

CITY OF DARWIN

EIGHTH ORDINARY MEETING OF THE TWENTY-FIRST COUNCIL

TUESDAY, 31 JULY 2012

MEMBERS: The Right Worshipful, Lord Mayor, Ms K M Fong Lim, (Chairman); Member J M Anictomatis; Member R K Elix; Member H I Galton; Member G J Haslett; Member R M Knox; Member G A Lambert; Member G Lambrinidis; Member R Lesley; Member A R Mitchell; Member S J Niblock; Member R Want de Rowe; Member K J Worden.

OFFICERS: Chief Executive Officer, Mr B P Dowd; General Manager Corporate Services, Mr F Crawley; General Manager Infrastructure, Mr L Cercarelli; Acting General Manager Community & Cultural Services, Ms K Hearn; Executive Manager, Mr M Blackburn; Committee Administrator, Ms L Elmer.

Enquiries and/or Apologies: Linda Elmer
E-mail: l.elmer@darwin.nt.gov.au
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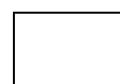
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1 ACKNOWLEDGEMENT OF COUNTRY

2 THE LORD'S PRAYER

3 MEETING DECLARED OPEN

4 APOLOGIES AND LEAVE OF ABSENCE

4.1 Apologies

Nil

4.2 Leave of Absence Granted

Nil

4.3 Leave of Absence Requested

5 ELECTRONIC MEETING ATTENDANCE

6 DECLARATION OF INTEREST OF MEMBERS AND STAFF

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7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Confirmation of the Previous Ordinary Council Meeting

Common No. 1955119

THAT the tabled minutes of the previous Ordinary Council Meeting held on Tuesday, 17 July 2012, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.21\() (31/07/12)

8 BUSINESS ARISING FROM THE MINUTES OF PREVIOUS MEETING

8.1 Business Arising

9 MATTERS OF PUBLIC IMPORTANCE

10 DEPUTATIONS AND BRIEFINGS

Nil

11 PUBLIC QUESTION TIME

Nil

12 CONFIDENTIAL ITEMS

12.1 Closure to the Public for Confidential Items

Common No. 1944604

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 matters referred from Committees including Confidential Committee Items, and the following Items:-

<u>Item</u>	<u>Regulation</u>	<u>Reason</u>
C24.1	8(c)(ii)	Information that would, if publicly disclosed, be likely to prejudice the maintenance or administration of the law.
C28.1	8(c)(ii)	Information that would, if publicly disclosed, be likely to prejudice the maintenance or administration of the law.
C28.2	8(c)(ii)	Information that would, if publicly disclosed, be likely to prejudice the maintenance or administration of the law.
C29.1	8(c)(iv)	Information that would, if publicly disclosed, be likely to prejudice the interests of the council or some other person.

DECISION NO.21\() (31/07/12)

12.2 Moving Open Items Into Confidential

12.3 Moving Confidential Items Into Open

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13 PETITIONS

Nil

14 NOTICES OF MOTION

Nil

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15 COMMITTEE REPORTS

15.1 COMMUNITY & CULTURAL SERVICES (23/07/12)

Presentation of Report by Chairman - Member H I Galton

Recommendations from the Community & Cultural Services Committee Meeting held on 23 July 2012

1 Community & Cultural Services Team Report – June 2012

Report No. 12C0047 KH:es (23/07/12) Common No. 1733166

THAT Report Number 12C0047 KH:es entitled, Community & Cultural Services Team Update June 2012, be received and noted.

DECISION NO.21\() (31/07/12)

2 Regulatory Services Monthly Update – June 2012

Report No. 12C0051 DN:MRG (23/07/12) Common No. 1330602

THAT Report Number 12/C0051 DN:MRG entitled, Regulatory Services Update June 2012, be received and noted.

DECISION NO.21\() (31/07/12)

3 Libraries Information Update for June 2012

Report No. 12P0006 KC:md (23/07/12) Common No. 1943023

THAT Report Number 12P0006 entitled, Libraries Information Update for June 2012, be received and noted.

DECISION NO.21\() (31/07/12)

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15 COMMITTEE REPORTS

15.1 COMMUNITY & CULTURAL SERVICES (23/07/12)

Presentation of Report by Chairman - Member H I Galton

Recommendations from the Community & Cultural Services Committee Meeting held on 23 July 2012

4 **Minutes Disability Advisory Committee (DAC) 21 June 2012** Report No. 12C0050 NM:ems (23/07/12) Common No. 2276690

THAT Report Number 12C0050 NM:es entitled, Minutes Disability Advisory Committee (DAC) 21 June 2012, be received and noted.

DECISION NO.21\() (31/07/12)

5 **Minutes Ambon Sister City Community Committee 3 May 2012, 14 June 2012 and Maluku Night** Report No. 12C0054 HB:es (23/07/12) Common No. 2279937

- A. THAT Report Number 12C0054 HB:es entitled, Minutes Ambon Sister City Community Committee 3 May 2012, 14 June 2012 and Maluku Night, be received and noted.
- B. THAT the Ambon Sister City Community Committee recommends that up to \$1300 be allocated to cultural program of the proposed Maluku Night 2012.

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15 COMMITTEE REPORTS

15.1 COMMUNITY & CULTURAL SERVICES (23/07/12)

Presentation of Report by Chairman - Member H I Galton

Recommendations from the Community & Cultural Services Committee Meeting held on 23 July 2012

6 **Minutes Haikou Sister City Community Committee June 2012, Language Awards**

Report No. 12C0052 HB:es (23/07/12) Common No. 2279908

THAT Report Number 12C0052 HB:es entitled, Minutes Haikou Sister City Community Committee 4 June 2012, Language Awards, be received and noted.

DECISION NO.21\() (31/07/12)

7 **Minutes Dili Sister City Community Committee 5 June 2012, Basketball Courts**

Report No. 12C0053 HB:es (23/07/12) Common No. 2279933

THAT Report Number 12C0053 HB:es entitled, Minutes Dili Sister City Community Committee 5 June 2012, Basketball Courts, be received and noted.

DECISION NO.21\() (31/07/12)

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15 COMMITTEE REPORTS

15.2 CORPORATE & ECONOMIC DEVELOPMENT (25/07/12)

Presentation of Report by Chairman - Member R Lesley

Recommendations from the Corporate & Economic Development Committee Meeting held on Wednesday, 25 July 2012

1 Corporate Services Monthly Report – June 2012

Report No. 12A0106 (13/07/12) Common No. 339108

THAT Report Number 12A0106 entitled, Corporate Services Monthly Report – June 2012, be received and noted.

DECISION NO.21\() (31/07/12)

2 Listing of Cheques/EFT Payments – June 2012

Report No. 12A0108 (13/07/12) Common No. 339125

THAT Report Number 12A0108 entitled, Listing of Cheques / EFT Payments – June 2012, be received and noted.

DECISION NO.21\() (31/07/12)

3 Financial Report to Council - June 2012

Report No. 12A0107 (13/07/12) Common No. 339122

THAT Report Number 12A0107 entitled, Financial Report to Council – June 2012, be received and noted.

DECISION NO.21\() (31/07/12)

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15 COMMITTEE REPORTS

15.2 CORPORATE & ECONOMIC DEVELOPMENT (25/07/12)

Presentation of Report by Chairman - Member R Lesley

Recommendations from the Corporate & Economic Development Committee Meeting held on Wednesday, 25 July 2012

4 **Monthly On-Street & Off-Street Parking Statistics – June 2012** Report No. 12A0109 (13/07/12) Common No. 376351

THAT Report Number 12A0109 entitled, Monthly On-Street and Off-Street Parking Statistics – June 2012, be received and noted.

DECISION NO.21\() (31/07/12)

5 **Review of Policy No 29 – Fraud & Corruption Control Policy** Report No. 12A0096 (13/07/12) Common No. 2259972

- A. THAT Report Number 12A0096 entitled, Review of Policy No 29 – Fraud and Corruption Control Policy, be received and noted.
- B. THAT Council adopt the revised Policy No 29 – Fraud and Corruption Control Policy, as attached to Report Number 12A0096.
- A. THAT Council endorse as amended, Fraud and Corruption Control Procedure, as attached to Report Number 12A0096.

DECISION NO.21\() (31/07/12)

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15 COMMITTEE REPORTS

15.3 ENVIRONMENT & INFRASTRUCTURE (24/07/12)

Presentation of Report by Chairman – Member R K Elix

Recommendations from the Environment & Infrastructure Committee Meeting held on Tuesday, 24 July 2012

1 Climate Change & Environment Team Quarterly Report – May to July 2012 Report No. 12TS0095 SF:NJ (24/07/12) Common No. 1792647

THAT Report Number 12TS0095SF entitled, Climate Change & Environment Team Quarterly Report – May to July 2012, be received and noted.

DECISION NO.21\() (31/07/12)

2 Quarterly Progress Report of the Climate Change Action Plan 2011-2020 Report No. 12TS0094 SF:NJ (24/07/12) Common No. 1711979

THAT Report Number 12TS0094SF entitled, Quarterly Progress Report of the Climate Change Action Plan 2011-2020, be received and noted.

DECISION NO.21\() (31/07/12)

3 Infrastructure – Design, Planning & Projects – March 2012 Quarterly Report Report No. 12TS0108 DL:lm (24/07/12) Common No. 1832896

THAT Report Number 12TS0065 DL:lm entitled, Infrastructure – Design, Planning & Projects – March 2012 Quarterly Report, be received and noted.

DECISION NO.21\() (31/07/12)

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15 COMMITTEE REPORTS

15.3 ENVIRONMENT & INFRASTRUCTURE (24/07/12)

Presentation of Report by Chairman – Member R K Elix

Recommendations from the Environment & Infrastructure Committee Meeting held on Tuesday, 24 July 2012

4 Infrastructure Maintenance – June 2012 Quarterly Report Report No. 12TS0075 KS:jd (24/07/12) Common No. 1887505

THAT Report Number 12TS0075KS:jd entitled, Infrastructure Maintenance – June 2012 Quarterly Report, be received and noted.

DECISION NO.21\() (31/07/12)

5 Waste and Recycling June 2012 Quarterly Report Report No. 12TS0109 JW:lm (24/07/12) Common No. 1738353

THAT Report Number 12TS0109 JW:lm entitled, Waste and Recycling June 2012 Quarterly Report, be received and noted.

DECISION NO.21\() (31/07/12)

6 Place Names - Doctors Gully Road Larrakeyah Extension Report No. 12TS0113CR:lm (24/07/12) Common No. 2280563

A. THAT Report Number 12TS0113 CR:lm entitled Place Names - Doctors Gully Road Larrakeyah Extension, be received and noted.

B. THAT the response to the Place Names Committee for the Northern Territory's request for support on the proposed naming of Doctors Gully Extension in the suburb of Larrakeyah, Darwin, included as **Attachment B** to Report Number 12TS0003 CR:lm, be endorsed.

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15 COMMITTEE REPORTS

15.3 ENVIRONMENT & INFRASTRUCTURE (24/07/12)

Presentation of Report by Chairman – Member R K Elix

Recommendations from the Environment & Infrastructure Committee Meeting held on Tuesday, 24 July 2012

7 Annual Adjustment to Central Business Zone Car Parking Contribution Rate

Report No. 12TS0114 DL:LM (24/07/12) Common No. 428253

- A. THAT Report Number 11TS0114 DL:lm entitled, Annual Adjustment to Central Business Zone Car Parking Contribution Rate, be received and noted.
- B. THAT Council approve the adjustment of the financial contribution rate per shortfall bay in the *Car Parking Contribution Plan Central Business Zone (May 2007)* from \$22,383 per shortfall bay to \$22,607 per shortfall bay (GST inclusive) to apply from 1 July 2012, in accordance with Section 5.2 Adjustment of Contributions of the Plan.

DECISION NO.21\() (31/07/12)

8 Cavenagh Street Upgrade Searcy Street to Daly Street Project – July 2012 Progress Report

Report No. 12TS0112 DL:lm (24/07/12) Common No. 223527

THAT Report Number 12TS0112 DL:lm entitled, Cavenagh Street Upgrade Searcy Street to Daly Street Project – July 2012 Progress Report, be received and noted.

DECISION NO.21\() (31/07/12)

9 Light Emitting Diode (LED) Public Spaces Lighting Trial

Report No. 12TS0115LC:KB (24/07/12) Common No. 1983518

THAT Report Number 12TS0116LC:KB entitled, Light Emitting Diode (LED) Public Spaces Lighting Trial, be received and noted.

DECISION NO.21\() (31/07/12)

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15 COMMITTEE REPORTS

15.4 BOMBING OF DARWIN & MILITARY HISTORY ADVISORY (03/07/12)

Presentation of Report by Chairman – Lord Mayor, K M Fong Lim

Recommendations from the Bombing of Darwin & Military History Advisory Committee Meeting held on Tuesday, 3 July 2012

1 Bombing of Darwin Day 2013

Report No. 12TC0048JS:as (3/07/12) Common No.1071899

- A. THAT Report Number 12TC0048JS:as entitled, Bombing of Darwin Day 2013, be received and noted.
- B. THAT Council write to the NT Government to seek support for the following:
 - i) Bus transport services;
 - ii) NT schools participation and school art competition
 - iii) NT Libraries (exhibition and events).
- C. THAT Council write to the Australia Government to seek support for the Veteran Program
- D. THAT Council write to Royal Australian Army Artillery (RAAA) to seek their support for the Veterans' Program to gain access to the Defence of Darwin Experience.
- E. THAT Council write to Commander NORCOM for Australian Defence Force (ADF) support for the Bombing of Darwin Day 2013 event.
- F. THAT Council write to Secretary of the Maritime Union Australia (MUA) to advise of the proposed program of events.

DECISION NO.21\() (31/07/12)

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16 OFFICERS REPORTS

16.1 **Development Application for Lots 2311, 2312 & 5565 (19, 21 & 23) The Mall Town of Darwin for the Purpose of Shops and Offices in a 19 Storey Building - PA2012/0450**

Report No. 12TS0105 CR:fh (31/07 Common No. . 2065363

Report Number 12TS0105 CR:fh attached.

Please Note:

Attachments A and B are provided separately to Elected Members on a USB Stick.

2ND ORDINARY COUNCIL MEETING/OPEN**AGENDA ITEM: 16.1**

DEVELOPMENT APPLICATION FOR LOTS 2311, 2312 & 5565 (19, 21 & 23) THE MALL TOWN OF DARWIN FOR THE PURPOSE OF SHOPS AND OFFICES IN A 19 STOREY BUILDING - PA2012/0450

REPORT NO. 12TS0105 CR:fh**COMMON NO. 2065363****DATE: 31/07/2012**

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 for Lots 2311, 2312 & 5565 (19, 21 & 23) The Mall Town of Darwin, **Attachment A**. The report addresses relevant Council issues and recommends that Council endorse comments provided to the Development Consent Authority on 6 July 2012.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

Goal:

1. Achieve effective partnerships and engage in collaborative relationships.

Outcome:

- 1.1 Improve relations with all levels of Government.

Key Strategies:

- 1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin.

KEY ISSUES:

- Council does not support the application.
- Council has not provided consent as landowner for the development to encroach over portions of Council's land.

RECOMMENDATIONS:

- A. THAT Report Number 12TS0105 CR:fh entitled Development Application for Lots 2311, 2312 & 5565 (19, 21 & 23) The Mall Town of Darwin for the Purpose of Shops and Offices in a 19 Storey Building - PA2012/0450, be received and noted.
- B. THAT Council endorse the submission dated, 6 July 2012 to the Development Consent Authority, **Attachment B** to Report Number 12TS0105 CR:fh, entitled Development Application for Lots 2311, 2312 & 5565 (19, 21 & 23) The Mall Town of Darwin for the Purpose of Shops and Offices in a 19 Storey Building - PA2012/0450, sent on the 6 July 2012.

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 SUBJECT: DEVELOPMENT APPLICATION FOR LOTS 2311, 2312 & 5565 (19, 21 & 23)
 THE MALL TOWN OF DARWIN FOR THE PURPOSE OF SHOPS AND
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BACKGROUND

Site and Surrounds

The subject site is Lots 2311, 2312 and 5565 (19, 21 and 23) The Mall, Darwin. The subject site is the existing Paspaley building on the corner of The Mall and Bennett Street, as well as the two adjacent buildings on The Mall. The sites are currently developed with commercial retail and restaurant uses on the ground floor. The upper levels of the Paspaley building are currently developed with offices.

The subject site is within Zone CB (Central Business) and is generally surrounded by other uses within Zone CB. Across Bennett Street from the site, Lot 4820 is located within Zone PS (Public Open Space) and is developed with a small park surrounding the Tourism Top End building.

Lots 5312, 5313 and 5314 to the rear of the site are owned by the City of Darwin. West Lane, occupies Lot 5321 immediately to the south west of the site and Lots 5313 and 5314 provide vehicular access to adjoining lots facing The Mall.

The corner site contains an historic colonnade, which photographic evidence places in existence circa 1924-1932. The colonnade is not formally registered under the Heritage Conservation Act.

Due to the size of the Development Application **Attachments A, B** are provided separately on a computer USB stick due to their size.

DISCUSSION

Current Proposal

The current proposal is to redevelop the site into shops and offices in a 19 storey building. The building is to be composed of a ground floor, generally consisting of the existing historic colonnade and retail uses, a 17-storey tower with a lens-shaped floor plate and a 6-level podium that wraps around the base of the tower. The building will contain 850m² of retail space at ground level, 14,302m² of office space in the tower and 275 car parking spaces within the podium structure.

The site owner is the successful tenderer for the provision of office space to the Northern Territory Government, with 9,970m² of the office space in the tower to be leased to the Northern Territory Government. The Paspaley Group intends to retain offices in the building. The building is required by the terms of the lease with the Northern Territory Government to achieve a NABERS rating of 5 stars.

The existing at-grade parking near the Bennett Street/West Lane intersection, will be removed and retail tenancies are proposed to extend along the Smith Street Mall and Bennett Street edges of the building.

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 THE MALL TOWN OF DARWIN FOR THE PURPOSE OF SHOPS AND
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The car parking within the podium building is proposed to extend out into the airspace over Lots 5313 and 5314 from the first floor and above and over West Lane from the second floor and above.

Vehicle access to the parking area is proposed from the access easement in Lot 5314. West Lane is proposed to be turned into a two-way street between Bennett Street and the West Lane Car Park.

Waste storage and collecting and loading areas will be located at the ground level.

Application Assessment

Council strongly objects to the lodgement and consideration of this proposal as it includes development over land in the care, control and /or ownership of the City of Darwin, for which Council (as the land owner), has not consented to or granted permission.

The Northern Territory Planning Act, section 46 (1), states '*The owner of land, or a person authorised in writing by the owner, may apply to the consent authority for consent to carry out a development on the land.*'

No consent or authorisation has been provided by Council to the applicant. The application should be withdrawn until consent is obtained or alternatively, amended to not include the use of Council land.

It is acknowledged that the proponents attended Council's Ordinary Meeting on 12 June 2012 and presented an overview of this development proposal, however, Council has not provided consent for the use of its land. Council indicated at the time to the proponents that they must make a formal written submission to Council for its consideration.

It is noted that the development application was lodged with the Northern Territory Government's Development Assessment Services on 18 June 2012.

Council received a written submission from the applicant on 2 July 2012, seeking Council consent to various matters, including the use of Council land. This matter has not been considered or resolved by Council at the time of writing this report. That said, it is unlikely that the matter will be resolved prior to the Development Consent Authority hearing, which is scheduled for early August.

Notwithstanding the above objections, Council staff's technical review of the proposal results in the following comments on the proposal.

Setbacks

The application does not meet the setbacks for the Tier 2 structure, in this case, the lens-shaped tower prescribed by the Northern Territory Planning Scheme. The Northern Territory Planning Scheme requires structures above 25m in Central Darwin to have a 6m setback from all site boundaries. For this building, the lens-shaped

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structure provides a diamond shaped, rather than a traditional square or rectangular shaped building, with setbacks at the middle points of the building lot lines closer than 6m to the site boundary and much greater than 6m setbacks to the remainder of the boundaries.

The purpose of this clause is to promote the penetration of daylight and breeze circulation between buildings and promote privacy for residents of adjoining properties. In this instance, Council staff believe that the intent of the clause is met through the lens-shaped structure.

Floor Area

The Northern Territory Planning Scheme limits the area of any floor to 56% of the site area and 1,200m² in any one tower. Due to the Northern Territory Government's requirements for office space, combined with the Building Code of Australia requirements for service areas on each floor, each floor plate of the tower is proposed to be 1,250m² in area, rather than the 1,200m² prescribed the Northern Territory Planning Scheme. Council staff believe the 50m² to be an acceptable variation in this circumstance.

West Lane Activation

The Northern Territory Planning Scheme requires 75% activation of all street frontages and the application proposes 64% activation of the West Lane frontage. The remainder of this street frontage is occupied by service facilities, including a fire command room and bin storage room. It is noted that 100% of the Bennett Street and Smith Street Mall frontages are active frontages. Council staff consider the level of active street frontage on West Lane to be acceptable given the overall shape of the site and potential design constraints for service features.

Parking On-Site

The application notes a parking shortfall of 172 spaces on-site (Council staff calculate this to be higher at a 180 car parking spaces shortfall). Council staff calculate the proposal requires 455 car parking bays (application notes 447 required) and only 275 are provided. Council does not support a parking shortfall of this magnitude.

Applicant's Arguments For A Partial Waiver Of Parking Bays

The application proposes to replace car parking bays with bicycle parking at a rate of 6 bicycle bays per car bay. On this basis, the applicant requests that a 16 car bay reduction be applied (i.e. the application identifies 97 bicycle bays are proposed on-site). Whilst the inclusion of bicycle parking within developments in the CBD is supported, Clause 8.2 of the Northern Territory Planning Scheme requires that for developments in Zone CB, bicycle parking and facilities should be provided in addition to on-site car parking, not in lieu of on-site car parking. If a reduction is to be considered, then the rate of reduction requires further discussion and basis to support substitution rates as the Northern Territory Planning Scheme does not provide such a rate.

A further argument has been put by the applicant that a requirement to retain the old Commercial Bank façade (section of existing colonnade to remain), on the basis of heritage significance, has limited the ability to provide sufficient car parking on-site.

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The applicant argues that the retention of the colonnade has removed the ability to provide 12 additional car parking bays per level, or 60 bays in total.

Whilst Council supports the retention of heritage sites, in this case it is noted that the colonnade to be retained represents only a small fraction of the total site area and is located on the boundary. Consequently, it is considered the development could have been designed to accommodate the required on-site car parking and still retain the colonnade, whilst also respecting other significant built elements on surrounding lots.

The old Commercial Bank building does not appear to be on the Northern Territory Heritage Register and therefore, may not be protected by the Northern Territory Heritage Conservation Act or qualify for a car parking reduction under clause 6.5.2 of the Northern Territory Planning Scheme.

The application also notes that there are three (3) public car parks owned by the City of Darwin in the near vicinity of the subject site and implies that there is sufficient capacity within these facilities to accommodate the car parking shortfall for the development. Council staff do not support this view point as there is very limited existing capacity within West Lane, Darwin Oval and Nichols Place car parks to cater for the expected shortfall.

Developments should cater on-site for the required parking generation rates specified by the Northern Territory Planning Scheme.

loading bays

The application requests a reduction in loading bays from eight (8) bays to two (2) bays. The Northern Territory Planning Scheme requires one (1) loading bay per 2,000m² of office and retail floor space. The total floor area of the offices and shops within the proposed development, is 15,152m², which requires eight (8) loading bays. Council does not consider that two (2) loading bays will be sufficient for the range of tenancies proposed and the size of the site.

Traffic

The application proposes a change from one-way to two-way traffic flow for West Lane, for the portion of West Lane adjoining the site. A traffic study has been provided with the application however, Council staff require sufficient time to properly assess the traffic study. There was inadequate time provided to make a full and proper assessment of the traffic study during the two (2) week comment period.

Proposed Footpaths Adjacent West Lane And Bennett Street Boundaries

The development proposal shows accessible public space areas within the development site along the West Lane and Bennett Street frontages. It appears that these spaces have been provided to retain existing public pedestrian access whilst facilitating the proposed two-way traffic arrangement being sought. Council is concerned that these areas may not always be accessible to the public, as they are not on public land. Council should require that some form of easement is entered into, to facilitate ongoing public access in these areas.

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 SUBJECT: DEVELOPMENT APPLICATION FOR LOTS 2311, 2312 & 5565 (19, 21 & 23)
 THE MALL TOWN OF DARWIN FOR THE PURPOSE OF SHOPS AND
 OFFICES IN A 19 STOREY BUILDING - PA2012/0450,

Waste Management

It is not clear in the submission how waste vehicles will enter and exit the site in a forward gear. A waste management plan has not been submitted. It has been requested that the applicant submit a waste management plan demonstrating compliance with Council's Waste Management Policy.

Canopy And Awning Overhang

The proposal includes entrance canopy overhangs to the main Bennett Street and The Mall entrances, as well as additional ground level awnings to The Mall. Awning agreements are required as a separate approval from Council. Council requests that the applicant first seek all required approvals from Council, for any awnings or canopies for the proposed building.

Entrance Doors

Plans indicate that entrance doors to the building will open outwards onto Council's land over The Mall. Doors to buildings in The Mall should either open inwards or be sliding doors to avoid conflict with pedestrian traffic in The Mall when opened. Council requests that the plans are amended to reflect this.

On-Street Parking - Bennett Street

Currently there are six (6) x ¼ hour parking bays adjoining the site along Bennett Street. The application proposes to remove three (3) of these bays to widen the footpath and change the remaining three (3) to drop-off zone bays (potentially 5 minute restriction). Council approval must be sought and obtained for any such on-street parking changes and any changes approved will be subject to the CBD Car Parking Contribution Charge.

CONSULTATION PROCESS

In preparing this report, the following parties were consulted:

- Strategic Planner
- Team Coordinator Development & Waste Management.

POLICY IMPLICATIONS

Applicants must adhere to City of Darwin Policy Number 37 - Awnings, Balconies and Verandahs on Council Property, City of Darwin Policy Number 42 – Outdoor Advertising Signs Code, and the City of Darwin Car Parking Contribution Plan.

The full policy can be reviewed at www.darwin.nt.gov.au.

BUDGET AND RESOURCE IMPLICATIONS

There are no budget and resource implications for Council for this application.

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RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Appropriate air and space easements will be required for the proposed encroachments, should Council provide landowners permission for the development.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications that relate to Council for this application.

COUNCIL OFFICER - DECLARATION OF INTEREST

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

Any queries on this report can be directed to Cindy Robson on 8930 0528 or email c.robson@darwin.nt.gov.au

Attachments

Attachment A: Development Application, PA2012/0450

Attachment B: City of Darwin, Letter of Response to Development Assessment Services, dated 6 July 2012.

Note: **Attachments A& B** are provided separately on a computer USB stick due to their size.

ORDINARY COUNCIL MEETING - OPEN SECTION
TUESDAY, 31 JULY 2012

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2ND COU7/18

16 OFFICERS REPORTS

16.2 **Proposed Masterplan for Part Lot 5182 (213) Dick Ward Drive, Town of Darwin Under Zone SD37 (Specific Use Zone No. (37) – LUPD2012/0030** Report No. 12TS0104 WS:fh (31/07/12) Common No. 1789927

Report Number 12TS0104 WS:fh attached.

Please Note:

Attachment A is provided separately to Elected Members on a USB Stick.

2ND ORDINARY COUNCIL MEETING/OPEN**AGENDA ITEM: 16.2****PROPOSED MASTERPLAN FOR PART LOT 5182 (213) DICK WARD DRIVE, TOWN OF DARWIN UNDER ZONE SD37(SPECIFIC USE ZONE NO. 37) - LUPD2012/0030****REPORT No.: 12TS0104 WS:fh****COMMON No.: 1789927****DATE: 31/07/2012****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, a Proposed Masterplan for Part Lot 5182 (213) Dick Ward Drive, Town of Darwin under clause 10 of Zone SD37 (Specific Use Zone No. 37) - LUPD2012/0030 **Attachment A**. This report addresses relevant Council issues and recommends that Council endorse comments to be provided to Strategic Lands Planning.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

Goal:

1. Achieve effective partnerships and engage in collaborative relationships.

Outcome:

- 1.1 Improve relations with all levels of Government.

Key Strategies:

- 1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin.

KEY ISSUES

- Council officers recommend not supporting the Masterplan until further details have been provided.

RECOMMENDATIONS

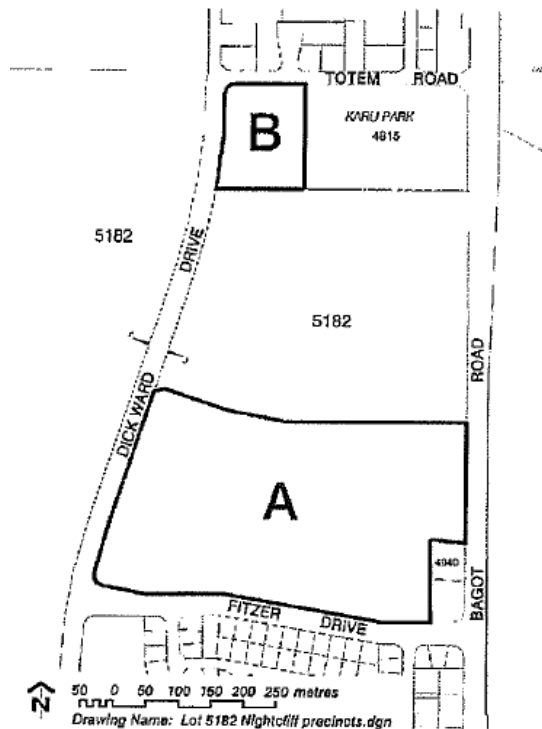
- A. THAT Report Number 12TS0104 WS:fh entitled, Proposed Masterplan for Part Lot 5182 (213) Dick Ward Drive, Town of Darwin for the Purpose of Endorsement Consideration Under Zone SD37 (Specific Use Zone No. 37) - LUPD2012/0030, be received and noted.
- B. THAT Council endorse the draft submission to the Reporting Body, **Attachment B** to Report Number 12TS0104 WS:fh entitled Proposed Masterplan for Part Lot 5182 (213) Dick Ward Drive, Town of Darwin under Zone SD37 (Specific Use Zone No. 37) - LUPD2012/0030.

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 REPORT NUMBER: 12TS0104 WS:fh
 SUBJECT: PROPOSED MASTERPLAN FOR PART LOT 5182, (213) DICK WARD DRIVE, TOWN OF DARWIN - REZONE FROM ZONES RD (RESTRICTED DEVELOPMENT) AND CL (COMMUNITY LIVING) TO THREE DISTINCT SPECIFIC USE ZONES. - ALTERED AND APPROVED AS: "REZONE PART LOT 5182 FROM ZONE RD (RESTRICTED DEVELOPMENT) TO PRELIMINARY

BACKGROUND

Site and Surrounds

The subject site includes two separate portions, Area A and Area B, of Lot 5182 (213) Dick Ward Drive, Ludmilla, Town of Darwin. The site is generally bordered to the west by Dick Ward Drive, to the south by Fitzer Drive, to the east by Bagot Road and to the north by Totem Road. The specific boundaries of Area A and Area B are shown in the diagram below. Only Area A and Area B are the subject of this Masterplan; the remaining land within Lot 5182 is not proposed for development and is not part of this Masterplan document.



Area A and Area B are currently vegetated, undeveloped sites. Portions of site have been disturbed and currently contain a variety of types of weed species and show signs of illegal dumping, including burned out cars and other waste materials.

The area across Dick Ward Drive from the site is undeveloped land within the storm surge zone, with an Aboriginal community area to the southwest of the site. The area to the south of the site across Fitzer Drive is developed with primarily single dwelling residential uses. Existing commercial development, including a McDonald's restaurant and a service station, sit to the west of the site, adjoining Bagot Road. Across Bagot Road from the site are the RAAF Golf Course and the Darwin International Airport. The sites to the north of the site across Totem Road are developed with light industrial uses.

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Site Development History

Area A and Area B are the subject of a recent rezoning to Zone SD37 (Specific Uses), which provides a specific set of permitted and prohibited uses and development criteria for each site. The land between Area A and Area B remains undeveloped land in Zone RD (Restricted Development).

The specific controls of Zone SD37 are included at **Attachment A**.

Clause 10 of SD37 specifies that *"A Masterplan is to be prepared and submitted to the consent authority before any development commences or a development application is lodged for Areas A and B. This Masterplan is to be endorsed by the consent authority, and all future development is to be in accordance with the endorsed Masterplan"*. Clause 11 further specifies a variety of topics to be addressed by the Masterplan.

Despite the requirements within this zone for a Masterplan, there is no process within the Northern Territory Planning Scheme for adopting a Masterplan document. Therefore, this current Masterplan document has been provided to Council and other relevant service authorities, for comment at this time. At the time of lodgement of the first development application for the site, the final Masterplan will be submitted as part of that development application for subsequent adoption.

The Masterplan consultant has indicated willingness to work with Council and the other authorities regarding development of the Masterplan and incorporation of comments.

Due to the size of the Bagot Road Masterplan and Development Design Guide for No. 213 Dick Ward Drive, Darwin, **Attachment A** is provided separately on a USB stick.

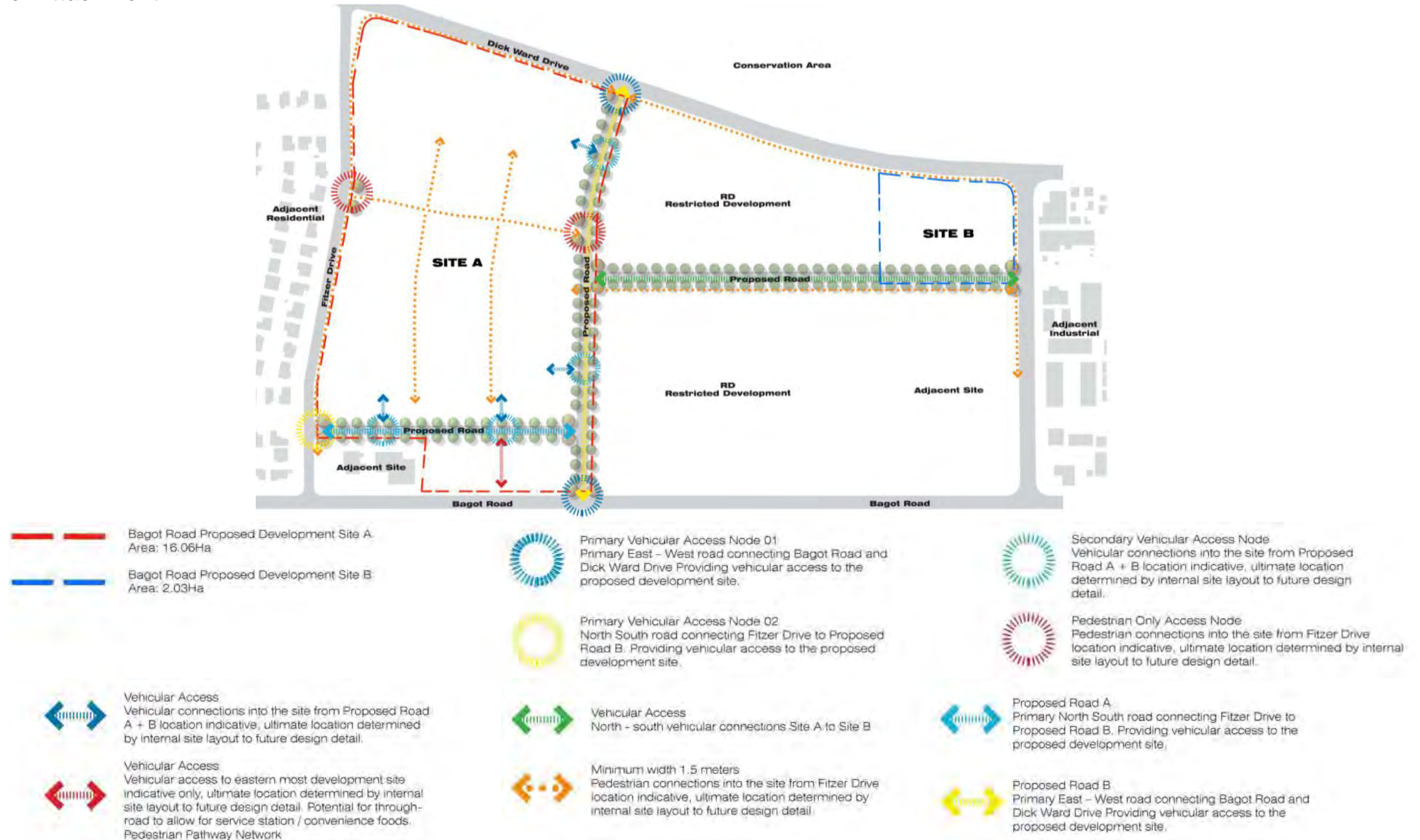
DISCUSSION

The Masterplan provides basic guidance over the proposed major access points of the site, for both vehicles and pedestrians, and for the siting of building and parking on the site. Primary roadways are identified, including reorganisation of existing traffic flows at the Bagot Road and Fitzer Drive intersection. A new roadway is proposed to link Bagot Road and Dick Ward Drive with signalized intersections at both ends. An additional new roadway to the rear of the existing service station and McDonald's site, will connect the proposed new through road, to Fitzer Drive.

A single vehicular access to within the development site is proposed from Fitzer Drive, adjacent the existing McDonald's restaurant entrance. All other access points will be off the new roadways detailed above. An additional through road is proposed to link Area A to Area B from Totem Road. A cul-de-sac drive is proposed for the mostly light industrial area of Area B.

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A sketch plan of the proposed access points and roadway design is provided below and a larger version can be found in Appendix B of **Attachment A**.



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The Masterplan also includes preliminary sign designs, detailed landscaping guidelines, a traffic assessment and ecological assessments of the site, including flora and fauna studies and soil types, each of which will be assessed in greater detail by experts in those fields. Signs and landscaping will be assessed by Council when specific applications are made regarding those features. Council's traffic consultants will provide more detailed comments on the traffic assessment. NRETAS will be the primary responsible authority for the quality and adequacy of the ecological assessments.

The Masterplan does not lock the developer into one single design for the internal site layout. Rather, the Masterplan provides location principles for the design of various site features, such as landscaping along building edges and within parking lots and shielding loading and service areas of buildings from public view. Further details, as discussed below are required before Council can support the proposed Masterplan.

Landscaping

The Landscaping Guidelines provided with the Masterplan are indicative only and detailed landscaping plans will be assessed by Council at application stage. Cross sections for the road verges are provided for both Fitzer Drive and Dick Ward Drive, however specific landscaping plans have not been provided at this stage.

The Masterplan notes that the proposed buffer to Fitzer Drive will include a 10 metre wide drainage easement which will include mounding and revegetation with plants from the 'rehabilitation landscape buffer planting' list included in the landscape guidelines attached to the Masterplan documentation. An 8 metre wide vegetated buffer will also be maintained along Dick Ward Drive. The landscape guidelines notes that an additional 3 metres of landscaping will be provided where considered necessary along these boundaries.

Site layout

The site layout appears to only have the backs of buildings and service areas facing Dick Ward Drive and Fitzer Drive. Consideration should be given to having some frontages or activation of these streets, particularly Dick Ward Drive. It is not considered a desirable planning outcome to have the rear of buildings facing major roadways within the community.

Security fencing is proposed around the site, primarily a 1.8m high chain mesh fence amongst intensive site landscaping. However, there are also pedestrian entrances proposed along the edges of the site, particularly from Fitzer Drive where there are no vehicular site entrances. The Masterplan is unclear on how the pedestrian entrances interact with the fencing and whether these pedestrian entrances will be gate or otherwise controlled. If gates are to be utilised, operational principles including, when the gates are locked and unlocked and who is responsible for monitoring of the passageways, needs to be addressed.

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Any proposed signage for the site, including real estate signage, shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.

Traffic and parking

Council is undertaking a review of the Traffic Study submitted with the Masterplan and is unable to provide final comments during the allotted comment period. However, it is required that an updated traffic study reflecting the actual internal subdivision and land uses be submitted for the approval of Council at the time of development application. Council also notes that final approval for the design of the road network will be provided at formal application stage, when full details are provided of internal roads within the subject site.

The following preliminary comments are provided in relation to traffic matters:

- Based on the plans provided, it appears that the proposed access road for Lot B intersects Totem Road, opposite the intersection of Durand Court and Totem Road. The proposed intersection, in close proximity with an existing T-intersection, may cause a traffic safety conflict point. Any intersections should comply with Council's Subdivision and Design Guidelines, to the satisfaction of the City of Darwin.
- It is requested that the Consent Authority requires the proposed through road, from Totem Road to Area A, be fully constructed to Area A at such time as Area B is developed, in order to adequately disperse traffic and service Area B.
- The Masterplan proposes restricting the Fitzer Drive and Bagot Road intersection to a left-in, left-out only intersection. Any changes that will affect access to the existing residential properties along Fitzer Drive, should be done under consultation with the existing Ludmilla community, the Northern Territory Government and Council.
- Council staff are concerned regarding the management and control of possible overflow parking along the surrounding roads, as the result of any onsite car parking shortfall. All car parking required for the proposed uses should be provided on-site.

Flora and Fauna

The application notes that the Masterplan area supports 3 distinct vegetation communities which it states are all common to the local region. Buffer strips along Dick Ward and Fitzer Drives will remain and be revegetated with existing endemic species from the site.

Armstrong's cycad (*Cycas armstrongii*) were found in low numbers within the northern boundary of both area A and B, as well as the central RD zoned land. This Species is listed as vulnerable under the TPWC Act 2000. The application notes that any cycads onsite to be removed will require a permit and be relocated in accordance with the Northern Territory Government's cycad management program. This was the only threatened species found during site inspections.

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The application notes that several sections of the site are dominated by a number of listed weeds including Gamba grass.

Ecology reports and a weed management plan have been included as attachments to the Masterplan. These reports should be assessed by the relevant Northern Territory Governments departments.

Storm Surge

It is noted in the Masterplan that approximately 10% of the site is within the secondary storm surge area.

Development within the secondary storm surge area is restricted in the Northern Territory Planning Scheme under clause 6.14 to such uses as open space, recreation, short stay tourist camping/caravan areas, industrial and commercial uses.

Specific uses for the site will be assessed at development application stage.

Notwithstanding the above, Council typically does not support any form of new development within storm surge areas as it has the potential to place people, and property at risk of injury and damage.

Existing residential interface

There are existing residential properties opposite the Masterplan area on Fitzner Drive. A cross-section elevation included in the landscaping guidelines in **Attachment A** to this report indicates that a landscape buffer will be provided to the Fitzner Drive street frontage, to maintain the residential character of the streetscape. Landscaped buffers will also be provided to Dick Ward Drive.

Detailed layout plans of the landscaping along Fitzner Drive have not been provided with the Masterplan, therefore it is difficult to determine if the interface between the existing residential area and the proposed land uses will be acceptable. The interface between the development site and the existing residential areas should be designed such that amenity is maintained for existing and future residents. The Fitzner Drive road verge and all other edges of the site should also provide a safe pedestrian and cyclist environment.

These interfaces should be designed to discourage parking along the road verge for uses within the proposed development by supplying sufficient parking on-site.

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Airport noise and operations

The Masterplan notes that any development approved within the ANEF 20 contour or greater will need to comply with the Building Site Acceptability Table based on the ANEF Zones taken from Australian Standard AS 2021 – 2000 as a guide to the type and development use.

Council officers consider that any development on the site should be undertaken in consultation with the Darwin Airport and other relevant authorities to ensure that the requirements of these authorities are met in regards to this development. Furthermore, copies of the relevant authority approvals/support are forwarded to Council.

Lighting and land uses that attract birds or bats will also be appropriately restricted.

Stormwater Drainage

The Masterplan notes that water sensitive urban design principles will be used in the design of stormwater management on site. A stormwater drainage channel is proposed to be maintained within the Fitzner Drive road corridor, further details of the onsite stormwater drainage system will be provided at subdivision application stage.

Summary

Council will have the opportunity to comment on any detailed development plans for the site, at the time of development application. However, by that stage, the overall design and layout for the site are likely to be locked in through the Masterplan, which is required under the details of the Specific zoning for the site, to be endorsed prior to development application stage. All development is then required to be in accordance with the Masterplan.

Detailed information in relation to traffic management, subdivision layout, landscaping and stormwater drainage is not provided in the Masterplan.

An invitation to the applicant is issued in the proposed response letter at **Attachment B** for them to meet with Council officers to discuss and resolve the issues raised in the letter.

CONSULTATION PROCESS

In preparing this report, the following parties were consulted:

- Team Coordinator Development & Waste Management and
- Design Team Leader.

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POLICY IMPLICATIONS

Applicants must adhere to the City of Darwin Policy Number 51 – Verges, City of Darwin Policy Number 42 – Outdoor Advertising Signs Code and the City of Darwin Subdivision and Development Design Guidelines.

BUDGET AND RESOURCE IMPLICATIONS

There are no budget and resource implications for Council for this application.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

There are no legal or legislative risks for Council for this application.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications that relate to Council for 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 89300528 or email: c.robson@darwin.nt.gov.au.

Attachments:

Attachment A: Masterplan, LUPD2012/0030

Attachment B: City of Darwin, Letter of Response to Development Assessment Services, dated 20/07/2012

Note: **Attachments A** Due to the size of the Bagot Road Masterplan and Development Design Guide for No. 213 Dick Ward Drive, Darwin, is provided separately on a USB stick.

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TUESDAY, 31 JULY 2012

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2ND COU7/20

17 INFORMATION ITEMS AND CORRESPONDENCE RECEIVED

Nil

18 REPORTS OF REPRESENTATIVES

19 QUESTIONS BY MEMBERS

20 GENERAL BUSINESS

ORDINARY COUNCIL MEETING - OPEN SECTION
TUESDAY, 31 JULY 2012

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2ND COU7/21

21 DATE, TIME AND PLACE OF NEXT ORDINARY COUNCIL MEETING

THAT the next Ordinary Meeting of Council be held on Tuesday, 14 August 2012, at 5.00 p.m. (Open Section followed by the Confidential Section), Council Chambers, 1st Floor, Civic Centre, Harry Chan Avenue, Darwin.

DECISION NO.21\() (31/07/12)

22 CLOSURE OF MEETING TO THE PUBLIC

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

DECISION NO.21\() (31/07/12)

23 ADJOURNMENT OF THE MEETING (MEDIA LIAISON)