



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 336 – FRIDAY 17 MAY 2019

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

MEMBERS PRESENT: Suzanne Philip (Chair), Trevor Dalton and Sherry Cullen
Mick Palmer and Marion Guppy (Items 1-5 only)

APOLOGIES: Mark Blackburn

OFFICERS PRESENT: Margaret Macintyre (Secretary), Dawn Parkes, Adelle Godfrey, Amit Magotra and Richard Lloyd (Development Assessment Services)

COUNCIL REPRESENTATIVE: James Whyte

Meeting opened at 10.15 am and closed at 1.45 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.

The Chairman, Development Consent Authority, under section 93(1) of the *Planning Act 1999*, appointed Trevor Paul Dalton who is a member in relation to the Palmerston Division, to act as a member for Mark Douglas Blackburn in relation to the Darwin Division from 9 May 2019 to 22 May 2019 as Mark Blackburn is prevented from performing his duties of office because of absence.

ITEM 1 **ALTERATIONS AND ADDITIONS TO AN EXISTING COMMERCIAL BUILDING**
PA2019/0102 **(ROOF TOP COMMUNITY MARKET)**
LOT 6573 (5) WESTRALIA STREET, TOWN OF DARWIN
APPLICANT **ONE PLANNING CONSULT**

Mr Israel Kgosiemang (One Planning Consult) attended.

RESOLVED That, the Development Consent Authority reduce the car parking requirements
88/19 pursuant to Clause 6.5.2 (Reduction in Parking Requirements) and vary the
requirements of Clause 6.4 (Plot Ratios) of the Northern Territory Planning
Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the
application to develop Lot 6573 (5) Westralia Street, Town of Darwin for the
purpose of alterations and additions to an existing commercial building (roof top
community market), 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 must be generally in accordance with the plans submitted with the application but modified to clarify:
 - (a) The location of the bicycle rack allowing for a 1m driveway projection beyond car parking spaces 1 and 8 as required by Clause 6.5.3.
 - (b) The extent of shade covers to the demountable structures to be included as part of the development.
 - (c) The treatments to the demountable structures as visible from land adjacent the site.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer, identifying any necessary upgrades to the surrounding street network to the requirements of Transport and Civil Services, Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to commencement of works (including site preparation), an engineered plan completed by a suitably qualified civil engineer demonstrating the on-site collection of stormwater and its discharge into the local underground stormwater drainage system, shall be submitted to, and approved by the City of Darwin, to the satisfaction

of the consent authority. The plan shall include details of site levels, and Council's stormwater drain connection point/s and connection details.

4. Prior to the commencement of works (including site preparation), 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.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. 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.
9. All works recommended by the traffic impact assessment are to be completed to the requirements of Transport and Civil Services, Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
10. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
11. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
12. 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.
13. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.

14. Before the use 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.
15. 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.
16. The use may operate only between the hours of 5pm – 9pm Thursday – Sunday, to the satisfaction of the consent authority.

NOTES:

1. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Environment Protection Authority'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.
2. 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.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from the Department of Environment and Natural Resources. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.
4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
5. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act 1998*. The Northern Territory Environment Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act 1998*. More information can be found on the Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>, by calling (08) 8924 4218 or emailing ntepa@nt.gov.au.
6. The applicant is advised to engage a building certifier, within the meaning of the *Building Act 1993*, as to whether the building/s comply with the *Building Act 1993* and associated Regulations.
7. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *Public and Environmental Health Act*

2001 and Regulations, the *Food Act 2004* and National Food Safety Standards.

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 application is to utilise the roof of an existing building as a community market including four demountable structures for food and beverage service, a pop-up/gallery space, outdoor seating, a children's play area, plus landscaping. The ground level includes covered off-street parking for eight vehicles accessed from Presley Street, including one shared 10 minute car parking / loading space, which are shared with the existing 2 storey building.

The primary purpose of Zone C (Commercial) is to provide for a range of business and community uses. The principles state that the zone applies to shopping areas ranging from neighbourhood convenience shopping to regional centres, and that development should be of a scale and character appropriate to the service function of a particular centre, respect the amenity of adjacent and nearby uses, and promote community safety in building design, having regard to adjacent and nearby uses. Overall the use aligns with the primary purpose statement and the broader intent of Zone C. The development is consistent with the low scale character of the existing buildings in Zone C in the area. Whilst the buildings as visible from Presley Street are single storey, many include a second storey component closer to Westralia Street.

The existing uses along Westralia Street function as the zone intends and the proposal is expected to allow for further strengthening of the local centre. With regards to respecting the amenity of adjacent and nearby uses, including the potential for future residential uses nearer the site, the operating hours are limited to 5pm – 9pm Thursday to Sunday only. There is some potential for noise to be generated as a result of the upper level location and activities proposed, however this would be restricted to the limited operating hours for which the use is proposed. There are no residential or other sensitive land uses immediately neighbouring the site, with the nearest residential uses currently located around 55m to the east and separated by other properties plus the width of the Coronation Drive road reserve, however residential uses may be developed in closer proximity to the site within Zone C in the future, including along the north of Presley Street as shown in the Darwin Inner Suburbs Area Plan. The Environment Division of the Department of Environment and Natural Resources recommends that the 'agent of change' principle be applied with respect to noise and the application of this principle is that the amenity of an existing sensitive use would be protected in the event of a change where residential uses are brought closer to an existing venue.

The effect on community safety in building design would be improved through the use of the upper level and ability for passive surveillance towards Presley Street after standard business hours.

2. The purpose of Clause 6.4 is to provide for development that will, in terms of building massing, be compatible with adjacent and nearby development. The development of sites within Zone C should not exceed a plot ratio of 1 and the development proposes to increase the plot ratio from 1.14 to 1.44.

Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority), the consent authority may consent to a development that does not meet the standard set out in Parts 4 or 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent. In increasing the plot ratio for the site, the following matters are considered unique and lead to a set of circumstances that justify the extent of the variation sought:

- The proposed use of the existing roof being largely open in nature and comprising an alfresco dining area. The use of additional internal floor space is limited to four demountable buildings only which are not of significant scale or massing.
 - The Darwin Inner Suburbs Area Plan intending for mixed use buildings, and specifically in the 'Stuart Highway, Stuart Park Concept Plan' for 'medium rise, mixed use buildings', in commercial zones, which suggests that future expansions of plot ratios/retail floor space may generally occur in the future, such that the scale and massing of the development may be considered compatible with that reasonably anticipated in the future.
 - The improved activation of Presley Street, including accessing the building at ground level and allowing views from the building onto the street, where the street has limited use after general business hours.
 - The site presenting with two street frontages which allows additional access (pedestrian and vehicle) to the development.
3. The purpose of Clause 6.5.1 (Parking Requirements) is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site. The existing use of the land was approved with 13 car parking spaces including two future tandem car parking spaces, and one shared 10 minute car park / loading bay. The clause provides that a use or development specified in the table is required to be calculated in accordance with the formula specified, and also that if a use or development which is not listed in the table requires consent, then the number of car parking spaces is to be determined by the consent authority. Based on shop and restaurant parking rates, the use is considered to require 11 car parking spaces. The on-site car parking is also proposed to be reduced from 13 to eight spaces including one shared 10 minute car park / loading bay.

The application seeks a parking reduction under Clause 6.5.1, pursuant to Clause 6.5.2 (Reduction in Parking Requirements). A reduction is considered having regard to the following matters:

- (a) the zoning of the land, the use or development or proposed use or development of the land and the possible future use or development of the land;
- (b) the provision of car parking spaces in the vicinity of the land; and
- (c) the availability of public transport in the vicinity of the land; or

- (d) the use or development relates to a heritage place and the Minister responsible for the administration of the *Heritage Conservation Act* supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place.

The parking reduction is considered appropriate in recognition of the following:

- The site is adjacent and close to existing car parking facilities identified within Westralia Street and Presley Street. The plans identify 101 car parking spaces within walking distance from the development along Westralia and Presley Streets. It is evident that the car parking facilities closer to the commercial area were intended to service commercial uses along this part of Westralia Street and Presley Street. The applicant has observed during site visits that there is less usage of the car parks after regular working/trading hours.
 - The land is located within an established commercial area with various businesses. The operation hours 5pm – 9pm Thursday to Sunday are outside the regular peak demand times for existing car parking facilities servicing the commercial area. A small number of uses including restaurants and shops in the area have extending opening hours until 9pm however these are limited. As a result of less parking use during 5pm – 9pm, and the extensive street car parking available in the area, it is anticipated that there will be adequate car parking available for patrons.
 - The applicant has confirmed that the on-site car parking spaces will be available for staff or visitors to the development after normal working hours which would reduce the demand on street car parking.
 - On review of the previously approved plans for the existing building, six of the 13 on-site spaces would be difficult for vehicles to access and would not comply with the current design requirements of Clause 6.5.3 (Parking Layout). Given the availability of public car parking in the area now available, a reduction from 13 to eight spaces is considered acceptable.
4. With regards to the design of the car park, the changes to reduce the approved number of spaces from 13 to eight are noted as improving compliance with Clause 6.5.3 (Parking Layout) and amended plans are also requested to ensure that the location of the bicycle rack is appropriately sited to allow for appropriate reversing space for spaces 1 and 8.

The design of the car park also includes one shared 10 minute car parking / loading bay as previously approved for DP00/0234 and DP00/0234A to provide for the loading requirements for the existing building plus the additions and change of use.

5. Clause 6.8 (Demountable Structures) ensures that demountable structures do not detract from the visual amenity of an area. The development includes four demountable structures on the roof of the building and the clause requires that the consent authority only consent to the placement of a demountable structure on land if it is satisfied that there will be landscaping or architectural embellishments to the demountable structure that will enhance the appearance of the

structure, and that the demountable structure will be visually consistent with adjoining or nearby development.

The development includes optional treatments to the exterior of the demountable structures including, a green wall system with endemic plants, aluminium slat cladding, and / or artwork by a local artist. This response is considered acceptable such that the demountable structures will be visually consistent with adjoining or nearby development. Conditions are included to clarify the extent of the shade covers to the demountable structures and to confirm the treatments to the demountable structures as viewed from the adjacent land as these details were not confirmed on the submitted plans.

6. 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. Also, pursuant to section 51(m) of the *Planning Act 1999*, 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.

No land capability issues have been identified as part of the application. Comments were received from service authorities during exhibition of the application and conditions are appropriately included to address servicing requirements.

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

The impact on amenity is considered in context of the site and its surrounds. The use is generally consistent with the broader intent of Zone C, being for a range of business and community uses, and the use is expected to provide a positive improvement on the amenity of Presley Street through increased activation and passive surveillance opportunities. There is some potential for noise to be generated as a result of the upper level location and activities proposed, however as addressed in reason 1, this would be restricted to the limited operating hours for which the use is proposed. Any additional parking generated by the proposal is also expected to be adequately accommodated within existing available public car parking along Presley and Westralia Streets without undue impact on the existing uses in the locality.

ACTION: Notice of Consent and Development Permit

**ITEM 2
PA2019/0105
APPLICANT**

**SUBDIVISION TO CREATE TWO LOTS
LOT 2084 (29) EDEN STREET, TOWN OF DARWIN
ONE PLANNING CONSULT**

Mr Israel Kgosiemang (One Planning Consult) attended.

**RESOLVED
89/19**

That, the Development Consent Authority vary the requirements of Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 2084 (29) Eden Street, Town of Darwin for the purpose of subdivision to create two lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the 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 plan will be endorsed and will then form part of the permit. The plan 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) a verge landscaping plan showing two street trees (adjacent to the subject lot) within City of Darwin's road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and 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

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
7. 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.

8. Prior to the issue of Part V, the owner must, in accordance with Part 6 of the *Planning Act 1999*, pay a monetary contribution to the City of Darwin for the upgrade of stormwater infrastructure, in accordance with its Development Contribution Plan.
9. Prior to the issue of Part V, all works identified in the endorsed landscape plan must be completed to the requirements of the City of Darwin, 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 Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7 am and 7 pm 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. 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>.
4. The Surveyor-General advises you should immediately make an application for unit/street addresses to the Survey and Land Records Unit on (08) 8995 5362 (surveylandrecords@nt.gov.au).
5. City of Darwin has advised that designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.

REASONS FOR THE DECISION

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

The Northern Territory Planning Scheme (NTPS) applies to the land, and the site is within Zone MD (Multiple Dwelling Residential) of the NTPS. The purpose of Zone MD is to provide for a range of housing options to a maximum height of 2 storeys above ground level. The zone also provides that the scale, character and architectural style of infill development should be compatible with the streetscape and surrounding development and single dwellings on a lot less than 600m² should be integrated in terms of design and site layout with adjacent development and street infrastructure.

The proposal is consistent with the purpose of the clause as subdivision would be followed by the development of new single dwellings to a maximum height of two storeys above ground level. The assessment of the application against Clause 11.2.4 (Lots less than 600m² for Single Dwellings) and Clause 6.5.4 (Vehicle Access and On-Site Parking for Single Dwellings on Lots less than 600m² but not less than 300m²) shows that the lot smaller than 600m² can accommodate a fully compliant single dwelling that has regard for vehicle access, on-site parking and street infrastructure.

2. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NTPS the Authority may consent to a development that does not meet the standard set out in Part 4 and 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent.

The application seeks a variation to Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) as the configuration of proposed Lot B (having area > 600m²) achieves a building envelope (exclusive of boundary setbacks and service authority easement) of 11.38m x 33.99m, as against 17m x 17m required under the clause.

The purpose of the clause is to ensure residential subdivisions contain lot size, configuration and orientation suitable for residential purpose. Further, residential subdivision design should provide that lots have a sufficient area and appropriate dimensions to provide for the proposed density of developments including dwellings, vehicle access, parking and ancillary buildings.

Noting the purpose of the clause, the special circumstances identified in varying this clause include:

- The building envelope plan for Lot B shows that it is of sufficient size to allow for the future construction of a fully compliant dwelling, including for vehicle access, on-site parking and ancillary buildings, without compromising the requirements of the NTPS.
- The illustrative building envelope exceeds the required envelope area of 289m² (17m x 17m) exclusive of any boundary setbacks or easements.
- The developable area for the lot, excluding the easement area, is 576m² which brings it in line with the building envelope (8m x 15m) for lots of 450m² to less than 600m².
- The subdivision complies with all other requirements of Part 5 of the NTPS.

The Authority at the meeting questioned the applicant as to whether a fully compliant dwelling can be accommodated on each of the proposed lots. The applicant responded that the lots are intended for single dwellings and a fully compliant single dwelling can be accommodated on the proposed lots.

The Authority noted that the building envelope plan does not depict the final location of the future dwellings and only represents that the lots can accommodate fully compliant dwellings in a manner that has regard for vehicle access, on-site parking and street infrastructure. Notwithstanding, the design of the future dwellings can differ from the building envelope, any non-compliance related to Part 4 of the NTPS will require separate planning approval which further requires exhibition (public/ neighbour) as per the provisions of the *Planning Act 1999* and it will be to the discretion of the Authority to vary the requirements of Part 4 under Clause 2.5 of the NTPS.

3. Pursuant to Section 51 (m) of the *Planning Act 1999*, the consent authority must consider the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The application was circulated to the relevant authorities and comments received from these authorities are addressed by the inclusion of relevant conditions and/or notations on the development permit.

4. Pursuant to section 51(n) of the *Planning Act 1999*, 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 amenity of the proposed lots will largely be determined at the building stage rather than through the subdivision, although it is noted that the building envelope plan submitted with this application demonstrates that fully compliant single dwellings can be accommodated on both lots. The final design of the dwellings will determine amenity and provided they are designed in accordance with the NTPS, it is considered that they will be sympathetic to the character of the surroundings and will not impact negatively on the amenity of the area.

5. 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 site is serviced with reticulated water, power and sewerage and is not affected by riverine flooding or storm surge. There are no known heritage constraints. Further, the site is not impacted by noise from aircraft operations and no other physical characteristics that would render the site unsuitable for urban development have been identified.

A sewerage easement (5.1m – 6.4m wide) runs along the rear boundary of the lot which will restrict the development on the proposed lots. The water division of Power and Water Corporation (PWC) has advised that the existing easement on the lot is required, and a standard condition reflecting this requirement is included on the development permit.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2019/0124**

**ALTERATIONS AND ADDITIONS TO AN EXISTING RESEARCH FACILITY
(BERRIMAH FARM)**

APPLICANT

**SECTION 7347 MAKAGON ROAD, HUNDRED OF BAGOT
MASTERPLAN SA PTY LTD**

Mr Joseph Sheridan and Ms Cat Tatum (Masterplan NT) attended.

**RESOLVED
90/19**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Section 7347 Makagon Road, Hundred of Bagot for the purpose of alterations and additions to an existing research facility (Berrimah Farm), subject to the following conditions.

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Land Development Unit of the Department of Infrastructure, Planning and Logistics' stormwater drainage system shall be submitted to and approved by the Land Development Unit of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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. 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, to the satisfaction of the consent authority.
5. 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. 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).

6. 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.
7. 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.
8. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Land Development Unit of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
9. 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 the 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 Northern Territory Environment Protection Authority 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. The site is subject to the 'Defence Areas Control Regulations (DACR)'. All 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., require approval from the Department of Defence.
4. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS FOR THE DECISION

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

The Northern Territory Planning Scheme (NTPS) applies, and the land is in Zone FD (Future Development) which identifies an area that is intended for future rezoning and development in accordance with an Area Plan (where applicable).

The application proposes a Molecular Laboratory extension to the existing Berrimah Veterinary Laboratory (BVL) and will be used for research and development of molecular technology in biosecurity diagnostics. The proposed extension comprises of laboratories, equipment rooms, washrooms, cold rooms and freezers. The Scheme does not define 'laboratory' use nor is it shown on the relevant zoning table for Zone FD, the use is therefore discretionary under Clause 2.2 of the NTPS.

[Note: As per Clause 2.2 of the Scheme, a use not defined by the Planning Scheme nor shown on the relevant zoning table is discretionary and requires consent.]

Based upon the description provided in the proposal, the development has been assessed against the relevant provisions of the NTPS related to an 'Office' use in Zone FD. The technical assessment notes that the proposed development complies with Part 4 requirements of the NTPS.

The interpretation of this Planning Scheme and the determinations of a consent authority must have regard to the policies and planning concepts expressed in those documents appearing in Part 8 or Schedule 2 and ensure that use or development is consistent with them.

The land is Zoned FD of the NTPS which identifies an area that is intended for future rezoning and development in accordance with an Area Plan. Part 8 of the Scheme includes Clause 14.1.4 Berrimah Farm Planning Principles which provides an Area Plan for future development within the Berrimah Farm locality.

The Area Plan noted the subject land as part of various community uses within the Berrimah Farm. The use of the land is further defined as 'collection of government, private research, commercial based organisations and supporting uses'. The subject site is currently occupied by the Department of Primary Industries and Resources (DPIR), which interact with teaching institutions and science and research organisations for soil testing, horticulture and other agronomy research works. As the Molecular Laboratory extension to the existing Berrimah Veterinary Laboratory (BVL) will be used for research and development of molecular technology in biosecurity diagnostics, it is considered that the development aligns with the use of the land defined in the Area Plan.

The technical assessment notes that the proposed development complies with Clause 14.1.4 (Berrimah Farm Planning Principle and Area Plan). The proposed molecular laboratory is located centrally within the Berrimah Farm site, and immediately adjacent to the BVL buildings and therefore the active street frontages remain unchanged. Furthermore, the area proposed for the extension appears to have been cleared of native vegetation at the time of the construction of the existing Berrimah Veterinary Laboratory (BVL). The proposed

extension is built in an area void of any vegetation. A condition precedent requiring stormwater approval from the Land Development Unit of the Department of Infrastructure, Planning and Logistics is included on the permit to minimise any off-site impacts of stormwater.

2. Pursuant to Section 51 (m) of the *Planning Act 1999*, the consent authority must consider the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The application was circulated to the relevant authorities and comments received from these authorities are addressed by the inclusion of conditions on the development permit. A condition precedent requiring stormwater approval from the Land Development Unit of the Department of Infrastructure, Planning and Logistics is included on the permit to minimise any off-site impacts of stormwater.

The applicant at the meeting requested that the Authority amend the proposed Condition Precedent 1 to require a stormwater plan be submitted 'prior to the commencement of works' rather than 'prior to the endorsement of plans'. The Authority noted the applicant's request but determined to adopt the proposed condition and require the stormwater plan prior to the endorsement of plans. In making its determination the Authority noted that the relevant service authority (Land Development Unit of the Department of Infrastructure, Planning and Logistics in this instance) had not provided comments during the assessment of the application but had raised potential concerns verbally with Development Assessment Services which warranted submission of a stormwater plan prior to the endorsement of plans. Should the design of the building need to change as a result of the stormwater plan this can be accommodated most efficiently prior to the endorsement of plans. Further, the Area Plan requires the future development within the Berrimah Farm locality should minimise any off-site impacts and this needs to be confirmed through the submission of a stormwater management plan to the requirements of the relevant service authority.

3. Pursuant to section 51(n) of the *Planning Act 1999*, 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 proposal will not have a detrimental impact on the surrounding locality given that the proposal will facilitate new research opportunities within an existing research facility precinct. Furthermore, the proposed laboratory extension is located centrally within the Berrimah Farm site, and immediately adjacent to the BVL building and does not impact upon the active street frontages of future stages of Northcrest residential estate development. Provided the stormwater is adequately managed no amenity impacts are foreseen.

- 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.

Given the land is proximate to the airport, the height of the structures is controlled by Defence regulations which identify structures higher than 15.0 metres require approval. The maximum building height proposed is 5.96 metres, which is well within the Defence height limits. Further, comments received from the Department of Environment and Natural Resources (DENR) raise no concerns regarding storm surge or riverine flooding.

ACTION: Notice of Consent and Development Permit

**ITEM 4
PA2019/0115**

**OFFICE, WAREHOUSE, LIGHT INDUSTRY AND CARETAKER'S RESIDENCE
IN A SINGLE STOREY BUILDING
SECTION 7730 (18) VAUGHAN STREET, HUNDRED OF BAGOT
APPLICANT GEORGE SAVVAS**

Mr George Savvas attended.

**RESOLVED
91/19**

That, the Development Consent Authority vary Clauses 6.5.3 (Parking Layout) and 9.1.1 (Industrial Setbacks) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Section 7730 (28) Vaughan Street, Hundred of Bagot for the purpose of office, warehouse, light industry and caretaker's residence in a single storey building, subject to the following conditions:

CONDITIONS PRECEDENT

- Prior to the endorsement of plans and prior to commencement of works (including site preparation), an engineered plan completed by a suitably qualified civil engineer demonstrating the on-site collection of stormwater and its discharge into the local underground stormwater drainage system, shall be submitted to, and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels, and Council's stormwater drain connection point/s and connection details.
- Prior to the commencement of works (including site preparation), the applicant is to prepare designs and specifications for landscaping of the road reserve adjacent to the property, to the requirements of City of Darwin, to the satisfaction of the consent authority.
- Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan (ECMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land during construction.

4. 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, shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.
5. Prior to commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
6. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the consent authority on the advice of Rangelands, Department of Environment and Natural Resources. 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 online at www.austieca.com.au and the NT Government website <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to developmentassessment.denr@nt.gov.au.

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. All works relating to this permit are to be undertaken in accordance with the approved ESCP to the requirements of the consent authority on the advice of Rangelands, Department of Environment and Natural Resources.
9. 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 network services to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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. 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. 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.
13. 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.
14. 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.
15. 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.
16. Before the development starts, written confirmation from a qualified traffic engineer that the car parking spaces 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 Northern Territory Planning Scheme, to the satisfaction of the consent authority.
17. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
18. The loading and unloading of goods from vehicles must only be carried out on the land and within the designated loading bays, to the satisfaction of the consent authority.
19. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT EPA, to the satisfaction of the consent authority.
20. 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.
21. 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.
22. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street to the requirements of the City of Darwin, to the satisfaction of the consent authority.

23. 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.
24. 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.

NOTES:

1. Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
3. City of Darwin advises that designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the General Manager Infrastructure, City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin
4. Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
5. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority'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.
6. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from the Department of Environment and Natural Resources. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.
7. The Northern Territory Environment Protection Authority has advised that the proponent must comply with their General Environmental Duty provided by section 12 of the *Waste Management and Pollution Control Act 1998*. More information can be found on the Environment Protection Authority website at: <http://ntepa.nt.gov.au/waste-pollution>, by calling (08) 8924 4218 or emailing ntepa@nt.gov.au.

8. Darwin International Airport advises that separate requests for assessment and approval must be submitted to Darwin International Airport and the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation Services – Operations (PANS-OPS) surfaces for Darwin Airport.
9. The site is subject to the 'Defence Areas Control Regulations (DACR)'. All 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., require approval from the Department of Defence.
10. The applicant is advised that the provision of lighting at the site is required to be consistent with the CASA Manual of Standards (MOS-139) Aerodromes to minimise the potential for conflict with aircraft operations. The design of lighting is a developer responsibility and if it is later found that lights or glare endangers the safety of aircraft operations, the Department of Defence or the Civil Aviation Safety Authority may require the lighting to be extinguished or suitably modified.
11. Darwin International Airport advises that there must be no site activity which would attract birds and create a hazard for aircraft operations.
12. This development permit does not grant building approval. You are advised to contact a NT registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
13. 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>
14. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

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 land is located in Zone SD42 of which the purpose 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 zone includes two

policy Areas A and B. Section 7730 straddles both Areas A and B, with the office, warehouse, light industry and caretaker's residence all situated in Area A, and Area B including car parking, carports and landscaping only. The development of the land is consistent with the purpose of Zone SD42 and the range of discretionary uses in Areas A & B. The office and light industry components are both acceptable at less than 20 ANEF, with the caretaker's residence considered "conditionally acceptable" at 20-25 ANEF. A condition is included to ensure compliance with AS2021-2015 is achieved.

The Authority at the meeting questioned the applicant on the need for a caretaker's residence as while it is a discretionary use the Authority noted the poor amenity that would be afforded to the occupants due to its location to the airport and industrial location. The applicant explained that the intended tenant of the building has identified a need for on-site security due to the nature of the business and associated equipment that is stored on site. The Authority acknowledged that the building, including the caretaker's residence, will need to be designed in accordance with AS2021-2015 'Acoustics – Aircraft noise intrusion – Building siting and construction' and in this instance the inclusion of a caretaker's residence was considered justified.

Advice has been received that the height of the building is within the range accepted by the Department of Defence and Darwin International Airport given the controls in place for the safeguarding of airspace. Notes are included which provide advice to the developer regarding any separate approvals required for cranes, plus lighting controls which will need to be met, with these being a developer responsibility.

2. Clause 9 of Zone SD42 provides that the consent authority may exercise discretion under clause 3a and 4a, which state that Areas A and B can be used with consent in accordance with the provisions of Zone LI (Light Industry), with some exceptions on the range of uses.

The consent authority has the discretion to vary the relevant provisions of Zone LI if special circumstances are found in accordance with Clause 2.5 of the Planning Scheme. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority), the consent authority may consent to a development that does not meet the standard set out in Parts 4 or 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent.

Clause 6.5.3 (Parking Layout) ensures that a car parking area is appropriately designed, constructed and maintained for its intended purpose. The car park design complies with the requirements of this clause, including providing a suitable gradient, providing separate access to every car parking space, allowing for vehicles to enter and exit the site in a forwards gear, and including 3m of landscaping between car parking spaces and the front boundary of the site. One car park space (16) is situated at the end of a row and is not the required 3.5m width given the aisle does not project 1m beyond this space. The special circumstances identified in varying this clause include:

- The increased aisle width of 6.438m when 6m is required.

- The space being nominated as a small car bay.

As Clause 6.5.3 is not met, a standard condition is included that written confirmation by a qualified traffic engineer be provided that the car parking design complies with the relevant Australian Standards.

Clause 9.1.1 (Industrial Setbacks) ensures that buildings are sited to provide an adequate level of visual amenity in industrial zones. Buildings are to be sited in accordance with the table to the clause, and all street frontages appropriately landscaped. The development is assessed as complying with the exception of the carports. A setback of 5m is required to at least one side boundary and to the rear boundary, the carports are setback 1m (and 0.1m to the roof) to the southern side boundary, and 1.376m (and 0.637m to the roof) from the rear (eastern boundary). The special circumstances identified in varying this clause include:

- The main building providing increased setbacks of 18m from the southern side boundary, and between 5.6m and 13m from the eastern rear boundary, which are considerably more than the minimum.
- The carport structures being open to all sides including along the southern and eastern boundaries to which the variations are sought.

As the structures are open, there would be no adverse impact to amenity including visual impact.

In considering the carports and the side and rear setback variations sought, the consent authority also noted that the building has been designed for a specific tenant that would require the storage of vehicles on the site, and also for the type of equipment that would be stored within the vehicles, as outlined by the applicant.

3. 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. Also, pursuant to section 51(m) of the *Planning Act 1999*, 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 capability of the land has been previously considered through the introduction of the Berrimah North Planning Principles and Area Plan, and the specific use zoning SD42 which requires for development to respond to the constraints of the Darwin Airport, including with regards to the range of uses anticipated, aircraft noise, building heights and lighting as previously discussed. The aircraft noise in this location was considered at the time the land was rezoned, including through the introduction of the Berrimah North Area Plan and Planning Principles and specific use zone. Zone SD42 limits the range of uses which can be developed to respond to the aviation constraints of the land including noise impacts. Comments were received from the

Department of Defence and Darwin International Airport in relation to these impacts and conditions and notes included as required.

The lot is flat and cleared. The recently constructed subdivision has ensured that all lots are situated above the 1% AEP flood event, allow for the anticipated access, stormwater and servicing requirements for the land. Service authority requirements have included standard conditions relating to construction, waste, stormwater, access, and erosion and sediment controls.

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

The development will result in a change in the amenity of the area, as the land is currently undeveloped. The development however is broadly consistent with the zoning and Area Plan, and the anticipated future development of the area. No undue impact on the existing and future amenity of the area is anticipated as a result of the development including as a result of the reduced carport setbacks.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2019/0098
APPLICANT

ALTERATIONS AND ADDITIONS TO AN EXISTING LIGHT INDUSTRY USE (MICROBREWERY) WITH ANCILLARY SHOP (CELLAR DOOR) (UNIT 8) PORTION 1663 (111) COONAWARRA ROAD, HUNDRED OF BAGOT AB CONSULTING (NT) PTY LTD

Ms Annette Joseland (AB Consulting (NT) Pty Ltd), Mr Stuart Brown and Mr Bardy Bayram (One Mile Micro Brewery) and Mrs Bayram attended.

Submitters Mr Vic and Mrs Lyn Minchin sent their apologies and authorised Mr Ari Syrimi (Ray White) to attend on their behalf.

Mr Ari Syrimi (Ray White) attended.

RESOLVED
92/19

That, the Development Consent Authority reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Parking Requirements) and vary the requirements of Clause 6.6 (Loading Bays) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 1163 (111) Coonawarra Road, Hundred of Bagot for the purpose of alterations and additions to an existing light industry use (micro-brewery) with ancillary cellar door (Unit 8), subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), an engineered plan completed by a suitably qualified civil engineer demonstrating the on-site collection of stormwater and its discharge into the local underground stormwater drainage system, shall be submitted to, and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels, and Council's stormwater drain connection point/s and connection details.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings 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 of the relevant service authority to the satisfaction of the consent authority.
5. 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.
6. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
7. The loading bay adjacent to unit 8 must always be accessible to the other users of the units on the site.

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 Northern Territory Environment Protection Authority advises that construction work should be conducted by 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. Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
5. The applicant is advised to engage a building certifier, within the meaning of the *Building Act 1993*, as to whether the building/s comply with the *Building Act 1993* and associated Regulations.
6. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *Public and Environmental Health Act*

2001 and Regulations, the *Food Act 2004* and National Food Safety Standards.

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 development comprises alterations and additions to an existing light industry use (micro-brewery), with ancillary cellar door (Unit 8). The proposal is consistent with development anticipated in Zone GI (General Industry) of which the purpose is to provide general industry.

The proposal has been assessed against the relevant clauses of the NT Planning Scheme that applies to Zone GI, and a non-compliance was identified against Clause 6.5.1 (Parking Requirements) and Clause 6.6 (Loading Bays).

The assessment identifies that the proposal generates the requirement for 24 car parking spaces and that a surplus of 15 parking spaces exists on the site, which results in a technical shortfall of 9 spaces.

A reduction to the parking required under Clause 6.5.1 (Parking Requirements), pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Scheme is supported based upon the following reasons:

- The site is zoned GI (General Industry) under the Planning Scheme and it is unlikely that this zoning will change in the future.
 - As the cellar door proposes to operate in the evenings and weekends only, it is considered that a total parking reduction of 19 parking spaces (out of the 24 spaces the overall proposal technically requires), can be accommodated on the site outside of business hours, which leaves a surplus of 10 parking spaces for the site. The surplus would enable any proposed future uses that are permissible for the other units on the site not to need development consent provided they complied with the provisions of the NT Planning Scheme. The Authority recommends that any liquor licence that may be granted by the NT Liquor Commission for the proposal, restricts the proposal's opening hours to evenings and weekends only so the amenity of the unit complex, particularly in terms of car parking, is not impacted during business hours. The Authority also notes that the applicant is bound by their property lease conditions, which, a representative of the property owners has advised, also restrict the hours when the proposal can operate, which is essentially outside business hours.
 - The site is serviced by the public bus network being Route 5 between the Darwin and Casuarina interchanges, though it is noted that the service does not operate late.
2. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Northern Territory Planning Scheme, the Authority may consent to a development that does not meet the standards set

out in Part 4 and 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent.

The assessment identifies that one loading bay is required for the proposal under the clause, in addition to the two existing loading bays on Lot 1163, which serve the 12 units on the site. It is considered unlikely that the proposed alterations and additions to the micro-brewery/cellar door are of a size and nature that will generate a significant number of extra deliveries to warrant a loading bay in addition to the two that exist on the site. A consent condition is however recommended to be included to ensure that the loading bay adjacent to unit 8, which is to be moved slightly, is always accessible to the other users of the units on the site.

3. Pursuant to Section 51(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence received under section 50, in relation to the development application.

One submission was made under section 49 in relation to the application during the exhibition period which concerns the allocation of car parking and the effect it will have on the unit complex, and that the planning application warrants special consideration to the possible exemption of the formal car park allocation/requirement.

This concern is addressed through the reduction of 19 parking spaces for the proposal – which leaves a surplus of 10 spaces on the site for future allocation - as per the reasons outlined in Reason 1 above.

Furthermore it is noted that a representative of the submitter attended the meeting and confirmed that they were satisfied with the recommendation contained within the Development Assessment Services report which has ultimately been adopted by the Authority.

4. Pursuant to Section 51(m) of the *Planning Act 1999*, the consent authority must consider the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The application was circulated to the relevant authorities and comments received from these authorities are addressed by the inclusion of relevant conditions and/or notations on the development permit.

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.

The potential impact of the proposal on the existing and future amenity of the area is considered low particularly as the site and its surrounding area is zoned GI (General Industry), and the proposal is considered to be consistent with the zone. Also, to ensure there are no parking impacts on the site, the Authority recommends that the NT Liquor

Commission includes a condition on any liquor licence that may be granted for the proposal to restrict the hours of operation of the cellar door to after business hours.

ACTION: Notice of Consent and Development Permit

**ITEM 6
PA2019/0054
APPLICANT**

**CHANGE OF USE FROM SHOP TO HOTEL (SHOP 7)
LOT 121 (60) ARALIA STREET, TOWN OF NIGHTCLIFF
DOM'S DARWIN**

That, pursuant to section 97 of the *Planning Act 1999*, Ms Marion Guppy a member of the Darwin Division of the Development Consent Authority declared an interest and was not present during and did not take part in any deliberation or decision of Item 6.

That, pursuant to section 97 of the *Planning Act 1999*, Mr Michael Palmer a member of the Darwin Division of the Development Consent Authority declared an interest and was not present during and did not take part in any deliberation or decision of Item 6.

Mr Dominic Wundke (applicant), Mr Anthony Sims and Mr Stuart Pittard attended.

Mr Wundke tabled a petition with 199 signatures in support of the proposed hotel, a response to public submission, proposed interior and exterior design (3 pages) and copy of a newspaper article from 20 March 2019 entitled "Go away Nimbys" on the proposed development.

Submitters who sent their apology:- Ms Sani Soroacagi and Mr Dale Bennett.

Submitters in attendance:- Mr Paul and Mrs Susan Walsh, Nightcliff Primary School Council – represented by Mr Simon Niblock, and Ms Kirrily Chambers.

Ms Chambers tabled two photographs showing the fitout in the arcade, one photo showing the arcade door, one photo showing the primary school and preschool buildings and shop 7 from the arcade.

**RESOLVED
93/19**

That, the Development Consent Authority reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Parking Requirements) and vary the requirements of Clause 6.6 (Loading Bays) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 121 (60) Aralia Street, Town of Nightcliff for the purpose of change of use from shop to hotel (shop 7), subject to the following conditions:

CONDITIONS PRECEDENT

1. 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.
2. 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

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. 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.
5. 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.
6. The use and development as shown on the endorsed plan must not be altered without the further consent of the consent authority.

NOTES:

1. Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
2. 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.
3. The Northern Territory Environment Protection Authority advises that construction work should be conducted by the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7 am and 7 pm Monday to Saturday and 9 am to 6 pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. The Department of Environment and Natural Resources has advised that noise emissions causing environmental nuisance may lead to compliance action under the *Waste Management and Pollution Control Act 1998*. It is recommended that the proponent complies with the noise requirements contained in the Northern Territory Environment Protection Authority (NT EPA) *Northern Territory Noise Management Framework Guideline September 2018*.
5. The Department of Environment and Natural Resources has advised that the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act 1998*. More information can be found on the Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>, by calling (08) 8924 4218 or emailing ntepa@nt.gov.au.

6. 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>.
7. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
8. The applicant is advised to engage a building certifier, within the meaning of the *Building Act 1993*, as to whether the building/s comply with the *Building Act 1993* and associated Regulations.
9. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *Public and Environmental Health Act 2011* and Regulations, the *Food Act 2004* and National Food Safety Standards.

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 development comprises a change of use from shop to hotel (shop 7) within Zone C (Commercial). Part 3 Clause 5.8 of the *Planning Act 1999* sets out the purpose of Zone C which is to provide for a range of business and community uses. The use of a hotel is discretionary within Zone C. The Authority notes the unwieldy definition of 'hotel' in the Planning Scheme, which extends from large commercial enterprises with a number of bars and other functions, such as the nearby Beachfront Hotel, to the proposed small suburban bar which potentially caters for up to 60 people. Part 3 Clause 5.8 of the Planning Scheme requires that development should be of a scale and character appropriate to the service function of a particular centre. The Authority considers that the centre has previously contained a long standing use as a licensed restaurant and presently provides for take away alcohol sales from the supermarket. Given the scale of the proposed use and the service function of the centre, the Authority considers that, in general terms, the proposed development is appropriate in this zone for this centre.

Clause 5.8 also requires that development should respect the amenity of adjacent and nearby uses. While there are a number of commercial uses being undertaken within the centre, the Authority also acknowledges the surrounding uses which include a primary school and residential premises. The application lists various matters including limited trading hours and noise attenuation measures which the applicant avers will ensure that the use respects both the school and residential uses.

The proposed development is entirely dependent on the grant of a liquor licence under the *Liquor Act 1978*. The grant of planning permission by the Authority in no way amounts to the grant of such licence and the Authority cannot fetter the Liquor Commission's powers and obligations under that Act. The Authority considers that conditions on which licensed premises are permitted to operate, including the hours of operation, are dealt with comprehensively by the *Liquor Act 1978*. The Authority notes that the Liquor Act specifies that issues such as noise emanations, limitations on type of entertainment, the impact on people who reside or work in the neighbourhood, or who use the services of a school, are all to be considered in an application for a grant of a licence, as is the amenity of the locality.

It is considered that the respect for the amenity of nearby and adjacent users referred to in Clause 5.8 can be achieved through the applicant's proposed measures to reduce noise and adherence to the NT EPA noise management framework guideline. The Authority also notes the Applicant's stated intentions in relation to opening hours. Regulation of the hours of operation of licensed premises is a matter to be determined by the Liquor Commission but the Authority notes that it expects that any liquor licence which may be granted by the NT Liquor Commission for the proposal, will give due consideration to limiting the proposal's opening hours to take account of the amenity of the school and nearby residential areas. The Authority considers it is unnecessary for it to also to impose a condition on the proposal's trading hours for this purpose, given the extensive provisions of the *Liquor Act 1978* requiring the NT Liquor Commission to consider, before the grant of any liquor licence, matters such as noise and impacts on the amenity of the locality of the proposed premises, and, its wide powers to impose conditions on any licence it does grant (see for example sections 6 and 31 of the *Liquor Act 1978*). Further, if the Authority imposes trading hours on the development, any future enforcement action taken by it in respect of a breach of those hours will ultimately involve prosecution for an offence under Part 7 of the *Planning Act 1999*. Such an action has the potential to raise questions of duplicity in relation to prosecutions or other actions taken under the *Liquor Act 1978* for breach of licensing hours imposed under that Act on the same premises. The Authority also notes that no recent planning approvals for similar types of bars in commercial areas (Zone CB and Zone C) have had conditions placed on them restricting hours of operation.

The proposal has been assessed against the relevant clauses of the NT Planning Scheme that applies to Zone C, and a non-compliance was identified against Clause 6.5.1 (Parking Requirements) and Clause 6.6 (Loading Bays).

The assessment identifies that the change of use generates the requirement for 43 car parking spaces. The existing building on Lot 121 was built in the late seventies when only building approval was required for its construction and no previous planning applications or existing permits relate to the lot. As such, no parking spaces have been approved for the lot and a reduction of 43 spaces is technically required for the proposal.

A reduction to the parking required under Clause 6.5.1 (Parking Requirements), pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Scheme is supported based upon the following reasons:

- The site is zoned C (Commercial) under the Planning Scheme and it is unlikely that this zoning will change in the future.
 - There are approximately 87 public parking spaces in the vicinity of the land which are principally for the use of the premises in the commercial zone (including Lot 121), and also Nightcliff Primary School. As it is proposed by the applicant that the hotel operates outside school and trading hours of other businesses, it is considered that the parking requirement of 43 parking bays can be accommodated in the vicinity of the land.
 - The site is serviced by the public bus network being Route 4 between the Darwin and Casuarina interchanges, though it is noted that the service does not operate late into the night.
2. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Northern Territory Planning Scheme, the Authority may consent to a development that does not meet the standards set out in Part 4 and 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent.

The assessment identifies that one loading bay is required for a hotel under the clause, in addition to the existing internal loading bay on lot 121, which serves the arcade shops. It is considered unlikely that a hotel of the size and nature proposed will generate a significant number of deliveries to warrant a loading bay in addition to the one that exists for the shops' use. As such, any shared use of the existing loading bay is considered reasonable as the proposal would unlikely generate a significant additional demand for its use. It is considered, therefore, that the existing site conditions provide sufficient special circumstances to justify the granting of a variation to Clause 6.6 of the Scheme.

3. Pursuant to Section 51(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence received under section 50, in relation to the development application.

Six submissions were made under section 49 in relation to the application during the exhibition period. One additional submission and a petition with 34 names were received after the exhibition period ended. Four of the seven submitters also attended the DCA meeting of 17 May 2019 and three spoke to their submissions.

The key planning issues raised in the submissions relate to: noise and amenity impacts; proximity of the proposal to Nightcliff Primary School and nearby residential areas; proposed operating hours; car parking; and the advertised description of the proposal.

In relation to noise and amenity impacts, proximity of the proposal to Nightcliff Primary School and nearby residential areas, and proposed operating hours, the main concerns relate to noise from the bar in terms of loud music and patrons arriving and leaving late and young children from the primary school opposite being exposed to an operating licenced premises. Submitters contended that the application does not demonstrate robust noise management measures to satisfy concerns that the amenity of the nearby residential area will be negatively impacted. Submitters also referred to the objects of the *Planning Act 1999* and in particular (2A(2)(e)) which is to minimise adverse impacts of development on existing amenity and, wherever possible, to ensure that amenity is enhanced as a result of the development. A request was made for the application to be deferred to require the applicant to undertake an acoustic report from a land use interface perspective so that the Authority could better determine any potential impact on amenity. Submitters noted that any development permit issued should contain a condition that limits the hours of operation as this is directly linked to the consideration of amenity.

The Authority noted all submissions made, both written and verbal, as well as the applicant's response to the matters raised. The Authority considered that the noise mitigation measures to be undertaken by the applicant for the hotel's operation - which include regular monitoring of noise and patrons leaving the venue to be actively encouraged by staff to leave in a quiet and orderly manner - along with the requirement to meet the noise levels in the NT EPA's noise management framework guideline, will ensure noise levels are reasonably controlled. The Authority also noted that noise emanations are an issue that will be considered by the NT Liquor Commission in relation to the proposed grant of a liquor licence under the *Liquor Act 1978* and that the submitters have rights under Part IV of that Act to object to the granting of such licence. As outlined in Reason 1, the Authority considers that imposition of hours of trading on the planning permission is unnecessary, as the matter will be dealt with extensively on the application for grant of a liquor licence, and further, duplication of hours of trading on the planning permission as well as any liquor licence which may be granted may cause difficulties in enforcement, potentially raising the legal issue of duplicity. As noted previously, this proposed use is entirely dependent on the grant of a liquor licence under the *Liquor Act* and any licence so granted will be subject to the extensive controls imposed by that Act. Prior to the grant of any licence the *Liquor Act 1978* requires the NT Liquor Commission to consider noise and impacts on the amenity of the locality of the proposed premises. The Authority also notes that no recent planning approvals for similar types of bars in commercial areas (Zone CB and Zone C) have had conditions placed on them restricting hours of operation.

In relation to car parking, the main concern is that the car parking is used extensively by the school and businesses in the vicinity. It is considered, however, that with 87 public parking spaces available and the hotel requiring 43 parking spaces and principally operating outside school and business hours, parking will very unlikely be an issue.

With regards to the advertised description of the proposal, the main concern is the proposal's description was not clear in that the proposal includes not only shop 7 but also part of the arcade area, and the description only included shop 7. The proposal's description is, however, a standard description used by DAS for change of use proposals and it is considered adequate for advertising/public exhibition purposes. All plans and documents submitted by the applicant were publically available during exhibition which included full details of the proposal.

4. Pursuant to Section 51(m) of the *Planning Act 1999*, the consent authority must consider the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The application was circulated to the relevant authorities and comments received from these authorities are addressed by the inclusion of relevant conditions and/or notations on the development permit.

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.

The proposed change of use is consistent with the broader intent of Zone C (Commercial) as it falls within the range of uses provided for within Zone C. Also, the proposed use will require approval from the Liquor Commission and the suitability of the proposed use within the locality will be considered as part of the licensing application.

The proposal, however, has the potential to impact the existing and future amenity of the area particularly the nearby residential areas and primary school principally through noise from music and patrons late at night, and children from the school being exposed to a licenced venue opposite.

The Authority considers that the applicant's proposed measures to reduce noise, adherence to the NT EPA noise management framework guideline and any conditions that the NT Liquor Commission may impose for the proposal's liquor licence, are sufficient to minimise the impacts on the amenity of the area. As mentioned in Reasons 1 and 3 above, the Authority expects that, given the provisions of the *Liquor Act 1978*, any liquor licence which may be granted by the NT Liquor Commission for the proposal, will pay due regard to the amenity impacts and will limit the proposal's opening hours accordingly to take account of the sensitivities of the primary school and nearby residential areas.

A consent condition is also included requiring that the use and development as shown on the endorsed plan must not be altered without the further consent of the consent authority. This is to minimise impacts on the future amenity of the area by ensuring that no aspects of the hotel could change (e.g. its size), without the approval of the consent authority.

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

19 June 2019

These minutes from the DCA meeting held on 17 May 2019 previously signed on 23 May 2019 have been amended on page 28 to include reference to documents tabled by submitter Ms Chambers – this is the only change to these minutes.