



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 308 – FRIDAY 2 FEBRUARY 2018

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

MEMBERS PRESENT: Suzanne Philip (Chair), Doug Phillips, John Gleeson, Sherry Cullen and Mick Palmer

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Anthony Brennan, Dawn Parkes, May Patterson and Amit Magotra (Development Assessment Services)

COUNCIL REPRESENTATIVE: David Burrow

Meeting opened at 10.15 am and closed at 12.30 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 **SUBDIVISION AND CONSOLIDATION TO CREATE TWO LOTS FOR THE**
PA2017/0531 **PURPOSE OF LEASES IN EXCESS OF 12 YEARS, IN THREE STAGES**
 LOTS 6652, 6985 & 7012 (40, 44 & 38) PATTERSON STREET, TOWN OF
 SANDERSON
APPLICANT **DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS**

Pursuant to section 97(1) of the *Planning Act*, Mr John Gleeson a member of the Darwin Division of the Development Consent Authority declared a conflict of interest and was not present during and did not take part in any deliberation or decision of the Division in relation to Item 1.

Mr Gregg Hestelow (NT Manager, AAM Survey) attended on behalf of DIPL.

Submitters in attendance: Mr James Mathew on behalf of the Darwin Aboriginal and Torres Strait Islander Women’s Shelter, Aboriginal and Torres Islander Corporation, Ms Regina Bennett (General Manager, Darwin Aboriginal and Torres Strait Islander Women’s Shelter, Aboriginal and Torres Islander Corporation), Ms Judy Carne, Ms Natalie Cole, Ms Melissa Holt, Ms Patty Noble, Ms Kim & Mr Mario Marafioti, Mr Chris McPharlin, Ms Georgia Opden Brown, Ms Rosie Baird, Ms Jaylene Cooper, Ms Anita Hunter and Ms Annarella Sebbens.

Interested party in attendance: Mrs Kate Warden – Member for Sanderson.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
11/18 Authority consent to the application to develop Lots 6652 (40), 6985 (44) and 7012
 (38) Patterson Street, Town of Sanderson for the purpose of a subdivision and
 consolidation to create two lots for the purpose of leases in excess of 12 years, in
 three stages, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with drawing number 2017/0531/01 endorsed as forming part of this permit.
2. 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 on the plan of subdivision submitted for approval by the Surveyor General.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity supply and to each lot shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.
4. 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.

5. Any easements or reserves required for the purposes of stormwater drainage, roads, access, or for any other purpose, shall be made available free of cost to City of Darwin and/or neighbouring land owners.
6. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) demonstrating that the Power and Water Corporation has been provided with a copy of the survey plan with the new lot numbers. This is for the purpose of ensuring the relevant Power and Water Information and Billing System is updated. Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au

NOTE:

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

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 primary purpose of Zone CP (Community Purposes) is to provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration. The design is expected to incorporate landscaping that will enhance the visual appearance of the development. The development of residential accommodation is to only be in association with and ancillary to the primary use of the land.

The proposed development is for subdivision only and is considered to be consistent with Zone CP. Any future uses and/or development will be subject to a separate application. The subdivision is required as a condition of a lease agreement with Crown Land to facilitate leases in excess of 12 years over the subject land and therefore subdivision approval under the *Planning Act* is required.

There is no minimum lot size in Zone CP and the proposed lots are considered to meet the purpose of the zone and are of a size and configuration that can accommodate a range of future uses in accordance with the requirements of Zone CP.

Lot 6985 contains an existing building on site. Lots 6652 and 7012 are currently vacant. The subdivision will facilitate the reconfiguration of the subject lots to allow for more uniformed lot sizes that can accommodate a range of uses consistent with the CP zoning. Any adverse impacts upon adjoining allotments resulting from the proposed subdivision are considered unlikely due to the administrative nature (boundary

realignments) of this subdivision. The subdivision will result in one less lot and will remove an existing battleaxe that is discouraged in subdivision design. In addition one less crossover (access) from Patterson Street will be required. It is considered that the subdivision will have minimal impact (if any) on adjoining or nearby land and, for this reason, is consistent with the purpose of Zone CP.

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

A public submission was received from Mr James Matthews on behalf of the Darwin Aboriginal and Torres Strait Islander Women's Shelter Aboriginal and Torres Strait Islander Corporation, who were not in support of the proposal. This submission was made on behalf of 67 submitters, many of whom attended the public meeting in support of their submission. The matters raised within the submission and presented at the public meeting have been considered in detail by the Authority and whilst the Authority notes the concerns raised, it is considered that the proposed subdivision is fully compliant with the requirements of the NT Planning Scheme and that all matters required to be considered under section 51 of the *Planning Act* have been adequately addressed in relation to the application.

Mr Matthews, on behalf of the submitters, argued that the Authority should consider this application (PA2017/0531) for subdivision together with the application for supporting accommodation (PA2017/0570) on one of the proposed subdivided lots, as one development. He relied on Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme which requires the Authority to consider an application for development in its entirety. The Authority considered that, although the two applications are parallel in the sense that PA2017/0507 is dependent on approval for PA2017/0531, the applications are separate proposals with separate applicants and the application for subdivision stands alone. Clause 2.5 does not require that they be considered as one development.

The two lots created through this subdivision are fully compliant with the requirements of the NT Planning Scheme and will provide for the orderly development and future uses consistent with those anticipated in a community purposes zone.

3. Pursuant to section 51(n) of the *Planning Act*, 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 development is considered to be consistent with the broader intent of Zone CP (Community Purposes), including that the subdivision does not impede on the potential future land use of the two lots and providing more uniformed and suitably sized allotments. No issues were raised by Council in relation to future access to the proposed lots.

No undue amenity impacts have been identified as a result of the subdivision and appropriate conditions relating to servicing requirements have been included on the development permit.

4. Pursuant to section 51(k) of the *Planning Act*, the consent authority must take into account the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer.

The subdivision is proposed within an area zoned for CP (Community Purposes). It is not a requirement of this development for the developer to provide any additional facilities or land for public recreation.

5. Pursuant to Section 51(r) of the *Planning Act*, the consent authority must consider the potential impact on natural, social, cultural or heritage values, including, for example, the heritage significant of a heritage place or object under the *Heritage Act*.

There are no known natural, social, cultural or heritage values on the site or in the immediate surrounding area. The Department of Environment and Natural Resources have advised that no issues are raised with the development.

ACTION: Notice of Consent and Development Permit

**ITEM 2
PA2017/0570
APPLICANT**

**SUPPORTING ACCOMMODATION
LOTS 6652 & 7012 (40 & 38) PATTERSON STREET, TOWN OF SANDERSON
TEAMHEALTH**

Pursuant to section 97(1) of the *Planning Act*, Mr John Gleeson a member of the Darwin Division of the Development Consent Authority declared a conflict of interest and was not present during and did not take part in any deliberation or decision of the Division in relation to Item 2.

Ms Sarah Williamson and Mr David Bennett (Bennett Design), Ms Helen Egan (CEO Teamhealth) and Mr Kim Hill (Teamhealth Board Member) attended.

Submitters in attendance:- Submitters in attendance: Mr James Mathew on behalf of the Darwin Aboriginal and Torres Strait Islander Women's Shelter, Aboriginal and Torres Islander Corporation, Ms Regina Bennett (General Manager, Darwin Aboriginal and Torres Strait Islander Women's Shelter, Aboriginal and Torres Islander Corporation), Ms Judy Carne, Ms Natalie Cole, Ms Melissa Holt, Ms Patty Noble, Ms Kim & Mr Mario Marafioti, Mr Chris McPharlin, Ms Georgia Opden Brown, Ms Rosie Baird, Ms Jaylene Cooper, Ms Anita Hunter and Ms Annarella Sebbens.

Interested party in attendance: Mrs Kate Warden – Member for Sanderson.

**RESOLVED
12/18**

That, the Development Consent Authority vary Clause 7.5 (Private Open Space) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lots 6652 (40) and 7012 (38) Patterson Street, Town of Sanderson for the purpose of supporting accommodation, subject to the following conditions:

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CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a Traffic Impact Assessment report shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The report is to be prepared by a suitably qualified traffic engineer with attention to the existing infrastructure (including street trees) to the location of the proposed crossover, access sightlines for pedestrians, cyclists and vehicles.
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin's 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. 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.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare a comprehensive landscape plan of the road reserve adjacent to the property. The plan shall include the location of street trees and all other infrastructure, to the requirements of City of Darwin, to the satisfaction of the consent authority.
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 City of Darwin.
5. 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.
6. Prior to the commencement of works (including site preparation), a waste management plan addressing the City of Darwin's Waste Management Policy 054 must be prepared, to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

7. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
8. 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.
9. 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.

10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity facilities and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. 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.
12. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their visitors and clients.
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. 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.
16. 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.
17. Storage for waste disposal bins is to be provided to the requirements of City of Darwin, to the satisfaction of the consent authority.
18. 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.

19. 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.
20. 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).
21. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
22. 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.
23. Prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction and at no cost to City of Darwin.
24. An Occupancy Permit under the *Building Act* must not be issued until Lots 6652 and 7012, Town of Sanderson have been consolidated and a new title issued for the consolidated lot.
25. 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 completion of works, 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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.
3. 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.

4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

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 primary purpose of Zone CP (Community Purposes) is *to provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration. The design is expected to incorporate landscaping that will enhance the visual appearance of the development. The development of residential accommodation is to only be in association with and ancillary to the primary use of the land.*

The Supporting Accommodation is proposed within an area zoned for CP. Supporting Accommodation is a permitted use in Zone CP subject to compliance with the relevant requirements of Part 4 of the NT Planning Scheme. A variation to Clause 7.5 (Private Open Space) was sought and is discussed further below. The development is otherwise fully compliant with the requirements of the NT Planning Scheme and is consistent with the uses and built form anticipated within the zone.

The purpose of Clause 7.5 (Private Open Space) is *to ensure that each dwelling has private open space that is of an adequate size to provide for domestic purposes; appropriately sited, permeable and open to the sky; and inclusive of areas of deep soil for shade tree planting.* The six transitional dwellings are considered as 'multiple dwellings' for the purpose of this clause and therefore are required to provide 45m² of private open space inclusive of an area with minimum dimensions of 5m x 5m. Whilst the proposed private open space areas do not comply with the minimum private open space requirements the applicant has provided justification in seeking a variation to the requirements by means of satisfying special circumstances as outlined in Clause 2.5 (Exercise of Discretion by the Consent Authority) under the NT Planning Scheme.

The applicant has provided the following justification for the non-compliances with Clause 7.5 (Private Open Space):

- The proposed facility is purpose built for mental health rehabilitation whereby clients are not permitted to retreat to outdoor areas alone without passive surveillance as it presents a potential risk to themselves, other residents and staff.
- The clients are encouraged to engage with other inhabitants and support providers to assist in the rehabilitation rather than to retreat to private open spaces.
- The Groups Rooms A and B buildings are proposed for clients that require a higher degree of assistance. As such, these rooms only consist of a bedroom and an ensuite with shared communal kitchen, living, dining and communal recreation areas.

- The transitional dwellings are self-contained one bedroom dwellings for inhabitants that have progressed from the early stages of rehabilitation in the group homes. Whilst a 14m² verandah is proposed to each unit, it is considered that taking on the responsibility of maintaining a larger private open space area is a significant step in the rehabilitation process than would normally be recommended. The verandah area proposed is considered adequate in supporting the clients in the rehabilitation process. The verandah areas also have an outlook to the communal landscaped area.
- The development proposes 1860m² of communal open space which represents 43% of the site coverage and exceeds the 655.5m² or 15% requirement under Clause 7.6 (Communal Open Space) of the NT Planning Scheme. The additional communal open space is sought to offset the departure from the requirements of Clause 7.5 (Private Open Space).
- The development proposes landscaping coverage of 2494m² which represents 57% of the site and exceeds the 1311m² or 30% requirement under Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the NT Planning Scheme. The additional landscape area is sought to offset the departure from the requirements of Clause 7.5 (Private Open Space).

Given the collective reasons provided by the applicant in seeking a variation to Clause 7.5 (Private Open Space) and the substantial increase in communal open space and landscaping areas proposed, it is considered that Clause 2.5 (Exercise of Discretion by the Consent Authority) be applied in this instance. A variation to the requirements of Clause 7.5 (Private Open Space) of the NT Planning Scheme to allow for a reduced area of private open space to be provided is therefore supported as the departure is considered minor and unlikely to negatively impact upon either the subject site or the surrounding area. The proposal is otherwise consistent with the relevant clauses applicable to Supporting Accommodation and the type of development provided for in Zone CP.

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

A public submission was received from Mr James Matthews on behalf of the Darwin Aboriginal and Torres Strait Islander Women's Shelter Aboriginal and Torres Strait Islander Corporation, who were not in support of the proposal. This submission was made on behalf of 67 submitters, many of whom attended the public meeting in support of their submission. The matters raised within the submission and presented at the public meeting have been considered in detail by the Authority.

The Authority has noted the submitters concerns in relation to an over concentration of supported accommodation services, the potential for incompatible uses and the resultant perceived negative impact upon the existing adjacent land uses. Concerns in relation to the safety of nearby residents has also been considered.

The subject land is zoned CP (Community Purpose) in which Supporting Accommodation is a permitted use subject to compliance with the relevant requirements of Part 4 of the NT Planning Scheme. In this instance a variation to Clause 7.5 (Private Open Space) was sought and subsequently supported by the Authority. The variation is not considered to have any bearing on the matters raised by the submitters as the concerns relate more broadly to the use of the land for Supporting Accommodation rather than to the design of the Supporting Accommodation itself.

The NT Planning Scheme defines Supporting Accommodation as:

- (a) *a convalescent or nursing home, an orphanage, a children's home, an institution for poor or disadvantaged persons, or a home for the care of aged persons; or*
- (b) *premises used by people moving from their homes or an institution and living for a short time in shared, supporting or rehabilitating accommodation where day-to-day management and operation of the premises is provided by a community organisation or recognised religious or charitable organisation or a department or institutional establishment of the Crown.*

The proposal is consistent with the definition of Supporting Accommodation and the use is consistent with the purpose of Zone CP which is *to provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration.*

The Authority only has discretion in relation to the variation being sought which in this instance is supported for the reasons given under section 51(a) of the *Planning Act*. The development is otherwise fully compliant with the requirements of the NT Planning Scheme. Furthermore, the Authority notes that all matters required to be considered under section 51 of the *Planning Act* have been adequately addressed in relation to the application and did not raise any issues which cannot be addressed through the inclusion of appropriate conditions and/or notations on the development permit.

A number of conditions and/or notations have been applied to the development permit to address servicing requirements and to ensure that the development does not unreasonably impact upon the amenity of surrounding land.

- 3. Pursuant to section 51(k) of the *Planning Act*, the consent authority must take into account the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer.

The Supporting Accommodation is within an area zoned CP (Community Purposes). It is not a requirement of this development for the developer to provide any additional facilities or land for public recreation.

- 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.

Consideration has been given to all comments received from service authorities, with all relevant matters addressed through appropriate conditions or notations on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality.

5. Pursuant to section 51(n) of the *Planning Act*, 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 and pursuant to section 51(p) of the *Planning Act*, the consent authority must take into consideration the public interest, including (if relevant) how the following matters are provided for in the application:
- (i) Community safety through crime prevention principles in design;
 - (ii) Water safety;
 - (iii) Access for persons with disabilities.

Mr Matthews argued that matters raised by the submitters should be considered by the Authority under section 51 of the *Planning Act* paragraphs (n) and (p) relating to amenity and public interest.

As well as the written submissions before the Authority, oral submissions were heard at the hearing. In particular Ms Regina Bennett, General Manager of the Aboriginal and Torres Strait Islander Women's Shelter, spoke compellingly about the vulnerable nature of the women and children who are clients of the shelter and the concerns about security, safety and cultural sensitivities raised by the proposed use of Lots 6652 and 7012 as Supporting Accommodation purpose built for mental health rehabilitation.

Amenity in relation to a locality or building is defined in Section 3 of the *Planning Act* to mean "any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable". Section 51(n) requires the Authority to consider the potential impact of a development on the existing and future amenity of the area in which the land is situated. The terms "harmonious, pleasant or enjoyable" are wide ranging and flexible and may well encompass residents' subjective perceptions and particular sensitivities. However the amenity of a locality and reasonable expectations of residents are informed by the NT Planning Scheme and the uses permitted under planning controls.

Both applicants for development approval and residents are entitled to rely on reasonable expectations drawn from the planning documents. In this case the land and its surrounds are zoned CP (Community Purposes) and the proposed use is fully compliant with that zoning. If not for the variation sought in relation to private open space, the application would not be considered by the Authority at all, the proposed use proceeding as of right. In those circumstances, while

acknowledging the very strongly expressed concerns of the submitters, the proposed development falls well within the terms of what might be expected within the zone and is consistent with the purpose of the zone. Even with the variation in respect of private open space the siting and mass of the built form is equivalent to that of a fully compliant building. The Authority considered that the potential impact of the development on the existing and future amenity of the area fell within the reasonable expectations associated with the zoning and future plans for the area.

Public Interest Is dealt with under Section 51(p) and for the purposes of the current application includes community safety through crime prevention principles in design. The Authority noted the submitters' concerns including the overconcentration of supported accommodation services in the area but found, on balance, that the public interest was served by the provision of a purpose-built mental health rehabilitation centre on appropriately zoned land. The proposed development raised no issues in relation to crime prevention principles in design.

Appropriate conditions and/or notations have been included on the development permit to address service authority requirements and servicing of the site during and post construction.

- (iv) Pursuant to Section 51(r) of the *Planning Act*, the consent authority must consider the potential impact on natural, social, cultural or heritage values, including, for example, the heritage significant of a heritage place or object under the *Heritage Act*.

There are no known natural, social, cultural or heritage values on the site or in the immediate surrounding area. The Department of Environment and Natural Resources have advised that no issues are raised with the development.

ACTION: Notice of Consent and Development Permit

ITEM 3 WITHDRAWN

**ITEM 4 WAREHOUSE AND ANCILLARY OFFICE
PA2017/0585 SECTION 7202 (56) JESSOP CRESCENT, HUNDRED OF BAGOT
APPLICANT GEORGE SAVVAS**

Mr Savvas sent his apologies. Mr Kostas Alakiotis attended on his behalf.

Mr Alakiotis tabled an Acoustic Report.

RESOLVED 13/18 That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 7202 (56), Hundred of Bagot for the purpose of a warehouse and ancillary office, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), 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 landscaping plan must be generally in accordance with the landscape concept plan and must include:
 - (a) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, and quantities of each plant; and
 - (b) the landscape plan and associated planting schedule must specify mature heights for all plant species none of which are to exceed a maximum height of 15m AGL at full maturity, with species and plant heights selected to prevent any adverse impacts on the operations of the Darwin RAAF base and Darwin International Airport. The species selected must not be of a type that may contribute to a safety risk by through the attraction of birds. All species selected must be to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation), the applicant is to prepare a comprehensive landscape plan of the road reserve adjacent to the property. The plan shall include the location of street trees and all other infrastructure, to the requirements of City of Darwin, to the satisfaction of the consent authority.
3. Prior to the commencement of works, a schematic plan 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. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.
4. Prior to the commencement of works, a Construction Environmental Management Plan (CEMP) for the management and operation of the use must be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority upon the advice of the City of Darwin. When approved, the CEMP will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The CEMP must include:
 - (a) waste management;
 - (b) traffic control;
 - (c) haulage routes;
 - (d) stormwater drainage;
 - (e) use of City of Darwin land; and
 - (f) day to day management requirements for the use.
5. 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.
6. Prior to the commencement of works (including site preparation), a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Policy 054; and measures to ensure that waste is managed and stored so as not to attract

birds shall be submitted to and approved by the City of Darwin and the Darwin International Airport, to the satisfaction of the consent authority.

7. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR). The ESCP should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the NTP website: <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to: DevelopmentAssessment.DENR@nt.gov.au.

GENERAL CONDITIONS

8. The works carried out under this permit shall be in accordance with the drawings numbered 2017/0585/01 through to 2017/0585/06 endorsed as forming part of this permit.
9. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
10. 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.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity, and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
12. 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.
13. All works relating to this permit are to be undertaken in accordance with the approved Erosion and Sediment Control Plan (ESCP) to the requirements of the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR).
14. The development must be designed and constructed to comply with AS2021-2015 '*Acoustics – Aircraft noise intrusion – Building siting and construction*' (AS2021), and a statement from a suitably qualified acoustic engineer confirming compliance with AS2021-2015 must be submitted prior to occupation of the development, to the satisfaction of the consent authority.
15. 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.

16. 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.
17. 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.
18. 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.
19. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street
20. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land, roads, and on the operation of the RAAF Base Darwin and Darwin International Airport.
21. Building materials must be selected so as to not create reflective glare for aircraft operations.
22. Storage and pick-up for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
23. 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.
24. 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, to the satisfaction of the consent authority.

25. 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), to the satisfaction of the consent authority.
26. 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.
27. 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.
28. 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.
29. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the Developer will be obliged to sweep and clean material off the road.
30. A Certificate of Compliance will not be issued for this development until Part V clearance has been issued for the subdivision approved by DP15/0813.

NOTES:

1. An Occupancy Permit under the *Building Act* shall not be granted until such time as a new title is issued in respect of the subject site.
2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
3. 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.
4. The NT EPA advises that there are obligations to comply with section 12 *Environmental Assessment Act* and the *Waste Management and Pollution Control Act* (WMPC Act). Guidelines are available at <https://ntepa.nt.gov.au/waste-pollution/guidelines/guidelines>.
5. The site is subject to "The Defence Areas Control Regulations" (DACR). An application must be submitted to the Department of Defence and Darwin International Airport for any structures (including temporary structures)

higher than 15m above ground level including, but not limited to, additional buildings, light poles, cranes used during construction, vegetation etc.

6. External lighting installed as part of the development is to consider section 9.21 "Lighting in the Vicinity of Aerodromes" of the CASA Manual of Standards Part 139, available at: <http://www.comlaw.gov.au/Details/F2014C01301>.
7. 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.
8. 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>.
9. 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*.
10. Any variation to the subdivision approved by DP15/0813 may result in the need to obtain additional planning approvals for this development. Please contact Development Assessment Services on 8999 6046 or das.ntg@nt.gov.au for further advice.

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.

2.4 Specific Use Darwin No. 42 Part Portion 2235, Hundred of Bagot (651 Stuart Highway, Berrimah).

The purpose of this zone is to facilitate the development of the land for light industrial purposes that minimise the impacts from exposure to aircraft noise, and that does not inhibit the operation of the Darwin International Airport. The subject site is located within Area A of Zone SD42.

The proposed use is for a Warehouse and ancillary office. If assessed within Zone LI (Light Industry) of the NT Planning Scheme, the development would be a permitted use subject to compliance with the

relevant provisions of the NT Planning Scheme. For that reason, it is considered that the development is in accordance with the intent of Zone SD42; to facilitate the development of the land for light industrial purposes that minimise the impacts from exposure to aircraft noise, and that does not inhibit the operation of the Darwin International Airport. Appropriate conditions have been applied to the development permit to ensure the operation of the airport is not affected.

It is noted that the applicant tabled an acoustic report at the meeting but an appropriate condition has still been applied to the development permit to ensure that the proposed buildings can be constructed to comply with:

- a) AS2021-2015 'Acoustics – Aircraft noise intrusion – Building siting and construction'; and
- b) any applicable height provisions set out in the Defence (Areas Control) Regulations 1989.

Condition 14 requires confirmation from a suitably qualified acoustic engineer that the building will comply with AS2021-2015 upon completion. In relation to the height compliance Darwin International Airport (DIA) and the Department of Defence have both advised that the proposed height of the building is acceptable, although any cranes used during construction will require their separate approval.

2. 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 precedent on the development permit require details of proposed landscaping within the road reserve; a construction management plan; a waste management plan; a stormwater management plan; and a dilapidation report. It is anticipated that these measures combined with standard conditions relating to the connection and upgrade of utility services and the provision and treatment of easements, are expected to ensure that the land is developed in accordance with physical capabilities; to address concerns raised by service authorities; and to ensure that utility and infrastructure requirements are appropriately addressed.

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

Provided that the applicant complies with the conditions of the development permit the proposed use is considered appropriate for the site and unlikely to have an unreasonable amenity impact on the surrounding area.

ACTION: Notice of Consent and Development Permit

ITEM 5 WITHDRAWN

**ITEM 6 CHANGE OF USE TO VEHICLE SALES AND HIRE AND LIGHT INDUSTRY
PA2017/0568 (CAR DETAILING) AND WAREHOUSE
APPLICANT LOT 2845 (11) GOYDER ROAD, TOWN OF DARWIN
ONE PLANNING CONSULT**

Mr Israel Kgoiesmang (One Planning Consult) attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.5.3
14/18 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 2845 (11) Goyder Road, Town of Darwin for the purpose of change of use to vehicle sales and hire, light industry (car detailing) and warehouse, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation), a wastewater management plan addressing environmental management associated with wastewater disposal at the site, shall be submitted to and approved by the Northern Territory Environment Protection Authority (NTEPA), to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with drawing number 2017/0568/01, endorsed as forming part of this permit.
3. 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 development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant service authority at no cost to the relevant service authority.
5. 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-sealed 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.

6. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their visitors.
7. 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.
8. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.
9. The use and development as show on the endorsed plan must not be altered without the further consent 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Notwithstanding the approved plans, all signage is subject to the City of Darwin approval, at no cost to Council.
3. The NTEPA has advised that the proponent shall adhere to their general environmental duty under section 12 of the *Waste Management and Pollution Control Act* (WMPC Act). The proponent should carefully consider how compliance will be achieved with Section 12 of the WMPC Act in relation to the proposed development and its likely environment impacts.

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 Northern Territory Planning Scheme (NTPS) applies to the land and the site is within Zone SC (Service Commercial). The change of use of the subject premises from restaurant and light industry to vehicle sales and hire, light industry (car detailing) and warehouse does not infringe on the primary purpose of the Zone SC being to "provide for commercial activities which, because of the nature of their business size, require large sites."

A variation to Clause 6.5.3 (Parking Layout) to allow for the car parking to be closer than 3m to the boundary and for a reduced landscaping width is sought. The car parking arrangements proposed is similar to the previous approvals granted under DP11/0344 and compliance check dated 20 November 1990 and the site has maintained current parking arrangements for a number of years without detriment to the users. Given that the proposed car parking layout has existed for a number of years, it is considered to be functional and appropriate for

its intended purpose as per the purpose of the clause. It is therefore considered that Clause 2.5 (Exercise of Discretion by the Consent Authority) be applied in this instance and a variation to Clause 6.5.3 (Parking Layout) of the NTPS is supported. The proposal is otherwise fully compliant with the relevant requirements of the NTPS.

2. Pursuant to section 51(n) of the *Planning Act*, 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 proposed use is unlikely to impact on the character or amenity of the surrounding area. The proposal does not externally alter the existing built form, and the proposed land use is considered consistent with the Zone SC (Service Commercial), and appropriate to its location. Further, the landscaping between the car parking and street boundary along Nylander Street will minimise the visual impact of the car parking areas and vehicle sales and hire area. A condition requiring that the landscaping to be maintained is also included to ensure that there is no loss of future amenity.

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

08 February 2018