



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 338 – FRIDAY 21 JUNE 2019

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

MEMBERS PRESENT: Suzanne Philip (Chair), Marion Guppy, Mick Palmer and Simon Niblock

APOLOGIES: Mark Blackburn

OFFICERS PRESENT: Margaret Macintyre (Secretary), Dawn Parkes, Amit Magotra and Stuart Harris (Development Assessment Services)

COUNCIL REPRESENTATIVE: James Whyte and Brian Sellers

Meeting opened at 1.30pm and closed at 2.10 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 **ALTERATIONS AND ADDITIONS TO AN EXISTING HOSPITAL (DARWIN PRIVATE HOSPITAL)**
PA2019/0166 **LOT 9730 (19) FLOREY AVENUE, TOWN OF NIGHTCLIFF**
APPLICANT **NORTHERN PLANNING CONSULTANTS PTY LTD**

Mr Brad Cunnington (Northern Planning Consultants), Mr Adam Walker (DKJ Architects), Ms Jo Seiler (General Manager, Darwin Private Hospital) and Mr Russell Fry (Facilities Manager, Darwin Private Hospital) attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act 1999*, the Development
114/19 Consent Authority consent to the application to develop Lot 9730 (19) Florey Avenue, Town of Nightcliff for the purpose of alterations and additions to an existing hospital (Darwin Private Hospital), 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) The provision of at least 266 car parking spaces that comply with the requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme; and
 - b) If and where possible, the provision of shade trees within the car park.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Top End Health Services of the Northern Territory Government stormwater drainage system shall be submitted to and approved by the Top End Health Services of the Northern Territory Government, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) written advice from the Top End Health Services of the Northern Territory Government must be provided to confirm that that the anticipated sewer load from the proposed development can be accommodated within the existing sewer network. Alternatively, written advice must be provided from the Power and Water Corporation confirming that it will provide sewerage services to this development.
4. 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 detail issues directly relating to the City of Darwin infrastructure including haulage routes, and the Rocklands Drive and Florey Avenue intersection, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with 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, sewerage, electricity and telecommunication network services to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
[Note: For sewerage, the owner of the land must enter into agreement with the Top End Health Services of the Northern Territory Government and/or the Power and Water Corporation].
7. 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.
8. 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.
9. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
10. 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.
11. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development, and all disturbed soil surfaces must be suitably stabilised against erosion at the completion of works, to the satisfaction of the Consent Authority.
12. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT EPA, to the satisfaction of the consent authority.
13. Before the occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

14. 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.
15. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
16. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Top End Health Services of the Northern Territory Government 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 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.
19. 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).

NOTES:

1. Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
2. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from the Department of Environment and Natural Resources. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.

4. The Northern Territory Environment Protection Authority has advised that the proponent must comply with their General Environmental Duty provided by section 12 of the *Waste Management and Pollution Control Act 1998*. More information can be found on the Environment Protection Authority website at: <http://ntepa.nt.gov.au/waste-pollution>, by calling (08) 8924 4218 or emailing ntepa@nt.gov.au.
5. 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 construction works.
6. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
7. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* 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*.
8. City of Darwin advises that any proposed works on/over City of Darwin property shall be subject to a separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
9. Department of Environment and Natural Resources advises that prior to the removal of fill (waste material) from the site, or the importation of fill onto the site, waste classification assessment is to be undertaken in accordance with NSW EPA Waste Classification Guidelines, Part1: Classifying waste, 2014, and associated waste classification guidelines. All imported fill material must be virgin excavated natural material (VENM). The material must be accompanied by details of its nature, origin, volume, and transportation details. All records must be retained and made available to authorised officers, upon request, to confirm compliance with the requirements the *Waste Management and Pollution Control Act 1998*.
10. The Environmental Health Branch of the Department of Health advise that any additional food service areas would require compliance with the *Food Act 2004* requirements.

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 land is located in Zone CP (Community Purpose) of the Northern Territory Planning Scheme (NTPS) of which the purpose is to provide for community services and facilities, whether publically or privately owned or operated, including facilities for civic and government administration. The zone also provides that the design is expected to incorporate landscaping that will enhance the visual appearance of the development, and the development of residential accommodation is to only be in association with and ancillary to the primary use of the land.

The proposed development comprises of a mental health facility as an extension to the existing Darwin Private Hospital (DPH). Additional landscaping is proposed around the extension (which includes screen shrubs and ground covers, feature trees and creepers to the retaining wall) to enhance the visual appearance. The proposed extension is considered consistent with the purpose of the zone.

At the hearing Ms Jo Seiler (General Manager, Darwin Private Hospital) gave an overview of the background of the proposed development, the nature of the facility and why the particular location for the facility was chosen. Ms Seiler explained to the Authority that the proposed facility is a purpose built-facility which will provide specialised mental health services which are currently lacking in the Darwin area. The siting of the building, in the proposed location, is most suitable as it provides a separate entrance (to maintain the confidentiality of the patients) and also allows for storage and loading areas to take place at the rear of the building. The Authority acknowledged that the proposed facility is a much needed facility for the Darwin region.

The proposed development generates an additional requirement of 25 car parking spaces, proposes to remove 35 existing parking spaces (to accommodate the proposed development and vehicle turn around areas), and develop 23 new parking spaces immediately south-east of the hospital adjacent to the car parking area. While the application proposes a shortfall of 37 parking spaces, the most recent approval granted for 'Extensions to DPH (DP15/0061)', and subsequent variations approved under DP15/0061A to F has assessed that the existing facility has a surplus of 57 parking spaces with 241 car parking spaces required and 298 provided on site.

A count of the on-site parking spaces conducted by the Development Assessment Services (DAS) found that the car parking provided on site is generally as per the layout approved under DP15/0061 with a few alterations including additional disabled bays and motorcycle bays in place of standard parking bays, and additional bays at the end of rows.

DAS requested an amended site plan from the applicant showing the current availability of car parking on site. The amended plan provided by the applicant shows that there are 340 parking spaces on site.

As a result of the proposed development, the total parking available on site (on completion of the development) is 328 parking spaces resulting in a surplus of 62 spaces (266 spaces are now required (241 previously required under DP15/0061 and 25 required through this development)).

The DAS assessment noted that the amended plan provided by the applicant lacks sufficient information to determine compliance with Clause 6.5.3 (Parking Layout) of the NTPS and recommended a condition precedent requiring an amended plan of the car parking layout for the site showing the provision of 328 spaces in accordance with Clause 6.5.3. The applicant at the hearing requested the Authority to amend the proposed condition precedent as there have been a few modifications to the existing car parking areas which create technical non-compliances with Clause 6.5.3 in certain areas, though the applicant maintains that the current layout is perfectly safe and functional. The applicant advised the Authority that full compliance with Clause 6.5.3 cannot be met for all 328 spaces, so requested that the Authority determine if a variation to Clause 6.5.3 should be granted or that only the 266 spaces currently required are instructed to comply with the technical requirements of Clause 6.5.3. The Authority noted the applicant's request and determined to amend recommended condition precedent 1 to provide amended plans showing at least 266 car parking spaces that comply with the requirements of Clause 6.5.3.

While there appears to be a surplus in the region of 62 spaces, the exact surplus will be determined through the endorsed plans and any future development on this site will need to demonstrate compliance with Clause 6.5.3 if it utilises any of the spaces over and above the 266 required as part of this and previous developments approved on site to date.

Recommended condition precedent 1 was also amended to include the provision, if and where possible, for shade trees within the parking areas. The Authority questioned the applicant on the possibility of providing more shade to the open expanses of hardstand through the planting of trees, particularly given that there is a surplus of car parking spaces so maybe some spaces could give way to the planting of trees. The applicant agreed that the provision of trees could be taken into account in addition to providing an adequate number of car parking spaces to service the proposed development, and was amenable to the inclusion of a condition to this effect.

The site inspection undertaken by DAS found that in a few sections of the existing car park, the line marking had faded making it difficult to easily identify the car parking spaces. A condition requiring the line marking of all bays (as shown on the endorsed plans) is therefore included on the permit.

In response to a question raised by the Authority at the hearing in relation to the reserved car parking available at the rear and front of the existing building, Ms Seiler explained that the parking at the rear is reserved for administration staff, doctors, consultants, contractors and maintenance staff and a small number of car parking spaces at the front are reserved for doctors. Further, Ms Seiler explained that as the proposed facility is located over the existing reserved car parking spaces, the new car parking spaces constructed as part of the proposed development will be allocated to the doctors. Ms Seiler added that the allocation of car parking spaces for the doctors close to the building is necessary to facilitate a quick response time in case of an emergency.

The proposed development is assessed as fully compliant with Clause 6.6 (Loading Bays), Clause 8.2 (Commercial and other developments in Zone CP) and Clause 10.2 (Clearing of Native Vegetation).

2. 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 notes on the development permit. Given the Darwin Private Hospital relies on the infrastructure of Top End Health Services (TEHS) of the Northern Territory Government for sewer and stormwater connections, additional comments were sought from TEHS and their requirements are addressed through condition precedents and general conditions on the permit.

The applicant at the hearing requested the Authority to amend recommended condition precedent 3, which requires confirmation from the TEHS that the existing network is capable of accommodating the anticipated sewer load from the proposed development. The applicant stated that the sewerage design arrangements have not been finalised yet and that different options are being worked upon at this stage to link the sewer with either TEHS and/or the Power and Water Corporation infrastructure, so the ability to provide clearance from either of those authorities would be preferable. The Authority noted the applicant's comments and amended the wording of condition precedent 3 to provide the flexibility for sewerage services to be connected to the infrastructure of either the TEHS and/or the Power and Water Corporation.

3. Pursuant to section 51(n) of the *Planning Act 1999*, 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 development is considered to be generally consistent with the broader intent of Zone CP (Community Purpose), including the overall scale of the building proposed. The development is proposed over the existing landscape area which will result in a change in the amenity of the area. However, this is compensated by proposing landscaped courtyard areas within the development and additional landscaping around the proposed development (which includes screen shrubs, ground covers, feature trees and creepers to the retaining wall). The proposed development is considered to improve specific health services in the Northern Territory and will facilitate the provision of mental health services within the DPH.

The Authority noted that the new car parking area is located close to the hospital building which may impact the amenity for occupants of certain rooms within the building that overlook that area. The Authority at the hearing questioned the applicant on whether any landscaping could be provided to the car parking areas to enhance the amenity for those affected occupants. The applicant explained that there are no consulting rooms on the ground floor and that the first-floor areas are positioned in such a way that the windows give views out and over the proposed car parking area rather than directly down onto it. It was also noted that shade sails are proposed to cover this parking area which would further restrict any views of the cars. As discussed previously in reason 1, a condition precedent is included on the permit to provide shade trees within the car park, if and where possible, which will contribute to improving the amenity of the area.

4. Pursuant to section 51(j) of the *Planning Act 1999*, 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.

While the land is generally flat, a steep slope towards the north has been identified and it is envisaged some site preparation works will be required. The proposal provides a retaining wall of up to 2.7m along the northern boundary to allow for the development. The Department of Environment and Natural Resources commented that due to the small size of the development the proposed works do not present a direct risk to the adjacent Zone CN land, and erosion and sediment control measures must be employed throughout the construction stage. This requirement is addressed through general conditions on the permit.

A site inspection revealed that a small amount of vegetation clearing would be required along the northern boundary to accommodate the proposed development. Given the site is within an urban setting the clearing is understood as not impacting on regional biodiversity, any significant habitat areas or cultural areas. Further, the vegetation is described as sparse open woodland as is typically found in the Darwin region. No other land capability issues were identified during the assessment of the application

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP

Chair

27 June 2019