



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 373 – FRIDAY 7 MAY 2021

**BROLGA ROOM
NOVOTEL DARWIN CBD
100 THE ESPLANADE
DARWIN CITY**

MEMBERS PRESENT: Suzanne Philip (Chair), Marion Guppy, Simon Niblock and Robin Knox

APOLOGIES: Mark Blackburn and Peter Pangquee

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Ann-Marie Reynolds and Richard Lloyd (Development Assessment Services)

COUNCIL REPRESENTATIVE: Alice Percy, Brian Sellers and Conneil Brown (Item 2 only)

Meeting opened at 10.15 am and closed at 12.25 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

**PA2021/0072 CHANGE OF USE FROM WAREHOUSE TO LEISURE AND RECREATION (GYM)
PORTION 1668 (128) COONAWARRA ROAD, WINNELLIE, HUNDRED OF BAGOT – UNIT 1**

APPLICANT NT Strength Pty Ltd

Ms Chantelle O'Connor (Director - NT Strength Pty Ltd), Mr Mitch Carolan and Ms Kelly Poniris attended.

**RESOLVED
43/21**

That, the Development Consent Authority reduce the car parking requirements pursuant to Clause 5.2.4.2 (Reduction in Parking Requirements outside of Zone CB) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Unit 1 Portion 1668 (128), Coonawarra Road, Winnellie, Hundred of Bagot for the purpose of a change of use from warehouse to leisure and recreation (gym) with 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 generally in accordance with the plans submitted with the application but modified to show all existing and proposed vehicle parking on the site (including a total of at least 12 bays) that complies with the requirement of Clauses 5.2.4.1 (Parking Requirements) and 5.2.4.4 (Parking Layout) of the NT Planning Scheme. The applicant is also required to obtain authorisation from the adjacent unit owners/body corporate to utilise an additional eight car parking spaces onsite outside business hours.
2. Prior to the commencement of works (including site preparation), a waste management plan addressing the City of Darwin's Waste Management Policy 054 must be prepared, to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity services to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.

5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to City of Darwin.
3. This development permit does not grant building approval. You are advised to contact a NT registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.

REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies and the land is in Zone GI (General Industry). The change of use from warehouse to leisure and recreation requires consent and the application is Impact Assessable as the use is shown as such on Zone GI assessment table. The application intends to locate 'Gymnastics NT' at the premises, and includes administration offices, a mezzanine spectator viewing area, amenities and car parking upgrades.

The proposed development requires consent under Clause 1.8 (When development consent is required) of the NT Planning Scheme 2020 (NTPS2020), because 'leisure and recreation' is identified as Impact Assessable development through the Assessment Table under Clause 4.15 – GI (General Industry), and as such the development requires consent under clause 1.8(1)(c)(i).

For such proposals, under Clause 1.10(4) of the Scheme the consent authority must take into account all of the following:

- a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
- b) any Overlays and associated requirements in Part 3 that apply to the land;
- c) the guidance provided by the relevant zone purpose and outcomes in Part 4; and
- d) any component of the Strategic Framework relevant to the land as set out in Part 2.

The Darwin Regional Land Use Plan (DRLUP) applies to the land and identifies the broad area in Winnellie for industrial use and together with Coconut Grove, Berrimah, Wishart and Pinelands, provides opportunities for the government and private landowners to respond to demand.

The key industrial objectives of the DRLUP is to encourage a range of opportunities to accommodate the diverse needs of industry.

The Authority notes that the land uses in this particular area is quite diverse and contain a number uses considered to be commercial in nature such as a café, plumbing and electrical supplies and a number of offices and showrooms.

The zone outcomes require that non-industrial activities such as indoor leisure, may be established where they do not jeopardise the ongoing operation and viability of industrial activities.

The Authority considers the very specific nature of use proposed, being to operate a Strongman gym from within a unit in this location, to be generally compatible with the zone and uses reasonably expected within it.

While the proposed use is not for general industry purposes, it does offer the potential to generate activity within the area outside of normal business hours and diversifying the use of the area may generally be viewed as a positive.

In addition, there does not appear to be any industrial activity currently in the area that would have the potential to be impacted by the establishment of the use, nor does the use necessarily result in the ongoing use of the area for industrial purpose being compromised or conflicted.

The development does not provide the required number of spaces under Clause 5.2.4.1 (Parking Requirements) and seeks a reduction under Clause 5.2.4.2 (Reduction in Parking Requirements outside of Zone CB in Darwin). A total of 16 car parking spaces are required and as only four are allocated to the unit, a shortfall of 12 spaces will occur.

Clause 5.2.4.2 allows the consent authority to consent to a use or development with fewer car parking spaces than required, if satisfied that a reduction is appropriate for the use or development.

The Authority acknowledged the use of the gym will be accessed predominantly outside of business hours and the capacity of the gym is limited by the size of equipment and space needed to carry out each activity. It therefore deemed the parking demand for the proposed development to be 12 car parking spaces.

The Authority considers the reduction sought is appropriate in this instance given the specific nature of the use proposed, the peak demand is anticipated to be outside normal business hours and likely to be accommodated onsite as the majority of the existing car parking area will be available.

Formal consent from the adjacent unit owners/body corporate to utilise parking onsite outside business hours will ensure a minimum of 12 spaces in total are available to accommodate the gym.

Ms Chantelle O'Connor attended the hearing and spoke to the application. Ms O'Connor advised the Authority that she is in the process of obtaining approval from other unit owners to utilise eight additional spaces within the unit complex outside business hours.

2. Pursuant to section 51(m) of the *Planning Act 1999*, the consent authority must take into consideration 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 publicly exhibited and referred to relevant service authorities/agencies for comment.

The City of Darwin required that should the Authority consider the proposed number of bays insufficient, a monetary contribution be paid in accordance with its Car Parking Contribution Plan, in lieu of the on-site car parking shortfall as a result of this development.

A formal agreement from adjacent unit owners/body corporate to utilise parking onsite outside business hours is required to ensure a minimum of 12 spaces in total will be available to members utilising the gym is required and considered to address the City's of Darwin's primary concern regarding car parking.

Further advice of other service authorities have been considered and addressed through standard conditions of approval.

3. Pursuant to section 51(n) of the *Planning Act 1999*, 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 Authority acknowledges that the change has the potential to impact on the existing and future amenity of the area. In relation to this use however, and the specific nature of the approved operations, any potential amenity impact was considered reasonable and within what could be expected.

Amended plans are required to show the current and proposed vehicle parking layout to ensure that parking is available onsite and formalised.

- a) a parking space for a mini-bus outside the childcare centre entrance on the southern boundary, and proposed road signage around the site;
 - b) awnings for shade over the car parking areas directly adjacent to the proposed building, where feasible; and
 - c) An updated landscaping plan reflecting the amended site plan dated 22 April 2021, and providing more plantings around the site, particularly to the southern boundary.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an engineered plan completed by a suitably qualified civil engineer demonstrating the on-site collection of stormwater and its discharge into the local 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 Council's stormwater drain connection point/s and connection details.
 3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a Traffic Impact Assessment Report (TIA) is to be prepared by a suitably qualified traffic engineer in accordance with the Austroads Document Guide to Traffic Management Part 12: Traffic Impacts of Developments, in the report structure provided as Appendix C of that document, with particular attention to vehicular, pedestrian, and bicycle rider issues and opportunities, and submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.
The TIA is to include swept paths for waste collection vehicles entering and exiting the site.
The TIA should identify:
 - At grade access to the subject site for priority movements of pedestrians and bicycle riders,
 - Precise current evening peak hour traffic movements at the subject site,
 - Precise traffic volumes at the access to 65 Progress Drive, Nightcliff,
 - Precise traffic volumes at the Progress Drive/Phoenix Street roundabout, as a basis for the assessment of the impacts of development traffic, The impacts on Phoenix Street and the Dick Ward Drive/Progress Drive roundabouts, resulting from this development and the John Stokes Square development,
 - Assessment on the affect the development will have on the current access to Lot 9068 (73) Progress Drive, Nightcliff, and
 - Any impacts to public transport.
 The developer will be required to carry out all upgrade works to the surrounding street network or the access to Lot 9068 (73) Progress Drive, Nightcliff, as a result of the implications of this development.
 4. Prior to the commencement of works (including site preparation), the applicant is to prepare a Site Construction Management Plan (SCMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The SCMP should specifically address the impact to Council owned public spaces and include a waste management plan for disposal of waste to Shoal Bay, traffic control for affected City of Darwin roads, haulage routes, storm water drainage & sediment control, use of City of Darwin land, and how this land will be managed during the construction phase.

5. Prior to the commencement of works (including site preparation), a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Policy 054, shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.
6. 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.
7. Prior to the commencement of works (including site preparation), critical access for operations and maintenance purposes to existing 11kV underground cables, Ring Main Unit and Substation site shall be met to the requirements of Power and Water, to the satisfaction of the consent authority.
8. Prior to the commencement of works (including site preparation), a Deed of Indemnity between Power and Water and the land owner / body corporate shall be required on any structure to be built over the electricity easement to the requirements of Power and Water, to the satisfaction of the consent authority.
9. Prior to the commencement of works (including site preparation), the developer's hydraulic consultant shall confirm internal firefighting requirements to the requirements of Power and Water, to the satisfaction of the consent authority.

GENERAL CONDITIONS

10. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
11. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
13. 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.

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 to the requirements of the City of Darwin, to the satisfaction of the consent authority

14. 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.
15. Before the use 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; and
 - (e) line marked to indicate each car space and all access lanes;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
16. 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.
17. 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.
18. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
19. 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.
20. No goods are to be stored or left exposed outside the building so as to be visible from any public street.

NOTES:

1. 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. Any proposed works 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 City of Darwin.
3. Designs and specifications for landscaping of 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.
4. City of Darwin advises that the proposal includes plantings, new shared path and other works within the City of Darwin verge, along Progress Drive. Verge plantings, footpaths and all other works are required to be upgraded in accordance with City of Darwin policies and are subject to a separate approval from City of Darwin.
5. City of Darwin advises that the developer shall provide specification for the purchasing of quality tree stock prior to construction and a Plant Schedule for street trees indicating:
 - root-ball container volume (litres),
 - height of species (metres),
 - calliper (millimetres);
 - details identifying the nursery supplying the tree stock; and
 - confirmation that the developer will enter into a three year maintenance period with City of Darwin.
6. Notwithstanding the approved plans, any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
7. City of Darwin advises that in accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street.
8. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>.
The proponent is advised to take notice of the SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS provided by DEPWS.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

9. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works. Due to provisions in the National Construction Code (NCC), the subject lots may need to be consolidated before a building permit can be issued.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and part change of use from office to exhibition centre and ancillary place of assembly requires consent under Clause 1.8 (When development consent is required). The uses for the development are identified as *Merit Assessable* under Clause 4.11 – Zone C (Commercial), and therefore the strategic framework (Part 2 of the Scheme – Darwin Mid-Suburbs Area Plan 2016), zone purpose and outcomes of Clause 4.11 (Zone C), and Clauses 5.2.1 (General Height Control), 5.2.4 (Vehicle Parking), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR), 5.3.7 (End of Trip Facilities in Zones... C...), 5.5.2 (Plot Ratios in Commercial Zones), 5.5.3 (Commercial and Other Development in Zones... C...), 5.5.7 (Child Care Centre) and 5.5.11 (Food Premises), need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clause 5.2.4 (Vehicle parking).

In relation to Clause 5.2.4 (Vehicle Parking), under clause 5.2.4.1 (Parking Requirements) the assessment identified that the proposal generates a technical shortfall of 8 parking spaces, as there are 98 spaces required for the site and 90 spaces are proposed.

A reduction to the parking required under Clause 5.2.4.1 (Parking Requirements) pursuant to Clause 5.2.4.2 (Reduction in Parking Requirements outside Zone CB in Darwin) of the Scheme is supported based upon the following reasons:

- The land is zoned C (Commercial), and it is considered that the proposal is consistent with the zone purpose in that the land is currently being used for commercial purposes and the proposed development also proposes commercial use. If ever the land is further redeveloped in the future, it may be developed as high density residential (as per the Darwin Mid-Suburbs Area Plan), and if this were ever the case there would be a very different parking requirement and therefore parking configuration required. It is also noted that the gym which operates on Lot 10146 to the rear (south) of the site has 48 parking spaces allocated to it, with some of those spaces located on the subject site This arrangement will be unchanged without affecting the proposed 90 on-site spaces for the proposed development.

- There are 44 public parking spaces off Progress Drive, with 30 spaces to the east of the site and 14 to the north next to Progress Drive. There are also an additional 17 parking spaces immediately to the west of the site. None of these spaces include the parking required for the gym. It is also noted that City of Darwin has made no comment regarding on-street vehicle parking for the proposal in terms of parking numbers.
 - The site is on a bus route (Route 4), which connects with Darwin and Casuarina.
2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
- (a) The purpose and administration clauses of the requirement; and
 - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

Regarding Clause 5.2.4 (Vehicle Parking), under Clause 5.2.4.4 (Parking Layout), the proposal has been found not to be in compliance with the clause because the landscaped area between the car parking area and Progress Drive is 1m wide, when the requirement is 3m wide.

It is considered that a variation to this clause is appropriate in this instance as the non-compliance is unlikely to result in adverse impacts on the local road network or internal functionality of the car parking area or unreasonably impact on the amenity of the surrounding locality. It is also noted that the City of Darwin has approved the (revised) street landscaping for the proposal which includes the 1m wide strip between the parking area and Progress Drive.

3. Pursuant to Section 51(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence received under section 50, in relation to the development application.

Four submissions were made under section 49 in relation to the application during the exhibition period. The key issues raised in the submissions relate to traffic and access, loss of grassed and treed areas, building aesthetics, noise attenuation measures and protecting amenity and maintaining right of way easements during demolition and construction phase.

Submitters Dr Fiona Douglas and Mr James Arthur addressed the meeting (they also represented Mr Paul & Mrs Susan Walsh and Mr Danny & Mrs Fiona McManus who could not attend), reiterating their submissions to the revised plans. The submitters noted how useful it had been to meet with the applicant and have their issues heard and addressed regarding the issue of site access and traffic movements. They however noted that the current bus stop opposite the site on Progress Drive was problematic in terms of safety, and also that the required Traffic Impact Assessment (TIA), should not only consider peak evening traffic movements but also the morning peak. The submitters also remained concerned with the limited level of

landscaping around the site, particularly to the southern boundary. The issues of potential noise from the air conditioners and the maintenance of the right of way easements were also raised.

The Authority notes that the traffic and access issues were essentially resolved through the applicant meeting with the submitters and the plans revised to address their issues, and commends this approach. It also notes that the City of Darwin has approved the revised plans, but that any conditions for the development permit would only apply to the site itself. Any issues on land owned by City of Darwin outside the site would need to be resolved between the City of Darwin and applicant. The Authority also considers that the issues of the siting of the bus stop on Progress Drive and the need for the TIA to consider morning peak traffic movements, are for the City of Darwin's consideration.

The Authority considers that the proposed landscaping around the site could be improved and a condition precedent has been included to require an updated landscaping plan to provide more plantings around the site, particularly to the southern boundary. The Authority also considered that awnings for shade should be provided over the car parking areas directly adjacent to the proposed building, where feasible. The requirement for updated plans to reflect this is also included as a condition precedent.

The Authority further considers that there should be a dedicated parking space for a mini-bus outside the proposed child care centre for picking up / dropping off children, and also an indication of proposed road signage around the site, particularly for the one-way and two-way systems. The requirement for updated plans to reflect these matters is also included as a condition precedent.

Regarding the potential noise levels from the air-conditioners, the Authority notes that any noise will need to meet the relevant noise criteria contained within the NT EPA Northern Territory Noise Management Framework Guideline, which is administered by the EPA.

Regarding maintaining the various right of way easements on and around the site, the Authority notes that this is a civil rather than planning matter and their maintenance will need to be privately agreed between the owner of Lot 9988 and the owners/body corporates of the other relevant lots.

4. Pursuant to Section 51(m) of the *Planning Act 1999*, 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 and/or notations on the development permit as required. It is noted that City of Darwin has approved the revised site plan particularly in relation to site access. It is also noted that the

standard EPA note referring to the schedule of environmental considerations is included on the permit, as well as DAS' standard condition regarding road and parking layout.

5. Pursuant to section 51(n) of the *Planning Act 1999*, 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.

It is considered unlikely that the proposal will have a significant impact on the amenity of the area particularly as it is a single storey building to be used for commercial purposes in Zone C (Commercial), replacing a single storey building used for commercial purposes. Additionally, it is considered consistent with the purpose of the zone and complies with the NT Planning Scheme 2020, except in relation to a few parking related matters but these may be varied without any major impacts to the amenity of the area. Additionally, the plans have been revised by the applicant in response to public submitters concerns regarding traffic in particular, and have been approved by City of Darwin. The conditions and notes included in the permit will also assist in preventing any adverse impacts on amenity.

FOR: 4 **AGAINST: 0** **ABSTAIN: 0**
ACTION: Notice of Consent and Development Permit

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



Suzanne Philip
2021.05.11
08:05:04
+09'30'

SUZANNE PHILIP
Chair

11 May 2021