

DEVELOPMENT CONSENT AUTHORITY
DARWIN DIVISION

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: **1** MEETING DATE: 6/12/2024 FILE: PA2024/0126

APPLICATION: Addition (storage rooms with ablutions) to an existing dwelling-multiple with a reduced building setback to the rear boundary
APPLICANT/CONTACT: Goldbox (Maria Pajarillo)
LAND OWNER: K Food Land Pty Ltd
BENEFICIARY: Landowner
LOCATION: Lot 6079 (23) Kelsey Cres, Millner Town of Nightcliff (**Bookmark A**)
ZONE: MR (Medium Density)
AREA: 791 m²

1. PROPOSAL

This application was originally brought before the Development Consent Authority (DCA) at the 19 July 2024 meeting. That original application proposed 2 x storage room additions to an existing dwelling-multiple. The additions proposed were at the rear of the site, single storey in nature, and resulted in setback non-compliance for the side and rear boundaries.

The original application was deferred at the 19 July 2024 meeting, to allow the applicant to provide an amended application, to address concerns raised by the DCA.

The Notice of Deferral is provided at **Bookmark B1**.

This amended application is still for 2 x storage room additions to an existing dwelling-multiple. The additions are located at the rear of the lot, however, are proposed in a two storey arrangement, which results in a singular non-compliance with the rear boundary setback. The development takes the form of an extension to the existing dwelling-multiple building, however does not propose any changes to the car parking arrangements or access, nor other aspects under the NT Planning Scheme 2020.

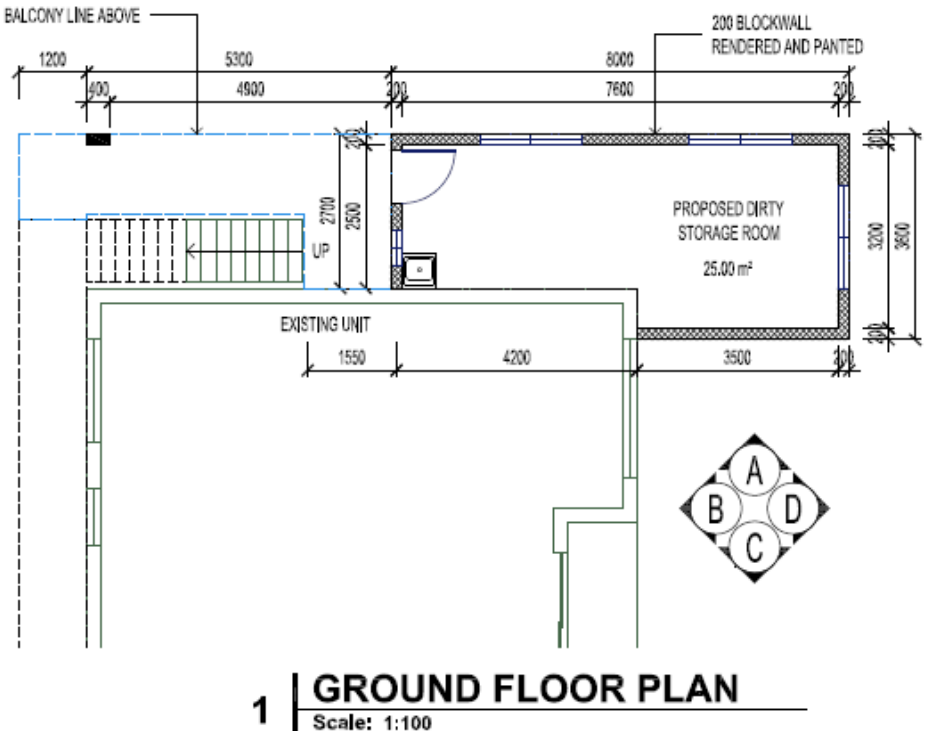
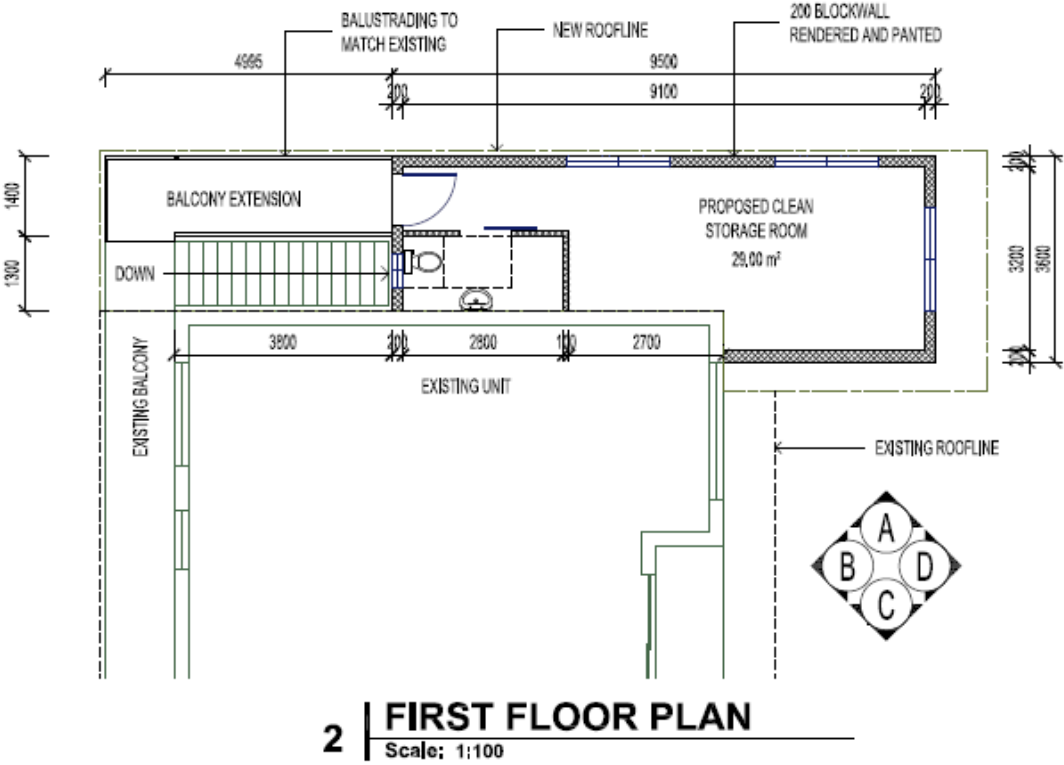


Figure 1: Extract from site plan showing proposed storage rooms at the rear of the site

A copy of the deferral response letter and amended dimension plans, are provided at **Bookmark C1**, and **C2**, respectively.

2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

An application is required for planning consent as the proposal is *Merit Assessable* under Clause 1.8(1)(b)(iv) as a provision of the Planning Scheme expressly requires assessment as *Merit Assessable* and Clause 1.9(1)(b), if an ancillary use or development described in (a) does not comply with Parts 3 and 5, the ancillary use or development requires consent and the level of assessment that applies is *Merit Assessable*.

Zoning and Level of Assessment within Assessment Table	Part 3 Overlay	Consent required by virtue of Overlay Requirement	Part 5 – General and Specific Development Requirements	Level of Assessment
Zone MR (Medium Density)	None are applicable	No	5.2.1 (General Height Control) 5.2.4 (Car Parking) 5.2.6 (Landscaping) 5.2.7(Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR) 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) 5.4.6 (Private Open Space) 5.4.7 (Communal Open Space) 5.4.8 (Residential Building Design) 5.4.17 (Building Articulation) 5.4.18 (Fencing) 5.4.19 (Residential Plot Ratio)	<i>Merit Assessable</i>

The exercise of discretion by the consent authority that applies is clause 1.10(3), *in considering an application for consent for a use or development identified as Merit Assessable the consent authority must take into account all of the following:*

- (a) *the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;*
- (b) *any Overlays and associated requirements in Part 3 that apply to the land; and*
- (c) *the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6.*

3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should consent to the application as amended subject to conditions on the development permit as detailed in section 9 of this report.

4. BACKGROUND

A review of the historic planning documents reveals the following:

- The site was developed prior to 1977 (Building Certificate of Compliance issued on 05/10/1977) with one residential building and 6 flats under the *Town Planning Ordinance/Act 1964*. 'Flats' were not defined in the Act.
- On 22 January 1979, The Darwin Town Plan 1978 (DTP 1978) was notified under the *Town Planning Act 1964*. In DTP 1978 'flats' means "a building containing more than 2 dwellings."

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- On 29 September 1982, under the *Planning Act 1979*, the Minister for Lands and Housing notified the making of a planning instrument being a new Darwin Town Plan 1982. In DTP 1982 'flats' means "*a building (not being an attached dwelling) containing 3 or more dwellings.*"
- On 22 May 1990, the Minister for Lands and Housing, also under the *Planning Act 1979*, notified the making of a planning instrument being a new Darwin Town Plan 1990. In Darwin Town Plan 1990, 'flats' means a "*building (other than a cluster dwelling) containing 3 or more dwellings.*" 'Cluster Dwelling' means "*a building or a group of buildings on a site which individually or collectively contains more than one dwelling each of which has a separate entrance at ground level, but does not include a dependent relative.*"
- In the NT Planning Scheme 2007, under the *Planning Act 1999*, the definition of 'flats' was replaced with '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 an independent unit.*"
- Under the NTPS 2020, multiple dwellings are defined as 'dwelling-group'¹ and dwelling-multiple².

It is clear from the above that the existing 6 x 2 bedroom flats are now defined as dwelling-multiple under the NTPS 2020. The use has continued and there is no evidence to suggest the use has been altered or expanded, or that the use has discontinued for a continuous period of not less than 12 months, therefore existing use rights apply to the existing development. The proposal will not alter the ongoing use of dwelling-multiple. The building files provided by the applicant refers only to roofing works from 06/07/2009.

Site characteristics

The site is located in Zone MR (Medium Density), is not subject to any overlays and is accessed via Kelsey Crescent. There is a sewerage easement at the northeast corner of the site as shown on the survey plan at **Bookmark A2**.

The subject site is surrounded by lots in Zone MR to the north, east and west. To the south of the site is Millner Primary School which is in Zone CP (Community Purpose). The Jape Homemaker Village is southwest of the site.

¹ "dwelling-group means a dwelling that is one of a group of two or more dwellings on the same site such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a unit title with common property."

² "dwelling-multiple means a dwelling or serviced apartment that is wholly or partially vertically over or under another dwelling on a site or any dwellings above the ground floor in a mixed use development, and includes a dwelling on a unit title with common property;"

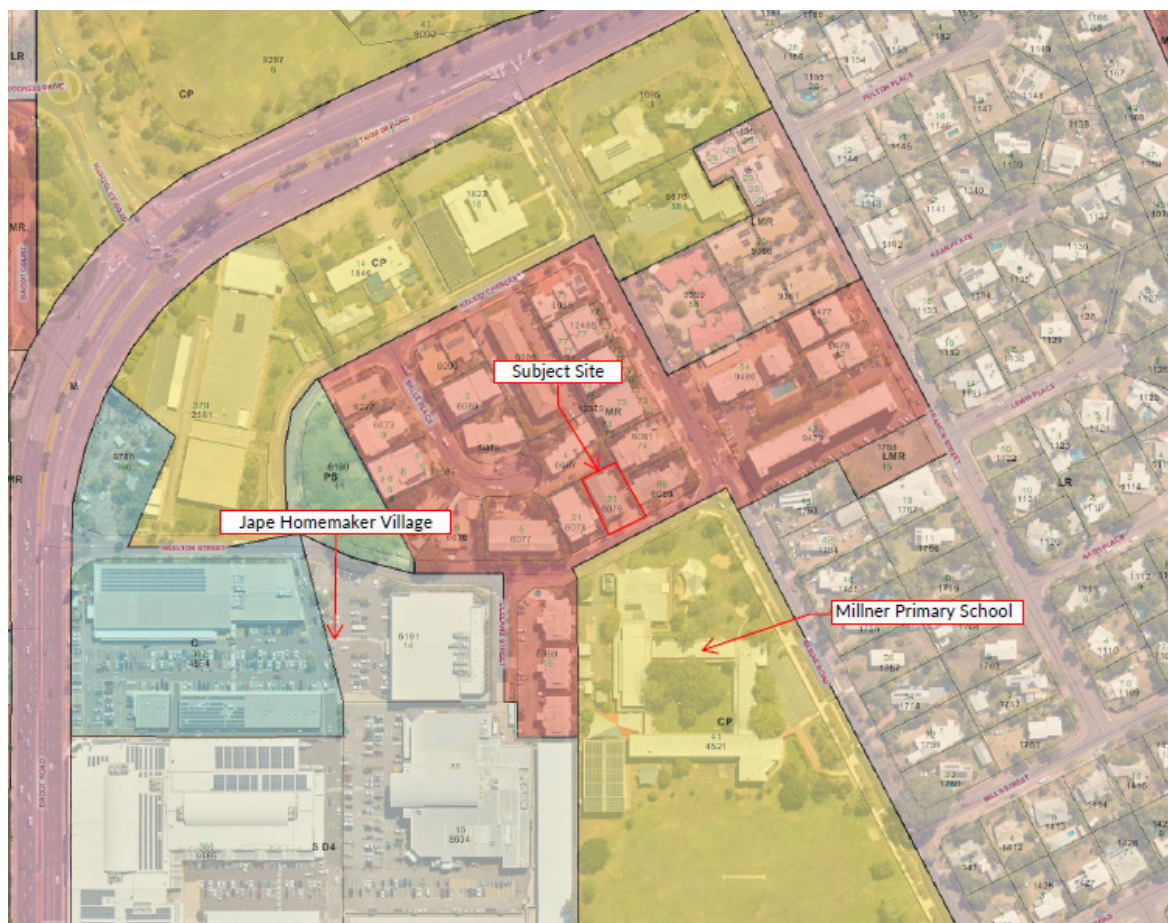


Figure 2: The site and surrounding zoning

5. PUBLIC EXHIBITION

The application was originally placed on public exhibition for a period of two weeks, between 24 May 2024 and 7 June 2024. During this time, 4 public submissions were received under section 49(1) of the *Planning Act 1999*. It is noted that these submissions were considered by the DCA at the 19 July 2024 meeting.

The applicant's deferral response letter and amended dimension plans were provided to submitters on 18 November 2024. No submissions or queries have been received in regards to the applicant's response to date (3 December 2024).

6. THIRD PARTY APPEAL RIGHTS

There is no right of appeal by a third party under section 117 of the *Planning Act 1999* in respect of this determination as pursuant to Part 4 of the Planning Regulations 2000 section 14 (3)(a) states that there is no right of review when *if the determination related to dwelling-single, dwelling-multiple or dwelling-group, not exceeding 2 storeys above ground level.*

7. MATTERS TO BE TAKEN INTO ACCOUNT (SECTION 51 OF THE PLANNING ACT)

Pursuant to Section 51(1) of the *Planning Act 1999*, a consent authority must, in considering a development application, take into account any of the following relevant to the development:

(a) any planning scheme that applies to the land to which the application relates

Section 51 of the *Planning Act 1999* provides that in considering a development application the Authority must take into account a range of matters including compliance with the NT Planning Scheme 2020 (NTPS 2020).

The NTPS 2020 applies to the land. A technical assessment of the specific clauses relevant to the application is provided at **Bookmark D1**. The application was assessed against the zone purpose and outcomes of Clause 4.4 (Zone MR – Medium Density Residential), as a dwelling-multiple.

The proposal was found to comply with all relevant clauses except clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), which is discussed below.

Clause 5.4.3 (Building setbacks of residential buildings and ancillary structures)

The purpose of Clause 5.4.3 (Building setbacks of residential buildings and ancillary structures) is to *ensure that residential buildings and ancillary structures are located in a manner that: (a) is compatible with the streetscape and surrounding development including residential buildings on the same site; (b) minimises adverse effects of building massing when viewed from adjoining land and the street; (c) avoids undue overlooking of adjoining properties; and (d) facilitates breeze penetration through and between buildings.*

The proposed storage room additions are seeking a variation (to sub-clause 6(a)) of 1.5 m building setback, 1.4 m roofline setback to the rear boundary, and 2.8 m setback to the western property boundary, where the NTPS 2020 requires a 3 m building setback and 2.1 m roofline setback for ancillary structures in Zone MR to the side and rear boundaries.

Administratively, under sub-clause 3, *the consent authority may consent to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.*

In response sub-clause (a) of the clause purpose, it is noted that the proposed additions will not increase building height, and will include rear wall treatments. As such, they're considered to be of a similar scale that existing on-site, and that which is reasonably expected within Zone MR.

In response to sub-clause (b) it is considered that the proposed additions will match the height and materials of the existing development and therefore will integrate well into the existing built form and have limited adverse visual impacts when viewed from the streetscape. The proposed additions are setback 1.5 m from the rear boundary and 2.8 m from the western side boundary which is reflective of existing development pattern on surrounding properties

In response to sub-clause (c), it is considered that the proposal is for storage rooms at ground and first floor with an associated balcony / elevated walkway at first floor and the storage rooms will have north and east facing windows. The proposed storage rooms are not considered 'habitable' and therefore there will be no overlooking impacts. In addition, to mitigate concerns that the proposed rooms may be used for accommodation purposes, a permit condition requiring that the spaces must not be used for any purpose that could be defined as 'habitable room' (per the NTPS 2020), has been recommended for inclusion.

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In response to sub-clause (d), it is considered that the proposed additions will not result in an unreasonable reduction in breeze penetration around the building.

In the response to deferral, the applicant includes reasons for storage additions such as requiring larger storage facilities to accommodate tools, furniture, white goods and cleaning products.

It is considered that the amended plans are consistent with the purpose of this clause, in that the proposed additions are similar in form to what exists on-site, and the window arrangements reasonably limit the potential for undue overlooking of neighbouring properties.

For the reasons above, it is considered that the proposed additions will not have an unreasonable impact on the amenity of the surrounding properties, and as such, is considered appropriate for the subject lot in regard to the location and scale.

- (b) any proposed amendments to such a planning scheme:**
- (i) that have been or are on exhibition under Part 2, Division 3;**
 - (ii) in respect of which a decision has not been made under Part 2, Division 5; and**
 - (iii) that are relevant to the development proposed in the development application**

There are no proposed amendments to the Northern Territory Planning Scheme 2020 which affect this proposal.

- (c) an interim development control order, if any, in respect of the land to which the application relates**

There are no interim development control orders relevant to the site.

- (d) an environment protection objective within the meaning of the Waste Management and Pollution Control Act 1998 that is relevant to the land to which the application relates**

There are no environmental protection objectives relevant to the land.

- (e) any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application**

The amended application was circulated to the members of the public who made a submission in relation to the original application. No additional submissions or queries have been received to date (3 December 2024).

In order to help mitigate concerns that the proposed rooms may be used for accommodation purposes, a permit condition requiring that the spaces must not be used for any purpose that could be defined as 'habitable room' (per the NTPS 2020), has been recommended for inclusion.

- (f) a matter that the Minister has, under section 85, directed it to consider in relation to development applications generally**

The Minister has made no direction in relation to the application.

(h) the merits of the proposed development as demonstrated in the application

The application submits the following merits:

- Storage of furnishings and appliances: Since the six apartments will be full furnishes, the storeroom is necessary to store extra furniture, appliances, and other large items. This ensures that replacements of replacements are readily available when needed, reducing downtime for tenants.
- Maintenance of supplies and equipment: A larger storeroom allows the storage of maintenance tools, cleaning supplies, and equipment required for the upkeep of the apartments. This is especially important in a multi-unit property to ensure that maintenance can be carried out promptly.
- Efficient use of space: A well organised, spacious storeroom enables the efficient categorisation and easy access to items. This not only saves time during maintenance but also prolongs the lifespan of stored items by keeping them in proper conditions.
- Future-proofing: As tenant needs or regulations evolved, having a larger storeroom ensures that the property can adapt to these changes without requiring additional storage space, which could be more costly or impractical later
- Emergency preparedness: A large storeroom can also be used to store emergency supplies, such as backup TV, fridge, washing machine etc., or essential repair materials. This is crucial for ensuring tenant safety and meeting regulatory requirements.

(j) the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development

There were no issues identified with respect to the capability of the land for the proposed development. Additionally, the original application was circulated to service authorities which did not identify or raise any issues of concern in relation to land capability

(k) the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer

There is no requirement for the provision of public facilities or open space as part of the proposed application.

(m) the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose

The proposal was originally circulated to the following authorities for comment. As the proposed changes are not considered to unreasonably increase demand on any utilities, nor an increase in site users, the original submissions are considered relevant for this assessment.

Local Authority:

City of Darwin (Council) – Bookmark F1

Council request that a condition precedent for an engineered plan completed by a suitably qualified civil engineer demonstrating the on-site collection of stormwater, surface levels and its discharge into the local underground stormwater drainage system. Additionally Council advises that any proposed stormwater connection points to Council's stormwater system or

proposed works on/over Council property are subject to a separate application to Council and shall be carried out to Council's requirements and satisfaction.

Service Authority:

Power and Water Corporation (Power Networks) – Bookmark F2

Power Networks advised the landowner is to engage a licensed electrician for electrician installations in accordance with Power and Water Corporations requirements.

Power and Water Corporation (Water Services) – Bookmark F3

Water Services advised the existing sewerage easements within Lot 6079 is still required. Structures must not be located on or over the water supply or sewerage easement. No structures are to be located on, over or within 1.5m of a Power and Water Sewer Inspection Opening connection point. Water Services is to be contacted prior to commencing works.

No comments were received from the then Department of Environment, Parks and Water Security.

The conditions requested and concerns raised by council and service authorities have been addressed through recommended conditions and notes on the development permit.

The council and service authority submissions have been provided at **Bookmark E1**.

(n) the potential impact on the existing and future amenity of the area in which the land is situated

The amended design inclusion of a central, vertical feature wall on the rear side of the additions is considered reasonably mitigate the adverse impact on the existing and future amenity of the area as a result of the proposed development. As the proposed additions are considered to meet the intent of the clause, and zone outcomes for medium density developments, it is considered compatible with the existing character of this particular locality within Millner.

(p) the public interest, including (if relevant) how the following matters are provided for in the application:

- (i) community safety through crime prevention principles in design;***
- (ii) water safety;***
- (iii) access for persons with disabilities***

Access for persons with disabilities is expected to be reviewed as part of building requirements. Broader public interest in the application is also reflected in the public submission received, as discussed in a previous section.

(pa) for a proposed subdivision or consolidation of land in a Restricted Water Extraction Area – whether the subdivision or consolidation complies with the restrictions of sections 14A and 14B of the Water Act 1992 and the requirements of section 14C(1) of that Act;

Not applicable to this application.

- (q) *for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building)*

Not applicable to this application.

- (r) *any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the Heritage Act 2011*

There are no known natural, social, cultural or heritage values on the site or in the immediate surrounding area.

- (s) *any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the Water Act 1992*

The following declared beneficial uses apply to the subject land for Darwin Harbour:

- Aquaculture, environment, cultural, rural stock and domestic.

It is the responsibility of the developer and land owner to ensure that land use does not result in a contravention of the *Water Act 1992*.

- (t) *other matters it thinks fit*

No other matters are raised for consideration by the consent authority.

Section 51(2) of the Planning Act 1999

If a development proposal is required to be referred to the NT EPA under Part 4, Division 3 of the Environment Protection Act 2019, the consent authority must not make a decision under this Division in relation to a development application for the proposal unless:

- (a) *the NT EPA has determined that an environmental impact assessment is not required under that Act for that proposal; or*
(b) *if the NT EPA has determined that an environmental impact assessment is required – an environmental approval has been granted under that Act for the proposal and the decision is consistent with that approval; or*
(c) *the Environment Protection Act 2019 otherwise permits the making of the decision.*

The *Environment Protection Act 2019* otherwise permits the making of the decision by virtue that referral is not required.

8. RECOMMENDATION

That, the Development Consent Authority vary the requirements of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(b) of the *Planning Act 1999*, alter the proposed development and consent to the application to develop Lot 6079 (23) Kelsey Cres, Millner Town of Nightcliff for the purpose of storage room with ablutions addition to an existing dwelling-multiple with a reduced building setback to the side and rear boundaries, subject to the following conditions:

CONDITIONS PRECEDENT

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

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2024/0126/01 to 2024/0126/05 endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
Please refer to notation 1 for further information.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin, to the satisfaction of the consent authority.
6. The storage room additions must not be used for any purpose that could be defined as a 'habitable room' as per the definition in the Northern Territory Planning Scheme 2020.

Notes

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
3. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the *Northern Territory Building Act 1993* before commencing any demolition or construction works.

9. REASONS FOR THE RECOMMENDATION

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

The NT Planning Scheme 2020 applies to the land and addition (storage rooms with ablutions) to an existing dwelling-multiple with a reduced building setback to the rear boundary requires consent under Clause 1.8 (When development consent is required). It is identified as *Merit Assessable* under Clause 1.8 (b)(v) and Clause 1.9(1)(b) therefore the zone purpose and outcomes of Clause 4.4 (Zone MR – Medium Density Residential) and Clauses 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.6 (Landscaping), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 5.4.6 (Private Open Space), 5.4.7 (Communal Open Space), 5.4.8 (Residential Building Design), 5.4.17 (Building Articulation), 5.4.18 (Fencing) and 5.4.19 (Residential Plot Ratio), need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clause 5.4.3 (Building setbacks of residential buildings and ancillary structures).

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
 - (a) The purpose and administration clauses of the requirement; and
 - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

- (a) The purpose of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) is to *ensure that residential buildings and ancillary structures are located in a manner that:*

(a) is compatible with the streetscape and surrounding development including residential buildings on the same site;

(b) minimises adverse effects of building massing when viewed from adjoining land and the street;

(c) avoids undue overlooking of adjoining properties; and

(d) facilitates breeze penetration through and between buildings.

The proposed storage room additions are seeking a variation (to sub-clause 6(a)) of 1.5 m building setback, 1.4 m roofline setback to the rear boundary, and 2.8 m setback to the western property boundary, where the NTPS 2020 requires a 3 m building setback and 2.1 m roofline setback for ancillary structures in Zone MR to the side and rear boundaries.

Administratively, under sub-clause 3, *the consent authority may consent to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.*

In response sub-clause (a) of the clause purpose, it is noted that the proposed additions will not increase building height, and will include rear wall treatments. As such, they're considered to be of a similar scale that existing on-site, and that which is reasonably expected within Zone MR.

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In response to sub-clause (b) it is considered that the proposed additions will match the height and materials of the existing development and therefore will integrate well into the existing built form and have limited adverse visual impacts when viewed from the streetscape. The proposed additions are setback 1.5 m from the rear boundary and 2.8 m from the western side boundary which is reflective of existing development pattern on surrounding properties

In response to sub-clause (c), it is considered that the proposal is for storage rooms at ground and first floor with an associated balcony / elevated walkway at first floor and the storage rooms will have north and east facing windows. The proposed storage rooms are not considered 'habitable' and therefore there will be no overlooking impacts. In addition, to mitigate concerns that the proposed rooms may be used for accommodation purposes, a permit condition requiring that the spaces must not be used for any purpose that could be defined as 'habitable room' (per the NTPS 2020), has been recommended for inclusion.

In response to sub-clause (d), it is considered that the proposed additions will not result in an unreasonable reduction in breeze penetration around the building.

In the response to deferral, the applicant includes reasons for storage additions such as requiring larger storage facilities to accommodate tools, furniture, white goods and cleaning products.

It is considered that the amended plans are consistent with the purpose of this clause, in that the proposed additions are similar in form to what exists on-site, and the window arrangements reasonably limit the potential for undue overlooking of neighbouring properties.

For the reasons above, it is considered that the proposed additions will not have an unreasonable impact on the amenity of the surrounding properties, and as such, is considered appropriate for the subject lot in regard to the location and scale.

- (b) The considerations listed under Clause 1.10(3) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NT Planning Scheme 2020, except for Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), as identified above.
3. Pursuant to section 51(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Four public submissions were received during the original exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal. This amended application was circulated to the members of the public who made a submission in relation to the original application, however, no additional submissions or queries have been received to date (3 December 2024).

4. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.


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There were no issues identified with respect to the capability of the land for the proposed development. Additionally, the application was circulated to service authorities which did not identify or raise any issues of concern in relation to land capability.

5. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

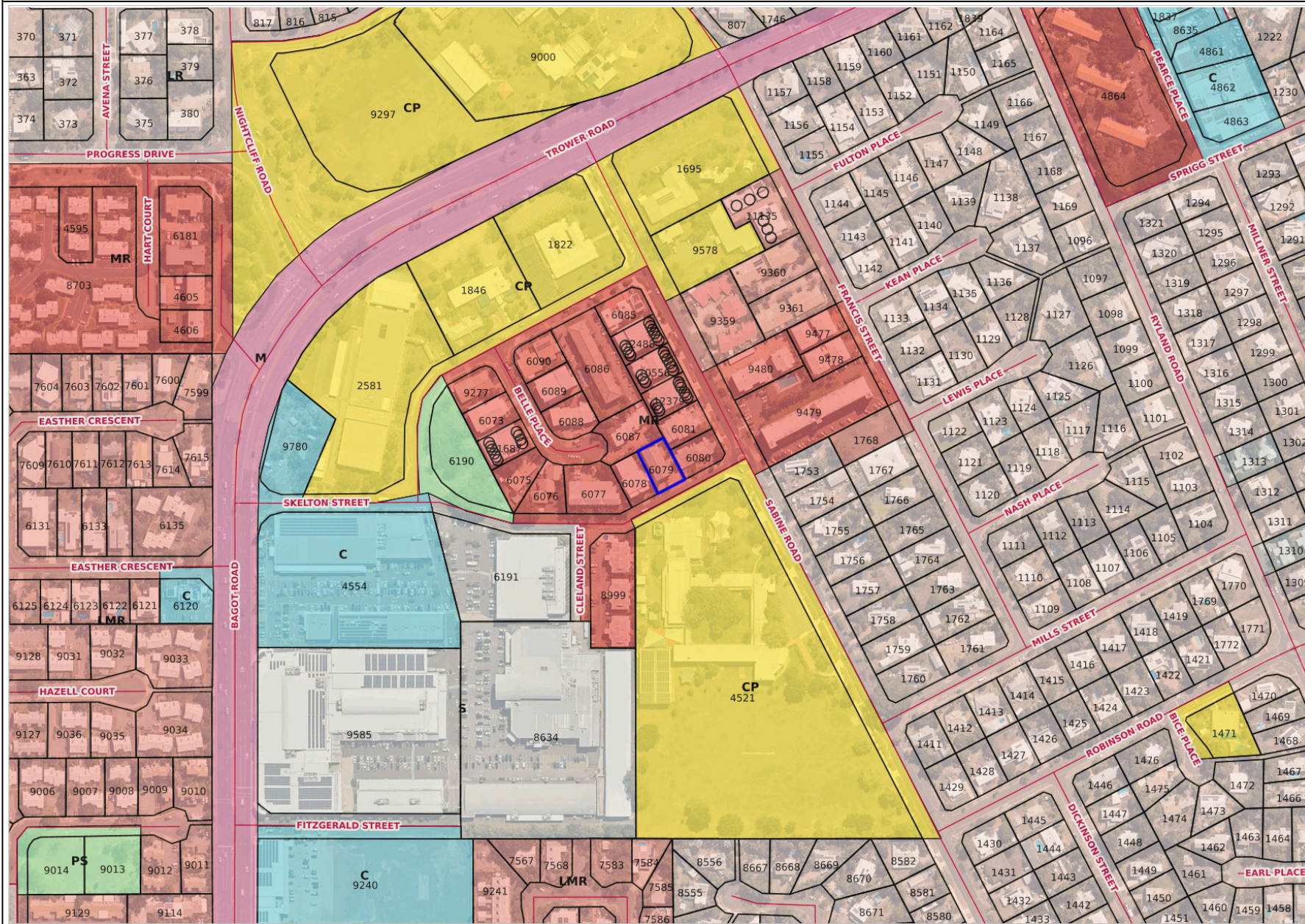
The altered design recommending inclusion of only one storage area is unlikely to result in an adverse impact on the existing and future amenity of the area as a result of the proposed development due to its reduced size and impact on the rear boundary. An altered design complies with the purpose and outcomes of the zone and it is compatible with the existing character of the locality in Millner.

Where the development does not comply with the relevant clauses of the NTPS 2020, the impact on existing and future amenity has been considered and a variation has only been supported in cases where this amenity will not unduly be impacted upon.



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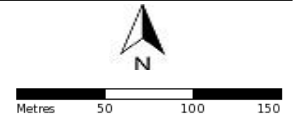
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SENIOR PLANNER
DEVELOPMENT ASSESSMENT SERVICES



Legend

TOWN_PLANNING_ZONES

- A - Agriculture
- CV - Caravan Park
- CB - Central Business
- C - Commercial
- CL - Community Living
- CP - Community Purpose
- CN - Conservation
- DV - Development
- RR - Rural Residential
- GI - General Industry
- HT - Heritage
- HR - High Density Residential
- H - Horticulture
- LI - Light Industry
- M - Main Road
- MR - Medium Density Residential
- LMR - Low-Medium Density Resid
- CA - No Planning Scheme Control
- OR - Organised Recreation
- PM - Proposed Main Road
- PS - Public Open Space
- RW - Railway
- RD - Restricted Development
- R - Rural
- RL - Rural Living
- SC - Service Commercial
- LR - Low Density Residential
- S - Specific Use

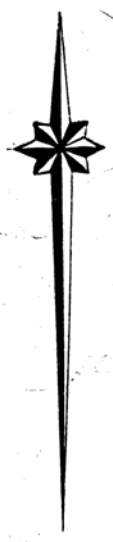


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 Geospatial Services Unit

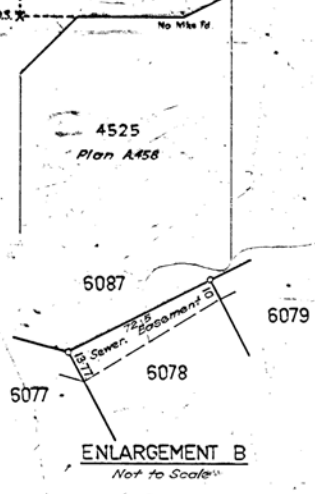
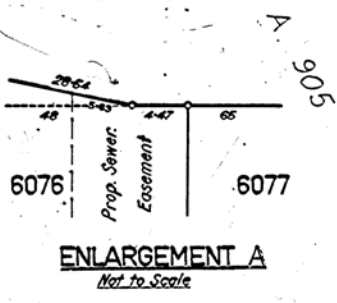
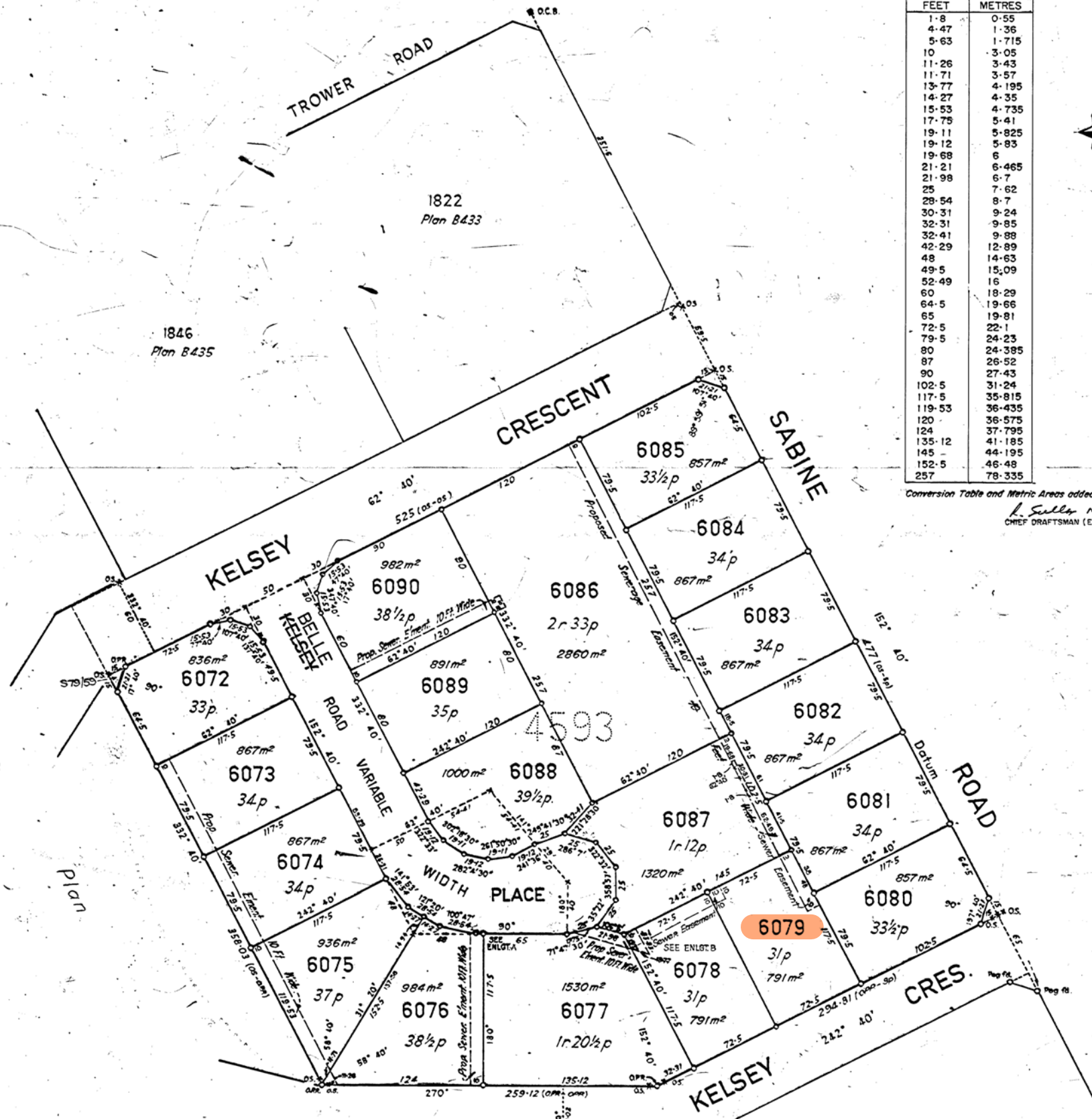
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 Department of Lands, Planning and Environment
 © Northern Territory Government

LINE 6

CONVERSION TABLE	
FEET	METRES
1-8	0-55
4-47	1-36
5-63	1-715
10	3-05
11-26	3-43
11-71	3-57
13-77	4-195
14-27	4-35
15-53	4-735
17-79	5-41
19-11	5-825
19-12	5-83
19-68	6
21-21	6-465
21-98	6-7
25	7-62
28-54	8-7
30-31	9-24
32-31	9-85
32-41	9-88
42-29	12-89
48	14-63
49-5	15-09
52-49	16
60	18-29
64-5	19-66
65	19-81
72-5	22-1
79-5	24-23
80	24-385
87	26-52
90	27-43
102-5	31-24
117-5	35-815
119-53	36-435
120	36-575
124	37-795
135-12	41-185
145	44-195
152-5	46-48
257	78-335



Conversion Table and Metric Areas added
R. Sullivan 19/12/85
CHIEF DRAFTSMAN (E)



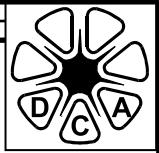
Note: Prop. Sewer Easement over Lot 6078 cancelled. Sewerage Easement additions to Lots 6078 and 6079. Vide File S.1585 folio 50 and Field Bk. Private Survey 71 folios 10 and 10A. These are in favour of the N.T. Government.
Sullivan 14-12-79
SUPERVISING SURVEYOR.

Note: Amendment to sewerage easement over Lot 6087 vide Field Book Private Survey 71/13-14 and File S1585/35.
Sullivan 19-9-78
ASSISTANT CHIEF DRAFTSMAN

NOTE: All spikes at 3-3 feet unless otherwise shown.

SURVEYOR'S CERTIFICATE I hereby Certify that this survey was performed by me and/or under my immediate supervision in strict accordance with the Licensed Surveyors Regulations that on the 20-12-1968 I completed the survey and that the plan is in all respects accurate. 20-12-1968 Date [Signature] Licensed Surveyor.	File No. S1585, AL 672 Instruction No. Field Book No. Pte. Svy. 71 Drawn on Millner Index Plan Compared with F.B. Calculation Book No. DR.4/85-94. Examined [Signature] 6/12/73	 NORTHERN TERRITORY ADMINISTRATION	LOTS 6072 - 6090 SUBDIVISION OF LOT 4593 Town of Nightcliff Hundred of Bagot County of Palmerston.	
			LEGEND Concrete Block Concrete Post Post, Peg, or Stake Spike, Pin, or Nail Fence Post	AZIMUTH A. Assumed from B200 B. Observed at and related to the Meridian of Longitude. C. From Latitude Datum derived at
Survey Approved 17-12-73 Date [Signature] Surveyor-General.	Passed 14/12/73 Date [Signature] Chief Drafting Officer.			

COPY TO L.T.O. 14-11-78. 20-12-85.



Development Consent Authority

Northern Territory

GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6044
Email: development.consentauthority@nt.gov.au

In reply please quote: PA2024/0126

Maria Pajarillo
mmp@goldbox.com.au

Dear Mrs Pajarillo

LOT 6079 (23) KELSEY, CRESCENT, MILLNER, TOWN OF NIGHTCLIFF

You are hereby advised that the Darwin Division of the Development Consent Authority, at its meeting on Friday 19 July 2024 resolved, pursuant to section 46(4)(b) of the *Planning Act 1999*, to defer consideration of the application to develop the above land for the purpose of storage room with ablutions addition to an existing dwelling-multiple with a reduced building setback to the side and rear boundaries to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

Amended site plan showing one shed on site with the following:

- 3m setback to side boundaries.
- 1m setback to the rear boundary provided that the subject wall of the shed:
 - only includes openings that are either glazed in an opaque material and cannot be opened, or have a sill height of 1.6m or greater;
 - does not extend beyond a maximum height of 3.5m; and
 - does not extend beyond a maximum length of 9m.
- Without a shower area.

REASONS FOR THE DECISION

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

The NT Planning Scheme 2020 (NTPS 2020) applies to the land. The site is located in Zone MR (Medium Density Residential) and developed with 6 x 2 bedroom multiple dwellings. The proposed application includes the construction of two storage sheds at the rear of the site to provide storage space for furnishings, cleaning materials, and tools for maintaining the property. These sheds will replace the existing storage and ablution block, which is dilapidated due to age and is no longer functional.

The Development Assessment Services (DAS) has carried out the assessment of the application against the zone purpose and outcomes of Clause 4.4 (Zone MR – Medium Density Residential) and Clauses 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.6 (Landscaping), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 5.4.6 (Private Open Space), 5.4.7 (Communal Open Space), 5.4.8 (Residential Building Design), 5.4.17 (Building Articulation), 5.4.18 (Fencing) and 5.4.19 (Residential Plot Ratio). The DAS's assessment has found that the development comply with all relevant clauses except Clause 5.4.3 (Building Setbacks of

Residential Buildings and Ancillary Structures), as below:

- 1.5m building setback and 1.1m roofline setback to the side (western) boundary, where the NTPS 2020 requires 3m building setback and 2.1m roofline setback for ancillary structures in Zone MR.
- 0m building setback and a 0m roofline setback to the rear boundary, where the NTPS 2020 requires 3m building setback and 2.1m roofline setback for ancillary structures in Zone MR.

Administratively, under sub-clause 3, the consent authority may consent to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

The Authority notes the assessment of the Development Assessment Services (DAS), which concludes that the proposal includes a 0m setback variation to the rear boundary (where 3m is required) that affects a significant portion of the rear boundary. It is approximately 16.1m of the 22.1m boundary, 73% of the boundary length. As no setback is provided, a firewall is proposed, which has a maximum height of 3.9m. The Authority further notes that proposed additions are likely to result in adverse building massing when viewed from adjoining land due to their large size without any treatment. Furthermore, a 1m gap provided in the design provides less opportunity for breeze penetration as the storage additions occupy the majority of the rear site.

The Authority notes the purpose of Zone MR is to provide a range of mid-rise housing options close to community facilities, commercial uses, public transport or open space, where reticulated services can support medium density residential development. The relevant Zone MR outcomes include: **Building design, site layout and landscaping provides a sympathetic interface to the adjoining public spaces and to adjoining lots, and provides privacy and attractive outdoor spaces (bold emphasised).**

The Authority noted that the application is for storage structures that will encroach upon the minimum setback requirements. The applicant needs to justify how the application complies with the relevant regulations and will not negatively impact the surrounding environment and the neighbours. Additionally, the Authority has observed that the proposed design includes two large storerooms with separate areas for clean and dirty storage, each equipped with bathrooms. This proposal represents a significant increase in size and does not simply replace what currently exists on the site. The Authority has also noted that the NTPS 2020 allows the provision of a 15m² shed with a nil setback and that usually provides enough space for residential buildings for storage. The proposed structures exceed the setback requirements and resemble two habitable units with bathrooms that can only be accessed through the storage units.

The applicant, Ms Maria Pajarillo (Goldbox) and landowner Mr Hasan Islam attended the hearing and spoke to the application. Mr. Islam, who is based in Katherine, explained that he wants a base in Darwin to oversee the property. Initially, he proposed having two toilets - one for staff and one for himself, but later amended it to only one toilet facility in response to a notice of deferral. Mr Islam mentioned that he is replacing what already exists, and pointed out that there is currently a shower and toilet attached to the existing storage room. In response to a question from the Authority about the need for a large storage area, Mr Islam explained that the larger space is necessary to store furnishings, white goods, landscaping equipment, and tools to avoid the cost of transporting them back and forth from Katherine. The Authority also questioned the need to store landscaping equipment, considering that the site does not have a large amount of landscaping requiring maintenance.

The Authority inquired about the potential use of storage space for living purposes (dwelling) since it is equipped with shower and toilet facilities. Ms. Pajarillo mentioned that the dimensions of the storage units are unlikely to provide enough living space for use as a dwelling. Moreover, there is already a shower and toilet attached to the existing storage room, and the landowner plans to replace it with a larger area. The Authority also asked if the units have their own laundry

facilities. Ms. Pajarillo confirmed that each unit has its own laundry facilities.

Ms Marion Guppy (a member of the Authority) advised that the level of non-compliance makes it difficult for the Authority to consider, and would like to see an amended design that is smaller, respects the setback and amenity of neighbours and also used for storage purposes only rather than creating another habitable use. Ms Guppy noted that many of the submitter's concerns were about the proposal being able to be used as dwellings.

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NTPS 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to: (a) the purpose and administration clauses of the requirement; and (b) the considerations listed under Clause 1.10(3) or 1.10(4).

The Authority has considered all comments and carefully considered the applicant's response to the matters raised. The Authority is satisfied with the assessment of the DAS, which concludes that the proposed additions are likely to result in adverse building massing when viewed from adjoining land due to their large size and the proposed setback of 0m.

The Authority is not persuaded to exercise its discretion to approve a variation to the setback requirements because the proposed development does not satisfy the purpose of Clause 5.4.3 as it results in building massing and also does not meet the zone outcome as discussed under reason (1) above.

The Authority noted the DAS recommendation to alter the design and include only one storage area, which will minimise the adverse impact on the existing and future amenity of the area as a result of its reduced size and impact on the rear boundary.

The Chair advised the applicant that the Authority does not consider that their current proposal is an acceptable outcome as it does not fit within the NTPS 2020 requirements and that it has three options: either to reject the application, accept DAS's recommendations and approve the application or defer the application requesting an amended design.

Mr Islam stated that a single storage unit would not provide enough space and would not be cost-effective. Ms Pajarillo suggested postponing the application to address the concern regarding a 3m setback non-compliance.

The Authority acknowledges that NTPS 2020 does not require the provision of a storeroom in dwelling-multiple developments, but it is generally seen that such a facility exists to meet the residents' needs. In this instance, the site is developed with six dwellings-multiple pre-dated planning controls and has existing noncompliance with the development requirements, such as car parking, landscaping, private open space and communal open space. As it is not practical to provide a storeroom for each separate unit due to existing site constraints, a storeroom that can meet the collective needs of residents may be warranted.

The Authority is also mindful about the importance of setback provision and size of storage shed that commensurate with the residential character. After careful deliberation on the matter the Authority determined to defer the application to provide amended plans showing compliant side setbacks and reduced rear setback of 1m with some additional constraints to restrict the size of the shed and minimise building massing.

The Authority noted the existing development was developed pre-dated planning controls and did not provide for the need for storage facility. While the Authority determined that a reduced setback of 1m to the rear boundary may be acceptable, it should neither pre-empt full consideration of the merits of an application, nor pre-suppose a favourable decision by the Authority. In indicating that such a 1 m setback may be sufficient, the Authority was mindful of the MR zoning for the site although the land has been developed as a two-story unit, similar to

what can be built in low medium density zoning. The NTPS 2020 permits a reduced setback of 1m to the rear boundary, with additional design controls for ancillary structures in zone LMR.

The Authority acknowledges that in this case, the application was evaluated on its merits, and the Authority considered that a reduced setback to the rear boundary, may be appropriate having regard to: (a) the purpose and administration clauses of the requirement; and (b) the considerations listed under Clause 1.10(3) or 1.10(4) provided other aspects of the design comply with the NTPS 2020.


Pursuant to section 46(6) of the *Planning Act 1999*, information required in this correspondence is to be provided within 30 days of the receipt of this correspondence.

You may request the consent authority extend the time to provide the required information. A request must be made before the expiry of the period referred to in section 46(6) (i.e. within 30 days of receipt of this notice) and it must be made in writing to either address listed below:

Email: das.ntg@nt.gov.au
In person: First Floor, Energy House, 18-20 Cavenagh Street, Darwin
Post: Development Assessment Services
Department of Infrastructure, Planning and Logistics
GPO Box 1680, Darwin NT 0801

Should you require any further information on this matter, please telephone Development Assessment Services on 8999 6046.

Yours faithfully

 Digitally signed
by Amit
Magotra
Date:
2024.08.02
12:53:29 +09'30'

Amit Magotra
Delegate

02 August 2024

cc City of Darwin
Submitters



25 October 2024

Development Consent Authority
GPO Box 1680
Darwin NT 0801

PA2024/0126 Notice of Deferral Response Letter

**Address: Lot 6079 23 KELSEY CRES, MILLNER
Town of Nightcliff**

As advised by the Darwin Division of the Development Consent Authority, at its meeting on Friday 19 July 2024 resolved, pursuant to section 46(4)(b) of the *Planning Act 1999*, to defer consideration of the application to develop the above land for the purpose of storage room with ablutions addition to an existing dwelling-multiple with a reduced building setback to the side and rear boundaries to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

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- 3m setback to side boundaries.
- 1m setback to the rear boundary provided that the subject wall of the shed:
 - only includes openings that are either glazed in an opaque material and cannot be opened or have a sill height of 1.6m or greater;
 - does not extend beyond a maximum height of 3.5m; and
 - does not extend beyond a maximum length of 9m.
- Without a shower area.

Proposed Additional information & Amendments

The owner of the property would like to request for a variation or an alternative solution to the abovementioned requirements. We are hoping to get consideration on the changes as per attached plan.

The amended plans now show the proposed storage rooms above each other as the owner of the property genuinely requires both storages. As previously mentioned, the dirty storage room will be used for maintenance supplies and equipment. The proposed clean storage room will be used to store furnishings and appliances. The storage side setbacks are now more than 3 meters. The western side has setbacks of 7.8 meters from ground level and 9.3 from the first floor to the boundary. The eastern side has a setback of 4.8 meters to the boundary. The proposed rear setback is now 1.5 meters which would no longer require a firewall as per building code requirements. The ground floor storage is not more than 8 meters long and the first-floor storage is 9.5 meters long. The first-floor storage access is from the existing stairs and balcony. The existing balcony will be extended so it will not block the existing breezeway. Storage rooms are now smaller in area resulting to only 25 sqm for the ground storage and 29 sqm for the first-floor storage.

The proposed additions wall and roof will also follow the existing building to maintain its character and appearance. The extra roof and wall extension from the existing building will also be lower in terms of its current overall height.

The windows/openings are all have a sill height of 1.6 meters for some lighting and ventilation. This will also prevent overlooking to neighbours. As noted on the amended plans, the proposed walls are rendered and painted with the same current colour scheme with feature wall tiles to provide additional aesthetics from the street and adjacent properties.

The proposed storage rooms don't have shower areas as noted. A sink is provided on the dirty storage room for washing hands, tools and equipment. The clean storage room is provided with the toilet and sink since it is cheaper to place it above than below. As previously mentioned, the toilet is for the owner and staff use or people working on site.

With regards to use of the storage rooms, the owner of the property would like to reiterate the following points emphasizing that the proposed storerooms are not just a matter of convenience but a necessary aspect of managing and maintaining a high-quality residential property.

1. **Storage of Furnishings and Appliances:** Since the six apartments will be fully furnished, the storeroom is necessary to store extra furniture, appliances, and other large items. This ensures that replacements are readily available when needed, reducing downtime for tenants.
2. **Maintenance Supplies and Equipment:** A larger storeroom allows for the storage of maintenance tools, cleaning supplies, and equipment required for the upkeep of the apartments. This is especially important in a multi-unit property to ensure that maintenance can be carried out promptly.
3. **Efficient Use of Space:** A well-organized, spacious storeroom enables the efficient categorization and easy access to items. This not only saves time during maintenance but also prolongs the lifespan of stored items by keeping them in proper conditions.
4. **Future-Proofing:** As tenant needs or regulations evolve, having a larger storeroom ensures that the property can adapt to these changes without requiring additional storage space, which could be more costly or impractical later.
5. **Emergency Preparedness:** A large storeroom can also be used to store emergency supplies, such as backup TV Fridge, washing machine etc., or essential repair materials. This is crucial for ensuring tenant safety and meeting regulatory requirements.

In conclusion:

The proposed amended storage room additions with regards to the non-compliance to clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), we are now seeking only a variation to the rear setback of 1.5 meters instead of 3 meters and at least 1.2 meters roofline setback for ancillary structures in zone MR. The side setbacks both comply with the required setbacks.

The amended plans also ensure that residential buildings and ancillary structures are in a manner that:

(a) is compatible with the streetscape and surrounding development including residential buildings on the same site

The proposed storage rooms will follow the current design i.e., wall and roof finish, colour and build. Additional feature tiles are also proposed for additional aesthetics from the street and adjoining properties.

(b) minimises adverse effects of building massing when viewed from adjoining land and the street;

The proposed storage rooms would no longer result in adverse building massing when viewed from adjoining land the street since the proposed setbacks are less than previously proposed. The rear setback is no longer a firewall but is designed to continue the existing building form. The storage rooms are aligned vertically therefore a lot shorter from previous proposed width. Wall treatments such as similar rendering and finish with feature tile wall will also be provided to provide a positive visual impact to surrounding properties.

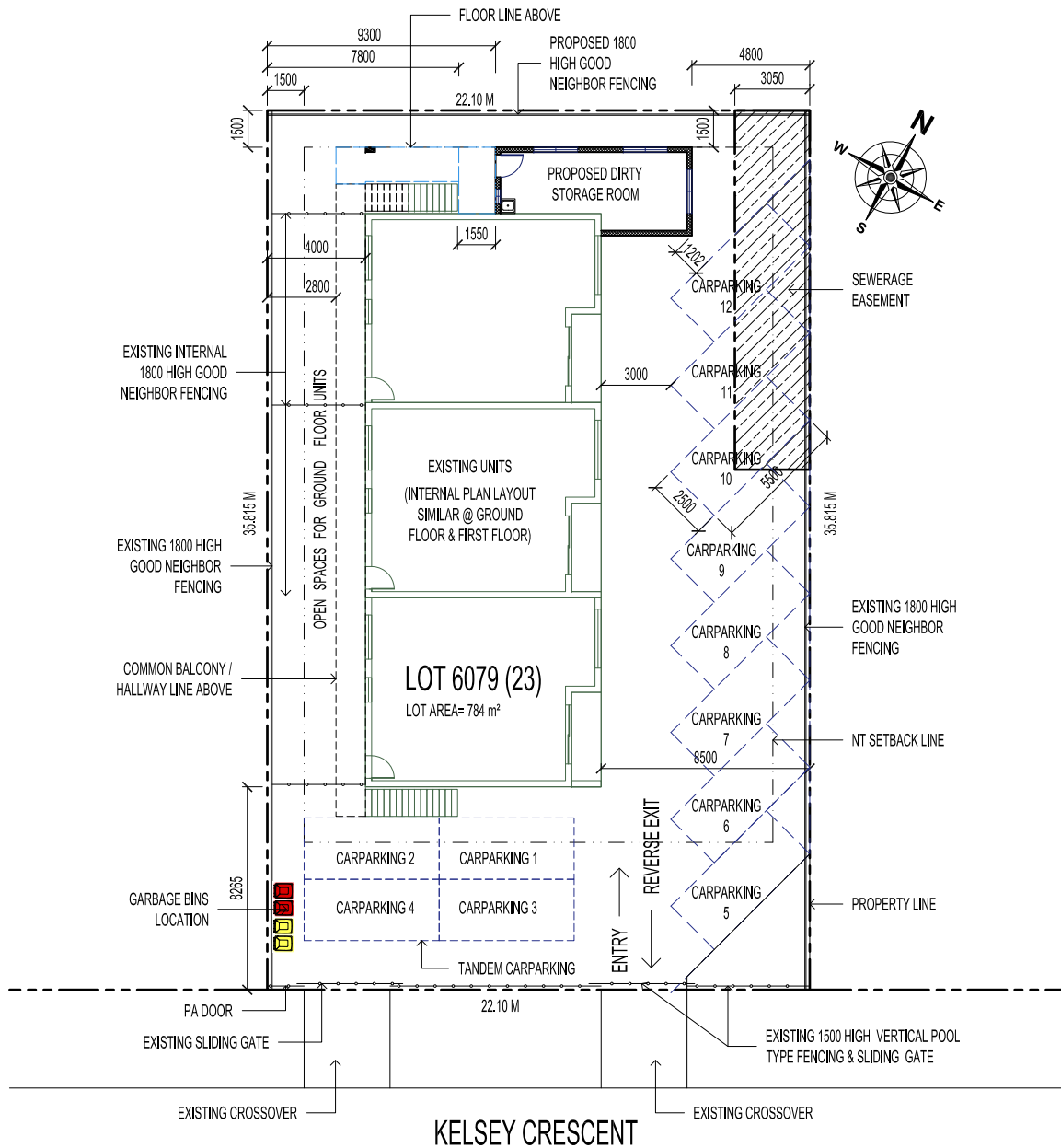


(c) avoids undue overlooking of adjoining properties; and

The proposed windows are above 1.6 meter high therefore minimising overlooking of adjoining properties. These were provided for some ventilation and natural lightning during daytime. The windows act as additional wall treatments as well.

(d) facilitates breeze penetration through and between buildings

As previously noted, the proposed amended plans now have appropriate side setbacks and 1.5-meter rear setback therefore not requiring massive firewalls. The proposed storage rooms in terms of width no longer covers the majority of the rear site providing enough breeze penetration.

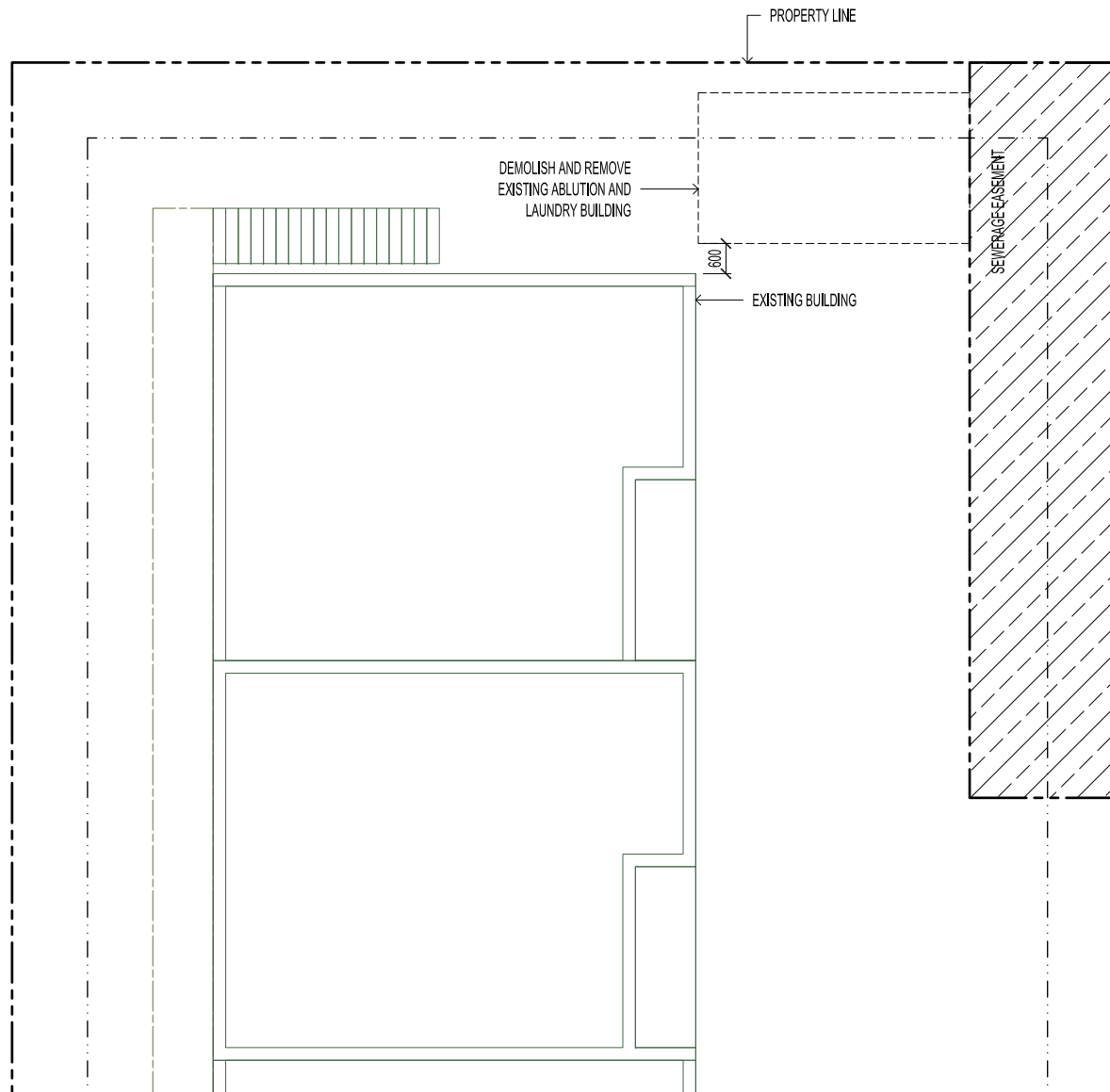


1 | SITE PLAN

Scale: 1:200

PROJECT TITLE	
PROPOSED STORAGE ROOMS	
LOCATION	
LOT 6079 (23) KELSEY CRES MILLNER	
CLIENT	
HASAN ISLAM	
SHEET CONTENTS	
SITE PLAN	
DRAWN BY	DATE DRAWN
MP	05/04/2024
SHEET SIZE	DWG. NO.
A3	H266-S01
REV. NO.	REV. DATE
A6	25/10/2024





1 | DEMOLITION PLAN

Scale: 1:100

PROJECT TITLE
PROPOSED STORAGE
ROOMS

LOCATION
LOT 6079 (23) KELSEY CRES
MILLNER

CLIENT
HASAN ISLAM

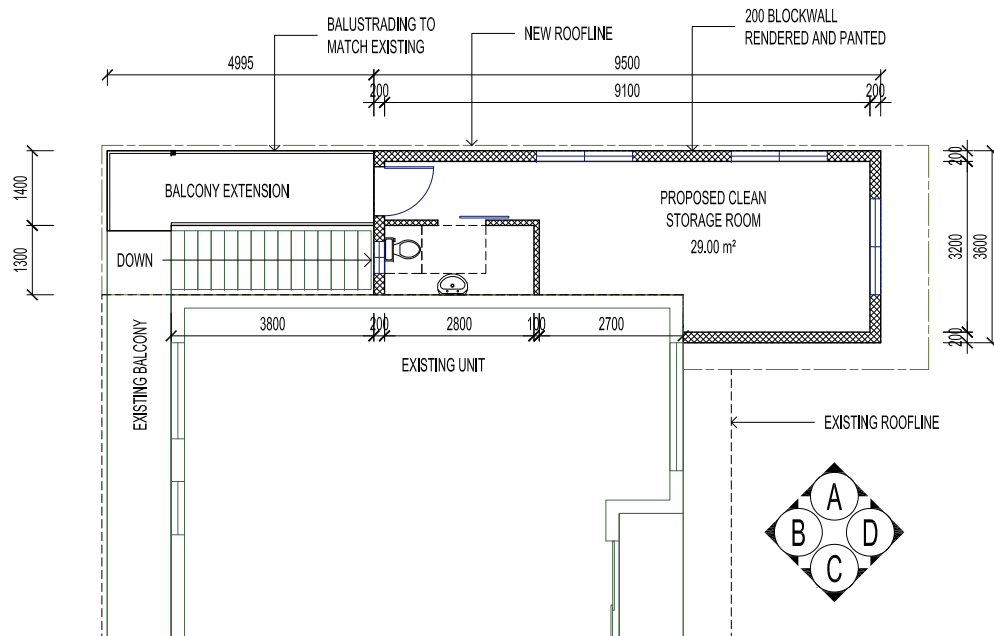
SHEET CONTENTS
DEMOLITION PLAN

DRAWN BY MP	DATE DRAWN 05/04/2024
SHEET SIZE A3	DWG. NO. H266-S02
REV. NO. A6	REV. DATE 25/10/2024

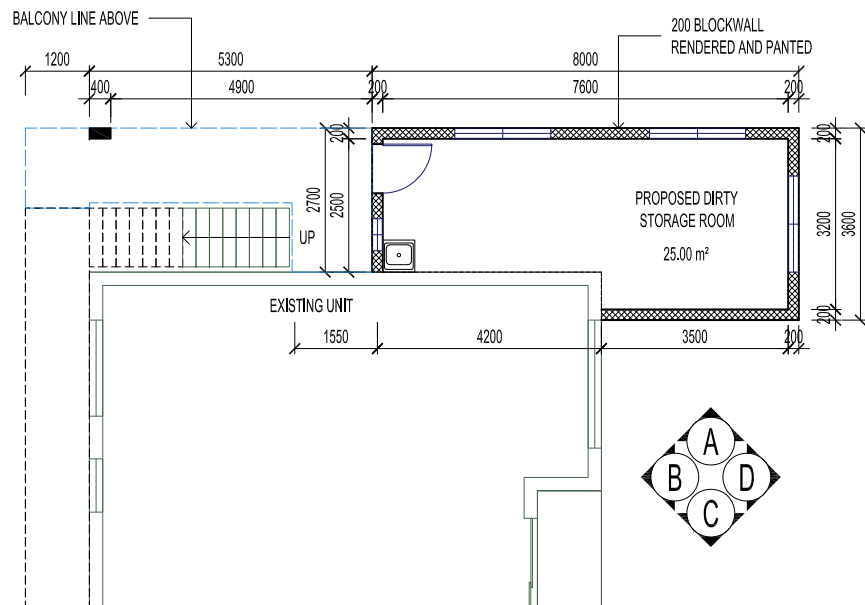


mob.: 0419178263

email: mmp@goldbox.com.au



2 | FIRST FLOOR PLAN
Scale: 1:100



1 | GROUND FLOOR PLAN
Scale: 1:100

CONSTRUCTION NOTES:

- CHECK AND VERIFY ALL DIMENSIONS AND LEVELS PRIOR TO COMMENCING ANY SITE WORK AND ANY DISCREPANCIES SHOULD BE VERIFIED ON SITE AND MUST BE RESOLVED BEFORE ORDERING OR FABRICATION.
- SITE DIMENSIONS SHOULD TAKE PREFERENCE OVER SCALED DRAWINGS AND IF THERE ARE ANY DIMENSION CHANGES, THEY SHOULD BE REFERRED TO THE BUILDING DESIGNER FOR CONFIRMATION OF FINAL DESIGN.
- BUILDER SHALL CONFIRM EXISTING BOUNDARY LINE AND FENCE LOCATION AND ENSURE THAT WORKS DOES NOT ENCRoACH BOUNDARY LINES OR ADJACENT PROPERTIES. IT IS RECOMMENDED TO DO SITE SURVEY OF THE PROPERTY IF UNSURE OF PROPERTY BOUNDARIES.
- SITE PREPARATION TO COMPLY WITH THE BUILDING CODE SITE PREPARATION DETAILS.
- BUILDER TO CHECK UNDERGROUND SERVICES PRIOR TO SET OUT.
- WHERE REFERENCE IS MADE TO DTC STANDARDS, THIS REFERS TO THE DEEMED TO COMPLY STANDARDS PREPARED AND APPROVED BY THE DEPARTMENT OF PLANNING AND INFRASTRUCTURE - BUILDING ADVISORY COMMITTEE.
- FINISHES TO BE NOTED ON THE DRAWINGS UNLESS NOTED OTHERWISE OR CAN BE SELECTED BY CLIENTS OR CONFIRMED BY BUILDER.
- PROPRIETY MATERIALS SHOULD BE DESIGNED AND CERTIFIED BY THE MANUFACTURER AND CERTIFICATES OF DESIGN AND INSTALLATION TO BE PROVIDED TO CERTIFIER AS REQUIRED.
- THE BUILDER SHOULD BE RESPONSIBLE FOR THE STRUCTURE DURING ERECTION AND SHALL PROVIDE ADEQUATE PROPPING AND SUPPORT.
- ALL WORKMANSHIP TO BE IN ACCORDANCE WITH ANY RELEVANT AUSTRALIAN STANDARDS PREPARED BY THE STANDARDS ASSOCIATION OF AUSTRALIA.

PROPOSED NEW FLOOR AREAS	
DESCRIPTION	AREA
CLEAN STORAGE ROOM	29.00 M ²
DIRTY STORAGE ROOM	25.00 M ²
BALCONY EXTENSION	7.20 M ²
TOTAL	61.20 M²

PROJECT TITLE
PROPOSED STORAGE ROOMS

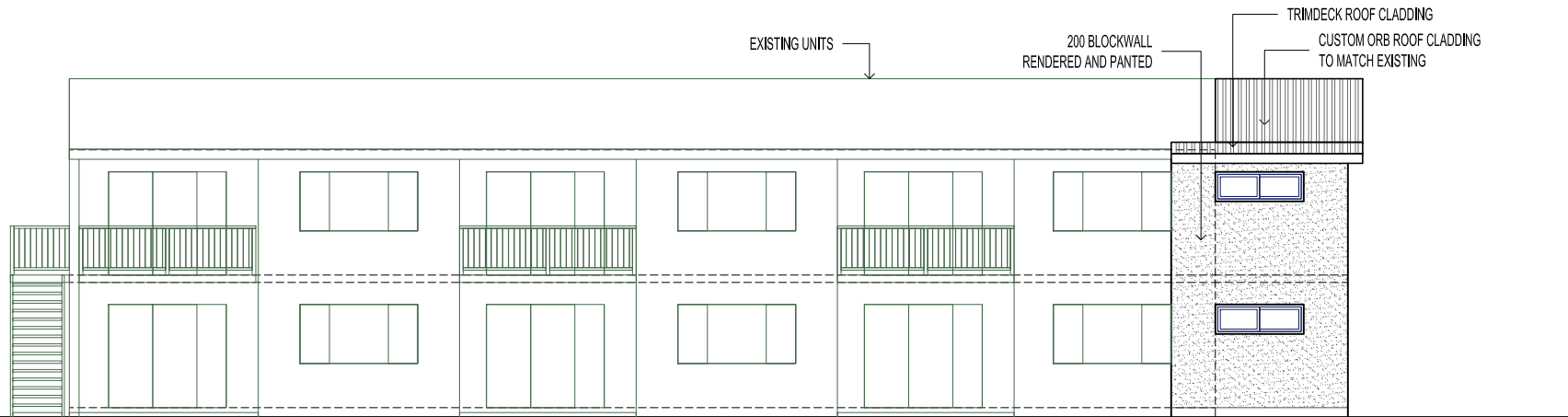
LOCATION
LOT 6079 (23) KELSEY CRES MILLNER

CLIENT
HASAN ISLAM

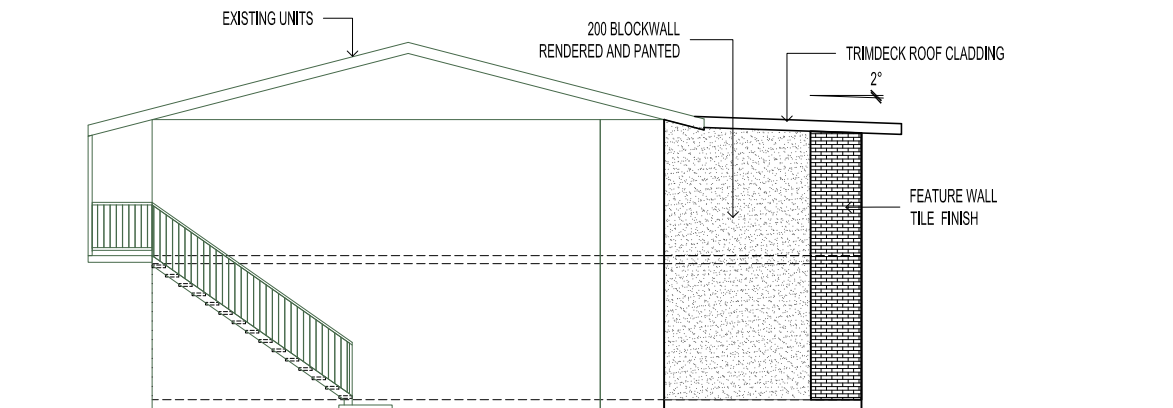
SHEET CONTENTS
FLOOR PLAN

DRAWN BY MP	DATE DRAWN 05/04/2024
SHEET SIZE A3	DWG. NO. H266-S03
REV. NO. A6	REV. DATE 25/10/2024





2 | ELEVATION B
Scale: 1: 100



1 | ELEVATION A
Scale: 1: 100

PROJECT TITLE
PROPOSED STORAGE
ROOMS

LOCATION
LOT 6079 (23) KELSEY CRES
MILLNER

CLIENT
HASAN ISLAM

SHEET CONTENTS
ELEVATIONS

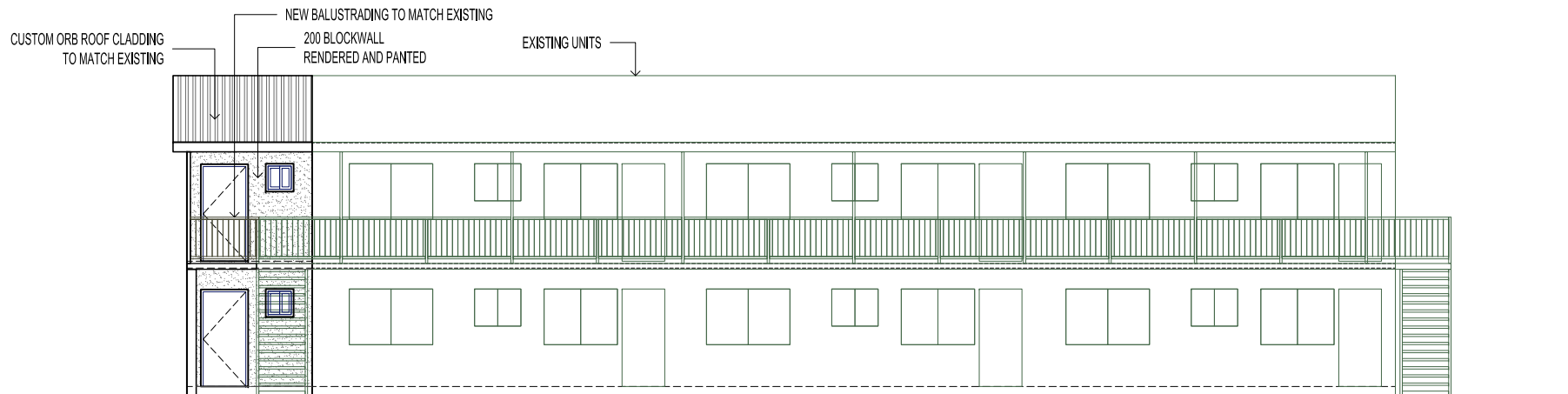
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SHEET SIZE A3	DWG. NO. H266-S04
REV. NO. A6	REV. DATE 25/10/2024



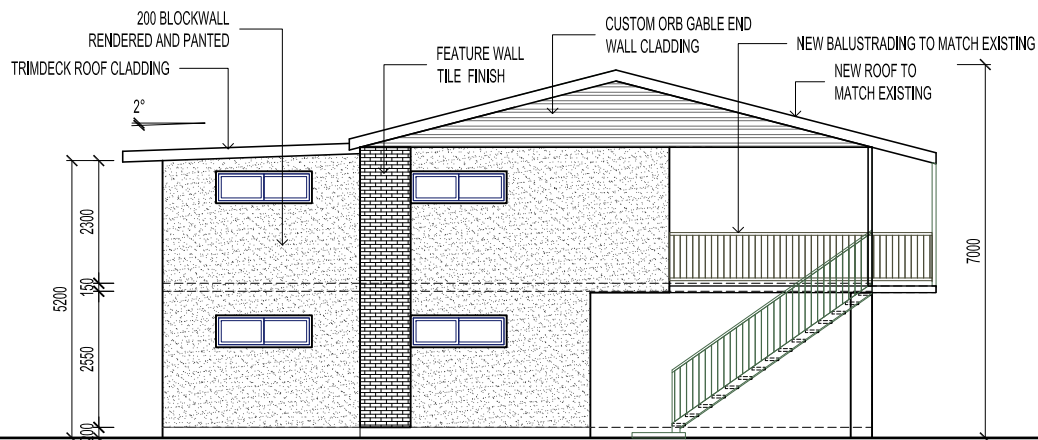
email: mmp@goldbox.com.au

mob.: 0419178263

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2 | ELEVATION D
Scale: 1: 100



1 | ELEVATION C
Scale: 1: 100

PROJECT TITLE
PROPOSED STORAGE
ROOMS

LOCATION
LOT 6079 (23) KELSEY CRES
MILLNER

CLIENT
HASAN ISLAM

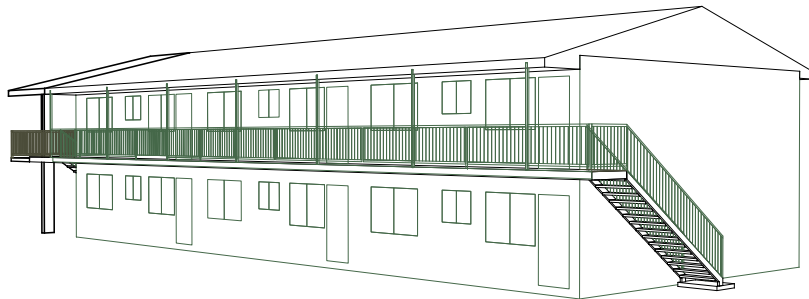
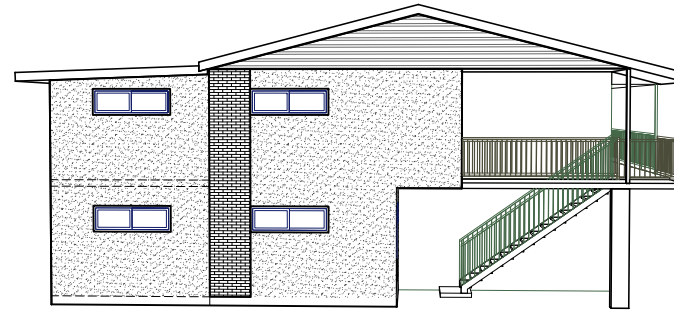
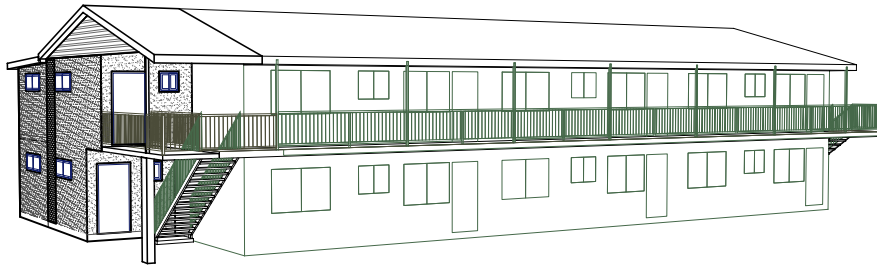
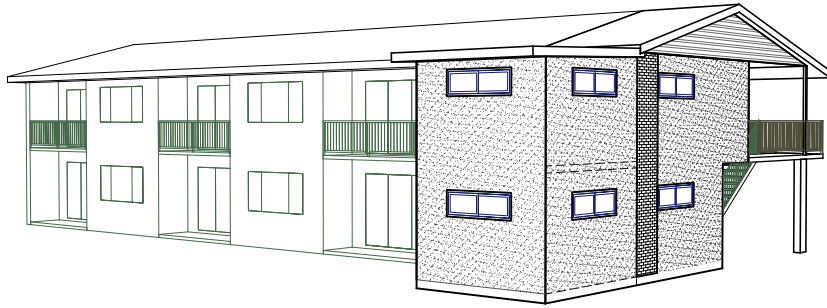
SHEET CONTENTS
ELEVATIONS

DRAWN BY MP	DATE DRAWN 05/04/2024
SHEET SIZE A3	DWG. NO. H266-S05
REV. NO. A6	REV. DATE 25/10/2024



email: mmp@goldbox.com.au

mob.: 0419178263



PROJECT TITLE
PROPOSED STORAGE
ROOMS

LOCATION
LOT 6079 (23) KELSEY CRES
MILLNER

CLIENT
HASAN ISLAM

SHEET CONTENTS
PERSPECTIVES

DRAWN BY MP	DATE DRAWN 05/04/2024
SHEET SIZE A3	DWG. NO. H266-P01
REV. NO. A6	REV. DATE 25/10/2024



email: mmp@goldbox.com.au
mob.: 0419178263

Technical Assessment PA2024/0126

TECHNICAL ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST RELEVANT PROVISIONS OF THE NORTHERN TERRITORY PLANNING SCHEME 2020

Application No:	PA2024/0126
Lot number:	Lot 6079 (23) Kelsey Cres, Millner
Town/Hundred:	Town of Nightcliff
Zone:	MR (Medium Density)
Site Area:	791m ²
Proposal:	Addition (storage rooms with ablutions) to an existing dwelling-multiple with a reduced building setback to the rear boundary
Plans used for assessment:	23 Kelsey Store Rooms- PA2024-0126 Notice of Deferral Response Letter.pdf (statement of effect); H266-A6.pdf (dimension plans)
Date assessment finalised:	29 November 2024

The proposed development requires consent under the Northern Territory Planning Scheme 2020 as described in the below table:

Zone MR (Medium Density)				
Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Additions to Dwelling-Multiple	Merit assessable	N/A	5.2.1 General Height Control 5.2.4 Car Parking 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR	5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures 5.4.6 Private Open Space 5.4.7 Communal Open Space 5.4.8 Residential Building Design 5.4.17 Building Articulation 5.4.18 Fencing 5.4.19 Residential Plot Ratio

Clause 1.8(1)(b)(i)

(b) Merit Assessable – use and development that requires the exercise of discretion by the consent authority to ensure it can be established and operated in a way that does not impact on the amenity of the area and accords with the relevant zone purposes and outcomes.

Use and development of land requires consent and is Merit Assessable when any of the following apply:

i. it is shown as Merit Assessable on the relevant assessment table in Part 4;

Clause 1.10 Exercise of Discretion by the Consent Authority

3. In considering an application for consent for a use or development identified as Merit Assessable the consent authority must take into account all of the following:

- (a) the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
- (b) any Overlays and associated requirements in Part 3 that apply to the land; and
- (c) the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6.

This is a technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme 2020 (NTPS2020) and is no indication of whether or not approval will be given by the consent authority.

3. Overlays

There are no overlays that apply to the site.

NOT APPLICABLE

4.4 Zone MR – Medium Density Residential

Zone Purpose

Provide for a range of mid-rise housing options close to community facilities, commercial uses, public transport or open space, where reticulated services can support medium density residential development.

Zone Outcomes

1. *Predominantly medium density residential developments generally not exceeding four storeys.*
2. *Home based businesses and dwellings-community residence are operated in a manner consistent with residential amenity.*
3. *Residential care facilities are of a scale and operated in a way that is compatible with the character and amenity associated with medium density residential development.*
4. *Non-residential activities, such as child care centre and community centre:*
 - (a) *support the needs of the immediate residential community;*
 - (b) *are of a scale and intensity compatible with the residential character and amenity of the area;*
 - (c) *wherever possible, are co-located with other non-residential activities in the locality;*
 - (d) *avoid adverse impacts on the surrounding road network; and*
 - (e) *are managed to minimise unreasonable impacts on the amenity of surrounding residents.*
5. *Building design, site layout and landscaping provide a sympathetic interface to the adjoining public spaces and to adjoining lots, and provides privacy and attractive outdoor spaces.*
6. *An efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks and with convenient access to open space, community and educational facilities.*

Assessment

The site is developed with dwelling-multiple consisting of 6, two-bedroom dwellings in a two storey building. 3 units are located at the ground floor and the other 3 on the first floor. The building is existing from 1977. The proposal is for single storey additions to the existing residential building and includes 2 storage rooms with ablutions. Further regard is given to building design and landscaping in the clauses below.

COMPLIES

5.2.1 General Height Control

Purpose

Ensure that the heights of buildings and structures are appropriate to the strategic and local context of the location and meet community expectations for development in the zone.

Administration

1. This clause does not apply if:
 - (a) The development is for the purpose of:
 - i. a telecommunications facility;
 - ii. a chimney, flag pole, aerial, antenna or lightning rod; or
 - iii. the housing of equipment relating to the operation of a lift; or
 - (b) an alternative height control is specified in clause 5.9 (Location specific development requirements).
2. The consent authority must not consent to a development in Alice Springs that is not in accordance with sub-clause 5.
3. The consent authority must not consent to a development on land in Zone MR abutting land in Zone LR that is not in accordance with sub-clause 6.
4. Except as set out in sub-clause 3, the consent authority may consent to a development that is not in accordance with sub-clause 6 if it is satisfied the building height is consistent with the intended character and amenity of the area, having regard to:
 - (a) the heights of other buildings in the immediate vicinity; and
 - (b) measures taken to mitigate potential impacts (such as unreasonable overshadowing, or overlooking of dwellings and private open space) on abutting properties.

Requirements

5. The building height of a development in the Municipality of Alice Springs is not to exceed:
 - (a) the maximum building height for the zone and use as specified in table A to this clause; or
 - (b) two storeys to a maximum of 8.5m if the zone and use is not included in table A to this clause.
6. The building height in all other areas is not to exceed:
 - (a) the maximum building height for the zone and use as specified in table B to this clause; or
 - (b) two storeys to a maximum of 8.5m if the zone and use is not included in table B to this clause.

Table B to clause 5.2.1: Height control outside Alice Springs		
Zone	Use	Maximum building height above ground level
MR	Development on a site in zone MR abutting a site in Zone LR	3 storeys
	Development on a site that is: <ul style="list-style-type: none"> • within the boundaries of the Darwin Inner Suburbs Area Plan or Darwin Mid Suburbs Area Plan; and has frontage to a street with a reservation width not exceeding 18m on the opposite side of which is a site in Zone LR.	3 storeys
	All other uses	4 storeys

Assessment

The subject lot is in Zone MR and is adjacent to other lots in Zone MR. The application falls under 'all other uses' which has a maximum building height of 3 storeys. The proposed additions have a height of approximately 5.2m (2 storeys). As such, it complies with this clause.

COMPLIES

5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures

Purpose

Ensure that residential buildings and ancillary structures are located in a manner that:

- (a) is compatible with the streetscape and surrounding development including residential buildings on the same site;
- (b) minimises adverse effects of building massing when viewed from adjoining land and the street;
- (c) avoids undue overlooking of adjoining properties; and
- (d) facilitates breeze penetration through and between buildings.

Administration

1. This clause does not apply in Zones CB, LI, GI and DV.
2. In this clause:
 - (a) an ancillary structure includes an outbuilding (excluding shade sails), balcony, portico and the like, which may or may not include external walls; and
 - (b) for all developments except dwellings-multiple in Zone MR or HR, where a lot has a boundary with a public street from which vehicular access to the lot is restricted by the controlling Agency or local government council, this boundary shall be considered a side or rear lot boundary for the purpose of calculation of the building setback.
3. The consent authority may consent to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.
4. If a building setback plan in Schedule 9 does not establish a specific setback to a nominated boundary, residential buildings and ancillary structures are to be set back from that boundary in accordance with sub-clause 6(a) or clause 5.4.3.3 as appropriate.
5. Despite sub-clause 6 sheds in Zones other than H, A, RR, RL and R may have a nil setback to the side and rear boundaries provided it is
 - (a) 6m or more from the primary street and 2.5m or more from a secondary street when measured to the wall of the shed or where there is no wall, the outer face of any column;
 - (b) has a cumulative floor area of 15m² or less;
 - (c) is 2.5m or less in height;
 - (d) has no openings in walls that are less than 1.5m from a lot or unit title; and
 - (e) does not discharge rainwater on an adjacent lot or unit title.

Requirements

6. Subject to clause 5.2.7, building setbacks of residential buildings and ancillary structures are to be set back from lot boundaries in accordance with:
 - (a) the relevant table to this clause; or
 - (b) any setbacks established in a building setback plan that is included in Schedule 9.
 7. Where a zero or 300mm setback is identified on a building setback plan in Schedule 9, a zero or 300mm setback can only be established to the boundary nominated on the setback plan.
-

8. Unless detailed in a table to this clause or within a building setback plan in Schedule 9, no part of the roof structure, including gutters and eaves, is to encroach more than 0.9m into the minimum building setbacks (subject to the Building Code of Australia) from the lot boundaries.

Table B to Clauses 5.4.3: Minimum building setbacks for residential buildings, ancillary structures and balconies in Zones MR and HR			
Lot Boundary	Minimum Setback for first four storeys above ground level	Minimum Setback above first four storeys above ground level	Minimum setback for roofline
Primary street frontage	6m for residential buildings and ancillary structures 3m for balconies	9m for residential buildings 6m for balconies	2.1m - provided that no supporting member is located within 6m of the boundary
Secondary street frontage	4.5 m for residential buildings and ancillary structures 1.5m for balconies	7.5m for residential buildings 4.5m for balconies	2.1m - provided that no supporting member is located within 4.5m of the boundary
Side and rear lot boundaries	3m for residential buildings, ancillary structures and balconies	6m for residential buildings 4.5m for balconies	2.1m

Assessment

Table B to Clauses 5.4.3: Minimum building setbacks for residential buildings, ancillary structures and balconies in Zones MR and HR				
Lot Boundary	Minimum Setback for first four storeys above ground level	Minimum setback for roofline	Proposed Setback	Compliance
Primary street frontage (Kelsey Crescent)	6m for residential buildings and ancillary structures 3m for balconies	2.1m - provided that no supporting member is located within 6m of the boundary	N/A - Existing setback	N/A
Side (eastern) boundary	3m for residential buildings, ancillary	2.1m	4.8 m building setback- measured to proposed additions. 4.8 m roofline setback- measured to proposed additions.	Complies
Side (western) boundary			9.3m building setback- measured to proposed additions. 4m roofline setback- measured to proposed additions.	Complies
Rear			1.5m building setback- measured to proposed additions. ~1.4m roofline setback- measured to proposed additions.	Does not comply

Assessment

The proposed additions do not comply with the side (western) boundary and rear setback requirements as detailed in the table above.

DOES NOT COMPLY – Variation sought to the rear setback requirement.

5.4.8.2 Building Design for Dwelling-multiple

Purpose

Promote site-responsive design of dwellings-multiple that provides a sympathetic interface with the streetscape and surrounding dwellings, is climatically appropriate and provides a pleasant living environment for the occupants.

Administration

1. *A development application must, in addition to the matters described in sub-clauses 8-15, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide in Schedule 5.*
2. *The consent authority may consent to a development that is not in accordance with sub-clauses 8-9 if it is satisfied that it is consistent with the purpose of the clause.*
3. *The consent authority may consent to a development that is not in accordance with sub-clause 10 if it is satisfied that the development facilitates safe and convenient pedestrian movement through the site.*
4. *The consent authority may consent to a development that is not in accordance with sub-clause 11 if it is satisfied that all reasonable measures have been taken to mitigate potential noise impacts on habitable rooms within the site.*
5. *The consent authority may consent to a development that is not in accordance with sub-clause 12 if it is satisfied that car parking areas, services and utilities, and bin storage areas are appropriately concealed or integrated into the development to minimise visual impacts.*
6. *The consent authority may consent to a development that is not in accordance with sub-clauses 13 and 14 if it is satisfied that the balcony design allows for sufficient breeze penetration and limits the appearance of building massing when viewed from the public domain.*
7. *The consent authority may consent to a development that is not in accordance with sub-clauses 15 if it is satisfied the development prevents run-off from balconies to adjoining private open space, communal open space and dwellings below.*

<u>Requirements</u>	<u>Assessment</u>
8. <i>Doors and openable windows are to provide natural cross ventilation opportunities to habitable rooms.</i>	N/A – The proposed additions are for storage rooms and do not include habitable rooms. As such, this sub-clause is not considered applicable.
9. <i>Building design is to minimise the expanse of blank walls facing the street and public open spaces and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.</i>	COMPLIES – The proposal is located at the rear of the site and does not include blank walls facing the street or public open space.
10. <i>Development is to provide legible entry points and clear and direct pathways for pedestrians from the street and to all buildings on the site.</i>	COMPLIES – The proposal will result in an increased path distance for users utilising the rear stairwell, however, this is not considered unreasonable.
11. <i>Development is to minimise the transmission of noise and exhaust from services by:</i>	N/A – The proposal is for storage additions and does not include lift shafts or air conditioner plants

<u>Requirements</u>	<u>Assessment</u>
<p>(a) locating lift shafts away from habitable rooms, or by using other noise attenuation measures; and</p> <p>(b) locating air conditioner plants away from openings in habitable rooms.</p>	<p>near habitable rooms. As such, this sub-clause is not considered applicable.</p>
<p>12. Development is to include screening to:</p> <p>(a) car parking areas at or above ground level (excluding access points) to the public domain, using materials that have a maximum visual permeability of 50%;</p>	<p>N/A – No changes proposed to the existing car parking area.</p>
<p>(b) services and utilities (such as servicing ducts and air conditioning units) to the public domain and neighbouring properties, using materials that have a maximum visual permeability of 50%; and</p>	<p>N/A – No servicing ducts or air conditioner units are shown on the plans. The rear wall includes four windows, and a painted blockwall with central, vertical feature wall tile finish to 5.2m, facing the rear property boundary.</p>
<p>(c) bin storage areas to the public domain, using solid materials and/or landscaping.</p>	<p>N/A – No changes proposed to the existing bin storage area.</p>
<p>13. Balconies are to provide at least:</p> <p>(a) One side without an external wall; and</p> <p>(b) One side without an external wall for more than 50% of the length of that side.</p>	<p>N/A – Although the proposal includes an extension to the first floor walkway, this is not considered to be a balcony for the purpose of this clause. As such, this clause is not considered applicable.</p>
<p>14. Full-height privacy screening on balconies is not to exceed 25% of the length the balcony that faces a street.</p>	
<p>15. Buildings are to provide internal drainage of balconies.</p>	

COMPLIES

5.4.17 Building Articulation

Purpose

Ensure that residential buildings mitigate the perception of building mass and bulking when viewed from adjoining properties and the street, and provide opportunities for cross-ventilation within building design.

Administration

1. This clause applies to all sides of residential buildings that are longer than 15m, except the ground floor of buildings in Zone CB.
2. The consent authority may consent to a development that is not in accordance with sub-clause 4 only if it is satisfied it is consistent with the purpose of this clause.
3. The length of the building excludes verandahs, balconies, porches and carports integrated into the residential building design.

Requirements

4. A step or recess to the building line of no less than 1m by 1m is required for every 15m of building length, or part thereof.

Assessment

The proposed additions will result in a building width of 9.1 m. As such, this clause is not applicable

NOT APPLICABLE



Civic Centre
Harry Chan Avenue
Darwin NT 0800

GPO Box 84
Darwin NT 0801

P 08 8930 0300
E darwin@darwin.nt.gov.au

To:

Please Quote: PA2024/0126

Mr Amit Magotra
Manager Urban Planning
Department of Infrastructure, Planning & Logistics
GPO Box 1680
DARWIN NT 0801

31 May 2024

Dear Mr Magotra

Parcel Description: **Lot 6079 Town of Nightcliff**
23 Kelsey Crescent, Millner

Proposed Development: **Addition (storage rooms with ablutions) to an existing dwelling-multiple with a reduced building setback to the rear boundary**

Thank you for the development application referred to this office 24 May 2024, concerning the above.

The following issues are raised for consideration by the Development Consent Authority (Authority):

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

City of Darwin requests that the Authority require an engineered plan completed by a suitably qualified civil engineer. The plan is to demonstrate the on-site collection of stormwater, surface levels and its discharge into the local underground stormwater drainage system be submitted to, and be approved by City of Darwin, prior to the stormwater condition precedent being cleared.

The plan shall include details of site levels, City of Darwin's stormwater drain connection point/s and connection details.



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

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

If you require any further information in relation to this application, please feel free to contact City of Darwin's Innovation Team on 8930 0300 or darwin@darwin.nt.gov.au

Yours sincerely

Signed by:

9D80B38B8E4223EB

ALICE PERCY
GENERAL MANAGER INNOVATION



Phone 1800 245 092

Web powerwater.com.au

Record No: D2024/243109

Container No: NE550/6079

Your Ref: PA2024/0126

Monica Pham
Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Monica

Re: Lot 6079 (23) Kelsey Crescent Millner Town of Nightcliff

In response to your letter of the above proposal for the purpose of addition (storage rooms with ablutions) to an existing dwelling-multiple with a reduced building setback to the rear boundary, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. The landowner (K Food Land P/L) shall engage a licensed electrician to install applicable electrical installations for the proposed storage rooms in accordance with PWC's current NP003-Installation Rules and NP007-Service Rules.

If you have any further queries, please contact Andrew Venhuizen, Senior Customer Connections Officer on 8924 5700.

Yours sincerely



Thanh Tang
Manager Distribution Development

26 June 2024



Container No: LD550/6079

DIPL - Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Monica,

RE: PA2024/0126 – Lot 6079 Town of Nightcliff – 23 Kelsey Crescent Millner – Storage room additions with reduced setback

In response to the above proposal for development application purposes, Power and Water Corporation (Water Services) advise the following with reference to water and sewer enquiries:

1. The existing sewerage easements within Lot 6079 is still required. Structures must not be located on or over a water supply or sewerage easement, or where no easement exists (such as within a road) within 1.5 metres of the centreline of water and/or sewer main infrastructure.
2. No structures are to be located on, over or within 1.5 metres of a Power and Water Sewer Inspection Opening (IO) connection point.
3. Power and Water advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) must be contacted via email a minimum of 1 month prior to construction works commencing.

If you have any further queries, please contact the undersigned on 8995 5884, or email waterdevelopment@powerwater.com.au

Yours sincerely,

A handwritten signature in cursive script that reads "L Galey".

Louise Galey

Services Development

7th June 2024

cc: Maria Pajarillo - Goldbox
email: mmp@goldbox.com.au