



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 362 – FRIDAY 4 SEPTEMBER 2020

**BROLGA ROOM
NOVOTEL DARWIN ATRIUM
DARWIN CITY**

MEMBERS PRESENT: Suzanne Philip (Chair), Mark Blackburn, Marion Guppy, Simon Niblock and Robin Knox

APOLOGIES: Peter Pangquee

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Dawn Parkes and Julie Hillier (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.45 am and closed at 11.15 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

**PA2020/0210 CHANGE OF USE FROM OFFICE TO EDUCATION ESTABLISHMENT
LOT 3476 (2) PRINTERS PLACE, DARWIN CITY, TOWN OF DARWIN**

APPLICANT One Planning Consult

DAS tabled an addendum in relation to the inclusion of a car parking condition at the request of the City of Darwin.

Mr Israel Kgosiemang (One Planning Consult) attended.

**RESOLVED
159/20**

That, the Development Consent Authority vary the requirements of Clause 5.8.2 (Education Establishment) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 3476 (2) Printers Place Town of Darwin for the purpose of a change of use from office to education establishment for the following reasons:

CONDITION 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 must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) development changes on a site plan identifying the lot boundary at a scale not less than 1:500m which reflect the:
 - i as constructed parking layout;
 - ii existing landscaping;
 - iii 12 bicycle parking spaces;
 - iv design of site access which demonstrates the safe and convenient movement of pedestrians (incorporating access for the disabled) to and from the site;
 - v design and location of facilities for loading and unloading of delivery vehicles and for refuse.
 - (b) floor layout plan at a scale not less than 1:200 showing the boundary of the building to be modified and showing layout, partitioning, room sizes and uses that pertain to the education establishment.

GENERAL CONDITIONS

2. 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.

3. 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.
4. Access shall not be permitted to the subject Lot from the McMinn Street road reserve. All access arrangements shall be via the Printers Place road to the standards of the City of Darwin.
5. The City of Darwin advises that if the road reserve containing the 15 car parking spaces constructed in accordance with Development Permit DV1254 is required for road usage of any sort, the owner/developer must enter into an agreement with the City of Darwin to pay a shortfall of up to 15 car parking spaces in accordance with its Car Parking Contribution Plan.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The applicant is advised to engage a Northern Territory registered building certifier to ensure that the intended use of any existing buildings or structures is permitted by occupancy certification in accordance with the *Building Act 1993*.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and an education establishment requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(i), and therefore the strategic framework (Part 2 of the Scheme including the Darwin Regional Area Plan and Central Darwin Area Plan, zone purpose and outcomes of Clause 4.10 (Central Business) and Clause 5.2.3 (Buildings in Central Darwin), Clause 5.2.4 (Vehicle Parking), Clause 5.2.6 (Landscaping), Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), Clause 5.5.3 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP and FD) and Clause 5.8.2 (Education Establishment) of the NT Planning Scheme 2020, need to be considered. These clauses have been considered and it is found that as conditioned, the proposal complies with the relevant requirements of the Planning Scheme except for Clause 5.8.2 (Education Establishment).

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in

accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:

- (a) The purpose and administration clauses of the requirement; and
- (b) The considerations listed under Clause 1.10(4).

The proposal has been found not to be in accordance with Clause 5.8.2 (Education Establishment) because the proposal will result in a tertiary education establishment outside of a designated education precinct.

It is considered that a variation to this clause is appropriate in this instance because:

- (a) The Administration of the clause enables the consent authority to consent to an education establishment that is not in accordance with sub-clauses 2-5 of Clause 5.8.2 (Education Establishment) if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, nature, scale and impact on surrounding amenity.
- (b) The proposal is consistent with the purpose of Clause 5.8.2 (Education Establishment) in that the proposal:
 - will meet the needs of students and staff as:
 - the building will be internally fit-out for the sole purpose of education delivery including classrooms, staff room, library and kitchenette;
 - its location is in close proximity to public car parks, public bus stops and the cycle network; and
 - 12 undercover bicycle parking spaces will be provided.
 - contributes positively to the amenity of the surrounding area through the addition of conveniently accessible premises for tertiary education in close proximity (walking distance) to high density residential living, places of employment, public parking, public transport and active transport networks;
 - does not unreasonably interfere with the safe and efficient operation of the local road and pedestrian network as there are no changes proposed to the network and no concerns or requirements raised by the Department of Infrastructure Planning and Logistics or City of Darwin; and
 - promotes access via public transport and active transport networks due to the close proximity to the bus interchange and cycle network.
- (c) The purpose of Zone CB is to promote an active and attractive mixed use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development. The site is in close proximity to commercial uses, tourist accommodation and high density residential living on Carey Street and McMinn Street. The introduction of an education establishment at this site will increase activity within the CB zone with a potential for 200

students to occupy the building and access surrounding cafes, shops and other commercial premises.

- (d) An assessment of the proposal against a selection of relevant Zone Outcomes for Zone CB finds that:
- The proposal contributes to the achievement of this outcome, due to the introduction of an education establishment in this location which offers a limited range of disciplines for a maximum of 200 students.
 - The location of the education establishment complements the core functioning of the city precinct through contributing to the existing mixed use environment in close proximity (walking distance) to high density residential development.
 - The existing single storey building incorporates generous roof overhang which provides shading to the glazed façade and the entry to the building. Together with retention of well-established landscaping between the building and the street, the building, site layout and landscaping creates a pleasant entry and views from the street.
 - The nature of the use is not anticipated to contribute to an unreasonable loss of amenity for surrounding premises. The site is in close proximity to public car parks, public transport and the cycle path network.
- (e) In consideration of the location, nature, scale and impact on surrounding amenity, the site is on the fringe of the CB Zone, located in part of a building associated with the printing and publication of the newspaper, the NT News. The site is otherwise in close proximity to high density residential living, commercial and tourist uses. The nature of the use is such that there is no anticipated detrimental impact on the surrounding amenity. The building has the capacity for approximately 200 students and the type of courses offered at the proposed facility will be tertiary level comprising accounting, hospitality management, information systems and management. There is therefore minimal potential off-site impacts arising from the type of education establishment.

The considerations listed under Clause 1.10(4) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NT Planning Scheme 2020, except for Clause 5.8.2 (Education Establishment), as identified above.

Further, amended plans have been specified to be provided in response to Clause 5.5.3 (Commercial and other development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T). The purpose of the clause is to promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment. Sub-clause 10, 11 and 13 require development in Zone CB to address the following:

- Provide safe and convenient movement of vehicles and pedestrians to and from the site.

- Provide convenient pedestrian links (incorporating access for the disabled) to other buildings and public spaces.
 - Provide for loading and unloading of delivery vehicles and for refuse.
3. The proposed change of use requires 12 car parking spaces. No additional car parking spaces are required to be provided as part of this proposal as it is acknowledged that the original approved use required 25 car parking spaces, 15 of which were provided at the applicant's expense within the adjacent road reserve in accordance with the requirements of condition 1 of DV1254.

The City of Darwin advises that "after reviewing the conditions of the original DP, and provided that the relevant car parking condition/s is included within any new Development Permit issued, City of Darwin has no further issues with the car parking being used to offset any car parking shortfalls."

Condition 5 has therefore been included to reflect Council's requirement and to ensure consistency with the conditions of DV1254.

At the meeting the Development Consent Authority inquired as to whether the applicant understood and accepted the requirements of the City of Darwin contained within condition 5. The applicant acknowledged the condition is consistent with DV1254 and accepted the inclusion of the condition as forming part of this determination.

4. Pursuant to section 51(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The proposal is for the change of use of part of an existing building and no concerns have been identified with regards to the capability of the land.

5. Pursuant to section 51(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated

No changes are proposed to the approved building form and design. The nature of the use is such that there is no anticipated detrimental impact on the surrounding amenity. The building has the capacity for approximately 200 students and the type of courses offered at the proposed facility will be tertiary level comprising accounting, hospitality management, information systems and management. There is therefore minimal potential off-site impacts arising from the type of education establishment.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

07 September 2020