

**DEVELOPMENT CONSENT AUTHORITY
DARWIN DIVISION**

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: **3** **MEETING DATE:** 04/04/2025 **FILE:** PA2024/0056

APPLICATION PURPOSE: Part change of use from office to leisure and recreation (pilates studio)

SUBJECT SITE: Lot 9328 Town of Nightcliff/17 Scaturchio Street, Casuarina

ZONE: C (Commercial)

SITE AREA: 9440m² with the tenancy having an area of 353.45m²

APPLICANT Masterplan NT Pty Ltd
Nick Kearns

PERSONS ON WHOSE BEHALF THE APPLICATION IS MADE Brendan Dell

LANDOWNER Sentinel Regional Office Pty Ltd as Trustee for the Sentinel Regional Office Trust

ANY PERSON WITH AN AGREEMENT TO ACQUIRE AN INTEREST IN THE LAND None

1. PROPOSAL

The application is for part change of use from office to leisure and recreation (pilates studio) at Lot 9328 Town of Nightcliff/17 Scaturchio Street, Casuarina (**Bookmark A**). The 9440m² lot is located in Zone C (Commercial) of the Northern Territory Planning Scheme 2020 (NTPS 2020).

The proposed pilates studio will include a reformer studio, a bar / yoga studio, a creche room, a reception and back of house areas. There are no external alterations to the existing built form proposed.

A copy of the application is at **Bookmark B1 – B6**. A copy of the pink exhibition signs and site visit photos are at **Bookmark C**.

The applicant clarified in email correspondence dated 20 March 2025 (refer to **Bookmark B7**) the following operational details:

- Hours of operation: 5.30am – 7.00pm with:
 - 5.30am – 7.30am: Group classes
 - 7.30am – 4.30pm: One-on-one sessions
 - 5.00pm – 7.00pm: Group classes
- Maximum number of patrons and staff between 5.30am – 7.30am and 5.00pm – 7.00pm is 22 – 25 people.
- Maximum number of patrons and staff between 7.30am – 4.30pm is 2 people.
- 3 car parking spaces are specifically reserved for the tenancy.

2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

An application is required for planning permission as the proposal is Merit Assessable.

Zoning and Level of Assessment on Assessment Table	Part 3 Overlay	Part 5 – General and Specific Development Requirements	Level of Assessment
Zone C (Commercial)	Does not apply	5.2.1 General Height Control 5.2.4 Car Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC 5.5.1 Interchangeable Use and Development 5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC 5.8.5 Leisure and Recreation	Merit Assessable

The exercise of discretion by the consent authority that applies is clause 1.10(3).

3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should vary the requirements of Clause 5.2.4.1 Car Parking Spaces of the NT Planning Scheme 2020 and approve the application subject to conditions on the development permit.

4. BACKGROUND

There are numerous historic planning approvals for the site, as the CasCom centre was a staged development.

Of relevance, DV3452 was approved on 7 June 1989 for the purpose of offices (comprising a nett floor space of 7199m² approximately) and shops (comprising a nett floor rea of 2057m²

approximately). The Authority waived clause 33 with respect to the provision of 1 car space, clause 53 (office floor space limitation) and clause 72 (height of buildings) of the Darwin Town Plan 1982.

Subsequently, S1929 was approved on 6 October 1989 to subdivide to create 2 lots. The 2 lots comprise Lot 9328 (the site) and Lot 9329 Town of Nightcliff. Refer to **Bookmark D** for a copy of DV3452 and endorsed plans and S1929 and endorsed plans.

During the subdivision approval process, it was established that the development of Lots 9328 and 9329 relies on shared parking, access and service infrastructure. To ensure the long-term availability of the shared parking and service infrastructure, several access and service easements were created and registered in Survey Plan LTO 89/065. The specifics of these parking and service easements are outlined in Table 1 below.

Table 1: Details of access easement

Easement	Type	Details
Access easement 'A'	Access	In favour of Lots 9099 and 9292 to provide access from Trower Road
Access easement 'B'	Parking	In favour of Lot 9329 (office development). 89 car parking spaces are provided in the easement
Access Easement 'C'	Parking	In favour of Lot 9328 (subject site). 50 car parking spaces are provided in the easement
Service Easements	Sewerage and Electricity Supply	In favour of the Power and Water Authority

A copy of the survey plan LTO 89/065 showing the above easements is included at **Bookmark B4**.

5. PUBLIC EXHIBITION

The application was placed on public exhibition for a period of two weeks. No public submissions were received under section 49(1) of the *Planning Act 1999*.

6. SECTION 117 - THIRD PARTY RIGHTS OF REVIEW

There is no right of appeal by a third party under section 117 of the *Planning Act 1999* in respect of this determination as pursuant to Part 4 of the Planning Regulations 2000 section 14 (3)(d)(ii) states that there is no right of review when any other type of development on land that is not in a residential zone, or for which no zone is specified.

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

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

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

Section 51 of the *Planning Act 1999* states that a consent authority must, in considering a development application, take into account a range of matters including any planning scheme that applies to the land.

As the application is Merit Assessable the exercise of discretion by the consent authority that applies is Clause 1.10(3) (Exercise of Discretion by the Consent Authority) of the NTPS 2020.

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

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

An assessment of the relevant parts of NTPS 2020 is as follows:

Part 2 – Strategic Framework

Darwin Regional Land Use Plan (DRLUP) 2015:

An application which is Merit Assessable is not required to take into account Part 2 Strategic Framework of the NTPS2020. As such, this proposal has not been assessed against the Strategic Framework. However, it is noted that the proposal is located within areas identified as urban/peri-urban within the Darwin Regional Land Use Plan (DRLUP) 2015.

The proposed development will continue to provide retail and commercial uses for the area and is consistent with the purpose of the DRLUP. The scale of the development is considered appropriate to the service function of Casuarina as a regional centre.

Part 3 – Overlays

The site is not affected by any overlays.

Part 4 – Zoning

The proposed leisure and recreation (pilates studio) supports the purpose of Zone C as it is for a new use in an existing commercial complex (CasCom Centre). The proposal contributes to the diversity of commercial activities on the site and the scale of the development is considered appropriate to the function of CasCom Centre.

Part 5 – Development Requirements

The proposal has been assessed against the NTPS 2020 at **Bookmark F** and complies with all applicable clauses except Clause 5.2.4.1 (Car Parking Spaces). Discussion is provided below.

Clause 5.2.4.1 (Car Parking Spaces):

The purpose of the clause is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site.

Table to clause 5.2.4.1 provides the following car parking requirements for leisure and recreation:

- 10 for every 100m² of net floor area

Administratively, 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;
- (c) the availability of public transport in the vicinity of the land; and
- (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.

The proposed part change of use generates a parking requirement of 35.3 (rounded up to 36) car parking spaces.

No new car parking is provided on-site, and as such, the proposal relies on the existing 89 car parking spaces located on the site, along with 50 additional car parking spaces located at adjoining Lot 9329 that also form part of the CasCom Centre car park. The tenancy agreement for the proposed use includes specific access arrangements to ensure patrons have access to the CasCom car park when visiting the premises, as well as the 3 car spaces specifically nominated for the premises under the tenancy arrangement. The access arrangements/agreements for other tenancies are not known, however, the CasCom Centre car park is a shared carpark for all tenancies in the Centre.

It is considered that a reduction to the required car parking spaces can be supported (in the context of the Administration under subclause 2) for the following reasons:

- There are no heritage declarations for the land.

(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*

- The proposal is for the part change of use from office to leisure and recreation (pilates studio) within an existing commercial complex. The existing commercial complex is predominately used for office tenancies.
- The specific nature of a pilates studio is such that the application of an alternative approach to car parking rather than broad leisure and recreation car parking rate is appropriate. The proposed pilates studio will operate sessions and therefore the car parking required would be based upon the average group size and running times.
- The application advises that morning and afternoon sessions between 5.30am – 7.30am and 5.00pm – 7.00pm will be run as classes and between 7.30am – 4.30pm will be one-on-one sessions. The one-on-one sessions equate to one trainer and one client per room and sessions run for 45 minute, which equates to a maximum capacity of approximately 4 people in the premises over this period. The classes would have a maximum (operating) capacity for 10 patrons per room and run for 45 minutes each, which equates to a maximum capacity of approximately 22 to 25 people in the premises over this period.

(b) *the provision of car parking spaces in the vicinity of the land;*

- There are 89 car parking spaces located on the site, along with 50 additional car parking spaces located at adjoining Lot 9329 that also form part of the CasCom Centre car park.

These car parking spaces are shared with the existing tenancies of the CasCom Centre and have a time limit of 2 hours allowing for consistent turnover of car parking spaces.

- The application advises that peak periods for the proposed pilates studio are the morning and afternoon sessions between 5.30am – 7.30am and 5.00pm – 7.00pm
- The tenancy is located adjoining an existing purpose-built bicycle storage facility, which includes toilets and showers, providing convenient access to end of trip facilities for users of the proposed pilates studio. This encourages the use of alternative modes of transport.

(c) the availability of public transport in the vicinity of the land; and

- The Casuarina bus interchange is approx. 300 metres south-west of the site and is serviced by regular bus routes that run all across the Darwin region.

(d) the potential impact on the surrounding road network and the amenity of the locality and adjoining property;

- The proposed Pilates Studio will operate sessions that are prebooked and therefore the car parking required would be based upon the average group size and running times. The applicant has advised that the peak demand based on the business operation is 22 – 25 car parking spaces, which would principally occur in the mornings before 8.00am and in the afternoons after 4.30pm. These peak periods are after-work hours and therefore the car parks used by the office tenancies would be available, providing additional parking space of the proposed pilates studio. The CasCom Centre car park also has a time limit of 2 hours, allowing for consistent turnover and availability of car parking spaces.
- The proposed development has access to public transport, with the Casuarina bus interchange in close proximity, and access to existing end of trip facilities, therefore encouraging alternative modes of transport and reducing reliance on private cars.
- In addition, the physical design of the pilates studio space inherently limits the potential number of patrons (i.e the pilates studio is only large enough to fit 10 reformers beds).
- For the above reasons, is considered to be sufficient parking available on-site to accommodate future site users and the proposed pilates studio is unlikely to have any adverse impacts on the surrounding road network. To ensure class sizes do not adversely impact the availability of on-site car parking for other users during office hours (8am – 4.30pm), it is recommended that any approval include a condition specifying the operation of group classes and the maximum number of patrons (clients and trainees) and staff permitted during office hours (8am – 4.30pm).. This also aligns with the tenancy agreement in which 3 car spaces are specifically nominated for the premises.

For the reasons discussed above, including through recommended permit conditions, the proposed variation to Clause 5.2.4.1 (Car Parking Spaces) is acceptable, as it is reasonably considered that the site will provide sufficient off-street car parking for patrons of this leisure and recreation use, and other existing uses on-site.

In addition, the application clarifies that *'the site has existing perimeter fencing and secure access gates across the vehicle entry points which are controlled by automatic timers, enabling them to be open to the public during the day, but secured overnight when onsite businesses are closed'*. A general condition is recommended to be applied to require the car parking spaces to be available for the use of the occupants of the development and their (visitors/ clients).

It is noted that the City of Darwin has requested that a monetary contribution is to be paid to City of Darwin in accordance with its Car Parking Contribution Plan, in lieu of the on-site car parking shortfall as a result of the proposed development, this is discussed further in section 7(m).

- (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**

No public submissions were received during the exhibition period under Section 49 of the Planning Act 1999 with respect to the proposal.

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

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

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

The application advises the following merits of the proposed development:

- Contributes to employment opportunities and economic growth within the Darwin region.
 - Contributes to Casuarina as a mixed-use centre, consistent with the purpose of Zone C.
 - The proposed leisure and recreation use will utilise an existing building appropriately, whilst satisfying the land use objectives of Zone C.
 - The establishment of the use will activate the area, make it more vibrant and economically sustainable. It will further enhance the mixed-use environment of the Commercial Zone in this locality and increase passive surveillance in the vicinity due to wider range of operating hours compared to uses open within standard business hours.
- (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**

No land capability issues have been identified. The proposal is for change of use within an existing office complex. The land is in Zone C and is capable of supporting the proposed

development. Additionally, the Environment Division 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*

Not applicable to this 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 E1

The City of Darwin did not raise any concerns and advised that should the Authority consider the proposed number of car parking spaces insufficient, it is requested that the Authority require a monetary contribution be paid to City of Darwin in accordance with its Car Parking Contribution Plan, in lieu of the on-site car parking shortfall as a result of this development.

Taking into account that the peak demand of the proposed and existing tenancies at the site do not coincide, there is consistent turnover of car parking spaces due to the 2 hour time limit, the proximity of alternative modes of transport (i.e public transport and cycling) and the inherent design of the pilates studio space, there is considered to be sufficient parking available on-site to accommodate future site users. As such, monetary contribution to the City of Darwin is not considered necessary in this instance.

The City of Darwin also recommended standard conditions in relation to easements and outdoor advertising signage. It is noted that the City of Darwin did not raise any concerns regarding the traffic impact of this application, on the local road network either.

It is recommended that a standard conditions and / or notes be applied to address this requirement.

Service Authority:

Power Water Corporation (Power) – Bookmark E2

The Power Water Corporation (Power) has raised no objection to the proposal. A licensed electrician shall be engaged to carry out the internal electricity reticulation works.

It is recommended that standard conditions and notes be applied to address this requirement.

Power Water Corporation (Water Services) – Bookmark E3

The Power Water Corporation (Water Services) has raised no objection to the proposal. It is recommended that standard conditions and notes be applied.

The application was also circulated to the Development Coordination, Rangelands Division of the Department of Lands, Planning and Environment and no response has been received.

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

It is considered unlikely that the proposal will have a significant impact on the amenity of the area particularly as it is for a part change of use within an existing office building. Additionally, it is considered consistent with the purpose of the zone and complies with the NT Planning Scheme 2020, except in relation to a few parking related matters but these may be varied without any major impacts to the amenity of the area as discussed above in Subsection (a).

The recommended conditions and notes for any permit that may be issued for the proposal will also assist in preventing any adverse impacts on amenity.

(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***

Not applicable to 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;*

Not applicable to this application.

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

Not applicable to this application.

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

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

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

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

- Aquaculture, environment, cultural, rural stock and domestic

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

(t) other matters it thinks fit

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

Section 51(2) of the Planning Act 1999

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

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

The proposed development is not required to be referred to the NT EPA under the *Environmental Protection Act 2019*, and therefore this section is not relevant to the application.

8. RECOMMENDATION

That, the Development Consent Authority vary the requirements of Clause 5.2.4.1 Car Parking Spaces of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop lot 9328 Town of Nightcliff/17 Scaturchio Street, Casuarina, for the purpose of part change of use from office to leisure and recreation (Pilates studio), subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. The use and operation shall provide:
 - No more than 4 patrons and staff at any one time from Monday – Friday between 8.00am – 4.30pm.
 - At all other times, except as specified above, no maximum number of patrons and staff at any one time.
4. 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 notation 1 for further information.

5. 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.
6. The car parking on Lots 9328 and 9329, Town of Darwin must be available for the use of the occupants of the development and their visitors/clients.

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. All 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.
3. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
4. The applicant is advised to engage a Northern Territory registered building certifier to ensure that the intended use of any existing buildings or structures is permitted by occupancy certification in accordance with the *Building Act 1993*.

9. REASONS FOR THE RECOMMENDATION

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

Section 51 of the *Planning Act 1999* states that a consent authority must, in considering a development application, take into account a range of matters including any planning scheme that applies to the land.

As the application is Merit Assessable the exercise of discretion by the consent authority that applies is Clause 1.10(3) (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) the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;*
- b) any Overlays and associated requirements in Part 3 that apply to the land; and*
- c) the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6*

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

Part 2 – Strategic Framework

Darwin Regional Land Use Plan (DRLUP) 2015:

An application which is Merit Assessable is not required to take into account Part 2 Strategic Framework of the NTPS2020. Notwithstanding, it is noted that the proposal is located within areas identified as urban/peri-urban and as an existing regional centre within the Darwin Regional Land Use Plan (DRLUP) 2015. The scale of the development is considered appropriate to the service function of the existing commercial precinct as a primary centre and is sufficiently separated from sensitive land uses, including residential uses to the north of Bradshaw Terrace.

Part 3 – Overlays

The site is not affected by any overlays.

Part 4 – Zoning

The proposed leisure and recreation (pilates studio) supports the purpose of Zone C as it is for a new use in an existing commercial complex (CasCom Centre). The proposal contributes to the diversity of commercial activities on the site and the scale of the development is considered appropriate to the function of CasCom Centre.

The NT Planning Scheme 2020 (NTPS 2020) applies to the land and leisure and recreation requires consent under Clause 1.8 (When development consent is required). It is identified as Merit Assessable under Clause 1.8(1)(b)(i), therefore Part 2: Strategic Framework (Darwin Regional Land Use Plan 2015), Part 4: Zone Purpose and Outcomes of Clause 4.11 – Zone C (Commercial) and Part 5: Development Requirements, including Clauses 5.2.1 General Height Control, 5.2.4 Car Parking, 5.2.5 Loading Bays, 5.2.6 Landscaping, 5.2.7

Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR, 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC, 5.5.1 Interchangeable Use and Development, 5.5.2 Commercial Plot Ratio, 5.5.3 General Building and Site Design, 5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC and 5.8.5 Leisure and Recreation, need to be considered.

These Clauses have been considered and it is found that the proposal complies with the relevant requirements of the NTPS 2020 except for Clause 5.2.4.1 (Car Parking Spaces).

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).

The proposal has been assessed against the Northern Territory Planning Scheme 2020 (NTPS 2020) and does not comply with Clause 5.2.4.1 (Car Parking Spaces).

In response to sub-clause (a), it is considered that a variation to Clause 5.2.4.1 (Car Parking Spaces) is appropriate for the following reasons:

The purpose of the clause is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site.

Table to clause 5.2.4.1 provides the following car parking requirements for leisure and recreation:

- 10 for every 100m² of net floor area

Administratively, 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;*
- c) *the availability of public transport in the vicinity of the land; and*
- 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.

The proposed part change of use generates a parking requirement of 35.3 (rounded up to 36) car parking spaces.

No new car parking is provided on-site, and as such, the proposal relies on the existing 89 car parking spaces located on the site, along with 50 additional car parking spaces located at adjoining Lot 9329 that also form part of the CasCom Centre car park. The tenancy agreement for the proposed use includes specific access arrangements to ensure patrons have access to the CasCom car park when visiting the premises, as well as the 3 car spaces specifically nominated for the premises under the tenancy arrangement. The access arrangements/agreements for other tenancies are not known, however, the CasCom Centre car park is a shared carpark for all tenancies in the Centre.

It is considered that a reduction to the required car parking spaces can be supported (in the context of the Administration under subclause 2) for the following reasons:

- There are no heritage declarations for the land.

(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

The site is located in Zone C (Commercial) with zone outcomes including providing 'a diversity of commercial activities that provide for a range of needs of the surrounding area at an appropriate scale for their location...a mix of other business activities [including leisure and recreation in the list]'. The use of the land for a pilates studio is considered in keeping with Zone C (Commercial). The application utilises existing buildings, infrastructure and car parking on site with the use unlikely to impact of the future use and development of the land.

The specific nature of a pilates studio is such that the application of an alternative approach to car parking rather than broad leisure and recreation car parking rate is appropriate. The proposed pilates studio will operate sessions and therefore the car parking required would be based upon the average group size and running times.

The application advises that morning and afternoon sessions between 5.30am – 7.30am and 5.00pm – 7.00pm will be run as classes and between 7.30am – 4.30pm will be one-on-one sessions. The one-on-one sessions equate to one trainer and one client per room and sessions run for 45 minute, which equates to a maximum capacity of 4 people in the premises over this period. The classes would have a maximum (operating) capacity for 10 patrons per room and run for 45 minutes each, which equates to a maximum capacity of approximately 22 to 25 people in the premises over this period.

(b) the provision of car parking spaces in the vicinity of the land;

The application seeks to utilise the existing 89 car parking spaces located on the site, along with 50 additional car parking spaces located at adjoining Lot 9329 that also form part of the CasCom Centre car park. These car parking spaces are shared with the existing tenancies of the CasCom Centre and have a time limit of 2 hours allowing for consistent turnover of car parking spaces.

The application advises that peak periods for the proposed pilates studio are the morning and afternoon sessions between 5.30am – 7.30am and 5.00pm – 7.00pm

The tenancy is located adjoining an existing purpose-built bicycle storage facility, which includes toilets and showers, providing convenient access to end of trip facilities for users of the proposed pilates studio. This encourages the use of alternative modes of transport.

(c) the availability of public transport in the vicinity of the land; and

The Casuarina Interchange is approx. 300 metres south-west of the site and is serviced by regular bus routes that run all across the Darwin region.

- (d) *the potential impact on the surrounding road network and the amenity of the locality and adjoining property;*

The applicant has advised that the peak demand based on the business operation is 22 – 25 car parking spaces, which would principally occur in the mornings before 8.00am and in the afternoons after 4.30pm. These peak periods are after-work hours and therefore the car parks used by the office tenancies would be available, providing additional parking space for the proposed pilates studio. The CasCom Centre car park also has a time limit of 2 hours, allowing for consistent turnover and availability of car parking spaces.

The proposed development has access to public transport, with the Casuarina bus interchange in close proximity, and access to existing end of trip facilities, therefore encouraging alternative modes of transport and reducing reliance on private cars.

In addition, the physical design of the pilates studio space inherently limits the potential number of patrons (i.e the pilates studio is only large enough to fit 10 reformers beds).

For the above reasons, is considered to be sufficient parking available on-site to accommodate future site users and the proposed pilates studio is unlikely to have any adverse impacts on the surrounding road network. To ensure class sizes do not adversely impact the availability of on-site car parking for other users during office hours (8am – 4.30pm), it is recommended that any approval include a condition specifying the operation of group classes and the maximum number of patrons (clients and trainees) and staff permitted during office hours (8am – 4.30pm).

For the reasons discussed above, including through recommended permit conditions, the proposed variation to Clause 5.2.4.1 (Car Parking Spaces) is acceptable, as it is reasonably considered that the site will provide sufficient off-street car parking for patrons of this leisure and recreation use, and other existing uses on-site.

In addition, the application clarifies that *'the site has existing perimeter fencing and secure access gates across the vehicle entry points which are controlled by automatic timers, enabling them to be open to the public during the day, but secured overnight when onsite businesses are closed'*. A general condition is recommended to be applied to require the car parking spaces to be available for the use of the occupants of the development and their (visitors/ clients).

In response to sub-clause (b) the considerations listed under Clause 1.10(3) have been given regard to and it has been found that the proposal complies with all relevant requirements of the Northern Territory Planning Scheme 2020, except for the non-compliances as discussed above as identified above.

3. 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.

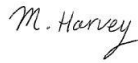
The proposal is for change of use within an existing office complex. The land is in Zone C and is capable of supporting the proposed development. Additionally, the Environment Division of the Department of Lands, Planning and Environment did not identify or raise any issues of concern in relation to land capability.

4. 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

Item 3

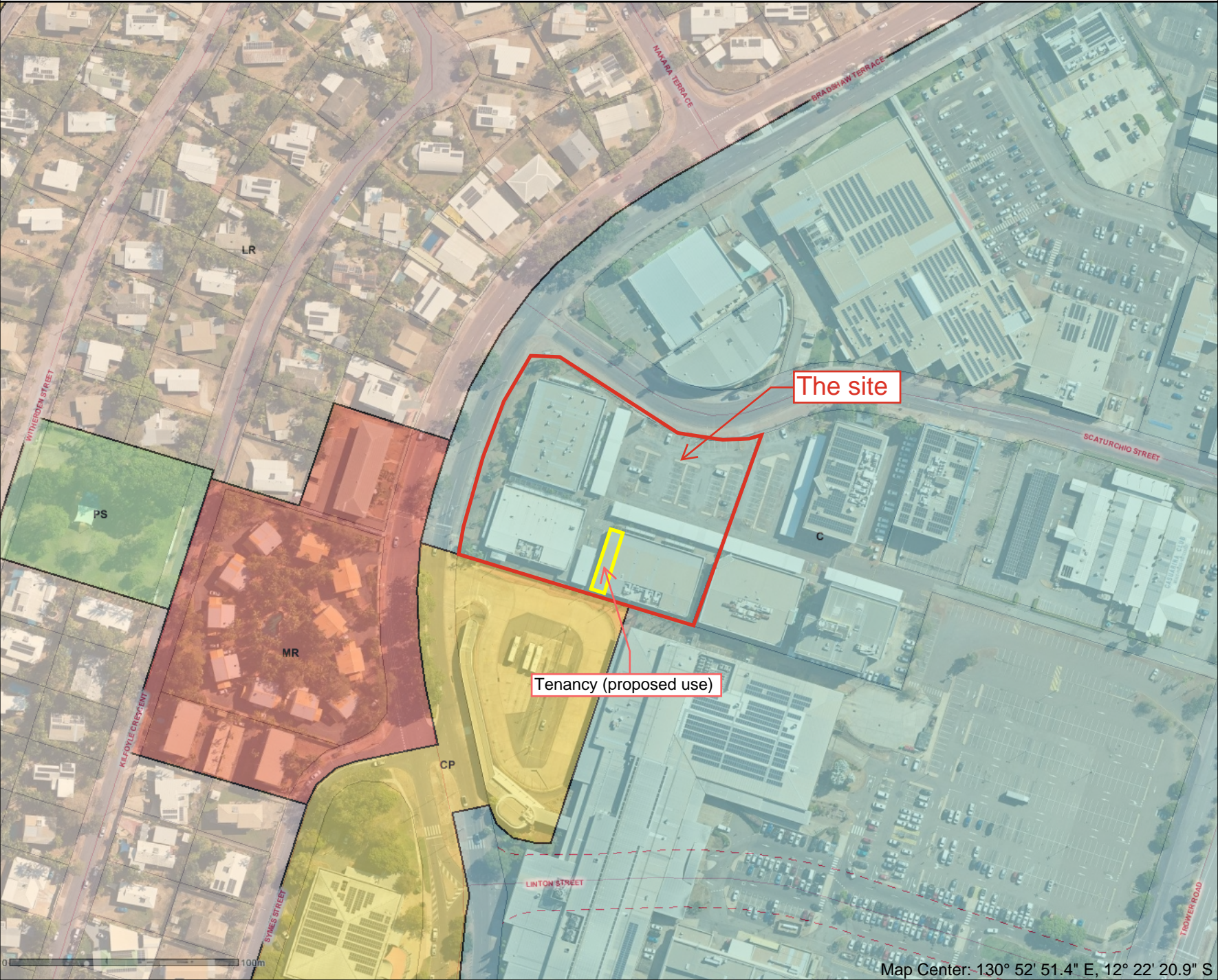
It is considered unlikely that the proposal will have a significant impact on the amenity of the area particularly as it is for a part change of use within an existing office building. Additionally, it is considered consistent with the purpose of the zone and complies with the NT Planning Scheme 2020, except in relation to a few parking related matters but these may be varied without any major impacts to the amenity of the area as discussed above in Subsection (a).

The recommended conditions and notes for any permit that may be issued for the proposal will also assist in preventing any adverse impacts on amenity.



AUTHORISED:

.....
**SENIOR PLANNER – DARWIN
DEVELOPMENT ASSESSMENT SERVICES**



- General Lines
- ANEF Darwin 2043
- 2043
- ANEF Darwin 2042
- 2042
- ANEF Darwin 2030
- 2030
- Town Planning Zones
- A - Agriculture
 - CV - Caravan Park
 - CB - Central Business
 - C - Commercial
 - CL - Community Living
 - CP - Community Purpose
 - CN - Conservation
 - DV - Development
 - RR - Rural Residential
 - GI - General Industry
 - HT - Heritage
 - HR - High Density Residential
 - H - Horticulture
 - LI - Light Industry
 - M - Main Road
 - MR - Medium Density Residential
 - LMR - Low-Medium Density Residential
 - CA - No Planning Scheme Controls
 - OR - Organised Recreation
 - PM - Proposed Main Road
 - PS - Public Open Space
 - RW - Railway
 - RD - Restricted Development
 - R - Rural
 - RL - Rural Living
 - SC - Service Commercial
 - LR - Low Density Residential
 - S - Specific Use
 - TC - Tourist Commercial
 - U - Utilities
 - WM - Water Management

Created by NHVIH

FD - Future Development

Bottom Left: 130° 52' 42" E, -12° 22' 26" S

Top Right: 130° 53' 00" E, -12° 22' 15" S

PSJ - Public Open Space Jabiru

Approximate Scale: 1:2,300

ORJ - Organised Recreation Jabiru

Datum: GDA 1994

CJ - Commercial Jabiru

SCJ - Service Commercial Jabiru

TCJ - Tourist Commercial Jabiru

LIJ - Land Information System

CPJ - Community Purpose Jabiru

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Statement of Effect

Change of Use to Leisure and Recreation

17 Scaturchio Street, Casuarina
(Lot 9328 Town of Nightcliff)
For Pure Pilates

February 2025

Statement of Effect

Change of Use to Leisure and Recreation

17 Scaturchio Street, Casuarina
(Lot 9328 Town of Nightcliff)
For Pure Pilates

February 2025

MasterPlan SA Pty Ltd
ABN 30 007 755 277

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Version	Date	Detail	Prepared	Review
1.0	14/02/25		Nick Kearns	

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Attachments

Attachment A - Record of Administrative Interests and Information

Attachment - B Site Plan

Attachment C - Survey Plan

Attachment D - Locality and Zoning Plan

Attachment E - Development Plans



1 Site and Proposal Details

Site and Proposal Details	
Address	17 Scaturchio Street, Casuarina
Legal Description	Lot 9238 Town of Nightcliff
Site Area	9,440 square metres
Easements	Sewerage and Electricity Easements in favour of Power and Water Corporation
Local Government	City of Darwin
Planning Scheme	<i>Northern Territory Planning Scheme 2020 (NTPS).</i>
Zone	Zone C (Commercial).
Overlays	None
Existing Use	Office (vacant)
Proposal	Change of use to Leisure and Recreation.
Strategic Framework	Darwin Regional Land Use Plan.
Consent Authority	Darwin Development Consent Authority.
Landowner	Sentinel Regional Office Pty Ltd (ACN 614 553 883) as Trustee for the Sentinel Regional Office Trust (ABN 50 357 832 254)
Proponent	Pure Pilates
Category of Assessment	Merit Assessable.

Applicant	MasterPlan Pty Ltd
Applicant's Contact Person	Sabella Fuss sabellaf@masterplan.com.au 0413 832 604
MasterPlan Office Contact Details	MasterPlan NT, Unit 1/3 Vickers Street, Parap, NT 0820 Phone: (08) 8942 2607
MasterPlan Reference	2432



2 Introduction

2.1 Development Application

MasterPlan has been engaged by Pure Pilates to prepare a Development Application (DA) for a proposed leisure and recreation use within an existing building at 17 Scaturchio Street, Casuarina (the Site).

The Site is located within Zone C (Commercial) of the Northern Territory Planning Scheme 2020 (NTPS). A leisure and recreation use is a merit assessable land use in Zone C. In accordance with Section 44(a) of the Northern Territory Planning Act 1999 (the Act) and Clause 1.8(1)(b) of the NTPS a development permit is required, and this DA has therefore been prepared in accordance with section 46 of the Act.

2.2 Content of this Statement of Effect

This Statement of Effect (SoE) has been prepared to support the required DA and is to be read in conjunction with the following attachments:

Attachment A	Record of Administrative Interests and Information
Attachment B	Site Plan
Attachment C	Survey Plan
Attachment D	Locality and Zoning Plan
Attachment E	Development Plans

In preparing this SoE, MasterPlan has conducted a review of the Site and locality, the site's planning history, and undertaken an assessment against the applicable provisions of the NTPS.

2.3 Ownership of the Site and Beneficiaries

Pursuant to Section 46(3)(aa) of the Act, the Record of Administrative Interests and Information (**Attachment A**) identifies the owner of the Site as Sentinel Regional Office Pty Ltd (ACN 614 553 883) as Trustee for the Sentinel Regional Office Trust (ABN 50 357 832 254). Their signed authorisation for this DA has been obtained.

The beneficiary of this DA is Pure Pilates (ABN 90 673 773 209), who are seeking to enter into a tenancy agreement with the owner to operate the proposed use.



2.4 Planning History of the Site

Table 1 below summarises the available planning history of the site. These previous approvals do not have any relevance to this DA to commence a new use within one of the tenancies of the existing buildings, though they demonstrate a history of similar changes of use within the buildings on the site.

Table 1: Planning History

Permit Reference	Date Issued	Purpose
DP15/0251	06/05/2015	Part change of use from office to medical clinic
DP15/0251A	04/06/2015	Change of use from office to mental health facility



3 Site and Locality

3.1 Description of the Site

The site comprises 9,440 square metres and has frontage and vehicle access on its northern boundary to Scaturchio Street. The western boundary abuts Bradshaw Terrace however there is no vehicle access along this boundary, though there is one secure pedestrian access point in the southwest corner.

The site forms part of an existing commercial complex known as the CasCom Centre which contains three existing separate buildings. This application relates to a proposed use within one tenancy of one of these buildings.

The site has existing onsite car parking, including shade structures over the car parks adjacent to the buildings, and two two-way vehicle entry/exit points. The site has existing perimeter fencing and secure access gates across the vehicle entry points which are controlled by automatic timers, enabling them to be open to the public during the day, but secured overnight when onsite businesses are closed.

The Record of Administrative Interests and Information (**Attachment A**) identifies that the site has Sewerage and Electricity Easements in favour of Power and Water Corporation. It is also noted that the Survey Plan indicates an Access Easement “B” over the onsite carparking in favour of adjoining Lot 9329, however as this is not identified on the Record of Administrative Interests it is assumed this former access easement has been extinguished.

A copy of the Site Plan is at **Attachment B** and a copy of the Survey Plan is at **Attachment C**.

3.2 Description of the Locality

This commercially zoned site is included within a larger area of Commercial Zoned land which includes the Casuarina Square Shopping Centre on the large allotment to the south, as well as a number of smaller land parcels to the east and north of the subject site that accommodate a range of commercial uses such as retail, food premises, offices and health services and leisure and recreation facilities such as a gym and cinema.

Land across Bradshaw Terrace to the west includes Medium (Zone MR) and Low (Zone LR) density residential uses, and land adjoining to the south included in the Community Purpose Zone (CP) contains the Casuarina Bus Interchange. The Casuarina Library, also in Zone CP, is nearby across Bradshaw Terrace.

A Locality and Zoning Plan is provided at **Attachment D**.



4 Proposed Development

This DA is proposing to change the existing 'office' use to a 'Leisure and Recreation' use to enable use of the premises as a Pilates studio and facilitate the associated internal fit out required to establish this use.

The development plans showing the relevant tenancy and proposed internal fit out are provided in **Attachment E**. The tenancy area includes 353.45 square metres and is proposed to include a reception area to the front with two studio spaces behind, along with a creche room and other supporting spaces connected via an internal passageway. Access to amenities (toilets and showers) is provided via an internal door off the passageway, close to the server room. There are no external alterations or building works proposed, other than standard business signage associated with a change of commercial tenancy. A photograph of the front of the premises, from the main car park, is provided at **Figure 1**.



Figure 1: Front of Premises

The proponents indicate that, based on their existing Coolalinga operation of the same nature and scale, the maximum number of people likely to be in the building at any one time is between 22 and 25, operating between 5am and 7pm, although morning sessions (5.30am to 9am) will be run as one-on-one sessions



and classes will be run from 3pm. Two classes would be conducted with each running with 10 patrons. Both the one-on-one sessions and classes run for 45 minutes.

The tenancy agreement with the owner includes specific arrangements relating to the opening and closing times of the secure access gates for the parking area, to ensure patrons of the proposed use will have access to onsite car parking.

The premises is close to a purpose-built bicycle storage facility, which include toilets and showers, as shown in **Figure 2**, below.



Figure 2: Bicycle storage and shower facility



5 Assessment Against the NTPS

In accordance with section 46(3)(a) of the Act, this section provides an assessment demonstrating how the proposal will comply with the NTPS.

5.1 Part 1 – Guidance

5.1.1 Clause 1.8 – When Development Consent is required

The proposed use is consistent with the leisure and recreation use definition within NTPS Schedule 2:

“leisure and recreation means the provision indoors or outdoors of recreation, leisure or sporting activities and includes cinemas, theatres, sporting facilities, gymnasiums and the like as a commercial enterprise but does not include a **club** or **community centre**. The use can include where **ancillary** a **bar-small, food premises-café / take away, food premises-restaurant, office, and shop**”

Pursuant to Clause 1.8(1)(b)(i) the proposed use is shown as ‘merit assessable’ on the Zone C assessment table in Part 4 and therefore requires the exercise of discretion by the consent authority to ensure it can be established and operated in a way that does not impact on the amenity of the area and accords with the relevant zone purposes and outcomes.

5.1.2 Clause 1.10 – Exercise of Discretion by the Consent Authority

The parameters within which the consent authority must exercise its discretion are outlined in Clause 1.10(3) which stipulates the following:

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

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

The following sections address each of these applicable Parts of the NTPS as relevant to the subject site and proposed development.

5.2 Part 3 - Overlays

There are no Overlays applicable to the Site, therefore no Part 3 requirements are relevant to this DA.



5.3 Part 4 – Zone Purpose and Outcomes

Pursuant to Clause 1.10(3)(c), the purpose and outcomes of the Commercial Zone must be referred to for guidance if any variation of requirements is sought by this application.

The purpose of Zone C is to:

Provide a mix of activities and services well connected to a surrounding community at varying scales including:

(a) mixed use centres providing a wide range of retail, entertainment, community and business activities that serve the broader community;

(b) smaller centres that cater for convenience needs of immediately surrounding communities;

(c) small local centres predominantly focused on convenience retailing; and

(d) residential development commensurate to the scale of the commercial precinct.

The outcomes for the Zone include the following which identifies the appropriateness of leisure and recreation uses within this Zone:

1. A diversity of commercial activities that provide for a range of needs of the surrounding area at an appropriate scale for their location, including:

*(a) a mix of retail and business activities including **shop, food premises-café/take away, food premises-restaurant, bar-small and bar-public, sex services-commercial premises, medical clinic, office, and leisure and recreation;** and*

*(b) **child care centre, club, residential care facility,** and other community activities and support services.*

Other relevant outcomes will be identified and discussed as necessary in the assessment below in connection with proposed variation to requirements.



5.4 Part 5 – Development Requirements

Table 2: Assessment Table for Commercial Zone

Defined Use	Assessment Category	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Leisure and Recreation	Merit	5.2.1 General Height Control 5.2.4 Car Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	None applicable	5.5.1 Interchangeable Use and Development 5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC 5.8.5 Leisure and Recreation

5.4.1 General Height Control

The change of use DA does not propose to alter the height of the existing building. This clause is subsequently not applicable.

5.4.2 Car Parking

Table 3: Car Parking Spaces

Car Parking Spaces	Commentary
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: <ul style="list-style-type: none"> 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; and 	The premises has access to a major car park and is close to the main bus interchange at Casuarina. No uses nearby would, furthermore, be negatively impacted by the reduction of car parking and it would not have a negative effect



Car Parking Spaces		Commentary
<p>d) the potential impact on the surrounding road network and the amenity of the locality and adjoining property;</p> <p>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.</p>		on the adjoining road network
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.	Not sought with the application.
Requirements		
4	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).	The premises has dedicated access to four car parking spaces as part of the wider complex.

Table 4: Minimum number of required parking spaces

Minimum number of required parking spaces		
Use or Development	Minimum Number of Car Parking Spaces Required	
Leisure and recreation	<p>Indoor spectator facilities including cinema or theatre: 1 for every 4 seats</p> <p>Racquet court games: 4 for every court</p> <p>Plus</p> <p>For indoor spectator facilities (if any) 1 for every 4 seats</p> <p>Lawn bowls: 20 spaces per green</p> <p>Golf course: 4 per hole</p> <p>Plus</p> <p>5 for every 100m² of net floor area used as a club house</p> <p>Otherwise than specified above, 10 for every 100m² of net floor area</p> <p>Plus</p> <p>Requirement for indoor spectator facilities (if any) 1 for every 4 seats</p>	<p>The relevant rate for the proposal is 10 for every 100m² of net floor area, being unspecified in the table to Clause 5.2.4.1. The gross building (floor) area of the tenancy is 353.45m², equating to a requirement for 36 spaces. This includes the reception, passageways and server room.</p> <p>There are 89 existing car parking spaces in total on the subject site. The tenancy agreement for the proposed use includes specific access arrangements to ensure patrons have access to this on-site parking when visiting the premises, as well as the four car spaces specifically nominated for the premises under the tenancy arrangement.</p>

Justification to support a variation for a reduced number of car parking spaces are:



- The availability of 50 additional publicly available car parks in the adjoining Lot 9329 that also form part of the CosCom Centre car park, making the total number available within the secure car park 139.
- The proximity of public transport via the Casuarina Bus Interchange located immediately south of the site.
- The proposed use of the land being consistent with the purpose of Zone C.
- Demonstrated likely patronage based on existing operation of same nature and scale being lower than the calculated car parking requirement above (i.e. maximum 25 people at any one time, versus 36 car parking spaces), including low vehicle numbers for one-on-one sessions.
- The proposed use of the land involving peak patronage levels at alternative times to other commercial tenancies within the CosCom centre i.e. before and after standard business hours.
- The requested reduction in parking requirements is similar to nearby land uses such as Snap Fitness, opposite.

5.4.2.1 Layout of Car parking Areas

The change of use DA does not propose to alter the existing car park layout. This clause is subsequently **not applicable**.

5.4.3 Loading Bays

Table 2 referring to Clause 5.2.5 does not stipulate any loading bay requirements for a Leisure and Recreation use.

5.4.4 Landscaping

The change of use DA does not propose to alter any external landscaping associated with the existing building. This clause is subsequently **not applicable**.

5.4.5 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR

The site is not adjacent to land in residential zones, as the nearest MR and LR zoned land is on the other side of Bradshaw Terrace. Furthermore, this change of use DA does not propose to alter existing building setbacks. This clause is subsequently **not applicable**.

5.4.6 End of Trip Facilities in Zones HR, CB, C, SC and TC



Purpose

Ensure that new commercial and high-density residential buildings provide sufficient safe, quality and convenient end of trip facilities to enable active travel choices by residents, visitors, workers and customers for the proposed use of the site.

Administration

1. The consent authority may consent to a use or development with fewer bicycle parking spaces, lockers and/or showers and changing facilities than required by sub-clauses 2-6 if satisfied that either:
 - (a) there are alternative end of trip facilities (on or off the site), where:
 - i. the same function is provided which can accommodate the same number of bicycles and/or users required by the clause;
 - ii. access to the alternative end of trip facilities is safe and convenient for users;
 - iii. the alternative end of trip facilities are sheltered and secure; and
 - iv. the size and layout of alternative storage areas allows for safe and comfortable storage and access to bicycles and/or personal items; or
 - (b) it would be unreasonable to provide the end of trip facilities as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or
- (c) it would be unreasonable to provide shower and changing facilities for a small development, where the development becomes unfeasible should such facilities be required.

Requirements

2. All new buildings in Zones HR, CB, C, SC, and TC should provide bicycle parking facilities with a number of bicycle parking spaces calculated at the rate specified in the table to this clause (rounded up to the nearest whole number).
3. All bicycle parking facilities and associated bicycle parking devices should be designed in accordance with Australian Standard AS2890.3 – Bicycle Parking and must:
 - (a) be located in a convenient and safe location with adequate security for the storage of bicycles.
 - (b) have an appropriate mix of long and short term, wall and floor mounted bicycle parking.
 - (c) where secure parking is provided, provide e-bike charging facilities, as necessary.
 - (d) not require access via steps.
 - (e) be protected from the weather; Northern Territory Planning Scheme 2020 Part 5-25.
 - (f) enable the wheels and frame of a bicycle to be locked to the device without damaging the bicycle.
 - (g) be located outside pedestrian movement paths.
 - (h) be easily accessible from the road;
 - (i) be arranged so that parking and manoeuvring motor vehicles will not damage adjacent bicycles.
 - (j) be protected from manoeuvring motor vehicles and opening car doors.
 - (k) be as close as possible the cyclist's ultimate destination.
 - (l) be well lit by appropriate existing or new lighting; and
 - (m) be sympathetic in design, material and colour to compliment the surrounding environment.
4. A locker should accompany every secure bicycle parking space provided, and should be:
 - (a) of suitable volume and dimensions to allow storage of clothing, cycling helmets and other personal items.



Requirements	
(b)	well ventilated, secure, and lockable; and
(c)	located close to shower and changing facilities.
5.	All new non-residential buildings, hotels/motels, and serviced apartments in Zones HR, CB, C, SC and TC should provide sufficient and accessible shower and changing facilities for staff with the number of showers calculated at the rate specified in the table to this clause.
6.	Shower and changing facilities must be secure facilities capable of being locked and should: <ul style="list-style-type: none"> (a) be located as close as practical to the associated bicycle parking facilities. (b) provide one change space per shower; and
Provide for separate male and female facilities where more than one shower is provided.	

Table 5: End of Trip Facilities

Defined Use	Net Floor Area	Minimum Number of bicycle parking spaces and Showers	Commentary
Non-residential buildings (except as identified in this table)	353.45m ²	1 bicycle parking space per 300m ² net floor area 1 shower for up to 50 staff, plus 1 additional shower for up to every 50 staff thereafter.	This clause results in a requirement for 2 bicycle parking spaces and 1 shower for the proposed Leisure and Recreation use.

5.4.7 Interchangeable Use and Development

Leisure and recreation is not one of the uses listed in Administrative Clause (1) to this clause allowing for interchange of uses without consent. Therefore, this DA for proposed change in use from office to leisure and recreation requires consent and is merit assessable as previously established.

5.4.8 Commercial Plot Ratio

The change of use DA does not propose to alter the existing building or site design. This clause is subsequently **not applicable**.

5.4.9 General Building and Site Design

The change of use DA does not propose to alter the existing building or site design. This clause is subsequently **not applicable**.

5.4.10 Expansion of Existing Developments in Zones CB, C, SC and TC

The change of use DA does not propose to alter the existing building or site design, therefore does not propose any expansion of existing development. This clause is subsequently **not applicable**.



5.4.11 Leisure and Recreation

5.8.5 Leisure and Recreation		Commentary
Purpose		
Ensure leisure and recreation use and development:		
<ul style="list-style-type: none"> a) is established in appropriate locations to meet the needs of users; b) provides convenient vehicle access and does not interfere with the safe or efficient operation of the local road and footpath network; c) incorporates appropriate building and landscape design to ensure that there is no unreasonable loss of amenity for adjoining and nearby property; and d) (d) is operated to be considerate of the amenity of adjoining and nearby property. 		
Administration		
1	The consent authority may consent to a leisure and recreation use or development that is not in accordance with sub-clauses 2-6 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, nature, scale and impact on surrounding amenity.	
Requirements		
2	The use or development is suitable to meet the needs of users, having regard to the scale and nature of the use.	The proposed leisure and recreation use is suitable to meet the needs of people wanting to attend classes within a studio environment. It is proposed to include a reception area to the front with two studio spaces behind, along with a creche room and other supporting spaces.
3	Any mechanical plant and equipment and storage areas associated with the use are designed and screened to minimise adverse amenity impacts when viewed from adjoining streets and on adjoining properties.	The proposal is to change the use within an existing building and does not involve any external alterations to existing plant and equipment and storage areas.
4	Any structure associated with the use does not result in a significant loss of amenity for surrounding development, having regard to: <ul style="list-style-type: none"> (a) the extent and duration of lighting and overshadowing; (b) privacy and overlooking impacts; and (c) the scale of the structure relative to its surroundings. 	This proposal to establish a new use within an existing building does not include any external changes to existing structures, therefore there will no change to amenity of surrounding development.
5	Demonstrate that the surrounding road network is capable of accommodating the additional traffic generated without adverse impacts.	The proposed Pilates studio is a relatively small-scale type of leisure and recreation use that is not considered likely to have any noticeable impact on traffic generated within the local area, given the existing developed commercial nature of the locality.



5.8.5 Leisure and Recreation	Commentary
<p>6 The operation of the use or development must take into account the amenity of the surrounding locality having regard to:</p> <ul style="list-style-type: none">a) hours of operation;b) maximum capacity of patrons; andc) (c) any other relevant aspects of the day-to-day operations of the use or development.	<p>The houses of operation span 5.30am to 7pm, although peak periods for classes are:</p> <ul style="list-style-type: none">• 5.30am to 9am - One-on-one sessions• 3pm to 7pm Bar/Yoga classes and Reformer Studio - 3pm to 7pm <p><i>The current Coolalinga operation timetables additional sessions that run between 10am and 12pm, although these sessions haven't been determined for the Casuarina operation.</i></p> <p>The one-on-one sessions equate to one trainer and one client per room and sessions run for 45 minutes.</p> <p>The classes would have a maximum (operating) capacity for 10 patrons per room and run for 45 minutes each, which equates to a maximum capacity of approximately 22 to 25 people within the premises over this period.</p> <p>The proposal is a relatively small-scale type of leisure and recreation use and would be consistent with the normal expectations of a commercial area and is not considered likely to have any detrimental impacts on the amenity of the surrounding locality.</p>



6 Remaining Requirements of the Act – Section 46(3)

6.1 46(3)(b) – Interim Development Control Order

There are no Interim Development Control Orders currently applying on the Site.

6.2 46(3)(c) – Referral to the NT EPA

The development does not require referral to the NT EPA under Part 4, Division 3 of the Environmental Protection Act 2019.

6.3 46(3)(d) – Merits of Proposed Development

The following merits are apparent:

- Contributes to employment opportunities and economic growth within the Darwin region.
- Contributes to Casuarina as a mixed-use centre, consistent with the purpose of Zone C.
- The proposed leisure and recreation use will utilise an existing building appropriately, whilst satisfying the land use objectives of Zone C.
- The establishment of the use will activate the area, make it more vibrant and economically sustainable. It will further enhance the mixed-use environment of the Commercial Zone in this locality and increase passive surveillance in the vicinity due to wider range of operating hours compared to uses open within standard business hours.

6.4 46(3)(e) – Suitability of Land for Development and Impacts of Development

The proposed development is not beyond what is expected for this Zone C site. The proposal will not alter the existing building or associated works over the Site.

6.5 46(3)(f) – Available Public Facilities and Open Space

The existing aspects of this development are not expected to create an additional need for public facilities or public open space as the needs are catered for within the locality.

6.6 46(3)(g) – Available Public Utilities/Infrastructure

The Site has access to existing power, water, and sewerage services.

6.7 46(3)(h) – Impact on Amenity

The proposed leisure and recreation use will promote the intent and purpose of the NTPS in relation to maintaining amenity, retaining a built form that enhances functionality and compatibility with the existing development found within the locality.



7 Conclusion

This Statement of Effect for a proposed leisure and recreation use at 17 Scaturchio Street, Casuarina (lot 9328 Town of Nightcliff) demonstrates that the proposed development is consistent with the NTPS and other applicable requirements of the Act.

The proposed use responds positively to community expectations as set out in the NTPS in that:

- It aligns with the purpose of Zone C.
- The nature and scale of the proposed use is suitable to the site and locality.
- The proposal requires internal fit out of an existing building only and thus will not introduce any new visual impacts on surrounding land uses.
- The proposed Pilates studio is a relatively small-scale type of leisure and recreation use that is not considered likely to have any noticeable impact on traffic generated within the local area or amenity of the surrounding uses, given the existing developed commercial nature of the locality.

The application does request a relaxation of car parking space numbers on the basis of:

- The small scale of the proposal.
- The availability of publicly available car parks.
- The proximity of public transport via the Casuarina Bus Interchange.
- The demonstrated likely patronage based on existing operation of same nature and scale being lower than the calculated car parking requirement above (i.e. maximum 25 people at any one time) as well as one-on-one sessions.
- The proposed use of the land involving peak patronage levels at alternative times to other commercial tenancies within the CosCom centre i.e. before and after standard business hours.

This assessment in consideration of all relevant statutory planning requirements concludes that there are strong grounds for the consent authority to approve the development subject to reasonable and relevant conditions.



Attachment A

Record of Administrative Interests and Information



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 09328 Town of Nightcliff plan(s) LTO89/065

(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 874 779 (order 1)

Tenure Type

ESTATE IN FEE SIMPLE

Tenure Status

Current

Area Under Title

9440 square metres

Owners

Sentinel Regional Office Pty Ltd (ACN 614 553 883) as Trustee for the Sentinel Regional Office Trust (ABN 50 357 832 254)

GPO Box 2333, Brisbane QLD 4001

Easements

Sewerage Easement to Power and Water Corporation

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

06/12/2016 Consolidated transfer see dealing 879714

31/10/2007 Consolidated transfer see dealing 658624

21/08/2000 for \$20,665,000

Tenure Comments

(none found)

Historic Titles

CUFT 850 242 (order 1)

CUFT 846 879 (order 1)

CUFT 846 878 (order 1)

CUFT 843 038 (order 1)

CUFT 843 037 (order 1)

CUFT 843 036 (order 1)

CUFT 832 362 (order 1)

CUFT 831 126 (order 1)

CUFT 826 872 (order 1)

CUFT 826 268 (order 1)

CUFT 822 771 (order 1)

CUFT 819 949 (order 1)

CUFT 819 946 (order 1)

CUFT 815 454 (order 1)

CUFT 808 786 (order 1)

CUFT 807 491 (order 1)

CUFT 803 877 (order 1)

CUFT 801 325 (order 1)

CUFT 795 560 (order 1)

CUFT 790 577 (order 1)

CUFT 782 493 (order 1)

CUFT 776 399 (order 1)

CUFT 774 578 (order 1)

CUFT 769 897 (order 1)

CUFT 761 040 (order 1)

CUFT 755 319 (order 1)

CUFT 740 891 (order 1)

CUFT 726 908 (order 1)

CUFT 719 098 (order 1)

CUFT 653 797 (order 1)

CUFT 629 234 (order 1)

CUFT 629 037 (order 1)

CUFT 485 183 (order 1)

CUFT 317 050 (order 1)

CUFT 239 087 (order 1)

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

Custodian - Surveyor General (+61 8 8995 5354)**Address**

17 SCATURCHIO ST, CASUARINA

Survey Plan

LTO89/065



Survey Status

Approved

Parcel Status

CURRENT

Parcel Area

9440 square metres

Map Reference

Code 200 Scale 2500 Sheet 31.28

Parent Parcels

Lot 09291 Town of Nightcliff plan(s) S 87/259

Parcel Comments

SUBDIVISION OF LOT 9291, VIDE LTO 89/65. WITHIN A DECLERED HIGH-RISK AREA UNDER SECTION 210 LIQUOR ACT 2019 - NTG G2 19/01/2023 - LI2023/0008-0001~0002.

Survey Comments

LOTS 9328 AND 9329, SUBDIVISION OF LOT 9291, TOWN OF NIGHTCLIFF

Proposed Easements

(none found)

Local Government Area

DARWIN MUNICIPALITY

Region

DARWIN

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

SENTINEL REGIONAL OFFICE P/L ATF SENTINEL REGIONAL OFFICE TRUST, GPO BOX 1284, BRISBANE QLD 4001

Parcels in Valuation

Lot 09328 Town of Nightcliff

Unimproved Capital Value

\$4,050,000 on 01/07/2023

\$3,900,000 on 01/07/2020

\$4,600,000 on 01/07/2017

\$4,720,000 on 01/07/2014

\$4,720,000 on 01/07/2011

\$4,305,000 on 01/07/2008

\$2,870,000 on 01/07/2005

\$2,300,000 on 01/07/2002

\$2,300,000 on 01/07/1999

\$1,600,000 on 01/07/1996

\$1,200,000 on 01/07/1993

\$930,000 on 01/01/1991

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: 26 of 26
Description: Office Fit out (Removal of Partition Walls Building 1 G1002)
Number of Residential Units:
Australian Bureau of Statistics Type: (none found)
Building Class: Office
Area: 0 square metres
Certification: Office - Occupancy Permit - *issued on 23/03/2021*

Application Number: 25 of 26
Description: Amenities Building (CASCOM Centre; End of Trip Facility)
Number of Residential Units:
Australian Bureau of Statistics Type: (none found)
Building Class: Non-habitable building
Area: 88 square metres
Certification: Non-habitable building - Occupancy Permit - *issued on 23/09/2020*

Application Number: 24 of 26
Description: Alterations to Ablutions (CASCOM Centre; Building 1) & 3x Roof Structures over existing Car Parking Spaces
Number of Residential Units:
Australian Bureau of Statistics Type: (none found)
Building Class: Office
Carpark Building
Area: 1402 square metres
Certification: Office - Occupancy Permit - *issued on 18/09/2020*
Carpark Building - Occupancy Permit - *issued on 18/09/2020*

Application Number: 23 of 26
Description: Office Fitout
Number of Residential Units:
Australian Bureau of Statistics Type: (none found)
Building Class: Office
Area: 14 square metres
Certification: Office - Occupancy Permit - *issued on 27/08/2020*

Application Number: 22 of 26
Description: Cascom Centre Building 5 - Internal Office Alterations
Number of Residential Units:
Australian Bureau of Statistics Type: (none found)
Building Class: Office
Area: 0 square metres
Certification: Office - Occupancy Permit - *issued on 24/11/2018*



Application Number: 21 of 26
Description: Genset Fuel Tank Enclosure
Number of Residential Units:
Australian Bureau of Statistics Type: (none found)
Building Class: Non-habitable building
Area: 10 square metres
Certification: Non-habitable building - Occupancy Permit - *issued on 12/12/2017*

Application Number: 20 of 26
Description: Commercial office fitout including installation of partitions, doors, electrical and data services, hand basin, plumbing and drainage
Number of Residential Units:
Australian Bureau of Statistics Type: (none found)
Building Class: Office
Area: 0 square metres
Certification: Office - Full Code - *issued on 20/10/2014*

Application Number: 17 of 26
Description: Cascom Office Alterations
Number of Residential Units:
Australian Bureau of Statistics Type: (none found)
Building Class: Office
Area: (none found)
Certification: Office - Full Code - *issued on 27/01/2010*

Application Number: 14 of 26
Description: CasCom Fitout for relocation of Age and Disability Services
Number of Residential Units:
Australian Bureau of Statistics Type: (none found)
Building Class: Office
Area: 5 square metres
Certification: Office - Full Code - *issued on 12/11/2009*

Application Number: 13 of 26
Description: Demolition of existing walls and new part fitout
Number of Residential Units:
Australian Bureau of Statistics Type: (none found)
Building Class: Office
Area: 445 square metres
Certification: Office - Full Code - *issued on 11/06/2010*

Application Number: 12 of 26
Description: Cascom office fitout alterations
Number of Residential Units: 1
Australian Bureau of Statistics Type: Separate House
Building Class: Office



Area: 265 square metres
Certification: Office - Full Code - *issued on 17/08/2009*

Application Number: 9 of 26
Description: Office tenancy reinstatement
Number of Residential Units:
Australian Bureau of Statistics Type: (none found)
Building Class: Office
Area: (none found)
Certification: Office - Full Code - *issued on 29/09/2004*

Application Number: 8 of 26
Description: OFFICE FITOUT (PART SHOP 4)
Number of Residential Units: 0
Australian Bureau of Statistics Type: (none found)
Building Class: Office
Area: 341 square metres
Certification: Office - Full Code - *issued on 19/02/2004*

Application Number: 3 of 26
Description: VIETNAM VETERANS
Number of Residential Units: 0
Australian Bureau of Statistics Type: (none found)
Building Class: Office
Area: 0 square metres
Certification: Office - Full Code - *issued on 28/05/1999*

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

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

Planning Scheme Zone
C (Commercial)

Overlays:
(none found)

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

Regional Plans:

- Darwin Regional Land Use Plan

Sub Regional Plans:

- None

Area Plans:

- None

Interim Development Control Orders
(none found)

Planning Notes
(none found)

Planning Applications

File Number

PA2015/0173

Type

Variation of Development Permit

Date Received

29/05/2015

Application Purpose

Change of use from office to mental health facility

Application Status

Approved

Other Affected Parcels

Lot 09329 Town of Nightcliff

Instrument Signed

04/06/2015

Instrument Number

DP15/0251A

Instrument Issued

Signed

Instrument Status

Completed

File Number

PA2015/0173

Type

Development

Date Received

09/03/2015

Application Purpose

Part change of use from office to medical clinic

Application Status

Approved

Other Affected Parcels

Lot 09329 Town of Nightcliff

Instrument Signed

06/05/2015

Instrument Number

DP15/0251

Instrument Issued

Signed

Instrument Status

Current



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 (none found)
Power Water - Water (none found)

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 Industry, Tourism and Trade (+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

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 6442

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)

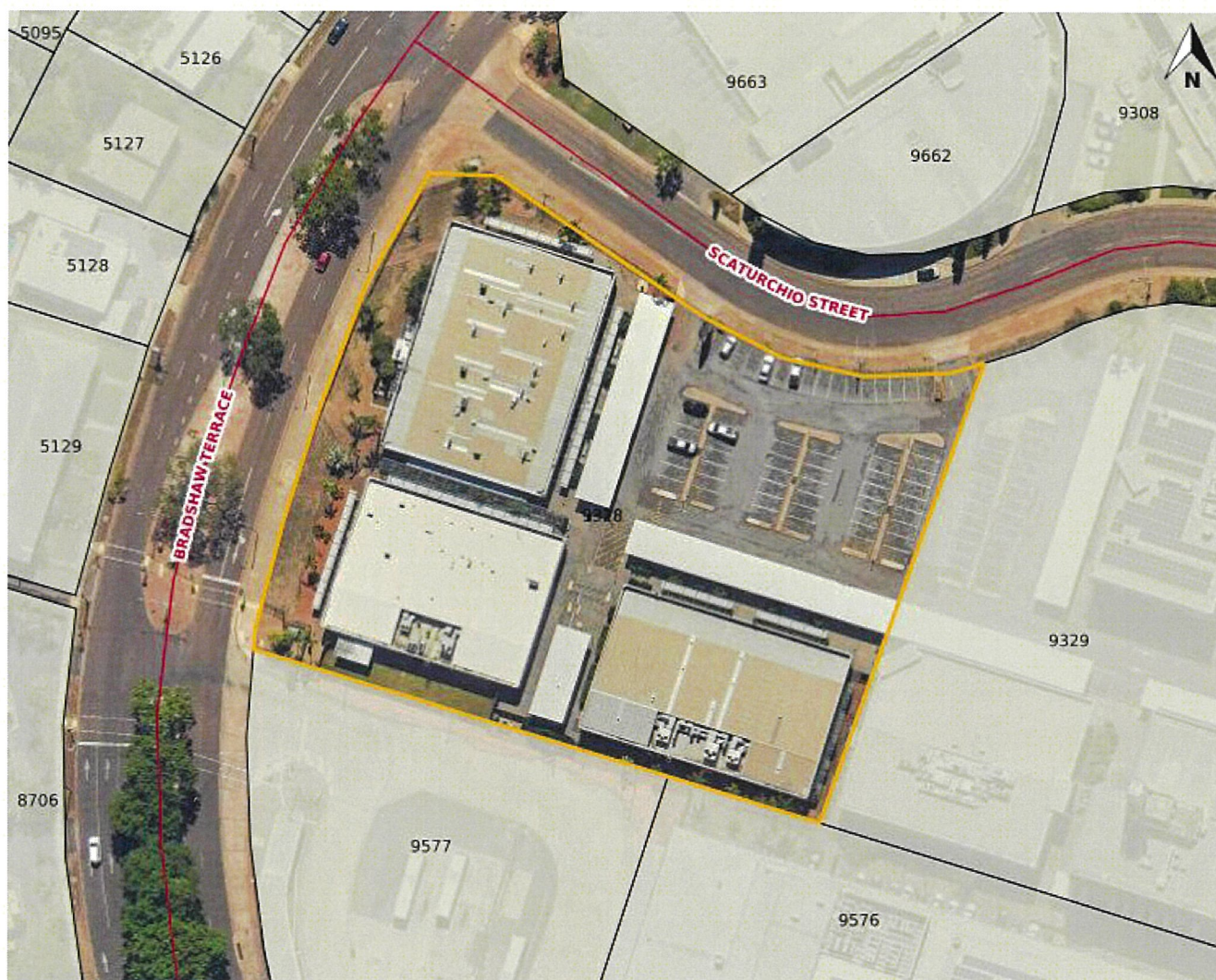
Heritage Listing:
(none found)

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

Locality Diagram








Attachment B

Site Plan



-  Subject Site
-  Two Way Vehicle Access
-  Pedestrian Access

SITE PLAN

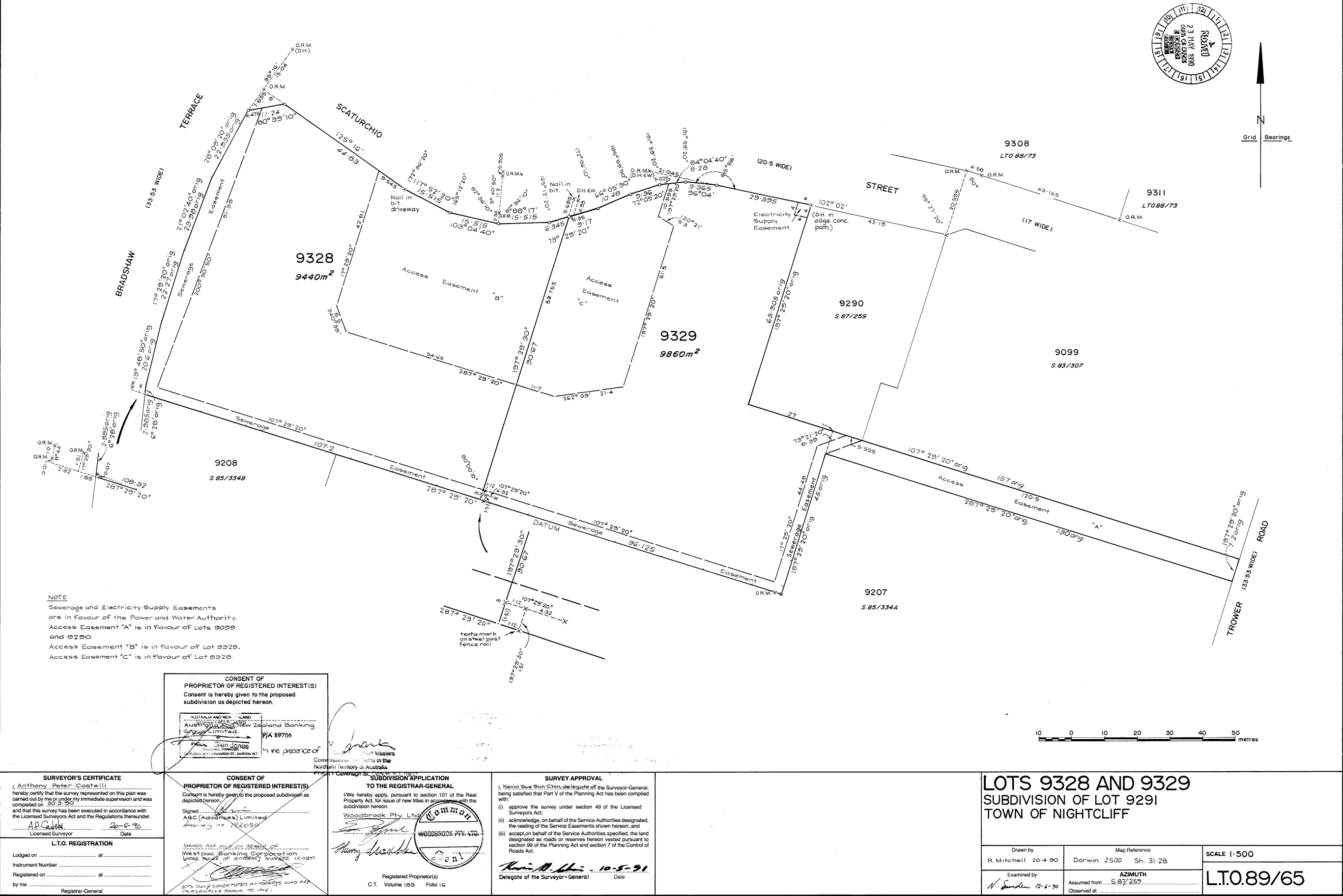
17 Scaturchio Street (Lot 9328 Town of Nightcliff)
CASUARINA
for Pure Pilates



Attachment C

Survey Plan

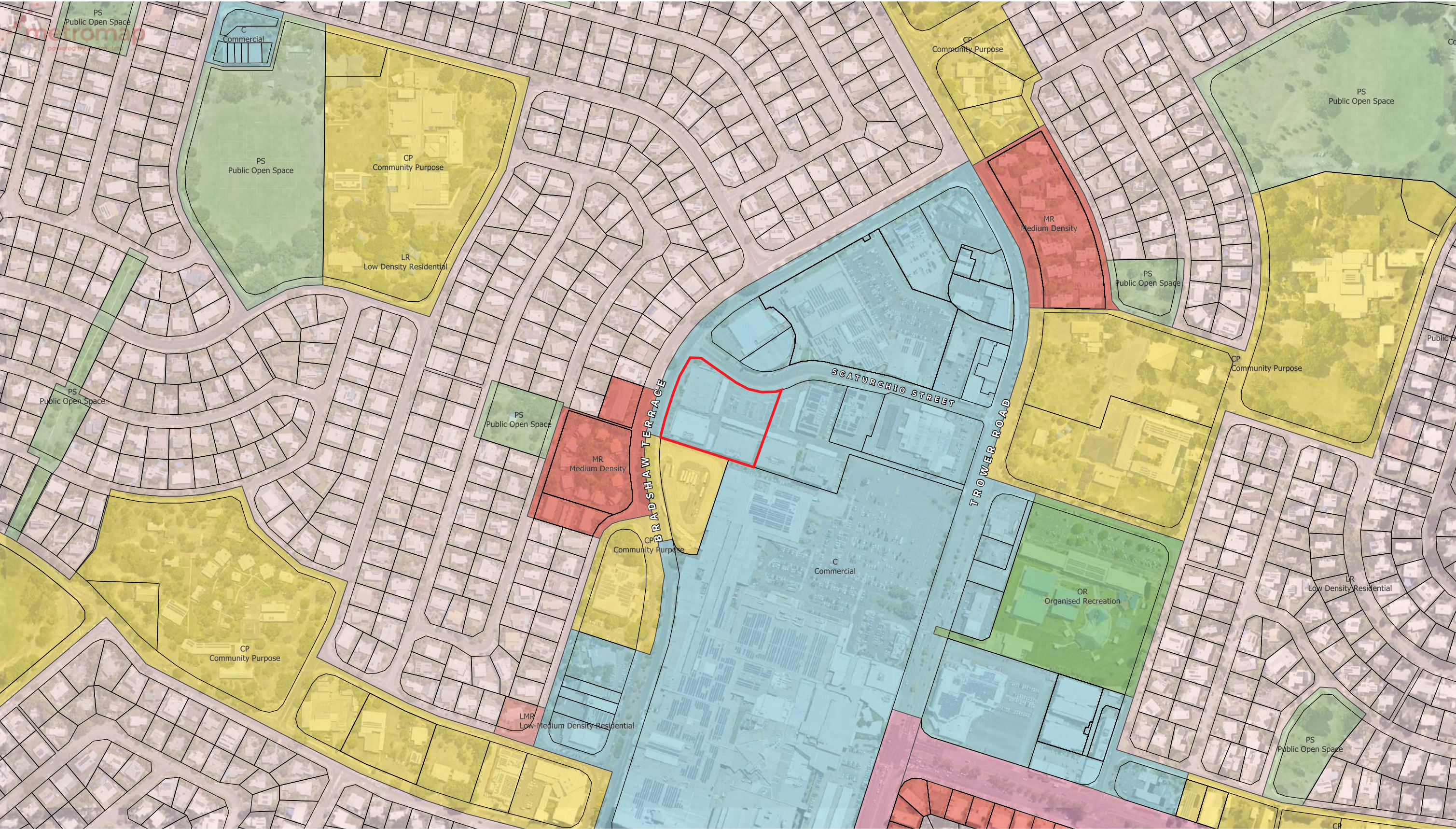
Supersedes Part of S. 87/259





Attachment D

Locality and Zoning Plan



Subject Site

Community Purpose

Commercial

Low Density Residential

Low-Medium Density Residential

Medium Density

Organised Recreation

Public Open Space

LOCALITY & ZONING PLAN

17 Scaturchio Street (Lot 9328 Town of Nightcliff)
CASUARINA

for Pure Pilates

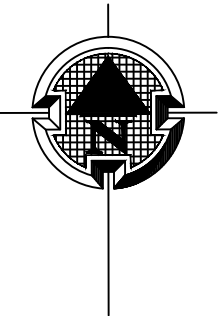


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0 80

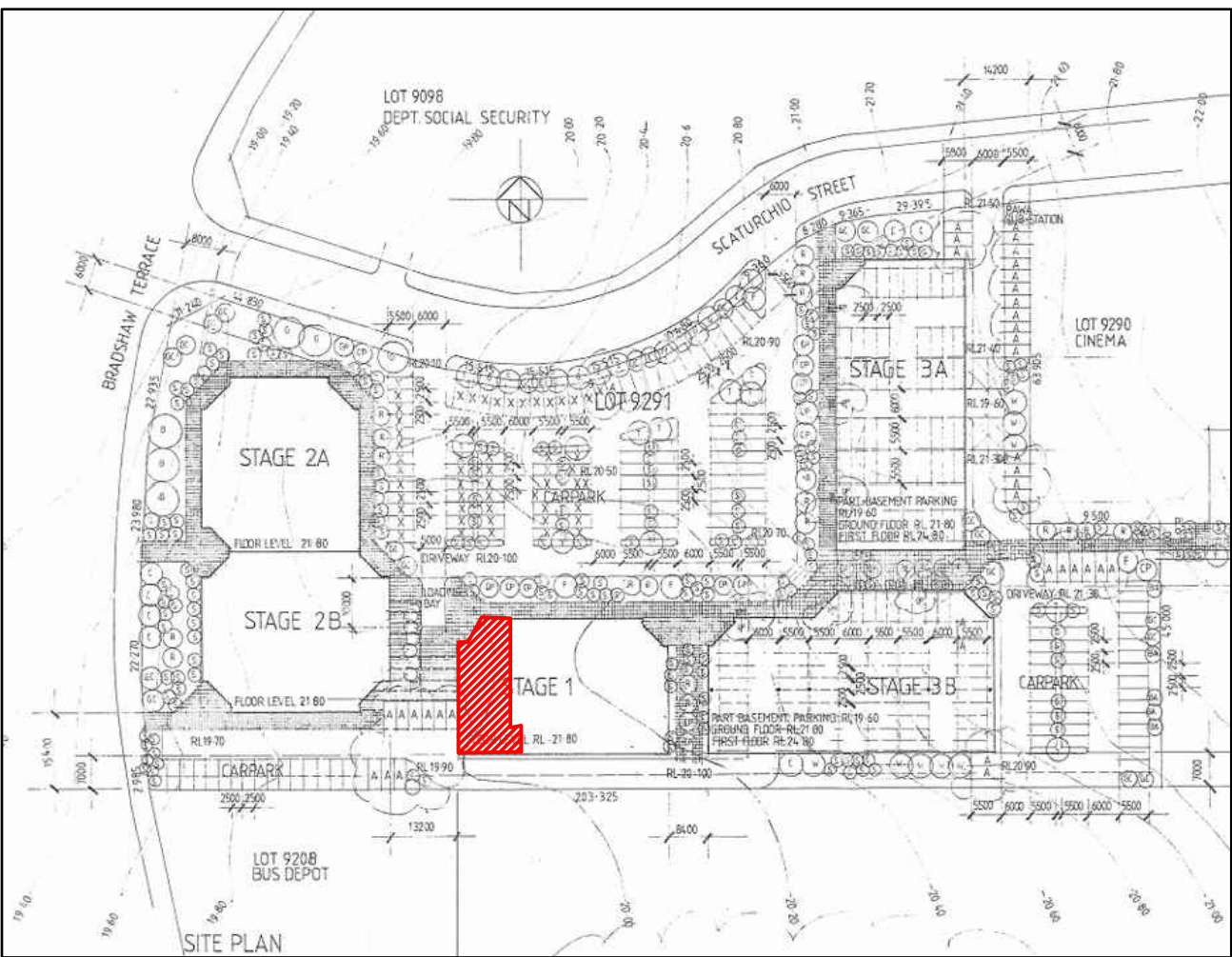


Attachment E

Development Plans








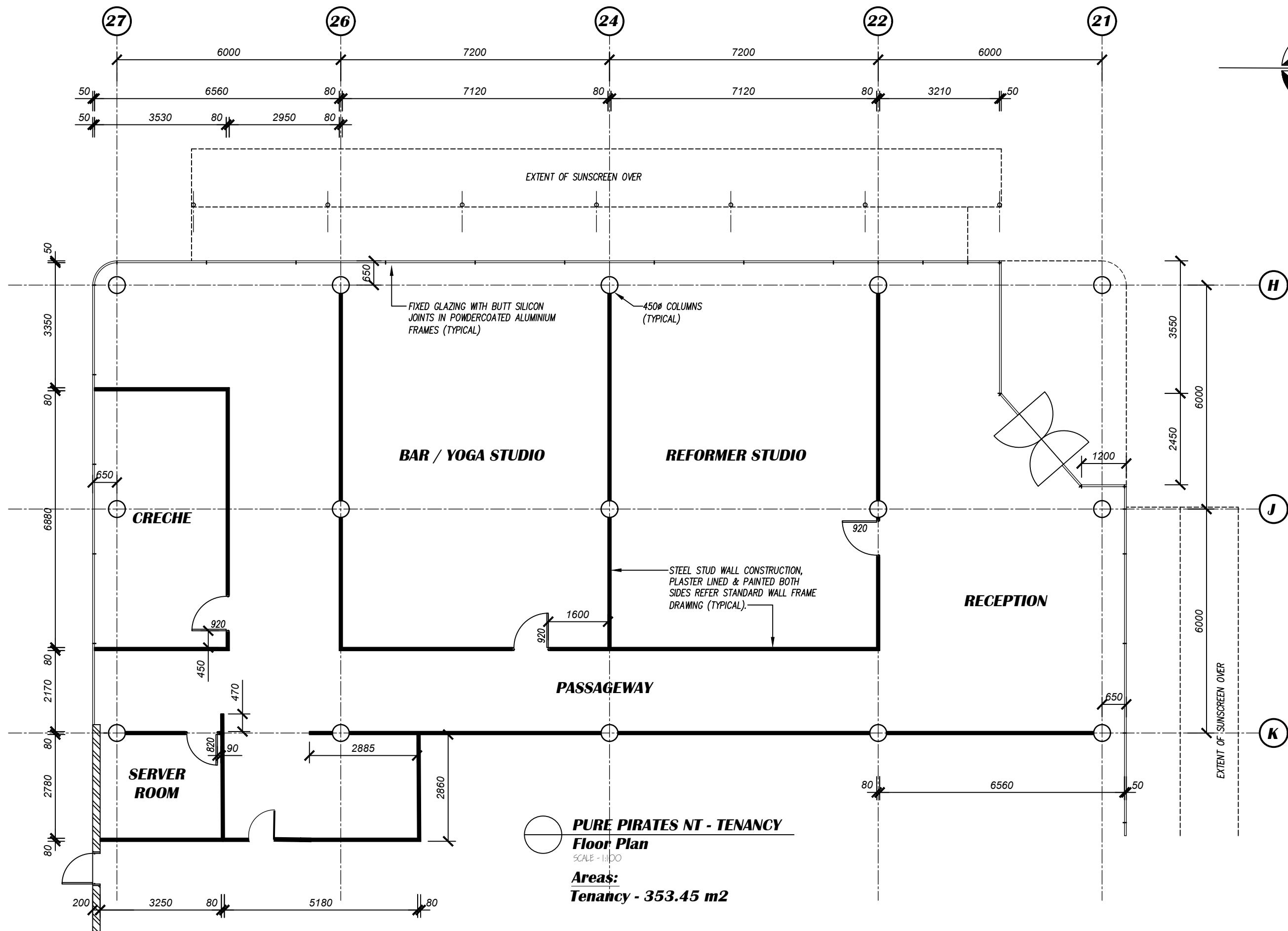
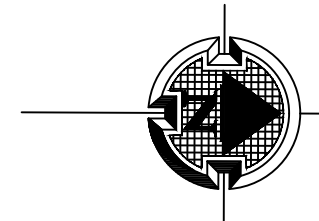
**PURE PIRATES NT
TENANCY
Lot.9328 No.17
Scaturchio Street
CASUARINA**






 **Googlemaps - Locality Plan**
SCALE - N15

 **Site Plan**
SCALE - N15

Rev	Date	Comments	 <div>BAM Drafting CAD BUILDING DESIGNER <small>(Ph: 26 748 741 526)</small></div>	Bruce McDonald - 0408 637828 email - bamdrafting@gmail.com P.O. BOX 2380 Palmerston, NT. 0831	General Notes ALL DIMENSIONS ARE AS SHOWN & ARE NOT TO BE SCALED. BUILDER TO CHECK ALL DIMENSIONS PRIOR TO ANY CONSTRUCTION. DRAWINGS TO BE READ IN CONJUNCTION WITH CONSULTING ENGINEER'S DESIGN & ALL OTHER RELEVANT DOCUMENTS & SPECIFICATIONS. ALL BUILDING WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA & LOCAL AUTHORITY REQUIREMENTS. THIS DRAWING IS COPYRIGHT PROTECTED AND SHALL NOT BE COPIED OR CIRCULATED WITHOUT PERMISSION OF THE COPYRIGHT OWNER/S.	Client - Brendan Bell		 <div>Views   </div>	Drawn BAM	Date Feb 2025	Drawing no.
						Project PURE PIRATES NT - Tenancy Lot.9328 Cascom Level-1 CASUARINA, NT. 0811			Checked -	Scale NTS	25/480
									Job No.	Sheet No 1 of 4	



PURE PIRATES NT - TENANCY
Floor Plan
SCALE - 1:100
Areas:
Tenancy - 353.45 m2

Rev	Date	Comments	 <div>BAM Drafting CAD BUILDING DESIGNER Ph: 26 748 741 626</div>	Bruce McDonald - 0408 637828	<div>General Notes</div> <div>ALL DIMENSIONS ARE AS SHOWN & ARE NOT TO BE SCALED. BUILDER TO CHECK ALL DIMENSIONS PRIOR TO ANY CONSTRUCTION.</div> <div>DRAWINGS TO BE READ IN CONJUNCTION WITH CONSULTING ENGINEER'S DESIGN & ALL OTHER RELEVANT DOCUMENTS & SPECIFICATIONS.</div> <div>ALL BUILDING WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA & LOCAL AUTHORITY REQUIREMENTS.</div> <div>THIS DRAWING IS COPYRIGHT PROTECTED AND SHALL NOT BE COPIED OR CIRCULATED WITHOUT PERMISSION OF THE COPYRIGHT OWNER/S.</div>	Client - Brendan Bell	<div></div> <div>Views</div> <div></div>	Drawn BAM	Date Feb 2025	Drawing no. 25/480
				email - bamdrafting@gmail.com P.O. BOX 2380 Palmerston, NT. 0831		Project PURE PIRATES NT - Tenancy Lot.9328 Cascom Level-1 CASUARINA, NT. 0811		Checked -	Scale 1:100	
								Job No.	Sheet No 2 of 4	

NOTES:

1. THE STANDARD DETAILS ON THIS DRAWING APPLY UNLESS NOTED OTHERWISE.

2. HOLDING DOWN (H.D.)

GENERAL:

- PROVIDE H.D. FIXINGS AT 900 CENTRES MAX TO EXTERNAL WALLS U.N.O., 1350 CENTRES MAX. TO INTERNAL WALLS AND AT SIDES OF OPENINGS AND ENDS OF BRACING PANELS AS NOTED.

- FIXINGS TO BE LOCATED 70mm CENTRES MAX FROM STUD U.N.O.

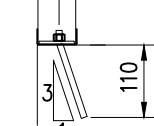
- PROVIDE A 75x70x6 PLATE WASHER FOR EACH FIXING

FIXING TO CONCRETE:

- USE M12 CAST IN H.D. BOLTS, 120 EMBEDMENT PLUS 50 COG, 45 MIN. EDGE DISTANCE.

- ALTERNATIVELY USE M12 CHEMSETS AS PER MANUFACTURERS SPECIFICATIONS, 110 EMBEDMENT, 70 MINIMUM EDGE DISTANCE EXCEPT AS FOLLOWS:

45 MIN EDGE DISTANCE AT SURFACE THEN SLOPE AWAY AS SHOWN



- UNDERSIDE OF BOTTOM PLATE TO BE COATED WITH BITUMENOUS PAINT OR SIMILAR APPROVED CORROSION PROTECTION.

FIXING TO STEELWORK OR TIMBER:

- USE BOLTED OR TEK SCREW FIXINGS AS DETAILED.

3. WELDING:

- ALL WELDS TO BE WELL FORMED 1.6mm CONTINUOUS FILLET M.I.G. PROCESS WITH LMI OR EQUIVALENT ELECTRODES WIRE. WIRE BRUSH TO TOUCH UP ALL WELDS WITH ZINC RICH PAINT.

- WELD LENGTHS PER CONNECTION: (ALL WELDS FLANGE TO FLANGE U.N.O. AND EQUAL EACH SIDE)

STUD TO TOP AND BOTTOM PLATE: EXTERNAL WALL 75mm

INTERNAL WALL 60mm

NOGGING: 50mm

LINTELS: FULLY WELDED

SILL: STUD SECTIONS 60mm

RHS SECTIONS - FULLY WELDED

JAMBS: 75x75 SHS: 140mm

BRACING: 70mm

4. WALL FRAME CONNECTIONS:

GENERAL:

- END STUDS AT ALL WALL FRAME CONNECTIONS TO BE FIXED AT TOP, BOTTOM AND NOGGINGS WITH 25mm WELD LENGTH EACH SIDE OR 2 No. 12 TEK SCREWS.

EXTERNAL/EXTERNAL WALL FRAMES IN-LINE:

- BUTT WELD STIFFENED TOP PLATES TOGETHER OR USE LYSAGHTS LC05116 CHANNEL INSERT, 8 No. 12 TEK SCREWS AS PER LBI DETAIL OR SPLICE USING 76x32x1.6 STUD x 400 LONG ON TOP OF STP, 3 No. 12 TEK SCREWS EACH SIDE OF JOINT AT 50mm SPACING, 50 MIN. FROM JOINT.

EXTERNAL CORNER:

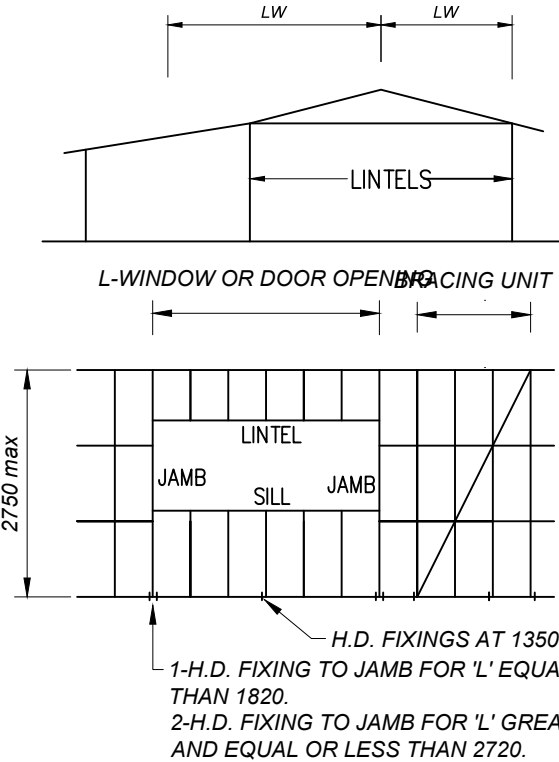
- BUTT WELD STIFFENED TOP PLATES TOGETHER OR PROVIDE A 125x50x1.6 GALV. CAPPING PLATE, 5 No. 12 TEK SCREWS TO EACH STP.

EXTERNAL/INTERNAL SHEAR WALLS:

- 100x75x1.6 GALV. CAPPING PLATE WITH 100mm WELD LENGTH TO EACH TOP PLATE OR PROVIDE A 100x70x1.6 GALV. ANGLE PLATE, 3 No. 12 TEK SCREWS TO EACH TOP PLATE.

EXTERNAL/INTERNAL NON-SHEAR WALLS:

- FIX END STUDS AS NOTED.

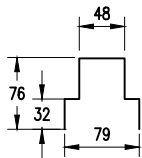


TYPICAL EXTERNAL WALL ELEVATION

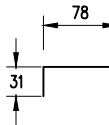
MAXIMUM OPENING LENGTH 'L'	LINTEL			JAMB	SILL
	MAX. ROOF LOADING WIDTH 'LW'				
	4000	6000	8000		
920	75x75x2.0 SHS	75x75x2.0 SHS	75x75x2.0 SHS	75x50x1.6 RHS	78x1.2
1220	75x75x2.0 SHS	75x75x 2.0 SHS	75x75x2.5 SHS	75x50x2.0 RHS	78x1.2
1520	75x75x2.0 SHS	75x75x2.5 SHS	125x75x2.0 RHS	75x50x2.0 RHS	78x1.6
1820	75x75x2.0 SHS	125x75x2.0 RHS	125x75x3.0 RHS	75x50x2.5 RHS	78x1.6
2120	75x75x2.5 SHS	125x75x3.0 RHS	125x75x4.0 RHS	75x50x2.5 RHS	75x50x1.6 RHS
2420	125x75x2.0 RHS	125x75x3.0 RHS	125x75x5.0 RHS	75x50x3.0 RHS	75x50x1.6 RHS
2720	125x75x3.0 RHS	125x75x4.0 RHS	125x75x6.0 RHS	75x50x3.0 RHS	75x50x1.6 RHS

NOTES:

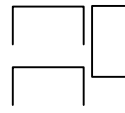
1. ALL RHS AND SHS MEMBERS TO BE 'DURAGAL' GRADE C450L0.
2. LINTELS SHOWN ARE NOT APPLICABLE WHERE SUPPORTING A GIRDER TRUSS.
3. WHERE THE WALL FRAME IS NON LOAD BEARING, THE LINTEL MAY BE MADE THE SAME AS THE SILL.
4. LW DENOTES LOADING WIDTH FOR LINTEL.



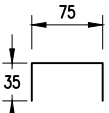
STIFFENED TOP PLATE
GRADE 450 MPa STEEL
1.6mm THICK



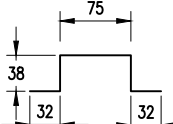
TOP/BOTTOM PLATE
GRADE 450 MPa STEEL
1.6mm THICK



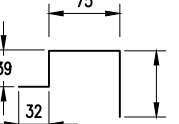
CORNER STUD
USE 3 STANDARD STUDS



STUDS
GRADE 450 MPa STEEL
1.6mm THICK - EXTERNAL WALLS
GRADE 300 MPa STEEL
1.2mm THICK - INTERNAL WALLS



JUNCTION STUD
GRADE 300 MPa STEEL
1.2mm THICK

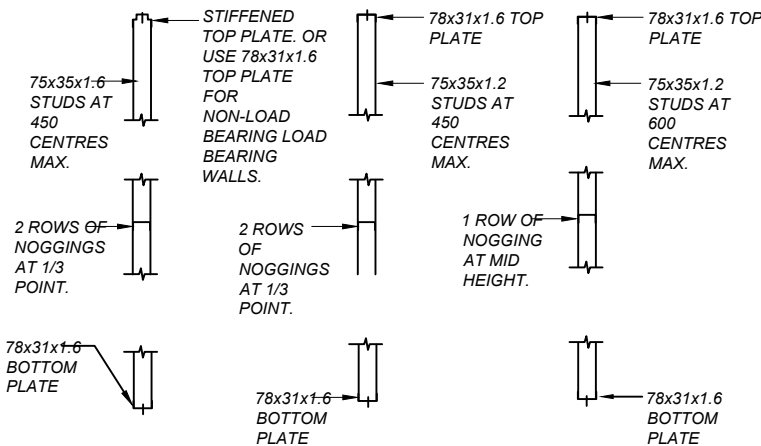


ALTERNATIVE CORNER STUD
GRADE 300 MPa STEEL
1.2mm THICK



NOGGINGS
GRADE 300 MPa STEEL
1.2mm THICK

FRAMING COMPONENTS

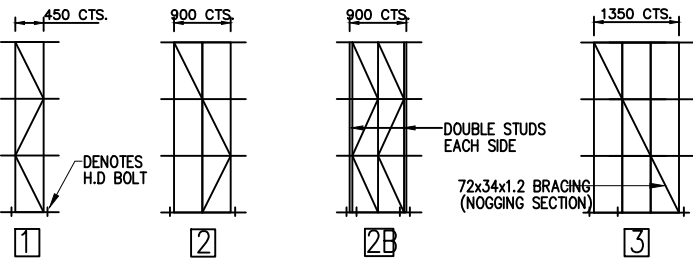


EXTERNAL WALL

INTERNAL SHEAR WALLS
i.e. INTERNAL WALL CONTAINING NON SHEAR WALLS AND BRACING UNITS


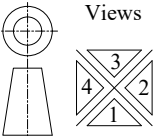
INTERNAL WALL

NON LOAD BEARING



TYPICAL NOGGING BRACING TYPES

STANDARD STEEL STUD WALL FRAMING DETAILS

Rev	Date	Comments	 BAM Drafting CAD BUILDING DESIGNER (08) 26 748 741 (026)	Bruce McDonald - 0408 637828 email - bamdrafting@gmail.com P.O. BOX 2380 Palmerston, NT. 0831	General Notes ALL DIMENSIONS ARE AS SHOWN & ARE NOT TO BE SCALED. BUILDER TO CHECK ALL DIMENSIONS PRIOR TO ANY CONSTRUCTION. DRAWINGS TO BE READ IN CONJUNCTION WITH CONSULTING ENGINEERS DESIGN & ALL OTHER RELEVANT DOCUMENTS & SPECIFICATIONS. ALL BUILDING WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA & LOCAL AUTHORITY REQUIREMENTS. THIS DRAWING IS COPYRIGHT PROTECTED AND SHALL NOT BE COPIED OR CIRCULATED WITHOUT PERMISSION OF THE COPYRIGHT OWNER/S.	Client - Brendan Bell		 Views 3 4 2 1	Drawn BAM	Date Feb 2025	Drawing no. 25/480
									Checked -	Scale NTS	
									Job No.	Sheet No 3 of 4	

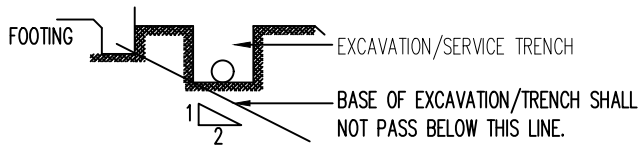
GENERAL NOTES:

1. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANTS DRAWINGS AND SPECIFICATIONS AND WITH SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED.
2. ALL WORKMANSHIP AND MATERIAL SHALL COMPLY WITH THE BUILDING CODE OF AUSTRALIA AS AMENDED AND THE APPROPRIATE AND CURRENT AUSTRALIAN STANDARDS.
3. THE APPROVAL OF A SUBSTITUTION BY THE ENGINEER IS NOT AN AUTHORIZATION FOR AN EXTRA. ANY EXTRAS INVOLVED MUST BE TAKEN UP WITH THE ARCHITECT BEFORE WORK COMMENCES.
4. DIMENSIONS SHALL NOT BE OBTAINED BY SCALING THE ENGINEERING DRAWINGS.
5. ALL DIMENSIONS SHOWN ON THE DRAWINGS SHALL BE VERIFIED ON SITE BY THE CONTRACTOR PRIOR TO CONSTRUCTION OR FABRICATION.
6. REFER TO THE ARCHITECT'S DRAWINGS FOR FINISHED FLOOR LEVELS AND SIZE AND EXACT LOCATIONS OF STEPS AND SETDOWNS.
7. DURING CONSTRUCTION THE STRUCTURE SHALL BE MAINTAINED IN A STABLE CONDITION AND NO PART SHALL BE OVERSTRESSED.
8. THE FOUNDING MATERIAL IS TO BE APPROVED BEFORE POURING CONCRETE AND TO HAVE A SAFE BEARING CAPACITY AS NOTED IN THE SOIL REPORT.
9. THE STRUCTURAL ELEMENTS HAVE BEEN DESIGNED FOR THE FOLLOWING LOADS;

AREA	LOAD
FLOOR LIVE LOAD - GENERAL	1.5 kPa
FLOOR LIVE LOAD - STAIR & BALCONY	2.0 kPa
ROOF LIVE LOAD	0.25 kPa

EARTHWORKS:

1. EARTHWORK CONSTRUCTION SHALL COMPLY WITH GUIDELINES SET OUT IN AS 3798 & AS 2870.
2. EXCAVATIONS AND SERVICE TRENCHES SHALL COMPLY WITH THE FOLLOWING GUIDELINES UNLESS OTHERWISE APPROVED BY THE ENGINEER.



TIMBER:

1. ALL TIMBER CONSTRUCTION TO COMPLY WITH AS 1720, MIN STRESS GRADE F17 HW.
2. JOINT GROUP TO BE J2 OR BETTER.

INSPECTIONS:

1. ALL STRUCTURAL WORK MUST BE INSPECTED AND APPROVED IN WRITING PRIOR TO ANY WORK PROCEEDING. 24 HOURS (MIN.) NOTICE IS REQUIRED FOR ALL INSPECTIONS.

SITE DRAINAGE:

1. THIS FOOTING DESIGN RELIES ON SPECIFIC SITE DRAINAGE PERFORMANCE. WHERE THE CLIENT HAS NOT ENGAGED THE ENGINEER TO PREPARE A SITE DRAINAGE PLAN IT SHALL BE THE CLIENT'S RESPONSIBILITY TO ENSURE THAT THE SITE IS EFFECTIVELY DRAINED IN ACCORDANCE WITH THE REQUIREMENTS OF AS 2870, AS 3500 AND ALL OTHER APPLICABLE STANDARDS AND REGULATIONS BEFORE COMPLETION OF THE BUILDING WORKS.
2. SITES SHALL BE DRAINED SO THAT WATER CANNOT POND AGAINST OR NEAR THE BUILDING. THE GROUND IMMEDIATELY ADJACENT TO THE BUILDING SHALL BE GRADED TO FALL 50MM OVER THE FIRST METRE. WHERE THIS IS IMPRACTICABLE (I.E ON SEVERE SLOPING SITES) USE AGI DRAINS ADJACENT TO FOOTINGS WHERE THE GROUND FALLS TOWARDS THE BUILDING.

STRUCTURAL STEEL NOTES:

1. ALL WORKMANSHIP AND MATERIALS TO BE IN ACCORDANCE WITH AS 4100.
2. CLEATS, FIXINGS, ETC NOT SHOWN, TO BE PROVIDED BY THE FABRICATOR.
3. UNLESS SHOWN OTHERWISE, CONNECTIONS SHALL HAVE; 6mm CFW, 2M16 8.8/S BOLTS & 10mm THICK CLEAT PLATES.
4. ALL STRUCTURAL STEELWORK MUST BE PROTECTED AGAINST CORROSION IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, CLAUSE 3.4.4.4 & TABLE 3.4.4.2. AND AS PER THE FOLLOWING:
AS/NZS 2312.1:2014 - FOR PROTECTIVE COATINGS.
AS/NZS 2312.2:2014 - FOR HOT DIP GALVANISING.
AS 4506:2005 - FOR THERMOSET POWDER COATINGS.
5. THE ENGINEER'S REVIEW OF SHOP DRAWINGS SHALL BE LIMITED TO THE CHECKING OF MEMBER SIZES, CONNECTION CONFIGURATIONS AND CAMBERS. IT DOES NOT INCLUDE CHECKING DIMENSIONS.
6. STRUCTURAL STEEL ROOF BEAMS, TRUSSES, PORTALS, ETC TO HAVE A PRECAMBER OF 2mm FOR EVERY 1000mm OF SPAN U.N.O.
7. GALVANISED STEELWORK THAT IS SITE WELDED OR SUSTAINS ANY OTHER KIND OF SURFACE DAMAGE IS TO BE PREPARED TO AS1627.2 CLASS 3 AND PRIMED WITH 2 COATS OF GALVINITE (MANUFACTURED BY JOTUN) TO MANUFACTURERS SPECIFICATIONS.
8. WELDING TO BE IN ACCORDANCE WITH AS1554.
9. BOLTS SHALL BE COMMERCIAL GRADE TO AS1111.1 OR HIGH STRENGTH TO AS1252.
10. STEELWORK BELOW GROUND LEVEL SHALL BE ENCASED IN CONCRETE WITH A MINIMUM COVER OF 75mm.
11. ALL STEEL BEAMS AND LINTELS TO HAVE 110mm MIN. END BEARING U.N.O.

ELEMENT	SURFACE CLEANING	PRIMING	FINISH
EXPOSED STEELWORK (INTERNAL)	SANDBLAST TO CLASS 2.5	75~m ZINC PHOSPHATE	SEE ARCHITECTS SPECIFICATION
NON EXPOSED STEELWORK	POWER WIRE BRUSH	75~m ZINC PHOSPHATE	---
EXPOSED STEELWORK (EXTERNAL)	SANDBLAST TO CLASS 1.5	HOT DIP GALVANISED	SEE ARCHITECTS SPECIFICATION

ALL STEELWORK SHALL BE GRADE 300 GENERALLY AND GRADE 450 FOR COLD FORMED LIGHT GRADE SECTIONS U.N.O.

POST FIXED ANCHORS:



1. ALL MATERIALS, WORKMANSHIP & INSTALLATION SHALL COMPLY WITH THE REQUIREMENTS OF AS 5216 & BE STRICTLY IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATION.
2. ANCHOR HOLES ARE TO HAMMER DRILLED, HAMMER DRILLING IS NOT BE SUBSTITUTED WITH CORE DRILLING UNLESS APPROVED BY THE ENGINEER.
3. REINFORCEMENT IS NOT TO BE DAMAGED/CUT BY ANCHOR INSTALLATION. THE BUILDER IS TO INCORPORATE CLASH DETECTION MEASURES SUCH AS CONCRETE SCANNING OR PILOT HOLE DRILLING TO LOCATE EXISTING REINFORCEMENT. SHOULD CLASHES WITH EXISTING REINFORCEMENT BE DETECTED, CONTRACTOR TO SEEK APPROVAL FROM ENGINEER FOR RELOCATION.
4. INSTALLATION OF ANCHORS SHOULD BE PERFORMED BY AN AEFAC CERTIFIED INSTALLER OR BY A PERSON TRAINED BY THE MANUFACTURER/SUPPLIER OF THE SPECIFIED PRODUCT.
5. THE ENGINEER MUST BE CONSULTED FOR AN APPROVAL OF ALTERNATE PRODUCT.

TEMPORARY WORK:

1. STRUCTURAL DOCUMENTATION DESCRIBES THE BUILDING IN ITS PERMANENT CONDITION. STABILITY IN THE TEMPORARY STATE IS THE RESPONSIBILITY OF THE CONTRACTOR IN ACCORDANCE WITH AUSTRALIAN STANDARD & GOOD PRACTICE.
2. THE CONTRACTOR IS TO PROVIDE ALL TEMPORARY WORKS CONTRACTOR ENGINEERING DRAWINGS TO THE STRUCTURAL ENGINEER FOR INFORMATION.
3. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THE OVERALL STABILITY AND NO PART IS OVERSTRESSED DUE TO CONSTRUCTION & INSTALLATION.
4. ALL VERTICAL DISPLACEMENTS & MOVEMENTS ARE TO BE LIMITED TO ENSURE THE STRUCTURE IS NOT SUBJECTED TO LOADS OR MOVEMENT CAUSING STRUCTURAL DISTRESS TO ANY ELEMENT WHILE THE STRUCTURE IS BEING TEMPORALLY SUPPORTED.
5. THE STRUCTURE TO BE ADEQUATELY BRACED TO PREVENT AND HORIZONTAL MOVEMENT OR DEFLECTIONS.

GLAZING:

1. GLAZED WINDOWS AND DOORS INCLUDING FRAMES, GLAZING AND FIXING TO COMPLY WITH AS1288 AND AS2047 AND TO BE CERTIFIED BY MANUFACTURER FOR CYCLONIC REGION
2. SLIDING GLASS DOOR TO HAVE SAFETY MOTIFS.
3. WINDOWS LESS THAN 500 mm FROM THE FLOOR LEVEL OR LESS THAN 500 mm FROM AND OPENING REQUIRED SAFETY GLASS IN ACCORDANCE WITH AS1288
4. WIND PRESSURE TO COMPLY WITH DTC M/412/1-2

Rev	Date	Comments	 BAM Drafting CAD BUILDING DESIGNER <small>(08) 26 748 741 (026)</small>	Bruce McDonald - 0408 637828 email - bamdrafting@gmail.com P.O. BOX 2380 Palmerston, NT. 0831	<p>General Notes</p> <p>ALL DIMENSIONS ARE AS SHOWN & ARE NOT TO BE SCALED. BUILDER TO CHECK ALL DIMENSIONS PRIOR TO ANY CONSTRUCTION.</p> <p>DRAWINGS TO BE READ IN CONJUNCTION WITH CONSULTING ENGINEERS DESIGN & ALL OTHER RELEVANT DOCUMENTS & SPECIFICATIONS.</p> <p>ALL BUILDING WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA & LOCAL AUTHORITY REQUIREMENTS.</p> <p>THIS DRAWING IS COPYRIGHT PROTECTED AND SHALL NOT BE COPIED OR CIRCULATED WITHOUT PERMISSION OF THE COPYRIGHT OWNER/S.</p>	Client - Brendan Bell		 Views	Drawn	BAM	Date	Feb 2025	Drawing no. 25/480
						Project PURE PIRATES NT - Tenancy Lot.9328 Cascom Level-1 CASUARINA, NT. 0811			Checked	-	Scale	NTS	
									Job No.		Sheet No 4 of 4		

From: [Nick Kearns](#)
To: [Madison Harvey](#)
Subject: TRM: RE: [2432] PA2025/0056
Date: Thursday, 20 March 2025 12:17:53 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image008.png](#)
[image010.png](#)

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Madison

I was just reading through the City's letter and it appears saying that if DAS/DCA determine there's a shortfall – and calculate an amount of parking spaces required, they want it dealt with as a cash in lieu contribution – as opposed to insisting, of course, that the permit holder construct new (additional) spaces on site.

I've just gone through the SoE and I don't think we were as clear as we could have been with the parking.

The place will operate from 5.30am to 7pm:

- 5.30am to 7.30am are classes (x2) so the maximum number of people there – between 22 and 25.
- 7.30am to 4.30pm are all one-on-one sessions, so likely to be 2 people max over that time.
- 5pm to 7pm are back to the classes and maximum occupancy.

They have 3 car parking spaces specifically reserved for their use.

We'll be telling the DCA that there are enough spaces to match the timetable between the one-on-one sessions and the periods allocated for classes.

I didn't see any similar uses in the Cascom centre that could class with their proposal – ie soak up the availability of parking, but there aren't many car spaces available generally during the day from what I could see.

There wouldn't be enough car parking spaces to run classes over the course of the day, but there is maximum availability before 8am and after 4.30/5pm – although they have to use their gate key at this point.

Do you think the City may have thought that there was a likelihood that classes could be run all day?

NOTICE OF PROPOSED DEVELOPMENT
SUBMISSIONS CLOSE: MIDNIGHT, 14/03/2025

APPLICATION REF: PA2025/0056

APPLICANT: MASTERPLAN SA PTY LTD
ADDRESS: Lot 9328 Town of Nightcliff (17 Scalurchio Street, Casuarina)
ZONE(S): C (Commercial)
PROPOSAL: Change of use from office to leisure and recreation (Pilates studio)

VIEW THE APPLICATION AND LODGE A SUBMISSION:

ONLINE: 
www.ntbhs.nt.gov.au/planning
EMAIL: das.rsp@nt.gov.au

DARWIN
PHONE: 8999 8048
POST: GPO Box 1680
Darwin NT 0801



indicative image only

NOTICE OF PROPOSED DEVELOPMENT

SUBMISSIONS CLOSE: MIDNIGHT, 14/03/2025

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ONLINE:



www.ntfa.nt.gov.au/planning

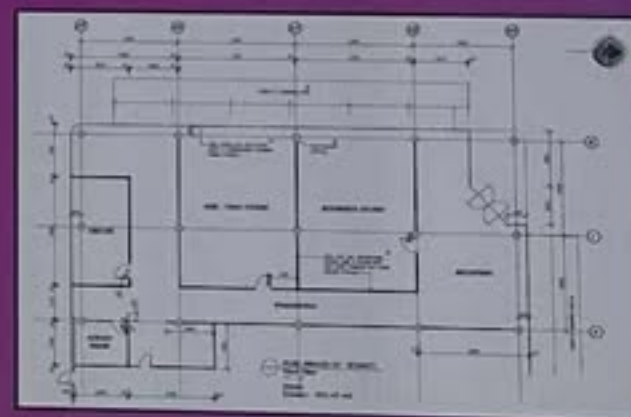
EMAIL: das.ntg@nt.gov.au

DARWIN

PHONE: 8999 6046

POST: GPO Box 1680

Darwin NT 0801



Indicative image only

CASCOM CENTRE
CASUARINA COMMERCIAL CENTRE

13-17 SCATURCHIO STREET

 **headspace**
Darwin

Workforce Australia
Employment Services
Delivered by Meliora Australia

NORTHERN TERRITORY
CONSUMER
AFFAIRS

 **salvos**
STORES

 Australian Red Cross
Lifeblood

STEPS

 **NTCAT**
Northern Territory
Civil and Administrative Tribunal

 **PURE**
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20 Minutes
PERMIT REQUIRED FOR SEDANS & STATION WAGONS

1

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LOADING
ZONE
GOODS
VEHICLES
ONLY
20 Minutes
PERMIT REQUIRED
FOR SEDANS &
STATION WAGONS

1

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AQUA
1000







NORTHERN TERRITORY PLANNING AUTHORITY

Planning Act

Section 113

INSTRUMENT OF DETERMINATION

DV3452

Development application lodged pursuant to section 104 of the Planning Act by Woodbrook Pty Ltd of GPO Box 2816, Darwin NT 0801 on 30 May 1989 for consent to develop Lot 9291 Bradshaw Terrace, Town of Nightcliff for the purpose of offices (comprising a nett floor space of 7199m² approximately) and shops (comprising a nett floor area of 2057m² approximately).

At the meeting of the Northern Territory Planning Authority on 7 June 1989 the Authority waived clause 33 with respect to the provision of 1 car space, clause 53 (office floor space limitation) and clause 72 (height of buildings) of the Darwin Town Plan 1982 and determined the application pursuant to section 112(1)(a) of the Planning Act by granting consent to the application to develop Lot 9291 Bradshaw Terrace, Town of Nightcliff for the purpose of offices (comprising a nett floor space of 7199m² approximately) and shops (comprising a nett floor area of 2057m² approximately) in accordance with drawing numbers LYN 001/S1A, LYN 001/S2 and LYN 001/S3 and subject to the following conditions:

1. Kerb crossovers to the site, driveways to the site boundary and stormwater drainage shall be provided and disused kerb crossovers reinstated, to the requirements and satisfaction of the Technical Services Manager, Darwin City Council at no cost to the Council.

REASON

To ensure the provision of suitable access to the site, in the interest of road safety and the better administration of community services.

2. Carparking spaces and internal driveways shall be bituminous concrete or similar impervious sealing and line marked and be constructed and maintained to the satisfaction of the Division Head, Planning and Building Division, Department of Lands and Housing.

REASON

To ensure the provision of adequate all-weather access and parking.



3. Electrical reticulation to the site to be provided to the requirements and satisfaction of the Power and Water Authority, Power Directorate, at no cost to the Authority.

REASON

To ensure the provision of essential services for human habitation.

4. Water reticulation to the site and sewage disposal from the site to be provided to the requirements and satisfaction of the Power and Water Authority, Water Directorate, at no cost to the Authority.

REASON

To ensure the provision of essential services for human habitation.

5. Any development on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant service authority.

REASON

In the interest of the better administration of community services.

6. All areas set aside for landscaping on the endorsed plan shall be planted and continuously maintained to the satisfaction of the Division Head, Planning and Building Division, Department of Lands and Housing.

REASON

To comply with the Darwin Town Plan and in the interest of amenity.

Dated this

18th

day of

June


1989

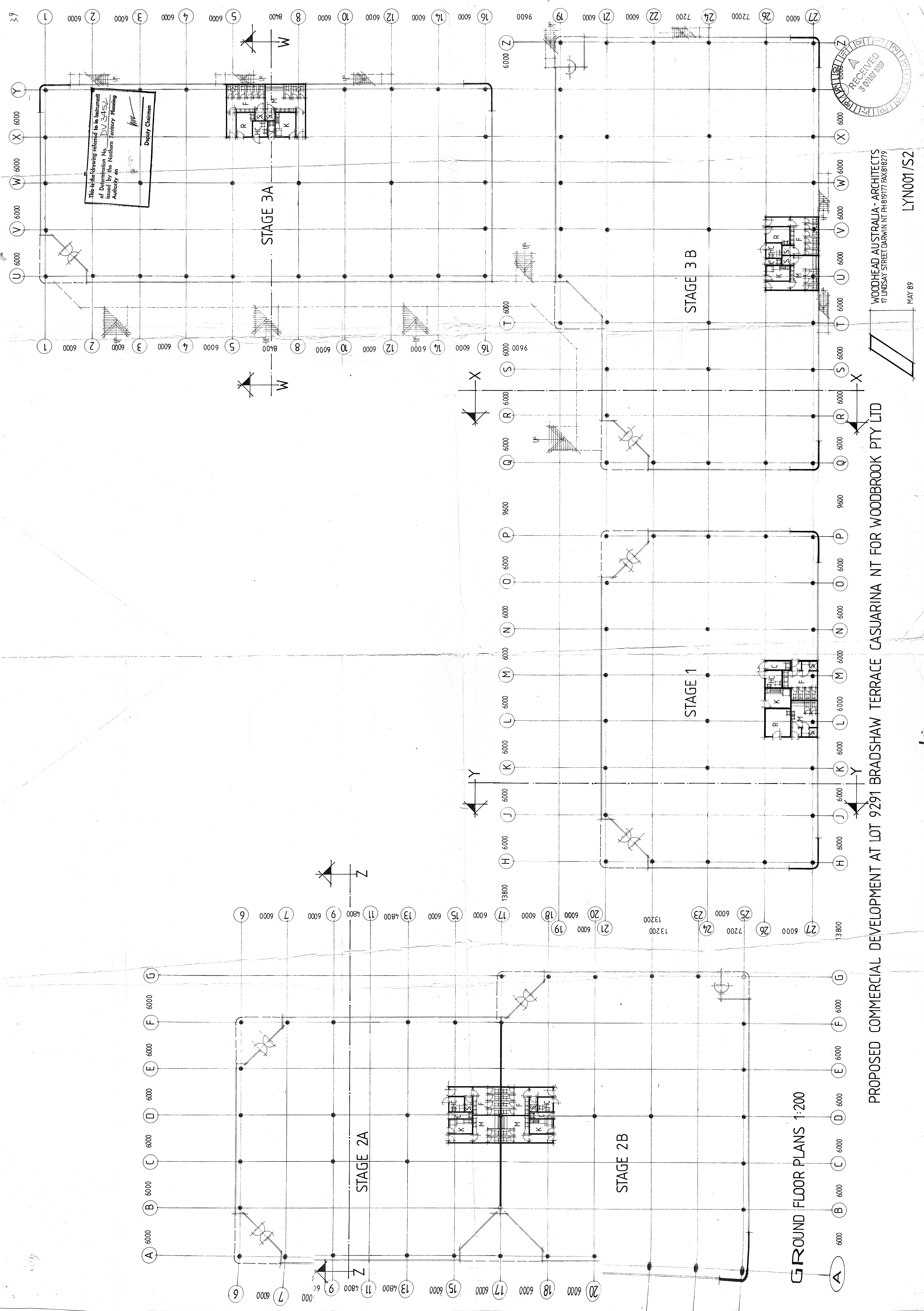


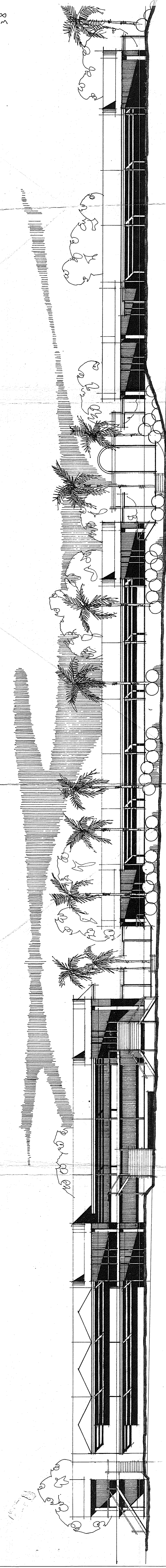
P M BARR
Deputy Chairman
Northern Territory
Planning Authority

NOTES


1. Nothing in this Instrument shall affect the liability of the applicant to pay any levy lawfully imposed by the Darwin City Council in respect of the waiver of on-site parking requirements granted by this Instrument.
2. The applicant's attention is drawn to the right of appeal which exists in relation to the above decision in accordance with section 114 of the Planning Act. Within 28 days of receiving this Instrument of Determination, an appeal may be lodged to the Appeals Committee.
3. Your attention is drawn to Section 116 of the Planning Act which states:-
 - 1) Subject to this Division, a consent to a development application lapses at the expiration of 2 years from the date of the consent.
 - 2) A consent to a development application does not lapse under subsection (1)-
 - a) in the case of a consent to the erection of a building or the carrying out of work - if the erection of the building or the carrying out of the work, as the case may be, in accordance with that consent is substantially commenced; or
 - b) in the case of a consent to use a building, work or land - if the use of the building, work or land in accordance with that consent has actually commenced,within 2 years from the date of consent.
4. Working drawings and specifications to comply with the Northern Territory Building Code and other relevant statutes and are subject to approval by the Building Controller of the Department of Lands and Housing.

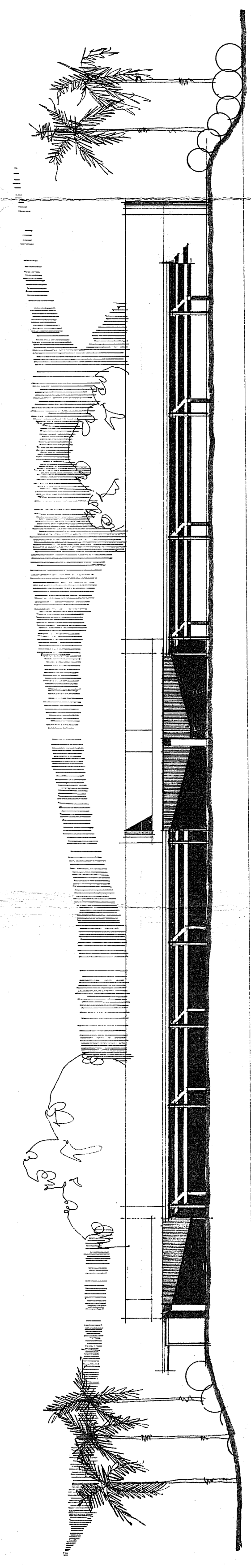

18. June 1989



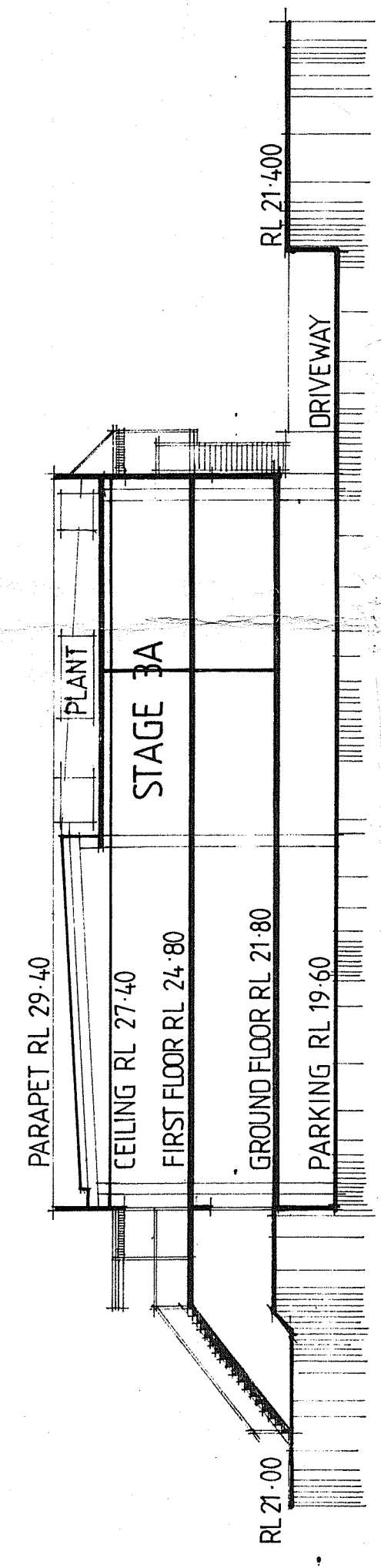


ELEVATION FROM SCATURCHIO DRIVE 1:200

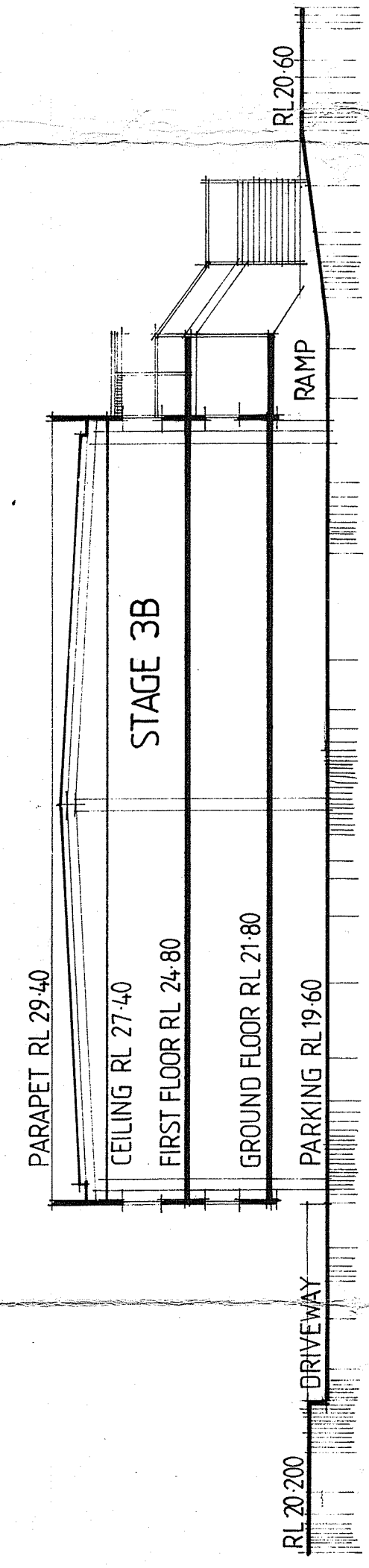
This is the drawing referred to in Instrument
of Determination No. **DV 3452**
issued by the Northern Territory Planning
Authority on _____

Deputy Chairman



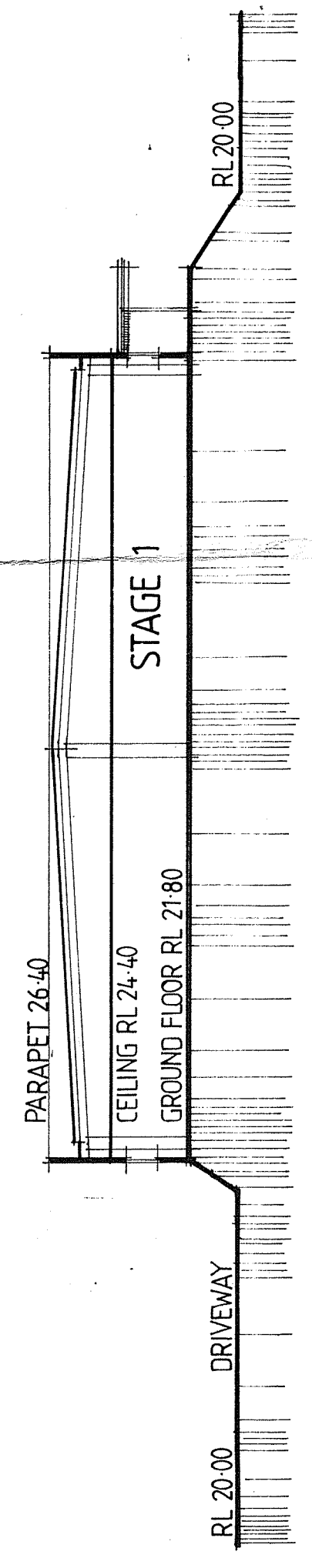
ELEVATION FROM BRADSHAW TERRACE 1:200



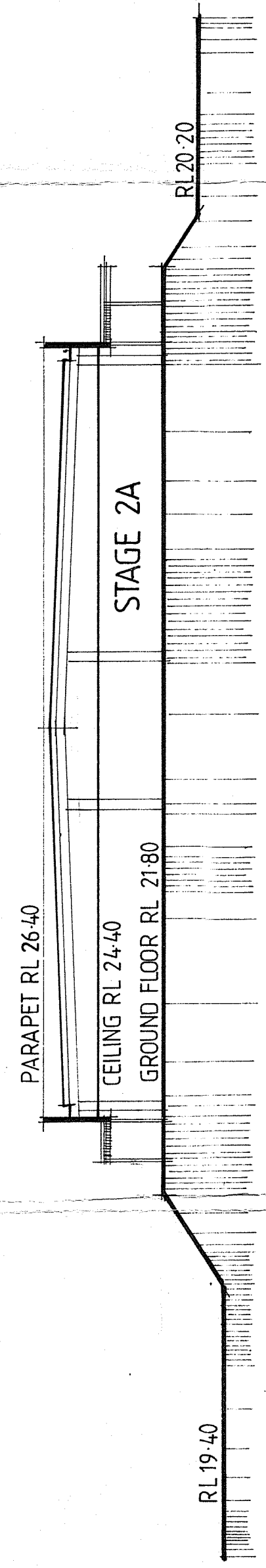
SECTION W-W 1:200



SECTION X-X 1:200



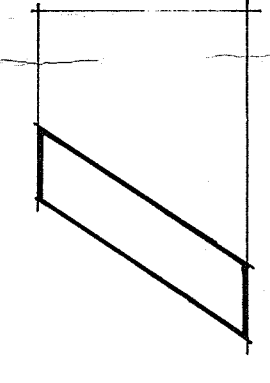
SECTION Y-Y 1:200



SECTION Z-Z 1:200

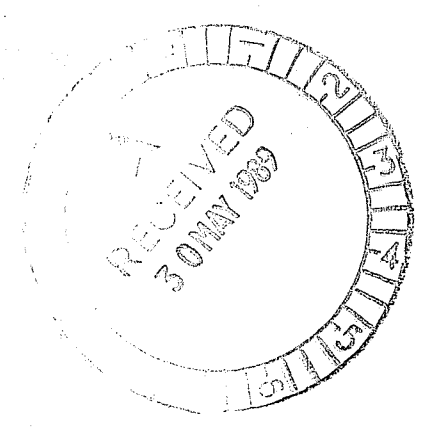
PROPOSED COMMERCIAL DEVELOPMENT AT LOT 9291 BRADSHAW TERRACE CASUARINA NT FOR WOODBROOK PTY LTD

WOODHEAD AUSTRALIA - ARCHITECTS
17 LINDSAY STREET DARWIN NT PH 819177 FAX 818279



LYN001/S3

MAY 89



NORTHERN TERRITORY PLANNING AUTHORITY

Planning Act

Section 95

INSTRUMENT OF DETERMINATION

S1929

Subdivision application lodged pursuant to section 86 of the Planning Act by Woodbrook Pty Ltd, C/- Earl James & Associates, GPO Box 884, Darwin, NT, 0810 on 29 August 1989 for consent to subdivide Lot 9291, Scaturchio Street, Town of Nightcliff for the purpose of creating two lots.

I, JAMES MURRAY ROBERTSON, by virtue of a delegation from the Northern Territory Planning Authority, determine the application pursuant to section 94(1)(a) of the Planning Act by granting consent to the application to subdivide Lot 9291, Scaturchio Street, Town of Nightcliff for the purpose of creating two lots in accordance with the drawing number 89/1442/2 endorsed by me and subject to the following conditions:

1. Any easements required for the purposes of electricity, sewers, water supply, stormwater drainage, roads, telecommunications, or for any other purpose shall be made available free of cost to the Northern Territory of Australia, the relevant statutory authority of the Northern Territory of Australia, the Commonwealth of Australia and if relevant, to the local authority under whose jurisdiction the subdivision proposal falls.

REASON

In the interest of better administration of public services.

2. Kerb crossovers to the lots, driveways to the lot boundary and stormwater drainage, shall be provided; and disused kerb crossovers reinstated at the applicant's expense to the requirement and satisfaction of the Technical Services Manager, Darwin City Council.

10/10/31

REASON

In the interest of road safety and the better administration of community services.

3. Electrical reticulation to each lot shall be provided at the applicant's expense to the requirements and satisfaction of the Power and Water Authority, Power Directorate.

10/10/30

REASON

In the interest of amenity and the better administration of community services.

To be collected
6/10/89

23

4. Water and sewage reticulation to each lot shall be provided at the applicant's expense to the requirements and satisfaction of the Power and Water Authority, Water Directorate.

10/10
33

REASON

In the interest of amenity and the better administration of community services.

5. Reciprocal access, drainage and carparking easements, to the satisfaction of the Chairman, shall be granted over each of Lots A and B and be registered on the titles of those allotments.

10/10 30-34

REASON

To ensure the provision of adequate carparking to the complex.

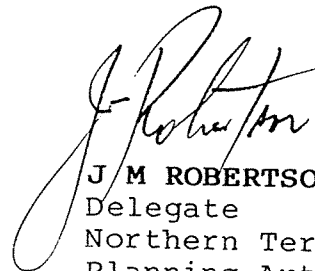
Dated this

6th

day of

October

1989



J M ROBERTSON
Delegate
Northern Territory
Planning Authority

NOTES:

1. The applicant's attention is drawn to the right of appeal which exists in relation to the above decision in accordance with Section 97 of the Planning Act. Within 28 days of receiving this Instrument of Determination an appeal to the Appeals Committee may be lodged.
2. Your attention is drawn to Section 101 of the Planning Act which states:-
 - 1) Subject to this Division, a consent to a subdivision application lapses at the expiration of 2 years from the date of the consent.

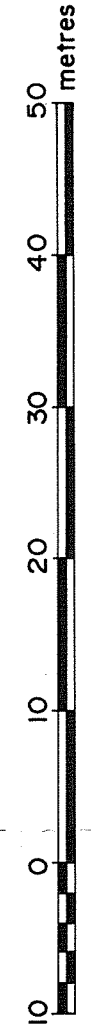
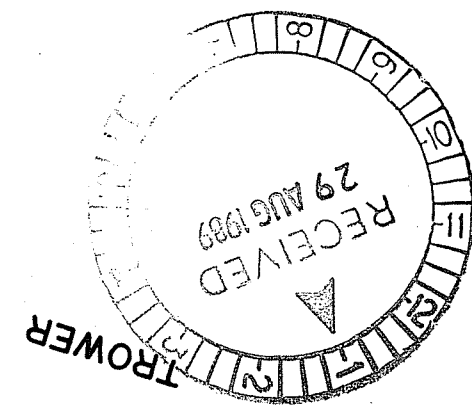
2) A consent to a subdivision application does not lapse under subsection (1) -

a) if the consent involves the carrying out of subdivision works and the carrying out of those works in accordance with that consent is substantially commenced; or

b) in any case, if the plan of subdivision in respect of which the consent was given is approved under Section 49(2) of the **Licensed Surveyors Act** by the Surveyor-General,

within 2 years after the date of consent unless certificates of title for each of the allotments in the subdivision have not been issued under the **Real Property Act** before the expiration of 4 years after the date of consent, in which case the consent shall lapse at the expiration of that 4 year period.

3. Where an easement is required in favour of a specified service authority, it must be described on a plan of survey using the description in Schedule 2 of the Planning Act. Upon registration of that plan by the Registrar-General, the easement will automatically become an easement and the service authority which is specified in that description may then have the use and benefit of that easement.



Notes.

All areas and dimensions are subject to survey.

Access Easement ① in favour of Lots 9220 and 5099.

Access Easement ② in favour of Lot B.

Access Easement ③ in favour of Lot A.

Access Easements ② and ③ cover proposed car parking areas.

All services are available.

LOT 9291 TOWN OF NIGHTCLIFF	SCALE 1: 500
PROPOSED SUBDIVISION	DRAWING NO
CLIENT WOODBROOK PTY LTD	89/1442/2

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

Please Quote: PA2025/0056

14 March 2025

Dear Mr Magotra

Parcel Description: Lot 9328 Town of Nightcliff
17 Scaturchio Street, Casuarina

Proposed Development: Change of use from office to leisure and recreation
(Pilates studio)

Thank you for the development application referred to this office on 28 February 2025 concerning the above.

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

i). **City of Darwin requests that should a development permit be issued; City of Darwin offers the following comment:**

It is noted that there is a car parking shortfall for this application. Should the Authority consider the proposed number of bays insufficient, it is requested that the Authority require a monetary contribution be paid to City of Darwin in accordance with its Car Parking Contribution Plan, in lieu of the on-site car parking shortfall as a result of this development.

Should this application be approved, the following conditions pursuant to the *Planning Act 1999* and City of Darwin's responsibilities under the *Local Government Act 2019* are also recommended for inclusion in the development permit issued by the Development Consent Authority.

- Pursuant to the Northern Territory Planning Scheme and s.70(5) of the *Planning Act*, a monetary contribution shall be paid to City of Darwin for any determined parking shortfall.



- 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.
- 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.

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

Yours sincerely

Signed by:

F49428FD783DE51F

ALICE PERCY
GENERAL MANAGER INNOVATION

Phone 1800 245 092

Web powerwater.com.au

Record No: D2025/94260

Container No: NE550/9328

Your Ref: PA2025/0056

Madison Harvey
Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Madison

Re: Lot 9328 (17) Scaturchio Street Casuarina Town of Nightcliff

In response to your letter of the above proposal for the purpose of internal alterations and change of use from office to leisure and recreation (Pilates studio) by the tenant Pure Pilates NT (PP), Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. PWC has no objection to the above application.
2. The Landowner/Body Corporate shall engage a licensed electrician to upgrade the customer's internal electricity reticulation suitable for separate electricity billing purposes for the Pilates studio if required by the tenant PP in accordance with PWC current NP018-Service and Installation Rules, and NP010-Meter Manual.

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

Yours sincerely



Thanh Tang
Manager Distribution Development

05 March 2025



Container No: LD550/9328

DIPL - Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Madison Harvey,

RE: PA2025/0056 - Lot 9328 Town of Nightcliff - 17 Scaturchio Street Casuarina - From office to leisure and recreation.

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 developer must install the backflow prevention device at the water service. The backflow prevention device must be installed in accordance with the requirements of the AS/NZS 3500.1 – Plumbing and Drainage-Water Supply. It must be maintained in accordance with AS/NZS 2845.1 Water Supply. Contact BackflowPrevention.PWC@powerwater.com.au for all backflow prevention enquires.
3. Full lot fire coverage cannot be achieved from existing hydrants. Internal firefighting arrangements must be made to the satisfaction of NT Fire and Rescue Service.
4. The developer will need to contact Power and Water's Trade Waste Department (TradeWasteDept.PWC@powerwater.com.au) to discuss trade waste requirements for the proposed development.
5. The developer must ensure that;
 - a) Prior to construction Trade Waste approval or exclusion is obtained – to discuss requirements for the proposed development contact TradeWasteDept.PWC@powerwater.com.au
 - b) Before seeking clearance the owner/customer has obtained a License to discharge Trade Waste by applying here <https://www.powerwater.com.au/developers/water-development/trade-waste>
6. The existing sewerage easements within Lot 9328 is still required. Structures must not be located on or over a water supply or sewerage easement, or where no easement exists such as within a road reserve without obtaining the prior written approval of Power and Water.
7. All required works mentioned above must all be at according to Power and Water's Connection Code and at the developer's expense. A letter has been sent to the applicant outlining the fees and charges applicable for this development. All standard and quoted charges, as well as contribution charges will be valid for a period of 6 months from date of letter issue. As required, Power and Water will reassess the charges for the development.

8. Power and Water advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) must be contacted via email a minimum of 1 month prior to construction works commencing.

If you have any further queries, please email waterdevelopment@powerwater.com.au

Yours sincerely

V. Ferraz

Voyia Ferraz

Services Development

24 March 2025

cc: Nick Kearns

email: darwin@masterplan.com.au



Technical Assessment PA2025/0056

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

Application No: PA2025/0056

Lot number: 09328

Town/Hundred: Town of Nightcliff

Zone: C (Commercial)

Site Area: 9440 m²

Proposal: Change of use from office to leisure and recreation (Pilates studio)

Plans used for assessment: Development Plans prepared by BAM Drafting; Statement of Effect prepared by Masterplan

Date assessment finalised: 17 March 2025

This review has been completed pursuant to the Northern Territory Planning Scheme 2020 (the Planning Scheme). The proposal has been assessed as being for Leisure and Recreation (pilates studio) within Zone.

The application requires consent under the Northern Territory Planning Scheme 2020 as described in the tables and sections below:

Assessment Table – Zone					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Leisure and Recreation	Merit Assessable	N/A	5.2.1 General Height Control 5.2.4 Car Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	N/A	5.5.1 Interchangeable Use and Development 5.5.2 Commercial Plot Ratio 5.5.3 General Building and Site Design 5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC 5.8.5 Leisure and Recreation

The application is **Merit Assessable under Clause 1.8(1)(b)(i)** of the NTPS2020 as the use is shown as *Merit Assessable* on the relevant assessment table in Part 4 of the NTPS2020.

An assessment of the relevant clauses are summarised in the table below.

Part 5 Clauses (General Development Requirements)	Compliance		
	Yes	No	N/A
5.2.1 General Height Control			X
5.2.4.1 Car Parking Spaces		X	
5.2.4.4 Layout of Car Parking Area			X
5.2.4.5 Vehicle Access and On-site Parking for Dwellings-Single on Lots Less			X
5.2.5 Loading Bays			X
5.2.6.1 Landscaping in Zones other than Zone CB			X
5.2.6.2 Landscaping in Zone CB			X
5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR			X

Part 5 Clauses (General Development Requirements in Specific Zones)	Compliance		
	Yes	No	N/A
5.3.7 End of Trip Facilities in Zones HR CB C SC and TC			X

Part 5 Clauses – Commercial Specific Development Requirements	Compliance		
	Yes	No	N/A
5.5.1 Interchangeable Use and Development			X
5.5.1.2 Interchangeable use and development in Zone C			X
5.5.2 Commercial Plot Ratio			X
5.5.4 Expansion of Existing Use or Development in Zones CB C SC and TC			X
5.5.15 Design in Commercial and Mixed Use Areas			X
5.5.17 Building Frontage in Commercial and Mixed Use Areas			X

Part 5 Clauses – Miscellaneous Specific Development Requirements	Compliance		
	Yes	No	N/A
5.8.5 Leisure and Recreation	X		

1.8 When development consent is required

1. The need for **consent** and the level of assessment that applies to the use and development of land is set out in the framework below:
 - (b) *Merit Assessable* – use and development that requires the exercise of discretion by the consent authority to ensure it can be established and operated in a way that does not impact on the **amenity** of the area and accords with the relevant zone purposes and outcomes.

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

- i. it is shown as *Merit Assessable* on the relevant assessment table in Part 4;
- ii. it is shown as *Permitted* on the relevant assessment table in Part 4 but:
 - (1) requires **consent** by virtue of an Overlay as set out in Part 3; or
 - (2) does not comply with the relevant development requirements set out in Part 5;
- iii. it is for the consolidation of land; or
- iv. it is for the subdivision of land for the purpose of a Unit Title Scheme, where:
 - (1) development consent has been granted; or
 - (2) the development is permitted in the relevant assessment table; or
 - (3) the Unit Title Scheme does not include vacant land.
- v. a provision of the Planning Scheme expressly requires assessment as *Merit Assessable*.

Editor's note: the Planning Act and Regulations exempt some types of consolidation and subdivision from requiring consent.

1.10 Exercise of Discretion by the Consent Authority

3. In considering an application for **consent** for a use or development identified as *Merit Assessable* the consent authority must take into account all of the following:
 - (a) the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
 - (b) any Overlays and associated requirements in Part 3 that apply to the land; and
 - (c) the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6.

5. The consent authority may **consent** to a proposed use or development that 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).
6. When consenting to the use or development of land, the consent authority may impose a condition requiring a higher standard of development than is set out in a requirement of Parts 3, 5 or 6 if it considers it necessary to the achievement of the Strategic Framework, the purpose of the overlay or the zone, or it considers it is otherwise necessary to do so.

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. Strategic Framework

The site is located within the following strategic frameworks:

Darwin Regional Land Use Plan (DRLUP) 2015:

An application which is Merit Assessable is not required to take into account Part 2 Strategic Framework of the NTPS2020. As such, this proposal has not been assessed against the Strategic Framework. However, it is noted that the proposal is located within areas identified as urban/peri-urban within the Darwin Regional Land Use Plan (DRLUP) 2015.

The proposed development will continue to provide retail and commercial uses for the area and is consistent with the purpose of the DRLUP. The scale of the development is considered appropriate to the service function of Casuarina as a regional centre.

NOT APPLICABLE

3 Overlays

No overlays affect the site.

NOT APPLICABLE

4.11 Zone C – Commercial

Zone Purpose

Provide a mix of activities and services well connected to a surrounding community at varying scales including:

- (a) mixed use centres providing a wide range of retail, entertainment, community and business activities that serve the broader community;
- (b) smaller centres that cater for convenience needs of immediately surrounding communities;
- (c) small local centres predominantly focused on convenience retailing; and
- (d) residential development commensurate to the scale of the commercial precinct.

Zone Outcomes

1. A diversity of commercial activities that provide for a range of needs of the surrounding area at an appropriate scale for their location, including:
 - (a) a mix of retail and business activities including **shop, food premises-café/take away, food premises-restaurant, bar-small and bar-public, sex services-commercial premises, medical clinic, office, and leisure and recreation;** and
 - (b) **child care centre, club, residential care facility,** and other community activities and support services.
 2. **Dwelling-multiple and rooming accommodation** incorporate commercial activities within the ground floor occupancies in a manner that contributes to the activation of the commercial precinct, at an appropriate scale for the location.
 3. Other development, such as **education establishment, exhibition centre, hotel/motel, nightclub entertainment venue, place of assembly, place of worship, car wash, service**
-

station, shopping centre, showroom sales, vehicle sales and hire and veterinary clinic are located to support the function of the commercial precinct.

4. All development is to:
 - (a) avoid adverse impacts on the local road network;
 - (b) be managed to minimise unreasonable impacts to the **amenity** of surrounding residents;
 - (c) be of a scale, intensity and nature that reflects the mixed use character of the zone;
 - (d) provide variety and interest at street level;
 - (e) allow passive surveillance of public spaces; and
 - (f) have a scale and character appropriate to the commercial function of the locality.
5. Innovative building design, **site** layout and landscaping that:
 - (a) responds to microclimates, including breeze flow;
 - (b) minimises privacy and overlooking impacts;
 - (c) reduces the appearance of building mass relative to its surroundings; and
 - (d) creates attractive outdoor spaces and enhances the streetscape.
6. Development is designed to provide clear connections within the development and to external pedestrian, bicycle, public and road transport networks and infrastructure to promote accessibility and use.
7. Development incorporates appropriate urban and landscape design that creates safe, attractive and functional buildings, streets and places.
8. Developments are operated in a manner to ensure that there is no unreasonable loss of **amenity** for surrounding premises, having regard to the mixed use nature of the zone.
9. Development is provided with the appropriate services, including roads, pedestrian and cycle paths, reticulated electricity, water, sewerage, stormwater drainage and telecommunication infrastructure where available or where can be made available. If reticulated sewerage is unavailable, lots are suitable for the on-site disposal of effluent in a manner that does not pollute ground or surface waters.
10. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

Assessment

The application supports the purpose of Zone C as it is for a new use in an existing commercial complex (CasCom Centre).

Sub-clauses 2 and 3 are not applicable as the uses listed are not proposed as part of the application.

An assessment of sub-clauses 1, 4 - 9 is provided in the below table.

Subclause	Assessment
1. A diversity of commercial activities that provide for a range of needs of the surrounding area at an appropriate scale for their location, including: <ol style="list-style-type: none"> a. a mix of retail and business activities including shop, food premises-café/take away, food premises-restaurant, bar-small and bar-public, 	<p>The proposed leisure and recreation use (pilates studio) contributes to the diversity of commercial activities on the site and the scale of the development is considered appropriate to the function of CasCom Centre.</p> <p>COMPLIES</p>

sex services-commercial premises, medical clinic, office, and leisure and recreation; and b. child care centre, club, residential care facility, and other community activities and support services	
4. All development is to:	
a) avoid adverse impacts on the local road network	No adverse impacts are expected on the local road network.
b) be managed to minimise unreasonable impacts to the amenity of surrounding residents	The proposed development is sufficiently separated from sensitive land uses including residential uses to the west of Bradshaw Terrace.
c) be of a scale, intensity and nature that reflects the mixed use character of the zone	The proposal is within an existing building and will not amend the existing site layout and building design. The scale and character of the proposed use is appropriate to the commercial function of the locality, and will promote accessibility and convenience for the community.
d) provide variety and interest at street level	The proposed leisure and recreation (pilates studio) maintains the existing extent of glazing and fenestration.
e) allow passive surveillance of public spaces; and	The proposed leisure and recreation (pilates studio) maintains the existing extent of glazing and allowing for passive surveillance of existing walkways.
f) have a scale and character appropriate to the commercial function of the locality.	The proposal is within an existing building and will not amend the existing site layout and building design. The scale and character of the proposed use is appropriate to the commercial function of the locality, and will promote accessibility and convenience for the community.
5. Innovative building design, site layout and landscaping that: a) responds to microclimates, including breeze flow b) minimises privacy and overlooking impacts; c) reduces the appearance of building mass relative to its surroundings; and d) creates attractive outdoor spaces and enhances the streetscape.	The proposed leisure and recreation (pilates studio) maintains the existing extent of glazing and fenestration.
6. Development is designed to provide clear connections within the development and to external pedestrian, bicycle, public and road transport networks and infrastructure to promote accessibility and use.	The proposed development does not prejudice the existing connections to pedestrian, bicycle, public and road transport networks.

7. Development incorporates appropriate urban and landscape design that creates safe, attractive and functional buildings, streets and places.	The proposed leisure and recreation (pilates studio) maintains the existing extent of glazing and fenestration.
8. Developments are operated in a manner to ensure that there is no unreasonable loss of amenity for surrounding premises, having regard to the mixed use nature of the zone	The proposed development is unlikely to have adverse amenity impacts on surrounding premises, noting the proposed leisure and recreation (pilates studio) use is fully located within an existing building.
9. Development is provided with the appropriate services, including roads, pedestrian and cycle paths, reticulated electricity, water, sewerage, stormwater drainage and telecommunication infrastructure where available or where can be made available. If reticulated sewerage is unavailable, lots are suitable for the on-site disposal of effluent in a manner that does not pollute ground or surface waters.	The proposed development has access to existing services, including roads, pedestrian and cycle paths, reticulated electricity, water, sewerage, stormwater drainage and telecommunication infrastructure.

COMPLIES

5.2.1 General Height Control

Purpose

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

Administration

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

- Requirements

5. The **building height** of a development in the Municipality of Alice Springs is not to exceed:

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

Table A to clause 5.2.1: Height control in Alice Springs		
Zone	Use	Maximum building height above ground level
MR, C, SC and TC	All uses	3 storeys to a maximum of 14m
CB	All uses	8 storeys to a maximum of 34m
CP	Education establishment, hospital or exhibition centre and ancillary uses	No height limit
All zones other than CP	Education establishment	3 storeys to a maximum of 14m

Editor's Note: Structures below ground level should consider the impact on and from the Alice Springs Town Basin aquifer.

Table B to clause 5.2.1: Height control outside Alice Springs		
Zone	Use	Maximum building height above ground level
MR	Development on a site in zone MR abutting a site in Zone LR	3 storeys
	Development on a site that is: <ul style="list-style-type: none"> within the boundaries of the Darwin Inner Suburbs Area Plan or Darwin Mid Suburbs Area Plan; and has frontage to a street with a reservation width not exceeding 18m on the opposite side of which is a site in Zone LR.	3 storeys
	All other uses	4 storeys
HR	All uses	8 storeys

C	Mixed use development that consists of one or more residential buildings	4 storeys
	All other uses	No height limit
CL and CP	Education establishment or hospital	No height limit
CB, SC, TC and DV	All uses	No height limit

Editor's Notes:

- (1) If applicable, the residential plot ratio and/or the commercial plot ratio may impact on the building height.
- (2) Basements that protrude less than 1m from ground level are not considered as a storey for the purposes of this clause.
- (3) Any use or development of land that intrudes into a protected airspace, such as the use of cranes, within 15km of an airport or RAAF base may have additional restrictions and approval requirements from the airport operator under the [Airports Act 1996 \(Cth\)](#), [Airports \(Protection of Airspace\) Regulations 1996 \(Cth\)](#), and [Defence Regulation 2016 \(Cth\)](#). More information is available on [NT.GOV.AU](#).

Assessment

No changes to the existing approved building height.

NOT APPLICABLE

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 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;
 - (c) the availability of public transport in the vicinity of the land; and
 - (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.

Requirements

4. 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).

Assessment

The calculation of the required car parking spaces is illustrated in the table below:

Use	Statutory rate	Required	Proposed
Leisure and Recreation	10 for every 100m ² of net floor area	353.45m ² net floor area is proposed. This requires 36 car parking spaces (35.3 car parking spaces rounded up to 5)	There are 4 car parking spaces specifically nominated for the premises under the tenancy arrangement

Thirty-six car parking spaces are required, and 4 car parking spaces have been provided, therefore there is a shortfall of 32 car parking spaces.

DOES NOT COMPLY – Variation for a shortfall of 32 car parking spaces

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.

Assessment

No changes to the existing car parking layout.

COMPLIES**5.2.5 Loading Bays**Purpose

Provide for the loading and unloading of vehicles associated with the use of land.

Administration

1. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:
 - (a) the scale of the use and development on the **site**;
 - (b) any potential adverse impacts on the local road network; and
 - (c) any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or **secondary street**.
2. For the purposes of this clause, where an **exhibition centre**, **food premises (fast food outlet and restaurant)**, **office**, **place of assembly**, **shop** or **shopping centre** are part of an integrated development, the minimum number of loading bays is to be calculated based on the combined **net floor area** of the integrated uses.

Requirements

3. Use and development is to include provision of a minimum number of loading bays in accordance with the table to this clause (rounded up to the next whole number).

4. A **loading bay** is to:
 - (a) provide areas wholly within the **site** for loading and unloading of vehicles;
 - (b) be at least 7.5m by 3.5m;
 - (c) have a clearance of at least 4m; and
 - (d) have access that is adequate for its purpose.

Assessment

No loading bay is required for proposed use.

NOT APPLICABLE

5.2.6.1 Landscaping in Zones other than Zone CB

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**;
 - (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.
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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

No changes to the existing landscaping arrangement.

NOT APPLICABLE

5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC

Purpose

Ensure that new commercial and high density residential buildings provide sufficient safe, quality and convenient end of trip facilities to enable active travel choices by residents, visitors, workers and customers for the proposed use of the site.

Administration

1. The consent authority may consent to a use or development with fewer bicycle parking spaces, lockers and/or showers and changing facilities than required by sub-clauses 2-6 if satisfied that either:
 - (a) there are alternative end of trip facilities (on or off the site), where:
 - i. the same function is provided which can accommodate the same number of bicycles and/or users required by the clause;
 - ii. access to the alternative end of trip facilities is safe and convenient for users;
 - iii. the alternative end of trip facilities are sheltered and secure; and
 - iv. the size and layout of alternative storage areas allows for safe and comfortable storage and access to bicycles and/or personal items;
 or
 - (b) it would be unreasonable to provide the end of trip facilities as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or
 - (c) it would be unreasonable to provide shower and changing facilities for a small development, where the development becomes unfeasible should such facilities be required.

Requirements

2. All new buildings in Zones HR, CB, C, SC and TC should provide bicycle parking facilities with a number of bicycle parking spaces calculated at the rate specified in the table to this clause (rounded up to the nearest whole number).
 3. All bicycle parking facilities and associated bicycle parking devices should be designed in accordance with Australian Standard AS2890.3 – Bicycle Parking and must:
 - (a) be located in a convenient and safe location with adequate security for the storage of bicycles;
 - (b) have an appropriate mix of long and short term, wall and floor mounted bicycle parking;
 - (c) where secure parking is provided, provide e-bike charging facilities, as necessary;
 - (d) not require access via steps;
 - (e) be protected from the weather;
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- (f) enable the wheels and frame of a bicycle to be locked to the device without damaging the bicycle;
 - (g) be located outside pedestrian movement paths;
 - (h) be easily accessible from the road;
 - (i) be arranged so that parking and manoeuvring motor vehicles will not damage adjacent bicycles;
 - (j) be protected from manoeuvring motor vehicles and opening car doors;
 - (k) be as close as possible the cyclist's ultimate destination;
 - (l) be well lit by appropriate existing or new lighting; and
 - (m) be sympathetic in design, material and colour to compliment the surrounding environment.
4. A locker should accompany every secure bicycle parking space provided, and should be:
 - (a) of suitable volume and dimensions to allow storage of clothing, cycling helmets and other personal items;
 - (b) well ventilated, secure and lockable; and
 - (c) located close to shower and changing facilities.
 5. All new non-residential buildings, hotels/motels, and serviced apartments in Zones HR, CB, C, SC and TC should provide sufficient and accessible shower and changing facilities for staff with the number of showers calculated at the rate specified in the table to this clause.
 6. Shower and changing facilities must be secure facilities capable of being locked, and should:
 - (a) be located as close as practical to the associated bicycle parking facilities;
 - (b) provide one change space per shower; and
 - (c) Provide for separate male and female facilities where more than one shower is provided.

Table to Clause 5.3.7: End of trip facilities in Zones HR, CB, C, SC, and TC

Use or Development	Minimum number of bicycle parking spaces	Minimum number of showers
Non-residential buildings (except as identified in this table)	1 space per 300m ² net floor area	1 shower for up to 50 staff, plus 1 additional shower for up to every 50 staff thereafter.

Assessment

The application is for change of use within existing development. No changes to the design of the existing building and site.

NOT APPLICABLE

5.5.1.1 Interchangeable Use and Development in Zone CB

Purpose

Facilitate changes between the nominated use or development of premises within Zone CB.

Administration

1. The following uses are interchangeable in Zone CB:
 - **bar-small**
 - **club**
 - **education establishment**
 - **exhibition centre**
 - **food premises-café/takeaway**
 - **food premises-restaurant**
 - **leisure and recreation**
 - **medical clinic**
 - **office**
 - **shop**
 - **showroom sales**
2. A shift between the interchangeable uses listed in sub-clause 1 is *Permitted* without **consent** if the new use complies with sub-clauses 4-9.
3. Where the shift between uses listed in sub-clause 1 does not comply with subclauses 4-9, the use is subject to the assessment category and relevant development requirements as established in the assessment table for the zone.

Requirements

4. Where the **site** is located within Zone CB in the Darwin City Centre (as identified in the Diagram to Clause 5.9.2), the new use must not decrease the number of existing **car parking spaces** on the **site**.
5. Where the **site** is located outside of the Darwin City Centre, the new use must not increase the car parking requirement under Clause 5.2.4 (Car Parking), unless sufficient additional on-site car parking is provided in accordance with Clause 5.2.4 (Car Parking) and 5.2.4.4 (Layout of Car Parking Areas).
6. The design of the façade of premises at **ground level** must not reduce the existing extent of the **active street frontage**.
7. Where the change in use is a tenancy within a **shopping centre**, the **shopping centre** must continue to comply with Clause 5.5.12 (Shopping Centres).
8. Where the change of use is for an **education establishment**, the maximum **net floor area** of the use must not exceed 2000m².
9. Where the change of use is for a **bar-small, club, exhibition centre, food premises-café/take away or food premises-restaurant**, a minimum 1.8m high solid acoustic screen fence is to be provided for the full length of all **site** boundaries adjoining land in Zones LR, LMR, MR or HR.

Assessment

The use of leisure and recreation is not included in subclause 1 and therefore this clause does not apply.

NOT APPLICABLE

5.5.2 Commercial Plot Ratio

Purpose

Provide for development that will, in terms of building massing, be compatible with adjacent and nearby development.

Administration

1. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 2 and 3 only if it is satisfied the development is appropriate to the **site** having regard to the purpose of this clause, the **amenity** of the streetscape, and the potential impact on the **amenity** of the locality and adjoining property.
2. This clause does not apply where an alternative **commercial plot ratio** is established under Clause 5.9 (Location specific development requirements).

Requirements

3. Development of **sites** within:
 - (a) Zone TC other than in the Municipality of Darwin; or
 - (b) Zone C; or
 - (c) Zone SC;
 should not exceed a **commercial plot ratio** of 1.
4. Development of **sites** within Zone TC in the Municipality of Darwin should not exceed a **commercial plot ratio** of 3.

Assessment

The application is for change of use within existing building and will not change the approved commercial plot ratio.

NOT APPLICABLE

5.5.15 Design in Commercial and Mixed Use Areas

Purpose

Encourage a diverse mix of commercial and mixed use developments that are safe, contribute to the activity and **amenity** of commercial centres, are appropriately designed for the local climate, and minimise conflicts between different land uses within and surrounding the commercial centre.

Administration

1. A development application must, in addition to the matters described in sub-clauses 12-23, 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 12-14 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 15 if it is satisfied that services and utilities are appropriately concealed within the development to minimise their visual impact on the public domain.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 16 if it is satisfied that the development provides an appropriate level of shading that reduces heat capture of paved surfaces, having regard to the location of the **site** and scale of the development.
5. The consent authority may **consent** to a development that is not in accordance with sub-

clause 17 if it is satisfied that:

- (a) the development provides a considered response to the established character of the streetscape; and
 - (b) the development provides an alternative response for shading.
6. The consent authority may **consent** to a development that is not in accordance with sub-clauses 18 if it is satisfied that the development facilitates safe and shaded pedestrian movement through the **site**.
 7. The consent authority may **consent** to a development that is not in accordance with sub-clause 19 if it is satisfied that all reasonable measures are taken to mitigate potential impacts between current and reasonably anticipated future developments.
 8. The consent authority may **consent** to a development that is not in accordance with sub-clause 20 if it is satisfied that all reasonable measures have been taken to mitigate potential noise impacts on **habitable rooms** within the **site**.
 9. The consent authority may **consent** to a development that is not in accordance with sub-clause 21 if it is satisfied that the development manages run-off from balconies to adjoining balconies and **dwellings** below.
 10. The consent authority may **consent** to a development that is not in accordance with sub-clause 22 if it is satisfied that the development provides appropriate provisions for parenting activities relative to the nature and scale of the development.
 11. The consent authority may **consent** to a development that is not in accordance with sub-clause 23 if it is satisfied that the development provides an appropriate response to waste management.

Requirements

12. Building design is to be sympathetic to the character of buildings in the immediate locality.
13. Buildings are to incorporate and maintain passive climate control measures appropriate to the local climate.
14. 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.
15. Services and utilities (such as bin storage areas, service ducts, pipes, air conditioner plants etc.) are to be integrated into the development and/or screened to the public domain and neighbouring properties.
16. **Car parking areas**, including rooftop parking, and open expanses of pavement are to be shaded by landscaping and/or shade structures.
17. Unless advised otherwise by the relevant local government council or controlling agency for roads (whichever is applicable), development is to provide an awning or verandah to all street frontages that adjoin a footpath, which:
 - (a) extends along the full length of the **site** boundary to provide continuous coverage for pedestrians;
 - (b) covers the full width of the footpath or has a minimum width of 3m; and
 - (c) allows for the growth of existing trees and the planting and growth of reasonably anticipated trees within the road reserve.
18. Development is to provide legible pedestrian access from the street and public pathways to building entrances that:
 - (a) is direct and provides refuge from the sun and rain; and

- (b) avoids potential entrapment areas, blind corners or sudden changes in level that restrict sightlines.
- 19. New developments are to be sited, designed and operated to minimise unreasonable impacts to surrounding uses and development related to noise, vibration, light, odours and other nuisance.
- 20. 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**.
- 21. Buildings are to provide internal drainage of balconies.
- 22. Development with a **floor area** of 3500m² or greater is to provide a dedicated parenting room (to allow for activities such as baby change and breastfeeding).
- 23. Development is to provide designated areas for rubbish collection.

Editors Notes:

- (1) Balconies, rooflines, awnings and other protrusions may extend into the road reserve with approval of the relevant local government council.
- (2) The relevant local government council should be contacted to determine refuse collection requirements and specifications.

Assessment

The application is for change of use within existing development. No changes to the design of the existing building and site.

NOT APPLICABLE

5.5.17 Building Frontage in Commercial and Mixed Use Areas

Purpose

Encourage primary frontages of commercial buildings to contribute to a pleasant pedestrian environment and provide visual connectivity with their surroundings.

Administration

- 1. This clause only applies within the municipalities of Alice Springs, Darwin, Katherine, Palmerston, Litchfield and Tennant Creek except where alternative **active street frontage** requirements are established under Clause 5.9 (Location specific development requirements).
- 2. The consent authority may consent to a development that is not in accordance with sub-clause 4 and 5 if satisfied that the building design allows for adequate passive surveillance and provides visual interest appropriate to the locality.
- 3. The consent authority may consent to a development that is not in accordance with sub-clause 6 if the development provides appropriate shading for pedestrians adjacent to the primary frontage.

Requirements

- 4. Services on primary building frontages are to be limited to:
-

- (a) a direct single point of **access** to service equipment for all service authorities;
 - (b) required fire egress; and
 - (c) required fire booster connection points.
5. Primary building frontages are to contain one or more of the following components for 60% of the building length, where the distance between each component is no more than 1.5m:
- (a) windows with openings that have dimensions not less than 0.9m wide and 1.2m high;
 - (b) operational and legible entrances (excluding fire egress);
 - (c) areas that are used for alfresco dining;
 - (d) spaces that allow for pedestrian movement and/or seating; or
 - (e) vertical landscaping for the full height of the frontage.
6. Buildings are to provide awnings for the length of the primary building frontage to a minimum of 3m wide.

Assessment

The application is for change of use within existing development. No changes to the design of the existing building and site.

NOT APPLICABLE

5.8.5 Leisure and Recreation

Purpose

Ensure leisure and recreation use and development:

- (a) *is established in appropriate locations to meet the needs of users;*
- (b) *provides convenient vehicle access and does not interfere with the safe or efficient operation of the local road and footpath network;*
- (c) *incorporates appropriate building and landscape design to ensure that there is no unreasonable loss of amenity for adjoining and nearby property; and*
- (d) *is operated to be considerate of the amenity of adjoining and nearby property.*

Administration

- 1. *The consent authority may consent to a leisure and recreation use or development that is not in accordance with sub-clauses 2-6 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, nature, scale and impact on surrounding amenity.*

Requirements

- 2. *The use or development is suitable to meet the needs of users, having regard to the scale and nature of the use.*
 - 3. *Any mechanical plant and equipment and storage areas associated with the use are designed and screened to minimise adverse amenity impacts when viewed from adjoining streets and on adjoining properties.*
 - 4. *Any structure associated with the use does not result in a significant loss of amenity for surrounding development, having regard to:*
 - (a) *the extent and duration of lighting and overshadowing;*
 - (b) *privacy and overlooking impacts; and*
 - (c) *the scale of the structure relative to its surroundings.*
-

5. *Demonstrate that the surrounding road network is capable of accommodating the additional traffic generated without adverse impacts.*
6. *The operation of the use or development must take into account the amenity of the surrounding locality having regard to:*
 - (a) *hours of operation;*
 - (b) *maximum capacity of patrons; and*
 - (c) *any other relevant aspects of the day-to-day operations of the use or development.*

Assessment

The application is for change of use within existing development. No changes to the design of the existing building or site layout.

The operation hours are 7 days a week 5am to 7pm. The one-on-one sessions equate to one trainer and one client per room and sessions run for 45 minutes. The classes would have a maximum (operating) capacity for 10 patrons per room and run for 45 minutes each, which equates to a maximum capacity of approximately 22 to 25 people within the premises over this period. The application advises that peak periods for classes are:

- 5.30am to 9am - One-on-one sessions.
- 3pm to 7pm Bar/Yoga classes and Reformer Studio

Considering the operation of the proposed use, it is unlikely to cause any negative effect to the amenity of the surrounding area or existing road network.

COMPLIES
