CITY OF DARWIN

Business Papers

1st Ordinary Council Meeting

Tuesday, 15 November 2016
5.00pm

CITY OF DARWIN

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, 15 November 2016, commencing at 5.00pm.

Diana Leeder

DIANA LEEDER
ACTING CHIEF EXECUTIVE OFFICER

CITY OF DARWIN

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

TUESDAY, 15 NOVEMBER 2016

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: Acting Chief Executive Officer, Ms A Malgorzewicz; General Manager Corporate Services, Dr D Leeder; General Manager Infrastructure, Mr L Cercarelli; Acting Executive Manager, Ms S Jeeves; Committee Administrator, Mrs P Hart.

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

THAT it be noted Member R K Elix is an apology due to a Leave of Absence previously granted on 25 October 2016, for the period 9 to 16 November 2016.

4.3 Leave of Absence Requested

5. ELECTRONIC MEETING ATTENDANCE

Common No. 2221528

5.1 Electronic Meeting Attendance Granted

5.2 Electronic Meeting Attendance Requested

6. DECLARATION OF INTEREST OF MEMBERS AND STAFF

Common No. 2752228

6.1 Declaration of Interest by Members

6.2 Declaration of Interest by Staff

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, 25 October 2016, 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:-

Item	Regulation	Reason
C24.1	8(c)(iv)	information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person
C28.1	8(c)(i)	information that would, if publicly disclosed, be likely to cause commercial prejudice to, or confer an unfair commercial advantage on, any person
C28.2	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

13.1 Esplanade Cycle Lane
Common No. 2661536

The Notice of Motion raised by Member R K Elix is ***Attachment A****.*

CITY OF DARWIN
ABN 11 503 313 301

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8 November 2016

NOTICE OF MOTION

SUBJECT: Esplanade Cycle Lane

COMMON NUMBER: 2661536

I give notice that at the meeting of Council on Tuesday, 15 November 2016, I will propose:-

THAT Council rescind the decision made on 11 October 2016, Decision No. 21\4898:

A. *THAT Report No. 16TS0135 LC:lf entitled Review of Esplanade On-Road Cycle Lane be received and noted.*

B. *THAT Council modify the Esplanade on-road cycle lane, to incorporate the design provided by Cardno Pty Ltd being* ***Attachment B*** *to Report No. 16TS0135 LC:lf entitled Review of Esplanade On-Road Cycle Lane as amended by Council as follows:*
- *increasing the cycle lane buffer from 400mm to 500mm*
- *retaining all car parking with the exception of 1 bay on each side of Knuckey Street intersection.*

And replace it with:

A. THAT Council endorse the removal of the on-road cycle lane along the Esplanade and that the on-street parking be reinstated adjacent to the kerb as a result of the review undertaken, to improve the safety of users at conflict points between cyclists and road users and ensuring no loss of car parking with the exception of 1 bay on each side of Knuckey Street intersection.

B. THAT Council support in principle CBD Master Plan project MP012 "Esplanade Parade" incorporating both Pedestrian and Bicycle traffic and that a report be prepared on the logistics of an implementation plan that includes consideration of:

i. extensive stakeholder engagement
ii. design
iii. possible staging
iv. estimated costs

by March 2017.

REASON:

The current installation of an on road cycle lane on the side of the Esplanade is unsafe.

.....
ALDERMAN BOB ELIX

Signed by me at Darwin this Tuesday, 8 November 2016

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FOR OFFICE USE

Received Notice on: Tuesday, 8 November 2016 **Notice No.:** 21\30

Included in Agenda for 1st Ordinary Council Meeting on Tuesday, 15 November 2016

Diana Leader
.....
ACTING CHIEF EXECUTIVE OFFICER

.....
COMMITTEE ADMINISTRATOR

14.1 OFFICERS REPORTS (ACTION REQUIRED)

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

2015/16 CITY OF DARWIN ANNUAL REPORT

REPORT No.: 16TC0070 VG:ph COMMON No.: 3141841 DATE: 15/11/2016

Presenter: **Manager Strategy & Outcomes, Vanessa Green**

Approved: **Acting Executive Manager, Sheree Jeeves**

PURPOSE

The purpose of this report is to present the 2015/16 City of Darwin Annual Report.

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
5.3.5 Increase community awareness of the role and achievements of Council

KEY ISSUES

- In accordance with the Local Government Act, Council must, on or before 15 November each year, report to the Minister on its work during the financial year ending on the preceding 30 June. The Minister will be advised of Council's decision directly after the meeting.
- The report must include a copy of the Council's audited financial statement for the relevant financial year. The 2015/16 financial statements were presented to the Risk Management & Audit Committee meeting held on 28 October 2016 and were endorsed as suitable for inclusion in the Annual Report.
- The Annual Report must also contain an assessment of the Council's performance against the objectives stated in the relevant municipal plan (applying indicators of performance set in the plan). The Draft Annual Report was presented to the Risk Management & Audit Committee meeting on the 28 October 2016.

RECOMMENDATIONS

A. THAT Report Number 16TC0070 VG:ph entitled 2015/16 City Of Darwin Annual Report, be received and noted.

B. THAT the 2015/16 City of Darwin Annual Report at **Attachment A** to Report Number 16TC0070 VG:ph entitled 2015/16 City Of Darwin Annual Report be adopted.

C. THAT the 2015/16 City of Darwin Annual Report be forwarded to the Minister for Local Government.

BACKGROUND

Section 199 of the Local Government Act contains the following provisions:

Part 14.1 Annual reports

199 Annual reports

(1) A Council must, on or before 15 November in each year, report to the Minister on its work during the financial year ending on the preceding 30 June.

(2) The report must include a copy of the Council's audited financial statement for the relevant financial year.

(3) The report must also contain an assessment of the Council's performance against the objectives stated in the relevant municipal or shire plan (applying indicators of performance set in the plan).

(4) As soon as practicable after the report has been delivered to the Minister, the council must:

(a) publish the report on the Council's website; and

(b) publish a notice in a newspaper circulating generally in the area informing the public that copies of the report may be downloaded from the Council's website or obtained from the Council's public office.

DISCUSSION

The Annual Report is Council's principal accountability document and provides an overview of the City of Darwin's key achievements throughout the 2015/16 financial year. The Report provides details of significant activities or projects undertaken, Council's performance against the Evolving Darwin Strategic Plan and Municipal Plan, and the Audited Financial Statements.

Key achievements in 2015/16 included:

- Adoption of Strategic Plans including the Safer Vibrant Darwin Plan, City of Darwin Digital Strategy, City of Darwin Sports Field Plan 2016-2026 and Public Art Plan 2015-2020
- Providing $150,000 worth of community grants to community organisations to deliver community events
- Completion of revitalisation of Tamarind Park, Council's first completed City Centre Master Plan project
- Completion and opening of the Nightcliff Café
- Launch of the Code Club at Darwin Libraries
- Construction of two sea walls; Sunset Park and Kurrajong Crescent, Nightcliff, to protect our coastline
- Securing additional funding for the Parap Pool Redevelopment project, now with a total construction cost of $15.4M
- Shading 20 of the city's playgrounds
- Conducting Council's first National Garage Sale Trail event
- Commissioning of public art value adding to the Parap Pool Redevelopment
- Coordination of the 70th Anniversary of the Liberation of Gull Force commemorations
- Facilitating over 30 community engagement projects with the community and key stakeholders
- $17.3M grant funding for a total of sixteen (16) projects and programs including general purpose funding and local roads funding

The 2015/16 City of Darwin Annual Report has been developed in consultation with key organisational staff, Senior Managers and the Executive Leadership Team and builds upon the work achieved in previous years.

The Annual Report and the audited financial statements were endorsed by the Risk Management & Audit Committee on 28 October 2016.

In line with Council's goal for an *Environmentally Sustainable City,* only a limited number of hard copy reports will be produced: all printed on 100% recycled paper. Whenever possible, customers will be referred to Council's website to view and download the report which will be presented in an interactive PDF format.

CONSULTATION PROCESS

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

- Executive Leadership Team in the development of the Annual Report
- Senior Managers in the development of the Annual Report.

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

- Risk Management & Audit Committee

POLICY IMPLICATIONS

Nil

BUDGET AND RESOURCE IMPLICATIONS

Funding was included in the budget within the approved Municipal Plan for the cost of an external provider to design, format and produce the 2015/16 Annual Report.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

The Council must prepare the Annual Report by 15 November 2016 and as soon as practicable after delivery to the Minister, publish the report on the Council's website and publish a notice in a newspaper circulating generally within the area informing the public that the report is available.

ENVIRONMENTAL IMPLICATIONS

In order to reduce Council's footprint, only a limited number of hard copy reports will be produced (50). Customers will be referred to Council's website if they wish to read the report. The (50) hard copy reports have been printed on 100% recycled paper.

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.

VANESSA GREEN
MANAGER STRATEGY & OUTCOMES

SHEREE JEEVES
ACTING EXECUTIVE MANAGER

For enquiries, please contact Vanessa Green on 89300531 or email: v.green@darwin.nt.gov.au.

Attachments:

Attachment A: 2015/16 City of Darwin Annual Report

Submitted under separate cover.

ENCL: YES	1ST ORDINARY COUNCIL MEETING/OPEN	AGENDA ITEM:	14.1.2

BLACK SPOT PROGRAM - OUTCOME OF THE 2016/2017 SUBMISSION AND CALL FOR NOMINATIONS FOR 2017/2018

REPORT No.: 16TS0175 DL:lf COMMON No.: 3390192 DATE: 15/11/2016

Presenter: **Manager Design, Planning & Projects, Drosso Lelekis**

Approved: **General Manager Infrastructure, Luccio Cercarelli**

PURPOSE

The purpose of this report is to seek Council's endorsement of the nominations for the 2017/2018 Black Spot program and to provide the outcome of the 2016/2017 Black Spot submission.

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
2 Vibrant, Flexible and Tropical Lifestyle
Outcome
2.1 Improved access and connectivity
Key Strategies
2.1.3 Manage the road network to meet community needs

KEY ISSUES

- The City of Darwin nominated four projects for the 2016/2017 Black Spot Program, two of which were successful and two unsuccessful in obtaining funding.
- The successful projects were the Lee Point Road and Jabiru Street intersection upgrade and the Daly Street and Woods Street intersection upgrade.
- The unsuccessful projects were Traffic Engineering Studies for Lee Point Road and for the Dick Ward Drive/Progress Drive/Oleander Street intersection.
- Given the approval of the Barneson Boulevard project to proceed and the unknown impact on traffic movement throughout the Darwin CBD, it is recommended that the Daly Street/Woods Street upgrade project not be undertaken at this time and that Council request that these funds be reallocated to one of the 2017/2018 projects submitted.
- The City of Darwin has been invited to submit nominations for suitable projects for the forthcoming 2017/2018 Black Spot Program. A preliminary submission has been made and three projects were nominated.

- The preliminary submissions to the 2017/2018 Black Spot Program consist of studies (including feasibility, concept design and consultation) for the following:
    - The Progress Drive/Oleander Street/Dick Ward Drive intersections.
    - Lee Point Road between McMillans Road and Vanderlin Drive.
    - The Dripstone Road/Bradshaw Terrace intersection.
- It is recommended that Council endorse the projects submitted.

RECOMMENDATIONS

A. THAT Report Number 16TS0175 DL:lf entitled Black Spot Program - Outcome of the 2016/2017 Submission and Call for Nominations for 2017/2018, be received and noted.

B. THAT Council endorse the 2017/18 Black Spot nominations as contained within **Attachment A** to Report Number 16TS0175 DL:lf entitled Black Spot Program - Outcome of the 2016/2017 Submission and Call for Nominations for 2017/2018.

C. THAT Council write to the Northern Territory Government:

i. Accepting the 2016/2017 Black Spot funding offer for the Lee Point Road and Jabiru Street intersection;
ii. Advising that the Daly Street and Woods Street intersection project will not be constructed at this time, due to the progression of the Barneson Boulevard project and the unknown impact of this project on traffic movement within the Darwin CBD; and
iii. Requesting that the funding approved for the Daly and Wood Street project be reallocated to one of the 2017/2018 projects submitted.

BACKGROUND

The Black Spot Program is a federally funded program and is part of the Government's commitment to reduce crashes on Australian roads. The Program aims to improve the physical condition of hazardous locations that have a history of crashes involving injury or death.

At the Ordinary Council meeting on 11 August 2015, Council resolved as follows:

DECISION NO.21\3596 (11/08/15)

Nominations for the 2016/2017 Black Spot Program
Report No. 15TS0120 DL:jg (11/08/15) Common No. 3081430

B. THAT Council endorse the nomination of the following sites for the Black Spot Program 2016/2017 in accordance with the concepts developed as detailed in Report Number 15TS0120 DL:jg.

- *Nomination 1 - Daly Street/Woods Street Intersection.*
- *Nomination 2 - Lee Point Road/Jabiru Street Intersection.*

- *Nomination 3 - Progress Drive/Dick Ward Drive/Oleander Street intersections Traffic Engineering Study, up to $100,000 co-funded on a 50/50 basis, to consider options including signalisation, with attention given to pedestrian and cycling traffic.*
- *Nomination 4 - Lee Point Road Traffic Engineering Study.*

DISCUSSION

2017/2018 Black Spot Program - Call for Nominations

The City of Darwin received correspondence on the 26 September 2016 from the Local Government Association of the Northern Territory seeking nominations for the 2017/2018 Black Spot Program.

The original deadline for the 2017/2018 Black Spot Program submission was 15 October 2016, however an extension of time was granted to 31 October 2016 for nominations to be submitted.

In order to meet the revised deadline, a preliminary submission has been made (**Attachment A**), highlighting that the matter would be considered by Council at the Ordinary Council Meeting on 15 November 2016 and that Council may endorse or make changes to the submission at this meeting.

The preliminary submissions to the 2017/2018 Black Spot Program consisted of three studies which will include feasibility, concept design and consultation. In line with the funding requirements these studies are eligible for the Black Spot funding program.

A number of sites across the Darwin municipality were identified as priority candidates for studies. Accident statistics, road geometry, strategic planning documents (e.g. Northern Territory Government Suburb Area Plans), relative importance of the location within the overall road network and other traffic issues were considered in the assessment.

The three sites nominated in the preliminary 2017/2018 Black Spot Program submission were:

Nomination 1 – Dick Ward Drive/Progress Drive/Oleander Street Intersections – Study.

Nomination 2 – Lee Point Road (between McMillans Road and Vanderlin Drive) - Study.

Nomination 3 – Dripstone Road/Bradshaw Terrace Intersection – Study.

It is considered that undertaking studies at the above mentioned locations would allow the identification of existing issues/problems at the sites, the formulation of

appropriate modifications to reduce the risks faced by all road users and to gauge the views of the community on the proposed treatments emanating from the studies.

It is recommended that Council endorse these projects as Council's submission to the 2017/2018 Black Spot Program.

2016/2017 Black Spot Submission

The City of Darwin nominated four projects in its 2016/2017 Black Spot submission of August 2015 and these were as follows:

- Daly Street/Woods Street Intersection
- Lee Point Road/Jabiru Street Intersection
- Progress Drive/Dick Ward Drive/Oleander Street intersections Traffic Engineering Study
- Lee Point Road Traffic Engineering Study

Council has been advised that the Daly Street/Woods Street and Lee Point Road/Jabiru Street intersection upgrade projects were approved for full funding and that the Progress Drive/Dick Ward Drive/Oleander Street intersections Traffic Engineering Study and Lee Point Road Traffic Engineering Study nominations were unsuccessful.

Although funding was approved for the Daly Street/Woods Street intersection project, given the approval of the Barneson Boulevard project to proceed, and the unknown impacts of this project on traffic movement throughout the Darwin CBD, it is recommended that Council not proceed with the Daly Street/Woods Street upgrade project at this time. It is recommended that Council request that the funding approved for this project be reallocated to one of the 2017/2018 projects submitted. The Daly Street/Woods Street intersection project will be reviewed after the impacts of the new Barneson Boulevard are measured subsequent to its construction.

It is also recommended that Council continue to seek external (e.g future Black Spot) funding opportunities for the construction of any projects emanating from any studies undertaken and also endorse the utilisation of available Local Area Traffic Management funding for these projects and any other traffic management projects identified as they arise.

CONSULTATION PROCESS

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

- Team Leader Design
- Acting Team Leader Design

Community consultation plans will be developed for each project in accordance with City of Darwin Policy No. 025 – Community Consultation, prior to detailed design.

POLICY IMPLICATIONS

All road design and maintenance is undertaken to provide safe and efficient road infrastructure for all users.

BUDGET AND RESOURCE IMPLICATIONS

For the 2016/2017 Black Spot Program, funding of $196,000 has been approved for the Lee Point Road/Jabiru Street intersection upgrade and $119,000 for the Daly Street/Woods Street intersection upgrade. This represents 100% of the funding required for these projects.

However, for the reasons outlined in this report, it is recommended that Council decline the funding offer of $119,000 for the Daly Street/Wood Street project and that this project not proceed at this time.

2017/2018 Black Spot Program – Call for Nominations

The estimated costs of the nominated projects (including community consultation) are as follows:

1. Dick Ward Drive/Progress Drive/Oleander intersection - $180,000.
2. Lee Point Road (including intersections) - $205,000.
3. Dripstone Road/Bradshaw Terrace - $125,000.

Council's 2016/2017 Local Area Traffic Management budget is $250,608.

Council could seek external (e.g. future Black Spot) funding opportunities and also utilise its Local Area Traffic Management budgets to fund any construction projects emanating from the traffic engineering studies.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Implementing appropriate road safety measures increases the safety of the City of Darwin's road network for all road users.

Progressing to construction prior to adequate community consultation during the preliminary stages of a project could lead to community discontent and opposition to the project.

ENVIRONMENTAL IMPLICATIONS

Implementing appropriate road safety measures will likely result in a safer road environment for all users.

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 Drosso Lelekis on 8930 0414 or email: d.lelekis@darwin.nt.gov.au.

Attachments:

Attachment A: City of Darwin preliminary nomination letter for the 2017/2018 Black Spot Program

CITY OF DARWIN
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GPO Box 84 Darwin NT 0801
E darwin@darwin.nt.gov.au
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F 08 8930 0311

31 October 2016 Please quote: 3390192 PC:jg

Mr Aftab Abro
Department of Infrastructure, Planning and Logistics
GPO Box 2520
DARWIN NT 0801

Dear Mr Abro

Black Spot Program Nominations - 2017/2018

Please find herewith the City of Darwin's preliminary Black Spot nominations for the 2017/2018 Black Spot Program.

These preliminary nominations are subject to approval by Council at its 1st Ordinary Council meeting on 15 November 2016. Further confirmation of this submission will be forwarded to you pending Council's decision at the above mentioned meeting.

All three nominations are for studies to identify suitable treatments and form the basis of future Black Spot submissions. The studies will include community engagement, traffic engineering, concept design and cost estimates.

Nomination 1 – Dick Ward Drive/Progress Drive/Oleander Street Intersection – Study - $180,000

The Progress Drive/Dick Ward Drive and Progress Drive/Oleander Street intersections are both three-way roundabouts, with a fourth leg forming access to service stations. All three roads are two lane roads.

Both roundabouts are landscaped with low level vegetation and mature trees.

There have been a total of 16 crashes over this section of Progress Drive in the past five years, with a total of five casualties. One of the casualty crashes involved a pedestrian being struck, two involved vehicles losing control and two involved angle collisions.

Six of the non-injury crashes involved rear end collisions, three involved striking a parked vehicle or obstacle, one involved a side swipe and one involved an angle collision.

Undertaking a site study would allow the City of Darwin to identify the existing issues/problems at this site, formulate modifications to help reduce the risks currently faced by all road users and to gauge the views of the community on the proposed treatment.

Approval of this nomination would provide the opportunity to take a holistic approach to the road safety issues occurring along this section of Progress Drive and its associated intersections.

Nomination 2 – Lee Point Road – Study - $205,000

Our recent assessment of possible Black Spot sites revealed 48 crashes have been recorded over the past five years along Lee Point Road, between McMillans Road and Vanderlin Drive.

Undertaking a study along this section of road would allow the City of Darwin to identify existing issues/problems at the various intersections along Lee Point Road and formulate modifications to reduce the risks currently faced at these sites.

Nomination 3 – Dripstone Road/Bradshaw Terrace – Study - $125,000

The Dripstone Road and Bradshaw Terrace intersection is currently an unsignalised T intersection. Both roads have multiple lanes and are primary collector roads.

In the past 5 years there have been 5 recorded crashes at the Bradshaw Terrace and Dripstone Road intersection, 3 of which were angle collisions. With the area developing at a high rate and the intersection servicing Darwin's regional shopping centre (Casuarina Shopping Centre) and the Charles Darwin University, it is seen as a high profile intersection.

Initial observations show high pedestrian and vehicular movements in the vicinity of the intersection and this is expected to increase with ongoing development. The current configuration poses a risk to pedestrians as there are no formal pedestrian facilities at the intersection. A study will identify a suitable treatment for all road users.

If you have any further queries please contact Peter Copley on 08 8930 0589 or darwin@darwin.nt.gov.au.

Yours sincerely

LUCCIO CERCARELLI
GENERAL MANAGER INFRASTRUCTURE

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

COUNCIL RESPONSE TO NEW RESTAURANT LIQUOR LICENCE APPLICATION- CAFÉ 21 SMITH

REPORT No.: 16C0083 TM:kl **COMMON No.: 3401840** **DATE: 15/11/2016**

Presenter: **Manager Darwin Safer City, Tracey McNee**

Approved: **General Manager Community & Cultural Services, Anna Malgorzewicz**

PURPOSE

The purpose of this report is to present to Council for consideration, responses to Liquor Licence Applications.

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 New Restaurant Liquor Licence application for comment.
- The application has been made by NTFG Pty Ltd for the premises known as Café 21 Smith located at 109 Smith Street, Darwin.
- This report details City of Darwin Officers recommended response to the Northern Territory Government for the above licence application.
- Council has endorsed its 'Safer Vibrant Darwin Plan 2016-2019', which outlines strategic directions and actions that contribute to a safer, more vibrant community. Recommendations within this report align with this framework.

RECOMMENDATIONS

A. THAT Report Number 16C0083 TM:kl entitled Council Response to New Restaurant Liquor Licence Application - Café 21 Smith, be received and noted.

B. THAT Council endorse the letter to the Director-General of Licensing at **Attachment A** to Report Number 16C0083 TM:kl entitled, Council Response to New Restaurant Liquor Licence Application - Café 21 Smith, noting Council has not identified any reason that would be grounds for objection under Section 47F(2) of the Liquor Act to the application from NTFG Pty Ltd .

BACKGROUND

City of Darwin received one New Restaurant Liquor Licence application for comment.

Considerations under the Liquor Act

Licensing NT has advised City of Darwin that the following sections of the Liquor Act are relevant to these applications:

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

NTFG Pty Ltd has made application for a New Restaurant Liquor Licence for the premises known as Café 21 Smith located at Unit 1 and 2, 109 Smith Street, Darwin.

The business proposed to be conducted on the premises will be in the nature of a café/restaurant. Liquor would be sold for consumption ancillary to a meal from 11.00 hours to 22.00 hours, 7 days a week. No trading on Good Friday or Christmas Day.

Owners of NTFG Pty Ltd, currently hold similar licenses for Café 21, 28 Smith Street and 21 on the Wharf, Stokes Hill Wharf. Under the auspice of Caltex Berrimah Trust they also hold the Liquor Licence for Cornucopia Museum Café.

The business plan for Café 21 Smith indicates that the business may expand to include alfresco dining in the future. No request for a liquor licence for the alfresco dining area has been made.

No Council owned or controlled land is affected by the proposal.

In reviewing this application, Council Officers do not identify any grounds for objection under section 47F(2) of the Liquor Act.

Support for the application for a New Restaurant Liquor Licence is made based on the sound business model presented, demonstrated business acumen through other ventures in Darwin, the agreeable operating hours and Council's commitment to support small business and new enterprises. Supporting this business contributes to the vibrancy and opportunities offered in the Darwin CBD.

CONSULTATION PROCESS

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

- Planning Officer
- Manager Community Development

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

- Licensing Officer- Licensing NT, Department of Attorney-General and Justice.

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.

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

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 that cannot identify any reasons that would be grounds for objection under Section 47F(2) of the Liquor Act.

19 October 2016 Please quote: 3385928 AM:kl

Director-General
Gambling and Licensing Services
GPO BOX 1154
DARWIN NT 080

Dear Director-General

NEW RESTAURANT LIQUOR LICENCE APPLICATION - CAFÉ 21 SMITH

At the 1st Ordinary Council meeting on 15 November 2016, Council considered the above liquor licence application.

Council wishes to advise it has not identified any reason that would be grounds for objection under Section 47F(2) of the Liquor Act for the application for a new Restaurant Liquor Licence for Café 21 Smith in which liquor will be sold for consumption on the licenced premises ancillary to a meal.

Yours sincerely

ANNA MALGORZEWICZ
GENERAL MANAGER
COMMUNITY & CULTURAL SERVICES

14.2 OFFICERS REPORTS (RECEIVE & NOTE)

Nil

15. TOWN PLANNING REPORT/LETTERS

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

COUNCIL RESPONSES TO DEVELOPMENT APPLICATIONS - NOVEMBER 2016

REPORT No.: 16TS0180 BS:hd **COMMON No.: 3395311** **DATE: 15/11/2016**

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 for the period 15 October 2016 to 4 November 2016.

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 the time period of 15 October 2016 to 4 November 2016 is provided.
- City of Darwin officers' responses to additional information received from the Northern Territory Government for ongoing Development Applications are included.

RECOMMENDATIONS

A. THAT Report Number 16TS0180 BS:hd entitled Council Responses to Development Applications - November 2016, be received and noted.

B. THAT Council endorse the responses to the Development Consent Authority within **Attachments A** and **B** to Report Number 16TS0180 BS:hd entitled Council Responses to Development Applications - November 2016.

BACKGROUND

The City of Darwin responded to 13 Development Applications for the period of 15 October 2016 to 4 November 2016.

DISCUSSION

Of these 13 applications City of Darwin officers recommend supporting 12 (subject to normal conditions), and objecting to one application. This represents rates of 92 per cent of the applications being supported and 8 per cent of the applications being objected to.

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 regard to issues including, but not necessarily limited to, waste collection, access and stormwater drainage.

Responses to these Development Applications are provided as **Attachment A** to this report.

Property Address	Description of Development Proposal
Lot 2042 - Town of Nightcliff **20 Wellington Parade, Alawa**	Shed addition to an existing single dwelling with a reduced side setback (Requires 1.5m, proposes 0.5m).
Portion 2602 - Hundred of Bagot **49 Carnoustie Circuit, Marrara**	Shade sail addition to an existing single dwelling with reduced front and side setbacks (Front boundary, requires 3m to a height of 2.5m, proposes 1m with a height of 3.5m. Side boundary, requires 0.9m to a height of 2.5m, proposes 0.6m to a height of 3.5m).
Lot 5341 – Town of Darwin **1 Buffalo Court, Darwin** (Raffles Plaza)	Variation of development permit - shade structure over car park (Previous report to Council for structure to be placed over the road reserve, with Council approving the structure)

Property Address	Description of Development Proposal
Lot 11777 - Town of Nightcliff **31 Bridge Street, Muirhead**	Unit title schemes subdivision to create 2 units and common property (Muirhead duplex)
Lot 1411 - Town of Darwin **48 Woods Street, Darwin**	Change of use from office to education establishment (unit 1) (Existing premises, no external works proposed)
Lot 6759 - Town of Darwin **32 Ah Mat Street, Woolner**	Shade sail addition to an existing single dwelling with reduced front and side setbacks (Front setback requires 3m, proposes 1.4m to 1.8m. Side setback requires 0.9m, proposes 0.5m)
Section 6432 - Hundred of Bagot **24 Jessop Crescent, Berrimah**	Showroom sales and warehouse in a single storey building (Compliant - development requires planning approval)
Lot 3275 - Town of Darwin **14 Wells Street, Ludmilla**	Carport addition to an existing single dwelling with a reduced side setback (Requires 1.5m, proposes 0.6m)
Lot 11547 - Town of Nightcliff **43 Mahoney Street, Muirhead**	Unit title schemes subdivision to create 2 units and common property (Muirhead duplex)
Lot 6294 - Hundred of Bagot **23 Abala Road, Marrara**	Leisure and recreation facility (tennis centre) including an office, restaurant and function centre in a two storey building (Marrara Sporting Precinct)
Lot 10473 - Town of Nightcliff **140 Dick Ward Drive, Coconut Grove**	Addition of 21 x 2 bedroom multiple dwellings in a single 4 storey building (Compliant - development requires planning approval)
Sections 3465 & 6341 - Hundred of Bagot **39 Amy Johnson Avenue & 582 Stuart**	Subdivision and consolidation to create one lot (Crown land which has been purchased

Property Address	Description of Development Proposal
Highway, Winnellie	by adjacent land owner)

Development Application that was objected to:

The table below describes the Development Application that was objected to by City of Darwin officers, for the reason 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 9240 - Town of Nightcliff **348 Bagot Road, Millner** (Home Maker Village)	Showroom sales and offices in two x three storey buildings in three stages	Objected to the location of proposed eastern entry point to the development site. Requested a review of the location, in consultation with City of Darwin officers.

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.

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 objecting to a Development Application not yet considered by the Development Consent Authority.

CITY OF DARWIN
ABN 11 503 313 301

Civic Centre Harry Chan Avenue Darwin NT 0800 GPO Box 84 Darwin NT 0801 E darwin@darwin.nt.gov.au P 08 8930 0300 F 08 8930 0311

28 October 2016

Please quote: 3401598 NS:hd
Your reference: PA2016/0616

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

Dear Ms Godfrey

Parcel Description: **Lot 2042 - Town of Nightcliff**
20 Wellington Parade, Alawa

Proposed Development: **Shed addition to an existing single dwelling with a reduced side setback**

Thank you for the Development Application referred to this office 13 October 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.

i). **The City of Darwin does not object to the granting of a Development Permit.**

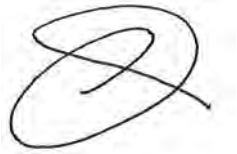
Should this application be approved, the following conditions pursuant to the Planning Act and the City of Darwin's responsibilities under the Local Government Act are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- 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

CITY OF DARWIN
ABN 11 503 313 301

Civic Centre Harry Chan Avenue Darwin NT 0800 GPO Box 84 Darwin NT 0801 E darwin@darwin.nt.gov.au P 08 8930 0300 F 08 8930 0311

28 October 2016

Please quote: 3401600 NS:hd
Your reference: PA2016/0618

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

Dear Ms Godfrey

Parcel Description: **Portion 2602 - Hundred of Bagot**
49 Carnoustie Circuit, Marrara

Proposed Development: **Shade sail addition to an existing single dwelling with reduced front and side setbacks**

Thank you for the Development Application referred to this office 13 October 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 object to the granting of a Development Permit.**

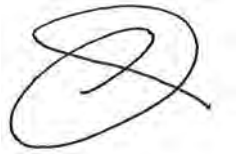
Should this application be approved, the following conditions pursuant to the Planning Act and the City of Darwin's responsibilities under the Local Government Act are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- 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.

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

CITY OF DARWIN
ABN 11 503 313 301

Civic Centre Harry Chan Avenue Darwin NT 0800 GPO Box 84 Darwin NT 0801 E darwin@darwin.nt.gov.au P 08 8930 0300 F 08 8930 0311

18 October 2016

Please quote: 3202829 BS:hd
Your reference: PA1996/0516

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

Via email: amit.magotra@nt.gov.au

Dear Ms Godfrey

Parcel Description: **Lot 5341 - Town of Darwin**
1 Buffalo Ct, Darwin

Proposed Development: **Variation of Development Permit DP96/0383B - Shade structure over car park**

Thank you for the Development Application referred to this office 4 October 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 supports the granting of a Development Permit**. However, it is noted that the application states that the shade structure will be located within private property, 4 metres from the front setback. The shade structure is actually proposed over City of Darwin road reserve and Council received a separate application for approval as land owner. Council has provided in principle approval for the shade structure to be located within the road reserve.

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). **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.**

c). **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.**

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.

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.

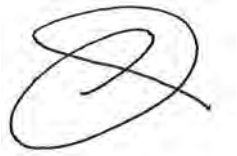
- All developments on/or adjacent to any easements on-site, in favour of the City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

- 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

CITY OF DARWIN
ABN 11 503 313 301

Civic Centre Harry Chan Avenue Darwin NT 0800 GPO Box 84 Darwin NT 0801 E darwin@darwin.nt.gov.au P 08 8930 0300 F 08 8930 0311

25 October 2016

Please quote: 3399907 BS:hd
Your reference: PA2016/0610

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

Dear Ms Godfrey

Parcel Description: **Lot 11777 - Town of Nightcliff**
31 Bridge Street, Muirhead

Proposed Development: **Unit title schemes subdivision to create two units and common property**

Thank you for the Development Application referred to this office 11 October 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

CITY OF DARWIN
ABN 11 503 313 301

Civic Centre Harry Chan Avenue Darwin NT 0800 GPO Box 84 Darwin NT 0801 E darwin@darwin.nt.gov.au P 08 8930 0300 F 08 8930 0311

26 October 2016

Please quote: 3402602 BS:hd
Your reference: PA2016/0613

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

Dear Ms Godfrey

Parcel Description: **Lot 1411 - Town of Darwin**
48 Woods Street, Darwin

Proposed Development: **Change of use from office to education establishment (unit 1)**

Thank you for the Development Application referred to this office 13 October 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

CITY OF DARWIN
ABN 11 503 313 301

Civic Centre Harry Chan Avenue Darwin NT 0800 GPO Box 84 Darwin NT 0801 E darwin@darwin.nt.gov.au P 08 8930 0300 F 08 8930 0311

26 October 2016

Please quote: 3403014 CR:hd
Your reference: PA2016/0603

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

Dear Ms Godfrey

Parcel Description: **Lot 6759 - Town of Darwin**
32 Ah Mat Street, Woolner

Proposed Development: **Shade sail addition to an existing single dwelling with reduced front and side setbacks**

Thank you for the Development Application referred to this office 13 October 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 supports the granting of a Development Permit.**

ii). **The City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**

a). **The City of Darwin requests that the Authority require a schematic plan demonstrating that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate connection.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged to the City of Darwin's drainage network.

1). The City of Darwin stormwater discharge guidelines do not allow concentrated discharge of stormwater from a single dwelling lot to adjoining properties or the road reserve. All stormwater is to be piped or dispersed via sheet flow to the road reserve.

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

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.

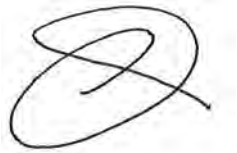
- All developments on/or adjacent to any easements on-site, in favour of the City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

- 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

CITY OF DARWIN
ABN 11 503 313 301

Civic Centre Harry Chan Avenue Darwin NT 0800 GPO Box 84 Darwin NT 0801 E darwin@darwin.nt.gov.au P 08 8930 0300 F 08 8930 0311

26 October 2016

Please quote: 3403261 CR:hd
Your reference: PA2016/0609

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

Dear Ms Godfrey

Parcel Description: **Section 6432 - Hundred of Bagot**
24 Jessop Crescent, Berrimah

Proposed Development: **Showroom sales and warehouse in a single storey building**

Thank you for the Development Application referred to this office 13 October 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 supports the granting of a Development Permit.**

ii). **The City of Darwin requests that should a development permit be issued, that the following be provided as conditions 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). **A detailed Landscaping Plan, outlining all proposed landscaping within the road verge. The plan should also include existing and proposed infrastructure within the road reserve.**

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). **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.

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

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

a). **Street Trees, Verge Plantings and Footpaths**
The proposal includes plantings, new concrete footpaths and other works within the City of Darwin verges, along Jessop Street. 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.

b). **Protection of Street Trees**
All street trees shall be protected at all times during construction. Any tree on the verge, 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.

c). **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.

- 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.

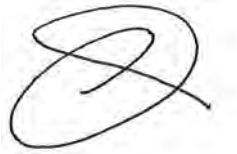
- Any proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

- 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

CITY OF DARWIN
ABN 11 503 313 301

Civic Centre Harry Chan Avenue Darwin NT 0800 GPO Box 84 Darwin NT 0801 E darwin@darwin.nt.gov.au P 08 8930 0300 F 08 8930 0311

26 October 2016

Please quote: 3403420 CR:hd
Your reference: PA2016/0599

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

Dear Ms Godfrey

Parcel Description: **Lot 3275 - Town of Darwin**
14 Wells Street, Ludmilla

Proposed Development: **Carport addition to an existing single dwelling with a reduced side setback**

Thank you for the Development Application referred to this office 14 October 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

CITY OF DARWIN
ABN 11 503 313 301

Civic Centre Harry Chan Avenue Darwin NT 0800 GPO Box 84 Darwin NT 0801 E darwin@darwin.nt.gov.au P 08 8930 0300 F 08 8930 0311

25 October 2016

Please quote: 3401597 BS:hd
Your reference: PA2016/0619

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

Dear Ms Godfrey

Parcel Description: **Lot 11547 - Town of Nightcliff**
43 Mahoney Street, Muirhead

Proposed Development: **Unit title schemes subdivision to create two units and common property**

Thank you for the Development Application referred to this office 13 October 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

CITY OF DARWIN
ABN 11 503 313 301

Civic Centre Harry Chan Avenue Darwin NT 0800 GPO Box 84 Darwin NT 0801 E darwin@darwin.nt.gov.au P 08 8930 0300 F 08 8930 0311

4 November 2016

Please quote: 3407332 CR:hd
Your reference: PA2016/0628

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

Dear Ms Godfrey

Parcel Description: **Lot 6294 - Hundred of Bagot**
23 Abala Road, Marrara

Proposed Development: **Leisure and recreation facility (tennis centre) including an office, restaurant and function centre in a two storey building**

Thank you for the Development Application referred to this office 20 October 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 object to the granting of a Development Permit provided the following issues are adequately addressed:**

a). It is noted that the plans include a landscape concept plan, however a planting schedule has not been provided. It is requested that a planting schedule be provided to ensure that vegetation at maturity will soften the built environment and provide shade to the open expanses of car parking to reduce urban heat island effects.

b). The statement of effect identifies that bicycle parking will be provided; however the location is unclear from the provided plans and it is requested that the plans clearly identify their location.

ii). **The City of Darwin requests that should a development permit be issued, that the following be provided as conditions 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). **A Traffic Impact Statement addressing the adequacy of the existing access to accommodate the proposed development.**

c). **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). **The City of Darwin requests that should a development permit be issued, that the following be provided as general conditions:**

d). **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.

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.

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

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.

- 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.

- 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.

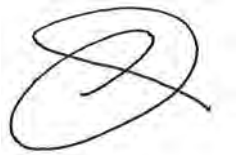
- Any proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

- 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

CITY OF DARWIN
ABN 11 503 313 301

Civic Centre Harry Chan Avenue Darwin NT 0800 GPO Box 84 Darwin NT 0801 E darwin@darwin.nt.gov.au P 08 8930 0300 F 08 8930 0311

4 November 2016

Please quote: 3406991 BS:hd
Your reference: PA2016/0627

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

Dear Ms Godfrey

Parcel Description: **Lot 10473 - Town of Nightcliff**
140 Dick Ward Drive, Coconut Grove

Proposed Development: **Addition of 21 x two bedroom multiple dwellings in a single 4 storey building**

Thank you for the Development Application referred to this office 20 October 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 object to the granting of a Development Permit.**

ii). **The City of Darwin requests that should a development permit be issued, that the following be provided as condition precedents:**

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 City of Darwin requires an engineer's traffic report detailing access site lines and the expected impact due to the increase in vehicle numbers to the site.**

c). **The crossover and driveway shall meet City of Darwin requirements.**

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). **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.

f). **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.

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.

- 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 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

CITY OF DARWIN
ABN 11 503 313 301

Civic Centre Harry Chan Avenue
Darwin NT 0800
GPO Box 84 Darwin NT 0801
E darwin@darwin.nt.gov.au
P 08 8930 0300
F 08 8930 0311

4 November 2016

Please quote: 3406992 BS:hd
Your reference: PA2016/0625

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

Dear Ms Godfrey

Parcel Description: **Sections 3465 & 6341 - Hundred of Bagot**
39 Amy Johnson Avenue & 582 Stuart Highway, Winnellie

Proposed Development: **Subdivision and consolidation to create one lot**

Thank you for the Development Application referred to this office 20 October 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

CITY OF DARWIN
ABN 11 503 313 301

Civic Centre Harry Chan Avenue Darwin NT 0800 GPO Box 84 Darwin NT 0801 E darwin@darwin.nt.gov.au P 08 8930 0300 F 08 8930 0311

28 October 2016

Please quote: 3403207 BS:hd
Your reference: PA2016/0605

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

Dear Ms Godfrey

Parcel Description: **Lot 9240 - Town of Nightcliff**
348 Bagot Road, Millner

Proposed Development: **Showroom sales and offices in two x three storey buildings in three stages**

Thank you for the Development Application referred to this office 13 October 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 objects to the proposed location of the eastern access point on Fitzgerald Street:**

a) The Traffic Impact Assessment includes a recommendation to amend the pavement markings at the eastern end of Fitzgerald Street to facilitate the proposed access point. The City of Darwin objects to the location of the eastern entry point to the development site. The City of Darwin requires the eastern access point to be reviewed and potentially relocated to a more suitable location.

b) All crossovers are to be designed and constructed to the satisfaction of the City of Darwin.

ii) **Should the above issue be adequately resolved and a development permit is issued, the City of Darwin requests that 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). **Crossovers and driveways shall meet City of Darwin requirements.**

c). **A detailed Landscaping Plan, outlining all proposed landscaping within the road verge. The plan should also include existing and proposed infrastructure within the road reserve.**

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). **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:

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.

f). **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.

g). **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.

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

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.

- 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.

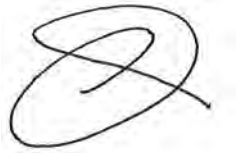
- Any proposed stormwater connections to the City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

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.

For further information regarding the proposed eastern entry point accessing the development site, please contact James Whyte on 8930 0413 or email j.whyte@darwin.nt.gov.au.

Yours faithfully



CINDY ROBSON
STRATEGIC TOWN PLANNER

ENCL: YES	1ST ORDINARY COUNCIL MEETING/OPEN	AGENDA ITEM: 15.2

LOT 10563 (91) WOODS STREET, DARWIN - 21 STOREY BUILDING COMPRISING 48 X 2 AND 63 X 3 BEDROOM MULTIPLE DWELLINGS WITH GROUND LEVEL COMMERCIAL TENANCIES AND FOUR LEVELS OF ABOVE GROUND CAR PARKING - PA2016/0593

REPORT No.: 16TS0170 NS:hd **COMMON No.: 3397451** **DATE: 15/11/2016**

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*, the following development application: Lot 10563 (91) Woods Street, Darwin - 21 storey building comprising 48 x 2 and 63 x 3 bedroom multiple dwellings with ground level commercial tenancies and four levels of above ground car parking - PA2016/0593.

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 object to the proposed development as per the plans and statement of effect included in **Attachment A**.
- Council objected to the subdivision of the subject site in 2015.
- The development has included two large aluminium perforated metal screens to the above ground car park on levels one to four, which overhang the Woods Street road reserve.
- The development has included a large verandah within the Woods Street road reserve, which may restrict the growth of mature street trees.
- The applicant has sought variations to the minimum requirements related to active street frontages and site responsive design requirements of the Northern Territory Planning Scheme.
- End of trip bicycle facilities should be included in the development.

- A response was forwarded to Development Assessment Services on the 21 October 2016 (refer to **Attachment B**), further work has since occurred which has resulted in a revised letter being drafted for Council endorsement (refer to **Attachment C**).

RECOMMENDATIONS

A. THAT Report Number 16TS0170 NS:hd entitled Lot 10563 (91) Woods Street, Darwin - 21 storey building comprising 48 x 2 and 63 x 3 bedroom multiple dwellings with ground level commercial tenancies and four levels of above ground car parking - PA2016/0593 be received and noted.

B. THAT Council endorse the submission to the Development Assessment Services objecting to the proposed development within **Attachment C** to Report Number 16TS0170 NS:hd entitled Lot 10563 (91) Woods Street, Darwin - 21 storey building comprising 48 x 2 and 63 x 3 bedroom multiple dwellings with ground level commercial tenancies and four levels of above ground car parking - PA2016/0593.

BACKGROUND

Site and Surrounds

The subject site is 2,130m^2 in area and is located in the north-western end of the Darwin City Centre, within close proximity to Daly Street. Whilst the below aerial image indicates development on the subject site, the site has since been demolished and is free of built form and vegetation. There is an angled sewerage easement located along the rear boundary.

Aerial view of 91 Daly Street, Darwin *Image source: City of Darwin aerial images*

The road reserve has a number of palm trees and a footpath which runs parallel to the subject site. The existing access point is to the most northern corner of the site and there are four on-street car parks located adjacent the subject site. The subject site is zoned CB (Central Business) along with the majority of the surrounding sites. There is land within Zone PS (Public Open Space) located on the corner of Daly and Woods Streets.

Existing development surrounding the site is generally at a height of two storeys above ground level with a mix of uses such as a hotel to the north-west, offices and commercial tenancies to the north-east along with the recently refurbished aged care facility which has been redeveloped as a hostel. To the south-west there is a double storey dwelling and commercial tenancies. The surrounding sites are generally underdeveloped considering the development opportunities that Zone CB allows.

City of Darwin zone mapping *Image source: City of Darwin zoning mapping*

The nearest development of a comparable size and height is located at 96 Woods Street which is also for the purposes of multiple dwellings.

Site Development History

In 2015 the subject site and 87 Woods Street were subdivided from one another; the sites combined had a total area of 6,350m^2. 91 Woods Street now has an area of 2,130m^2 whilst 87 Woods Street has an area of 4,220m^2.

Council did not support the subdivision design for reasons identified in the submission dated 7 August 2015 as at **Attachment D**.

DISCUSSION

Current Proposal

The current proposal is for the development of a "21 storey residential building with a ground level shop / restaurant tenancies and four levels of above-ground car parking. The proposal comprises 48 2-bedroom and 63 3-bedroom dwellings, each with private balcony area. In addition, communal open space including a swimming pool, gymnasium, children's play area and barbecue facilities is provided at the podium level".

Copies of the plans and the statement of effect are included in **Attachment A**. Note: the floor plans on levels 6 – 20 are repeated on each floor. The floor plans on levels 7 – 20 have therefore been removed from **Attachment A** to conserve paper.

Application Assessment

The applicant has sought variations to the minimum requirements of the *Northern Territory Planning Scheme* (the Scheme), which are discussed below:

Active street frontage:

Clause 6.3.3(3) of the Scheme states "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". Clause 6.3.3(7) states that "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".

City of Darwin's submission to the subdivision (as at **Attachment D**) was on the basis that "large developments on smaller lots typically prove difficult to:

- Achieve both viable and compliant development (in terms of the Northern Territory Planning Scheme provisions);
- Positively contribute to the urban amenity of the public realm; and
- Achieve adequate servicing and access requirements from the relevant authorities."

Council requested that should a development permit be issued that the subdivision application demonstrate that it can adequately (including but not limited to):

- "Provide access for PowerWater, emergency services and essential servicing requirements; and
- Can achieve 75% activation to the street frontage in accordance with the requirements of Clause 6.3.3 of the scheme."

The applicant has sought an 8.7% variation, which represents a 2.8m variation to the minimum requirements of the Scheme. It is considered 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.

Design:

Clauses 7.8 and 8.2 of the Scheme requires the design of buildings to minimise expanses of blank walls. It is considered that the treatment of the proposed south-east and north-west elevations at tier one should be enhanced to contribute to the amenity of the surrounding area; particularly given that the surrounding area is currently underdeveloped. Approval of the blank walls to a height of approximately 19m would provide a poor urban outcome and treatments should be included to achieve an attractive and pleasant development.

Furthermore, it is considered that the proposed aluminium perforated metal screens to the south-west elevation of tier one to a height of approximately 19m could be further enhanced to provide a better urban outcome particularly given that the façade will be visible for the life of the development given that development is setback 5.9m from the rear boundary due to the sewage easement.

Landscaping:

Clause 6.12 of the Scheme identifies the need for landscaping that; “complements and enhances the streetscape, is attractive” and “the quality and extent of the landscaping consented to should be maintained for the life of the development”.

It is noted that the application includes minimal details on the proposed landscaping and it is questioned how the proposed landscaping at the podium level will be maintained by the strata management given that the majority of the landscaping appears to only have access from individual units.

As per **Attachment C**, it was offered that landscaping be included within the 5.9m to the rear of the site to soften the built form and contribute to the amenity of the area and the surrounding underdeveloped sites; particularly given that the area will very likely remain undeveloped due to the needs of the easement. It is acknowledged that any works within the easement would be subject to the satisfaction and approval of the appropriate Service Authority.

Services/facilities:

Clause 8.2 of the Scheme requires the inclusion of amenities such as end of trip facilities and public toilets. Given the size and locality of the development it is considered that such public facilities be provided during operational hours. Particular consideration should be given to the different needs of staff and customers.

Key Council Issues

Traffic Impact Assessment:

The Traffic Impact Assessment (TIA) submitted with the development application has been assessed and it has been determined that further information is required to provide a proper assessment. The following information is required as a summary:

- Details of the proposed access points for the subject site in relation to the change of access for 87 Woods Street and the existing on-street car parking, to identify if there will be a loss of on-street car parking. It will be noted for the applicant that any reduction to the on-street car parking within Woods Street as a result of the additional access points will require a monetary contribution by the applicant.

- The TIA identifies that the footpath may need to be realigned adjacent the proposed access points to improve pedestrian and cyclist sight lines, however the required sight lines have not been provided. Details of the sight lines required for pedestrians are required.

- Amended traffic generation rates for the retail component of the development using the standard rates not reduced rates.

The above can be addressed via a condition precedent.

Verandah:

The development at the ground level includes a large verandah (supported by columns) which is reflective of the design element at tier two. The verandah extends 6.85m into the road reserve at the most northern corner of the site, 4.2m to the middle of the property boundary and 7.29m at the most eastern corner of the site.

Whilst the proposed verandah is supported by staff and its retention in the design of the overall development is encouraged; the verandah within the Woods Street road reserve is considered to be excessive and limits opportunities for the “planting and growth of mature trees within the road reserve” as required by Clause 6.3.3 of the Scheme.

It has been identified in the draft response as at **Attachment C** that the design would need to be amended to be more consistent with the requirements of the Northern

Territory Planning Scheme and City of Darwin Policy No. 037 – Awnings, Balconies and Verandahs on Council Property, which includes:

- Reducing the size;
- Removing the posts from the road reserve so that the structure is a cantilevered awning;
- Allowing for the planting and growth of mature street trees within Woods Street road reserve to enhance the tropical amenity and the existing vegetated streetscape character; and
- Inclusion of lighting underneath that complies with the appropriate provisions for public lighting.

Architectural building elements:

The development includes two aluminium perforated metal screens to the above ground car park on levels one to four. Similar to the verandah, the aluminium perforated metal screens are of a unique design and are reflective of the development design at tier two. The maximum depth of the screen at the northern end is approximately 1.8m and tapers in at the centre of the site whilst the second screen angels out from the centre of the site to 2m at the most eastern side of the site.

Whilst urban design outcomes are supported and encouraged where they enhance the public amenity, the proposed architectural building elements, which encroach into the Woods Street road reserve are considered to be excessive.

It has been identified in the draft response as at **Attachment C**, that if the application is approved the applicant will need to seek separate approval from Council for all building elements over the City of Darwin road reserve.

Street trees:

Within the road reserve there are a number of palm trees that will require removal due to their proximity to either the proposed access and/or the awning.

A condition precedent related to landscaping has been included in the letter as at **Attachment C** so to ensure that all landscaping within the City of Darwin road reserve is to the satisfaction of Council.

Waste:

Further details on how the waste is to be managed onsite are required to ensure compliance with *City of Darwin Policy No. 054 – Waste Management*.

The above can be addressed via a condition precedent.

Summary:

Subsequently, it is recommended that Council endorse the draft response letter, as included in **Attachment C**, objecting to the proposed development for reasons identified above.

CONSULTATION PROCESS

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

- Town Planner
- Strategic Town Planner
- Team Leader Development

POLICY IMPLICATIONS

The development application has been assessed against relevant City of Darwin Policies, as discussed in the body of this report.

BUDGET AND RESOURCE IMPLICATIONS

Not assessed.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Not assessed.

ENVIRONMENTAL IMPLICATIONS

Conditions requesting a waste management plan, stormwater drainage plan an 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.

Attachments:

Attachment A: Development Application, Lot 10563 (91) Woods Street, Darwin - 21 storey building comprising 48 x 2 and 63 x 3 bedroom multiple dwellings with ground level commercial tenancies and four levels of above ground car parking - PA2016/0593

Attachment B: City of Darwin, Letter of Response to Development Assessment Services, dated 21 October 2016

Attachment C: City of Darwin, Letter of Response to Development Assessment Services

Attachment D: City of Darwin, Letter of Response to Development Assessment Services to the subdivision, dated 7 August 2015

STATEMENT OF EFFECT – 91 WOODS STREET, DARWIN CITY

1. Introduction

This application proposes a 21 storey residential building with ground level shops / café and four levels of above ground car parking. The proposal comprises 48 2-bedroom and 63 3-bedroom dwellings, each with private balcony area. In additional, communal open space including a swimming pool, gymnasium, children's play area and barbecue facilities is provided at the podium level.

The subject land is located at Lot 10563 Town of Darwin (91 Woods 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: Traffic Impact Assessment

Attachment C: Title Documents

2. *Subject Land*

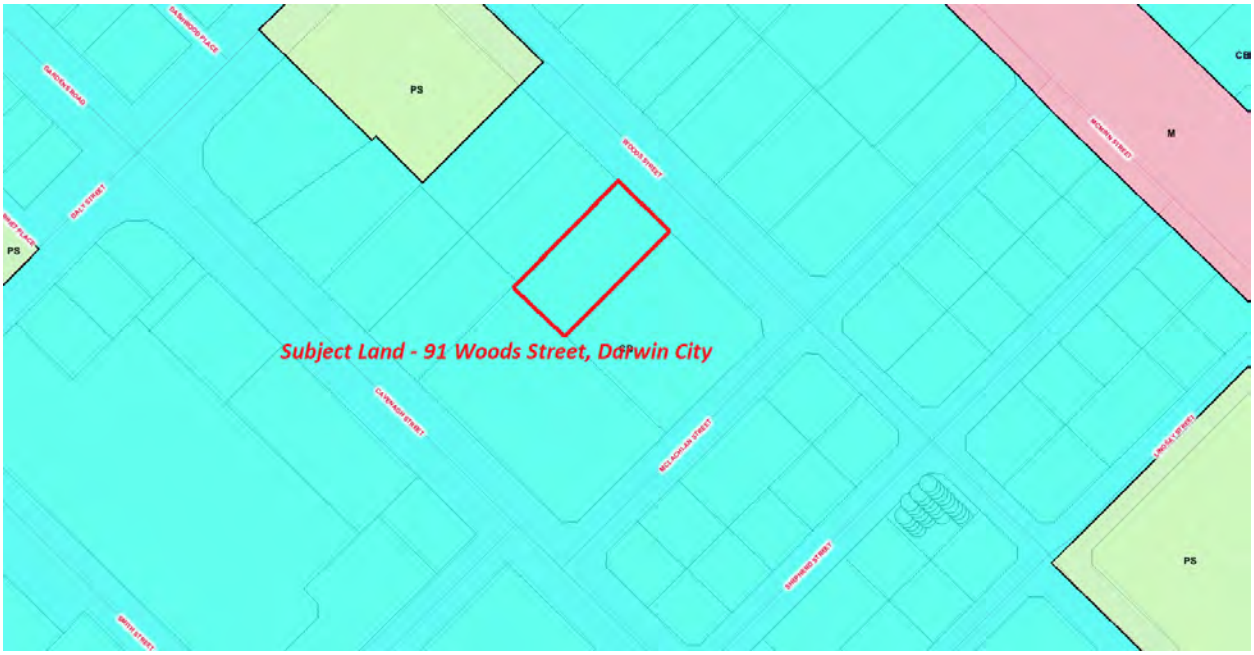


Figure 1: Lot 10563 Town of Darwin (91 Woods Street, Darwin City)

Address:	Lot 10563 Town of Darwin (91 Woods Street, Darwin)
Title Reference and Land Tenure:	CUFT 808 730 – Estate in Fee Simple (freehold)
Landowner:	87 WDS Pty Ltd as trustee for 87 WDS Unit Trust
Land Area:	2,130 square metres
Easements:	Sewerage Easement to Power and Water Corporation
Zone:	CB (Central Business)
Relevant Approval History:	DP15/0523A – subdivision to create 2 lots (completed)

The subject land is located on the south-western side of Woods Street, between McLachlan Street and Daly Street. The site was previously part of the Tracy Village aged care facility, however has since been excised to create a separate allotment, with a frontage to Woods Street of 32.1 metres and a depth of 66.59 metres. The subdivision was approved through DP15/0523A.

An existing sewerage easement extends adjacent the rear boundary to a depth of between 3 and 5.855 metres. The subject land has been cleared of vegetation and built form, and is currently being used for construction car parking and access in relation to construction on lot 10562.

3. Locality

Figure 1 in section 2 of this report demonstrates the zoning layout in immediate proximity of the site. The site is located near the western corner of the intersection between Woods and McLachlan Streets, in the northern part of the Darwin CBD. The surrounding locality comprises a range of land uses and development, at a scale generally lower than that predominant in the southern areas of the CBD, and includes a range of older, lower buildings, residential and community purpose uses, public open space (including Frogshollow Park) and commercial (generally office) space. Newer high rise development does occur to the north-west along the northern side of Woods Street, with more intense office and residential development also occurring further to the south-east. The adjacent land to the south-east comprises the old Tracy Village aged care facility, currently being redeveloped for the purpose of a *hostel* with ground level shop / café. The Seventh Day Adventist Church is located immediately to the south-west of the subject land.

4. Proposed Development

Full plans and details prepared by Jackman Gooden Architects are contained within **Attachment A.** The proposed development comprises a 21 storey residential building with a ground level shop / restaurant tenancies and four levels of above-ground car parking. The proposal comprises 48 2-bedroom and 63 3-bedroom dwellings, each with private balcony area. In addition, communal open space including a swimming pool, gymnasium, children's play area and barbecue facilities is provided at the podium level. Specifics include:

- Basement level comprising residential and commercial tenancy store rooms, lift and fire stair access, plant and firefighting equipment (including water tanks) and caretaker storage area;

- Ground level comprising forecourt and lobby area, lift and fire stair access, infrastructure and service areas, waste disposal and loading/unloading areas, three shop / restaurant tenancies between 108.2 and 150.3m^2, alfresco dining area and four car parking spaces;

- 4 above ground car parking levels (off-set levels), each with lift and fire stair access, driveway areas / ramps and between 59 and 61 car parking spaces;

- Level 5 podium with gymnasium, swimming pool, outdoor barbecue and recreation areas, indoor entertainment / children's play room, landscaping and deck space, air conditioning plant room and 6 multiple dwellings;

- 7 multiple dwellings on the residential levels between level 6 and level 20 inclusive, including 3 2-bedroom and 4 3-bedroom dwellings, each with private balcony, open plan living, kitchen and dining separate bathroom and ensuite; and

- Roof level service enclosure.

Building design includes shop front glazing at the street level, aluminium perforated patterned metal screen to car park levels, aluminium-framed glass balcony balustrades and slab extensions to provide awning coverage. A full width awning provides protection from sun and rain for pedestrians and cyclists along the Woods Street frontage. Horizontal slat aluminium screens provide screening and articulation to the south-west elevation from the car park levels.

The ceiling height of level 20 is equivalent to 66.7 metres above the ground floor level. Parapet extensions and the roof enclosure comprises approximately 2 metres above the level 20 ceiling height, bring the overall building height to approximately 68.7 metres. The podium level concludes below the level 6 floor level, 21.7 metres above the ground floor level.

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 / restaurant,* per the definitions within **Clause 3.0** of the Scheme. The ground floor tenancies will bridge the *shop* and *restaurant* uses, the most appropriate of which will be defined by the end users. 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.***
>
> *"****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;*
>
> *"****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 *shop / restaurant* 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 / dining) anticipated within the Darwin CBD, and will continue the diversity of activities. The proposal will diversify the nature and type of development within the Woods Street locality, and although not the first-intrusion of high rise development, 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 within the immediate area, rather than provide for a broader catchment, 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 particularly given the lack of active frontages and commercial uses within the immediate locality. The inclusion of large and clearly legible pedestrian site entry areas, alfresco dining and footpath awning, all serve to improve amenity within the immediate area and benefit the general public as well as those accessing the site itself. 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 68.7 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 1,200m^2 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 includes a podium level that extends to just below the floor level of level 6 / ceiling level of level 5, to a height of 21.7 metres above ground level. The podium level includes communal and private terrace areas within 6 metres of both side and rear boundaries. The podium level is located below the maximum of 25 metres per **Clause 6.3.2.** Given the allowance for 100% site coverage and zero boundary setbacks at the podium level (with the exception of the habitable room windows, verandahs and balconies), it is apparent that the setback restriction for Tier 1 seeks to promote privacy for adjoining properties. For this purpose, the proposed podium level incorporates screening and landscaping areas adjacent adjoining property boundaries, and the rear of the site where the building is located within 6 metres of the adjoining site. Internal living areas and windows maintain the 6 metre setback requirement. Landscaped screening is evident on the podium level floor plan (3361-SK 108) with the vertical boundary screening evident on the south-west, south-east and north-west elevations (3361-SK 201 H, 3361-SK 202 J and 3361-SK 203 H).

The Tier 2 footprint (including balconies) is less than 1,058.54m^2 (ie the overall dimensions of 20 metres wide by 52.927 metres long without excluding void space), equivalent to 49.7% of the total site area. Tier 2 building lengths relevant to respective boundaries equate to 62.3% of the Woods Street and rear boundaries, 79.5% of the south-eastern boundary, and 77.4% to the north-western boundary.

Clause 6.3.2 seeks, in part, to ensure *a built form that maximises the potential for view corridors to Darwin Harbour,* and *the penetration of daylight and breeze circulation between buildings.* The acute angled balconies project beyond the main building line and contribute to the variation to the 75% maximum building length. However, the acute balcony projections are not considered to compromise the *potential for view corridors to Darwin Harbour,* nor the *penetration of daylight and breeze circulation.* Considering the solid building elements only, the building length is equivalent to 75.57% of the south-eastern boundary and 73.5% of the north-western boundary. The variation is considered minor, appropriate and unlikely to compromise the achievement of the **Clause 6.3.2** objectives.

Building setbacks to solid Tier 2 elements all exceed 6 metres to all boundaries, with no encroachment of balconies. Minor window sunscreen projections will encroach into the 6 metre setback area by up to 900mm, however will not compromise the objectives of **Clause 6.3.2**, will improve the appearance and solar performance of the building, and will add to internal amenity levels, particularly to bedrooms.

In relation to **subclause 1(a),** the proposal seeks to provide a built form that *"maximises the potential for view corridors to Darwin Harbour."* By providing a narrow building and ensuring compliance with the setback requirements to building walls and balconies, and providing a setback from the rear boundary to accommodate the existing easement, the proposal ensures that the extent of views to Darwin Harbour reasonably anticipated are retained.

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."* Compliance with the setback requirements, with the exception of minor sunshades and design features, will ensure breeze circulation and daylight between buildings, both existing and future, will occur to the extent anticipated.

In relation to **subclause 1(c),** balconies and habitable room windows are not provided at Tier 2 within 6 metres of the adjoining boundaries. The podium level private and communal open space areas will be appropriately screened to ensure privacy is not compromised.

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 sites.

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.

The extent of active street frontage to Woods Street comprises the restaurant / shop and outdoor dining area (within the subject land), and is equivalent to approximately 21.26 metres, or 66.23% of the total boundary length.

Despite being well below the required 75%, the proposed development limits street level services at the building frontage to only those required by the service agencies. Services facing onto the Woods Street frontage are limited to the fire booster connection points, with the Fire Control Room and emergency access stairs located behind the fire booster. Further activation is created by the relocation of the substation to the ground level car park area. The dimensions of all service equipment are per the requirements of the service agencies, and have been grouped in order to minimise their exposure to the Woods Street frontage. Vehicle entry / exit has been separated to minimise the expanse of a double driveway, with the width of the respective entry and exit driveways reduced as low as possible whilst retaining a safe and function access / egress arrangement.

As such, the extent of services, or 'inactive' frontage is limited to that required. Ultimately, the reduced percentage of active interface is due to the minimal frontage of the subject land to Woods Street of 32.1 metres. Given the limited site frontage to Woods Street, it is considered that compliance with **subclause 3** is impractical, and a variation is appropriate.

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;

A full length awning is provided across the Woods Street frontage that will facilitate the planting of street trees if required. The awning provides effective protection for pedestrians from sun and rain, and will not compromise service vehicle access to the car parking area.

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

The subject land has a single frontage only.

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

The proposal has a clearly articulated base (comprising the ground floor shops / restaurant and lobby areas), middle (comprising the podium with screened car parking areas) and top (comprising the tower level).

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

Plant and service equipment is appropriately located within the basement, ground floor, upper floors and roof level. Plant equipment will be appropriately screened and integrated into the building design and will avoid any adverse impact on visual amenity.

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 is limited to required staff car parking for the shop / restaurant tenancies, and is well setback and screened from the street frontage.

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.*

The impracticalities of compliance with **subclause 3** are explained in detail in 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.*

Direct discussions have occurred with relevant agencies, including in relation to the service location and activation. 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 / restaurant* within the Darwin CB Zone, **Clause 6.5.1** requires 3 parking spaces per 100m^2 net *shop / restaurant* floor area, 1.5 spaces per 2-bedroom dwelling, and 1.7 spaces per 3-bedroom dwelling. With 374.80m^2 combined *shop / restaurant* area, and 136.54m2 alfresco area, a total of 15.34 car parking spaces are required. Residential development comprises 48 2-bedroom units (72 parking spaces required) and 63 3-bedroom dwellings (107.1 spaces required).

Accordingly, a total of 195 (194.44) car parking spaces are required. Overall, 244 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 with the exception of the small car parking bays, which are 5.1 metres long. A total of 12 short parking spaces are provided, comprising less than 5% of total parking spaces, and given the significant parking surplus provided, are considered appropriate. The majority of driveways adhere to the minimum 6 metre width requirement, with the exception of the sub-level ramps, between 5.5 and 5.6 metres. Raised kerb levels allow for 6 metres of driveway clearance for turn-paths, and the minor reduction allows the facilitation of building columns. The reduction is not likely to compromise vehicle movement. Likewise, the entry and exit Driveways to Woods Street are 3.2 metres and 3 metres respectively, below the minimum 3.5 metres. The driveways are widened to allow vehicle turning, then reduced to minimise the extent of verge space dedicated to driveways. The entry and exit driveways are appropriately sized and located to allow entry and exit. Accordingly, the proposal 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 / restaurant,* **Clause 6.6** requires 1 loading bay per 2,000m^2 floor area, therefore one loading bay is required for the proposed development. A combined loading / refuse access area is provided in the ground level car parking area, opposite the electrical substation, with clear dimensions of 7.5 metres by 3.5 metres, and a vertical height clearance of 4 metres. The proposed loading / unloading area accords with **Clause 6.6** and is suitable to accommodate loading, unloading and refuse collection requirements of the proposal.

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).	12m² inclusive of an area with minimum dimensions of 2.8m x 4m.

Al multiple dwellings include balcony areas well in excess of the minimum 12m^2 required by **Clause 7.5,** with balcony areas between 12.7 and 15.8m^2. Minor variations are proposed to the minimum dimensions due to the acute balcony dimensions and to correspond with the internal apartment layout, however all balconies 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 5.

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 357m^2 communal open space at level 5 (podium level), including swimming pool and gymnasium, barbecue and children's play area, internal play room and communal ablution facilities. Communal open space is equivalent to 16.76% 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.** Communal open space at level 5 will complement the shop / restaurant uses at ground level, which will serve an additional communal space function.

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 will be 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 rear (south-west) building elevation is offset from the rear site boundary to accommodate the existing easement. As such, this wall is not likely to adjoin future development on adjacent land (and thus not likely to be fully obscured by future development). Accordingly, perforated metal screening will be utilised to break-up the appearance of the wall whilst maintaining privacy considerations.

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 ensures living room windows and balconies adhere to setback requirements, and provides appropriate landscaped or built form screening from podium level communal open space and upper level car park areas.

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

Bedrooms are located away from potential noise sources, including that bedrooms do not abut living areas of adjoining apartments. 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. Apartment bedrooms are not located directly adjacent living areas of adjoining dwellings.

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 5 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 combination of long side boundary elevations to the north-west and south-east, with a building width no greater than two dwellings, allows access to prevailing winds for all units. Internal designs will allow cross-flow ventilation. Appropriate privacy and sun-shading is provided to ensure built form is climatically appropriate.

j) allow breeze penetration and circulation;

Large balcony openings, open plan apartment layouts and large external apartment frontages facilitate breeze penetration and internal 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;*

The proposal ensures solid building form at tower level complies with setback requirements, ensuring vistas are appropriately preserved. Elements that encroach within setback requirements are limited to lightweight, permeable components, such as sun-shade awnings and vertical blade design features, and do not encroach within 5 metres. The podium level is situated below the maximum 25 metres to ensure the amenity of adjoining land is protected.

    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 podium level 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 Woods Street frontage, and the provision of retail tenancies and outdoor dining extending 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 long elevations and large building setbacks maximise access to 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;

The development will provide a split access / egress from Woods Street, with separate pedestrian access provided through the shop / restaurant and pedestrian forecourt area.

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 Woods Street, which will (upon completion) link with adjoining footpaths and the public network. The inclusion of an internal loading / drop-off area will improve facilities for pedestrian drop-off without compromising the operation of the surrounding public road network.

k) provide protection for pedestrians from sun and rain;

An awning is provided along the Woods Street frontage.

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 alfresco dining area). Individual apartment store rooms and basement shop / restaurant tenancy storage areas in the basement can provide bicycle storage for residents and commercial tenancy employees respectively.

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 south-east of the site, on the opposite side of Woods Street, with public transport services providing access to the Darwin suburbs, Palmerston and the rural areas available within a short walk of the site.

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.

A Traffic Impact Assessment considering the proposed development has been prepared by Cirqa, consulting traffic engineers, and is provided in **Attachment B.** The assessment considers the impact of the proposed development on the surrounding road network, the car parking and vehicle circulation within the site, pedestrian impacts and infrastructure and the proposed servicing areas for the development.

The report concludes that the proposed development is not likely to have an unreasonable impact on the surrounding road network, is not likely to exceed the capacity of the surrounding road network, provides adequate car parking, loading and unloading areas, and appropriately complies with the relevant Australian Standards in relation to the layout of car parking and vehicle manoeuvring areas.

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

The proposed development generally respects the requirements of the NT Planning Scheme, with minor variations proposed to setback, car parking layout and private open space requirements only where justified and occurring in response to a specific design solution. 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 21 storey residential building with ground level shops / restaurant and four levels of above ground car parking, with 48 2-bedroom and 63 3-bedroom dwellings, communal open space including a swimming pool, gymnasium, children's play area and barbecue facilities 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 limited variations to private open space dimensions, setbacks (minor building projections) and car park / driveway layout requirements that, in the context of the proposed development and the surrounding locality, are appropriate.

Brad Cunnington
Principal, Northern Planning Consultants Pty Ltd

29 September 2016

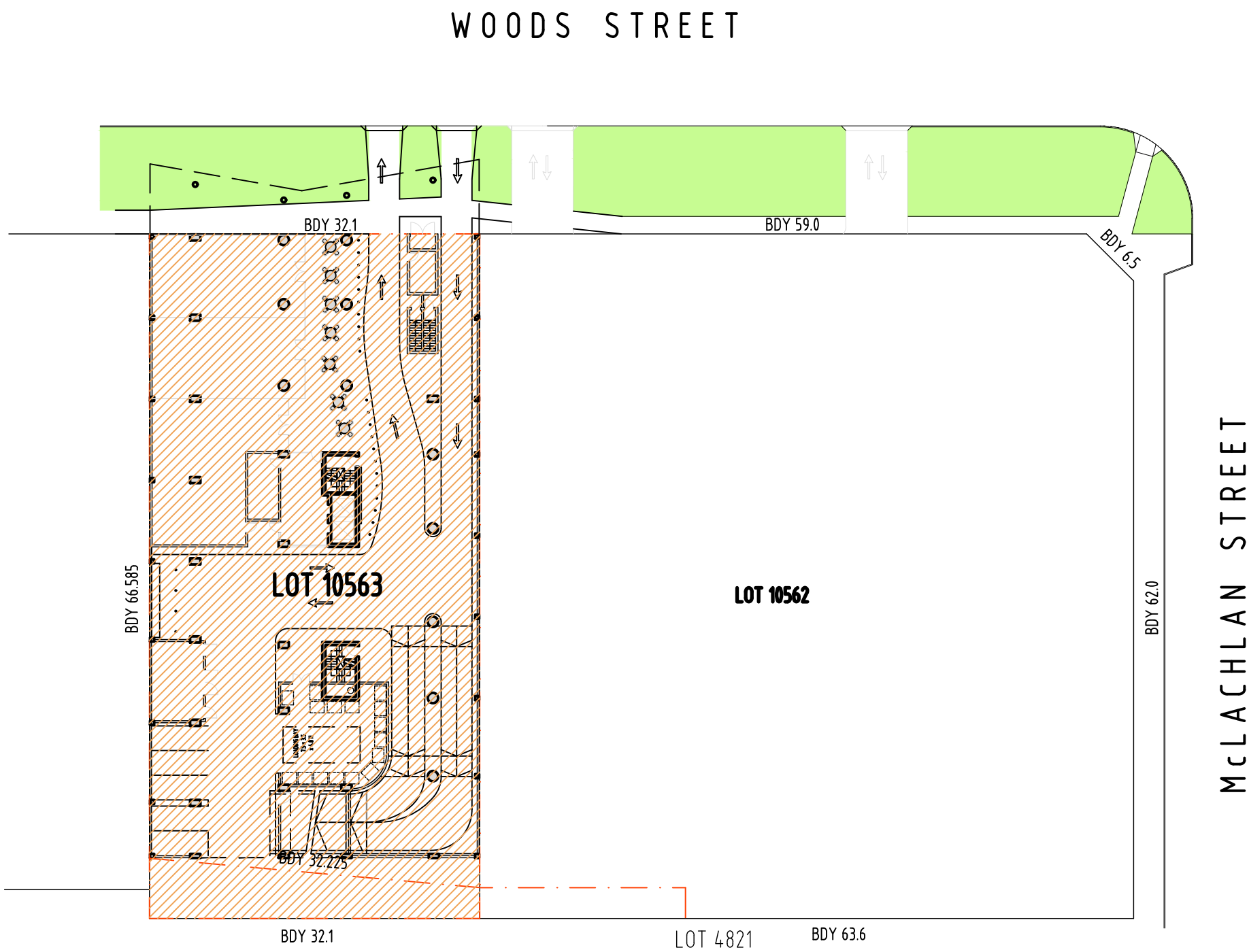
DEVELOPMENT SUMMARY

UNITS	
3 BED UNITS	63
2 BED UNITS	48
TOTAL	111

CAR PARKS	
GROUND FLOOR	4
LEVEL 1	59
LEVEL 2	60
LEVEL 3	60
LEVEL 4	61
TOTAL	244

COMMERCIAL AREAS	
SHOP 1	108.2 m^2
SHOP 2	116.3 m^2
SHOP 3	150.3 m^2
TOTAL	374.8 m^2

STORAGE	
BASEMENT	
- CARETAKER	1
- TENANCY	3
- RESIDENTIAL	36
LEVEL 1	21
LEVEL 2	21
LEVEL 3	21
LEVEL 4	21
TOTAL	124



LOT 10563, WOODS STREET - DARWIN

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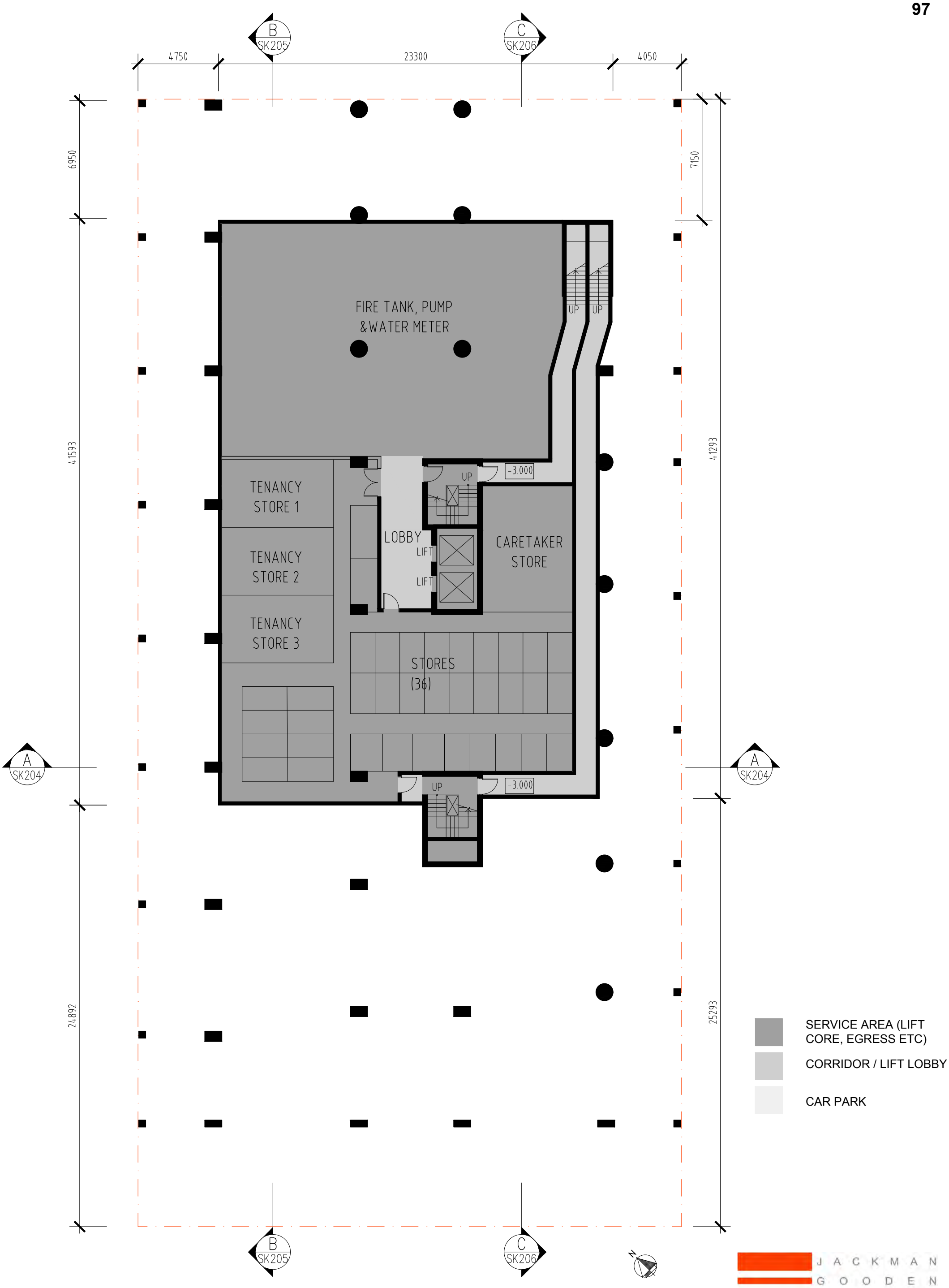
JACKMAN GOODEN ARCHITECTS

SITE PLAN	21 SEPT 2016	SCALE 1:500	3361 - SK101	REV M



LOT 10563, WOODS STREET - DARWIN

BASEMENT PLAN	21 SEPT 2016	SCALE 1:200	3361 - SK102	REV M

LOT 10563, WOODS STREET - DARWIN

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JACKMAN GOODEN ARCHITECTS

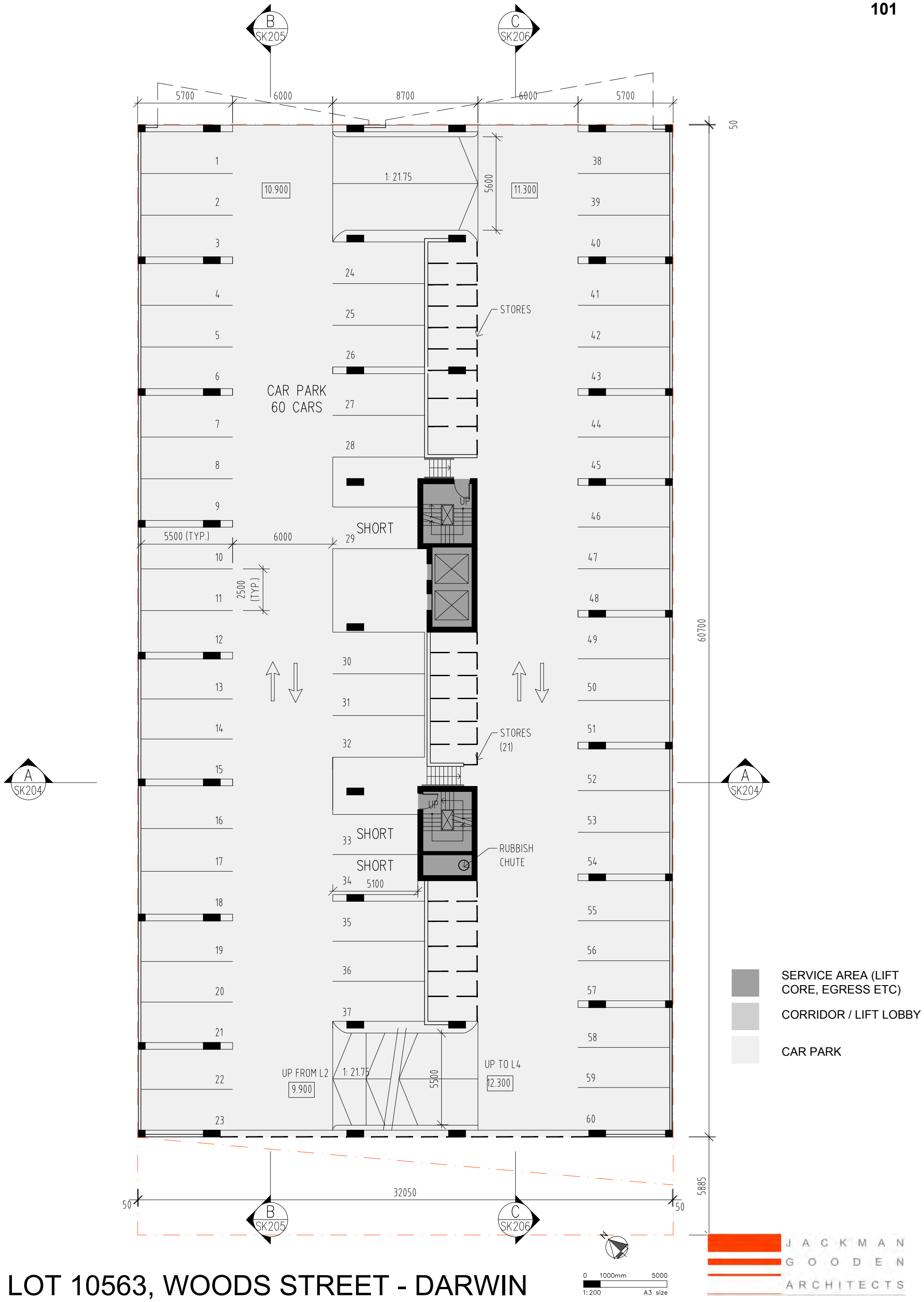
GROUND FLOOR PLAN	21 SEPT 2016	SCALE 1:200	3361 - SK103	REV P

LOT 10563, WOODS STREET - DARWIN

CAR PARK LEVEL 1	21 SEPT 2016	SCALE 1:200	3361 - SK104	REV O

LOT 10563, WOODS STREET - DARWIN

CAR PARK LEVEL 2	21 SEPT 2016	SCALE 1:200	3361 - SK105	REV N



LOT 10563, WOODS STREET - DARWIN

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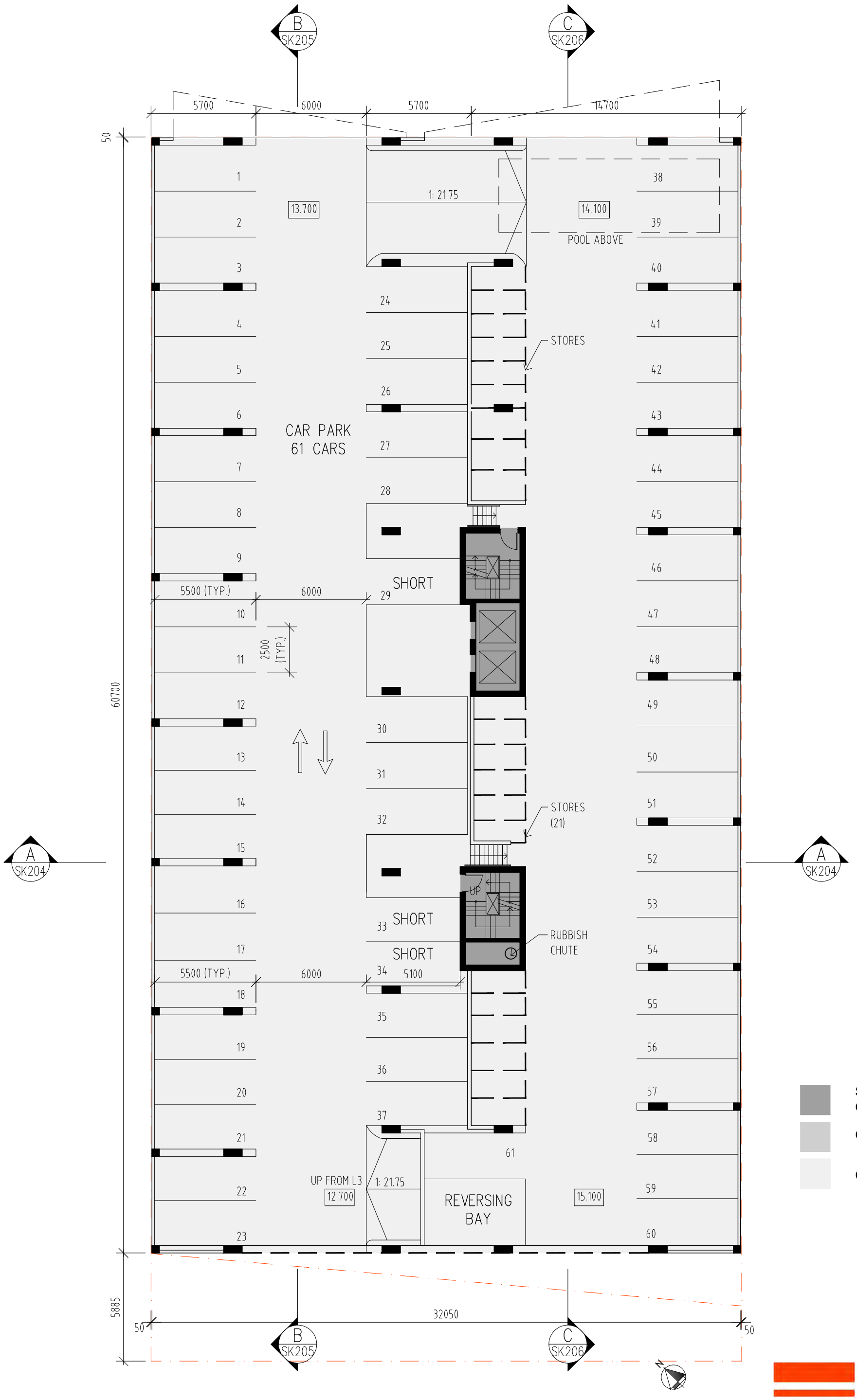

SERVICE AREA (LIFT CORE, EGRESS ETC)

CORRIDOR / LIFT LOBBY

CAR PARK

LOT 10563, WOODS STREET - DARWIN

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1:200 A3 size

JACKMAN GOODEN ARCHITECTS

CAR PARK LEVEL 4	21 SEPT 2016	SCALE 1:200	3361 - SK107	REV N

LOT 10563, WOODS STREET - DARWIN

PODIUM LEVEL 5	21 SEPT 2016	SCALE 1:200	3361 - SK108	REV N

SERVICE AREA (LIFT CORE, EGRESS ETC)

CORRIDOR / LIFT LOBBY

CAR PARK

PLANTING

FACILITIES

LEGEND

B3A: 3 BED UNIT - TYPE A

B3B: 3 BED UNIT - TYPE B

B2A: 2 BED UNIT - TYPE A

B2B: 2 BED UNIT - TYPE B

BALCONY

LOT 10563, WOODS STREET - DARWIN

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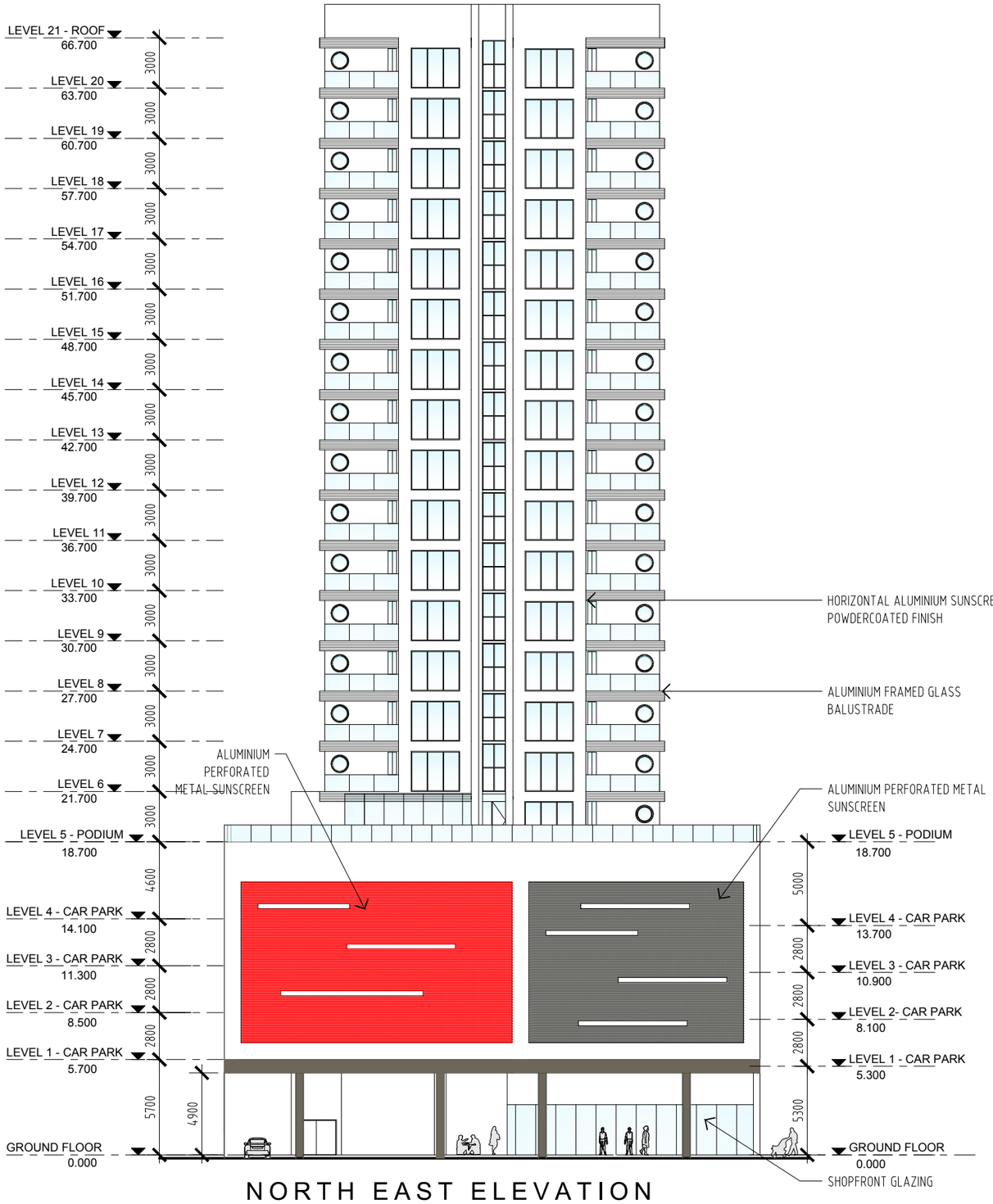
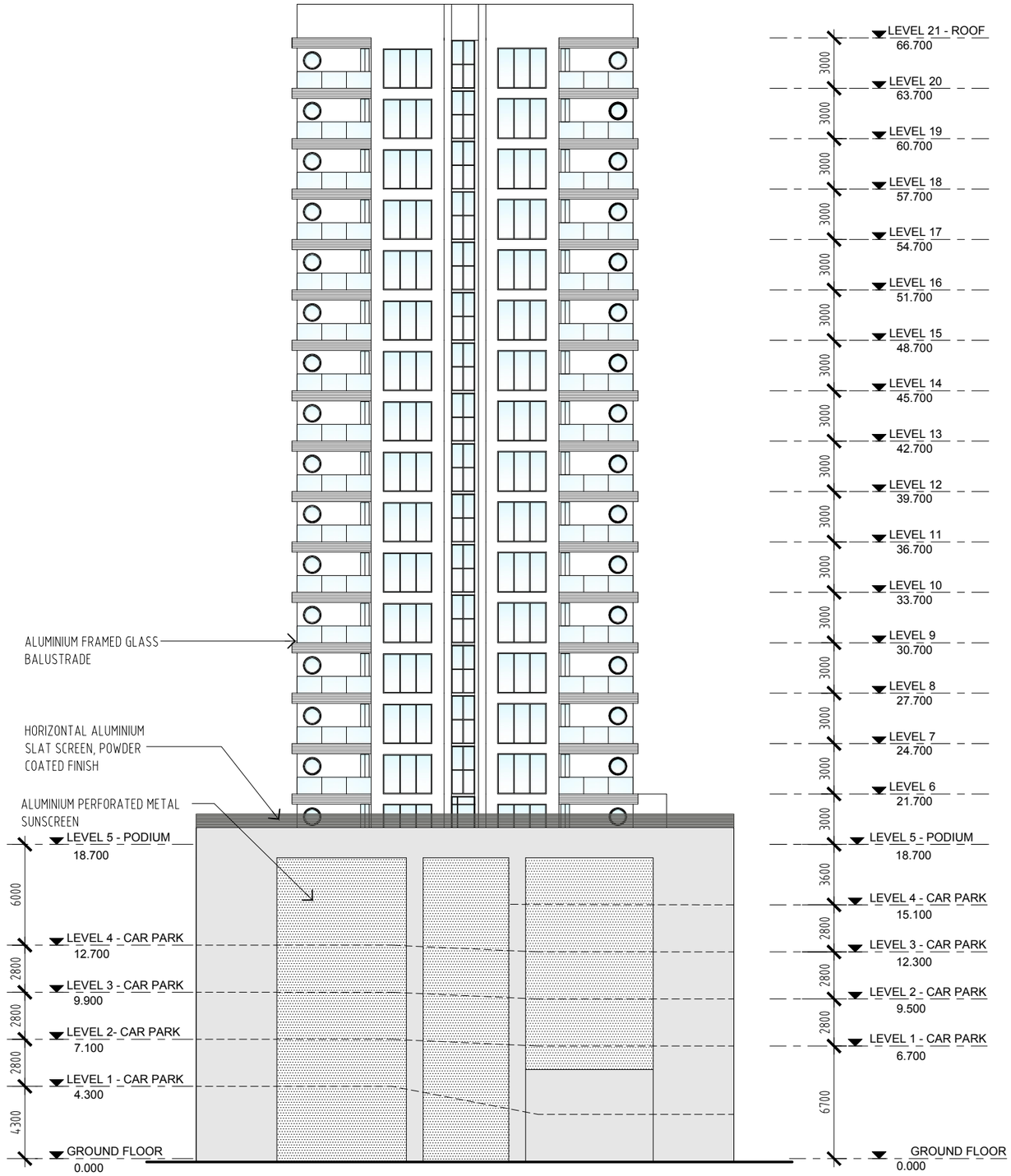
JACKMAN GOODEN ARCHITECTS

LEVEL 6	21 SEPT 2016	SCALE 1:200	3361 - SK109	REV N



NORTH EAST ELEVATION



SOUTH WEST ELEVATION

LOT 10563 WOODS STREET - DARWIN

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1:300 A3 size

JACKMAN GOODEN ARCHITECTS

ELEVATIONS	21 SEPT 2016	SCALE 1:300	3361 - SK 201 H

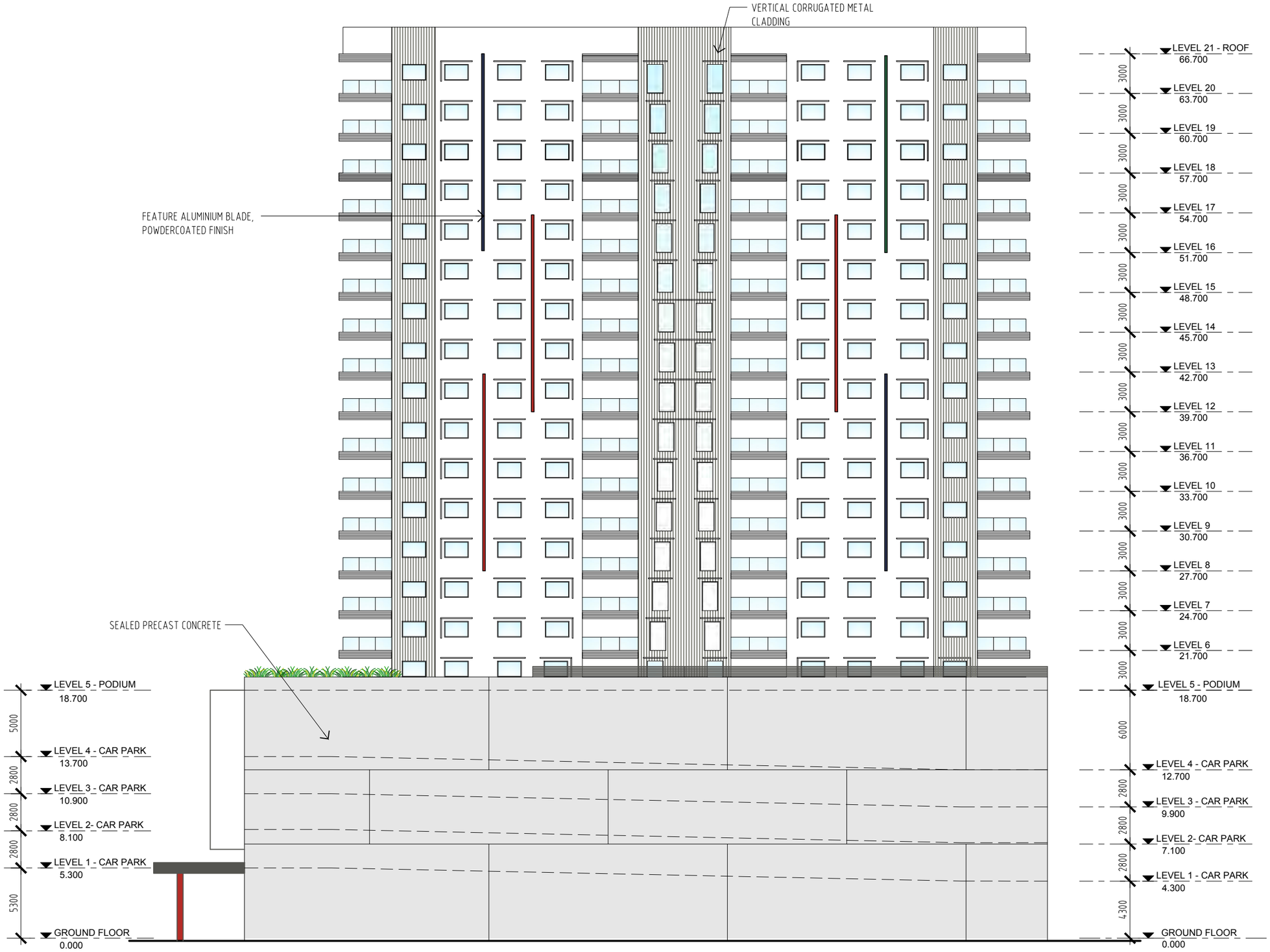
SOUTH EAST ELEVATION

LOT 10563 WOODS STREET - DARWIN

0 1500mm 7500
1:300 A3 size

JACKMAN GOODEN ARCHITECTS

SOUTH EAST ELEVATION	21 SEPT 2016	SCALE 1:300	3361 - SK 202 J



NORTH WEST ELEVATION

LOT 10563 WOODS STREET - DARWIN

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1: 300 A3 size

JACKMAN GOODEN ARCHITECTS

NORTH WEST ELEVATION	21 SEPT 2016	SCALE 1: 300	3361 - SK 203 H

JACKMAN GOODEN ARCHITECTS

LOT 10563 WOODS STREET - DARWIN

PERSPECTIVE 1	21 SEPT 2016	SCALE 1:	3361 - SK 301 A

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LOT 10563 WOODS STREET - DARWIN

PERSPECTIVE 2	21 SEPT 2016	SCALE 1:	3361 - SK 302 A

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LOT 10563 WOODS STREET - DARWIN

PERSPECTIVE 3	21 SEPT 2016	SCALE 1:	3361 - SK 303 A

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LOT 10563 WOODS STREET - DARWIN

PERSPECTIVES 4 & 5	21 SEPT 2016	SCALE 1:	3361 - SK 304 A

CITY OF DARWIN
ABN 11 503 313 301

Civic Centre Harry Chan Avenue Darwin NT 0800 GPO Box 84 Darwin NT 0801 E darwin@darwin.nt.gov.au P 08 8930 0300 F 08 8930 0311

16 November 2016

Please quote: 3397451 NS:hd
Your reference: PA2016/0593

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

Dear Ms Godfrey

Parcel Description: **Lot 10563 - Town of Darwin**
91 Woods Street, Darwin

Proposed Development: **21 storey building comprising 48 x 2 and 63 x 3 bedroom multiple dwellings with ground level commercial tenancies and 4 levels of above ground car parking**

Thank you for the Development Application referred to this office 6 October 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 objects to the granting of a Development Permit for the following reasons:**

a). **Active street frontage**
Clause 6.3.3, sub-clause 3. of the Scheme states "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". Clause 6.3.3, sub-clause 7. states that "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".

City of Darwin's submission to the subdivision was on the basis that "large developments on smaller lots typically prove difficult to:

- Achieve both viable and compliant development (in terms of the Northern Territory Planning Scheme provisions);

- Positively contribute to the urban amenity of the public realm; and
- Achieve adequate servicing and access requirements from the relevant authorities".

Council requested that should a development permit be issued that the subdivision application demonstrate that it can adequately (including but not limited to):

- "Provide access for PowerWater, emergency services and essential servicing requirements; and
- can achieve 75% activation to the street frontage in accordance with the requirements of Clause 6.3.3 of the scheme".

The applicant has sought an 8.77% variation, which represents a 2.815m variation to the minimum requirements of the Scheme. It is considered 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.

b). **Design**

Clauses 7.8 and 8.2 of the Scheme require the design of buildings to minimise expanses of blank walls. It is considered that the treatment of the proposed south-east and north-west elevations at tier 1 should be **enhanced to contribute to the amenity of the surrounding area;** particularly given that the surrounding area is currently underdeveloped. Approval of the blank walls to a height of approximately 19m would provide a poor urban outcome and treatments should be included to achieve an attractive and pleasant development.

Furthermore, it is considered that the proposed aluminium perforated metal screens to the south-west elevation of tier 1 to a height of approximately 19m could be further enhanced to provide a better urban outcome particularly given that the façade will be visible for the life of the development given that development is setback 5.9m from the rear boundary due to the sewage easement.

c). **Landscaping**

Clause 6.12 of the Scheme identifies the need for landscaping that; "complements and enhances the streetscape, is attractive" and "the quality and extent of the landscaping consented to should be maintained for the life of the development".

It is noted that the application includes minimal details on the proposed landscaping and it is questioned how the proposed landscaping at the podium level will be maintained by the strata management given that the majority of the landscaping appears to only have access from individual units.

Council offers that landscaping should be included within the 5.9m to the rear of the site to soften the built form and contribute to the amenity of the area and the surrounding underdeveloped site, particularly given that until such time as the easement is required the area will very likely remain undeveloped. Council acknowledges that any works within the easement would be subject to the satisfaction and approval of the appropriate Service Authority.

d). **Services/facilities**
Clause 8.2 of the Scheme requires the inclusion of amenities such as end of trip facilities and public toilets. Given the size and locality of the development it is considered that public 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 conditions precedent:**

a). **Traffic Impact Assessment**
The Traffic Impact Assessment (TIA) submitted with the development application has been assessed by Council and has been determined that it is not to the satisfaction of the City of Darwin.

Council requires the applicant to prepare and submit a new TIA, which must include, but not be limited to:

- Details of the proposed access points for the subject site in relation to the change of access for 87 Woods Street and existing on-street car parking to identify if there will be a loss of on-street car parking.

  It is noted for the applicant that any reduction to the on-street car parking within Woods Street as a result of the proposed access points will require approval from Council and a monetary contribution paid by the applicant if approved.

- The TIA identifies that the footpath may need to be realigned adjacent the proposed access points to improve pedestrian and cyclist sight lines, however the required sight lines have not been provided. Details of the sight lines required for pedestrians are required.

- Amended traffic generation rates for the retail component of the development using the standard rates not reduced rates.

The **Traffic Impact Assessment Report** is 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.

b). **Access**

The existing access point will need to be removed and all associated works within the road reserve will need to be reinstated by the applicant, to the satisfaction of the General Manager Infrastructure, City of Darwin.

The proposed access is to be constructed in accordance with the Traffic Impact Assessment and to the satisfaction of the General Manager Infrastructure, City of Darwin.

c). **Verandah**

The development includes a large verandah (supported by columns) at the ground level, which is reflective of the design element at tier two. The verandah extends 6.85m into the road reserve at the most northern corner of the site, 4.2m in the middle and 7.29m at the most eastern corner of the site.

The verandah within the Woods Street road reserve is considered to be excessive and limits opportunities for the “planting and growth of mature trees within the road reserve” as required by Clause 6.3.3 of the Scheme.

The design is required to be amended to be more consistent with the requirements of the Northern Territory Planning Scheme and City of Darwin Policy No. 037 – Awnings, Balconies and Verandahs on Council Property, which includes but not limited to:

- Reducing the size;

- Removing the posts from the road reserve so that the structure is a cantilevered awning;
- Allowing for the planting and growth of mature street trees within Woods Street road reserve to enhance the tropical amenity and the existing vegetated streetscape character; and
- Inclusion of lighting underneath that complies with the appropriate provisions for public lighting.

d). **Architectural building elements**

The development includes two aluminium perforated metal screens to the above ground car park on levels 1 – 4. Whilst urban design outcomes are supported and encouraged where they enhance the public amenity, the proposed architectural building elements, which encroach into the Woods Street road reserve are considered to be excessive.

If the application is approved, the applicant will need to seek separate approval from Council for all architectural building elements over the City of Darwin road reserve.

e). **Waste**

Waste for the commercial and residential components of the development are to be separated from one another. Further details on how the waste is to be managed onsite are required to ensure compliance with *City of Darwin Policy No. 054 – Waste Management*.

The applicant's plans should 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.

f). **Service infrastructure**

An amended design and revised plans demonstrating the fire booster doors opening within in the property boundary.

g). **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.**

h). **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.**

i). **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.

j). **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.

k). **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.

l). **Footpaths**
From the submitted plans it's unclear to Council what the proposed widths of footpaths within the City of Darwin road reserve are to be. Further details are required to ensure compliance with City of Darwin Policy No. 048 – Footpaths.

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

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

a). **Shoring and Hording Adequacy for Adjoining Properties**
If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the developer must, at their own expense:

- protect and support the adjoining property and pedestrians from possible damage or injury from the excavation, and
- where necessary, underpin the adjoining premises to prevent any such damage.

b). **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.

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

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 Contribution Plan for Stormwater Drainage – Darwin CBD CP2015/01 – SWD - Policy Area 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.

- 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.

- 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.

- Any easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose, shall be made available free of cost to the City of Darwin and/or neighbouring property owners.

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

CITY OF DARWIN
ABN 11 503 313 301

Civic Centre Harry Chan Avenue Darwin NT 0800 GPO Box 84 Darwin NT 0801 E darwin@darwin.nt.gov.au P 08 8930 0300 F 08 8930 0311

21 October 2016

Please quote: 3397451 NS:hd
Your reference: PA2016/0593

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

Dear Ms Godfrey

Parcel Description: **Lot 10563 - Town of Darwin**
91 Woods Street, Darwin

Proposed Development: **21 storey building comprising 48 x 2 and 63 x 3 bedroom multiple dwellings with ground level commercial tenancies and 4 levels of above ground car parking**

Thank you for the Development Application referred to this office 6 October 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 objects to the granting of a Development Permit for the following reasons:**

a). **Active street frontage**
Clause 6.3.3, sub-clause 3. of the Scheme states "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". Clause 6.3.3, sub-clause 7. states that "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".

City of Darwin's submission to the subdivision was on the basis that "large developments on smaller lots typically prove difficult to:

- Achieve both viable and compliant development (in terms of the Northern Territory Planning Scheme provisions);

- Positively contribute to the urban amenity of the public realm; and
- Achieve adequate servicing and access requirements from the relevant authorities".

Council requested that should a development permit be issued that the subdivision application demonstrate that it can adequately (including but not limited to):

- "Provide access for PowerWater, emergency services and essential servicing requirements; and
- can achieve 75% activation to the street frontage in accordance with the requirements of Clause 6.3.3 of the scheme".

The applicant has sought an 8.77% variation, which represents a 2.815m variation to the minimum requirements of the Scheme. It is considered 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.

b). **Design**

Clauses 7.8 and 8.2 of the Scheme require the design of buildings to minimise expanses of blank walls. It is considered that the treatment of the proposed south-east and north-west elevations at tier 1 should be **enhanced to contribute to the amenity of the surrounding area;** particularly given that the surrounding area is currently underdeveloped. Approval of the blank walls to a height of approximately 19m would provide a poor urban outcome and treatments should be included to achieve an attractive and pleasant development.

Furthermore, it is considered that the proposed aluminium perforated metal screens to the south-west elevation of tier 1 to a height of approximately 19m could be further enhanced to provide a better urban outcome particularly given that the façade will be visible for the life of the development given that development is setback 5.9m from the rear boundary due to the sewage easement.

c). **Landscaping**

Clause 6.12 of the Scheme identifies the need for landscaping that; "complements and enhances the streetscape, is attractive" and "the quality and extent of the landscaping consented to should be maintained for the life of the development".

It is noted that the application includes minimal details on the proposed landscaping and it is questioned how the proposed landscaping at the

podium level will be maintained by the strata management given that the majority of the landscaping appears to only have access from individual units.

Council offers that landscaping should be included within the 5.9m to the rear of the site to soften the built form and contribute to the amenity of the area and the surrounding underdeveloped site, particularly given that until such time as the easement is required the area will very likely remain undeveloped. Council acknowledges that any works within the easement would be subject to the satisfaction and approval of the appropriate Service Authority.

d). **Services/facilities**
Clause 8.2 of the Scheme requires the inclusion of amenities such as end of trip facilities and public toilets. Given the size and locality of the development it is considered that public 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 conditions precedent:**

a). **Traffic Impact Assessment**
The Traffic Impact Assessment (TIA) submitted with the development application has been assessed by Council and has been determined that it is not to the satisfaction of the City of Darwin.

Council requires the applicant to prepare and submit a new TIA, which must include, but not be limited to:

- Details of the proposed access points for the subject site in relation to the change of access for 87 Woods Street and existing on-street car parking to identify if there will be a loss of on-street car parking.

  It is noted for the applicant that any reduction to the on-street car parking within Woods Street as a result of the proposed access points will require approval from Council and a monetary contribution paid by the applicant if approved.

- The TIA identifies that the footpath may need to be realigned adjacent the proposed access points to improve pedestrian and cyclist sight lines, however the required sight lines have not been provided. Details of the sight lines required for pedestrians are required.

- Amended traffic generation rates for the retail component of the development using the standard rates not reduced rates.

The **Traffic Impact Assessment Report** is 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.

b). **Access**
The existing access point will need to be removed and all associated works within the road reserve will need to be reinstated by the applicant, to the satisfaction of the General Manager Infrastructure, City of Darwin.

c). **Verandah**
The development includes a large verandah (supported by columns) at the ground level, which is reflective of the design element at tier two. The verandah extends 6.85m into the road reserve at the most northern corner of the site, 4.2m in the middle and 7.29m at the most eastern corner of the site.

Whilst the proposed verandah is supported and its retention as a design element in the overall development is encouraged; the verandah within the Woods Street road reserve is considered to be excessive and limits opportunities for the “planting and growth of mature trees within the road reserve” as required by Clause 6.3.3 of the Scheme.

It is requested that the applicant work with Council to amend the design of the verandah to:

- Be reduced in size;
- Remove the posts from the road reserve so that the structure is a cantilevered awning;
- Allow for the planting and growth of mature street trees within Woods Street road reserve to enhance the tropical amenity and the existing vegetated streetscape character; and

- Include lighting underneath that complies with the appropriate provisions for public lighting as consistent with City of Darwin Policy No. 037 – Awnings, Balconies and verandahs on Council Property.

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). **Architectural building elements**
The development includes an architectural element with aluminium perforated metal screens to the above ground car park on levels 1 – 4. Similar to the verandah, the aluminium perforated metal screens are of a unique design and are reflective of the development design at tier two. The maximum depth of the most northern screen is approximately 1.8m and tapers in to the centre of the site whilst the most eastern screen is approximately 2.0m and again tapers in to the centre of the site.

Whilst Council supports and encourages urban design outcomes that enhance the public amenity, the proposed architectural building element overhangs the Woods Street road reserve and is considered to be excessive. Furthermore, given that Council is requesting that the depth of the verandah to be reduced, the architectural building element on the podium levels may also be required to be reduced as Council will not allow them to extend beyond the awning structure.

e). **Waste**
Waste for the commercial and residential components of the development are to be separated from one another. Further details on how the waste is to be managed onsite are required to ensure compliance with *City of Darwin Policy No. 054 – Waste Management*.

The applicant's plans should 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.

f). **Service infrastructure**
An amended design and revised plans demonstrating the fire booster doors opening within in the property boundary.

g). **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.**

h). **The crossover and driveway shall meet City of Darwin requirements.**

i). **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.**

j). **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.

k). **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.

l). **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.

m). **Footpaths**
From the submitted plans it's unclear to Council what the proposed widths of footpaths within the City of Darwin road reserve are to be. Further details are required to ensure compliance with City of Darwin Policy No. 048 – Footpaths.

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

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

a). **Awning Overhang**
The proposal includes awning overhangs to Woods Street. 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). **Shoring and Hording Adequacy for Adjoining Properties**
If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the developer must, at their own expense:
- protect and support the adjoining property and pedestrians from possible damage or injury from the excavation, and
- where necessary, underpin the adjoining premises to prevent any such damage.

c). **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.

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

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 Contribution Plan for Stormwater Drainage – Darwin CBD CP2015/01 – SWD - Policy Area 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.

- 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.

- 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.

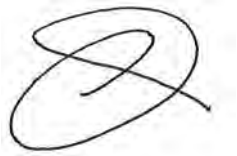
- Any proposed stormwater connections to the City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

- Any easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose, shall be made available free of cost to the City of Darwin and/or neighbouring property owners.

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

CITY OF DARWIN
ABN 11 503 313 301

Civic Centre Harry Chan Avenue
Darwin NT 0800
GPO Box 84 Darwin NT 0801
E darwin@darwin.nt.gov.au
P 08 8930 0300
F 08 8930 0311

7 August 2015

Please quote: 3161649 NS:dj
Your reference: PA2015/0509

Sally Cunningham
Acting Manager Urban Planning
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Dear Ms Cunningham

Parcel Description: **Lot 5564 – Town of Darwin**
87 Woods Street, Darwin City

Proposed Development: **Subdivision to create two lots**

Thank you for the Development Application referred to this office 23 July 2015, 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 City of Darwin does not support the subdivision of large lots within Zone CB (Central Business) given that large developments on smaller lots typically prove difficult to:

- Achieve both viable and compliant development (in terms of the Northern Territory Planning Scheme provisions);
- Positively contribute to the urban amenity of the public realm; and
- Achieve adequate servicing and access requirements from the relevant authorities.

It is acknowledged that there are smaller lots within the vicinity (which are of a comparable size) however, the subject site is quite large and presents a unique opportunity for varied urban form, particularly at the north-western end of the City Centre.

Whilst *Clause 11.0, Subdivision* of the Northern Territory Planning Scheme (the scheme) does not provide minimum lot sizes for Zone CB, the applicant should be required to satisfy that the proposed lot is able to achieve the general objectives for typical development in Zone CB, the City of Darwin therefore requests the below be addressed:

i). **The City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**

That the subdivision application demonstrates that it can adequately:

- Provide access for perspective occupants and service vehicles that are consistent with City of Darwin policies and is safe for pedestrians, cyclists and

.../2

vehicles;

- provide access for PowerWater, emergency services and essential servicing requirements;
- can achieve 75% activation to the street frontage in accordance with the requirements of *Clause 6.3.3* of the scheme
- enable the penetration of daylight and breeze circulation between buildings (for the subject site and surrounding sites);
- achieve built form that maximises the potential for view corridors to the Darwin harbour; and
- achieve setbacks that would not impose upon the amenity/private open space of existing or future development.

It is considered that if the applicant can successfully demonstrate such key assessment criteria of the scheme, the City of Darwin would likely support the proposed subdivision.

Additionally, it is noted that the supporting statement of effect states that; "there are currently three access points into Lot 5564 from Woods Street. It is proposed that these accesses remain in place as part of the subdivision. When developments/uses are proposed for each of the proposed lots the access arrangements will be considered by the Council and the DCA". In considering this statement and the subject proposal, it is noted for the applicant that the appropriateness for multiple crossovers will be assessed by City of Darwin at the time of developing the site, should approval be granted.

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.

- Any easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose, shall be made available free of cost to the City of Darwin and/or neighbouring property owners.

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

OUTDOOR DINING (LICENSED) APPLICATION, KING OF YIROS CAFE, LOT 1836 (10) PEARCE PLACE, MILLNER

REPORT No.: 16TS0088 BS:hd **COMMON No.: 3349026** **DATE: 15/11/2016**

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 outdoor dining (licensed) application from the King of Yiros Café, located at the Rapid Creek Business Village, Lot 1836 (10) Pearce Place, Millner.

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

- King of Yiros Café has applied to use 29.16m^2 of City of Darwin footpath to conduct outdoor dining (licensed) adjacent to their business premises within the Rapid Creek Business Village.
- It is recommended that Council approve the application by the King of Yiros Café and permit the operation of an Outdoor Dining (Licensed) area, subject to the following conditions:
    - The operation of the outdoor dining (licensed) area within City of Darwin land is to be in accordance with Council policies.
    - The operation hours of any Rapid Creek Markets Permit issued, supersedes the King of Yiros Café outdoor dining (licensed) permit during market hours.
    - The King of Yiros Café non licensed operation hours will be from 6am to 10am and licensed hours from 10am to 10pm daily.
- Public consultation will be undertaken during the planning and liquor application processes.

- Delegations have been requested to determine the terms and conditions of the proposed outdoor dining (licensed) permit, and the submission of Council's response to the Director-General NT regarding the liquor licence application.

RECOMMENDATIONS

A. THAT Repot Number 16TS0088 BS:hd entitled Outdoor Dining (Licensed) Application, King of Yiros Cafe, Lot 1836 (10) Pearce Place, Millner be received and noted.

B. THAT Council approve the Outdoor Dining (Licensed) Application associated with King of Yiros Cafe adjacent to Lot 1836 (10) Pearce Place, Millner, in accordance with Report Number 16TS0088 BS:hd entitled Outdoor Dining (Licensed) Application, King of Yiros Cafe, Lot 1836 (10) Pearce Place, Millner.

C. THAT Council provide the King of Yiros Cafe with letters authorising, as land owner, planning and liquor licensing applications associated with outdoor dining (licensed) within Council's road reserve, as identified in Report Number 16TS0088 BS:hd entitled Outdoor Dining (Licensed) Application, King of Yiros Cafe, Lot 1836 (10) Pearce Place, Millner.

D. THAT Council pursuant to Section 32(2) of the Local Government Act 2008, hereby delegates to the Chief Executive Officer, the power to respond to the Director-General Licensing NT, finalise the design and all other matters related to outdoor dining (licensed), within Council's road reserve, in accordance with Report Number 16TS0088 BS:hd entitled Outdoor Dining (Licensed) Application, King of Yiros Cafe, Lot 1836 (10) Pearce Place, Millner.

BACKGROUND

After receipt of a complaint, an investigation concluded that the King of Yiros Café was operating an outdoor dining area within Council land, without a Council outdoor dining permit being issued.

The King of Yiros Café initially applied for an outdoor dining (non-licensed) which was withdrawn and substituted with an application for outdoor dining (licensed).

PAGE: 3
REPORT NUMBER: 16TS0088 BS:hd
SUBJECT: OUTDOOR DINING (LICENSED) APPLICATION, KING OF YIROS CAFÉ LOT 1836 (10) PEARCE PLACE, MILLNER

DISCUSSION

Dining area location for the King of Yiros Café

The King of Yiros Café business premises are located in the Rapid Creek Business Village and fronts Trower Road. The footpath area in this location is 7m wide and includes an awning which will cover the entire dining area being proposed (refer **Attachment A**).

The outdoor dining area is 8.1m long by 3.6m wide, having a total area of 29.16m^2. The dining area includes a 2.4m corridor for pedestrian access (adjacent the building line), 3.6m for outdoor dining and 1m clearance between the dining area and the existing car park.

Trading Hours

The King of Yiros Café is applying to operate the outdoor dining area from 6am to 10pm daily. During the assessment of the liquor component of the application, the Manager of the Darwin Safer City Program recommended that the licence hours over City of Darwin land be from 10am to 10pm. These hours will be included as a condition to the liquor licence application, if Council approves this application.

The Rapid Creek Markets have an existing lease over the proposed location during market times. Unlike other areas containing weekend markets, the Rapid Creek Markets vary their market days and hours on a regular basis. To ensure that there is no conflict between the outdoor dining permit and the Rapid Creek Market permit, a condition will be included within the outdoor dining permit ensuring that the market trading hours supersedes the outdoor dining permit trading hours when the Rapid Creek Markets are operating.

Development Application

As this proposal will change the use of the land, a Development Permit will be required for the dining area. Therefore this report includes a recommendation to authorise the Applicant to submit a Development Application based on this proposal.

Liquor Licence

The Manager Darwin Safer City Program assessed the application from the King of Yiros Cafe, Rapid Creek Business Village and found that there were no grounds for objection for the intent to apply for a new Restaurant Liquor Licence. The following conditions have been recommended to be included within any liquor licence issued over Council land:

- Liquor is to be sold for consumption ancillary to a meal.
- The Liquor Licence hours of operation over Council land shall be from 10am to 10pm.
- Responsible consumption, service and sale of alcohol is promoted and practiced.
- No shots, all alcohol to be served in standard sized glasses.
- No promotional activities or practices which encourage irresponsible drinking.
- No trading on Good Friday or Christmas Day.

Notwithstanding the above, Sections 183 and 185 of the Local Government Act provides the City of Darwin with the power and control to manage reserves and roads within its area. As each application is assessed on its merits, regardless of whether the application is compliant, the use of City of Darwin land for licensed dining is at the sole discretion of the Council.

As this proposal may result in a new liquor licence being issued, this report includes a recommendation to authorise the Applicant to submit a liquor licence application based on this proposal.

This report also requests a delegation to the Chief Executive Officer to respond to the Director-General Licensing NT on the receipt of the application from Licensing NT. The delegation would only be used if the proposed conditions and trading hours remain unchanged.

Summary

It is recommended that Council approve the application by the King of Yiros Café and permit the operation of an Outdoor Dining (Licensed) area (29.16m^2) adjacent Lot 1836 (10) Pearce Place, Millner, subject to the following conditions:

- The operation of the outdoor dining (licensed) area within City of Darwin land is to be in accordance with Council policies.

- The operation hours of any Rapid Creek Markets Permit issued, supersedes the King of Yiros Café outdoor dining (licensed) permit during market hours.
- The King of Yiros Café non licensed operation hours will be from 6am to 10am and licensed hours from 10am to 10pm daily.

CONSULTATION PROCESS

The Development Consent Authority is responsible for public consultation for the change of use from Public Open Space to a Commercial use. Licensing NT is responsible for public consultation for the serving and consumption of liquor within this area. These public consultations provide the community opportunity to comment on the proposed outdoor dining (licensed) area.

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

- Manager Business Services
- Manager Darwin Safer City Program
- Contract Officer
- Team Leader Development
- Strategic Town Planner
- Planning Officer

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

- King of Yiros Café
- Manager, Rapid Creek Business Village

POLICY IMPLICATIONS

City of Darwin Policy No. 011 - Outdoor Dining encourages "outdoor dining in areas that are suited to purpose" and to "ensure equitable access for all, including people with disabilities and that pedestrian dignity is maintained".

The Outdoor Dining application before Council complies with the intent of the City of Darwin Policy No. 011 - Outdoor Dining, which can be viewed at:

www.darwin.nt.gov.au/council/council-policies

BUDGET AND RESOURCE IMPLICATIONS

The applicant will be liable for the costs associated with the outdoor dining permit and Council will receive a permit fee for use of the proposed dining area. The permit fee includes the allowance for any further car parking shortfall identified in the Development Permit.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

There are legal procedures associated with the issuing of a City of Darwin, Outdoor Dining Permit.

The dining area complies with the intent of the City of Darwin Policy No. 011 - Outdoor Dining.

Sections 183 and 185 of the Local Government Act provide the City of Darwin with the power and control to manage reserves and roads within its area. Council determines the level of ongoing risk associated with approving activities within the road reserve, and as such, each application is assessed on its merits and regardless of whether the application is compliant, the use of City of Darwin land and the issuing of an outdoor dining (licensed) permit, is at the sole discretion of Council.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are expected as a result of this application.

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: King of Yiros Café Outdoor Dining (Licensed) Application – Lot 1836 (10) Pearce Place, Millner

ATTACHMENT A

PROPOSED AREA OF WORKS

no.	description	date
	amendments	

kms

building design(nt)

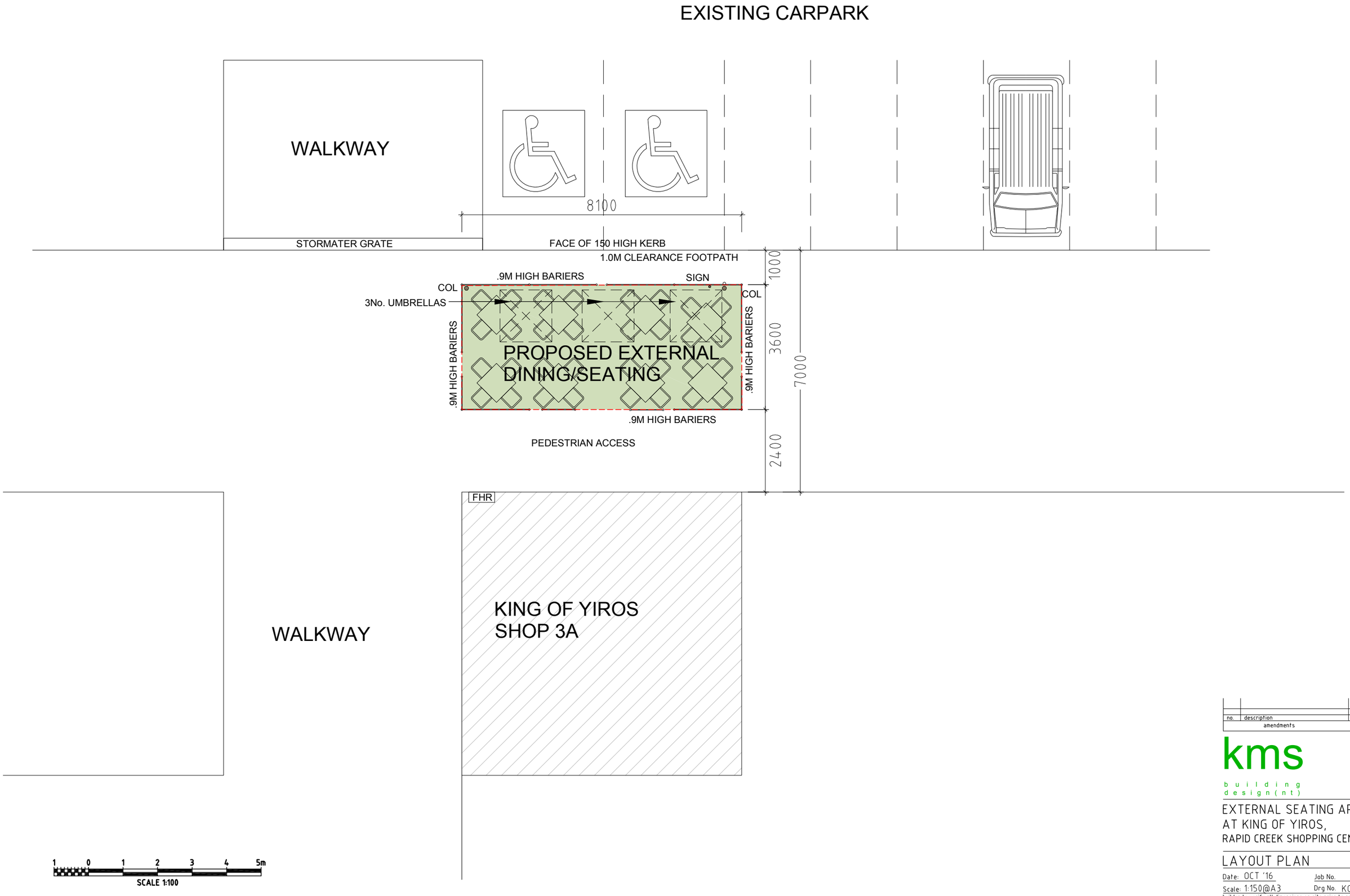
EXTERNAL SEATING AREA AT KING OF YIROS,
RAPID CREEK SHOPPING CENTRE

SITE PLAN

Date: OCT '16 Job No.

Scale: 1:150@A3 Drg No. KOY-01

builder to verify all dimensions on site prior to construction



no.	description	date
	amendments	

kms

building
design(nt)

EXTERNAL SEATING AREA
AT KING OF YIROS,
RAPID CREEK SHOPPING CENTRE

LAYOUT PLAN

Date: OCT '16 Job No.

Scale: 1:150@A3 Drg No. KOY-02

builder to verify all dimensions on site prior to construction

King of Yiros Outdoor Dining

PIAZZA
DORO

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

SIGNAGE APPLICATION – CORESTAFF, LOT 7246 (16) SWAN CRESCENT, WINNELLIE

REPORT No.: 16TS0182 BS:hd **COMMON No.: 3400206** **DATE: 15/11/2016**

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 permanent animated business sign (LED Screen) to be located within the premises of Lot 7246 (16) Swan Crescent, Winnellie.

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 approve this application with conditions.
- Permanent animated signs are considered discretionary signs under the City of Darwin Outdoor Advertising Signs Code (Signs Code) and as such, require Council approval.
- The sign will be visible from Tiger Brennan Drive and the Northern Territory Government have commented on the sign application.

RECOMMENDATIONS

A. THAT Report Number 16TS0182 BS:hd entitled Signage Application - CoreStaff, Lot 7246 (16) Swan Crescent, Winnellie be received and noted.

B. THAT Council approve the application from CoreStaff for a permanent animated business sign, located within Lot 7246 (16) Swan Crescent, Winnellie, and that a Sign Permit be issued in accordance with the requirements of the Signs Code and the application, with the following conditions placed on the signs permit:

i. All messages displayed on the animated advertising sign shall be in accordance with City of Darwin Policy No. 042 - Outdoor Advertising Signs Code.
ii. No Third Party Advertising will be permitted.
iii. The animated advertising sign shall not display any moving or flashing characters or symbols.
iv. Messages on the animated advertising sign shall change at no less than 30 second intervals.
v. The message is not to be animated during any interval of change.
vi. Complete messages are to be contained on the animated variable message advertising sign board during any interval of change.

BACKGROUND

City of Darwin Policy No. 042 – Outdoor Advertising Signs Code (Signs Code), does not specifically refer to new technology such as LED screens, and as such, these types of signs are discretionary under the Signs Code.

PAGE: 3
REPORT NUMBER: 16TS0182 BS:hd
SUBJECT: SIGNAGE APPLICATION – CORESTAFF, LOT 7246 (16) SWAN CRESCENT, WINNELLIE

DISCUSSION

Applicant	CoreStaff	
Type of Advertising *(inc. temp/perm/illuminated)*	Permanent Animated	✹
Type of Sign *(Business/Election/Promotion etc.)*	Business & Promotion	✓
Type of Structure *(Free Standing/ Fascia/ Wall/ Projecting etc.)*	Wall	✓
Business Sign Details ***Business advertising*** *is permitted to one sign, and a total advertising area of 6m^2, without the need to obtain a Council Sign Permit. This proposal is for one advertising sign totalling 36m^2, in the GI Zone.*		

Sign Type	Advertising Type	Width (m)	Height (m)	Area (m^2)	Animated	
Wall	Business & Promotion	24	1.5	36	Yes	✹
Location of Sign			On private property			✓
Existing Signage			Complying			✓

Complies - ✓ Discretionary, requires Council Approval - ✹

Location of premises and sign

CoreStaff have purchased the subject premises and are now seeking Council's consent to install an animated sign. The advertising sign is to advertise their group of businesses and other tenants located within the site. CoreStaff are providers of casual to permanent labour hire and permanent recruitment services, and as such, will also use the advertising sign to advertise employment opportunities. The proposed advertising signage concept is provided at **Attachment A.**

This application is for a LED Screen 24m wide x 1.5m high, resulting in an area of $36m^2$, which is $30m^2$ over the permitted sized detailed within the Signs Code.

The premises are located within Zone GI (General Industry), with the Signs Code allowing one business advertising sign to a maximum size of $6m^2$ within private property, without the requirement to apply to the City of Darwin for a signs permit. As the proposed sign exceeds this size, Council is required to consider and make a determination on the submitted sign application.

In discussions with the applicant over the level of illumination, the applicant has submitted:

> *I can confirm the sign is able to be adjusted to level of brightness, so as not to be running at 100% all the time. Our intent is not to have a sign that is too bright or distracting. I can't however advise if 60% or 80% brightness setting is most appropriate until the sign is installed and tested. We are also motivated to run the sign at the lowest brightness possible to reduce the power consumption.*
>
> *Regarding animation, we won't have the sign animated.*
>
> *The messaging on the sign will be changed a maximum* of every 30 seconds, however that is a rarity if advertising for staff vacancies. Diesel Fitter required and 30 seconds later changed to, Plant Operator required… The majority would be much less frequent type changes, varying from 2 minutes, through to not changing at all for 24 hour periods.*
>
> *Only companies who operate out of the building would be gained access to advertise on the sign and only for the purpose of promoting those businesses.*
>
> ∗ *Confirmation was given by the applicant that messages will be displayed for a minimum of 30 seconds.*

<u>City of Darwin Policy No.042 - Outdoor Advertising Signs Code</u>

The Signs Code defines an Animated Sign as:

> "***Animated sign*** *means an advertising sign that is designed to move, flash, change its message, intensity or pattern, or which contains moving parts, whether or not any part of the sign is also* ***illuminated****."*

Section 8 Specific Provisions – Temporary Signs (Notwithstanding that this application is for a permanent animated sign, section 8.3 still applies to this application because this is the only section of the Signs Code that deals with animated signs) details the following in regard to animated signs:

8.3 Animated Signs

- *Flashing lights in an animated sign are prohibited if they are likely to cause a distraction to drivers.*
- *Chasing lights, where lights follow in a repetitious pattern, may be permitted within commercial zones, but are prohibited if they are likely to cause a distraction or nuisance to drivers, the general public or residents.*
- *Bright lights are prohibited if they are likely to cause a distraction to drivers and may be confused with traffic control devices. Bright lights will not be permitted within, or adjacent to, residential zones.*

As the LED Screen is proposed to have advertising that is designed to change the message and is illuminated, the sign is considered an animated sign. Animated signs do not fall within the complying signs category of the Signs Code, and are prohibited in all Zones apart from Commercial and Industrial Zones. The proposed sign is located in Zone GI (General Industry) and therefore considered discretionary.

<u>Conclusion</u>

It is recommended that Council approve this application, and to maintain consistency with all other animated sign permits in the Municipality, it is recommended that the following conditions be placed on the animated advertising signs permit:

(i) All messages displayed on the animated advertising sign shall be in accordance with City of Darwin Policy No. 042 - Outdoor Advertising Signs Code.
(ii) No Third Party Advertising will be permitted.
(iii) The animated advertising sign shall not display any moving or flashing characters or symbols.
(iv) Messages on the animated advertising sign shall change at no less than 30 second intervals.
(v) The message is not to be animated during any interval of change.
(vi) Complete messages are to be contained on the animated variable message advertising sign board during any interval of change.

CONSULTATION PROCESS

As the signs face toward Tiger Brennan Drive, this sign application was sent to the following Northern Territory Government officers for comment:

- Manager Operations & Traffic - Department of Infrastructure, Planning and Logistics
- Manager Corridor Access - Department of Infrastructure, Planning and Logistics

The response from the Northern Territory Government is as follows:

> *"We have reviewed the proposed sign and the current position does not appear to impact on the north/south traffic along Tiger Brennan Drive (TBD), however we have a concern that vehicles turning left into Benison off TBD may be distracted while positioned at the yield line waiting for a gap in the traffic entering from the right. Animation of the sign is likely to increase the level of distraction."* Refer attached sketch – at **Attachment B**
>
> *"Given the above concern, the dimming of the sign in the evening should be implemented."*

The response from the applicant regarding the illumination is detailed previously in this report, and the applicant verbally confirmed that they will be inspecting the illumination levels in the evenings until an appropriate brightness can be determined.

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

- Strategic Town Planner
- Planning Officer

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

- Northern Territory Government
- CoreStaff

POLICY IMPLICATIONS

The proposed advertising sign exceeds the complying controls detailed within the Signs Code, resulting in the application being discretionary under the City of Darwin Policy No.042 - Outdoor Advertising Signs Code and as such, this sign application requires Council consent.

BUDGET AND RESOURCE IMPLICATIONS

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

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Council may place further conditions within any Sign Permit issued, particularly regarding the illumination of animated advertising signs. The condition regarding illumination currently included within a sign permit is:

- *Illumination from the signs shall be shaded, shielded, directed or reduced so as to avoid undue brightness or detrimental impacts on traffic, the general public and residents, and to prevent glare or reflection of light on private or public property in the surrounding area (undue brightness is illumination in excess of that which is reasonably necessary to make the sign visible to the average person on an adjacent street).*

- *No part of any sign is to be animated in any way ie, no moving, flashing, or chasing characters or symbols.*

ENVIRONMENTAL IMPLICATIONS

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

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	**LUCCIO CERCARELLI**
MANAGER DESIGN, PLANNING & PROJECTS	**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 - CoreStaff, Lot 7246 (16) Swan Crescent, Winnellie

Attachment B: Attachment from the Northern Territory Government response email

CORESTAFF
Mining Energy Construction

11th October 2016

APPLICATION FOR A SIGN PERMIT

Please find enclosed our application for a sign permit on our building located at 16 Swan Crescent Winnellie.

Enclosed is;

- Photo illustrations of how the signage will look on the building
- Detailed plans of the signage and surrounding streets
- Information on the signage specifications
- Information on the LED specifications

The proposed signage would be operational 24 hours a day 7 days a week.

Please don't hesitate to get in touch should you have any questions or require further information.

Regards,

Rob Blenkinship

CGH Services Pty Ltd
Level 2 84 Woods Street Darwin NT 0801
Phone 08 8942 6666 Fax 08 8942 6699
ACN 145 558 087

Brian,

Thank you, for your call today.

I genuinely appreciate the follow up to our LED sign application.

As way of background, I personally founded CoreStaff in Darwin 8 years ago with a receptionist. We are a today a very proud Territory owned business with our National head office in Darwin with 4 successful national brands (CoreStaff / Beilby / OPRA Australia / GOAL Indigenous Services). Please see attached an overview of the Group.

Our Group companies all sit under CGH Group (which is also 100% Territory owned).

We purchased 12 and 16 Swan Crescent Winnellie recently and have spent over $1m on significant renovations to the offices and warehouse. This new office will house all our Group brands, along with a significant tenant being Ladbrokes.

Given this huge investment and the various companies that will be housed in the large offices, we are wanting to promote those brands and also promote their offerings (like: Diesel Fitters required etc)

The LED sign itself can be manually dimmed so as not to be at 100% brightness.

My company has been a humble company, growing rapidly and investing all profits back into the Territory where we live. We employ a significant number of Territorians and are growing fast. We now want to energise our brands locally and this sign application will allow us to proudly present our group brands and services.

Please call any time if you would like any additional information.

Kind Regards,

Rob

Rob Blenkinship
Chief Executive Officer

Office: (08) 8942 6601
Facsimile: (08) 8942 6699
Mobile: 0409 883 610

Level 1, 84 Woods Street, Darwin NT, 0800 | www.corestaff.com.au

CORESTAFF
"Our Staff... Your Staff... CORESTAFF"
A CGH Group Company

Beilby Recruitment
A CGH Group Company

OPRA CONSULTING GROUP
A CGH Group Company

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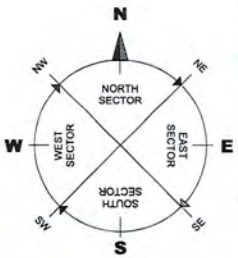
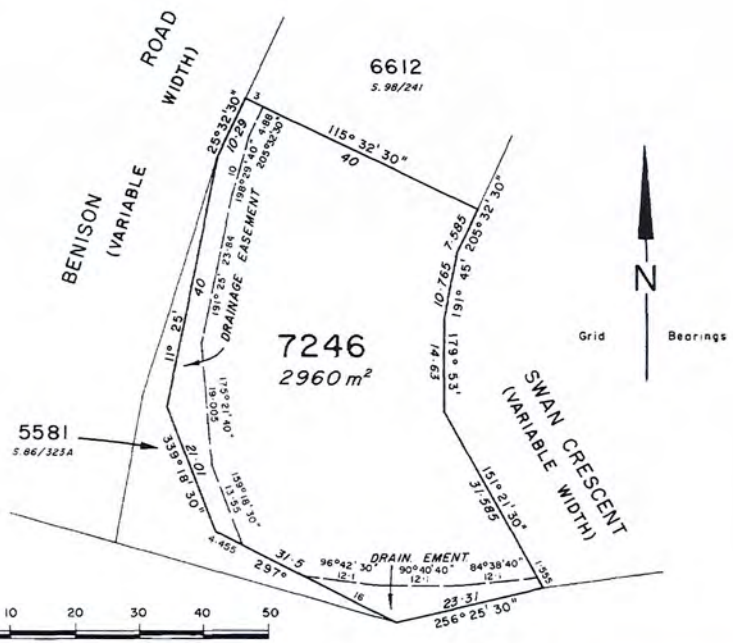
Photo illustrations





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Project: PROPOSED INTERNAL FITOUT LOT 7246 (16) SWAN CRESCENT, WINNELIE

Client: FRED BUILD

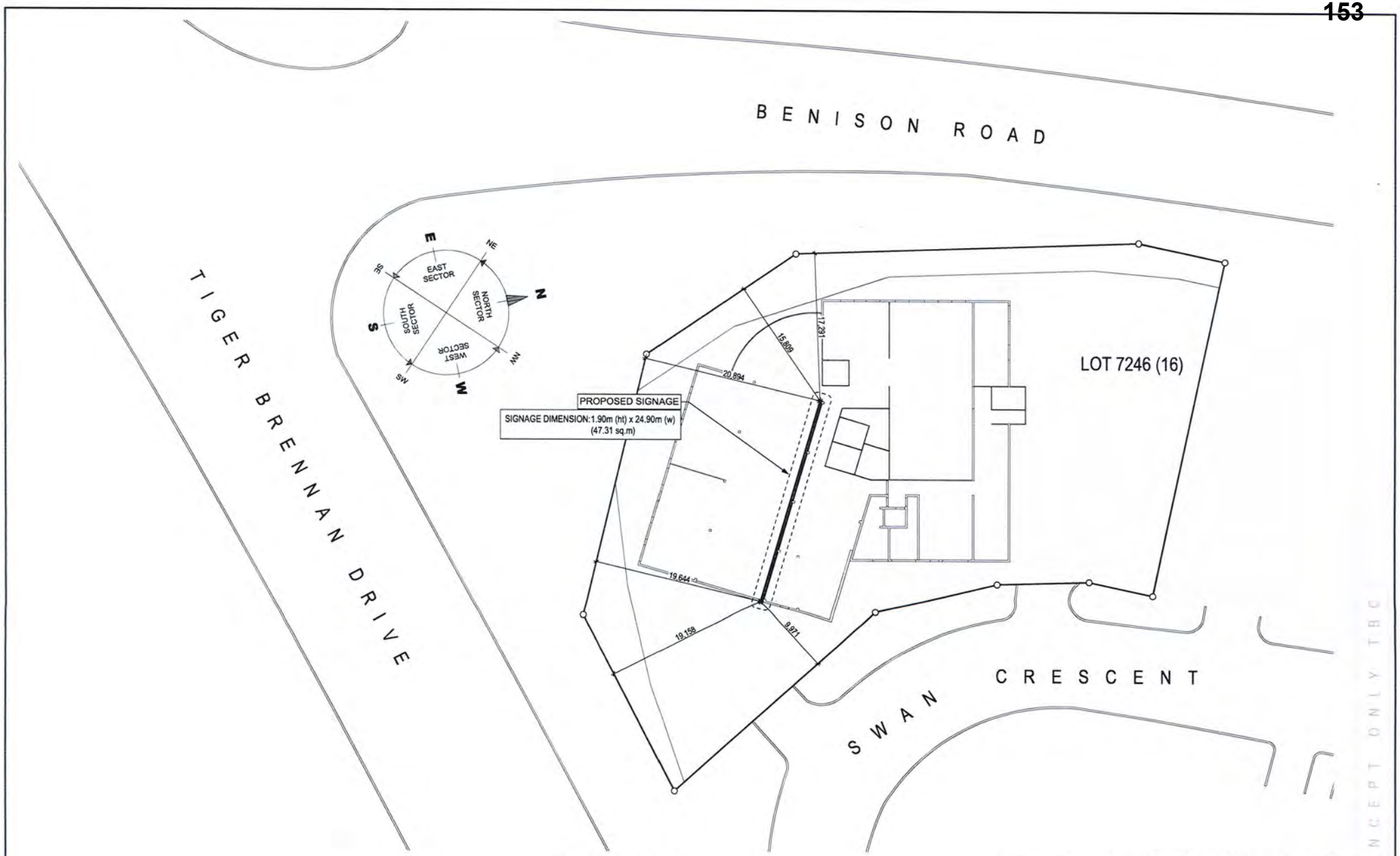
Drawing: LOCALITY (SIGNAGE)

Style: -

Scale	As Shown
Drawn	AGT
Date	10-Oct-16
Sheet	44 of 47

JOB No. TRS 16-36-44

Amend. A



SITE PLAN (SIGNAGE) 1:400

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Project: PROPOSED INTERNAL FITOUT LOT 7246 (16) SWAN CRESCENT, WINNELIE

Client: FRED BUILD

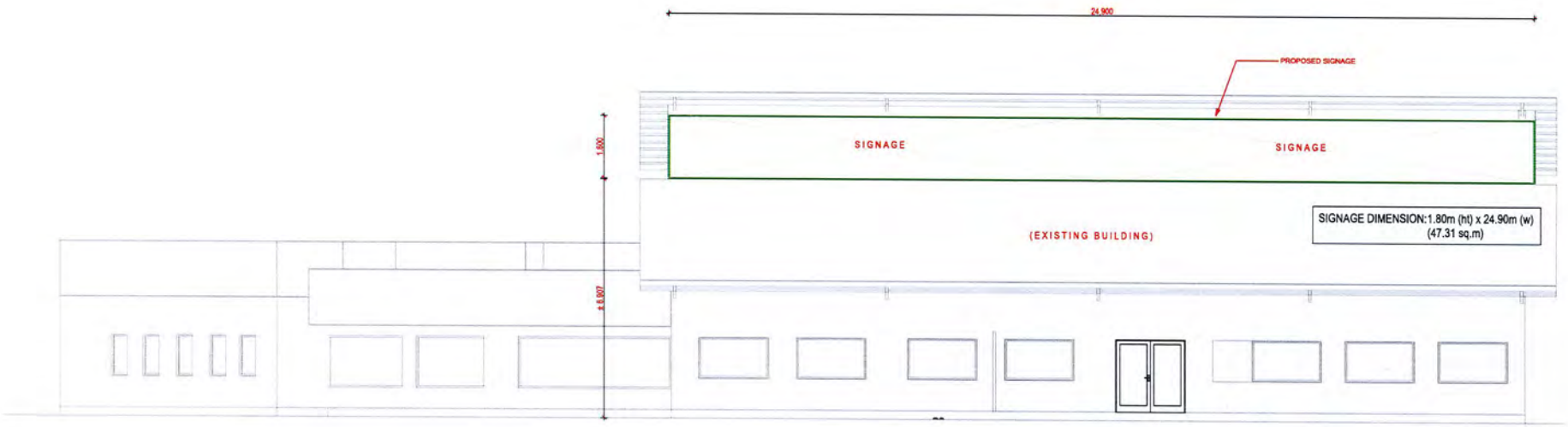
Drawing: SITE PLAN (SIGNAGE)

Style: -

Scale	As Shown
Drawn	AGT
Date	10-Oct-16
Sheet	45 of 47

JOB No. TRS 16-36-45

Amend. A



SIGNAGE ELEVATION 1:125

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Project: PROPOSED INTERNAL FITOUT LOT 7246 (16) SWAN CRESCENT, WINNELIE

Client: FRED BUILD

Drawing: SIGNAGE ELEVATION

Style: -

Scale	As Shown
Drawn	AGT
Date	10-Oct-16
Sheet	46 of 47

JOB No. TRS 16-36-46

Amend. A

LED specifications

Pitch 6mm Outdoor LED

PCB	Double Layer
Cabinet Material	Aluminium
Module size	192mm x 192mm
Pixel Pitch	6mm
Pixel Density	1024 dots (27,777 dots /m2)
Pixel specification	1R1G1B 3in 1
LED Specification	(R+B+G) 3535 SMD
Pixel resolution	32 dots x 32 dots
Weight	579 g
Operating temperature	-20c-+65c
Storage Temperature	-35c - +85c
Operating humidity	10%-95%
IP Rating	IP65 Front
Horizontal viewing angle	160°
Vertical viewing angle	120°
Optimal viewing distance	6-150m
Power supply	5V40A
Max power consumption	<800w/m2
Ave Power consumption	350w/m2
Working voltage	AC220v
Current	<3mA (single LED)
Driving device	Constant current
Drive type	1/8 scanning (1/4 optional)
Refresh frequency	>180Hz
Colours	256RGB (16.7 million colours)
Brightness of white balance	>6500cd/m2
MTBF	>10,000 hours
Life Span	>50,000 hours

Pitch 8mm Outdoor LED

PCB	Double Layer
Cabinet Material	Aluminium
Module size	256mm x 128mm
Pixel Pitch	8mm
Pixel Density	15,625 dots /m2
Pixel specification	1R1G1B 3in 1
LED Specification	(R+B+G) 3535 SMD
Pixel resolution	32 dots x 16 dots
Weight	343 g
Operating temperature	-20c-+65c
Storage Temperature	-35c - +85c
Operating humidity	10%-95%
IP Rating	IP65 Front
Horizontal viewing angle	160°
Vertical viewing angle	120°
Optimal viewing distance	6-150m
Power supply	5V40A
Max power consumption	<760w/m2
Ave Power consumption	220w/m2
Working voltage	AC220v
Current	<3mA (single LED)
Driving device	Constant current
Drive type	1/4 scanning
Refresh frequency	>180Hz
Colours	256RGB (16.7 million colours)
Brightness of white balance	>6000cd/m2
MTBF	>10,000 hours
Life Span	>50,000 hours

CGH Group

In FY16 CoreStaff Group Holdings had a name change to CGH Group to allow our brands to flourish with their own strong identities. Headquartered in Darwin, we are one of Australia's leading providers of end to end recruitment and HR consulting services. We work with our clients from the top to the bottom of the organisational chart, and have the flexibility to provide tailored services where an end to end solution is not required.

CoreStaff

"Our Staff... Your Staff... CORESTAFF"

CoreStaff is one of Australia's leading providers of:

- Outsourced Workforce
- Staffing Support Services
- Managed Workforce
- Permanent Recruitment

Providing services across all industries sectors, with particular strength in blue collar trades and labour in Mining & Resources, Construction, Transport, Warehousing & Logistics.

Beilby Recruitment

With over 40 years' experience, Beilby provides:

- Executive Search
- Advertised Recruitment
- Executive Contracting

Beilby staff possess specialist knowledge across a variety of industry sectors including Mining, Energy, Construction & Engineering, Technical & Operations, Government, Accounting & Finance, Human Resources, Sales & Marketing, Health & Human Services

OPRA Consulting Group

OPRA Australia has a proven track record of delivering practical, robust HR and Industrial/Organisational Psychology solutions, with specific expertise in:

- Psychometric Assessments
- Organisational Development
- Leadership Development

Having been in the business for over fifteen years, our expert team of professionals continually deliver commercially sound, research-based solutions for our clients.

GOAL Indigenous Services

CGH Group has partnered with former St Kilda and Brisbane Lions AFL player Xavier Clarke to create Goal Indigenous Services, a proudly majority indigenous owned business whose vision is to create employment opportunities for Aboriginal and Torres Strait Islander people, to provide secure, long-term economic independence within their communities and real, long term work opportunities by facilitating the connection with industry needs and creation of innovative and flexible solutions.

Valuing Our Client Relationships

The continued success of our business is built on commitment to strong relationships with our clients and allowing them to deal with people they trust regardless of the service they require.

Our consultants and account managers work with our clients across our brands to ensure the consistent high quality delivery of our services.

Contact CGH Group

To find our more about any of our services enquire with your Account Manager or contact us

Phone: 08 8942 6666
Email: admin@cghgroup.com.au

www.cghgroup.com.au

VEHICLE ENTERING BENISON - YIELD ON LEFT TURN OFF TBD : POSSIBLE DISTRACTION DUE TO SIGN PLACEMENT.

16. INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

Nil

17. REPORTS OF REPRESENTATIVES

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, 29 November 2016, 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

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.

22. ADJOURNMENT OF MEETING AND MEDIA LIAISON