



Business Papers

1st Ordinary Council Meeting

**Tuesday, 14 February 2017
5.00pm**



Notice of Meeting

To the Lord Mayor and Aldermen

You are invited to attend a 1st Ordinary Council Meeting to be held in the Council Chambers, Level 1, Civic Centre, Harry Chan Avenue, Darwin, on Tuesday, 14 February 2017, commencing at 5.00pm.

A handwritten signature in black ink, appearing to read 'B P Dowd', is positioned above the printed name.

B P DOWD
CHIEF EXECUTIVE OFFICER

1st Ordinary Council Meeting

Tuesday, 14 February 2017

AT 5:00PM

Guests

From 5.00p.m.

Please note Mr Iain Loganathan will be in attendance from 5.00 p.m. for the 2017 Local Government General Election Report.

ONE HUNDRED AND SEVENTH ORDINARY COUNCIL MEETING – OPEN SECTION
TUESDAY, 14 FEBRUARY 2017

PAGE

ORD02/3

ONE HUNDRED AND SEVENTH ORDINARY MEETING OF THE TWENTY-FIRST COUNCIL

TUESDAY, 14 FEBRUARY 2017

MEMBERS: The Right Worshipful, Lord Mayor, Ms K M Fong Lim, (Chair); Member R K Elix; Member J A Glover; Member G J Haslett; Member R M Knox; Member G A Lambert; Member G Lambrinidis; Member S J Niblock; Member M Palmer; Member R Want de Rowe; Member E L Young.

OFFICERS: Chief Executive Officer, Mr B P Dowd; General Manager Corporate Services, Dr D Leeder; General Manager Infrastructure, Mr L Cercarelli; General Manager Community & Cultural Services, Ms A Malgorzewicz; Executive Manager, Mr M Blackburn; Committee Administrator, Mrs P Hart.

GUESTS: Iain Loganathan, Northern Territory Electoral Commissioner will be in attendance from 5.00 pm.

Enquiries and/or Apologies: Penny Hart
E-mail: p.hart@darwin.nt.gov.au
PH: 8930 0670

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1. ACKNOWLEDGEMENT OF COUNTRY

2. THE LORD’S PRAYER

3. MEETING DECLARED OPEN

4. APOLOGIES AND LEAVE OF ABSENCE
Common No. 2695036

4.1 Apologies

4.2 Leave of Absence Granted

4.3 Leave of Absence Requested

5. ELECTRONIC MEETING ATTENDANCE
Common No. 2221528

5.1 Electronic Meeting Attendance Granted

Nil

5.2 Electronic Meeting Attendance Requested

6. DECLARATION OF INTEREST OF MEMBERS AND STAFF
Common No. 2752228

6.1 Declaration of Interest by Members

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S
Common No. 1955119

7.1 Confirmation of the Previous Ordinary Council Meeting

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 31 January 2017, be received and confirmed as a true and correct record of the proceedings of that meeting.

8. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETING/S

8.1 Business Arising

9. MATTERS OF PUBLIC IMPORTANCE

10. DEPUTATIONS AND BRIEFINGS

Nil

11. CONFIDENTIAL ITEMS
Common No. 1944604

11.1 Closure to the Public for Confidential Items

THAT pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations the meeting be closed to the public to consider the following Confidential Items:-

<u>Item</u>	<u>Regulation</u>	<u>Reason</u>
C24.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C26.1	8(e)	information provided to the council on condition that it be kept confidential

11.2 Moving Open Items Into Confidential

11.3 Moving Confidential Items Into Open

12. PETITIONS

13. NOTICE(S) OF MOTION

14.1 OFFICERS REPORTS (ACTION REQUIRED)

ENCL: 1ST ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 14.1.1
YES

2017 LOCAL GOVERNMENT GENERAL ELECTION

REPORT No.: 17TC0002 MB:ph COMMON No.: 3193634 DATE: 14/02/2017

Presenter: Executive Manager, Mark Blackburn

Approved: Chief Executive Officer, Brendan Dowd

PURPOSE

The purpose of this report is to seek Council endorsement of a draft Electoral Service Agreement for the 2017 Local Government General Election.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

Goal

5 Effective and Responsible Governance

Outcome

5.3 Good governance

Key Strategies

5.3.2 Display contemporary leadership and management practices

KEY ISSUES

- The NT Electoral Commission will conduct the 2017 City of Darwin General Election in accordance with the Local Government Act and the Local Government (Electoral) Regulations.
- The NT Electoral Commission has prepared a draft Electoral Service Agreement (**Attachment A**) for this Election.
- The date of this Election is 26 August 2017.
- It is proposed to reduce the number of Polling Booths in each Ward by one from the 2012 election.
- Consideration is to be given to the establishment of early polling booth/s.
- The close of nominations for the 2017 Local Government Election is 3 August 2017.
- The commencement of the Caretaker Period is 3 August 2017.

PAGE: 2
 REPORT NUMBER: 17TC0002 MB:ph
 SUBJECT: 2017 LOCAL GOVERNMENT GENERAL ELECTION

RECOMMENDATIONS

- A. THAT Report Number 17TC0002 MB:ph entitled 2017 Local Government General Election, be received and noted.
- B. THAT Council endorse the draft Electoral Service Agreement (**Attachment A**) to Report Number 17TC0002 MB:ph entitled 2017 Local Government General Election.
- C. THAT Council request the NT Electoral Commission promotes compulsory voting as a key objective in their Communication Plan for the August 2017 Local Government Elections.

BACKGROUND

The Northern Territory Electoral Commission will apply the requirements of the Local Government Act and Local Government (Electoral) Regulations to conduct the City of Darwin General Election 2017.

An Electoral Service Agreement will be required to be in place for electoral services occurring within the six months from 1 April 2017 until 30 September 2017. A draft Agreement is attached to this report (**Attachment A**)

DISCUSSION

Polling Booths

The NT Electoral Commission is proposing to conduct Polling Booths at the following locations.

Darwin - Chan	Election Day Voting Centre	Ludmilla	Ludmilla Primary School
Darwin - Chan	Election Day Voting Centre	Moil	Moil Primary School
Darwin - Chan	Election Day Voting Centre	Nightcliff	Nightcliff Middle School
Darwin - Lyons	Election Day Voting Centre	Darwin City	St Mary's Catholic School
Darwin - Lyons	Election Day Voting Centre	Parap	Parap Primary School
Darwin - Lyons	Election Day Voting Centre	Stuart Park	Stuart Park Primary School
Darwin - Richardson	Election Day Voting Centre	Leanyer	Leanyer Pre School
Darwin - Richardson	Election Day Voting Centre	Tiwi	Dripstone High School
Darwin - Waters	Election Day Voting Centre	Ludmilla	Ludmilla Primary School
Darwin - Waters	Election Day Voting Centre	Karama	O'Loughlin Catholic College
Darwin - Waters	Election Day Voting Centre	Sanderson	Sanderson Middle School

This coverage is one Polling Booth less per Ward compared to the 2012 General Election.

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Compulsory Voting

In the NT, electors listed on the electoral roll must vote in federal, Territory and local council elections being held in their area. If a person is enrolled but does not vote, he or she may receive a letter asking for an explanation, and if the reason is not accepted they may have to pay a fine

It has been the practice of this Council to review whether to pursue non-voters following Council elections.

Traditionally City of Darwin has not pursued non-voters at Council Elections. However, given the continued low voter attendance at by-elections, Council agreed to extend the service of the NT Electoral Commission to send out infringement notices for non-voters at the Lyons Ward By-election in 2015.

It is recommended that Council request the NT Electoral Commission to promote the requirement for persons enrolled on the electoral roll to vote at the 2017 Local Government Elections.

Early Voting

It is planned that early voting will commence on Monday 14 August 2017.

At the 2015 Lyons By-election early voting increased to just over 20% of the votes received. Nearly 70% of the early voters for this By-election attended the Darwin Civic Centre with around 30% attending the Darwin NT Electoral Centre site.

Discussions are underway at looking at potential early voting booth site/s. At this stage the cost estimate provided by NT Electoral Commission only includes the Darwin NT Electoral Centre site.

CONSULTATION PROCESS

In preparing this report, the following External Parties were consulted:

- Northern Territory Electoral Commission

POLICY IMPLICATIONS

Caretaker Policy 036

BUDGET AND RESOURCE IMPLICATIONS

The Northern Territory Electoral Commission has quoted \$432,456.44 (excluding GST) for the preparation of the voters' roll and conduct of the election for the City of Darwin General Election 2017.

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REPORT NUMBER: 17TC0002 MB:ph
SUBJECT: 2017 LOCAL GOVERNMENT GENERAL ELECTION

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Local Government (Electoral) Regulations

Division 1 Nominations

6 Electoral Commissioner to invite nominations of candidates

- (1) The Electoral Commissioner must, at least 43 days before polling day for a general election, invite nominations of candidates for the election.
- (2) The invitation is to be made:
 - (a) By notice published in a newspaper circulating in the relevant council area:
and
 - (b) By any other means the Electoral Commissioner considers appropriate.

ENVIRONMENTAL IMPLICATIONS

Nil

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

MARK BLACKBURN
EXECUTIVE MANAGER

BRENDAN DOWD
CHIEF EXECUTIVE OFFICER

For enquiries, please contact Mark Blackburn on 89300516 or email:
m.blackburn@darwin.nt.gov.au.

Attachments:

Attachment A: NTEC Electoral Service Agreement



ELECTORAL SERVICE AGREEMENT

Between Northern Territory Electoral Commission
and City of Darwin

Term 1 April 2017 to 30 September 2017

DOCUMENT HISTORY AND VERSION CONTROL

Version	Date approved	Approved by	Brief description
1.00		LG Program Mgr	Creation of original document

DRAFT

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1. Introduction

The *Local Government Act (LG Act)* governs the electoral events of the Northern Territory 17 local councils, including general elections and by-elections. These events are clarified or guided by further legislative instruments under the **electoral regulations**.

The **Northern Territory Electoral Commission** (NTEC) is responsible for the conduct of local government general elections. This Electoral Service Agreement defines the costing and electoral service arrangements for the **City of Darwin**.

1.1. Purpose and scope

This Electoral Service Agreement establishes the costing program for the preparation and conduct of the **City of Darwin** General Election 2017

The functions and responsibilities of the **Northern Territory Electoral Commission** in relation to local government electoral events are prescribed in the *Electoral Regulations* and the **LG Act**. This Electoral Service Agreement does not procure the **Northern Territory Electoral Commission** as a contractor to the **City of Darwin** but instead recognises the parties' mutual interest in the preparation and conduct of the election required by the **City of Darwin** under the **LG Act**.

1.2. The parties

The provider of the electoral service is:

Northern Territory Electoral Commission
Level 3, 80 Mitchell Street
Darwin NT 0800

ABN 84 085 734 992

The client for the electoral service is:

City of Darwin
GPO Box 84
Darwin NT 0801

ABN <insert Council ABN>

2. Description of services provided

The **Northern Territory Electoral Commission** will apply the requirements of the **LG Act** and *Local Government (Electoral) Regulations*, conduct, in respect to the **City of Darwin** General Election 2017. Schedules 1 and 2 of this Electoral Service Agreement detail the relevant services.

The **Northern Territory Electoral Commission** will provide practical and reasonable assistance to the **City of Darwin** during the performance of services under this Electoral Service Agreement. Practical and reasonable assistance includes, but is not limited to, providing access to premises, information, and resources that are administered, owned, or organised by the **Northern Territory Electoral Commission**.

The **City of Darwin** will provide practical and reasonable assistance to the **Northern Territory Electoral Commission** during the performance of services under this Electoral Service Agreement. Practical and reasonable assistance includes, but is not limited to, providing access to premises, information, and resources that are administered, owned, or organised by the **City of Darwin**.

3. Term and variations of Electoral Service Agreement

This Electoral Service Agreement will be in place for electoral services occurring within the six months from 1 April 2017 until 30 September 2017.

3.1. *Changes to applicable legislation*

This Electoral Service Agreement and the electoral services discussed within it may be amended, revoked, or varied, as may be the case, to ensure currency and compliance with applicable legislation, including—but not limited to—the **LG Act**, and the **electoral regulations** made under the **LG Act** or these other Acts.

3.2. *Changes to procedures*

In consultation and agreement with the Council, the **Northern Territory Electoral Commission** may from time to time vary its procedures involved with the performance of electoral services, whether or not the procedure is described in this Electoral Service Agreement. Procedural changes may impact on the availability, performance, or cost of electoral services.

A procedural variation may result from an administrative or system improvement or fault, a change to accepted electoral practice, an initiative implemented or ceased by the **Northern Territory Electoral Commission**, or as a result of location or logistical improvements or faults, or in responding to an electoral concern encountered at an election.

4. Raising a dispute

If a dispute arises between the parties, the party claiming the dispute must give the other party written notice setting out details of the dispute. Written notice of a dispute may be foreshadowed during face to face or telephone discussion between authorised representatives of the other party. Unless agreed to the contrary, written notice must provide a period for the other party to resolve the dispute of not less than 14 days.

5. Electoral service delivery

5.1. *Quality control*

The **Northern Territory Electoral Commission** will establish and maintain robust quality standards in the performance of its electoral services and ensure that appropriate response plans are in place for quality issues that arise. The **Northern Territory Electoral Commission** will make all reasonable efforts to inform the authorised representative of the **City of Darwin** should an issue of serious concern arise.

5.2. *Continuous improvement*

The **Northern Territory Electoral Commission** will establish and maintain an ongoing cycle of review to identify opportunities for improvement in its electoral services and to ensure these services continue to comply with good electoral practice and provide efficient and cost effective solutions for the Northern Territory local government sector.

5.3. *Third party providers*

The **Northern Territory Electoral Commission** will establish and maintain suitable arrangements with third party providers (i.e. Aircraft charter, vehicle hire & printers) that ensure accountable, effective, and efficient performance, practices, and issue response. The **Northern Territory Electoral Commission** will seek and maintain cost effective solutions from third party providers where those costs are passed on to the **City of Darwin**.

6. Service pricing

6.1. *Invoicing*

The costing arrangement for electoral services provided under this Electoral Service Agreement is discussed in Appendix 1.

For the duration of this Electoral Service Agreement, the **Northern Territory Electoral Commission** will operate a costing framework that applies charges relevant to this electoral event.

Unless notified to the contrary, the **Northern Territory Electoral Commission** will invoice within the scope of the variations and/or qualifications included with the quotation or estimate of costs for the electoral event. The **Northern Territory Electoral Commission** will provide timely invoices for electoral services provided under this Electoral Service Agreement. Cost variations will be applied on the invoice and/or reconciled with the invoice.

6.2. **Payment**

Upon receipt of an tax invoice from the **Northern Territory Electoral Commission** for electoral services provided under this Electoral Service Agreement, the **City of Darwin** will make full payment of the invoice in accordance with the terms provided on that invoice (or otherwise specified by or agreed with the **Northern Territory Electoral Commission**).

The **City of Darwin** can make payments over two financial years as agreed and determined under this Electoral Service Agreement.

Withholding payment of an invoice is not notice of the **City of Darwin**'s intention to dispute an invoice (see clause 4).

7. **Indemnity and insurances**

Except with respect to claims arising from a party's separate negligence or wilful acts, which shall remain that party's obligation, each party agrees to defend, indemnify and hold harmless the other party and its directors, officers, contractors, agents, and employees with respect to a claim arising from the party's actual or alleged act, failure to act, error, or omission in the performance of their obligations under this Electoral Service Agreement or any governing law or regulation.

The **Northern Territory Electoral Commission** must maintain insurances necessary for the performance of its functions under the **LG Act** and any other Act, and for the delivery of all electoral services provided under this Electoral Service Agreement.

8. Execution

Executed as an Electoral Service Agreement:

8.1. *For the Northern Territory Electoral Commission*

Signed: _____ Date: _____

Full name: _____

Position: _____

And witnessed,

Signed: _____ Date: _____

Full name: _____

Position: _____

8.2. *For the City of Darwin*

Signed: _____ Date: _____

Full name: _____

Position: _____

And witnessed,

Signed: _____ Date: _____

Full name: _____

Position: _____

Schedule 1: Cost schedule

Service summary

- Preparation of the voters' roll and conduct of the election for the **City of Darwin** General Election 2017.

Cost summary

- Based on the costing scenario, the **Northern Territory Electoral Commission** has quoted the service at **\$432,456.44** (excluding GST). See attached for more detail.
- The quote is prepared using a costing scenario and is not a fixed price. The list of qualifications and prescribed variations (below) will be applied for invoicing.
- Contribution of 38 percent of the general public awareness advertising costs, costs associated in maintaining and developing the election management system, website design and maintenance, and electronic counting systems. Refer to the Local Government "How are they costed" publication.
- The Northern Territory Electoral Commission is proposing to provide election day voting services at the following centres in the City of Darwin area:

Darwin - Chan	Election Day Voting Centre	Ludmilla	Ludmilla Primary School
Darwin - Chan	Election Day Voting Centre	Moil	Moil Primary School
Darwin - Chan	Election Day Voting Centre	Nightcliff	Nightcliff Middle School
Darwin - Lyons	Election Day Voting Centre	Darwin City	St Mary's Catholic School
Darwin - Lyons	Election Day Voting Centre	Parap	Parap Primary School
Darwin - Lyons	Election Day Voting Centre	Stuart Park	Stuart Park Primary School
Darwin - Richardson	Election Day Voting Centre	Leanyer	Leanyer Pre School
Darwin - Richardson	Election Day Voting Centre	Tiwi	Dripstone High School
Darwin - Waters	Election Day Voting Centre	Ludmilla	Ludmilla Primary School
Darwin - Waters	Election Day Voting Centre	Karama	O'Loughlin Catholic College
Darwin - Waters	Election Day Voting Centre	Sanderson	Sanderson Middle School

Schedule 2: Cost schedule

Service description

The Northern Territory Electoral Commission will conduct the election in accordance with the requirements outlined in the *Local Government Act* and the Local Government (Electoral) Regulations.

In addition to these provisions, the Northern Territory Electoral Commission will provide the following agreed activities:

- Undertake all Statutory Advertising
- Provide Notebook Electronic Electoral Rolls for voter markoff
- Provide all Cardboard voting equipment
- An active Website with election information and results
- Voter information call centre
- Employment and training of election staff
- Early voting facilities from both Alice Springs and Darwin NTEC sites
- Easy Count software
- Returning Officers
- Ballot Papers and other associated printing products
- Voting Centre Election materials

The **City of Darwin** will support the Northern Territory Electoral Commission in the conduct of the 2017 General Election by providing the following:

- TBC
- TBC
- TBC

Cost summary

- Based on the costing scenario, the **Northern Territory Electoral Commission** has quoted the service at **\$432,456.44** (excluding GST). See appendix 1 for more detail.
- The quote is prepared using a costing scenario and is not a fixed price. The list of qualifications and prescribed variations (below) will be applied for invoicing.

Variables
• Number of uncontested elections
• Estimated enrolment within the municipality
• Estimated turnout rate
• Size and length of the counting operation
• Ability for council to offset election costs from council resources
• Unanticipated rate changes within existing suppliers
•

ENCL: 1ST ORDINARY COUNCIL MEETING/OPEN AGENDA ITEM: 14.1.2
NO

STREET LIGHTING UPDATE

REPORT No.: 17TS0004 NN:tz COMMON No.: 2350906 DATE: 14/02/2016

Presenter: Manager Technical Services, Nadine Nilon

Approved: General Manager Infrastructure, Luccio Cercarelli

PURPOSE

The purpose of this report is to update Council on the progress of the Street Lighting Transition Project.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

Goal

5 Effective and Responsible Governance

Outcome

5.3 Good governance

Key Strategies

5.3.3 Understand and manage Council's risk exposure

KEY ISSUES

- The Deed of Agreement to accept the ownership of street lighting was signed and executed by the Chief Executive Officer.
- Next Energy has been engaged as consultants for the Street Lighting Transition Project.
- Project milestones have been developed in preparation for the 1 January 2018 transfer.
- The project is underway and critical data analysis of Council street lights has been completed.

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 REPORT NUMBER: 17TS0004 NN:tz
 SUBJECT: STREET LIGHTING UPDATE

RECOMMENDATIONS

- A. THAT Report Number 17TS0004 NN:tz entitled Street Lighting Update, be received and noted.
- B. THAT the Council include consideration of the staff and resources required for the servicing of street lights as part of the 2017/18 budget.

BACKGROUND

The Local Government Association of the Northern Territory (LGANT) and Council have been in negotiations regarding street light ownership and charges over a significant period of time. As per Council's decision at the 2nd Ordinary Council Meeting held 26 April 2016, the Deed of Agreement between the Power and Water Corporation, Northern Territory Government and Council was executed by the Chief Executive Officer on 1 July 2016.

In summary the Deed of Agreement outlines that:

- Ownership of street lights will transfer to relevant Council as of 1 January 2018.
- No capital charges will apply.
- The Power and Water Corporation (PWC) will continue to provide repairs and maintenance services until 31 December 2017 and Councils will not be subject to repairs and maintenance charges prior to this.
- Previous invoices relating to repairs and maintenance and capital charges will be withdrawn.
- This affects all of the street lights and all open space lighting connected to the street lighting system within the Darwin municipality.

There are 8691 street lights for which Council will have ownership; these street light assets can be split into two categories as follows:

- Category A: Street lights that are fitted to power poles supporting overhead conductors.

Council has responsibility for all componentry associated with the street light, with the exception of the overhead conductors (power lines).

- Category B: Street light columns supplied by underground power cables.

Council has responsibility for all componentry associated with the street light consisting of the following major components: control board (within substation), cabling to lights, light columns and luminaires.

This report provides Council with an update on the progress of the Street Lighting Transition Project since the Deed of Agreement was signed.

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 REPORT NUMBER: 17TS0004 NN:tz
 SUBJECT: STREET LIGHTING UPDATE

DISCUSSION

Next Energy has been engaged as consultants for the Street Lighting Transition Project. Next Energy is independent of the lighting equipment, controls equipment and street lighting service providers. They have a wealth of experience working with federal, state and local government councils and most recently they have lead the Southern Sydney Region of Councils on a major street lighting initiative addressing pricing, technology and services for a consortium of 35 local councils.

Next Energy consultants include a member of the AS/NZS 1158 Road Lighting Committee and a leader of the Energy Working Group, a member of the AS/NZS Luminaire Committee and the International Electrotechnical Commission (IEC Geneva) NZ National Committee on Lamps and Luminaires.

Next Energy will also bring in the expertise of JAC Comrie to undertake the valuation and financial modelling of the street lighting assets. JAC Comrie has been recommended due to their extensive knowledge and experience around local government financial issues and the relevance of similar projects for other Councils it has undertaken.

Council is a member of the Technical Advisory Group for the Street Lighting Smart Controls (SLSC) Council, established by IPWEA as an advisory group to guide the SLSC Programme. Next Energy consultants are also Council Members of this group.

Project

The Street Lighting Transition Project has been developed to address three main areas for Council as the transition of the street lights occur. These areas are operational, financial and strategic management, which includes longer term objectives and LED and smart technology.

The operational and financial areas of the project are underway with a focus on achieving the key milestone of enabling Council to make a decision on the future management of street lights. The operations in particular will look at whether the street lights are managed and maintained, which may be either internally, externally or by a combination of both. This will also inform how Council will need to resource the management of street lights from 1 January 2018. However, it is anticipated that additional resources will be required going into the next financial year to make sure there is a seamless transition when the assets are handed over to Council.

Next Energy has been reviewing the viability of future LED and smart control technology, with a focus on the operational aspects of this in the first instance. This is in line with Councils current operational practice of LED installation for new and replacement projects.

The transfer of street lights to public road owners affects all Territory Local Government Councils and the Northern Territory Government. Council officers are speaking to and collaborating with other local Councils, LGANT, and the Northern

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 SUBJECT: STREET LIGHTING UPDATE

Territory Government in relation to this work with an aim to identify and explore opportunities for partnerships through creating economies of scale.

Timeframes

The project is following a tight timeframe but is on track to ensure there is a smooth transition of the street lights from PWC to Council on 1 January 2018.

Dates	Item/Milestone	Status
July 2016	Deed of Agreement Signed	Complete
October 2016	Engage Consultant & obtain data from PWC	Complete
November 2016	Asset inventory survey and review	Complete
January 2017	Review PWC documentation	Complete
February 2017	Undertake valuation and financial modelling of the asset	Commenced
March 2017	Operational and maintenance plans for minimum business as usual capital requirements	Commenced
April 2017	Assess operational and maintenance options and make a recommendation on preferred option to enable tender to be prepared – Council decision required	Scheduled for April 2017
May 2017	LED and smart technology model developed	Scheduled for May 2017
October 2017	Strategic & Asset Management Plans complete, including Policy	Scheduled for October 2017
January 2018	Streetlights handover	Will occur 1 January 2018

A significant milestone is the decision on the operational management of street lights going forward. This work is currently being developed and will be presented to Council in April 2017. Prior to this Council will be updated on the projects progress and any new recommendations will be brought forward, as required.

CONSULTATION PROCESS

In preparing this report, the following City of Darwin officers were consulted:

- Asset Management GIS Officer

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 REPORT NUMBER: 17TS0004 NN:tz
 SUBJECT: STREET LIGHTING UPDATE

In preparing this report, the following External Parties were consulted:

- Next Energy

POLICY IMPLICATIONS

There are no policy implications identified at this time. A policy in relation to street lighting will be developed as part of ongoing works in preparation for the handover on 1 January 2018.

BUDGET AND RESOURCE IMPLICATIONS

The City of Darwin allocates an annual operational budget each year for the PWC consumption charge for the street lighting network and this will continue in future years.

Consideration of budget impacts after 1 January 2018 will be considered as part of the development of a transition project. This includes consideration of additional human and financial resources, both immediate and longer term.

Council has established a Street Lighting Reserve of \$3.3 million. These funds could be utilised to mitigate the impact on future rates after 1 January 2018.

The acceptance of the assets into the Council Financial Asset Register will have some financial impact. The management and extent of this issue will be subject of future reports.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

As of the 1 January 2018 Council will have ownership of street lights. Work is currently underway to ensure that all necessary preparations and plans are in place.

A key risk to the project is the tight timeframe and the resulting need to make timely decisions. This is critical to ensuring there is a seamless transition on 1 January 2018 that the community is not unnecessarily impacted. The project is designed to ensure that the transition is seamless, based on the key decision points occurring as scheduled.

ENVIRONMENTAL IMPLICATIONS

Ownership of street lighting will provide Council with increased control and flexibility in implementing environmental and “smart lighting” solutions, however it will increase Council’s carbon footprint when it becomes a Council asset and therefore the work underway includes planning to ensure sustainability.

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REPORT NUMBER: 17TS0004 NN:tz
SUBJECT: STREET LIGHTING UPDATE

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

NADINE NILON
MANAGER TECHNICAL
SERVICES

LUCCIO CERCARELLI
GENERAL MANAGER
INFRASTRUCTURE

For enquiries, please contact Nadine Nilon on 8930 0417 or email:
n.nilon@darwin.nt.gov.au.

ENCL: 1ST ORDINARY COUNCIL MEETING/OPEN **AGENDA ITEM:** 14.1.3
YES

**COUNCIL RESPONSE TO PERMANENT VARIATION LIQUOR LICENCE
 APPLICATION - PM EAT & DRINK**

REPORT No.: 17C0010 TM:kl **COMMON No.:** 3460918 **DATE:** 14/02/2017

Presenter: Manager Darwin Safer City Program, Tracey McNee

Approved: General Manager Community & Cultural Services,
 Anna Malgorzewicz

PURPOSE

The purpose of this report is to present to Council for consideration, a response to a Permanent Variation of Liquor Licence Application.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

Goal

5. Effective and Responsible Governance

Outcome

5.4 Effective leadership and advocacy

Key Strategies

5.4.1 Exhibit leadership on community issues

KEY ISSUES

- Council received a Permanent Variation to Liquor Licence application for comment.
- The application has been made by Matthews Group Pty Ltd Licensee for the premises known as PM Eat & Drink.
- Council considered an application for a New Restaurant Liquor Licence application from the same company for PM Eat & Drink, in February 2016.
- Council has endorsed its 'Safer Vibrant Darwin Plan 2016-2019', which outlines strategic directions and action that contribute to a safer, more vibrant community. Recommendations within this report align with the framework.

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 REPORT NUMBER: 17C0010 TM:kl
 SUBJECT: COUNCIL RESPONSE TO PERMANENT VARIATION LIQUOR LICENCE APPLICATION - PM EAT & DRINK

RECOMMENDATIONS

- A. THAT Report Number 17C0010 TM:kl entitled Council Response To Permanent Variation Liquor Licence Application - PM Eat & Drink, be received and noted.
- B. THAT Council endorse the letter to the Director-General of Licensing at Attachment A to Report Number 17C0010 TM:kl entitled Council Response to Permanent Variation Liquor Licence Application - PM Eat & Drink, noting that Council objects to the Permanent Variation to Liquor Licence application made by Matthews Group Pty Ltd.

BACKGROUND

PREVIOUS DECISION

DECISION NO.21\4148 23/02/16

Council Responses To Liquor Licence Applications – February 2016 *Report Number 16C0017 MG:kl*

THAT Council endorse the letter to the Director-General of Licensing at Attachment A to Report Number 16C0017 MG:kl entitled Council Responses To Liquor Licence Applications – February 2016, noting Council objects to the application from Matthews Group Pty Ltd.

At the 2nd Ordinary Council meeting in February 2016, Council considered a New Restaurant Liquor Licence Application from Matthews Group Pty Ltd for PM Eat & Drink, located at T1 56 Smith Street, Darwin. This Liquor Licence application requested:

- Permit for the sale and consumption of alcohol on or at the premises from 11:30 hours until 02:00 hours (the following day), seven days a week.
- That the premises shall at all times have the appearance of, and shall trade as a restaurant, where a person may consume alcohol without the requirement of consuming a meal.

Council objected to the proposed conditions for the sale of alcohol without requirement of a meal as incongruent with the nature of the business, that being a restaurant. Council stipulated that alcohol should be ancillary to a meal and the licence hours should align with the business trading hours, as described in the PM Eat & Drink Business Plan, 11:00 hours to 24:00 hours, Tuesday to Saturday. Council raised concerns that consumption without the requirement of a meal, combined with a 02:00 hour licence would impact adversely on the amenity of the surrounding area.

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 SUBJECT: COUNCIL RESPONSE TO PERMANENT VARIATION LIQUOR LICENCE
 APPLICATION - PM EAT & DRINK

City of Darwin was advised by Licensing NT that the applicant, upon considering the objections received, including from Council, amended their application to trading Tuesday to Saturday – 11:30 hours to 23:59 hours, with alcohol to be sold for consumption ancillary to a meal, with no trading on Good Friday or Christmas Day.

CURRENT APPLICATION

City of Darwin has now received a further application for PM Eat & Drink for a Permanent Variation of Liquor Licence for comment. Licensing NT has advised City of Darwin that the following sections of the Liquor Act are relevant to this application:

Under section 32A(5) of the Liquor Act, “If the application relates to premises within the area of a shire council or a regional council, the Director-General must, as soon as reasonably practicable, inform the CEO of the council that the application has been made.”

Grounds For Objection Under Section 47F(2) Of The Liquor Act Pursuant to Section 47F(2) of the Liquor Act, an objection may only be made on the grounds that the grant of the licence may or will adversely affect:

- (a) The amenity of the neighbourhood where the premises the subject of the application are or will be located; or*
- (b) Health, education, public safety or social conditions in the community.*

DISCUSSION

Matthews Group Pty Ltd has made an application for Permanent Variation to the existing Restaurant Liquor Licence for PM Eat & Drink. The variation sought includes those requests previously objected to by Council in February 2016. In addition, a request has been made to change the Liquor Licence from Authority - Restaurant to Authority – On. Variations sought;

- ***A change to the current Liquor Licence authority from “Authority – Restaurant” to “Authority – On”.*** These changes would have the effect of extending the current trading hours and serving liquor not ancillary to a meal.
- ***Change to the current hours of trade.*** Currently PM Eat & Drink liquor licence allows trade from 11:30 hours – 23:59 hours, Tuesday – Saturday the variation proposes to change hours of trade from 10:00 hours to 02:00 hours the following day, seven days a week.
- ***Change to the current status of sale for consumption.*** Currently PM Eat & Drink status for sale is ‘liquor shall only be sold ancillary to a meal’. The variation is seeking to change the status for consumption to ‘authorising the sale of liquor for consumption on or at the licenced premises’. This change would remove the requirement that alcohol is only provided ancillary to a meal.

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 APPLICATION - PM EAT & DRINK

The proposed changes allow for a shift from a restaurant to a small bar venue that could operate until 02:00 hours, seven days a week, including Good Friday and Christmas Day.

In early 2016 Council supported the application by PM Eat & Drink to establish as a Restaurant, trading 11:00 hours – 24:00 hours as per the Business Plan provided. Council did not support the request to trade beyond midnight or the request that alcohol could be served without the requirement of consuming a meal.

Council's previous objection did not support another late night bar. A significant number of licensed venues currently operate, into the early hours of the morning, within immediate proximity of PM Eat & Drink. Research shows that the density of licensed premises in close proximity to each other can be a predictor of violence. Clustering of venues can also be associated with heavy sessional drinking that can lead to alcohol related harms¹. The Mitchell Street and Darwin City precinct continues to be an area of concern for NT Police regarding highly intoxicated people, alcohol fuelled violence and aggressive assaults, which occur into the early hours of the morning. Patrons moving between venues highly intoxicated impact adversely on the amenity of the surrounding community with offences occurring in public places.

Council's endorsement of the Safer Vibrant Darwin Plan demonstrates a commitment to providing safe public spaces and places. Underpinning the Plan is a balance of space activation and supply reduction to reduce alcohol related harms. Extended trading hours increases the availability of alcohol and the potential for alcohol fuelled violence and associated harms that adversely impacts on the amenity and safety of the community.

Given the factors concerning compromised amenity, venue density and public safety particularly into the early hours of the morning continue to apply, Council Officers recommend Council objects to the Permanent Variations sought by PM Eat & Drink.

CONSULTATION PROCESS

In preparing this report, the following City of Darwin officers were consulted:

- Manager Community Development

In preparing this report, the following External Parties were consulted:

- Senior Compliance Officer - Investigations, Gambling and Licensing Services, Department of Business
- Superintendent – Darwin Metropolitan Division, NT Police

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 SUBJECT: COUNCIL RESPONSE TO PERMANENT VARIATION LIQUOR LICENCE
 APPLICATION - PM EAT & DRINK

POLICY IMPLICATIONS

Council has endorsed the Safer Vibrant Darwin Plan 2016-2019. This Plan provides Council a framework to work towards a safer, healthier and more inclusive community. Underpinning the Plan is a focus on reducing the harms associated with excessive alcohol consumption and abuse. Council advocates for supply reduction, demand reduction and harm minimisation to meet the objectives of the Safer Vibrant Darwin Plan.

The NT Government recently announced a review of the NT Liquor Act. When the opportunity presents, Council will make a submission to this review in alignment with the strategic actions contained in the Safer Vibrant Darwin Plan.

BUDGET AND RESOURCE IMPLICATIONS

Nil

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Risk, legal and legislative implications, if applicable, are noted in individual letter responses.

ENVIRONMENTAL IMPLICATIONS

Nil

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

TRACEY MCNEE
MANAGER DARWIN SAFER CITY
PROGRAM

ANNA MALGORZEWICZ
GENERAL MANAGER COMMUNITY &
CULTURAL SERVICES

For enquiries, please contact Anna Malgorzewicz on 89300633 or email:
a.malgorzewicz@darwin.nt.gov.au.

Attachments:

Attachment A: Draft letter to the Director-General noting that Council objects to the granting of a Permanent Variation to change the current Liquor Licence authority from Authority – Restaurant to Authority – On.

ⁱ Manton, E. Room, R. Giorgi, C & Thorn, M. *Stemming the tide of alcohol: Liquor licensing and the public interest*. (2014).

15 February 2017

Please quote: 3460918 AM:kl

Director-General
Gambling and Licensing Services
GPO BOX 1154
DARWIN NT 0800

Dear Director-General

PERMANENT VARIATION LIQUOR LICENCE APPLICATION – PM EAT & DRINK

At the 1st Ordinary Council meeting on 14 February 2017, Council considered the above Permanent Variation Liquor Licence application.

Council previously considered a New Restaurant Liquor Licence application for PM Eat & Drink, on 23 February 2016. At that time, Council supported the development of a new restaurant, however resolved to object to the application to trade beyond midnight and for alcohol to be consumed without the requirement of a meal. Council held concerns that in combination, the operation of what would be in effect a bar trading till 02:00AM, may adversely affect the amenity of the neighbourhood or negatively impact on the health, public safety or social conditions of the neighbourhood.

Council has reviewed the current application for permanent variation and again objects to this application on the grounds it may adversely impact community safety in the area and compromise community amenity. Council therefore objects under section 47F(2) of the Liquor Act to the Permanent Variation to Liquor Licence made by Matthews Group Pty Ltd for the premises known as PM Eat & Drink.

Yours sincerely

ANNA MALGORZEWICZ
GENERAL MANAGER
COMMUNITY & CULTURAL SERVICES

14.2 OFFICERS REPORTS (RECEIVE & NOTE)

15. TOWN PLANNING REPORT/LETTERS

ENCL: 1ST ORDINARY COUNCIL MEETING/OPEN **AGENDA ITEM:** 15.1
YES

**MIXED USE COMMERCIAL AND COMMUNITY PURPOSE DEVELOPMENT
 APPLICATION PA2017/0020 - LOT 11847 (15) FUHRMANN STREET, MUIRHEAD**

REPORT No.: 17TS0017 NS:hd **COMMON No.: 3458227** **DATE: 14/02/2017**

Presenter: Manager Design, Planning & Projects, Drosso Lelekis

Approved: General Manager Infrastructure, Luccio Cercarelli

PURPOSE

The purpose of this report is to refer to Council for comment, Pursuant to Section 48 of the *Planning Act*, a mixed use commercial and community purpose development at Lot 11847 (15) Fuhrmann Street, Muirhead.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

Goal

1. Collaborative, Inclusive and Connected Community

Outcome

- 1.4 Improved relations with all levels of government and significant stakeholders

Key Strategies

- 1.4.2 Play an active role in strategic and statutory planning processes

KEY ISSUES

- It is recommended that Council request a deferral subject to a number of traffic related issues being resolved.
- Muirhead has been subdivided and developed under the guidance of *Specific Uses – Darwin No. 23* (Zone SD23) pursuant to the *Northern Territory Planning Scheme*.
- The endorsed subdivision plans for Muirhead indicate zones, building envelopes for residential development, road hierarchies, biting insect buffers, open space corridors and stages.
- The subject site known as Lot 11847 (15) Fuhrmann Street, Muirhead is to be developed consistent with Zone C (Commercial) and Zone CP (Community Purposes).

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 DEVELOPMENT APPLICATION PA2017/0020 - LOT 11847 (15)
 FUHRMANN STREET, MUIRHEAD

RECOMMENDATIONS

- A. THAT Report Number 17TS0017 NS:hd entitled Mixed Use Commercial and Community Purpose Development Application PA2017/0020 - Lot 11847 (15) Fuhrmann Street, Muirhead be received and noted.
- B. THAT Council endorse the submission, dated 3 February 2017, requesting a deferral to the Development Assessment Services within **Attachment A** to Report Number 17TS0017 NS:hd entitled: Mixed Use Commercial and Community Purpose Development Application PA2017/0020 - Lot 11847 (15) Fuhrmann Street, Muirhead.

BACKGROUND

City of Darwin received development application PA2017/0020 on 17 January 2017 concerning Lot 11847 (15) Fuhrmann Street, Muirhead for a mixed use development comprising shops, offices, restaurants, medical clinics, leisure and recreation and a childcare centre in a single storey plus basement car parking, as per the plans as at **Attachment B**.

Site and Surrounds

The subject site known as Lot 11847 (15) Fuhrmann Street, Muirhead is currently vacant land which has road frontages to: Lee Point Road, Fuhrmann Street and Thorne Street.



Image source: City of Darwin aerial mapping

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Surrounding the site, single dwelling development has recently been constructed or is underway; physical infrastructure is established within the immediate area and a local park of 4,990m² immediately abuts the subject site.

The subject site is located within *Zone Specific Uses – Darwin No. 23* (Zone SD23), which was introduced into the *Northern Territory Planning Scheme* (the Scheme) on 2 December 2009.

Lot 11847 is 9,760m² in area and has been identified on the endorsed plans (approved with Zone SD23) to be developed consistent with Zone C (Commercial) and Zone CP (Community Purposes), refer to **Attachment C**. The specific uses intended for the site have been left open to market demand given that Zone SD23 and the endorsed plans do not nominate preferred commercial or community purpose uses.

Residential lots within Muirhead are encumbered with building envelopes, however Lot 11847 is unencumbered; instead setbacks for development are to be in accordance with the provisions of Zone C and Zone CP and relevant clause of the Scheme.

Footpaths provide connections adjacent the site for pedestrians and cyclists and form part of a larger network whilst maturing street trees are located within the adjoining road reserve. An electrical supply easement is located in the eastern corner of the site.

A bus bay is located parallel to the subject site within Fuhrmann Street. The bus bay is not currently serviced by an active bus route; however from discussions with the Department of Infrastructure, Planning and Logistics it is understood that Muirhead will be serviced by existing route 24 once three bus shelters within Muirhead are constructed within the next month or so.

Bus route 24 currently operates 14 times a day Monday - Friday, 12 times every Saturday and 11 times every Sunday. The bus route services the local area of: Casuarina, Wanguri, Lyons and Muirhead, which is expected to remain as is.

DISCUSSION

Current Proposal

The current proposal is for the use and development of 19 tenancies which are to be occupied by nine shops (and ancillary warehouse for tenancy one which is intended to be a supermarket), five restaurants, one child care centre, three medical clinics and one leisure and recreation facility (gymnasium).

The development includes 279 car parks at basement level. The basement also includes the gym, services and the centre management (office). Access between the

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basement and ground floor is provided by escalators, stairs and a lift. The development has included seven motorcycle bays within the basement level.

42 car parks are provided at ground level, accessed via one of the two vehicular access points proposed from Fuhrmann Street. The development includes an overall total of 321 car parks.

Development at the ground floor includes an internal 'shopping mall' to a maximum height of 8.1 metres.

A loading dock/reverse bay to service proposed tenancy one and two loading bays to service the remaining tenancies is proposed to be accessed from Lee Point Road. A total of three access points are therefore proposed for the development.

A copy of the plans and statement of effect are as at **Attachment B**.

Application Assessment

Zone SD23 identifies that with consent; "a lot may be developed for purposes consistent with" Zone C or Zone CP where the lot has been identified for commercial or community purposes; "subject to all the relevant clauses of the Planning Scheme that would apply were the land within" Zone C or Zone CP.

An assessment of the required clauses of the Scheme has been made, variations sought are summarised below for Council's consideration:

Clause 6.5.1 Parking Requirements

The below table provides a summary of each of the uses and the required car parking spaces:

Proposed use:	Scheme generation rate:	Area proposed:	Minimum number of car parking spaces required:
Shop / Restaurant	6 for every 100m ² net floor area	3,915m ² net floor area	234.9 car parks
Warehouse (ancillary)	1 for every 100m ² net floor area	400m ² net floor area	4 car parks
Office	2.5 for every 100m ² net floor area	50m ² net floor area	1.3 car parks
Medical Clinic	4 for every consulting room	9 consulting rooms	36 car parks
Child Care Centre	1 for every employee	10 employees	10 car parks
	1 for every 20 children	75 children	3.75 car parks
Leisure and Recreation	10 for every 100m ² net floor area	422m ² net floor area	42.2 car parks
TOTAL:			332.2 (333) car parks required

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The proposal includes a total of 321 car parks and seven motorcycle bays over two levels of parking areas. The proposal therefore includes a car parking shortfall of 12 bays which represents a 3.6% variation to the requirement of the Scheme.

Whilst Council generally objects to car parking shortfalls; City of Darwin officers consider that:

- a 3.6% variation is minor given the extent of car parking required and provided to service the site;
- the site would have a degree of cross-utilisation given the number of uses proposed;
- at the time of operation the site will be serviced via a localised bus route; and
- given its location (within a residential estate) it is assumed that residents within close proximity may be inclined to walk or cycle to the site given the broad recreational path network provided.

In considering the above, it is therefore recommended that Council do not object to the car parking shortfall of 12 bays.

Clause 8.1.5 Child Care Centres

The Scheme states that a child care centre should accommodate the following indoor and outdoor areas per child:

	Play space required:	Play space proposed:	Outcome proposed:
Outdoor play space:	525m ² (7m ² per child)	452.8 m ² (6.0m ² per child)	Variation of 72.2m ² or 1m ² per child
Indoor play space:	243.8m ² (3.25m ² per child)	247m ² (3.3m ² per child)	Complies

Note: the centre proposes to provide care for 75 children.

Whilst the Scheme provides these minimum requirements, it is considered more appropriate for the play areas to comply with the minimum requirements of the *National Quality Framework* (NQF) and the *Education and Care Services National Law and Regulations* (National Law and Regulations).

The NQF and National Law and Regulations encourage natural and quality environments for children. Onsite landscaping and screening in accordance with the requirements of the Scheme may reduce the total 'useable' outdoor play space required by the NQF and National Law and Regulations. Reductions to the useable outdoor play area may result in the child care centre being required to reduce the number of children that care is provided for. Compliance with all legislative requirements should be considered prior to any approvals being issued to reduce the need for future amendments.

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It is also noted that the applicant has identified that “the shortfall is considered to be offset by the location of the child care centre immediately adjacent a large area of public open space”. It is understood that appropriate risk assessments and parent permissions would be required to be in place if the centre proposes to use the public open space. It is considered that the park could potentially be used infrequently as an excursion location but should not be considered an extension of the child care centre.

It is recommended that suitably qualified advice be sought on the appropriateness and viability of the centre in considering, at minimum, the above.

Clause 8.1.5 also identifies that child care centres should be capable of accommodating vehicle access, parking and manoeuvring. The applicant has identified that there will be reserved parking for drop-off and pick-up. City of Darwin strongly supports the reserving of sufficient car parking bays for the proposed use directly in-front of the entry point.

City of Darwin does however support the retention of the proposed child care centre, particularly given that it provides a degree of community purpose use, which the subject site has been strategically identified for such uses.

Clause 8.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T

The purpose of *Clause 8.2* of the Scheme is to “promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment.”

Clause 8.2 provides principles for the design of buildings, which include consideration of;

- sympathetic to the character of immediate buildings,
- minimise expanses of blank walls,
- add variety and interest at street level and allow passive surveillance of public spaces,
- provide safe and convenient movement of vehicles and pedestrians to and from the site,
- provide convenient pedestrian links,
- provide landscaping to reduce the visual impact,
- provide shade and screening of open expanses of pavement,
- car parking, and
- end of trip facilities.

Furthermore the clause references “demonstrate consideration of and the consent authority is to have regard to the *Community Safety Design Guide*” which is a referenced guideline of the Scheme.

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In assessing the proposed development against the requirements of *Clause 8.2* and the *Community Safety Design Guide*, the development could include greater design considerations which are more consistent with the above. Considerations could include greater inclusion of active street frontages to all surrounding streets and the adjacent park, for example windows could provide greater interaction, along with outdoor dining areas and connections to the park; the development turns in on itself.

Pedestrian and cyclist connections internal to the site have an opportunity to be enhanced and better connect with surrounding shared path networks; improved connections will support the reduction to the car parking requirements and support bus users movements also. The landscaping plan provided doesn't include natural elements that soften the development internal to the site or provide shade, relying on existing vegetation within the road reserve which provides shade and amenity to the public realm. Proposed landscaping is low/medium planting, consideration of *Crime Prevention Through Environmental Design* (CPTED) principles should be considered prior to finalising species selections.

Consideration should also be given to the location and accessibility of trolley bays for the convenience of shoppers.

Strategic context

The subject site, as per the endorsed land use plan, has been identified to be developed consistent with Zone C and Zone CP. Specific uses intended for the site have been left open to market demand given that no preferred uses have been identified. In this regard, the site has been generally developed with commercial uses, however the child care centre, three medical clinics and the leisure and recreation facility all generally provide some level of community benefit and therefore meet the intended use for the site.

It is acknowledged that in the absence of a detailed Area Plan and social infrastructure needs assessment it is difficult to understand the specific needs for the area. It is therefore recommended that if any change of use application is received for the proposed child care centre, three medical clinics and/or the leisure and recreation uses; that they are replaced with an alternate use that provides an equal service for the community so to ensure that the purpose of Zone CP is delivered.

Key Council Issues

Traffic

Clause 6.5.3 of the Scheme identifies that car parking areas are to; "limit the number of access points to the road"; "maximise sight lines for drivers entering or exiting the car parking areas"; "be landscaped with species designed to lessen the visual impact of the car parking area" and "be functional and provide separate access to every car parking space".

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Clause 8.2 of the Scheme supports the requirements of *Clause 6.5.3* by requiring “safe and convenient movement of vehicles and pedestrians to and from the site”.

In responding to the subdivision design of stages 5-7, Council at that time (14 November 2013) identified that “it will not approve any direct access from the lot marked as commercial/community purpose onto Lee Point Road.” In reconsidering the above position, assessing the proposed design of the site and considering the size of service vehicles identified; it may be more appropriate for access to be from Lee Point Road for service vehicles only as proposed. However, the proposed design and width of the access from Lee Point Road needs to be reviewed in consultation with City of Darwin as it is considered to be excessive in size.

The Traffic Impact Assessment (TIA) provided with the application identifies that a continued central median island is required for the primary Fuhrmann Street access to prevent conflicts between vehicles exiting the basement car park and those wishing to turn right into the ground level car park. The proposed design is not reflective of the TIA recommendation.

The secondary access from Fuhrmann Street proposes a roundabout adjacent the proposed access point. The TIA provided identifies the roundabout as being offset from Asche Street which will compromise the function of the roundabout and the ability for buses to use the roundabout. Noting that the bus bay has already been constructed and bus shelter has already received City of Darwin approval, construction is due to commence in the next month or so with bus services due to commence shortly afterward. Any modifications to the bus stop and/or bus shelter must also be agreed upon by the Public Transport section of the Department of Infrastructure, Planning and Logistics and City of Darwin.

City of Darwin requires a concept design demonstrating compliance of the proposed intersection with Australia Standards (to the satisfaction General Manager Infrastructure).

If a compliant design to the satisfaction of City of Darwin cannot be achieved, alternate access arrangements will need to be investigated in consultation with City of Darwin.

It is recommended that a deferral be sought to finalise the design of the three proposed access points given that in their current form and with the level of detail provided to date, approval would not be provided.

Signage

The proposal includes indicative locations for signage which extensively wrap around the façade of the building.

The response letter as at **Attachment A** requests that reference to signage be removed from the plans and that final designs for signage are be subject to *City of*

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Darwin Policy No. 042 – Outdoor Advertising Signs Code and separate approval from Council where required.

Summary

It is recommended that a deferral is sought for a number of matters as discussed above. Once the grounds for deferral have been adequately addressed, the required Council specific conditions related to the subject development will be provided.

In summary, it is recommended that Council endorse the submission as at **Attachment A**.

CONSULTATION PROCESS

In preparing this report, the following City of Darwin officers were consulted:

- Town Planner
- Strategic Town Planner
- Team Leader Development
- Family and Children's Services Coordinator

In preparing this report, the following External Parties were consulted:

- Acting Manager Public Transport, Department of Infrastructure, Planning and Logistics

POLICY IMPLICATIONS

All works within Council road reserve will be subject to the relevant City of Darwin policies and standards.

BUDGET AND RESOURCE IMPLICATIONS

All works within Council road reserve caused by the subject use and development proposal will be borne by the applicant/developer.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

All works within Council road reserve will be subject to the relevant City of Darwin policies and standards to reduce any potential risks for Council.

ENVIRONMENTAL IMPLICATIONS

The subject site is located outside of the identified biting insects and odour buffers. Once the points of deferral have been addressed and/if the application is approved, the City of Darwin will provide Development Assessment Services with a number of conditions related, but not limited to:

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- stormwater,
- waste management,
- landscaping (of City of Darwin road reserve), and
- environmental and construction management.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

DROSSO LELEKIS
MANAGER DESIGN, PLANNING & PROJECTS

LUCCIO CERCARELLI
GENERAL MANAGER INFRASTRUCTURE

For enquiries, please contact Cindy Robson on 8930 0528 or email: c.robson@darwin.nt.gov.au.

Attachments:

- Attachment A:** City of Darwin, Letter of Response to Development Assessment Services, dated 3 February 2017
- Attachment B:** Development Application, Lot 11847 (15) Fuhrmann Street, Muirhead - Mixed use development comprising shops, offices, restaurants, medical clinics, leisure and recreation and a childcare centre in a single storey plus basement car parking - PA2017/0020.
- Attachment C:** Endorsed land use plan – DP13/0812B

3 February 2017

Please quote: 3458227 NS:hd
Your reference: PA2017/0020

Mr Tony Brennan
Acting Manager Urban Planning
Department of Infrastructure, Planning & Logistics
GPO Box 1680
DARWIN NT 0801

Dear Mr Brennan

Parcel Description: Lot 11847 - Town of Nightcliff
15 Fuhrmann Street, Muirhead

Proposed Development: Mixed use development comprising shops, offices, restaurants, medical clinics, leisure and recreation and a childcare centre in a single storey plus basement car parking

Thank you for the Development Application referred to this office 17 January 2017, concerning the above. This letter will be placed before City of Darwin's, Ordinary Council Meeting to be held on 14 February 2017. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

i). **The City of Darwin requests that the Development Consent Authority defer the application pursuant to Section 46(4)(b) of the Northern Territory Planning Act for the following reasons:**

a). Traffic

Clause 6.5.3 of the Northern Territory Planning Scheme (the Scheme) identifies that car parking areas are to; "limit the number of access points to the road"; "maximise sight lines for drivers entering or exiting the car parking areas"; "be landscaped with species designed to lessen the visual impact of the car parking area" and "be functional and provide separate access to every car parking space".

Clause 8.2 of the Scheme supports the requirements of Clause 6.5.3 by requiring "safe and convenient movement of vehicles and pedestrians to and from the site".

In responding to the subdivision design of stages 5-7 (PA2013/0730), Council at that time (14 November 2013) identified that “it will not approve any direct access from the lot marked as commercial/community purpose onto Lee Point Road.”

In reconsidering the above position, assessing the proposed design of the site and considering the size of service vehicles identified; it may be more appropriate for access to be directly from Lee Point Road, for service vehicles only, as proposed. However, the proposed design and width of the access from Lee Point Road needs to be reviewed in consultation with City of Darwin as it is considered to be excessive in size.

The Traffic Impact Assessment (TIA) provided with the application identifies that a continued central median island is required for the primary Fuhrmann Street access to prevent conflicts between vehicles exiting the basement car park and those wishing to turn right into the ground level car park. The proposed design is not reflective of the TIA recommendation.

The secondary access from Fuhrmann Street proposes a roundabout at the access point. The TIA provided, identifies the roundabout as being offset from Asche Street, which may compromise the function of the roundabout and the ability for buses to use the roundabout. A bus bay on Fuhrmann Street has already been constructed and a bus shelter has received City of Darwin approval, with construction due to commence in the next month or so. Any modifications to the bus stop and/or bus shelter must also be agreed upon by the Public Transport section of the Department of Infrastructure, Planning and Logistics and City of Darwin.

City of Darwin requires a concept design demonstrating compliance of the proposed intersection with Australian Standards (to the satisfaction General Manager Infrastructure).

If a compliant design, to the satisfaction of City of Darwin, cannot be achieved, alternate access arrangements will need to be investigated in consultation with City of Darwin.

It is requested that a deferral be granted to finalise the design of the three proposed access points.

- ii). **In addition to the above deferral matters, the City of Darwin objects to the granting of a Development Permit until the following issues are adequately addressed:**

a). Site-responsive design

The purpose of *Clause 8.2* of the Scheme is to “promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment.”

Clause 8.2 provides principles for the design of buildings, which include consideration of; being sympathetic to the character of immediate buildings, minimising expanses of blank walls, add variety and interest at street level and allow passive surveillance of public spaces, provide safe and convenient movement of vehicles and pedestrians to and from the site, provide convenient pedestrian links, provide landscaping to reduce the visual impact and provide shade and screening of open expanses of pavement and car parking and end of trip facilities. Furthermore the clause references “demonstrate consideration of and the consent authority is to have regard to the *Community Safety Design Guide*” which is a referenced guideline of the Scheme.

In assessing the proposed development against the requirements of *Clause 8.2* and the *Community Safety Design Guide*, the development could include design considerations that are more consistent with the above. Considerations could include greater inclusion of active street frontages to all surrounding streets and the adjacent park, for example windows could provide greater interaction, along with outdoor dining areas and connections to the park. Currently, the proposed development turns in on itself.

Pedestrian and cyclist connections have an opportunity to be enhanced and better connect with surrounding shared path networks; improved connections will support the reduction to the car parking requirements and support bus users movements as well. The landscaping plan does not include natural elements to soften the development or provide shade, instead relying on existing vegetation within the road reserve, which only provides shade and amenity to the public realm. *Crime Prevention Through Environmental Design* (CPTED) principles should be considered prior to finalising species selections.

Consideration should also be given to the location and accessibility of trolley bays for the convenience of shoppers.

b). Child Care Centre

- i. City of Darwin supports the retention of the proposed Child Care Centre, particularly given that it provides a degree of community purpose use, which the subject site has been strategically identified for. Furthermore,

the location of the centre is consistent with the location principles of subclauses 2. (b) and (c) of *Clause 8.1.5* of the Scheme.

- ii. The Scheme provides minimum indoor and out play areas that a Child Care Centre should accommodate per child. The proposed application seeks an overall 72.2m² variation, or a 1m² per child variation.

Whilst the Scheme provides these minimum requirements, it is also considered appropriate for the play areas to comply with the minimum requirements of the *National Quality Framework* (NQF) and the *Education and Care Services National Law and Regulations*.

The NQF and National Law and Regulations encourage natural and quality environments for children. Onsite landscaping and screening in accordance with the requirements of the Scheme may reduce the total 'useable' outdoor play space required by the NQF and National Law and Regulations. Reductions to the useable outdoor play area may result in the Child Care Centre being required to reduce the number of children that care is provided for. Compliance with all legislative requirements should be considered prior to any approvals being issued to reduce the need for future amendments.

It is also noted that the applicant has identified that "the shortfall is considered to be offset by the location of the childcare centre immediately adjacent a large area of public open space." It is understood that appropriate risk assessments and parent permissions would be required to be in place if the centre proposes to use the public open space. It is considered that the park could potentially be used infrequently as an excursion location but should not be considered an extension of the Child Care Centre.

It is recommended that suitably qualified advice be sought on the appropriateness and viability of the centre in considering, at a minimum the above.

- iii. *Clause 8.1.5* also identifies that Child Care Centres should be capable of accommodating vehicle access, parking and manoeuvring. The applicant has identified that there will be reserved parking for drop-off and pick-up. City of Darwin strongly supports the reserving of sufficient car parking bays for the proposed use directly in-front of the entry point.

c). Strategic context

The subject site, as per the endorsed land use plan, has been identified to be developed consistent with Zone C and Zone CP. Specific uses intended for the site have been left open to market demand given that no preferred uses have been identified. In this regard, the site has been

generally developed with commercial uses, however the Child Care Centre, three Medical Clinics and the Leisure and Recreation facility all generally provide some level of community benefit and therefore meet the intended use for the site.

It is acknowledged that in the absence of a detailed Area Plan and social infrastructure needs assessment that it is difficult to understand the specific needs for the area. It is therefore recommended that if any change of use application is received for the proposed Child Care Centre, three Medical Clinics and/or the Leisure and Recreation uses; that they are replaced with an alternate use that provides an equal service for the community so to ensure that the purpose of Zone CP is delivered.

d). Signage

The proposal includes indicative locations for signage which extensively wrap around the façade of the building.

It is requested that reference to all signs be removed from the plans, noting for the applicants purposes that final designs for signage are subject to *City of Darwin Policy No. 042 – Outdoor Advertising Signs Code* and separate approval from Council where required.

It is noted that City of Darwin has sought deferral for a number of matters. Once the grounds for deferral have been adequately addressed, Council will provide the required City of Darwin specific conditions related to the subject development and will consider elements over the road reserve for approval.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully



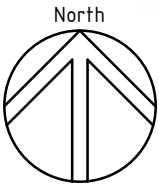
CINDY ROBSON
STRATEGIC TOWN PLANNER

ATTACHMENT B



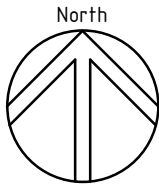
Proposed Community / Commercial Center, on lot 11847
Muirhead, in a Ground Level Building Plus Basement

Sheet List	
Sheet Number	Sheet Name
A100	Cover Page
A101	Basement Site Layout Plan
A102	Ground Floor Site Layout Plan
A103	Site Setout Plan
A104	Roof Plan
A105	Elevations
A106	Typical Section
A107	Perspectives
A108	Perspectives



Locality Plan

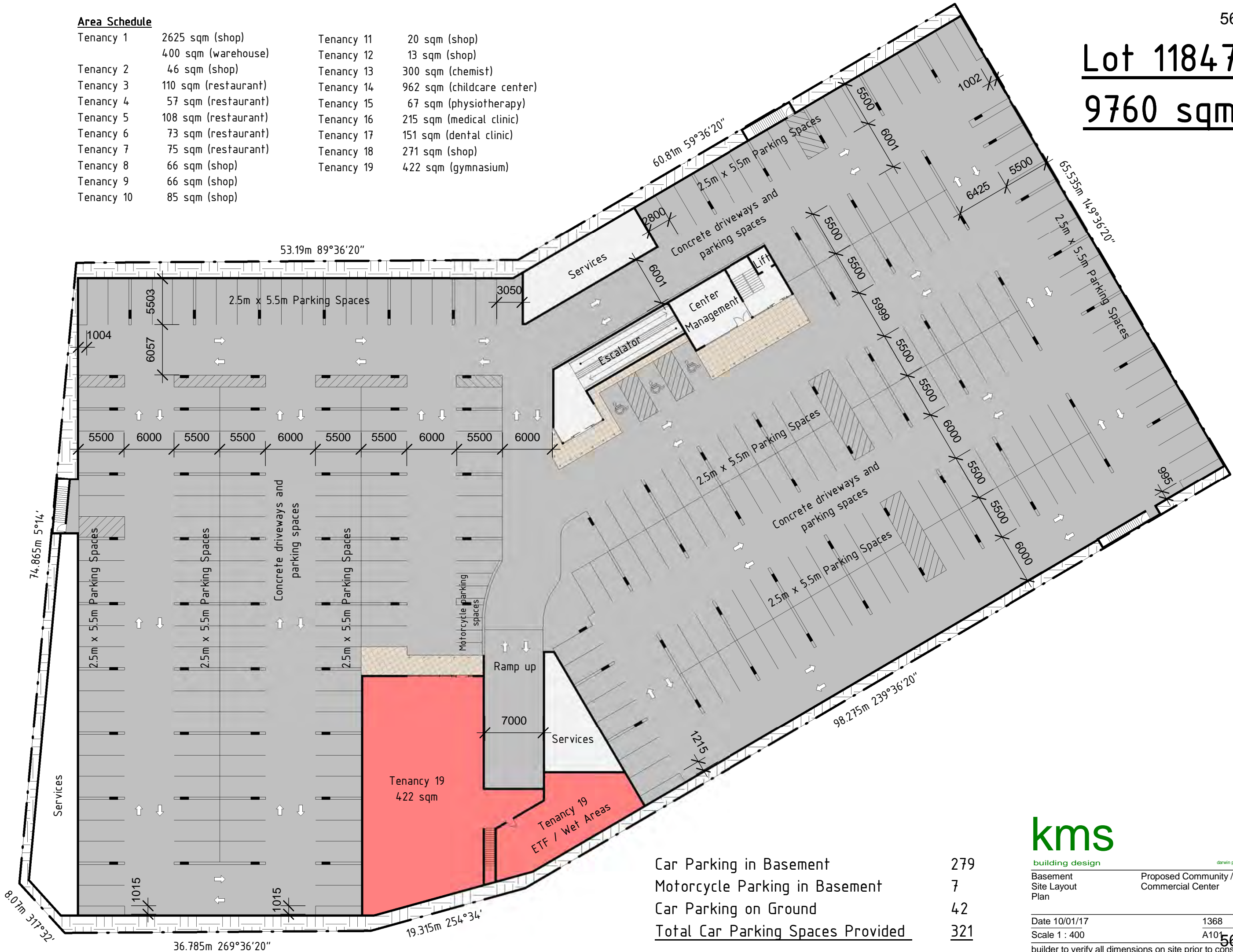
kms



Lot 11847
9760 sqm

Area Schedule

Tenancy 1	2625 sqm (shop)	Tenancy 11	20 sqm (shop)
	400 sqm (warehouse)	Tenancy 12	13 sqm (shop)
Tenancy 2	46 sqm (shop)	Tenancy 13	300 sqm (chemist)
Tenancy 3	110 sqm (restaurant)	Tenancy 14	962 sqm (childcare center)
Tenancy 4	57 sqm (restaurant)	Tenancy 15	67 sqm (physiotherapy)
Tenancy 5	108 sqm (restaurant)	Tenancy 16	215 sqm (medical clinic)
Tenancy 6	73 sqm (restaurant)	Tenancy 17	151 sqm (dental clinic)
Tenancy 7	75 sqm (restaurant)	Tenancy 18	271 sqm (shop)
Tenancy 8	66 sqm (shop)	Tenancy 19	422 sqm (gymnasium)
Tenancy 9	66 sqm (shop)		
Tenancy 10	85 sqm (shop)		



Car Parking in Basement	279
Motorcycle Parking in Basement	7
Car Parking on Ground	42
Total Car Parking Spaces Provided	321

kms

building design

Basement
Site Layout
Plan

Date 10/01/17
Scale 1 : 400
builder to verify all dimensions on site prior to construction

1368
A101

Proposed Community /
Commercial Center

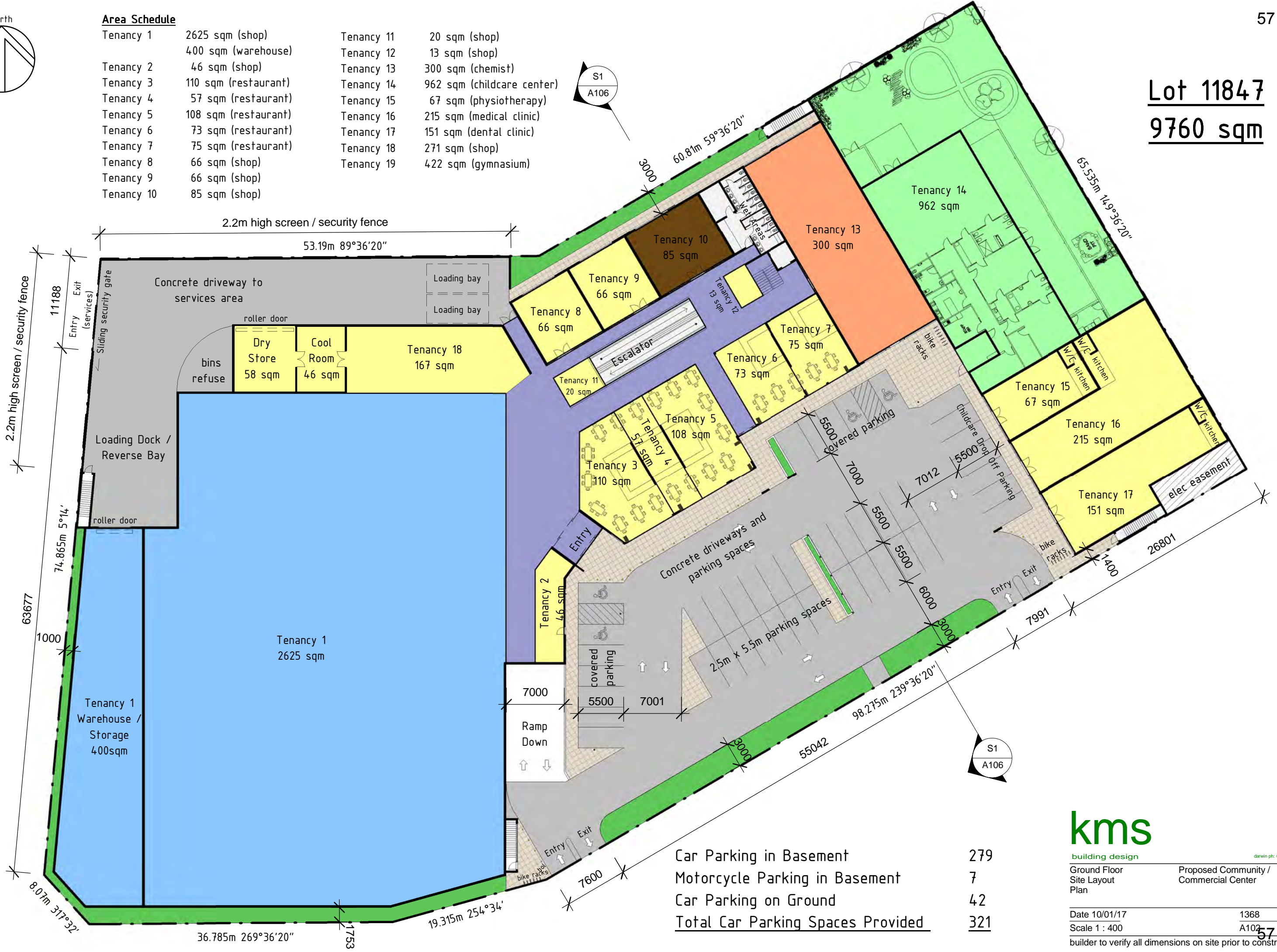
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darwin ph: 0405602427

Area Schedule

Tenancy 1	2625 sqm (shop)	Tenancy 11	20 sqm (shop)
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Lot 11847
9760 sqm



Car Parking in Basement	279
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Total Car Parking Spaces Provided	321

kms

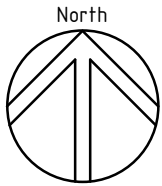
building design

Ground Floor
Site Layout
Plan

Proposed Community /
Commercial Center

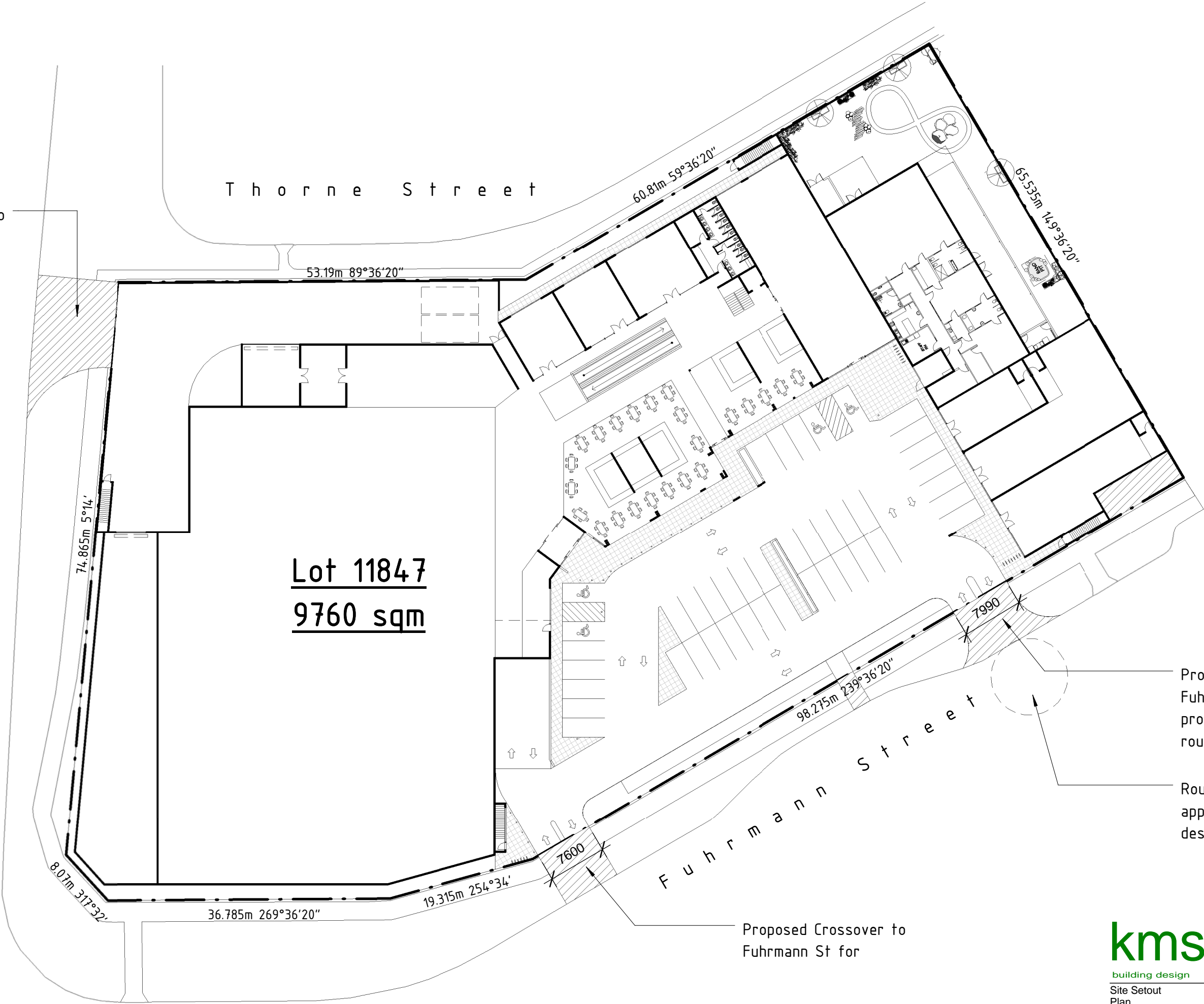
Date 10/01/17
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builder to verify all dimensions on site prior to construction

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A102
57



Proposed Crossover to
Lee Point Road for
services and
loading/off-loading
access.

L e e P o i n t R o a d



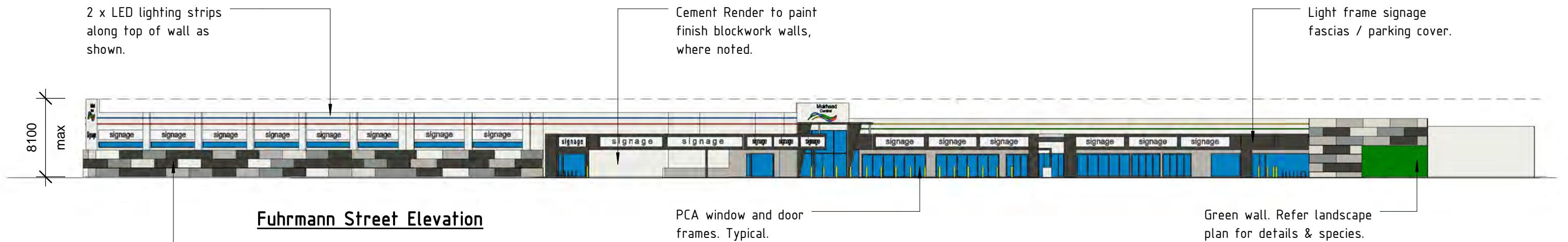
Proposed Crossover to
Fuhrmann St with
proposed new
roundabout location.

Roundabout shown is
approximate and to be
design by civil engineer.

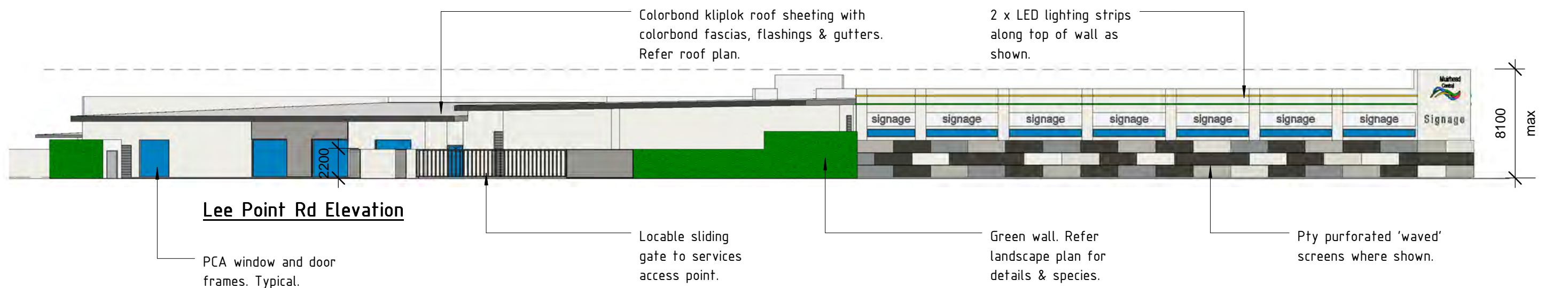
Proposed Crossover to
Fuhrmann St for

kms

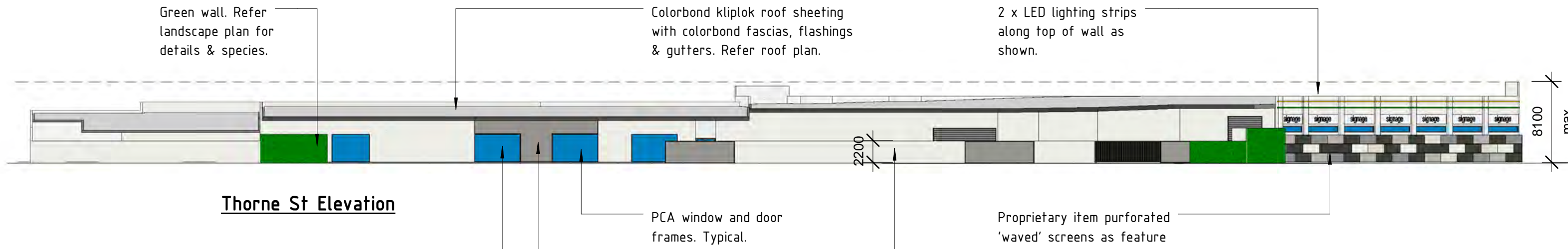
building design
Site Setout Plan
Proposed Community /
Commercial Center



Fuhrmann Street Elevation



Lee Point Rd Elevation



Thorne St Elevation



Fuhrmann St



Fuhrmann St

kms

building design

Perspectives

Proposed Community / Commercial Center

Date 10/01/17

Scale

builder to verify all dimensions on site prior to construction

1368

A107

60



Corner of Lee Point Road & Fuhrmann St



Corner of Lee Point Road & Fuhrmann St

kms

building design

darwin ph: 0405602427

Perspectives

Proposed Community /
Commercial Center

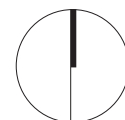
Date 10/01/17

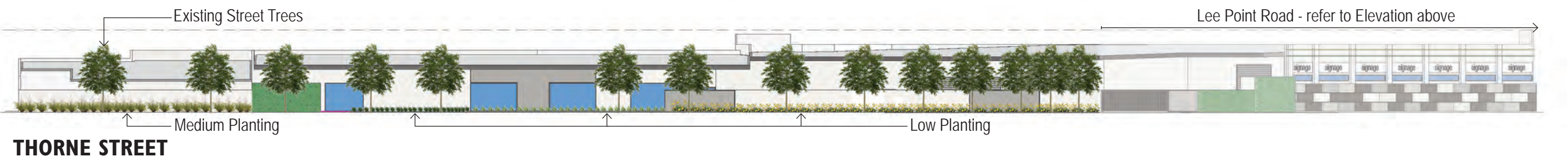
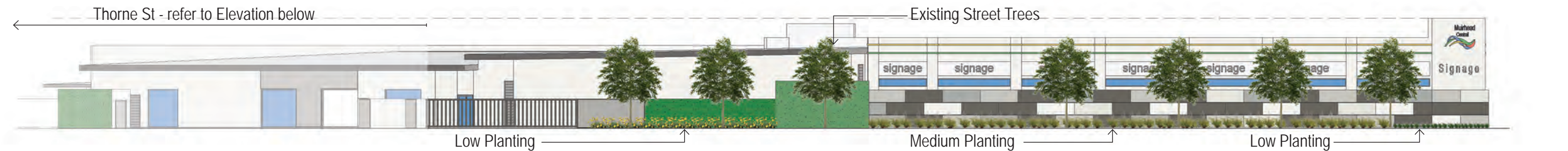
1368

Scale

A108

builder to verify all dimensions on site prior to construction





Crinum angustifolium



Ficus pumila (Green wall)



Grevillea dryandri



Hymenocallis littoralis



Pleomele angustifolia



Liriope 'Evergreen Giant'



Ixora coccinea



Xerochrysum bracteatum



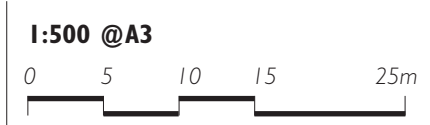
Xanthostemon paradoxus



Corymbia ptychocarpa

TYPICAL SHRUBS AND GROUND COVERS

TYPICAL TREES



Muirhead Central • Darwin NT

LANDSCAPE CONCEPT ELEVATIONS AND SPECIES LIST

D16-0067 Pg. 3

19/12/16 Issue: C

STATEMENT OF EFFECT – LOT 11847 TOWN OF NIGHTCLIFF

1. Introduction

This report accompanies an application for the development of a commercial and community centre at 15 Fuhrmann Street, Muirhead. The centre will be identified as Muirhead Central, and comprises the local commercial and community centre identified in the Muirhead Master Plan (DP13/0812 and subsequent variations). The centre will provide local commercial and community services to the developing suburb of Muirhead, the existing suburb of Lyons, northern parts of Wanguri and Leanyer, and supplement future commercial and community services to future development north of the subject land (identified in the Lee Point Area Plan). This report details the nature of the subject land and locality, the proposed development, considers the proposal against the relevant provisions of the Planning Scheme, and the relevant components of **Section 46** of the Northern Territory Planning Act.

This report (and application) is to be read in conjunction with the following attachments:

- Attachment A:** Site Plans, Floor Plans, Elevations and Perspectives
- Attachment B:** Landscaping Plans
- Attachment C:** Traffic Impact Assessment
- Attachment D:** Title Documents

2. Subject Land

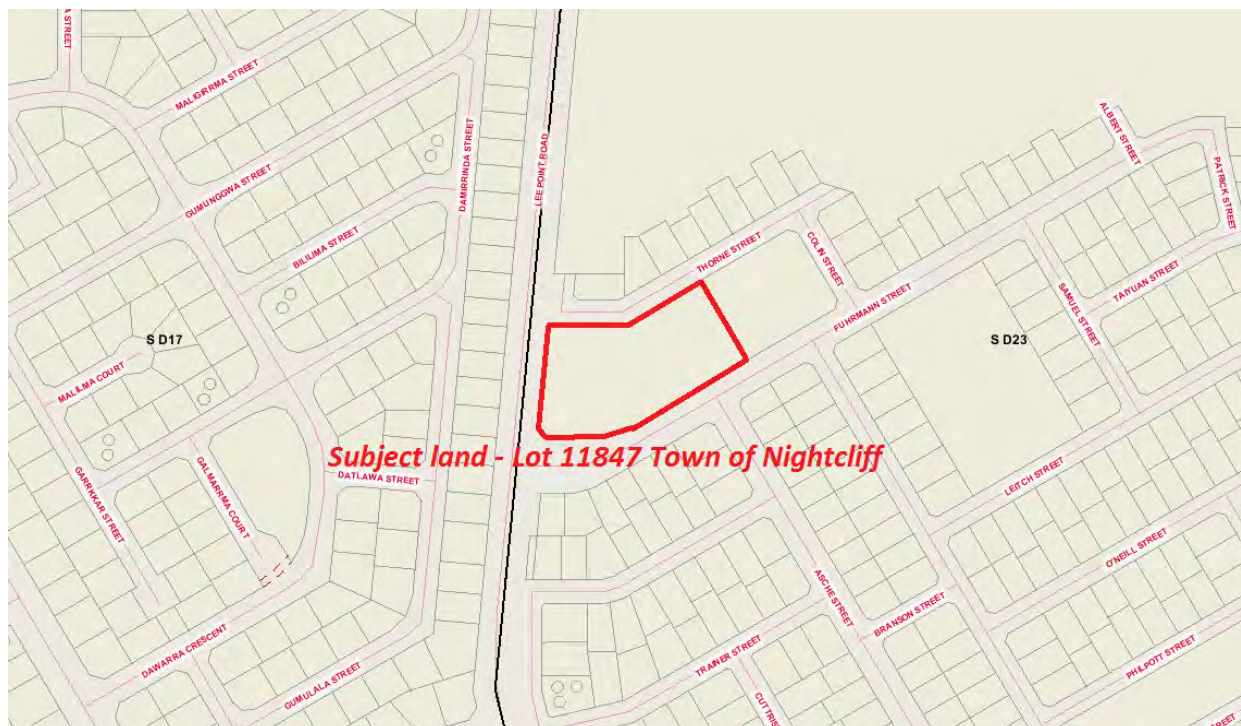


Figure 1: Lot 11847 Town of Nightcliff (15 Fuhrmann Street, Muirhead)

Address: Lot 11847 Town of Nightcliff (15 Fuhrmann Street, Muirhead)

Title Reference and Land Tenure: CUFT 814 413 Estate in fee simple (freehold)

Landowner: Muirhead Central Pty Ltd as trustee for the Muirhead Central Unit Trust

Land Area: 9,760 square metres

Easements: Electricity Easement to the Power and Water Corporation

Zone: SD23

Relevant approvals: DP13/0812 – subdivision to create 451 lots (Muirhead stages 5-7)

The subject land comprises a vacant commercial / community purpose parcel adjacent the eastern side of Lee Point Road. The lot has a frontage to Lee Point Road of approximately 74/9 metres, to Thorne Street (to the north) of approximately 113.9 metres, and Fuhrmann Street (to the south) of approximately 154.3 metres. The site is located in stage 5 of the Breezes Muirhead estate, and is identified in the master plan approved through DP13/0812 (and subsequently varied) as commercial / community purpose site (refer **image 2** below). The site is relatively flat, and is provided with service connections from the surrounding road network.



Image 2: Subject land identified in DP 13/0812 Endorsed Plans

3. Locality

Figure 1 in **section 2** of this report identifies the site and surrounding locality. The site is located within Stage 5 of the Breezes Muirhead estate, a low-medium density residential subdivision comprising (overall) more than 1,000 residential allotments.

Titles for the relevant section of stage 5 have been created, with construction works having commenced on some residential allotments. The area is adjacent the first stage of Muirhead, with a number of dwellings complete and occupied. Built form comprises predominantly single storey single dwellings, with fewer two-storey single dwellings and scattered multiple dwellings on strategically identified sites, generally at townhouse (MD Zone) densities. On the western side of Lee Point Road, the relatively recent suburb of Lyons, also a joint-Defence Housing Australia development, pre-dates Muirhead by a number of years, and is well established.

Fuhrmann Street comprises the northern-most entry into the suburb of Muirhead from Lee Point Road, the others being Barden Street, Coleman Street and Asche Street. Immediately adjacent the eastern boundary of the site is approximately 5,000m² public open space.

4. *Proposed Development*

The application proposes the development of a commercial centre comprising shops, offices, childcare facility, gymnasium and a supermarket, in a single storey building with basement car park. The centre is aligned such that the active components face the Fuhrmann Street frontage, being the higher order road frontage (with the exception of Lee Point Road), with the frontage to Thorne Street reflective of the residential nature of that frontage. The centre comprises:

- Basement area covering the majority of the site, comprising 422m² gymnasium tenancy, service and plant enclosures, centre management office, stairs, lift and escalator to the ground level, 279 car parking spaces and 7 motorcycle parking spaces.
- Ground level shopping centre comprising:
 - 42 at-grade car parking spaces, with access provided to both the ground level and basement car parking spaces via two driveways to Fuhrmann Street;
 - 2,625m² supermarket tenancy with ancillary storage / warehouse, dry store and cool room. A separate service vehicle access, loading dock, loading bays and bin storage is provided direct from and adjacent to Lee Point Road;
 - 16 shop, office and medical clinic tenancies, between 13 and 300m², intended to accommodate specialty retail outlets, restaurants, cafes and food tenancies, a dentist, physiotherapy clinic and general medical practice;
 - 962m² childcare tenancy including indoor and outdoor play areas, with reserved parking spaces adjacent the childcare centre facilitating drop-off and pick-up;
 - Internal shopping mall providing access to the majority of tenancies; and
 - Building design comprising concrete render, varied feature cladding, feature LED lighting, colorbond roofing, sliding access gates to service areas, screening and custom orb cladding.

Plans and elevations are provided in the plans produced by KMS Building Design, **Attachment A**. A detailed landscaping proposal has been prepared by Clouston Associates Landscape Architects, and is provided in **Attachment B**. The landscaping proposal includes shade trees and medium planting in ground level car parking areas and Fuhrmann Street / Lee Point Road frontages, low planting and groundcover along Thorne Street and within the childcare centre. A range of species suitable to Darwin's tropical environment is also included.

A Traffic Impact Assessment has been prepared in consultation with the City of Darwin, to consider the proposed development and the capacity of the surrounding road network. The assessment considers the proposed access arrangements, and details:

- A full-movement, priority-controlled accesses on Fuhrmann Street. This will serve as the primary site access and will provide access to the basement parking level.

- A roundabout access forming a four-way intersection with Fuhrmann Street and Asche Street. This will serve as the secondary site access and will provide access to the ground floor parking. An indented bus bay is located between the site access points on Fuhrmann Street. Final dimensions for the roundabout have yet to be designed, but once civil design has been undertaken, there may be no impact on the bus bay. If there is insufficient space to retain the bus stop in this area, the bus bay could potentially be moved westwards, subject to sufficient space being available. The bay could also be moved eastwards, to the east of the existing indented parking bays.
- A full-movement priority-controlled access on Lee Point Road for service and loading bay access only.

As noted above, the proposal seeks to include a direct vehicle access to Lee Point Road, in addition to the two Fuhrmann Street access points. The Lee Point Road driveway will provide access to service vehicles only, and is not connected to the basement or ground level car parking areas. Entry to the service area is restricted by a sliding security gate, and the service area includes a loading dock, two loading bays and refuse storage area. It is noted that the City of Darwin has previously indicated a desire for no direct lot access to Lee Point Road within the suburb of Muirhead. Notwithstanding, the separation of service and customer vehicle access is seen as imperative to the functionality and safety of the shopping centre, and the amenity of the surrounding locality. Providing service areas and service vehicle access via Fuhrman Street or Thorne Street, to the extent necessary to facilitate the extent of commercial development proposed, will significantly impact on residents, pedestrians, public transport users and other (private) vehicles. Whilst Councils intent is understood, it is considered in this instance that a service vehicle access from Lee Point Road will significantly improve amenity and safety within the locality.

The report notes the sufficient capacity in the surrounding road network to accommodate the proposed development. Preliminary discussions have been held with the City of Darwin regarding the proposed access arrangements and road network changes, however the final design and layout will be subject to further assessment and approval.

5. Section 46(3)(a) - NT Planning Scheme

The relevant provisions within the Northern Territory Planning Scheme (the Scheme) are referred to below.

Nature of Development

The proposal comprises the development of *shops, office, restaurants, medical clinics, leisure and recreation (gymnasium)* and *childcare centre* per the definitions within **Clause 3.0** of the Northern Territory Planning Scheme. The supermarket includes a *warehouse* storage area, although as this space is entirely ancillary to the use of the tenancy as a *shop*, it is not considered as a separate land use. **Clause 5.8** of the Planning Scheme identifies a *warehouse* as *prohibited* in Zone C (and by extension Zone SD23), however by virtue of **Clause 2.9(2)**.

Clause 3.0 defines the proposed uses as:

“child care centre” means premises used for the caring for 17 or more children;

*“leisure and recreation” means the provision indoors or outdoors of recreation, leisure or sporting activities and includes cinemas, theatres, sporting facilities and the like as a commercial enterprise but does not include a **licensed club** or **community centre**;*

*“medical clinic” means a building or place used by one or more medical practitioners, physiotherapists, dentists or persons ordinarily associated with health care, or their employees, but does not include a **hospital**;*

*“office” means a building or part of a building used for the conduct of administration whether public or otherwise, the practice of a profession, or the carrying on of mercantile, banking, insurance, legal, clerical or similar services, but does not include a **home occupation**;*

*“restaurant” means premises (other than a **shop**, or part of a **hotel** or a **motel**) in which meals are served to the public whether or not the premises provides a drive-through service or requires a licence under the Liquor Act;*

*“shop” means premises used for the display and sale by retail or for hire of goods or services but does not include a **restaurant**, **retail agricultural stall**, **service station**, **showroom sales** or **vehicle sales and hire**;*

Zone SD23

The subject land is located within zone SD23 (Specific Use Darwin 23) per the Darwin Zone Plan, with the SD23 Zone policy detailed in **Schedule 1** of the Scheme. **Clause 1** of Zone SD23 provides the objective for development within the zone, and states:

1. *The purpose of this zone is to facilitate the subdivision, use and development of the land as a residential estate that provides for housing choice through a range of lot sizes and housing types.*

The proposed centre is an integral component in the Muirhead Master Plan, and will provide a range of commercial and community facilities to enable it to function as a second or third tier centre and service the surrounding residential areas. The proposed centre is part of the development Muirhead as a *residential estate*, and thus achieves the objective for development in Zone SD23.

Clause 2 provides the development design philosophy for Muirhead, and states:

2. *Any subdivision and future development is expected to be designed to respond to Darwin’s tropical climate and lifestyle attributes. This includes, but is not limited to, adherence to the following design principles:*
 - (a) *lot patterns which are best suited to catching prevailing breezes;*

The proposed development does not alter existing lot patterns nor their ability to take advantage of prevailing breezes.

- (b) *local streets which include a single carriageway with footprints which enable groupings of large street trees in public space and smaller trees in front yards;*

The proposal recognises street tree planting within the public road verge, and the minor road network alterations will facilitate additional public road reserve planting (within the proposed roundabout).

- (c) lots and dwellings sited so as to have sufficient area to provide for the dwellings, vehicle access, parking and ancillary structures;*

The proposal does not affect the existing lot layout or the ability for dwellings to be accommodated on individual lots. The proposal provides sufficient area for vehicle access, car parking and built form.

- (d) the inclusion and adaptation of porches and decks as living spaces which are designed to encourage activation of and overlooking of streets and public spaces;*

The above provision specifically relates to residential development, however it is considered that the proposal enables an appropriate level of activation and passive surveillance of public space, whilst ensuring residential amenity and privacy is respected.

- (e) a mix of heavy and lightweight elements in the front façade of the building;*

Built form incorporates a range of styles, materials and individual elements to ensure an appropriate presentation to the public realm, and incorporates landscaping to further integrate with the public realm and provide shade and amenity.

- (f) breezeway separations between buildings and the inclusion of side yard spaces; and*

The subject land, being the commercial / community purpose site, is not subject to the breezeway covenants within Muirhead. Notwithstanding, the limited height of the building and location of the site adjacent road reserves and public open space will ensure breeze corridors are maintained.

- (g) housing which promotes cross ventilation through building orientation and layout, with extended roofs and overhangs for additional shade and weather protection.*

The above provision relates specifically to residential development.

3. *With consent land within this zone may be developed for the purpose of a subdivision if:*

- (a) the development application to subdivide the land is accompanied by:*

- i. a drawing including the proposed land use; and*
- ii. a setback plan indicating the minimum building setbacks for each lot, consistent with the Development Design Philosophy in paragraph 2;*

and the drawings form part of any development permit for subdivision.

- (b) *the subdivision design incorporates a predominantly grassed strip along the eastern boundary of the zone with a width of 100m or as required by the NT Government's authority for medical entomology. The strip will form a part of a 1km buffer to the biting insect breeding areas of Buffalo Creek;*
- (c) *The subdivision design ensures no residential development is proposed within 700m of the primary settlement ponds of the sewage treatment plant;*
- (d) *the overall subdivision design includes the following open spaces:*
 - i. *one or more east-west parks and open space corridors generally linked to the Lyons central park and open space corridor, incorporating stormwater drainage systems that are appropriate for Darwin's climate;*
 - ii. *subject to the requirements of local government and service authorities, an open space link along Lee Point Road; and*
 - iii. *a vegetated visual screen no less than 20m wide along and abutting the northern boundary of Fitzmaurice Drive;*
- (e) *the overall subdivision design includes provision for a future road corridor not less than 30m wide, generally along the eastern boundary of the zone.*

Clause 3 above relates to subdivision, and thus is not directly relevant to the proposed development. The proposal is consistent with the master plan identifying the proposed land use (refer **figure 2**) and does not compromise compliance with the approved setback plan or the subdivision layout requirements of **Clause 3**.

- 4. *The purpose of this paragraph is to ensure residential subdivisions contain lots of a size, configuration and orientation suitable for residential purposes. The overall subdivision design should:*
 - (a) *ensure the average number of dwelling units per hectare does not exceed 10 across the area of the zone defined as the area of the site:*
 - i. *less the area of the grassland strip required by paragraph 3(b);*
 - ii. *less the area of the odour buffer required by paragraph 3(c); and*
 - iii. *less the area of the future road corridor required by paragraph 3(e).*
 - (b) *not include any lot with an area of less than 450m²;*
 - (c) *include a dominant lot size of between 500m² and 700m²;*
 - (d) *ensure lots are generally square in shape, with a minimum frontage of 18m, unless a lot is of an irregular shape or truncated;*

- (e) provide a street layout which is generally orientated within 30 degrees of north;*
- (f) ensure that no lot, that has greater than 80% of its area within the biting insect buffer, has an area of less than 4000m²;*
- (g) not include more than 20% of all dwellings as multiple dwellings; and*
- (h) ensure that lots for multiple dwellings are distributed in a manner to enable servicing by public transport and be located in close proximity to public open space and / or community facilities.*

Clause 4 relates to residential subdivision and is not directly relevant to the proposal.

5. *Without consent a lot may be developed for the purpose of:*

- (b) display home;*
- (c) group home;*
- (d) home based contracting;*
- (e) home occupation;*
- (f) independant unit;*
- (g) single dwelling;*

if the development:

- i. is consistent with the setback plan endorsed for the lot under paragraph 3 of this zone, and includes a breezeway along one side boundary of a width no less than 4.5 m;*
- ii. has no more than 16 m² of roofed area intruding into the breezeway;*
- iii. provides, in lieu of compliance with the minimum dimensions of private open space in Table to Clause 7.5 Private Open Space, a total area of private open space of no less than 130 m² and 'open to the sky'; and*
- iv. complies with all other requirements of the Planning Scheme as if the land were in Zone SD (Single Dwelling Residential).*

If the development does not comply with the requirements in the paragraph above, it shall be permitted only with consent and the consent authority may consent only if it is satisfied that the special circumstances justify the giving of consent.

Clause 5 relates to *permitted* development in Zone SD23, and is not directly relevant to the proposal.

6. *With consent a lot may be developed for the purpose of:*

- (a) community centre;*
- (b) home based child care centre;*
- (c) home based visitor accommodation;*
- (d) medical consulting rooms;*
- (e) supporting accommodation; and*
- (f) temporary sales office.*

Development for a purpose specified in this paragraph is subject to the relevant clauses of the Planning Scheme that would apply were the land within Zone SD.

Clause 6 relates to residential and associated / ancillary development, and is not directly relevant to the proposal.

7. *With **consent** a lot may be developed for the purpose of **multiple dwellings** subject to all the relevant clauses of the Planning Scheme that would apply were the land within Zone MD. The consent authority may **consent** to the development of a lot for the purpose of **multiple dwellings** only where it has been identified for **multiple dwellings** on the land use drawing endorsed under paragraph 3.*

Clause 7 relates to residential development comprising *multiple dwellings*, and is not directly relevant to the proposal.

8. *With **consent** a lot may be developed for purposes consistent with Zone CP, where the lot has been identified for community purposes on the land use drawing endorsed under paragraph 3, and subject to all the relevant clauses of the Planning Scheme that would apply were the land within Zone CP.*

9. *With consent a lot may be developed for purposes consistent with Zone C, where the lot has been identified for commercial purposes on the land use drawing endorsed under paragraph 3, and subject to all the relevant clauses of the Planning Scheme that would apply were the land within Zone C.*

The Muirhead Master Plan in **figure 2** identifies the use of the subject land for the purpose of Commercial / Community Purpose (per Zones C / CP). Given the nature of the subject land as an integrated centre, Zone C (Commercial) is considered the most appropriate zone by which to consider the proposal. It is also noted that *shops* and *restaurants* are *prohibited* in Zone CP, however the inclusion of convenience shopping, medical and associated services, and a childcare centre is such that the joint commercial / community purpose role is appropriately fulfilled by the proposed centre.

The Table to **Clause 5.8** identifies **Clauses 6.4, 6.5.1, 6.6, 8.1.2, 8.1.5 and 8.2** as relevant in the consideration of an application for *shops, offices, restaurants, medical clinics, leisure and recreation and child care centre* in Zone C.

Clause 6.4 – Plot Ratios

Clause 6.4 relates to plot ratios in Zone C, and requires that the plot ratio of development not exceed 1 (ie the *net floor area* not exceed the area of the site). The proposed development includes a *net floor area* of approximately 6,182m², with a total site area of 9,760m², thus a plot ratio well below 1.

Clause 6.5 – Vehicle Parking

Clause 6.5.1 requires the provision of on-site car parking spaces at various rates relative to individual land uses. Generally, the provision of car parking is reflected by the extent of *net floor area* for each use. In the case of the *medical clinic* uses (dentist, physiotherapist and general practice clinic), tenants have not been confirmed, so an upper limit on the number of consulting rooms has been utilised (2 for the physiotherapist, 3 for the dentist and 4 for the general practice). The childcare centre will accommodate up to 75 children and 10 staff.

Clause 6.5.2 (2) allows the Consent Authority to *approve a use or development with fewer car parking spaces than required by Clause 6.5.1 if it is satisfied that a reduction is appropriate for the use or development, having considered:*

- 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.*

Based on the nature of the proposal, being an integrated neighbourhood centre, the site is likely to experience high levels of cross-utilisation between tenancies (ie multiple tenancy visits within the same centre visit). Examples of this may include having a coffee or lunch while grocery shopping, visiting the pharmacy in the same trip as a medical appointment, and combining grocery and liquor purchases. Shared car parking created by cross-utilisation has been applied at a number of other centres, and the likely impact on maximum car parking demand estimated to be around 10%. Accordingly a 10% reduction in car parking demand has been applied to the proposal pursuant to subclause 2(a) of **Clause 6.5.2**, specifically “...the proposed use or development...”

The concentration of residents within walking distance, and access to public transport services along Fuhrmann Street, provide opportunities for alternative modes of transport, and are likely to further reduce demand for car parking, however no reduction is sought on this basis. **Table 1** below identifies the required and anticipated parking demand.

Table 1: Car Parking

Use	Proposed No. / Area	Required Car parking rate	Required parking spaces	Proposed parking spaces
Shop /Restaurant	3,915m ²	6/100m ²	234.90	321 (+ 7 motorcycle parking spaces)
Office (Centre Management)	50m ²	2.5/100m ²	1.25	
Medical Clinic	9 consulting rooms (maximum)	4 per consulting room	36	
Warehouse (ancillary)	400m ²	1/100m ²	4	
Childcare Centre	75 children, 10 staff	1/employee, 1/20 children	13.75	
Leisure and Recreation	422m ²	10/100m ²	42.2	
Subtotal	332.1			
Discount based on cross-utilisation	10%			
Total	299 (298.89)			

Clause 6.5.3 refers to the design and layout of car parking areas. The proposed car parking layout generally complies with the car parking requirements of **Clause 6.5.3**. Parking spaces located at the end of rows provide the required 1 metre extension to the driveway, or alternatively are located opposite driveway ramps to ensure adequate space for reversing from the parking spaces. Car parking spaces ensure compliance with the required 2.5 metre by 5.5 metre car parking space dimensions.

Driveways adhere to the minimum 6 metre width requirement, with additional width provided to ground level driveways to aid circulation. Appropriate consideration is given to the separation of vehicle and pedestrian space. Accordingly, the proposal complies with the relevant provisions of **Clause 6.5.3**.

Clause 6.6 – Loading Bays

Clause 6.6 requires the provision of space for the loading and unloading of vehicles associated with the use of land. **Clause 6.6** does not require dedicated loading bays for *medical clinic* or *leisure and recreation*. For the development of *shops, offices* and *restaurant*, **Clause 6.6** requires 1 loading bay per 2,000m² net floor area, therefore, with a total *net floor area* of 4,365m² (including the ancillary *warehouse* as part of the *shop* area rather than a standalone use), three loading bays are required. The proposed centre includes two loading bays located adjacent the end of the service area, with an additional large loading area adjacent the supermarket warehouse. In addition to the loading areas, a dedicated bin area is also located in the service area. A waste management plan will be provided to demonstrate collection of waste in response to standard conditions of consent.

Clause 8.1.2 – Offices, Restaurants and Shops in Zones CB and C

The purpose of **Clause 8.1.2** is to permit the change between the nominated uses within Zone CB or Zone C, without consent. **Clause 8.1.2** will be applicable to any future land use change between an *office, restaurant, shop, licensed club or leisure and recreation*.

Clause 8.1.5 – Child Care Centres

1. *The purpose of this clause is to ensure that **child care centres** are appropriately and conveniently located, appropriately designed and do not detract from the **amenity** of the area.*
2. *A child care centre should:*
 - a) *be capable of accommodating:*
 - i. *7m² of outdoor play space for each child and 3.25m² of indoor play space for each child;*
 - ii. *associated vehicle access, parking and manoeuvring; and*
 - iii. *landscaping and any necessary screening;*

The proposed child care centre will accommodate up to 75 children, with 247m² indoor play space and 452.75m² outdoor play space. The outdoor play space is short of the required 525m² at the above rate, however the shortfall is considered to be offset by the location of the childcare centre immediately adjacent a large area of public open space. The centre is accessed from the ground level car park accessed from Fuhrmann Street, with reserved parking available for drop-off and pick-up. The childcare centre includes landscaping and screening.

- b) *be located:*
 - i. *adjacent to or within other community facilities such as shopping centres, schools and health services;*
 - ii. *at or near the entrance to a residential suburb; or*
 - iii. *in or near employment areas; and*
- c) *have vehicular access from a road other than from an arterial road.*

The proposed childcare centre is located immediately adjacent community facilities in the form of an integrated shopping centre, with health services co-located with other commercial and community services.

3. *If a **child care centre** is located adjacent to land in Zones SD, MD, MR or HR:*
 - a) *the development is to be set back and screened in accordance with the requirements of Clause 8.3; and*

- b) the design of the centre is to take account of the noise impact on an adjacent **dwelling** by either locating outdoor play space away from the common boundary or by including appropriate screening.*

The subject land does not abut land in zones SD, MD, MR or HR (nor does it abut land identified for development in accordance with Zones SD or MD per Zone SD23). **Clause 8.3** does not apply where commercial development is separated from residential zones by a road reserve.

Clause 8.2 – Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T

Clause 8.2 relates to commercial and other development in Zone CB (among others).

- 1. The purpose of this clause is to promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment.*
- 2. The design of buildings in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T should:*

- a) preserve vistas along streets to buildings and places of architectural, landscape or cultural significance;*

The proposed building is limited in height, provides the majority of car parking below ground level, includes varied and interesting build form and incorporates landscaping to improve the appearance of the site. Accordingly, the proposed building preserves vistas along streets and to areas of landscape and built form significance.

- b) be sympathetic to the character of buildings in the immediate vicinity;*

The proposal respects the parameters set by the NT Planning Scheme for development in Zone C and provides a built form outcome reflective of its status as a neighbourhood centre within a predominantly residential area.

- c) minimise expanses of blank walls;*

Varied use of cladding and colours, landscaping and variations in building design ensure any expanse of blank wall is minimised.

- d) add variety and interest at street level and allow passive surveillance of public spaces;*

The proposal achieves an appropriate balance between achieving passive surveillance of public areas and respecting residential privacy and amenity, particularly to Thorne Street to the north.

- e) maximise energy efficiency through passive climate control measures;*

The use of verandah extensions and awnings provide sun shading to the building form.

- f) control on-site noise sources and minimise noise intrusion;*

On site noise sources, including the loading and service area, plant equipment and car parking areas are suitably located and/or screened to ensure adverse amenity impacts do not occur.

- g) conceal service ducts, pipes, air conditioners, air conditioning plants etc;*

Services are appropriately concealed.

- h) minimise use of reflective surfaces;*

Reflective surfaces will be minimised.

- i) provide safe and convenient movement of vehicles and pedestrians to and from the site;*

Vehicle access is provided from Fuhrmann Street, with service vehicle access proposed from Lee Point Road. Both vehicle and pedestrian access is provided in a safe, convenient and easily identifiable manner.

- j) provide convenient pedestrian links (incorporating access for the disabled) to other buildings and public spaces;*

Direct pedestrian access, including access for the disabled, is provided to Fuhrmann Street, which links with adjoining footpaths and the public network.

- k) provide protection for pedestrians from sun and rain;*

Verandah overhangs and awnings are provided within the shopfront pedestrian areas and building pedestrian entrances.

- l) provide for loading and unloading of delivery vehicles and for refuse collection;*

A dedicated, separately accessible and fit-for-purpose loading and service area is provided on-site which will cater for all delivery and refuse collection needs.

- m) provide landscaping to reduce the visual impact and provide shade and screening of open expanses of pavement and car parking;*

Landscaping is provided to enhance the appearance and amenity within the site and provide shade to pavement and parking areas.

- n) provide facilities, including public toilets, child minding facilities, parenting rooms and the like where the size of the development warrants such facilities; and*

Public facilities are provided within the shopping centre.

- o) provide bicycle access, storage facilities and shower facilities.*

Bicycle storage is provided near the shopping centre entrance and adjacent the pedestrian entrance from Furhmann Street. End of trip facilities are available within the shopping centre and in the gymnasium at basement level.

- 3. A development application must in addition to the matters described in sub-clause 2, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide (as amended from time to time) produced by the Department of Lands and Planning.*

The *Community Safety Design Guide* seeks to ensure development considers the principles of *Community Protection through Environmental Design* (CPTED). In relation to the guide, the proposed development provides opportunities for passive surveillance through ground level active frontages and glazing areas. The proposal limits opportunities for entrapment and lighting will ensure the avoidance of dark zones. The proposal achieves an appropriate balance between the achievement of CPTED principles and the need to protect residential privacy and amenity on surrounding streets.

5.1 Darwin Regional Land Use Plan

Clause 2.7 of the NT Planning Scheme provides requirements regarding reference to policy documents in development applications. **Clause 2.7** provides:

- 1. 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 a use or development or proposed use or development is consistent with them.*
- 2. Where there is an inconsistency between any applicable policy and this Planning Scheme, the provisions of the Planning Scheme will prevail*

Schedule 2 of the Planning Scheme makes reference to eight policy documents, including the *Darwin Regional Land Use Plan*. The *Darwin Regional Land Use Plan* was prepared by the NT Planning Commission and incorporated into **Schedule 2** of the Planning Scheme in 2015. The plan provides a vision, goals and intended outcomes for development of the Darwin Region, identifies regional opportunities and the intention for development into the medium and long term. The Land Use Structure on Page 13 of the Plan identifies the subject land as *Urban / Peri-Urban* (as part of the Palmerston urban area). Page 16 of the Plan identifying *Urban / Peri-Urban* to include:

- A variety of housing types;
- Retail and commercial;
- Community facilities and services;
- Sport, recreation and urban open space; and
- Natural and conservation areas.

Page 20 of the Plan relates to *Activity Centres*, and provides key objectives for the role and function of activity centres:

- *Identify a regional hierarchy of activity centres to:*
 - *establish an efficient and equitable framework for the distribution of retail, commercial and other community needs and to provide a range of residential opportunities*
 - *encourage vibrant centres providing a mix of activities appropriate to the type of centre and the target population*
 - *maximise local employment opportunities to encourage diversification of the regional economy*
 - *encourage active transport including walking and cycling and enhanced access to public transport*
 - *foster liveable and sustainable communities*
- *Promote regional activity centre viability and vitality via a proactive planned approach to land use policies and infrastructure provision.*

The proposed centre aligns with that of a *secondary centre* per the table on page 21, and provides the expected level of convenience retail and community services to meet the needs of the immediate catchment. The extent of floor space and the range of uses proposed considers the role of the centre in relation to existing centres (for example, Hibiscus), the existing and imminent population within the locality, and future residential and commercial development to the north of the site.

The proposal does not compromise the realisation of objectives per the Regional Land Use Plan.

6. Section 46(3)(b) – Interim Development Control Order

There are no Interim Development Control Orders currently applicable to the subject land.

7. Section 46(3)(c) – Environmental Assessment Act, Waste Management and Pollution Control Act

Formal consideration under the Northern Territory Environmental Assessment Act is not required, and the proposal is not likely to impact on any environment protection objective under the Waste Management and Pollution Control Act.

8. Section 46(3)(d) – Merits of Proposed Development

The proposal will increase the range of community and commercial services available to the surrounding area.

9. Section 46(3)(e) – Subject Land, Suitability of Development and effect on other land

The subject land is suitably zoned, not affected by excessive slope, drainage or other constraints, and suitably located in proximity to existing and future residential development and open space.

The design and layout of the proposal ensures the centre appropriately integrates with surrounding land and is unlikely to have any adverse effect on the locality.

10. Section 46(3)(f) – Public Facilities and Open Space

The site is suitably located in immediate proximity to open space provided as part of the development of the Breezes Muirhead estate. The proposal comprises the provision of community and commercial facilities to increase the level of services and facilities available to existing and future residents.

11. Section 46(3)(g) – Public Utilities and Infrastructure

Power, water, sewer, stormwater and road infrastructure is available to the site in immediate proximity. The extent to which upgrade works are required will be determined during the detailed design stage, however the proposal aligns with the expectations for development on the land, and thus is not expected to significantly exceed the existing or anticipated service capacity.

12. Section 46(3)(h) – Impact on Amenity

Building design, layout, the location of vehicle access and exits and the provision of landscaping will ensure the proposal does not unreasonably impact on amenity.

13. Section 46(3)(j) – Benefit/Detriment to Public Interest

The proposal will increase the range of commercial and community facilities in the form of a neighbourhood centre, and as such will have a significant benefit to public interest, albeit one that's likely to be concentrated to the surrounding locality. There is unlikely to be any detrimental impact on public interest.

14. Section 46(3)(k) – Compliance with the Building Act

No subdivision is proposed, thus **Section 46(3)(k)** is not relevant.

15. Section 46(3)(l) – Development of Scheme Land

The application does not comprise alterations to or the further subdivision of land under a unit titles scheme. Accordingly Section 46(3)(l) is not relevant.

16. Conclusion

The application proposes the development of a neighbourhood centre in accordance with the Muirhead master plan and Zone SD23. The proposal includes a range of services and facilities, is appropriately designed and located to ensure integration with the residential locality, and the provision of services to residents consistent with its role as a commercial and community centre. Suitable consideration has been given to layout in relation to the surrounding road network and development, the provision of a high level of accessibility and connectivity, and the avoidance of adverse amenity impacts on existing and future residents.

The proposal complies with the relevant provisions of the Northern Territory Planning Scheme, with minimal variations proposed, and is consistent with the objectives per the Darwin Regional Land Use Plan. The proposal will be a valuable addition in the evolution of the northern growth suburbs, and will integrate with existing and future development in Lyons, Muirhead and the Lee Point area.



Brad Cunningham

Principal, Northern Planning Consultants Pty Ltd

13 January 2017



Master Plan
Stages 5-7

MUIRHEAD

**ENCL:
YES**

1ST ORDINARY COUNCIL MEETING/OPEN

AGENDA ITEM: 15.2

**NINE STOREY MIXED USE DEVELOPMENT APPLICATION PA2016/0727 - LOT 1471
(68) CAVENAGH STREET, DARWIN**

REPORT No.: 17TS0012 NS:hd

COMMON No.: 3441310

DATE: 14/02/2017

Presenter: Manager Design, Planning & Projects, Drosso Lelekis

Approved: General Manager Infrastructure, Luccio Cercarelli

PURPOSE

The purpose of this report is to refer to Council for comment, Pursuant to Section 48 of the *Planning Act*, a nine storey mixed use development at Lot 1471 (68) Cavenagh Street, Darwin.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

Goal

1. Collaborative, Inclusive and Connected Community

Outcome

- 1.4 Improved relations with all levels of government and significant stakeholders

Key Strategies

- 1.4.2 Play an active role in strategic and statutory planning processes

KEY ISSUES

- It is recommended that Council not object to the proposed development subject to the issues raised being adequately addressed.
- Variations are sought to a number of the minimum requirements of the *Northern Territory Planning Scheme*.
- There are a number of architectural building elements that overhang the road reserve which have not been approved by Council. It is recommended that some of these be removed and that some be approved by Council.

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 - LOT 1471 (68) CAVENAGH STREET, DARWIN

RECOMMENDATIONS

- A. THAT Report Number 17TS0012 NS:hd entitled Nine Storey Mixed Use Development Application PA2016/0727 - Lot 1471 (68) Cavenagh Street, Darwin be received and noted.
- B. THAT Council write to the applicant advising that it does not approve the roof structure to overhang Council road reserve and the planter boxes within Lindsay Street, as proposed in the plans as at **Attachment A** as per Report Number 17TS0012 NS:hd entitled Nine storey mixed use development application PA2016/0727 - Lot 1471 (68) Cavenagh Street, Darwin.
- C. THAT Council support in principle (subject to further details) the architectural building elements above the ground floor that overhang Council's road reserve, which include but are not limited to; a decorative awning, car parking screening, vertical blades and sun shades to the habitable room windows, as shown in plans as at **Attachment A** to Report Number 17TS0012 NS:hd entitled Nine storey mixed use development application PA2016/0727 - Lot 1471 (68) Cavenagh Street, Darwin.
- D. THAT Council endorse the submission, dated 27 January 2017, not objecting to the proposed development subject to the issues raised being adequately addressed, to the Development Assessment Services within **Attachment B** to Report Number 17TS0012 NS:hd entitled Nine storey mixed use development application PA2016/0727 - Lot 1471 (68) Cavenagh Street, Darwin
- E. THAT Council, pursuant to *Section 32 (2) of the Local Government Act 2008* (as amended), hereby delegates to the Chief Executive Officer, the power to finalise the design and all other matters related to the encroachment of the architectural building elements that overhang Council's road reserve in accordance with Report Number 17TS0012 NS:hd entitled Nine Storey Mixed Use Development Application PA2016/0727 - Lot 1471 (68) Cavenagh Street, Darwin.

BACKGROUND

City of Darwin received development application PA2016/0727 on 13 December 2016 concerning Lot 1471 (68) Cavenagh Street, Darwin for 18 x 2 and 6 x 3 bedroom multiple dwellings, plus ground level commercial tenancies in a nine storey building, including two levels of above ground car parking, as per the plans as at **Attachment A**.

Site and Surrounds

The subject site, known as Lot 1471 (68) Cavenagh Street, Darwin is a corner allotment of 716m², with a frontage to both Cavenagh and Lindsay Streets. The boundary is truncated where Cavenagh and Lindsay Streets intersect.

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 - LOT 1471 (68) CAVENAGH STREET, DARWIN

The site is located within Zone CB (Central Business) and is occupied by a two storey building used as an office.

Currently the site has single vehicular access from both streets, there is one on-street car park within Cavenagh Street whilst the length of the boundary adjacent Lindsay Street restricts car parking via the use of a yellow line. Infrastructure such as street signs, stormwater pits and street lights are located within the road reserve and there is one street tree located in Cavenagh Street.

The adjoining properties to the north-west and north-east of the site are two storey buildings used as offices. Travelodge Mirambeena Resort is located to the south-east on the opposite side of Lindsay Street and the St Mary's Catholic Primary School is on the opposite side of Cavenagh Street, also limited to a height of two storeys.



Image source: City of Darwin aerial mapping

Development in the immediate area of Cavenagh Street is generally lower in scale, however, there are two examples of development that are four storeys or greater in height, being 55 Cavenagh Street (used for accommodation) which is four storeys and 62 Cavenagh Street (used as offices) which is seven storeys.

DISCUSSION

Current Proposal

The current application is for the use and development of a nine storey building to a height of 29.9 metres, which is to be occupied by:

- Two commercial tenancies at the ground floor with vehicular access proposed from Lindsay Street;

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 - LOT 1471 (68) CAVENAGH STREET, DARWIN

- Two storeys of above ground car parking; and
- 155m² of communal open space along with 3 x 2 bedroom and 1 x 3 bedroom multiple dwellings on the podium level, the dwelling design is repeated on each level above the podium with a void over the communal open space proposed.

The development includes a number of architectural building elements that are to overhang/be located within City of Darwin road reserve including:

- A curved awning design that will wrap around Cavenagh Street and part of Lindsay Street at a height of approximately 3.2 metres above ground level. A second decorative awning is proposed above the level two car park at a height of approximately 10 metres above ground, to wrap around both Cavenagh and Lindsay Streets. The decorative awning appears to be half the width of the ground level awning;
- Two planter boxes within Lindsay Street against the property boundary, with a stated purpose of activating the proposed building façade; and
- Architectural building elements on all levels above the ground floor which include car parking screening, vertical blades and sun shades to the habitable room windows.

An assessment of such architectural building elements is discussed below for Council's consideration.

Detailed plans, as well as the statement of effect, are available as at **Attachment A**.

Application Assessment

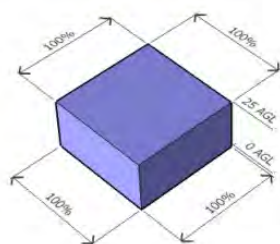
Details of the variations sought to Clauses of the *Northern Territory Planning Scheme* (the Scheme) are summarised below:

Clause 6.3 Buildings in Central Darwin

Clause 6.3.2 of the Scheme provides the following volumetric control requirements:

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Tier 1 (Podium)



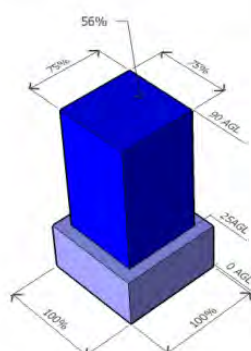
Height: Maximum 25m Above Ground Level (AGL), exclusive of any plant or equipment, aerials or lightning rods.

Floor Area: Up to 100% of the **site** area.

Setbacks: Verandahs, balconies or windows to rooms designed for accommodation are to be set back a minimum of 6m from adjoining **site** boundaries other than to a street or public open space.

Note: For the purpose of this clause accommodation means rooms designed for being slept in, for domestic living and dining purposes and food preparation areas but does not include bathrooms, toilets, reception and foyer areas and conference rooms.

Tier 2 (Tower)



Height: Maximum 90m AGL in the Core Area only, inclusive of any plant equipment, aerials or lightning rods.

Subject to clause 6.3.1, maximum 55m AGL in the Perimeter Area only, inclusive of any plant or equipment, aerials or lightning rods.

Floor Area: Up to 56% of the **site** area and up to a maximum of 1200m² in any single tower.

Setbacks: Minimum 6m from the site boundary.

Minimum 12m between towers on the same site.

Dimensions: The maximum length of each side of Tier 2 is to be no more than 75% of the length of the adjacent boundary.

This proposal (refer to the plans as at **Attachment A**) seeks a variation to:

Requirement:	Variation proposed:	Consideration:
Setbacks (Tier 1)	Units 1 and 4 on each level have bedroom windows within 6 metres that have an outlook to the adjoining site boundaries.	Privacy screens have been included to compensate any expected overlooking issues for any future residential development of the adjoining site boundaries. It is considered that the screens negate any privacy or amenity issues that may otherwise be caused.
Floor Area, Setbacks and Dimensions (Tier 2)	The floor plate from the podium level extends into what is considered Tier 2 in the Volumetrics (over 25 metre height), which is to occupy 561m ² (78.4%) of the site area. For the development to be compliant with the floor area requirement of Tier 2, the floor plate would be limited to 401m ² , being 56% of the site	The floor plate only exceeds the minimum requirements for the upper most habitable level and the roof. Given the modest size of the overall development, it is considered that a continued built form from ground up (with a 4.9 metre height variation to Tier 2 requirements) would be a better outcome, as opposed to requiring the development to be 'stepped back' only for the upper most habitable level and the roof. If development were designed to comply with the Floor Area and

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	<p>area.</p> <p>The floor plate proposes a 0 metre setback from the Cavenagh and Lindsay Street frontages for 100% of the boundaries; a 0 metre setback for a length of 15 metres to the north-eastern boundary (being 53.5% of the length of the boundary) and a 0 metre setback for a length of 15.9 metres to the north-western boundary (being 61.4% of the length of the boundary).</p> <p>Note: There are no habitable room windows within the 0 metre setback which front the adjoining north-eastern or north-western site boundaries.</p>	<p>Setback requirements the development would result in the typical 'wedding cake' design that is appearing in the Darwin City Centre.</p> <p>It is considered that the proposed design better addresses the Cavenagh and Lindsay Streets by providing passive surveillance with habitable room windows and private open space.</p>
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Clause 6.3.3 of the Scheme requires the design of buildings in Central Darwin to "provide 75% of the length of the site boundary at ground level as active street frontage."

Visually it would appear (refer to **Attachment A**) that Cavenagh Street would exceed the minimum requirements for active street frontage, through the use of windows to the proposed tenancies.

Lindsay Street however appears to have sought a significant variation to the minimum requirements. The applicant has attempted to increase the percentage of active street frontage by including planter boxes within the road reserve, refer below for the discussion of this treatment in this location.

The applicant has stated that the overall active street frontage for both Cavenagh and Lindsay Streets combined is 66.2% (an 8.8% variation to the minimum requirements); the applicant has not differentiated the percentage of compliance for each street frontage.

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Clause 6.6 Loading Bays

Clause 6.6 requires loading bays to be at least 7.5m x 3.5m and have a clearance of 4 metres. The proposed loading facilities are 5.5m x 3.5m. There is a concern that larger vehicles using the loading facility, given that it directly adjoins the Lindsay Street vehicular entrance, may cause vehicle queuing issues within Lindsay Street and/or within the footpath.

A Traffic Impact Assessment (TIA) has not been provided; a condition precedent requires a TIA to be provided to Council satisfaction which will specifically require the applicant to address such potential issues.

Clause 7.8 Building Design for Multiple Dwellings, Hostels and Supporting Accommodation

The purpose of Clause 7.8 is to “promote site-responsive design” for multiple dwellings “which are pleasant for the occupants.”

Units 1 and 4 (on the same level as the communal open space) have bedrooms which directly face the communal area. The privacy and use of these bedrooms for future resident’s enjoyment is questioned. For future amenity purposes it is considered that privacy measures be implemented to allow the use of such windows to capture breezes whilst retaining a degree of privacy.

Clause 8.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T

Clause 8.2 of the Scheme requires:

- That landscaping should be provided “to reduce the visual impact and provide shade and screening.” It is requested that detailed landscaping plans and a schedule be required to ensure that vegetation at maturity will soften the built environment and provide shade and amenity;
- “Safe and convenient movement of vehicles and pedestrians to and from the site”. A Traffic Impact Assessment (TIA) has not been provided; a condition precedent requires a TIA to be provided to Council satisfaction.

Further to the need for a TIA, the safety of the lobby entrance for future residents/visitors to the building is questioned due to it being stepped back from the continued Cavenagh Street facade. The *Community Safety Design Guide* (being a referenced document of the Scheme) provides the following guideline; “ensure that building entrances are clearly visible and do not provide opportunities for concealment.” Given the design of the entrance, compliance with this guideline is questioned; and

- “The inclusion of amenities such as bicycle storage, end of trip facilities and public toilets.” Given the size and locality of the development, it is considered that

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such public facilities be provided during operational hours. Particular consideration should be given to the different needs of staff and customers.

Key Council Issues

Architectural building elements over Council road reserve

The development has included a number of architectural building elements that are to overhang/be located within City of Darwin road reserve which include:

- A curved awning design wraps around Cavenagh Street and part of Lindsay Street at a height of approximately 3.2 metres above ground level. A second decorative awning is proposed above the level two car park at a height of approximately 10 metres above ground which wraps around both Cavenagh and Lindsay Streets. The decorative awning appears to be half the width of the ground level awning;
- Two planter boxes within Lindsay Street against the property boundary, with a purpose to activate the proposed building façade; and
- Architectural building elements on all levels above the ground floor which include car parking screening, vertical blades and sun shades to the habitable room windows.

Whilst it is considered that some of the architectural building elements proposed overhanging the road reserve have merit and would be visually pleasing, as well as providing a vertical element of tropical character, it is questionable what value or benefit the extended roof contributes to the public realm and community at large.

Furthermore, it is considered that the other architectural building elements are not structural (besides the roof) and therefore could be potentially removed if required by Council in the future, whereas rooves are structural elements of the building and would be difficult to remove.

In addition to the roof, the proposed planter boxes within the road reserve abut the Lindsay Street facade. Whilst there is no objection in principle to the landscaping within the road reserve, it must comply with Australian Standards relating to 'design for access and mobility'. The planter boxes do not comply with Australian Standards, as the zero metre setback to the facade protrudes into the continuous accessible path of travel.

For this reason and as per **Attachment B**, the applicant is required to:

- Remove the roof structure that overhangs the Council road reserve and the planter boxes within Lindsay Street from the plans.
- Provide further detail of all other works that are to overhang Council's road reserve so that City of Darwin has a full understanding of the proposed works. The applicant needs to demonstrate how they will maintain the vertical

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landscaping and how it will manage dying/dead vegetation given that they are high maintenance features.

It is therefore recommended that, subject to final design specifications and agreements with the applicant, being to the satisfaction of the Chief Executive Officer, that Council support in principle all other architectural building elements that overhang the road reserve.

Awning

The proposed design has not included full length and width awnings to both Cavenagh and Lindsay Streets.

Clause 8.2 of the Scheme states that the design of buildings should “provide protection for pedestrians from sun and rain.”

It is requested that awnings be provided to satisfy the above requirements.

Services

Waste areas for residential purposes must be kept separate to the waste areas for the serviced apartments and the commercial uses. It is requested that if the application is approved, a Waste Management Plan be provided, demonstrating separate waste collection areas.

Traffic

A Traffic Impact Assessment (TIA) has not been provided. A requested condition precedent requires a TIA to be provided to Council satisfaction.

Summary

In summary, it is recommended that Council not object to the proposed development subject to the identified issues being adequately addressed.

Additionally it is recommended that the applicant remove the roof structure to overhang Council road reserve and the planter boxes within Lindsay Street from the plans and all other architectural building elements that are proposed to overhang Council's road reserve be supported subject to receiving further details to City of Darwin satisfaction.

Accordingly, it is recommended that Council endorse the submission as at **Attachment B**.

CONSULTATION PROCESS

In preparing this report, the following City of Darwin officers were consulted:

- Town Planner

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- Strategic Town Planner
- Team Leader Development

POLICY IMPLICATIONS

In assessing the subject development, all works over the Council road reserve have been considered in respect to *City of Darwin Policy No. 037 – Awnings, Balconies and Verandahs on Council Property*.

BUDGET AND RESOURCE IMPLICATIONS

Not assessed.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

The applicant will be required to provide City of Darwin with public liability insurance nominating Council as a beneficiary for such architectural building elements that overhang the road reserve to ensure that liability of such architectural building elements is onerous to the applicant/owner.

ENVIRONMENTAL IMPLICATIONS

Conditions requesting a waste management plan, stormwater drainage plan and environmental and construction management plan have been included in the comments to the Consent Authority.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

DROSSO LELEKIS
MANAGER DESIGN, PLANNING & PROJECTS

LUCCIO CERCARELLI
GENERAL MANAGER
INFRASTRUCTURE

For enquiries, please contact Cindy Robson on 8930 0528 or email:
c.robson@darwin.nt.gov.au.

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SUBJECT: NINE STOREY MIXED USE DEVELOPMENT APPLICATION PA2016/0727
- LOT 1471 (68) CAVENAGH STREET, DARWIN

Attachments:

- Attachment A:** Development Application, Lot 1471 (68) Cavenagh Street, Darwin - 18 x 2 and 6 x 3 bedroom multiple dwellings, plus ground level commercial tenancies in a nine storey building including two levels of above ground car parking - PA2016/0727
- Attachment B:** City of Darwin, Letter of Response to Development Assessment Services, dated 27 January 2017



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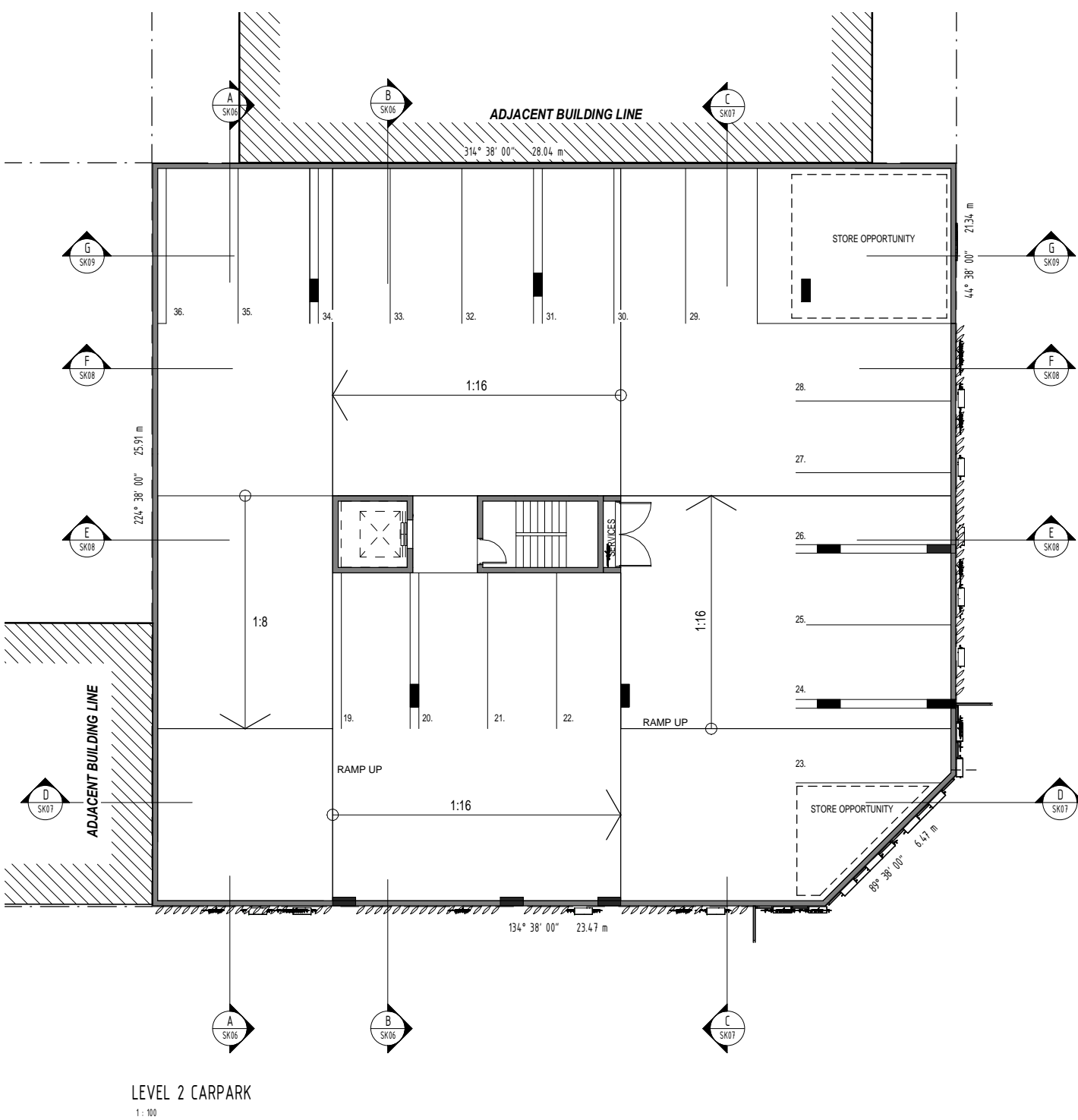
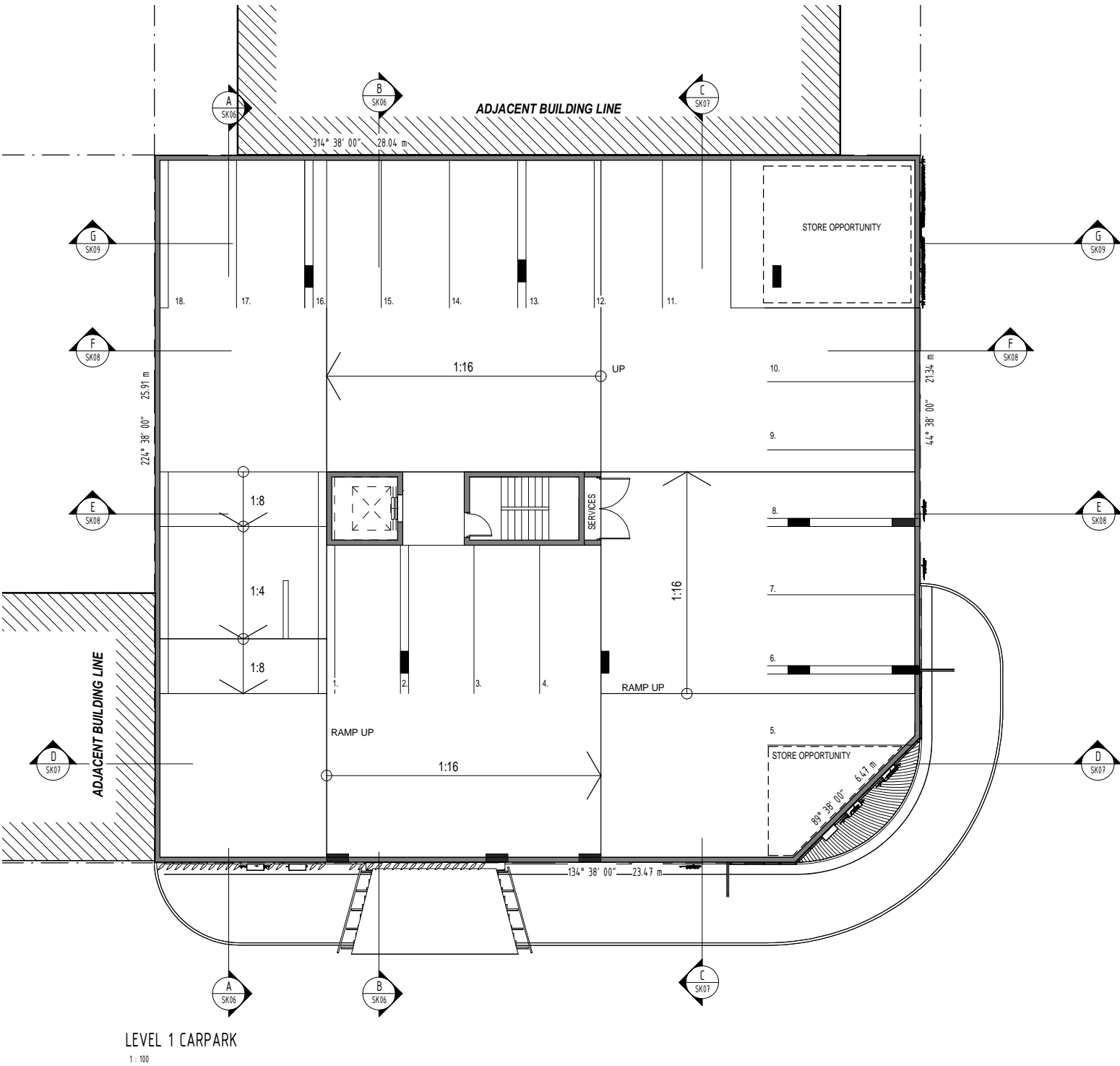
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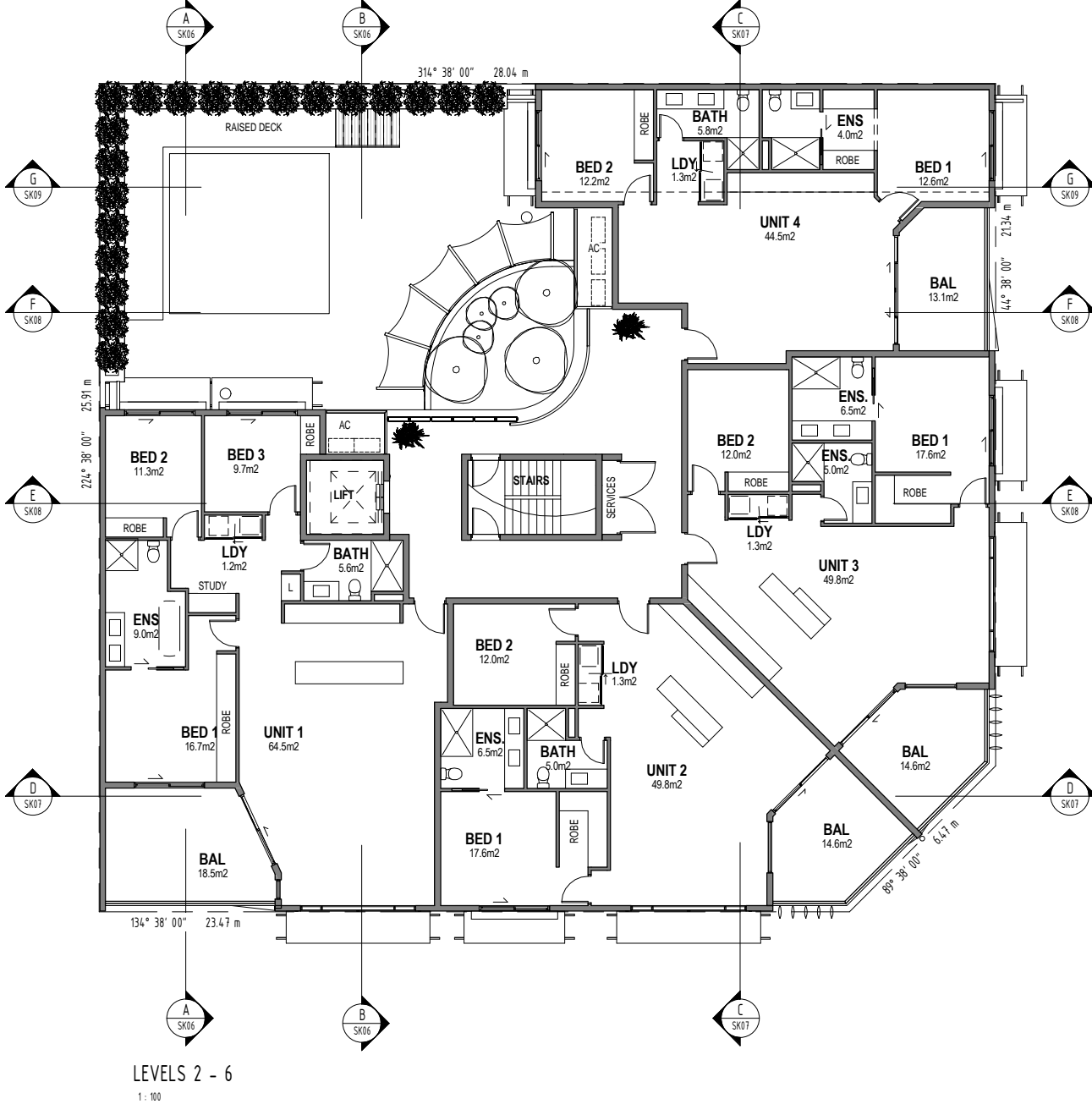
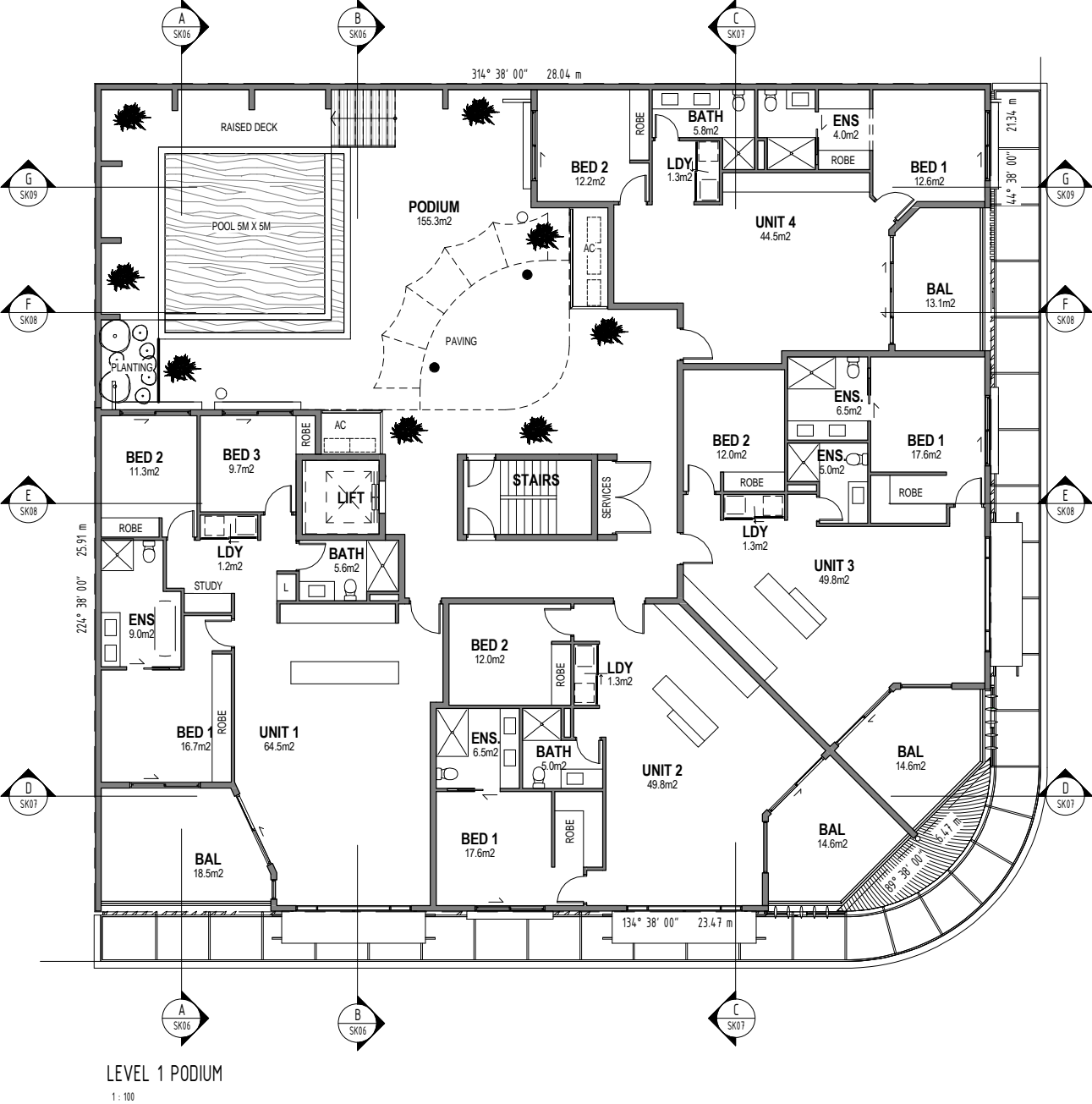
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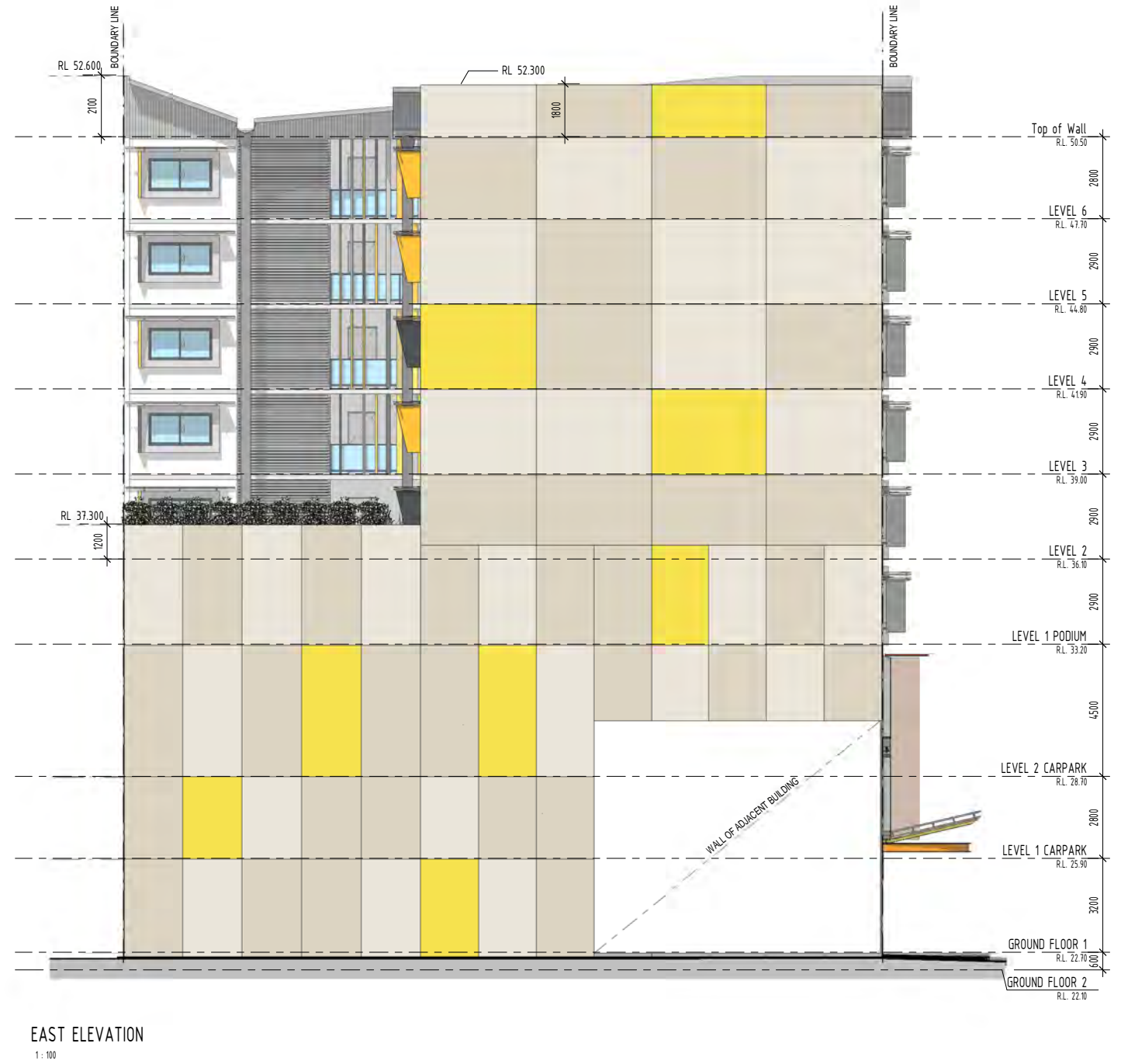
NOVEMBER 2016

GROUND FLOOR SITE PLAN As indicated @ A1

HULLY LIVERIS
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PHONE 089 413 399
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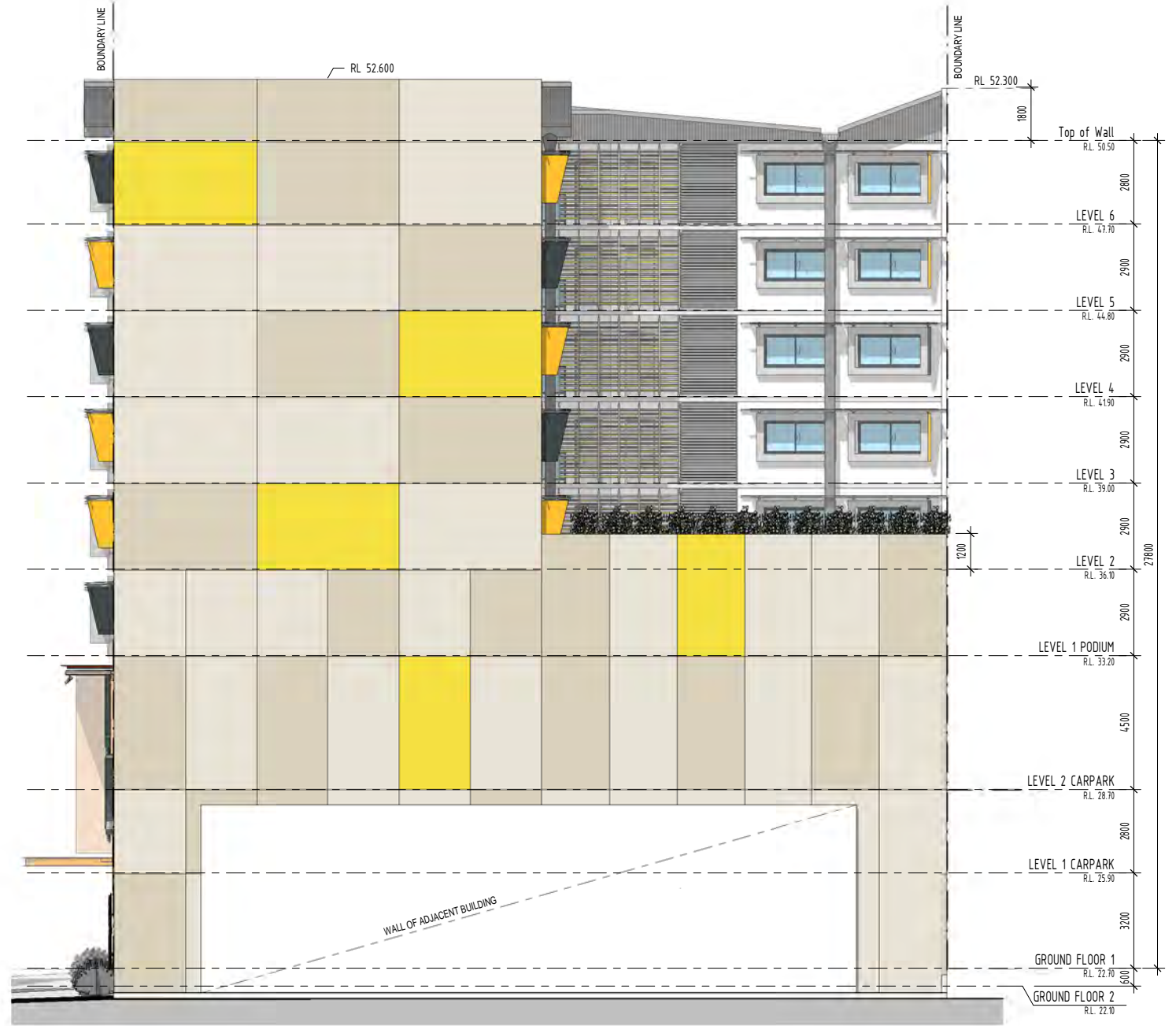




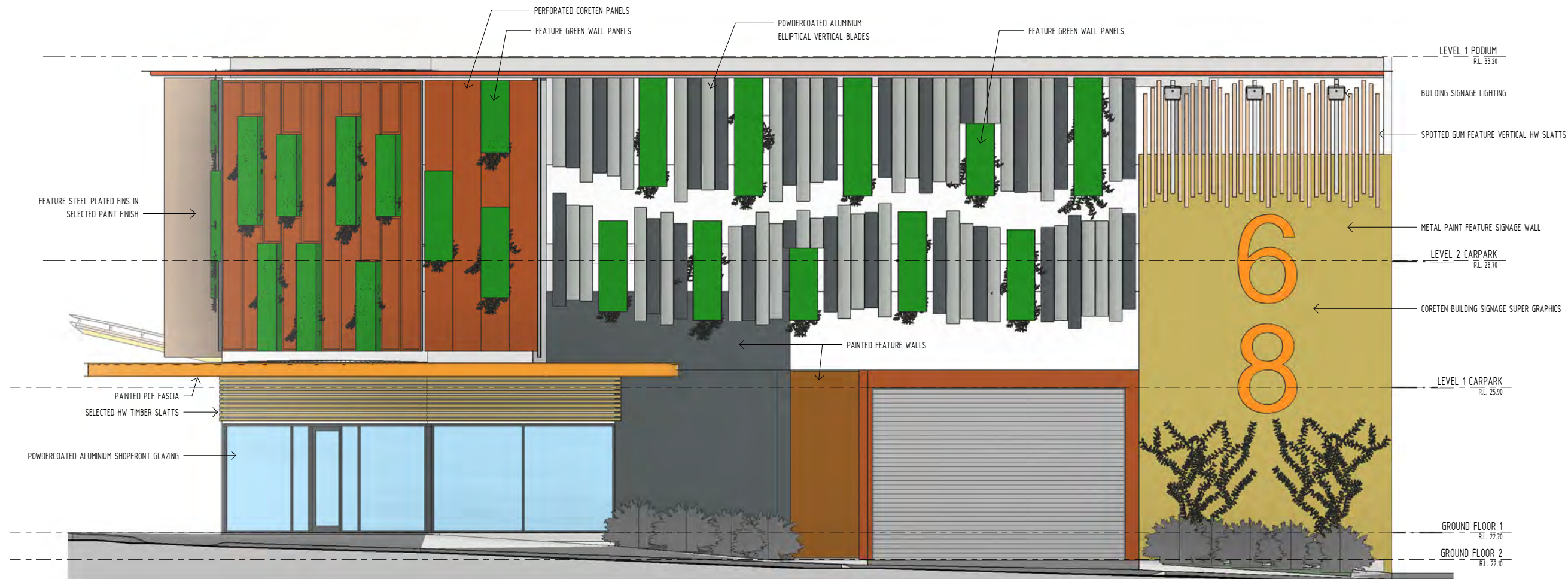




FROM LINDSEY STREET
1 : 100



WEST ELEVATION
1 : 100



LINDSEY STREET CARPARK SCREEN
1: 50



CAVENAGH STREET CARPARK SCREEN
1: 50
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68 CAVENAGH ST DEVELOPMENT

SK11 - A

Lot 1471, cnr LINDSAY ST & CAVENAGH ST, DARWIN

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CARPARK SCREENING

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A DA SUBMISSION 22.11.16
ISSUE AMENDMENT DATE

68 CAVENAGH ST DEVELOPMENT

SK13 - A

Lot 1471, cnr LINDSAY ST & CAVENAGH ST, DARWIN

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3D PERSPECTIVE 2

@ A1

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68 CAVENAGH ST DEVELOPMENT

SK14 - A

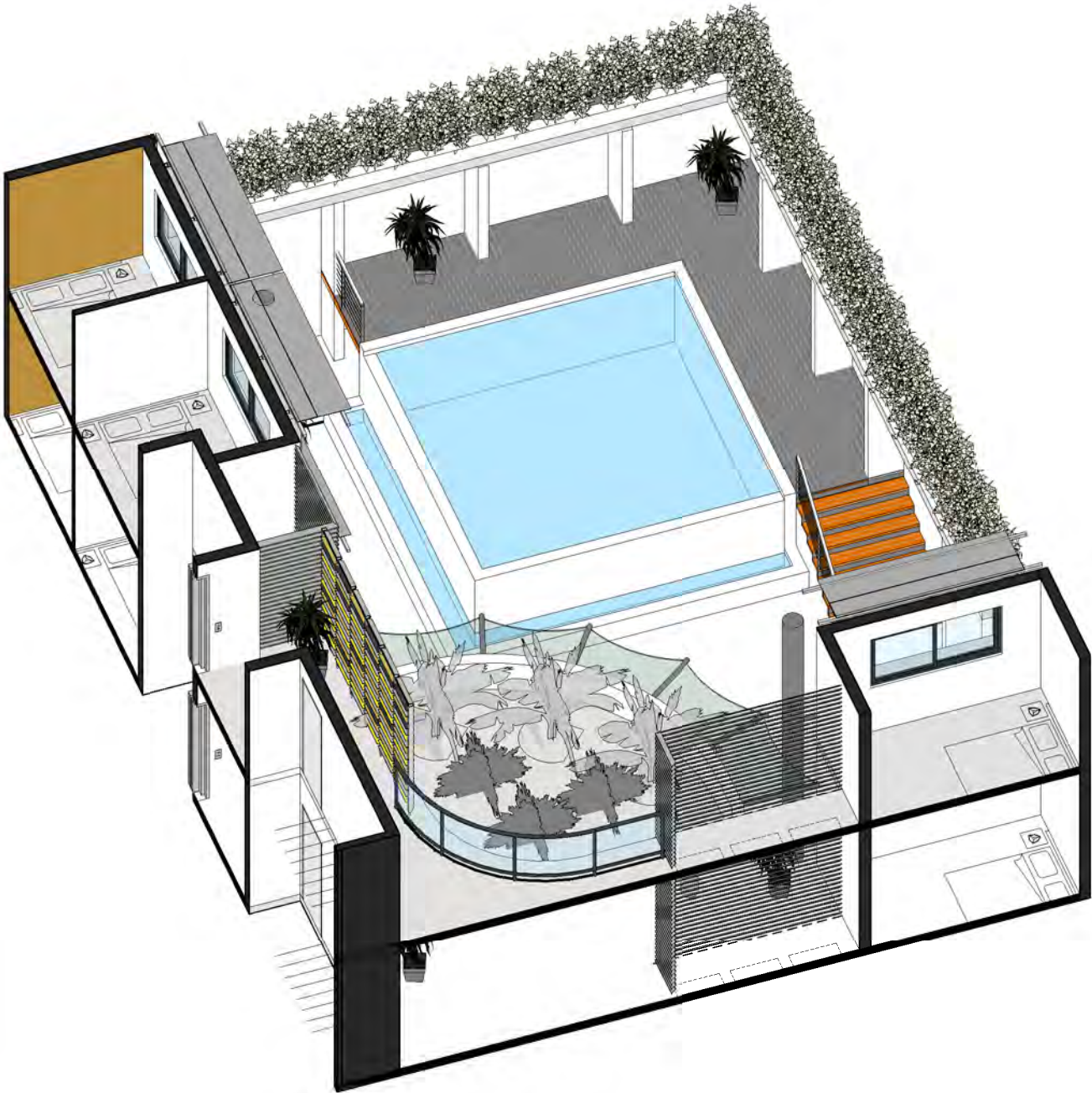
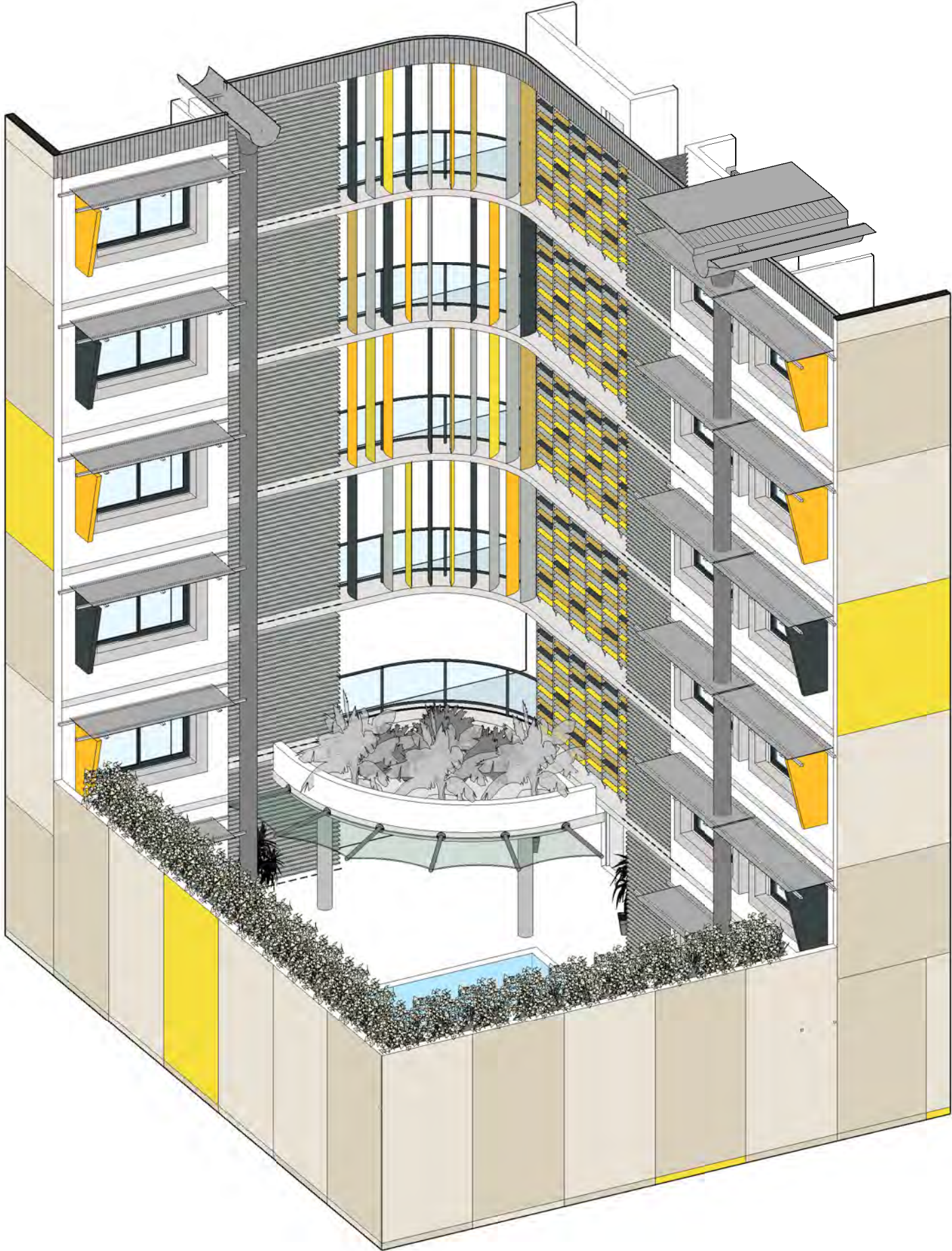
Lot 1471, cnr LINDSAY ST & CAVENAGH ST, DARWIN

NOVEMBER 2016

3D PERSPECTIVE 2

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STATEMENT OF EFFECT – 68 CAVENAGH STREET, DARWIN CITY

1. Introduction

This application proposes a 9 storey residential building with ground level retail tenancies and two levels of above ground car parking. The proposal consists of 24 multiple dwellings comprising 18 2-bedroom and 6 3-bedroom dwellings, each with private balcony area. In addition, communal open space including a swimming pool and outdoor deck area is provided at the level 1 podium level (building level 3).

The subject land is located at Lot 1471 Town of Darwin (68 Cavenagh Street, Darwin City), and is situated within the CB (Central Business) Zone Darwin. The proposal consists of *multiple dwellings* and *shops*, the development of which within Zone CB is identified as *discretionary* per **Clause 5.7** of the Northern Territory Planning Scheme, thus an application for development permit to the Darwin Division of the Development Consent Authority is required pursuant to **Section 44** of the Northern Territory Planning Act.

This report (and application) is to be read in conjunction with the following attachments:

Attachment A: Plans and Elevations

Attachment B: 3D Rendering

Attachment C: Title Documents

2. Subject Land

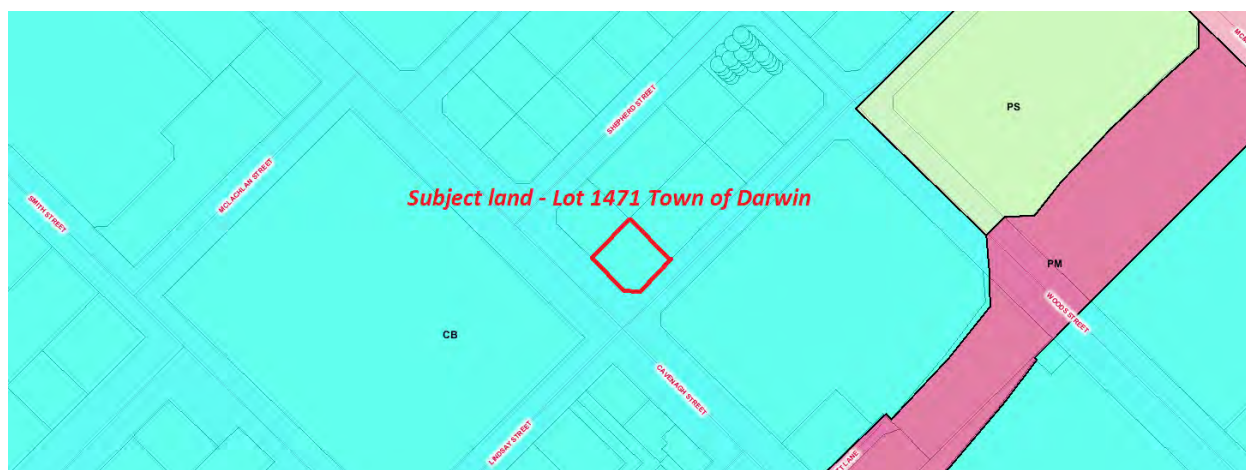


Figure 1: Lot 01471 Town of Darwin (68 Cavenagh Street, Darwin City)

Address:	Lot 01471 Town of Darwin (68 Cavenagh Street, Darwin City)
Title Reference and Land Tenure:	CUFT 813 936 – Estate in Fee Simple (freehold)
Landowner:	Cavenagh 68 Pty Ltd as trustee for Cavenagh 68 unit Trust
Land Area:	716 square metres
Easements:	None identified
Zone:	CB (Central Business)

The subject land is located on the northern corner of Cavenagh and Lindsay Streets, and has a total land area of 716m². The site is occupied by a two-storey office building with building setbacks to all boundaries, vehicle crossover to Cavenagh Street and vehicle access to a small car park from Lindsay Street. The site comprises established vegetation, particularly concentrated at the Cavenagh and Lindsay Street corner between the building and the property boundaries. The site appears to fall gradually away from Cavenagh Street to the north-east. Shade sails have been constructed towards the north-west boundary, with an undercover carport towards the north-east boundary. The site is bordered with two-storey boundary walls on both the north-east and north-west boundaries, with the north-east boundary wall appearing to extend almost the full length of the subject land, whilst the north-west boundary wall extends approximately halfway along the subject land. The subject land is shown in **images 1-3** below.



Image 1: Subject land from the opposite side of Cavenagh Street



Image 2: North-west boundary between subject land and adjoining site



Image 3: North-east boundary between subject land and adjoining site

3. Locality

Figure 1 in section 2 of this report demonstrates the zoning layout in immediate proximity of the site. The subject land is centrally located within the Darwin CBD, with a range of office, residential, tourist accommodation, education and open space facilities within immediate proximity. Development on the north-western side of Lindsay Street and the north-eastern side of Cavenagh Street primarily comprises office and other commercial uses between 2 and 4 storeys. Higher residential development occurs along Woods Street, McLachlan Street and further to the north-west and south-east along Cavenagh Street. Accommodation facilities include the Quality Advance Apartments diagonally opposite Cavenagh Street from the subject land, and the Travelodge Mirambeena Resort on the opposite side of Lindsay Street. Frogshollow Park public open space is located a short distance to the north-east. A number of retail, hospitality and service facilities are located on Cavenagh Street, both to the north-west and south-east.

4. Proposed Development

Full plans and details prepared by Hully Liveris Design Co Pty Ltd are contained within **Attachment A**. The proposed development comprises a 9-storey residential building with ground level retail tenancies and two levels of above ground car parking. The proposal consists of 24 multiple dwellings comprising 18 2-bedroom and 6 3-bedroom dwellings, each with private balcony area. Communal open space including a swimming pool and outdoor deck area is provided at the level 1 podium level (building level 3). Specifics include:

- Ground level residential entry and lobby area, lift and fire stair access, infrastructure and refuse storage, loading/unloading areas, building services and storage areas, two shop tenancies of 77 and 119.5m², vehicle access and 9 car parking spaces;
- Two above ground car parking levels collectively comprising 36 car parking spaces, meaning a total of 45 car parking spaces within the proposed development. Car parking areas also include storage areas, fire-stairs and lift access;
- Level 3 (podium level) comprising four apartments (1 x 3-bedroom and 3 x 2-bedroom) with podium level communal open space (155.3m²), including swimming pool, raised deck and paving area and landscaping; and
- 4 multiple dwellings on each levels 2-6, comprising 1 x 3-bedroom dwelling and 3 x 2-bedroom dwellings on each level. Each dwelling includes two bathrooms, open plan living, dining and kitchen area, and private balcony. An internal landing area overlooks the podium level communal open space.

Building design includes shopfront glazing to Cavenagh Street and the first portion of the Lindsay Street frontage, feature vane screening to the car park levels, feature building identification walls, wrap-around awnings at ground level and level 3 and feature colour panelling to the north-east and north-west elevations. The Lindsay Street frontage includes a proposal to incorporate street-level planting within the footpath to contribute to the appearance of the streetscape. The proposed landscaping is located within the road reserve, and as such will be subject to separate approval from the City of Darwin.

The ceiling height of level 8 is equivalent to 27.8 metres above the ground floor level. Roof features extend a further 2.1 metres above the ceiling height of level 8, meaning the building has an overall height of 29.9 metres.

The plans and elevations in **Attachment A** are accompanied by a 3D rendering of the proposed street frontage in **Attachment B**.

5. Section 46(3)(a) - NT Planning Scheme

The relevant provisions within the Northern Territory Planning Scheme (the Scheme) are referred to below.

Nature of Development

The proposal comprises the development of *multiple dwellings* (encompassed within the definition of a *residential building*) and *shop*, per the definitions within **Clause 3.0** of the Scheme. The uses proposed are defined as:

“shop” means premises used for the display and sale by retail or for hire of goods or services but does not include a restaurant, retail agricultural store, service station, showroom sales or vehicle sales and hire.

“multiple dwellings” means a building or group of buildings on a site which individually or collectively contain more than one dwelling (including serviced apartments) but does not include a dependant unit.

“residential building” means a building or part of a building used or developed or proposed to be used or developed for a caretaker’s residence, dependant unit, group home, hostel, hotel (where the hotel includes accommodation available to members of the public), motel, multiple dwellings, single dwelling or supporting accommodation.

Zone CB

Clause 5.7 of the Scheme relating to development within the CB (Central Business) Zone identifies the development and use of land for the purpose of *multiple dwellings*, *shop* and *restaurant* as *Discretionary*, thus a development application to the consent authority is required. The **Zoning Table** to **Clause 5.7** identifies the following Clauses in relation to the development of *shops* and *multiple dwellings* in Zone CB:

- **Clause 6.3** – Buildings in Central Darwin
- **Clause 6.5.1** – Car Parking
- **Clause 6.6** – Loading Bays
- **Clause 7.5** – Private Open Space
- **Clause 7.6** – Communal Open Space
- **Clause 7.8** – Building Designs for Multiple Dwellings
- **Clause 8.1.2** – Offices, Restaurants and Shops in Zone CB and C
- **Clause 8.2** – Commercial and other Development in Zone CB

Clause 5.7 identifies two objectives for development in Zone CB:

1. *The primary purpose of Zone CB is to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities.*

2. *Building form and design is expected to be sensitive to the needs of pedestrian movement and facilitate the creation of safe and active street frontages and public places and a vibrant commercial precinct."*

The proposed development includes land uses (residential and retail) anticipated within the Darwin CBD, and will continue the diversity of activities. The proposal will diversify the nature and type of development within the locality, increasing the extent of residential development and thus increasing vibrancy and activity within the area. The proposed building incorporates a number of unique design and layout features, including significant use of openings and building projections, and shared boundary void space where boundary development is encouraged, such that the proposal will suitably integrate with surrounding land and development. The nature of the proposal, including the provision of commercial development designed to respond to the needs of residents and others within the immediate area, is cognisant of existing and likely future development, and avoids incompatible activities.

The design of the proposed building provides a vibrant and active street frontage, and will ensure an interesting and varied built form outcome. The inclusion of clearly legible pedestrian site entry areas, street front glazing and pedestrian awnings all improve amenity within the immediate area and increase the useability of the subject land and adjoining public infrastructure. The proposed development therefore does not compromise the achievement of the objectives for development within *Zone CB*.

General Provisions

Clause 6.3.1 – Building Heights in Central Darwin

1. *The purpose of this clause is to limit the height of buildings within Central Darwin to achieve a city form with the highest buildings and structures at the centre of the peninsula, stepping down towards the perimeter optimising opportunities for harbour views.*
2. *All buildings within Central Darwin Perimeter Area and the Central Darwin Core Area are to be in accordance with the diagram to this clause.*

The diagram to **Clause 6.3.1** sets building heights in Central Darwin Core Area to a maximum of 90 metres and in the Central Darwin Perimeter Area to a maximum of 36 metres (or 55 metres subject to specific provisions). The proposed building is not located within either the Core or Perimeter Areas, and as such is not affected by the specified height requirements. The proposed development has a maximum height of approximately 29.9 metres above the highest point on the site boundary.

Clause 6.3.2 – Volumetric Control in Central Darwin

1. *The purpose of this clause is to ensure the siting and mass of buildings within Central Darwin promotes*
 - a) *a built form that maximises the potential for view corridors to Darwin harbour;*
 - b) *the penetration of daylight and breeze circulation between buildings*

c) promotes privacy for residents of adjoining properties; and

d) a built form that reasonably anticipates the future development of adjoining sites.

The Table to **Clause 6.3.2** requires the following:

- Tier 1, or podium level, to a maximum of 25 metres above ground level, with a setback requirement of 6 metres from adjoining site boundaries (ie excluding road or public open space) to habitable room windows, balconies and verandahs;
- Tier 2, or tower level, with a maximum floor area of 1,200m² per tower, up to 56% of the site area. Setback requirements comprise a minimum 6 metres from all boundaries and 12 metres between towers on the same site. Each building length is to be no more than 75% of the total length of the adjacent boundary.

The proposed development effectively comprises a Tier 1, or 'podium' level only, albeit one that seeks to extend up to 4.9 metres above the permissible maximum Tier 1 height of 25 metres. It is also possible to assess the proposal as if a small, single-level Tier 2, or Tower, component is proposed seeking reduced setbacks, increased floor area and increased relative boundary length, although the nature of the additional height, replicating lower levels and providing a continual building form, is more suggestive of an over-height podium. Further, the objectives for both are identical, thus the appropriate test is not altered.

The over-height component comprises part of level 8, as well as the varied roof form above. To the north-west and north-east elevations, boundary walls extend to a height of 29.6 metres. At the join between the two boundaries, boundary a void space is provided from level 4, for a distance of 10 metres (by 15 metres high) to the north-west boundary, and 13 metres (15 metres high) to the north-east boundary. Boundary wall heights in these areas equate to 14.6 metres to both boundaries.

With a north-west boundary length of 25.91 metres, and a north-east boundary length of 28.04 metres, a 25 metre podium wall would present a boundary wall surface area of 647.75m² and 701m² respectively. The proposed development presents a boundary wall surface area of 616.94m² to the north-western boundary, and 635m² to the north-east boundary, both significantly less than a boundary wall complying with the Tier 1 height requirements. Although it is acknowledged that the Tier 1 requirements refer to height, and provide no guidance on wall surface areas, the additional height remains consistent with the objectives of the Clause, and the reduction in boundary wall surface area is likely to offset any amenity impacts from the (relatively small) height increase. It should also be noted that the additional height does not facilitate additional dwelling yield or floor space, rather provides residential development more suited to a tropical environment by maximising opportunities for cross-flow ventilation and access to prevailing breezes.

Habitable room windows are located within 6 metres from the adjoining site boundaries (bedroom windows overlooking the proposed communal open space area), however these windows do not face the adjoining land, and include screening to prevent overlooking of adjoining properties. The 'sunken' communal open space area likewise avoids overlooking. It is noted that the potential for privacy impacts are low given the commercial nature of surrounding existing development, however screening and window location design measures are incorporated to ensure future residential development is appropriately considered.

In relation to **subclause 1(a)** of **Clause 6.3.2**, the proposal seeks to provide a built form that *“maximises the potential for view corridors to Darwin Harbour.”* By providing a building without a Tier 2 level, and given the location of the subject land in the central portion of the CBD and in a locality comprising several established commercial buildings, the proposal ensures that the extent of views to Darwin Harbour reasonably anticipated are retained, and in the case of higher buildings, maximised due to the lack of Tier 2 development.

Subclause 1(b) seeks to ensure *“the siting and mass of buildings within Central Darwin promotes the penetration of daylight and breeze circulation between buildings.”* The minor height increase, along with the shared boundary void space located well below the height limit, is such that daylight and breeze circulation are unlikely to be compromised relative to a compliant proposal.

In relation to **subclause 1(c)**, habitable rooms and open space (communal and private) is appropriately located and/or screened to ensure privacy impacts do not occur.

Finally, in relation to **subclause 1(d)**, the development outcomes provided and previously detailed in relation to parts a), b) and c) of **subclause 1**, are indicative of a built form outcome that reasonably anticipates the future development of adjoining land.

Clause 6.3.3 – Urban Design Requirements in Central Darwin

1. *The purpose of this clause is to promote exemplary urban design in Central Darwin.*
3. *The design of buildings in Central Darwin is to provide 75% of the length of the site boundary at ground level as active street frontage through such treatments as:*
 - a) *frequent, operational and legible entrances; that are directly accessible from the public footpath;*
 - b) *clear glass windows with views to and from the street;*
 - c) *open space incorporating active street frontages, landscaping and retention of significant existing landscaping;*
 - d) *areas that are attractive, safe and functional for pedestrians within the development site;*
 - e) *areas that allow for alfresco dining;*
 - f) *limiting services at street level on building frontages to the following:*
 - i. *fire egress;*
 - ii. *single vehicle entry and exit point to and from the building except on larger sites where additional access points are supported by a Traffic Study for the site;*
 - iii. *direct single point access to service equipment by all service authorities; and*

iv. fire booster connection points.

Active street frontage in the form of shopfront glazing and clear and legible pedestrian entry points are provided along the entirety of the Cavenagh Street frontage, wrapping around the Lindsay Street frontage for a distance of 4 metres. Total active frontage is equivalent to 66.2% of the overall street frontage. Despite being below the required active frontage of 75% of the relevant boundary length, the proposal minimises services at street level to the fire booster connection points. The proponent is currently in discussions with the Power and Water Corporation seeking approval to provide an electrical distribution pillar instead of a substation, minimising the extent of service infrastructure at street level.

Building design presenting to the Lindsay Street frontage is varied and visually interesting, thus avoiding the creation of 'dead' spaces that **subclause 3** seeks to prevent. The use of varying level 1 wall heights, different colours and finishes, and the provision of landscaping in front of the (small) blank wall areas (subject to City of Darwin approval) will maintain a varied and interesting built form, and is characteristic of exemplary urban design.

4. Buildings in Central Darwin are to:

- a) provide awnings to streets for the full extent of the site frontage that allow for the planting and growth of mature trees within the road reserve;*

The ground level awning wraps around the site from the Cavenagh Street frontage, whilst a higher (level 2) awning is located along the entire Lindsay and Cavenagh Street frontage.

- b) provide mid-block pedestrian linkages (arcades) at ground level from one street to the other in buildings that have dual frontages;*

The small size of the site and the established pedestrian route along both Lindsay and Cavenagh Streets is such that mid-block pedestrian linkages are neither necessary nor warranted.

- c) have facades that have a clearly articulated base, middle and top; and*

The design comprises an active and serviceable ground level, with car parking levels separated by a footpath awning and delineated by feature vane screening, and upper level characteristic of tropical apartment living. Both facades (ie Cavenagh and Lindsay Street) have clearly a articulated base, middle and top.

- d) integrate plant rooms and service equipment on roof tops.*

Plant and service equipment is located in the ground level car park where access for maintenance / inspection purposes is required. Air conditioning plant is located in two screened risers, each located internal to the site and facing the communal open space area. The air conditioners are suitably separated and screened from adjoining development.

5. *Ground level **car parking areas** in buildings are limited only to the number of **car parking spaces** required for ground level retail tenancy customers.*

Ground level car parking spaces are limited to those required for the shop tenancies, plus 3 additional spaces. Ground level car parking is suitably concealed, with access provided via a double driveway from Lindsay Street, and a roller door providing security after hours. During business hours the roller door will remain open to provide public car parking access for shop customers.

6. *All **car parking areas** are to be screened so that they are not visible from the street or public spaces.*

All parking areas are screened and located such that car parking will not be visible from the street or public spaces.

7. *The consent authority may **consent** to an application that is not in accordance with sub-clause 3 only if it is satisfied that compliance would be impractical.*

Subclause 7 allows the consent authority to consider *impracticalities* regarding the achievement of 75% active street frontage (as distinct from *impossibilities*). The small size of the subject land, the need to incorporate retail car parking on the ground level, and the need to ensure retail tenancies are a useable and efficient internal layout dictates that full compliance with **subclause 3** is impractical. Further consideration to the design outcomes at street level (particularly Lindsay Street) are contained in the response to that section.

8. *An application for a development in Central Darwin should prior to consideration by the consent authority include an acknowledgement in writing, from the agency responsible for power and water; the agency responsible for fire rescue services and Darwin City Council that the requirement for service provisions has been discussed with a view to minimise their impact on active street frontages.*

It is expected that written acknowledgements will be provided by the relevant service agencies in response to the public exhibition process.

Clause 6.5 – Vehicle Parking

For the development of *multiple dwellings* and *shops* within the Darwin CB Zone, **Clause 6.5.1** requires 3 parking spaces per 100m² net *shop* floor area, 1.5 spaces per 2-bedroom dwelling, and 1.7 spaces per 3-bedroom dwelling. With 196.50m² combined *shop* area, a total of 6 car parking spaces are required. Residential development comprises 18 2-bedroom units (27 parking spaces required) and 6 3-bedroom dwellings (10.2 spaces required). Accordingly, a total of 44 (43.2) car parking spaces are required. Overall, 45 car parking spaces are provided. The proposal therefore exceeds the minimum car parking requirements per **Clause 6.5.1**.

Clause 6.5.3 refers to the design and layout of car parking areas. The proposed car parking layout generally complies with the car parking requirements of **Clause 6.5.3**. Parking spaces located at the end of rows provide the required 1 metre extension to the driveway, or alternatively are located opposite driveway ramps to ensure adequate space for reversing from the parking spaces. Car parking spaces ensure compliance with the required 2.5 metre by 5.5 metre car parking space dimensions.

The majority of driveways adhere to the minimum 6 metre width requirement, with minor column encroachments in two separate locations only (ie adjacent parking spaces 4 and 22 on levels 1 and 2 respectively), however these will not compromise the safety and efficiency of vehicle movement throughout the car park levels. Accordingly, the proposal suitably complies with the objectives of **Clause 6.5.3** and the variations proposed are considered appropriate.

Clause 6.6 – Loading Bays

Clause 6.6 requires the provision of space for the loading and unloading of vehicles associated with the use of land. **Clause 6.6** does not require dedicated loading bays for multiple dwellings. For the development of *shops*, **Clause 6.6** requires 1 loading bay per 2,000m² floor area, therefore one loading bay is required for the proposed development. A small loading bay is provided immediately adjacent the Lindsay Street driveway, 3.5 metres wide by 5.5 metres long, with a height clearance of approximately 4 metres. The loading bay is shorter than the required 7.5 metres, however the extent of shop development on site is less than 200m², less than 10% of the maximum floor space for one loading bay. Both the small collective floor area, and the small area of each tenancy, is such that operations within will be sufficiently limited due to space available, and the likely uses within each tenancy are not likely to generate a demand for compliant loading area. Accordingly, the provision of a compliant loading bay would be unnecessary and an inefficient use of space. A waste management plan will be provided to demonstrate collection of residential and commercial waste.

Residential Development

Clause 7.5 – Private Open Space

Clause 7.5 provides that:

1. *The purpose of this clause is to ensure that each dwelling has private open space that is:*
 - a) *Of an adequate size to provide for domestic purposes;*
 - b) *Appropriately sited, permeable and open to the sky; and*
 - c) *Inclusive of areas of deep soil for shade tree planting.*
2. *Private open space areas should:*
 - a) *Satisfy the minimum area and dimensions contained in the table to this clause;*
 - b) *Be directly accessible from the dwelling and enable an extension of the function of the dwelling;*
and
 - c) *Be permeable and open to the sky.*

6. *If a dwelling within a multiple dwelling development has no direct access at ground level to private open space, compliance with subclauses 2(c) and 3 is not required providing the multiple dwelling development incorporates communal open space*

multiple dwellings (for each dwelling without direct ground level access).	12m ² inclusive of an area with minimum dimensions of 2.8m x 4m.
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All multiple dwellings include balcony areas well in excess of the minimum 12m² required by **Clause 7.5**, with balcony areas between 13.1 and 18.5m². Minor variations are proposed to the two-bedroom units, with minimum dimensions as low as 2.6 metres, however all balconies exceed the minimum area requirements, provide useable, functional dimensions and avoid narrow private open space areas. The provision of private open space allows all balconies to function as a direct extension of the indoor living areas, and creates the perception of additional space. The proposal accords with the objectives of **Clause 7.5** in that private open space is appropriately located within each apartment, and is of an adequate size to provide for domestic purposes and is considered to complement the extensive communal open space provided at Level 3.

Clause 7.6 – Communal Open Space

3. *A minimum of 15% of the **site**, being not less than 6m wide at any point, is to be communal open space.*
4. *The design of the communal open space should consider:*
 - a) *the overall **dwelling** density proposed for the **site**;*
 - b) *the proximity and quality of alternative private or public open space;*
 - c) *the need to clearly distinguish communal open space from private and public open space and the need to maintain the reasonable privacy of nearby **dwellings**;*
 - d) *the type of activities provided for ;*
 - e) *the projected needs of children for outdoor play;*
 - f) *the provision of landscaping and shade;*
 - g) *safety issues including lighting and informal surveillance;*
 - h) *on-site traffic circulation; and*
 - i) *future maintenance and management requirements.*

The purpose of **Clause 7.6** is to ensure that suitable areas for communal open space are provided for multiple dwellings, where multiple dwellings do not have direct access to private open space at ground level. A minimum of 15 percent of the site is required for communal open space, with a minimum dimension of 6.0 metres.

The proposal provides a total of 155.3m² communal open space at level 3 (podium level), including swimming pool, open deck areas and landscaping. Communal open space is equivalent to 21.7% of the total site area, with communal space exceeding the 6 metre minimum dimension. Proposed communal space provides a facility expected to cater for the likely range of occupants, thus complies with the requirements of **Clause 7.6**.

Clause 7.8 – Building Design for Multiple Dwellings, Hostels and Supporting Accommodation

The purpose of **Clause 7.8** is to promote site-responsive designs for multiple dwellings which are pleasant for the occupants and do not unreasonably affect the use and enjoyment of adjacent land.

Clause 7.8 states:

2. Building design should:

- a) locate development on the site for correct solar orientation;*

The orientation of the site allows direct western elevations to be avoided, and appropriate shading is provided to openings.

- b) minimise expanses of walls by varying building heights, building setbacks and façades;*

Distinct building components, streetscape activation, articulation, use of building projections and varying façade designs avoid any expanse of blank walls. The proposed boundary walls are varied in height, and incorporate distinct colour panels to minimise the expanse of blank walls.

- c) locate air conditioners where they are accessible for servicing;*

Air conditioning plant is located easily accessible from the internal lift landings within each floor.

- d) conceal service ducts, pipes, air conditioners, air conditioning plants etc;*

Service and air conditioning equipment is appropriately screened.

- e) avoid overlooking of private open spaces and habitable rooms of adjacent residences on the same and adjacent sites;*

The proposal avoids habitable room windows and balconies directly overlooking adjoining properties, and provides perpendicular privacy screens to avoid angled overlooking where windows are perpendicular to shared property boundaries.

- f) locate bedrooms and private open spaces away from noise sources;*

Bedrooms are located away from potential noise sources. Bedrooms at level 3 overlooking the communal open space area are not likely to be subject to significant noise impacts given the relatively small pool and open space area. Residential levels are suitably separated from street-level noise sources and car parking levels.

- g) control its own noise sources and minimise the transmission of noise between dwellings;*

Noise transmission between dwellings will be suitably controlled, primarily through construction requirements (fire rating) to enable unit titling.

- h) where close to high noise sources (such as busy roads and airport flight paths), be of appropriate acoustic design and construction;*

The commencement of residential development from level 3 onwards provides sufficient separation between traffic and street-level noise. The subject land is not likely to be overly sensitive to noise from airport flight paths.

- i) balance the achievement of visual and acoustic privacy with passive climate control features;*

The single-apartment width building will allow breeze penetration and access, facilitating passive cooling and circulation. Fixed shading structures and the avoidance of direct eastern and western walls due to the orientation of the site ensures passive climate control features are appropriately incorporated without compromising the achievement of visual and acoustic privacy.

- j) allow breeze penetration and circulation;*

Large balcony openings, open plan apartment layouts and external airflow access to at least two aspects of each apartment will facilitate breeze penetration and circulation.

- k) minimise use of reflective surfaces; and*

Reflective surfaces will be minimised.

- l) provide internal drainage of balconies and coving on the edge of balconies.*

Balconies will be internally drained and coving provided where required.

Commercial Development

Clause 8.1.2 – Offices, Restaurants and Shops in Zones CB and C

The purpose of **Clause 8.1.2** is to permit the change between the nominated uses within Zone CB or Zone C, without consent. **Clause 8.1.2** will be applicable to any future land use change between an *office, restaurant, shop, licensed club or leisure and recreation*.

Clause 8.2 – Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T

Clause 8.2 relates to commercial and other development in Zone CB (among others).

1. *The purpose of this clause is to promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment.*
2. *The design of buildings in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T should:*
 - a) *preserve vistas along streets to buildings and places of architectural, landscape or cultural significance;*

By including a varied and interesting Tier 1 built form, and by not including a tower level, the proposed building preserves vistas along streets and to areas of landscape and built form significance. The volumetric comparison plan in **Attachment A** (SK10-A) demonstrates the relative reduction in volume relative to a compliant building.

- b) *be sympathetic to the character of buildings in the immediate vicinity;*

The proposal respects the parameters set by the NT Planning Scheme for development in central Darwin, and is considered a suitable inclusion given the character of existing and anticipated buildings in the locality.

- c) *minimise expanses of blank walls;*

Distinct building components, streetscape activation, appropriate use of car park feature screening and varying façade designs avoid any expanse of blank walls.

Upper level walls are continually 'broken' through the use of glazing and projecting awnings and balconies, whilst lower levels provide varied screening and design finishes to ensure walls are varied and interesting.

- d) *add variety and interest at street level and allow passive surveillance of public spaces;*

The proposal provides activation and interest at the ground level, to the Cavenagh and Lindsay Street frontages, and the provision of retail tenancies into the site allow an integration between the public and private realms.

- e) *maximise energy efficiency through passive climate control measures;*

The use of sunscreens and awnings provide sun shading and the building form with single-apartment width allows each dwelling to access flow-through ventilation and prevailing breezes.

- f) *control on-site noise sources and minimise noise intrusion;*

On-site noise sources will be limited to vehicle movements, communal areas, ground level commercial tenancies and plant equipment, none of which are likely to adversely affect the amenity of the locality. Habitable rooms will be sufficiently separated and/or insulated, and are able to be insulated and/or separated from potential high-noise sources (for example, main roads or plant equipment).

- g) *conceal service ducts, pipes, air conditioners, air conditioning plants etc;*

Services are appropriately concealed.

- h) minimise use of reflective surfaces;*

Reflective surfaces will be minimised.

- i) provide safe and convenient movement of vehicles and pedestrians to and from the site;*

Vehicle access is provided from Lindsay Street, with separate pedestrian access to residential and retail areas from Cavenagh Street. Both vehicle and pedestrian access is provided in a safe, convenient and easily identifiable manner.

- j) provide convenient pedestrian links (incorporating access for the disabled) to other buildings and public spaces;*

Direct pedestrian access, including access for the disabled, is provided to Cavenagh Street, which links with adjoining footpaths and the public network.

- k) provide protection for pedestrians from sun and rain;*

An awning is provided along both the Cavenagh and Lindsay Street frontages.

- l) provide for loading and unloading of delivery vehicles and for refuse collection;*

A dedicated, separately accessible and fit-for-purpose loading bay is provided on-site which will cater for all delivery and refuse collection needs.

- m) provide landscaping to reduce the visual impact and provide shade and screening of open expanses of pavement and car parking;*

Landscaping is provided to communal space and will enhance the appearance and amenity of communal areas within the site.

- n) provide facilities, including public toilets, child minding facilities, parenting rooms and the like where the size of the development warrants such facilities; and*

The size and nature of the development does not warrant the provision of public convenience facilities.

- o) provide bicycle access, storage facilities and shower facilities.*

Dedicated bicycle parking areas can be provided at ground level (in the car park storage area). The nature of the proposed development and the limited extent of shop and/or public access areas is such that end-of-trip facilities are not warranted.

3. *A development application must in addition to the matters described in sub-clause 2, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide (as amended from time to time) produced by the Department of Lands and Planning.*

The *Community Safety Design Guide* seeks to ensure development considers the principles of *Community Protection through Environmental Design* (CPTED). In relation to the guide, the proposed development provides opportunities for passive surveillance through ground level active frontages and glazing areas, including during daylight hours and after-hours. The proposal limits opportunities for entrapment and lighting will ensure the avoidance of dark zones.

6. Section 46(3)(b) – Interim Development Control Order

There are no Interim Development Control Orders currently applicable to the subject land.

7. Section 46(3)(c) – Environmental Assessment Act

Formal consideration under the Northern Territory Environmental Assessment Act is not required.

8. Section 46(3)(d) – Merits of Proposed Development

The proposal increases the range of residential accommodation within the central Darwin area, and enables the development of the land cognisant of existing development and that reasonably anticipated on surrounding and nearby land.

9. Section 46(3)(e) – Subject Land, Suitability of Development and effect on other land

A description of the subject land and locality are contained within sections 2 and 3 of this report. The site is suitably serviced with access suited to the intended purpose, with any necessary upgrades able to be carried out to accommodate the proposed development. The land is zoned in anticipation of such development, and the proposal is suitable given the nature of surrounding built form and land uses.

10. Section 46(3)(f) – Public Facilities and Open Space

The central Darwin area includes a range of public commercial, community and open space services and facilities, many of which are in close proximity to the site.

Frogshollow Park is located a short distance to the north-east of the site, with public transport services providing access to the Darwin suburbs, Palmerston and the rural areas available within immediate proximity of the subject land.

11. Section 46(3)(g) – Public Utilities and Infrastructure

The site is currently serviced by mains power, water and sewer, and access provided through the surrounding road network. Any upgrades to service capacity in order to accommodate the proposed development can occur as part of the construction process, in accordance with the requirements of the service providers. The additional 24 multiple dwellings and minimal retail space is such that additional traffic is unlikely to exceed the capacity of the surrounding road network. It is anticipated that the City of Darwin will require a Traffic Impact Assessment to determine the impact on the surrounding road network, and that any required upgrades as a result of the proposal shall be undertaken by the proponent.

12. Section 46(3)(h) – Impact on Amenity

The proposed development generally respects the requirements of the NT Planning Scheme, with suitable variations proposed to the Tier 1 height, and minor variations proposed to loading bay dimensions and private open space dimensions. As such, the proposal maintains the anticipated amenity levels based on anticipated development per the provisions of the Scheme, and is not likely to adversely affect the amenity of surrounding land to an unreasonable extent.

Section 46(3)(j) – Benefit/Detriment to Public Interest

The proposal will increase the range of residential accommodation available within the Darwin CBD. There is unlikely to be any detriment to public interest.

13. Section 46(3)(k) – Compliance with the Building Act

The application does not comprise any form of *subdivision*. Accordingly, Section 46(3)(k) is not relevant.

14. Section 46(3)(l) – Development of Scheme Land

The application does not comprise the subdivision of land under a unit titles scheme. Accordingly Section 46(3)(l) is not relevant.

15. Conclusion

The application proposes a 9 storey residential building with ground level shops and two levels of above ground car parking, with 18 2-bedroom and 6 3-bedroom dwellings, communal open space including a swimming pool and deck area at podium level.

The proposal is suitably located within the Darwin CBD, and appropriately designed given the size and constraints of the subject land, the nature of surrounding development, both existing and anticipated, and the nature of the locality in general.

The proposal generally complies with the provisions of the Northern Territory Planning Scheme, with variations to Tier 1 height requirements, loading bay dimensions and private open space considered appropriate and not likely to compromise the amenity of surrounding land or the public realm, nor the useability or efficiency of the proposed development.



Brad Cunningham

Principal, Northern Planning Consultants Pty Ltd

29 November 2016

27 January 2017

Please quote: 3441310 NS:hd
Your reference: PA2016/0727

Acting Manager Urban Planning
Department of Infrastructure, Planning & Logistics
GPO Box 1680
DARWIN NT 0801

Dear Sir/Madam

Parcel Description: Lot 1471 - Town of Darwin
68 Cavenagh Street, Darwin

Proposed Development: 18 x two and six x three bedroom multiple dwellings, plus ground level commercial tenancies in a nine storey building including two levels of above ground car parking

Thank you for the Development Application referred to this office 13 December 2016, concerning the above. This letter will be placed before the City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

- i). **The City of Darwin does not object to the granting of a Development Permit provided the following issues are adequately addressed:**

Building elements over Council road reserve

- a). The development has included a number of elements that are to overhang/be located within City of Darwin road reserve, including:
- A curved awning design wrapping around Cavenagh Street and part of Lindsay Street at a height of approximately 3.2m above ground level. A second decorative awning is proposed above the level two car park at a height of approximately 10m above ground, which wraps around both Cavenagh and Lindsay Streets. The decorative awning appears to be half the width of the ground level awning;
 - Two planter boxes within Lindsay Street against the property boundary, with a stated purpose to activate the proposed building

façade;

- Architectural building elements on all levels above the ground floor which include car parking screening, vertical blades and sun shades to the habitable room windows.

Whilst it is considered that some elements of the building that are to overhang the road reserve have merit and would be visually pleasing and provide an element of tropical character, it is questioned what value or benefit the extended roof contributes to the public realm and community at large?

In addition to the roof, the proposed landscaping within the road reserve is located along the building alignment. Whilst the City of Darwin does not object in principle to the landscaping within the road reserve, it must comply with Australian Standards in relation to 'design for access and mobility'. The landscaping does not comply with Australian Standards as the alignment does not allow for a continuous accessible path of travel along the building facade.

Council therefore requires amended plans removing:

- The roof overhang to Council owned road reserve; and
- The landscaping proposed within Lindsay Street road reserve.

It is requested that the applicant provide further detail of all elements that are to overhang Council's road reserve so that the City of Darwin has a full understanding of the proposed works. The applicant also needs to demonstrate how they will maintain the vertical landscaping given that it is a high maintenance feature.

Furthermore, the applicant will be required to provide the City of Darwin with public liability insurance nominating Council as an interested party for any elements that overhang the road reserve.

Awning:

- b). The proposed design has not included full length and width awnings to both Cavenagh and Lindsay Streets.

Clause 8.2 of the Northern Territory Planning Scheme (the Scheme) states that the design of buildings should "provide protection for pedestrians from sun and rain".

It is requested that awnings be provided to satisfy the above requirements.

Volumetric controls:

- c). The proposed development has a maximum height of 29.9m and therefore seeks a variation to the Tier 2 setbacks for a height of 4.9m.

A variation for the upper most habitable floor (of 2.8m) is considered reasonable given that when viewed in the horizon an additional habitable floor would provide minimal impact to the Darwin City Centres built form, breeze circulation and penetration of daylight to adjoining site boundaries.

The remainder of the variation is constituted of roof form, with a maximum height of 2.1m and it is considered that this element could be reduced, particularly given that the highest sections of the roof intersect with the adjoining site boundaries, where the impact of the variation would be greatest.

To reduce potential impacts such as bulk and scale to the adjoining site boundaries it is requested that the architectural design of the roof be reduced in height so that the overall height is more compliant with the requirements of the Clause.

Active street frontages:

- d). *Clause 6.3.3 of the Northern Territory Planning Scheme* (the Scheme) requires the design of buildings in Central Darwin to “provide 75% of the length of the site boundary at ground level as active street frontage”.

Visually it would appear that Cavenagh Street would exceed the minimum requirements, through the use of windows to the proposed tenancies.

Lindsay Street appears to have sought a significant variation to the minimum requirements. The applicant has attempted to increase the percentage of active street frontages by including landscaping treatments within the road reserve. As per the above, the applicant is required to remove the proposed landscaping from the road reserve given that it is located within the continuous accessible path of travel.

Council considers that the proposal could achieve better activation in accordance with the requirements of the Scheme and the applicant has not adequately demonstrated that compliance would be impracticable. It is therefore requested that the applicant provide alternate methods to activate the Lindsay Street frontage to ensure that the development is more compliant with the minimum requirements of the Scheme.

Loading Bays:

- e). *Clause 6.6* of the Scheme requires loading bays to be at least 7.5m by 3.5m and have a clearance of 4m. The proposed loading facilities are 5.5m by 3.5m.

Given that the loading bay directly adjoins the Lindsay Street vehicular entrance, there is a concern that larger vehicles using the loading facility, may cause vehicle queuing issues within Lindsay Street and/or over the footpath.

A Traffic Impact Assessment (TIA) has not been provided; a condition precedent requires a TIA to be provided to Council satisfaction that will specifically require the applicant to address such potential issues.

Amenity:

- f). The purpose of *Clause 7.8* is to “promote site-responsive design” for multiple dwellings “which are pleasant for the occupants”.

Units 1 and 4 (on the same level as the communal open space) have bedrooms which directly face the communal area. The privacy and use of these bedrooms for future resident’s enjoyment is questioned. For future amenity purposes it is considered that privacy measures be implemented to allow the use of such windows to capture breezes whilst retaining a degree of privacy.

Site-responsive designs

- g). *Clause 8.2* of the Scheme requires:

- i. That landscaping should be provided “to reduce the visual impact and provide shade and screening”. It is requested that detailed landscaping plans and a schedule be required to ensure that vegetation at maturity will soften the built environment and provide shade and amenity;
- ii. “safe and convenient movement of vehicles and pedestrians to and from the site”. A Traffic Impact Assessment (TIA) has not been provided; a condition precedent requires a TIA to be provided to Council satisfaction.

Further to the need for a TIA, the safety of the lobby entrance for future residents/visitors to the building is questioned due to it being stepped back from the continued Cavenagh Street facade. The *Community Safety Design Guide* (being a referenced document of the Scheme) provides the following guideline; “ensure that building

entrances are clearly visible and do not provide opportunities for concealment". Given the design of the entrance, compliance with this guideline is questioned.

- iii. Given the size and locality of the development, it is considered that the inclusion of amenities such as bicycle storage, end of trip facilities and public toilet facilities be provided during operational hours. Particular consideration should be given to the different needs of staff and customers.
- ii). **The City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**
 - a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of the General Manager Infrastructure, City of Darwin at no cost to Council.**
 - b). **The crossover and driveway shall meet City of Darwin requirements.**
 - c). **All awnings and canopies over City of Darwin road reserves must be designed in accordance with City of Darwin Policy No. 037 – awnings, Balconies and Verandahs on Council Property and are subject to the approval of the General Manager Infrastructure, City of Darwin.**
 - d). **Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval by Council is required for any element of the building (separate to awnings) that is designed to be constructed or installed over City of Darwin road reserve.**
 - e). **The City of Darwin requests that the Authority require a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to the City of Darwin's stormwater drainage system.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged underground to the City of Darwin's drainage network.
 - 1). The plan shall include details of site levels and the City of Darwin's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to the City of Darwin's system.
 - 2). The City of Darwin requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into the City of Darwin's stormwater drainage system.

It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

f). **Waste**

The City of Darwin requests that the Authority require a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with the City of Darwin's Waste Management Policy 054.

The applicant's plans fail to demonstrate adequate waste management, this includes:

- any access gates to the bin enclosure not being locked,
- there shall be no step between the bin enclosure and the collection area to allow for ease of access,
- the bin enclosure shall include a hose and wash down area with a drain connected to the City of Darwin's stormwater system, and
- an unimpeded concrete access path to the bin enclosure from the development.

A copy of the City of Darwin's Waste Management Policy 054 may be viewed on the City of Darwin's website or by contacting the City of Darwin's Infrastructure department.

g). **Site Construction**

The City of Darwin requests that an Environmental and Construction Management Plan (ECMP) be required.

The ECMP should specifically address the following:

- waste management,
- traffic control,
- haulage routes,
- storm water drainage,
- use of City of Darwin land, and
- how this land will be managed during the construction phase;

to the satisfaction of the General Manager Infrastructure, City of Darwin.

Note: Sediment control measures are to be established and maintained, to prevent silt and sediment escaping the site or producing erosion.

Building rubbish or debris must not be placed, or be permitted to be placed, on any adjoining public reserve, footway, road or private land, without first obtaining a works approval from the City of Darwin.

h). **Traffic**

The City of Darwin requires a comprehensive **Traffic Impact Assessment Report**, to be prepared by a suitably qualified traffic engineer in accordance with the *Austroads Document Guide to Traffic Management Part 12: Traffic Impacts of Developments*, in the report structure provided as Appendix C of that document, with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities.

The Traffic Impact Assessment report is to also include swept paths for waste collection vehicles entering and exiting the site.

The report should identify any necessary upgrades to the surrounding street network as a result of the implications of the development. The developer will be required to institute all required upgrade measures resulting from the traffic assessment at no cost to the City of Darwin.

Further to the above, the applicant will at minimum be required to address Council's concerns regarding the reduced 2m in length to the loading bay, which may cause vehicular queuing issues within Lindsay Street and/or over the footpath given its proximity to the access.

iii). **Should the above issues be adequately addressed, the City of Darwin offers the following comments:**

The City of Darwin comments on issues for which it is the sole responsible authority, under the Local Government Act and associated By-Laws:-

a). **Awning Overhang**

The proposal includes awning overhangs to Cavenagh and Lindsay Streets. Awning agreements are required as a separate approval from the City of Darwin. The City of Darwin requests that the applicant first seek all required approvals from the City of Darwin for any awnings or canopies for the proposed building.

b). **Street Trees, Verge Plantings and Footpaths**

Verge plantings, footpaths and all other works are required to be upgraded in accordance with City of Darwin policies and are subject to a separate approval from the City of Darwin. The City of Darwin requests that the applicant first seek all required approvals from the City of Darwin for any proposed works within the road reserve.

c). **Protection of Street Trees**

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of the General Manager Infrastructure, City of Darwin.

A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards - AS 4970-2009 Protection of Trees on Development Sites.

Copies of AS 4970-2009 Protection of Trees on Development Sites can be obtained from the Australian Standards web site.

d). **Building Identification**

In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction of the General Manager Infrastructure, City of Darwin and at no cost to the City of Darwin.

The City of Darwin comments in relation to the Planning Act, the Northern Territory Planning Scheme and Land Use Objectives:-

- a). **The City of Darwin requests that the Authority require a monetary contribution is paid to the City of Darwin in accordance with its Stormwater Contribution Plan to upgrade stormwater infrastructure as a result of this development.** The site falls within the developer Contributions Plan for Stormwater Drainage Works – Contributions Area Zone A. The applicant will be required to pay the City of Darwin a contribution towards stormwater drainage works in accordance with the above plan.

Should this application be approved, the following conditions pursuant to the Planning Act and the City of Darwin's responsibilities under the Local Government Act are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of the General Manager Infrastructure, City of Darwin.
- Sight lines shall be provided at crossovers to public streets, to the satisfaction of the General Manager Infrastructure, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- Any gate over an access to a public road shall be placed on the subject site at least 4.5m from the face of the kerb line of the adjoining public road.
- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.

- The total number of required disabled car parking bays shall be met on site.
- All developments on/or adjacent to any easements on-site, in favour of the City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
- Any proposed awnings at the site shall be subject to City of Darwin Policy Number 37 - Awnings, Balconies and Verandahs on Council Property.
- Any proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Any proposed stormwater connections to the City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully



CINDY ROBSON
STRATEGIC TOWN PLANNER

ENCL: 1ST ORDINARY COUNCIL MEETING/OPEN **AGENDA ITEM:** 15.3
YES

SIGNAGE APPLICATION – CRE8TIVE NAILZ & BEAUTY, LOT 2322 (56) SMITH STREET, DARWIN

REPORT No.: 17TS0019 BS:hd **COMMON No.:** 3463208 **DATE:** 14/02/2017

Presenter: Manager Design, Planning & Projects, Drosso Lelekis

Approved: General Manager Infrastructure, Luccio Cercarelli

PURPOSE

The purpose of this report is for Council to consider an application for a non-illuminated fascia and a projecting advertising sign for Cre8tive Nailz & Beauty at Lot 2322 (56) Smith Street, Darwin (Old Woolworths Building).

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

Goal

1. Collaborative, Inclusive and Connected Community

Outcome

1.4 Improved relations with all levels of government and significant stakeholders

Key Strategies

1.4.2 Play an active role in strategic and statutory planning processes

KEY ISSUES

- Cre8tive Nailz & Beauty has submitted an application for a projecting sign and fascia signage for their Knuckey Street frontage, within the "Old Woolworths" redevelopment.
- It is recommended that Council approve this sign application and that a sign permit be issued, as the advertising signs are in proportion to the size and form of the building and are consistent with existing signs at the subject site.
- The advertising signs are located within the City of Darwin road reserve and hence, are considered discretionary signs under the *City of Darwin Policy No. 042 – Outdoor Advertising Signs Code* (Signs Code) and require Council approval.
- It is noted that the advertising signs have already been installed.

PAGE: 2
 REPORT NUMBER: 17TS0019 BS:hd
 SUBJECT: SIGNAGE APPLICATION – CRE8TIVE NAILZ & BEAUTY, LOT 2322 (56) SMITH STREET, DARWIN

RECOMMENDATIONS

- A. THAT Report Number 17TS0019 BS:hd entitled Signage Application - Cre8tive Nailz & Beauty, Lot 2322 (56) Smith Street, Darwin be received and noted.
- B. THAT Council approve the application from Cre8tive Nailz & Beauty for a non-illuminated fascia sign and a projecting sign to be located within the road reserve, adjacent to Lot 2322 (56) Smith Street, Darwin, and that a Sign Permit be issued as the advertising signs for Cre8tive Nailz & Beauty complies with the intent and purpose of *City of Darwin Policy No. 042 – Outdoor Advertising Signs Code*.

DISCUSSION

Applicant		Aussie Signs				
Type of Advertising (inc. temp/perm/illuminated)		Permanent				✓
Type of Sign (Business/Election/Promotion etc.)		Business				✓
Type of Structure (Free Standing/ Fascia/ Wall/ Projecting etc.)		Fascia Projecting				✓ ✓
Business Sign Details Business advertising is permitted to one type of sign, and a total advertising area of 4m ² , positioned on private property, without the need to obtain a Council Sign Permit. This proposal is for two advertising signs proposed to be placed within the City of Darwin road reserve. Each of the advertising signs proposed, complies with the size of 4m ² , however, the advertising signs are proposed to be located within the City of Darwin road reserve, resulting in Council approval being required.						
Sign Type	Advertising Type	Width (m)	Height (m)	Area (m²)	Illuminated	
Fascia	Business	4.1	0.6	2.46	No	✓
Projecting	Business	1.7	0.4	0.68	No	✓
Location of Sign			City of Darwin road reserve			✱

Complies - ✓ Discretionary, requires Council Approval - ✱

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 REPORT NUMBER: 17TS0019 BS:hd
 SUBJECT: SIGNAGE APPLICATION – CRE8TIVE NAILZ & BEAUTY, LOT 2322 (56) SMITH STREET, DARWIN



Location of sign

Cre8tive Nailz & Beauty is seeking a Council sign permit for a non-illuminated projecting sign and a fascia sign which have been placed on the awning within the City of Darwin road reserve, adjacent Lot 2322 (56) Smith Street, Darwin. The advertising signage concept is provided at **Attachment A**, and photos of the installed signs are included at **Attachment B**.

Under the Signs Code all advertising signs proposed to be placed on or over City of Darwin road reserve are discretionary advertising signs and hence, Council consent is required and a City of Darwin sign permit must be obtained by the business.

The Signs Code allows business advertising signs in Zone CB (Central Business) to a size of 4m^2 and this application is for a fascia sign (totalling 2.46m^2) and a projecting sign (totalling 0.68m^2). Both advertising signs are compliant in terms of size under the Signs Code.

The majority of business premises in the Darwin CBD take advantage of the entire awning fascia to display business advertising, resulting in this application being consistent with other signs in the central business area and at the subject site.

Window Signs

The application contains information signs (operating hours) and logos to the front window. The Signs Code exempts window signs provided the signage does not significantly affect the purpose of the window. The window signs within this application are considered exempt signs and have not been assessed in this report.

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 REPORT NUMBER: 17TS0019 BS:hd
 SUBJECT: SIGNAGE APPLICATION – CRE8TIVE NAILZ & BEAUTY, LOT 2322 (56)
 SMITH STREET, DARWIN

Conclusion

It is recommended that Council approve this sign application by Cre8tive Nailz & Beauty, as the advertising signs are in proportion to the size and form of the building and are consistent with existing signs at the subject site.

CONSULTATION PROCESS

In preparing this report, the following City of Darwin parties were consulted:

- Strategic Town Planner
- Planning Officer

POLICY IMPLICATIONS

Notwithstanding that the advertising signs have been installed, the sign application was submitted by the applicant voluntarily. City of Darwin officers did not approach or discuss the advertising signs with the business prior to the sign application being submitted. Council has requested a report regarding retrospective applications which will be presented to a future Town Planning Committee Meeting.

The proposed advertising signs comply with controls detailed within the Signs Code, however, the advertising signs are proposed to be placed within the City of Darwin road reserve, resulting in the application being discretionary under the Signs Code and as such, this sign application requires Council consent.

BUDGET AND RESOURCE IMPLICATIONS

There are no budget and resource implications expected for City of Darwin resulting from this application.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Sections 183 and 185 of the Local Government Act provide City of Darwin with the power and control to manage reserves and roads within the Darwin Municipality and as such, Council as land owner has the right to approve or refuse any advertising sign proposed to be placed on or over the road reserve for any reason.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications expected for City of Darwin resulting from this application.

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REPORT NUMBER: 17TS0019 BS:hd
SUBJECT: SIGNAGE APPLICATION – CRE8TIVE NAILZ & BEAUTY, LOT 2322 (56)
SMITH STREET, DARWIN

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

DROSSO LELEKIS
MANAGER DESIGN, PLANNING
& PROJECTS

LUCCIO CERCARELLI
GENERAL MANAGER
INFRASTRUCTURE

For enquiries, please contact Cindy Robson on 8930 0528 or email:
c.robson@darwin.nt.gov.au.

Attachments:

Attachment A: Sign Application - Cre8tive Nailz & Beauty, Lot 2322 (56) Smith Street, Darwin

Attachment B: Photos of the installed advertising signs

ATTACHMENT A



Phone: (08) 8984 3772
 facsimile: (08) 8984 4827
 email: sales@aussiesignsco.com.au
 75 Benison Road Winnellie NT 0820

DOUBLE SIDED - 1700mm X 400mm FOLDED UNDER AWNING





ATTACHMENT B

Existing Advertising Signs



ENCL: 1ST ORDINARY COUNCIL MEETING/OPEN **AGENDA ITEM:** 15.4
YES

REZONING APPLICATION PA2015/0521 - LOT 1798 (6) WEDDELL STREET, PARAP

REPORT No.: 17TS0016 BS:hd **COMMON No.: 3461254** **DATE: 14/02/2017**

Presenter: Manager Design, Planning & Projects, Drosso Lelekis

Approved: General Manager Infrastructure, Luccio Cercarelli

PURPOSE

The purpose of this report is to refer to Council for comment, Pursuant to Section 19 of the *Planning Act*, the rezoning application at Lot 1798 (6) Weddell Street, Parap.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

Goal

1. Collaborative, Inclusive and Connected Community

Outcome

- 1.4 Improved relations with all levels of government and significant stakeholders

Key Strategies

- 1.4.2 Play an active role in strategic and statutory planning processes

KEY ISSUES

- It is recommended that Council support the proposed rezoning of Lot 1798 (6) Weddell Street, Parap, as the site has been identified as a potential area for change in the Darwin Inner Suburbs Area Plan.
- The surrounding zone is SD, however the actual land uses comprise a mix of single and multiple dwellings and a motel.

PAGE: 2
 REPORT NUMBER: 17TS0016 BS:hd
 SUBJECT: REZONING APPLICATION PA2015/0521 - LOT 1798 (6) WEDDELL STREET, PARAP

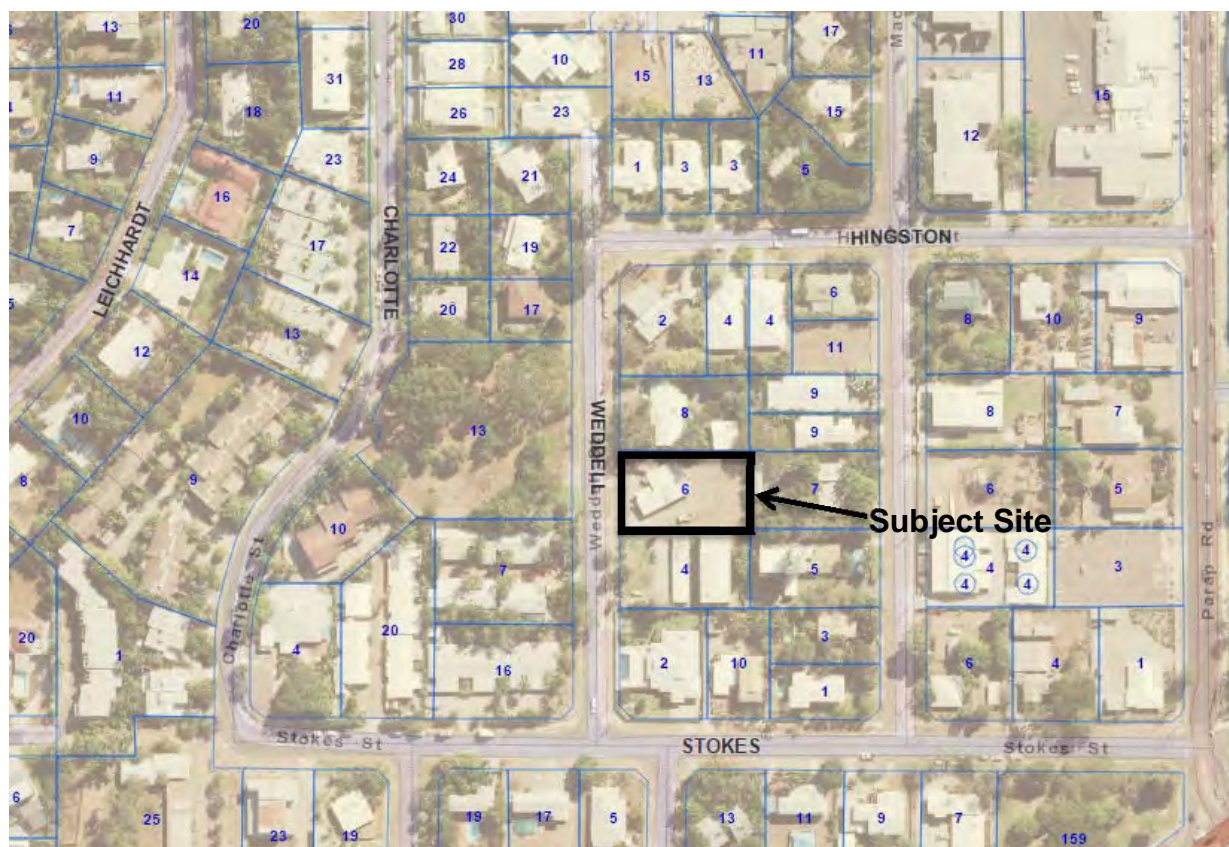
RECOMMENDATIONS

- A. THAT Report Number 17TS0016 BS:hd entitled Rezoning Application PA2015/0521 - Lot 1798 (6) Weddell Street, Parap be received and noted.
- B. THAT Council endorse the submission, dated 15 February 2017, to the Reporting Body within **Attachment A** to Report Number 17TS0016 BS:hd entitled Rezoning Application PA2015/0521 - Lot 1798 (6) Weddell Street, Parap.

BACKGROUND

City of Darwin received rezoning application PA2015/0521 on 19 January 2017 concerning Lot 1798 (6) Weddell Street, Parap - Rezone from Zone SD (Single Dwelling Residential) To Zone MD (Multiple Dwelling Residential) as per the application as at **Attachment B**.

Site and Surrounds

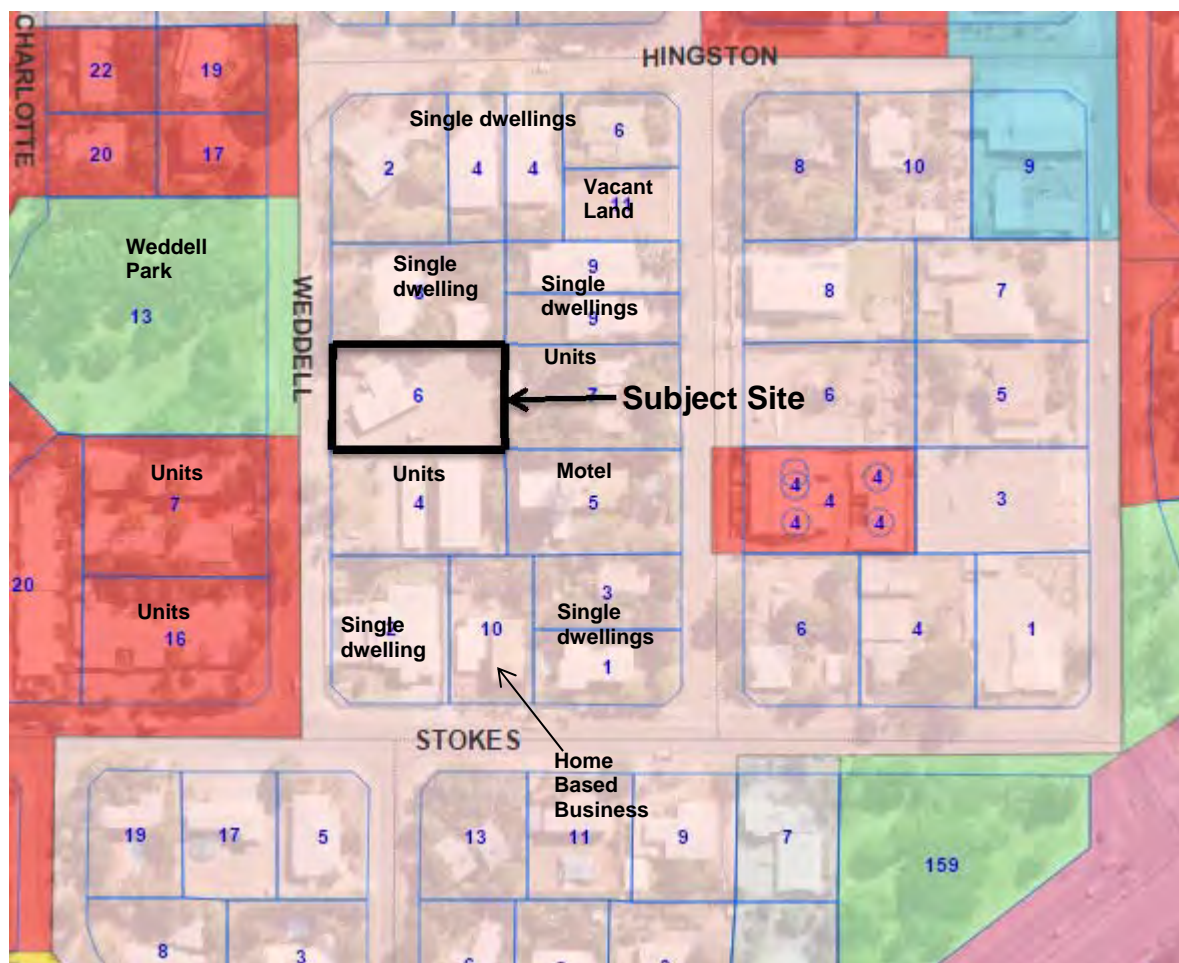


Location of the subject site

The subject site is Lot 1798 Town of Darwin, commonly referred to as 6 Weddell Street, Parap. The lot is 1530m² in size and currently contains an unoccupied single dwelling.

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 REPORT NUMBER: 17TS0016 BS:hd
 SUBJECT: REZONING APPLICATION PA2015/0521 - LOT 1798 (6) WEDDELL STREET, PARAP

The site is located within Zone SD (Single Dwelling) and lots in the general area consist of a range of uses, including single and multiple dwellings and a motel. There are units to the south and east of the subject site, a motel to the south-east and single dwellings to the north and north-east. The site is located within close proximity to the Parap shops, the Stuart Highway and the Parap Primary School.



Current Zoning

DISCUSSION

Current Proposal

The current zoning of the subject land is SD (Single Dwelling Residential) and the proposed rezoning seeks to apply Zone MD (Multiple Dwelling Residential). Refer to the proposal at **Attachment B**.

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 REPORT NUMBER: 17TS0016 BS:hd
 SUBJECT: REZONING APPLICATION PA2015/0521 - LOT 1798 (6) WEDDELL STREET, PARAP

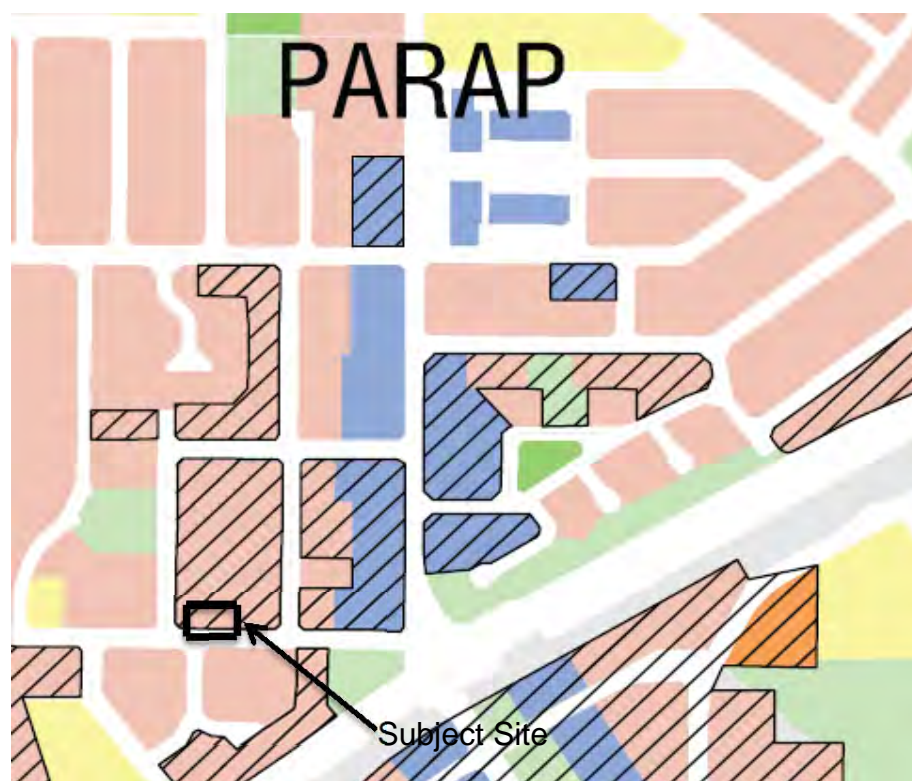
Under the proposed Zone MD provisions, dwellings constructed on the subject land have the potential to be developed to a maximum of two storeys with a dwelling density of one dwelling per 300 square metres. The land area of Lot 1798 is 1,530m² which could potentially accommodate a maximum of five dwellings on the site. The standards setbacks for new developments are:

- the primary frontage - 6 metres (4.5 metres for open structures);
- side and rear boundaries -1.5 metres.

Darwin Inner Suburbs Area Plan (DISAP)

The DISAP was inserted into the Northern Territory Planning Scheme in July 2016. It provides clear strategic direction for future development and gives the community clarity as to the likely location and form of higher density development, while limiting further spot rezoning in residential areas.

The DISAP is informed by studies into the essential infrastructure, community infrastructure and transport services required to meet the needs of the community, and Lot 1798 (6) Weddell Street, Parap has been identified within the DISAP as a potential area for change to multiple dwelling residential.



Legend

 Potential area for change

Subject Site as displayed in the Darwin Inner Suburbs Area Plan (DISAP)

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The applicant has stated that the seven public car parking bays adjacent Weddell Park could be available for visitor parking for the five additional dwellings. The use of public on-street car parks to offset car parking shortfalls is not supported. This will be dealt with during the planning stages of the new development application when received.

Conclusion

It is recommended that Council support the application to rezone Lot 1798 (6) Weddell Street, Parap, from Zone SD (Single Dwelling Residential) to MD (Multiple Dwelling Residential) as the subject site has been identified in the DISAP as a potential area for change to multiple dwelling residential.

CONSULTATION PROCESS

In preparing this report, the following City of Darwin officers were consulted:

- Strategic Town Planner
- Planning Officer

POLICY IMPLICATIONS

City of Darwin Policies will be applicable to any development that occurs on this site.

BUDGET AND RESOURCE IMPLICATIONS

The subject site is not located within a City of Darwin contribution area. Investigations have commenced to confirm whether contribution plans are required to upgrade City of Darwin infrastructure to meet future development.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Not Assessed.

ENVIRONMENTAL IMPLICATIONS

Not Assessed.

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 REPORT NUMBER: 17TS0016 BS:hd
 SUBJECT: REZONING APPLICATION PA2015/0521 - LOT 1798 (6) WEDDELL STREET, PARAP

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

DROSSO LELEKIS
MANAGER DESIGN, PLANNING & PROJECTS

LUCCIO CERCARELLI
GENERAL MANAGER INFRASTRUCTURE

For enquiries, please contact Cindy Robson on 8930 0528 or email: c.robson@darwin.nt.gov.au.

Attachments:

- Attachment A:** City of Darwin, Letter of Response to Reporting Body, dated 15 February 2017
- Attachment B:** Development Application, Lot 1798 (6) Weddell Street, Parap - Rezone from Zone SD (Single Dwelling Residential) To Zone MD (Multiple Dwelling Residential) - PA2015/0521

15 February 2017

Please quote: 3461254 BS:hd

Your reference: PA2015/0521

Mr Michael Holmes
Acting Director Lands Planning
Department of Infrastructure, Planning & Logistics
GPO Box 1680
DARWIN NT 0801

Dear Mr Holmes

Parcel Description: **Lot 1798 - Town of Darwin
6 Weddell Street, Parap**

Proposed Development: **Rezone Lot 1798 from Zone SD (Single Dwelling)
to Zone MD (Multiple Dwelling)**

Thank you for the Development Application referred to this office 19 January 2017, concerning the above. This letter was placed before City of Darwin's, 1st Ordinary Council Meeting held on 14 February 2017 and has subsequently been endorsed by Council.

City of Darwin supports the application to rezone Lot 1798 (6) Weddell Street, Parap, from Zone SD (Single Dwelling) to Zone MD (Multiple Dwelling) as the site has been identified as a potential area for change in the Darwin Inner Suburbs Area Plan.

It is noted that the application identifies seven on-street car parking bays located adjacent Weddell Park which are nominated for the use of visitor car parks for the development. City of Darwin does not support the use of on-street car parking bays to offset car parking shortfalls within private developments.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully

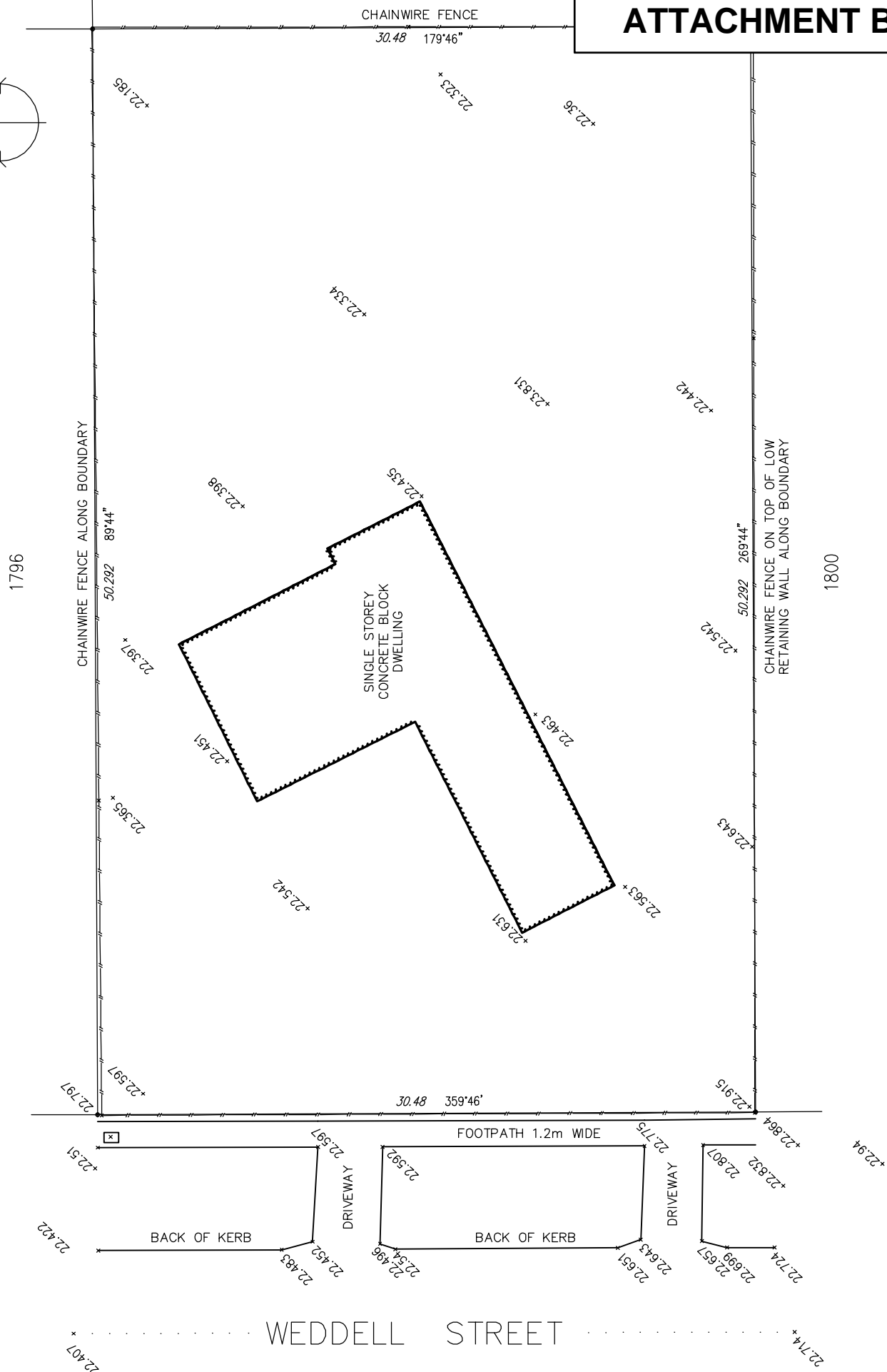
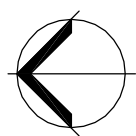
CINDY ROBSON
STRATEGIC TOWN PLANNER

DETAILS, FEATURES AND LEVELS SURVEY OF LOT 1798 - TOWN OF DARWIN
CLIENT: MARK BELL
SURVEY DATE: 10-11-2013
SURVEYOR: John LIEW (08) 8945 1170 johnliewsurveyors@gmail.com

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SURVEYOR: John LIEW
(08) 8945 1170
johnliwsurveyors@gmail.com

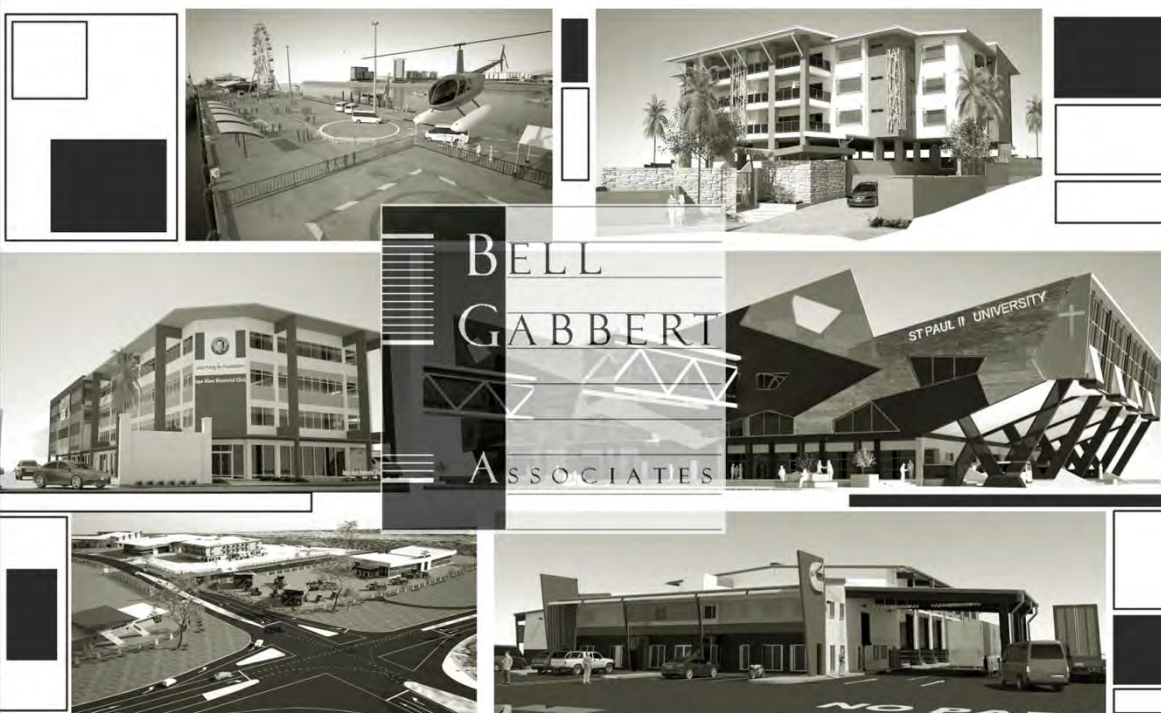
0 2.5 5 7.5 10 15 20 25
SCALE 1:250 at (A4) size metres



B

G

Lot 1798 (6) Weddell Street, Parap
Town of Darwin



A

Rezoning from Zone (SD) Single Dwelling to
Zone (MD) Multiple dwelling

CONTACT:

Director
Wayne Gabbert
 wayne@bellgabbert.com

Bell Gabber Associates
 P. 08 8941 1177
 F. 08 8941 1166
 M. 0439 333 776
 W. www.bellgabbert.com

LOCATION:

DARWIN, NT

Office:
 One / 21 Cavenagh Street
 Darwin, NT 0801

Mail:
 GPO Box 4619
 Darwin NT 0800
 Australia

Project Name:	Lot 1798 (6) Weddell Street, Parap Re-zone application
Prepared by:	Wayne Gabbert
Addressed to :	Development Consent Authority GPO Box 1680 Darwin NT 0801
Date:	16th June 2015
Issue:	A

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3.0	The Proposal	5
4.0	Planning Principles of the Northern Territory Planning Scheme	6-13
5.0	Performance compliance to section 4.2 of the Compact Urban Growth Policy	14-15
6.0	Conclusion	16

1.0 INTRODUCTION

Wayne Gabbert of BellGabbert Associates has prepared a rezoning application on behalf of the land owner of Lot 1798, 6 Weddell Street Parap. The applicant seeks planning approval to amend the Northern Territory Planning Scheme to change Lot 1798 , Weddell Street, Parap from single dwelling zone (SD) to Multiple dwelling zone (MD) .This report takes into consideration the site characteristics, existing amenities and provides a clear rationale why this rezoning application should be approved.



1.1 SITE DESCRIPTION

Lot 1798 is rectangular in shape. The majority of front boundary faces Weddell Park and is setback 18 meters from multiple dwellings located across the road. The proposed application will support a development which would be orientated in an East, West direction. The combined frontage of the block is 30.48 meters long which and accommodates a single driveway entry on the Eastern side boundary. The site is located 2 blocks back from Parap road; the lot is 1530 m² in total size. The site falls 500 mm along front to back. The site has no easements within its boundaries.



Fig 1. View of Site from Weddell Street

2.0 SURROUNDING LAND USES

The allotments on all sides with exception of the front of the site are zoned single dwelling (SD). The surrounding properties are zoned SD. However the rear of the property diagonally abuts the 5-Storey high Paravista Motel (Lot 1801), The Paravista motel is a fully functioning **18 room motel** with facilities such as pool and spa and a recreation BBQ area. This use is non-conforming and it can only be assumed that this site has historic use rights.

The southern side of Lot 1798 (6) next door abuts Lot 1800 (4) this site already accommodates a multiple dwelling style development which appears to also have historic use rights. The site frontage looks over Weddell park, Lots 4129, 4130, 5354, and 5353 are all Zoned MD. Refer to figure 2 below.

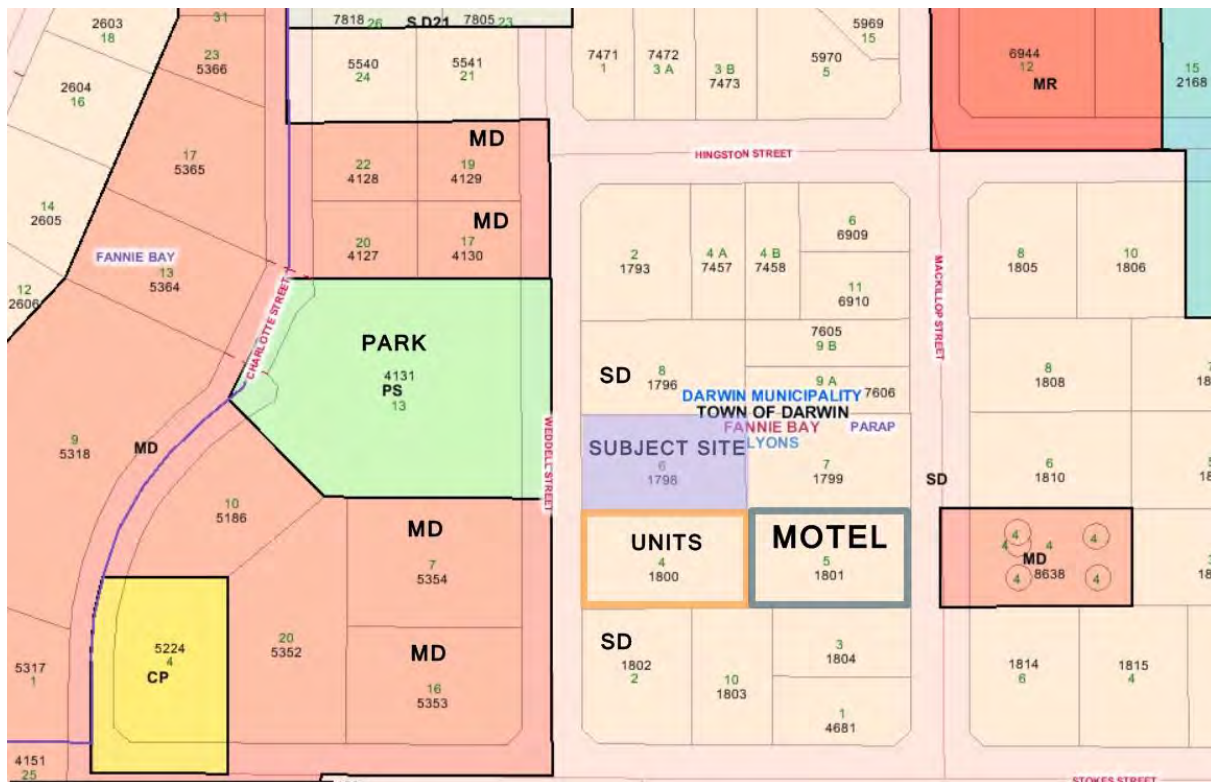


Fig 2. Zoning map showing neighbouring sites and proximity to MD zones.

3.0 The Proposal

The existing ground level residence is a pre cyclone Tracy home which was structurally upgraded and now has a Class "A" occupancy certificate. The house was purchased in 2014 and is not economically viable to significantly upgrade due to its poor and dilapidated condition. The primary purpose of MD zoning is provide for a range of housing options to a maximum height of two storeys above ground level. The application to re-zone is in context to current MD zones in the street and significant number of MD Zones in the Parap area. The change of zone is consistent with other recent approvals and would allow the given the present demand for affordable mid-range housing, the proposal aims to change the zoning to meet this demand.

4.0 Planning Principles of the Northern Territory Planning Scheme

To demonstrate the suitability of the site for rezoning the application makes reference to the upcoming changes to the NT Planning Scheme in reference to application PA2014/0892. Listed below are the amendments to the **COMPACT URBAN GROWTH POLICY** and the application response to the objectives of this policy.

To encourage higher density residential land uses in urban brownfield, Greenfield, specific redevelopment precincts and renewal localities:

4.1.1

Within a comfortable walking distance of an activity centre where arrange of commercial and community facilities area available:

The site is ideally located to a range of commercial and community facilities. To demonstrate the suitability of the site for re-zoning we have provided aerial view of the major facilities in close proximity to the site.



Fig 3. Google image showing proximity of Local Amenities and Park areas

- Darwin Airport (8km / 15 mins)
- Olympic Swimming Pool (0.8km / 2 mins)
- Cafe & Take-Away (0.6 km / 1 min)
- Main Bus Stop (0.2 km / 30 secs)
- Tennis Courts .8 lm/2 mins
- Golf Course (2.4 km / 5 mins)
- Recreation Lake & Pinic Area (3Km/ mins)
- Variety of Restaurants (0.6 km / 1 min)
- Bank & Post Office (0.4 km / 1 min)
- Weddell Public park across the road.
- Medical & Pharmacy (3.4 km / 6 mins)
- Lawn Bowls Clubs (1.3 km / 4 mins)

4.0 Planning Principles of the Northern Territory Planning Scheme Cont..

4.1.2

Within a comfortable walking distance of a public transport route (applicable in regions where public transport services are available):



Fig 4. Google image showing proximity of Bus Stops and available bus routes

Public Transport is located within walking distance of the site, two bus routes are available both are under 400 meters from the site. Refer to Fig. 4 above.

4.0 Planning Principles of the Northern Territory Planning Scheme Cont...

4.1.3

That positively respond to the neighbourhood character and scale, heritage values or amenity of the locality:

The proposal positively responds to the existing character, scale and amenity of the locality. This is clearly demonstrated by similar MD zoning directly across the road and similar usage next door. In addition 4 (Lot 1812) Mackillop Street Parap, which is surrounded by single dwelling zones is only 130 meters from the subject site, and was successful in obtaining rezoning to MD in 2012 clearly demonstrating the locality supports medium density zoning.

4.1.4

That are consistent with the current or future envisaged pattern of urban development within the locality:

The proposal is context with recent re-zoning approvals and the amendment is considered appropriate to the scale of surrounding developments and other recently approved rezoned properties. In recent years, the NTG has allowed the densification of areas in close proximity to the subject site as shown, refer to the successful application of Lot 1812 (4) Mackillop Street Parap from SD-MD. In most cases the density has been increased to multi-residential zoning with a higher density that what is proposed for this site. The sites fronting this site are already zone MD and the neighbouring property has unofficially MD usage clearly demonstrating that street can support this level of densification.

PROXIMITY OF OTHER MULTIPLE DWELLINGS TO THE SUBJECT SITE

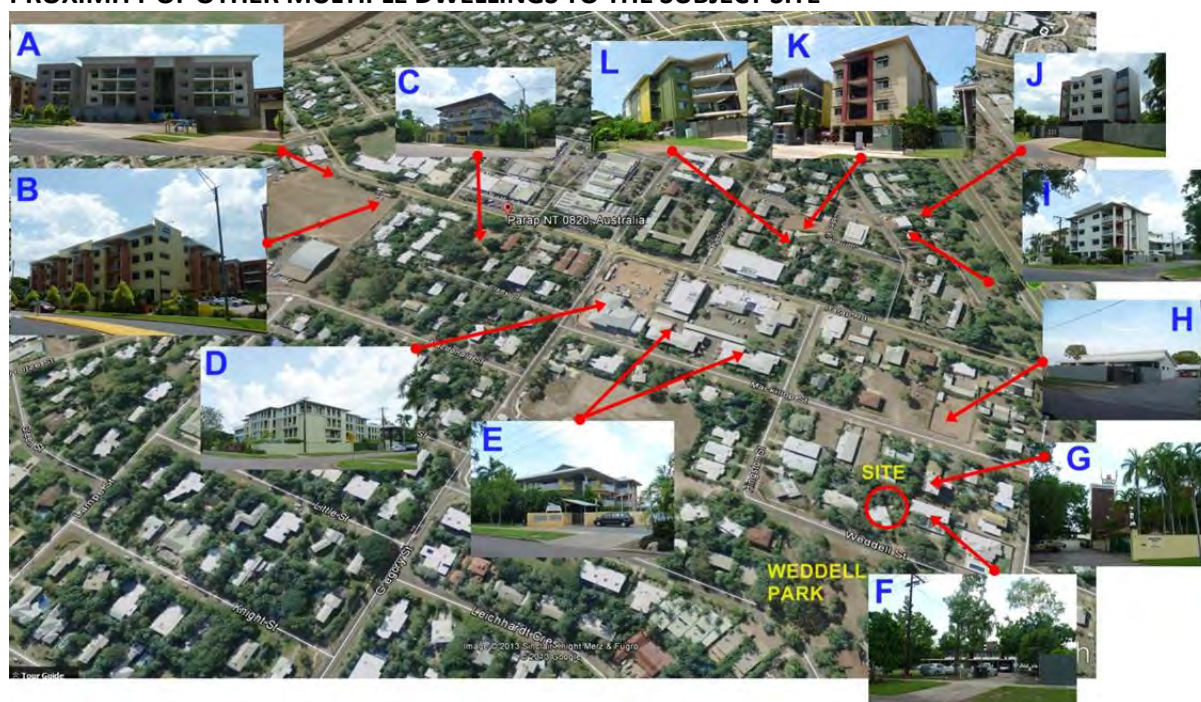


Fig 5. Image showing proximity of multi- residential sites in Parap

4.0 Planning Principles of the Northern Territory Planning Scheme Cont..

Images below link to site map (Fig 5) on page 8, showing proximity of similar development and recent approved developments of higher density than this proposal.



Mitaros Place Apartments



Quest Hotel 49 Parap Road



33 Elsey Apartments (3 Storey)



22 Mackillop Street (4 Storey)



12 Billara Apartments (3 Storey)



4 Weddell Street (MD)

4.0 Planning Principles of the Northern Territory Planning Scheme Cont..



5 Mackillop Street (18 Room Motel)



4 Mackillop Street (SD-MD REZONED)



10 Sommerville Gardens (4 Storey)



6 Foster court (4 Storey)



15 Sommerville Gardens (4 Storey)



13 Sommerville Gardens (4 Storey)

4.0 Planning Principles of the Northern Territory Planning Scheme Cont..



Fig 6. Multiple dwelling next door to site (Existing MD use rights)

4.1.5

In localities where road, service and social and social infrastructure:

- (a) Exists to adequately cater for the increase in density; or*
- (b) Will be provided to a level that will support the envisaged change in population;*

The densification of similar sites in Parap has demonstrated the capacity for this site and others to accommodate denser residential developments. The subject site is superior in most respects to other approved sites. It is a larger site that fronts adjacent parkland, in addition it is also close to the main arterial road and public transport networks. The large adjacent parkland will provide a great family amenity. The site is located close to other existing family amenities and schools. The proponent does not foresee any negative impact of the existing or future amenity of the area.

4.0 Planning Principles of the Northern Territory Planning Scheme Cont..

4.1.6

Where aircraft noise, storm surge, flooding, biting insects or any other constraint does not detrimentally impact on the enjoyment of the locality;

The subject site is no within the ANEF 20 noise contours and is not located within a secondary or primary storm surge zone. The site is not located within a designated biting insect buffer.

4.1.7

That successfully transition from higher densities to lower densities where development is on the periphery of a higher density locality.

This proposal is consistent with urban demographic change and residential market demand for the area. The proposal is consistent with recent developments and approvals in the Parap area. The proposal will integrate seamlessly into the area and is consistent with residential character of the street and suburb. The proposal has the ability to integrate into the existing residential context as clearly demonstrated by other recent developments in Parap, the proponent sites the multi-residential developments located at 13, 15 Sommerville Gardens Parap as examples. The subject site is two streets back from Parap Road, if the subject site was successful in obtaining rezoning it would be consistent with **Compact Urban Growth Policy** in respect to transition of zones density. The fact that the sites that are directly in **front** and directly **behind** the subject site have similar approved densities highlights the consistency of this density with the locality.

5.0 Performance compliance to section 4.2 of the Compact Urban Growth Policy

To further demonstrate suitability of the subject site to comply with higher density residential rezoning we have addressed all Performance Criteria under clause 4. 2

4.2 When considering a Rezoning application, an Exceptional Development Application, any relevant development application or draft Area Plan that proposes higher density residential land uses, the following performance criteria should be addressed:

4.2.1 Can the existing road network support the proposed density increase (ie. Higher densities are not encouraged on cul-de-sacs) should be addressed:

The increased density of the site would only be 5 additional dwellings this would generate only 10 additional cars movements to the street which is not a significant increase in traffic.

4.2.2 Is the vehicle carriage way wide enough to cater for on street car parking and vehicle movement (ie. Emergency vehicles, buses and garbage trucks)

Weddell Street has a carriage width of 7.3 meters. The street can and currently allows for movement of emergency vehicles and garbage trucks in addition there are 7 off street parks directly in front of this site available for visitor parking. Refer to Fig. 7 below.



Fig .7

4.2.3 Will the proposal positively contribute to the neighbourhood character (including landscape character), heritage and amenity in the locality?

The proposal will be context to the existing character and amenity of the neighbourhood. Whilst this application is not a concurrent application with a design concept the multiple dwellings across and road and adjacent to the site demonstrate that a MD zoning contributes to the locality . The proposal has no foreseeable impact on the heritage or amenity of the neighbourhood.

5.0 Performance compliance to section 4.2 of the Compact Urban Growth Policy cont..

4.2.4 Is the proposal continuing an existing development sequence (ie. Compatible heights and densities adjoin the site) or is it consistent with a future development vision outlined by an Area Plan or Policy within the NT Planning Scheme.

The subject site is nestled between existing multiple dwellings which front the site and existing approved multiple development on MacKillop street. In addition the rear of the site directly abuts a 5- storey motel development. The proposal is consistent with the density of neighbouring and adjoining sites with the exception of two neighbouring single dwelling sites. In fact Weddell street has four MD lots directly facing the subject site validating the development sequence is consistent with the NTPS.

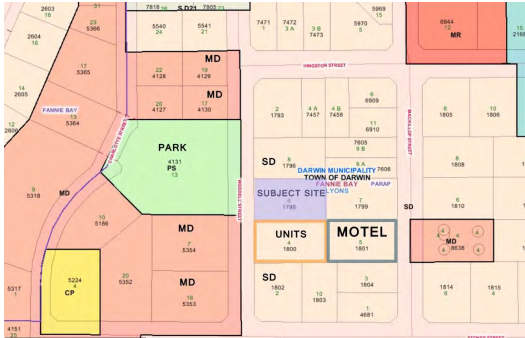


Fig. 8.

4.2.5 Is the site/locality within 400 meters walking distance of the following?

- (a) shops
- (b) frequent public transport:
- (c) public open space:
- (d) schools and other education/community facilities?

4.2.5 (a) Shops

The subject site is within distance (600 m) of the Parap Shopping Village which has a variety of shops and facilities available.



Fig. 9

5.0 Performance compliance to section 4.2 of the Compact Urban Growth Policy Cont..

4.2.5 (b) Public Transport

Public Transport is located within walking distance of the site, two bus routes are available both are under 400 meters from the site. Refer to Fig. 4 page 7 for visual reference.

4.2.5 (c) Public open space

The subject site directly faces Weddell Park providing a perfect family amenity in close proximity. This is augmented by the site only being 850 meters away from the Darwin Highschool oval and Darwin Musuem grounds.

4.2.5 (d) Schools and other education /community facilities

Parap is a prominent residential suburb; it has been a fast growing suburb with recent significant population growth due a number of new residential developments in the area and recent successful re-zoning applications allowing for greater densification of the area. The primary attraction of the area is its proximity to the city (Only 4.0 km from the CBD) and its proximity to the Botanic Gardens. The suburb has both primary, pre-school and Child Care Centre facilities. It also has St Johns Secondary College which is less than a Kilometer from the proposed site and Darwin High School which is less than a kilometer away. The site is within walking distance of a regular public bus network (Route 10). The subject site is also in close proximity a number of education and community facilities as shown in Fig 10.



Fig. 10

The subject site is also in close proximity to the following amenities:

- Darwin Airport (8km / 15 mins)
- Olympic Swimming Pool (0.8km / 2 mins)
- Cafe & Take-Away (0.6 km / 1 min)
- Main Bus Stop (0.2 km / 30 secs)
- Tennis Courts
- Golf Course (2.4 km / 5 mins)
- Recreation Lake & Pinic Area
- Variety of Restaurants (0.6 km / 1 min)
- Bank & Post Office (0.4 km / 1 min)
- Weddell Public park across the road.
- Medical & Pharmacy (3.4 km / 6 mins)
- Lawn Bowls Clubs (1.3 km / 4 mins)

6.0 Conclusion

The proposal is in context with recent DCA approvals and the proposed amendment is considered appropriate to the scale of surrounding developments and other recently approved applications. Whilst there will be a marginal increase in traffic, the location is ideally located having a direct access to Parap road which offers direct access to the Stuart Highway which is the main arterial road. The proposed site is residential in nature and supports a MD style development. The sites fronting the subject site are zoned MD, in addition one side neighbour has an MD style development whilst not zoned MD has existing use rights. The rear of the property abuts an 18 room Motel, the site is one of the few that has 7 off street carbays available for visitors. The proposed development is consistent with the amenity and other surrounding multi-residential zoned lots within Parap. It should also be noted that land use will remain consistent with the current residential zoning. It is therefore kindly requested that a rezone to Multiple Dwelling be granted for this proposal.

Should you wish to discuss any of the above, please call me on 89411177.

Regards

Wayne Gabbert
Director
Bell Gabbert Associates

Parap Properties Trust

PO Box 43020
CASUARINA NT 0811

26th June, 2015

DEVELOPMENT CONSENT AUTHORITY
GPO Box 1680
Darwin NT 0801
Fx. 8999 6055

**RE: LETTER OF AUTHORITY FOR APPLICATION TO REZONE LOT
1798 (6) WEDDELL STREET PARAP DARWIN FROM SINGLE
DWELLING (SD) TO MULTI-DWELLING (MD) ZONING.**

Please be advised that Parap Properties Trust being Directors and
Owners

John Gabbert
.....
.....

of the above Premises hereby authorize Wayne Gabbert of Bell Gabbert
Associates to prepare and lodge a re-zoning development application on
the above mentioned Lot.

Yours faithfully,

Signature of owner

[Signature]
.....

ENCL: 1ST ORDINARY COUNCIL MEETING/OPEN **AGENDA ITEM:** 15.5
YES

COUNCIL RESPONSES TO DEVELOPMENT APPLICATIONS - FEBRUARY 2017

REPORT No.: 17TS0002 BS:hd **COMMON No.:** 2547669 **DATE:** 14/02/2017

Presenter: Manager Design, Planning & Projects, Drosso Lelekis

Approved: General Manager Infrastructure, Luccio Cercarelli

PURPOSE

The purpose of this report is to present to Council for consideration, responses to Development Applications received between 19 January and 3 February 2017.

LINK TO STRATEGIC PLAN

The issues addressed in this report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

Goal

1. Collaborative, Inclusive and Connected Community

Outcome

- 1.4 Improved relations with all levels of government and significant stakeholders

Key Strategies

- 1.4.2 Play an active role in strategic and statutory planning processes

KEY ISSUES

- A summary of City of Darwin responses to the Northern Territory Government for Development Applications exhibited between 19 January 2017 and 3 February 2017 is provided.

RECOMMENDATIONS

- A. THAT Report Number 17TS0002 BS:hd entitled Council Responses to Development Applications - February 2017, be received and noted.
- B. THAT Council endorse the responses to the Development Consent Authority within **Attachments A** and **B** to Report Number 17TS0002 BS:hd entitled Council Responses to Development Applications - February 2017.

PAGE: 2
 REPORT NUMBER: 17TS0002 BS:hd
 SUBJECT: COUNCIL RESPONSES TO DEVELOPMENT APPLICATIONS -
 FEBRUARY 2017

BACKGROUND

The City of Darwin responded to seven Development Applications exhibited between 19 January 2017 and 3 February 2017.

DISCUSSION

Development Applications

Of the seven development applications, City of Darwin Officers recommend supporting six applications and not supporting one application. This represents a rate of 86% of the applications being supported and 14% of the applications not being supported.

Development Applications supported, subject to normal Council conditions

The table below describes the Development Applications that are supported by City of Darwin officers, subject to Council's normal Development Permit conditions in regards to issues including, but not necessarily limited to, waste collection, access and stormwater drainage.

Responses to these Development Applications are provided at **Attachment A** to this report.

Property Address	Description of Development Proposal
Section 7201 - Hundred of Bagot 96 Jessop Crescent, Berrimah	Subdivision for the purpose of a lease in excess of 12 years (Subdivision is to exclude the approved service station from the remainder of the lot, which will be developed in the future)
Sections 6406 & 6407 - Hundred of Bagot 647 & 649 Stuart Highway, Berrimah	Vehicle sales and hire and motor repair station in a single storey building plus mezzanine (Complying development – discretionary use requires consent)
Section 6426 - Hundred of Bagot 45 Jessop Crescent, Berrimah	Warehouse in a single storey building (Complying development – discretionary use requires consent)
Section 6425 - Hundred of Bagot 41 Jessop Crescent, Berrimah	Showroom sales, offices and warehouse in a two storey building (Complying development – discretionary use requires consent)

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Property Address	Description of Development Proposal
Building Lot 7842 & Lot 10177 - Town of Darwin 7B Kitchener Drive & Stokes Hill Road, Darwin	Deck extensions to an existing hotel including for seating and alfresco dining (Waterfront - The Precinct)
Lot 4223 – Town of Darwin 36 Wilmot Street, The Narrows	Unit title schemes subdivision to create two units and common property (New town house development)

Development Application that was not supported:

The table below describes the Development Application that was not supported by City of Darwin officers, for the reasons outlined below.

The response to this Development Application is provided at **Attachment B** to this report.

Property Address	Description of Development Proposal	Objected / Not Supported
Lot 1781 - Town of Darwin 46 Philip Street, Fannie Bay	5 x 4 bedroom multiple dwellings in a two x two storey building	Not Supported <ul style="list-style-type: none"> • Steps located within road verge • Footpath does not line up with existing path either side of the site • Over density • Landscaping does not comply • Reduced side setbacks

CONSULTATION PROCESS

In preparing this report, the following City of Darwin officers were consulted:

- Strategic Town Planner
- Planning Officer

POLICY IMPLICATIONS

Relevant Council policies are noted in individual letter responses.

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 FEBRUARY 2017

BUDGET AND RESOURCE IMPLICATIONS

Budget implications may arise from individual development applications, including payment in lieu of car parking, payment of various contribution plans, and long term upgrading of infrastructure and services as a result of accumulative development.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Risks, legal and legislative implications, if applicable, are noted in individual letter responses.

ENVIRONMENTAL IMPLICATIONS

Environmental implications, if applicable, are noted in individual letter responses.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

DROSSO LELEKIS
MANAGER DESIGN, PLANNING &
PROJECTS

LUCCIO CERCARELLI
GENERAL MANAGER
INFRASTRUCTURE

For enquiries, please contact Cindy Robson on 8930 0528 or email:
 c.robson@darwin.nt.gov.au.

Attachments:

Attachment A: Letters of support, subject to normal Council conditions, for Development Applications not yet considered by the Development Consent Authority

Attachment B: Letter not supporting a Development Application not yet considered by the Development Consent Authority

27 January 2017

Please quote: 3434655 BS:hd

Your reference: PA2016/0738

Acting Manager Urban Planning
Department of Infrastructure, Planning & Logistics
GPO Box 1680
DARWIN NT 0801

Dear Sir/Madam

Parcel Description: **Section 7201 - Hundred of Bagot
96 Jessop Crescent, Berrimah**

Proposed Development: **Subdivision for the purpose of a lease in excess
of 12 years**

Thank you for the Development Application referred to this office 14 December 2016, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

No issues are raised for this Development Application in relation to matters that fall within the responsibility of the City of Darwin.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully



CINDY ROBSON
STRATEGIC TOWN PLANNER

27 January 2017

Please quote: 3455802 BS:hd

Your reference: PA2017/0007

Acting Manager Urban Planning
Department of Infrastructure, Planning & Logistics
GPO Box 1680
DARWIN NT 0801

Dear Sir/Madam

**Parcel Description: Sections 6406 & 6407 - Hundred of Bagot
647 & 649 Stuart Highway, Berrimah**

**Proposed Development: Vehicle sales and hire and motor repair station in
a single storey building plus mezzanine**

Thank you for the Development Application referred to this office 12 January 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

- a). **City of Darwin supports the granting of a Development Permit**, however, plans submitted with the application indicate three vehicle access locations to the site. The City of Darwin generally approves one vehicular access to each site, at a maximum width of 6 metres. The City of Darwin is seeking an access Condition Precedent and the number of access points will be reviewed through this process.
- i). **City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**
 - b). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of the General Manager Infrastructure, City of Darwin at no cost to Council.**
 - c). **Access to the site shall meet City of Darwin requirements.**

- d). **City of Darwin requests that the Authority require a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to City of Darwin's stormwater drainage system.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged underground to City of Darwin's drainage network.
- 1). The plan shall include details of site levels and City of Darwin's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to City of Darwin's system.
 - 2). City of Darwin requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into City of Darwin's stormwater drainage system. It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
- e). **Verge plantings, footpaths and other works are required to be upgraded in accordance with City of Darwin policies, and are subject to a separate approval from City of Darwin.** City of Darwin requests that the applicant first seek all required landscaping, footpath approvals from City of Darwin for all works within the road reserve.
- f). **Waste**
City of Darwin requests that the Authority require a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Policy 054.

A copy of City of Darwin's Waste Management Policy 054 may be viewed on City of Darwin's website or by contacting City of Darwin's Infrastructure department.

- g). **Site Construction**
City of Darwin requests that an Environmental and Construction Management Plan (ECMP) be required.
 The ECMP should specifically address the following:
- waste management,
 - traffic control,
 - haulage routes,
 - storm water drainage,
 - use of City of Darwin land, and
 - how this land will be managed during the construction phase;

to the satisfaction of the General Manager Infrastructure, City of Darwin.

Note: Sediment control measures are to be established and maintained, to prevent silt and sediment escaping the site or producing erosion.

Building rubbish or debris must not be placed, or be permitted to be placed, on any adjoining public reserve, footway, road or private land, without first obtaining a works approval from City of Darwin.

- ii). **Should the above issues be adequately addressed, City of Darwin offers the following comments:**

City of Darwin comments on issues for which it is the sole responsible authority, under the Local Government Act and associated By-Laws:-

a). **Building Identification**

In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction of the General Manager Infrastructure, City of Darwin and at no cost to City of Darwin.

Should this application be approved, the following conditions pursuant to the Planning Act and City of Darwin's responsibilities under the Local Government Act are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- 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.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of the General Manager Infrastructure, City of Darwin.
- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at the applicant's expense and to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Sight lines shall be provided at crossovers to public streets, to the satisfaction of the General Manager Infrastructure, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.

- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.
- The total number of required disabled car parking bays shall be met on site.
- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
- Any proposed stormwater connections to City of Darwin stormwater system or 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 the General Manager Infrastructure, City of Darwin.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully



CINDY ROBSON
STRATEGIC TOWN PLANNER

27 January 2017

Please quote: 3455927 BS:hd

Your reference: PA2016/0763

Acting Manager Urban Planning
Department of Infrastructure, Planning & Logistics
GPO Box 1680
DARWIN NT 0801

Dear Sir/Madam

Parcel Description: **Section 6426 - Hundred of Bagot
45 Jessop Crescent, Berrimah**

Proposed Development: **Warehouse in a single storey building**

Thank you for the Development Application referred to this office 12 January 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

- a). **City of Darwin supports the granting of a Development Permit** however, plans submitted with the application indicate that the access to the site is 7 metres wide. The City of Darwin generally approves one access to a site at a maximum width of 6 metres. The City of Darwin is seeking an access Condition Precedent, and the access dimensions will be reviewed through this process.
- i). **City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**
 - a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of the General Manager Infrastructure, City of Darwin at no cost to Council.**
 - b). **Access to the site shall meet City of Darwin requirements.**
 - c). **City of Darwin requests that the Authority require a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to City of Darwin's stormwater drainage**

system. The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged underground to City of Darwin's drainage network.

- 1). The plan shall include details of site levels and City of Darwin's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to City of Darwin's system.
 - 2). City of Darwin requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into City of Darwin's stormwater drainage system. It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
- d). **Verge plantings, footpaths and other works are required to be upgraded in accordance with City of Darwin policies, and are subject to a separate approval from City of Darwin.** City of Darwin requests that the applicant first seek all required landscaping, footpath approvals from City of Darwin for all works within the road reserve.
- e). **Waste**
City of Darwin requests that the Authority require a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Policy 054.

A copy of City of Darwin's Waste Management Policy 054 may be viewed on City of Darwin's website or by contacting City of Darwin's Infrastructure department.

- f). **Site Construction**
City of Darwin requests that an Environmental and Construction Management Plan (ECMP) be required.
 The ECMP should specifically address the following:
- waste management,
 - traffic control,
 - haulage routes,
 - storm water drainage,
 - use of City of Darwin land, and
 - how this land will be managed during the construction phase;

to the satisfaction of the General Manager Infrastructure, City of Darwin.

Note: Sediment control measures are to be established and maintained, to prevent silt and sediment escaping the site or producing erosion.

Building rubbish or debris must not be placed, or be permitted to be placed, on any adjoining public reserve, footway, road or private land, without first obtaining a works approval from City of Darwin.

ii). **Should the above issues be adequately addressed, City of Darwin offers the following comments:**

City of Darwin comments on issues for which it is the sole responsible authority, under the Local Government Act and associated By-Laws:-

a). **Building Identification**

In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction of the General Manager Infrastructure, City of Darwin and at no cost to City of Darwin.

Should this application be approved, the following conditions pursuant to the Planning Act and City of Darwin's responsibilities under the Local Government Act are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- 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.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of the General Manager Infrastructure, City of Darwin.
- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at the applicant's expense and to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Sight lines shall be provided at crossovers to public streets, to the satisfaction of the General Manager Infrastructure, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.

- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.
- The total number of required disabled car parking bays shall be met on site.
- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
- Any proposed stormwater connections to City of Darwin stormwater system or 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 the General Manager Infrastructure, City of Darwin.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully



CINDY ROBSON
STRATEGIC TOWN PLANNER

27 January 2017

Please quote: 3455998 BS:hd

Your reference: PA2016/0739

Acting Manager Urban Planning
Department of Infrastructure, Planning & Logistics
GPO Box 1680
DARWIN NT 0801

Dear Sir/Madam

Parcel Description: **Section 6425 - Hundred of Bagot
41 Jessop Crescent, Berrimah**

Proposed Development: **Showroom sales, offices and warehouse in a two
storey building**

Thank you for the Development Application referred to this office 12 January 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

- i). **City of Darwin supports the granting of a Development Permit.**
- ii). **City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**
 - a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of the General Manager Infrastructure, City of Darwin at no cost to Council.**
 - b). **The crossover and driveway shall meet City of Darwin requirements.**
 - c). **City of Darwin requests that the Authority require a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to City of Darwin's stormwater drainage system.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged underground to City of Darwin's drainage network.

- 1). The plan shall include details of site levels and City of Darwin's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to City of Darwin's system.
 - 2). City of Darwin requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into City of Darwin's stormwater drainage system. It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
- d). **Verge plantings, footpaths and other works are required to be upgraded in accordance with City of Darwin policies, and are subject to a separate approval from City of Darwin.** City of Darwin requests that the applicant first seek all required landscaping, footpath approvals from City of Darwin for all works within the road reserve.
- e). **Waste**
City of Darwin requests that the Authority require a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Policy 054.

The applicant's plans fail to demonstrate adequate waste management, this includes:

- any access gates to the bin enclosure not being locked,
- there shall be no step between the bin enclosure and the collection area to allow for ease of access,
- the bin enclosure shall include a hose and wash down area with a drain connected to City of Darwin's stormwater system, and
- an unimpeded concrete access path to the bin enclosure from the development.

A copy of City of Darwin's Waste Management Policy 054 may be viewed on City of Darwin's website or by contacting City of Darwin's Infrastructure department.

- f). **Site Construction**
City of Darwin requests that an Environmental and Construction Management Plan (ECMP) be required.
 The ECMP should specifically address the following:
- waste management,
 - traffic control,
 - haulage routes,

- storm water drainage,
- use of City of Darwin land, and
- how this land will be managed during the construction phase;

to the satisfaction of the General Manager Infrastructure, City of Darwin.

Note: Sediment control measures are to be established and maintained, to prevent silt and sediment escaping the site or producing erosion.

Building rubbish or debris must not be placed, or be permitted to be placed, on any adjoining public reserve, footway, road or private land, without first obtaining a works approval from City of Darwin.

iii). **Should the above issues be adequately addressed, City of Darwin offers the following comments:**

City of Darwin comments on issues for which it is the sole responsible authority, under the Local Government Act and associated By-Laws:-

a). **Building Identification**

In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction of the General Manager Infrastructure, City of Darwin and at no cost to City of Darwin.

Should this application be approved, the following conditions pursuant to the Planning Act and City of Darwin's responsibilities under the Local Government Act are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- 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.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of the General Manager Infrastructure, City of Darwin.
- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at

the applicant's expense and to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

- Sight lines shall be provided at crossovers to public streets, to the satisfaction of the General Manager Infrastructure, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.
- The total number of required disabled car parking bays shall be met on site.
- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
- Any proposed stormwater connections to City of Darwin stormwater system or 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 the General Manager Infrastructure, City of Darwin.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully



CINDY ROBSON
STRATEGIC TOWN PLANNER

27 January 2017

Please quote: 3456041 BS:hd

Your reference: PA2017/0009

Acting Manager Urban Planning
Department of Infrastructure, Planning & Logistics
GPO Box 1680
DARWIN NT 0801

Dear Sir/Madam

Parcel Description: Building Lot 7842 & Lot 10177 - Town of Darwin
7B Kitchener Drive & Stokes Hill Road, Darwin

Proposed Development: Deck extensions to an existing hotel including
seating and alfresco dining (The Precinct)

Thank you for the Development Application referred to this office 12 January 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issue is raised for consideration by the Authority:

It is noted that this application is not within the City of Darwin Municipality; however, the Consent Authority may wish to consider the following:

Car parking shortfall


The applicant is seeking a waiver to supply the required 24 car parking bays for this development.

The car parking shortfall if approved will be in addition to an existing car parking shortfall within the Darwin Waterfront Precinct. The Development Consent Authority should consider any impact that a cumulative shortfall of car parking provision may have for this, and all future development applications within this area and any overflow effects this may have on surrounding areas.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Cindy Robson', written over a light grey rectangular background.

CINDY ROBSON
STRATEGIC TOWN PLANNER

3 February 2017

Please quote: 3461362 BS:hd

Your reference: PA2017/0024

Mr Tony Brennan
Acting Manager Urban Planning
Department of Infrastructure, Planning & Logistics
GPO Box 1680
DARWIN NT 0801

Dear Mr Brennan

Parcel Description: **Lot 4223 - Town of Darwin
36 Wilmot Street, The Narrows**

Proposed Development: **Unit title schemes subdivision to create two units
and common property**

Thank you for the Development Application referred to this office 20 January 2017, concerning the above. This letter may be placed before City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

No issues are raised for this Development Application in relation to matters that fall within the responsibility of City of Darwin.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully



CINDY ROBSON
STRATEGIC TOWN PLANNER

27 January 2017

Please quote: 3441788 BS:hd
Your reference: PA2016/0734

Acting Manager Urban Planning
Department of Infrastructure, Planning & Logistics
GPO Box 1680
DARWIN NT 0801

Dear Sir/Madam

Parcel Description: **Lot 1781 - Town of Darwin
46 Philip Street, Fannie Bay**

Proposed Development: **Five x four bedroom multiple dwellings in a two x
two storey building**

Thank you for the Development Application referred to this office 14 December 2016, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

i). **The City of Darwin does not support the granting of a Development Permit for the following reasons:**

Nature Strip

- a). The plans and architectural rendering submitted with the application indicates steps are to be placed within the City of Darwin nature strip. City of Darwin does not support the placement of any steps in this location. Any proposed steps to the properties are to be provided within the subject site.

Footpath

- b). The plans and architectural rendering submitted with the application indicates that the footpath will be built along the boundary line of the subject site. As this involves a realignment of the footpath, City of Darwin requires a separate application to be submitted. The application is to demonstrate a footpath design to Council standards, which will allow for the continuous path of travel beyond the subject property boundary (the current proposal would not align with the existing footpath to the north of the site).

Density

- c). The development proposes five multiple dwellings on a site that under the Northern Territory Planning Scheme has a maximum density of four dwellings. The development does not exceed the maximum density by an excessive amount, however, Council is concerned that the increased density of the development has resulted in reductions to setbacks and landscaping within the site.

Landscaping

- d). The application has failed to clearly demonstrate that the development will meet the specified 30% required landscaping on site. Furthermore, the applicant has stated that units 3, 4 and 5 have access to a reserve adjacent the western boundary of the subject site. A site visit has concluded that the Pearl Retirement Village is located adjacent the site not the stated parkland.

Setbacks

- e). The increased density of the site has resulted in reduced setbacks that may potentially affect the amenity of adjoining residents. The overall length of the rear units exceeds 18 metres in length and this adds to the overall bulk and scale of the development. Setbacks should be provided in accordance with clause 7.3.1 of the Planning Scheme to reduce amenity issues on surrounding developments.

ii). The City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:

- a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of the General Manager Infrastructure, City of Darwin at no cost to Council.**
- b). **The access to the site shall meet City of Darwin requirements. The City of Darwin is requesting that the applicant provide an engineer's traffic assessment detailing adequate access sightlines for pedestrians, cyclists and vehicles.**
- c). **Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval by Council is required for all works within the nature strip. This includes the realignment of the pedestrian path and the removal of the proposed steps as detailed in the submitted plans.**
- d). **The City of Darwin requests that the Authority require a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to the City of Darwin's stormwater drainage system.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged underground to the City of Darwin's drainage network.

- 1). The plan shall include details of site levels and the City of Darwin's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to the City of Darwin's system.
- 2). The City of Darwin requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into the City of Darwin's stormwater drainage system. It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

e). **Site Construction**

The City of Darwin requests that an Environmental and Construction Management Plan (ECMP) be required.

The ECMP should specifically address the following:

- waste management,
- traffic control,
- haulage routes,
- storm water drainage,
- use of City of Darwin land, and
- how this land will be managed during the construction phase;

to the satisfaction of the General Manager Infrastructure, City of Darwin.

Note: Sediment control measures are to be established and maintained, to prevent silt and sediment escaping the site or producing erosion.

Building rubbish or debris must not be placed, or be permitted to be placed, on any adjoining public reserve, footway, road or private land, without first obtaining a works approval from the City of Darwin.

iii). **Should the above issues be adequately addressed, the City of Darwin offers the following comments:**

The City of Darwin comments on issues for which it is the sole responsible authority, under the Local Government Act and associated By-Laws:-

a). **Waste**

The City of Darwin requests that the Authority require a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with the City of Darwin's Waste Management Policy 054.

The applicant's plans fail to demonstrate adequate waste management, this includes:

- any access gates to the bin enclosure not being locked,
- there shall be no step between the bin enclosure and the collection area to allow for ease of access,
- the bin enclosure shall include a hose and wash down area with a drain connected to the City of Darwin's stormwater system, and
- an unimpeded concrete access path to the bin enclosure from the development.

A copy of the City of Darwin's Waste Management Policy 054 may be viewed on the City of Darwin's website or by contacting the City of Darwin's Infrastructure department.

a). **Building Identification**

In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction of the General Manager Infrastructure, City of Darwin and at no cost to the City of Darwin.

Should this application be approved, the following conditions pursuant to the Planning Act and the City of Darwin's responsibilities under the Local Government Act are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- 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 the City of Darwin.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of the General Manager Infrastructure, City of Darwin.
- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into the City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at the applicant's expense and to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Sight lines shall be provided at crossovers to public streets, to the satisfaction of the General Manager Infrastructure, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.

- All developments on/or adjacent to any easements on-site, in favour of the City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- All proposed stormwater connections to the City of Darwin stormwater system and proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0528.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Cindy Robson', written in a cursive style.

CINDY ROBSON
STRATEGIC TOWN PLANNER

16. INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

Nil

17. REPORTS OF REPRESENTATIVES

Common No. 1735503

18. QUESTIONS BY MEMBERS

19. GENERAL BUSINESS

20. DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING

Common No. 2695130

THAT the next Ordinary Meeting of Council be held on Tuesday, 28 February 2017, at 5:00pm (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.

21. CLOSURE OF MEETING TO THE PUBLIC

Common No. 2695131

22. ADJOURNMENT OF MEETING AND MEDIA LIAISON

Common No. 2695132



Minutes Open

Previous Ordinary

31 January 2017

CITY OF DARWIN

MINUTES OF THE ONE HUNDRED AND SIXTH ORDINARY COUNCIL MEETING OF THE TWENTY-FIRST COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, HARRY CHAN AVENUE ON TUESDAY, 31 JANUARY 2017 COMMENCING AT 5:00PM.

PRESENT: The Right Worshipful, Lord Mayor, Ms K M Fong Lim, (Chair); Member R K Elix; Member J A Glover; Member G J Haslett; Member R M Knox; Member G A Lambert; Member G Lambrinidis; Member S J Niblock; Member M Palmer; Member R Want de Rowe; Member E L Young.

OFFICERS: Chief Executive Officer, Mr B P Dowd; General Manager Corporate Services, Dr D Leeder; General Manager Infrastructure, Mr L Cercarelli; Executive Manager, Mr M Blackburn; Executive Assistant Infrastructure, Ms T Zerek; Acting General Manager Community & Cultural Services, Mr M Grassmayr; Manager Business Services, Mr L Carroli; Strategic Town Planner, Ms C Robson; Senior Media & Public Relations Officer, Ms J Raymond-Monro.

GUESTS: Ms Bilawara Lee was in attendance from 5.00pm to perform a Welcome to Country.

The Chung Wah Society Lion Dance Troupe were in attendance from 5.10pm to bless the Council Chambers.

WEBCASTING DISCLAIMER

The City of Darwin live webcasts the Open Section of Ordinary Council Meetings. Audio-visual recording equipment was configured to avoid coverage of the public gallery area and the City of Darwin used its best endeavours to ensure images in this area are not webcast. However the City of Darwin expressly provided no assurances to this effect and in the event your image was webcast, you were by remaining in the public gallery area taken to have given the City of Darwin a non-exclusive licence to copy and broadcast your image worldwide for no reward.

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1. WELCOME TO COUNTRY

Ms Bilawara Lee was in attendance from 5.00pm to perform a Welcome to Country.

The Chung Wah Society Dragon and Lion Dance Troupe were in attendance from 5.10pm to 5.15pm to bless the Council Chambers.

The Lord Mayor vacated the Chamber at 5.15pm to escort the Chung Wah Society Dragon and Lion Dance Troupe.

2. THE LORD'S PRAYER

3. MEETING DECLARED OPEN

Member R Elix as Acting Chair declared the meeting open at 5.15 pm.

4. APOLOGIES AND LEAVE OF ABSENCE
Common No. 2695036

4.1 Apologies

Nil

4.2 Leave of Absence Granted

Nil

4.3 Leave of Absence Requested

(Haslett/Young)

A. THAT a Leave of Absence be granted for The Right Worshipful, The Lord Mayor, Ms K Fong Lim for the period of 2 March 2017 to 6 March 2017.

B. THAT a Leave of Absence be granted for Member G Lambrinidis for the period of 9 February 2017 to 15 February 2017.

C. THAT a Leave of Absence be granted for Member G Lambert for the period of 2 February 2017 to 5 February 2017.

DECISION NO.21\5115 (31/01/17) Carried

5. ELECTRONIC MEETING ATTENDANCE

Common No. 2221528

5.1 Electronic Meeting Attendance Granted

Nil

5.2 Electronic Meeting Attendance Requested

Nil

6. DECLARATION OF INTEREST OF MEMBERS AND STAFF

Common No. 2752228

6.1 Declaration of Interest by Members

Nil

6.2 Declaration of Interest by Staff

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S

Common No. 1955119

7.1 Confirmation of the Previous Ordinary Council Meeting

(Lambert/Palmer)

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 13 December 2016, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.21\5116

(31/01/17)

Carried

8. BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETING/S

Nil

9. MATTERS OF PUBLIC IMPORTANCE

Nil

10. DEPUTATIONS AND BRIEFINGS

Nil

The Lord Mayor entered the Meeting at 5.20pm and assumed the role of Chair

11. PUBLIC QUESTION TIME

(Niblock/Knox)

THAT the following Public Questions and responses as tabled from Ms Lia Gill regarding Lakeside Drive be received and noted.

DECISION NO.21\5117

(31/01/17)

Carried

11.1 Ms Lia Gill – Lakeside Drive Treatment Plan

Common No. 3248668

Question 1

The Lakeside Drive Materials Disposal Investigations report (Lot 9057- 21 Lakeside Drive - Materials Disposal Investigation, Report No : 16TS0038 LC;jw Common No : 3248668) was read in full at the second ordinary Council meeting on February 23 /2016. However it is not attached to the minutes for this meeting despite the relevance of this unprecedented desecration to this area and the homes it could affect . I believe it has been removed. The only attachment relating to this issue for that meeting is a site map of where soil samples were taken from. This does not make any sense without the full report also being attached. In the interest of total transparency within the workings of this Council could it please be re - entered into the public records on the website for the second ordinary meeting for February 2016?

Response

The Lakeside Drive Materials Disposal Investigations report (Lot 9057- 21 Lakeside Drive - Materials Disposal Investigation, Report No : 16TS0038 LC;jw Common No : 3248668) is available on the website within the Agenda (not the minutes) for the Council Meeting on the 23rd February 2016. It was never taken from the public record.

The report is provided in full on page 108 of the Agenda. <http://www.darwin.nt.gov.au/council/council-meetings/2016/february/2nd-ordinary-council-meeting>

Question 2

I have noticed that the Lakeside Drive Treatment Plan (Report No 16TC0055 SG:nj Common No: 3248668) which was presented at the second ordinary meeting on September the 27th 2016 has also been removed from the public records for September 2016. Why was this document removed from public view? Who made the decision to remove this document?

Question 3

Again in the interest of 'transparency' could this also be re-entered into the public records for the second ordinary Council meeting for September the 27 th 2016 ?

Response

Questions 2 and 3 address the same concern. The Lakeside Drive Treatment Plan (Report No 16TC0055 SG:nj Common No: 3248668) has not been removed from the public record. The Lakeside Drive Treatment Plan was endorsed at the Environment and Infrastructure committee meeting on the 20th September 2016 and can be found on page 70 of the Agenda for that meeting (see link provided).
<http://www.darwin.nt.gov.au/council/council>

Question 4

I have requested some indication of the cost of the ' Lakeside Drive Treatment Plan' from Council representatives at least 3 times now. Given that it took a good many Government and Council employees , several trucks and a backhoe to work for several days to remove tons of waste in the areas that have been worked on so far (though tons of waste are still present at these 'cleared' areas) , and that there are still many more tons of waste yet to be removed, and also given that the damage to this area has been extensive and the rehabilitation is likely to take some years as the area is now overgrown with weed species and the soil is very compacted due to heavy machinery being used to push waste into the mangroves, and now again to remove this waste the cost to the public is likely to be considerable. Again in the interest of ' transparency' could the estimated budget for the entirety of this operation please be put on public record as well?

Response

A report will be going up to the Environment & Infrastructure Committee meeting on Tuesday 21 February 2017. The report by the Climate Change and Environment Manager will provide an update on the status of the Lakeside Drive Treatment Plan and will include the current costs incurred to remove debris and installation of bollards to restrict access. The Treatment Plan is being delivered through the existing Infrastructure Operational Budget.

12. CONFIDENTIAL ITEMS

Common No. 1944604

12.1 Closure to the Public for Confidential Items

(Palmer/Lambert)

THAT pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations the meeting be closed to the public to consider the following Confidential Items:-

Item	Regulation	Reason
C25.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C29.1.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C29.1.2	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C29.2.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person

DECISION NO.21\5118

(31/01/17)

Carried

12.2 Moving Open Items Into Confidential

Nil

12.3 Moving Confidential Items Into Open

Nil

13. PETITIONS

Nil

14. NOTICE(S) OF MOTION

Nil

15.1 OFFICERS REPORTS (ACTION REQUIRED)

15.1.1 CBD Summit Working Group – Short Term Actions

Report No. 17A0004 LC:jg (31/01/17) Common No. 3360177

(Lambert/Niblock)

A. THAT Report Number 17A0004 LC:jg entitled CBD Summit Working Group – Short Term Actions, be received and noted.

B. THAT Council progress each of the actions in Report Number 17A0004 LC:jg entitled CBD Summit Working Group – Short Term Actions, resulting from the CBD Summit as detailed in this report.

DECISION NO.21\5119 (31/01/17)

Carried

ACTION: MGR BUSINESS SERVICES
NOTE: GM CORP

15.1.2 Darwin Entertainment Centre - Air Conditioner Update

Report No. 16TS0191 NL:hd (31/01/17) Common No. 2638206

Procedural Motion

(Lambert/Want De Rowe)

THAT this item be taken off the table and considered as the next item business.

Carried

(Lambert/Lambrinidis)

A. THAT Report Number 16TS0191 NL:hd entitled Darwin Entertainment Centre - Air Conditioner Update, be received and noted.

B. THAT Council endorse the allocation of \$6.1 million, spread over two financial years, for the scope of works for replacement of the Darwin Entertainment Centre air-conditioning systems outlined in Report Number 16TS0191 NL:hd entitled Darwin Entertainment Centre - Air Conditioner Update.

C. THAT replacement of the Darwin Entertainment Centre air-conditioning systems be funded via:

- (i) general funds (as per the 2016/17 municipal plan) of \$2,236,000
- (ii) external loan funds of \$3,864,000

D. That Council seek ministerial approval to borrow up to \$4 million for the replacement of the Darwin Entertainment Centre air-conditioning systems.

E. That Council approach the Northern Territory Government for financial assistance for the upgrade of the Darwin Entertainment Centre air conditioning plant.

DECISION NO.21\5120 (31/01/17)

Carried

ACTION: MGR CAPITAL WORKS
ACTION: PART D GM CORP
ACTION: PART E GM COMM
NOTE: MANAGER FINANCE
NOTE: GM INF

15.1.3 Council Response To Special Liquor Licence Application - I Love The 90's Concert Tour

Report No. 17C0004 TM:kl (31/01/17) Common No. 3256028

(Lambert/Young)

- A. THAT Report Number 17C0004 TM:kl entitled Council Response To Special Liquor Licence Application - I Love The 90's Concert Tour, be received and noted.
- B. THAT Council approve the Special Liquor Licence Application at **Attachment A** to Report Number 17C0004 TM:kl entitled Special Liquor Licence Application – I Love the 90's Tour.

DECISION NO.21\5121

(31/01/17)

Carried

ACTION: MGR DARWIN SAFER CITY
NOTE: GM COMM

15.1.4 Draft Animal Management Strategy and Consultation Plan

Report No. 17A0006 AS:jg (31/01/17) Common No. 3035896

With the consent of the Council, the Decisions arising from this item were moved from the Confidential Section into the Open Section of the Minutes.

(Lambert/Young)

- A. THAT Report Number 17A0006 AS:jg entitled Draft Animal Management Strategy and Consultation Plan, be received and noted.
- B. THAT Council endorse for the purposes of a level two public consultation the Domestic Animal Management Strategy 2017-2020 at **Attachment A**, as amended, to Report Number 17A0006 AS:jg entitled Draft Animal Management Strategy and Consultation Plan.
- C. THAT the Animal Management Advisory Committee be reconvened for a two month period to discuss the community consultation results and make recommendations on changes to the draft Animal Management Strategy prior to its adoption by Council.
- D. That this Decision be moved into open.

DECISION NO.21\5134

(31/01/17)

Carried

ACTION: GM CORP

15.1.5 Building Better Regions Fund 2017-2019

Report No. 17TC0003 VG:eb (31/01/17) Common No. 3437246

With the consent of the Council, the Decisions arising from this item were moved from the Confidential Section into the Open Section of the Minutes.

(Lambert/Elix)

- A. THAT Report Number 17TC0003 VG:eb entitled Building Better Regions Fund 2017-2019, be received and noted.
- B. THAT Council pursuant to Section 32(2) of the Local Government Act 2008 (as amended), hereby delegates to the Chief Executive Officer, the power to finalise and submit the funding application for the Shoal Bay Waste Management Facility for the Infrastructure Projects Stream of Building Better Regions Fund in accordance with Report Number 17TC0003 VG:eb entitled Building Better Regions Fund 2017-2019.
- C. THAT this decision be moved into Open.

DECISION NO.21\5135

(31/01/17)

Carried

ACTION: MGR STRATEGY & OUTCOMES
NOTE: EXECUTIVE MGR

15.2 OFFICERS REPORTS (RECEIVE & NOTE)

15.2.1 Monthly Financial Report - December 2016

Report No. 17A0005 MC:jg (31/01/17) Common No. 2476534

(Haslett/Glover)

THAT Report Number 17A0005 MC:jg entitled Monthly Financial Report - December 2016, be received and noted.

DECISION NO.21\5122

(31/01/17)

Carried

15.2.2 Parap Pool Redevelopment Progress Report

Report No. 17C0006 AM:kl (31/01/17) Common No. 2918032

(Lambrinidis/Elix)

THAT Report Number 17C0006 AM:kl entitled Parap Pool Redevelopment Progress Report, be received and noted.

DECISION NO.21\5123

(31/01/17)

Carried

15.2.3 Velodrome Upgrade Progress Report

Report No. 17C0005 AM:kl (31/01/17) Common No. 3091378

(Want De Rowe/Niblock)

THAT Report Number 17C0005 AM:kl entitled Velodrome Upgrade Progress Report, be received and noted.

DECISION NO.21\5124

(31/01/17)

Carried

16. TOWN PLANNING REPORT/LETTER

16.1 Council Responses to Development Applications - January 2017

Report No. 17TS0015 BS:hd (31/01/17) Common No. 2547669

(Lambert/Young)

A. THAT Report Number 17TS0015 BS:hd entitled Council Responses to Development Applications - January 2017, be received and noted.

B. THAT Council receive and note the responses at **Attachment A**, which have been heard, determined or finalised by the relevant authority, within Report Number 17TS0015 BS:hd entitled Council Responses to Development Applications - January 2017.

C. THAT Council endorse the response to the Development Assessment Services within **Attachment B** to Report Number 17TS0015 BS:hd entitled Council Responses to Development Applications - January 2017.

D. THAT Council receive and note the responses to the Northern Territory Government Department of Infrastructure, Planning and Logistics within **Attachment C** to Report Number 17TS0015 BS:hd entitled Council Responses to Development Applications - January 2017.

E. THAT Council receive and note the cross-reference table within **Attachment D** to Report Number 17TS0015 BS:hd entitled Council Responses to Development Applications - January 2017.

DECISION NO.21\5125

(31/01/17)

Carried

ACTION:

PLANNING OFFICER

NOTE: GM INF

16.2 Signage Application - Tyreright Darwin, Portion 2829 (1) Roni Court, Winnellie
Report No. 17TS0014 BS:hd (31/01/17) Common No. 3457183

(Elix/Lambrinidis)

A. THAT Report Number 17TS0014 BS:hd entitled Signage Application - Tyreright Darwin, Portion 2829 (1) Roni Court, Winnellie be received and noted.

B. THAT Council approve the application from Freestyle FX Signs for seven non-illuminated advertising signs to be located within Portion 2829 (1) Roni Court, Winnellie, and that a Sign Permit be issued in accordance with the requirements of City of Darwin Policy No. 042 – Outdoor Advertising Signs Code, as the advertising signs for Tyreright Darwin comply with the intent and purpose of the policy.

DECISION NO.21\5126 (31/01/17)

Carried

ACTION: PLANNING OFFICER
NOTE: GM INF

16.3 Signage Application - Casuarina All Sports Club, Lot 9099 (269) Trower Road, Casuarina
Report No. 17TS0003 BS:hd (31/01/17) Common No. 3438296

(Lambert/Want De Rowe)

A. THAT Report Number 17TS0003 BS:hd entitled Signage Application - Casuarina All Sports Club, Lot 9099 (269) Trower Road, Casuarina, be received and noted.

B. THAT Council approve the application from Casuarina All Sports Club for the animated free-standing advertising sign located within Lot 9099 (269) Trower Road, Casuarina, and that a Sign Permit be issued in accordance with the requirements of the City of Darwin Policy No. 042 - Outdoor Advertising Signs Code, as the free-standing advertising sign complies with the intent and purpose of the policy.

DECISION NO.21\5127 (31/01/17)

Carried

ACTION: PLANNING OFFICER
NOTE: GM INF

17. INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

Nil

18. REPORTS OF REPRESENTATIVES

Common No. 1735503

Nil

19. QUESTIONS BY MEMBERS

(Glover/Niblock)

THAT the following Questions by Members be received and noted.

DECISION NO.21\5128 (31/01/17)

Carried

19.1 CCTV Cameras at Nightcliff Shopping Centre
Common No.

Member R Knox queried whether there is an update on CCTV cameras at Nightcliff Shopping Centre.

The Acting General Manager Community & Cultural Services responded and advised that he would take the question on notice.

ACTION: GM COMM

19.2 Exempt Drinking Area Signs
Common No. 1544043

Member R Knox queried the date for the exempt drinking area signs to be installed.

The Acting General Manager Community & Cultural Services responded and advised that he would take the question on notice.

ACTION: GM COMM

20. GENERAL BUSINESS

Nil

21. DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING

Common No. 2695130

(Palmer/Elix)

THAT the next Ordinary Meeting of Council be held on Tuesday, 14 February 2017, at 5:00pm (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.

DECISION NO.21\5129 (31/01/17)

Carried

22. CLOSURE OF MEETING TO THE PUBLIC

Common No. 2695131

(Glover/Haslett)

THAT pursuant to Section 65 (2) of the Local Government Act and Regulation 8 of the Local Government (Administration) Regulations the meeting be closed to the public to consider the Confidential Items of the Agenda.

DECISION NO.21\5130 (31/01/17)

Carried

23. ADJOURNMENT OF MEETING AND MEDIA LIAISON

Common No. 2695132

(Young/Knox)

THAT the meeting be adjourned at 6.05pm until 6.10pm.

DECISION NO.21\5131 (31/01/17)

Carried

The meeting moved to the Confidential Section at 6.10 pm.

THE RIGHT WORSHIPFUL, LORD
MAYOR, MS KATRINA MARY FONG
LIM (CHAIR) –ORDINARY COUNCIL
MEETING – TUESDAY, 31
JANUARY 2017

Confirmed On:

Tuesday, 14 February 2017

Chair: