

**DEVELOPMENT CONSENT AUTHORITY**

**DARWIN DIVISION**

**MINUTES**

**MEETING No. 272 – FRIDAY 18 MARCH 2016**

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

**MEMBERS PRESENT:** Denis Burke (Chairman), Grant Tambling, Bob Elix and Garry Lambert

**APOLOGIES:** Ross Baynes

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Sally Graetz, Ann-Marie Dooley, Joseph Sheridan, Roxanne Willing and Sarah Gooding (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nadia Smith and James Whyte

**Meeting opened at 9.00 am and closed at 10.30 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**                    **2 X 4 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**  
**PA2016/0068**           **LOT 11969 (2) SAMUEL STREET, TOWN OF NIGHTCLIFF**  
**APPLICANT**           **ASHFORD GROUP ARCHITECTS**

Mr Randal Ashford (Ashford Group Architects) attended.

**RESOLVED**  
**60/16**

That, the Development Consent Authority vary the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings Over 4 Storeys in Height) and Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 11969 (2) Samuel Street, Town of Nightcliff for the purpose of 2 x 4 bedroom multiple dwellings in a single storey building, subject to the following conditions:

#### **CONDITION PRECEDENT**

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin 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 or alternate approved connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection.
2. 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.
3. 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 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 should include details of the location of the crane and any holding areas.

#### **GENERAL CONDITIONS**

4. The works carried out under this permit shall be in accordance with the drawings numbered 2016/0068/01 to 2016/0068/05 inclusive, endorsed as forming part of this permit
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the land

shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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. 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.
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority;  
and  
The owner shall:
  - a) remove disused vehicle and/ or pedestrian crossovers;
  - b) provide footpaths/ cycleways; and
  - c) 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.
9. No fence, hedge, tree or other obstruction exceeding a height of 0.6 metres is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
10. 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.
11. The private open space areas of each dwelling shall be screened on each boundary by:
  - (a) the erection of a solid wall or screen fence not less than 1.8 metres high; or
  - (b) fenced to a height not less than 1.8 metres high and planted with dense vegetation.
12. 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.
13. 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.
14. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
15. 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.

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. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.
18. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

#### NOTES:

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. A permit to work within a road reserve may be required from the City of Darwin before commencement of any work within the road reserve.
4. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
5. The City of Darwin advises that all street trees shall be protected at all times during construction. Any tree on a footpath, which is damaged or removed during construction shall be replaced, to the satisfaction of the General Manager Infrastructure, City of Darwin. A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards – AS 4970-2009 Protection of Trees on Development Sites. Copies of AS 4970-2009 Protection of Trees on Development Sites can be obtained from the Australian Standards website.

6. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from Department of Land Resource Management.
7. 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](mailto:surveylandrecords@nt.gov.au)).

## REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The purpose of Zone SD23 is to facilitate the subdivision, use and development of the land as a residential estate that provides for housing choice through a range of lot sizes and housing types. Land may be developed for multiple dwellings with consent, where identified on the land use drawing endorsed under the zone. The land is identified for multiple dwellings on the land use drawing endorsed through the Muirhead subdivision and the proposal is consistent with that drawing.

A variation to Clause 7.3.1 to vary the setback requirements to the building to 1.5m from the north western boundary is considered acceptable as the use of varied building materials and the 3.5m x 0.2m steps in the façade proposed will minimise the effects of massing and visual bulk such that the reduced setback of 1.5m will be adequately reduced. In addition, any potential for overlooking along the affected boundary will be mitigated by the fencing and landscaping proposed.

Clause 7.5 (Private Open Space) ensures that each dwelling has private open space that is of an adequate size to provide for domestic purposes, being appropriately sited, permeable and open to the sky, and inclusive of areas of deep soil for shade tree planting. Although the dwellings incorporate a minimum dimensioned area of 5m x 10.8m (unit 1) and 3.6m x 10.8m (unit 2), each dwelling also provides an additional covered verandah area of 3.6m x 3.4m which is suitably located and forms a sheltered extension to the living areas of the dwelling, providing an additional 12m<sup>2</sup> of outdoor living space per dwelling. Despite the non-compliance to Clause 7.5, is considered to provide a useable, functional area for recreation purposes directly accessible from the dwelling, and providing an appropriate extent of areas which are permeable and open to the sky.

2. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. No land capability concerns were identified as part of the assessment. The proposal complies with the anticipated density in this location and is situated within a newly created subdivision.

3. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. Conditions on the development permit require submission of a construction management plan, a stormwater management plan, and a dilapidation report as requested by the City of Darwin.

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

**ITEM 2**  
**PA2016/0097**  
**APPLICANT**

**2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**  
**LOT 11858 (37) TRAINER STREET, TOWN OF NIGHTCLIFF**  
**TE PLUMBING**

Mr Damien Styles (Saroukos Homes) attended on behalf of the applicant and tabled an amended site plan.

**RESOLVED**  
**61/16**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 11858 (37) Trainer Street Town of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a single storey building 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:

1. Amended plans that better respond to the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential buildings over 4 Storeys in height) of the Planning Scheme including screen fencing and/or landscaping treatments that respond to the potential visual impacts caused by the building length; and
2. Amended plans that better respond to the requirements of Clause 7.5 (Private Open Space) of the Planning Scheme including a more compliant private open space area at unit 1 with a space that has dimensions closer to the required 5m x 5m and the screening or fencing of this space to demonstrate greater compliance with the clause.

**RESOLVED**  
**62/16**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act, to determine the application to develop Lot 11858 (37) Trainer Street Town of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a single storey building subject to:

- Amended plans that better respond to the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential buildings over 4 Storeys in height) of the Planning Scheme including screen fencing and/or landscaping treatments that respond to the potential visual impacts caused by the building length; and
- Amended plans that better respond to the requirements of Clause 7.5 (Private Open Space) of the Planning Scheme including a more compliant private open space area at unit 1 with a space that has dimensions closer to the required 5m

x 5m and the screening or fencing of this space to demonstrate greater compliance with the clause.

### REASONS FOR THE DECISIONS

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

The proposal does not comply with Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential buildings over 4 Storeys in height) or Clause 7.5 (Private Open Space) of the Planning Scheme. Amended plans and further information is required to demonstrate greater compliance with the planning scheme.

**ACTION:** Advice to Applicant

**ITEM 3** **MOTEL IN A 24 STOREY BUILDING INCLUDING A GROUND LEVEL**  
**PA2016/0064** **RESTAURANT, 1 BASEMENT LEVEL AND 5 ABOVE-GROUND CAR PARKING**  
**LEVELS**  
**LOT 2445 (9) DALY STREET, TOWN OF DARWIN**  
**APPLICANT** **NORTHERN PLANNING CONSULTANTS**

Mr Brad Cunnington (Northern Planning Consultants) attended and tabled a plan showing pedestrian site lines and the loading bay area.

**RESOLVED** That the Development Consent Authority vary the requirements of Clauses 6.3.2  
**63/16** (Volumetric Control in Central Darwin), 6.5.3 (Parking Layout), Clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 2445 (9) Daly Street, Town of Darwin the purpose of a motel in a 24 storey building including ground level restaurant, 1 basement level and 5 above-ground car parking levels, subject to the following conditions:

### CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. All measurements for which assessment under the NT Planning Scheme may be required, including but not limited to all setbacks, car parking bays and the proposed boundary wall extension at the podium level;
  - b. A separate access directly from the footpath for the restaurant component;;
  - c. Labelling of end of trip facilities in the basement staff area;

- d. Amending and labelling of bay 20 on level 5 as a 'short bay';
  - e. The substitution of the 'chain wire mesh fencing' at the rear of the podium level with a material/design similar to what is proposed on the Daly Street frontage or that which provides more appropriate screening of the car park;
  - f. Confirmation of colour/texture treatments for the podium walls, sun screens and car parking screens;
  - g. Slat screen fencing for a portion of the proposed 1.8m boundary wall extension for the podium level to promote breeze flow. The slat screen fencing is to extend along the perimeter of the side and rear boundaries adjacent the terraces of the podium level units;
  - h. The provision of a dedicated pick up/drop off area within the upper level car parking areas; and
  - i. Screening of air conditioning units and plant equipment. All equipment is to be fully screened from within the site and also from surrounding properties. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), the applicant is to submit correspondence from PWC confirming that the service infrastructure locations shown are acceptable for the proposed development.
  3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required for the provision of awnings to the Daly street frontage to the requirements of the City of Darwin and Power and Water Corporation, to the satisfaction of the consent authority. The awnings shall not reduce the achievement of active frontages below 68.5% of the total length of the site boundary to the street.
  4. Prior to the endorsement of plans, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:
    - (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
    - (b) details of surface finishes of pathways and driveways;
    - (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant including planting in the communal open space and enclosed courtyards, and;
    - (d) deletion of trees on that encroach over the adjacent boundaries/Daly Street road reserve or approval from the relevant landowner and/or City of Darwin for the proposed location of trees.
    - (e) measurements for the proposed areas to be landscaped including elevations for planter boxes at the podium level (if proposed);
    - (f) a statement from a suitably qualified professional that the proposed species are suitable for the podium level; and
    - (g) confirmation that all planting will be irrigated;
 All species selected must be to the satisfaction of the consent authority.



5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.
6. Prior to the endorsement of plans and prior to the commencement of works (including site preparation, the applicant is to provide confirmation from the City of Darwin that the proposed development can be serviced in accordance with its waste management requirements, to the satisfaction of the consent authority.
7. Prior to the commencement of works (including site preparation), the applicant is to prepare an environmental and construction management plan to the requirements of the City of Darwin, to the satisfaction of the consent authority. The plan is to address construction access, haulage routes, public access, waste management, and the use of Council land during construction.
8. 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**

9. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
10. 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.
11. 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.
12. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
13. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-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.
14. 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/guests.
15. Before the use commences, written confirmation from a qualified traffic engineer that the car parking spaces and access lanes associated with the development comply with the relevant Australian standards for car parking must be provided in instances where the car parking does not comply with the minimum requirements of clause 6.5.3 (Parking Layout) of the NT Planning Scheme, to the satisfaction of the consent authority.
16. 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.
17. The landscaping shown on the endorsed plans, including the 3 existing trees within the Daly Street road reserve, must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
18. Storage for waste disposal bins, including internal swept paths for waste vehicles and access to the proposed loading bay with regards to waste vehicle heights, is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
19. All proposed works (including awnings and signage) impacting Daly Street are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the City of Darwin. Drawings must be submitted to the General Manager Infrastructure, City of Darwin for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
20. 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 and from view of neighbouring or nearby developments (or developments reasonably anticipated), 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. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.
21. All roof top plant equipment (such as vents and ducting associated with requirements for stairwell pressurisation or other such ventilation purposes or similar) that will be placed on the rooftop of the development shall be appropriately screened, or designed to soften the visual impact of such

equipment from view from neighbouring or nearby developments (or developments reasonably anticipated).

22. 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.
23. 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.
24. The kerb crossovers and driveways, including pedestrian sight lines for the Daly Street crossover/footpath, are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
25. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
26. All air conditioning condensers 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.
27. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
28. "A Compliance Certificate under the *Swimming Pool Safety Act* issued by the Swimming Pool Safety Authority is required for the swimming pool/s prior to the commencement of the use/development to the satisfaction of the consent authority".

#### NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Northern Territory Environment Protection Agency advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to

Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

3. An application must be submitted to the Department of Defence for any cranes used during construction that will infringe on the Defence (Areas Control) Regulations surfaces for Darwin Airport.
4. The Environment Protection Authority advise that during excavation, the basement may fill up with turbid sediment laden stormwater, and there are obligations under section 16 of the Water Act for water to not become polluted.
5. A "Permit to Work Within a Road Reserve" may be required from City of Darwin before commencement of any work within the road reserve.
6. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
7. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.
8. Notwithstanding the approved plans, all signage is subject to City of Darwin Council approval, at no cost to Council.
9. Notwithstanding the approved plans, the demonstrated awning in City of Darwin Council's road reserve is subject to Council approval at no cost to Council.
10. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

## REASONS FOR THE DECISION

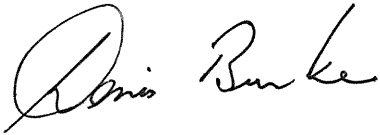
1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The application proposes a motel and a restaurant which is consistent with the primary purpose of Zone CB (Central Business) which is to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities.

2. Clause 6.3.3 (Urban Design Requirements in Central Darwin) is to promote exemplary urban design in Central Darwin. The proposal is assessed as responding well to the requirements of this clause by providing clear glass frontages, a full length awning to both street frontages, screening to car parking areas and a design that limits service infrastructure along the street frontage. The clause requires that developments have a minimum of 75% of the street frontage as an 'active frontage', however only 68.5% is achieved. The active frontage achieved is considered a practical design given the constraints imposed by the servicing requirements and the reduced front boundary length. The application also relocated the substation to the first floor to ensure that the development achieved a higher degree of compliance with this clause than that which was originally proposed. Overall, the design is considered to balance service infrastructure requirements with the objectives of the Scheme.
3. Clause 6.5.3 (Parking Layout) ensures that a parking area is appropriately designed, constructed and maintained for its intended purpose. The application proposes non-compliant bays at the end of each driveway however the functionality of the car parking area is not compromised as these bays are located adjacent the down/up ramps. This provides a vehicle using these bays an increased area in which to safely reverse out, turn around and exit the car parking area in a forward gear. Bay 20 on level 5 is not located opposite a ramp but a condition precedent requiring that this be labelled as a 'short bay' will ensure that only vehicles capable of tighter turning circles park here. In addition to this, a condition precedent is included requiring a statement from a suitably qualified professional confirming that this 'short bay' and also the other 3 'short bays' proposed by the applicant comply with the relevant Australian standards. For the reason outlined above, the car parking layout is considered acceptable.
4. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. The Authority considered that the provision of a pick-up/drop off area within the Daly Street road reserve (as per the original plans submitted by the applicant) to represent a design more conducive to a motel's operational requirements. In the absence of approval from the relevant authority for such an arrangement, the Authority requested amended plans requiring that a dedicated pick-up/drop off area be provided within the upper level car parking areas to ensure that traffic flows on the surrounding road network are not restricted by motel guests during check in/check out times. The Authority noted confirmation from the City of Darwin that the traffic impact assessment submitted as part of the application addressed the majority of issues, with a condition precedent included for a waste management plan to ensure the development can be appropriately serviced to the satisfaction of the City of Darwin.

All other service authority requirements have been addressed through the inclusion of condition precedents and standard conditions.

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

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



**DENIS BURKE**  
Chairman

23/3/16