces for Darwin Airport.
12. The applicant is advised that the provision of lighting at the site is required to be consistent with the CASA Manual of Standards (MOS-139) Aerodromes to minimise the potential for conflict with aircraft operations. The design of lighting is a developer responsibility and if it is later found that lights or glare endangers the safety of aircraft operations, the Department of Defence or the Civil Aviation Safety Authority may require the lighting to be extinguished or suitably modified.
13. 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 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 (the Scheme) applies to the land. Section 4109 Hundred of Bagot is identified within Zone OR (Organised Recreation) of the Scheme. The purpose of Zone OR is to provide areas for organised recreational activities. The proposal includes redevelopment of the site for a leisure and recreation facility (rugby stadium) for sporting activities and to provide additional support facilities. This is consistent with the purpose of the zone.

2. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Scheme the Authority may consent to a development that does not meet the standard set out in Part 4 and 5 of the Scheme where it is satisfied that special circumstances justify the granting of consent.

A variation to the requirements of Clause 6.1 (General Height Control) of the Scheme is granted for the grandstand building (16.48m) and four pylons (40.0m) which all exceed the maximum height of 8.5m allowable in Zone OR based on the following reasons:

- The Marrara area is currently developed with several comparable structures that exceed 8.5m in height, and the consent authority determined that the structures would therefore be compatible with the surrounding area.
- The built form adjacent to the stadium has sufficient area/ setback to provide separation for visual amenity.

The assessment identified 1577 car parking spaces required to support the development, however only 681 spaces are provided on site. A reduction to the parking required under Clause 6.5.1 (Parking Requirements), pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Scheme is granted based upon following reasons:

- The consent authority determined that the realistic parking generated by uses, like change rooms, medical/ drug testing rooms, media rooms and match officials' rooms should take into account the manner these uses operate rather than adopting a parking rate similar to the leisure and recreation use. Therefore, the parking requirement for the development (excluding spectators') will be less than 77 car spaces.
- Although the stadium capacity will be 6000 people, which generates a parking requirement alone for 1500 spaces, there will be very few occasions during each year when this capacity is reached. The application states that the vast majority of events are local team competitions (not including semi-finals and grand finals), age-based competitions, training, and social games, which attract far fewer than 1,000 people and therefore would generate a more realistic parking requirement for 250 spaces. Together with the parking requirement generated by the other uses of the building and site, a total of 300 spaces would be required and is considered to be appropriate for the proposed use.
- Any benefit gained by providing more car parking on site would be disproportionate to the loss of land that might otherwise be developed for organised recreation purposes to allow for its highest and best use.

A variation to Clause 6.3 (Parking Layout) of the Scheme to allow unsealed car parking area is granted as it is considered that parking for majority of events can be accommodated within the formalised parking area with a minor overflow on unsealed parking area. Further, the site has maintained current parking arrangements for a number of years without detriment to the users and as such is considered consistent with the clause objective. Amended plans are required to address a number of non-compliances which are not supported and/or to ensure compliance with the relevant provisions of the Scheme is achieved.

3. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into account any submissions made under section 49, in relation to the development application.

Two public submissions were received for the proposal. The submissions raised concerns regarding on-going site works, lack of landscaping for the car parking and spectator area, restricting pedestrian traffic from Dante Road and impact of noise generated through future activities conducted at the venue.

In relation to the site works the applicant clarified that the works currently occurring on site relate to tree cutting, which is done under a building permit. The Authority noted that no consent is required under the Scheme to clear native vegetation in Zone OR. The Authority also notes that the Scheme does not provide any guidance for allowing access from surrounding roads (including pedestrian traffic) as it is

typically to the requirements of the relevant service authority (City of Darwin for Dante Road and Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics for McMillans Road in this instance) and appropriate conditions are included on the permit to seek approval of the relevant service authority.

The inclusion of a condition precedent on the development permit requiring the submission of a landscape plan is considered to address the submitter's concerns relating to landscaping.

Mr Brendan Lawson raised concern that the noise generated through future activities conducted at the venue will impact the surrounding residential areas (Anula) and a Noise Management Plan should be prepared to control such adverse impacts. The applicant clarified that any potential noise issues generated from operation of the use are addressed through *Draft Noise Management Frame Guidelines*, prepared by the Northern Territory Environment Protection Authority (NTEPA). The Authority noted that the Grandstand building location is away from the residential area, which together with the use of the Grandstand speakers being used for sporting events and not for other recreational activities, make it unlikely that the speakers will cause concerns for nearby residents. The Authority has considered the submission in detail and noted that the majority of events occurring on site will be sporting events and therefore considered that a permit condition requiring submission of a Noise Management Plan is not justified, given that this is a purpose built venue for such events. The Authority further considered that there are sufficient guidelines in place under other legislation, such as the NTEPA's draft Noise Management Frame Guidelines, to manage noise should any impacts arise as a result of future activities conducted at the venue.

4. 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.

A number of conditions are included on the development permit to ensure that the proposed development does not negatively impact on surrounding land. These include the requirement for a stormwater management plan and erosion and sediment control plan. Given the land is in close proximity to the airport a condition precedent is included on the permit to seek approval from both the Department of Defence and Darwin International Airport for structures exceeding 8.5m height.

5. 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.

Comments were received from a number of service authorities and highlighted a number of development specific requirements that have

been addressed through appropriate conditions and/or notations on the development permit.

6. 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 proposal is consistent with the existing and anticipated use of the site for organised recreation and is consistent with the purpose of the zone. The new rugby stadium, administration building and support facilities is considered a positive addition to the 'Marrara Sporting Complex' and is likely to improve the amenity of the area through the provision of additional sporting facilities and increased opportunity to attract major sporting events to Darwin.

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

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

**SUZANNE PHILIP**  
**Chair**

13 April 2018