



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 381 – FRIDAY 17 SEPTEMBER 2021

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

MEMBERS PRESENT: Suzanne Philp (Chair), Mark Blackburn, Marion Guppy and Simon Niblock

APOLOGIES: Peter Pangquee

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Breanna Lusty (A/Secretary), Ann-Marie Reynolds and Richard Lloyd (Development Assessment Services)

COUNCIL REPRESENTATIVE: Cindy Robson, Conneil Brown, Emma Gilus, Brian Sellers and Drosso Lelekis

Meeting opened at 10.00am and closed at 11.20 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

**PA2021/0234 ALTERATIONS AND ADDITIONS TO EXISTING DWELLINGS-GROUP TO CREATE 14 X 3 BEDROOM DWELLINGS-GROUP IN 2 X 2 STOREY BUILDINGS AND 12 X 2 BEDROOM DWELLINGS-MULTIPLE IN 2 X 3 STOREY BUILDINGS
LOT 10473 (140) DICK WARD DRIVE, COCONUT GROVE, TOWN OF NIGHTCLIFF**

APPLICANT One Planning Consult – Israel Kgosiemang

Israel Kgosiemang (One Planning Consult) and Savvas Savvas (Architect) attended in person.

Israel Kgosiemang tabled photos illustrating the rear of the single storey buildings on site.

**RESOLVED
76/21**

That, the Development Consent Authority vary the requirements of Clause 5.2.6 (Landscaping), Clause 5.4.1 (Residential Density Limitations), Clause 5.4.3.2 (Distance Between Residential Buildings on One Site), and Clause 5.4.6 (Private Open Space) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 10473 (140) Dick Ward Drive, Town of Nightcliff for the purpose of alterations and additions to existing dwellings-group to create 14 x 3 bedroom dwellings-group in 2 x 2 storey buildings and 12 x 2 bedroom dwellings-multiple in 2 x 3 storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an amended 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 be generally in accordance with that submitted with the application and must include:
 - a. treatment of the blank walls facing the existing three storey building on the site. The treatment may include a trellis structure on either side of the proposed louvre for the inclusion of climbing plants.
2. 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 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.
4. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. 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.
7. 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.
8. 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.
9. Storage for waste disposal bins is to be provided to the requirements of City of Darwin, to the satisfaction of the consent authority.
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. 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.

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. 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.
5. 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.
6. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5362 (surveylandrecords@nt.gov.au).
7. This permit will expire if one of the following circumstances applies:
 - a) the development and use is/are not started within two years of the date of this permit; or
 - b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS FOR THE RECOMMENDATION

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 dwelling-multiple requires consent under Clause 1.8 (When development consent is required).

The use for the development is identified as *Impact Assessable* under Clause 4.4 – Zone MR (Medium Density Residential), and therefore the strategic framework (Part 2 of the Scheme – Darwin Mid-Suburbs Area Plan 2016), Overlay Clause 3.6 (LSSS – Land Subject to Storm Surge), zone purpose and outcomes of Clause 4.4 (Zone MR), and Clauses 5.2.4 (Vehicle Parking), 5.2.6 (Landscaping), 5.4.1 (Residential Density Limitations), 5.4.2 (Residential Height Limitations), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures),

5.4.6 (Private Open Space), 5.4.7 (Communal Open Space), and 5.4.8 (Building Design for... Dwelling-Multiple...), need to be considered.

These assessment found that the proposal does not comply with Clause 5.2.6 (Landscaping), Clause 5.4.1 (Residential Density Limitations), Clause 5.4.3.2 (Distance Between Residential Buildings on One Site), and Clause 5.4.6 (Private Open Space).

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).

Under Clause 5.2.6 (Landscaping), the proposal has been found not to be in compliance with the clause as the development will have a landscaped area of 592m² throughout the site, which represents 20.7% coverage, when a minimum of 30% coverage is required.

The Authority considers that a variation to this clause is acceptable in this instance as the existing landscaping on the site was approved through permit DP08/0386 with a landscaping variation and the proposed development entails additional planting to enhance the visual amenity of the development, particularly when viewed from the street.

Under Clause 5.4.1 (Residential Density Limitations), the proposal has been found not to be in compliance with the clause because the density requirement for the site is exceeded.

The Authority considers that a variation to this clause is acceptable as the existing approved development on the site exceeds the density requirement by 13.6% and the proposed development will increase the exceedance by approximately 6%, which is unlikely to have a major impact particularly on reticulated services and land capability, noting that no service authority has raised any major issues regarding the proposal.

Under Clause 5.4.3.2 (Distance Between Residential Buildings on One Site), the proposal has been found not to be in compliance with the clause because a 3m setback is required between the buildings on the site and a 2.5m setback is proposed between the proposed development and existing buildings on the site.

A variation to this clause is considered acceptable in this instance as the existing building configuration makes it difficult to achieve the required setback. The Authority considers, however, that a treatment to the walls of the proposed building facing the existing three storey buildings on the site with the reduced setback is required to help reduce the adverse effect of the building massing from the view point of the existing buildings on the site. A condition precedent is included to ensure that this occurs and states the treatment may include a trellis

structure on either side of the proposed louvre for the inclusion of climbing plants.

Under Clause 5.4.6 (Private Open Space), the proposal has been found not to be in compliance with the clause because the private open space areas for all the units are substantially below the required open space area of 45m².

A variation to this clause is considered appropriate in this instance as the communal open space on the site has been increased from 60.5m² to 212.5m². The site is also located close to areas of public open space and organised recreation. Additionally, the proposed design and landscaping for the proposed development will be a significant improvement to the existing single storey development on the site, particularly when viewed from the street.

The Authority commends the refurbishment of the existing buildings on site and the improved design and visual amenity that this proposal will provide to the streetscape and vicinity in general. In this context, the improvement is considered an acceptable offset to the variations granted. The Authority wishes to note that the variations granted for this particular proposal would unlikely be supported if the application proposed a new development and not an addition to an existing building. In this case, the options to fully comply with the NT Planning Scheme 2020, are limited due to the layout of the existing buildings on site.

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.

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 as the proposal is considered consistent with the zone purpose and outcomes for Zone MR (Medium Density Residential) of the NT Planning Scheme 2020, as well as the Darwin Mid-Suburbs Area Plan. Also, the design of the dwellings and landscaping particularly when viewed from the street will be improved from that which currently exists.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION:

Notice of Consent and Development Permit

ITEM 2

PA2019/0085

CHANGES TO THE CAR PARKING AREA ASSOCIATED WITH AN EXISTING COMMERCIAL DEVELOPMENT (WOOLWORTHS) LOTS 1515 AND 1516 (7 & 5) SEARCY STREET, AND LOT 7118 (47) CAVENAGH STREET, TOWN OF DARWIN

APPLICANT

Masterplan SA – Alex Deutrom

Alex Deutrom and Chandilini Kubar (Masterplan) attended in person.

**RESOLVED
77/21**

That, the Development Consent Authority pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 7118 (47) Cavenagh Street, Lot 1515 (7) Searcy Street, and Lot 1516 (5) Searcy Street, Town of Darwin, for the purpose of changes to the car parking area associated with an existing commercial development (Woolworths), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an amended 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 be generally in accordance with that submitted with the application and must include:
 - a) Signage, including photographs, reflecting the heritage of the site, particularly in relation to the buildings which are to be demolished on Lot 1515 (7) Searcy Street, and Lot 1516 (5) Searcy Street.
2. Prior to the commencement of works (including site preparation), in principle approval is required for the crossover and driveway to the site from the City of Darwin road reserve, to the satisfaction of the consent authority.
3. 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.
4. Prior to the commencement of works (including site preparation), measured drawings and a photographic record shall be made of each house to the satisfaction of the Heritage Branch within the Department of Tourism, Sport and Culture, and provided to the Heritage Branch for its records.
5. Prior to 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), the applicant is to prepare an Environmental and Construction Management Plan (ECMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage, and the use of City of Darwin land during construction. The ECMP is also to address the protection of existing assets, the protection of public access, and include a risk assessment.

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 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/each lot shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
9. 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.
10. Before the use commences the owner/developer must, in accordance with section 70(5) of the *Planning Act 1999*, provided a monetary contribution to the City of Darwin for the loss of any on-street car parks on Searcy Street. The contribution is to be calculated in accordance with the requirements of section 70(6) of the *Planning Act 1999*.
11. The new vehicle entrance/exit onto Searcy Street shall not be open to the public until such time that all necessary street upgrades have been completed to the requirements of City of Darwin, to the satisfaction of the consent authority.
12. 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.
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.
14. The owner shall:
 - a) remove disused vehicle and/ or pedestrian crossovers;
 - b) provide footpaths/cycleways;
 - c) collect stormwater and discharge it to the drainage network; and
 - d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.

15. 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:
constructed;
 - a) properly formed to such levels that they can be used in accordance with the plans;
 - b) surfaced with an all-weather-seal coat;
 - c) drained;
 - d) line marked to indicate each car space and all access lanes; and
 - e) clearly marked to show the direction of traffic along access lanes and driveways
 - f) to the satisfaction of the consent authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.
16. The car parking shown on the endorsed plan must be available at all times for the exclusive use of the occupants of the development and their visitors.
17. 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.
18. 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.
19. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

NOTES

1. Power and Water Corporation advise 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. 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. 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.
4. 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.

5. Pedestrian access/right of way across the vehicle entry/exit onto Searcy Street shall be clearly delineated to the requirements of City of Darwin.

REASONS FOR THE RECOMMENDATION

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 changes to the car parking area associated with an existing commercial development (Woolworths) requires consent under Clause 1.8 (When development consent is required).

It is noted that the original application and first reconsideration were assessed and considered under the NT Planning Scheme 2007 (NTPS2007), as the NT Planning Scheme 2020 (NTPS2020) was not yet in effect (it became effective on 31 July 2020). By virtue of section 214 of the *Planning Act 1999*, which concerns applications and proposals made before commencement of the Act - as in force at 31 July 2020 - this second re-consideration now falls under the requirements of NTPS2020.

The development is identified as *Merit Assessable* under Clause 4.10 – Zone CB (Central Business) of NTPS2020, and therefore the zone purpose and outcomes of Clause 4.10 (Zone CB), and Clauses 5.2.3 (Buildings in Central Darwin), 5.2.4 (Vehicle Parking), 5.2.6 (Landscaping), and 5.5.3 (Commercial and Other Development in Zones... CB...), need to be considered.

The equivalent of these clauses were considered under NTPS2007 for the original application, and it is noted that no changes to planning policy relevant to the proposal were made through NTPS2020. As such, the above clauses are taken to have been considered.

In this context it is found that the amended proposal complies with the above clauses of NTPS2020 except Clause 5.2.3.3 (Urban Design Requirements in Central Darwin), sub-clause 8, in that all car parking spaces will not be screened making them visible from Searcy Street to some extent.

The DCA deferral letter of 13 July 2020 identified that compliance with Clause 6.3.3 (Urban Design Requirements in Central Darwin) and Clause 6.5.3(g) (Parking Layout) (under NTPS2007 – now Clause 5.2.3.3 and Clause 5.2.4.4(3)(g) respectively of NTPS2020), was required.

Clause 5.2.3.3(3) of NTPS2020 states that '*The consent authority may consent to a development that is not in accordance with sub-clause... 8 only if it is satisfied it is consistent with the purpose of this clause, and it is appropriate to the site having regard to such matters as its location, nature, scale and impact on surrounding amenity.*'

It is considered that though the development may not be fully in accordance with this clause in that all car spaces will not be screened making them visible from the street to some extent, the Authority may consent to the development as the proposal is considered consistent with the purpose of Clause 5.2.3.3 in that it responds to the local environment, provides a high amenity pedestrian environment and contributes to activity at street level. It is also considered appropriate to the site having regard to its location, nature, scale and impact on surrounding amenity. Additionally it is considered that to fully screen the car parking area from the street would be contrary to the NT Community Safety Design Guide (2010) which recommends that clear sightlines into and within car parks are maximised and ground cover or low shrub planting along with high branching trees should be provided.

It is noted that the proposal is now fully compliant with Clause 5.2.4.4 (Parking Layout) in that the plans show a 3m wide landscaped area between the proposed parking area and Searcy Street (as required by subclause 3(g)).

In relation to the other matters contained in the deferral letter of 13 July 2020, they have been addressed as follows:

- plans from City of Darwin have been provided showing the detailed changes to Searcy Street required to support the proposal following its process of public consultation;
- plans have been provided showing the addition of wheel stops in the car parking bays adjacent to the new pedestrian link to Searcy Street; and
- plans have been provided showing access for persons with disabilities being incorporated in the new pedestrian link.

Notwithstanding the above, the Authority has determined to include a condition precedent to ensure that the heritage of the site, particularly in relation to the buildings which are to be demolished on Lot 1515 (7) Searcy Street, and Lot 1516 (5) Searcy Street, is reflected in signage (including photographs), placed on the site.

The Authority also determined to include a note on the permit that the pedestrian access/right of way across the proposed vehicle entry/exit onto Searcy Street is clearly delineated to the requirements of City of Darwin, to ensure both pedestrians and drivers are aware of the crossing.

The Authority further determined to include as a note to the permit rather than as a condition, the designs and specifications for landscaping of the road verges adjacent to the property, as street landscaping is an off-site matter which solely concerns City of Darwin (CoD).

Additionally, the Authority notes comments made at the hearing by CoD regarding the traffic modelling undertaken by CoD for the proposed development. The Authority particularly notes that the CoD assures that its modelling included peak hour traffic considerations

which show the flows of traffic on the surrounding street network will not be adversely impacted by the proposal.

The Authority also notes that in the event the proponent wishes to use the car park extension before the Searcy Street upgrades required by CoD are completed, the development permit would need to be varied to allow for this to occur (until the upgrades were completed). The Authority further notes from comments made by CoD at the meeting that in this instance, a traffic impact statement would be required by CoD to demonstrate that the existing entry/exit on to Smith Street from the car park would be able to adequately function without the use of the Searcy Street entry/exit being used.

2. 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 or information received under section 50, in relation to the development application.

Five public submissions were received during the exhibition period under Section 49 of the *Planning Act 1999* regarding the proposal. The submissions raised concerns regarding screening of ground level car park from Searcy Street, safety and traffic issues caused by access from Searcy Street, removal of two heritage houses from Searcy Street, and competition with the Chinatown carpark.

The submissions were addressed in the two previous planning reports to the Authority (presented at the DCA hearings of 18 October 2019 and 3 July 2020 respectively). Also, the applicant's responses (dated 30 October 2020 and 13 August 2021), to the second deferral of the application (dated 13 July 2020), were circulated to submitters for further comment, providing two weeks on each occasion to do so (essentially from the date of the applicant's responses). No additional comments were received regarding the applicant's response of 13 August 2021.

A public submitter (Northern Planning Consultants Pty Ltd on behalf of Carpaolo Nominees), however, made a submission to the applicant's response of 30 October 2020, principally concerning the proposal's access to Searcy Street and that it should be restricted until street upgrades occurred. This is concurred with and reflected in a recommended consent condition.

In relation to the issues originally raised concerning the original application, it is acknowledged that the proposal has since been amended by the applicant and it is in this context that the issues raised are addressed below.

With regards to the screening of the car park, this is discussed in Reason 1 above, and the landscaping as now proposed is considered adequate particularly in the context of the locality. Additionally, it is considered that to fully screen the car parking area from the street would be contrary to the NT Community Safety Design Guidelines which recommend that clear sightlines into and within car parks are

maximised and ground cover or low shrub planting along with high branching trees should be provided.

Regarding traffic safety (due to two lots not occupying the same land as the existing car park), the proposal being on three lots will not in itself will not cause any issues relating to traffic safety; the development does not need to occur over a single lot but traffic safety matters need to be addressed regardless. It is considered that the matter of road safety is addressed through the plans provided by the applicant, which includes a clear pedestrian path through the car park (including for the disabled), and also recommended consent conditions which require adequate sightlines to be maintained for the entry/exit onto Searcy Street in particular.

Regarding the removal of the two houses on Searcy Street, the Heritage Branch has confirmed that the houses at 5 and 7 Searcy Street are not heritage listed, however, a condition recommended by the Heritage Branch for documentation and a photographic recording of the dwellings for historical purposes is included in recommended conditions for the development.

Regarding the issue relating to competition with the Chinatown carpark, this is not considered a planning matter.

3. 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 does not object to the proposal.

4. 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 proposed extended car parking area is ancillary to the Woolworth's shopping centre, which is *Merit Assessable* in Zone CB under NTPS2020 and consistent with the purpose of the zone through providing a retail activity. The impact on the existing and future of the area is not expected to be significant, particularly with the inclusion of adequate landscaping along the site's boundary with Searcy Street.

5. Pursuant to Section 51(r) of the *Planning Act 1999*, the consent authority must take into consideration any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*.

The Heritage Branch has confirmed that the houses at 5 and 7 Searcy Street are not heritage listed. A condition is included in recommended

conditions that require documentation and a photographic recording of the dwellings for historical purposes, as required by the Heritage Branch, as well as a condition requiring signage being placed on the site to reflect its heritage, particularly of the buildings on 5 and 7 Searcy Street.

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
Chair

23 September 2021