

**DEVELOPMENT CONSENT AUTHORITY
DARWIN DIVISION**

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: **1** **MEETING DATE:** 03/07/2026 **FILE:** PA2026/0165

APPLICATION PURPOSE:	Dwelling-multiple (14 x 2 bedroom) in a three storey building
SUBJECT SITE:	Lot 1861 (85) Progress Dr, Nightcliff, Town of Nightcliff
ZONE:	MR (Medium Density Residential)
SITE AREA:	1740 m ²
APPLICANT	Cunnington Rosse Town Planning and Consulting Senior Planning Consultant - Rory Mackay
PERSONS ON WHOSE BEHALF THE APPLICATION IS MADE	Landowner
LANDOWNER	Tsougranis Developments Pty Ltd Director - Paul Tsougranis
ANY PERSON WITH AN AGREEMENT TO ACQUIRE AN INTEREST IN THE LAND	None

1. PROPOSAL

The proposal is for a dwelling-multiple (14 x 2 bedroom) in a three storey building. The site is 1740m² in area and is in Zone MR (Medium Density Residential) and is affected by the LSSS – (Land Subject to Storm Surge) overlay, with the entire site located within areas identified for secondary storm surge and the north-western and south-western corners of the site located within areas identified for primary storm surge, pursuant to the Northern Territory Planning Scheme 2020 (NTPS 2020).

The proposed development comprises:

- 14 x 2 bedroom dwellings located across the ground, first and second levels of the building.
- A 6.45m wide driveway crossover at the north-eastern corner of the primary street frontage boundary providing access to the ground level car parking area containing 28 parking spaces. A separate pedestrian entry along this frontage also provided.
- 148.78m² of landscaped area, particularly located along the site frontage and in the communal open space area.
- One communal bin storage area along the eastern side boundary, and internal common area lift and stairs.



Figure 1: Perspective View of the Proposed Development

The application was submitted by Rory Mackay from Cunningham Rosse Town Planning and Consulting on behalf of the landowner Tsougranis Developments Pty Ltd.

A location plan and a photograph of the pink exhibition sign are at **Bookmark A**, with a copy of the application provided at **Bookmark B**.

Following the exhibition period, on the 18 June 2026, the applicant submitted amended plans and written response, responding to matters raised in the technical assessment undertaken by Development Assessment Services (DAS) along with comments received from public submitters, the City of Darwin and service authorities during the exhibition period.

The amended plans and written response was circulated to public submitters and service authorities. A copy of the amended plans and the written response is provided at **Bookmark F**.

2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

An application is required for planning permission as the proposal is Impact Assessable under Clause 1.8(1)(c)(v) of the Northern Territory Planning Scheme (NTPS) 2020 as Clause 3.1(4) specifies that “*where an overlay requires consent, the following level of assessment applies: (b) if shown as Merit Assessable on the relevant assessment table in Part 4 it is Impact Assessable*”.

Zoning	Part 3 Overlay	Consent required by virtue of Overlay Requirement	Part 5 – General and Specific Development Requirements	Level of Assessment
MR (Medium Density Residential)	3.7 LSSS - Land Subject to Storm Surge	Yes	5.2.1 General Height control 5.2.4 Car Parking 5.2.6 Landscaping 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	Impact Assessable

The exercise of discretion by the consent authority that applies is clause 1.10(4).

3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should vary the requirements of Clause 3.7 (Land Subject to Storm Surge) and Clauses 5.2.4.4 (Layout of car parking areas), 5.2.6.1 (Landscaping in Zones other than Zone CB), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 5.4.7 (Communal Open Space), 5.4.8.2 (Building Design for Dwelling-multiple), and 5.4.17 (Building Articulation) of the NT Planning Scheme 2020 and approve the application subject to conditions on the development permit.

4. BACKGROUND

The site is an irregular shape with a frontage of 209.33m and a maximum depth ranging from 48m – 131.3m and also contains an electricity supply easement (3m x 1m) centrally along the primary street frontage. The site currently comprises a 2 storey apartment building with majority of the site frontage comprising hard stand car parking area and some landscaping.

To the north of the site is Progress Drive and further north, on the opposite side of the road, is a range of residential properties including single dwellings, townhouses and apartment buildings located in Zone LMR (Low-Medium Residential). To the east, is an existing 2 storey apartment development located in Zone MR and to the west, is an existing 4 storey apartment development located in Zone MR. To the south, is an existing 4 storey apartment development, located in Zone C (Commercial).

The site is located in close proximity to the existing Nightcliff shops along Progress Drive.



Figure 2: Existing Site Photos

5. PUBLIC EXHIBITION

The application was placed on public exhibition for a period of two weeks. Seven (7) public submissions were received under section 49(1) of the *Planning Act 1999*.

6. MATTERS TO BE TAKEN INTO ACCOUNT (SECTION 51 OF THE *PLANNING ACT 1999*)

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 matter including compliance with the planning scheme.

As the application is Impact Assessable the exercise of discretion by the consent authority that applies is Clause 1.10(4) (Exercise of Discretion by the Consent Authority) of the NTPS2020.

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

- (a) *any 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;*
- (c) *the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and*
- (d) *any component of the Strategic Framework relevant to the land as set out in Part 2.*

An assessment of the relevant parts of NTPS2020 is as follows:

Part 2 – Strategic Framework

Darwin Mid Suburbs Area Plan (DMSAP) 2016

The DMSAP 2016 presents guidance and policy as themes that apply across Nightcliff, Rapid Creek, Millner, Coconut Grove and portion of Ludmilla north of Ludmilla Creek, in addition to designated focus areas to address particular issues at specific locations.

The DMSAP 2016 identifies the site for:

- residential-medium density.
- identified within the extent of activity centre.

- adjoining an existing bicycle and pedestrian corridor and sub-arterial/primary transport corridor along the primary street frontage.
- the entire site located within areas identified for secondary storm surge and the north-western and south-western corners of the site located within areas identified for primary storm surge.
- structures greater than 45m require Department of Defence consent.

A summary of the assessment of applicable themes is as follows:

Residential Areas

Relevant objectives include development of multiple dwellings in a residential only setting; and a built form and landscape response that sensitively responds to the adjoining suburban residential area. The proposed development responds to the objectives and acceptable responses as follows:

- The application is for dwelling-multiple development. The land is located in Zone MR (Medium Density Residential).
- Dense landscaping with various types of shade trees and shrubs are provided along all boundaries of the lot.
- The site is well connected to the local road network and public transport, and provides sufficient on-site car parking. No adverse comments regarding traffic impacts were raised by the City of Darwin.

Activity Centres and Commercial Areas

Whilst the site is identified within the extent of activity centre, it is shown as 'Residential only' area on the Nightcliff and Coconut Grove Concept Plan and there are no additional objectives are identified.

Movement and Transport

Relevant objectives include: transport corridors that cater for the safe and efficient movement of pedestrians, cyclists, public transport and private motor vehicles; well serviced public transport corridors that provide a reliable, convenient and accessible public transport service; enhancement of higher order bicycle and pedestrian routes and the creation of green gateways along major boulevards. The proposed development responds to the objectives and acceptable responses as follows:

- The existing two separate crossovers on site have been consolidated into a single crossover located at the north-eastern corner of the site, with a dedicated pedestrian entrance provided on the western portion of the frontage. This arrangement reduces potential conflicts between vehicles and pedestrians and enhances the safe movement of all users.
- The development maintains access to existing public transport services and supports the function of the surrounding transport network.
- In addition, the proposed frontage landscaping will enhance the streetscape and contribute to the creation of a green gateway along Progress Drive as it transitions into Casuarina Drive.

Environment and Heritage

Relevant objectives includes Reduce the risk to people, damage to property and costs to the general community caused by flooding and storm surge, and acceptable responses states all development in areas affected by flooding and storm surge are to be developed in accordance with the provisions of the Northern Territory Planning Scheme, and in line with any concepts outlined within this Area Plan.

The proposed development responds to the objectives and acceptable responses noting the specific storm surge provisions of the NTPS 2020 as considered in detail below.

Part 3 – Overlays

Clause 3.7 (LSSS – Land Subject to Storm Surge)

A small portion of the western side of the site is located within the Primary Storm Surge Areas (PSSA) and the ensure site is located within the Secondary Storm Surge Areas (SSSA).



The proposed development is dwelling-multiple and does not comply with subclauses 8 to 10, where residential use should be avoided in both the PSSA and the SSSA.

Subclause 6 provides that ‘the consent authority may consent to a use or development within the PSSA that is not in accordance with sub-clauses 8-10 only if it is satisfied that the application demonstrates that there is no increased risk to people and property, including adjoining property’.

The proposed variation the requirement to avoid residential use in both the PSSA and the SSSA and requirement for consent under LSSS overlay, is appropriate for the following reasons:

- The primary storm surge inundation level is 5.52 AHD which the existing site levels, as identified on the feature survey, are raised above noting the site has a lowest point of 5.72 AHD adjacent to the northern boundary and the highest point of 6.18 AHD adjacent to the eastern boundary.
- The secondary storm surge inundation level is 6.37 AHD. To ensure no increased risk to people and property on the site, the proposed development will:

- be retained by a wall to a maximum height of 0.3 metres to achieve a raised level of 6.2 AHD across the site
- comprise a finished floor level (FFL) of 6.5 AHD to all ground level dwellings and a FFL of 6.27 AHD to 6.44 AHD for the ground level car parking area. While part of the car park is below the secondary storm surge level, it is expected to remain trafficable, with a maximum modelled inundation depth of approximately 120mm.
- In addition, a storm surge assessment prepared by MDP Engineers Pty Ltd formed part of the application and confirms 'Tidal storm surge is governed by large-scale external factors (including cyclonic events, wind set-up, tidal conditions etc.) and typically involves very large volumes of water extending across hundreds of kilometres of coastline. Consequently, hardstand areas and/or filling associated with this development will not result in any measurable increase in storm surge impacts to neighbouring properties'.

Part 4 – Zoning

Clause 4.4 (Zone MR – Medium Density Residential)

The purpose of Zone MR is to *'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'*.

The site is close to established community facilities, commercial uses, public transport, and public open space. The proposed building meets the maximum height requirement. Landscaping is provided along each lot boundary to provide privacy for residents on site and from adjoining developments. Sufficient open space is proposed to meet the applicable planning requirements and provide functional outdoor area for residents, ensuring adequate amenity and supporting on-site stormwater management. The connection to reticulated services, access to transport networks and public facilities are not affected by this application. Requirements from service authorities will be included as conditions and notes, where relevant on any permit issued. Overall, the proposed development complies with the purpose and outcomes of Zone MR.

Part 5 – Development Requirements

The proposal has been assessed against the NTPS 2020 at **Bookmark D** and complies with all applicable clauses except Clauses 5.2.4.4 (Layout of car parking areas), 5.2.6.1 (Landscaping in Zones other than Zone CB), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 5.4.7 (Communal Open Space), 5.4.8.2 (Building Design for Dwelling-multiple), and 5.4.17 (Building Articulation).

An assessment of the non-compliances with the requirement of the NTPS2020 are considered below.

Clause 5.2.4.4 (Layout of car parking areas)

The purpose of this clause is to *'ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose'*.

The car parking area has a 1.2m setback with landscaping buffer along Progress Drive frontage, where 3m is required under Subclause 6(a).

Subclause 2 provides that *'the consent authority may consent to a car parking area that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the amenity of the surrounding locality'*.

The proposed variation to the requirement for the car parking area to be setback 3m from any lot boundary abutting a road is considered appropriate for the following reasons:

- The proposed 1.2m setback achieves acceptable streetscape amenity. Landscaping is provided along the front boundary, which will effectively screen and soften views of the car parking area from Progress Drive, meeting the intent of reducing visual impact. The ground floor is predominantly open car parking with only a small portion of built form, which reduces bulk and allows the landscaping to be more visually effective.
- In addition, nearby properties along Progress Drive that have reduced setbacks for car parking generally provide little or no landscaping. In this context, the proposal still aligns with the existing streetscape character.

5.2.6.1 (Landscaping in Zones other than Zone CB)

The purpose of this clause is to *'encourage landscaping that enhances local amenity by:*

- (a) contributing to safe and attractive public spaces and places;*
- (b) responding to the local climate and soil characteristics;*
- (c) supporting cooler internal and outdoor areas; and*
- (d) recognising the value of retaining existing plants and trees'.*

The front portion of the eastern boundary along the car parking and bin storage areas is not landscaped and features a 2.2m high blockwork screen wall. In addition, a small portion of the rear boundary proposed as the walkway for Unit 1 is also not landscaped. This does not comply with Subclause 7, where *'side and rear setbacks are to include planting to the length of the setback of no less than 2m deep, except for areas that are used for private open space'*.

Subclause 2 provides that *'the consent authority may consent to landscaping that is not in accordance with sub-clauses 5, 6 and 7 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and is appropriate to the site having regard to the amenity of the streetscape, and the potential impact on the amenity of the locality and adjoining property'*.

The proposed variation to the requirement for 2m wide side and rear landscaped setbacks is considered appropriate for the following reasons:

- The areas of the side and rear setbacks that are not landscaped are limited in extent and are required to accommodate essential site infrastructure, including screening for car parking and bin storage, as well as pedestrian access to Unit 1.
- Landscaping is provided along the majority of the side and rear boundaries, which contributes to a safe and attractive environment, softens the built form, and maintains visual amenity for adjoining properties and the public realm.

Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)

The purpose of this clause 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 building*’.

The proposed setback variations to Subclause 8 include:

Primary Street (Progress Drive) Frontage:

- Gate House	0.7m	(6m Required)
- Car Park Columns	5m	(6m Required)
- Ground Floor Dwelling (Unit 1)	3m	(6m Required)

Eastern Side Boundary:

- Car Park Entry Gate	0.91m	(3m Required)
- Bin Storage Wall	1.4m	(3m Required)
- Bin Storage Roof	1.4m	(2.1m Required)
- Dwellings Roof	1.6m	(2.1m Required)

Rear Boundary:

- Fence Gate Support Wall	1.57m	(3m Required)
- Stair 1 Enclosure Wall	2.5m	(3m Required)
- Ground Floor Roof (Unit 2)	1.8m	(2.1m Required)
- Dwellings Roof (Unit 9)	0.8m	(2.1m Required)
- Dwellings Roof (Unit 14)	1.2m	(2.1m Required)

Subclause 3 provides that *‘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 proposed variation to the primary street, eastern side and rear boundary setbacks are appropriate for the following reasons:

- (a) The proposed gatehouse and car park columns are minor ancillary structures that are not expected to have a significant visual impact on the streetscape. While Unit 1 includes a reduced front setback, this variation applies only to the front courtyard, with all habitable rooms complying with the 6m setback requirement, and the first and second storeys above are designed as compliant balconies at 3m, reducing the overall impact of the variation. Landscaping including shrubs and trees is provided within the frontage setback to soften the appearance of the development and create a visual buffer to Progress Drive. The proposal is also consistent with the design and development pattern of nearby residential developments with similar reduced setbacks, and will not adversely affect the streetscape character of surrounding properties.
- (b) The reduced front setback is limited mainly to a small courtyard area of Unit 1, while the upper levels are further recessed through balconies within the required setbacks, helping to maintain an appropriate visual scale. Small structures such as the gatehouse, car park columns, bin storage area, retaining walls, and roof elements are minor in scale and are unlikely to add to the overall bulk of the development. Landscaping along the boundaries also helps soften and reduce the perceived visual mass of the building.
- (c) The structures with reduced setbacks comprise mainly gates, columns, walls, and roof elements that are unlikely to result in overlooking issues. All habitable rooms comply with the applicable setback requirements, thereby minimising any potential privacy impacts on adjoining properties.

- (d) The proposed structures with reduced setbacks are generally discontinuous and of limited extent along the boundaries. Due to the open nature and modest scale, the structures do not form a continuous barrier to airflow throughout the building or between adjacent sites. Accordingly, impacts on breeze penetration to neighbouring properties are expected to be minimal.

Overall, the reduced setbacks are considered acceptable to the site with regard to its location, scale, and impact on adjoining lots.

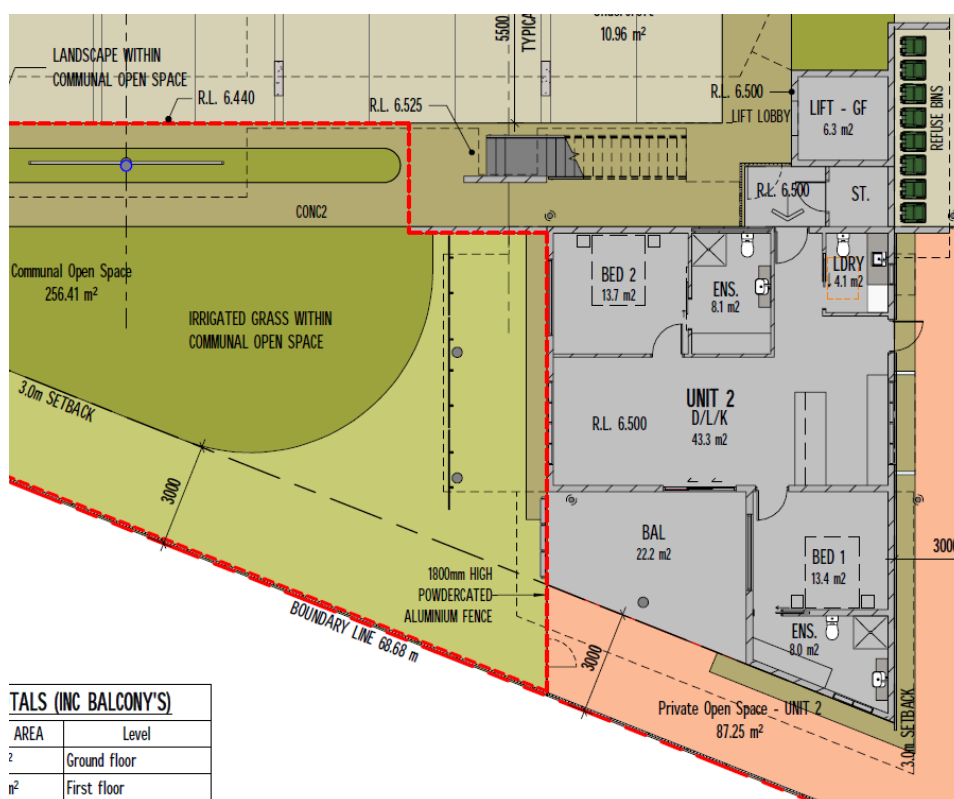
Clause 5.4.7 (Communal Open Space)

The purpose of this clause is to 'ensure that suitable areas for communal open space are provided for dwellings-multiple, residential care facilities and rooming accommodation'.

The proposed communal open space has an area of approximately 238.91m², which equates to 13.73% of the total site area, where 15% is required by subclause 5.

Subclause 4 provides that 'for zones and uses not covered by sub-clauses 2 and 3, the consent authority may consent to a development that is not in accordance with sub-clauses 5 and 6 if it is satisfied the communal open space has usable dimensions and is of a sufficient size for the development'.

In addition, it is noted that subclause 6 requires 'Communal open space is to be designed to: (a) be clearly delineated from private and public open space; (b) maintain reasonable privacy of nearby dwellings...', where the current design of the communal open space directly adjoins unit 2 habitable room windows. The DCA may wish to seek clarification as to how the design of the communal open space, noting the inclusion of a privacy screen, will not impact on the privacy of unit 2. See below excerpt of the interface between the communal open space and unit 2.



The proposed variation to the size of the communal open space is appropriate for the following reasons:

- The proposed 238.91m² of communal open space (13.73% of the site area) provides a functional, accessible, and conveniently located shared area for residents. While this represents a minor 1.27% shortfall from the preferred provision, it does not significantly affect the usability or amenity of the space.
- The proposed communal open space is located at the rear portion of the lot to receive access to sunlight and natural surveillance, and is positioned to be convenient for all occupants. The layout ensures equitable access for all residents, including those with mobility needs.
- Overall, the provision and design of communal open space respond directly to the intent of the requirement by ensuring that residents of the proposed multiple dwellings have usable shared outdoor areas.

Clause 5.4.8.2 (Building Design for Dwelling-multiple)

The purpose of this clause is to *'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'*.

The non-compliances include:

- (1) Air conditioning condensers are proposed to be located within private open space areas adjacent to bedroom openings, which does not comply with Subclause 11(b), as it requires condensers to be sited away from openings to habitable rooms.

Subclause 4 provides that *'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'*.

While the proposed air conditioning condensers are located within private open space areas adjacent to bedroom openings and therefore do not comply with Subclause 11(b), the proposal is considered to satisfy the purpose of the provision. The condensers are designed to be screened from view and oriented perpendicular to nearby habitable room openings, which assists in directing and dispersing operational noise away from those openings. In addition, screening gates provide a further buffer to reduce potential noise impacts. The proposed arrangement also allows for convenient access for maintenance and replacement of the air conditioning condensers. Accordingly, it is considered that measures have been taken to reduce potential noise impacts on habitable rooms, and the non-compliance is not expected to result in an adverse nuisance for residents.

- (2) A 1.5 m high visually permeable fence with dense shrubs (*Murraya Paniculata*) is proposed along the Progress Drive frontage outside the ground floor car park. This does not comply with Subclause 12(a), which requires a minimum visual permeability of 50% for these areas.

Subclause 5 provides that *'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'*.

It is considered appropriate to provide landscaping with a permeable fence, as this approach maintains a degree of visual permeability while still providing an effective buffer to soften the appearance of the car parking area from the street.

- (3) The proposed guttering and downpipes will be visible from the Progress Drive frontage, which does not comply with Subclause 12(b) requiring a maximum 50% visual permeability in these areas.

Subclause 5 provides that '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'.

Although the proposed guttering and downpipes will be visible from the Progress Drive frontage and do not comply with required maximum 50% visual permeability, the proposal is considered to meet the intent of the provision. Landscaping including shrubs and palm trees is proposed along the Progress Drive frontage, and will mature over time to provide an effective visual buffer that partially conceals these services. In addition, the guttering and downpipes are relatively minor building structures and are not visually dominant when viewed from the public street. As a result, they are sufficiently integrated into the overall design, ensuring that visual impacts are minimised in accordance with the purpose of the clause.

- (4) Balconies of Units No.3 and No.9 have an external wall along 50% of one side (3.8m of 7.6m). This does not comply with Subclause 14 where maximum 25% is required.

Subclause 6 provides that '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'.

The proposed variation to the balcony walls of Unit 3 and Unit 9 is considered appropriate as the walls provide weather protection and improve balcony usability without fully enclosing the space. The balconies retain sufficient openness to facilitate effective breeze penetration and natural ventilation, supporting a climate-responsive design that is suited to Darwin's tropical climate. The overall building form remains articulated, and the balcony design does not result in excessive bulk or visual mass when viewed from the public domain. The proposed design provides a balanced facade that integrates with the streetscape and surrounding residential development. Accordingly, the variation is minor in nature and achieves the performance outcomes of Subclause 6.

In summary, the variations to this clause are considered appropriate for the reasons outlined above.

Clause 5.4.17 (Building Articulation)

The purpose of this clause is to *'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'.*

A small portion of the first and second floors along the western-southern boundary (rear sides of Units No.3 and No. 9), which extends 16.48m without articulation, which does not comply with Subclause 4.

Subclause 2 provides that *'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'*.

The proposed non-compliant building articulation is considered appropriate for the following reasons:

- The extent of the unarticulated façade is limited to a minor portion of the overall building, comprising only 16.48m of the 62m rear building length, and affecting only 2 of the 14 units. It is located to the rear of the development, where visibility from the street and adjoining properties is reduced. The overall building form remains articulated and assists in breaking down perceived bulk and massing at a site-wide scale.
- In addition, the internal layout and external openings continue to support opportunities for natural light and cross-ventilation, ensuring that the building design maintains environmental performance objectives.

(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

Seven (7) public submissions were received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal. The submissions are summarised as followed:

Jessica Piggott, Lot 1859 (2/75) Progress Dr, Nightcliff, Town of Nightcliff (**Bookmark E1**):

- Loss of existing streetscape and Nightcliff's sense of place;
- Cumulative erosion of neighbourhood character due to repeated planning concessions;
- Overdevelopment of a constrained site;
- Excessive building bulk impacting streetscape and visual amenity;
- Increased traffic, noise, speeding, and safety risks;
- Lack of traffic calming measures and inadequate enforcement;
- Construction impacts including noise, dust, vibration, parking disruption, and loss of local amenity;
- Loss of established landscaping and shade; and
- Insufficient consultation process and limited consideration of community expectations.

Nick Kirlew, Lot 1859 (4/75) Progress Dr, Nightcliff, Town of Nightcliff (**Bookmark E2**):

- Inconsistency in storm surge classification;
- Inadequate consideration of storm surge risk and climate change impacts;
- Limited assessment of cyclone evacuation and emergency access;
- Increased residential intensification within a storm surge-affected area;
- Overdevelopment and;
- Dominance of parking, driveways, and hardstand areas;
- Insufficient landscaping and reduced tropical character;
- Multiple setback and landscaping variations;
- Limited deep soil planting opportunities;
- Poor quality and secondary location of communal open space;
- Visual bulk and scale of the building;
- Negative streetscape impacts from walls, fencing, gates, and roller shutters;
- Cumulative impact of multiple minor variations;
- Potential inconsistency with the existing residential character of Nightcliff; and
- Long-term coastal hazard and planning concerns.

Mia Sandgren, Lot 1859 (4/75) Progress Dr, Nightcliff, Town of Nightcliff (**Bookmark E3**):

- Loss of outlook, openness, and visual amenity;
- Reduced natural light and cross-ventilation;
- Visual dominance and sense of enclosure from the three-storey building;
- Loss of mature vegetation along the shared boundary;
- Reduced privacy and screening;
- Insufficient commitment to replacement planting of comparable scale;
- Non-compliance with separation distance, landscaping buffer, and building articulation requirements;
- Overly imposing built form along the southern boundary;
- Visual impact of the stairwell and associated structures;
- Building elements located unnecessarily close to the boundary; and
- Adverse impacts on the amenity of neighbouring residents.

Amanda Lilleyman, Lot 9068 (8/73) Progress Dr, Nightcliff, Town of Nightcliff (**Bookmark E4**):

- Potential overlooking into neighbouring residences and private open space due to increased building height;
- Reduced privacy for adjoining residents;
- Inadequate effectiveness of proposed privacy screening measures;
- Increased building scale potentially reducing residential amenity;
- Insufficient setbacks to prevent overlooking impacts;
- Loss of mature vegetation that currently provides privacy and visual screening;
- Replacement landscaping unlikely to immediately or effectively replicate the function of mature vegetation;
- Reduced neighbourhood amenity due to vegetation removal;
- Loss of shade and cooling benefits provided by existing vegetation; and
- Need for stronger protection of residential amenity for adjoining properties.

Carly Hibble, Lot 9068 (22/73) Progress Dr, Nightcliff, Town of Nightcliff (**Bookmark E5**):

- Loss of existing outlook, openness, natural light, and cross-ventilation;
- Increased visual dominance and sense of enclosure due to building height and scale;
- Loss of mature vegetation that currently provides privacy, screening, and amenity;
- Replacement planting unlikely to replicate the function of existing established vegetation;
- Reduced privacy and increased overlooking from the proposed development;
- Non-compliance with separation distance, landscaping buffer, and articulation requirements;

Item 1

- Overly imposing built form along the southern boundary, particularly at the western wing and stairwell;
- Proximity of building elements (including stairwell and awnings) to the boundary contributing to visual impacts;
- Insufficient setbacks and poor design response of key building components;
- Failure to adequately respond to Mid Suburbs Area Plan requirements; and
- Adverse impacts on amenity currently enjoyed by neighbouring residents.

Helmy Bakermans, Lot 9068 (5/73) Progress Dr, Nightcliff, Town of Nightcliff (Bookmark E6):

- Significant adverse impacts on residential amenity, particularly for units along the southern boundary;
- Overall reduction in the quality of living for affected residents; and
- Potential negative impact on property values.

Body Corporate Committee (submitted under Helmy Bakermans' name) for Lot 9068 (73) Progress Dr, Nightcliff, Town of Nightcliff (Bookmark E7):

- Non-compliance with planning requirements;
- Excessive building height and bulk, particularly along the southern boundary;
- Overly dominant three-storey built form adjoining neighbouring properties;
- Reduced setbacks contributing to visual dominance, overshadowing, and potential airflow obstruction;
- Poor articulation resulting in long, continuous wall forms;
- Loss of breezes, privacy, and visual amenity for adjoining properties;
- Reduced opportunity to retain or establish mature boundary vegetation;
- Insufficient deep soil planting areas and unclear landscaping outcomes;
- Inadequate replacement of mature vegetation and loss of existing shade and cooling benefits;
- Lack of detail regarding species selection, planting density, and landscaping effectiveness;
- Potential overlooking from southern-facing windows into neighbouring units;
- Construction impacts not adequately addressed, including noise, dust, vibration, and access disruption;
- Risk of delays or complications in boundary fence replacement due to redevelopment;
- Insufficient information on management of amenity and neighbouring impacts during construction; and
- Cumulative impacts of multiple non-compliances resulting in an overbearing development outcome.

Response from applicant:

On 18 June 2026, a response to submissions and amended plans was provided by the applicant, refer to **Bookmark F**. The amendments to the plans include fencing around the electricity easement on site and revising the egress and pedestrian entry gates to ensure they remain within the property boundary when open, in response to submissions from the City of Darwin and Power and Water Corporation.

Response from DAS:

Overall, the submitter's concerns are noted and where relevant and appropriate have been addressed through recommended conditions. The proposed development has variations to the NTPS 2020 regarding storm surge overlay, landscaping, building setbacks, communal open space, building design, and articulation. The non-compliances have been discussed under section (a) of this report in detail, where the variations are considered appropriate noting that

the development meets the purposes of each clause. A response to each concern is summarised below:

- **Streetscape character:** The proposal is consistent with the Mid Suburbs Area Plan expectations. It complies with height and plot ratio requirements and largely meets setback controls to achieve appropriate building mass, with minor variations considered acceptable under the NTPS 2020. Landscaping buffer is proposed along Progress Drive frontage to provide effective visual screening. Overall, the design is consistent with the expected urban residential character of the area.
- **Overdevelopment / building bulk:** The development is a three-storey form that remains within height, plot ratio, and density controls under the NTPS 2020. Any perceived bulk is mitigated through setbacks, articulation, and landscaping, which helps integrate the building into the surrounding context.
- **Residential character:** The proposal aligns with the planned evolution of the area toward medium-density residential development to accommodate population growth and ensure an ongoing supply of housing to meet market demand and the diverse needs of the community. It delivers a contemporary tropical apartment design that incorporates cross-ventilation and appropriate stormwater management.
- **Traffic and safety:** The development provides additional car parking spaces above the required standard, minimising impact on public street. The existing two separate crossovers on site have been consolidated into a single crossover located at the north-eastern corner of the site, with a dedicated pedestrian entrance provided on the western portion of the frontage to enhance safe movement.
- **Construction impacts:** A construction management plan is included as a condition of approval to manage impacts such as noise, dust, vibration, parking disruption, and temporary amenity impacts during construction.
- **Storm surge and coastal risk:** The site is located within a secondary storm surge area, however, engineering advice confirms that habitable floor levels are above the relevant inundation level. Only part of the car park is below the secondary storm surge level, while it is expected to remain trafficable. The proposed building footprint is also smaller than the existing footprint, resulting in a reduced area exposed to storm surge risk. The design adequately manages storm surge risk in accordance with Clause 3.7, with no unacceptable risk to people or property. Detailed assessment regarding Overlay LSSS is provided under Section (a).
- **Landscaping loss:** Existing vegetation is replaced with a new landscaping plan comprising 24 plant species covering approximately 34% of the site, with boundaries planting and screening designed to improve amenity, shade, and visual integration. Landscaping is provided along the Progress Drive frontage and within the communal open space to reduce the visual impact of the car parking area and enhance the streetscape. The proposed landscaped areas also enhance stormwater infiltration on the site.
- **Setbacks and buffers:** The development largely complies with setback requirements, with minor variations assessed as acceptable under Section (a). Landscaping and design treatments provide additional buffering to reduce impacts on neighbouring properties.
- **Privacy and overlooking:** Privacy is addressed through building orientation, screening, and apartment layouts that direct views away from adjoining residences. These measures ensure reasonable separation and compliance with planning expectations.

- **Light, air, and outlook:** The design maintains access to natural light, ventilation, and outlook typical of urban residential development. Layouts within each unit facilitate airflow between balconies and main entrances, with operable windows provided to each bedroom. Materials have been selected to reduce glare and other potential amenity impacts.
- **Visual impact:** Fencing, walls, and building elements are typical for developments of this nature and are softened through integrated landscaping. The overall visual impact is considered appropriate for the context.
- **Open space:** The site includes a significant proportion of landscaped and communal areas designed to provide shade, amenity, and screening. Planting is structured to support long-term residential liveability. A minor reduction in communal open space is considered appropriate as assessed under Section (a).
- **Property values:** Impacts on property values are not a relevant consideration under the Planning Act 1999 and are therefore not given weight in planning assessment.
- **Consultation concerns:** The application has been assessed against statutory planning controls and technical planning merit. Community feedback is considered where relevant to planning matters.

(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 proposed development will increase the provision and range of residential accommodation available within the suburb of Nightcliff. The redevelopment of the site will enable the increased and continued use of the site for residential purposes and will appropriately integrate with the surrounding locality.'

(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*

The site is generally flat and not affected by Australian Noise Exposure Forecast (ANEF) 20-unit value or greater contour line. The site is located within an area of identified storm surge and this constraint is considered in detail at section 6(a) of this report.

Dwelling-multiple is a permitted form of development within Zone MR. Regarding servicing requirements, the application was circulated to the relevant authorities, and the comments received have been addressed through conditions and advisory notes on the development permit.

Additionally, the Development Coordination Division (who coordinate responses from internal divisions within the Department) of the Department of Lands, Planning and Environment 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 circulated to the following authorities for comment:

Local Authority:

City of Darwin – Bookmark D1

The City of Darwin raised the following issues:

- The proposed crossover width exceeds the standard 6m requirement and requires justification.
- The proposed egress gate should be revised to open inward, as outward-opening gates onto the road reserve are not supported.
- The proposed Alexander Palms may be spaced too closely considering their long-term growth, and increased planting distances are required.
- The proposed Murraya Paniculata may impact passive surveillance and CPTED outcomes, therefore alternative species are recommended.
- A minimum 400mm setback is required between the footpath edge and boundary fencing for pedestrian amenity and maintenance access.

On 18 June 2026, the applicant provided amended plans and a statement responding to matters raised by the City of Darwin, with the following amendments made:

- The applicant clarified that the additional 0.45m crossover width is proposed to align with the internal driveway and building column layout and improve vehicle access, while the crossover can be reduced to 6m if required while still maintaining acceptable swept path access.
- The amended plans revise the egress gate and pedestrian entry gate to ensure they remains within the property boundary when open.
- The proposed Alexander Palms are intended to provide dense screening to the second and third storeys, while Murraya Paniculata will screen the car parking area in accordance with Clause 5.2.4.4 of the NTPS 2020, with ongoing maintenance likely to be required as a condition of approval.

Conditions precedent have also been requested by the City of Darwin regarding crossover and driveway, stormwater, dilapidation report, Site Construction Management Plan, Waste Management Plan, Traffic Impact Statement, and landscape plan for works within road reserve.

Standard conditions and notes have been recommended including infrastructure within road reserve, landscaping of the road verges, kerb crossovers and driveways, gate over an access, easements, waste bin enclosures, signage, sight lines, and stormwater management.

Response from DAS:

Conditions and notes have been recommended by DAS to address the standard requirements of the City of Darwin.

Regarding the issues raised by City of Darwin, a condition precedent is recommended requiring the crossover and driveway to be approved by the City of Darwin prior to endorsement of plans. Standard conditions relating to the ongoing maintenance of landscaping are recommended to address the City of Darwin's concerns with the species selection.

It is noted that the applicant has not addressed the 400mm setback requirement between the footpath edge and boundary fencing. DAS supports the proposed arrangement as the fencing is located within the site and the NTPS 2020 does not prescribe a specific fencing setback. Any impact on pedestrian amenity and maintenance access is considered minor in this instance.

Service Authority:

PWC (Power) – Bookmark D2

The Power and Water (Power Section) raised the matter that the proposed 1.5m high fence blocking the full access to the existing electricity easement, where a revised site plan is required to leave the front boundary clear around the easement.

Standard comments have been provided by PWC (Power) regarding power supply, maximum power demand calculation, internal electricity and reticulation.

It is noted that on 18 June 2026, the applicant provided amended plans and a statement responding to matters raised by PWC (Power), with the electricity easement on the site to be located outside the extent of proposed fencing.

Response from DAS:

Conditions and notes have been recommended by DAS to address the requirements of the PWC (Power).

PWC (Water) – Bookmark D3

Standard comments have been provided by Power and Water (Water Section) regarding upgrading existing water and sewer service, adequate size of the service connection, water efficiency, backflow prevention, installation, annual testing, and maintenance of the devices, and charges applicable for the development at the developer's expense.

Response from DAS:

Conditions and notes have been recommended by DAS to address the requirements of the PWC (Water).

Land Resources Division - DLPE – Bookmark D4

The LRD provided comments regarding a building permit and occupancy certification must be granted. Considerations has been given to building egress and fire hydrants.

It is noted that on 18 June 2026, the applicant provided a statement responding to matters raised by LRD - DLPE, with the building certifier confirmed that no design changes are required for the development permit stage, as compliance will be addressed through detailed design at the building permit stage in accordance with the National Construction Code deemed-to-satisfy or performance requirements.

Response from DAS:

The requirements of the LRD - DLPE can be address by standard notes on the approval, requiring a building permit before commencing any demolition or construction works.

The application was also circulated to NBNco and no response received.

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

Amenity is defined in the Planning Act 1999 as in relation to a locality or building, any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.

The impact on amenity should be considered in context of the site and its surrounds, with the development being consistent with the broader intent of Zone MR (Medium Density). The proposed development is considered to reasonably mitigate any adverse amenity impacts as the built form is largely consistent with the character of the surrounding area, which includes other dwelling-multiple developments of a similar density and scale.

The proposed development includes landscaping along the street frontage and side and rear boundaries, which will improve the amenity of the streetscape and complies with applicable private open space and car parking space requirements.

(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***

In relation to (i) community safety through crime prevention, the proposed development provides pedestrian access at ground level and balconies and windows at upper levels facing Progress Drive which provides passive surveillance of the public domain.

It is noted that disabled car parking space has not been provided on site. The Disability Discrimination Act (DDA) is the primary legislation in Australia addressing discrimination against people with disabilities. It is the responsibility of the developer and landowner to ensure compliance with the DDA is achieved. It is noted that access for persons with disabilities will be assessed in line with the Building Act 1993 should future redevelopment of the site occur.

In response to (ii), water safety is not considered to be relevant to this proposal. It is noted that no pool facilities are proposed in this application.

(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;*

Subdivision is not proposed as part of 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 proposed development does not require the preparation of any environmental reports or impact statements under the *Environmental Protection Act 2019*.

7. RECOMMENDATION

That, the Development Consent Authority vary the requirements of Clause 3.7 (Land Subject to Storm Surge) and Clauses 5.2.4.4 (Layout of car parking areas), 5.2.6.1 (Landscaping in Zones other than Zone CB), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 5.4.7 (Communal Open Space), 5.4.8.2 (Building Design for Dwelling-multiple), and 5.4.17 (Building Articulation) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 1861 (85) Progress Dr, Nightcliff, Town of Nightcliff for the purpose of dwelling-multiple (14 x 2 bedroom) in a three storey building, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), in principle approval is required for the crossover and driveway to the site from the City of Darwin road reserve, to the satisfaction of the consent authority.
2. Prior to commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin 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. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system
4. Prior to the commencement of works (including site preparation), the applicant is to prepare a Site Construction Management Plan (SCMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The SCMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land during construction.
5. Prior to the commencement of works (including site preparation), a waste management plan addressing the City of Darwin's Waste Management Guidelines must be prepared, to the requirements of the City of Darwin, to the satisfaction of the consent authority.
6. Prior to the commencement of works, a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer in accordance with the Austroads Document Guide to Traffic Management Part 12: Traffic Impacts of Developments, in the report structure provided as Appendix of that document, with particular attention to vehicular, pedestrian, cyclist and public transport issues, intersection/road network performance and opportunities. The report must also include swept path analysis for waste collection vehicles entering and exiting the site, as well as an assessment of sightlines for the proposed driveway access and adjacent block wall fence to ensure the safety of pedestrians and cyclists using the footpath adjacent to the subject site. The report should identify any necessary upgrades to the surrounding street network as a result of the implications of the development. The developer will be required to institute all required upgrade measures resulting from the traffic assessment at no cost to City of Darwin.

GENERAL CONDITIONS

8. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
9. The finished floor levels of the dwelling must be a minimum of 300mm above the applicable flood level for the property.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, 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 notations 1 for further information.

Item 1

11. 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.
12. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
13. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
14. Upon completion of any works within or impacting upon existing road reserves, the infrastructure within the road reserve shall be rehabilitated to the standards and requirements of the City of Darwin and returned to the condition as documented in the dilapidation report.
15. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.
16. Any gate over an access to a public road shall be placed on the subject site at least 4.5 metres from the face of the kerb line of the adjoining public road to the requirements of the City of Darwin, to the satisfaction of the consent authority.
17. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street to the requirements of the City of Darwin, to the satisfaction of the consent authority.
18. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
19. All works recommended by the traffic impact assessment are to be completed to the requirements of the City of Darwin to the satisfaction of the consent authority.
20. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
21. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
22. Before the use of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
23. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

24. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
25. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
26. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

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. The proposal includes works within the City of Darwin road reserve. All works must comply with City of Darwin policies and guidelines and are subject to a separate assessment and approval process by City of Darwin. City of Darwin requires that the applicant obtains all necessary approvals before commencing any construction in the road reserve.
3. Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
5. 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.
6. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 8936 4070 to determine if the proposed works are subject to the Act.

8. 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 dwelling-multiple (14 x 2 bedroom) in a three storey building requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(v), therefore, the strategic framework (Part 2 of the Scheme, including the Darwin Mid Suburbs Area Plan

2016), zone purpose and outcomes of Clause 4.4 (Zone MR – Medium Density Residential), and Clauses 3.7 (LSSS - Land Subject to Storm Surge), 5.2.1 (General Height control), 5.2.4 (Car Parking), 5.2.6 (Landscaping), 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 and Clause 3.7 (LSSS - Land Subject to Storm Surge) and Clauses 5.2.4.4 (Layout of car parking areas), 5.2.6 (Landscaping), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 5.4.7 (Communal Open Space), 5.4.8.2 (Building Design for Dwelling-multiple), and 5.4.17 (Building Articulation).

As the application is Impact Assessable the exercise of discretion by the consent authority that applies is Clause 1.10(4) (Exercise of Discretion by the Consent Authority) of the NTPS2020.

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

- (a) any 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;
- (c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and
- (d) any component of the Strategic Framework relevant to the land as set out in Part 2. An assessment of the relevant parts of NTPS2020 is as follows:

An assessment of the relevant parts of NTPS2020 is as follows:

Part 2 – Strategic Framework

Darwin Mid Suburbs Area Plan (DMSAP) 2016

The DMSAP 2016 presents guidance and policy as themes that apply across Nightcliff, Rapid Creek, Millner, Coconut Grove and portion of Ludmilla north of Ludmilla Creek, in addition to designated focus areas to address particular issues at specific locations.

The DMSAP 2016 identifies the site for:

- residential-medium density.
- identified within the extent of activity centre.
- adjoining an existing bicycle and pedestrian corridor and sub-arterial/primary transport corridor along the primary street frontage.
- the entire site located within areas identified for secondary storm surge and the north-western and south-western corners of the site located within areas identified for primary storm surge.
- structures greater than 45m require Department of Defence consent.

A summary of the assessment of applicable themes is as follows:

The proposed development responds to the relevant 'Residential' objectives and acceptable responses as follows:

- The application is for dwelling-multiple development. The land is located in Zone MR (Medium Density Residential).
- Dense landscaping with various types of shade trees and shrubs are provided along all boundaries of the lot.
- The site is well connected to the local road network and public transport, and provides sufficient on-site car parking. No adverse comments regarding traffic impacts were raised by the City of Darwin.

The proposed development responds to the relevant 'Activity Centres and Commercial Areas' objectives and acceptable responses noting as whilst the site is identified within the extent of activity centre, it is shown as 'Residential only' area on the Nightcliff and Coconut Grove Concept Plan and there are no additional objectives are identified.

The proposed development responds to the relevant 'Movement and Transport' objectives and acceptable responses as follows:

- The existing two separate crossovers on site have been consolidated into a single crossover located at the north-eastern corner of the site, with a dedicated pedestrian entrance provided on the western portion of the frontage. This arrangement reduces potential conflicts between vehicles and pedestrians and enhances the safe movement of all users.
- The development maintains access to existing public transport services and supports the function of the surrounding transport network.
- In addition, the proposed frontage landscaping will enhance the streetscape and contribute to the creation of a green gateway along Progress Drive as it transitions into Casuarina Drive.

The proposed development responds to the relevant 'Environment and Heritage' objectives and acceptable responses through detailed consideration of the LSSS overlay provided at section 2 of these reasons.

Part 3 Overlays

Clause 3.7 (LSSS – Land Subject to Storm Surge)

A small portion of the western side of the site is located within the Primary Storm Surge Areas (PSSA) and the ensure site is located within the Secondary Storm Surge Areas (SSSA).

Planning consent is required for the proposed development located in both the PSSA and the SSSA. In addition, the proposed development does not comply with subclauses 8 to 10, where residential use should be avoided in both the PSSA and the SSSA.

Detailed consideration of this overlay and the required variations to subclauses 8 to 10 is provided at section 2 of these reasons.

Part 4 – Zoning

Clause 4.4 (Zone MR – Medium Density Residential)

The purpose of Zone MR is to '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'.

The site is close to established community facilities, commercial uses, public transport, and public open space. The proposed building meets the maximum height requirement.

Landscaping is provided along each lot boundary to provide privacy for residents on site and from adjoining developments. Sufficient open space is proposed to meet the applicable planning requirements and provide functional outdoor area for residents, ensuring adequate amenity and supporting on-site stormwater management. The connection to reticulated services, access to transport networks and public facilities are not affected by this application. Requirements from service authorities will be included as conditions and notes, where relevant on any permit issued. Overall, the proposed development complies with the purpose and outcomes of Zone MR.

Part 5 - Development Requirements

The assessment concludes that the proposed development complies with all relevant development requirements of the NTPS 2020 except for Clauses 5.2.4.4 (Layout of car parking areas), 5.2.6 (Landscaping), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 5.4.7 (Communal Open Space), 5.4.8.2 (Building Design for Dwelling-multiple), and 5.4.17 (Building Articulation) of the NTPS2020. This is discussed at section 2 of the reasons below.

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).

An assessment of the non-compliances with the requirement of the NTPS2020 are considered below.

Clause 3.7 (LSSS – Land Subject to Storm Surge)

The proposed development requires consent under subclause and does not comply with subclauses 8 to 10, where residential use should be avoided in both the PSSA and the SSSA.

Subclause 6 provides that *'the consent authority may consent to a use or development within the PSSA that is not in accordance with sub-clauses 8-10 only if it is satisfied that the application demonstrates that there is no increased risk to people and property, including adjoining property'*.

The proposed variation the requirement to avoid residential use in both the PSSA and the SSSA and requirement for consent under LSSS overlay, is appropriate for the following reasons:

- The primary storm surge inundation level is 5.52 AHD which the existing site levels, as identified on the feature survey, are raised above noting the site has a lowest point of 5.72 AHD adjacent to the northern boundary and the highest point of 6.18 AHD adjacent to the eastern boundary.
- The secondary storm surge inundation level is 6.37 AHD. To ensure no increased risk to people and property on the site, the proposed development will:
 - be retained by a wall to a maximum height of 0.3 metres to achieve a raised level of 6.2 AHD across the site
 - comprise a finished floor level (FFL) of 6.5 AHD to all ground level dwellings and a FFL of 6.27 AHD to 6.44 AHD for the ground level car parking area. While part of the car park is below the secondary storm surge level, it is expected to

remain trafficable, with a maximum modelled inundation depth of approximately 120mm.

- In addition, a storm surge assessment prepared by MDP Engineers Pty Ltd formed part of the application and confirms 'Tidal storm surge is governed by large-scale external factors (including cyclonic events, wind set-up, tidal conditions etc.) and typically involves very large volumes of water extending across hundreds of kilometres of coastline. Consequently, hardstand areas and/or filling associated with this development will not result in any measurable increase in storm surge impacts to neighbouring properties'.

Clause 5.2.4.4 (Layout of car parking areas)

The purpose of this clause is to *'ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose'*.

The car parking area has a 1.2m setback with landscaping buffer along Progress Drive frontage, where 3m is required under Subclause 6(a).

Subclause 2 provides that *'the consent authority may consent to a car parking area that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the amenity of the surrounding locality'*.

The proposed variation to the requirement for the car parking area to be setback 3m from any lot boundary abutting a road is considered appropriate for the following reasons:

- The proposed 1.2m setback achieves acceptable streetscape amenity. Landscaping is provided along the front boundary, which will effectively screen and soften views of the car parking area from Progress Drive, meeting the intent of reducing visual impact. The ground floor is predominantly open car parking with only a small portion of built form, which reduces bulk and allows the landscaping to be more visually effective.
- In addition, nearby properties along Progress Drive that have reduced setbacks for car parking generally provide little or no landscaping. In this context, the proposal still aligns with the existing streetscape character.

5.2.6.1 (Landscaping in Zones other than Zone CB)

The purpose of this clause is to *'encourage landscaping that enhances local amenity by:*

- (a) contributing to safe and attractive public spaces and places;*
- (b) responding to the local climate and soil characteristics;*
- (c) supporting cooler internal and outdoor areas; and*
- (d) recognising the value of retaining existing plants and trees'.*

The front portion of the eastern boundary along the car parking and bin storage areas is not landscaped and features a 2.2m high blockwork screen wall. In addition, a small portion of the rear boundary proposed as the walkway for Unit 1 is also not landscaped. This does not comply with Subclause 7, where *'side and rear setbacks are to include planting to the length of the setback of no less than 2m deep, except for areas that are used for private open space'*.

Subclause 2 provides that *'the consent authority may consent to landscaping that is not in accordance with sub-clauses 5, 6 and 7 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and is appropriate to the site having regard to the amenity of the streetscape, and the potential impact on the amenity of the locality and adjoining property'*.

The proposed variation to the requirement for 2m wide side and rear landscaped setbacks is considered appropriate for the following reasons:

- The areas of the side and rear setbacks that are not landscaped are limited in extent and are required to accommodate essential site infrastructure, including screening for car parking and bin storage, as well as pedestrian access to Unit 1.
- Landscaping is provided along the majority of the side and rear boundaries, which contributes to a safe and attractive environment, softens the built form, and maintains visual amenity for adjoining properties and the public realm.

Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)

The purpose of this clause is to 'ensure that residential buildings and ancillary structures are located in a manner that:

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

The proposed setback variations to Subclause 8 include:

Primary Street (Progress Drive) Frontage:

- Gate House	0.7m	(6m Required)
- Car Park Columns	5m	(6m Required)
- Ground Floor Dwelling (Unit 1)	3m	(6m Required)

Eastern Side Boundary:

- Car Park Entry Gate	0.91m	(3m Required)
- Bin Storage Wall	1.4m	(3m Required)
- Bin Storage Roof	1.4m	(2.1m Required)
- Dwellings Roof	1.6m	(2.1m Required)

Rear Boundary:

- Fence Gate Support Wall	1.57m	(3m Required)
- Stair 1 Enclosure Wall	2.5m	(3m Required)
- Ground Floor Roof (Unit 2)	1.8m	(2.1m Required)
- Dwellings Roof (Unit 9)	0.8m	(2.1m Required)
- Dwellings Roof (Unit 14)	1.2m	(2.1m Required)

Subclause 3 provides that '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 proposed variation to the primary street, eastern side and rear boundary setbacks are appropriate for the following reasons:

- The proposed gatehouse and car park columns are minor ancillary structures that are not expected to have a significant visual impact on the streetscape. While Unit 1 includes a reduced front setback, this variation applies only to the front courtyard, with all habitable rooms complying with the 6m setback requirement, and the first and second storeys above are designed as compliant balconies at 3m, reducing the overall impact of the variation. Landscaping including shrubs and trees is provided

within the frontage setback to soften the appearance of the development and create a visual buffer to Progress Drive. The proposal is also consistent with the design and development pattern of nearby residential developments with similar reduced setbacks, and will not adversely affect the streetscape character of surrounding properties.

- (b) The reduced front setback is limited mainly to a small courtyard area of Unit 1, while the upper levels are further recessed through balconies within the required setbacks, helping to maintain an appropriate visual scale. Small structures such as the gatehouse, car park columns, bin storage area, retaining walls, and roof elements are minor in scale and are unlikely to add to the overall bulk of the development. Landscaping along the boundaries also helps soften and reduce the perceived visual mass of the building.
- (c) The structures with reduced setbacks comprise mainly gates, columns, walls, and roof elements that are unlikely to result in overlooking issues. All habitable rooms comply with the applicable setback requirements, thereby minimising any potential privacy impacts on adjoining properties.
- (d) The proposed structures with reduced setbacks are generally discontinuous and of limited extent along the boundaries. Due to the open nature and modest scale, the structures do not form a continuous barrier to airflow throughout the building or between adjacent sites. Accordingly, impacts on breeze penetration to neighbouring properties are expected to be minimal.

Overall, the reduced setbacks are considered acceptable to the site with regard to its location, scale, and impact on adjoining lots.

Clause 5.4.7 (Communal Open Space)

The purpose of this clause is to *'ensure that suitable areas for communal open space are provided for dwellings-multiple, residential care facilities and rooming accommodation'*.

The proposed communal open space has an area of approximately 238.91m², which equates to 13.73% of the total site area, where 15% is required.

Subclause 4 provides that *'for zones and uses not covered by sub-clauses 2 and 3, the consent authority may consent to a development that is not in accordance with sub-clauses 5 and 6 if it is satisfied the communal open space has usable dimensions and is of a sufficient size for the development'*.

The proposed variation to the size of the communal open space is appropriate for the following reasons:

- The proposed 238.91m² of communal open space (13.73% of the site area) provides a functional, accessible, and conveniently located shared area for residents. While this represents a minor 1.27% shortfall from the preferred provision, it does not significantly affect the usability or amenity of the space.
- The proposed communal open space is located at the rear portion of the lot to receive access to sunlight and natural surveillance, and is positioned to be convenient for all occupants. The layout ensures equitable access for all residents, including those with mobility needs.

- Overall, the provision and design of communal open space respond directly to the intent of the requirement by ensuring that residents of the proposed multiple dwellings have usable shared outdoor areas.

Clause 5.4.8.2 (Building Design for Dwelling-multiple)

The purpose of this clause is to '*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*'.

The non-compliances include:

- (1) Air conditioning condensers are proposed to be located within private open space areas adjacent to bedroom openings, which does not comply with Subclause 11(b), as it requires condensers to be sited away from openings to habitable rooms.

Subclause 4 provides that '*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*'.

While the proposed air conditioning condensers are located within private open space areas adjacent to bedroom openings and therefore do not comply with Subclause 11(b), the proposal is considered to satisfy the purpose of the provision. The condensers are designed to be screened from view and oriented perpendicular to nearby habitable room openings, which assists in directing and dispersing operational noise away from those openings. In addition, screening gates provide a further buffer to reduce potential noise impacts. The proposed arrangement also allows for convenient access for maintenance and replacement of the air conditioning condensers. Accordingly, it is considered that measures have been taken to reduce potential noise impacts on habitable rooms, and the non-compliance is not expected to result in an adverse nuisance for residents.

- (2) A 1.5 m high visually permeable fence with dense shrubs (*Murraya Paniculata*) is proposed along the Progress Drive frontage outside the ground floor car park. This does not comply with Subclause 12(a), which requires a minimum visual permeability of 50% for these areas.

Subclause 5 provides that '*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*'.

It is considered appropriate to provide landscaping with a permeable fence, as this approach maintains a degree of visual permeability while still providing an effective buffer to soften the appearance of the car parking area from the street.

- (3) The proposed guttering and downpipes will be visible from the Progress Drive frontage, which does not comply with Subclause 12(b) requiring a maximum 50% visual permeability in these areas.

Subclause 5 provides that '*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*'.

Although the proposed guttering and downpipes will be visible from the Progress Drive frontage and do not comply with required maximum 50% visual permeability, the proposal is considered to meet the intent of the provision. Landscaping including shrubs and palm trees is proposed along the Progress Drive frontage, and will mature over time to provide an effective visual buffer that partially conceals these services. In addition, the guttering and downpipes are relatively minor building structures and are not visually dominant when viewed from the public street. As a result, they are sufficiently integrated into the overall design, ensuring that visual impacts are minimised in accordance with the purpose of the clause.

- (4) Balconies of Units No.3 and No.9 have an external wall along 50% of one side (3.8m of 7.6m). This does not comply with Subclause 14 where maximum 25% is required.

Subclause 6 provides that *'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'*.

The proposed variation to the balcony walls of Unit 3 and Unit 9 is considered appropriate as the walls provide weather protection and improve balcony usability without fully enclosing the space. The balconies retain sufficient openness to facilitate effective breeze penetration and natural ventilation, supporting a climate-responsive design that is suited to Darwin's tropical climate. The overall building form remains articulated, and the balcony design does not result in excessive bulk or visual mass when viewed from the public domain. The proposed design provides a balanced facade that integrates with the streetscape and surrounding residential development. Accordingly, the variation is minor in nature and achieves the performance outcomes of Subclause 6.

In summary, the variations to this clause are considered appropriate for the reasons outlined above.

Clause 5.4.17 (Building Articulation)

The purpose of this clause is to *'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'*.

A small portion of the first and second floors along the western-southern boundary (rear sides of Units No.3 and No. 9), which extends 16.48m without articulation, which does not comply with Subclause 4.

Subclause 2 provides that *'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'*.

The proposed non-compliant building articulation is considered appropriate for the following reasons:

- The extent of the unarticulated façade is limited to a minor portion of the overall building, comprising only 16.48m of the 62m rear building length, and affecting only 2 of the 14 units. It is located to the rear of the development, where visibility from the street and adjoining properties is reduced. The overall building form remains articulated and assists in breaking down perceived bulk and massing at a site-wide scale.

- In addition, the internal layout and external openings continue to support opportunities for natural light and cross-ventilation, ensuring that the building design maintains environmental performance objectives.
3. Pursuant to section 51(1)(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.

The application was placed on public exhibition for a period of two weeks, between 15 May and 29 May 2026. Seven (7) public submissions were received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal.

The comments and concerns raised are identified and a response to the concern provided, as considered below:

- **Streetscape character:** The proposal is consistent with the Mid Suburbs Area Plan expectations. It complies with height and plot ratio requirements and largely meets setback controls to achieve appropriate building mass, with minor variations considered acceptable under the NTPS 2020. Landscaping buffer is proposed along Progress Drive frontage to provide effective visual screening. Overall, the design is consistent with the expected urban residential character of the area.
- **Overdevelopment / building bulk:** The development is a three-storey form that remains within height, plot ratio, and density controls under the NTPS 2020. Any perceived bulk is mitigated through setbacks, articulation, and landscaping, which helps integrate the building into the surrounding context.
- **Residential character:** The proposal aligns with the planned evolution of the area toward medium-density residential development to accommodate population growth and ensure an ongoing supply of housing to meet market demand and the diverse needs of the community. It delivers a contemporary tropical apartment design that incorporates cross-ventilation and appropriate stormwater management.
- **Traffic and safety:** The development provides additional car parking spaces above the required standard, minimising impact on public street. The existing two separate crossovers on site have been consolidated into a single crossover located at the north-eastern corner of the site, with a dedicated pedestrian entrance provided on the western portion of the frontage to enhance safe movement.
- **Construction impacts:** A construction management plan is included as a condition of approval to manage impacts such as noise, dust, vibration, parking disruption, and temporary amenity impacts during construction.
- **Storm surge and coastal risk:** The site is located within a secondary storm surge area, however, engineering advice confirms that habitable floor levels are above the relevant inundation level. Only part of the car park is below the secondary storm surge level, while it is expected to remain trafficable. The proposed building footprint is also smaller than the existing footprint, resulting in a reduced area exposed to storm surge risk. The design adequately manages storm surge risk in accordance with Clause 3.7, with no unacceptable risk to people or property. Detailed assessment regarding Overlay LSSS is provided under Section (a).
- **Landscaping loss:** Existing vegetation is replaced with a new landscaping plan comprising 24 plant species covering approximately 34% of the site, with boundaries

planting and screening designed to improve amenity, shade, and visual integration. Landscaping is provided along the Progress Drive frontage and within the communal open space to reduce the visual impact of the car parking area and enhance the streetscape. The proposed landscaped areas also enhance stormwater infiltration on the site.

- **Setbacks and buffers:** The development largely complies with setback requirements, with minor variations assessed as acceptable under Section (a). Landscaping and design treatments provide additional buffering to reduce impacts on neighbouring properties.
 - **Privacy and overlooking:** Privacy is addressed through building orientation, screening, and apartment layouts that direct views away from adjoining residences. These measures ensure reasonable separation and compliance with planning expectations.
 - **Light, air, and outlook:** The design maintains access to natural light, ventilation, and outlook typical of urban residential development. Layouts within each unit facilitate airflow between balconies and main entrances, with operable windows provided to each bedroom. Materials have been selected to reduce glare and other potential amenity impacts.
 - **Visual impact:** Fencing, walls, and building elements are typical for developments of this nature and are softened through integrated landscaping. The overall visual impact is considered appropriate for the context.
 - **Open space:** The site includes a significant proportion of landscaped and communal areas designed to provide shade, amenity, and screening. Planting is structured to support long-term residential liveability. A minor reduction in communal open space is considered appropriate as assessed under Section (a).
 - **Property values:** Impacts on property values are not a relevant consideration under the Planning Act 1999 and are therefore not given weight in planning assessment.
 - **Consultation concerns:** The application has been assessed against statutory planning controls and technical planning merit. Community feedback is considered where relevant to planning matters.
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.

The site is generally flat and not affected by Australian Noise Exposure Forecast (ANEF) 20-unit value or greater contour line. The site is located within an area of identified storm surge and this constraint is considered in detail at section 6(a) of this report.

Dwelling-multiple is a permitted form of development within Zone MR. Regarding servicing requirements, the application was circulated to the relevant authorities, and the comments received have been addressed through conditions and advisory notes on the development permit.

Additionally, the Development Coordination Division (who coordinate responses from internal divisions within the Department) of the Department of Lands, Planning and Environment 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.

Amenity is defined in the *Planning Act 1999* as in relation to a locality or building, any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.

The impact on amenity should be considered in context of the site and its surrounds, with the development being consistent with the broader intent of Zone MR (Medium Density). The proposed development is considered to reasonably mitigate any adverse amenity impacts as the built form is largely consistent with the character of the surrounding area, which includes other dwelling-multiple developments of a similar density and scale.

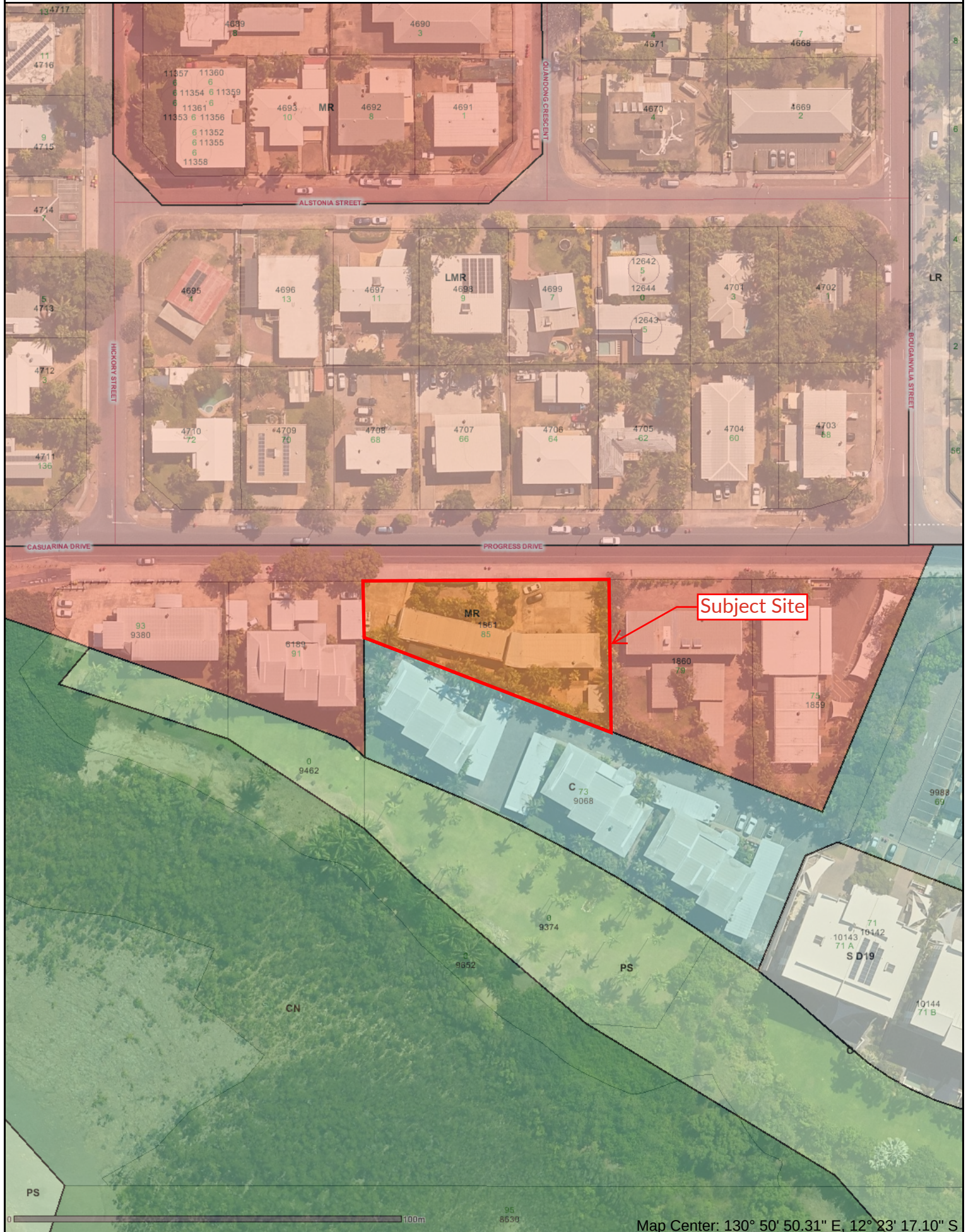
The proposed development includes landscaping along the street frontage and side and rear boundaries, which will improve the amenity of the streetscape and complies with applicable private open space and car parking space requirements.

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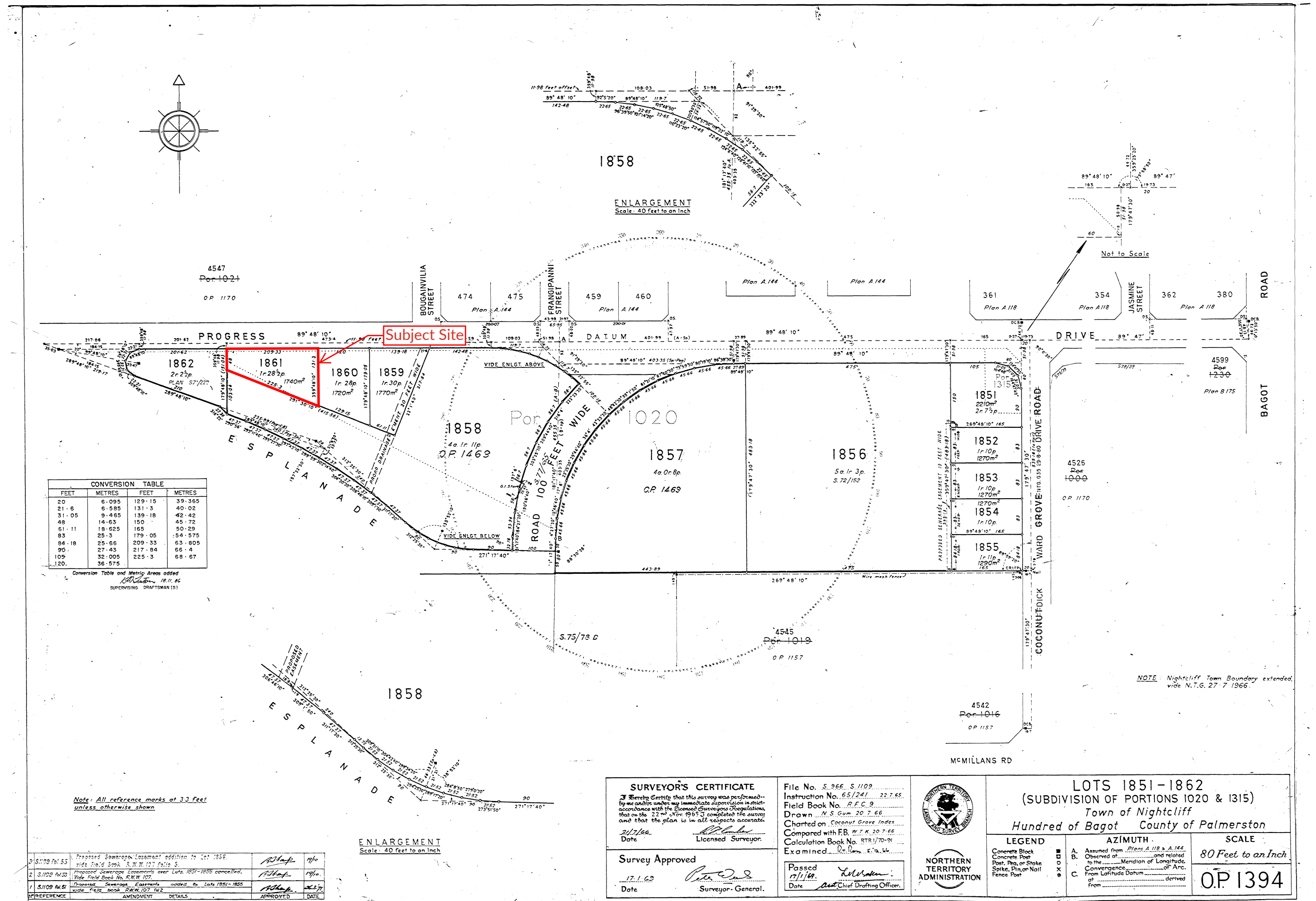
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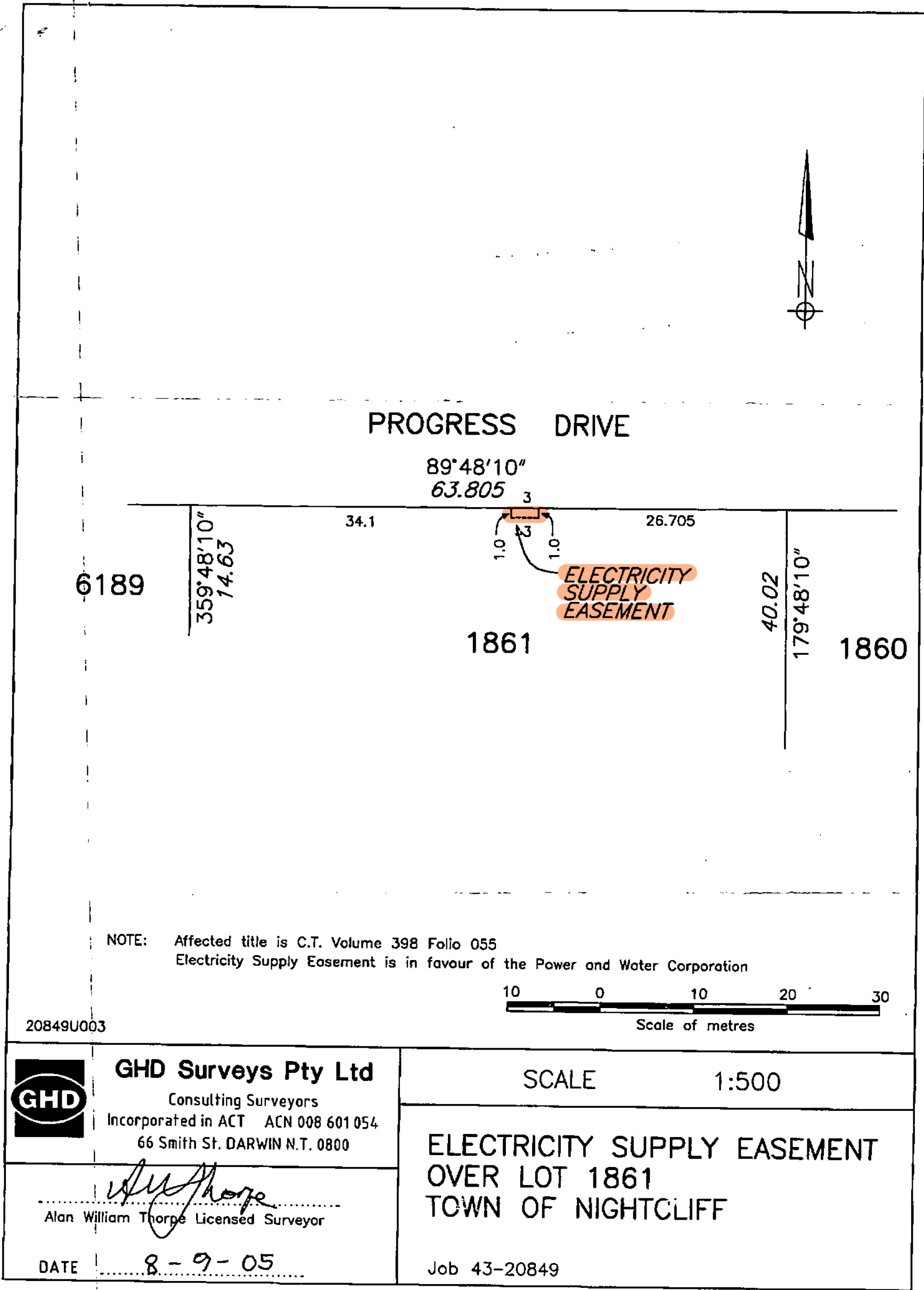
Map created Wed May 20 12:31:36 ACST 2026



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Bottom Left: -12° 23' 19", 130° 50' 46" Top Right: -12° 23' 14", 130° 50' 54" Approximate Scale: 1:1,200 Datum: GDA 1994
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Statement of Effect

DWELLINGS-MULTIPLE

LOT 01861 TOWN OF NIGHTCLIFF

May 2026

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Document Control

Author	Rory Mackay
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Table of Contents

Contact	0
Important Note	1
Document Control.....	1
1.0 Introduction	4
2.0 Site and Locality	4
2.1 Site	4
2.2 Locality	7
3.0 Planning History	8
4.0 Proposed Development	8
5.0 Section 46(3)(a) - NT Planning Scheme 2020	9
5.1 Nature of Development	9
5.2 Part 2 - Strategic Framework	10
5.3 Part 3 - Overlays.....	13
5.4 Part 4 – Zone MR	15
5.5 Part 5 – General Development Requirements.....	16
5.6 Specific Development Requirements.....	28
6.0 Section 46(3)(b) – Interim Development Control Order	42
7.0 Section 46(3)(c) – Referral to the NT EPA	42
8.0 Section 46(3)(d) – Merits of Proposed Development	43
9.0 Section 46(3)(e) – Physical Characteristics and Suitability of the Land	43
10.0 Section 46(3)(f) – Public Facilities and Open Space	43
11.0 Section 46(3)(g) – Public Utilities and Infrastructure.....	43

12.0	Section 46(3)(h) – Impact on Amenity	43
13.0	Section 46(3)(j) – Benefit/Detriment to Public Interest.....	44
14.0	Section 46(3)(ja) – Restricted Water Extraction Area	44
15.0	Section 46(3)(k) – Compliance with the Building Act.....	44
16.0	Section 46(3)(l) – Development of Scheme Land.....	44
17.0	Conclusion.....	44

1.0 Introduction

Cunnington Rosse Town Planning and Consulting has been engaged by Tsougranis Developments Pty Ltd to prepare, lodge and manage an application for a development permit for dwellings-multiple at 85 Progress Drive, Nightcliff. The proposal comprises 14 dwellings-multiple in a three-storey building with associated communal open space, site landscaping and ground level car parking. This development will replace the existing 11 dwellings contained on the site, which are to be demolished.

The site is located within Zone MR (Medium Density Residential), wherein dwellings-multiple require a development permit at the level of merit assessable. However, due to the property being partially located within a Primary Storm Surge Area (SSSA) under Overlay **Clause 3.7** of the Northern Territory Planning Scheme 2020 (the Planning Scheme) the level of assessment is impact assessable. This report details the nature of the subject land and locality, the proposed development, considers the proposal against the relevant provisions of the Planning Scheme, and the relevant components of **Section 46(3)** of the Northern Territory *Planning Act 1999*. This report (and application) is to be read together with the following attachments:

Attachment A: Development Plans

Attachment B: Landscaping Plan

Attachment C: Storm Surge Assessment

Attachment D: Feature Survey

Attachment E: Civil Concept Design

Attachment F: Swept Path Analysis

Attachment G: Title Documents

2.0 Site and Locality

2.1 Site

Site Details	
Location	Lot 01861 Town of Nightcliff (85 Progress Drive, Nightcliff)
Title Reference and Land Tenure	CUFT 882 802 – Estate in Fee Simple

Area	1,740m ²
Easements	Electricity supply easement to the Power and Water Corporation
Landowner	Tsougranis Developments Pty Ltd
Planning Considerations	
Planning Scheme	Northern Territory Planning Scheme 2020
Zone	MR (Medium Density Residential)
Assessment Category	Impact Assessable
Strategic Framework	• Darwin Regional Land Use Plan • Darwin Mid Suburbs Area Plan
Overlays	Clause 3.7 LSSS (Land Subject to Storm Surge)
General Development Requirements	• Clause 5.2.1 – General Height Control • Clause 5.2.4 (Car Parking) • Clause 5.2.6 (Landscaping) • Clause 5.2.7 (Setbacks for Development Adjacent Land in Zones LR, LMR, MR or HR)
Location Specific Development Requirements	None Applicable
Land Use Specific Development Requirements (Residential)	• Clause 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures • Clause 5.4.4 Extensions and Structures Ancillary to a Dwelling-group or Dwelling-Multiple Development • Clause 5.4.6 Private Open Space • Clause 5.4.7 Communal Open Space

	• Clause 5.4.8 Residential Building Design • Clause 5.4.17 Building Articulation • Clause 5.4.18 Fencing • Clause 5.4.19 Residential Plot Ratio
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Table 1: Site details and Planning Assessment Context

The subject land has an area of 1,740m² with 63.81 metres frontage to Progress Drive and a maximum lot depth of 40 metres along its eastern boundary, with the western boundary 14.63 metres long. The site currently contains 11 dwellings in a single and two-storey building with an associated outbuilding to the rear of the site. All existing buildings will be demolished and replaced with the proposed development.

The site is identified in the **images** below. The existing streetscape is dominated by hardstand access and car parking areas, with limited landscaping to soften the dated built form, which has limited passive surveillance of the public realm. This appearance, as discussed further within this report under the landscaping considerations of the Planning Scheme, is common throughout the wider streetscape along Progress Drive.



Image 1: The eastern frontage of the site which contains a hardstand car parking area and plain building façade with limited projections and interaction with the streetscape.



Image 2: The central lot frontage which contains established landscaping but has not been positioned to screen the bin storage area which is in plain sight to passers-by.



Image 3: The western frontage of the site, which contains a secondary car parking area.

2.2 Locality

Figure 1 in **Section 2** of this report demonstrates the zoning layout in immediate proximity of the site. To the east and west the site adjoins other parcels in Zone MR (Medium Density Residential) developed for older building stock dwellings-group and multiple (up to two-storeys); to the south (rear), the site adjoins land within Zone C (Commercial) developed for newer housing stock dwellings-multiple (up to five-storeys); and to the north, adjacent

Progress Drive is land located within Zone LMR (Low-Medium Density Residential) developed for older building stock dwellings-multiple (up to two storeys) and dwellings-single.

Further east of the site, approximately 80 metres, within Zone C (Commercial) is the Nightcliff Commercial Precinct shopfront. While some 300 metres to the east is the Nightcliff Village neighbourhood shopping centre which hosts weekly markets on Sunday, and approximately 380 metres to the south-east of the site is the Nightcliff Shopping Centre containing a major supermarket outlet.

The southern side of the Progress Drive road reserve adjacent the front boundary of the subject land consists of a 3 metres wide dual-purpose pathway. Bus stop 224 is serviced by the number four bus route is approximately 250 metres walking distance from the subject land. The Nightcliff foreshore recreation reserve commences within 80 metres to the west of the site, with the Nightcliff Jetty located some 1.5 kilometres walking distance from the site.

3.0 Planning History

Title details in **Attachment G** do not identify any historic planning applications.

4.0 Proposed Development

Architectural design details including site and floor plans, apartment plans, elevations, sections, perspectives and landscaping details are provided in **Attachments A and B**. The proposal seeks a development permit for the construction of 14 residential apartments across three building levels. Two apartments will be contained on the ground floor adjacent the complex's parking area of 28 bays and communal open space. Six apartments will each be positioned on the first and second floor levels respectively. All apartments are of a two-bedroom, two-bathroom design with a separate laundry. A 6.45 metres wide dual entry/exit driveway crossover is to be provided in the north-east corner of the site in lieu of the current dual crossovers, while a bin storage area will be screened adjacent the eastern side boundary.

The built form design provides for cross breeze ventilation through each apartment while providing privacy for individual occupants through the use of selected feature screening. A multi-pitch skillion roof is proposed to effectively drain stormwater to the front of the property into the public drainage network via a series of gutters and downpipes.

The communal open space is positioned to the rear of the site behind the built form and car parking area. Landscaping within this area and throughout the site makes use of a number of typical native and tropical plant species for screening, shading and beautification. Selected 1.5 metre-high visually permeable anti-climb fencing is to be installed along the Progress Drive street frontage; the driveway and bin storage area along a portion of the eastern side boundary will be screened by a 2.2 metre-high blockwork wall; and the remainder of the site's boundaries will be fenced with typical 1.8 metre-high aluminium screen perimeter fencing.

Key components of the building design and site layout approach include:

- 14x (2x2) dwellings-multiple in a three-storey building;
- A car parking area consisting of 28 bays;
- 228.33m² communal gardens to the rear of the site and built form;
- All apartments having open air access from both ends (ensuring access to prevailing breezes and the provision of through-flow ventilation); and
- The use of shading projections, natural materials, colours and finishes.

5.0 Section 46(3)(a) - NT Planning Scheme 2020

The relevant provisions within the Planning Scheme are referred to below.

5.1 Nature of Development

The proposed development consists of *dwellings-multiple* in accordance with the definitions in **Schedule 2** of the Planning Scheme:

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

Further to the above specific land use definition, *dwellings-multiple* is encapsulated within the broader land use term of a *residential building* which is defined below.

residential building means a building or part of a building used or developed or proposed to be developed for a dwelling-community residence, dwelling-caretakers, dwelling-grouped, dwelling-independent, dwelling-multiple, dwelling-single, hotel/motel, residential care facility, or rooming accommodation.

The development is located entirely within Zone MR (Medium Density Residential), wherein dwellings-multiple require a development permit at the level of merit assessable. However, due to the property being located within a Secondary Storm Surge Area (SSSA) under Overlay **Clause 3.7** of the Planning Scheme the level of assessment is *impact assessable*.

5.2 Part 2 - Strategic Framework

5.2.1 Darwin Regional Land Use Plan

The *Darwin Regional Land Use Plan* was prepared by the Northern Territory Planning Commission and incorporated into the Planning Scheme in 2015. The plan provides a vision, goals and intended outcomes for development of the Darwin Region, identifies regional opportunities and the intention for development into the medium and long term. The Land Use Structure on Page 13 of the Plan identifies the subject land as *Urban / Peri-Urban*.

Page 16 of the Plan provides the *Key Urban and Peri-Urban Residential Objectives*:

- *Identify sufficient suitable opportunities for residential development to ensure an ongoing supply of lots to meet market demand.*
- *Encourage a diverse range of dwelling types and residential localities to cater for changing demographics (including single person households and an ageing population), to meet increasingly diverse community aspirations and minimise the impacts of development on established localities.*
- *Focus urban and peri-urban development close to established areas or collocated in localities suitable for such uses to enhance the economic viability of required infrastructure.*
- *Encourage detailed design that:*
 - *recognises the contribution natural and cultural sites make to urban character*
 - *provides for appropriate protection and maintenance of natural and conservation areas*
 - *is climatically appropriate and avoids the creation of heat islands.*

In response to the key objectives, the proposed development contributes residential development renewal for the continued and increased (11 to 14 apartments) use of the site for housing conveniently located nearby to commercial services and public recreation opportunities. The site has access to service infrastructure and public transport, providing additional opportunity to concentrate population within close proximity to such services and infrastructure. Furthermore, the proposed dwellings provide a climatically appropriate built form.

Through the design relationship between the built form and open space proposed, and cognisant of the statutory requirements of the Planning Scheme considered later in this section, the development achieves an appropriate balance between maximising development opportunities within the site and minimising impacts on an established residential locality. In relation to Infill Development, the plan goes further to state:

The land use plan supports ongoing infill residential development, particularly on underutilised land close to existing transport networks and community or commercial facilities, and where there is potential for mixed-use activity centres. The plan is predicated on the opportunities increased residential densities close to such centres create for improved public transport and for local employment and the associated reduced need for commuter travel. Infill development in areas readily accessible to public transport and local facilities and

services will help minimise the impacts of increasing population growth in the region on the majority of existing residential areas.

Page 16 of the Plan identifies *Urban / Peri-Urban* to include:

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

Given the key objectives for Urban and Peri-Urban areas, commentary regarding infill development and the intended land use outcomes, the proposal is consistent with the range of uses and development outcomes anticipated within the Darwin Regional Land Use Plan, and will not compromise the outcomes of the Land Use Plan objectives.

5.2.2 Darwin Mid Suburbs Area Plan

The *Darwin Mid Suburbs Area Plan* was finalised by the Northern Territory Planning Commission and incorporated as a policy document in the Planning Scheme in mid-2016. The Plan provides a framework for land use and development outcomes within the Darwin Mid Suburbs Area (Nightcliff, Rapid Creek, Millner, Coconut Grove, and a portion of Ludmilla). The subject land is identified as *Residential* (reflective of the existing zoning) per the land use vision map on page 8, and is not located within an area for change, but is located with the Nightcliff Activity Centre.

The development contributes to the vision laid out in the Area Plan by providing 14 apartments with associated landscaping and open space within a site located close to public transport, commercial offerings and community recreation spaces (Nightcliff sporting grounds and public foreshore).

The goal of the residential land use designation is to facilitate a diversity of housing choice by ensuring new dwellings respect the character of existing residential areas whilst allowing for higher density development in focused activity centres. The renewal of the site for the continued residential use of the land with an increased yield from 11 to 14 dwellings with a commensurate building height of three-storeys is consistent with this goal.

The following planning principles are outlined for medium density development:

Residential - Medium Density	
Objectives 1. <i>Development of multiple dwellings in a residential only setting</i> 2. <i>A built form and landscape response that sensitively responds to the adjoining suburban residential area</i>	Acceptable Responses Development is to be in accordance with the provisions of Zone MR (Medium Density Residential), subject to any Concepts identified herein. A residential building in Zone MR is not to exceed a height of 3 storeys above the ground level, where: • the site abuts land in Zone LR; or • the site has a frontage to a street of 18 m or less in width, on the opposite side of which is land in Zone LR.

Consistent with the objectives and acceptable responses, the three-storey development provides 14 apartments with a building design responding to adjacent land and the established character, by ensuring compatible building heights and open space. Bulk and scale are addressed through the use of projections, visual relief, material variations, setbacks and landscaping, with a varied and interesting ground level frontage. The building design implements principles of passive cooling and airflow and is consistent with the current zoning.

In addition to the Residential designation, the site is also located within the eastern section of the Nightcliff Activity Centre, however no specific planning principles are outlined within *Attachment 1 Nightcliff and Coconut Grove Concept Plan* of the Area Plan for the site to address.

Progress Drive is listed as a Sub-Arterial/ Primary Transport Corridor within the Movement and Transport section of the Area Plan, with the following planning principles outlined:

- *Transport corridors that cater for the safe and efficient movement of pedestrians, cyclists, public transport and private motor vehicles;*
- *Well serviced public transport corridors that provide a reliable, convenient and accessible public transport service;*
- *Enhancement of higher order bicycle and pedestrian routes; and*
- *The creation of green gateways along major boulevards.*

In response the development rationalises the existing two site crossovers into a single entry/exit driveway to limit disruption to users of the 3 metres wide shared-use path which provides linkage to the Nightcliff Foreshore and commercial centre, in either direction. Landscaping of the development's frontage will contribute to the increased amenity and greening of Progress Drive as it approaches/becomes Casuarina Drive.

5.3 Part 3 - Overlays

Overlay 3.7 Land Subject to Storm Surge is applicable to the site, as it is wholly located within a secondary storm surge area.

Purpose

Identify areas with a known risk of inundation from primary or secondary storm surges and ensure that development in these areas demonstrates adequate measures to minimise the associated risk to people, damage to property and costs to the general community caused by storm surge.

Administration

1. *This Overlay applies to land subject to the PSSA and/or the SSSA.*
2. *This Overlay does not apply to:*
 - a) *outbuildings and extensions to existing dwellings;*
 - b) *extensions to existing commercial or industrial buildings;*
 - c) *a use or development within the SSSA that would otherwise be Permitted, and complies with the requirements of Part 5;*
 - d) *unzoned land; or*
 - e) *any use or development within a PSSA or SSSA that complies with Clause 5.5.1 (Interchangeable Use and Development in Specific Zones) which but for this Overlay, would not require consent.*
3. *This overlay does not apply to the use and development of land for dwellings-group or dwellings-multiple when the land is subject to Overlay 3.11 RCFR (Rapid Creek Flood Response).*
4. *In this Overlay:*
 - a) *“AEP” means Annual Exceedance Probability, which is the likelihood, in percentage terms, of inundation by storm surge;*
 - b) *“PSSA” means Primary Storm Surge Areas, which are those coastal areas within a 1% AEP of inundation by storm surge as defined on mapping produced by the NT Government;*
 - c) *“SSSA” means Secondary Storm Surge Areas, which are those coastal areas adjacent to the PSSA with a 0.1% AEP of inundation by storm surge as defined on mapping produced by the NT Government; and*

- d) *“storm surge” means the elevation in sea level which accompanies the movement of a cyclone particularly near, or over, a coastline, attributed to a cyclone’s intensity and wind stress build-up.*
- 5. *Land within the PSSA is to be used or developed only with consent.*
- 6. *The consent authority may consent to a use or development within the PSSA that is not in accordance with sub-clauses 8-10 only if it is satisfied that the application demonstrates that there is no increased risk to people and property, including adjoining property.*
- 7. *The use or development of land within the SSSA should have regard to sub-clauses 9 and 10.*

Requirements

- 8. *Development in the PSSA should be limited to uses such as open space, recreation, non-essential public facilities (wastewater treatment works excepted) and short-stay tourist camping/ caravan areas.*
- 9. *Development within the SSSA should be confined to those uses permitted in the PSSA as well as industrial and commercial land uses.*
- 10. *Residential uses, strategic and community services (such as power generation, defence installations, schools, hospitals, public shelters and major transport links) should be avoided in the PSSA and the SSSA.*

Storm Surge mapping of the site shows the western portion of the property is impacted by primary storm surge; however, the lowest point of the site is 5.72m AHD, which is above the 5.52m AHD primary storm surge inundation level, thus the site in its existing form is not subject to primary storm surge inundation.

The proposed residential development is within a secondary storm surge area and as result is supported by a civil engineering statement and drawings from MDP Engineers (**Attachment C & E**). This advice outlines the proposed finished floor level (FFL) for all ground level habitable areas (2 of 14 apartments) will be 6.5m AHD as shown in **Attachments A and E**, which is above the known secondary storm surge inundation level at 6.37m. Therefore, the development can accommodate secondary storm surge inundation without impact to the habitable dwellings. While the proposed car park will be partially located below the secondary storm surge inundation level it will remain trafficable during an inundation event with a maximum water depth of 120 millimetres modelled. It is also noted the ground floor building footprint of the development is smaller than that of the existing ground floor footprint, resulting in a net decrease to the footprint at risk from storm surge inundation.

Given the above, MDP Engineers conclude the development will not result in any measurable increase in storm surge inundation or displacement impacts to adjoining properties and is considered acceptable from a flood risk and amenity perspective. In the context of the purpose of **Clause 3.7**, the extent of inundation across the subject land during a secondary storm surge event, and the development response to ensure dwelling floor levels above the corresponding inundation level, adequately minimises any risk to people. The level of inundation across the site is not expected to result in an unacceptable risk to property located outside of the dwellings, and accordingly no unacceptable cost to the community will result.

5.4 Part 4 – Zone MR

The subject land is located within Zone MR (Medium Density Residential) per **Clause 4.4** of the Northern Territory Planning Scheme. **Clause 4.4** provides the following in relation to development in Zone MR:

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.*

A three-storey development is proposed that is in keeping with Zone Outcome 1.

2. *Home based businesses and dwellings-community residence are operated in a manner consistent with residential amenity.*

The development does not propose either of these land uses.

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.*

The development does not propose a residential care facility.

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.*

No non-residential land uses are proposed.

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.*

A 14 apartment, three-storey complex setback parallel from the Progress Drive road reserve is proposed with associated screen landscaping, car parking and communal open space. The design of each apartment provides for cross breeze ventilation through building openings and projections to capture prominent north-west and south-east prevailing wind, and passive surveillance of the public realm with the majority of apartment balconies addressing Progress Drive, while providing privacy for individual occupants through the use of selected feature screening. In combination the design provides for the renewal of the site and the continued use for residential purposes, while being in keeping with the current and future residential character of the immediate locality.

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.*

The development is compatible with surrounding land use and development and will rely on reticulated services subject to the requirements of the City of Darwin and the Power and Water Corporation. A single vehicle entry/exit point is proposed in lieu of the two current site crossovers, with clear pedestrian and bicycle access, noting the site adjoins a large 3 metre wide shared path which provides active transport access to the wider amenities of Nightcliff, including a public transport bus route. A multi-pitch skillion roof is proposed to effectively drain stormwater to the front of the property into the public drainage network via gutters and downpipes incorporated into the building design.

5.5 Part 5 – General Development Requirements

5.5.1 Clause 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 <i>site</i> in zone MR abutting a <i>site</i> in Zone LR	3 storeys
	Development on a <i>site</i> that is: • 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 <i>site</i> in Zone LR.	3 storeys
	All other uses	4 storeys

Table B to Clause 5.2.1 indicates a four-storey maximum building height applicable to the subject land, whereas the proposed development is three-storeys.

5.5.2 Clause 5.2.4.1 – Parking Requirements

Purpose

Ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of a site.

Administration

1. *This clause does not apply where alternative car parking space requirements are established under clause 5.9 (Location specific development requirements).*
2. *The consent authority may consent to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of car parking spaces is appropriate with regard to:*
 - a) *the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;*
 - b) *the provision of car parking spaces in the vicinity of the land; and*
 - c) *the availability of public transport in the vicinity of the land;*
 - d) *the potential impact on the surrounding road network and the amenity of the locality and adjoining property;*

or if the use or development relates to a heritage place and the Minister responsible for the administration of the Heritage Act 2011 supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place.
3. *The consent authority may require the provision of car parking spaces for any ancillary use or development in addition to that specified for the primary use or development in the table to this clause.*
4. *For the purposes of this clause:*
 - a) *the reductions in Table B only apply to uses specifically referenced within Table A and apply to the base car parking rates established in Table A;*
 - b) *only one reduction percentage is permitted per category when applying Table B; and*
 - c) *the reductions in Table B do not apply to one bedroom dwellings.*

In accordance with categories **1(b)** and **2(a)** of **Table B** to this clause, a cumulative parking spaces reduction rate of 25% is applicable to the development as the site is located:

- within 400 metres walking distance of a public bus stop that provides access to five or more bus routes (10% reduction); and
- within 200 metres walking distance of a commercial zone (15% reduction).

Requirements

5. *Use and development is to include the minimum number of car parking spaces specified in the table to this clause (rounded up to the next whole number).*

In accordance with the table to **Clause 5.2.4.1**, the proposed development requires and provides car parking per the following table.

Land Use	Number / Area	Parking Rate	Standard Required Parking	25% Reduced Required Parking	Parking Provided
Dwellings – Multiple	14 dwellings	2 per dwelling	28	21	28

The proposed development provides a surplus of seven (7) car parking bays relative to the requirements of **Clause 5.2.4.1**.

5.5.3 Clause 5.2.4.4 – Parking Layout

Purpose

Ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.

Administration

1. *This clause does not apply to a car parking area where the car parking is required in association with a dwelling-single, dwelling-independent or a home based business.*
2. *A car parking area may be used for the purpose of a market if:*
 - a) *a market is Permitted in the zone; and*

- b) the market operates outside of the operating hours of the use for which the car parking area is established.*
- 3. The consent authority may consent to a car parking area that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the amenity of the surrounding locality.*
- 4. The consent authority may consent to a car parking area that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development.*
- 5. The consent authority may consent to a car parking area that is not in accordance with sub-clause 9 if it is satisfied that the non-compliance will not result in adverse impacts on the local road network or internal functionality of the car parking area.*

Requirements

- 6. A car parking area is to:*
 - a) be not less than 3m from any lot boundary abutting a road; and*
 - b) provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the car parking area when viewed from the road.*

The car parking area is sited at 1.2m in lieu of the required 3m setback from the Progress Drive road frontage with screen landscaping proposed within this setback area. Subclause 3 of this clause outlines the following for a variation to the requirement:

The consent authority may consent to a car parking area that is not in accordance with this subclause if it is satisfied that the non-compliance will not unreasonably impact on the amenity of the surrounding locality.

It is considered that the 1.8m reduction in a car parking area landscaping buffer to Progress Drive will not result in an adverse amenity impact on the locality as the reduced 1.2m setback area provides sufficient space for landscaping to lessen any adverse visual impact from this component of the development to the road reserve frontage. The proposed landscaping in this portion of site includes dense plantings with species such as *Murraya Paniculata* which is a hedge-type screen plant as shown in the following **image**.



Image 4: An established *murraya paniculata* hedge.

In addition to the above, the established streetscape along the southern side of Progress Drive as shown in the following **images** predominantly consists of developments with reduced setbacks to parking areas with a lack of landscaping used to screen and soften the appearance of such. In this context, the proposed variation is suitable and unlikely to result in unreasonable adverse impact on the amenity of the surrounding locality, noting the established car parking interface of adjoining and nearby properties.

Conversely, the proposed development ensures the car parking area is effectively screened via landscaping in accordance with the intent of the Planning Scheme requirement.



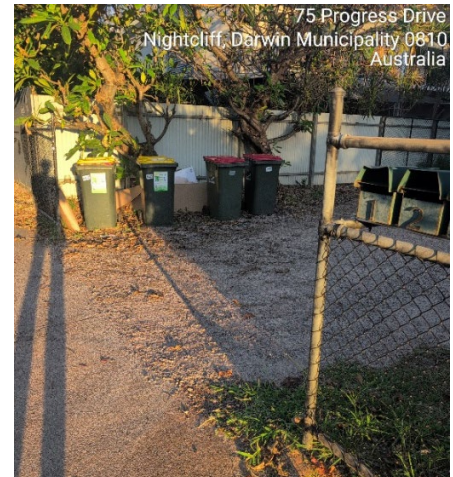
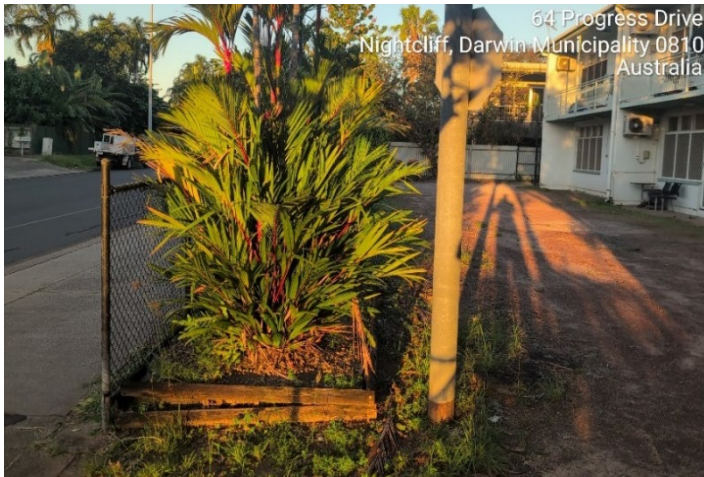


Image 5: The frontage of the adjoining eastern side property with limited screening landscaping to its front driveway and car parking area.



Image 6: Existing Progress Drive interface at 60 Progress Drive, Nightcliff.

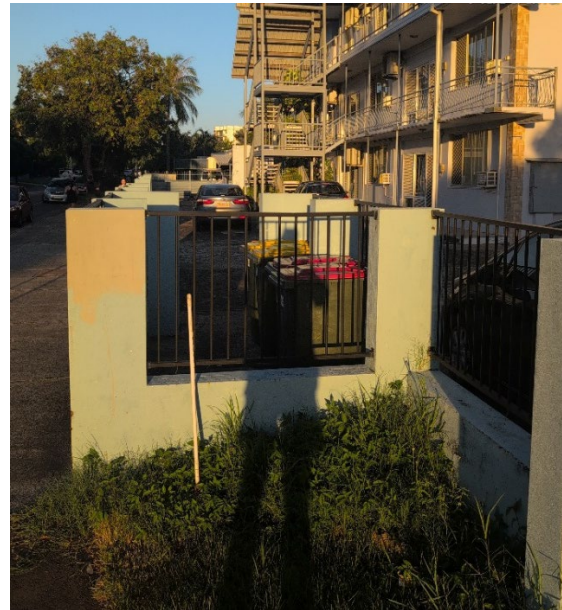


Image 7: Front (Progress Drive) interface of properties to the west of the site.

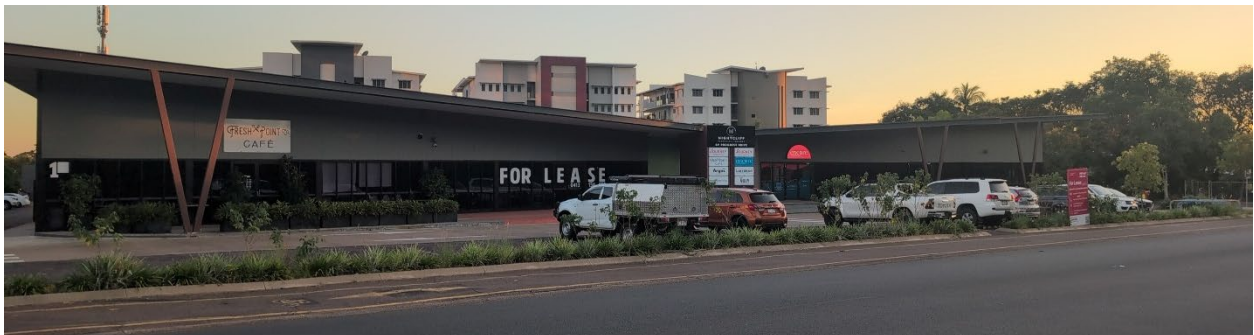


Image 8: Existing front (Progress Drive) interface at 69 Progress Drive, Nightcliff

7. A car parking area is to be constructed and maintained to be:
 - a) of a suitable gradient for safe and convenient parking; and
 - b) sealed and well drained in urban areas, or dust suppressed in non-urban areas.

Both the architectural and civil plans (**Attachments A & E**) of the development demonstrate the car parking area will be sealed, with gradient limited to internal drainage requirements.

8. *The layout of a car parking area is to:*

- a) be functional and provide separate access to every car parking space;*

Car parking spaces are easily identifiable, accessible and logically located near building entry/access points. Separate access is provided to each car parking space.

- b) allow a vehicle to enter from and exit to a road in a forward gear;*

The manoeuvring area between car parking bays ensure vehicles can enter and exit in a forward gear. Additionally, the swept path analysis contained in **Attachment F** details the dual width driveway and roller door access can be sufficiently manoeuvred by a passenger vehicle.

- c) be in accordance with the dimensions set out in the diagram to this clause; and*

All car parking spaces meet or exceed the minimum dimension requirements of 2.5 metres by 5.5 metres.

- d) ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.*

A 1 metre long end-of-row driveway extension provides additional reversing space.

9. *The number of access points to the road is to be limited, and access points to car parking areas are to:*

- a) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and*
- b) maximise sight lines for drivers entering or exiting the car parking area.*

A single vehicle 6.45 metres wide access point is proposed in lieu of the two existing vehicle crossovers. The verge area has an approximate depth of 4 metres to the road surface and visually permeable fencing will be installed in this portion of the site. Nonetheless, landscaping adjacent this crossover will be required to avoid impacting sightlines and it is expected that this will be enforced by a standard condition of approval on any forthcoming development permit.

5.5.4 Clause 5.2.6 – Landscaping

Purpose

Ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall amenity of the locality.

Administration

1. *Landscaping may include provision of paved areas and areas for entertainment and recreational activities.*
2. *The consent authority may consent to landscaping that is not in accordance with sub-clauses 5, 6 and 7 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and is appropriate to the site having regard to the amenity of the streetscape, and the potential impact on the amenity of the locality and adjoining property.*

Requirements

3. *Where landscaping is required by this Scheme it should be designed so that:*
 - a) *planting is focused on the area within the street frontage setbacks side setbacks, communal open space areas and uncovered car parking areas;*

Landscaping is provided in the building setback areas, adjacent the car parking area and within the communal open space.

- b) *it maximises efficient use of water and is appropriate to the local climate;*

Landscaping includes planting and built form landscape components, with an appropriate selection of species ensuring suitability to local climate conditions.

- c) *it takes into account the existing streetscape, or any landscape strategy in relation to the area;*

The landscape design seeks to improve the interaction of the site with the public realm, with the majority of the Progress Drive boundary being landscaped and open, providing improved continuity of landscaping and open space together with surrounding land also fronting the road reserve.

- d) *significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained;*

The site includes a number of established landscape species that will be removed to accommodate the proposed development. The proposed landscaping outcomes will offset amenity impacts as a result of the removal of existing vegetation.

- e) *energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;*

New shade trees strategically located ensure an appropriate balance of shading and access to sunlight.

- f) *the layout and choice of plants permits surveillance of public and communal areas; and*

Planting along the Progress Drive frontage largely consists of screen and feature species, ensuring an attractive site presentation whilst enabling passive surveillance from individual apartments.

g) it facilitates on-site infiltration of stormwater run-off.

The landscaped areas surrounding the building footprint provide opportunities for on-site infiltration.

4. The quality and extent of the landscaping consented to must be maintained for the life of the development.

It is anticipated that conditions on any forthcoming development permit will ensure landscaping is installed prior to completion, and that landscaping must be maintained at all times.

5. Other than in Zones CB, C and TC, not less than 30% (which may include communal open space) of a site that is used for rooming accommodation, dwellings-group, dwellings-multiple and residential care facility is to be landscaped.

Taking into account all ground level planting, private and communal open space areas, and excluding hardstand car parking and pedestrian movement areas, the total landscaped area is equivalent to 591.46m², equivalent to 33.99% of the site area.

6. In Zones LI, GI and DV all street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m.

Not applicable.

7. In Zones MR and HR, side and rear setbacks are to include planting to the length of the setback of no less than 2m deep, except for areas that are used for private open space.

Planting to a depth of at least 2 metres is included to the western side, majority of the rear, rear part of the eastern side, and western part of the front boundary. However, the following variations are proposed:

- The front portion of the eastern side boundary is proposed to be developed with a 2.2 metres high masonry wall along the boundary; and
- Pathway and wall encroachment into a portion of the rear boundary setback, providing pedestrian access to the entrance of Unit 1.

The Planning Scheme lists the following for a variation to this requirement:

The consent authority may consent to landscaping that is not in accordance with sub-clauses 5, 6 and 7 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and is appropriate to the site having regard to the amenity of the streetscape, and the potential impact on the amenity of the locality and adjoining property.

The portion of the eastern property boundary which is not proposed to be landscaped is adjacent a driveway and building setback area of the adjoining land as shown in the following image. The proposed building layout ensures solid screening to the site access driveway and bin storage area, locating the bin enclosure opposite the driveway / car parking area on the adjacent site thus avoiding adverse impacts on more sensitive areas adjacent the site boundary. Locating the proposed driveway directly adjacent the existing driveway on the adjoining property to the east further minimises disruption to the shared path relative to additional separation between driveways. Therefore, it is considered that this functional component of the development will not be detrimental to the streetscape appearance or the amenity of the immediate locality, including that of adjoining land. Accordingly, the proposed variation is minor and suitable in this instance.



Image 9: *The eastern side boundary between the site and the adjoining property in this direction.*

The reduction in planting depth to the rear boundary is limited to a small portion of the boundary length only, with the majority of planting adjacent this boundary meeting or exceeding 3m. The minor reduction is effectively offset by the increased depth elsewhere and is unlikely to adversely affect amenity within the adjacent property to the rear of the site.

5.5.5 Clause 5.2.7 – Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR

Purpose

Protect the visual and acoustic amenity of residential buildings where they are adjacent to non-residential development.

Administration

1. *The consent authority must not consent to a development that is not in accordance with sub-clause 3, except where:*
 - a) *the development is covered by an area plan listed in Part 2 (Major Remote Towns) of the Planning Scheme, in which case the consent authority may consent to a development that is not in accordance with sub-clause 3 if the service authority responsible for distribution of electricity, water and sewerage services points to compliance being impractical or prohibited; or*
 - b) *the development is for the purpose of a child care centre.*

Requirements

2. *A use or development or a proposed use or development that is:*
 - a) *not a residential building;*
 - b) *on land that is in a zone other than Zones LR, LMR, MR or HR; and*
 - c) *abuts land in any of those zones;*

must provide a setback to the boundary that abuts any of those zones of not less than 5m.
3. *The setback described in sub-clause 2 is to be landscaped to provide a visual screen to the adjacent land Zoned LR, LMR, MR or HR for a minimum depth of 3m.*
4. *The development should provide a solid screen fence of a minimum height of 1.8m at the boundary with land in Zones LR, LMR, MR or HR.*

The subject land directly abuts land in Zone MR, however the proposed development consists of a *residential building*. Accordingly, **Clause 5.2.7** is not applicable for assessment.

5.6 Specific Development Requirements

5.6.1 Clause 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.*

Setbacks for residential buildings in Zone MR are subject to Table B in Clause 5.4.3, stipulating setback requirements for residential buildings, ancillary structures and balconies in zones MR and HR. The required and proposed setbacks applicable to the subject land and proposed development are outlined in the table below.

Boundary	Required Setback	Proposed Setback
Primary Street (North /Progress Drive)	6m for residential buildings and ancillary structures 3m for balconies 2.1m for roof line	Building – 6.013m at closest point (U9 wall) U1 Courtyard – 3m Balconies – 3m Roof line – 2.5m
Side (East)	3m for residential buildings, ancillary structures and balconies 2.1m for roof line	Entry gate and support – 0.91m Bin enclosure - 1.4m Main building wall – 3m Roof line – 1.6m
Side (West)	3m for residential buildings, ancillary structures and balconies 2.1m for roof line	Building - 3m Roof line – 2.5m
Rear (South)	3m for residential buildings, ancillary structures and balconies 2.1m for roof line	Building – 3m (majority) U1 blade wall – 1.57m Stair 1 blade wall – 2.5m Roof line adjacent U9 – 0.8m Roof Line adjacent U14 – 1.2m

As detailed above, the development includes boundary setback variations to **Clause 5.4.3** at the following locations:

- The enclosed courtyard to Unit 1 on the ground floor aligns with the outer balcony facades and is setback 3 metres from the Progress Drive boundary;
- The entry driveway from Progress Drive includes a covered arbour to ground level, incorporating the separate vehicle access / egress roller doors and support columns. The nearest support columns is 0.91 metres from the eastern side boundary, and the bin enclosure further back is 1.4 metres from the boundary, with the front half of the eastern boundary to be fenced with a 2.2 metres high masonry wall;
- The blade walls separating the Unit 1 entrance and common areas at ground level encroach into the rear boundary setback by 1.43 metres, and the western-most external staircase wall encroaches at all levels by 0.5 metres; and
- The roof overhangs encroach at the following locations:
 - To the rear boundary above Unit 9 by 2.2 metres;
 - To the rear boundary above Unit 14 by 0.9 metres;
 - To the eastern side boundary by 0.5 metres; and

The Planning Scheme notes the following in this regard:

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 primary street setback variation is limited to the front courtyard solid wall of the private open space associated with Unit 1. This wall extends to the full height of the three-storey building; however, at the first and second building levels it forms part of compliant balconies. The setback variation applies only to a 3.7 metre wide wall, which functions to screen the private open space of Unit 1 from communal areas of the development and the public realm, and does not form part of an enclosed internal room. As such, and within the context of the purpose of this clause, the setback variation does not result in adverse building mass when viewed from adjoining land or the street, create overlooking or privacy impacts, or prevent breeze penetration through and between buildings.

The eastern side setback variations comprising a support column of the vehicle access roller door 0.91 metres from the property boundary; the roofed bin storage area located 1.4 metres from the boundary; and the front portion of the boundary, which is proposed to be fenced with a 2.2-metre-high masonry wall. These elements are limited in scale, confined to the ground floor and front portion of this boundary, and are located opposite the driveway and car parking area of the adjoining property to minimise impacts on more sensitive interfaces and the Progress Drive streetscape. In addition, these elements provide effective screening of service and utility areas from the public realm and the adjoining eastern property. Overall, these setback variations will not be prominent when viewed from Progress Drive or neighbouring land, create privacy or overlooking issues, or impede breeze penetration through and between buildings.

The blade walls separating the Unit 1 entrance from common areas at ground level encroach into the rear boundary setback by 1.43 metres, while the western-most external staircase wall encroaches at all levels by 0.5 metres. These elements have minimal building mass within the rear setback and are offset by substantially greater building setbacks adjoining the communal open space along the remainder of this truncated boundary. Accordingly, the scale and placement of these elements does not result in adverse building mass impacts, overlooking concerns, or restrictions to breeze penetration when assessed against the purpose of this clause.

The three identified roof overhang setback variations to the eastern and southern boundaries are limited to horizontal roof projections for weather protection and do not involve solid vertical building elements. As a result, these overhangs do not contribute to adverse building mass impacts on adjoining properties, create overlooking concerns, or inhibit breeze penetration. All southern boundary roof encroachments occur along minor portions of this boundary only and are offset by compliant or substantially greater setbacks elsewhere along this elevation.

Collectively, the setback variations are minor and appropriate in the context of the purpose of this clause. The built form is sited in a manner that is compatible with the established character of Progress Drive, does not present an overbearing building mass, maintains opportunities for breeze penetration through and between buildings, and protects the privacy and amenity of adjoining properties.

5.6.2 Clause 5.4.4 Extensions and Structures Ancillary to a Dwelling-group or Dwelling-Multiple Development

The development does not include an extension or ancillary structure to an existing dwelling-group or dwelling-multiple. Therefore, Clause 5.4.4 is not applicable for assessment.

5.6.3 Clause 5.4.6.2 – Private Open Space (Dwellings-Multiple)

Purpose

Ensure dwellings include private open space that enhances the function of the dwelling and are:

- a) of an adequate size to provide for outdoor living; and*
- b) appropriately sited to provide outlook for the dwelling.*

Administration

- 1. The consent authority may consent to dwellings-multiple comprising of serviced apartments in Zone TC that is not in accordance with sub-clauses 4, 5 and 6 if it is satisfied that the communal open space and communal facilities will adequately meet the activity needs of residents.*

2. *The consent authority may consent to dwellings-multiple, other than dwellings-multiple comprising of serviced apartments in Zone TC, that is not in accordance with sub-clauses 3-5 if it is satisfied the development is consistent with the purpose of this clause.*

Requirements

3. *Each dwelling-multiple is to have at least one area of private open space that:*

- a. *is a minimum area of 12m² with no dimensions less than 2.8m;*

Private open space for all dwellings is provided in the form of balconies and courtyards for the two ground level apartments as an extension of the primary internal living areas within each apartment. The smallest allotted private open space across the 14 apartments is 18.5m² with a minimum dimension of 3 metres, well above the stipulated 12m² minimum.

- b. *is directly accessible from the main living area or dining area of the dwelling to enable an extension of the function of the dwelling;*

All balconies and private open space areas are directly accessible from the main living areas within the respective dwellings.

- c. *is located to provide views from the dwelling to open space and natural features of the site or locality.*

Balconies ensure views over the communal and landscaped areas, and/or the public realm of Progress Drive, enabling an attractive outlook from within dwellings, without unduly compromising privacy of adjacent and nearby land.

4. *Where private open space is adjacent to communal open space, direct access is to be provided from the private open space to the communal open space, with a delineation between each area.*

Direct access is provided between the ground level private open space areas and the communal areas, with clear delineation between the two.

5. *Where the private open space is at ground level and not adjacent to communal open space, it should be:*

- a. *fenced to a maximum height of 1.8m providing a visual barrier to adjoining dwellings; or*
- b. *planted with dense vegetation which will provide a visual barrier to 1.8m to adjoining to adjoining dwellings within two years of planting.*

Ground level private open space areas are fenced with 1.8 metres high powdercoated aluminium fencing, screened with *Syzygium Columnar* species, a fast growing evergreen lilly pilly designed for narrow, high-density screening.

5.6.5 Clause 5.4.7 – Communal Open Space

Purpose

Ensure that suitable areas for communal open space are provided for dwellings-multiple, residential care facilities and rooming accommodation.

Administration

- 1. This clause does not apply to dwelling-multiple where each dwelling has direct and independent access to private open space at ground level.*
- 2. The consent authority may consent to a dwelling-multiple comprising serviced apartments in Zone TC that is not in accordance with sub-clauses 5 and 6 only if it is satisfied it is consistent with the purpose of this clause and that the private open space associated with each dwelling provides appropriate opportunities for outdoor activities.*
- 3. The consent authority may consent to a development in Zone C or Zone CB that is not in accordance with sub-clauses 5 and 6 if appropriate recreational space for the occupants of the development is provided, having regard to the following matters:*
 - a. whether the communal open space has usable dimensions and is of a sufficient size for the density of the development;*
 - b. the development is in proximity to adequate public open space or sufficient amenities; and*
 - c. whether there is an appropriate increase in private open space provided (over that which is required by Clause 5.4.6), for each dwelling in the development.*
- 4. For zones and uses not covered by sub-clauses 2 and 3, the consent authority may consent to a development that is not in accordance with sub-clauses 5 and 6 if it is satisfied the communal open space has usable dimensions and is of a sufficient size for the development.*

Requirements

- 5. A minimum of 15% of the site, being not less than 6m wide at any point, is to be communal open space.*

The communal open space of the development is 256.41m², or 14.73% of the site area, resulting in variation of 4.59m² or 0.3% of the site area. The Planning Scheme notes the following in this regard:

...the consent authority may consent to a development that is not in accordance with sub-clauses 5 and 6 if it is satisfied the communal open space has usable dimensions and is of a sufficient size for the development.

As detailed above the variation to the area of the communal open space is minor in size, and it also considered that it is minor in impact for the following cumulative reasons:

- this clause as outlined in subclause 1 does not apply to the two ground level apartments which have ground level private open space;
- each apartment on the first and second floor has more than 54% additional private open space via balconies larger than required by the Planning Scheme;
- the communal open space is of a sufficient area and depth in a rear site location which is away from the public realm to provide useable private green space for the recreation of dwelling occupants and ensure an attractive landscape design; and
- the subject land is in immediate proximity to the commencement of the Nightcliff foreshore park and shared path, providing immediate access to regional-level public open space.

6. *Communal open space is to be designed to:*

- a. be clearly delineated from private and public open space;*
- b. maintain reasonable privacy of nearby dwellings;*
- c. provide recreational facilities for occupants; address the projected needs of children;*
- d. include landscaping and shade where located outdoors;*
- e. minimise safety issues, including through lighting and passive surveillance;*
- f. minimise the effects of any on-site traffic circulation and car parking areas; and*
- g. be capable of efficient maintenance and management.*

The communal open space is clearly delineated from ground level private open space areas and includes irrigated lawn for recreation opportunities for people of all ages, in a location separate from adjacent private open space, and focussed on the centre rear of the site to ensure appropriate levels of privacy are maintained.

As Unit 2 has windows to habitable rooms facing the communal open space, external aluminium louvres will be installed as shown in **Attachment A** (Ground Floor Plan) to ensure there are no direct views from users of the communal open space into Unit 2 through these windows.

Furthermore, the communal open space provides for a range of additional activities for a range of occupants, including landscaping and shade, facilitates informal surveillance and user security, on-site pedestrian circulation and is separated from vehicle movements, and suitably provides for future maintenance and management requirements.

5.6.6 Clause 5.4.8.2 – Building Design for Dwellings-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.*

The *Community Safety Design Guide* seeks to ensure development considers the principles of *Community Protection through Environmental Design* (CPTED). In relation to the guide, the proposed development provides opportunities for passive surveillance through ground level communal and private open space, and upper-level residential uses with balconies addressing Progress Drive. The proposal limits opportunities for entrapment and low-level zone lighting will ensure the avoidance of dark zones. Residential car parking areas are protected, and the primary pedestrian access is within view of the communal areas.

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.*

Requirements

8. *Doors and openable windows are to provide natural cross ventilation opportunities to habitable rooms.*

Individual apartment designs provide clear crossflow ventilation between balcony and main entrances, which is aided by permeable common access corridors to maximise opportunities for flow-through ventilation.

9. *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.*

Building elevations ensure appropriate shading is provided to openings, with distinct building components, streetscape activation, fenestration, use of building projections and varying façade designs avoid any expanse of blank walls. Selected materials focus on natural finishes minimising any opportunity for glare or other nuisance.

10. *Development is to provide legible entry points and clear and direct pathways for pedestrians from the street and to all buildings on the site.*

Clear, legible pedestrian entry is provided to the primary frontage, with legible pedestrian access between the primary entrance, car park levels, lifts and apartments.

11. *Development is to minimise the transmission of noise and exhaust from services by:*

- a. *locating lift shafts away from habitable rooms, or by using other noise attenuation measures; and*

Lift shafts, and other mechanical services are suitably separated from habitable rooms.

- b. *locating air conditioner plants away from openings in habitable rooms.*

Air conditioning condensers are to be positioned within private open space areas adjacent bedroom major openings. The Planning Scheme outlines the following regarding such a design variation:

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.

Air conditioning equipment will be positioned so that it is screened from predominant views from the public realm, while also allowing for ongoing maintenance and replacement throughout each individual system's useful life. Screening gates and a perpendicular condenser orientation will aid the dispersal of operational noise from each unit so that it does not create an adverse nuisance for occupants.

12. *Development is to include screening to:*

- 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%;*

Car parking areas are not screened to the Progress Drive frontage by solid materials to the requirement of this clause. The Planning Scheme outlines the following for such a design variation:

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... are appropriately concealed or integrated into the development to minimise visual impacts.

As detailed previously at **Section 5.5.3** of this report the car parking area is to be suitably screened to the street frontage by landscaping to minimise the visual impact of this component of the development.

- 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*

Generally, services and utilities will be internalised within the site with screening to the public realm. However, guttering and downpipes will be noticeable from the Progress Drive street frontage. The Planning Scheme outlines the following for such a design variation:

The consent authority may consent to a development that is not in accordance with sub-clause 12 if it is satisfied that... services and utilities... are appropriately concealed or integrated into the development to minimise visual impacts.

The guttering and downpipes are integrated into the building design as a design feature while also providing a key structural component for weatherproofing compliance with the National Construction Code in a high-rainfall area such as Darwin. On this basis, it is not anticipated that these standard building components will create an adverse visual impact on the site or neighbouring land.

- c. *bin storage areas to the public domain, using solid materials and/or landscaping.*

The bin storage area adjacent the eastern side boundary is screened by solid materials to the Progress Drive frontage and to the adjoining eastern property.

13. Balconies are to provide at least:

- a. *One side without an external wall; and*
- b. *One side without an external wall for more than 50% of the length of that side.*

All balconies are open aspect in design with only Units 3 and 9 having solid walls which are 50% of their balcony frontage.

14. Full-height privacy screening on balconies is not to exceed 25% of the length the balcony that faces a street.

Full-height screens are shown on balconies facing Progress Drive, with dimensions confirming the screens do not exceed 25% of the relative balcony frontage, except for Units 3 and 9 which have screening across 50% of their Progress Drive balcony frontages. The Planning Scheme notes the following for such a variation:

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.

The balconies of Unit 3 and 9 are completely open to the western and eastern side elevations in lieu of the northern frontage which includes both the use of a feature solid screen wall and screening across the balcony frontages of these units to soften the building mass and maximise useability of the balconies. Balcony screens consist of aluminium louvres and offset the solid balcony walls, whilst the open aspect balcony elevations of Units 3 and 9 to the west provides for breeze penetration from the predominant wet season north-west winds through these apartments. Given this, the variation ensures the intent of this subclause is achieved.

15. Buildings are to provide internal drainage of balconies.

All balconies will be internally drained.

5.6.7 Clause 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.*

The north (front), east (side), south (rear – majority) and west (side) building lines are sufficiently articulated in accordance with these requirements. However, the south-western rear building elevation adjacent Units 3 and 9 is 16.48 metres long without articulation. The Planning Scheme outlines the following for variation to this requirement:

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.

The south-western building elevation with a 1.4 metre variation to this requirement is minor in scale and its positioning to the rear of the site will not be noticeable from Progress Drive. The proposed variation will not result in an adverse building mass impact on adjoining land, as this building elevation complies with the 3 metre wall to boundary setback stipulated under **Clause 5.4.3**. Additionally, the proposed variation is substantially offset by increased building setbacks to the rear boundary around the communal open space area of the development. Furthermore, building projections and windows are proposed along this subject elevation to provide visual interest, articulation and opportunities for cross-ventilation within the building design.

5.6.8 Clause 5.4.18 – Fencing

Purpose

Promote fencing in medium and high density areas that provides a positive interface with the public domain, while allowing necessary privacy for residents and neighbouring properties.

Administration

1. *The consent authority may consent to a use or development that is not in accordance with sub-clause 4 if it is satisfied the fence enhances the streetscape and allows for passive surveillance to the public domain.*
2. *The consent authority may consent to a use or development that is not in accordance with sub-clause 5 if it is satisfied the fencing provides sufficient sightlines for pedestrian and cyclist safety.*
3. *The consent authority may consent to a use or development that is not in accordance with sub-clause 6 if it is satisfied the development protects the privacy of adjacent lower density residential development.*

Requirements

4. *All fences adjacent to road boundaries or boundaries adjoining public open space are to be constructed so that:*

- a. *the maximum height is 2m above ground level measured at the relevant site boundary; and*
- b. *the area of materials that is not visually permeable does not exceed an area equivalent to the length of the site boundary (excluding driveways) multiplied by 1.2m.*

The Progress Drive frontage will be fenced with a visually permeable anti-climb fence to a height of 1.5m per **Image 11**.



Image 10: Proposed permeable anti-climb front fencing

5. *Fencing within 1.5m of driveways, pedestrian entries, and street corners is to be visually permeable above 0.6m (unless there is truncation provided within these areas to the same distance).*

The 1.5 metre-high visually permeable anti-climb fence will extend inwards to the driveway entry roller door in the north-east corner of the site. A parabolic mirror for sightlines to passing pedestrians will also be installed adjacent to the driveway for exiting traffic.

6. *Where the development abuts land in Zones LR or LMR, development is to provide a solid screen fence to a minimum height of 1.8m to that boundary.*

The development site does not directly adjoin any lots within Zone LR or LMR on the southern side of Progress Drive.

5.6.9 Clause 5.4.19 – Residential Plot Ratio

Purpose

To encourage varied built form outcomes in higher density zones that are consistent with the anticipated character of the area.

Administration

- 1. The consent authority may consent to a use or development that is not in accordance with sub-clauses 3 and 4 if it is satisfied the design response mitigates the appearance of visual bulk to the street and neighbouring properties, having regards to matters such as the articulation of the building and setbacks of the development.*
- 2. The residential plot ratio in Table A does not apply to dwellings at ground level in Zones MR or HR.*
- 3. This clause does not apply where an alternative residential plot ratio is established under Clause 5.9 (Location specific development requirements).*

Requirements

- 4. The maximum residential plot ratio for development consisting of dwellings-multiple and/or rooming accommodation in Zones MR, HR and C is to be determined in accordance with Table A.*
- 5. The maximum residential plot ratio for development consisting of rooming accommodation in Zone TC is to be determined in accordance with Table B.*

Table A to this clause stipulates a residential plot ratio of 1.3:1 for the development. The proposed plot ratio is 1.02:1, below this requirement threshold.

6.0 Section 46(3)(b) – Interim Development Control Order

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

7.0 Section 46(3)(c) – Referral to the NT EPA

Section 48 of the *Environmental Protection Act 2019* (EPA Act) requires a project be referred to the NT Environmental Protection Authority (NT EPA) for a standard assessment if it has the potential to have a significant impact on the

environment or meets a referral trigger. Formal consideration under the EPA Act is not required, and the proponent is aware of their obligations under the *Waste Management and Pollution Control Act 1998*.

8.0 Section 46(3)(d) – Merits of Proposed Development

The proposed development will increase the provision and range of residential accommodation available within the suburb of Nightcliff. The redevelopment of the site will enable the increased and continued use of the site for residential purposes and will appropriately integrate with the surrounding locality.

9.0 Section 46(3)(e) – Physical Characteristics and Suitability of the Land

A detailed description of the subject land and locality are contained within **Section 2** of this report. The site is suitably accessible and serviced, with any necessary upgrades able to be carried out without major infrastructure works. The land is zoned in anticipation of such development, and the building design ensures the development is suitable in the context of the locality.

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

The proposal includes communal areas and facilities available to residents and guests. Numerous services and facilities are provided in the immediate Nightcliff locality, with several public open space areas including the Nightcliff sporting ground and the foreshore reserve located within walking distance from the subject land.

11.0 Section 46(3)(g) – Public Utilities and Infrastructure

The site is currently serviced by mains power, water and sewer, with access provided from the surrounding road network. Any upgrades to service capacity to accommodate the proposed development can occur as part of the construction process in accordance with the requirements of the service authorities.

12.0 Section 46(3)(h) – Impact on Amenity

The suitability of built form in the context of existing and reasonably anticipated amenity is considered in **Section 5** of this report. The varied built form design and dimensions, location of buildings, significant proportion of landscaping and open space, and the varied nature of built form within the locality, mean that the proposed development will occur without an unreasonable impact on the amenity of the subject land, adjoining land, and land within the immediate and greater Nightcliff locality.

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

The proposal will increase the range of residential accommodation available within the suburb of Nightcliff and therefore is unlikely to be any detriment to public interest.

14.0 Section 46(3)(ja) – Restricted Water Extraction Area

The application does not comprise any form of subdivision. Accordingly, **Section 46(3)(ja)** is not applicable. Nonetheless, the subject property is not located within a declared Restricted Water Extraction Area under the *Water Act 1992*.

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

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

16.0 Section 46(3)(l) – Development of Scheme Land

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

17.0 Conclusion

This application seeks a development permit for the construction of 14 dwellings-multiple in a three-storey building with associated communal open space, landscaping and ground level car parking. The proposed redevelopment of the site, which currently contains 11 older dwellings-multiple, will modernise the land to better suit the site, the surrounding locality, and the requirements of the Planning Scheme, while ensuring the continued residential use of the site as envisaged by the applicable strategic planning framework. This report considers the proposed variations against the requirements of the current Planning Scheme and concludes that the proposed development is suitable for approval.



Rory Mackay

Cunnington Rosse Town Planning and Consulting

11 May 2026

PROPOSED UNIT DEVELOPMENT LOT 1861, PROGRESS DRIVE, NIGHTCLIFF, N.T.



LOCALITY PLAN
1 : 750


NORTH

DRAWING SCHEDULE	
Sheet No.	Sheet Name
DA01	LOCALITY PLAN
DA02	SITE PLAN
DA03	GROUND FLOOR PLAN
DA04	FIRST FLOOR PLAN
DA05	SECOND FLOOR PLAN
DA06	ROOF PLAN
DA07	BUILDING ELEVATIONS 01
DA08	BUILDING ELEVATIONS 02
DA09	SECTIONS
DA10	SECTIONS
DA11	SECTIONS
DA12	3D VIEW
DA13	3D VIEW
DA66	HL QUESTIONS
DA100	STORM SURGE MAP
DA200	3D VIEW
DA201	3D VIEW

A	ISSUED FOR DA APPLICATION	07.05.26
ISSUE	AMENDMENT	DATE

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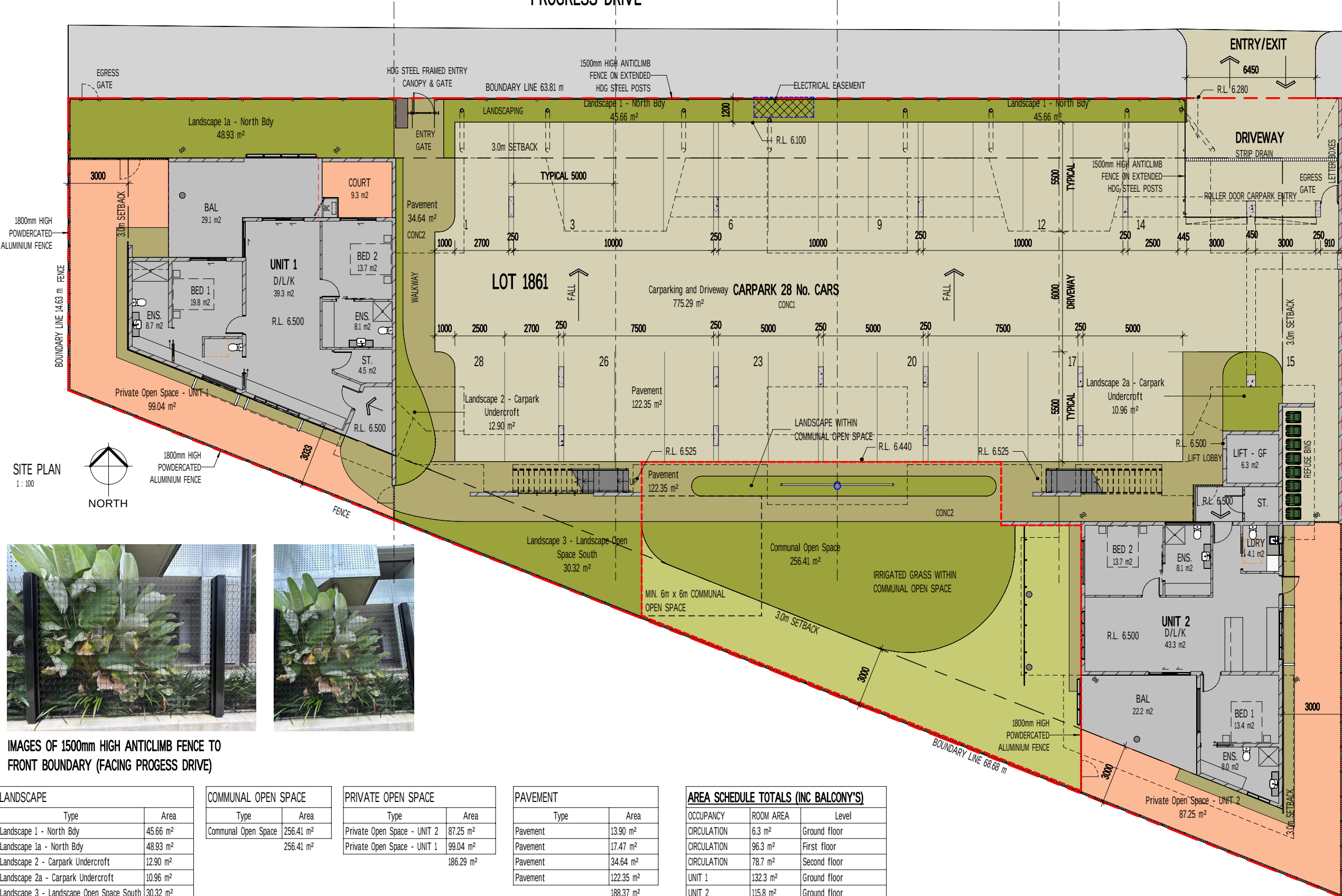
Project
PROPOSED UNIT DEVELOPMENT

LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
LOCALITY PLAN

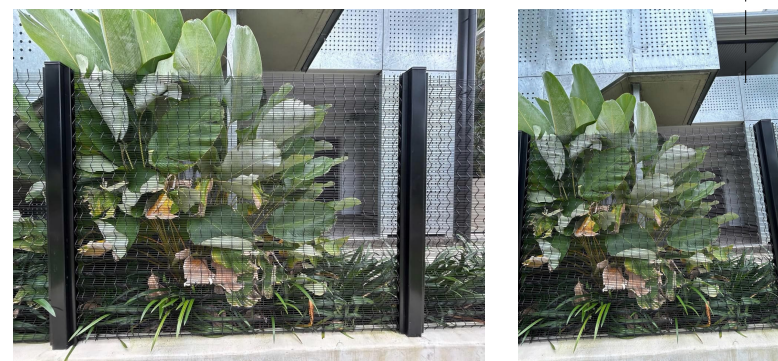
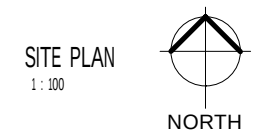
Scale 1 : 750	Drawn JBC	Date 07.05.26
Cad File	Sheet no. 1014 DA01	Issue A

PROGRESS DRIVE



- GENERAL LEGEND**
- BAL1 HDG BALUSTRADE WITH PERF METAL INFILL
 - BKRP 200 SERIES CONCRETE BLOCK, RENDER AND PAINT FINISH
 - BKSB 200 SERIES CONCRETE BLOCK, STACK BONDED, PAINT FINISH
 - CB01 INSITU CONCRETE BEAM, PAINT FINISH
 - CC01 INSITU CONCRETE COLUMN, PAINT FINISH
 - CONC1 CONCRETE SLAB BROOM FINISH, 'BLACK' OXIDE
 - CONC2 CONCRETE SLAB BROOM FINISH, 'KALGOOLIE' OXIDE
 - DP01 HOT DIPPED GALVANISED CIRCULAR DOWNPIPE
 - HZC0 HORIZONTAL ZINC CUSTOM ORB
 - LS01 CLEAR ANODISED ALUMINIUM SLAT AC SCREEN
 - RBG HALF ROUND HDG BOX GUTTER
 - SC01 CLEAR ANODISED ALUMINIUM 'U' SUNSCREEN
 - VPZC VERTICAL ZINC CUSTOM ORB PERFORATED
 - VZC0 VERTICAL ZINC CUSTOM ORB
 - ZCRS ZINC CUSTOM ORB ROOF SHEETING

LOT 1860



IMAGES OF 1500mm HIGH ANTICLUMB FENCE TO FRONT BOUNDARY (FACING PROGRESS DRIVE)

LANDSCAPE	
Type	Area
Landscape 1 - North Bdy	45.66 m ²
Landscape 1a - North Bdy	48.93 m ²
Landscape 2 - Carpark Undercroft	12.90 m ²
Landscape 2a - Carpark Undercroft	10.96 m ²
Landscape 3 - Landscape Open Space South	30.32 m ²
	148.76 m ²

COMMUNAL OPEN SPACE	
Type	Area
Communal Open Space	256.41 m ²

PRIVATE OPEN SPACE	
Type	Area
Private Open Space - UNIT 2	87.25 m ²
Private Open Space - UNIT 1	99.04 m ²
	186.29 m ²

PAVEMENT	
Type	Area
Pavement	13.90 m ²
Pavement	17.47 m ²
Pavement	34.64 m ²
Pavement	122.35 m ²
	188.37 m ²

CARPARK AND DRIVEWAY	
Type	Area
Carparking and Driveway	775.29 m ²

AREA SCHEDULE TOTALS (INC BALCONY'S)		
OCCUPANCY	ROOM AREA	Level
CIRCULATION	6.3 m ²	Ground floor
CIRCULATION	96.3 m ²	First floor
CIRCULATION	78.7 m ²	Second floor
UNIT 1	132.3 m ²	Ground floor
UNIT 2	115.8 m ²	Ground floor
UNIT 3	129.9 m ²	First floor
UNIT 4	108.4 m ²	First floor
UNIT 5	108.4 m ²	First floor
UNIT 6	111.4 m ²	First floor
UNIT 7	104.8 m ²	First floor
UNIT 8	113.9 m ²	First floor
UNIT 9	132.8 m ²	Second floor
UNIT 10	105.5 m ²	Second floor
UNIT 11	108.4 m ²	Second floor
UNIT 12	108.4 m ²	Second floor
UNIT 13	107.7 m ²	Second floor
UNIT 14	113.2 m ²	Second floor
	1782.5 m ²	

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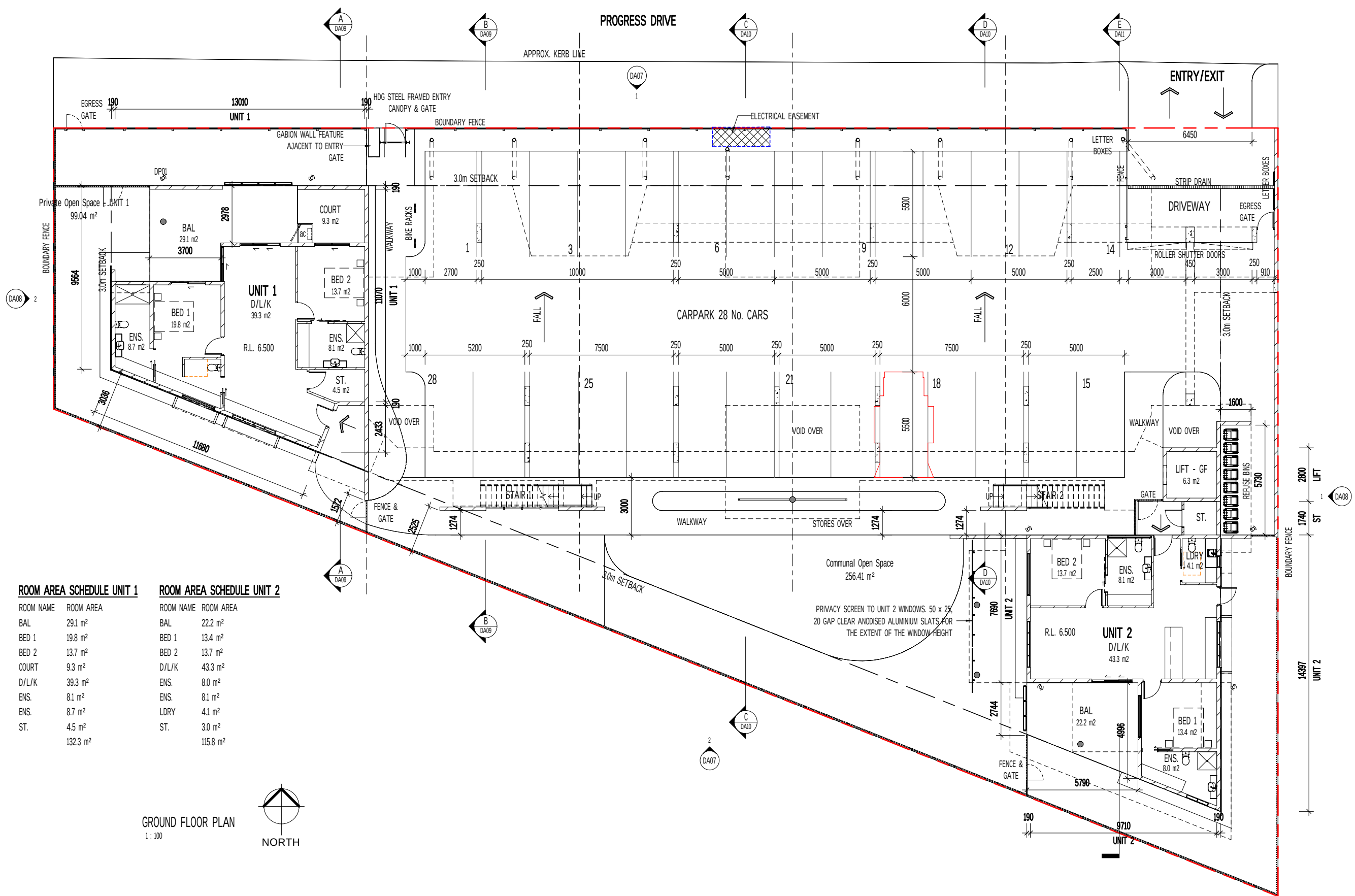
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Project
PROPOSED UNIT DEVELOPMENT

LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
SITE PLAN

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ROOM AREA SCHEDULE UNIT 1

ROOM NAME	ROOM AREA
BAL	29.1 m ²
BED 1	19.8 m ²
BED 2	13.7 m ²
COURT	9.3 m ²
D/L/K	39.3 m ²
ENS.	8.1 m ²
ENS.	8.7 m ²
ST.	4.5 m ²
	132.3 m ²

ROOM AREA SCHEDULE UNIT 2

ROOM NAME	ROOM AREA
BAL	22.2 m ²
BED 1	13.4 m ²
BED 2	13.7 m ²
D/L/K	43.3 m ²
ENS.	8.0 m ²
ENS.	8.1 m ²
LDY	4.1 m ²
ST.	3.0 m ²
	115.8 m ²

GROUND FLOOR PLAN
1:100



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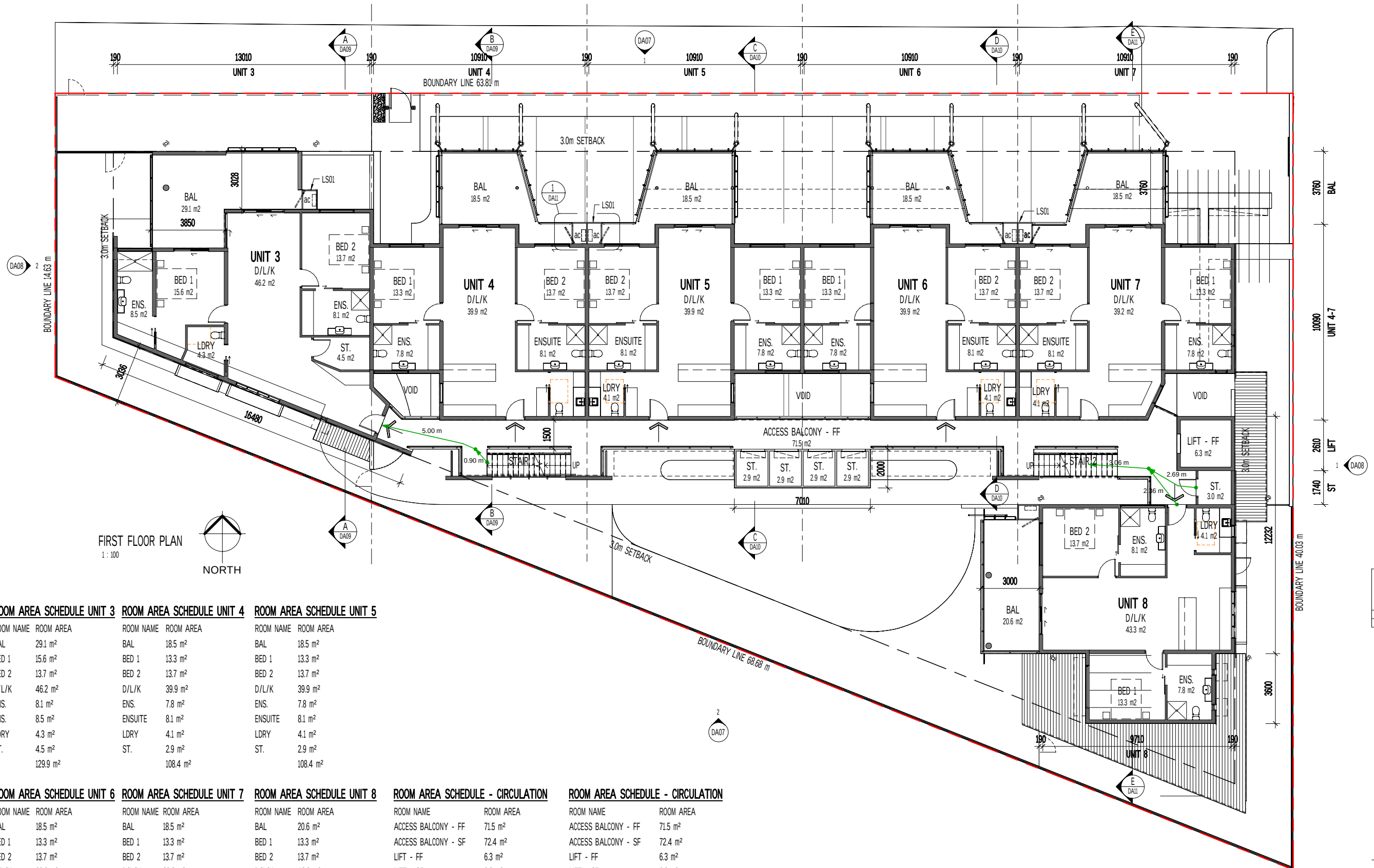
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Project
PROPOSED UNIT DEVELOPMENT

LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
GROUND FLOOR PLAN

Scale 1:100	Drawn JBC	Date 07.05.26
Cad File	Sheet no. 1014 DA03	Issue A



FIRST FLOOR PLAN

1 : 100



ROOM AREA SCHEDULE UNIT 3 ROOM AREA SCHEDULE UNIT 4 ROOM AREA SCHEDULE UNIT 5

ROOM NAME	ROOM AREA	ROOM NAME	ROOM AREA	ROOM NAME	ROOM AREA
BAL	29.1 m ²	BAL	18.5 m ²	BAL	18.5 m ²
BED 1	15.6 m ²	BED 1	13.3 m ²	BED 1	13.3 m ²
BED 2	13.7 m ²	BED 2	13.7 m ²	BED 2	13.7 m ²
D/L/K	46.2 m ²	D/L/K	39.9 m ²	D/L/K	39.9 m ²
ENS.	8.1 m ²	ENS.	7.8 m ²	ENS.	7.8 m ²
ENS.	8.5 m ²	ENSUITE	8.1 m ²	ENSUITE	8.1 m ²
LDRY	4.3 m ²	LDRY	4.1 m ²	LDRY	4.1 m ²
ST.	4.5 m ²	ST.	2.9 m ²	ST.	2.9 m ²
	129.9 m ²		108.4 m ²		108.4 m ²

ROOM AREA SCHEDULE UNIT 6 ROOM AREA SCHEDULE UNIT 7 ROOM AREA SCHEDULE UNIT 8

ROOM NAME	ROOM AREA	ROOM NAME	ROOM AREA	ROOM NAME	ROOM AREA
BAL	18.5 m ²	BAL	18.5 m ²	BAL	20.6 m ²
BED 1	13.3 m ²	BED 1	13.3 m ²	BED 1	13.3 m ²
BED 2	13.7 m ²	BED 2	13.7 m ²	BED 2	13.7 m ²
D/L/K	39.9 m ²	D/L/K	39.2 m ²	D/L/K	43.3 m ²
ENS.	7.8 m ²	ENS.	7.8 m ²	ENS.	7.8 m ²
ENSUITE	8.1 m ²	ENSUITE	8.1 m ²	ENS.	8.1 m ²
LDRY	4.1 m ²	LDRY	4.1 m ²	LDRY	4.1 m ²
ST.	2.9 m ²		104.8 m ²	ST.	3.0 m ²
ST.	2.9 m ²				113.9 m ²
	111.4 m ²				

ROOM AREA SCHEDULE - CIRCULATION

ROOM NAME	ROOM AREA
ACCESS BALCONY - FF	71.5 m ²
ACCESS BALCONY - SF	72.4 m ²
LIFT - FF	6.3 m ²
LIFT - GF	6.3 m ²
LIFT - SF	6.3 m ²
STAIR 1	10.2 m ²
STAIR 2	8.3 m ²
	181.4 m ²

ROOM AREA SCHEDULE - CIRCULATION

ROOM NAME	ROOM AREA
ACCESS BALCONY - FF	71.5 m ²
ACCESS BALCONY - SF	72.4 m ²
LIFT - FF	6.3 m ²
LIFT - GF	6.3 m ²
LIFT - SF	6.3 m ²
STAIR 1	10.2 m ²
STAIR 2	8.3 m ²
	181.4 m ²

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Project
PROPOSED UNIT DEVELOPMENT

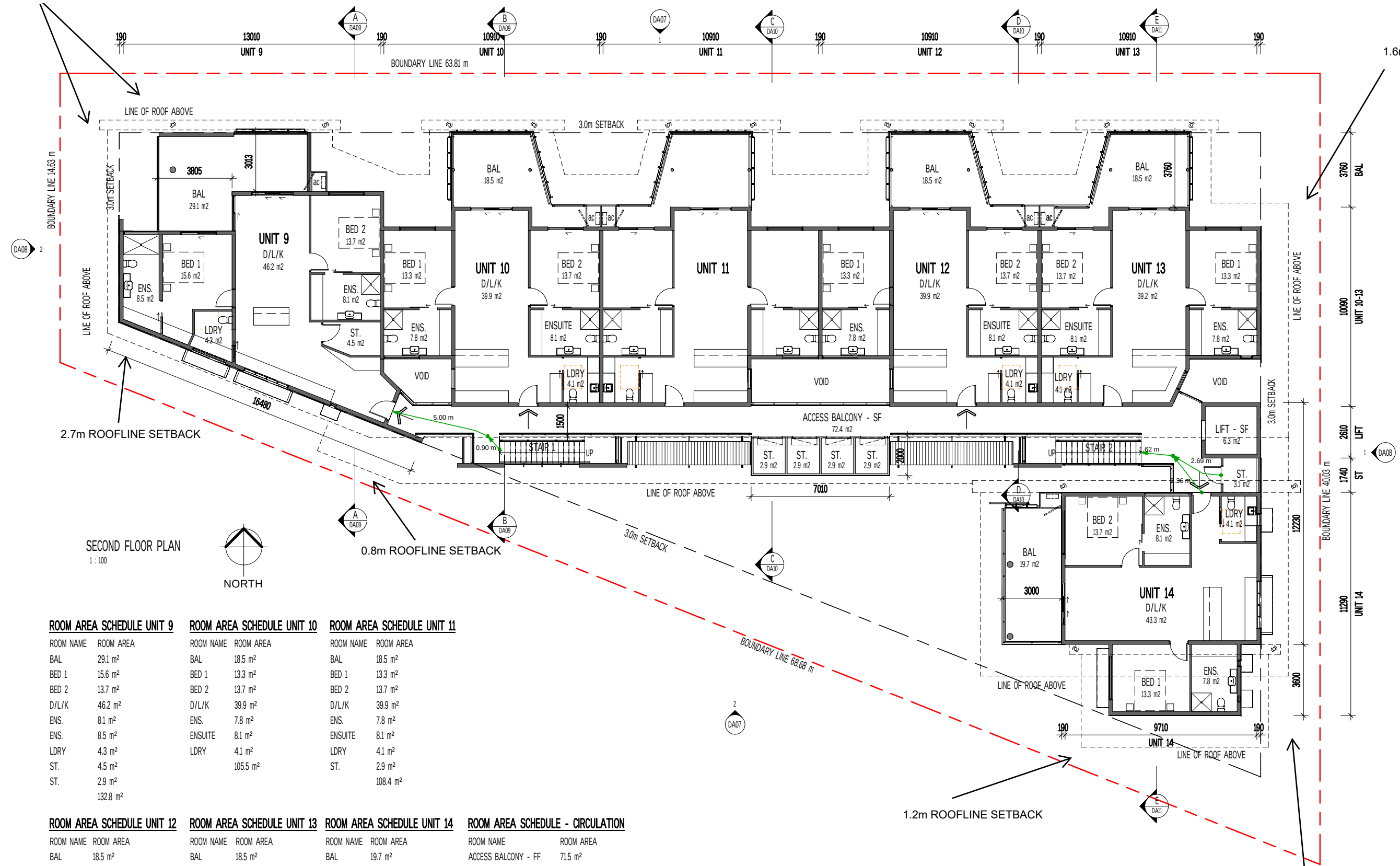
LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
FIRST FLOOR PLAN

Scale 1 : 100	Drawn JBC	Date 07.05.26
Cad File	Sheet no. 1014	Issue DA04 A

2.5m ROOFLINE SETBACK

1.6m ROOFLINE SETBACK



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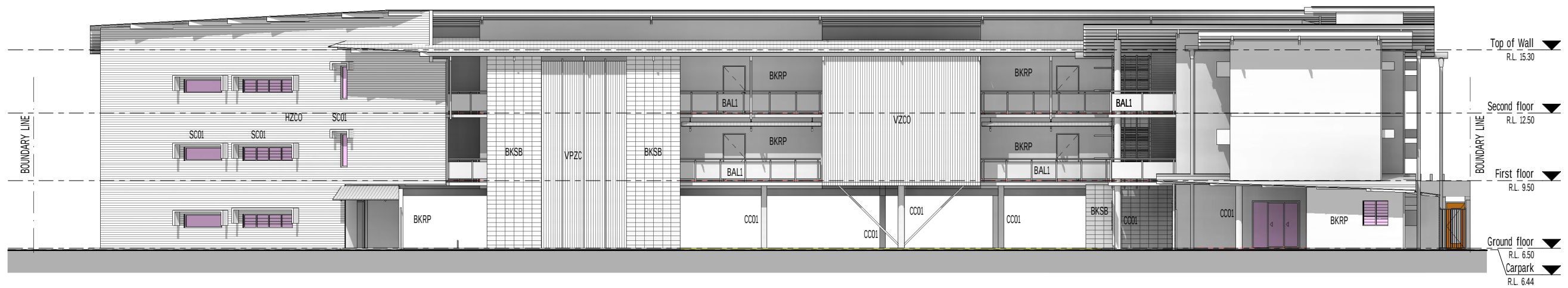
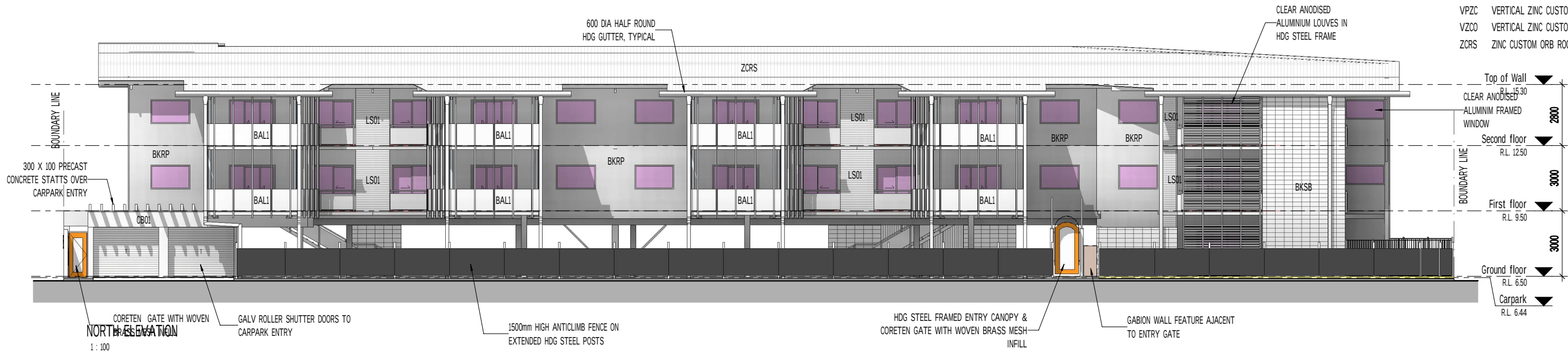
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NIGHTCLIFF, N.T.

Drawing
SECOND FLOOR PLAN

Scale 1:100	Drawn JBC	Date 07.05.26
Cad File	Sheet no. 1014 DA05	Issue A

GENERAL LEGEND

- BAL1 HDG BALUSTRADE WITH PERF METAL INFILL
BKRP 200 SERIES CONCRETE BLOCK, RENDER AND PAINT FINISH
BKSB 200 SERIES CONCRETE BLOCK, STACK BONDED, PAINT FINISH
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HZCO HORIZONTAL ZINC CUSTOM ORB
LS01 CLEAR ANODISED ALUMINIUM SLAT AC SCREEN
RBG HALF ROUND HDG BOX GUTTER
SC01 CLEAR ANODISED ALUMINIUM 'U' SUNSCREEN
VPZC VERTICAL ZINC CUSTOM ORB PERFORATED
VZCO VERTICAL ZINC CUSTOM ORB
ZCRS ZINC CUSTOM ORB ROOF SHEETING



SOUTH ELEVATION
1 : 100

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Project
PROPOSED UNIT DEVELOPMENT

LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
BUILDING ELEVATIONS 01

Scale 1 : 100	Drawn JBC	Date 07.05.26
Cad File	Sheet no. 1014 DA07	Issue A

- GENERAL LEGEND**
- BAL1 HDG BALUSTRADE WITH PERF METAL INFILL
 - BKRP 200 SERIES CONCRETE BLOCK, RENDER AND PAINT FINISH
 - BKSB 200 SERIES CONCRETE BLOCK, STACK BONDED, PAINT FINISH
 - CB01 INSITU CONCRETE BEAM, PAINT FINISH
 - CC01 INSITU CONCRETE COLUMN, PAINT FINISH
 - CONC1 CONCRETE SLAB BROOM FINISH, 'BLACK' OXIDE
 - CONC2 CONCRETE SLAB BROOM FINISH, 'KALGOOLIE' OXIDE
 - DP01 HOT DIPPED GALVANISED CIRCULAR DOWNPIPE
 - HZCO HORIZONTAL ZINC CUSTOM ORB
 - LS01 CLEAR ANODISED ALUMINIUM SLAT AC SCREEN
 - RBG HALF ROUND HDG BOX GUTTER
 - SC01 CLEAR ANODISED ALUMINIUM 'U' SUNSCREEN
 - VPZC VERTICAL ZINC CUSTOM ORB PERFORATED
 - VZCO VERTICAL ZINC CUSTOM ORB
 - ZCRS ZINC CUSTOM ORB ROOF SHEETING



EAST ELEVATION
1:100



WEST ELEVATION
1:100

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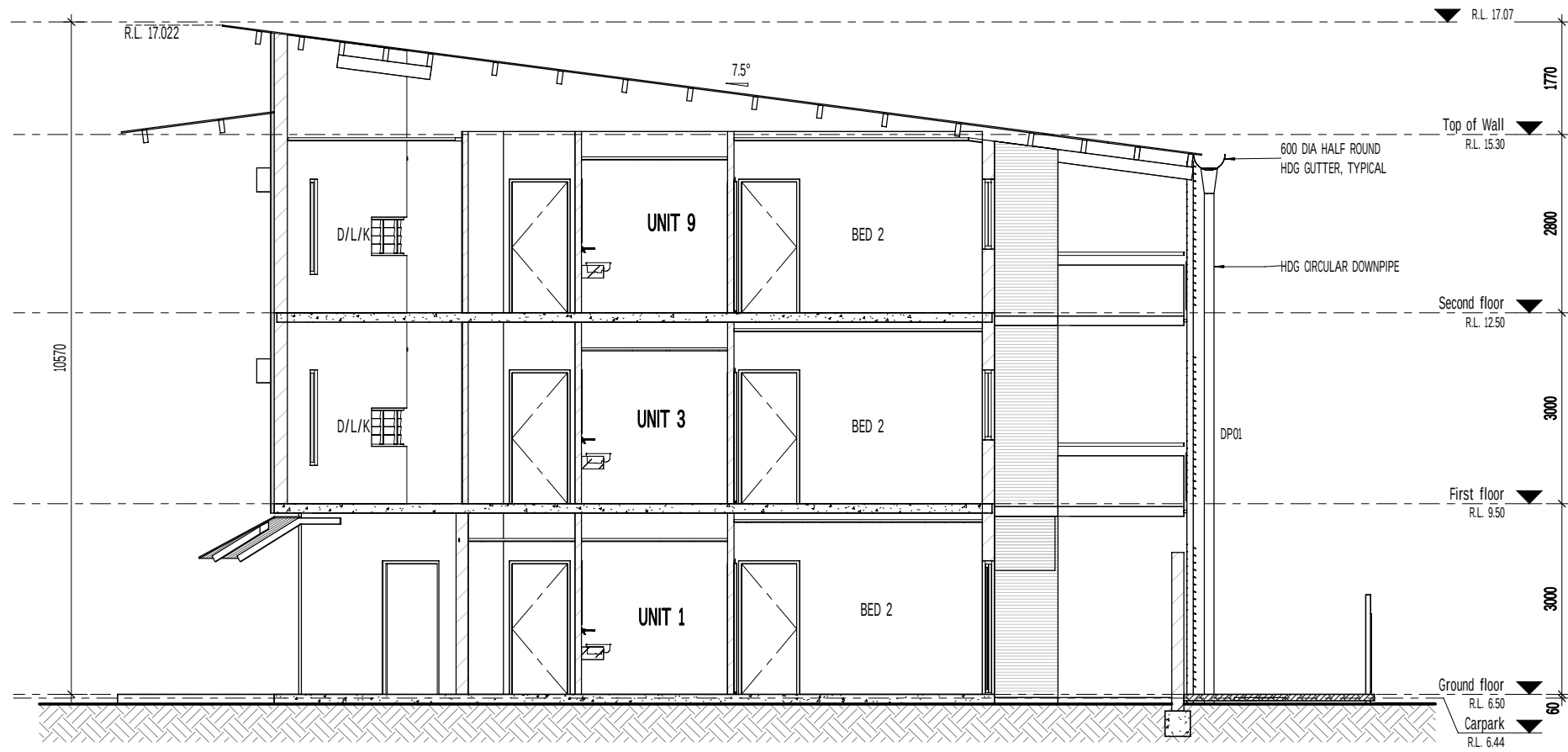
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ACN 053410692

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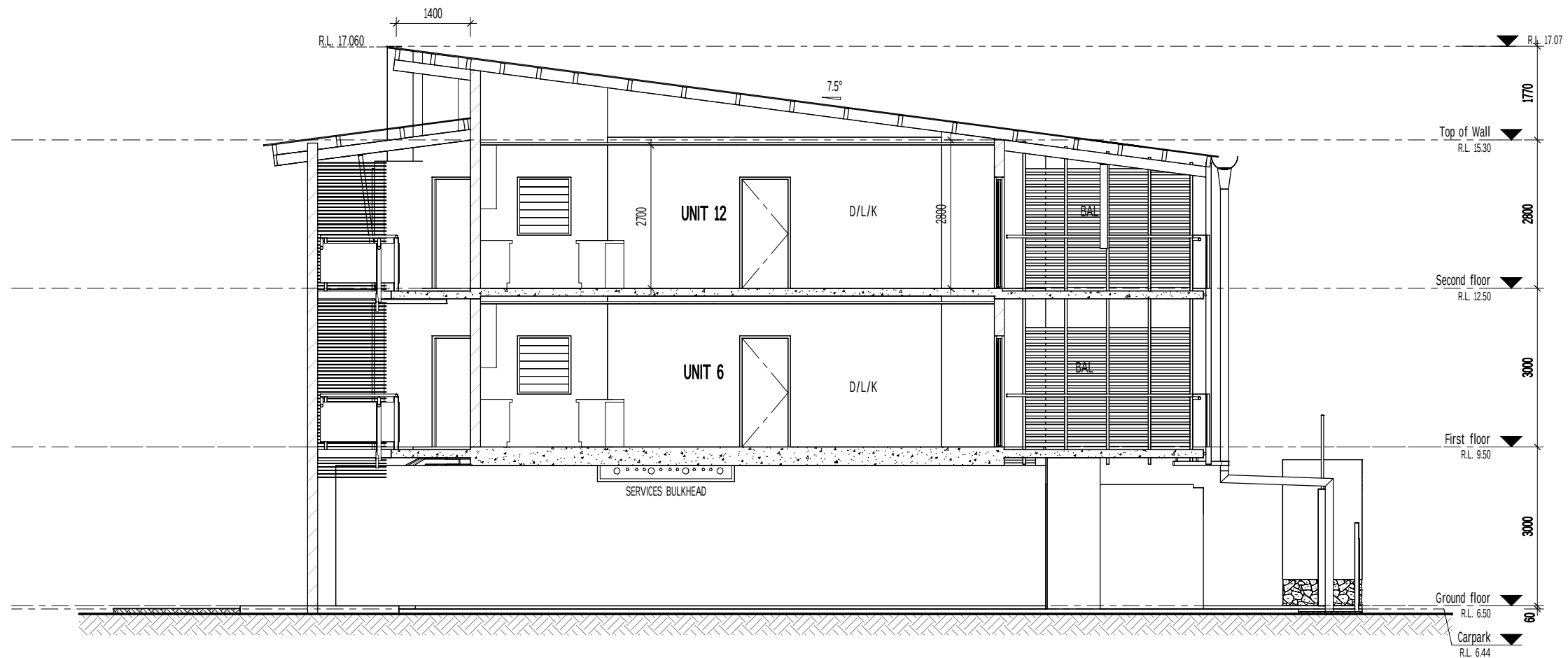
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Drawing
BUILDING ELEVATIONS 02

Scale 1:100	Drawn JBC	Date 07.05.26
Cad File	Sheet no. 1014 DA08	Issue A



A
DA03 BUILDING SECTION
1 : 50



B
DA03 BUILDING SECTION
1 : 50

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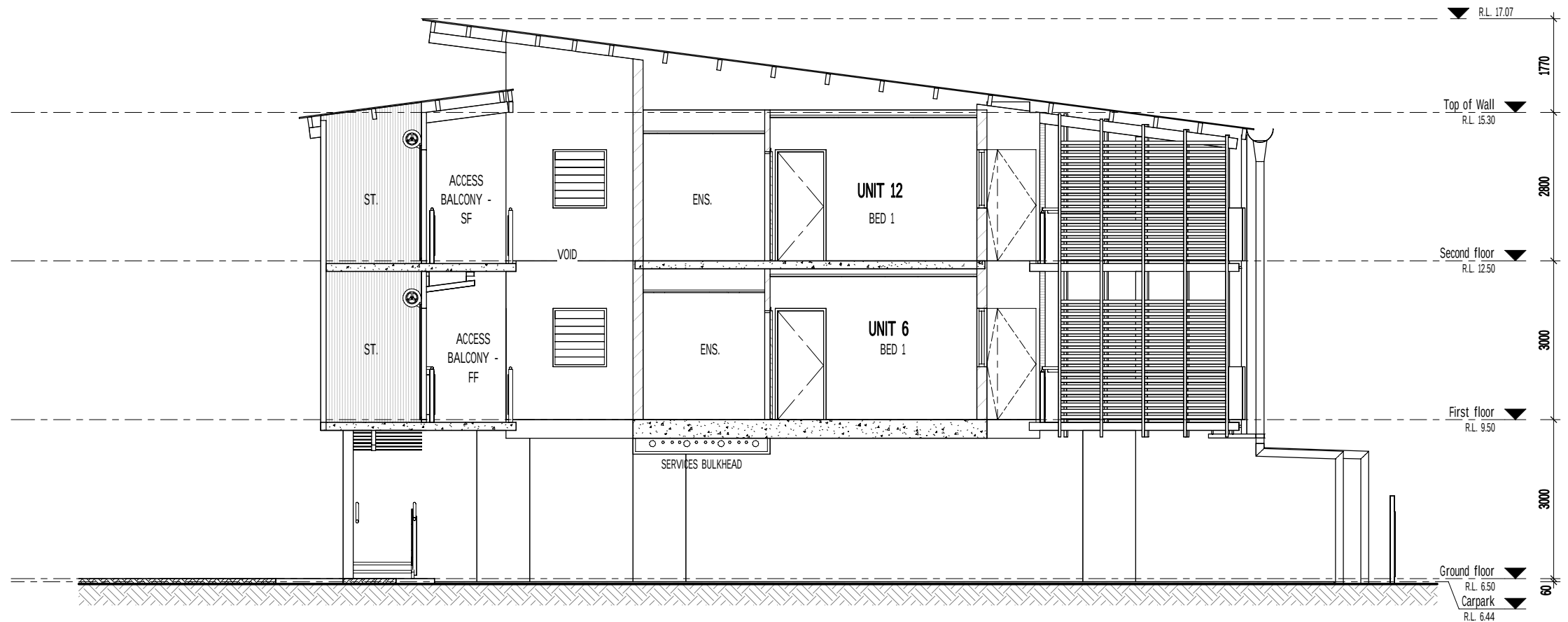
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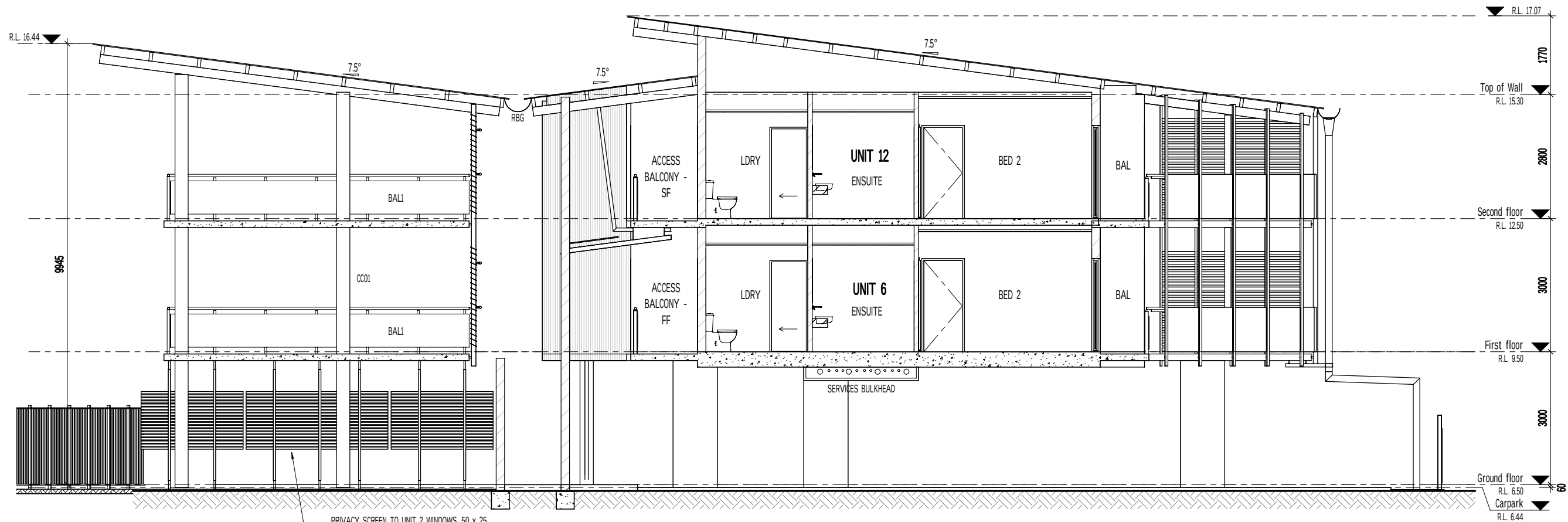
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Drawing
SECTIONS

Scale 1 : 50	Drawn JBC	Date 07.05.26
Cad File	Sheet no. 1014 DA09	Issue A



C BUILDING SECTION
1 : 50



D BUILDING SECTION
1 : 50

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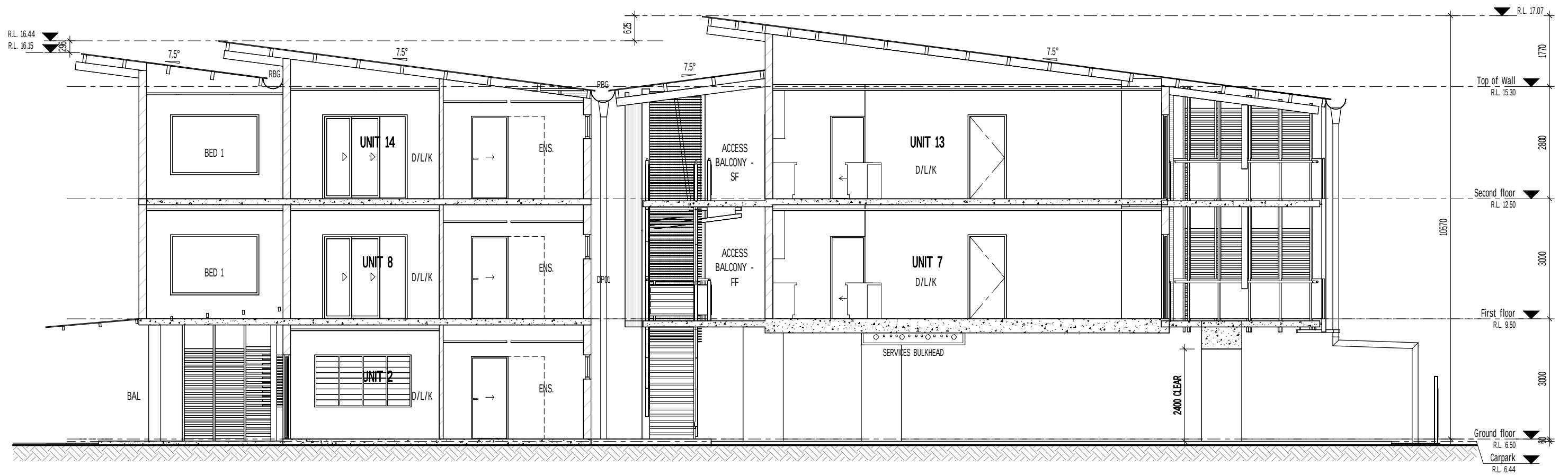
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Project
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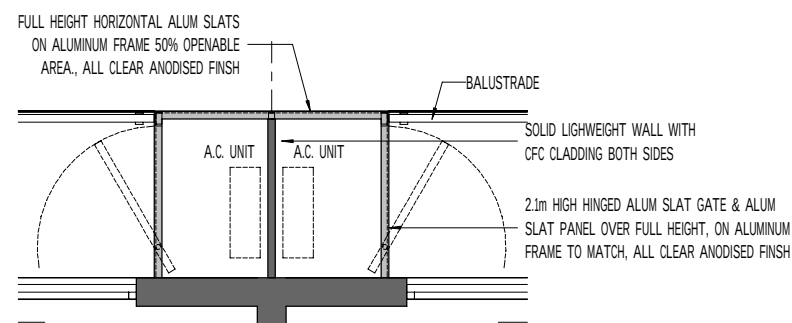
LOT 1861, PROGRESS DRIVE,
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Drawing
SECTIONS

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Cad File	Sheet no. 1014 DA10	Issue A



E BUILDING SECTION
DA03 1:50



TYPICAL A.C. ENCLOSURE PLAN VIEW
1:25

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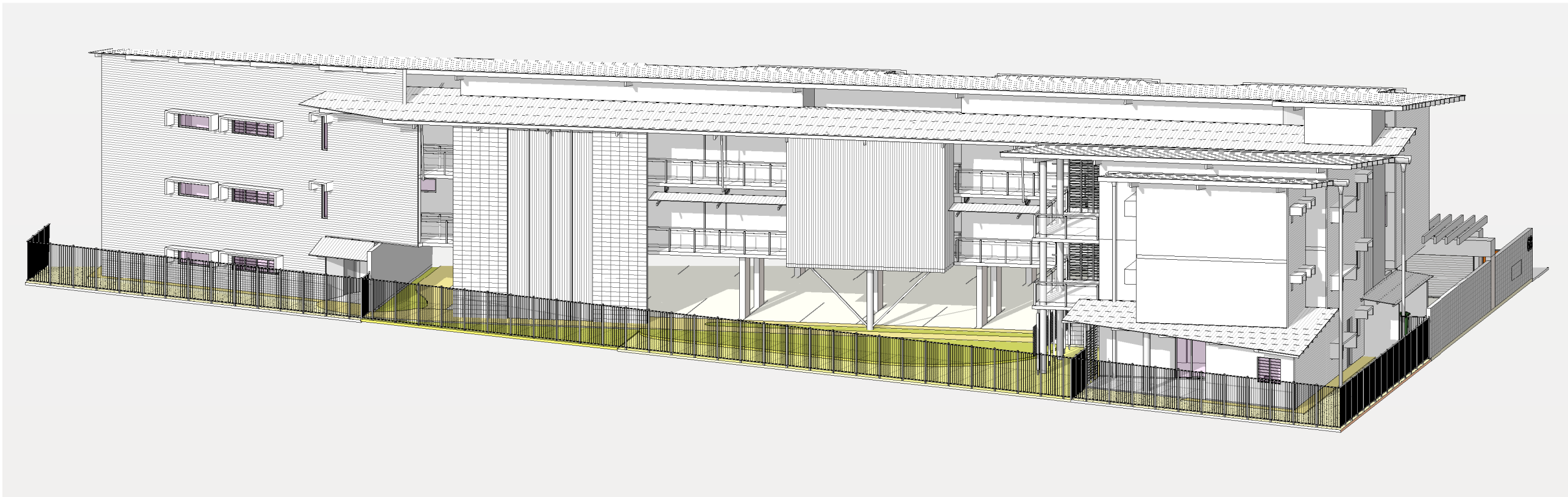
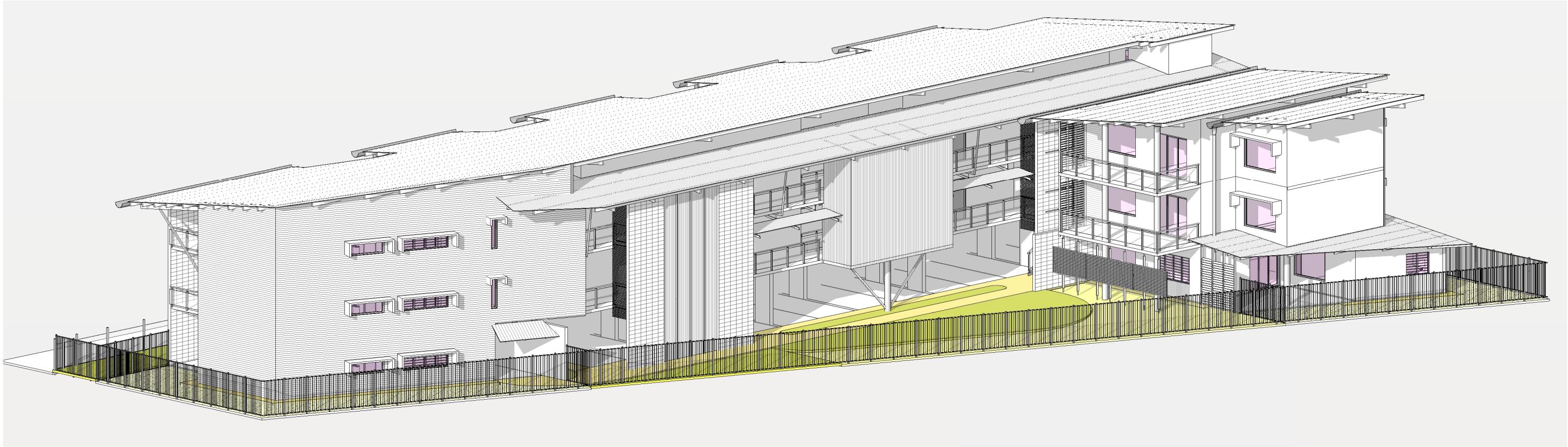
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Project
PROPOSED UNIT DEVELOPMENT

LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
SECTIONS

Scale As indicated	Drawn JBC	Date 07.05.26
Cad File	Sheet no. 1014 DA11	Issue A



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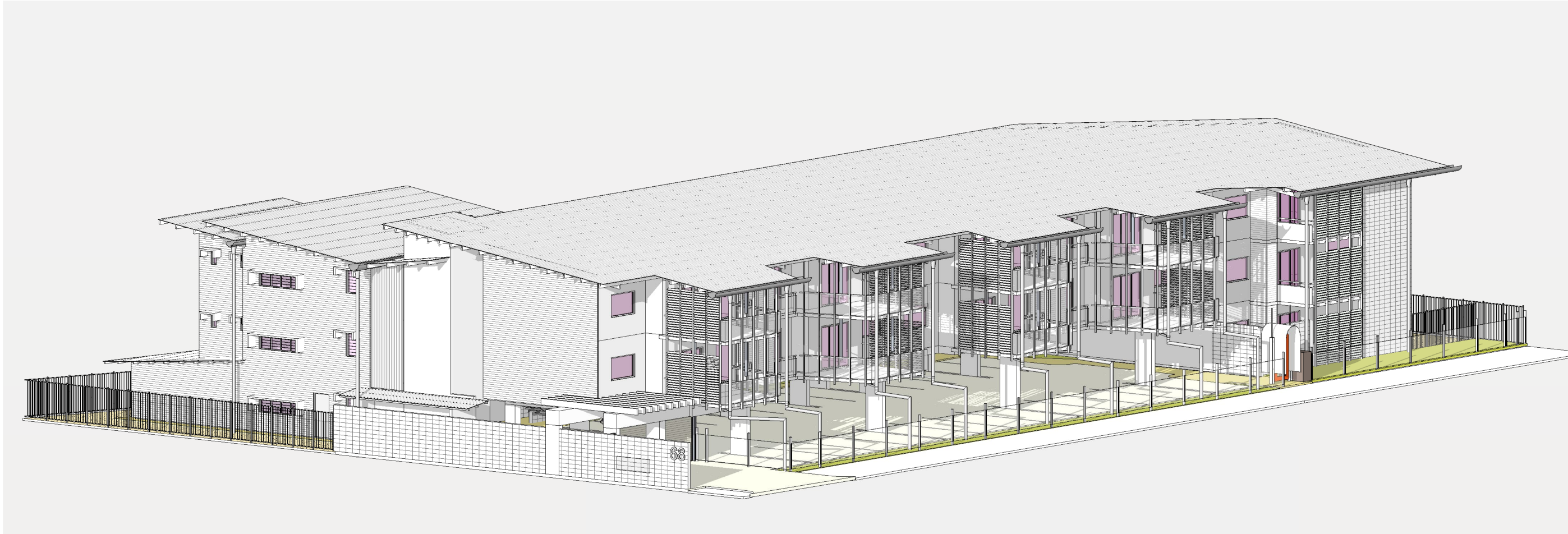
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ACN 053410692

Project
PROPOSED UNIT DEVELOPMENT

LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
3D VIEW

Scale	Drawn JBC	Date 07.05.26
Cad File	Sheet no. 1014	Issue DA12 A



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Project
PROPOSED UNIT DEVELOPMENT

LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
3D VIEW

Scale	Drawn JBC	Date 07.05.26
Cad File	Sheet no. 1014	Issue DA13 A

Cunnington Rose Town Planning & Consulting
Unit 6, T212 631 Stuart Highway
Berrimah NT 0828
Attention: Brad Cunnington

**RE: Storm Surge Response – Proposed Unit Development
Lot 1861 Progress Drive, Nightcliff NT**

Dear Brad,

As requested, MDP Engineers have undertaken a preliminary civil design assessment for the proposed development.

Based on site survey levels (lowest existing level of 5.72 m AHD), the subject site is located within the secondary storm surge inundation zone. The following storm surge levels have been adopted for this assessment, derived from a Flood Impact Property Report issued by the Department of Lands, Planning and Environment:

- Primary Storm Surge Level (100-year ARI): 5.52 m AHD
- Secondary Storm Surge Level (1000-year ARI): 6.37 m AHD

The proposed finished floor level (FFL) for all ground-level habitable areas (2 of 14 units) will be 6.5 m AHD, which is above the secondary storm surge zone (SSSZ). Accordingly, the risk associated with secondary storm surge inundation to habitable areas is effectively mitigated. The proposed car park will be partially located below the secondary storm surge level; however, it remains trafficable during such an event. The maximum projected depth of inundation is approximately 120mm at the lowest point of the pavement. Figure 1 below illustrates the pre- and post-development storm surge impacts (primary storm surge inundation shown in dark blue and secondary storm surge in light blue).

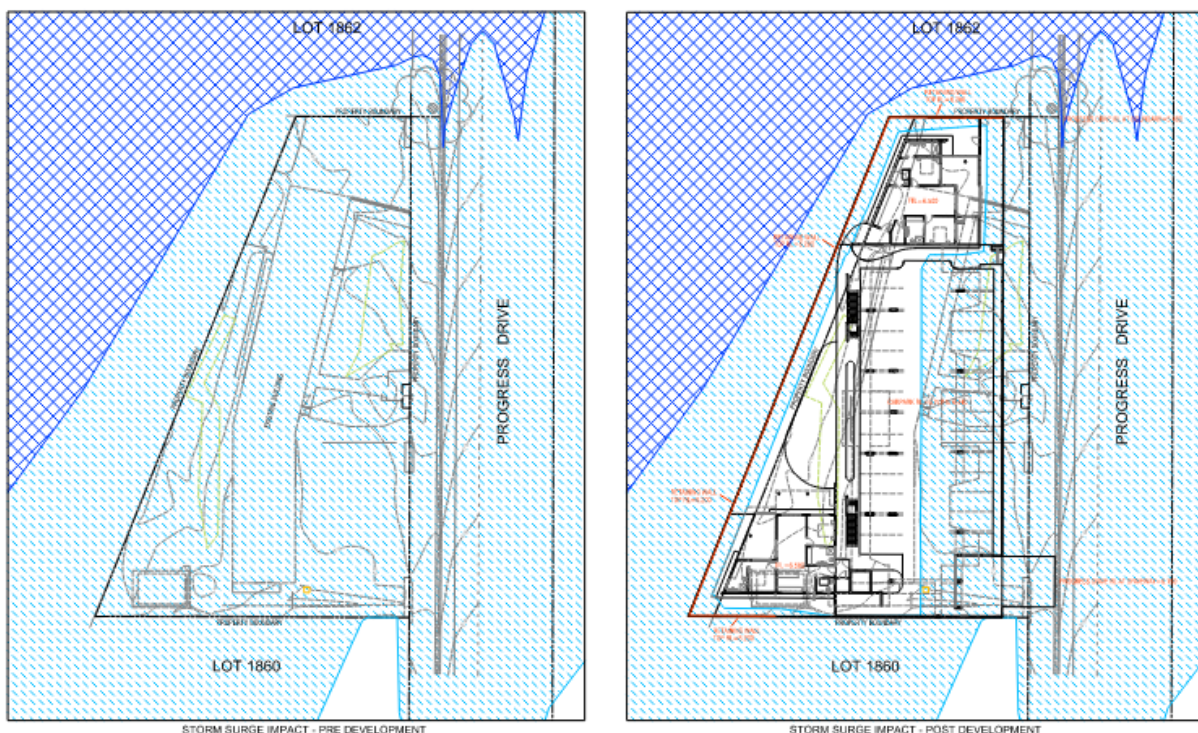


Figure 1 – Storm Surge Impact: Pre and post development

Tidal storm surge is governed by large-scale external factors (including cyclonic events, wind set-up, tidal conditions etc.) and typically involves very large volumes of water extending across hundreds of kilometres of coastline. Consequently, hardstand areas and/or filling associated with this development will not result in any measurable increase in storm surge impacts to neighbouring properties.

In conclusion, based on the available data, the proposed development will not result in any measurable increase in storm surge inundation or displacement impacts to adjoining properties and is considered acceptable from a flood risk and amenity perspective.

Please do not hesitate to contact the undersigned should you require any further information or clarification.



Michael Dionysiou
Director / Principal Engineer
MDP Engineers Pty Ltd

SCHEDULE OF PROJECT DRAWINGS

DRAWING No.	TITLE
250716-C01	SCHEDULE OF DRAWINGS, NOTES & LOCALITY PLAN
250716-C02	CONSTRUCTION DETAILS
250716-C03	STORM SURGE IMPACT
250716-C04	OVERALL SITE & FINISHED SURFACES PLAN
250716-C05	DETAILED WORKS PLAN
250716-C06	STORMWATER PLAN
250716-C07	FIRST FLOOR PLAN
250716-C08	SECOND FLOOR PLAN
250716-C09	ROOF PLAN

SCHEDULE OF STANDARD DRAWINGS

DRAWING No.	TITLE
NORTHERN TERRITORY GOVERNMENT	
SS1006-1	VEHICLE ACCESS - CAT A TYPICAL DETAILS
SS3001-2	STORMWATER PIPES - TYPICAL TRENCH DETAILS
CS3119-1	MANHOLES AND INLET PITS

GENERAL NOTES

- ALL UNITS IN METRES U.N.O.
- CONSTRUCT FINISHED SURFACE LEVELS SHOWN. ADOPT UNIFORM SLOPE BETWEEN SPECIFIED LEVELS.
- CONSTRUCT FINISHED SURFACE LEVELS TO ENSURE THAT IT IS FREE DRAINING WITH NO PONDING OF WATER.
- ALL SET OUT IS TO BE REFERENCED FROM THESE CIVIL DRAWINGS.

SURVEY AND SETOUT

- SURVEY UNDERTAKEN BY TERRITORY SURVEYS IN JUNE 2025, REFER DRG. NO. 25-030-01-B FOR DETAILS.
- LEVELS ARE TO A.H.D. COORDINATES ARE TO MGA 94.
- THE CONTRACTOR IS TO CONFIRM DOCUMENTED LEVELS FOR WORKABILITY WITH EXISTING LEVELS PRIOR TO CONSTRUCTION.

STORM SURGE IMPACT

- STORM SURGE FLOOD IMPACT BASED ON PROPERTY REPORT BY DEPT. LANDS, PLANNING & ENVIRONMENT DATED 18 AUGUST 2025.

EROSION & SEDIMENT CONTROL

- THE CONTRACTOR SHALL BE WHOLLY RESPONSIBLE FOR PROVIDING ADEQUATE EROSION & SEDIMENT CONTROL AND DUST SUPPRESSION MEASURES DURING THE CONSTRUCTION PHASE AND UNTIL SUCH TIME AS THE SITE IS STABILISED.
- DISCHARGE OF CONTAMINATED STORMWATER OR AIR POLLUTANTS FROM THE SITE IS AN OFFENCE.

CONFORMANCE TESTING

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR UNDERTAKING ADEQUATE PROCESS CONTROL & CONFORMANCE TESTING DURING THE CONSTRUCTION PHASE.
- CONFORMANCE TESTING SHALL BE IN ACCORDANCE WITH DEPARTMENT OF INFRASTRUCTURE, PLANNING & LOGISTICS STANDARD SPECIFICATION FOR ROADWORKS. NOTWITHSTANDING THE REQUIREMENTS OF THIS STANDARD SPECIFICATION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONFORMANCE TESTING, INCLUDING ORDERING & PAYMENT.
- HOLD POINTS AND CONSTRUCTION PHASE INSPECTIONS TO BE PERFORMED BY A REGISTERED ENGINEER & ORDERED & PAID FOR BY CONTRACTOR.

EARTHWORKS

- REFER TO GEOTECHNICAL INVESTIGATION REPORT BY DOUGLAS PARTNERS DATED 4 MARCH 2025, REF 234273.00.
- REMOVE & STOCKPILE ALL TOPSOIL INCLUDING ANY ADDITIONAL REMNANT VEGETATION, ROOT SYSTEMS AND ORGANIC MATTER. REUSE TOPSOIL IN ALL DISTURBED AREAS. ADOPTED TOPSOIL STRIPPING LAYER FOR EARTHWORK QUANTITIES = 50mm.
- RIP & TYNE RIP SUBGRADE LEVEL TO A DEPTH OF 250mm, MOISTURISE AND COMPACT TO 95% MIN. M.M.D.D.
- PROOF ROLL SUBGRADE WITH MINIMUM OF 3 PASSES WITH 30 TONNE MULTI-TYRED ROLLER OR SIMILAR. REPLACE DEFORMED SUBGRADE.
- REPLACE UNSUITABLE SUBGRADE MATERIAL WITH GRANULAR MATERIAL WITH MIN. CBR 15 IN 200mm LAYERS.

PAVEMENT

- PAVEMENT CONFIGURATION TO BE IN ACCORDANCE WITH DETAILS ON THE CIVIL DRAWINGS
- HOLD POINTS :
PROOF ROLL TESTING TO PREPARED SUBGRADE & GRAVEL BASE LAYERS;
PRE-POUR INSPECTIONS FOR ALL CONCRETE POURS;
ALL INSPECTIONS TO BE PERFORMED BY A REGISTERED ENGINEER.
- GRAVEL MATERIAL SHALL CONFORM TO THE FOLLOWING:

AS SIEVE (mm)	PERCENTAGE PASSING		SPECIFIC PROPERTIES	GRAVEL BASE	SUB-BASE
	GRAVEL BASE	GRAVEL SUBBASE			
75.0	100	-	1. LIQUID LIMIT (LL)	25% MAX.	30% MAX.
37.5	80 - 100	100	2. PLASTICITY INDEX (PI)	1 - 6%	1 - 10%
19.0	50 - 80	70 - 100	3. LINEAR SHRINKAGE (LS)	0 - 3%	0 - 6%
13.2			4. PI x % PASSING 0.425mm SIEVE	180 MAX.	400 MAX.
9.5	35 - 65	50 - 80	5. CALIFORNIA BEARING RATIO (CBR)		
4.75	25 - 50	35 - 65	4 DAY SOAKED AT 2.5mm PENETRATION AT A RELATIVE DENSITY OF	80 MIN.	30 MIN.
2.36	15 - 40	25 - 50	6. DUST (SIEVE) RATIO (0.075/0.425 x 100)	100% MMDD	98% MMDD
0.425	7 - 20	10 - 30	7. LOS ANGELES ABRASION (LAA) LOSS	50 MAX.	60 MAX.
0.075	3 - 13	4 - 16	COURSE GRAINED ROCK		
			FINE GRAINED ROCK		

CONCRETE WORKS

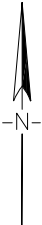
- ALL CONCRETE CONSTRUCTION SHALL COMPLY WITH AS3600 & AS2870.
- THE MIN. LAP LENGTH WHERE MESH HAS BEEN SPLICED SHALL BE ONE FULL MESH PANEL + 25mm.
- CONTRACTION JOINTS AT 2m MAX. SPACINGS ON PATHWAYS & AS SHOWN ON THE DRGS FOR CARPARK AREAS. REFER DETAIL ON DRG. C02.
- DOWELLED JOINTS AT 6m MAX. SPACINGS ON PATHWAYS & AS SHOWN ON THE DRGS FOR CARPARK AREAS. REFER DETAIL ON DRG. C02.
- CONCRETE SHALL BE N32 U.N.O.
- CONCRETE PAVEMENTS SHALL BE BROOM FINISHED.
- CURE CONCRETE WITH WATER FOR A MIN. 7 DAYS POST POURING.
- CONCRETE PATHWAYS TO HAVE 2% NOMINAL CROSSFALL AND MAXIMUM 5% LONGITUDINAL SLOPE U.N.O.

STORMWATER DRAINAGE

- STORMWATER PIPEWORK SHALL BE uPVC PIPES CLASS SN4 U.N.O.
- STORMWATER PIPEWORK TO BE LAID AT 1 : 100 MINIMUM GRADE UNLESS STATED OTHERWISE.
- USE PROPRIETARY BENDS, JUNCTIONS, REDUCERS & OTHER PIPE FITTINGS. USE 45° BENDS OR JUNCTIONS UNLESS OTHERWISE SPECIFIED.
- CONSTRUCT ALL STORMWATER STRUCTURES IN ACCORDANCE WITH THE STANDARD DRAWINGS STATED.
- USE H.D. GALVANISED CLASS D PIT GRATES IN CARPARK AREAS.
- USE H.D. GALVANISED CLASS B PIT GRATES IN OTHER NON-TRAFFICABLE AREAS.

TRAFFIC CONTROL & LINEMARKING

- ALL CARPARK LINEMARKING SHALL BE WHITE ROAD PAINT 100mm WIDE WITH GLASS BEADS



LOCALITY PLAN

N.T.S.

AMENDMENTS

No.	DESCRIPTION	DATE	INITIAL
A	REVIEW ISSUE	28-08-25	S.S.
B	FINAL REVIEW ISSUE	11-11-25	S.S.
C	APPROVAL ISSUE	08-05-26	S.S.

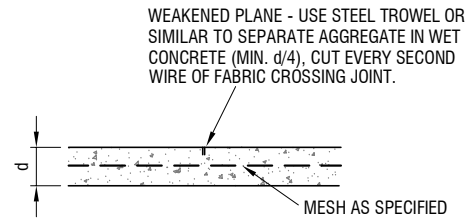
WARNING

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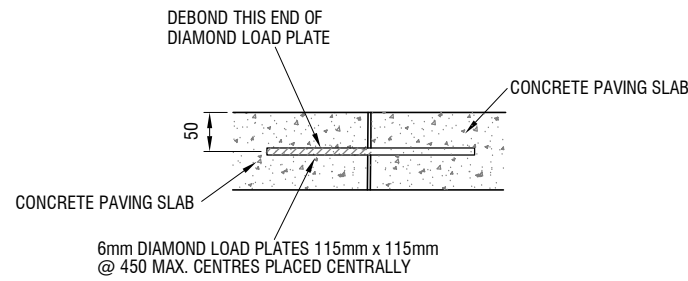


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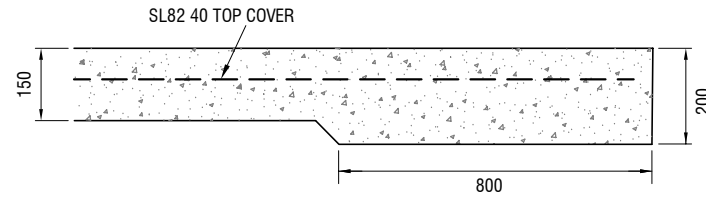
DRAWN B.T.	DESIGNED S.S.	LOT 1861 (85) PROGRESS DRIVE NIGHTCLIFF, N.T. CIVIL WORKS SCHEDULE OF DRAWINGS, NOTES & LOCALITY PLAN		
SCALE AS SHOWN	CHECKED M.D.			
APPROVED	DATE 08-05-26			
SHEET 1 OF 9	SHEET SIZE A1	DRAWING No.	250716-C01	AMENDMENT C



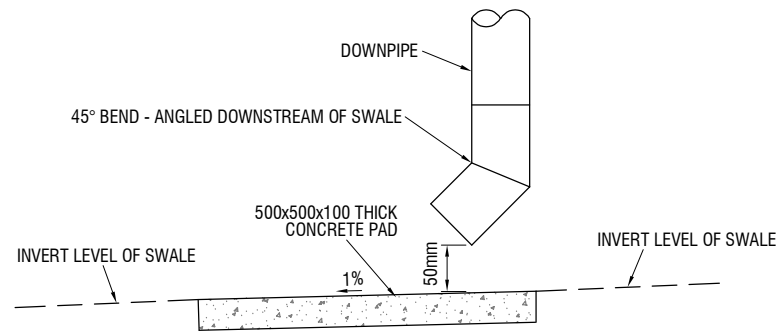
CONTRACTION JOINT
N.T.S.



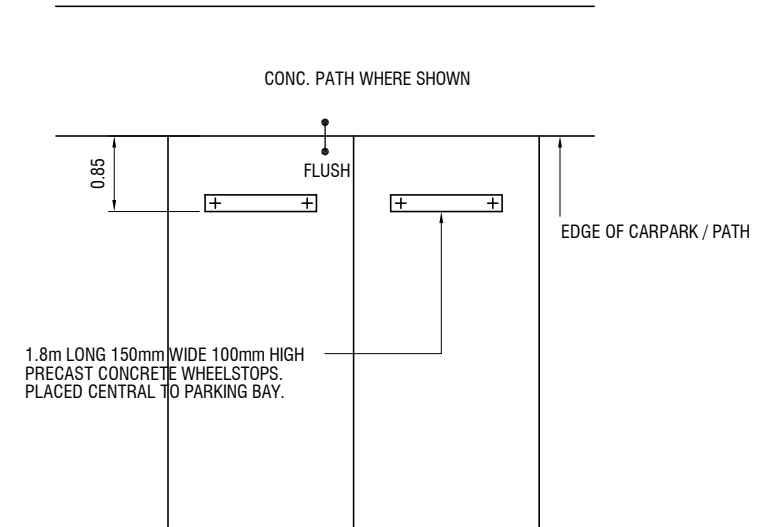
DOWELLED JOINT
N.T.S.



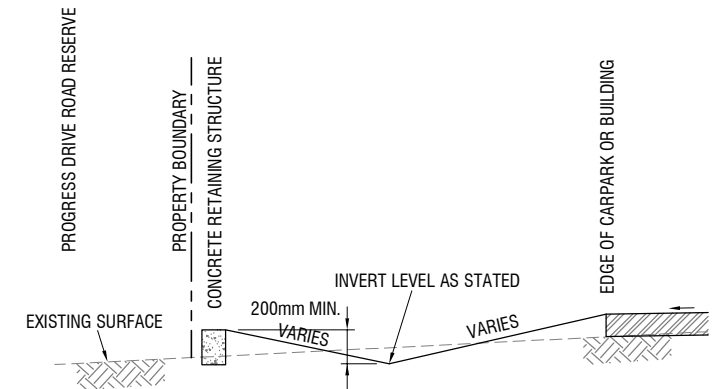
EDGE THICKENING TO CARPARK / ACCESS SLAB
N.T.S.



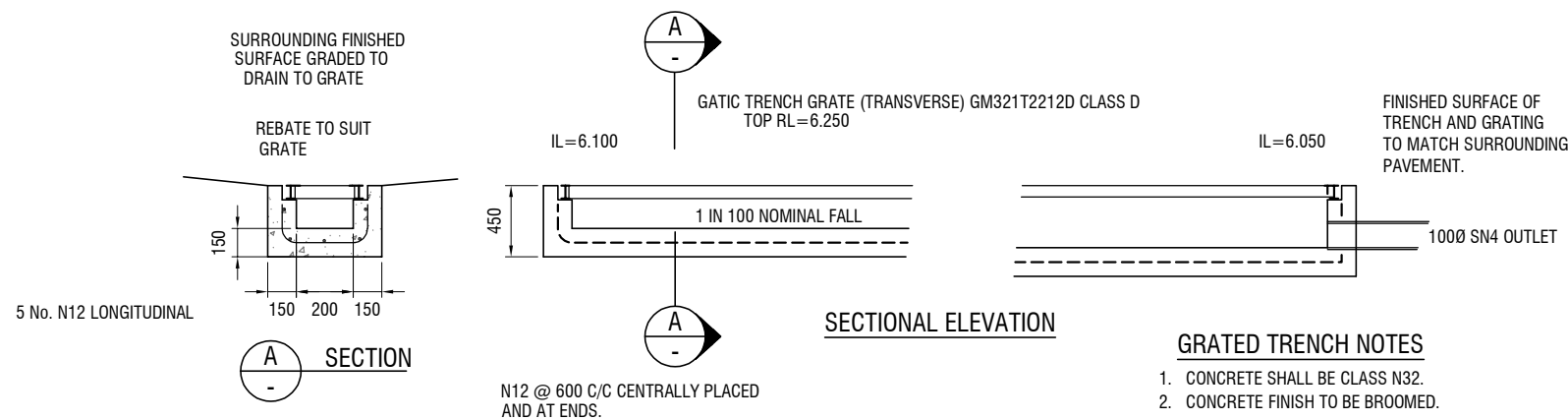
DOWNPIPE SLASH PAD
N.T.S.



WHEELSTOP DETAILS
N.T.S.



TYPICAL SWALE DRAIN
N.T.S.



GRATED TRENCH
N.T.S.

SECTIONAL ELEVATION

GRATED TRENCH NOTES

1. CONCRETE SHALL BE CLASS N32.
2. CONCRETE FINISH TO BE BROOMED.

AMENDMENTS

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C	APPROVAL ISSUE	08-05-26	S.S.

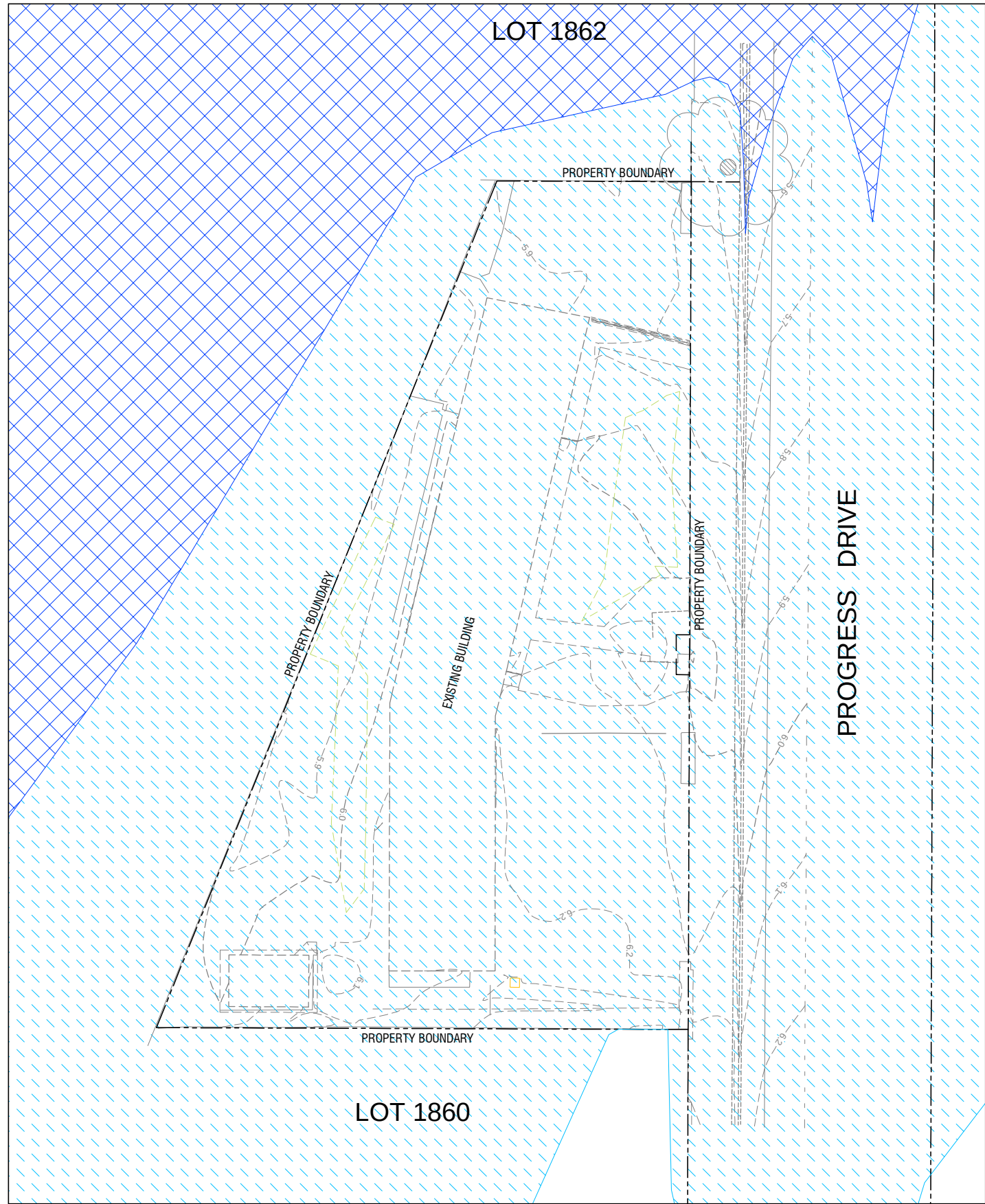
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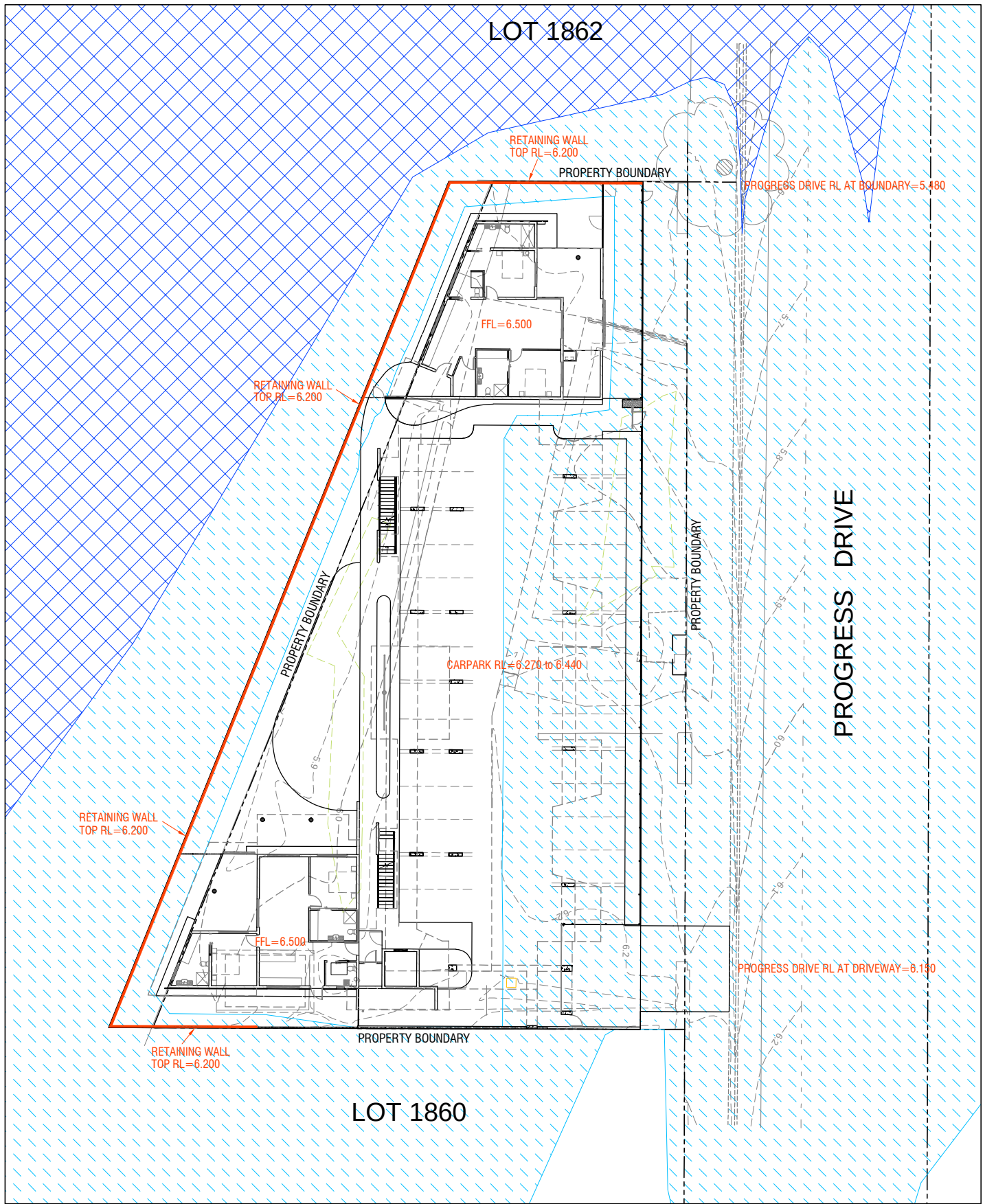


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DRAWN B.T.	DESIGNED S.S.	LOT 1861 (85) PROGRESS DRIVE NIGHTCLIFF, N.T. CIVIL WORKS GENERAL CONSTRUCTION DETAILS	
SCALE AS SHOWN	CHECKED M.D.		
APPROVED	DATE 08-05-26		
SHEET 2 OF 9	SHEET SIZE A1	DRAWING No. 250716-C02	AMENDMENT C



STORM SURGE IMPACT - PRE DEVELOPMENT



STORM SURGE IMPACT - POST DEVELOPMENT

LEGEND

	PRIMARY STORM SURGE 1 : 100 STORM SURGE EVENT RL 5.520 A.H.D.		SECONDARY STORM SURGE 1 : 1000 STORM SURGE EVENT RL 6.370 A.H.D.
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AMENDMENTS			
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C	APPROVAL ISSUE	08-05-26	S.S.

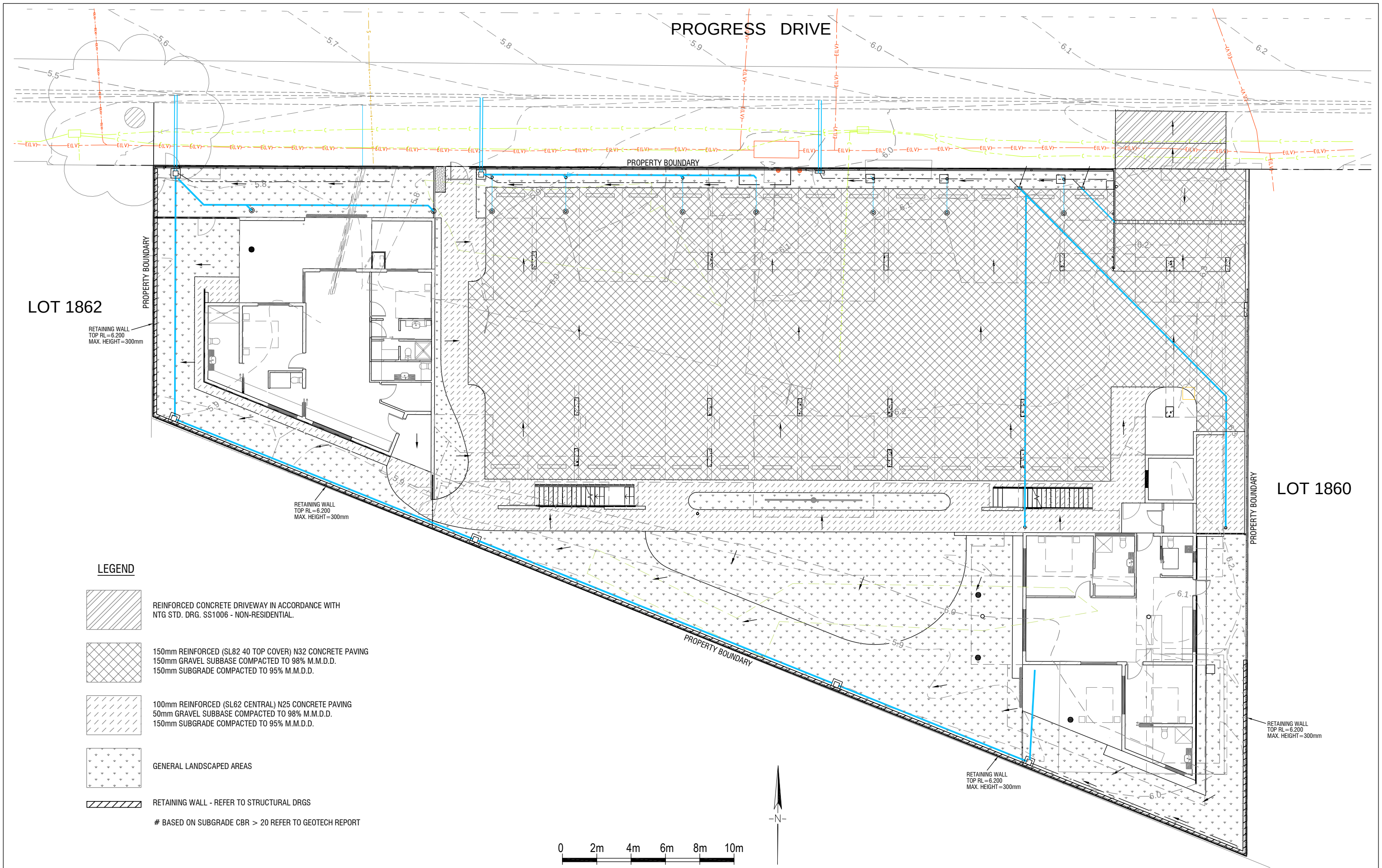
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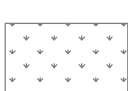
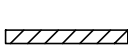


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DRAWN B.T.	DESIGNED S.S.	LOT 1861 (85) PROGRESS DRIVE NIGHTCLIFF, N.T. CIVIL WORKS STORM SURGE IMPACT	
SCALE AS SHOWN	CHECKED M.D.		
APPROVED	DATE 08-05-26		
SHEET 3 OF 9	SHEET SIZE A1	DRAWING No. 250716-C03	AMENDMENT C



LEGEND

-  REINFORCED CONCRETE DRIVEWAY IN ACCORDANCE WITH NTG STD. DRG. SS1006 - NON-RESIDENTIAL.
 -  150mm REINFORCED (SL82 40 TOP COVER) N32 CONCRETE PAVING
150mm GRAVEL SUBBASE COMPACTED TO 98% M.M.D.D.
150mm SUBGRADE COMPACTED TO 95% M.M.D.D.
 -  100mm REINFORCED (SL62 CENTRAL) N25 CONCRETE PAVING
50mm GRAVEL SUBBASE COMPACTED TO 98% M.M.D.D.
150mm SUBGRADE COMPACTED TO 95% M.M.D.D.
 -  GENERAL LANDSCAPED AREAS
 -  RETAINING WALL - REFER TO STRUCTURAL DRGS
- # BASED ON SUBGRADE CBR > 20 REFER TO GEOTECH REPORT

AMENDMENTS

No.	DESCRIPTION	DATE	INITIAL
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B	FINAL REVIEW ISSUE	11-11-25	S.S.
C	APPROVAL ISSUE	08-05-26	S.S.

WARNING

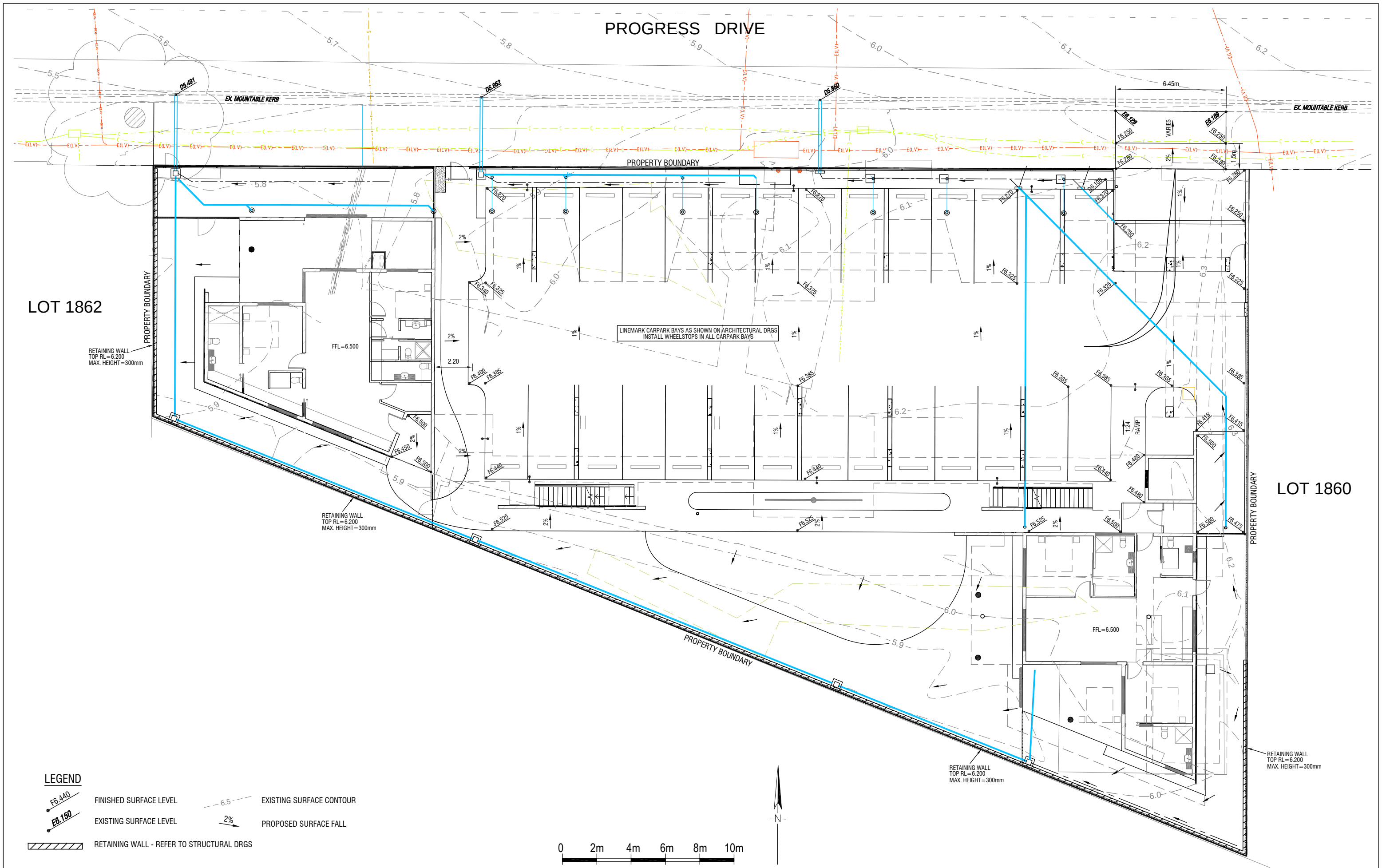
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DRAWN B.T.	DESIGNED S.S.
SCALE AS SHOWN	CHECKED M.D.
APPROVED	DATE 08-05-26
	SHEET 4 OF 9

LOT 1861 (85) PROGRESS DRIVE NIGHTCLIFF, N.T. CIVIL WORKS OVERALL SITE & FINISHED SURFACES PLAN		
SHEET SIZE A1	DRAWING No. 250716-C04	AMENDMENT C



AMENDMENTS			
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A	REVIEW ISSUE	28-08-25	S.S.
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C	APPROVAL ISSUE	08-05-26	S.S.

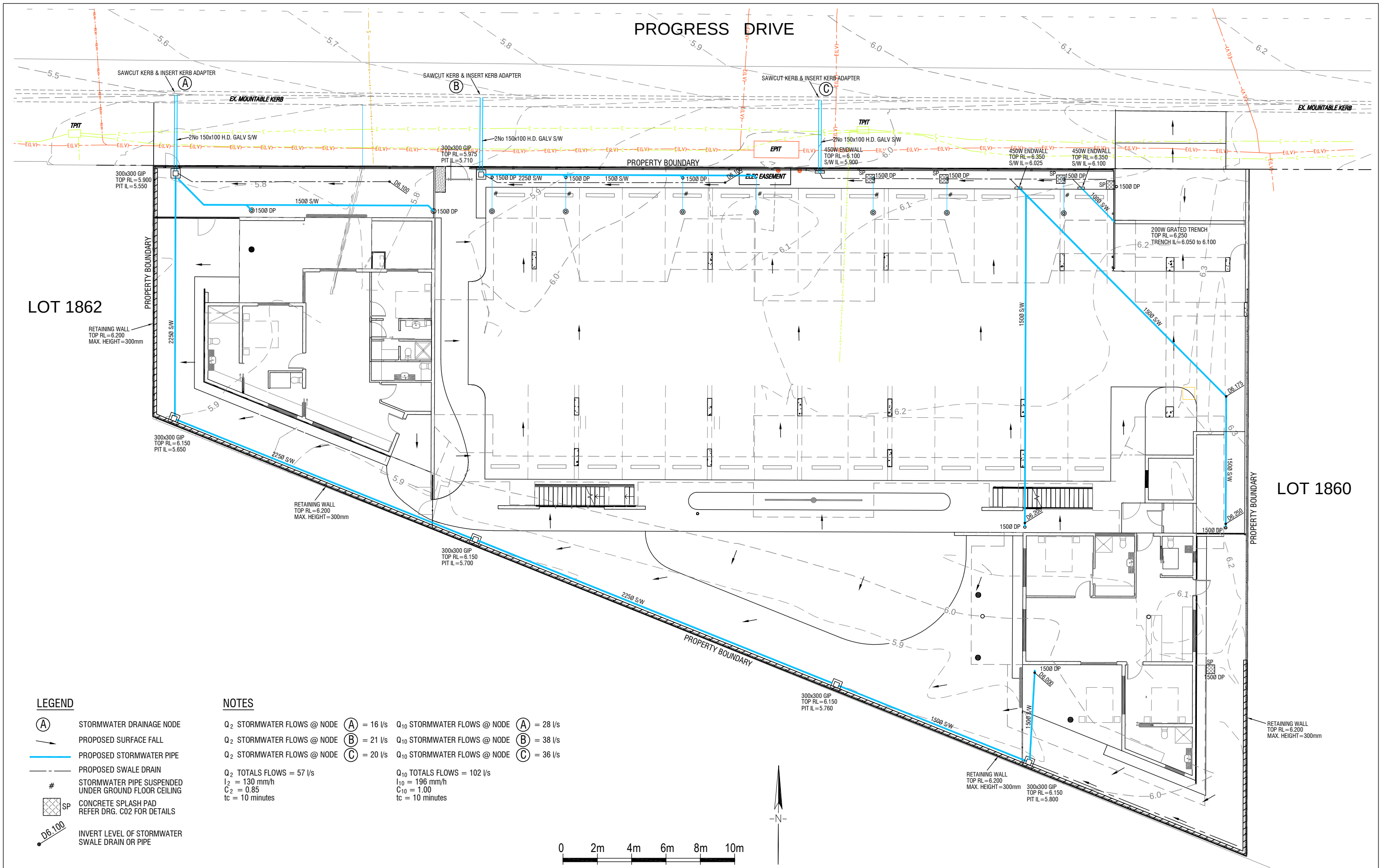
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DRAWN B.T.	DESIGNED S.S.	LOT 1861 (85) PROGRESS DRIVE NIGHTCLIFF, N.T. CIVIL WORKS DETAILED WORKS PLAN	
SCALE AS SHOWN	CHECKED M.D.		
APPROVED	DATE 08-05-26		
SHEET 5 OF 9	SHEET SIZE A1	DRAWING No. 250716-C05	AMENDMENT C



LEGEND

- Ⓐ STORMWATER DRAINAGE NODE
- PROPOSED SURFACE FALL
- PROPOSED STORMWATER PIPE
- - - PROPOSED SWALE DRAIN
- # STORMWATER PIPE SUSPENDED UNDER GROUND FLOOR CEILING
- SP CONCRETE SPLASH PAD REFER DRG. C02 FOR DETAILS
- D6.100 INVERT LEVEL OF STORMWATER SWALE DRAIN OR PIPE

NOTES

Q₂ STORMWATER FLOWS @ NODE Ⓐ = 16 l/s Q₁₀ STORMWATER FLOWS @ NODE Ⓐ = 28 l/s
Q₂ STORMWATER FLOWS @ NODE Ⓑ = 21 l/s Q₁₀ STORMWATER FLOWS @ NODE Ⓑ = 38 l/s
Q₂ STORMWATER FLOWS @ NODE Ⓒ = 20 l/s Q₁₀ STORMWATER FLOWS @ NODE Ⓒ = 36 l/s
Q₂ TOTALS FLOWS = 57 l/s Q₁₀ TOTALS FLOWS = 102 l/s
I₂ = 130 mm/h I₁₀ = 196 mm/h
C₂ = 0.85 C₁₀ = 1.00
tc = 10 minutes tc = 10 minutes

AMENDMENTS			
No.	DESCRIPTION	DATE	INITIAL
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C	APPROVAL ISSUE	08-05-26	S.S.

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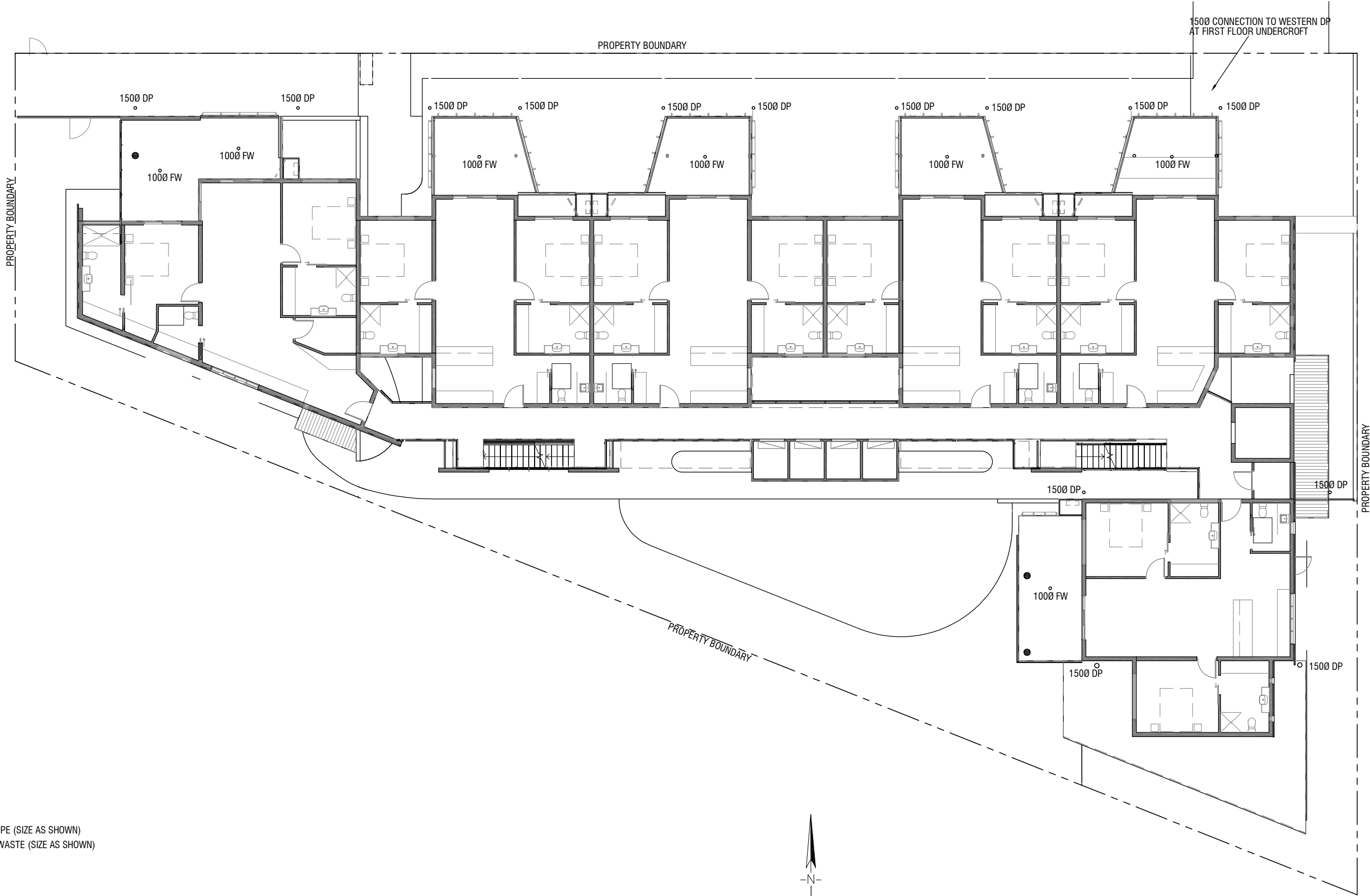
DRAWN B.T.	DESIGNED S.S.
SCALE AS SHOWN	CHECKED M.D.
APPROVED	DATE 08-05-26
SHEET 6 OF 9	SHEET SIZE A1

LOT 1861 (85) PROGRESS DRIVE
NIGHTCLIFF, N.T.
CIVIL WORKS
STORMWATER PLAN

DRAWING No. 250716-C06 AMENDMENT C

PROGRESS DRIVE

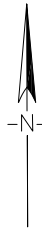
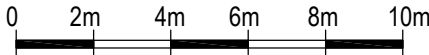
LOT 1862



LOT 1860

LEGEND

- DP DOWNPIPE (SIZE AS SHOWN)
FW FLOOR WASTE (SIZE AS SHOWN)



AMENDMENTS			
No.	DESCRIPTION	DATE	INITIAL
A	REVIEW ISSUE	28-08-25	S.S.
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C	APPROVAL ISSUE	08-05-26	S.S.

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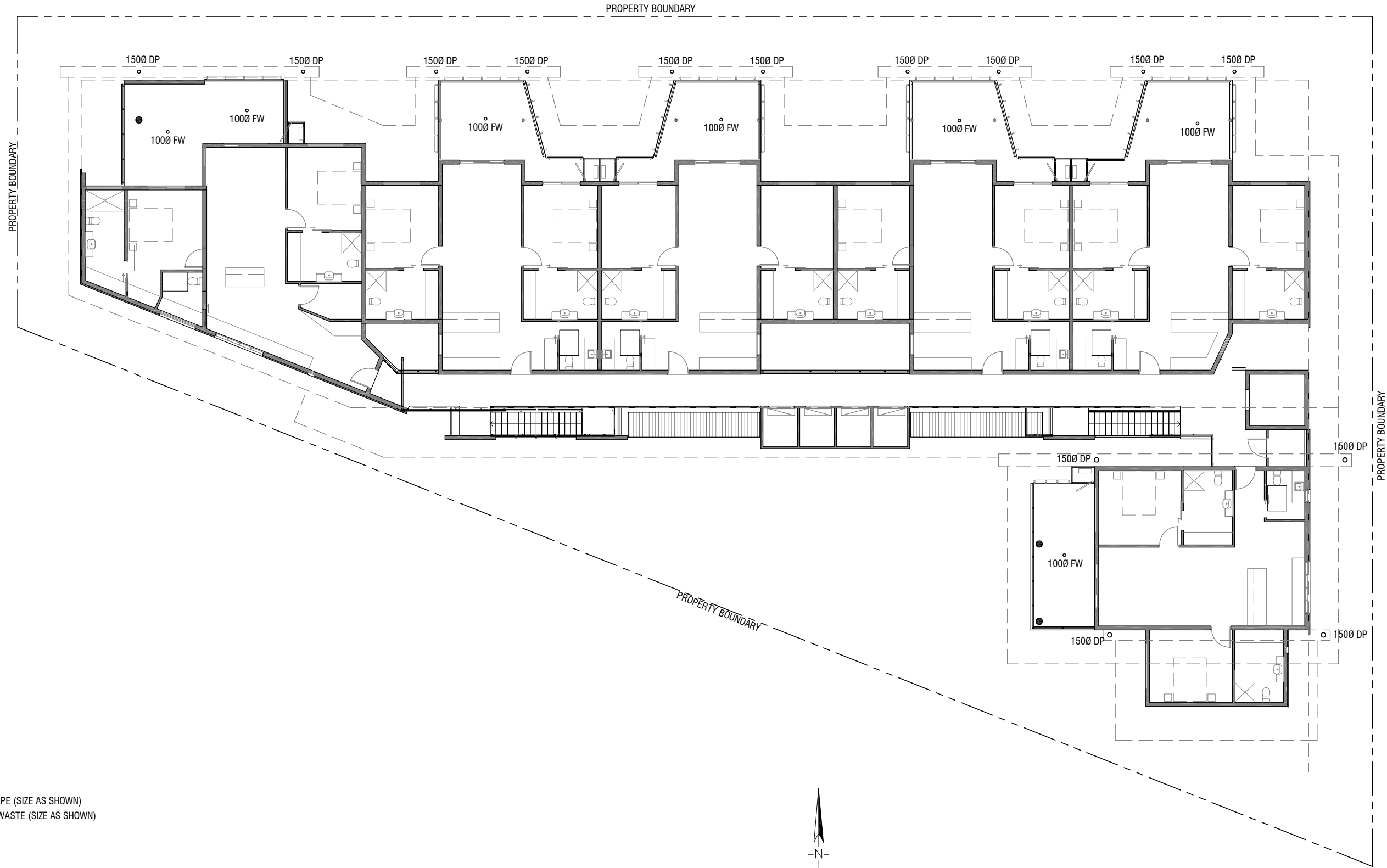
DRAWN B.T.	DESIGNED S.S.
SCALE AS SHOWN	CHECKED M.D.
APPROVED	DATE 08-05-26
SHEET 7 OF 9	

LOT 1861 (85) PROGRESS DRIVE
NIGHTCLIFF, N.T.
CIVIL WORKS
1ST FLOOR PLAN

SHEET SIZE A1
DRAWING No. 250716-C07
AMENDMENT C

PROGRESS DRIVE

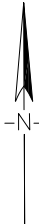
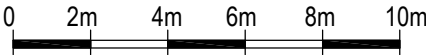
LOT 1862



LOT 1860

LEGEND

- DP DOWNPIPE (SIZE AS SHOWN)
FW FLOOR WASTE (SIZE AS SHOWN)



AMENDMENTS			
No.	DESCRIPTION	DATE	INITIAL
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DRAWN B.T.	DESIGNED S.S.	LOT 1861 (85) PROGRESS DRIVE NIGHTCLIFF, N.T. CIVIL WORKS 2ND FLOOR PLAN	
SCALE AS SHOWN	CHECKED M.D.		
APPROVED	DATE 08-05-26		
SHEET 8 OF 9		SHEET SIZE A1	DRAWING No. 250716-C08 AMENDMENT C

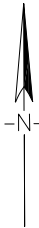
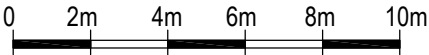
PROGRESS DRIVE

LOT 1862

LOT 1860

LEGEND

DRR DIRECT ROOF RUNOFF TO PAVEMENT BELOW
DP DOWNPIPE (SIZE AS SHOWN)



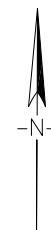
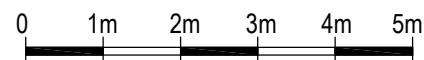
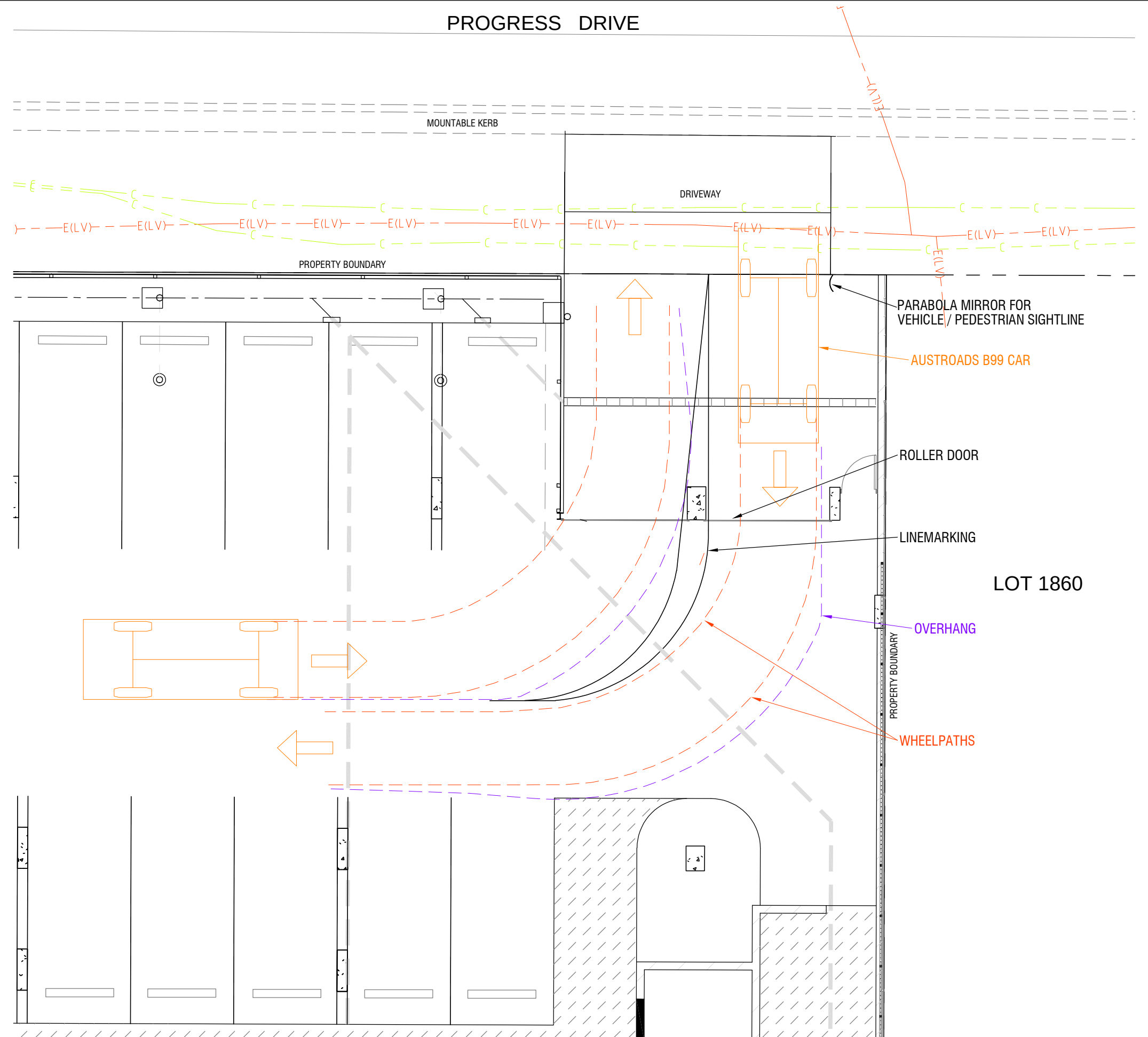
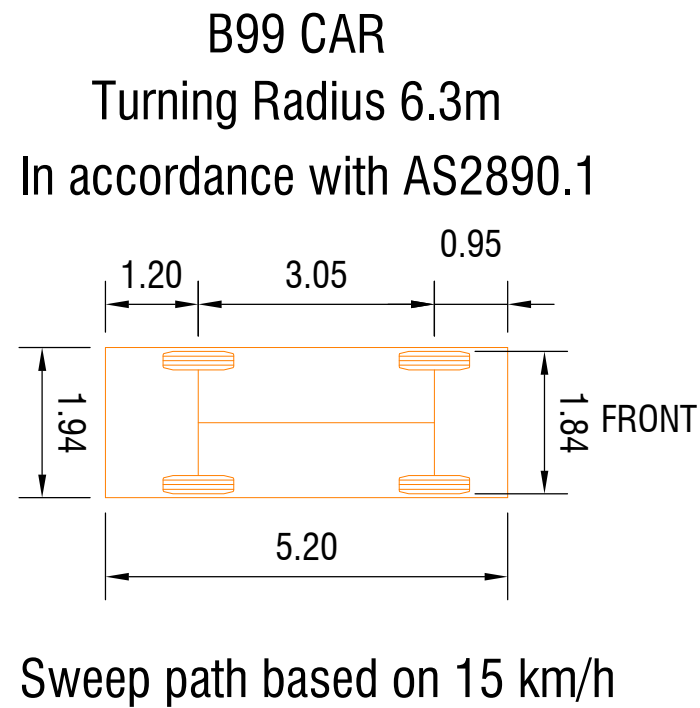
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DRAWN B.T.	DESIGNED S.S.	LOT 1861 (85) PROGRESS DRIVE NIGHTCLIFF, N.T. CIVIL WORKS ROOF PLAN	
SCALE AS SHOWN	CHECKED M.D.		
APPROVED	DATE 08-05-26		
SHEET 9 OF 9		SHEET SIZE A1	DRAWING No. 250716-C09 AMENDMENT C



AMENDMENTS			
No.	DESCRIPTION	DATE	INITIAL
A	REVIEW ISSUE	11-11-25	S.S.
B	APPROVAL ISSUE	08-05-26	S.S.

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DRAWN B.T.	DESIGNED S.S.	LOT 1861 (85) PROGRESS DRIVE NIGHTCLIFF, N.T. CIVIL WORKS B99 VEHICLE SWEEP PATH ANALYSIS	
SCALE AS SHOWN	CHECKED M.D.		
APPROVED	DATE 08-05-26		
SHEET 1 OF 1		SHEET SIZE A1	DRAWING No. 250716-SK01 AMENDMENT B

Date Registered: 05/06/2024

Volume 882 Folio 802

Duplicate Certificate as to Title issued? No

SEARCH CERTIFICATE

Lot 1861 Town of Nightcliff from plan(s) OP 001394

Area under title is 1740 square metres

Owner:

Tsougranis Developments Pty Ltd (ACN 608 839 149)

of PO Box 1348, Nightcliff NT 0814

Registered Date	Dealing Number	Description
		Previous title is Volume 880 Folio 883
05/06/2024	1015900	Mortgage Commonwealth Bank of Australia
18/10/2005	592914	Electricity supply Easement to Power and Water Corporation
End of Dealings		



NORTHERN TERRITORY OF AUSTRALIA

Record of Administrative Interests and Information

Record of Administrative Interests and Information

The information contained in this record of Administrative Interests only relates to the below parcel reference.

Parcel Reference: Lot 01861 Town of Nightcliff plan(s) OP 001394

(See section 38 of the Land Title Act)

Note: The Record of Administrative Interests and Information is not part of the Land Register and is not guaranteed by the Northern Territory of Australia, and the NT Government accepts no Liability for any omission, misstatement or inaccuracy contained in this statement.

Registrar General

Government Land Register

(none found)

Custodian - Registrar General (+61 8 8999 6252)

Current Title

CUFT 882 802 (order 1)

Tenure Type

ESTATE IN FEE SIMPLE

Tenure Status

Current

Area Under Title

1740 square metres

Owners

Tsougranis Developments Pty Ltd (ACN 608 839 149)
PO Box 1348, Nightcliff NT 0814

Easements

Electricity supply Easement to Power and Water Corporation

Scheme Name

(none found)

Scheme Body Corporate Name

(none found)

Reserved Name(s)

(none found)

Unit Entitlements

(none found)



Transfers

05/06/2024 for \$1,750,000 (Nil GST)
05/01/1995 for Agreement
07/10/1991 for \$255,000
12/06/1990 for \$185,000
11/05/1988 for \$120,000
07/02/1985 for \$110,000
18/08/1981 for \$196,000
22/05/1980 for \$131,300
01/01/0001 for
01/01/0001 for

Tenure Comments

(none found)

Historic Titles

CUFT 880 883 (order 1)
CUFT 691 874 (order 1)
CUFT 398 055 (order 1)
CUFT 125 060 (order 4)
CUFT 125 060 (order 3)
CUFT 125 060 (order 2)
CUFT 125 060 (order 1)
CUCL 062 076 (order 6)
CUCL 062 076 (order 5)
CUCL 062 076 (order 4)
CUCL 062 076 (order 3)
CUCL 062 076 (order 1)
CUCL 062 076 (order 2)

Visit the website http://www.nt.gov.au/justice/bdm/land_title_office/

Custodian - Surveyor General (+61 8 8995 5346)**Address**

85 PROGRESS DR, NIGHTCLIFF

Survey Plan

OP 001394

Survey Status

Approved

Parcel Status

CURRENT

Parcel Area

1740 square metres

Map Reference

Code 200 Scale 2500 Sheet 30.27

Parent Parcels

(none found)

Parcel Comments

XAL 534 OVER PORT 1020.

Survey Comments

(none found)

Proposed Easements

(none found)

Local Government Area

DARWIN MUNICIPALITY

Region

DARWIN

Custodian - Valuer General (+61 8 8995 5375)**Owner's Last Known Address**

Tsougranis Developments Pty Ltd (ACN 608 839 149), PO BOX 1348, NIGHTCLIFF NT 0814

Parcels in Valuation

Lot 01861 Town of Nightcliff

Unimproved Capital Value

\$1,125,000 on 01/07/2023

\$1,025,000 on 01/07/2020

\$1,200,000 on 01/07/2017

\$1,130,000 on 01/07/2014

\$1,130,000 on 01/07/2011

\$773,000 on 01/07/2008

\$525,000 on 01/07/2005

\$350,000 on 01/07/2002

\$350,000 on 01/07/1999

\$258,000 on 01/07/1996

\$175,000 on 01/07/1993

\$90,000 on 01/01/1991

\$61,000 on 01/01/1988

\$57,500 on 01/01/1985

\$56,000 on 01/01/1982

\$21,820 on 01/05/1979

\$21,820 on 01/05/1977

\$16,800 on 01/05/1974

Custodian - Property Purchasing (+61 8 8999 6886)**Acquisitions**

(none found)

Custodian - Building Advisory Service (+61 8 8999 8965)

Building Control Areas

BBDAR001 - Building Control Area

DARWIN BUILDING AREA

Building Permits

Application Number:

1 of 2

Description:

FLATS (BP#75-10-75)

Number of Residential Units:

11

Australian Bureau of Statistics Type:

(none found)

Building Class:

Flat(s)

Area:

0 square metres

Certification:

Flat(s) - Pre 1975 C - *issued on 21/02/1980*

Visit the website <http://www.nt.gov.au/building/>

Custodian - Town Planning and Development Assessment Services (+61 8 8999 6046)

Planning Scheme Zone

MR (Medium Density)

Overlays: The following overlays may apply to your land

- LSSS - Land Subject to Storm Surge

Refer to the NT Planning Scheme 2020 for more information.

Strategic Frameworks: The following strategic frameworks may apply to your land

Regional Plans:

- Darwin Regional Land Use Plan

Sub Regional Plans:

- None

Area Plans:

- Darwin Mid Suburbs Area Plan

Interim Development Control Orders

(none found)

Planning Notes

(none found)

Planning Applications

(none found)

Custodian - Pastoral Estate - Vegetation Assessment Unit (+61 8 8999 4454)

(none found)

Visit the website for information on Pastoral land permits.

Custodian - Power and Water Corporation (1800 245 092)

Meters on Parcel

Power Water - Electricity 10

Power Water - Water 1

For Account balances, contact the Power and Water Corporation.



Custodian - Pool Fencing Unit (+61 8 8924 3641)**Swimming Pool/Spa Status**

(none found)

For more information, contact the Pool Fencing Unit (+61 8 8924 3641).

Custodian - Department of Mining and Energy (+61 8 8999 5263)**Mineral Titles**

Title ID	Status	Title Type	Expiry Date	Legislation
RL390	Granted	Reserve Land		Mineral Titles Act 2010

For additional information contact the Mineral Titles Team on +61 8 8999 5322

Energy Titles

Title ID	Status	Title Type	Expiry Date	Legislation
GRO1	Granted	Geothermal Reserved from Occupation		Geothermal Energy Act 2009
RB56	Granted	Reservation of Blocks		Petroleum Act 1984
RB225	Granted	Reservation of Blocks		Petroleum Act 1984

For additional information contact the Petroleum Tenure Team on +61 8 8999 5263

Land Access Agreements

(none found)

For additional information contact the Land Access Team on +61 8 8999 5240

For further information contact as above or visit the website <https://strike.nt.gov.au>

Custodian - NT Environment Protection Authority (+61 8 8924 4218)**Results of site contamination assessment**

(none found)

For further information contact Environment Protection Authority or visit the website <https://ntepa.nt.gov.au/your-business/public-registers/contaminated-land-audits>

Custodian - Heritage Branch (+61 8 8999 5039)**Heritage Listing:**

(none found)

For further information on heritage places contact Heritage Branch or visit the website <https://nt.gov.au/property/land/heritage-register-search-for-places-or-objects>

Other Interests

For Account balances, contact Darwin City Council

Storm Surge: This lot is within a primary surge zone. For more information contact Lands Planning on 8999 8963.

Storm Surge: This lot is within a secondary surge zone. For more information contact Lands Planning on 8999 8963.



Locality Diagram



Land owner/s authorisation to lodge a development application

The Planning Act 1999

Before you fill in the form

Signatures from ALL landowners registered on the land title must be provided.
The authorisation must be dated within six months of the submission of the application.

Fields marked with an asterisk (*) are required.
Fields marked with a carat (^) are required if applicable.

Applicant

In accordance with Section 46(3)(aa)(i) of the *Planning Act 1999*, a development application is to contain the name and contact details of the applicant AND any person on whose behalf the application is made.

Name of Applicant/Consultant or Acting agent	Brad Cunnington and Rory MacKay, Cunnington Rosse Town Planning and Consulting		
Address	PO Box 36004 Winnellie NT 0821		
Phone	0427 796 140	Email	brad@crtpc.com.au

Persons on whose behalf the application is made:

Person/s on whose behalf the application is made:	Paul Tsougranis, Tsougranis Developments Pty Ltd		
Address	PO Box 1348 Nightcliff NT 0814		
Phone	0417 872 091	Email	info@gtbuilders.com.au

The applicant is hereby authorised to lodge a development application over the subject land described as:

*Lot/NT portion	Lot 1861
*Location/town/hundred	Town of Nightcliff
*Street address	85 Progress Drive, Nightcliff

The application is for the purpose of:***Proposed development***Brief description of proposed development*

14 dwellings-multiple in a 3-storey building with ground level car parking

Landowner/s signature

In accordance with Section 46(3)(aa)(ii) of the *Planning Act 1999*, a development application is to contain the **name and contact details of the owner of the land** to which the application relates.

Written authorisation from each:

- **Individual owner:** Each person listed on the title must provide written authorisation for the application.
- **Companies:** For each company listed on the title, written authorisation must be obtained from the **director** or **authorised representative** of the company. This authorisation confirms that the company is giving consent for the application and that the person signing on behalf of the company has the legal authority to do so.

***Full name**

Paul Tsougranis

^Company name

Tsougranis Developments Pty Ltd

^Title*(e.g. director/authorised representative)*

Director

Phone

0417 872 091

Emailinfo@gtbuilders.com.au***Signature**

***Date**

21 April 2026

Privacy Note

The Department of Lands, Planning and Environment, on behalf of the Minister, is authorised under the *Planning Act 1999* to collect the information on this form, or otherwise provided by you, to consider a proposal to grant a Development Permit or to amend a planning scheme. Failure to provide the information in full may result in delays in processing of the application.

Some of the personal information provided by you on this application may be publicly available, as part of a public exhibition process. The information is also regularly provided to other Northern Territory Government agencies, the Australian Valuation Office, local governments and Commonwealth Government Departments and agencies, as required by law.

Collection of personal information on this form is done in accordance with the privacy legislation within the Northern Territory *Information Act 2002*. For more information, please refer to the Northern Territory Government's privacy statement located at <https://nt.gov.au/copyright-disclaimer-and-privacy>. Any personal information provided can be subsequently accessed by you on request.

Technical Assessment PA2026/0165

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

Application No: PA2026/0165

Lot number: Lot 1861 (85) Progress Dr, Nightcliff

Town/Hundred: Town of Nightcliff

Zone: MR (Medium Density)

Site Area: 1740m²

Proposal: Dwelling-multiple (14 x 2 bedroom) in a three storey building

Plans used for assessment: Hully Liveris Design CO. PTY LTD Drawings No. JBC – 1014 dated 7 May 2026

Date assessment finalised: 17 June 2026

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
Dwelling-multiple	Impact Assessable	3.7 LSSS - Land Subject to Storm Surge	5.2.1 General Height control 5.2.4 Car Parking 5.2.6 Landscaping	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)(c)(v)

(c) Impact Assessable – use and development that requires the exercise of discretion by the consent authority to determine if it is appropriate given the location of the site and the potential impacts on surrounding uses, and if it accords with the Strategic Framework.

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

- v. a provision of this Planning Scheme expressly requires assessment as Impact Assessable.

Clause 3.1(4)(b)

4. Where an Overlay requires consent, the following level of assessment applies:

- (b) if shown as Merit Assessable on the relevant assessment table in Part 4 it is Impact Assessable;

Clause 1.10 Exercise of Discretion by the Consent Authority

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

- (a) any 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;
- (c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and
- (d) any component of the Strategic Framework relevant to the land as set out in Part 2.

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.

2.0 Strategic Framework

Darwin Regional Land Use Plan 2015

The purpose of the DRLUP 2015 is to identify the essential characteristics and needs that will shape future development in the region and establish an overarching framework for that development. The location of the proposed development is in an area identified for 'Urban/Peri-Urban' land use.

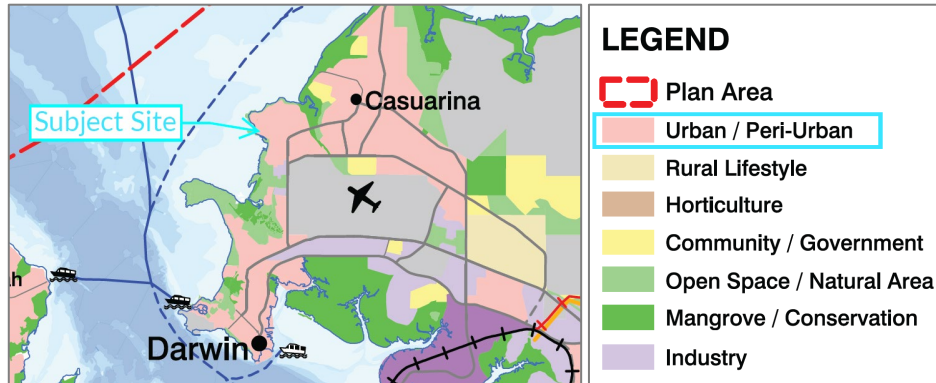


Figure 1: Land Use Structure Plan

These areas will accommodate a full range of land uses such as:

- a variety of housing types
- retail and commercial
- community facilities and services
- sport, recreation and urban open space
- natural and conservation areas.

The proposed development is for a dwelling-multiple development. The land will continue to be used for medium-density residential purposes. The proposal will build 14 2-bedroom dwellings to accommodate population growth and ensure an ongoing supply of housing to meet market demand and the diverse needs of the community. The site is located in close proximity to established public infrastructure and facilities. Accordingly, the proposal is consistent with the objectives for urban and peri-urban residential uses under the DRLUP 2015.

Darwin Mid Suburbs Area Plan 2016

The DMSAP 2016 provides a practical framework to guide and manage change into the future. The land is identified as 'Residential - Medium Density' in Residential Areas Plan within the DMSAP 2016.

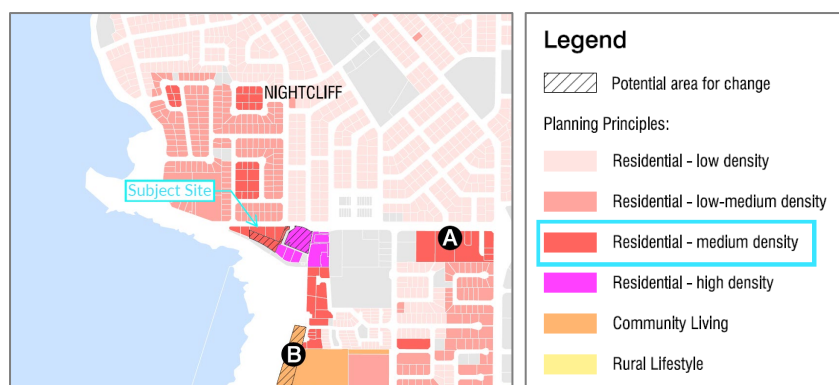


Figure 2: Residential Areas Plan

Planning principles for the area include:

- Development of multiple dwellings in a residential only setting;
- A built form and landscape response that sensitively responds to the adjoining suburban residential area.

The application is for dwelling-multiple development. The land is located in Zone MR (Medium Density Residential). Dense landscaping with various types of shade trees and shrubs are provided along all boundaries of the lot. The site is connected to the local road network and public transport, and provides sufficient on-site car parking, which does not generate negative impacts on local traffic. The proposal complies with applicable objectives for 'Residential - Medium Density' area, and is consistent with the DMSAP 2016.

The site is also identified within the extent of activity centre, while it is shown as 'Residential only' area on the Nightcliff and Coconut Grove Concept Plan within the DMSAP 2016, with no further requirements applied. The proposed residential use meets the purpose of this area.

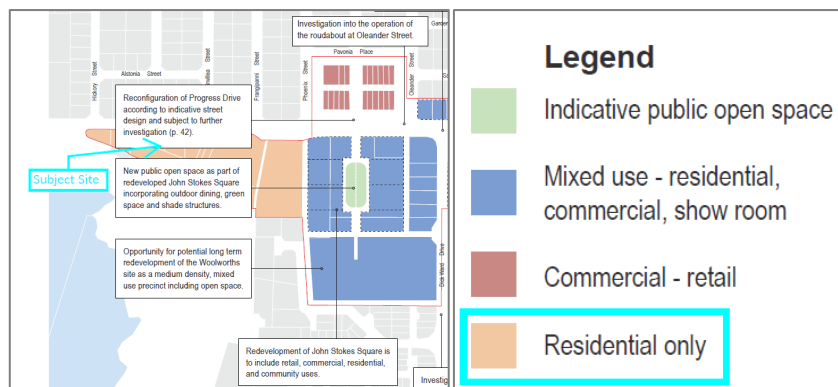


Figure 3: Nightcliff and Coconut Grove Concept Plan

The lot is located along Progress Drive, which is defined as 'Sub-Arterial/ Primary Transport Corridor' on the Movement and Transport Plan within the DMSAP 2016.

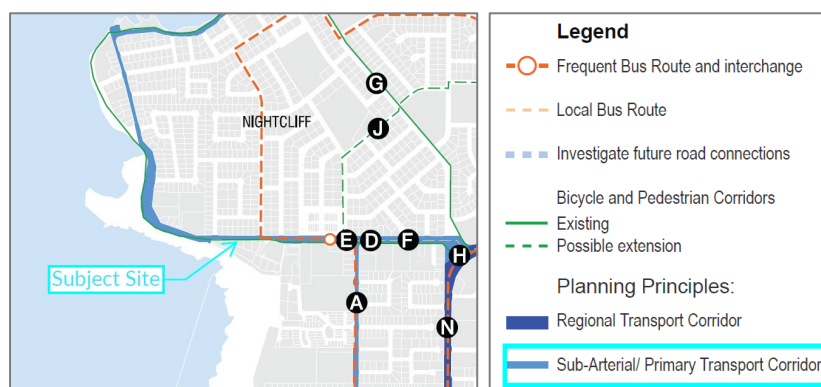


Figure 4: Movement and Transport Plan

Planning principles for the area include:

- Transport corridors that cater for the safe and efficient movement of pedestrians, cyclists, public transport and private motor vehicles;

- Well serviced public transport corridors that provide a reliable, convenient and accessible public transport service;
- Enhancement of higher order bicycle and pedestrian routes;
- The creation of green gateways along major boulevards.

The proposed development supports the above planning principles through appropriate site design and access arrangements. The existing two separate crossovers on site have been consolidated into a single crossover located at the north-eastern corner of the site, with a dedicated pedestrian entrance provided on the western portion of the frontage. This arrangement reduces potential conflicts between vehicles and pedestrians and enhances the safe movement of all users. The development maintains access to existing public transport services and supports the function of the surrounding transport network. In addition, the proposed frontage landscaping will enhance the streetscape and contribute to the creation of a green gateway along Progress Drive as it transitions into Casuarina Drive.

Overall, the proposed development complies with the DRLUP 2015 and the DMSAP 2016, and is consistent with the strategic framework under the NTPS 2020.

COMPLIES

3.7 LSSS – Land Subject to Storm Surge

Purpose

Identify areas with a known risk of inundation from primary or secondary storm surges and ensure that development in these areas demonstrates adequate measures to minimise the associated the risk to people, damage to property and costs to the general community caused by storm surge.

Administration

1. *This Overlay applies to land subject to the PSSA and/or the SSSA.*
2. *This Overlay does not apply to:*
 - (a) *outbuildings and extensions to existing dwellings;*
 - (b) *extensions to existing commercial or industrial buildings;*
 - (c) *a use or development within the SSSA that would otherwise be Permitted, and complies with the requirements of Part 5;*
 - (d) *unzoned land; or*
 - (e) *any use or development within a PSSA or SSSA that complies with Clause 5.5.1 (Interchangeable Use and Development in Specific Zones) which but for this Overlay, would not require consent.*
3. *This overlay does not apply to the use and development of land for dwellings-group or dwellings-multiple when the land is subject to Overlay 3.11 RCFR (Rapid Creek Flood Response).*
4. *In this Overlay:*
 - (a) *“AEP” means Annual Exceedance Probability, which is the likelihood, in percentage terms, of inundation by storm surge;*
 - (b) *“PSSA” means Primary Storm Surge Areas, which are those coastal areas within a 1% AEP of inundation by storm surge as defined on mapping produced by the NT Government;*
 - (c) *“SSSA” means Secondary Storm Surge Areas, which are those coastal areas adjacent to the PSSA with a 0.1% AEP of inundation by storm surge as defined on mapping produced by the NT Government; and*
 - (d) *“storm surge” means the elevation in sea level which accompanies the movement of a cyclone particularly near, or over, a coastline, attributed to a cyclone’s intensity and wind stress build-up.*

5. Land within the PSSA is to be used or developed only with consent.
6. The consent authority may consent to a use or development within the PSSA that is not in accordance with sub-clauses 8-10 only if it is satisfied that the application demonstrates that there is no increased risk to people and property, including adjoining property.
7. The use or development of land within the SSSA should have regard to sub-clauses 9 and 10.

Requirements

8. Development in the PSSA should be limited to uses such as open space, recreation, non-essential public facilities (wastewater treatment works excepted) and short-stay tourist camping/ caravan areas.
9. Development within the SSSA should be confined to those uses permitted in the PSSA as well as industrial and commercial land uses.
10. Residential uses, strategic and community services (such as power generation, defence installations, schools, hospitals, public shelters and major transport links) should be avoided in the PSSA and the SSSA.

Assessment

A small portion of the site on the western side is located within the PSSA, while the entire lot is within the SSSA, as shown in Figure 5 below:

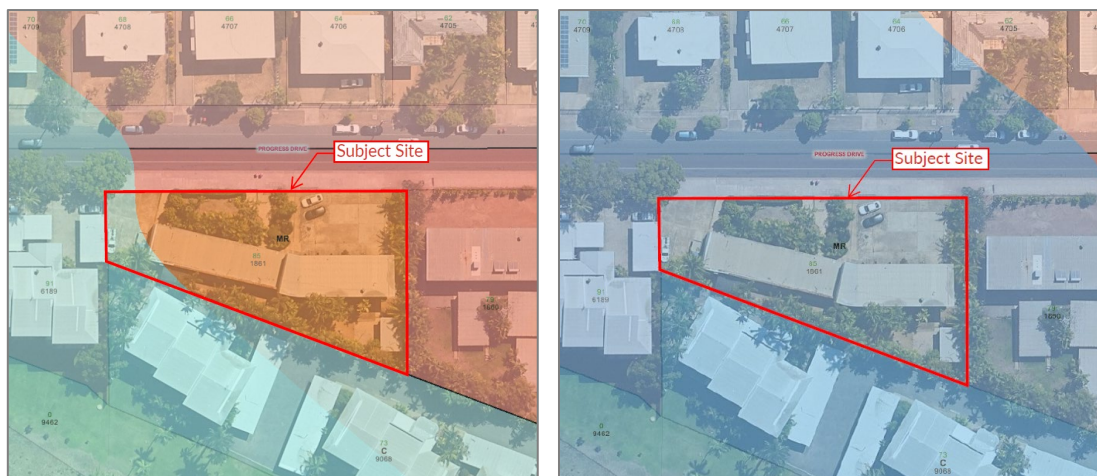


Figure 5: PSSA and SSSA Maps

The proposed development is dwelling-multiple, which does not comply with subclauses 8 to 10, where residential use should be avoided in the PSSA and the SSSA.

CONSENT REQUIRED – TO BE DETERMINED

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 proposed dwellings are limited to a maximum height of 3 storeys, which is below the required maximum of 4 storeys.

Subclauses 2, 3, and 4 do not apply.

Landscaping is provided along each lot boundary to provide privacy for residents on site and from adjoining developments. Sufficient open space is proposed to provide functional outdoor area for residents, ensuring adequate amenity and supporting on-site stormwater management.

The connection to reticulated services, access to transport networks and public facilities are not affected by this application. Requirements from service authorities will be included as conditions and notes, where relevant on any permit issued.

SUPPORTS

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: - 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 proposed building has 3 storeys at a maximum height of 10.57m, which complies with the height requirements under this clause.

COMPLIES

5.2.4 Car Parking

5.2.4.1 Car Parking Spaces

Purpose

Ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of a site.

Administration

1. This clause does not apply where alternative car parking space requirements are established under clause 5.9 (Location specific development requirements).
2. The consent authority may consent to use or development that is not in accordance with sub-clause 5 if it is satisfied a reduction in the number of car parking spaces is appropriate with regard to:
 - (a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;
 - (b) the provision of car parking spaces in the vicinity of the land;
 - (c) the availability of public transport in the vicinity of the land;
 - (d) the potential impact on the surrounding road network and the amenity of the locality and adjoining property; and
 if the use or development relates to a heritage place and the Minister responsible for the administration of the Heritage Act 2011 supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place.
3. The consent authority may require the provision of car parking spaces for any ancillary use or development in addition to that specified for the primary use or development in the relevant table to this clause.
4. For the purposes of this clause:
 - (a) the reductions in Table B only apply to uses specifically referenced within Table A and apply to the base car parking rates established in Table A;
 - (b) only one reduction percentage is permitted per category when applying Table B; and
 - (c) the reductions in Table B do not apply to one bedroom dwellings.

Requirements

5. Use and development is to include the minimum number of car parking spaces within the development site, as specified in the relevant table to this clause (rounded up to the next whole number).

Table A to Clause 5.2.4.1: Minimum number of required parking spaces

Use or Development	Minimum Number of Car Parking Spaces Required
Dwelling-multiple	1 per one bedroom dwelling 2 per dwelling with two or more bedrooms Plus Any reductions in accordance with Table B (if the development meets the criteria)

Table B to Clause 5.2.4.1: Reductions in car parking spaces for specific uses

Category	Reduction permitted
1	Access to alternative transport options
(a)	The development is located wholly within 200m walking distance of a public bus stop that provides access to: five or more bus routes; or a minimum 15 minute bus frequency (using multiple routes) during morning and afternoon peak hours Monday to Friday.

(b)	The development is located wholly within 400m walking distance of a public bus stop that provides access to: five or more bus routes; or a minimum 15 minute bus frequency (using multiple routes) during morning and afternoon peak hours Monday to Friday.	10%
(c)	The development is located wholly within 400m riding distance of a dedicated on-road bicycle lane or dedicated shared path (cycling and pedestrian).	5%
2	Proximity to commercial areas	
(a)	The development is located wholly within a commercial zone or 200m walking distance of a commercial zone.	15%
(b)	The development is located wholly within 400m walking distance of a commercial zone.	10%
3	Social housing	
(a)	The dwelling is for: community housing to be owned and/or managed by a registered provider under the National Regulatory System for Community Housing (NRSCH); or public housing owned and/or managed by the Northern Territory Government.	20%

Assessment

14 two-bedroom dwellings are proposed, with 2 car parking spaces required per dwelling, therefore 28 car parking spaces are required.

Regarding Table B to Clause 5.2.4.1 (Reductions in Car Parking Spaces for Specific Uses), the assessment is provided in the table below:

Category	Assessment	Applicability
1(a)	No bus stops are located within 200m of the site.	X
1(b)	Two bus stops are located within 400m: 270m to Bus Stop No. 86 – Bus Route 4 240m to Bus Stop No. 226– Bus Route 4 However, bus frequency during weekday peak hours does not meet the 15 minutes requirement. ¹	X
1(c)	A dedicated shared path for pedestrians and bicycle riders is provided along Progress Drive. Therefore 5% reduction in car parking spaces applies. ²	✓
2(a)	Accordance to the zoning map, the closest commercial zone is at Lot 9988 (69) Progress Drive, Nightcliff, Town of Nightcliff, which is within 200m walking distance to the site. Therefore 15% reduction in car parking spaces applies.	✓
2(b)		X
3(a)	No social housing is proposed in the application.	X
Source of data:		
1. https://nt.gov.au/driving/public-transport-cycling/public-buses/darwin-and-palmerston-timetables-and-maps		
2. https://nt.gov.au/driving/public-transport-cycling/cycling-and-walking/cycling-and-walking		

As the proposal complies with Category 1(c) and Category 2(a), a 20% reduction to the required 28 parking bays applies, resulting in a revised requirement of 22.4 spaces (rounded up to 23). The development provides 28 car parking spaces, and complies with the clause.

COMPLIES

5.2.4.4 Layout of car parking areas

Purpose

Ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.

Administration

1. This clause does not apply to a car parking area where the car parking is required in association with a dwelling-single, dwelling-independent or a home based business.
2. A car parking area may be used for the purpose of a market if:
 - (a) a market is Permitted in the zone; and
 - (b) the market operates outside of the operating hours of the use for which the car parking area is established.
3. The consent authority may consent to a car parking area that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the amenity of the surrounding locality.
4. The consent authority may consent to a car parking area that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development.
5. The consent authority may consent to a car parking area that is not in accordance with sub-clause 9 if it is satisfied that the non-compliance will not result in adverse impacts on the local road network or internal functionality of the car parking area.

Requirements

6. A car parking area is to:
 - (a) be not less than 3m from any lot boundary abutting a road; and
 - (b) provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the car parking area when viewed from the road.
7. A car parking area is to be constructed and maintained to be:
 - (a) of a suitable gradient for safe and convenient parking; and
 - (b) sealed and well drained in urban areas, or dust suppressed in non-urban areas.
8. The layout of a car parking area is to:
 - (a) be functional and provide separate access to every car parking space;
 - (b) allow a vehicle to enter from and exit to a road in a forward gear;
 - (c) be in accordance with the dimensions set out in the diagram to this clause; and
 - (d) ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.
9. The number of access points to the road is to be limited, and access points to car parking areas are to:
 - (a) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and
 - (b) maximise sight lines for drivers entering or exiting the car parking area.

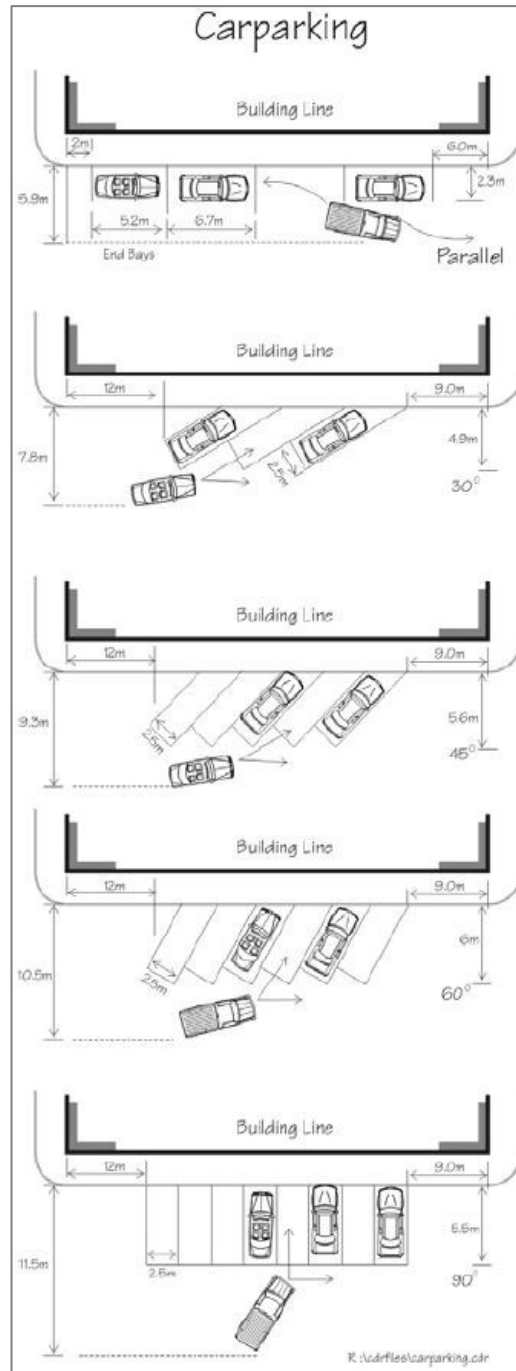


Diagram to Clause 5.2.4.4: Parking Layout

Assessment

The car parking area has a 1.2m setback with landscaping buffer along Progress Drive frontage, where 3m is required.

The construction and maintenance of the car parking area will be managed through the standard conditions in the permit.

All proposed parking bays are measured 2.5m by 5.5m which comply with the dimensions set out in the diagram to this clause.

The two-way driveways with a width of at least 6m allow vehicles to enter and exit the site easily.

A minimum 1m projection beyond the last parking bays No.1 and No.28 is provided to facilitate safe vehicle movement.

One access with a width of 6.45m is provided on site.

DOES NOT COMPLY

5.2.6 Landscaping

Purpose

Encourage landscaping that enhances local amenity by:

- (a) contributing to safe and attractive public spaces and places;*
- (b) responding to the local climate and soil characteristics;*
- (c) supporting cooler internal and outdoor areas; and*
- (d) recognising the value of retaining existing plants and trees.*

Administration

1. *Landscaping may include, where subordinate to areas for the planting and growing of plants, impervious and unplanted areas for;*
 - (a) pedestrian access,*
 - (b) outdoor recreation, or*
 - (c) natural or ornamental features and the like.*
2. *The consent authority may consent to landscaping that is not in accordance with sub-clauses 5, 6 and 7 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and is appropriate to the site having regard to the amenity of the streetscape, and the potential impact on the amenity of the locality and adjoining property.*

Requirements

3. *Where landscaping is required by this Scheme it should be designed so that:*
 - (a) planting is focused on the area within the street frontage setbacks side setbacks, communal open space areas and uncovered car parking areas;*
 - (b) it maximises efficient use of water and is appropriate to the local climate;*
 - (c) it takes into account the existing streetscape, or any landscape strategy in relation to the area;*
 - (d) significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained;*
 - (e) energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;*
 - (f) the layout and choice of plants permits surveillance of public and communal areas; and*
 - (g) it facilitates on-site infiltration of stormwater run-off.*
4. *The quality and extent of the landscaping consented to must be maintained for the life of the development.*
5. *Other than in Zones CB, C and TC, not less than 30% (which may include communal open space) of a site that is used for rooming accommodation, dwellings-group, dwellings-multiple and residential care facility is to be landscaped.*
6. *In Zones LI, GI and DV all street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m.*

7. *In Zones MR and HR, side and rear setbacks are to include planting to the length of the setback of no less than 2m deep, except for areas that are used for private open space.*

Assessment

Landscaping is provided along the Progress Drive frontage boundary and within the communal open space to reduce the visual impact of the car parking area and to provide opportunities for passive surveillance. Appropriate species of plants are proposed to ensure suitability to the local climate. Shade trees are proposed to provide shade for site users. The existing streetscape along Progress Drive is predominantly open and landscaped. The proposed landscaping buffer along the front boundary will enhance the streetscape and improve the public interface. The proposed landscaped areas also enhance stormwater infiltration on the site.

The proposed landscaped area (including private and communal open space) is 591.47m², representing 34% of the site area, which complies with the 30% requirement under Subclause 5.

As the site is located in Zone MR, Subclause 6 does not apply.

Except for areas used as private open space, most of the side and rear setbacks are proposed to include landscaping along the full length of the setback to a depth of 3m. However, **the front portion of the eastern boundary along the car parking and bin storage areas is not landscaped and features a 2.2m high blockwork screen wall. In addition, a small portion of the rear boundary proposed as the walkway for Unit 1 is also not landscaped. This does not comply with Subclause 7.**

DOES NOT COMPLY

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

Proposed setbacks are assessed in the table below:

Lot Boundary	Required Setback	Proposed Structures	Proposed Setback	Compliance
Primary Street (Progress Drive)	6m	Gate House	0.7m	X
		Car Park Columns	5m	X
		Ground Floor Dwelling (Unit 1)	3m	X
		First & Second Floor Dwellings	6m	✓
	3m	First & Second Floor Balconies	3m	✓
	2.1m	Dwellings Roof	2.5m	✓
Eastern Side	3m	Car Park Entry Gate	0.91m	X
		Bin Storage Wall	1.4m	X
		Dwellings	3m	✓
	2.1m	Bin Storage Roof	1.4m	X
		Dwellings Roof	1.6m	X
Western Side	3m	Dwellings	3m	✓
	2.1m	Dwellings Roof	2.5m	✓
Rear	3m	Fence Gate Support Wall	1.57m	X
		Stair 1 Enclosure Wall	2.5m	X
		Dwellings	3m	✓
	2.1m	Ground Floor Roof (Unit 2)	1.8m	X
		Dwellings Roof (Unit 9)	0.8m	X
		Dwellings Roof (Unit 14)	1.2m	X

DOES NOT COMPLY

5.4.6 Private Open Space

5.4.6.2 Private Open Space for Dwelling-multiple

Purpose

Ensure dwellings include private open space that enhances the function of the dwelling and are:

- of an adequate size to provide for outdoor living; and
- appropriately sited to provide outlook for the dwelling.

Administration

- The consent authority may consent to dwellings-multiple comprising of serviced apartments in Zone TC that is not in accordance with sub-clauses 3-5 if it is satisfied that the communal open space and communal facilities will adequately meet the activity needs of residents.
- The consent authority may consent to dwellings-multiple, other than dwellings-multiple comprising of serviced apartments in Zone TC, that is not in accordance with sub-clauses 3-5 if it is satisfied the development is consistent with the purpose of this clause.

Requirements

- Each dwelling-multiple is to have at least one area of private open space that:
 - is a minimum area of 12m² with no dimensions less than 2.8m;
 - is directly accessible from the main living area or dining area of the dwelling to enable an extension of the function of the dwelling;

- (c) is located to provide views from the dwelling to open space and natural features of the site or locality.
4. Where private open space is adjacent to communal open space, direct access is to be provided from the private open space to the communal open space, with a delineation between each area.
 5. Where the private open space is at ground level and not adjacent to communal open space, it should be:
 - (a) fenced to a maximum height of 1.8m providing a visual barrier to adjoining dwellings; or
 - (b) planted with dense vegetation which will provide a visual barrier to 1.8m to adjoining dwellings at maturity.

Assessment

Proposed private open space is assessed in the table below:

Unit No.	Proposed area of POS	Minimum Dimension	Compliance
1	108.34m ²	2.8m	✓
2	87.25m ²	3m	✓
3 and 9	29.1m ²	3.028m	✓
4 to 7; and 10 to 13	18.5m ²	3.76m	✓
14	19.7m ²	3m	✓

The proposed private open space for each dwelling is directly accessible from the living room and/or bedroom, and provides views over either Progress Drive, or to the rear of the site.

The private open space of Units No. 1 and 2 is adjacent to the communal open space at the rear, with direct access gate and clear delineation provided for both units.

Where the private open space is at ground level and not adjacent to communal open space, 1.8m high aluminium fence is provided along boundary lines. Dense vegetation (*Syzygium*) is proposed along the fencing, which can grow to 3m to 6m in height and provide an effective visual screen.

COMPLIES

5.4.7 Communal Open Space

Purpose

Ensure that suitable areas for communal open space are provided for dwellings-multiple, residential care facilities and rooming accommodation.

Administration

1. This clause does not apply to dwelling-multiple where each dwelling has direct and independent access to private open space at ground level.
2. The consent authority may consent to a dwelling-multiple comprising serviced apartments in Zone TC that is not in accordance with sub-clauses 5 and 6 only if it is satisfied it is consistent with the purpose of this clause and that the private open space associated with each dwelling provides appropriate opportunities for outdoor activities.

3. *The consent authority may consent to a development in Zone C or Zone CB that is not in accordance with sub-clauses 5 and 6 if appropriate recreational space for the occupants of the development is provided, having regard to the following matters:*
 - (a) whether the communal open space has usable dimensions and is of a sufficient size for the density of the development;*
 - (b) the development is in proximity to adequate public open space or sufficient amenities; and*
 - (c) whether there is an appropriate increase in private open space provided (over that which is required by Clause 5.4.6), for each dwelling in the development.*
4. *For zones and uses not covered by sub-clauses 2 and 3, the consent authority may consent to a development that is not in accordance with sub-clauses 5 and 6 if it is satisfied the communal open space has usable dimensions and is of a sufficient size for the development.*

Requirements

5. A minimum of 15% of the site, being not less than 6m wide at any point, is to be communal open space.
6. Communal open space is to be designed to:
 - (a) be clearly delineated from private and public open space;
 - (b) maintain reasonable privacy of nearby dwellings;
 - (c) provide recreational facilities for occupants;
 - (d) address the projected needs of children;
 - (e) include landscaping and shade where located outdoors;
 - (f) minimise safety issues, including through lighting and passive surveillance;
 - (g) minimise the effects of any on-site traffic circulation and car parking areas; and
 - (h) be capable of efficient maintenance and management.

Assessment

The proposed communal open space has a minimum dimension of 6m and an area of approximately 238.91m², which equates to 13.73% of the total site area, where 15% is required.

It is noted that the annotated communal open space area of 256.41m² includes the 17.5m² area between the privacy screen and Unit 2, which may not be readily accessible or usable as communal open space. Therefore, this assessment excludes that area from the communal open space calculation. Refer to Figure 6 below:

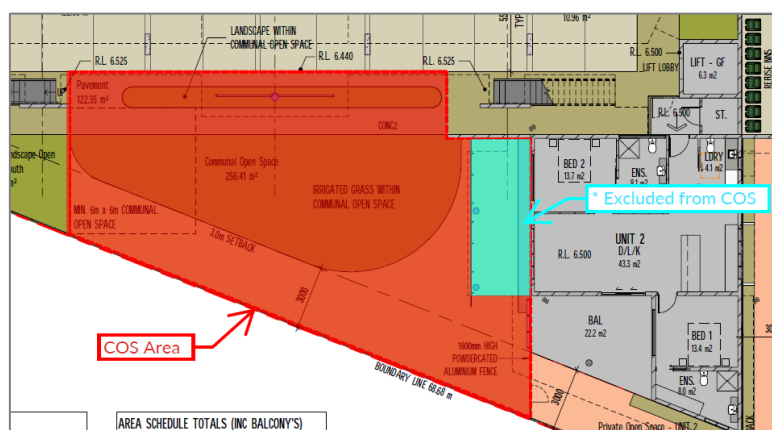


Figure 6: Proposed Communal Open Space

The communal open space is proposed to be clearly delineated from private and public open space, maintain privacy of nearby dwellings, provide recreational facilities for occupants including children, incorporate

landscaping and shade, minimise safety risks through lighting and passive surveillance, reduce impacts from on-site traffic and car parking areas, and be designed for efficient maintenance and management, which complies with Subclause 6.

DOES NOT COMPLY

5.4.8 Residential Building Design

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.*

Requirements

8. *Doors and openable windows are to provide natural cross ventilation opportunities to habitable rooms.*
9. *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.*
10. *Development is to provide legible entry points and clear and direct pathways for pedestrians from the street and to all buildings on the site.*

11. Development is to minimise the transmission of noise and exhaust from services by:
 - (a) locating lift shafts away from habitable rooms, or by using other noise attenuation measures; and
 - (b) locating air conditioner plants away from openings in habitable rooms.
12. Development is to include screening to:
 - (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%;
 - (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
 - (c) bin storage areas to the public domain, using solid materials and/or landscaping.
13. Balconies are to provide at least:
 - (a) One side without an external wall; and
 - (b) One side without an external wall for more than 50% of the length of that side.
14. Full-height privacy screening on balconies is not to exceed 25% of the length the balcony that faces a street.
15. Buildings are to provide internal drainage of balconies.

Assessment

Layouts within each unit facilitate airflow between balconies and main entrances, with operable windows provided to each bedroom.

Building elevations are designed to provide appropriate shading to openings. The development includes articulated building elements, active streetscapes, varied window design, and appropriate projections to avoid large blank wall areas. Materials have been selected to reduce glare and other potential amenity impacts.

A separate pedestrian entry is provided away from the driveway to enhance safety and minimise conflict with the vehicles. Legible pedestrian access connects the car parking area, communal open space, and each unit, ensuring safe and convenient movement throughout the site.

The proposed lift shafts are positioned to avoid proximity to habitable rooms, thereby minimising potential noise and amenity impacts on residents.

Air conditioning condensers are proposed to be located within private open space areas adjacent to bedroom openings, which does not comply with Subclause 11(b), as it requires condensers to be sited away from openings to habitable rooms.

A 1.5 m high visually permeable fence with dense shrubs (*Murraya Paniculata*) is proposed along the Progress Drive frontage outside the ground floor car park. This does not comply with Subclause 12(a), which requires a minimum visual permeability of 50% for these areas.

The proposed guttering and downpipes will be visible from the Progress Drive frontage, which does not comply with Subclause 12(b) requiring a maximum 50% visual permeability in these areas.

A 2.2m high blockwork fencing is proposed along the eastern side boundary, providing screen for the bin storage area, which complies with Subclause 12(c).

All unit balconies are open on one side, except for Units No.3 and No.9, which have an external wall along 50% of that side (3.8m of 7.6m).

Balconies of Units No.3 and No.9 have an external wall along 50% of one side (3.8m of 7.6m). This does not comply with Subclause 14 where maximum 25% is required. All other balconies along Progress Drive meet the requirement.

All balconies are provided internal drainage and this can be addressed by way of standard conditions.

DOES NOT COMPLY

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 west building line is less than 15m, where this clause is not applicable. The articulation design of north (front), east, and most of the south (rear) sides of the building comply with this requirement, except for a small portion of the first and second floors along the western-southern boundary (rear sides of Units No.3 and No. 9), which extends 16.48m without articulation.

COMPLIES

5.4.18 Fencing

5.4.18.1 Fencing in Zones MR and HR

Purpose

Promote fencing in medium and high density areas that provides a positive interface with the public domain, while allowing necessary privacy for residents and neighbouring properties.

Administration

1. The consent authority may consent to a use or development that is not in accordance with sub-clause 4 if it is satisfied the fence enhances the streetscape and allows for passive surveillance to the public domain.
-

2. The consent authority may consent to a use or development that is not in accordance with sub-clause 5 if it is satisfied the fencing provides sufficient sightlines for pedestrian and cyclist safety.
3. The consent authority may consent to a use or development that is not in accordance with sub-clause 6 if it is satisfied the development protects the privacy of adjacent lower density residential development.

Requirements

4. All fences adjacent to road boundaries or boundaries adjoining public open space are to be constructed so that:
 - (a) the maximum height is 2m above ground level measured at the relevant site boundary; and
 - (b) the area of materials that is not visually permeable does not exceed an area equivalent to the length of the site boundary (excluding driveways) multiplied by 1.2m.
5. Fencing within 1.5m of driveways, pedestrian entries, and street corners is to be visually permeable above 0.6m (unless there is truncation provided within these areas to the same distance).
6. Where the development abuts land in Zones LR or LMR, development is to provide a solid screen fence to a minimum height of 1.8m to that boundary.

Assessment

The development proposes a 1.5m high visually permeable fence along the Progress Drive frontage boundary, which complies with Subclauses 4 and 5.

The lot abuts Zone MR and Zone C only, therefore Subclause 6 does not apply to the development.

COMPLIES

5.4.19 Residential Plot Ratio

Purpose

To encourage varied built form outcomes in higher density zones that are consistent with the anticipated character of the area.

Administration

1. The consent authority may consent to a use or development that is not in accordance with sub-clauses 3 and 4 if it is satisfied the design response mitigates the appearance of visual bulk to the street and neighbouring properties, having regards to matters such as the articulation of the building and setbacks of the development.
2. The residential plot ratio in Table A does not apply to dwellings at ground level in Zones MR or HR.
3. This clause does not apply where an alternative residential plot ratio is established under Clause 5.9 (Location specific development requirements).

Requirements

4. The maximum residential plot ratio for development consisting of dwellings-multiple and/or rooming accommodation in Zones MR, HR and C is to be determined in accordance with Table A.
5. The maximum residential plot ratio for development consisting of rooming accommodation in Zone TC is to be determined in accordance with Table B.

Table A to Clause 5.4.19: Residential plot ratio for dwellings-multiple and/or rooming accommodation in Zones MR, HR and C

Zone	Residential Plot Ratio
MR other than in the municipality of Alice Springs	1.3:1

Assessment

The proposed development has a total floor area of 1782.5m², resulting in a plot ratio of 1.02:1, which complies with the maximum permissible 1.3:1.

COMPLIES

Manager Urban Planning
Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Please Quote: PA2026/0165

28 May 2026

To whom it may concern,

Parcel Description: **Lot 1861, Town of Nightcliff
85 Progress Drive, Nightcliff**

Proposed Development: **Dwelling-Multiple (14 x 2 Bedroom) in a Three-Storey
Building**

Thank you for the development application referred to this office on 15 May 2026 concerning the above.

The proposal includes works within the City of Darwin road reserve. All works must comply with City of Darwin policies and guidelines and are subject to a separate assessment and approval process by City of Darwin. The City of Darwin requires that the applicant obtain all necessary approvals before commencing any construction in the road reserve.

The proposed crossover width exceeds the standard 6 metre crossover width for multi-dwelling developments under the NT Subdivision Development Guidelines. Please review and justify the proposed crossover width prior to finalisation of conditions.

The proposed egress gate at the north-western end of the site appears to swing outward toward the road reserve. City of Darwin does not support gates opening outward onto the road reserve or public land. Gates should open inward toward the property.

Please note that several landscaping and frontage design matters have been identified in relation to planting density, species selection, passive surveillance outcomes, and pedestrian interface treatments. Further detail and recommendations are provided within the Advice Notes section below.

City of Darwin requests that should a development permit be issued, that the following be provided as conditions precedent:

CONDITIONS PRECEDENT



1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), in principle approval is required for the crossover and driveway to the site from the City of Darwin road reserve.
2. 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.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
4. Prior to the commencement of works (including site preparation), the applicant is to prepare a Site Construction Management Plan (SCMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The SCMP should specifically address the impact to Council owned public spaces and include a waste management plan for disposal of waste to Shoal Bay, traffic control for affected City of Darwin roads, haulage routes, storm water drainage & sediment control, use of City of Darwin land, and how this land will be managed during the construction phase.
5. Prior to the commencement of works (including site preparation), City of Darwin requests that the Authority require the applicant to submit a Waste Management Plan outlining the ongoing waste disposal, storage, and removal arrangements for the site following the completion of construction. The plan must be prepared in accordance with City of Darwin's Waste Management Guidelines, which are available on City of Darwin's website or can be obtained by contacting City of Darwin.
6. Prior to the commencement of works City of Darwin requires a Traffic Impact Statement (TIS), to be prepared by a qualified traffic engineer in accordance with the Austroads Document Guide to Traffic Management Part 12: Traffic Impacts of Developments, in the report structure provided as Appendix of that document, with particular attention to vehicular, pedestrian, cyclist and public transport issues, intersection/road network performance and opportunities.

The report must also include swept path analysis for waste collection vehicles entering and exiting the site, as well as an assessment of sightlines for the proposed driveway access and adjacent block wall fence to ensure the safety of pedestrians and cyclists using the footpath adjacent to the subject site.

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

7. Prior to the commencement of works, a landscape plan for works within the City of Darwin road reserve must be submitted alongside the driveway plans, detailing the proposed location of replacement street trees and any associated landscaping enhancements around the driveway, to the satisfaction of the City of Darwin.



GENERAL CONDITIONS

- Any damaged or removed infrastructure located in, on or over the road reserve (inclusive of preexisting street trees), is to be repaired or replaced at either the developers or landowners' cost, to the satisfaction of the City of Darwin.
- Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of City of Darwin.
- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and shared paths shall be provided, stormwater shall be collected and discharged into City of Darwin's drainage network, all of which is to be provided at the applicant's expense, to the requirements and satisfaction of City of Darwin.
- Sight lines shall be provided at crossovers to public streets, to the satisfaction of, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- Any gate over an access to a public road shall be placed on the subject site at least 4.5 metres from the face of the kerb line of the adjoining public road.
- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.
- Waste bin enclosures, storage and pick-up shall be provided in accordance with City of Darwin's Waste Management Guidelines.
- All 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.
- 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.
- Any proposed crossover must be designed in accordance with the NT Subdivision Development Guidelines and to the satisfaction of the City of Darwin.
- Gates associated with the development must not open outward onto the City of Darwin road reserve or public land. Any proposed gates are to open inward toward the property boundary.

ADVICE NOTES



- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin's Policy 6310.100.E.R – Outdoor Advertising Signs Code.
- The proposed Alexander Palms appear to be spaced too closely. Given the mature spread of the fronds, planting distances should allow sufficient room for long-term growth and avoid overcrowding.
- The proposed underplanting species, *Murraya paniculata*, can mature into a dense medium to tall shrub. Without ongoing maintenance and pruning, this may reduce passive surveillance outcomes and negatively impact CPTED principles. Consider lower-growing alternatives where appropriate.
- A minimum 400mm setback should be provided between the footpath edge and boundary fencing to maintain pedestrian amenity and allow for maintenance access.

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

Alice Percy

ALICE PERCY
GENERAL MANAGER INNOVATION



Phone 1800 245 092

Web powerwater.com.au

Record No: D2026/145551

Container No: NES50/1861

Your Ref: PA2026/0165

Lingyi Kong
Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Lingyi

Re: Lot 1861 (85) Progress Drive Nightcliff Town of Nightcliff

In response to your letter of the above proposal for the purpose of dwelling-multiple (new 14 x 2 bedroom) in a three-storey building, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. This property is currently provided with limited capacity of 3-phase power supply from the existing distribution Pillar P276NC.
2. The Proponent (Tsougranis Developments Pty Ltd - TDPL) shall engage an electrical consultant to:
 - Prepare detailed AS-3000 maximum power demand calculation for the new 14 dwellings development and apply for a Negotiated Connection application under the Australian Energy Regulator (AER) compliance process for PWC's assessment on power supply capacity upgrade requirements.
 - Carry out detailed power servicing design drawing submission in consultation with PWC.
 - Depending on the new maximum power demand figure, 11kV distribution cable extension and establishment of a new package substation with 4.0m x 3.5m electricity easement on Lot 1861 at a suitable location may be required.
3. TDPL shall engage a licensed electrician to carry out the customer's internal electricity reticulation installation works in accordance with the PWC's current NP018 Service and Installation Rules 2024 and NP010 Meter Manual.
4. The proposed 1.5m high fence blocking the 24hr front access to current two Distribution Pillars P272NC and P276NC pillars for PWC operations and maintenance purposes is strictly prohibited. TDPL shall re-submit a revised Site Plan (Sheet No.1014 – DA02) showing the proposed 1.5m high fence around the electricity easement, leaving the front boundary clear.

If you have any further queries, please contact the undersigned on 8924 5729 or email: powerdevelopment@powerwater.com.au

Yours sincerely



Manager Distribution Development

20 May 2026



Container No: LD550/1861

DLPE - Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Lingyi Kong

RE: PA2026/0165 - Lot 01861 Town of Nightcliff - 85 Progress Dr, Nightcliff NT - Dwelling-multiple (14 x 2 bedroom) in a three storey building

In response to your letter of the above proposal for development application purpose, Power and Water Corporation Water Services advises the following with reference to water and sewer enquiries:

1. The developer may need to upgrade the existing water and sewer service and should contact Services Development prior to start of construction.
2. The proponent shall engage a hydraulic consultant to confirm that the service connection is adequately sized to facilitate the proposed development.
3. PWC are working towards a water efficient future, through the implementation of water saving practices that provide potential financial savings to our customers. PWC strongly encourages you to visit the Living Water Smart website <https://www.livingwatersmart.com.au/> to find out more on how to improve your developments landscaping and irrigation.
4. The developer must ensure that;
 - a) Backflow prevention is installed at the water service in accordance with AS/NZS 3500.1 – Plumbing and Drainage - Water Services
 - b) Where applicable, the device is tested annually in accordance with AS/NZS 2845.3 field testing and maintenance of testable devices.

Our database shows a device **is not** installed.

Visit <https://www.powerwater.com.au/developers/water-development/backflow-prevention> or contact BackflowPrevention.PWC@powerwater.com.au for all backflow prevention enquires.

5. Any required works mentioned above must all be at according to Power and Water's Connection Code and at the developer's expense. All standard, quoted and Water and Sewerage System Extension Policy (WASSEP) charges, as well as contribution charges may be applicable. As required, Power and Water will reassess the charges for the development.

6. Power and Water advises that the Water and Sewer Services Development Section (developer.concierge@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 08 9463 2089, or email developer.concierge@powerwater.com.au

Yours sincerely



Craig Thomas
Services Development

01 June 2026

cc: Rory Mackay
email: rory@crtpc.com.au

27 May 2026

E DevelopmentAssessment.DLPE@nt.gov.au

Ms Lingyi Kong
Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

T 08 8999 4446

Our Ref: DLPE2026/0171
Your Ref: PA2026/0165

Dear Ms Kong

Re: PA2026/0165 Dwelling-multiple (14 x 2 bedroom) in a three-storey building

The information provided for the above application has been assessed by the relevant divisions within the department, and the following comment is provided:

Lands and Planning Division**Building Advisory Services**

All building works are to comply with the *Building Act 1993*, the Building Regulations 1993 and the National Construction Code. A building permit must be granted and in force prior to the commencement of building works. Occupancy certification must be granted prior to occupation of the building.

Consideration must be given to the following:

1. **Building egress:** The proposed stairway configuration does not demonstrate a continuous egress path. Specifically, egress from the third level requires the occupant to travel a significant distance along the second level before reaching the top riser of the staircase (refer NCC clause D2D14, and figure D2D14b); and
2. **Fire hydrants:** Due to the size of the development, standard fire brigade hose coverage will be insufficient to service the building, therefore, a fire hydrant system is required to be installed within the building.

Should you have any further queries regarding these comments, please contact the Development Coordination Branch by email DevelopmentAssessment.DLPE@nt.gov.au or phone (08) 8999 4446.

Yours sincerely



Maria Wauchope
Executive Director Land Resources

From: [Jess P](#)
To: [Das NTG](#)
Cc: [Simon Nixon](#)
Subject: 85 progress drive concerns
Date: Thursday, 21 May 2026 8:51:39 PM

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To the Development Consent Authority,

RE: Objection to Proposed Development at 85 Progress Drive, Nightcliff

I write to object to the proposed redevelopment of 85 Progress Drive, Nightcliff.

My family and I live directly opposite this site, meaning we will experience both the prolonged construction process and the permanent visual impact of the development every single day. As a young professional hoping to raise a family in my community, it is deeply disappointing to see a proposal that prioritises density and generic modern design over the character and liveability that makes Nightcliff special to us, and many others.

Throughout the planning report, the existing buildings are repeatedly described as “dated” or lacking visual appeal. However, this completely fails to recognise the quintessential retro Darwin apartment style that gives Nightcliff its identity. The iconic breeze blocks of 85 Progress, flanked by a tall row of palms strike a visual facade which brings a sense of tropical joy every morning when I cross the road and ride my bike to work.

Modern is not always better. Once these older Darwin-style apartments are demolished, they are gone forever. Their replacement with generic contemporary developments risks losing an important part of what makes Nightcliff feel like the real Darwin.

Nightcliff’s older tropical apartment buildings were designed for this climate and contribute strongly to the suburb’s unique sense of place. Replacing them with increasingly generic medium-density developments risks eroding the character that attracts people to live here in the first place.

I am also concerned by the cumulative impact of ongoing densification along Progress Drive. Traffic in the area is already becoming increasingly busy and noisy, particularly around the foreshore and nearby amenities. Progress Drive currently functions like a drag strip after 8pm, with frequent speeding and little visible traffic enforcement or speed monitoring along this stretch of road. Additional vehicle movements from ongoing medium-density developments will only compound existing safety concerns for pedestrians, cyclists and families living nearby. Greater attention should be given to traffic calming, enforcement and infrastructure planning before further intensification is approved.

Preserving smaller-scale residences helps maintain the quieter community atmosphere, human-scale streetscape and neighbourhood connection that make this area liveable.

The reality for nearby residents is not simply the final building, but the impact of demolition, machinery noise, dust, vibration, parking disruption and loss of amenity directly outside our homes. With less than two weeks’ notice provided to residents, the consultation process feels rushed and dismissive of the people already living in this

community.

I also note the proposal relies on numerous planning variations and concessions relating to setbacks, landscaping, communal open space, screening and building articulation requirements. While each is individually described as “minor”, together they represent a substantial cumulative departure from the standards intended to protect residential amenity and neighbourhood character.

I would also appreciate clarification regarding the mature palm trees and established vegetation currently on site. The landscaping plans appear vague as to which existing trees will be retained versus removed. Mature tropical trees contribute significantly to streetscape character, shade, cooling and habitat, and their loss cannot simply be replaced by small new plantings.

To summarise our concerns:

- inadequate respect for existing streetscape, historical and architectural identity;
- cumulative erosion of neighbourhood character through repeated “minor” concessions;
- overdevelopment of constrained sites;
- increased traffic, speeding, noise and pressure on local infrastructure;
- inadequate traffic calming and lack of visible speed enforcement along Progress Drive;
- loss of established vegetation and urban cooling;
- reduced residential amenity for surrounding homes;
- excessive building bulk and visual dominance;
- and failure to genuinely respond to the local context and community expectations.

I respectfully request the Development Consent Authority refuse this application, or require substantial redesign to better preserve the established character, green space and aesthetics of the area. I also encourage the DCA and council to work proactively with residents regarding traffic management, speed enforcement and pedestrian safety measures along Progress Drive as part of any future planning for the area.

Yours sincerely,

Concerned Progress Drive resident

Jessica Piggott

12/12/12

From: [Nicholas Kirlew](#)
To: [Das NTG](#)
Subject: TRM: PA2026/0165 - Development 85 Progress Drive, Nightcliff – Proposed 14 Unit Apartment Development
Date: Wednesday, 27 May 2026 9:47:07 PM

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello DAS,
Please see PAn's submission.

85 Progress Drive, Nightcliff – Proposed 14 Unit Apartment Development

Planning application:

Lot 01861 Town of Nightcliff

85 Progress Drive, Nightcliff

Zone:

MR (Medium Density)

Proposal:

Dwelling-multiple (14 x 2-bedroom apartments) in a three-storey building with setback variations.

Applicant:

Cunnington Rosse Town Planning and Consulting

Existing use:

11 dwellings in single and two-storey buildings with associated outbuilding.

Assessment category:

Impact Assessment

Value of works:

\$5.88 million

Exhibition closes:

Friday 29 May 2026

Planning documents:

Statement of Effect:

<https://www.ntlis.nt.gov.au/planningPopup/lta.dar.viewDocument/123694943?docId=123694969>

Development plans:

<https://www.ntlis.nt.gov.au/planningPopup/lta.dar.viewDocument/123694943?docId=123694972>

The proposal seeks approval to demolish the existing 11 dwellings on the site and replace them with a new three-storey apartment development containing 14 two-bedroom apartments and 28 on-site car parking spaces.

The proposal includes:

- two ground floor apartments
- six first floor apartments

- six second floor apartments
- lift access
- undercroft and surface parking
- communal open space at the rear of the site
- multiple setback and landscaping variations

The site is affected by the storm surge overlay under Clause 3.7 of the NT Planning Scheme. The application is therefore impact assessable.

The Statement of Effect itself acknowledges that residential uses “should be avoided” within both the Primary and Secondary Storm Surge Areas. However, the report appears to place most weight on finished floor levels, modelled inundation levels and engineering advice, rather than giving detailed discussion to the broader planning warning in Clause 3.7 that residential uses should be avoided in both the PSSA and SSSA.

The report is also internally inconsistent about the actual overlay status of the site.

In Section 1.0 Introduction, the report states the property is:

“partially located within a Primary Storm Surge Area”.

Later, in Section 5.3 Part 3 – Overlays, the report states the site is:

“wholly located within a secondary storm surge area”.

However, later in the same section it states:

“the western portion of the property is impacted by primary storm surge”.

The report does not clearly explain which parts of the site fall within which overlay area.

The report also gives limited discussion to broader planning issues such as:

- evacuation during cyclone events
- emergency access during major storm events
- cumulative residential intensification within coastal hazard areas
- long-term climate and sea level rise implications
- whether further residential intensification within storm surge areas is consistent with the broader intent of Clause 3.7

The Statement of Effect repeatedly frames the proposal as only a modest increase from 11 dwellings to 14 dwellings. However, the proposal represents a much larger intensification of the site in practice through:

- a continuous three-storey apartment form
- extensive undercroft and surface parking
- large hardstand and circulation areas
- multiple setback reductions
- reduced landscaping depth in several areas
- intensified use of a constrained coastal site

The development plans reinforce this.

DA02 Site Plan shows:

- 775.29m² devoted to “Carparking and Driveway”
- only 148.76m² counted as actual landscaped area
- extensive paving and circulation areas across much of the site

The plans also show that the communal open space is located at the rear of the site behind the building and parking areas. Although technically compliant, this may raise questions about whether the communal open space functions as generous landscaped communal space or as space left after the building footprint and parking layout have been resolved.

The proposal also includes several setback and landscaping variations.

The Statement of Effect repeatedly describes these as “minor”. However, the cumulative effect includes:

- reduced front parking setbacks
- reduced landscaping depth
- encroachments into setback areas
- extensive paving and circulation areas
- anti-climb fencing and gates
- roller shutter parking entry doors
- a 2200mm high masonry wall along part of the frontage

The planning report also relies heavily on the argument that nearby properties already contain exposed parking areas and poor landscaping outcomes.

In Section 5.5.3 Clause 5.2.4.4 – Parking Layout, the report states the streetscape already contains:

“reduced setbacks to parking areas with a lack of landscaping.”

This effectively uses existing poor streetscape outcomes as justification for further concessions rather than demonstrating how redevelopment could improve the streetscape character of Progress Drive.

The plans also indicate a strongly car-oriented layout, with 28 parking spaces and 775.29m² devoted to carparking and driveway areas.

The frontage treatment shown on the plans includes:

- roller shutter carpark entry doors
- anti-climb fencing
- gated vehicle access
- a 2200mm high masonry wall

Together these elements give parts of the frontage a harder and more infrastructure-dominated character than the report’s language about improved streetscape interaction may suggest.

The elevations and sections also suggest a larger and more visually substantial built form than the simplified “three-storey apartment building” description initially suggests.

The north and south elevations show a long continuous built form extending across much of the site frontage and side boundaries.

The sections reveal the building elevated over substantial undercroft parking areas, contributing to a bulkier overall appearance and a more infrastructure-dominated ground level.

The plans also suggest limited deep soil landscaping opportunities because much of

the site footprint is occupied by paving, parking and building platform areas.

Although the proposal may technically comply with various quantitative requirements, the application raises broader planning questions about:

- continued residential intensification within storm surge affected coastal areas
- increasing dominance of parking and hardstand infrastructure within infill development
- cumulative impacts of multiple “minor” variations
- reduced tropical landscaping character
- and whether technical compliance necessarily results in an appropriate long-term planning outcome for Nightcliff.
- The current Darwin-region storm surge framework largely derives from the SEA 2006 and SEA 2010 storm tide studies together with later mapping refinements and GHD mapping work.

SEA coastal inundation studies:

<https://systemsengineeringaustralia.com.au/coastal-inundation/>

Darwin coastal zone storm surge modelling report:

https://denr.nt.gov.au/_data/assets/pdf_file/0010/266446/darwin_coastal_zone_storm_surge_modelling.pdf

- Those studies relied on sea-level-rise assumptions of approximately:
- 0.3 metres by 2050
- 0.8 metres by 2100
- More recent information suggests sea-level rise in the Darwin region may already be progressing beyond some earlier assumptions underpinning the existing storm surge framework.
- A 2017 CoastAdapt article written by Pam Robinson, former Environment and Climate Change Strategic Planner at the City of Palmerston, stated that sea levels in the Darwin region had already risen by approximately 18 centimetres over the previous 20 years and described this as “one of the highest rates anywhere”.

<https://coastadapt.com.au/see-sea-level-rise-threats-darwin-region>

- The same article referred to projections of a further rise of approximately 24 centimetres by 2050.
- Taken together, those figures suggest sea-level rise in the Darwin region could potentially be tracking closer to approximately 42 centimetres by 2050, compared with the earlier NT planning assumption of approximately 30 centimetres by 2050 embedded within the earlier storm surge framework.
- A 2021 Darwin Harbour study by Arnaud et al. used modelling calibrated against Cyclone Tracy conditions and assessed future storm surge scenarios using projected sea-level-rise allowances of approximately 0.6 metres by 2075 relative to 2020 conditions.

Darwin Harbour storm surge study:

https://www.systemsengineeringaustralia.com.au/download/Arnaud_et_al_Darwin_Harbour_EA_2021.pdf

- These issues may be relevant because the Statement of Effect largely treats storm surge as an engineering and floor-height compliance issue, with limited discussion of:
- long-term sea-level rise
- cumulative coastal intensification
- increasing long-term coastal risk exposure
- whether further residential intensification within storm surge affected areas remains appropriate over time
- The Commonwealth Government's Northern Australia Insurance Premiums Taskforce Final Report (2015) linked cyclone exposure, flooding, storm surge vulnerability and future land-use planning across northern Australia, including Darwin.

https://treasury.gov.au/sites/default/files/2019-03/R2015-002_NAIP_final_report.pdf

- The report recognised that future cyclone losses in northern Australia may increase because of increasing development exposure and highlighted the importance of careful future development planning in hazard-prone coastal areas.

Although the report repeatedly frames the proposal as only an increase from 11 dwellings to 14 dwellings, the actual plans show a much more intensive redevelopment outcome involving a large three-storey apartment form, 28 parking spaces, extensive hardstand and driveway areas, multiple setback and landscaping variations, and reduced deep landscaping opportunities.

The plans suggest a highly vehicle-dominated site layout relative to the scale of the residential development proposed. DA02 identifies approximately 775.29m² devoted to carparking and driveway areas compared with only 148.76m² identified as landscaped area.

The communal open space is located behind the building and parking areas in a relatively narrow rear triangular section of the site, appearing secondary to the parking and circulation functions.

The frontage treatment also appears substantially harder and more defensive than the Statement of Effect suggests, with the plans showing roller shutter doors, fencing systems, anti-climb fencing and a 2200mm high blockwork screen wall extending across much of the frontage.

The proposal also seeks multiple reductions to landscaping and setback requirements. Although these are repeatedly described as “minor” variations within the Statement of Effect, cumulatively they contribute to a more built-form-dominated outcome with reduced deep landscaping around the site perimeter.

The Darwin Mid Suburbs Area Plan supports increased housing diversity and urban infill, but it also states that new development should “respect the character of existing residential areas”.

The cumulative effect of the building bulk, hardstand dominance, parking layout, reduced setbacks, fencing and storm surge context raises legitimate questions about whether the proposal appropriately responds to the existing residential character and long-term coastal planning constraints affecting the site.

For these reasons, PPlan requests that the Development Consent Authority refuse the application in its current form due to the unresolved storm surge concerns, increasing long-term coastal risk associated with rising sea levels in the Darwin region, intensity of development on the site, dominance of hardstand and parking areas, reduced landscaping and setbacks, visual bulk, streetscape impacts, and concerns about further residential intensification within a storm surge affected coastal area.

Regards,

Nick Kirlew

Convener **PPlan: the Planning Action Network Inc** M: 0447 499 794 E:

nick@planinc.org.au W: www.planinc.org.au

Power in Numbers: Join our network to ensure the Darwin community remains a force too big to be ignored. [Sign up here.](#)

To whom it may concern,

RE: Development Application – 85 Progress Drive, Nightcliff (Lot 01861 Town of Nightcliff)

I am a resident of Progress Drive and wish to provide the following comments regarding the abovementioned development.

I acknowledge that increased medium-density housing is anticipated within the Nightcliff area and I neither support nor object to redevelopment of the site. However, I request that the Development Consent Authority carefully consider the following matters and impose appropriate conditions to ensure the development maintains neighbourhood amenity and public safety.

1. Vegetative screening and streetscape amenity

The application proposes slightly reduced landscaping setbacks and relies heavily on the argument that neighbouring developments along Progress Drive also contain limited screening and landscaping to front car parking areas.

In my view, the existence of poor or outdated streetscape outcomes on neighbouring properties should not justify repeating those outcomes in a new development application. The Planning Scheme requirements for landscaping and screening exist to progressively improve the amenity, appearance and greening of the streetscape over time.

I support the requirement for dense vegetative screening including mature street trees along the Progress Drive frontage, particularly adjacent to the car parking area and driveway interface. Landscaping should be designed to effectively soften the visual impact of hardstand parking areas when viewed from the shared path.

2. Shared path and driveway safety

The site directly interfaces with a well-used shared pedestrian and cycling path along Progress Drive. While the proposal consolidates the existing crossovers into a single driveway, it is important that pedestrian and cyclist safety remains a priority.

To maintain pedestrian safety, I request that conditions require:

- clear sight lines for vehicles exiting the site
- low speed limits for vehicles exiting the site
- adequate lighting and signage at the driveway-shared path interface.

3. Lighting impacts on nearby residents

The application does not appear to meaningfully address operational lighting impacts associated with car parking areas, communal areas, pathways or security lighting.

I request that any approval include conditions requiring external lighting to be:

- downward directed and appropriately shielded
- designed to avoid light spill into neighbouring residences
- limited to the minimum intensity necessary for safety and security purposes.

This is important to protect residential amenity during evening and night-time hours, as well as minimise light pollution which affects birds and nocturnal animals.

4. Construction management, noise and sediment control

The application also appears to provide limited detail regarding management of construction impacts.

Given the proximity of neighbouring residences and the nearby coastal environment, I request that conditions be imposed requiring:

- management of construction noise and hours of work (7am-7pm, Monday to Friday)
- dust suppression measures
- effective sediment and erosion control measures to prevent sediment runoff into surrounding stormwater systems and
- appropriate management of construction vehicle access and parking.

These matters are important to minimise impacts on nearby residents and the surrounding environment during demolition and construction activities.

5. Traffic safety and traffic calming

I also request that the Development Consent Authority consider the broader traffic and pedestrian safety context along Progress Drive.

Progress Drive is heavily used by pedestrians, cyclists and recreational users accessing the Nightcliff foreshore and shared path network. In recent years I have observed speeding, aggressive driving behaviour and vehicle noise along this corridor.

While this issue is broader than the proposed development itself, additional residential density and vehicle movements further reinforce the need for safe traffic conditions in the area.

I encourage the Authority to consult with the relevant road authority regarding potential traffic calming and pedestrian safety measures along Progress Drive, particularly in the vicinity of the shared path and vehicle access points associated with this development. Measures such as improved signage, speed management treatments, pedestrian priority design and traffic calming infrastructure should be considered to support the safety and amenity of the area into the future.

Thank you for considering these comments.

Signed:

Mia Sandgren

Submission regarding Development Application – 85 Progress Drive, Nightcliff PA2026/0165

das.ntg@nt.gov.au

To the Development Consent Authority,

Thank you for the opportunity to respond to development notice. I write to lodge a submission regarding the proposed development at **85 Progress Drive, Nightcliff**. I am a resident and owner at **73 Progress Drive, Nightcliff**, located directly behind the proposed development site.

While I understand the need for residential development and renewal within Nightcliff, I have concerns regarding the proposal's impacts on adjoining residents, particularly relating to privacy, residential amenity and vegetation removal.

Privacy and overlooking concerns

The proposal seeks approval for a three-storey apartment development containing 14 dwellings. My concern is that the increased building height relative to surrounding development has the potential to overlook into the residences and private outdoor areas.

The planning report states that privacy will be addressed through “selected feature screening”; however, from the plans it is unclear whether screening measures will adequately prevent direct views into neighbouring properties from upper-level apartments and balconies.

As a neighbouring resident, I have concerns that:

- upper-level apartments and balconies may directly overlook the property;
- my reasonable expectation of privacy within the residence and private open space may be reduced;
- the increased height and scale of the development may diminish residential amenity.

I request further assessment of overlooking impacts and consideration of:

- additional privacy screening;
- increased setbacks where possible;
- screening treatments to windows and balconies facing neighbouring properties;
- measures to reduce direct sightlines into adjoining residences.

Retention of vegetation and landscaping concerns

I am also concerned about the removal of existing vegetation between the developments.

The application acknowledges that existing established vegetation will be removed and states that replacement landscaping will offset amenity impacts. However, established vegetation currently provides an important visual and privacy buffer between neighbouring properties.

Replacement landscaping cannot immediately replicate the screening value and amenity provided by mature vegetation.

The current vegetation contributes to:

- privacy between properties;
- visual screening;
- neighbourhood amenity;
- shade and cooling benefits.

I strongly request that existing vegetation which currently functions as a privacy screen be retained.

If removal cannot be avoided, I request that conditions require:

- retention of significant vegetation where practical;
- replacement with dense screening vegetation of equivalent function;
- advanced mature planting rather than small juvenile species;
- ongoing maintenance requirements to ensure screening vegetation remains effective.

Residential amenity

The Northern Territory Planning Scheme requires building design, site layout and landscaping to provide privacy and attractive outdoor spaces for adjoining landowners. I request that the Authority carefully assess whether the proposal adequately achieves these outcomes from the perspective of existing residents directly affected by the development.

I ask that these concerns be considered before any decision is made.

Yours sincerely,



Dr Amanda Lilleyman
8/73 Progress Drive Nightcliff NT 0810
0458 226 908

To: Development Consent Authority

**Re: Development Application – Lot 01861 Town of Nightcliff, 85 Progress Drive, Nightcliff
(PA2026/0165)**

We are the owners and occupiers of Unit 22 at 73 Progress Drive and write in support of the submission made by the Body Corporate Committee. While we acknowledge the improved street appeal the development will bring to Progress Drive, we wish to outline the specific impacts we will experience from my unit, which borders the southern boundary of the site.

Our unit looks directly towards the middle section of the proposed development. This area is currently characterised by mature vegetation and generous separation distances from existing structures. This provides a pleasant outlook, natural light, cross-breeze and a strong sense of openness. The northern outlook and airflow were major factors in my decision to purchase the property. We have attached photos from my windows and balcony demonstrating these existing benefits.

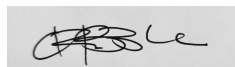
The proposed increase in height and scale will significantly alter this outlook. From Unit 22, the new three-storey building close to the boundary will appear visually dominant and enclosing.

We strongly support the Body Corporate's position that retaining existing mature vegetation along the boundary is essential. From my unit, this vegetation provides screening, privacy and a softened appearance of existing buildings. Replacement planting alone will not replicate the value of these established trees, particularly given the applicant has not committed to planting of tall, deep rooted species.

The proposal does not comply with several separation distance, landscaping buffer and building articulation requirements under the Mid-Suburbs Area Plan. In combination, these shortfalls create an overly imposing built form along the southern boundary—particularly the western “wing” (proposed units 1, 3 and 9) and the stairwell structure. Based on the plans, the stairwell blade wall and associated awnings sit unnecessarily close to the boundary and will be highly visible from our unit. It appears these elements could be re-oriented or redesigned to lessen the impact on neighbouring properties.

We request that the Authority require revisions to reduce these impacts. In particular, the western wing should be reduced in height (to one or two storeys) and required to meet the articulation, separation distance and landscaping buffer standards of the Area Plan. We also request that the stairwell element be relocated or redesigned so it is less visually prominent and set further back from the boundary.

While we support redevelopment of the site in principle, we ask that the final design be amended to better protect the amenity currently enjoyed by neighbouring residents and comply with the area plan.



Yours sincerely,

Carly Hibble & David Russell

Unit 22, 73 Progress Drive, Nightcliff



Photo 1: View from unit 22/73 Progress Drive Kitchen looking north to 85 progress drive, showing significant and pleasant mature vegetation screening the view of the existing complex at 85 progress (note: vegetation is planted on both sides of the boundary).

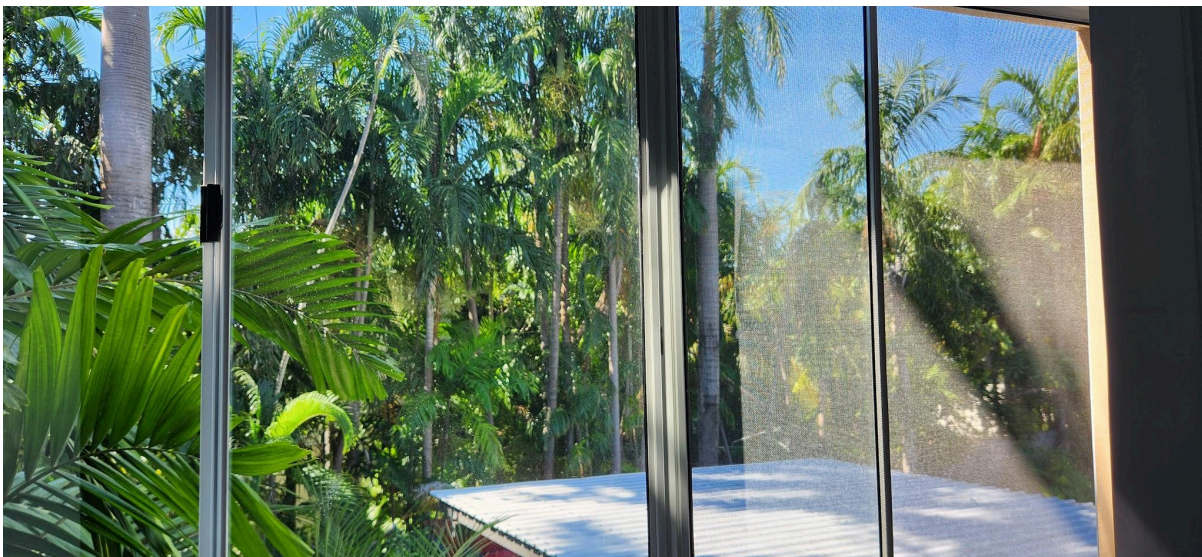


Photo 2: View from 22/73 Progress Drive bedroom looking north east showing significant and pleasant mature vegetation screening the view of the existing complex at 85 progress (note: vegetation is planted on both sides of the boundary).

To the Development Consent Authority
Re: Development Application – Lot 01861 Town of Nightcliff
85 Progress Drive, Nightcliff (PA2026/0165)

To whom it may concern

Please accept my personal submission in this matter, to lend support to the joint submission from our Body Corporate Management Committee. I am currently the Chair of the committee and have signed it on the Committee's behalf. However, I wish to add my personal voice to the concerns expressed by residents and owners alike of this 27-unit complex, and to strengthen the concerns outlined in the Committee's submission.

The planned structure may well improve the street appeal for Progress Drive, but the specific impacts experienced by the units directly bordering the southern boundary of the site, are enormous.

Perhaps suffice to say that the effects of the proposed development will significantly decrease the quality of living in this locality, particularly for all those in units 19 to 27 in the third block of our complex on 73 Progress Drive. Not to mention the decrease in the value of these units.

I hope I am right in assuming that it is acceptable to refer you to our Body Corporate Committee Submission for the full details of our concerns, rather than repeating all the points already made there.

Yours sincerely



Helmy Bakermans
5/73 Progress Drive
Nightcliff NT 0810

e: helmyb@outlook.com

mob: 0409105661

Development Consent Authority
Via NTLIS PA2026/0165
Department of Lands Planning and Environment

Dear Development Consent Authority,

**Re: Development Application – Lot 01861 Town of Nightcliff, 85 Progress Drive, Nightcliff
(Dwelling-multiple, 14 x 2-bedroom in a three-storey building)**

The Body Corporate Committee for 73 Progress Drive represents 27 units that share the southern boundary with the proposed redevelopment at 85 Progress Drive. We appreciate the opportunity to comment during the public exhibition period.

We acknowledge the ageing condition of the existing buildings and support redevelopment that improves the appearance and liveability of the area. However, we oppose the current proposal on the basis that it represents an overly imposing and dominating structure for its site, fails to meet a number of planning requirements, and—when considered cumulatively—is inconsistent with the vision, goals and planning principles for Medium Density Residential areas under the Mid-Suburbs Area Plan.

The Area Plan sets clear expectations for development in this locality, including that:

- the lush tropical character of the area is protected and enhanced (Vision);
- new dwellings respect the character of existing residential areas (Goals); and
- built form should sensitively respond to adjoining suburban residential areas, with residential buildings not exceeding three storeys (Principles).

Our complex comprises three separate three-storey blocks of nine units each. The westernmost block directly abuts the southern boundary of the development site, and the other two blocks lie just to the south across our internal access road. The current development on Lot 01861 provides several important amenity benefits to our residents, including:

- established palms and tall vegetation that provide shade, greenery and an attractive outlook;
- a predominantly single-storey built form at the western end, enabling airflow, privacy and a clear visual corridor for first- and second-storey units; and
- generous setbacks and extensive vegetation at the eastern end, supporting natural light, breeze penetration and a shaded outlook for our centre block.

These existing conditions materially contribute to the amenity of 73 Progress Drive, and are consistent with the purpose of the area plan. Photographs illustrating these features are provided in **Attachment A**.

The applicant has made a visible effort to improve the presentation of the Progress Drive frontage. However, when viewed from the southern boundary, the proposal does not respect the character or scale of the surrounding residential area and does not respond sensitively to adjoining properties,

particularly those within our complex, which will experience the greatest direct impact. Further, the proposal fails to meet a number of planning requirements.

Our primary request is that the Authority require the proposal to be redesigned to reduce building height and mass and increase setbacks, particularly for the eastern and western “wing” structures adjoining the southern boundary.

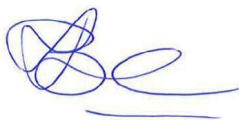
If this cannot be achieved we ask that, at a minimum, the Authority:

1. Requires the developer to update designs to meet setback and articulation requirements to reduce impacts on massing, privacy, breeze and vegetation health.
2. Ensures redevelopment activities do not delay or complicate the timely replacement of the boundary fence, and that fencing works be permitted to proceed independently of construction.
3. Requires standard 2m planting zones as required under the area plan (particularly around proposed units 1 and 2).
4. Requires a Vegetation Management Plan identifying which mature trees can be retained, justifying any removal, and prioritising deep-rooted, tall species to be planted along the southern boundary to maintain shade, screening and neighbourhood character.
5. Requires a Construction Management Plan addressing:
 - Amenity protection (noise, dust, vibration, debris)
 - Neighbour communication protocols
 - Site contact details for adjoining residents
 - Measures to protect boundary fences and vegetation
6. Requires confirmation—supported by drawings—that southern-facing windows are offset to prevent direct overlooking into our living areas and balconies.

Our detailed feedback is provided in **Attachment B**.

Thank you for your consideration, we would be happy to provide more information or make representations at the relevant Development Consent Authority hearing in due course.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Helmy Bakermans', with a horizontal line underneath.

Helmy Bakermans (Chair)

On behalf of Body Corporate Committee, 73 Progress Drive, Nightcliff

Attachment A: Features of 85 project Drive as seen from 73 Progress Drive



Photo 1: Mature vegetation along shared southern boundary (planted on both sides) looking east from balcony of West-most block of 73 Progress drive.

The internal access road and carpark for 73 Progress drive shown there will predominantly align with proposed communal garden for 85 Progress, while main building mass will align with the westmost block, and centre block (see in LHS of photo).

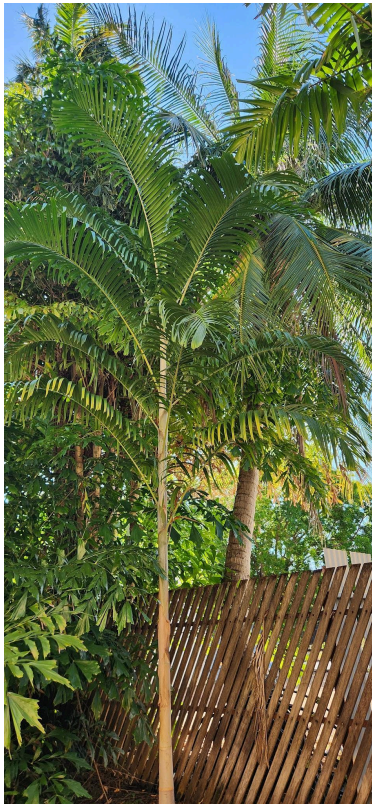


Photo 2: close up of mature palm tree on 85 Progress Drive behind fence(western end of property looking west).

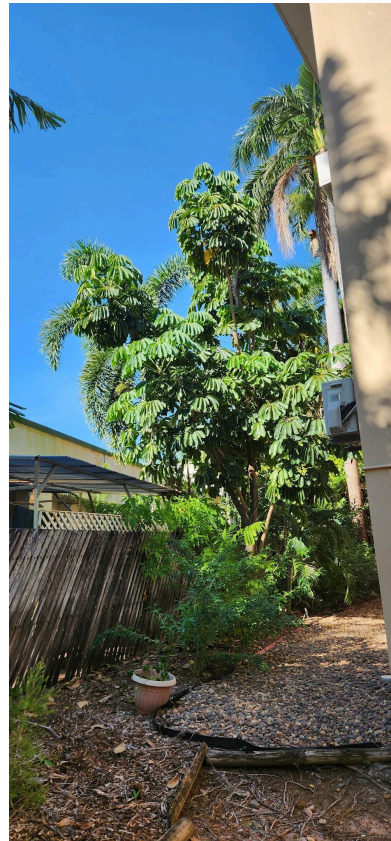


Photo 3: Southern boundary (fence of 85 progress drive looking east, showing proximity of existing single storey structure (L) to west-most unit block of 73 progress drive (wall visible on R).



Photo 4: Clear outlook over single-storey western part of existing complex, as seen from second storey west most block of 73 Progress drive (looking north-west)



Photo 5: Outlook over single-storey western part of existing complex, as seen from first storey west most block of 73 Progress drive (looking north)

Attachment B: Detailed feedback on proposed development at 85 Progress Drive

This feedback on development proposal PA2026/0165 on the basis of the information provided by the applicant in its Statement of Effect dated 11 May 2026 - information contained within that document was assumed to be true and correct. Should the Statement of Effect or any other supporting documentation be amended prior to determination of the application, we request the opportunity to review and provide further comment on the updated materials.

Separation Distance, Articulation, Building Massing and Breeze Impacts

The proposal does not meet several planning guidelines along the southern boundary, and represents a significant increase in building mass. In combination, these non-compliances and the greater size and scale of development creates an undue impact on our property and are inconsistent with the overall vision and goals of the mid-suburbs area plan.

These issues relate directly to zone outcomes requiring development to:

- provide a sympathetic interface with adjoining lots;
- protect privacy and maintain attractive outdoor spaces;
- avoid undue massing when viewed from neighbouring land; and
- facilitate breeze penetration through and between buildings.

The proposed three-storey height extending the full depth of the lot represents a substantial increase in building mass compared with existing conditions. While the area plan allows for residential buildings up to a maximum of 3 storeys it does not provide that all buildings may automatically have a right to develop to such a height. Although the southern elevation includes limited openings to reduce overlooking, together with reduced setbacks the scale of this development will create a significantly more imposing interface with our complex. The application also places strong emphasis on cross-ventilation benefits for the new developments and increased street appeal to Progress drive, but does not give adequate consideration to the same impacts on established cross-breezes and visual appeal to our property adjoining to the south.

Several reduced setbacks on the southern boundary are of particular concern:

- **Roofline setback of 0.8 m** adjacent proposed Unit 9 (recommended minimum: **2.1 m**).
- **Roofline setback of 1.2 m** adjacent proposed Unit 14 (recommended minimum: **2.1 m**).
- The multi-storey **stairwell blade wall** projecting into the 3 m setback intended to minimise massing impacts.

Given their height and bulk, these elements cannot reasonably be regarded as “minimal mass”. Their proximity to the boundary will increase visual dominance, overshadowing and potential airflow obstruction. The reduced setbacks may also compromise the viability of retaining or establishing tall vegetation along the boundary—particularly where proposed Units 1 and 9 align with our western block.

In addition, the three-storey western wing does not comply with **Clause 5.4.17 (Building Articulation)**, which requires lengthy walls to be set back or broken up to reduce perceived bulk. We do not agree with the applicant's assertion that this non-compliance is "minor in scale", particularly given that:

- the western wing of the proposed complex is the only location that directly 'mirrors' existing dwellings at 73 Progress Drive
- elevation of the wall is three storeys high and directly adjoins the southern boundary
- The applicant has not met the required 2 m deep-planting zone in this location (discussed further below).

We also consider it inappropriate for the applicant to rely on compliance with other clauses or the presence of communal open space elsewhere on the site to justify non-compliance with articulation requirements. Each clause in the area plan is intended to operate simultaneously and in harmony; compliance with one does not offset non-compliance with another.

Taken together, these issues result in a structure that is overly imposing, inconsistent with the intended vision, goals and principles of the zone, and likely to significantly affect our amenity.

Our primary request is that the Authority require the proposal to be re-designed to reduce building height and mass and increase setbacks particularly on east and western 'wing' structures that directly adjoin the southern boundary, to retain the lush tropical character of the locality.

If this request is not able to be met, we ask that at a minimum the Authority require the developer to revise the design to meet the setback, separation and articulation requirements of the zone to reduce impacts on massing, privacy, breeze penetration and vegetation health.

Boundary Fence

The southern boundary fence shared between the two properties is significantly deteriorated due to termite damage and corrosion. Our committee has commenced the process to replace the fence with a Stratco Styleline-type product and intends to seek cost-sharing from the proponent over the coming months.

We request that you ensure redevelopment activities do not delay or complicate the timely replacement of the boundary fence, and that fencing works be permitted to proceed independently of construction.

Mature Vegetation and Landscaping

The plans show no landscaping in the perimeter open space adjacent to Units 1 and 2, which are the closest structures to our boundary and therefore the most visually intrusive. Existing mature vegetation along the southern boundary provides significant shade, cooling and visual amenity to both properties.

We do not agree with the assertion that new landscaping alone can offset the loss of mature trees. The proponent's statement regarding "strategically located shade trees" lacks detail, and the landscaping plan provides no clarity on species, density, canopy performance or screening effectiveness.

We also note that the proposal includes reductions to the required 2 m deep planting zones in areas that directly interface with our western block—contrary to the purpose of Clause 5.2.6 – Landscaping, which prioritises significant vegetation and meaningful screening.

We request that you require standard 2m planting zones as required under the area plan (particularly around proposed units 1 and 2).

We also request that the developer is required to develop a Vegetation Management Plan identifying which mature trees can be retained, justifying any removal, and prioritising deep-rooted, tall species to be planted along the southern boundary to maintain shade, screening and neighbourhood character.

Construction Impacts

The application does not outline how demolition and construction impacts—noise, dust, access disruption and general amenity loss—will be managed.

We request that the DCA require a Construction Management Plan addressing:

- *Amenity protection (noise, dust, vibration, debris)*
- *Neighbour communication protocols*
- *Site contact details for adjoining residents*
- *Measures to protect boundary fences and vegetation*

Privacy

The plans do not clearly demonstrate how windows on the south-western elevation relate to the rear-facing windows of units in our western block.

We request that the DCA require confirmation—supported by drawings—that southern-facing windows are offset to prevent direct overlooking into our living areas and balconies.

PROPOSED UNIT DEVELOPMENT LOT 1861, PROGRESS DRIVE, NIGHTCLIFF, N.T.



LOCALITY PLAN
1 : 750


NORTH

DRAWING SCHEDULE	
Sheet No.	Sheet Name
DA01	LOCALITY PLAN
DA02	SITE PLAN
DA03	GROUND FLOOR PLAN
DA04	FIRST FLOOR PLAN
DA05	SECOND FLOOR PLAN
DA06	ROOF PLAN
DA07	BUILDING ELEVATIONS 01
DA08	BUILDING ELEVATIONS 02
DA09	SECTIONS
DA10	SECTIONS
DA11	SECTIONS
DA12	3D VIEW
DA13	3D VIEW
DA66	HL QUESTIONS
DA100	STORM SURGE MAP
DA200	3D VIEW
DA201	3D VIEW

A	ISSUED FOR DA APPLICATION	07.05.26
ISSUE	AMENDMENT	DATE

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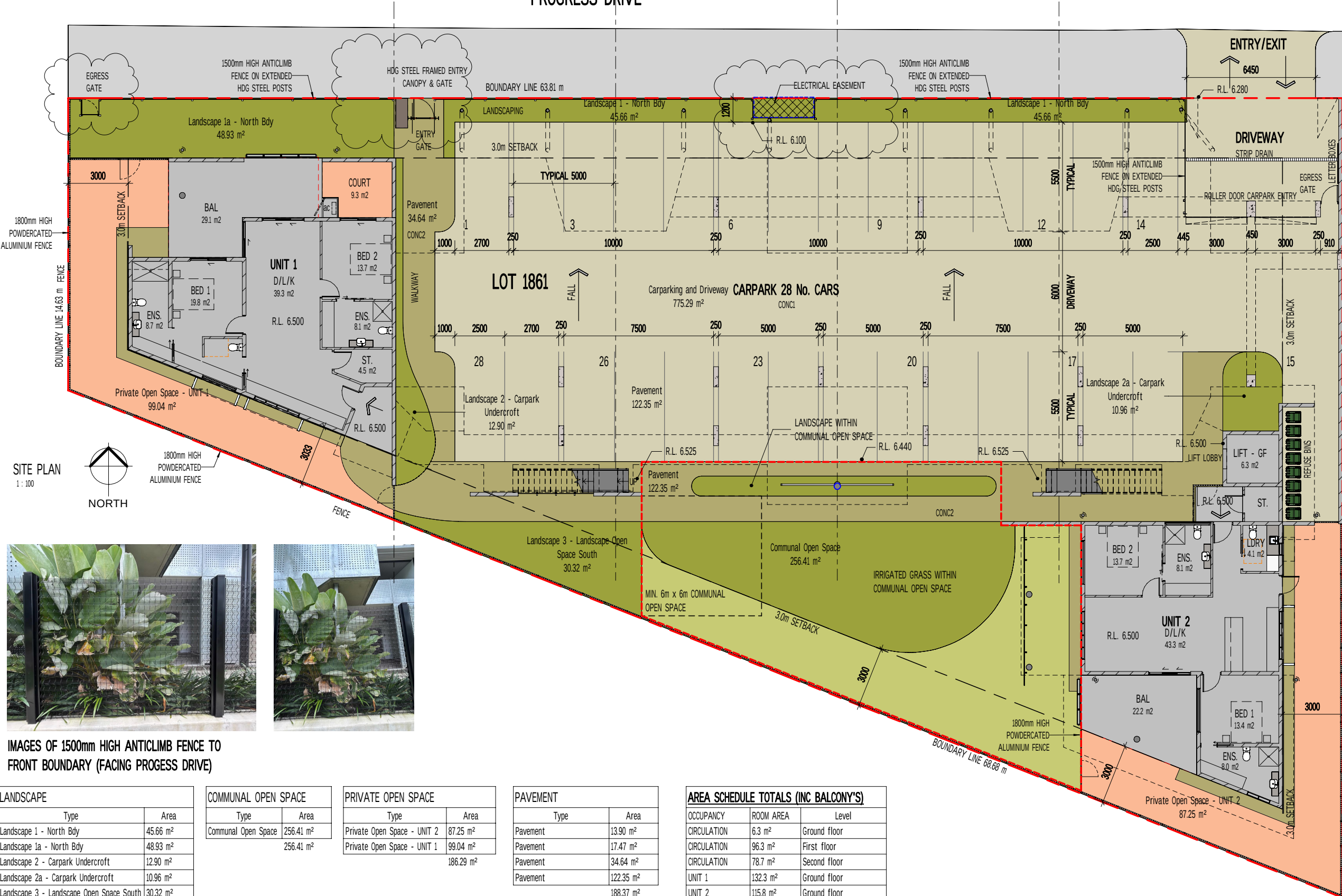
Project
PROPOSED UNIT DEVELOPMENT

LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
LOCALITY PLAN

Scale 1 : 750	Drawn JBC	Date 07.05.26
Cad File	Sheet no. 1014 DA01	Issue A

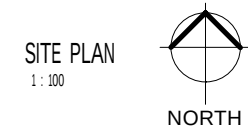
PROGRESS DRIVE



GENERAL LEGEND

BAL1	HDG BALUSTRADE WITH PERF METAL INFILL
BKRP	200 SERIES CONCRETE BLOCK, RENDER AND PAINT FINISH
BKSB	200 SERIES CONCRETE BLOCK, STACK BONDED, PAINT FINISH
CB01	INSITU CONCRETE BEAM, PAINT FINISH
CC01	INSITU CONCRETE COLUMN, PAINT FINISH
CONC1	CONCRETE SLAB BROOM FINISH, 'BLACK' OXIDE
CONC2	CONCRETE SLAB BROOM FINISH, 'KALGOOLIE' OXIDE
DP01	HOT DIPPED GALVANISED CIRCULAR DOWNPIPE
HZ01	HORIZONTAL ZINC CUSTOM ORB
LS01	CLEAR ANODISED ALUMINIUM SLAT AC SCREEN
RBG	HALF ROUND HDG BOX GUTTER
SC01	CLEAR ANODISED ALUMINIUM 'U' SUNSCREEN
VPZC	VERTICAL ZINC CUSTOM ORB PERFORATED
VZC0	VERTICAL ZINC CUSTOM ORB
ZCRS	ZINC CUSTOM ORB ROOF SHEETING

LOT 1860



IMAGES OF 1500mm HIGH ANTICLIMB FENCE TO FRONT BOUNDARY (FACING PROGRESS DRIVE)

LANDSCAPE

Type	Area
Landscape 1 - North Bdy	45.66 m ²
Landscape 1a - North Bdy	48.93 m ²
Landscape 2 - Carpark Undercroft	12.90 m ²
Landscape 2a - Carpark Undercroft	10.96 m ²
Landscape 3 - Landscape Open Space South	30.32 m ²
	148.76 m ²

COMMUNAL OPEN SPACE

Type	Area
Communal Open Space	256.41 m ²

PRIVATE OPEN SPACE

Type	Area
Private Open Space - UNIT 2	87.25 m ²
Private Open Space - UNIT 1	99.04 m ²
	186.29 m ²

PAVEMENT

Type	Area
Pavement	13.90 m ²
Pavement	17.47 m ²
Pavement	34.64 m ²
Pavement	122.35 m ²
	188.37 m ²

CARPARK AND DRIVEWAY

Type	Area
Carparking and Driveway	775.29 m ²

AREA SCHEDULE TOTALS (INC BALCONY'S)

OCCUPANCY	ROOM AREA	Level
CIRCULATION	6.3 m ²	Ground floor
CIRCULATION	96.3 m ²	First floor
CIRCULATION	78.7 m ²	Second floor
UNIT 1	132.3 m ²	Ground floor
UNIT 2	115.8 m ²	Ground floor
UNIT 3	129.9 m ²	First floor
UNIT 4	108.4 m ²	First floor
UNIT 5	108.4 m ²	First floor
UNIT 6	111.4 m ²	First floor
UNIT 7	104.8 m ²	First floor
UNIT 8	113.9 m ²	First floor
UNIT 9	132.8 m ²	Second floor
UNIT 10	105.5 m ²	Second floor
UNIT 11	108.4 m ²	Second floor
UNIT 12	108.4 m ²	Second floor
UNIT 13	107.7 m ²	Second floor
UNIT 14	113.2 m ²	Second floor
	1782.5 m ²	

B	FRONT BOUNDARY EGRESS GATES MOVED TO OPEN WITHIN BOUNDARY; FRONT FENCE RELOCATED AROUND ELECTRICITY EASEMENT	17.06.26
A	ISSUED FOR DA APPLICATION	07.05.26
ISSUE	AMENDMENT	DATE

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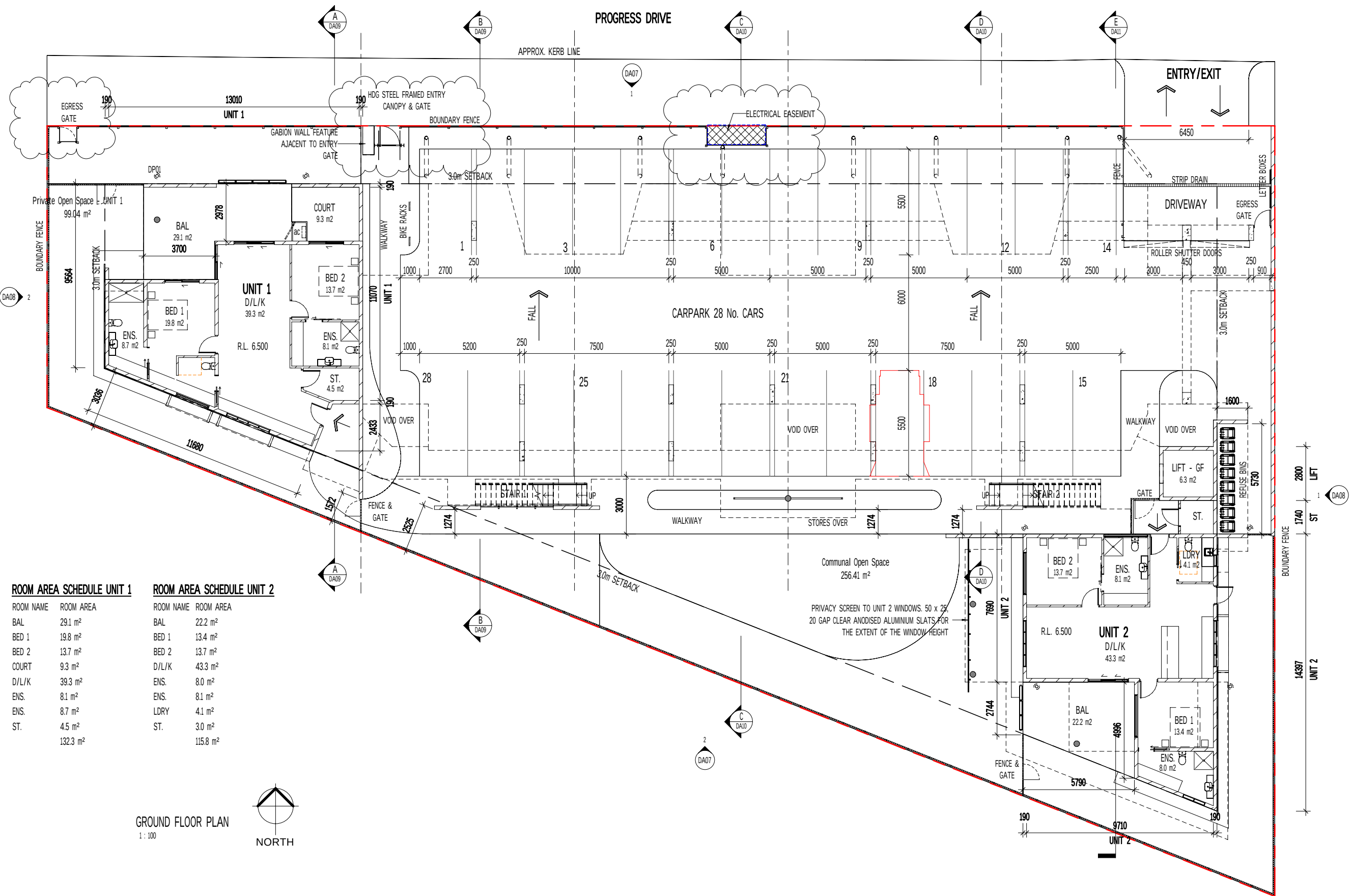
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Project
PROPOSED UNIT DEVELOPMENT

LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
SITE PLAN

Scale 1 : 100	Drawn JBC	Date 17.06.26
Cad File	Sheet no. 1014	Issue DA02 B



ROOM AREA SCHEDULE UNIT 1

ROOM NAME	ROOM AREA
BAL	29.1 m ²
BED 1	19.8 m ²
BED 2	13.7 m ²
COURT	9.3 m ²
D/L/K	39.3 m ²
ENS.	8.1 m ²
ENS.	8.7 m ²
ST.	4.5 m ²
	132.3 m ²

ROOM AREA SCHEDULE UNIT 2

ROOM NAME	ROOM AREA
BAL	22.2 m ²
BED 1	13.4 m ²
BED 2	13.7 m ²
D/L/K	43.3 m ²
ENS.	8.0 m ²
ENS.	8.1 m ²
LDY	4.1 m ²
ST.	3.0 m ²
	115.8 m ²

GROUND FLOOR PLAN
1:100



B	FRONT BOUNDARY EGRESS GATES MOVED TO OPEN WITHIN BOUNDARY; FRONT FENCE RELOCATED AROUND ELECTRICITY EASEMENT	17.06.26
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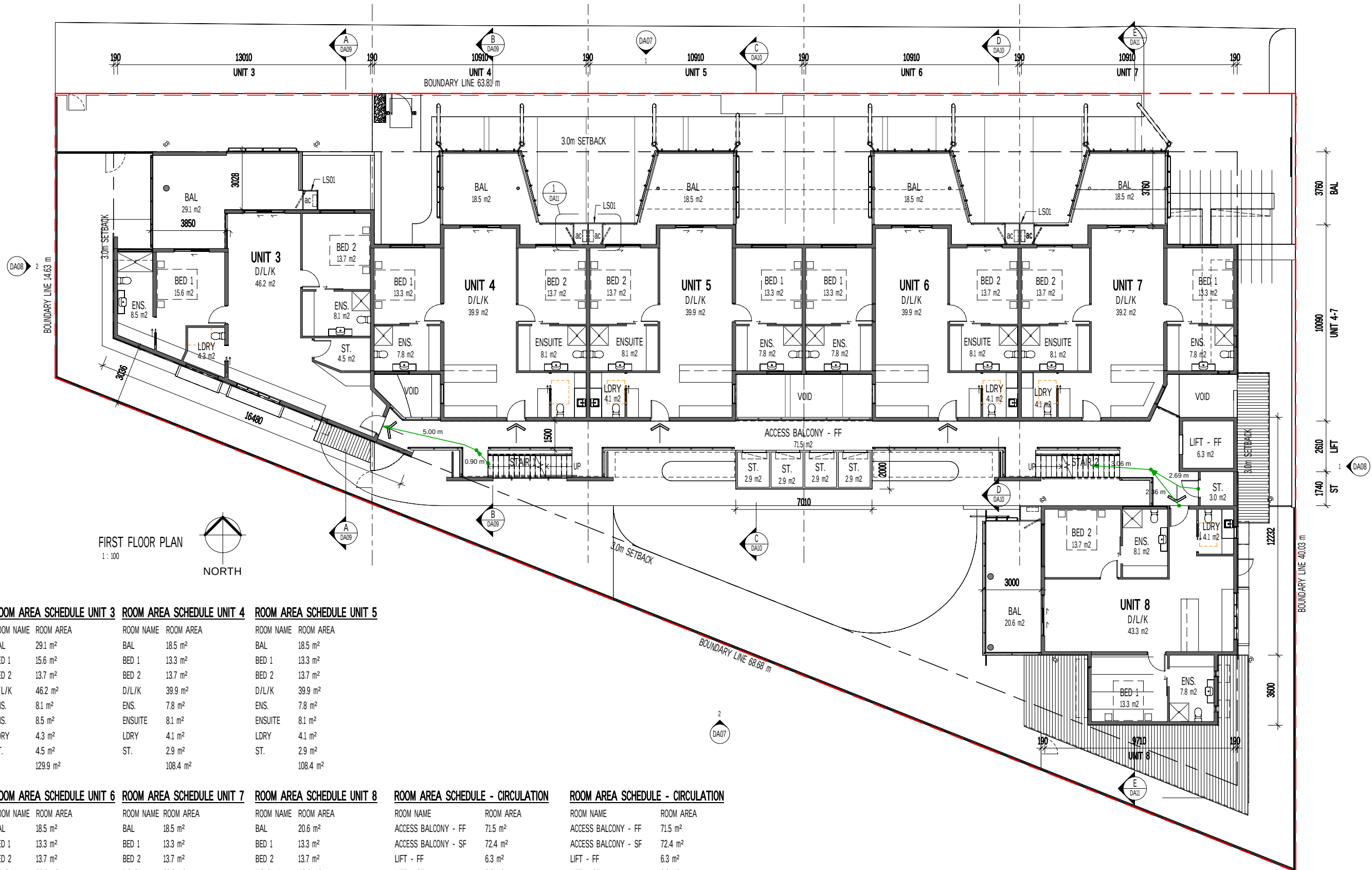
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ACN 053410692

Project
PROPOSED UNIT DEVELOPMENT

LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
GROUND FLOOR PLAN

Scale 1:100	Drawn JBC	Date 17.06.26
Cad File	Sheet no. 1014 DA03	Issue B



FIRST FLOOR PLAN
1 : 100



ROOM AREA SCHEDULE UNIT 3

ROOM NAME	ROOM AREA
BAL	29.1 m ²
BED 1	15.6 m ²
BED 2	13.7 m ²
D/L/K	46.2 m ²
ENS.	8.1 m ²
ENS.	8.5 m ²
LDRY	4.3 m ²
ST.	4.5 m ²
	129.9 m ²

ROOM AREA SCHEDULE UNIT 4

ROOM NAME	ROOM AREA
BAL	18.5 m ²
BED 1	13.3 m ²
BED 2	13.7 m ²
D/L/K	39.9 m ²
ENS.	7.8 m ²
ENSUITE	8.1 m ²
LDRY	4.1 m ²
ST.	2.9 m ²
	108.4 m ²

ROOM AREA SCHEDULE UNIT 5

ROOM NAME	ROOM AREA
BAL	18.5 m ²
BED 1	13.3 m ²
BED 2	13.7 m ²
D/L/K	39.9 m ²
ENS.	7.8 m ²
ENSUITE	8.1 m ²
LDRY	4.1 m ²
ST.	2.9 m ²
	108.4 m ²

ROOM AREA SCHEDULE UNIT 6

ROOM NAME	ROOM AREA
BAL	18.5 m ²
BED 1	13.3 m ²
BED 2	13.7 m ²
D/L/K	39.9 m ²
ENS.	7.8 m ²
ENSUITE	8.1 m ²
LDRY	4.1 m ²
ST.	2.9 m ²
ST.	2.9 m ²
	111.4 m ²

ROOM AREA SCHEDULE UNIT 7

ROOM NAME	ROOM AREA
BAL	18.5 m ²
BED 1	13.3 m ²
BED 2	13.7 m ²
D/L/K	39.2 m ²
ENS.	7.8 m ²
ENSUITE	8.1 m ²
LDRY	4.1 m ²
	104.8 m ²

ROOM AREA SCHEDULE UNIT 8

ROOM NAME	ROOM AREA
BAL	20.6 m ²
BED 1	13.3 m ²
BED 2	13.7 m ²
D/L/K	43.3 m ²
ENS.	7.8 m ²
ENS.	8.1 m ²
LDRY	4.1 m ²
ST.	3.0 m ²
	113.9 m ²

ROOM AREA SCHEDULE - CIRCULATION

ROOM NAME	ROOM AREA
ACCESS BALCONY - FF	71.5 m ²
ACCESS BALCONY - SF	72.4 m ²
LIFT - FF	6.3 m ²
LIFT - GF	6.3 m ²
LIFT - SF	6.3 m ²
STAIR 1	10.2 m ²
STAIR 2	8.3 m ²
	181.4 m ²

ROOM AREA SCHEDULE - CIRCULATION

ROOM NAME	ROOM AREA
ACCESS BALCONY - FF	71.5 m ²
ACCESS BALCONY - SF	72.4 m ²
LIFT - FF	6.3 m ²
LIFT - GF	6.3 m ²
LIFT - SF	6.3 m ²
STAIR 1	10.2 m ²
STAIR 2	8.3 m ²
	181.4 m ²

A	ISSUED FOR DA APPLICATION	07.05.26
ISSUE	AMENDMENT	DATE

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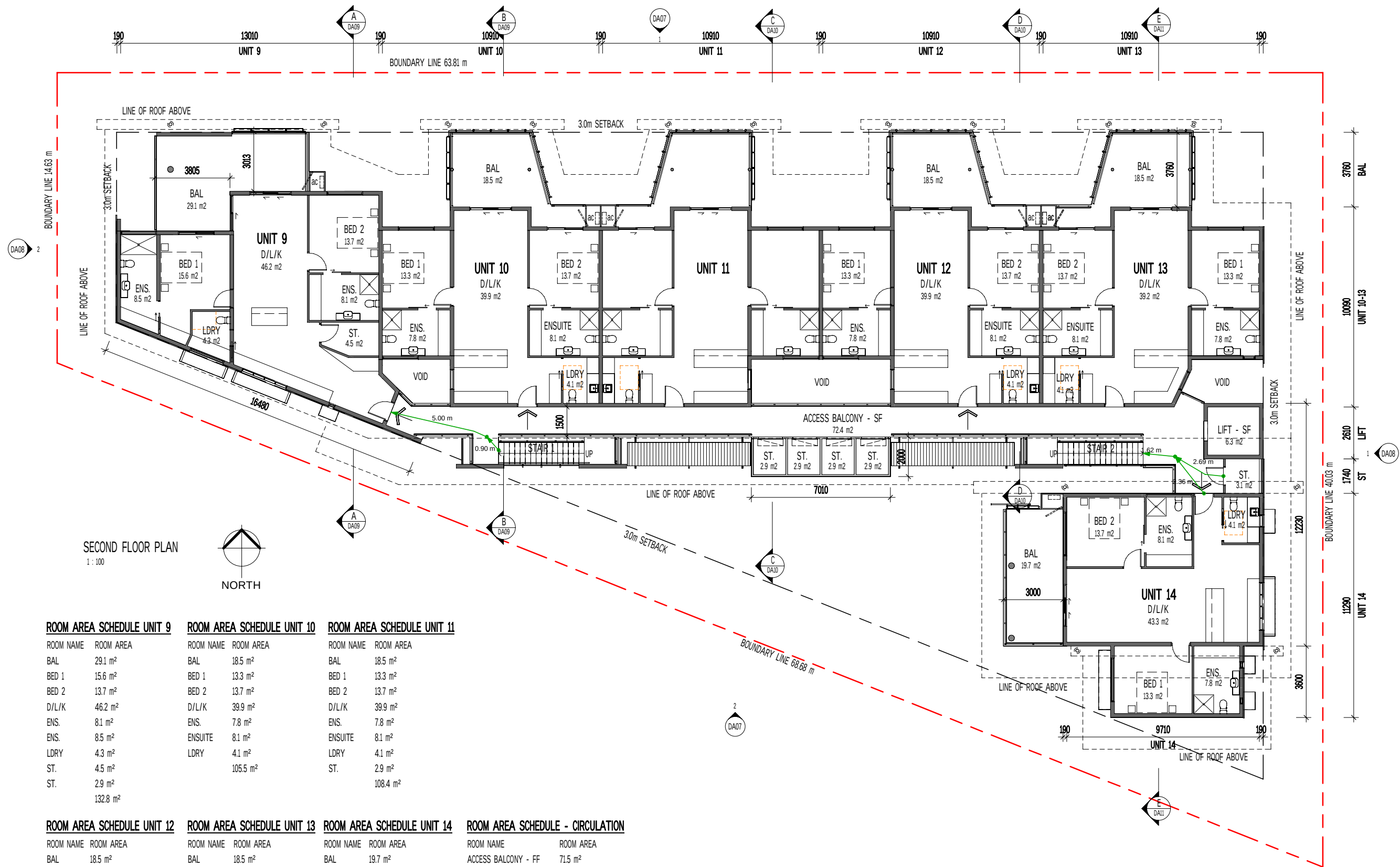
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ACN 053410692

Project
PROPOSED UNIT DEVELOPMENT

LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
FIRST FLOOR PLAN

Scale 1 : 100	Drawn JBC	Date 07.05.26
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	AMENDMENT	DATE

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Project
PROPOSED UNIT DEVELOPMENT

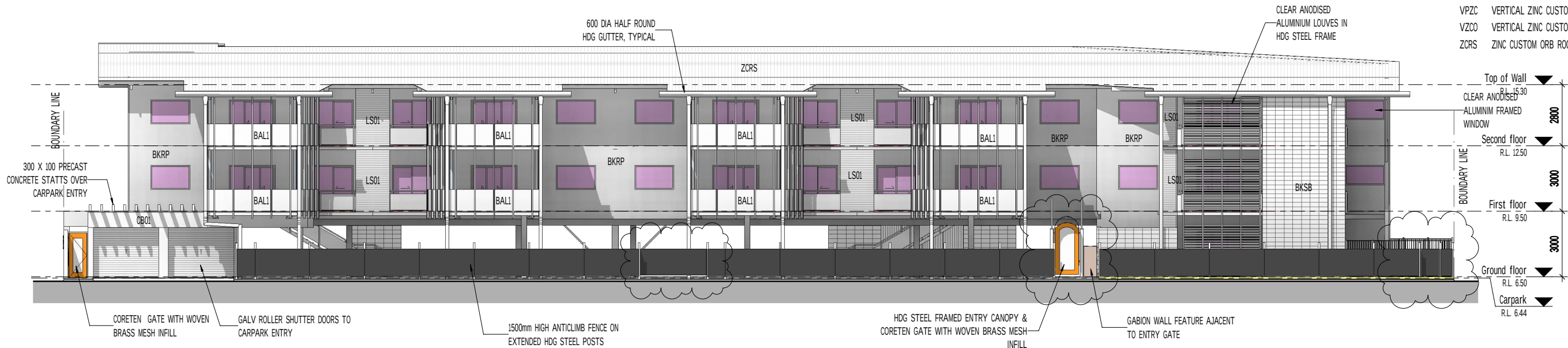
LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
SECOND FLOOR PLAN

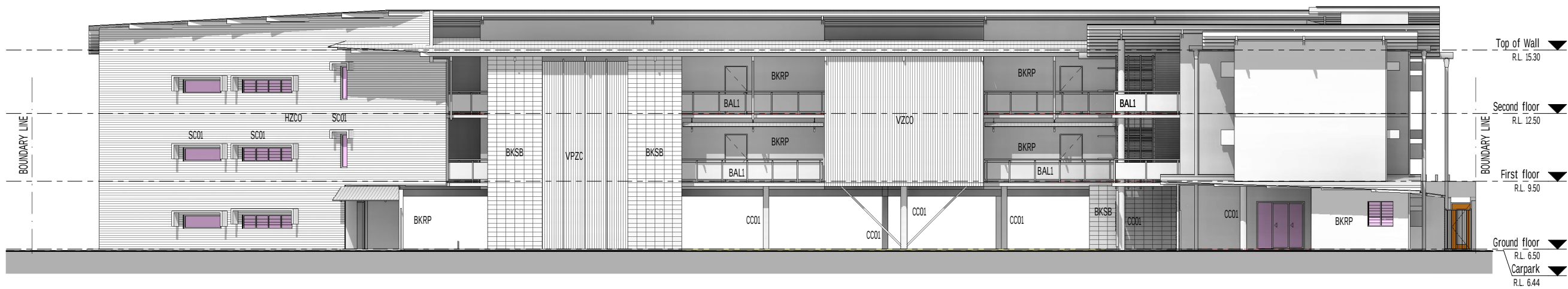
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Cad File	Sheet no. 1014 DA05	Issue A

GENERAL LEGEND

- BAL1 HDG BALUSTRADE WITH PERF METAL INFILL
BKRP 200 SERIES CONCRETE BLOCK, RENDER AND PAINT FINISH
BKSB 200 SERIES CONCRETE BLOCK, STACK BONDED, PAINT FINISH
CB01 INSITU CONCRETE BEAM, PAINT FINISH
CC01 INSITU CONCRETE COLUMN, PAINT FINISH
CONC1 CONCRETE SLAB BROOM FINISH, 'BLACK' OXIDE
CONC2 CONCRETE SLAB BROOM FINISH, 'KALGOOLIE' OXIDE
DP01 HOT DIPPED GALVANISED CIRCULAR DOWNPIPE
HZCO HORIZONTAL ZINC CUSTOM ORB
LS01 CLEAR ANODISED ALUMINIUM SLAT AC SCREEN
RBG HALF ROUND HDG BOX GUTTER
SC01 CLEAR ANODISED ALUMINIUM 'U' SUNSCREEN
VPZC VERTICAL ZINC CUSTOM ORB PERFORATED
VZCO VERTICAL ZINC CUSTOM ORB
ZCRS ZINC CUSTOM ORB ROOF SHEETING



NORTH ELEVATION
1 : 100



SOUTH ELEVATION
1 : 100

B	FRONT BOUNDARY EGRESS GATES MOVED TO OPEN WITHIN BOUNDARY; FRONT FENCE RELOCATED AROUND ELECTRICITY EASEMENT	17.06.26
A	ISSUED FOR DA APPLICATION	07.05.26
ISSUE	AMENDMENT	DATE

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Project
PROPOSED UNIT DEVELOPMENT

LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
BUILDING ELEVATIONS 01

Scale 1 : 100	Drawn JBC	Date 17.06.26
Cad File	Sheet no. 1014 DA07	Issue B

- GENERAL LEGEND**
- BAL1 HDG BALUSTRADE WITH PERF METAL INFILL
 - BKRP 200 SERIES CONCRETE BLOCK, RENDER AND PAINT FINISH
 - BKSB 200 SERIES CONCRETE BLOCK, STACK BONDED, PAINT FINISH
 - CB01 INSITU CONCRETE BEAM, PAINT FINISH
 - CC01 INSITU CONCRETE COLUMN, PAINT FINISH
 - CONC1 CONCRETE SLAB BROOM FINISH, 'BLACK' OXIDE
 - CONC2 CONCRETE SLAB BROOM FINISH, 'KALGOOLIE' OXIDE
 - DP01 HOT DIPPED GALVANISED CIRCULAR DOWNPIPE
 - HZCO HORIZONTAL ZINC CUSTOM ORB
 - LS01 CLEAR ANODISED ALUMINIUM SLAT AC SCREEN
 - RBG HALF ROUND HDG BOX GUTTER
 - SC01 CLEAR ANODISED ALUMINIUM 'U' SUNSCREEN
 - VPZC VERTICAL ZINC CUSTOM ORB PERFORATED
 - VZCO VERTICAL ZINC CUSTOM ORB
 - ZCRS ZINC CUSTOM ORB ROOF SHEETING



EAST ELEVATION
1 : 100



WEST ELEVATION
1 : 100

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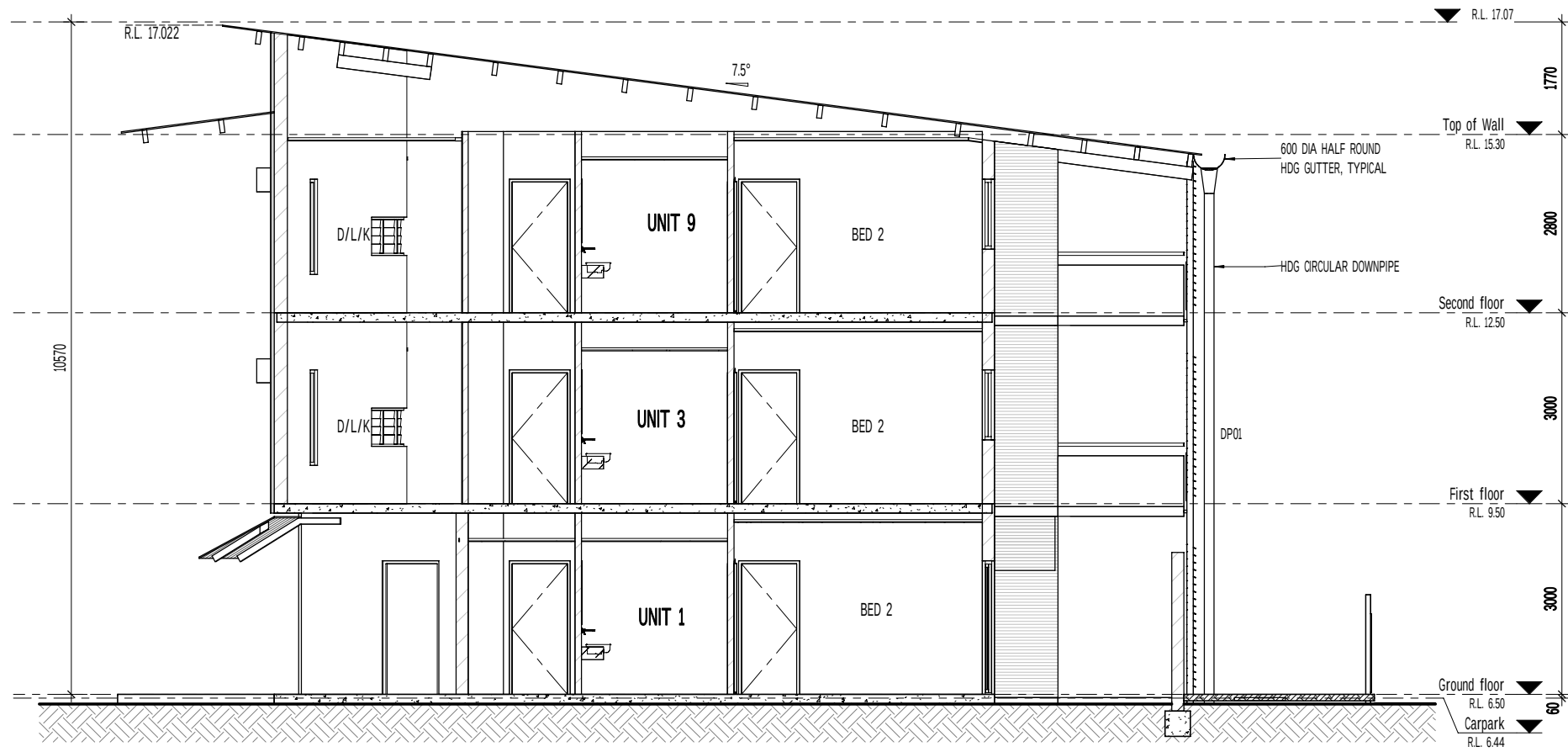
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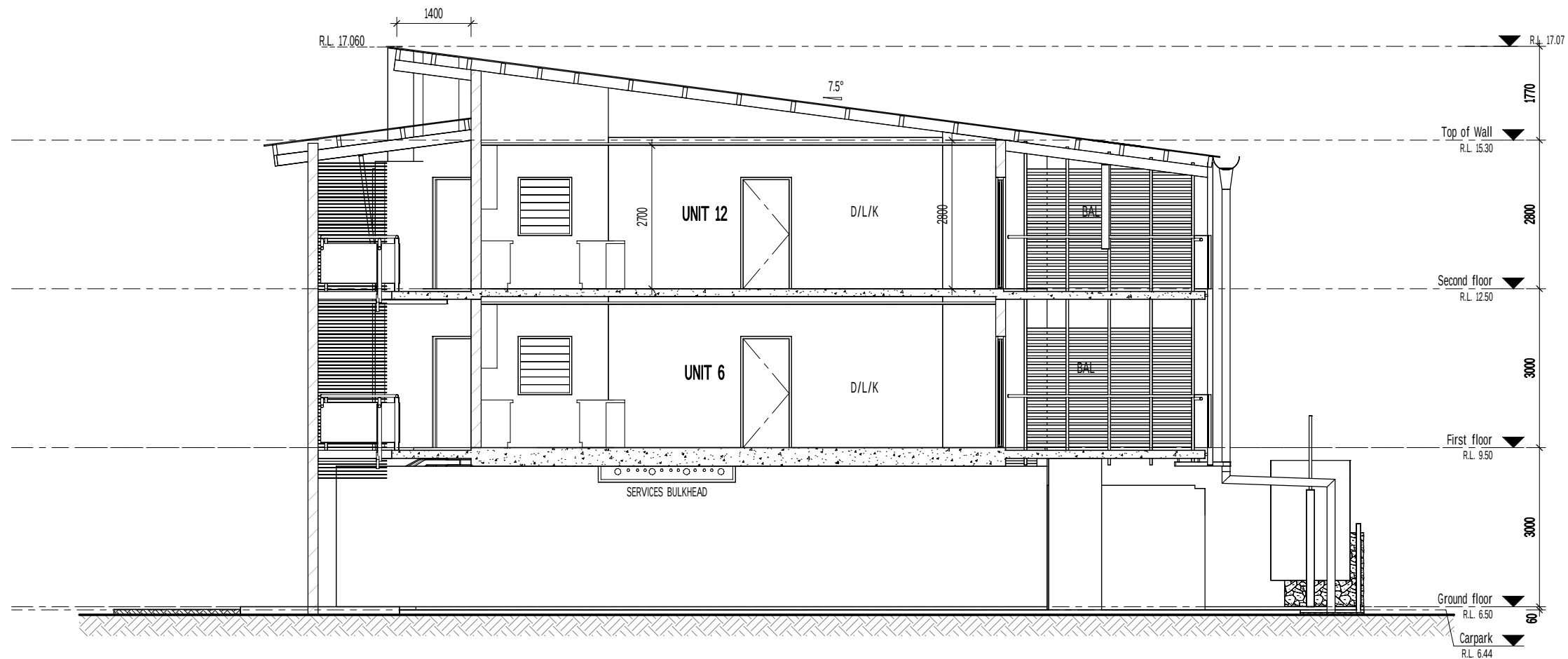
LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
BUILDING ELEVATIONS 02

Scale 1 : 100	Drawn JBC	Date 07.05.26
Cad File	Sheet no. 1014 DA08	Issue A



A
DA03 BUILDING SECTION
1 : 50



B
DA03 BUILDING SECTION
1 : 50

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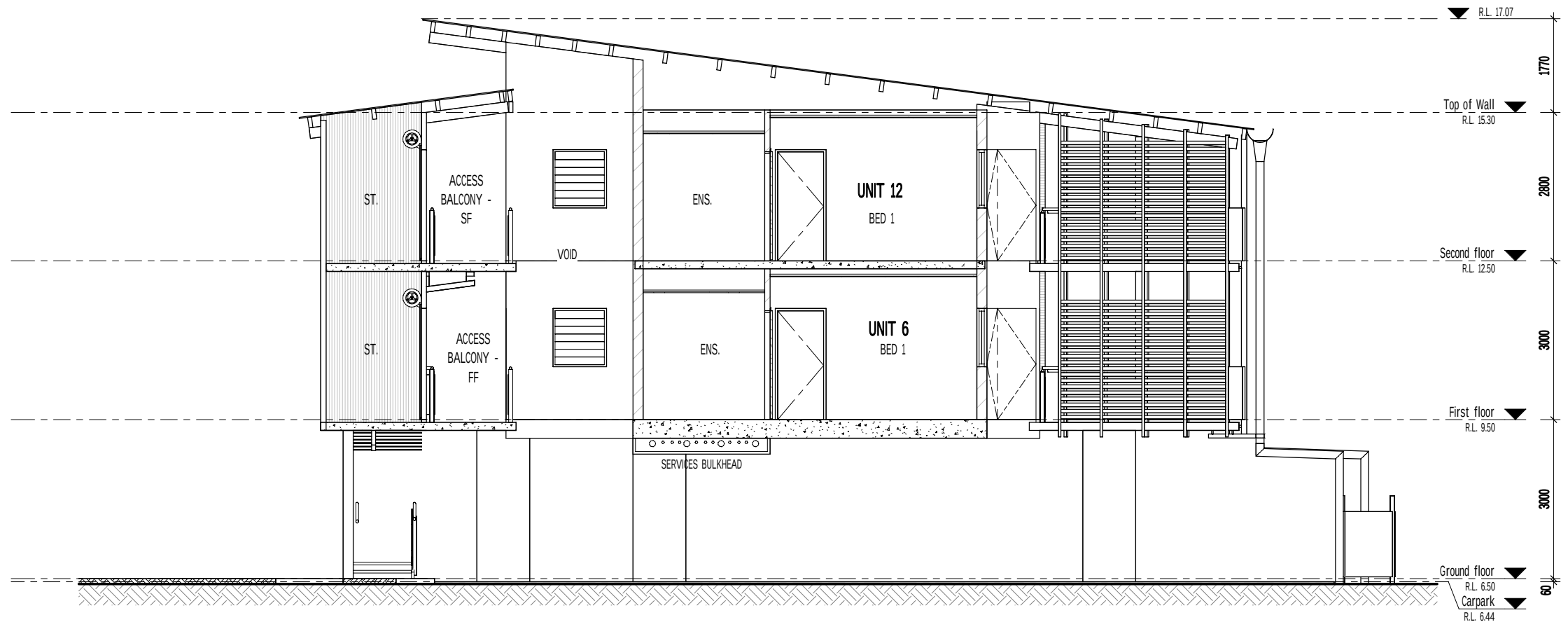
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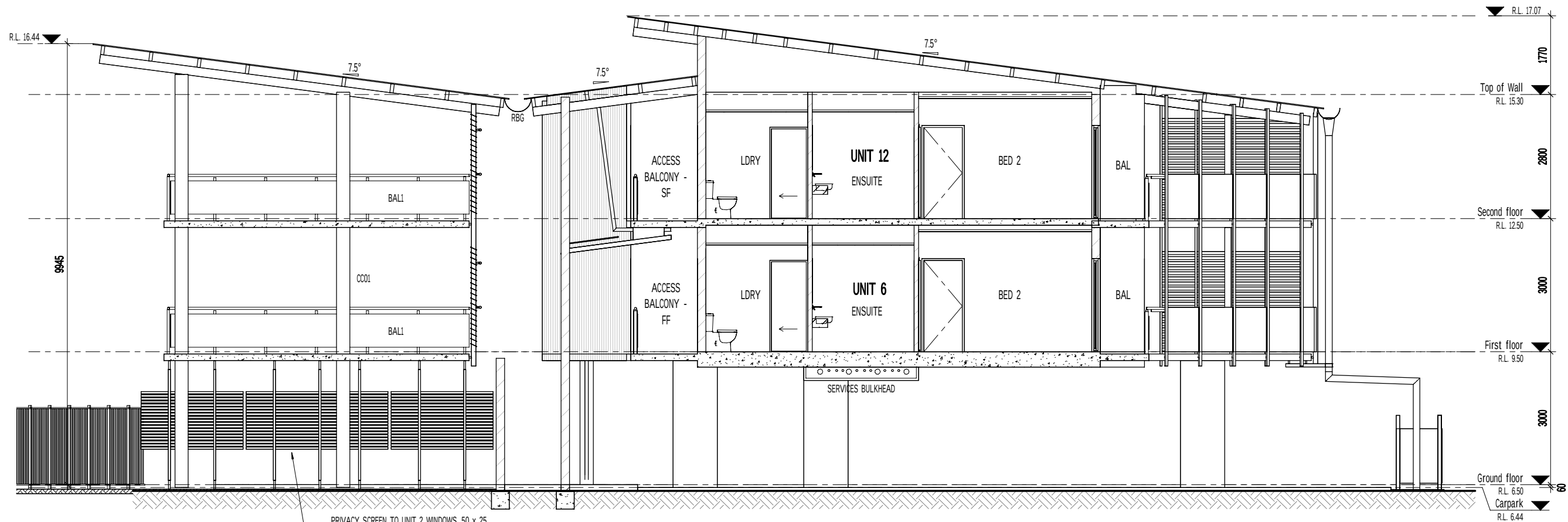
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Drawing
SECTIONS

Scale 1 : 50	Drawn JBC	Date 07.05.26
Cad File	Sheet no. 1014 DA09	Issue A



C BUILDING SECTION
1 : 50



D BUILDING SECTION
1 : 50

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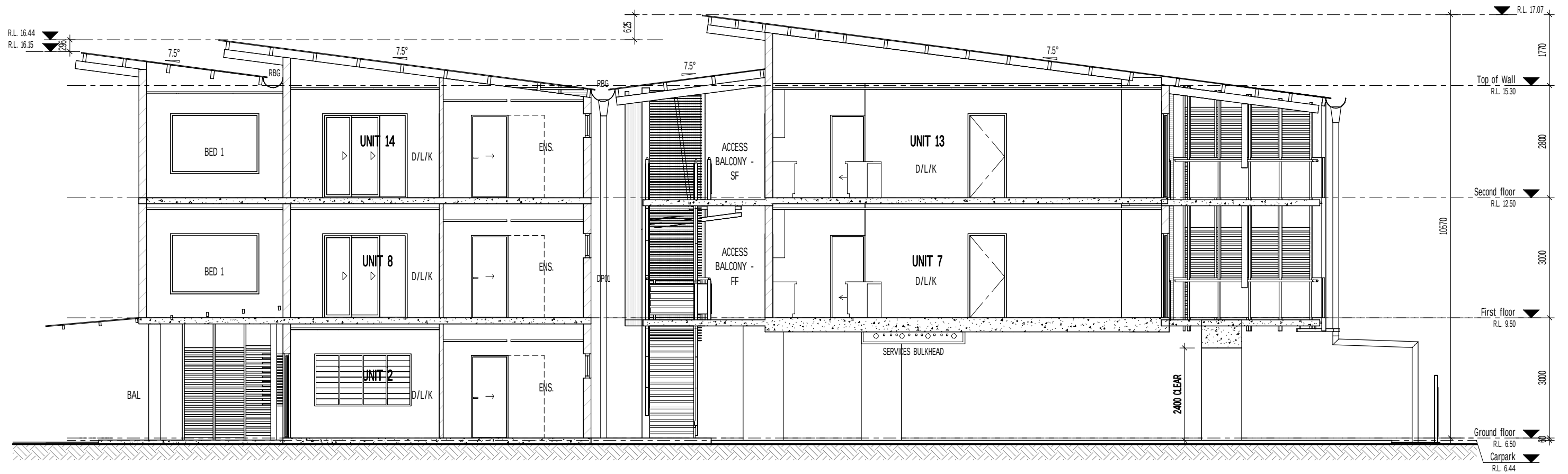
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Project
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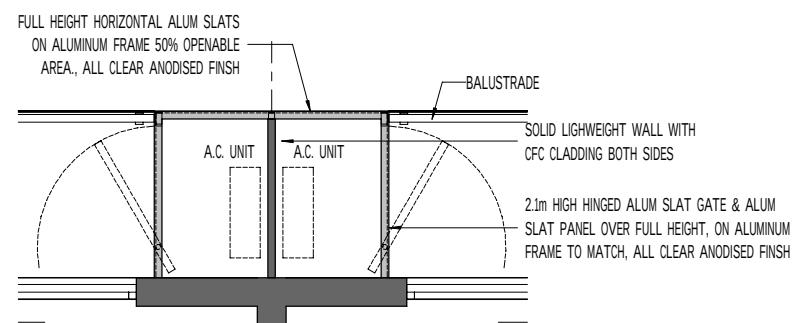
LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
SECTIONS

Scale 1 : 50	Drawn JBC	Date 07.05.26
Cad File	Sheet no. 1014 DA10	Issue A



E BUILDING SECTION
DA03 1:50



TYPICAL A.C. ENCLOSURE PLAN VIEW
1:25

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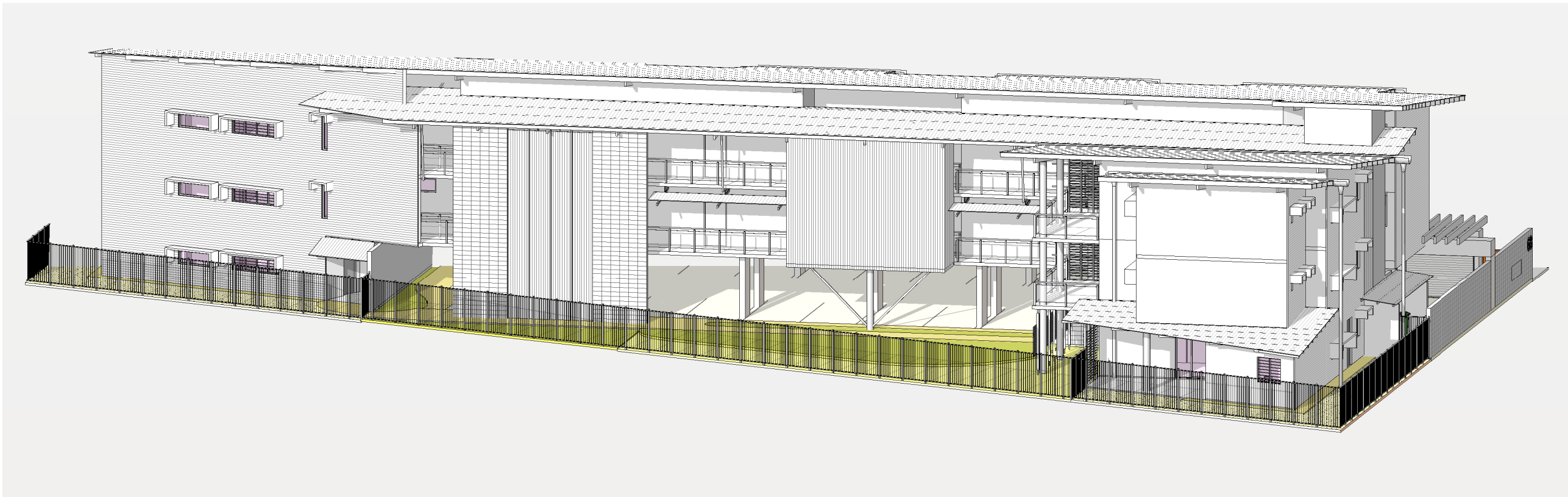
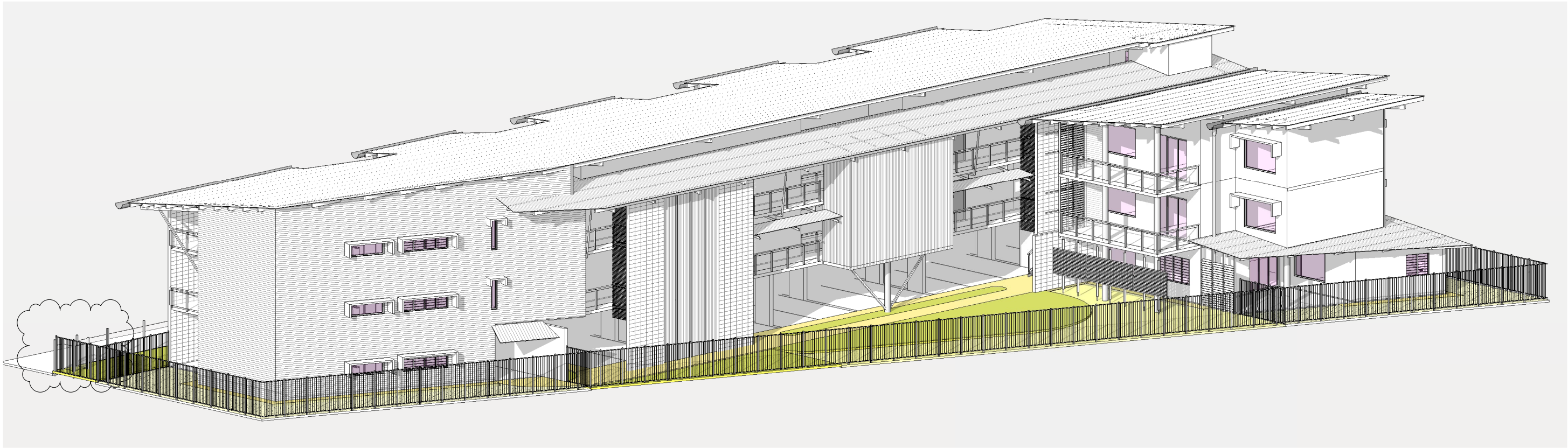
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Project
PROPOSED UNIT DEVELOPMENT

LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
SECTIONS

Scale As indicated	Drawn JBC	Date 07.05.26
Cad File	Sheet no. 1014 DA11	Issue A



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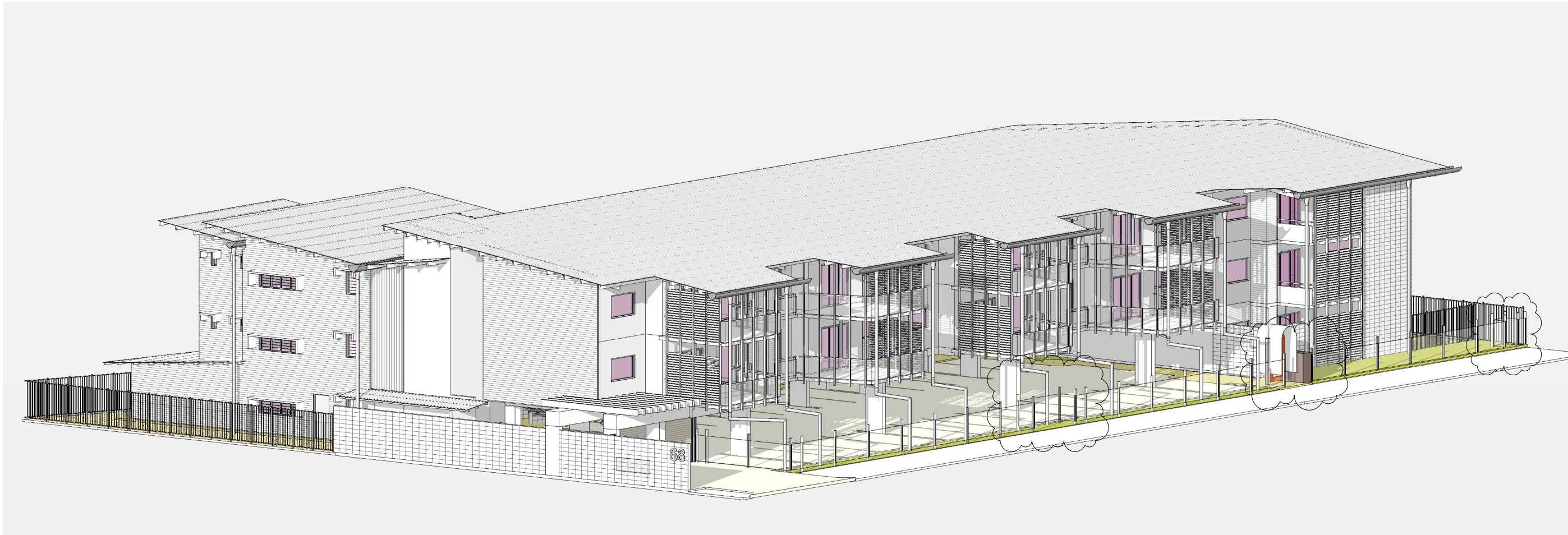
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Project
PROPOSED UNIT DEVELOPMENT

LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
3D VIEW

Scale	Drawn JBC	Date 17.06.26
Cad File	Sheet no. 1014	Issue DA12
		B



B	FRONT BOUNDARY EGRESS GATES MOVED TO OPEN WITHIN BOUNDARY. FRONT FENCE RELOCATED AROUND ELECTRICITY EASEMENT	17.06.26
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Project
PROPOSED UNIT DEVELOPMENT

LOT 1861, PROGRESS DRIVE,
NIGHTCLIFF, N.T.

Drawing
3D VIEW

Scale	Drawn JBC	Date 17.06.26
Cad File	Sheet no. 1014 DA13	Issue B

18 June 2026

Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Attention: Lingyi Kong

Dear Lingyi

RE: Response to Submissions – PA2026/0165
At: Lot 1861 Town of Nightcliff (85 Progress Drive, Nightcliff)

Cunnington Rosse Town Planning and Consulting has been engaged by the proponent in the above matter, being a development application for 14 multiple dwellings in a three-storey building with associated communal open space, site landscaping and ground-level car parking. The application was lodged on 12 May 2026 and was on public exhibition from 15 May to 29 May 2026. A total of seven (7) public and four (4) service authority submissions were received.

This response also addresses matters raised in the preliminary technical assessment prepared by Development Assessment Services (DAS) and provided on 12 June 2026.

1.0 Matters From Technical Assessment

1.1 Overlay 3.7 Land Subject To Storm Surge

DAS has questioned the extent of fill used by the development in the context of **Overlay 3.7**. The Civil Concept Design at **Attachment E** of the application outlines that the eastern, southern and western property boundaries are to be retained by a wall to a maximum height of 0.3 metres to achieve the raised level of development across the site of 6.2 AHD. Currently, the subject property, as detailed in the Feature Survey at **Attachment D** of the application, has a low point of 5.72 AHD adjacent to the northern boundary and a high point of 6.18 AHD adjacent to the eastern boundary. As noted in the **Statement of Effect** of the application, the finished floor level (FFL) for all ground-level habitable areas (2 of 14 apartments) will be 6.5 AHD, while the car park will range from 6.27 AHD to 6.44 AHD.

The primary storm surge inundation level of the locality is 5.52 AHD, which the site is currently raised above and is not subject to. The secondary storm surge inundation level of the locality is 6.37 AHD, which would inundate the whole of the site with its current high point of 6.18 AHD. As a result, the proposed raised foundation and footings of

the development are an effective means to limit the impact of secondary storm surge inundation to approximately 0.12 metres within the non-habitable car park of the development and the landscaping surrounding the built form and hardstand areas. Any risk to people is adequately minimised by ensuring dwelling floor levels are above the corresponding inundation level. Furthermore, as the property is located at the outer reaches of modelled storm surge inundation, the design measures taken to mitigate risk to the development are not expected to adversely impact surrounding land parcels, particularly those further west wholly subject to primary storm surge. This is due to tidal storm surge being governed by large-scale external factors (including cyclonic events, wind set-up, tidal conditions etc.) and typically involving very large volumes of water extending across hundreds of kilometres of coastline.

Unlike **Overlay 3.6 Land Subject to Flooding** of the Planning Scheme, **Overlay 3.7** does not require avoiding the use of fill. It is considered that the use of fill across the development site is reasonable in association with the construction of a multi-storey residential development, as excluded by the definition of *excavation and fill* under the NT Planning Scheme 2020 (the Planning Scheme).

1.2 Clause 5.4.7 Communal Open Space

Currently, the communal open space calculation for the development, being 256.41m², or 14.73% of the site area, includes the area between Unit 2 and the privacy screens that ensure there are no direct views from users of the communal open space into this unit's windows. Should DAS consider this area unsuitable for the purpose of communal open space, it would result in a 17.5m² or 1% of the site area reduction to the communal open space calculation. No further updates to the four cumulative reasons provided within the **Statement of Effect** of the application for the variation to the 15% of site area requirement of **Clause 5.4.7** are provided to justify this area calculation change, if forthcoming by DAS.

2.0 Service Authority Submissions

Service authority submissions were received from:

- City of Darwin
- Department of Lands, Planning and Environment – Building Advisory Services
- Power and Water Corporation (2 x submissions – Services Development & Distribution Development)

Matters raised in the respective service authority submissions are summarised in the following sections, with the applicant's response immediately thereafter.

2.1 City of Darwin

The City of Darwin's (the City) submission is separated into matters that require additional information prior to the endorsement of development plans (if a development permit is forthcoming) and recommended development permit conditions. This section deals with these matters separately.

2.1.1 Crossover width

The City's submission requires further information to justify the proposed crossover width, or amended plans for the proposed crossover width, which is 6.45 metres in lieu of the 6-metre crossover width the City generally endorses for the development of multiple dwellings. MDP Engineers have clarified that the additional 0.45 metres of crossover width is sought to match the internal driveway width and building column arrangement, and to provide a better environment for vehicles entering and exiting the site. Nonetheless, if required, the crossover width can be reduced to 6 metres whilst maintaining acceptable swept path access to and from the site.

2.1.2 Pedestrian Entry/Exit Gate

The City has identified that the proposed pedestrian entry/exit gate of the development appears to swing outward toward the road reserve, and that the City does not support such outward gate opening and requests that the gate opens inward toward the property. Currently, as designed, only a fraction of the gate protrudes into the public road reserve when open, as the positioning of the gate has been offset into a front section of the site. Nonetheless, amended plans are included at **Attachment A** to alter the gate size so that it does not protrude outside of the property boundary when open.

2.1.3 Landscaping

The City has recommended advice notes, amongst other matters, regarding the proposed landscaping of the development. These advice notes outline that the proposed Alexander Palms may be spaced too closely and that the proposed underplanting species, *Murraya Paniculata*, can mature into a dense medium to tall shrub. Without ongoing maintenance and pruning, this may reduce passive surveillance outcomes and negatively impact CPTED principles.

The proposed spacing of Alexander Palms is desired to provide dense landscaping screening at the second and third storeys of the apartment development, while the *Murraya Paniculata* has been selected for screening of the car parking area of the development in accordance with **Clause 5.2.4.4** of the Planning Scheme. Furthermore, the ongoing management and upkeep of landscaping is likely to form a condition of approval on any forthcoming development permit.

2.1.4 Development Permit Conditions

Recommended approval conditions relate to road reserve approval for both driveway and landscaping works, traffic assessment, stormwater, construction management, and waste management of the development. Such conditions

are expected for a development of this nature, and it is anticipated that such requirements will be enforced via standard precedent and general conditions on any resultant development permit.

2.2 Building Advisory Services of DLPE

Building Advisory Services' submission raises two building compliance matters in regard to building egress and fire hydrants. The proponent's building certifier has reviewed this advice and has confirmed that no alterations to the development design for the purposes of a development permit are required, as these matters will be confirmed by detailed design drawings at the building permit stage of the development to either comply with the applicable deemed-to-satisfy or performance solution requirements under the National Construction Code.

2.3 Power and Water Corporation (PWC)

Separate submissions were provided by PWC's Services and Distribution Development divisions. Formal endorsement of the master plan will be provided following detailed review. Water, sewer and electrical design, approval and reticulation requirements referred to in the submissions are expected for a project of this nature, and it is assumed that conditions precedent included on any resultant development permit will require approval of the services master plan and subsequent stage-by-stage detailed design approval.

The Distribution Development division also requests that the electricity easement on the site by way of two electrical pillars be fenced-around by the proponent and not fenced-in as currently proposed. Amended plans addressing this request are included at **Attachment A**.

3.0 Public Submissions

Seven Public submissions were received from:

- Nick Kirlew as the convener of PLAN: the Planning Action Network Inc;
- The Body Corporate Committee for 73 Progress Drive, Nightcliff
- Jessica Piggott of Progress Drive, Nightcliff;
- Mia Sandgren of Progress Drive, Nightcliff;
- Amanda Lilleyman of 73 Progress Drive, Nightcliff;
- Carly Hibble and David Russell of 73 Progress Drive, Nightcliff; and
- Helmy Bakermans of 73 Progress Drive, Nightcliff.

Matters raised in the public submissions have been summarised and grouped into the table below, with the applicant's response provided.

Matters Raised in Submissions		Applicant Response	
Traffic and Access Impacts			
- Increased traffic generation and the need for traffic calming measures along Progress Drive. - Safe driveway design and visibility for pedestrian and cyclist safety.		- The proposed development provides a surplus of five (5) car parking bays relative to the requirements of Clause 5.2.4.1 of the Planning Scheme, as assessed by DAS. This ensures the development will mitigate any adverse impacts of reliance on public parking provided along Progress Drive. It is acknowledged that traffic numbers and calming measures to manage vehicle speed in the vicinity of the site are matters for the consideration of the road authority, being the City of Darwin. - The detailed design of the development’s driveway crossover is likely to form the basis of a condition precedent on any forthcoming development permit. Nonetheless, noting the crossover will traverse a shared pathway, the 1.5 metre-high visually permeable anti-climb fence along the property frontage will extend inwards to the driveway entry roller door in the north-east corner of the site, and a parabolic mirror for sightlines to passing pedestrians will also be installed adjacent to the driveway for exiting traffic.	
Residential Character, Amenity and Privacy			
- Adverse height, scale, siting and design of the development with increased visual dominance of parking areas, fencing, walls and access structures. - Loss of existing “tropical Darwin” small-scale built character and replacement with a generic contemporary design.		A three-storey development is proposed for a site that is in keeping with the relevant building height principle of the Darwin Mid Suburbs Area Plan. The maximum plot ratio for the redevelopment of the site is also not exceeded. The development predominantly meets the deemed-to-comply boundary setback requirements of the Planning Scheme and is considered to meet the relevant variation performance criteria for the minor building setback variations where proposed. Parking areas, boundary walls and fences are expected design components of a development of this nature and have been designed for the function of the apartment building and in response to surrounding land in the context of the relevant Planning Scheme requirements for such.	

Matters Raised in Submissions	Applicant Response
• Lack of measures to reduce overlooking and visual intrusion. • The need for a management plan for noise, dust and sediment controls during construction. • Adverse external lighting impacts from the car parking area and other communal spaces. • Concerns about property value impacts due to loss of amenity.	• While the appreciation of the current building design on the site is noted, the desire for a 'better' or 'different' proposal is not a valid consideration in statutory planning matters, as the subject development application is to be considered on its merits under the applicable planning framework for the site. The development proposes a contemporary multi-pitch skillion roof tropical design that provides for cross-breeze ventilation through each apartment and the practical flow of stormwater to the public drainage network. • The development provides privacy for individual occupants and neighbouring residents with selected feature screening of habitable rooms and private open space to comply with the requirements of the Planning Scheme in this regard. Furthermore, individual apartment private open space is orientated to not directly address neighbouring residential land, with views towards the Progress Drive public realm prioritised for the 12 front facing apartments and views over the communal open space for the 2 rear facing apartments. • As per the submission from the City of Darwin, a construction management plan will be required to be approved by this service authority via a condition precedent on any forthcoming development permit. This management plan will ensure any adverse amenity impacts associated with the construction of the development are adequately mitigated. • Lighting of communal spaces of the development can be baffled in accordance with the relevant Australian Standard to ensure no adverse light spill into neighbouring properties. This is likely to be enforced as a condition of approval on any forthcoming development permit. • Perceived or actual impacts on property values are not an applicable consideration in statutory planning matters, either through Sections 46 or 51 of the <i>Planning Act 1999</i>, nor through numerous case law examples.

Matters Raised in Submissions		Applicant Response	
Landscaping			
• Loss of mature screening landscaping. • Request for increased landscaping areas and deep soil zones. • Requested use of advanced planting for effective screening. • Ongoing landscaping maintenance concerns.		• A development of this nature necessitates the removal of existing landscaping on the site, and it is noted that this landscaping is not considered significant and/or protected. Nonetheless, to offset the built form components of the development, new landscaping with 24 individual species is proposed to provide screening and beautification for functional resident amenity and visual outcomes of softening the built form appearance from neighbouring land. • Proposed landscaping areas will occupy approximately 34% of the site, with a predominant width of 2 metres or more to adjoining residential property boundaries, while the Progress Drive frontage will include feature palm trees and be screened at ground level by <i>Murraya Paniculata</i>. • To ensure privacy and amenity to the southern, eastern and western boundaries, a <i>Syzygium</i> columnar tree has been selected and located, where possible, at between 3 and 3.5 metre spacings. This will create a wall of evergreen foliage, as depicted within the landscaping plan, to approximately 6 to 7 metres in height when mature for visual screening to and from the site. • The establishment and ongoing maintenance of site landscaping are likely to form conditions of approval of any forthcoming development permit.	
Storm Surge Risk and Coastal Planning			
• Inconsistent identification of overlay extent in application documents. • Limited consideration of long-term sea level rise; cyclone and evacuation risk; and		• As per the Statement of Effect, NT Government storm surge mapping of the site shows the western portion of the property is impacted by primary storm surge; however, the lowest point of the site is 5.72 AHD, which is above the 5.52 AHD primary storm surge inundation level, thus the site in its existing form is not subject to primary storm surge inundation. However, the site and built-form footprint is within a secondary storm surge area.	

Matters Raised in Submissions	Applicant Response
cumulative development in hazard-prone coastal areas. Concern that reliance on engineering solutions (e.g., floor levels) does not fully address regarding the appropriateness of further intensification in a coastal risk area.	- The NT Government has undertaken storm surge hazard risk area mapping of coastal developed areas of the NT, and this is used to inform land use development through an overlay control area (Overlay 3.7) introduced into the Planning Scheme. It is understood this risk mapping and the approach to development within such a risk area will be periodically reviewed and updated as new scientific information and data comes to hand. The subject development application has addressed the current approach to coastal storm surge inundation as per Overlay 3.7 of the Planning Scheme. - Requirement 10 of Overlay 3.7 of the Planning Scheme outlines residential uses should be avoided in secondary surge areas. However, part of the purpose of the overlay is to ensure that development in such risk areas <i>demonstrates adequate measures to minimise the associated risk to people, damage to property and costs to the general community caused by storm surge</i>. It is noted the site has been used for residential purposes to date and is surrounded by other properties used for such purposes located closer to coastal waters, which are at more severe risk than the subject land. The proposed residential development is supported by a civil engineering statement and drawings from MDP Engineers that detail that no habitable room floor levels are subject to the secondary storm surge inundation peak level of 6.37 AHD across the site, and that the communal car parking area and building footings can be designed to accommodate the modelled maximum water depth of 0.12 metres across these building components. It is also noted the ground-floor building footprint of the development is smaller than that of the existing ground-floor footprint, resulting in a net decrease to the habitable building footprint at risk from storm surge inundation. On this basis, it is considered that the development will not result in any measurable increase in storm surge inundation or displacement impacts to adjoining properties and is acceptable from a flood risk and amenity perspective. In the context of the purpose of Overlay 3.7 of the Planning Scheme, the extent of inundation across the subject land during a secondary storm surge event, and the development response to ensure dwelling floor levels are above the corresponding inundation level, adequately minimises any risk to people. The level of inundation

Matters Raised in Submissions	Applicant Response
	across the site is not expected to result in an unacceptable risk to property located outside of the development, and accordingly no unacceptable cost to the community will result.

I confirm my client and/or representative will be present in person to respond to matters relating to the proposed development at the relevant hearing of the consent authority. Please do not hesitate to contact the undersigned with any further queries regarding the content herein.



Rory Mackay
Cunnington Rosse Town Planning and Consulting

Attachment A: Amended Development Plans