



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 385 – FRIDAY 3 DECEMBER 2021

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

MEMBERS PRESENT: Marion Guppy (Presiding Member), Mark Blackburn, Simon Niblock and Peter Pangquee

APOLOGIES: Suzanne Philip

LEAVE OF ABSENCE: Nil

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

COUNCIL REPRESENTATIVE: Brian Sellers and Conneil Brown

Meeting opened at 10.15 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.

That, pursuant to section 101(3) of the *Planning Act 1999*, in the Chair's absence the members of the Darwin Division of the Development Consent Authority elect Marion Guppy to preside at the meeting held on Friday 3 December 2021.

ITEM 1

PA2021/0373 24 X 3 BEDROOM DWELLINGS-MULTIPLE AND GROUND LEVEL COMMERCIAL TENANCY IN A 10 STOREY BUILDING INCLUDING 2 ABOVE-GROUND CAR PARKING LEVELS, LOT 1421 (35) MCMINN STREET, DARWIN CITY, TOWN OF DARWIN

APPLICANT One Planning Consult

Israel-Tshep Kgosiemang (One Planning Consult) and Savvas Savvas (Savvas Architect) attended.

Mr Kgosiemang tabled a revised set of drawings, and perspectives for the proposed building.

**RESOLVED
100/21**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 1421 (35) McMinn Street, Town of Darwin, for the purpose of 24 x 3 bedroom dwellings-multiple and ground level commercial tenancy in a 10 storey building including 2 above-ground car parking levels, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Further consideration of the following clauses to demonstrate how greater compliance with the provisions of the NT Planning Scheme 2020 can be achieved:
 - a) Clause 5.2.3.2 (Volumetric Control in Central Darwin), particularly the proposed side setbacks to the boundary of Lot 1415, and how the proposal may more reasonably anticipate future development on Lot 1415;
 - b) Clause 5.2.3.3 (Urban Design Requirements in Central Darwin), particularly the 75% street activation requirement along the street frontages, predominantly the McMinn Street frontage, and confirmation that the proposed utility area is of sufficient size to accommodate any service equipment required;
 - c) Clause 5.3.7 (End of Trip Facilities in Zones... CB...), in relation to bicycle parking facility design particularly the type of bicycle parking proposed and its suitability for the future use;
 - d) Clause 5.4.8 (Building Design for... Dwelling-Multiple...), particularly how the proposal provides a sympathetic interface to adjoining lots and acoustic design and construction;
 - e) Clause 5.5.3 (Commercial and Other Development in Zones...CB...), particularly how the building is sympathetic to the character of buildings in the immediate vicinity and how the building provides interest at street level; and

- f) Clause 4.10 (Zone CB – Central Business), in relation to Zone Outcome 8, how the proposal maximises pedestrian activity along the primary street frontage (McMinn Street), and how the proposal reduces the appearance of building mass relative to its surroundings;
- Further consideration of the Central Darwin Area Plan 2019, particularly Objective 1.2 which requires building design to respond to adjacent buildings and environments reasonably anticipated; and
- Provision of any updated plans as the result of any changes to address the above points of deferral.

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 Northern Territory Planning Scheme 2020 (NTPS 2020) applies to the land. Lot 1421, Town of Darwin is located in Zone CB (Central Business), the purpose of which is to promote an active and attractive mixed use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development. The Zone Outcomes specifically require that residential developments which cater for residents and tourists, including dwelling multiple, are usually of high density and are integrated with complimentary commercial and entertainment activities that are located nearby or contained within the same building, and development incorporates innovative building design, site layout and landscaping.

The uses proposed in the Development Application are identified as *Merit Assessable* under Clause 4.10 – Zone CB (Central Business), and therefore the following elements of the Planning Scheme need to be considered in determining the application:

- Strategic framework (Part 2 of the Scheme – Central Darwin Area Plan 2019),
- Zone purpose and outcomes of Clause 4.10 (Zone CB),
- Clause 5.2.3 (Buildings in Central Darwin),
- Clause 5.2.4 (Vehicle Parking),
- Clause 5.2.5 (Loading Bays),
- Clause 5.2.6 (Landscaping),
- Clause 5.3.7 (End of Trip Facilities in Zones... CB...),
- Clause 5.4.6 (Private Open Space)
- Clause 5.4.7 (Communal Open Space)
- Clause 5.4.8 (Building Design for... Dwelling- Multiple...)
- Clause 5.5.3 (Commercial and Other Development in Zones... CB...)

Further information is required for a number of these clauses for the reasons given below.

2. The purpose of Clause 5.2.3.2 (Volumetric Control in Central Darwin), is to *'ensure the siting and mass of buildings within Central Darwin promotes:*
- (a) a built form that maximises the potential for view corridors to Darwin Harbour;*
 - (b) the penetration of daylight and breeze circulation between buildings;*
 - (c) privacy for residents of adjoining properties; and*
 - (d) a built form that reasonably anticipates the future development of adjoining sites'.*

The proposal is more than 25m in height (max. height of building 30.6m), and does not provide a compliant tower level above 25m.

The levels up to 25m (to level 8), provide a site coverage of 100% or less but the levels above 25m (levels 9 and 10) provide a site coverage of greater than the permissible coverage of 56% (65%).

The podium level does not comply with setbacks to site boundaries other than to a street or public open space. The proposed rear/side setbacks are between 1.8m and 6.9m (6m required).

The tower level does not comply with any of the required 6m setbacks to all boundaries. The setback to each boundary is as follows:

- the south western boundary (side adjacent Zest building) varies from 0m - 4.7m;
- the south eastern boundary (Gardiner Street) varies from 1m - 2m setbacks;
- the north eastern boundary (McMinn Street) varies from 0.4m - 1.2m setback; and
- the north western boundary (side to vacant Lot 1415) varies from 1.8m - 3m setback.

The Authority considers that such large setback reductions, particularly to the north western boundary, does not reasonably anticipate future development on adjoining Lot 1415.

The Authority notes the applicant's reasoning for the proposed reduced setback but considers future development on adjoining Lot 1415 could be such to render the proposed setback the north western boundary of 3m insufficient given Lot 1415 could, with the relevant service authority approval, build to the north western boundary.

3. Under Clause 5.2.3.3 (Urban Design Requirements in Central Darwin), 75% of the length of the site boundary at ground level is to be provided as active street frontage.

The Report prepared by Development Assessment Services identifies that there is no pedestrian access from McMinn Street and the glassed area (from the reception office) covers approximately 20% of the street frontage. Furthermore, the pedestrian access from Gardiner Street and the glassed area along Gardiner Street (also from the reception office), covers approximately 30% of the street frontage.

The Authority acknowledges that the applicant endeavoured to increase the amount of active street frontage through its revised plans as tabled at the meeting. However, the Authority considers that the required 75% active street frontage remains non-compliant, particularly on McMinn Street.

The proposal to incorporate glazed windows along McMinn Street where the storage units are situated is not considered to meet the definition of 'active street frontage' which details that *'unless otherwise specified, active street frontage: (a) contains active uses such as retail, entertainment and dining uses for a minimum of 75% of the street front boundary details the type... and (c) has windows and door openings to the adjacent street or public place...'*

Also, clarification is required in relation to sub-clause 6(d) which states that *'Buildings in Central Darwin are to...integrate plant rooms and service equipment on roof tops'*.

Further information is also required to demonstrate that the utility room is of sufficient size for service equipment, particularly any water tanks required for internal firefighting, noting that this could result in substantial building redesign if not confirmed at this stage.

4. Under Clause 5.3.7 (End of Trip Facilities in Zones... CB...) sub-clause 3 outlines the requirements for bicycle parking facilities and associated bicycle parking devices. The Authority considers the proposal to provide wall mounted bicycle parking for e-bikes is not practical, predominantly due to their weight and that these parking spaces should be horizontal in design. Furthermore, all bicycle parking spaces should be secure.
5. Under Clause 5.4.8 (Building Design for... Dwelling-Multiple...), further information is required to clarify how the proposal meets the purpose of the clause and provides a sympathetic interface with adjoining lots. Given Lot 1421 is situated on the corner of McMinn Street and Gardiner Street; the Authority considers further information is required to demonstrate compliance with sub-clause 10 which states *'where close to high noise sources (such as busy roads and airport flightpaths), be of appropriate acoustic design and construction'*.
6. Clause 5.5.3 (Commercial and Other Development in Zones...CB...) requires developments to promote site responsive designs which are attractive and pleasant and contribute to a safe environment. A number of specific requirements are imposed including, preservation of vistas, minimisation of expanses of blank walls, provision of safe and convenient movement of vehicles and pedestrians to and from the site, provision of convenient pedestrian links and protection for pedestrians from sun and rain. Importantly, the clause also requires that the development be sympathetic to the character of buildings in the immediate vicinity.

With this in mind, the Authority requires the applicant to demonstrate consideration of Clause 5.5.3, in particular, how the proposal is sympathetic to the character of buildings in the immediate vicinity,

specifically the adjacent Zest building on Lot 8543 (sub-clause 3) and how the building adds variety and interest at street level and low passive surveillance of public space (sub-clause 5).

7. Under Clause 4.10 (Zone CB – Central Business), further information is required to demonstrate how the proposal meets the purpose of the zone having particular regard to Zone Outcome 8 which states that *‘development incorporates innovative building design, site layout and landscaping that... maximises pedestrian activity along primary street frontages...and reduces the appearance of building mass relative to its surroundings...’*.
8. The Central Darwin Area Plan 2019 (Strategic Framework), encourages appropriate housing options and includes a number of objectives and acceptable responses to both residential areas within a residential zoning and also residential land uses within mixed use areas.

Objective 1.2 encourages development that contributes to the amenity of the public realm and reflects the character of the area. This requires building design to respond to adjacent buildings and environments or adjacent buildings and environments reasonably anticipated. It is particularly relevant given the setbacks proposed, particularly the side setback to Lot 1415.

The Authority does not consider the objective of the area plan has been adequately met. The development is not considered to reflect the character of the area or respond to adjacent buildings. The Authority also considers that Lot 1415 is currently vacant, and in order to anticipate future development on that lot, achieving greater compliance with the required side setback is desirable.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION:

Notice of Deferral

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



MARION GUPPY
Delegate

8 December 2021