

**DEVELOPMENT CONSENT AUTHORITY
PALMERSTON DIVISION**

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: 2 **MEETING DATE:** 11 April 2025 **FILE:** PA2024/0414

APPLICATION PURPOSE: Animal rescue centre (undefined use)

SUBJECT SITE: Lot 11001 (8) Coffey Street, Tivendale, Town of Palmerston
(locality plan at **Bookmark A**)

ZONE: LI (Light-Industry)

SITE AREA: 2820m²

APPLICANT: One Planning Consult
Director - Israel-Tshepo Kgosiemang

PERSONS ON WHOSE BEHALF THE APPLICATION IS MADE: Darwin Wildlife Sanctuary
Director – Alison Szyg

LANDOWNERS: Calpino Nominees Pty Ltd as trustee for the C. Calabro Family Trust (Directors – Carmelo & Antonella Calabro)
Kathopoulis Electrical & Building Contracting Pty Ltd
(Director - Michael Kattaguls)

ANY PERSON WITH AN AGREEMENT TO ACQUIRE AN INTEREST IN THE LAND Nil

1. PROPOSAL

The application is for construction and operation of a 'animal rescue centre' (undefined use). The premises will be operated by the Darwin Wildlife Sanctuary (a registered charity that currently provides a 24/7 wildlife rescue hotline for the greater Darwin region) ancillary components of the use will include education sessions (eg: school aged children and other youth).

The proposal works include a prefabricated building used for education and office purposes, two sea containers and associated shade structure, car parking areas and the following animal enclosures:

- Bird of prey enclosure
- Possum pre-release enclosure
- Flying-fox pre release enclosure
- Flying fox acclimatisation enclosure
- Possum acclimatisation enclosure x 3
- Bird hack x 2
- Mammal/parrot cage
- Bird of prey hack x 2
- Crocodile pen
- Snake cage x 5
- Dingo enclosure

The educational courses offered will be accredited courses (tertiary) and will happen throughout the week but not daily. The primary use will be 'animal rescue centre'.

The applicant has indicated that there will likely be 2 staff looking after the animals (feeding and exercising), an average of 15 people per a class, and up to 25 people on any day of the week.

The applicant has not specified the total number of staff (including the education staff) and has not provided the number of animals of each species likely to be on the premises at any given time.

It is noted that there appears to be inconsistencies with the drawings submitted. The 'workspace' is shown as having a length of 12m on the site plan (figure 1 below) whereas the length shown on dome shelter concept drawings (figure 2 below) show 6.05m.

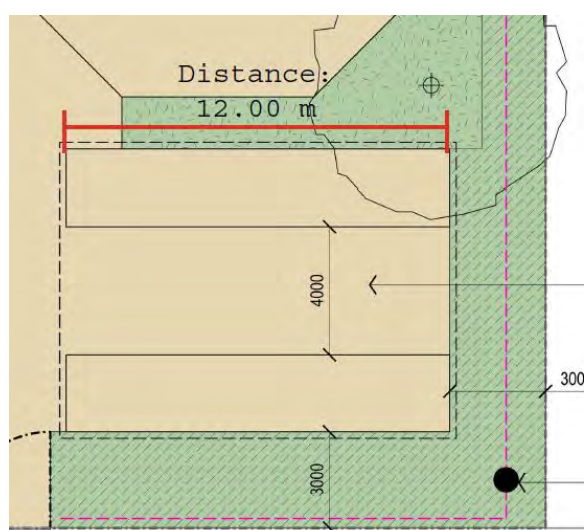


Figure 1 length of 'workspace' structure as shown on site plan

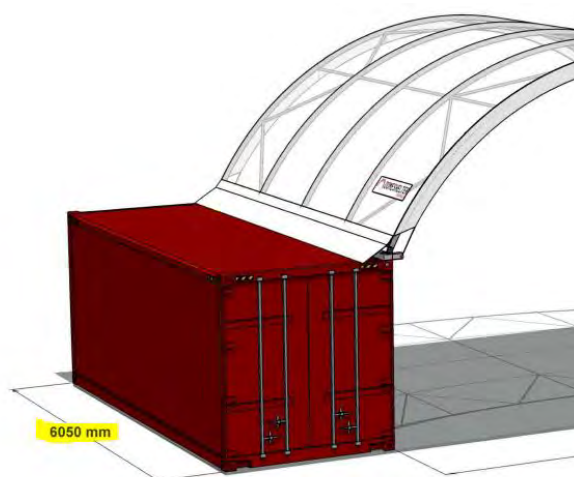


Figure 2 length of 'workspace' as shown on concept drawings

Additionally, a complete floor plan of the learning centre/toilet shower/laundry demountable has not been provided. Separate plans for the toilet/shower and learning centre have been provided but this does not include the laundry and it is unclear how these modules fit together.

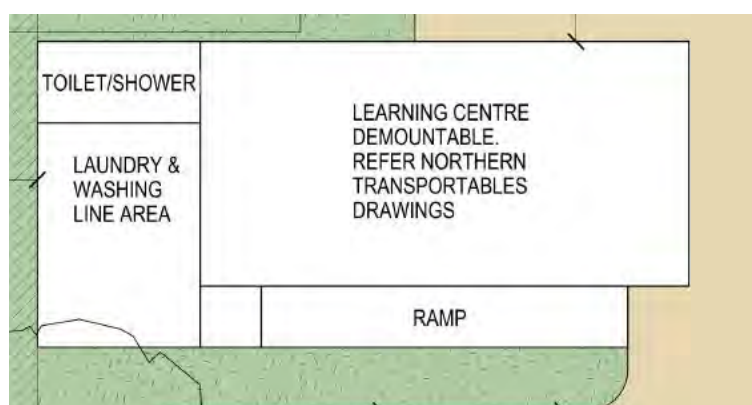


Figure 3 learning centre (prefabricated building) as shown on site plan

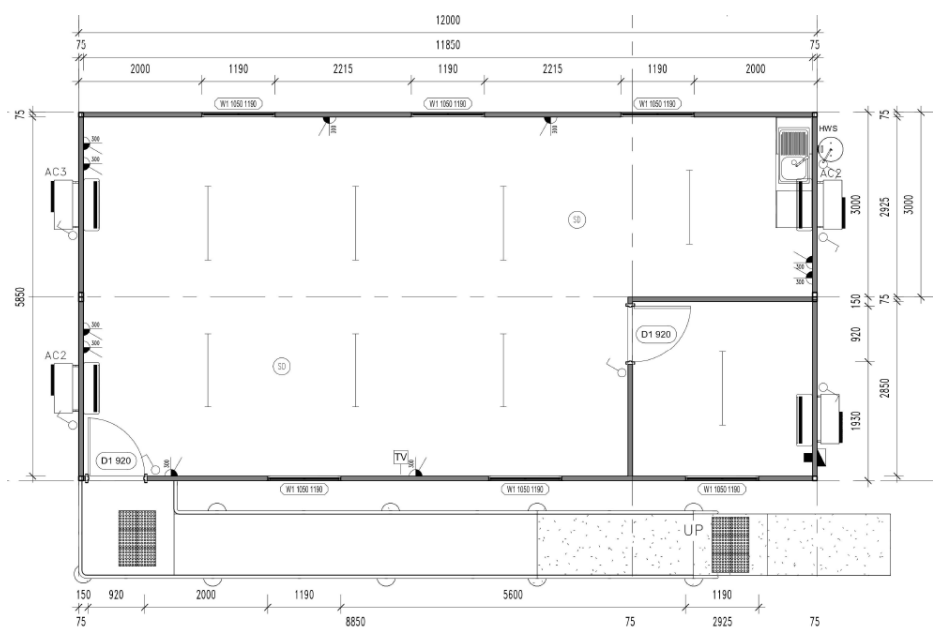


Figure 4 part of 'learning centre' floor layout

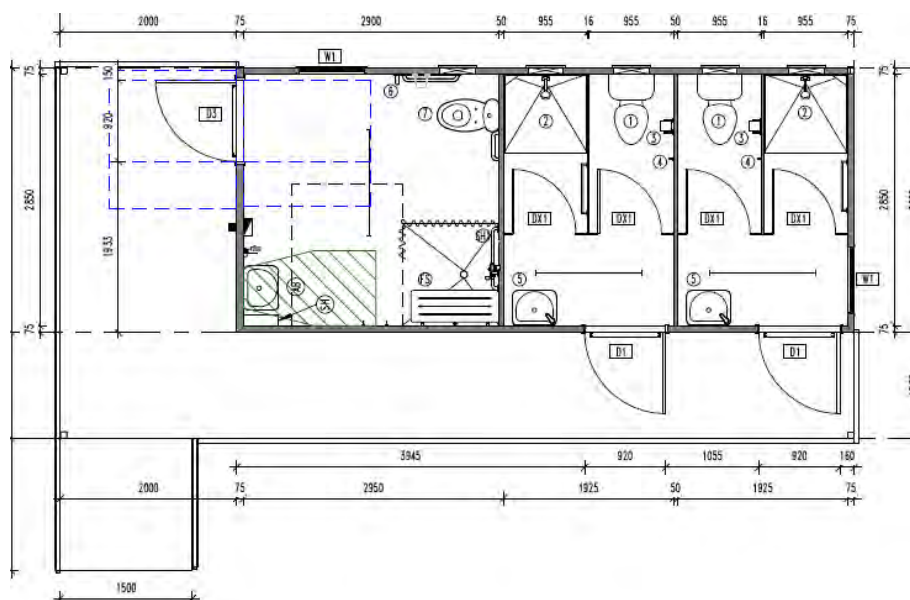


Figure 5 bathrooms (prefabricated building)

A copy of the application as publicly exhibited is at **Bookmark B1 – B3**, further information submitted in response to a deferral (request for further information) is at **Bookmark B4**.

2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

The proposed development requires consent under clause 1.8 (When development consent is required) of the NT Planning Scheme 2020. Specifically, animal rescue centre is an undefined use, which requires consent under clause 1.8(1)(c)(i).

Although the NTPS2020 defines 'animal boarding' as "*premises used as a commercial enterprise for the accommodation of domestic animals...*" the animal rescue centre is a non-commercial enterprise and is therefore considered to be an undefined use.

An application is required for planning permission as an undefined use is 'impact assessable'.

Zoning	Part 3 Overlay	Part 5 - General and Specific Development Requirements	Level of Assessment
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Zone LI (Light-Industry)	No overlays relevant to this application	5.2.1 General Height Control 5.2.4.1 Car Parking Spaces 5.2.4.4 Layout of Car Parking Areas 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 5.6.1 Setbacks and Building Design in Zones LI, GI and DV 5.6.2 Expansion of existing Developments in Zones LI and GI 5.7.2 (Animal Related Use (Animal Boarding and Stables) 5.8.2 (Education Establishment) 5.8.7 (Demountable Structures)	The proposed use is an undefined use (animal rescue centre) and shown as <i>impact assessable</i> on the Zone LI assessment table.
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The exercise of discretion by the consent authority that applies is clause 1.10(4).

3. ASSESSMENT SYNOPSIS

This report recommends that the Authority defer consideration of the application to require the applicant to provide additional information considered necessary to enable proper consideration of the application, and delegate to one member the power to consider and determine the application (upon receipt of a response to the deferral).

4. BACKGROUND

Titles to the Coffey Street light industry subdivision were issued in 2011, the subject site is vacant. In 2016, Development Permit DP16/0249 (Bookmark C) for the purpose of 'warehouses with ancillary showrooms and offices in 2 x 2 storey buildings with zero side setbacks' was issued however no construction works began and the permit has since lapsed. There is no other planning background relevant to the subject lot.

The three properties (Lots 11000, 11004 and 11002) abutting the subject site are all vacant and zoned LI (Light Industry). Photographs of the site (taken in January 2025) are located at Bookmark A.



5. PUBLIC EXHIBITION

The application was placed on public exhibition for a period of two weeks. No public or local government council submissions were received under section 49 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 1999)

Pursuant to Section 51(1) of the Act, a consent authority must, in considering a development application, take into account relevant matters listed under that section. However, under section 51(3) when considering a development application under subsection 51(1), the consent authority must apply the relevant considerations to only those components of the development that triggered the requirement for consent under the planning scheme.

In this instance, the requirement for consent is that under the NTPS2020, the proposed development/use is *‘Impact Assessable’*. This is discussed further in the report.

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

A Technical Assessment of the application (as amended) against the NT Planning Scheme 2020 is located at **Bookmark D**.

The proposal is for an ‘animal rescue centre’ which is an undefined use. Undefined uses are shown as *impact assessable* in the Zone LI (Light-Industry) assessment table. Outcome 12 of Zone LI is that *‘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’*.

Pursuant to sub-clause 4 of Clause 1.10 of the NTPS2020, *in considering an application for a use or development identified as Impact Assessable the consent authority must take into account all of the following:*

- (a) *any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;*
- (b) *any Overlays and associated requirements in Part 3 that apply to the land;*
- (c) *the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and*
- (d) *any component of the Strategic Framework relevant to the land as set out in Part 2.*

The proposal has been assessed against the following “Part 5” clauses to determine its appropriateness regarding the purpose and outcomes of Zone LI and such matters as the location, nature and intensity of the development:

- 5.2.1 (General Height Control)
- 5.2.4.1 (Car Parking Spaces)
- 5.2.4.4 (Layout of Car Parking Areas)
- 5.2.5 (Loading Bays)
- 5.2.6.1 (Landscaping in Zones Other Than Zone CB)
- 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV)

- 5.7.2 (Animal Related Use (Animal Boarding and Stables))
- 5.8.2 (Education Establishment)
- 5.8.7 (Demountable Structures)

Clauses 5.2.1 (General Height Control), 5.2.4.1 (Car Parking Spaces), 5.2.4.4 (Layout of Car Parking Areas), 5.2.5 (Loading Bays), 5.2.6.1 (Landscaping in Zones Other Than Zone CB) are applicable to all undefined uses within Zone LI.

The proposal includes *demountable structures* and therefore Clause 5.8.7 (Demountable Structures) is applicable.

As per the *Planning Act 1999* “building includes a structure of any kind (including a temporary structure) and part of a building or structure”. Therefore Clause 5.6.1 (Setbacks and Building Design Requirements in Zones LI, GI and DV) is applicable.

The applicant indicates that “providing education” will be an ancillary component of the primary use of the site and that the education will be of tertiary nature (certificates). Because the educational component is restricted to the ‘learning centre’ and not the premises, the use is not considered to be an *education establishment*. Additionally, the proposed use of the site will not be a commercial enterprise, and the animals kept on the site are not expected to be domestic animals and therefore the use is not *animal boarding*.

While the primary use of the site does not include the land use definitions *education establishment* and *animal boarding*, it does include components of these uses. As such, the proposal has been assessed against Clauses 5.7.2 (Animal Related Use (Animal Boarding and Stables)) and 5.8.2 (Education Establishment) to establish whether the *undefined use* is appropriate in the zone (Zone LI) as required by Outcome 12 of Clause 4.14 – Zone LI (Light Industry).

The proposal has been found to be non-compliant with Clauses 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV) and 5.8.7 (Demountable Structures) and the following is noted:

- Clause 5.2.4.1 (Car Parking Spaces) requires that the minimum number of car parking spaces is to be determined by the consent authority and therefore is not able to be varied.
- Clauses 5.7.2 (Animal Related Use (Animal Boarding and Stables)) and 5.8.2 (Education Establishment) are not strictly applicable to the development and have been used to assess the appropriateness of the proposed development within Zone LI. While these clauses cannot be varied, sub-clause 6 of Clause 1.10 (Exercise of Discretion by the Consent Authority) allows that “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.

The Strategic Framework, the Zone LI (Light Industry) purpose and relevant outcomes, and Clauses 5.2.4 (Car Parking), 5.6.1 (Setbacks and Building Design Requirements in Zones LI, GI and DV), 5.7.2 (Animal Related Use (Animal Boarding and Stables)), 5.8.2 (Education Establishment) and 5.8.7 (Demountable Structures) are discussed below:

The Strategic Framework

The Darwin Regional Land Use Plan (DRLUP) and the Holtze to Elizabeth River Land Use Plan (HESLUP) are both relevant to the subject site.

The DRLUP identifies the following ‘Key Industrial Objectives’:

- *Identify adequate industrial land to:*
 - *encourage a range of opportunities to accommodate the diverse needs of industry with a particular focus on high quality light industrial estates, superior access to transport networks and reasonably priced larger lots*
 - *support competition in the industrial land market to avoid the unnecessary upward pressure on land prices*
 - *provide lead times for appropriate detailed strategic and infrastructure planning*
 - *provide confidence and direction for investors and*
 - *assist in building growth and critical mass in the sector.*
- *Ensure the detailed planning for future development in the region takes account of the limited opportunities to appropriately locate strategic industrial development to minimise the potential for future land use conflict and detrimental impacts on the environment.*

The HESLUP identifies the proposal as being located within Zone LI (Light Industry), within the '11 Mile Focus Area' but provides limited guidance regarding the land use of the Tivendale light-industry zone. The HESLUP notes that there is an expected transition from industry to service commercial use near this area and provides extensive guidance around road and rail networks.

The location of the proposed development is within the light industry area of Tivendale. The lot received titles in 2011 and surrounding lots (wider locality) received titles either in 2014 or prior. As seen in the aerial image below (figure 7) the lot is currently vacant and surrounded by other vacant parcels.

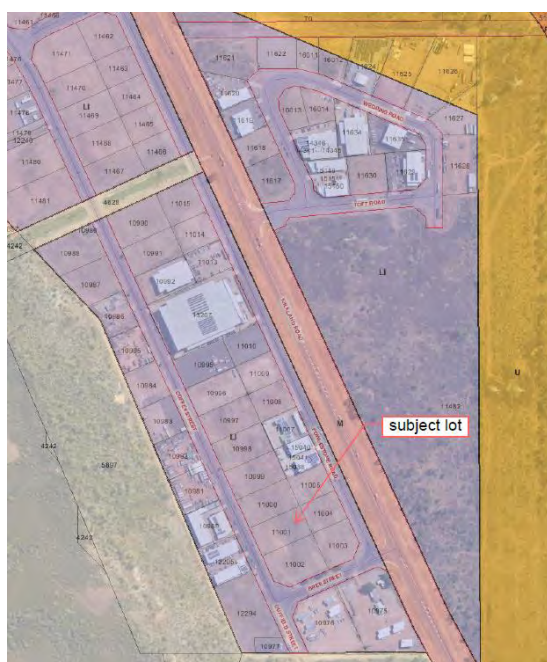


Figure 6 location of subject lot and surrounding vacant lots

The proposal is unlikely to conflict with the visions expressed in the strategic framework because if the proposal is approved and the land developed, there will still be ample amounts of land to be used for industrial purposes.

The HESLUP does not provide specific guidance in relation to the Tivendale industry area, and focuses primarily on infrastructure including road, rail and utilities and social infrastructure including schools, parks, health facilities, and community centres.

The proposal is located away from the above-mentioned infrastructure and social infrastructure and therefore is unlikely to conflict with the visions expressed in the land use plan. Higher details of the '11 Mile Focus Area' may be provided in a future area plan.

Zone LI (Light Industry)

The Zone LI zone purpose is to *provide for low impact industrial and compatible non-industrial developments that will not by the nature of their operations, detrimentally affect adjoining or nearby land.*

DAS response: The assessment found that further information may be required to determine the proposed development/uses effect on adjoining and nearby land for the following reasons:

- The applicant calculates that 5 parking spaces are required; Development Assessment Services calculate that 12 car parking spaces are required. The number of car parking spaces is to be determined by the consent authority, however a shortfall in car parking spaces may cause parking on the street which is not supported by council.
- The applicant indicates that numerous species (including dingos and possums) will be kept on site during the day. No information has been provided pertaining to the number the animals kept on site or how the proposal is designed, sited and operated so as not to cause any risk of pollution of ground and surface waters, contribute to the erosion of the site or other land, cause detriment to the amenity of the locality by reason of excessive noise, offensive odours, excessive dust or the attraction of flies, vermin or otherwise, or constitute a risk of the spread of infectious disease or other health risk. This is discussed further under Clause 5.7.2 (Animal Related Uses (Animal Boarding and Stables)).
- Demountable structures have been proposed. insufficient information has been included in the application demonstrating how the placement of demountable structures includes landscaping or architectural embellishments to enhance the appearance of the structure, or how the demountable structures area consistent with adjoining or nearby development. This is discussed under Clause 5.8.7 (Demountable Structures).

Zone Outcomes relevant to the subject site and proposed development and land use are:

Outcome 5: Industrial activities and other activities established in the zone provide variety and interest at street level and allow passive surveillance of public spaces, with a scale and character appropriate to the industrial function of the locality.

DAS response: The proposal includes a large amount of landscaping that will provide interest at street level however further information is required to determine whether the use/development is of a scale and character appropriate to the industrial function of the locality. Further information is required to determine the following:

- The development indicates that numerous species (including dingos and possums) will be kept on site during the day. No information has been provided pertaining to the number the animals kept on site and therefore the scale of the proposal cannot be conveniently measured. This is discussed further under Clause 5.7.2 (Animal Related Uses (Animal Boarding and Stables)).
- Demountable structures have been proposed. insufficient information has been included in the application demonstrating how the demountable structures area consistent with adjoining or nearby development. This is discussed under Clause 5.8.7 (Demountable Structures).

Outcome 7: Development incorporates well-designed buildings and landscaping that contribute to a safe, attractive and legible industrial environment.

DAS response: the proposal includes 3-4m width of landscaping (within a building setback) along the primary street boundary, and 2-5m (predominantly 2m) width of landscaping (within

a building setback) along the side and rear boundaries. In addition to this, a large amount of landscaping is proposed throughout the site.

The proposal complies with Clause 5.2.6.1 (Landscaping in Zones other than Zone CB) but does not comply with clause 5.6.1 (Setbacks and Building Design Requirements in Zones LI, GI and DV) or 5.8.7 (Demountable Structures). Further information may be required to determine whether the development is appropriate in the zone, having regard to Outcome 7. Further discussion is provided under clauses 5.6.1 (Setbacks and Building Design Requirements in Zones LI, GI and DV) or 5.8.7 (Demountable Structures) below.

Outcome 8: Development does not detrimentally impact on the capacity, safety or efficient operation of the local road and footpath network.

DAS response: No pedestrian networks are provided along Coffey Street however the limited number of car parking spaces may cause on-street parking. Further discussion has been provided under Clause 5.2.4.1 (Car Parking Spaces) below.

Outcome 11: Appropriate urban services including, roads, reticulated electricity, water, sewerage, storm water, drainage, and telecommunication infrastructure are available. If lots are unsewered, provision for the disposal of effluent must be made on-site so that the effluent does not pollute ground or surface waters.

DAS response: Appropriate urban services are available. The site is located within an established industrial area and is connected to reticulated electricity, water and sewerage services, and the road reserve is a bitumen sealed carriageway.

Outcome 12: 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.

DAS response: the proposed use is an undefined use, therefore it can only occur 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 against the Zone LI purpose and relevant outcomes have been provided above.

The proposal has been assessed against part 5 requirements to determine whether the use/development is appropriate in the zone with regard to such matters as the location, nature, scale and intensity of the development. The assessment found that further information may be required to determine the scale and intensity of the development and whether the proposal is appropriate with regard to the zone purpose and relevant outcomes as discussed above.

Clause 5.2.4.1 Car Parking Spaces

Sub-clause 4 of Clause 5.2.4.1 requires that a '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 table to Clause 5.2.4.1 (Minimum number of required parking spaces) requires that the minimum number of car parking spaces for undefined uses is to be determined by the consent authority.

The applicant proposes 5 car parking spaces (one of which can be used for a minibus) and provides the following car parking calculations:

Use	Layout	Requirement	Area	Total bays
Animal rescue centre	Learning centre/veterinary	5/100m ²	60m ²	3
Storage	Sea Containers	1/100m ²	29.28m ²	0.29
Office		2.5/100m ²	9m ²	0.23
Total				4 (3.5 rounded up)

DAS calculates that a minimum of 12 car parking spaces may be required. DAS's calculations are provided below:

Table to Clause 5.2.4.1: Minimum number of required parking spaces			
Use or Development	Minimum Number of Car Parking Spaces Required	Area/number of staff	Required
Education establishment	For a tertiary education establishments: 1 for every classroom Plus 1 for every 6 students Plus 2 additional spaces	1 classroom 15 students (on average)	5.5
Office	2.5 for every 100m ² of net floor area	6.54	0.16
Animal Boarding	1 car parking space for every employee, plus, 4 spaces	2*	6
Outdoor storage	1 for every 250m ² used as outdoor storage	27.8m ² **	0.11
Total	12 (11.77 rounded up)		

The applicant does not provide a reason for the low number of car parking spaces.

The Development Consent Authority could require amended plans showing additional car parking spaces, unless satisfied the 5 spaces will cater for the empirical demand.

Clause 5.6.1 (Setbacks and Building Design Requirements in Zones LI, GI and DV)

Sub-clause 2 of Clause 5.6.1 requires that “buildings, including residential buildings, in Zones LI, GI and DV are to be sited in accordance with the table to this clause”. The table to Clause 5.6.1 requires that builds are set back a minimum of 3m from the primary street boundary, and a minimum of 5m to at least one side boundary and to the rear boundary. The proposal does not comply with this clause because both side boundaries and the rear boundary have building setbacks of 2m where one side boundary and the rear boundary are required to have 5m setbacks to a building.

Sub-clause 3 requires that “a clearly identifiable, dedicated pedestrian access is to be provided to the main entrance of the building from the street and customer car parking areas”. The proposal does not comply with this clause because the proposal does not provide pedestrian access from the street or customer car park to the main entrance of the building.

Sub-clause 4 requires that “front facades should be articulated to break up long lengths of blank walls and provide visual interest to the street. Articulation may include a combination of the following:

- (a) setbacks or projections;
- (b) changes in height to provide focal features and identify key locations (such as entrances);
- (c) the use of a varied palette of materials, finishes and colours within the building design; and
- (d) projecting features such as awnings or sun shades.”

The proposal does not comply with this clause because the proposal includes a blank 6.05m (or 12m when looking at the site/landscaping plan) length of sea container wall that will face the primary street boundary. The proposed façade is located 3m from the primary street boundary

and does not include setback or projecting features, changes in height, use of varied palette of materials, or finishes or colour. Additionally, it is unclear if sufficient landscaping has been proposed to adequately screen the structure.

The applicant has requested a variation to the south-side boundary but has not requested a variation to the rear boundary setback, a variation for the dedicated pedestrian access or a variation to the blank wall.

Sub-clause 1 allows the consent authority to *“consent to a 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, scale and impact on the safety and amenity of the locality and adjoining property”*.

Clause 5.6.1 purpose:

The purpose of Clause 5.6.1 is to *ensure that buildings are sited and designed to facilitate the development of safe, attractive and legible industrial zones*. The location of the proposed structures on site are unlikely to have an impact on the safety and legibility of the industrial zone, however the location (3m from the primary street boundary) of the ‘workspace’ demountable structure may have detrimental impacts to the attractiveness of the area. It is noted that the bin storage location has not been provided and depending on the location, may impact safety and attractiveness.

Zone LI purpose and outcomes:

The zone purpose and outcomes are discussed under Zone LI above.

Location, scale and impact on the safety and amenity of the locality and adjoining property:

Although the location of the structures on site are unlikely to have a detrimental impact to the safety of neighbouring and nearby properties, the scale (ie, number of each species likely to be kept on site) may have a detrimental impact to the amenity of neighbouring and nearby properties by way of noise, odour, etc. Additionally, the large, unarticulated shipping container structure (‘workspace’) is located 3m from the primary street frontage and may have negative impacts to the visual amenity of the area if not adequately screened.

It is recommended that further information is provided demonstrating the scale of the proposed use, and the visual impact of the ‘workspace’ demountable structure on neighbouring and nearby properties, and the location and details of the bin storage area.

5.7.2 (Animal Related Use (Animal Boarding and Stables))

While the use does not include *Animal Boarding*, the proposal does share similar components. As such, the proposal has been assessed against Clause 5.7.2 to assess whether the proposal is appropriate within Zone LI.

Sub-clause 3(a) and (b) requires that premises for the keeping of animals for the purposes of animal boarding and stables are to be designed, sited and operated so as not to cause detriment to the amenity of the locality by reason of excessive noise, offensive odours, excessive dust or the attraction of flies, vermin or otherwise; or constitute a risk of the spread of infectious disease or other health risk.

The applicant has not provided the number of animals likely to be kept on the premises at any one time or how the proposal will minimise impacts such as excessive noise, offensive odours, excessive dust or the attraction of flies, vermin or otherwise, or the spread of infectious disease. As such, DAS is unable to properly determine the proposal’s impact on surrounding land.

It is noted that a standard condition can be included to manage the use and development so that the amenity of the area is not detrimentally affected through excessive noise, offensive odours, excessive dust or the attraction of flies, vermin or otherwise; or constitute a risk of the spread of infectious disease or other health risk.

Clause 5.8.2 (Education Establishment)

While the use does not include an *education establishment*, the proposal does share similar components. As such, the proposal has been assessed against Clause 5.8.2 to assess whether the proposal is appropriate within Zone LI.

Sub-clause 4 of Clause 5.8.2 requires a proposal to “*locate tertiary education facilities in designated education precincts within or adjacent to activity centres that are connected to public transport*”. The proposal has been identified as having a tertiary education component. The establishment is not located within an education precinct or close to any public transport however given the scale of the education component and the proposed courses, it is not considered necessary for this development to be located within an education precinct.

Although the proposed *education establishment* portion of the development is suitable for the infrequent and small classes identified by the applicant, and is setback and well screened by landscaping, it is unclear if an adequate number of car parking spaces have been provided (please see Clause 5.2.4.1 discussion above) which may cause on-street parking which consequently may cause impacts to the efficient operation of the local road network.

In addition to the above, it is noted that there are no pedestrian networks or public bus services in the immediate vicinity.

Clause 5.8.7 (Demountable Structures)

Sub-clause 4(b) of Clause 5.8.7 requires that the development “*be visually consistent with adjoining or nearby development*”. The proposal does not comply with sub-clause 4(b) because the demountable structures are not visually consistent with adjoining or nearby development (nearby developments pictured below). Most of the land around the proposed site is vacant however the buildings that are established nearby the proposed development include permanent built structures rather than demountable structures. It is noted that lots 10981, 10982 and 10983 include demountable structures onsite however these structures have not received planning/building approvals.

Administration clause 2 allows the consent authority to *consent to a demountable structure that is not in accordance with sub-clause 4 if it is satisfied that the proposed use and location of the demountable structure make compliance unnecessary*.

Prefabricated learning centre/office building:

The ‘learning centre’ is setback approximately 20.5m from the primary street boundary and 2m from the north side boundary. Landscaping is proposed within the 2m north side boundary setback however it is unclear if the proposed landscaping will adequately screen the proposed demountable structure.

Shipping containers & workspace:

The ‘shipping containers & workspace’ is located 3m from the primary street and south side boundary however it is unclear if the proposed landscaping will adequately screen the development (which is 5.2m in height).

It is recommended that an updated landscaping plan is provided to the DCA that shows the approximate location and type of plants that will be used to screen the demountable structures.

- (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**

Under the Waste Management and Pollution Control Act 1998, the declared environment protection objectives are; any beneficial use, quality standard, criteria or objective declared under section 73 of the Water Act 1992 (no water use listed is relevant to the subject site).

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

No public or local government council 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 applicant provides the following merits for the proposal:

"The proposed animal rescue centre with ancillary veterinary and community educational services adds to the mixture of land uses in the area as envisaged under the zoning Table to clause 4.14 of the Scheme. The use will provide a needed social infrastructure within the region to mobilise community engagement on natural environmental issues in an easily accessible location."

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

The land is located within Zone LI (Light Industry) which can support industrial uses. The proposed development includes animal enclosures and demountable structures which can be considered non-permanent structures. The land itself is relatively flat and connected to reticulated services such as power, water and sewage. As such, the land is considered capable of supporting the development and unlikely to impact physically on adjoining and nearby land.

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

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

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

The proposal was circulated to the following authorities for comment:

Local Government Council:

City of Palmerston – Bookmark E1

Whilst not making a formal ‘submission’ (section 49(3)), comments received from Council identified the following matters:

- potential “reverse sensitivity” impacts in subject site (non-industrial use) if adjacent properties are developed for industrial purposes to full potential (DAS DLPE comment - eg: 8.5m/2 storey high industry-light building with outdoor storage or zero setbacks)
- reduced rear building setback and open animal enclosures may exacerbate reverse amenity impacts
- decision to approve a non-industrial use on subject site may compromise the Zone LI function of the locality (may encourage other non-industry uses)
- proposed built form is not consistent with Zone LI outcomes
- proposed car parking provision seems inadequate.

Council has requested standard conditions and advisory notes relating to storm water drainage, garbage collection, vehicle access, sightlines be included on any permit issued.

The applicant’s response to the deferral has addressed some of the matters raised by Council.

Service Authority:

Power and Water Corporation (Electricity) – Bookmark E2

The site is connected to the reticulated electricity supply. The Distribution Development division advised of no objections in principle and identified standard connection, easement and upgrading requirements that can be addressed by (standard) conditions and advisory notes on a permit.

Power and Water Corporation (water & sewerage)

The site is connected to the PAWC reticulated water service, reticulated sewer is available in the area. No response was received from the Water Services division. Standard conditions and advisory notes on a permit can address technical requirements.

Parks and Wildlife – Bookmark E3

Parks and Wildlife (Department of Tourism and Hospitality) indicated “no comment” specific to the application.

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

The proposal includes keeping a number of animal species on site which has the potential to impact the existing and future amenity of the area by way of excessive noise, offensive odours, excessive dust or the attraction of flies or vermin.

The proposal also has the potential to congest the streets if sufficient car parking is not provided (eg: to cater for visitors / larger groups).

The proposed buildings on the site are not consistent with other approved developments in the location and as such may have a detrimental impact to the visual amenity of the area.

The applicant has not addressed how the proposal intends to minimise the above possible impacts to the existing and future amenity of the area however these issues have been discussed under section 51(1)(a).

(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**

The proposed development includes 1.8m high black chain mesh fencing with barbed wire top which will provide security to the premises whilst also allowing passive surveillance to and from the street. The proposal includes provisions for persons with disabilities, including disability parking bay and access ramps. No swimming pools or spas are proposed as part of 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 (subdivision is not proposed as part of this application).

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

Subdivision is not proposed as part of 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 subject site is located within the Darwin Rural Adelaide River Water Control District, and beneficial uses have been declared with respect to Section 73 of the *Water Act 1992*. It is the responsibility of the land owner to ensure that land use does not result in a contravention of the *Water Act 1992*. The proposed shed not expected to conflict with these requirements (site connected to reticulated water supply).

(t) other matters it thinks fit

PAWS Darwin (77 Winnellie Road, Winnellie)

In 2020, the Darwin Division of the Development Consent Authority granted consent to allow the change of use of a warehouse at 77 Winnellie Road, Winnellie to a “animal rescue centre and veterinary clinic”. The site is zoned GI (General Industry) and copies of the Notice of Consent, Development Permit DP20/0315 and Signed Plans are located at **Bookmark F**.

The not for profit ‘animal rescue’ component was approved as a “undefined use”, if the Authority were of a view to approve the application for 8 Coffey Street, the conditions of DP20/0315 could be used as a guide.

It is noted that public submissions were received in relation to the Winnellie application and a condition precedent of DP20/0315 required amended plans to remove structures (kennels) which are external to the building and less than 15m from the side and rear boundaries and a condition required that the animal rescue centre shall accommodate a maximum of 25 dogs and 10 cats.

The current application proposes dingo kennels within 3m of the lot boundary with mesh walls and the number of each species of animals likely to be kept on site has not been provided.

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 applicant indicates that “the development does not require the preparation of any environmental reports or impact statements under the Environmental Protection Act”.

Under Part 4, Division 3, section 48 of the *Environment Protection Act 2019*a proponent must refer to the NT EPA for assessment a proposed action that:

- (a) Has the potential to have a significant impact on the environment; or
- (b) Meets a referral trigger.

The proposed application includes demountable structures used for low intensity purposes such as storage of equipment and education, and includes enclosures for animals. As such, the application is unlikely to have the potential to have a significant impact on the environment and no referral triggers have been identified.

In addition to the above, no comments were received from the environmental division of DLPE (Department of Lands, Planning and Environment).

8. RECOMMENDATION

It is recommended that the Development Consent Authority consider deferring and delegating the application as set out below:

Resolution 1 - section 46(4)(b) – Defer

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 11001 (8) Coffey Street,

Tivendale, Town of Palmerston for the purpose of an animal rescue centre (undefined use) to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- (a) a suitable number of car parking spaces on site to cater for the empirical demand for the use of the site (verified by anticipated staff, volunteer and visitors numbers);
- (b) further details of operation of use and restriction/s to animal numbers on site
- (c) embellishments/landscaping to the design of the demountable structures (sea containers and other prefabricated buildings) – responding to sub-clause 4 of Clause 5.8.7 and sub-clause 4 of Clause 5.6.1 of the NTPS2020
- (d) review of the dimensions of proposed buildings on site (noting discrepancies between site plan dimensions and other drawings of structure)
- (e) suitable setbacks/noises attenuation measures for all animal enclosures likely to produce loud noise

Resolution 2 - section 86(1) – Delegate

That, pursuant to section 86(1) of the Planning Act 1999, the Development Consent Authority delegate to the Chair or in the Chair's absence or inability to act any one of the members of the Division, the power under section 53 of the *Planning Act 1999*, to determine the application to develop Lot 11001 (8) Coffey Street, Tivendale, Town of Palmerston for the purpose of an animal rescue centre (undefined use) subject to the receipt of the information listed in Resolution 1 and the following conditions

CONDITIONS PRECEDENT

1. Prior to the commencement of works the applicant is to submit a stormwater management plan prepared by a suitably qualified professional demonstrating how stormwater is to be collected and discharged to the external stormwater network, to meet the requirements of City of Palmerston, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection points.
2. Prior to the commencement of use, a waste management plan, including bin storage and screening design, in accordance with Council's Waste Management Guideline is required to be submitted, to the requirements of the City of Palmerston, to the satisfaction of the consent authority.
3. Prior to the commencement of works, the applicant is to prepare and submit a driveway plan to be approved by the City of Palmerston, to the satisfaction of the consent authority

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 3, 5 and 6 for further information.

8. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston to the satisfaction of the consent authority.
9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority.
10. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the City of Palmerston drains or to any watercourse
11. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street, in accordance with the requirements of City of Palmerston, to the satisfaction of the consent authority.
12. Storage for waste disposal bins is to be provided to the requirements of *City of Palmerston* to the satisfaction of the consent authority.
13. Before the *use or occupation of the development* starts, the area set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the consent authority. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
14. Before the *use/occupation of the development* starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
15. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, *including that any dead, diseased or damaged plants are to be replaced.*

NOTES:

1. Any reinstatement works required as a result of any damage or alterations caused to City of Palmerston infrastructure or landscaping must be undertaken by the applicant, to the technical standards of and at no cost to the City of Palmerston. This includes grassing the verge between the property boundary and the kerb.
2. A signage permit will be required for any signage not in accordance with the City of Palmerston advertising device code.
3. 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.

4. A “Permit to Work Within a Road Reserve” may be required from City of Palmerston, before commencement of any work within the road reserve.
5. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind
6. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
7. 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.
8. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 8936 4070 to determine if the proposed works are subject to the Act.
9. For the purposes of best practice land management and environmental protection it is recommended that a **Type 1** Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Lands, Planning and Environment ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 89994446.

9. REASONS FOR THE RECOMMENDATION (SHOULD THE PROPOSAL BE APPROVED)

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

The NT Planning Scheme 2020 applies to the land and undefined uses require consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clause 1.8 (When development consent is required), therefore: the strategic framework (Part 2 of the Scheme, including the Darwin Regional Land Use Plan (DRLUP) and the Holtze to Elizabeth River Subregional Land Use Plan (HESLUP), which are relevant to this application), zone purpose and outcomes of Clause 4.14 – Zone LI (Light Industry), and clause 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV) and 5.8.7 (Demountable Structures), need to be considered.

The Strategic Framework

The HESLUP identifies the proposal as being located within Zone LI (Light Industry), within the '11 Mile Focus Area' but provides limited guidance regarding the land use of the Tivendale light-industry zone.

The proposal is unlikely to conflict with the visions expressed in the strategic framework because if the proposal is approved and the land developed, there will still be ample amounts of land to be used for industrial purposes.

The HESLUP does not provide specific guidance in relation to the Tivendale industry area, and focuses primarily on infrastructure including road, rail and utilities and social infrastructure including schools, parks, health facilities, and community centres.

The proposal is located away from the above-mentioned infrastructure and social infrastructure and therefore is unlikely to conflict with the visions expressed in the land use plan. Higher details of the '11 Mile Focus Area' may be provided in a future area plan.

Zone LI (Light Industry)

The proposed use is an undefined use, therefore it can only occur 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.

The proposal has been assessed against part 5 requirements to determine whether the use/development is appropriate in the zone with regard to such matters as the location, nature, scale and intensity of the development. The use/development was found to be appropriate in Zone LI subject to further information/amended plans required by recommended condition precedent 1.

Part 5 requirements:

The assessment found that the proposal complies with the relevant requirements of the Planning Scheme except for clauses 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV) and 5.8.7 (Demountable Structures).

It is noted that while clauses 5.7.2 (Animal Related Use (Animal Boarding and Stables) and 5.8.2 (Education Establishment) are not directly applicable to the application (because the use does not include *animal boarding* or *education establishments*), these clauses have been used in the assessment to determine the suitability and appropriateness of the undefined use (animal rescue centre) within Zone LI (Light Industry). It is recommended that a standard condition be included to manage the use and development so that the amenity of the area is not detrimentally affected through excessive noise, offensive odours, excessive dust or the attraction of flies, vermin or otherwise; or constitute a risk of the spread of infectious disease or other health risk.

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).

Clause 5.6.1 (Setbacks and Building Design Requirements in Zones LI, GI and DV)

Sub-clause 2 of Clause 5.6.1 requires that *“buildings, including residential buildings, in Zones LI, GI and DV are to be sited in accordance with the table to this clause”*. The table to Clause 5.6.1 requires that builds are set back a minimum of 3m from the primary street boundary, and a minimum of 5m to at least one side boundary and to the rear boundary. The proposal does not comply with this clause because both side boundaries and the rear boundary have building setbacks of 2m where one side boundary and the rear boundary are required to have 5m setbacks to a building.

Sub-clause 3 requires that *“a clearly identifiable, dedicated pedestrian access is to be provided to the main entrance of the building from the street and customer car parking areas”*. The proposal does not comply with this clause because the proposal does not provide pedestrian access from the street or customer car park to the main entrance of the building.

Sub-clause 4 requires that *“front facades should be articulated to break up long lengths of blank walls and provide visual interest to the street. Articulation may include a combination of the following:*

- (e) setbacks or projections;*
- (f) changes in height to provide focal features and identify key locations (such as entrances);*
- (g) the use of a varied palette of materials, finishes and colours within the building design; and*
- (h) projecting features such as awnings or sun shades.”*

The proposal does not comply with this clause because the proposal includes a blank 6.05m (or 12m when looking at the site/landscaping plan) length of sea container wall that will face the primary street boundary. The proposed façade is located 3m from the primary street boundary and does not include setback or projecting features, changes in height, use of varied palette of materials, or finishes or colour. Additionally, it is unclear if sufficient landscaping has been proposed that will adequately screen the structure.

Sub-clause 1 allows the consent authority to *“consent to a 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, scale and impact on the safety and amenity of the locality and adjoining property”*.

Clause 5.6.1 purpose:

The purpose of Clause 5.6.1 is to *ensure that buildings are sited and designed to facilitate the development of safe, attractive and legible industrial zones*. The location of the proposed structures on site are unlikely to have an impact on the safety and legibility of the industrial zone, however the location (3m from the primary street boundary) of the ‘workspace’ demountable structure may have detrimental impacts to the attractiveness of the area. It is noted that the bin storage location has not been provided and depending on the location, may impact safety and attractiveness.

Location, scale and impact on the safety and amenity of the locality and adjoining property: Although the location of the structures on site are unlikely to have a detrimental impact to the safety of neighbouring and nearby properties, the scale (ie, number of each species likely to be kept on site) may have a detrimental impact to the amenity of neighbouring and nearby properties by way of noise, odour, etc. Additionally, the large, unarticulated shipping container structure (‘workspace’) is located 3m from the primary street frontage and may have negative impacts to the visual amenity of the area if not adequately screened.

Subject to recommended condition precedent 1, a variation to Clause 5.6.1 is considered appropriate in this instance because the development is considered to be consistent with the purpose of Clause 5.6.1 and the Zone LI purpose and outcomes, and is considered to

be appropriate to the site having regard to the location, scale and impact on the safety and amenity of the locality and adjoining properties. In addition to this, it is recommended that a standard condition be included to manage the use and development so that the scale does not have detrimental impacts to the amenity of the area by way of excessive noise, offensive odours, excessive dust or the attraction of flies, vermin or otherwise; or constitute a risk of the spread of infectious disease or other health risk.

Clause 5.8.7 (Demountable Structures)

Sub-clause 4(b) of Clause 5.8.7 requires that the development “*be visually consistent with adjoining or nearby development*”. The proposal does not comply with sub-clause 4(b) because the demountable structures are not visually consistent with adjoining or nearby development (nearby developments pictured below). Most of the land around the proposed site is vacant however the buildings that are established nearby the proposed development include permanent built structures rather than demountable structures. It is noted that lots 10981, 10982 and 10983 include demountable structures onsite however these structures have not received planning/building approvals.

Administration clause 2 allows the consent authority to *consent to a demountable structure that is not in accordance with sub-clause 4 if it is satisfied that the proposed use and location of the demountable structure make compliance unnecessary.*

Prefabricated learning centre/office building:

The ‘learning centre’ is setback approximately 20.5m from the primary street boundary and 2m from the north side boundary. Landscaping is proposed within the 2m north side boundary setback and within the primary street boundary setback.

Shipping containers & workspace:

The ‘shipping containers & workspace’ is located 3m from the primary street and south side boundary. The application proposes landscaping within these setbacks.

Subject to recommended condition precedent 1, the use and location of the proposed structures have been found to be appropriate such that compliance is not necessary.

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 land is located within Zone LI (Light Industry) which can support industrial uses. The proposed development includes animal enclosures and demountable structures which can be considered non-permanent structures. The land itself is relatively flat and connected to reticulated services such as power, water and sewage. As such, the land is considered capable of supporting the development and unlikely to impact physically on adjoining and nearby land.

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

The proposal includes keeping a number of animal species on site which has the potential to impact the existing and future amenity of the area by way of excessive noise, offensive odours, excessive dust or the attraction of flies or vermin.

Item 2

The proposal also has the potential to congest the streets if sufficient car parking is not provided (eg: to cater for visitors / larger groups).

The proposed buildings on the site are not consistent with other approved developments in the location and as such may have a detrimental impact to the visual amenity of the area.

The applicant has not addressed how the proposal intends to minimise the above possible impacts to the existing and future amenity of the area however these issues have been discussed under section 51(1)(a).

AUTHORISED:



.....
PLANNER – PALMERSTON AND EAST ARM
DEVELOPMENT ASSESSMENT SERVICES

Map created Mon Feb 03 08:15:06 ACST 2025

Legend



- General Lines
- Lot Boundaries
- Land Subject to Flooding
- 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
- FD - Future Development
- RJ - Residential Jabiru
- PSJ - Public Open Space Jabiru
- ORJ - Organised Recreation Jabiru
- CJ - Commercial Jabiru
- SCJ - Service Commercial Jabiru
- TCJ - Tourist Commercial Jabiru
- CPJ - Community Purpose Jabiru
- FDJ - Future Development Jabiru
- IJ - Industrial Jabiru
- MJ - Main Road Jabiru
- UJ - Utilities Jabiru
- Road Labels
- Road Centrelines
- Highway
- Other Road
- Parcel Numbers
- Cadastre
- Coastline

Created by DAHER

Bottom Left: 130° 57' 22", -12° 28' 31"

Top Right: 130° 57' 38", -12° 28' 22"

Approximate Scale: 1:3,300

Datum: GDA 1994

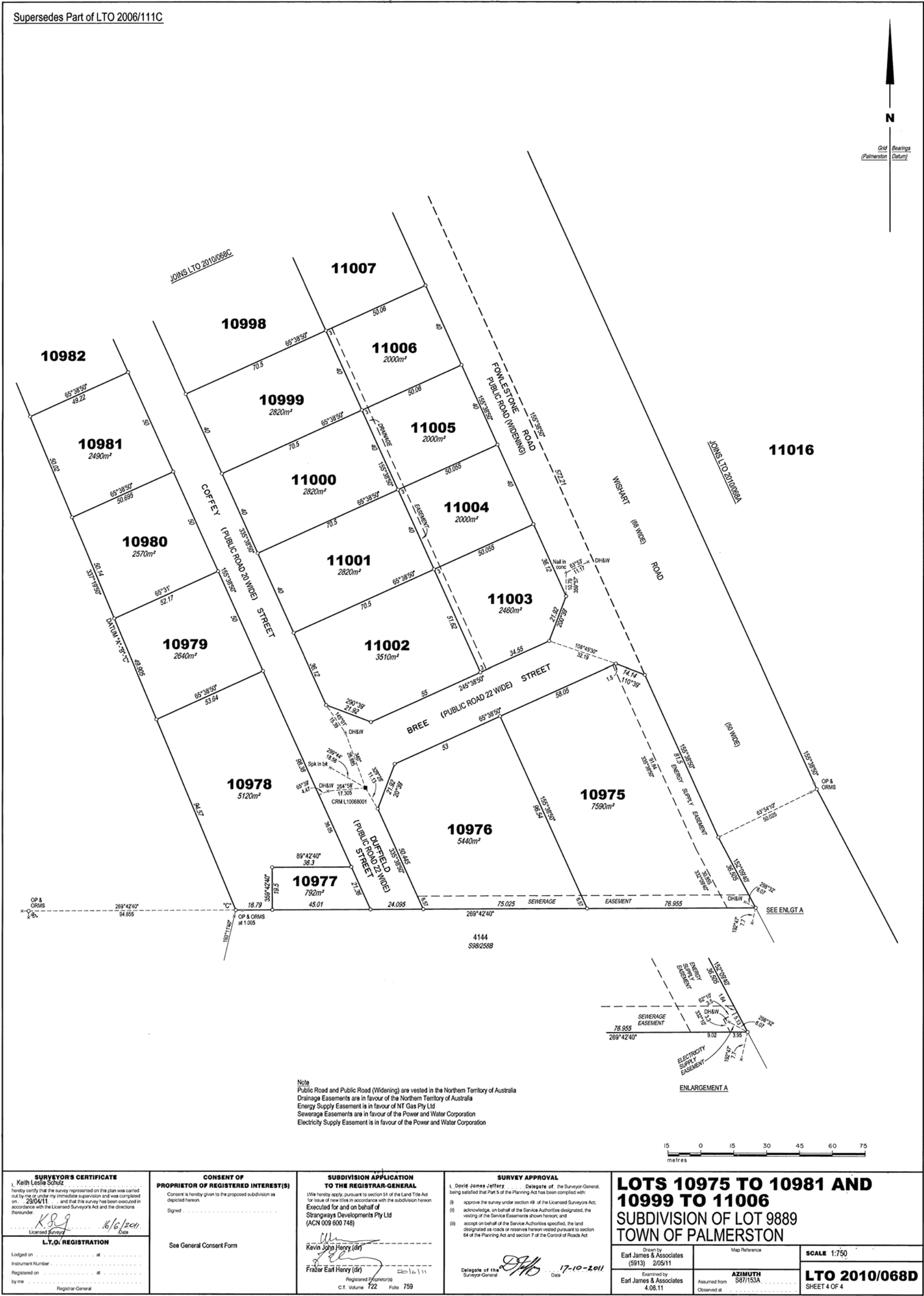
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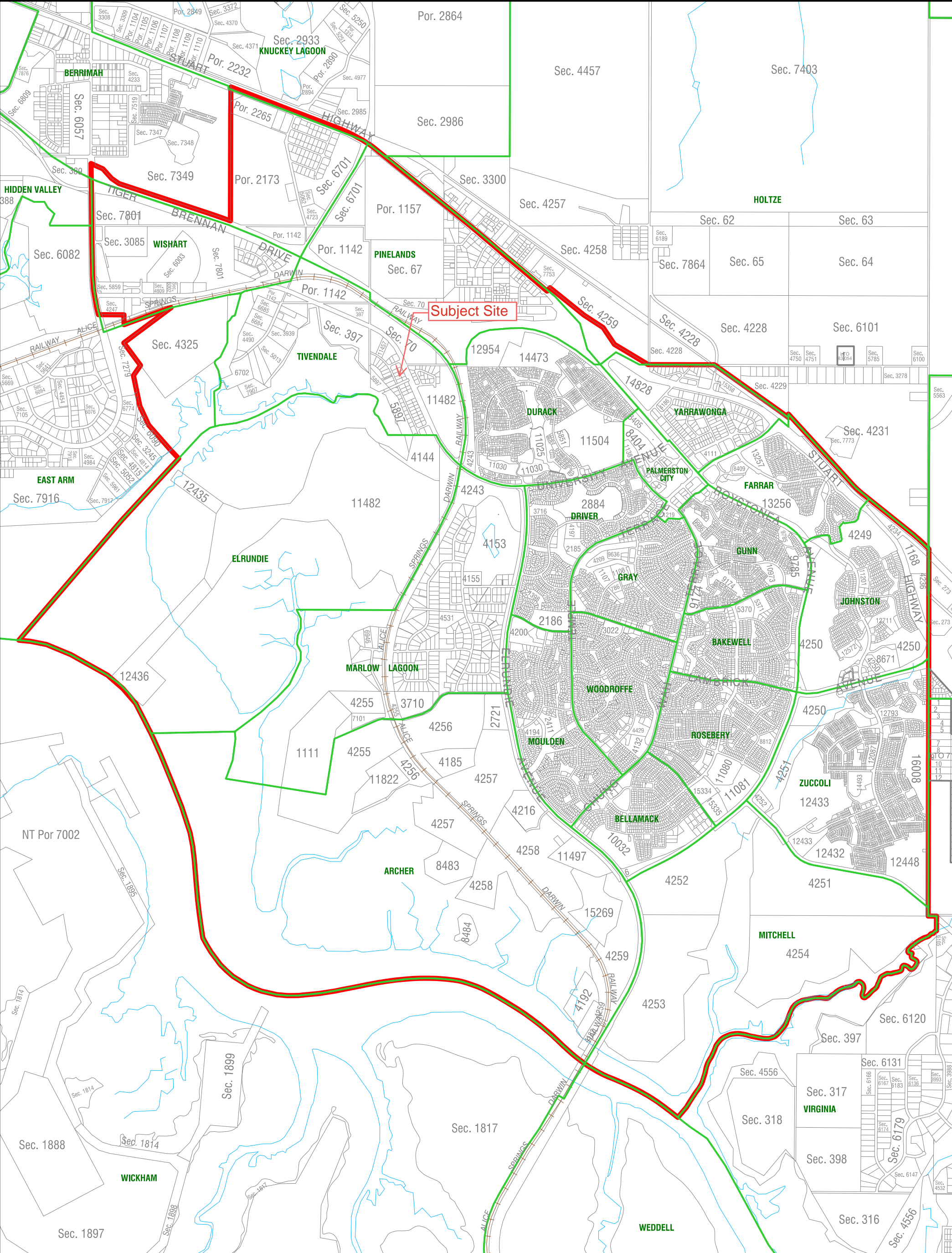
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N.T. Land Information System


Copyright Northern Territory of Australia

Map Center: 130° 57' 30.7" E, 12° 28' 26.8" S






Development Consent Authority - Palmerston Division



NORTHERN
TERRITORY
GOVERNMENT


0 0.25 0.5 0.75 1km

Scale 1:40,000 @ A3



0°

Legend

 Palmerston Division DCA

 Cadastre

 LOCALITY

Note - This plan is for information purposes only and does not supersede Plan S2022/046 certified 30/06/2022.





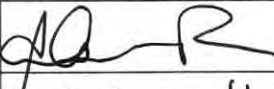


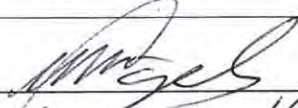
Bookmark B1 (application as exhibited)

Land owner/s authorisation to lodge a development application under the Planning Act 1999

****signatures from ALL landowners registered on the land title must be provided****

The owners and/or persons duly authorised as signatory on behalf of the landowner**, hereby authorise:		
NAME OF CONSULTANT OR ACTING AGENT ON BEHALF OF LANDOWNER (please print)	One Planning Consult Isreal Kgosiemang	
Contact number:	Ph: 0417787473	Mob:
to lodge a development application under the Planning Act 1999 over the property described as:		
LOT/ NT PORTION:	Lot 11001 (8) Coffey Street	
LOCATION/TOWN	Tivendale	
STREET ADDRESS:	8 Coffey Street, Tivendale	
PROPOSED DEVELOPMENT:	Fencing and build a community centre	

OWNER'S SIGNATURE:		
FULL NAME: (please print)	Antonella Calabro-Rowe	
TITLE: (ie. company director/secretary)	Director	
COMPANY NAME:	Calpino Nominees Pty Ltd	
Contact number:	Ph: 0412669219	Mob:
DATE:	12. DEC. 24	

OWNER'S SIGNATURE:		
FULL NAME: (please print)	Michael Khatiguts	
TITLE: (ie. company director/secretary)	Director	
COMPANY NAME:	KATA ELECTRON	
Contact number:	Ph: 0412721132	Mob: 0419846410.
DATE:	13/12/24.	



STATEMENT OF EFFECT

APPLICATION FOR DEVELOPMENT CONSENT

SECTION 46 – *PLANNING ACT*

**LOT 11001 (8) COFFEY STREET, TOWN OF
PALMERSTON**

PURPOSE:

**ANIMAL RESCUE CENTRE WITH ANCILLARY
VETERINARY AND COMMUNITY EDUCATIONAL
SERVICES**



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APPENDECIES

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1. Preliminary

1.1 Introduction Summary

One Planning Consult has been engaged by Darwin Wildlife Sanctuary to prepare and lodge development application for the purpose of animal rescue centre with ancillary veterinary and community educational services at 8 Coffey Street, Tivendale. The subject site is 2820m² in area and contained within land zoned LI (Light Industry). The site is vacant and will be developed in accordance with the plans provided at **APPENDIX A**. Darwin Wildlife Sanctuary is a non-profit organisation currently located in Humpty Doo. The organization has identified the site as suitable for its part relocation in a much more accessible location where it can facilitate the **running of youth diversion and engagement programs, volunteers training, school groups and other community outreach activities from the site.**

1.2 Landowner(s) – Section 46 (aa)

Applicant: One Planning Consult on behalf of the proponent
Proponent: Darwin Wildlife Sanctuary
Landowner(s): Kathopoulis Electrical & Building Contracting Pty Ltd (ACN 079 844 081) and Calpino Nominees Pty Ltd (ACN 009 611 116) as trustee for the C. Calabro Family Trust

1.3 Nature of Application

Pursuant to section 46 (1) of the Planning Act the application seeks planning approval for the purpose of a animal rescue centre with ancillary veterinary and community educational services.

Animal rescue centre is an undefined use on land zoned LI (Light Industry) and therefore impact assessable use under the NT Planning Scheme 2020. The use requires planning consent pursuant to clause 4.14(12) of the NT Planning Scheme 2020.

Relevant and applicable clauses of the NT Planning Scheme 2020 for undefined use on land zoned LI are as follows:

- 5.2.1 General Height Controls
- 5.2.4 Parking Requirements
- 5.2.5 Loading Bays
- 5.2.6 Landscaping
- 5.6.1 Setbacks and Building Design in Zones LI, GI and DV

The subject land is zoned LI (Light Industry) with the purpose to provide for low impact industrial and compatible non-industrial developments that will not by the nature of their operations, detrimentally affect adjoining or nearby land.

Amongst other zoning outcomes under the land zoning to the subject site, the proposal is aligned with the following outcomes:

Outcome 4, Other non-industrial activities, such as community activities including club, community centre and place of worship may be established where they do not compromise the ongoing operation and viability of industrial activities or the integrity of the zone.

The proposal is for development of impact assessable land uses over the site. The scale of the proposed development is minor and unlikely to compromise the ongoing operation and viability of industrial activities or the integrity of the zone. The proposed landscaping along the perimeter to the site provides screening to the development.

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Outcome 7, Development incorporates well-designed buildings and landscaping that contribute to a safe, attractive and legible industrial environment.

The proposed development incorporates an extensive landscaping throughout the proposal with minimum depth of 2m buffer along the boundaries for screening.

Outcome 8, Development does not detrimentally impact on the capacity, safety or efficient operation of the local road and footpath network.

The proposed development is unlikely to detrimentally impact on the capacity, safety or efficient operation of the local road and footpath network.

1.4 Overlays (Part 3 of the Scheme)

There are no overlays applicable to the subject site.

1.5 Darwin Wildlife Sanctuary

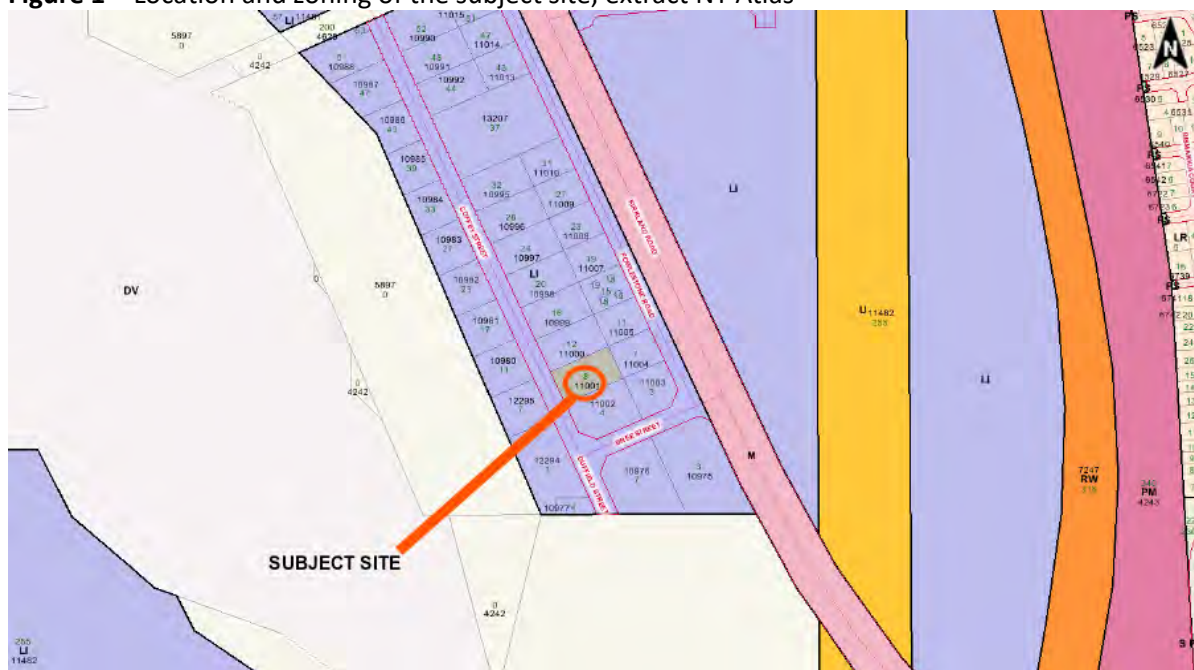
The mission of the organisation is to:

“Provide injured, sick and orphaned native wildlife of Darwin and its surrounds with rescue, veterinary care and specialised rehabilitation facilities; provide wildlife carers with respite and access to information, education and resources for best practice of wildlife care; and to provide welfare and conservation education, projects and information to the entire community of Darwin and its regions.”

2.0 The Location and Zoning of the Land

The subject site is in Tivendale suburb and takes street frontage to Coffey Street. The site shares boundaries to vacant lands zoned LI to the north, east and south of the property. Across the road is land zoned LI and developed with café and warehouses.

Figure 1 – Location and zoning of the subject site, extract NT Atlas





3.0 Proposal

The proposal is for animal rescue centre with ancillary veterinary and community educational services comprising the following:

- Construct a bird of prey flight test enclosure
- Bird hacks
- Storage of donation goods and shade structure
- Car parking
- Crocodile pan
- Snake cage
- 4 kennels
- Community learning centre with ancillary office
- Landscaping throughout the development

The proposed ancillary veterinary service will enable the proponent to provide treatment and care to injured animals on site. The learning centre will be used for educational service to the public.

4.0 Strategic Planning & Reference Guidelines

4.1 NT Planning Scheme 2020

Clause 2.1 of the NT Planning Scheme 2020 provides purpose of the Strategic Framework. The Strategic Framework:

*(a) promotes the Objectives of the Planning Act 1999 through the establishment of **strategic policy** and **strategic land use plans** to guide development;*

(b) establishes a strategic direction for the Northern Territory and its regions that facilitates long term management of development to achieve coordinated and efficient planning outcomes;

(c) provides guidance on strategic planning priorities and intended outcomes of future development;

(d) balances the following considerations to inform strategic planning and decision making for development:

i. the sustainable use of resources and the protection of the natural environment and ecological processes;

ii. the integration of land use planning with transport and physical infrastructure planning to provide for the equitable, accessible, logical and efficient provision of such services;

iii. the facilitation of industrial, business and other employment and wealth generating activities to promote, support and engender economic development;

iv. the promotion of diverse housing options and the integration of planning for community facilities and services to foster a more connected, resilient and supported society;

v. the recognition of the unique characteristics, challenges and aspirations in different areas and communities within the scheme area; and

vi. the protection of places and buildings, which are of heritage or cultural value.

The most relevant strategic framework and reference guidelines to this development application is the Holtze to Elizabeth River Subregional Land Use Plan.

4.2 Holtze to Elizabeth River Subregional Land Use Plan (HESLUP)

The subject site is located within 11 Miles Focus area of HESLUP. The Holtze to Elizabeth River Subregional Land Use Plan establishes an overarching subregional framework to manage growth. The plan acknowledges that land use changes must respond to growth and the demand for housing, community facilities and commercial premises and consider the natural environment. The proposed development aims to provide a community-oriented facility in an area considered to be suitable due to the intended nature of operation that requires separation from residential land uses. The proposed non-industrial land use (community centre) is an envisaged impact assessable use under the zoning Table to clause 4.14 of the Scheme.

The Plan also acknowledges the need for provision of social infrastructure that contributes to healthy and sustainable communities, providing facilities for health, education, culture, sport and recreation. The proposed facility comprises storage of donations goods to Darwin Wildlife Sanctuary. The community centre will contribute towards youth diversion activities for the region and engagement programs, volunteers training, school groups and other community outreach activities from the site.

Accordingly, the land use structure of the Plan identifies the need to ensure that land use and development address any shortfall and future needs in social infrastructure relevant to the location. The area plans and development proposals in this subregion are informed by and respond to the Holtze to Elizabeth River Regional Social Infrastructure Assessment by identifying well-located and suitable land for:

- an additional community health and social support facility;
- an additional community / civic centre facility;
- additional youth centre / services facilities;

The proposed facility is ideally located to serve the subregion and Greater Darwin whilst it maintains separation from sensitive land uses. The proximity of the site to Tiger Brennan Drive as a major road provides a convenient connection with Focus areas within the subregion and the Greater Darwin Region.

4.3 Community Safety Design Guide

This Community Safety Design Guide advocates and encourages urban environments in the Northern Territory that are safe and feel safe. It is intended to be a guide that can be used by applicants as part of the design process, and as an assessment tool when the Consent Authority considers development applications. The Guide sets out recommended solutions as to how development applications can comply with the key principles. Some guidelines may be more or less relevant to particular circumstances.

The proposed land use is located in an area close to light industry type uses such as car wash, warehouse, shop and offices with a likelihood of less activity after business hours, therefore in response to crime prevention issues, the proponent will consider the use of surveillance equipment such as CCTV as an alternative to 'passive surveillance'. The site will be adequately fenced to secure the property. The proposed development layout makes provision for disabled access and car park within the proposal. Appropriate signage for way finding will be provided on site.

5.0 Statutory Planning and Consideration

46(3)(a) Relevant Clauses of the NT Planning Scheme applicable to the land

5.2.1 General Height Controls

The purpose of this clause is to ensure that the height of buildings in a zone is consistent with development provided for by that zone.

The height of any part of a building is not to exceed 8.5m above the ground level, unless it is:



- (a) a flag pole, aerial or antenna; or
- (b) for the housing of equipment relating to the operation of a lift; or
- (c) a telecommunications facility.

The maximum proposed development is 5.3m (8.5m permitted).

5.2.4 Parking Requirements

The purpose of this 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.

The following table outlines the parking requirements in accordance with Table to clause 5.2.4.1 for the proposed car parking generating uses over the subject site. The proposed undefined use (animal rescue centre) adopts car parking requirement applicable to community centre as a similar type of use.

Community centre (animal rescue centre) require 5 parking bays for every 100m² of net floor area
Storage requires 1 parking bay for every 100m² of net floor area
Office requires 2.5 for every 100 square metres of net floor area.

Table 1 – Car Parking Requirements

Use	Lay out	Require ment	Area	Total Bays
Animal Rescue Centre	Learning Centre/veterinary	5 /100m ²	60m ²	3
Storage	Containers	1 /100m ²	29.28m ²	0.29
Office		2.5/100m ²	9m ²	0.23
TOTAL				3.5 (4)

The proposed development requires 4 car parks on site. There are 5 car parks provided on site.

5.2.4.4 Parking Layout

*The purpose of this clause is to ensure that a **car parking area** is appropriately designed, constructed and maintained for its intended purpose. The NT Planning Scheme defines “**car parking area**” as an area set aside or designated for the parking of three or more motor vehicles.*

Administration

The consent authority may consent to a car parking area that is not in accordance with sub-clause 4 if it is satisfied that the non-compliance will not:

- (a) result in adverse impacts on the local road network or internal functionality of the car parking area; and
- (b) unreasonably impact on the amenity of the surrounding locality.

Requirements

3. A car parking area is to be established, used and maintained for the purpose of vehicle parking only.

4. A car parking area is to:

- (a) be of a suitable gradient for safe and convenient parking;
- (b) be sealed and well drained;
- (c) be functional and provide separate access to every car parking space;
- (d) limit the number of access points to the road;
- (e) allow a vehicle to enter from and exit to a road in a forward gear;

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- (f) maximise sight lines for drivers entering or exiting the car parking area;*
- (g) be not less than 3m from a road, and the area between the car parking area and the road is to be landscaped with species designed to lessen the visual impact of the car parking area;*
- (h) be in accordance with the dimensions set out in the diagram to this clause;*
- (i) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and*
- (j) be designed so that parking spaces at the end of and perpendicular to a driveway be 3.5m wide or so that the driveway projects 1m beyond the last parking space.*

The proposed development provides a two-way entry and exit driveway that meets the minimum requirements under this clause. The car parking facility will be composed of compacted road base gravel and of a suitable gradient for safe and convenient parking. The car parking layout generally meets the above requirements.

5.2.5 Loading Bays

The purpose of this clause is to provide for the loading and unloading of vehicles associated with the use of land.

A loading bay is to:

- (a) be at least 7.5m by 3.5m;*
- (b) have a clearance of at least 4m; and*
- (c) have access that is adequate for its purpose*

Requirements

*Bar-public, club, emergency services facility, exhibition centre, food premises (fast food outlet and restaurant), hospital, hotel/motel, industry-general, industry-light, nightclub entertainment venue, office, place of assembly, shop, shopping centre, showroom sales, transport terminal or warehouse use or **development** on a site must provide areas wholly within the site for loading and unloading of vehicles at the ratio of:*

- (b) if for an exhibition centre, food premises (fast food outlet and restaurant) office, place of assembly, shop or shopping centre development, 1 loading bay for every 2000m² of the total net floor area.*

There is no loading bay required for the proposed land use under Table to clause 5.2.5 (Minimum number of loading bays).

5.2.6 Landscaping

The purpose of this clause is to 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.

Requirements (sub-clause 3-4)

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;*
- (a) it maximises efficient use of water and is appropriate to the local climate;*
- (b) it takes into account the existing streetscape, or any landscape strategy in relation to the area;*

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- (c) significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained;*
 - (d) energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;*
 - (e) the layout and choice of plants permits surveillance of public and communal areas; and*
 - (f) it facilitates on-site infiltration of stormwater run-off.*
4. *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.*

The proposal provides 3m depth of landscaping along the front boundary. There is no specific percentage of landscaping required for the proposed land use under this clause. It is however noted that the development provides landscaping along the sides and rear boundaries and throughout the development to enhance the streetscape and overall amenity of the locality. The proposed landscaping plants are predominantly native vegetation and adaptable to local climate. Controlled irrigation system will be installed throughout the site to ensure save use of water during dryer periods of the season. The selected plant species which include medium shade trees contribute towards the character and amenity of the site.

5.6.1 Setbacks and Building Design Requirements in Zones LI, GI and DV

The purpose of this clause is to ensure that buildings are sited and designed to facilitate the development of safe, attractive and legible industrial zones.

The consent authority may consent to a 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, scale and impact on the safety and amenity of the locality and adjoining property.

The following setbacks are proposed for the building over the development site:

To the front boundary (3m setback required)

Building, 3m - Complies

To the rear boundary (5m setback required):

There are no solid structures towards the rear boundary.

To the southern side boundary (5m setback required):

Building, 2m (5m required). The proposal is seeking variation to the requirement of this clause as the 2.6 m x 2.44m solid walls of the structures perpendicular to the affected side boundary affect only 6.97% of the side boundary length. This is minor and unlikely to have adverse effect on the visual amenity of the development when viewed from neighboring property. Furthermore, the open elevation of the dome results in a diminishing effect when viewed from neighbouring property.



To the northern side boundary (zero-lot line permitted):

Building, 2m (zero-lot line permitted)– Complies

46(3)(b) - Interim Development Control Orders

There are no interim Development Control Orders currently applying on the site.

46(3)(c) - Environmental Reports

The development does not require the preparation of any environmental reports or impact statements under the Environmental Protection Act.

46(3)(d) – Merits

The proposed animal rescue centre with ancillary veterinary and community educational services adds to the mixture of land uses in the area as envisaged under the zoning Table to clause 4.14 of the Scheme. The use will provide a needed social infrastructure within the region to mobilise community engagement on natural environmental issues in an easily accessible location.

46(3)(e) - Land Capability

The impact of the proposed development is not beyond what would be normally expected of this type of development.

46(3)(f) - Public Facilities and Public Open Space

The land is nominated for zone LI (Light Industry). The proposed development is not expected to create an additional need for public facilities or public open space as the needs are catered for within the requirements of the locality.

46(3)(g) - Public Utilities and Infrastructure

Reticulated power, water and sewer services are available to service the proposed development. The application is routinely circulated to service authorities for comment in relation to the proposal.

46(3)(h) – Amenity

The NT Planning Scheme defines amenity, in relation to a locality or building, as any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable. Given the range of existing uses within the immediate area, the proposal is unlikely to unreasonably affect existing amenity due to the reasons discussed throughout this application report.

46(3)(j) - Public Interest

The proposed use is consistent with the public's expectation of the land use in the area.



46(3)(k) - Building Act Compliance

The site is vacant and therefore all proposed building works are subject to regulatory controls under the *Building Act*.

6.0 Conclusion

The application is for an impact assessable land use pursuant to clause 4.14(12) of the NT Planning Scheme 2020. The development generally accords with the purpose of the land zoning and relevant outcomes for non-industrial land use. The nature of proposed use requires separation from sensitive land uses and certainly reasonable locational attribute for convenient access by community groups from nearby subregional focus areas and Greater Darwin,

DARWIN WILDLIFE SANCTUARY
COFFEY ST

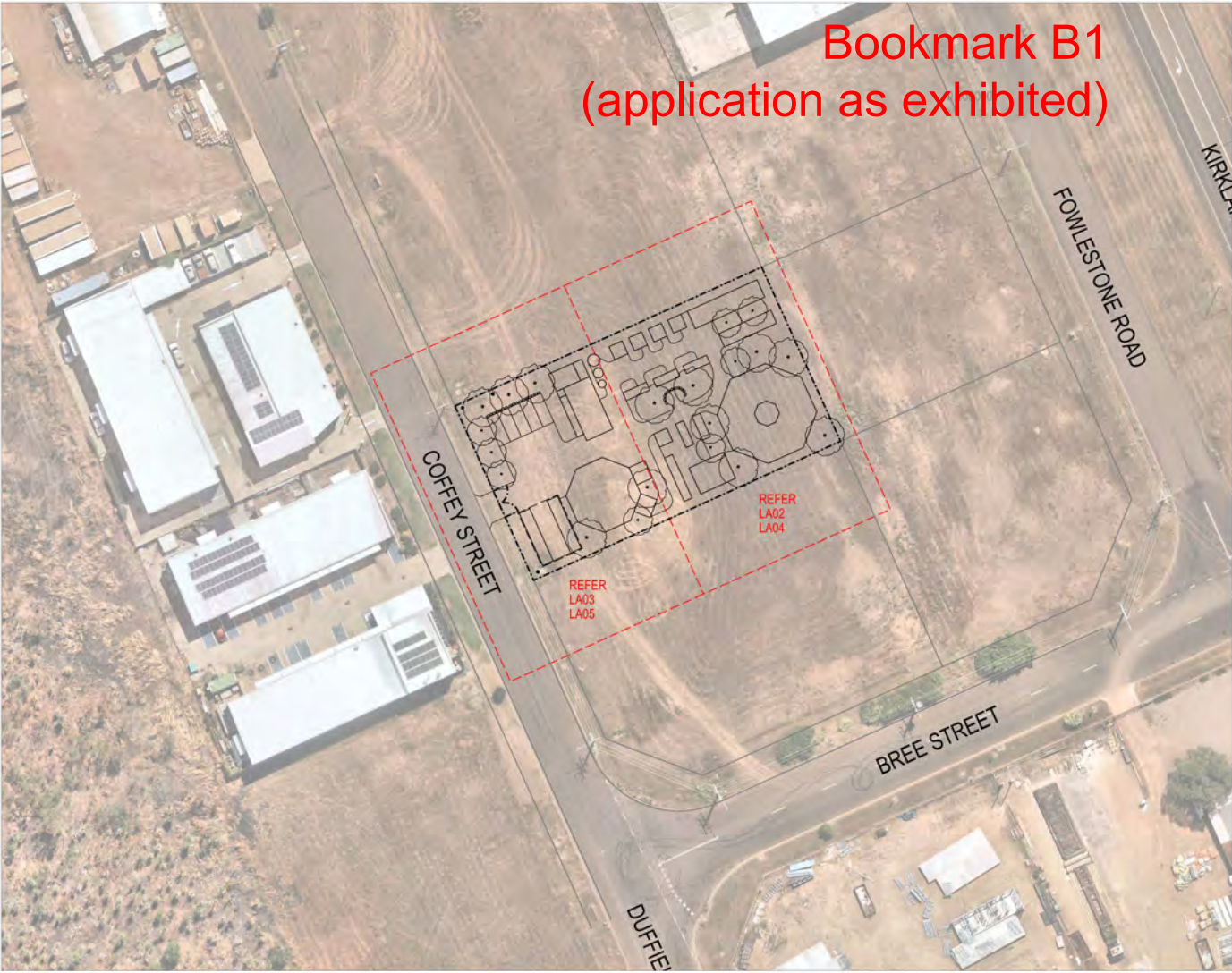
LANDSCAPE PACKAGE

SHEET LIST	
NUMBER	NAME
LA01	COVERPAGE & SITE PLAN
LA02	GENERAL ARRANGEMENT PLAN - SHEET 1 OF 2
LA03	GENERAL ARRANGEMENT PLAN - SHEET 2 OF 2
LA04	PLANTING PLAN - SHEET 1 OF 2
LA05	PLANTING PLAN - SHEET 2 OF 2

TREES - PLANTING SCHEDULE		
KEY	NAME	SPACING
AD	ACACIA DUNNII	AS SHOWN
AS	ACACIA SHIRLEY	AS SHOWN
AE	ALPHITONIA DELSA	AS SHOWN
OP	CORMEBAPTICOCARPA	AS SHOWN
EC	ERYTHROPHLUM CHLOROSTACHYS	AS SHOWN
BH	EUCALYPTUS HERBERTIANA	AS SHOWN
ET	EUCALYPTUS TINTINIANA	AS SHOWN
PC	PLANCHONACAREYA	AS SHOWN
TC	TERMINALIA CATAPPA	AS SHOWN
TM	TERMINALIA MOCOCARPA	AS SHOWN

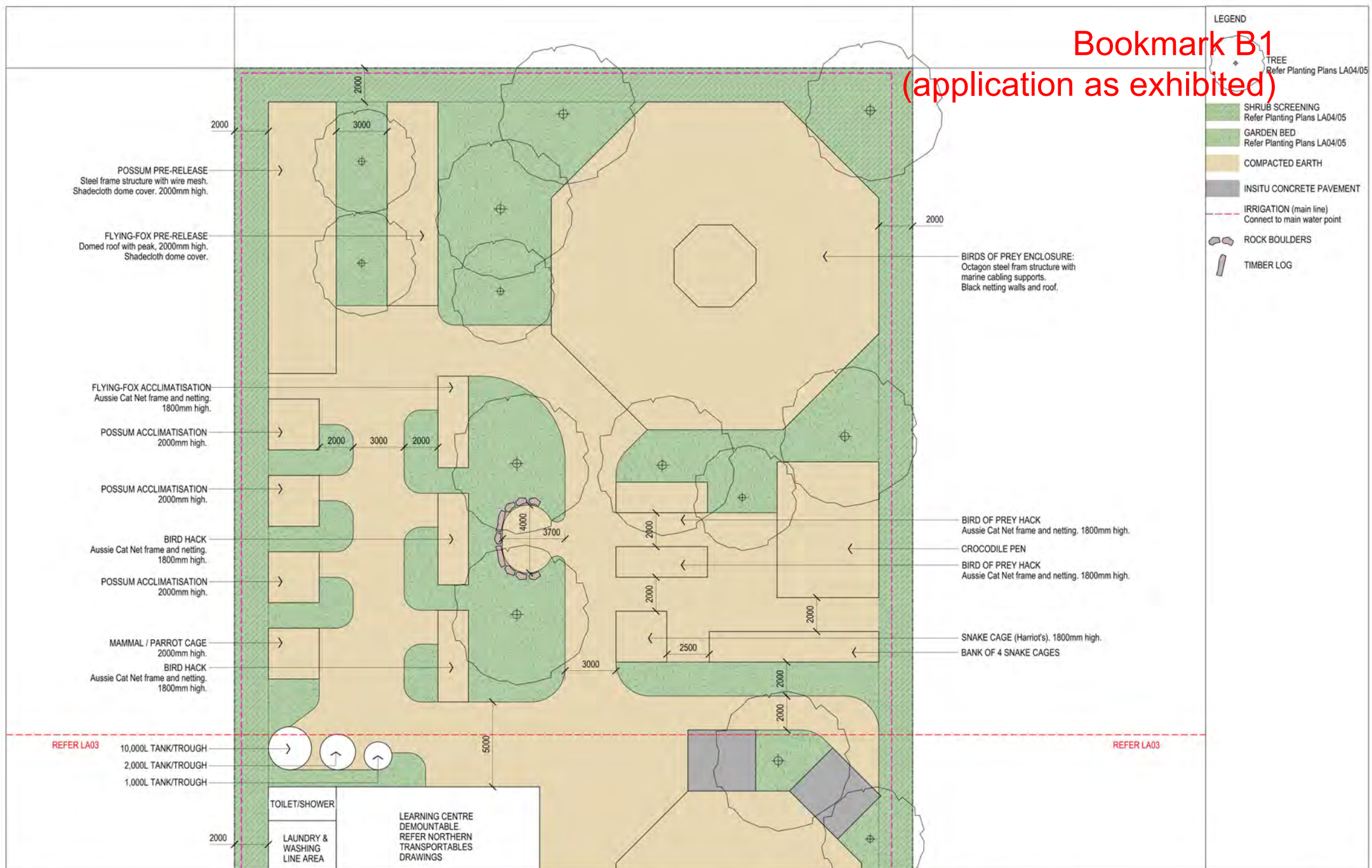
SHRUBS - PLANTING SCHEDULE		
KEY	NAME	SPACING
ACAUL	ACACIA AULACOCARPA	1500MM
ACAUR	ACACIA AURICULIFORMIS	3000MM
ACACON	ACACIA CONSPERSA	1500MM
ACADIF	ACACIA DIFFICILIS	1500MM
ACAGON	ACACIA GONOCARPA	1500MM
ACAMOU	ACACIA MOUNTFORDIAE	1500MM
ACAHOL	ACACIA HOLOSERICA	1500MM
ACAKEL	ACACIA KELLERI	1500MM
ACALAM	ACACIA LAMPROCARPA	1500MM
ACALAT	ACACIA LATESCENS	1500MM
ACAONC	ACACIA ONCINOCARPA	1500MM
ACAPLE	ACACIA PLECTOCARPA	1500MM
ACASIM	ACACIA SIMSI	1500MM
ACASTI	ACACIA STIGMATORHILLA	1500MM
ACASIM	ACACIA SIMSI	1500MM
ACATOR	ACACIA TORULOSA	1500MM
ACALUMB	ACACIA UMBELLATA	1500MM
ASTISM	ASTEROMYRTUS SMITHOCARPA	2500MM
BANDEN	BANKSIA DENATA	AS SHOWN
BRAMEG	BRACHYCHITON MEGAPHYLLOS	2500MM
CALXIS	CALYTRIX EXSTIPULATA	1500MM
DODPLA	DODONAEA PLATYPHYLLA	1000MM
GREFER	GREVILLEA RETUSIFOLIA	1000MM
GREDRY	GREVILLEA DRYANDOR	1500MM
GREPIE	GREVILLEA PTERIDIFOLIA	3000MM
GREALR	GREVILLEA LAUREA	1500MM
GREFOR	GREVILLEA FORMOSA	2000MM
LEENOV	LEANODORUM LINEENSIS	1500MM
VITTRI	VITEX TRIFOLIA	2500MM

GRASSES & GROUNDCOVERS - PLANTING SCHEDULE		
KEY	NAME	SPACING
ACANJP	ACACIA NUPERRIMA	1000MM
CANROS	CANVALIA ROSEA	1000MM
CHRELO	CHRYSOPOGON ELONGATUS	800MM
CRONOV	CROTALARIA ANDRAE-HOLLANDIAE	1000MM
IPORES	IPOMOEAE RESCAPRIE	1000MM
LOMLON	LOMBARDIA LONGIFOLIA	700MM
VITROT	VITEX ROTUNDIFOLIA	800MM

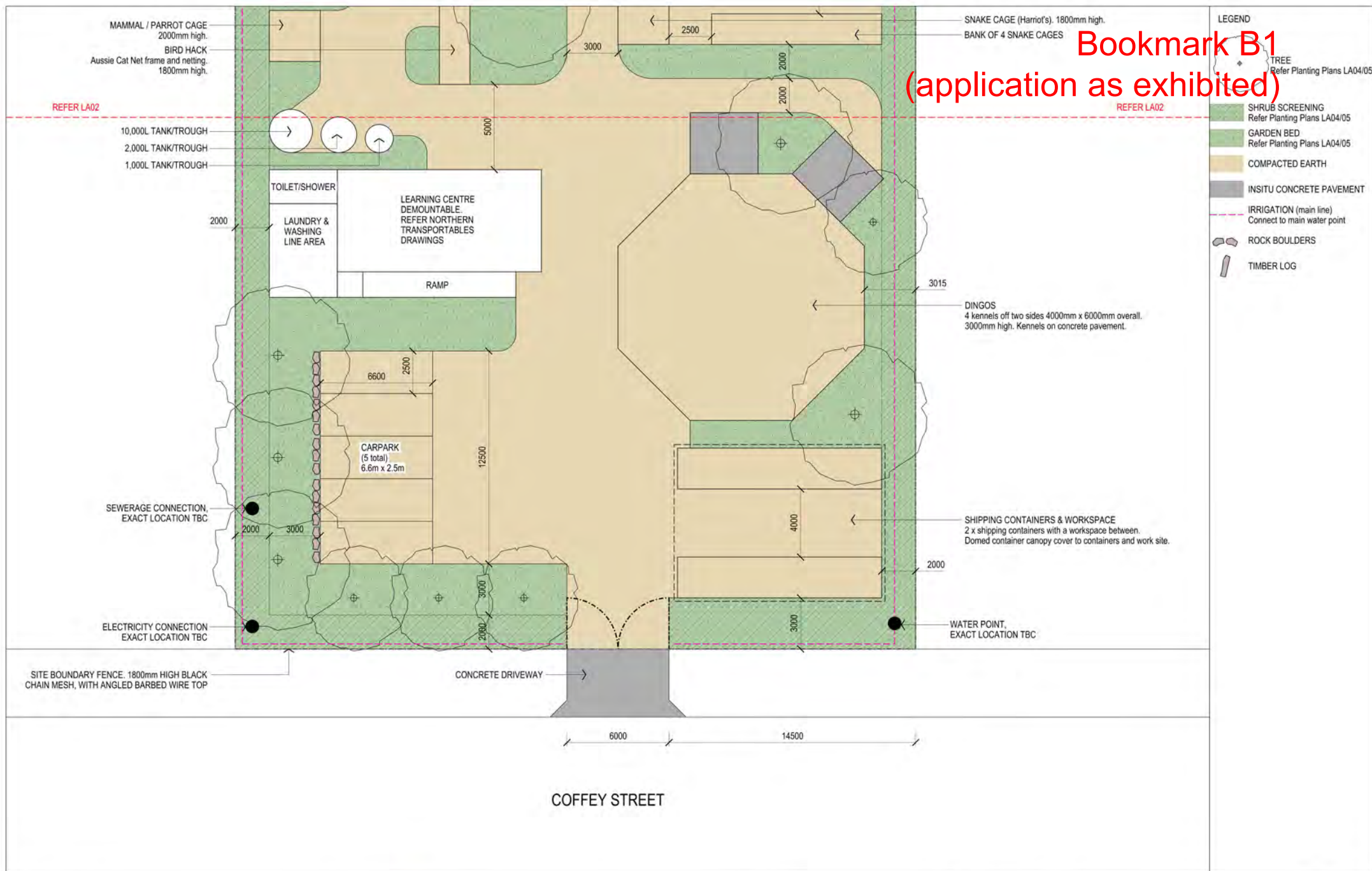


SITE PLAN

Bookmark B1
(application as exhibited)



SITE	8 COFFEY ST	CLIENT		UNDER TREE DESIGNS	REV	DESCRIPTION	DATE	DRAWN BY	SHEET TITLE	SHEET NUMBER
PROJECT	DARWIN WILDLIFE SANCTUARY SITE DEVELOPMENT									
					A	DEVELOPEMENT APPLICATION	03/09/2024	SY	<div><div><div></div><div></div><div></div><div></div><div></div></div><div>01234510m</div></div> <div><div>NORTH</div><div></div></div>	SCALE 1:200@A3
									REV A	



SITE 8 COFFEY ST

PROJECT DARWIN WILDLIFE SANCTUARY SITE DEVELOPMENT

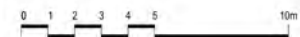
CLIENT



UNDER TREE DESIGNS

REV	DESCRIPTION	DATE	DRAWN BY
A	DEVELOPEMENT APPLICATION	03/09/2024	SY

SHEET TITLE
GENERAL ARRANGEMENT PLAN - SHEET 2 OF 2



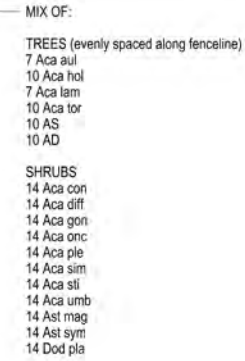
SHEET NUMBER
LA03

SCALE 1:200@A3

REV A

LEGEND

- TREE
Refer Schedule LA01
- SHRUB SCREENING
Refer Schedule LA01
- MASS PLANTING
Refer Schedule LA01
- SHRUB
Refer Schedule LA01



REFER LA05

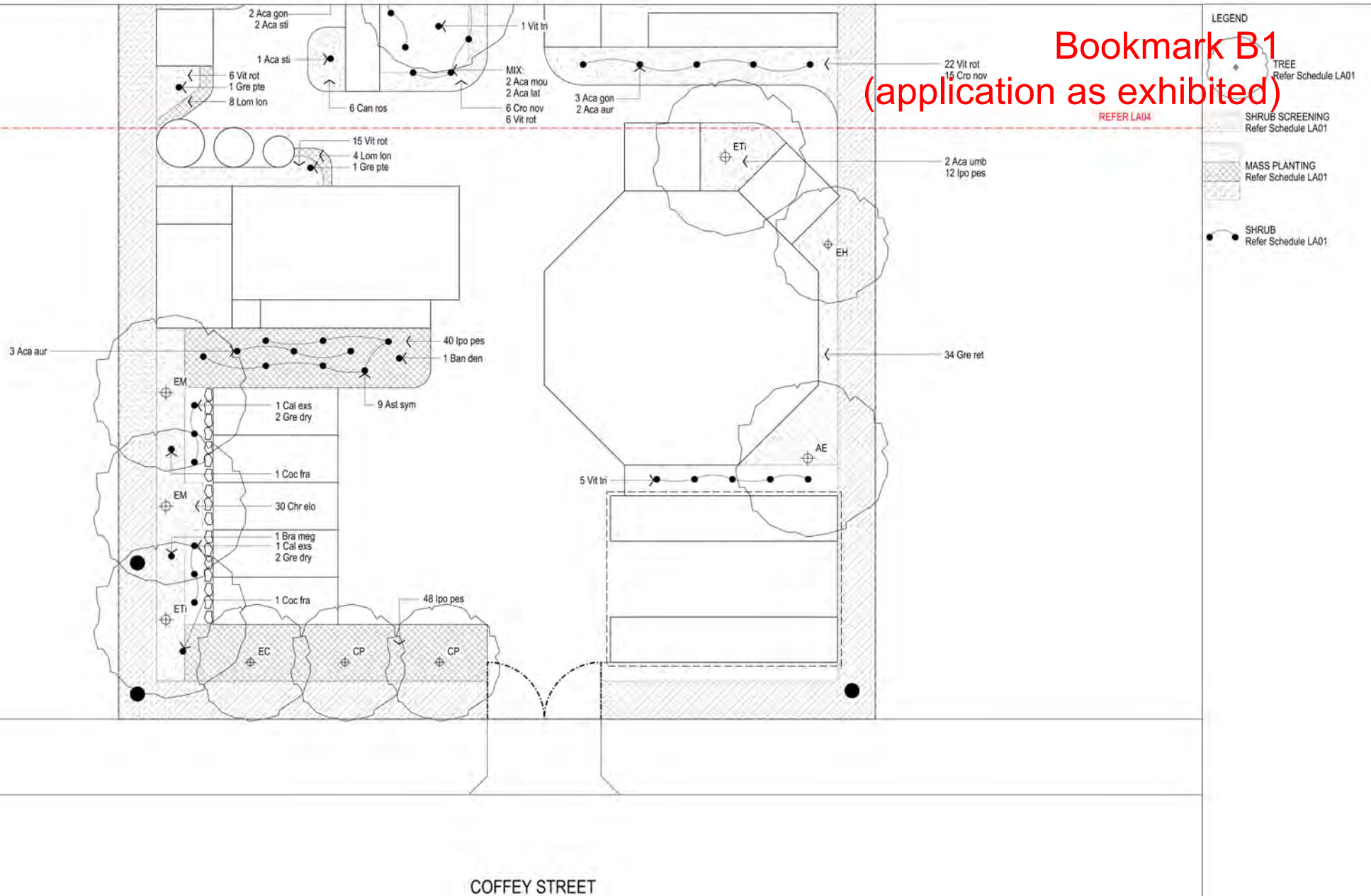


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REV A

(application as exhibited)



COFFEY STREET

8 COFFEY ST

CLIENT

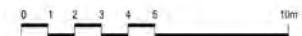


UNDER TREE DESIGNS

REV	DESCRIPTION	DATE	DRAWN BY
A	DEVELOPEMENT APPLICATION	03/09/2024	SY

SHEET TITLE

PLANTING PLAN - SHEET 2 OF 2



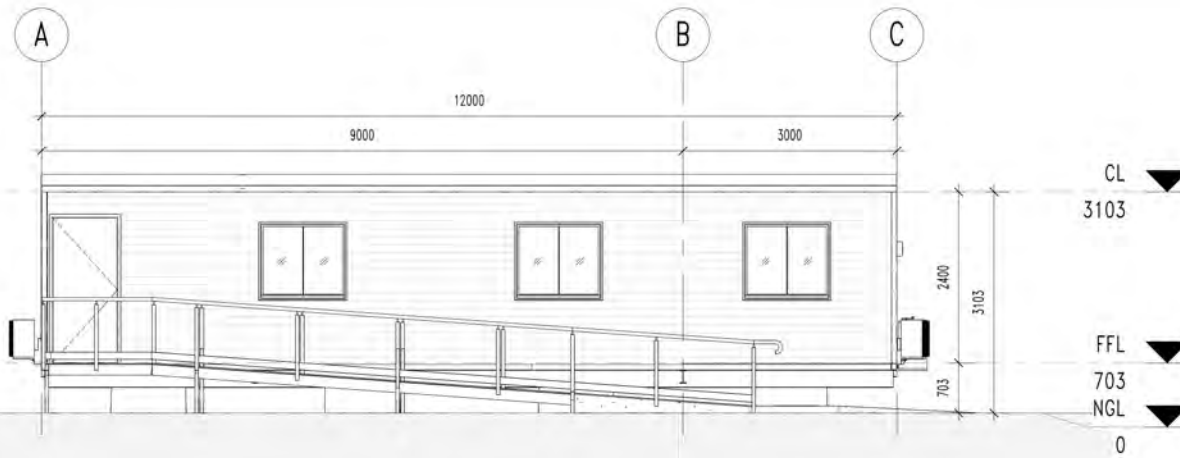
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LA05

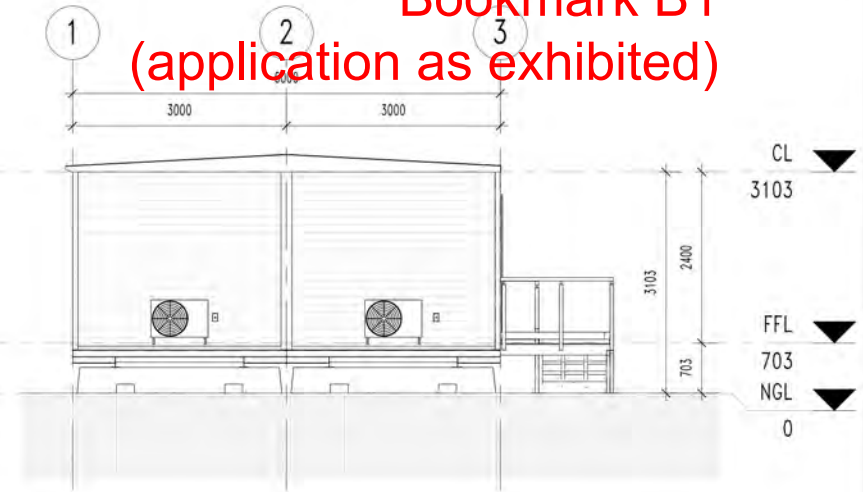
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REV A

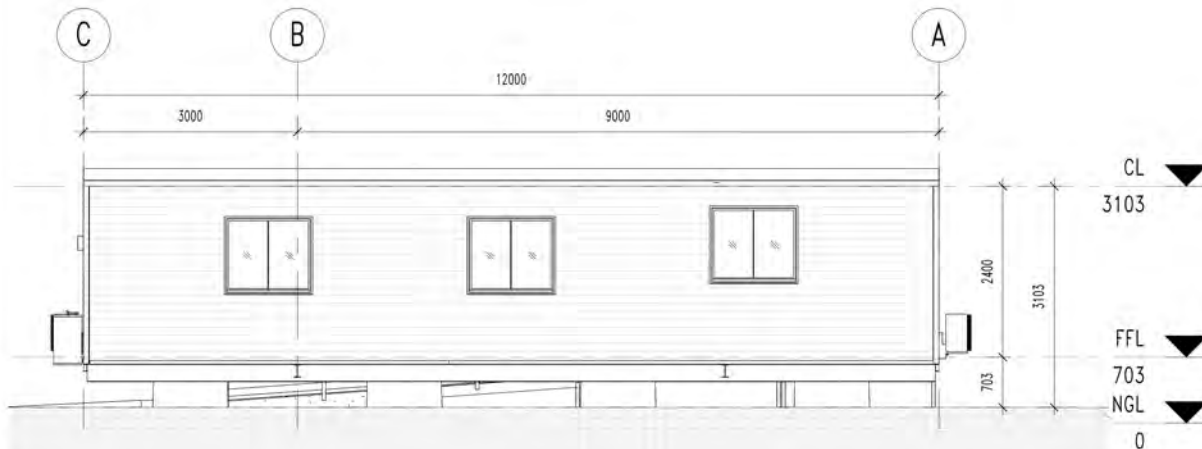
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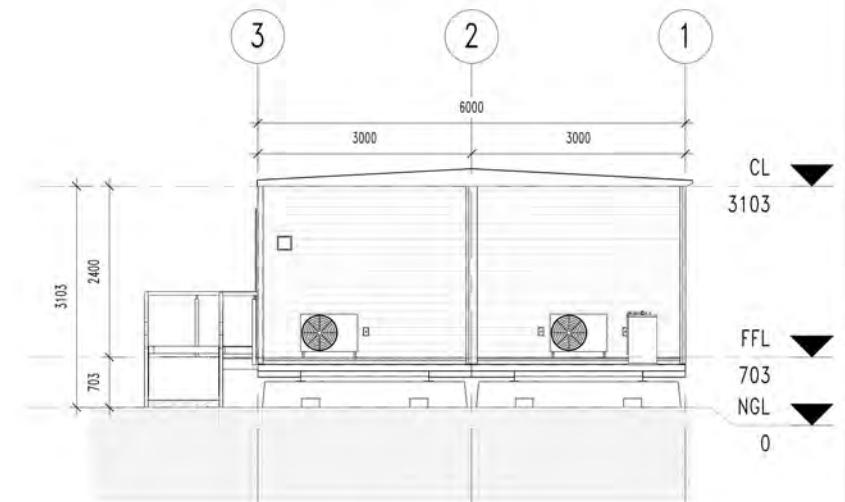
1 ELEVATION
1 : 75



2 ELEVATION
1 : 75



3 ELEVATION
1 : 75



4 ELEVATION
1 : 75

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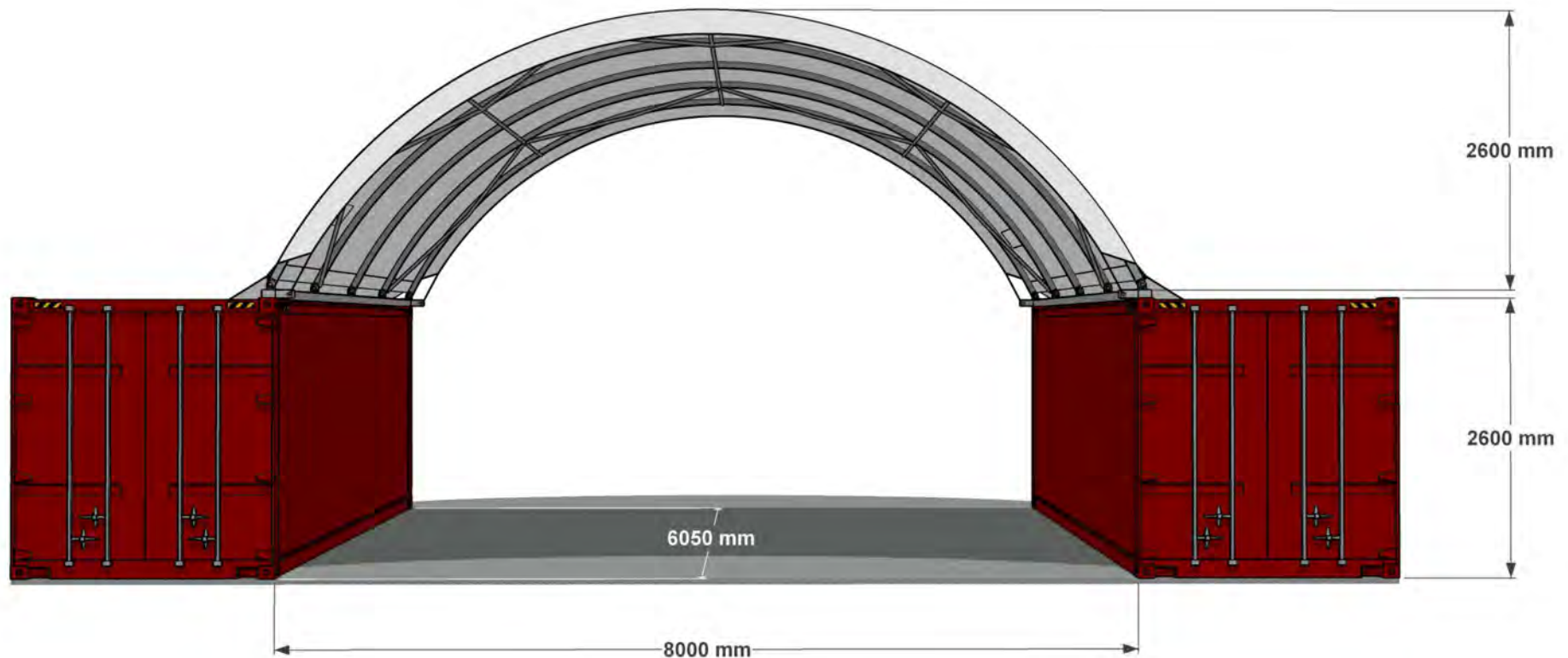
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CONCEPT DRAWINGS

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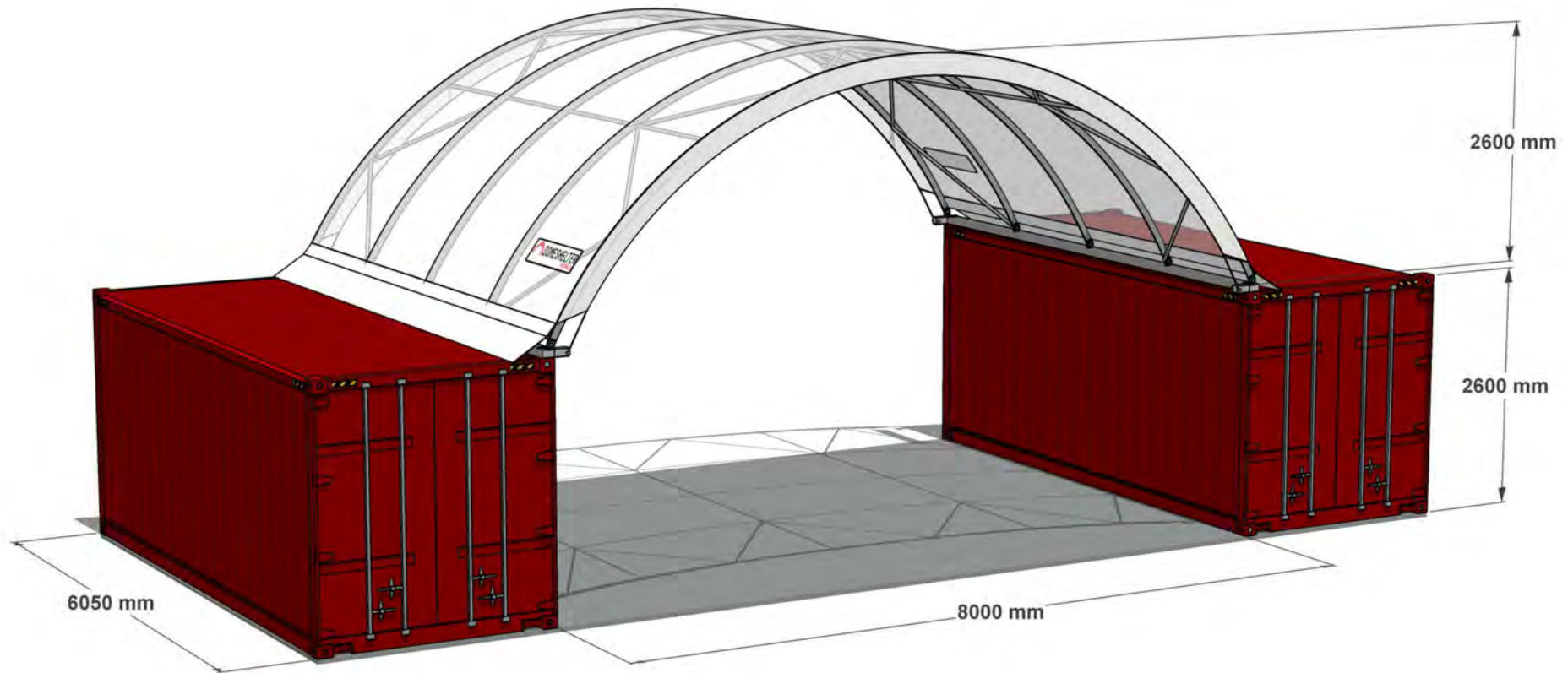


SHELTER DIMENSIONS:

Region: C **TC:** 2 **IL:** 1 **Mounting Rail Type:** Boltlock Rail **Width:** 8m **Length:** 6.05m **Apex Height:** 2.6m **Total Height:** 5.2m

CONCEPT DRAWINGS

Bookmark B1
(application as exhibited)



SHELTER DIMENSIONS:

Region: C TC: 2 IL: 1 Mounting Rail Type: Boltlock Rail Width: 8m Length: 6.05m Apex Height: 2.6m Total Height: 5.2m

Development Consent Authority

Northern Territory



GPO Box 1680
DARWIN NT 0801

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

In reply please quote: PA2024/0414

Mr Israel Kgosiemang
One Planning Consult
GPO Box 42279
CASUARINA NT 0811

Via email: Israel.k@oneplanningconsult.com.au

Dear Mr Kgosiemang

LOT 11001, 8 COFFEY STREET, TIVENDALE, TOWN OF PALMERSTON

I refer to your development application seeking consent for an animal shelter (undefined land use) at the above address. By virtue of a standing delegation (resolution 46/24) of the Palmerston Division of the Development Consent Authority, you are hereby advised that, pursuant to section 46(4)(b) of the *Planning Act 1999*, the application has been deferred to allow you to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

1. Further information addressing the:
 - i. visual amenity impacts of the 'demountable structures' (see matters identified in DAS Technical Assessment) – colours, building materials / embellishments.
 - ii. floor layout / room usage of the main building (office area/multi-purpose learning centre).
 - iii. Clearer description of the use of the area between sea containers (workspace). For example, is the workspace for veterinary, education or storage/maintenance purposes?
 - iv. elevations/building height details of the:
 - Laundry area
 - Bathrooms
 - Birds of prey enclosure
 - v. details of the anticipated day-to-day operation of the site including:
 - o staff/volunteer and student numbers, and visitors to the site per a day (to assist in determining the empirical car parking demand).
 - o technical requirement (eg: Building Code) for a "accessible" car parking space (ie: for mobility impaired persons)
 - o details about the activities that will take place on the site. For example:
 - Will the animals be accommodated over night?
 - Where veterinary treatment may occur (eg: dedicated space on site?, or within enclosures)
 - Are the proposed courses accredited courses?
 - How will visitor groups commute to and from the site? ie: is a dedicated pick up/drop off/bus (minibus) space required within the car parking area?
2. information responding to the matters identified in the local government council submission/comments from City of Palmerston (dated 22/01/2025).
 - Potential "reverse sensitivity" issues associated with the proposed land use

- Car parking (layout and provision of spaces)
- Response to zone purpose and objectives
- Response to requested conditions of approval

The reasons for the deferral are:

- to allow the applicant to:
 - review matters raised in the Technical Assessment and amend drawings to achieve closer compliance with the NT Planning Scheme 2020 or identify variations requested and associated justification
 - respond to matters identified by the City of Palmerston
- in order for the Development Consent Authority to properly take into account matters under section 51(1)(a), (j) and (m) of the *Planning Act 1999*.

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

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

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

Should you require any further information on this matter, you may contact Development Assessment Services on telephone - 89996046.

Yours sincerely



Digitally signed by
Benjamin Taylor
Date: 2025.02.25
18:00:48 +09'30'

BENJAMIN TAYLOR
Delegate
Development Consent Authority

25 February 2025

CC: City of Palmerston

Delegate
Development Consent Authority
GPO BOX 1680
DARWIN NT 0801

Dear Sir,

Deferral - LOT 11001 (8) COFFEY STREET TEVENDALE TOWN OF PALMERSTON – PA2024/0414

We note the letter from the Development Consent Authority dated 25 February 2025 in which the development application was deferred with reasons. The following points for deferral are listed and addressed accordingly:

1. Further information addressing the:

i. visual amenity impacts of the ‘demountable structures’ (see matters identified in DAS Technical Assessment) – colours, building materials / embellishments.

The revised site layout plans (**APPENDIX A1**) entail additional landscaping for screening of development when viewed from the street and neighboring property. It is noted that consent authority may consent to a demountable structure that is not in accordance with sub-clause 4 if it is satisfied that the proposed use and location of the demountable structure make compliance unnecessary. The proposed use is for storage only with the structure to be painted with natural colours (Palace Green) to blend with proposed landscaping.

ii. floor layout / room usage of the main building (office area/multi-purpose learning centre).

The floor layout of main building identifying the uses is attached at **APPENDIX A2**.

iii. Clearer description of the use of the area between sea containers (workspace). For example, is the workspace for veterinary, education or storage/maintenance purposes?

The shade between the structures is used as a workspace for sorting donations, repairing enclosures and outdoor gathering area for toolbox meetings.

iv. elevations/building height details of the:

- Laundry area
- Bathrooms
- Birds of prey enclosure

The details of laundry and bathrooms are provided at **APPENDIX A3**. All enclosure structures’ specifications are detailed at **APPENDIX A4**.

Bookmark B3 (response to deferral)

v. details of the anticipated day-to-day operation of the site including:

- staff/volunteer and student numbers, and visitors to the site per day (to assist in determining the empirical car parking demand).

We anticipate that on a daily basis there may be anywhere from 1 person up to 25 on any day of the week. On days when we do training or education the average would be 15. On a day when a person needs to be on site to exercise a bird of prey or pick up the boat it will only be a couple of people. Other daily activities will be feeding all the animals in care. This may look like one volunteer, or a pair spending an hour or two feeding

Education and training will happen during the week and volunteer training will happen on the weekends and occasionally on a weeknight.

- technical requirement (eg: Building Code) for a “accessible” car parking space (ie: for mobility impaired persons)

The revised site layout plan (APPENDIX A1) identifies a designated car parking space for mobility impaired people and disable access ramp to the building

- details about the activities that will take place on the site. For example:
- Will the animals be accommodated over night?

Initially there will not be animals remaining on the site overnight but as the proponent expands into sea turtle rehabilitation, they would like to look at having the tanks there and the turtles would remain there until release. There may be instances where a bird of prey stays overnight so they can be recorded on camera feeding etc. The proponent would like to be able to house the Dingos’ there eventually.

The purpose of the site is to establish a wildlife rehabilitation centre.. The end goal is to have a number of cages of varying sizes to accommodate different species of wildlife in their rehabilitation journeys to release. Education will occur on site but not as a major activity of the land as it does not occur on daily basis.

- Where veterinary treatment may occur (eg: dedicated space on site?, or within enclosures)

DWS now solely use Wild North Vet Hospital, and all veterinary treatment of critical patients will be looked after there. Occasionally we will hold animals in the education center when training or in transit to other carers etc.

- Are the proposed courses accredited courses?

Yes, they will be accredited. The proponent is working closely with Department of Education (DOE) to provide alternative learning options. DWS is currently partnering with LandcareNT to create a junior ranger program delivering Cert I in Conservation and ecosystem management and is working towards delivering Cert I in Animal care and industry pathways through Palmerston Youth Skills Center.

- How will visitor groups commute to and from the site? ie: is a dedicated pick up/drop off/bus (minibus) space required within the car parking area?

Visitor groups, students and program participants will be required to organize their own transportation to the facility. There is an opportunity for on street parking,

However, the groups on minibus can park on site as car park 3 has adequate depth (7.2m) to accommodate a minibus.

2. information responding to the matters identified in the local government council submission/comments from City of Palmerston (dated 22/01/2025).

- Potential “reverse sensitivity” issues associated with the proposed land use

The adjacent sites to the rear and side boundaries are vacant and therefore there are no known uses of undeveloped sites. It is however noted the proposed use is anticipated for the subject land zone in accordance with clause 4.14 under Assessment Table to zone LI (Light Industry). The proposed 2m and 3m depth of landscaping along the side and rear boundary, and front boundary provides screening to the development. The nature of proposed use will not compromise or constrain the operation or viability of existing or future industrial activities.

- Car parking (layout and provision of spaces)

The proposed car parks meet the applied ratio associated with community center and warehouse (storage) under the Scheme. The layout meets the minimum requirements of the Scheme.

- Response to zone purpose and objectives

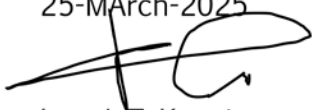
The proposed nature of use is a low impact and compatible non-industrial development that will not by the nature of its operation detrimentally affect adjoining or nearby land.

- Response to requested conditions of approval

It is noted that the application is before the Development Consent Authority and all relevant and standard conditions will form part of any permit issued as recommended by Development Assessment Services.

Please do not hesitate to contact us for any clarification.

25-March-2025



Israel T Kgosiemang
ONE PLANNING CONSULT

DARWIN WILDLIFE SANCTUARY
COFFEY ST

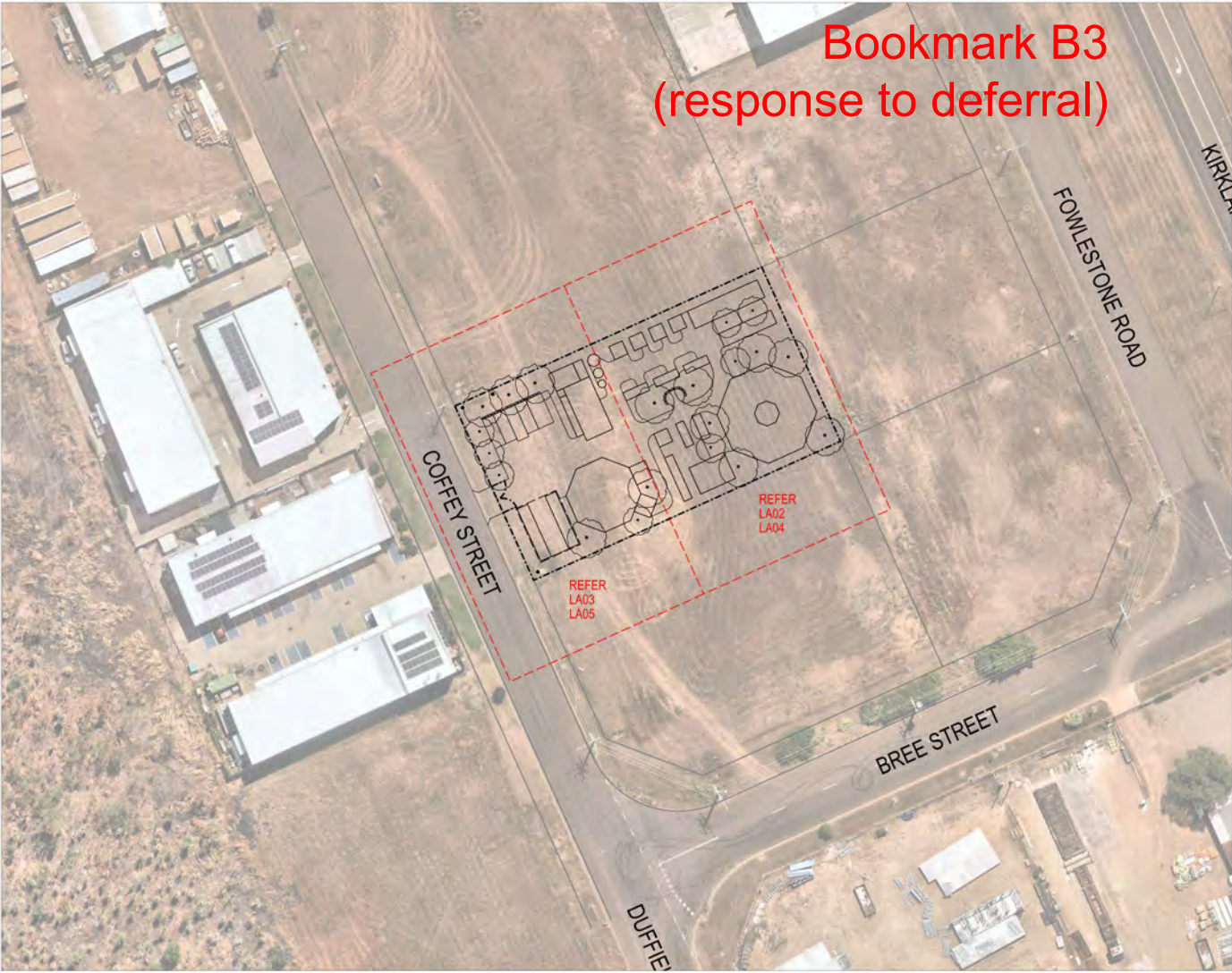
LANDSCAPE PACKAGE

SHEET LIST	
NUMBER	NAME
LA01	COVERPAGE & SITE PLAN
LA02	GENERAL ARRANGEMENT PLAN - SHEET 1 OF 2
LA03	GENERAL ARRANGEMENT PLAN - SHEET 2 OF 2
LA04	PLANTING PLAN - SHEET 1 OF 2
LA05	PLANTING PLAN - SHEET 2 OF 2

TREES - PLANTING SCHEDULE		
KEY	NAME	SPACING
AD	ACACIA DUNNII	ASSHOWN
AS	ACACIA SHIRLEY	ASSHOWN
AE	ALPHITONIA EXCELSA	ASSHOWN
OP	CORMEBIA PYCHOCARPA	ASSHOWN
EC	ERYTHROPHLUM CHLOROSTACHYS	ASSHOWN
BH	EUCALYPTUS HERBERTIANA	ASSHOWN
ET	EUCALYPTUS TINTINNANS	ASSHOWN
PC	PLANCHONIA CAREYA	ASSHOWN
TC	TERMINALIA CATAPPA	ASSHOWN
TM	TERMINALIA MOCOCARPA	ASSHOWN

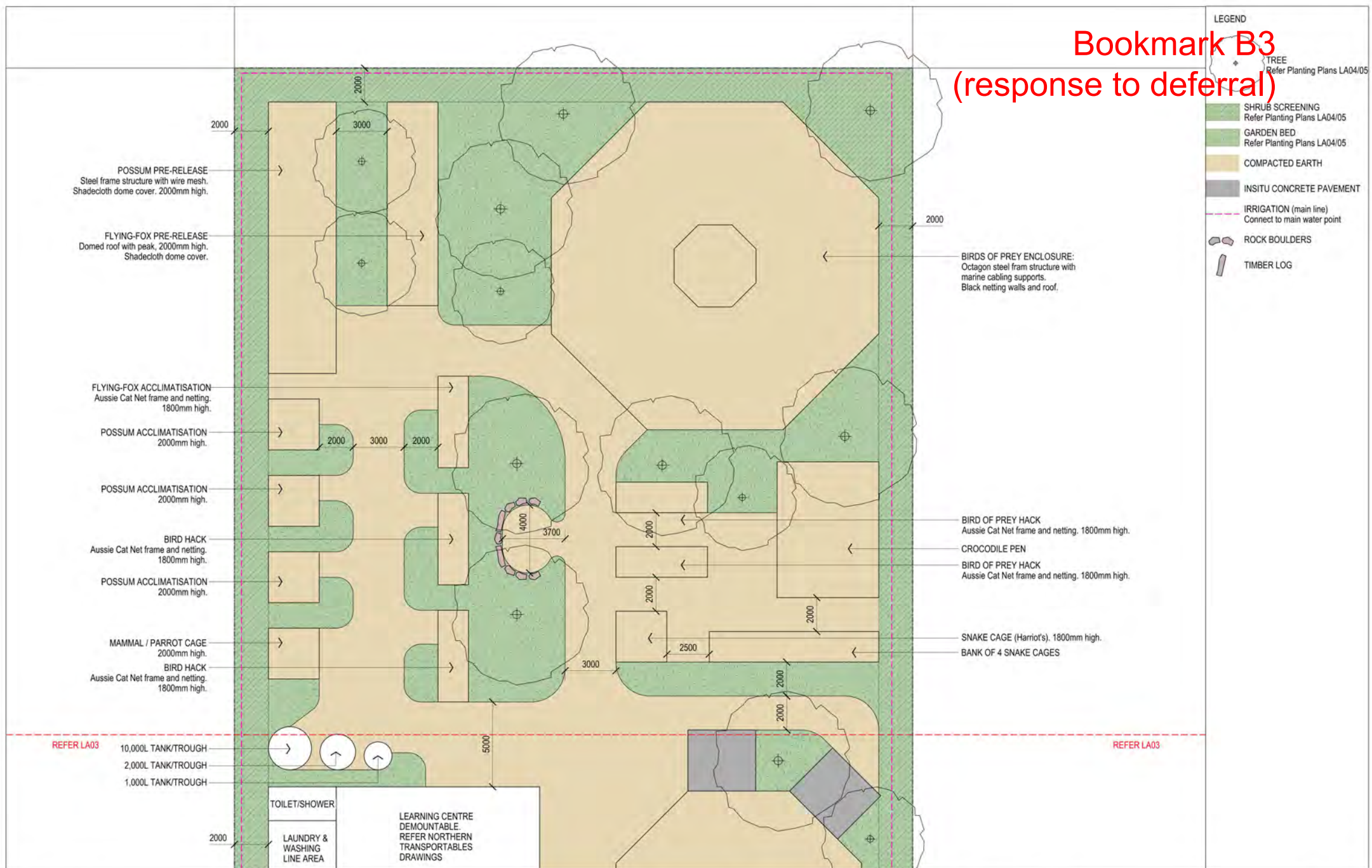
SHRUBS - PLANTING SCHEDULE		
KEY	NAME	SPACING
ACAUL	ACACIA AULACOCARPA	1500MM
ACAUR	ACACIA AURICULIFORMIS	3000MM
ACACON	ACACIA CONSPERSA	1500MM
ACADIF	ACACIA DIFFUSIS	1500MM
ACAGON	ACACIA GONOCARPA	1500MM
ACAMOU	ACACIA MOUNTFORDIAE	1500MM
ACAHOL	ACACIA HOLOSERICA	1500MM
ACAKEL	ACACIA KELLERI	1500MM
ACALAM	ACACIA LAMPROCARPA	1500MM
ACALAT	ACACIA LATESCENS	1500MM
ACAONC	ACACIA ONCINOCARPA	1500MM
ACAPLE	ACACIA PLECTOCARPA	1500MM
ACASIM	ACACIA SIMSII	1500MM
ACASTI	ACACIA STIGMATORHILLA	1500MM
ACASIM	ACACIA SIMSII	1500MM
ACATOR	ACACIA TORULOSA	1500MM
ACALUMB	ACACIA UMBELLATA	1500MM
ASTISM	ASTEROMYRTUS SMITHOCARPA	2500MM
BANDEN	BANKSIA DENATA	ASSHOWN
BRAMEG	BRACHYCHITON MEGAPHYLLOS	2500MM
CALLEX	CALYTRIX EXSTIPULATA	1500MM
DOOPLA	DODONAEA PLATYTERA	1000MM
GREFER	GREVILLEA RETUSIFOLIA	1000MM
GREDRY	GREVILLEA DRYANDRI	1500MM
GREPIE	GREVILLEA PTERIDIFOLIA	3000MM
GREALR	GREVILLEA LAUREA	1500MM
GREFOR	GREVILLEA FORMOSA	2000MM
LEENOV	LEONARDIA OLIVEAENSIS	1500MM
VITTRI	VITEX TRIFOLIA	2500MM

GRASSES & GROUNDCOVERS - PLANTING SCHEDULE		
KEY	NAME	SPACING
ACANJP	ACACIA NUPERRIMA	1000MM
CANROS	CANALUA ROSEA	1000MM
CHRELO	CHRYSOPOGON LONGATUS	800MM
CRONOV	CROTALARIA ANDRAE-HOLLANDIAE	1000MM
IPORES	IPOMOEAE RESCAPRIE	1000MM
LOMLON	LOMBARDIA LONGIFOLIA	700MM
VITROT	VITEX ROTUNDIFOLIA	800MM



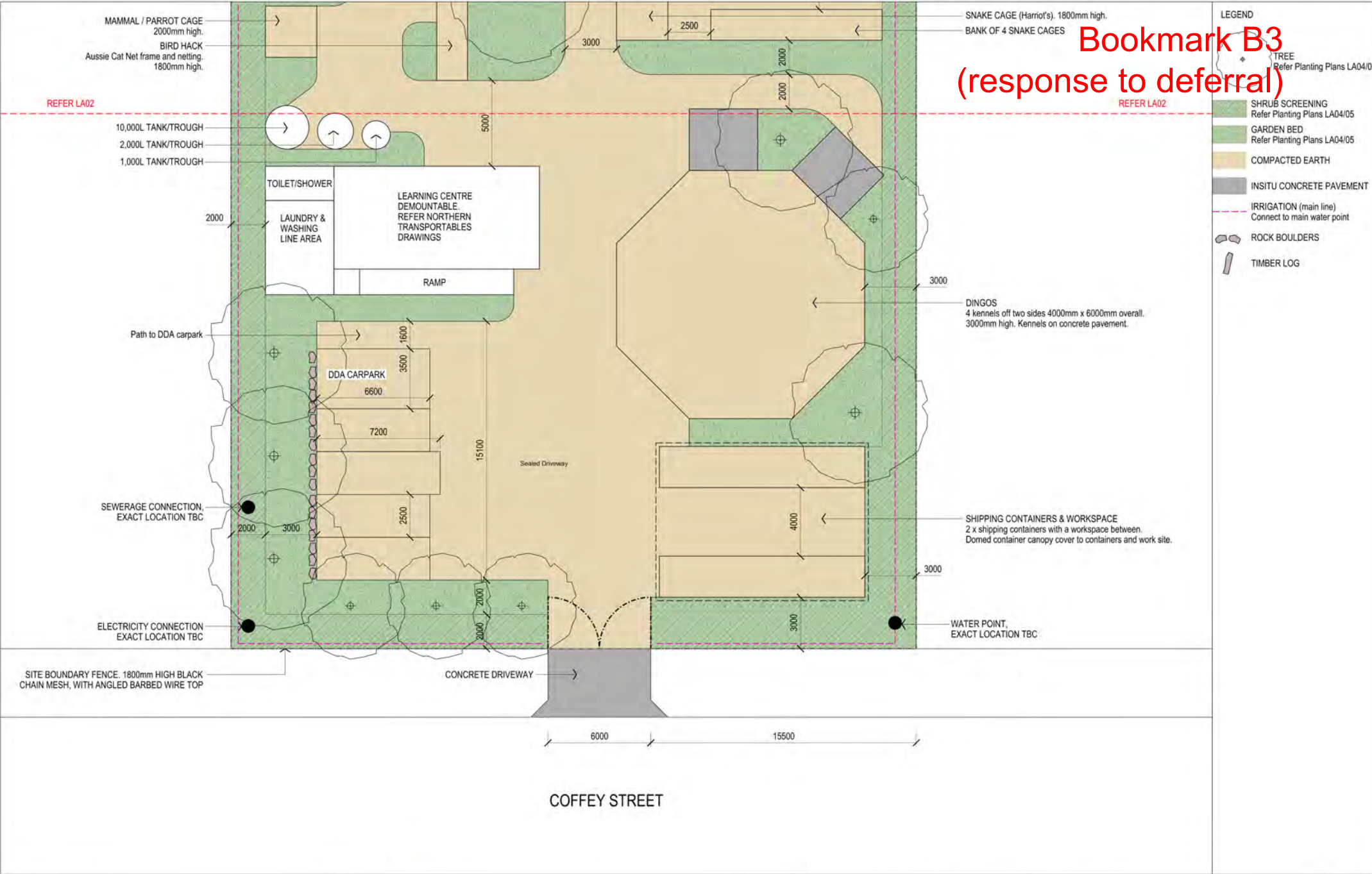
SITE PLAN

Bookmark B3
(response to deferral)



SITE	8 COFFEY ST	CLIENT		UNDER TREE DESIGNS	REV	DESCRIPTION	DATE	DRAWN BY	SHEET TITLE	SHEET NUMBER
PROJECT	DARWIN WILDLIFE SANCTUARY SITE DEVELOPMENT								GENERAL ARRANGEMENT PLAN - SHEET 1 OF 2	LA02
					B	DEVELOPMENT APPLICATION - AMENDMENTS	24/03/2025	SY		SCALE 1:200@A3
					A	DEVELOPMENT APPLICATION	03/09/2024	SY		REV B





SITE	8 COFFEY ST
PROJECT	DARWIN WILDLIFE SANCTUARY SITE DEVELOPMENT



UNDER TREE DESIGNS

REV	DESCRIPTION	DATE	DRAWN BY
B	DEVELOPMENT APPLICATION - AMENDMENTS	24/03/2025	SY
A	DEVELOPMENT APPLICATION	03/09/2024	SY

SHEET TITLE	GENERAL ARRANGEMENT PLAN - SHEET 2 OF 2	SHEET NUMBER	LA03
SCALE	1:200@A3	REV	B

LEGEND

Tree B3
(erral)

TREE
Refer Schedule LA01

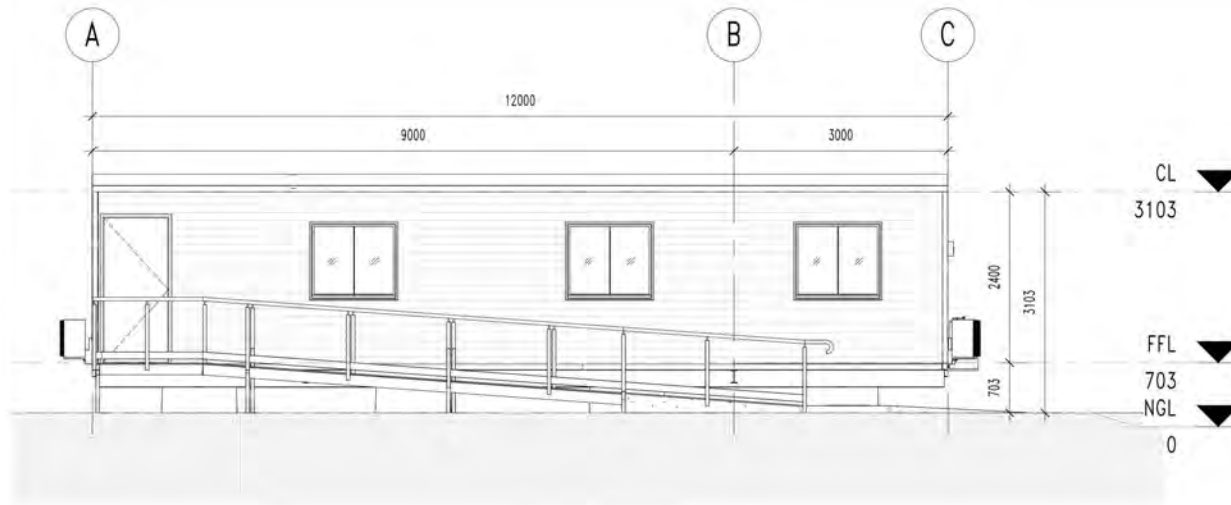
SHRUB SCREENING
Refer Schedule LA01

MASS PLANTING
Refer Schedule LA01

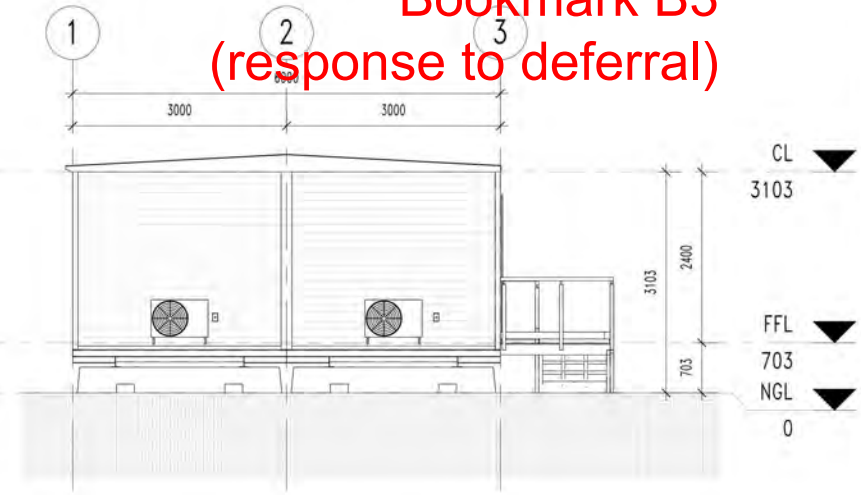
SHRUB
Refer Schedule LA01



Bookmark B3
(response to deferral)



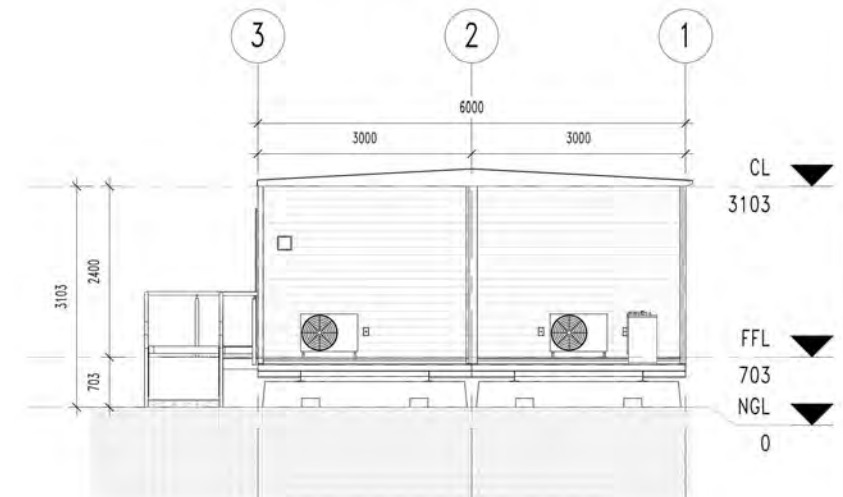
1 ELEVATION
1 : 75



2 ELEVATION
1 : 75



3 ELEVATION
1 : 75



4 ELEVATION
1 : 75

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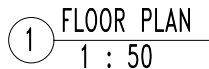
REV	DATE	BY	DESCRIPTION
A	06.09.2024	S.W.	ISSUED FOR REVIEW 30%

GENERAL NOTES:	
CLIENT APPROVED:	
CLIENT NAME:	
DATE:	

DRAWN BY:	K.S.
CHECKED (PW):	-
CHECKED (PO):	S.W.
STAMPER:	-

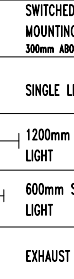












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Q5918 Wildlife Sanctuary	SHEET:	SCALE:	REVISION:
ELEVATIONS	A02	1 : 75	A
DRAWING NUMBER:	/		

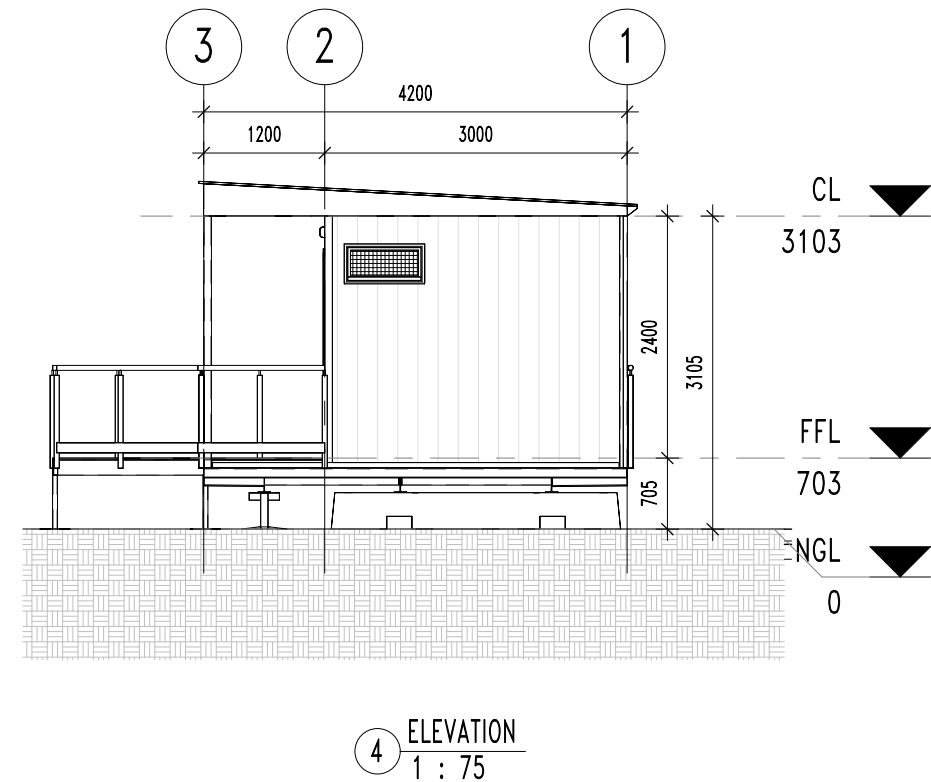
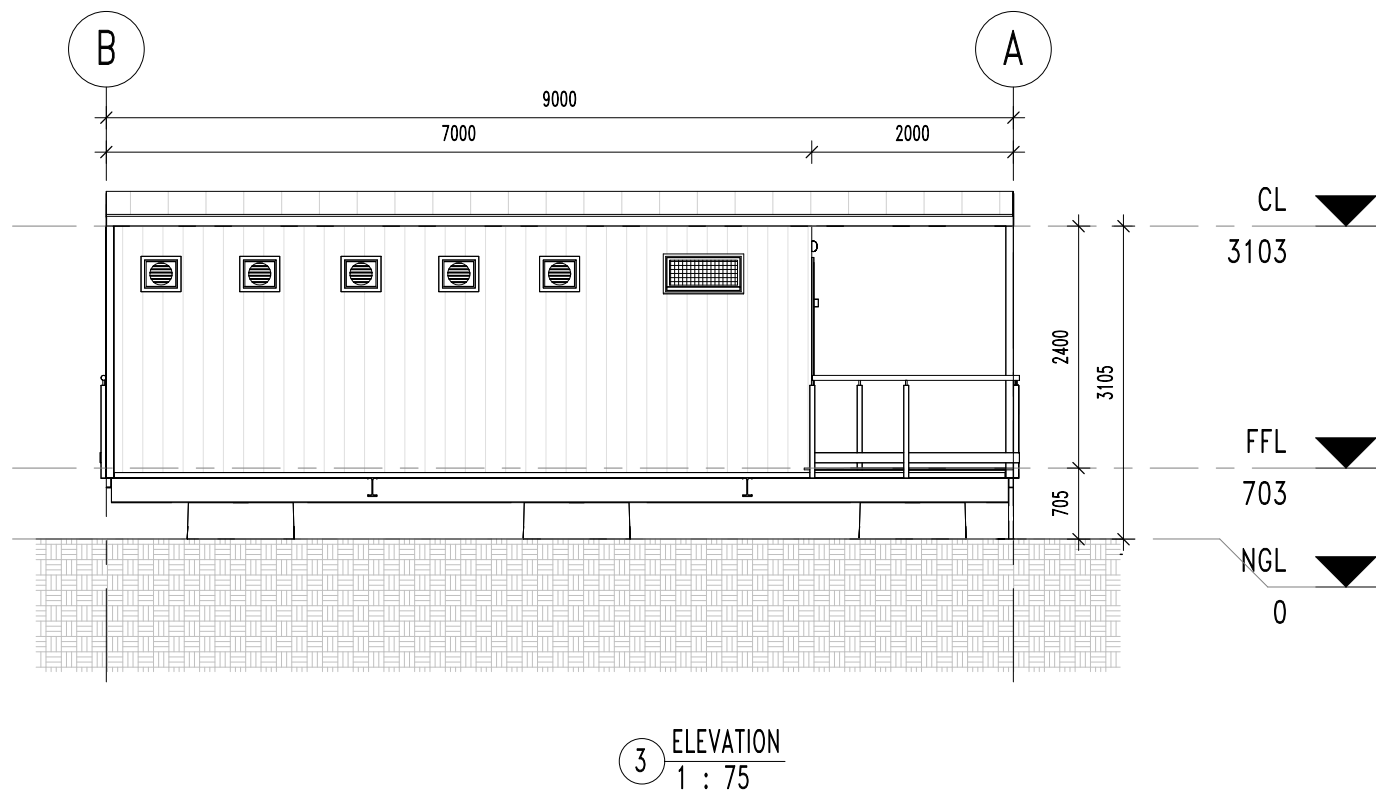
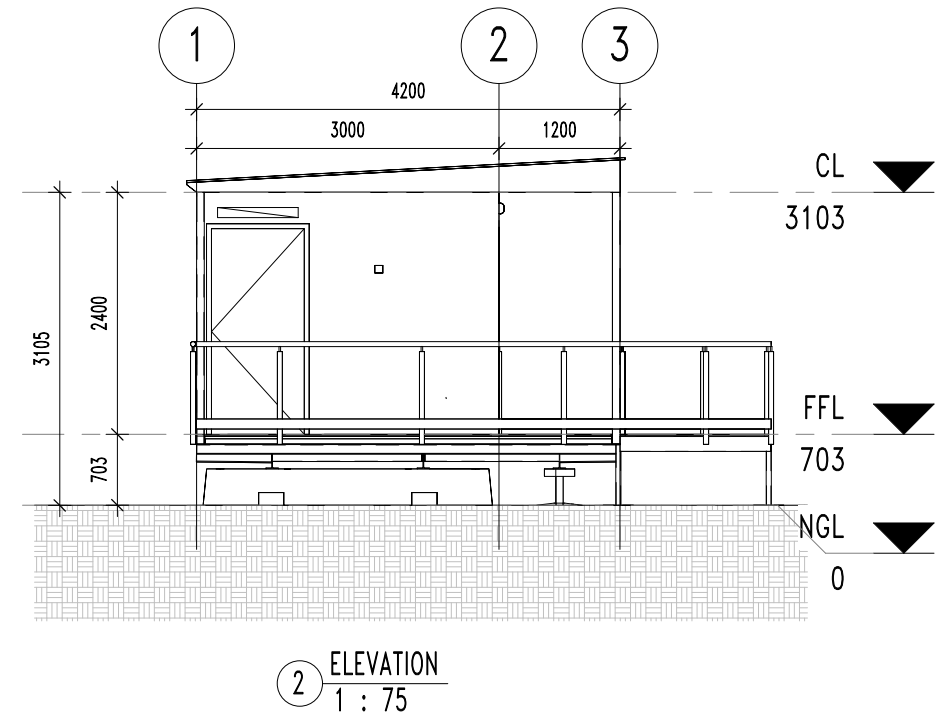
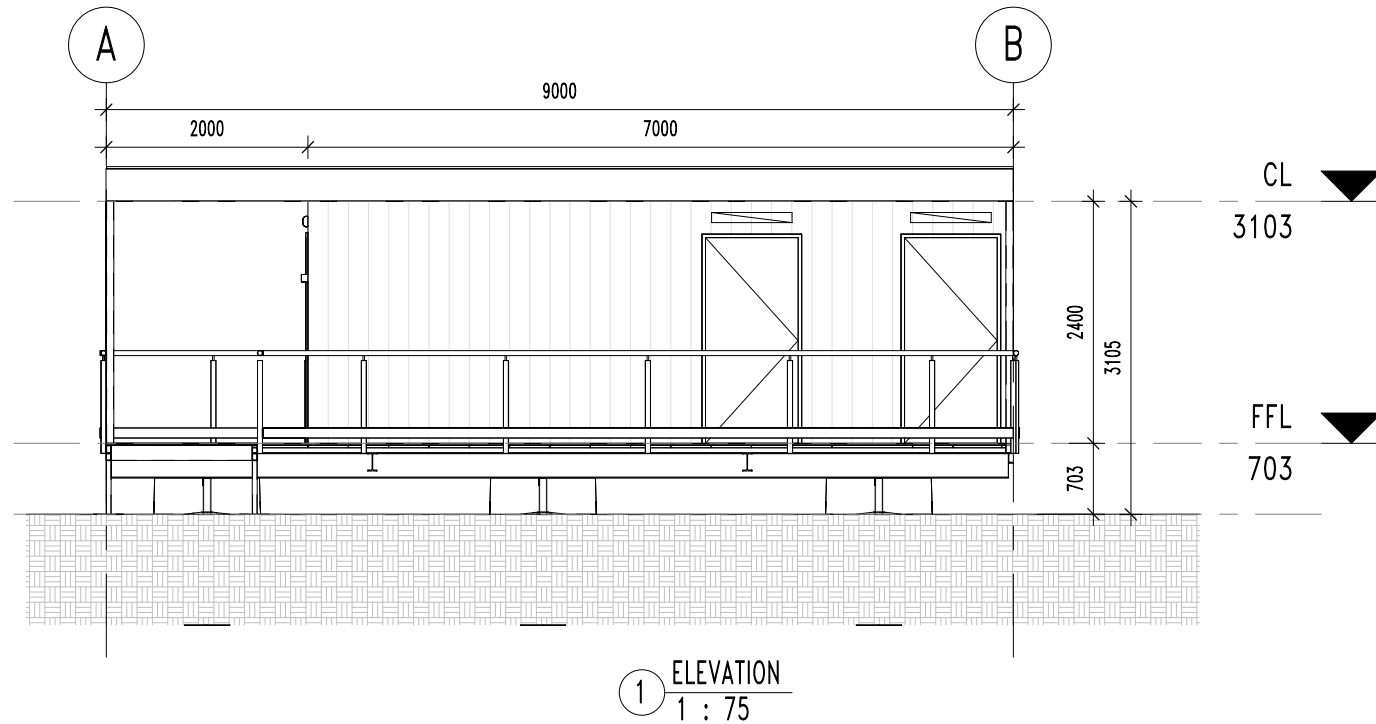


29/09/2024 11:19:02 PM

FILE LOCATION: D:\W_Work\Northen Transportables\019.1 Ablution\Model\REV B\9.0x3.0mm Ablution Block.rvt

BUILDING INFORMATION			
SERIAL NUMBER		Q5918	
CEILING HEIGHT		2400mm	
BUILDING HEIGHT		3030mm + FOOTING	
DESTINATION		Twin Hills – Newmont	
ENGINEERING INFORMATION			
DESIGN WIND SPEED		Region C, I.L. 2	
LIFTING CAPACITY		8.0t	
DISTRIBUTED FLOOR LOAD		1.5kPa	
CONCENTRATED FLOOR LOAD		1.8kN	
 NORTHERN TRANSPORTABLES www.northerntransportables.com			
FLOOR TYPE		17mm Structural Ply	
EXTERNAL WALL		75mm EPS Panels	
INTERNAL WALL		50mm EPS Panels	
CLADDING		Colorbond Cladding	
ROOF SHEETING		Trimdek Zincalume	
FLASHING COLOR		Jasper	
ROOF INSULATION		R3.2 Ethern	
ROOF PITCH		3 Degrees	
CEILING LINING		3mm Composite Panel	
VINYL TYPE		2.0mm Thick Accolade Vinyl, 100mm Coving	
VINYL COLOR		Cappuccino	
SYMBOL/LEGEND			
		 DISTRIBUTION BOARD	
		 DISTRIBUTION BOARD EXTERNAL POINT OF ATTACHMENT	
		 POINT OF ENTRY OF WATER	
		 ISOLATOR	
		 EXTERNAL FLOURESCENT LIGHT	
		 HARD WIRED SMOKE DETECTOR	
REVISION/AMENDMENT			
B	30.09.2024	S.W.	ISSUED FOR REVIEW
A	25.09.2024	S.W.	ISSUED FOR REVIEW 30%
REV	DATE	BY	DESCRIPTION
PR0846 – NEWMONT TWIN HILLS			
9.0x4.2m Ablution Block			
FLOOR PLAN			
CHECKED (PO):		CHECKED (PM):	
S.W.		—	
DRAWN BY:	DRAWN DATE:	STAMPED BY:	STAMPED DATE:
K.S.	09.08.2023	—	—
DRAWING NUMBER:		SHEET:	REVISION:
—		A01	B

Bookmark B3
(response to deferral)



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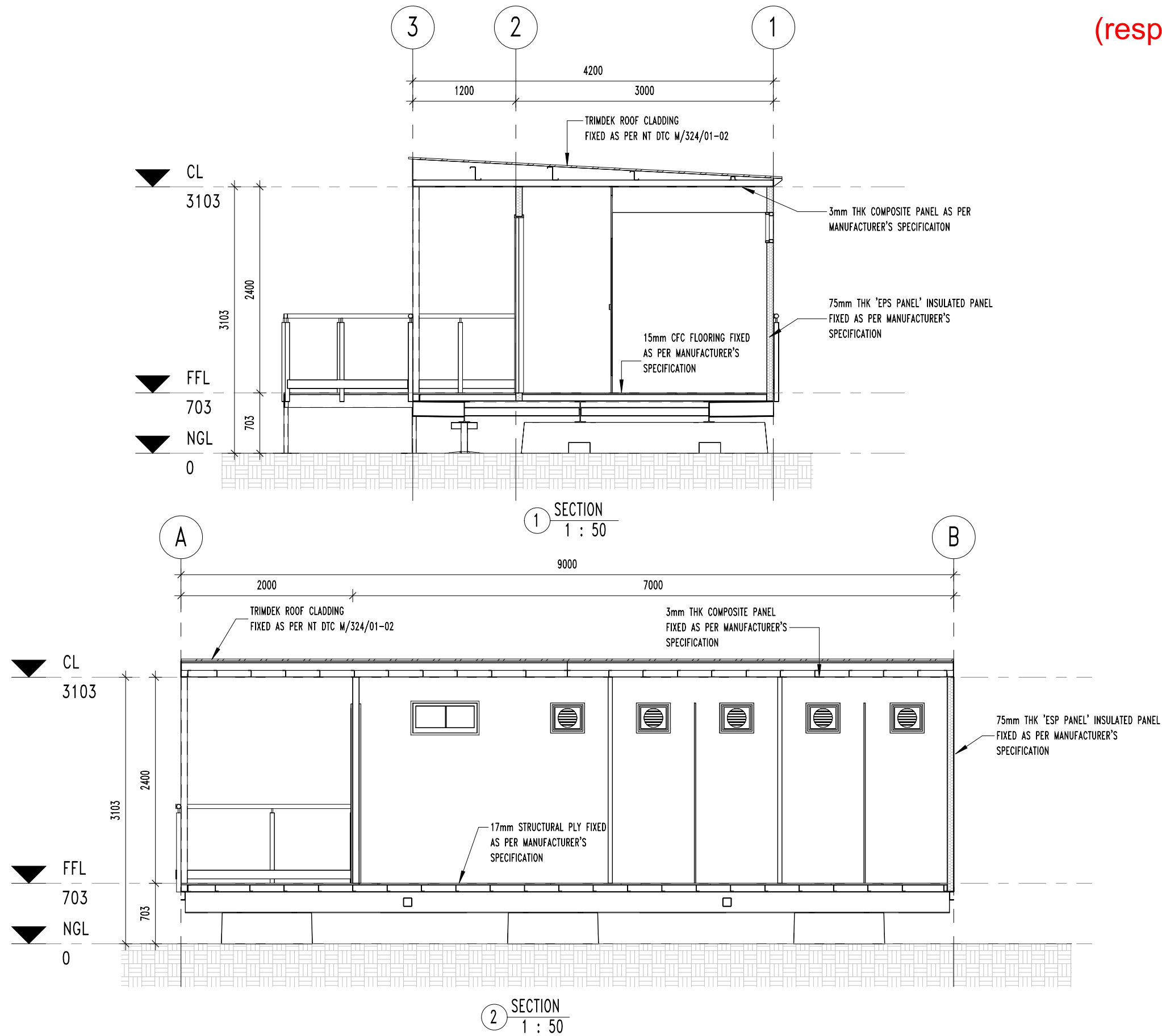
REV	DATE	BY	DESCRIPTION
B	30.09.2024	S.W.	ISSUED FOR REVIEW
A	25.09.2024	S.W.	ISSUED FOR REVIEW 30%

GENERAL NOTES:

DRAWN BY:	CHECKED (PM):
K.S.	-
CHECKED (PO):	STAMPER:
S.W.	-

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PR0846 - NEWMONT TWIN HILLS 9.0x4.2m Ablution Block ELEVATIONS			
DRAWING NUMBER:	SHEET:	SCALE:	REVISION:
-	A02	1 : 75	B



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REV	DATE	BY	DESCRIPTION
B	30.09.2024	S.W.	ISSUED FOR REVIEW
A	25.09.2024	S.W.	ISSUED FOR REVIEW 30%

GENERAL NOTES:

DRAWN BY:
K.S.
CHECKED (PO):
S.W.

CHECKED (PM):
-
STAMPER:
-



PR0846 – NEWMONT TWIN HILLS 9.0x4.2m Ablution Block SECTION & DETAILS				
DRAWING NUMBER:	—	SHEET: A03	SCALE: 1 : 50	REVISION: B

Site specifications

Coffey Street is an industrial zoned block, 40 by 70 metres in size. The block will be fenced with 1.8m tall black chain-link fencing, with an external flop overhang. An internal buffer of 3 metres will be imposed from the fenceline to any enclosures or structures. This will leave space for planting which will wrap the entirety of the property, excluding the driveway and front gate.

The plant list for the site will be comprised of fast-growing Top End natives. Trees such as *Acacia auriculiformis*, *Alphitonia excelsa* and *Terminalia microcarpa* and *T. catappa*.

Enclosure Specifications

Bird of Prey pre-release enclosure

Octagonal enclosure with 8-metre sides. Eight poles make the frame for the external walls, which are 5-metres tall. The roof inclines to a maximum height of 7-metres in the middle where eight 7-metre tall poles create a second smaller octagon with 2-metre sides. The poles are connected with marine cabling from which [black Premium Cat Netting with Stainless Steel thread](#) hangs to create the walls of the enclosure. The roof is also comprised of the same black netting.

There will be access doors in the external and internal walls, and the external door will have an additional airlock of 2x2x2 metres.

Perches will be attached to a number of the upright poles, and where poles are in place shade cloth patches will be attached to provide shade and screening.

Bird of Prey Hacks

Both hacks will be Triple Size 5.4m Freestanding Cat Enclosures ([link](#)). Enclosures are black steel frames, 5.4m long by 1.8m high and wide, covered with black netting.

Crocodile Pen

Total pen size 5.5m wide and 4m deep and walls 1.8m tall. Pen is divided into two areas, the main pen 4mx4m with an attached 1.5mx4m holding area.

Snake cage bank

Welded steel frame 10m long, 1.8m deep and 2.5m tall. The 10m length is divided into four enclosures each 2.5m long. Frame is clad in silver weldmesh ([link](#)).

Free-standing snake cage

3mx3m wide and deep by 1.8m tall. Clad in silver weldmesh ([link](#)).

Dingo Enclosure

The run is an octagon with each side 6m long and 3m high, with steel support frame and chain-link fencing. Off two sides sit four kennels, overall 6m long by 4m deep and 3m tall. Both 6m long kennels are halved to make two smaller 4mx3m kennels. Kennels sit on concrete slabs and are clad in silver weldmesh ([link](#)).

Trough tanks

Three turtle tanks of varying dimensions. Largest is 10,000L and a cut-off water tank. Next the 2,000L trough is 2,100cm diameter by 600cm high. Smallest is 1,000L, 1,650cm diameter by 600cm high. Both the 2,000 and 1,000L troughs are green Polymaster troughs ([2,000L](#) and [1,000L](#))

Bookmark B3

(response to deferral)

Possum acclimatisation and mammal/parrot cage

These four enclosures are all steel-framed, 3mx3m wide and deep and 2m tall and clad in fine silver weldmesh ([link](#)).

Bird hacks and Flying-fox acclimatisation

Both hacks and the flying-fox cage will be Triple Size 5.4m Freestanding Cat Enclosures ([link](#)). Enclosures are black steel frames, 5.4m long by 1.8m high and wide, covered with black netting.

Possum pre-release

Enclosure is 16m long by 4m wide and 2m tall with thick steel frame. Cage will be clad in fine silver weldmesh ([link](#)).

Flying-fox pre-release

12m long by 3m wide, domed enclosure with a maximum height at the top of the curve of 2m tall. Enclosure is made from a steel frame clad in [black Premium Cat Netting with Stainless Steel thread](#).

Michael Alakiotis
5 Termansen Street
Moil, NT 0810
alamick1308@gmail.com

Second Floor, Energy House
18-20 Cavenagh Street,
DARWIN NT 0801

Postal Address
GPO Box 1680
DARWIN NT 0801

T 08 8999 6046
F 08 8980 0707
E das.dlpe@nt.gov.au

File Ref: PA2016/0270

Dear Mr Alakiotis

**NOTICE OF CONSENT (SECTION 53A OF THE *PLANNING ACT*)
LOT 11001 (8) COFFEY STREET, TOWN OF PALMERSTON**

Pursuant to section 134 of the *Planning Act*, as a delegate of the Minister under the *Planning Act*, I have determined in accordance with section 53(a) of the *Planning Act*, to grant consent to the proposal to use and develop the land for the purpose of warehouses with ancillary showrooms and offices in 2 x 2 storey buildings with zero side setbacks, subject to the conditions specified on the attached Development Permit DP16/0249.

Reasons for the Determination

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

As the proposal is for the development of warehouse units with ancillary showrooms and offices, it is considered to be generally consistent with the purpose of Zone LI (Light Industry), as it will provide units which are of an appropriate size to accommodate light industrial uses.

2. A variation to Clause 9.1 (Industrial Use) of the Scheme to allow for a reduction to the eastern and western side boundaries of the proposed development is supported as:
 - Both buildings are setback approximately 11.5 from the rear boundary where 5m is required;
 - The generous rear setbacks as well as the distance between both buildings ensures breeze penetration within and between the buildings is maintained;
 - The proposed setbacks allow for a wider access for trucks entering and exiting the development;
 - The front boundary façade is well articulated which will ensure that the building provides an adequate level of visual amenity;
 - The setbacks are compatible with the streetscape and surrounding industrial development including warehouse buildings on the same site; and
 - No public submissions were received.

3. Pursuant to section 51(j) of the Planning Act, the consent authority must take into account the capability of the land to which the proposed development related 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.

Provided that stormwater is appropriately managed and an ESCP is developed and implemented to the requirements of DLRM the land is considered capable of supporting the proposed development.

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

The proposed development is located within an expanding industrial hub with no surrounding residential or recreational uses and as such the development is not expected to have a significant impact on the existing and/or future amenity of the area.

Right of Appeal


Applicants are advised pursuant to section 53B(3)(c) of the Planning Act, that a right of appeal to the Appeals Tribunal exists under Part 9 of the Act. An appeal under section 114 against a determination of a development application must be made within 28 days of the service of this notice.

The Northern Territory Civil and Administrative Tribunal can provide information regarding the Notice of Appeal form and fees payable. The address for lodgement of a Notice of Appeal is: Northern Territory Civil and Administrative Tribunal, PO Box 41860 CASUARINA NT 0810 or Level 1, The Met Building, 13 Scaturchio Street, CASUARINA NT 0810 (Telephone: 08 8944 8720 or Facsimile 08 8922 7210 or email AGD.ntcat@nt.gov.au)

There is no right of appeal by a third party under section 117 of the Planning Act in respect of this determination as there were no submissions received under section 49 of the Act.

If you have any queries in relation to this Notice of Consent or the attached Development Permit, please contact Development Assessment Services on telephone (08) 8999 6046.

Yours faithfully


Hanna
Stevenson
2016.06.06
09:22:06 +09'30'

HANNA STEVENSON
Delegate of the Minister

06/ 06 /2016

NORTHERN TERRITORY OF AUSTRALIA

Planning Act - sections 54 and 55

DEVELOPMENT PERMIT
DP16/0249

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 11001
Town of Palmerston
8 COFFEY ST, TIVENDALE

APPROVED PURPOSE


To use and develop the land for the purpose of warehouses with ancillary showrooms and offices in 2 x 2 storey buildings with zero side setbacks, in accordance with the attached schedule of conditions and the endorsed plans.

VARIATIONS GRANTED

Clause 9.1 (Industrial Use) of the Northern Territory Planning Scheme.

BASE PERIOD OF THE PERMIT

Subject to the provisions of sections 58, 59 and 59A of the Planning Act, this permit will lapse two years from the date of issue.



Hanna
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HANNA STEVENSON
Delegate
Minister for Lands and Planning

06 / 06 / 2016

DEVELOPMENT PERMIT

DP16/0249

SCHEDULE OF CONDITIONS

CONDITIONS PRECEDENT

1. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of DLRM. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and the IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in the ESCP. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DLRM website: <http://lrm.nt.gov.au/soil/management>.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2016/0270/01 through to 2016/0270/07 endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Access to the site off Coffey Street shall be provided in accordance with the Department's urban industrial property access standards. The location and configuration of the access shall be referred to the Transport Infrastructure Planning Division, Department of Transport for approval.
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 kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Department of Transport, to the satisfaction of the consent authority.
7. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their visitors.
8. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to The Department of Transport to the satisfaction of the consent authority.
9. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

11. Dryland grassing shall be established on the Coffey Street verge fronting the development and shall be undertaken to the Department of Transport's standards to the satisfaction of the consent authority.
12. Where unfenced, the Coffey Street frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to the satisfaction of the consent authority.
13. Swept path diagrams for the maximum sized vehicles intended to access the lot shall be provided with the detail design drawings submitted for Road Agency Approval to demonstrate the suitability of the access design geometry.
14. All proposed works (including the provision or connection of services) impacting upon the Coffey Street road reserve are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Department of Transport. Drawings must be submitted to the Transport Infrastructure Planning Division of Road Agency approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
15. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
16. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Land Resource Management'.
17. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tacking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto a sealed road network to the requirements of the Department of Transport to the satisfaction of the consent authority.
18. The loading and unloading of goods from vehicles must only be carried out on land within the designated loading area, and must not disrupt the circulation and parking of vehicles on the land.

NOTES

1. A "Permit to Work Within a Road Reserve" may be required from the Department of Transport prior to the commencement of any works within the Berrimah Road Reserve.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@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.
3. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets

minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.

4. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
5. The finish of any prime identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or of variably message). The sign shall be positioned:
 - (i) So as not to create sun or headlight reflection to motorists; and
 - (ii) Be located entirely (including foundations and aurally) within the subject Lot.

Advertising signage, either permanent or temporary, e.g. 'A' frame, vehicles or trailer mounted shall not be erected or located within the Coffey Street Road reserve.

Proposed Warehouses With Ancillary Showrooms & Offices, on Lot 11001, Coffey St, Town of Palmerston

Bookmark C
expired planning approval for site


Sheet Number	Sheet Name
A100	Cover Page
A101	Ground Floor Site Plan
A102	Upper Floor Site Plan
A103	Elevations
A104	Sections
A105	Stormwater Plan
A106	Perspective

This document contains drawing numbers:
2016/0270/01 through to 2016/0270/07

Referred to in Permit No: DP16/0249

Issued by the consent authority on: 06 June 2016

All drawings contained within this document have been authorised by the delegate of the consent authority.

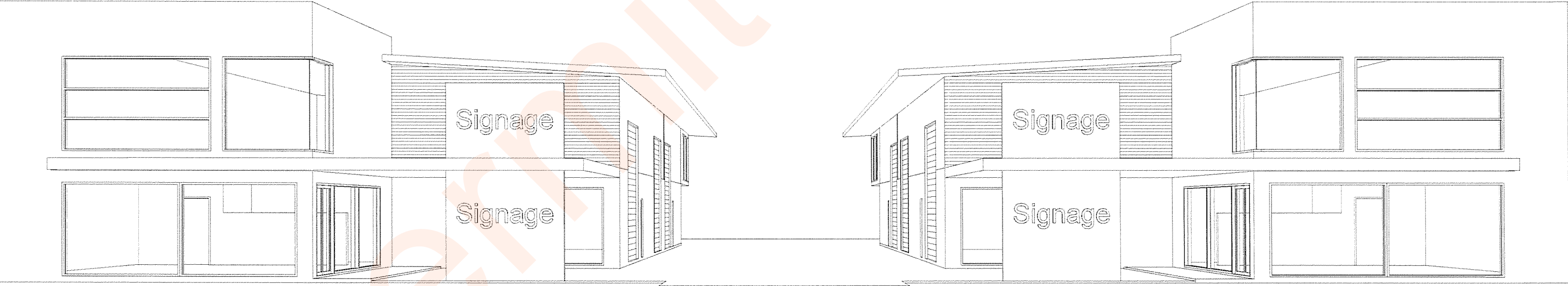
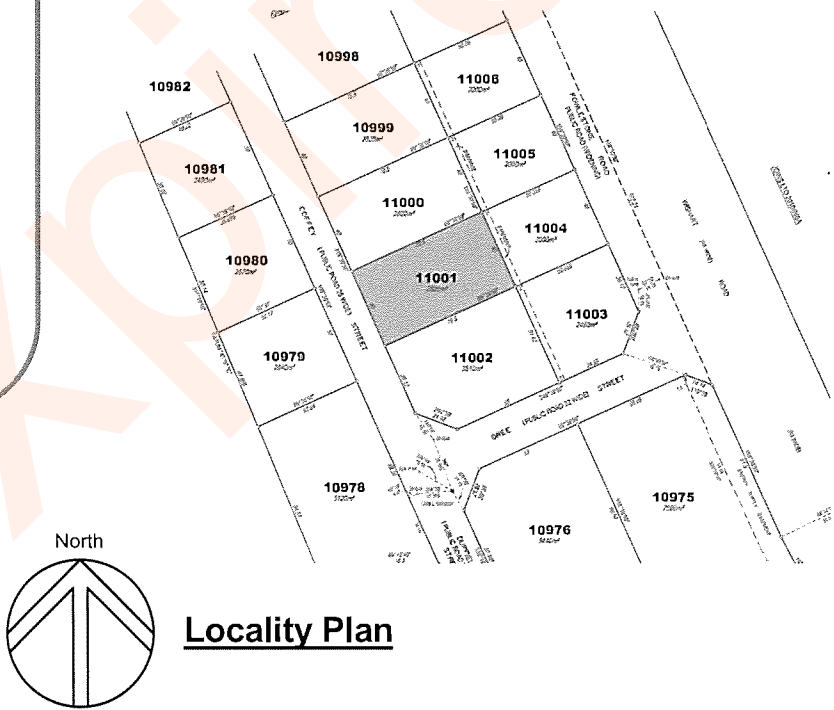


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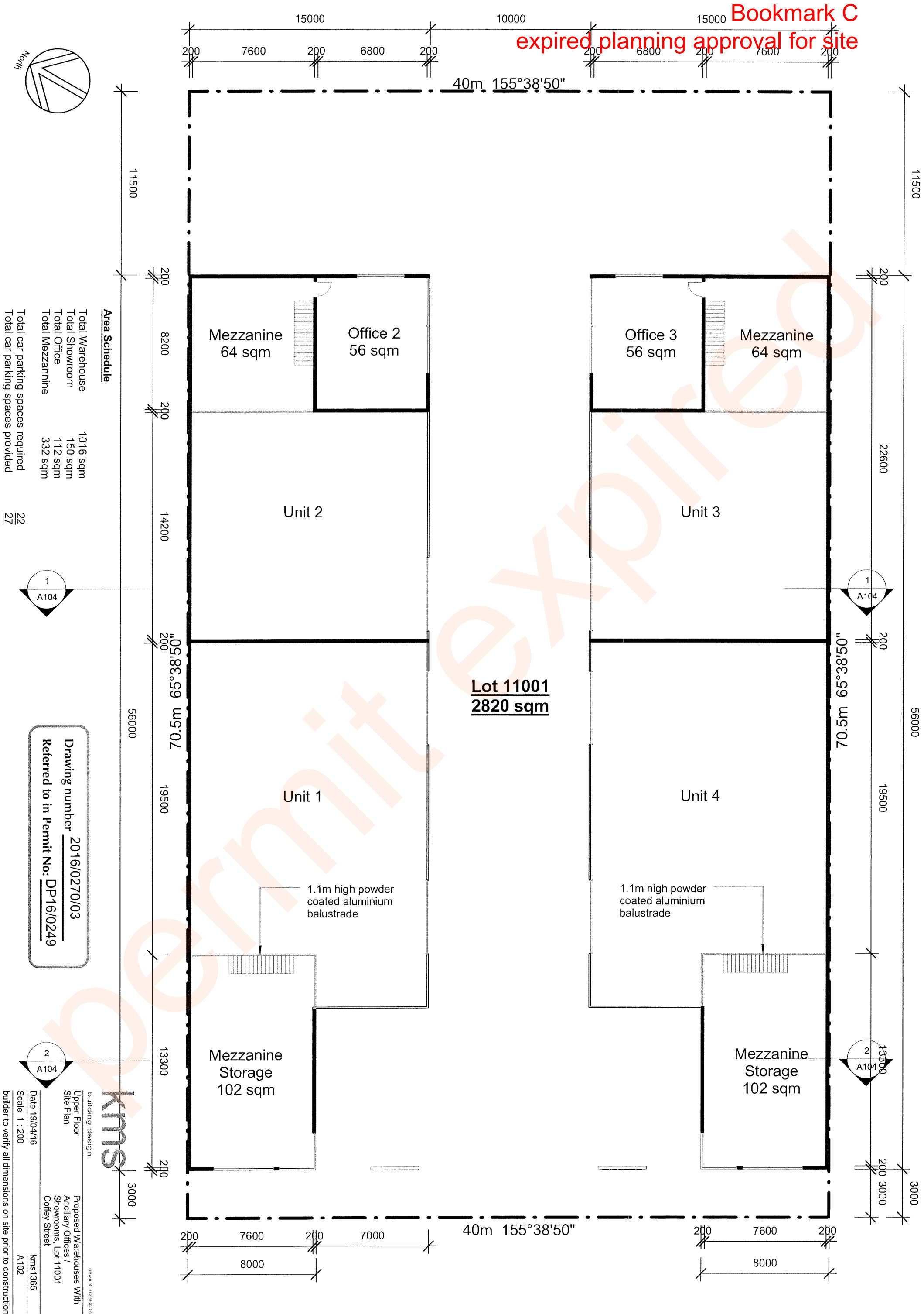
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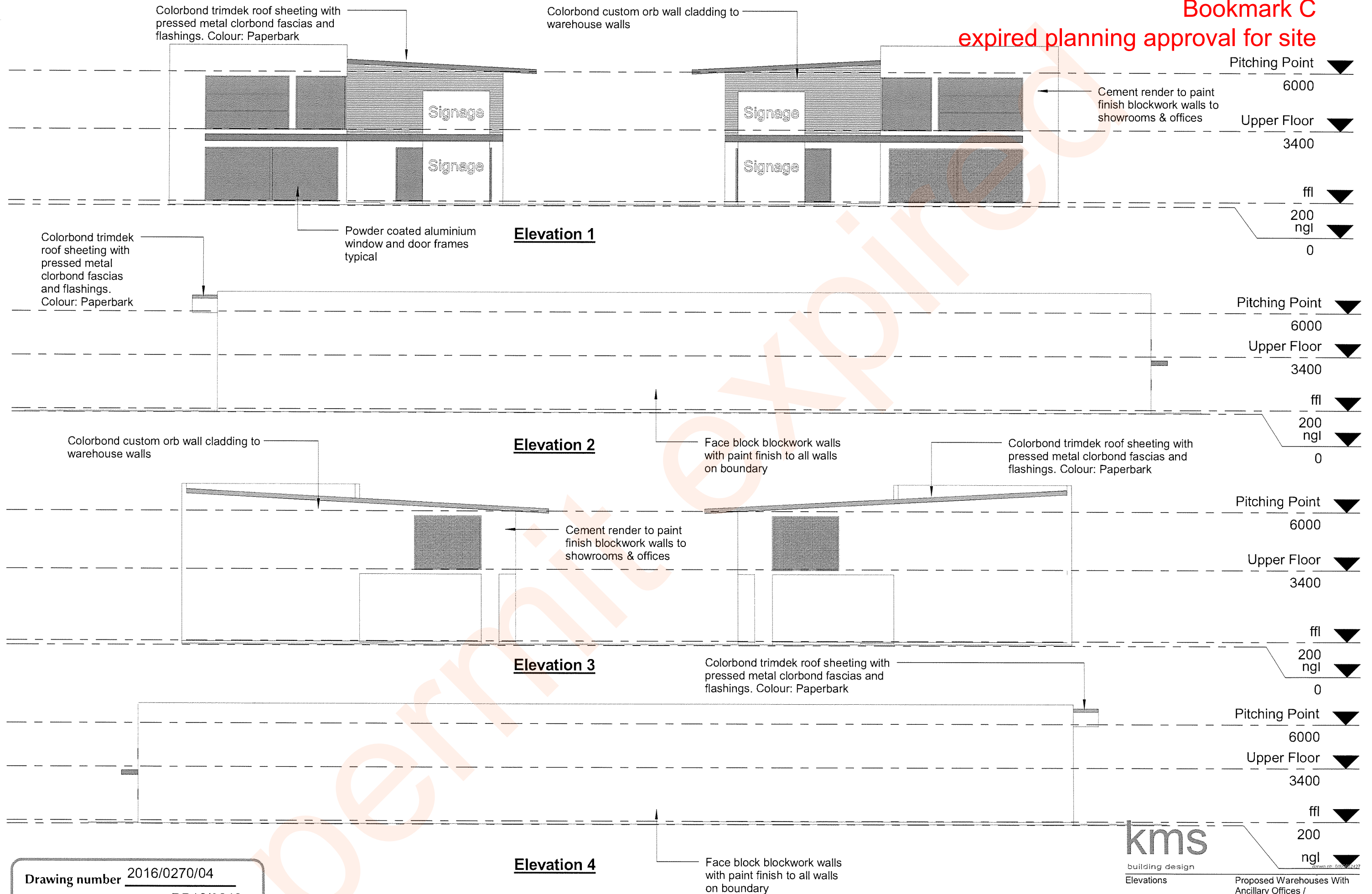
Drawing number 2016/0270/01

Referred to in Permit No: DP16/0249



Bookmark C
expired planning approval for site





Drawing number 2016/0270/04
Referred to in Permit No: DP16/0249

kms

building design

Elevations

Proposed Warehouses With
Ancillary Offices /
Showrooms, Lot 11001
Coffey Street

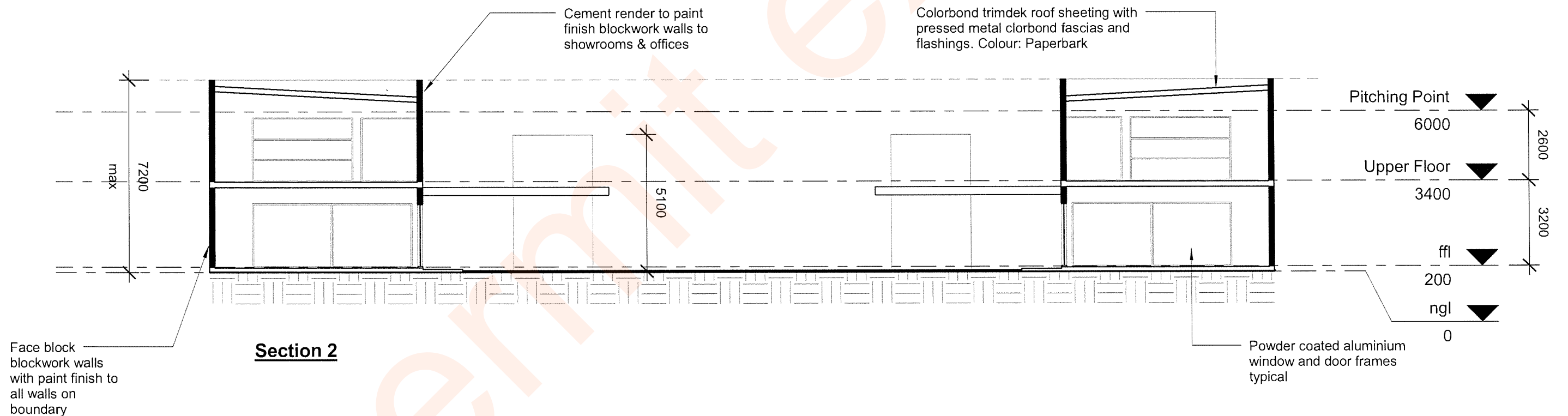
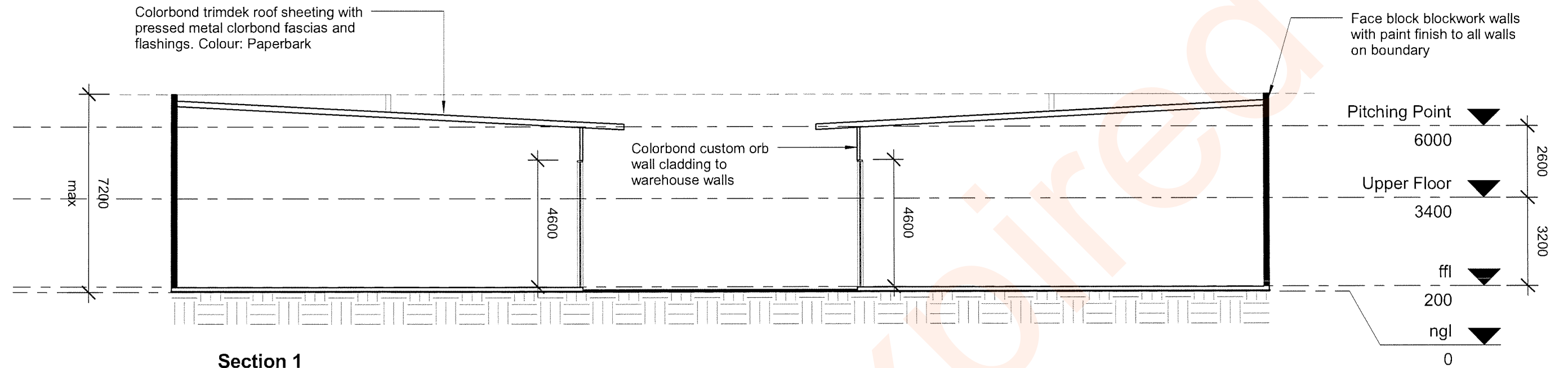
Date 19/04/16

kms1365

Scale As indicated

A103

builder to verify all dimensions on site prior to construction



Drawing number 2016/0270/05
Referred to in Permit No: DP16/0249

kms

building design

drawn by: 0405502427

Sections

Proposed Warehouses With
Ancillary Offices /
Showrooms, Lot 11001
Coffey Street

Date 19/04/16

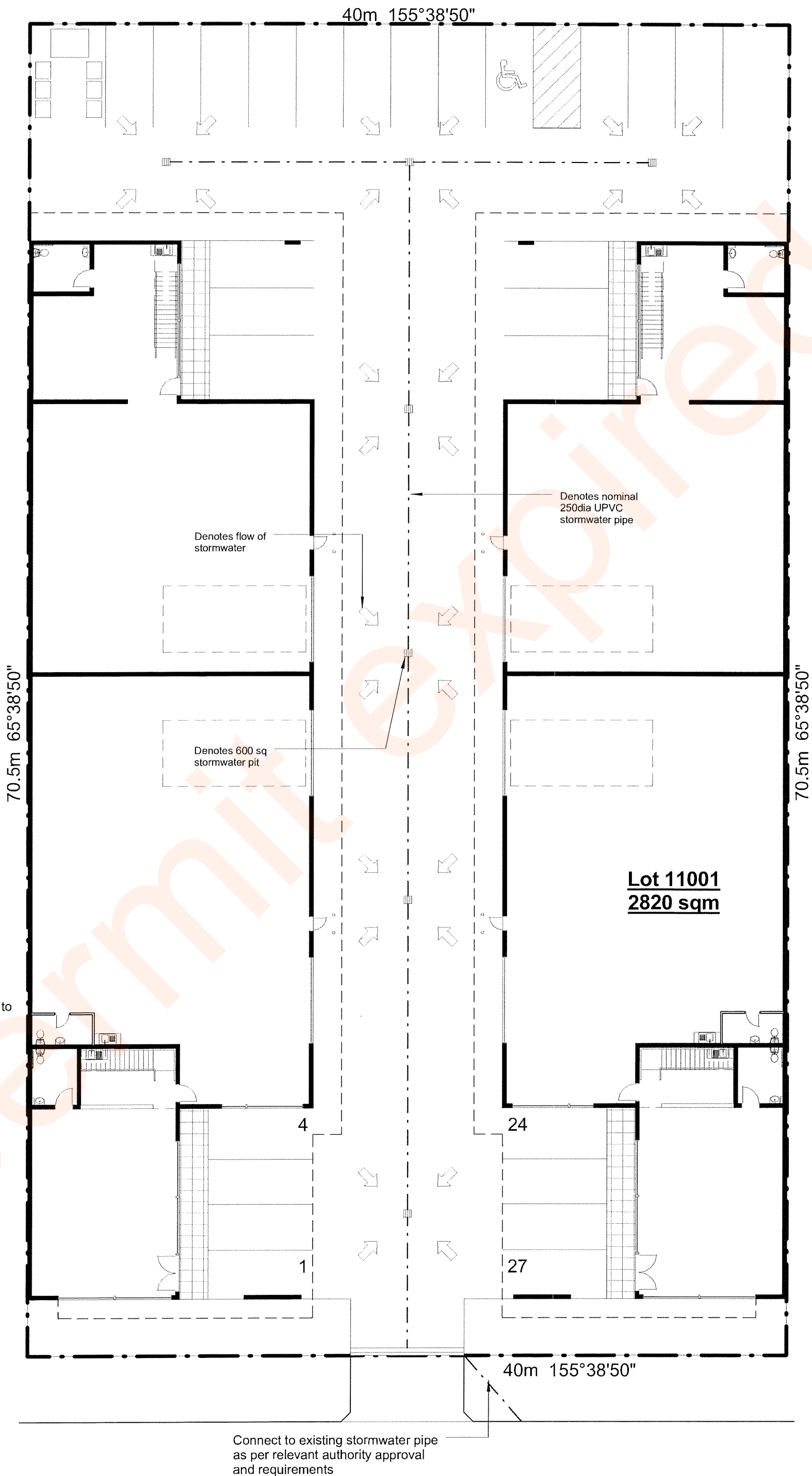
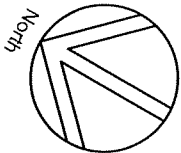
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Scale 1 : 150

A104

builder to verify all dimensions on site prior to construction

Drawing number 2016/0270/06
Referred to in Permit No: DP16/0249



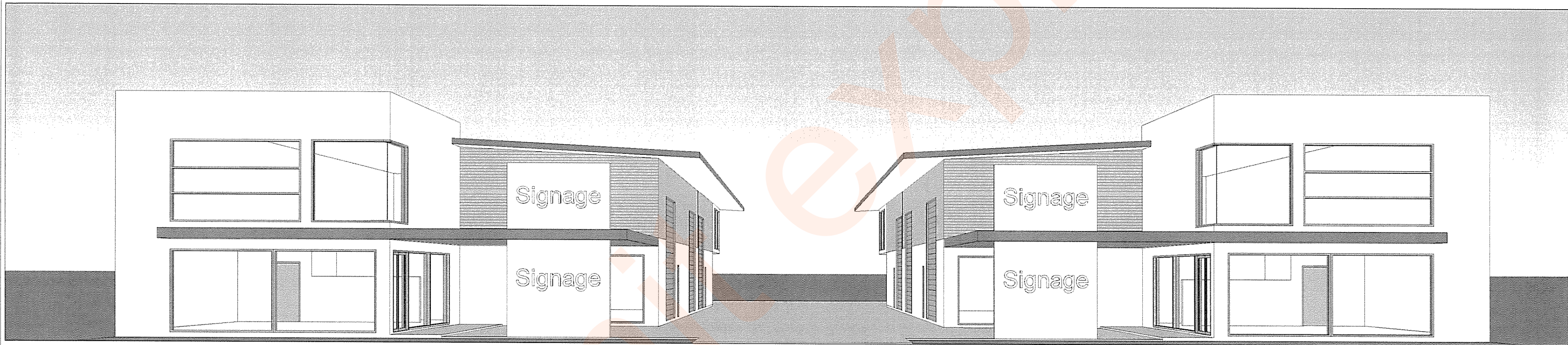
Notes:

-All downpipes from roof to connect to internal stormwater collection system

Connect to existing stormwater pipe as per relevant authority approval and requirements

Drawing number 2016/0270/07
Referred to in Permit No: DP16/0249

Bookmark C
expired planning approval for site



Perspective

kms

building design

darwin ph: 0405002427

Perspective

Proposed Warehouses With
Ancillary Offices /
Showrooms, Lot 11001
Coffey Street

Date 19/04/16

kms1365

Scale

A106

builder to verify all dimensions on site prior to construction

Technical Assessment PA2024/0414

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

Application No: PA2024/0414

Lot number: Lot 11001, 8 Coffey Street, Suburb of Tivendale

Town/Hundred: Town of Palmerston

Zone: LI (Light Industry)

Site Area: 2820m²

Proposal: Animal rescue centre (undefined use)

Plans used for assessment: LA01, LA02, LA03, LA04, LA05, A01, A02, Domeselter concept drawings (2 pages).

Date assessment finalised: 25 February 2025

The proposed development (works and land use) requires consent under clause 1.8 (When development consent is required) of the NT Planning Scheme 2020. Specifically, primary use of the land “animal rescue centre” is an undefined use (does not align with any one specific NTPS2020 definition), which requires consent under clause 1.8(1)(c)(i), because an undefined use is identified as Impact Assessable through the Assessment Table for Zone LI (Light Industry),

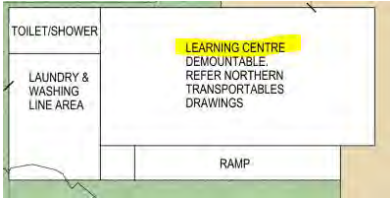
The proposal is therefore subject to the following relevant provisions:

Zone LI (Light Industry)				
Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Animal Rescue Centre (undefined) ¹	Impact Assessable	N/A	5.2.1 General Height Control	5.6.1 Setbacks and Building Design in Zones LI, GI and DV
Animal Boarding	Impact Assessable		5.2.4 Car Parking	5.6.2 Expansion of existing Developments in Zones LI and GI
Veterinary Clinic	Impact Assessable		5.2.5 Loading Bays	5.7.2 (Animal Related Use (Animal Boarding and Stables)
Education establishment (ancillary)	Impact Assessable		5.2.6 Landscaping	5.8.2 (Education Establishment)
Demountable Structures	Permitted		5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR	5.8.7 (Demountable Structures)

¹ The proposed use is similar to the definition of animal boarding which is impact assessable, but as a charity is not considered a commercial enterprise and therefore the use is undefined and described as an animal rescue centre.

Schedule 2 - Definitions

NTPS2020 definition	DAS DLPE comment
<p><i>“primary use” means a dominant use of land or premises that serves its own purpose;</i></p>	<p>Noted - the application identifies that the mission statement of the Darwin Wildlife Sanctuary is to “Provide injured, sick and orphaned native wildlife of Darwin and its surrounds with rescue, veterinary care and specialised rehabilitation facilities; provide wildlife carers with respite and access to information, education and resources for best practice of wildlife care; and to provide welfare and conservation education, projects and information to the entire community of Darwin and its regions.”</p> <p>The applicant has indicated that day-to-day operation of the site will include training and education during the week and training of volunteers on the weekends, and the feeding of animals, the exercising of animals, and to pick up the boat. The applicant indicates that no veterinary services are located on site.</p> <p>The applicant identifies the total amount of people on site may be between 1 – 25 people and 15 people on average when training is being carried out.</p> <p>The applicant notes that “the purpose of the site is to establish a wildlife rehabilitation centre” and that “education will occur on site but not as a major activity of the land as it does not occur on daily basis”. The primary use of the site is therefor animal rescue centre (undefined use).</p>
<p>veterinary clinic means premises used for the medical treatment of animals, whether or not the animals are boarded there as part of the treatment, and may include where ancillary an office</p>	<p>The applicant indicates that the animals kept on the site will not all be receiving medical treatment (some may be injured, but they may not necessarily receive “medical treatment” on the site)</p> <p>The proposed ‘primary use’ of the site does not fully align with this (veterinary clinic) land use definition</p>
<p>education establishment means premises used for the purposes of providing education including an academy, college, lecture hall, pre-, primary or secondary school, vocational training college or university, but does not include a place of worship or community centre. The use can include where ancillary, food premises-café / take away, office, rooming accommodation or shop that directly service the needs of students and staff</p>	<p>The applicant indicates that “providing education” will be an ancillary component of the primary use of the site and that the education will be of tertiary nature (certificates).</p>
<p>animal boarding means premises used as a commercial enterprise for the accommodation of domestic animals and may include where ancillary an office, but does not include intensive animal husbandry or stables</p>	<p>The proposed use of the site will not be a commercial enterprise and the animals kept on the site are not expected to be domestic animals.</p>

office means a building or part of a building used for the conduct of administrative, secretarial or management services or the practice of a profession, where no goods or materials are made, repaired, sold or hired but does not include a home based business	Office will be an ancillary component of the primary use.
demountable structure means a building, including transport containers , which is wholly or substantially prefabricated and which is designed to be transported from site to site, but does not include a caravan or transportable module used in conjunction with an education establishment or as a medical clinic or as a construction site office or a prefabricated dwelling;	<p>The drawings indicate there will be at least 3 “demountable structures” on the site:</p> <ul style="list-style-type: none"> • 1 & 2 – shipping containers used for workspace. • 3 – prefabricated building used for learning centre, office. <p>“learning centre” is not exclusively an “education establishment”. Primary land use is undefined.</p> 
outbuilding means a non-habitable structure that is ancillary to the primary use of the land including a shed, garage, carport, pergola or shade sail	Outbuildings shown on the drawings include – animal enclosures and shade structures.
community centre means a building or part of a building used for providing artistic, social or cultural facilities and community support services to the public and may include where ancillary an office or the preparation and provision of food and drink	<p>This definition is not applicable as:</p> <ul style="list-style-type: none"> (a) more than one building will be on the site and the use is spread across the site (eg: various animal enclosures) (b) The use is not entirely aligned with “community support services”

NOTED

Part 1 - Guidance

1.8 When development consent is required

NTPS2020		DAS DLPE comment
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	See below.
	(c) Impact Assessable – use and development that requires the exercise of discretion by the consent authority to determine if it is appropriate given the location of the site and the potential impacts on surrounding uses, and if it accords with the Strategic Framework.	See below.

		Use and development of land requires consent and is Impact Assessable when any of the following apply:	
	i.	it is shown as Impact Assessable on the relevant assessment table in Part 4;	The primary use of the proposal is <i>undefined</i> which is shown as <i>impact assessable</i> in the Zone LI zone table.
	ii.	it is for the subdivision of land other than that included at Clause 1.8(1)(b)(iii); or	Not Applicable.
	iii.	it is identified as Impact Assessable in Clause 1.9; or	The application includes ancillary <i>education establishment</i> and <i>office</i> uses. The primary use is <i>undefined</i> . A definition for undefined is not included in Schedule 2 and therefore the ancillary uses are not specified in the definition of the primary use. Both <i>education establishment</i> and <i>office</i> uses are shown as impact assessable in the Zone LI zone table and as a result are also impact assessable under sub-clause 1.9(c)(i).
	iv.	it is a Prohibited development which relates to a heritage place as set out in Clause 1.10(7)(b); or	Not Applicable.
	v.	a provision of this Planning Scheme expressly requires assessment as Impact Assessable.	Not Applicable.

Clause 1.9 (Ancillary Use and Development)

NTPS2020		DAS DLPE comment
1. Unless expressly provided for in this Planning Scheme:		See below.
(a)	where the definition of a development in Schedule 2 includes use or development that may be established if ancillary , the ancillary use or development included in the definition are Permitted provided they comply with any relevant development requirements in Parts 3 and 5;	Not Applicable.
(b)	if an ancillary use or development described in (a) does not comply with Parts 3 and 5, the ancillary use or development requires consent and the level of assessment that applies is Merit Assessable;	Not Applicable.
(c)	an ancillary use or development not specified in the definition of the primary use in Schedule 2 requires consent and the level of assessment that applies to the ancillary use or development is either:	See below.
i.	the assessment category specified in the assessment table for the zone in Part 4; or	Both <i>education establishment</i> and <i>office</i> uses are shown as impact assessable in the Zone LI zone table.
ii.	if Undefined or Prohibited it is Impact Assessable.	Not applicable.

1.10 Exercise of Discretion by the Consent Authority

NTPS2020		DAS DLPE comment
4.	<i>In considering an application for a use or development identified as Impact Assessable the consent authority must take into account all of the following:</i>	The proposal has been identified as impact assessable under Clause 1.8.
	(a) <i>any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;</i>	Clauses 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.7.2 (Animal Related Use (Animal Boarding and Stables), 5.8.2 (Education Establishment) and 5.8.7 (Demountable Structures) are applicable
	(b) <i>any Overlays and associated requirements in Part 3 that apply to the land;</i>	No overlays are applicable to the subject site.
	(c) <i>the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and</i>	Zone LI (Light-Industry) purpose and outcomes are applicable
	(d) <i>any component of the Strategic Framework relevant to the land as set out in Part 2.</i>	The Darwin Regional Land Use Plan (DRLUP) 2015 and Holtze to Elizabeth River Subregional Land Use Plan (HESLUP) are applicable.
5.	<i>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:</i>	See below.
	(a) <i>the purpose and administration clauses of the requirement; and</i>	The proposal has been found to be non-compliant with a number of clauses which are discussed below.
	(b) <i>the considerations listed under Clause 1.10(3) or 1.10(4).</i>	As above.

NOTED

Part 2 - Strategic Framework

2.2 Components and Operation of the Strategic Framework

4. The Strategic Framework guides the interpretation of all Parts of the Planning Scheme.

Where there is inconsistency between the components of the Strategic Framework, Area Plans, providing the most detailed level of guidance, prevail over higher-order Land Use Plans and Strategic Planning Policies to the extent of any inconsistencies.

Subregional Land Use Plans, Regional Land Use Plans and Strategic Planning Policies will guide interpretation of the Planning Scheme when:

- (a) there is no applicable Area Plan;
- (b) the Area Plan does not provide guidance on a particular issue;
- (c) a use or development does not accord with an Area Plan; or
- (d) a new Area Plan is being created or a change is proposed to an existing Area Plan.

Darwin Regional Land Use Plan (DRLUP) 2015

The DRLUP identifies the subject site as industry. The ‘Key Industrial Objectives’ are:

- Identify adequate industrial land to:
 - encourage a range of opportunities to accommodate the diverse needs of industry with a particular focus on high quality light industrial estates, superior access to transport networks and reasonably priced larger lots
 - support competition in the industrial land market to avoid the unnecessary upward pressure on land prices
 - provide lead times for appropriate detailed strategic and infrastructure planning
 - provide confidence and direction for investors and
 - assist in building growth and critical mass in the sector.
- Ensure the detailed planning for future development in the region takes account of the limited opportunities to appropriately locate strategic industrial development to minimise the potential for future land use conflict and detrimental impacts on the environment.

Holtze to Elizabeth River Subregional Land Use Plan (HESLUP):

The HESLUP identifies the proposal as being located within Zone LI (Light Industry), within the ‘11 Mile Focus Area’ but provides limited guidance regarding the land use of the Tivendale light-industry zone. The HESLUP notes that there is an expected transition from industry to service commercial use within this area and provides extensive guidance around road and rail networks.

Discussion:

The DRLUP and the HESLUP are applicable to the proposal. The proposal which is located within Zone LI (Light-Industry) is unlikely to conflict with the vision or objectives expressed within either plan. The Tivendale area will still be able to be utilised for light-industry and service commercial uses if the proposal is approved. The suitability of the proposed development is discussed further below.

NOTED

Part 3 - Overlay

There are no overlays applicable to the subject location.

NOT APPLICABLE

Part 4 - Zones

4.14 Zone LI – Light Industry

NTPS2020	DAS DLPE comment
<u>Zone Purpose</u>	
Provide for low impact industrial and compatible non-industrial developments that will not by the nature of their operations, detrimentally affect adjoining or nearby land.	To be determined - <ul style="list-style-type: none">Titles to the Coffey Street subdivision were issued in 2011.The subject site is vacant, abutting parcels are also vacant.Other sites in the locality are developed / used for warehouse, industry-light or similar uses

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.

		<ul style="list-style-type: none"> The applicant does not provide any detail as to how amenity impacts to the surrounding land (such as noise, dust and odour) will be mitigated.
<u>Zone Outcomes</u>		
1.	Land is <u>primarily developed for low impact</u> industry-light, motor body works, motor repair station, recycling depot, <u>showroom sales</u> , transport terminal, vehicle sales and hire, and warehouse, that are compatible with and are of such a kind that will not adversely affect the amenity of the light industrial function of the area.	Not applicable – none of these land uses are proposed.
2.	Office and shops are limited to those that serve the needs of industrial uses on a site, or directly support and are compatible with the ongoing industrial use of the zone.	Applicable - any office (use) on the site will be ancillary to the primary use / activities on site. The primary use of the site will not be “industry”.
3.	Non-Industrial uses such as food premises-cafe/takeaway, bar-public, leisure and recreation, education establishment and hotel/motel are limited to those that:	Not applicable – none of these land uses are proposed.
	(a) will not be adversely impacted by the operation of industrial activities in the locality;	
	(b) will not compromise or constrain the operation or viability of existing or future industrial activities; or	
	(c) provide a convenience, service or support role to industries and employees in the locality.	
4.	Other non-industrial activities, such as community activities including club, community centre and place of worship may be established where they do not compromise the ongoing operation and viability of industrial activities or the integrity of the zone.	Not applicable – none of these land uses are proposed.
5.	Industrial activities and other activities established in the zone provide variety and interest at street level and allow passive surveillance of public spaces, with a scale and character appropriate to the industrial function of the locality	<p>To be determined – the proposal includes a large amount of landscaping that will provide interest at street level. The applicant has provided details of the types of animals likely to be located at this establishment but does not provide the amount of each animal. Zone LI is to accommodate <i>low impact industrial and compatible non-industrial developments that will not by the nature of their operations, detrimentally affect adjoining or nearby land.</i></p> <p>The applicant has identified that dingos may be onsite which are known to produce high levels of noise. The applicant has not demonstrated how noised levels will be mitigated and be acceptable for Zone LI.</p>
6.	Industrial development is located, designed and managed to maintain public health and safety, the quality of the natural environment and the reasonable amenity of any adjoining non-industrial zone.	Not Applicable – none of these land uses are proposed.

7.	<i>Development incorporates well-designed buildings and landscaping that contribute to a safe, attractive and legible industrial environment.</i>	<p>The proposal includes 2m of landscaping along the side and rear boundaries. There is 2m of landscaping proposed along the majority of the primary street boundary and a section of 3m deep landscaping. In addition to this, a large amount of landscaping is proposed throughout the site.</p> <p>The buildings are demountable structures that are not considered to contribute to an attractive environment. Further assessment against building design is provided under Clause 5.6.1 (Setbacks and Building Design Requirements in Zones LI, GI and DV).</p>
8.	<i>Development does not detrimentally impact on the capacity, safety or efficient operation of the local road and footpath network.</i>	<p>No footpath networks are provided along Coffey Street. The proposal is small in scale and unlikely to have a detrimental impact on the local road network. Comments have been requested from service authorities.</p>
9.	<i>Subdivision primarily provides for a range of lot sizes are available to cater for diverse industrial needs and user requirements.</i>	Not Applicable – no subdivision is proposed.
10.	<i>Development does not impose unsustainable demands on surface water and groundwater.</i>	Not Applicable - site is connected to the reticulated water supply.
11.	<i>Appropriate urban services including, roads, reticulated electricity, water, sewerage, storm water, drainage, and telecommunication infrastructure are available. If lots are unsewered, provision for the disposal of effluent must be made on-site so that the effluent does not pollute ground or surface waters.</i>	<p>The site is located within an established industrial area and is connected to reticulated electricity, water and sewerage services.</p> <p>Road reserve is a bitumen sealed carriageway.</p>
12.	<i>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.</i>	<p><u>Appropriate in the zone</u></p> <p>The nature of their operations of the proposed use are unlikely to detrimentally affect adjoining or nearby land.</p> <p>However, if industry or similar uses (many of which are permitted in Zone LI) were to be developed to their full capacity (eg: 8.5m high buildings, zero side setbacks), the operations of the uses and built form may have reverse sensitivity impacts on the subject site and proposed use.</p> <p><u>Location</u></p> <ul style="list-style-type: none"> • The subject site is vacant, abutting parcels are also vacant. • Other sites in the locality are developed / used for warehouse, industry-light or similar uses <p><u>Nature, scale and intensity of the development.</u></p> <p>The proposal includes a large amount of landscaping that will provide interest at street level. The applicant</p>

		<p>has provided details of the types of animals likely to be located at this establishment but does not provide the amount of each animal. Zone LI is to accommodate low impact industrial and compatible non-industrial developments that will not by the nature of their operations, detrimentally affect adjoining or nearby land.</p> <p>The applicant has identified that dingos may be onsite which are known to produce high levels of noise. The applicant has not demonstrated how noised levels will be mitigated and be acceptable for Zone LI.</p>
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TO BE DETERMINED – if the proposal is a use, scale and intensity is compatible with Zone LI

Part 5 – Development Requirements

5.2.1 General Height Control

NTPS2020		DAS DLPE comment
<u>Purpose</u>		
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.		Further information required – the applicant has provided details of the height of all structures but has not provided elevations.
<u>Administration</u>		
1.	<p>This clause does not apply if:</p> <p>(a) The development is for the purpose of:</p> <p>i. a telecommunications facility;</p> <p>ii. a chimney, flag pole, aerial, antenna or lightning rod; or</p> <p>iii. the housing of equipment relating to the operation of a lift; or</p> <p>(b) an alternative height control is specified in clause 5.9 (Location specific development requirements).</p>	Not applicable - the proposed development is not for any of the purposes listed under sub-clause 1(a) and is not located in Alice Springs.
2.	The consent authority must not consent to a development in Alice Springs that is not in accordance with sub-clause 5.	Not applicable – proposed development not located in Alice Springs.
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.	Not applicable – proposed development is located in Zone LI (Light Industry)
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	Further information required – elevations of all structures are to be provided.

	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 measures taken to mitigate potential impacts (such as unreasonable overshadowing,	
	(b) or overlooking of dwellings and private open space) on abutting properties.	
<u>Requirements</u>		
5.	The building height of a development in the Municipality of Alice Springs is not to exceed:	Not applicable – the proposed development is not located in Alice Springs.
	(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:	Further information required – the applicant indicates that the maximum proposed height is 7m however the applicant does not provide elevations of all buildings. Further details required for: <ul style="list-style-type: none"> • Birds of Prey Enclosure • Toilet / Shower and laundry areas • Aspects of boundary fencing
	(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.	

FURTHER INFORMATION REQUIRED – elevations required of all buildings

5.2.4 Car Parking

5.2.4.1 Car Parking Spaces

NTPS2020		DAS DLPE comment
<u>Purpose</u>		
Ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of a site .		
<u>Administration</u>		
1.	This clause does not apply where alternative car parking space requirements are established under clause 5.9 (Location specific development requirements).	Not applicable – there are no alternative car parking space requirements applicable to this application.
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:	Not applicable – the number of car parking spaces required is to be determined by the consent authority.

	(a) <i>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;</i>	Not applicable – as above.
	(b) <i>the provision of car parking spaces in the vicinity of the land;</i>	Not applicable – as above.
	(c) <i>the availability of public transport in the vicinity of the land; and</i>	Not applicable – as above.
	(d) <i>the potential impact on the surrounding road network and the amenity of the locality and adjoining property;</i>	Not applicable – as above.
	<i>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.</i>	Not applicable – as above.
3.	<i>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.</i>	Not applicable – the number of car parking spaces required is to be determined by the consent authority.

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).

To be determined - The development application has been lodged for consideration as an undefined land use, consequently, the Development Consent Authority is to determine the required number of car parking spaces.

Any other uses (including undefined uses)	1 for every 250m ² used as outdoor storage Minimum number of car parking spaces to be determined by the consent authority.
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Northern Territory Planning Scheme 2020

Part 5-9

The applicant proposes 5 car parking spaces (one of which is can be used for a mini bus) and provides the following car parking calculations:

The following table outlines the parking requirements in accordance with Table to clause 5.2.4.1 for the proposed car parking generating uses over the subject site. The proposed undefined use (animal rescue centre) adopts car parking requirement applicable to community centre as a similar type of use.

Community centre (animal rescue centre) require 5 parking bays for every 100m² of net floor area
Storage requires 1 parking bay for every 100m² of net floor area
Office requires 2.5 for every 100 square metres of net floor area.

Table 1 – Car Parking Requirements

Use	Lay out	Require ment	Area	Total Bays
Animal Rescue Centre	Learning Centre/veterinary	5 /100m ²	60m ²	3
Storage	Containers	1 /100m ²	29.28m ²	0.29
Office		2.5/100m ²	9m ²	0.23
TOTAL				3.5 (4)

The proposed development requires 4 car parks on site. There are 5 car parks provided on site.

Comparison of car parking requirements for similar uses along with DAS's calculations are provided in the table below:			
<i>Table to Clause 5.2.4.1: Minimum number of required parking spaces</i>			
Use or Development	Minimum Number of Car Parking Spaces Required	Area/number of staff	Required
Education establishment	For a tertiary education establishments: 1 for every classroom <u>Plus</u> 1 for every 6 students <u>Plus</u> 2 additional spaces	1 classroom 15 students (on average)	5.5
Office	2.5 for every 100m ² of net floor area	6.54	0.16
Animal Boarding	1 car parking space for every employee, plus, 4 spaces	2*	6
Outdoor storage	1 for every 250m ² used as outdoor storage	27.8m ² **	0.11
Total			12 (11.77 rounded up)
<p>* The applicant does not specify the maximum amount of staff but indicates that the amount of staff onsite to exercise the animals, feed the animals, and pick up the boat is likely to be 2. These are different activities on site, the applicant does not indicate what the maximum number of staff onsite will be at any given time.</p> <p>** The applicant has not provided a use for the 2 x demountable structures and so DAS has included them as being outdoor storage. Of note the applicant has provided conflicting information between drawings. The 'concept drawings' of the shade structure show the 2 x shipping containers as being 6.05m in length whereas the site plan shows 11.8m. The 'concept drawings' also show the distance between these containers as being 8m whereas the site plan shows 4.</p> <p>The applicant has suggested that there is on-street car parking available however council does not support this.</p> <p>The applicant proposes 5 car parking spaces but identifies one space for a minibus (non dedicated). DAS's calculation show that a minimum of 12 car parking spaces may be required, however more may be required</p>			

		if there is to be more than 2 staff present on site and more than 15 students.
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TO BE DETERMINED

5.2.4.4 Layout of car parking areas

NTPS2020		DAS DLPE comment
<u>Purpose</u>		
Ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose		Applicable - "car parking area" means an area set aside or designated for the parking of three or more motor vehicles: The proposed development on the site includes a car parking area (5 car parking spaces).
<u>Administration</u>		
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.	Not Applicable to site / proposed land use.
2.	A car parking area may be used for the purpose of a market if:	Not Applicable to site / proposed land use.
	(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.	Not applicable – the proposed development complies with sub-clause 6.
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.	Applicable – the car parking spaces do not comply with sub-clause 7 or 8 however the car parking area only includes 5 car parking spaces and is not likely to have detrimental impacts on safety and is functional as a car parking area.
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.	Not applicable – the proposed development complies with sub-clause 6.
<u>Requirements</u>		

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.

6.	A car parking area is to:		
	(a)	be not less than 3m from any lot boundary abutting a road; and	Complies – 5m setback proposed.
	(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.	Complies – 3 x larger plants shown in this area + smaller shrubs.
7.	A car parking area is to be constructed and maintained to be:		Applicable – as per below.
	(a)	of a suitable gradient for safe and convenient parking; <u>and</u>	Complies – site is level.
	(b)	sealed and well drained in urban areas , or dust suppressed in non-urban areas	Complies - drawings indicate that driveways will be sealed.
8.	The layout of a car parking area is to:		Applicable – as per below.
	(a)	be functional and provide separate access to every car parking space;	Complies – every car parking spaces is accessible.
	(b)	allow a vehicle to enter from and exit to a road in a forward gear;	Complies – vehicles will be able to enter and exit Coffey Street in a forward gear.
	(c)	be in accordance with the dimensions set out in the diagram to this clause; and	Generally Complies - - 6m wide driveways - Car parking spaces appear to all be at least 2.5m x 5.5m
	(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.	Complies – last car parking space perpendicular to the driveway is 3.5m in width.
9.	The number of access points to the road is to be limited, and access points to car parking areas are to:		Complies - 1 x vehicle access points to site is proposed
	(a)	have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and	Complies – a 6m wide driveway is proposed.
	(b)	maximise sight lines for drivers entering or exiting the car parking area.	Complies – a standard condition can be recommended to ensure adequate sight lines are provided.

COMPLIES

5.2.5 Loading Bays

NTPS2020	DAS DLPE comment
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<u>Purpose</u>										
Provide for the loading and unloading of vehicles associated with the use of land.		Not applicable – see sub-clause 3.								
<u>Administration</u>										
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:	Not applicable – see sub-clause 3.								
(a)	the scale of the use and development on the site;	Not applicable – see sub-clause 3.								
(b)	any potential adverse impacts on the local road network; and	Not applicable – see sub-clause 3.								
(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.	Not applicable – see sub-clause 3.								
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.	Not applicable – see sub-clause 3.								
<u>Requirements</u>										
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). <table><tr><th colspan="2">Table to Clause 5.2.5: Minimum number of loading bays</th></tr><tr><th>Use or development</th><th>Minimum number of loading bays</th></tr><tr><td></td><td>or part thereof in excess of 10 000m²</td></tr><tr><td>All other uses</td><td>No loading bays required</td></tr></table>	Table to Clause 5.2.5: Minimum number of loading bays		Use or development	Minimum number of loading bays		or part thereof in excess of 10 000m ²	All other uses	No loading bays required	“loading bay” means an area set aside or designated for the loading and unloading of vehicles associated with the use of the land; Primary use of the site is “undefined” (single occupation). There is no technical requirement to provide a loading bay for an undefined land use.
Table to Clause 5.2.5: Minimum number of loading bays										
Use or development	Minimum number of loading bays									
	or part thereof in excess of 10 000m ²									
All other uses	No loading bays required									
4.	A loading bay is to:									
(a)	provide areas wholly within the site for loading and unloading of vehicles;	Not applicable – see sub-clause 3.								
(b)	be at least 7.5m by 3.5m;	Not applicable – see sub-clause 3.								
(c)	have a clearance of at least 4m; and	Not applicable – see sub-clause 3.								
(d)	have access that is adequate for its purpose.	Not applicable – see sub-clause 3.								

NOT APPLICABLE

5.2.6.1 Landscaping in Zones Other Than Zone CB

NTPS2020		DAS DLPE comment
<i>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.</i>		Complies – a large amount of landscaping is proposed that is likely to contribute to the enhanced streetscape and amenity of the area. The landscaping proposed also includes shade trees that will assist in cooling the site.
<u>Administration</u>		
1.	<i>Landscaping may include provision of paved areas and areas for entertainment and recreational activities.</i>	See below.
2.	<i>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.</i>	Not applicable – the proposed development complies with sub-clauses 5, 6 and 7.
<u>Requirements</u>		
3.	<i>Where landscaping is required by this Scheme it should be designed so that:</i>	Applicable - landscaping is required, by Clause 5.2.4.4 (Layout of car parking areas) of Part 5 of the NTPS2020
(a)	<i>planting is focused on the area within the street frontage setbacks side setbacks, communal open space areas and uncovered car parking areas;</i>	Complies – landscaping is proposed along each boundary and throughout the site.
(b)	<i>it maximises efficient use of water and is appropriate to the local climate;</i>	Complies – the amount of landscaping proposed will allow for onsite infiltration of stormwater and shading of the site.
(c)	<i>it takes into account the existing streetscape, or any landscape strategy in relation to the area;</i>	Complies - DAS DLPE is not aware of any clear NT Government or local government council endorsed landscaping <u>strategy</u> for the locality. There is minimal landscaping in the locality.
(d)	<i>significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained;</i>	Not Applicable – aside from grass. weeds, there are no notable trees on the site.
(e)	<i>energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;</i>	Complies - the amount of landscaping proposed will allow for shading of the site.
(f)	<i>the layout and choice of plants permits surveillance of public and communal areas; and</i>	Complies – the proposed landscaping will not block the ability to provide passive surveillance of public areas.
(g)	<i>it facilitates on-site infiltration of stormwater run-off.</i>	Complies – the proposed development includes large amounts of compacted earth and garden beds that will allow for the infiltration of stormwater.

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.

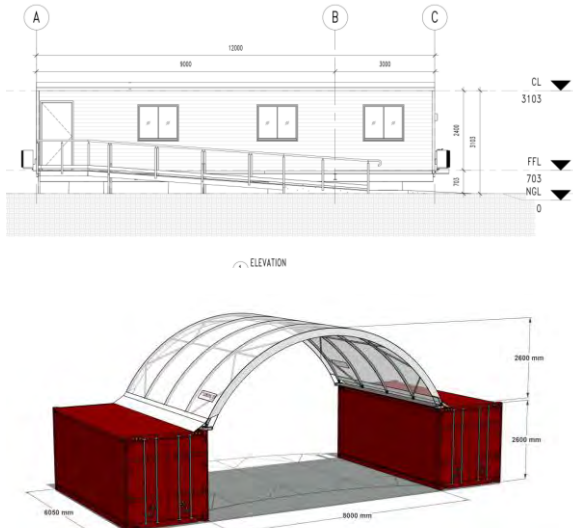
4.	<i>The quality and extent of the landscaping consented to must be maintained for the life of the development.</i>	Complies – this can be listed as a condition on any Planning Act 1999 permit issued.
5.	<i>Other than in Zones CB, C and TC, not less than 30% (which may include communal open space) of a site that is used for rooming accommodation, dwellings-group, dwellings-multiple and residential care facility is to be landscaped.</i>	Not Applicable – the site is Zoned LI.
6.	<i>In Zones LI, GI and DV all street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m.</i>	Complies – 3m wide / deep landscaping is shown on drawings.
7.	<i>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.</i>	Not Applicable – the site is Zoned LI.

COMPLIES

5.6.1 Setbacks and Building Design Requirements in Zones LI, GI and DV

NTPS2020		DAS DLPE comment
<u>Purpose</u>		
<i>Ensure that buildings are sited and designed to facilitate the development of safe, attractive and legible industrial zones.</i>		Further information required – demonstrating how the proposed buildings are designed to facilitate a safe, attractive and legible industrial zone.
<u>Administration</u>		
1.	<i>The consent authority may consent to a 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, scale and impact on the safety and amenity of the locality and adjoining property.</i>	Further information required – addressing the purpose of Clause 5.6.1. The zone purpose and outcomes are discussed above. Location: The proposed location of the development is unlikely to impact on current and future neighbouring developments however may cause issues of reverse sensitivity. Scale and impact on the safety and amenity of the locality and adjoining property: The scale of proposed development is unlikely to have a detrimental impact to the safety of the locality and adjoining properties, however the unarticulated large shipping container structure is located 3m away from the primary street frontage and may have negative impacts to the visual amenity of the area.
<u>Requirements</u>		

2.	<i>Buildings, including residential buildings, in Zones LI, GI and DV are to be sited in accordance with the table to this clause.</i>	Does not comply – the land is zoned LI and does not comply with setback requirements. See discussion below table.			
		Table to Clause 5.6.1: Industrial Setbacks and Building Design Requirements			
		Location / Boundary	Minimum Building Setback Required	Setbacks Proposed	Proposed
		Coffey Street	3m	Sea Container (closest building to boundary)	3m
		Side Boundary (north / Lot 11000)	5m (to at least one side boundary)	Animal Enclosures & bathrooms / laundry to north boundary	2m
		Side Boundary (south / Lot 11002)		Animal Enclosures & sea containers to north boundary	
		Rear Boundary (east / Lot 11004)	5m	Possum Enclosure, Flying Fox Enclosure & Birds of Prey Enclosure	2m
		A 2m setback has been proposed to all sides. One side boundary to be setback at least 5m.			
3.	<i>A clearly identifiable, dedicated pedestrian access is to be provided to the main entrance of the building from the street and customer car parking areas.</i>	Does not comply – no pedestrian access is proposed to the main entrance of the building from the street or car parking area.			
4.	<i>Front facades should be articulated to break up long lengths of blank walls and provide visual interest to the street. Articulation may include a combination of the following:</i>	Does not comply – two structures are visible from the primary street boundary that do not have articulated front facades.			
	(a) setbacks or projections;				

	(b) changes in height to provide focal features and identify key locations (such as entrances);	 <p>CHARTER DIMENSIONS</p> <p>Aspects of non-compliance:</p> <ul style="list-style-type: none"> Blank 6.05m length of sea container will face the street boundary No details of building colours provided No shading / awning to front of office / learning centre. <p>Aspects of compliance:</p> <ul style="list-style-type: none"> shade canopy provided between sea containers small building footprints varied building setbacks
	(c) the use of a varied palette of materials, finishes and colours within the building design; and	
	(d) projecting features such as awnings or sun shades.	
5.	Buildings situated on corner lots in Zone LI should be designed to accentuate the corner location with architectural features that create a visual presence at the corner.	Not Applicable – land is zoned LI but is not a corner lot.
6.	Bin storage areas are to be screened by landscaping and/or fencing to avoid visual impact to the primary street.	To be determined - the garbage and recycling bin storage area(s) is not shown on the drawings.

DOES NOT COMPLY

5.8.2 Education Establishment

NTPS2020		DAS DLPE comment
<u>Purpose</u>		
Ensure an education establishment :		Applicable – as per below.
(a)	meets the needs of students and staff;	Consistent with clause purpose – the proposed demountable use for educational purposes is of a size suitable for an average classroom size of 15 people and includes student and staff amenities.

(b)	contributes positively to amenity of the surrounding area;	Consistent with clause purpose - the proposed structure is set back from the street, and is screened by landscaping and as such, is unlikely to contribute detrimentally to the amenity.
(c)	does not unreasonably interfere with the safe and efficient operation of the local road and pedestrian network; and	To be determined - it is unclear if a suitable number of car parking spaces have been provided (see Clause 5.2.4.1 Car Parking Spaces discussion above). If a suitable number of car parking spaces has not been provided, the proposed development may cause unreasonable on-street car parking.
(d)	promotes access via public transport and active transport networks.	Not applicable - no public transport or pedestrian provisions have been provided in the area.

Administration


1.	The consent authority may consent to an education establishment that is not in accordance with sub-clauses 2-5 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 .	To be determined - the proposal does not comply with sub-clause 4. The size and nature of the education establishment itself is unlikely to impact negatively on the surrounding area however there is concerns regarding the amount of car parking spaces proposed.
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Requirements

2.	Locate pre-school, primary and secondary school facilities to maximise access by public transport, safe walking and cycling routes, and are provided with safe vehicular drop-off zones.	Not applicable - the proposal has not been identified as a pre-school, primary or secondary school.
3.	Provide a designated student car park in secondary schools.	Not applicable - the proposal has not been identified as a secondary school.
4.	Locate tertiary education facilities in designated education precincts within or adjacent to activity centres that are connected to public transport.	Does not comply - the proposal has been identified as having a tertiary education component. The establishment is not located within an education precinct or close to any public transport.
5.	Ensure mechanical plant and service areas are designed and screened to minimise adverse amenity impacts when viewed from adjoining streets and properties, and are not located where they adjoin an existing residential use.	No substantial mechanical plant or service areas have been proposed., site does not adjoin residential uses.

COMPLIES**5.7.2 Animal Related Use (Animal Boarding and Stables)**

NTPS2020	DAS DLPE comment
<u>Purpose</u>	
Minimise the adverse effect of animal related use on the environment and to ensure that those	The proposed use is similar to the definition of animal boarding which is impact assessable, but as a charity is not considered a




<i>activities do not detract from the amenity of the locality.</i>		commercial enterprise and therefore the use is undefined and described as an animal rescue centre.
Administration		
1.	<i>The consent authority may consent to animal boarding or stables that is not in accordance with sub-clauses 3-6 only if it is satisfied it is appropriate to the site having regard to land capability and the potential impact on the amenity of the locality.</i>	Not applicable – the proposal complies with sub-clauses 3-6.
2.	<i>Sub-clauses 4 and 5 do not apply in Zones SC, LI, GI and DV</i>	The subject site is zoned LI.
Requirements		
3.	<i>Premises for the keeping of animals for the purposes of animal boarding and stables are to be designed, sited and operated so as not to cause any of the following:</i>	Applicable – as per below.
	(a) <i>create risk of pollution of ground and surface waters;</i>	Complies – site connected to PAWC reticulated water supply and sewer service.
	(b) <i>contribute to the erosion of the site or other land;</i>	Can comply – a standard condition of approval can be included to maintain landscaping and the car parking area.
	(c) <i>cause detriment to the amenity of the locality by reason of excessive noise, offensive odours, excessive dust or the attraction of flies, vermin or otherwise; or</i>	Can comply – a standard condition of approval can be included to manage excessive noise, offensive odours, excessive dust or the attraction of flies, vermin or otherwise.
	(d) <i>constitute a risk of the spread of infectious disease or other health risk.</i>	Can comply – a condition of approval can be included to manage the risk of the spread of infectious disease or other health risks.
4.	<i>Any stables or structures used for animal boarding are to be setback 50m from any road frontage and 15m from any side or rear boundary.</i>	Not Applicable – site is zoned LI (see sub-clause 2)
5.	<i>Minimum distance from a residential building on surrounding land to any stables or structures used for animal boarding is 100m</i>	Not Applicable – site is zoned LI (see sub-clause 2)
6.	<i>Fencing is to be provided to all property boundaries to ensure all animals are effectively contained within the site.</i>	Complies – labelled on site plan.  <p>ELECTRICITY CONNECTION EXACT LOCATION TBC</p> <p>SITE BOUNDARY FENCE: 1800mm HIGH BLACK CHAIN MESH, WITH ANGLED BARBED WIRE TOP</p>

COMPLIES

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.

5.8.7 DEMOUNTABLE STRUCTURES

NTPS2020		DAS DLPE comment
<u>Purpose</u>		
Ensure that demountable structures do not detract from the visual amenity of an area.		The workspace demountable structure has the potential to detract from the visual amenity of the area.
<u>Administration</u>		
1.	Placement of a demountable structure on:	Applicable – as per below.
	(a) zoned land other than land in Zone GI and DV requires consent; and	Not applicable - the proposed development is located in Zone LI.
	(b) land in Zone CL, SC, TC, LI, PS, OR, H, A, RL, R and CP does not require consent if there are no more than <u>two demountable structures</u> on the land.	Applicable - consent is required if more than 2 “demountable structures” will be on the site (zoned LI). 2 x sea containers + 1 x demountable office / multipurpose building are proposed.
2.	The consent authority may consent to a demountable structure that is not in accordance with sub-clause 4 if it is satisfied that the proposed use and location of the demountable structure make compliance unnecessary.	Further information required – the demountable office structure is setback approximately 20m from the primary street boundary and includes dense landscaping that will provide a visual barrier to the structure when viewed from the street. The ‘demountable workspace structure’, however, is located only 3m from the primary street boundary and only includes shrubs for screening. It is unlikely that the shrubs will provide adequate screening to the structure. The applicant has provided an amended set of plans and notes that “the revised site layout plans entail additional landscaping for screening of development when viewed from the street”. DAS notes that not additional landscaping has been shown on the amended plans.
3.	The consent authority may consent to a demountable structure that is not in accordance with the table to this clause if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.	Not applicable – proposed development is located in Zone LI (Light Industry).
<u>Requirements</u>		
4.	The placement of a demountable structure is to:	
	(a) include landscaping or architectural embellishments to the demountable structure that will enhance the appearance of the structure; <u>and</u>	More information required - <u>Prefabricated office / multiuse building:</u> - Ramp access - Gable roof - Landscaping is proposed - Full details of cladding / colours not provided - No screening of footings

			<table><tr><td colspan="2"></td></tr><tr><td colspan="2">NORTHERN</td></tr><tr><td colspan="2">TRANSPORTABLES</td></tr><tr><td colspan="2">www.northerntransportables.com</td></tr><tr><td>FLOOR TYPE</td><td>17mm Structural Ply</td></tr><tr><td>EXTERNAL WALL</td><td>75mm EPS Panel</td></tr><tr><td>INTERNAL WALL</td><td>50mm EPS Panel</td></tr><tr><td>CLADDING</td><td>—</td></tr><tr><td>ROOF SHEETING</td><td>Trimdek Zincalume</td></tr><tr><td>CLADDING PROFILE</td><td>Roller</td></tr></table> <p><u>Sea Containers:</u></p> <ul style="list-style-type: none">- Shade canopy will be constructed between the two containers- Landscaping is proposed however this is limited- Applicant has identified that the structure will be painted green however this is unlikely to enhance the appearance.			NORTHERN		TRANSPORTABLES		www.northerntransportables.com		FLOOR TYPE	17mm Structural Ply	EXTERNAL WALL	75mm EPS Panel	INTERNAL WALL	50mm EPS Panel	CLADDING	—	ROOF SHEETING	Trimdek Zincalume	CLADDING PROFILE	Roller
																							
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CLADDING	—																						
ROOF SHEETING	Trimdek Zincalume																						
CLADDING PROFILE	Roller																						
	(b)	be visually consistent with adjoining or nearby development.	Does not comply - the majority of land around the proposed site is vacant however the buildings that are there include permanent built structures rather than demountable structures.																				
5.	Demountable structures in:		Applicable – as per below.																				
	(a)	zones other than Zones LI, GI and DV are to be set back from lot boundaries in accordance with the table to this clause; and	Not Applicable – site is zoned LI (Light Industry)																				
		zones LI, GI and DV are to be set back from lot boundaries in accordance with the Table to Clause 5.6.1.	Does not comply – see discussion for Clause 5.6.1																				

DOES NOT COMPLY

ID: 620997 – APB: KO/ct

22 January 2025

Development Assessment Services
Department of Infrastructure, Planning and Logistics
By email: das.ntg@nt.gov.au

Dear Sir/Madam

Development Application PA2024/0414 for an Animal Rescue Centre with ancillary Veterinary and Community Educational Services (undefined use) at Lot 11011 (8 Coffey Street) Town of Palmerston

I refer to the above development application sent to the City of Palmerston on 8 January 2025. The following advice and comments are provided pursuant to Section 49 (6) of the *Northern Territory Planning Act 1999* (the Act).

Planning framework

The NTPS 2020 identifies the site for light industrial and compatible non-industrial development that will not by the nature of their operations detrimentally affect adjoining or nearby land. Development is to incorporate well-designed buildings and landscaping that contributes to a safe, attractive and legible industrial development.

The City of Palmerston recognises the benefits and merits of the proposed use, however in the context of the planning framework questions the site selection.

Reverse amenity impacts

The proposed use is not ordinarily anticipated in this area and involves sensitive aspects that have the potential to impact and be impacted by nearby and future industrial uses. The reduced rear setback and open enclosures exacerbate this concern, and City of Palmerston questions whether landscaping along the periphery of the site goes far enough in addressing the issue.

City of Palmerston would encourage additional information from the applicant about how reverse amenity impacts will be mitigated, and how this development will not impact or be impacted by the reasonable operation of existing and anticipated uses in the area.

Purpose of industrial areas

A decision to approve the development may pave the way for similar ad hoc activities to establish in the immediate area (and other industrial areas) compromising the primary function of the industrial precinct. If this type of activity is supported, City of Palmerston would request that significant justification be provided to ensure that similar uses in these areas are similarly scrutinised in the future.

Built form

The built form deviates from what would reasonably be expected in an industrial precinct and represents a significant departure from the existing built form in the immediate vicinity. City of Palmerston would encourage additional information around how the development is intended to contribute to an attractive and legible industrial development, per the zone outcomes in the NTPS 2020.

Car Parking

The provision of four (4) on-site car parks to support all the activities on the site seems low and City of Palmerston is seeking confirmation that on-street car parking will not be utilised to support the use. The use of un-marked on-street parking to support a new use is not supported by the City of Palmerston, and is contrary to the outcomes sought by the NTPS2020

Conditions

If after considering the above the development is approved, the City of Palmerston would respectfully request the following conditions and notes be included on the development permit:

Conditions Precedent

1. Prior to the commencement of works the applicant is to submit a stormwater management plan prepared by a suitably qualified professional demonstrating how stormwater is to be collected and discharged to the external stormwater network, to meet the requirements of City of Palmerston, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection points.
2. Prior to the commencement of use, a waste management plan, including bin storage and screening design, in accordance with Council's Waste Management Guideline is required to be submitted, to the requirements of the City of Palmerston, to the satisfaction of the consent authority.
3. Prior to the commencement of works, the applicant is to prepare and submit a driveway plan to be approved by the City of Palmerston, to the satisfaction of the consent authority

General Conditions

1. Stormwater is to be collected and discharged into the drainage network in accordance with the approved stormwater plan for the site, to the technical standards of and at no cost to the City of Palmerston to the satisfaction of the consent authority.
2. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street, in accordance with the requirements of City of Palmerston, to the satisfaction of the consent authority
3. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Palmerston, to the satisfaction of the consent authority
4. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston, to the satisfaction of the consent authority

5. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the City of Palmerston drains or to any watercourse

Notes

- Any reinstatement works required as a result of any damage or alterations caused to City of Palmerston infrastructure or landscaping must be undertaken by the applicant, to the technical standards of and at no cost to the City of Palmerston. This includes grassing the verge between the property boundary and the kerb.
- A signage permit will be required for any signage not in accordance with the City of Palmerston advertising device code.
- All approved works must be completed to the satisfaction and technical requirements of City of Palmerston and constructed at the developer's expense.
- Any easements or reserves required for the purpose of drainage, roads, access or for any other purpose which the developer intends on vesting in Council, must be provided free of cost to, and with prior agreement by, the City of Palmerston.

Should you wish to discuss the above, please contact Christopher Tickner, Planning and Development Manager by email: christopher.tickner@palmerston.nt.gov.au or phone (08) 7969 7807.

Yours sincerely

Katie O'Neill

Katie O'Neill
A/General Manager Infrastructure

Phone 1800 245 092

Web powerwater.com.au

Record number: D2025/11644

Container number: NES90/11001

Your Ref: PA2024/0414

Daniel Herlihy
Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Daniel

Re: Lot 11001 (8) Coffey Street Tivendale Town of Palmerston

In response to your letter of the above proposal for the purpose of animal rescue centre, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. This property is provided with a basic power supply of 42kVA, 3-phase from the overhead electricity reticulation on Coffey Street.
2. The Proponent, Darwin Wildlife Sanctuary (DWS) shall engage a licensed electrician to submit an overall AS-3000 maximum power demand calculation of the animal rescue centre and apply for a Negotiated Connection application under the Australian Energy Regulator (AER) compliance process for the PWC's assessment on power supply capacity upgrade requirements.
3. The engaged electrician shall install internal electricity reticulation for the proposed animal rescue centre in accordance with the PWC's current NP018 Service and Installation Rules 2024 and NP010 Meter Manual.
4. DWS is responsible for safety clearance compliance between existing overhead power line in the area and any new building or extension during construction and its completed stage in accordance with the NT Electricity Reform (Safety and Technical) Regulations 2000.

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

Yours sincerely



Thanh Tang
Manager Distribution Development

08 January 2025

Daniel Herlihy

From: Danielle Sawyer on behalf of Parkplanning PWCNT
Sent: Tuesday, 28 January 2025 11:05 AM
To: Das NTG
Cc: Parkplanning PWCNT
Subject: RE: 'PA2024/0414 Lot 11001 Town of Palmerston' - New Application Submitted

Good morning,

Parks and Wildlife has a no comment response to this application.

Kind regards

Danielle Sawyer

Land Administration Officer, Park Development
Executive Officer Conservation Land Corporation
Registrar of Conservation Officers

Park Development and Strategic Projects / Parks and Wildlife Commission
Department of Tourism and Hospitality
Northern Territory Government

Level 4, Goyder Building, 25 Chung Wah Terrace, Palmerston NT 0830
PO Box 496, Palmerston NT 0831

P: +61 8 8999 3483

E: danielle.sawyer@nt.gov.au

E: Conservation.LandCorp@nt.gov.au

E: PWCNT.CORegistrar@nt.gov.au

W: [Parks and Wildlife Commission](#)

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Stay up to date and connect with Parks and Wildlife



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From: Das NTG <Das.NTG@nt.gov.au>

Sent: Wednesday, January 8, 2025 11:52 AM

To: Parkplanning PWCNT <parkplanning@nt.gov.au>

Subject: 'PA2024/0414 Lot 11001 Town of Palmerston' - New Application Submitted

Dear Parks and Wildlife Commission of the Northern Territory,

A new development application has been received over:

- Lot 11001 Town of Palmerston, 8 Coffey St, Tivendale NT

For the purpose of:

- Animal rescue centre

In accordance with the requirements of the Planning Act 1999, you are invited to review the [application](#) material through [ILIS](#) and provide written advice or comments no later than 24/01/2025.

You can request a longer submission period to provide advice or comment on this application if required, by emailing the project officer or das.ntg@nt.gov.au. Please include reasons in support of the extension.

If you have any enquiries, please feel free to contact Development Assessment Services Darwin, 8999 6046.

Kind Regards,
Development Assessment Services



Development Consent Authority

Northern Territory

GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6046
Facsimile No: (08) 8980 0700

In reply please quote: PA2020/0201

Mr Brad Cunningham
Northern Planning Consultants
PO Box 36004
Winnellie NT 0821

Dear Mr Cunningham

NOTICE OF CONSENT (SECTION 53B OF THE *PLANNING ACT 1999*) PORTION 1336 (77) WINNELLIE ROAD, WINNELLIE, HUNDRED OF BAGOT

The Development Consent Authority has determined to vary the requirements of Clause 5.2.4.4 (Parking Layout), Clause 5.2.6 (Landscaping) and Clause 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV) of the Northern Territory Planning Scheme 2020, and in accordance with section 53(a) of the *Planning Act 1999*, to grant consent to the proposal to use and develop the abovementioned land for the purpose of, a change of use from warehouse to animal rescue centre and veterinary clinic for subject to the conditions specified on the attached Development Permit DP20/0315.

Reasons for the Determination

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

The NT Planning Scheme 2020 (NTPS2020) applies to the land and a change of use from warehouse to animal rescue centre and veterinary clinic requires consent within Zone GI (General Industry) under Clause 1.8 (When development consent is required).

The Authority noted that the application proposed both a veterinary clinic and an animal rescue centre. A veterinary clinic is a 'permitted' form of development in Zone GI (General Industry), however required consent in this instance due to the variations in relation to the car parking layout, landscaping and setback requirements. With the exception of Clauses 5.2.4.4 (Parking Layout), Clause 5.2.6 (Landscaping) and Clause 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV), the veterinary clinic was found to be compliant and as a result the Authority primarily considered the suitability of the animal rescue centre.

While the NTPS 2020 defines 'animal boarding' as "*premises used as a commercial enterprise for the accommodation of domestic animals...*" the animal rescue centre is considered to be an undefined use as it is a non-commercial enterprise.

Undefined uses are identified as Impact Assessable under Clause 1.8.1(c)(i) of the NTPS2020, and therefore the strategic framework (Part 2 of the Scheme, including the Darwin Regional Land Use Plan), zone purpose and outcomes of Clause 5.2.4 (Vehicle parking), Clause 5.2.6 (Landscaping), Clause 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV) applicable to the application, need to be considered.

The purpose of clause 5.2.4.1 (Parking Requirements) 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. Sub-clause (2) states that the number of car parking spaces required if a proposed use or development is not listed in the table to this clause, that use or development is to be determined by the consent authority.

In determining the parking demand for the use, the Authority considered the applicant's submission at the meeting which clarified the day to day operations of the premises as an animal rescue centre and veterinary clinic. The applicant, Mr Brad Cunnington, acknowledged that there are some similarities between the centre and 'animal boarding', a defined use within the NTPS2020, however stated that the non-commercial nature and the way in which the facility operates determines the car parking demand generated and not parking requirements associated with 'animal boarding' as identified in the assessment report prepared by Development Assessment Services. During the week the demand is typically eight cars with three staff for each use plus one parking space for visitors/clients and at the weekend seven parking spaces are required with four being required for those attending animal obedience classes, two for the instructors and one for a staff member. Mr Cunnington advised that the animals that are received by the rescue centre are examined and treated as necessary, assessed behaviourally and fostered out to volunteers while awaiting adoption therefore the majority of animals are not kept on-site. There are no regular visitation times or peak pick-up and drop off times. 'Meet and greet' and adoptions generally occur at foster homes and any visits that do occur on-site are by appointment only. Based on the nature of the use, the Authority considered that the minimum number of parking spaces to support the operation of the animal rescue centre is four car parking spaces. Subsequently, two additional spaces are required to be provided onsite and a condition precedent has been included to reflect this requirement. In addition, a general condition has been included to ensure the onsite parking will be clearly line marked to identify each space.

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 found not to be in accordance with Clause 5.2.4.4 (Parking Layout), Clause 5.2.6 (Landscaping) and Clause 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV).

The purpose of Clause 5.2.4.4 (Parking Layout) is to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose. The driveway entrance is 4.3m wide rather than 6m for two-way flow of traffic. The parking area is less than 3m from a road and landscaping between the parking area and the road is not shown.

The consent authority may consent to a car parking area that is not in accordance with sub clause 3 if it is satisfied that the non-compliance will not:

- (a) result in adverse impacts on the local road network or internal functionality of the car parking area; and
- (b) unreasonably impact on the amenity of the surrounding locality.

The Authority determined to vary the requirements of Clause 5.2.4.4 (Parking Layout). The non-compliance is existing and the proposal does not alter the existing car park layout.

In addition, the existing landscaping includes mature palms and shrubs adjacent the entry to the veterinary clinic. Whilst the width of landscaping is less than 3m and does not extend the required length of the frontage the Authority noted that the car parking area is suitably sealed, drained and conditions have been included to ensure the car parking area will be suitably line-marked and signage provided to clearly identify each space.

Furthermore, the landscaping extent is existing and there is limited space to accommodate additional landscaping elsewhere within the frontage of the parking area due to the concrete sealed surface and bin storage which is screened by an existing solid screen fence.

The purpose of Clause 5.2.6 (Landscaping) is to 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. In Zones LI, GI and DV all street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m.

There is landscaping within the street frontage however it does not extend the length of the boundary and is partly screened by the front fence. The Authority determined to vary clause 5.2.6 (Landscaping) as the extent of landscaping (approximately one metre wide) is existing and the ability to accommodate additional landscaping is limited due to the location of the existing car park and the location of the existing buildings. Furthermore, additional landscaping would likely require alterations to the existing car park which could result in fewer car parking spaces being provided. Nevertheless, the Authority noted that the extent of the existing landscaping within the site was not clearly identified on the plans submitted as part of the application. To ensure the existing landscaping is retained as part of this development, a condition has been included requesting revised plans to illustrate the extent of the existing landscaping within the site.

The purpose of Clause 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV) is to ensure that buildings are sited and designed to facilitate the development of safe, attractive and legible industrial zones.

Within Zone GI buildings are to be setback a minimum of 3m to the street frontage and 5m to at least one side boundary and to the rear boundary. The setback to the front boundary varies from 2.3m to 0m and is an existing non-compliance. The applicant notes that the existing building and site layout is lawful and the setback does not compromise the objectives of the clause. The Authority considered the purpose of the clause, the zone purpose and outcomes, and whether it is appropriate to the site having regard to such matters as its location, scale and impact on the safety and amenity of the locality and adjoining property, and determined to vary Clause 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV) for the reasons outlined above.

Clause 5.7.2 (Animal Related Use - Animal Boarding and Stables) was considered as part of the assessment of this application as the purpose of the clause is to minimise the adverse effect of animal related use on the environment and to ensure that those activities do not detract from the residential amenity of the locality. The clause requires structures used for animal boarding to a setback of 50m from any road frontage and 15m from any side or rear boundary.

The animal rescue centre utilises an existing building and lot dimensions are approximately 63m x 41m, therefore the Authority acknowledged that the front, side and rear setback requirements outlined in Clause 5.7.2 cannot be achieved. Nevertheless, it considered the purpose of this clause and determined that although the animal rescue centre is undefined and not located in or adjacent to a residential area; removing the kennels external to the building and limiting the number of animals accommodated on site would assist with minimising any adverse effect the use may have on the locality. A condition is included which requires an amended plan to ensure all kennels located outside are removed.

3. Pursuant to section 51(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

The public submissions generally raised matters pertaining to the emission of noise (barking dogs) and odour from the use. At the meeting, submitter and owner of 85 Winnellie Road, Mr Ben Steenson, elaborated on concerns about the current operation on his land, particularly outside of operating hours. Mr Steenson acknowledged that the land is zoned GI and that a noisy industrial use could operate within the zone however, stated that he did not believe

housing dogs on industrial land was appropriate. Mr Steenson also raised concerns regarding the dogs walkers and waste left on the road however reiterated his main concern related to noise.

Mr Jack Berno, the landowner of 71 Winnellie Road, the lot immediately adjacent to the site, identified similar concerns regarding the noise and stated that the animal rescue centre has impacted on his ability to lease the lot stating potential lessees were put-off by the proximity of 71 Winnellie Road to the animal rescue centre. Mr Berno also raised concerns regarding the smell associated with the site and the dog waste left behind on the road.

The submissions received and the concerns raised by the submitters at the meeting related mainly to noise and odour were noted by the Authority.

The Department of Environment, Parks and Water Security, recommended the inclusion of a note on any permit issued, which references a Schedule of Environmental Considerations and statutory obligations under the *Waste Management and Pollution Control Act 1998*.

The Schedule of Environmental Considerations includes requirements in relation to noise levels and recommended that the proposed Noise Management Plan be amended to include a complaint management process and noise mitigation measures. Further, the City of Darwin require conditions precedent to be incorporated to ensure appropriate arrangements for management of stormwater and waste generally, are in place and form part of any permit, which is anticipated to mitigate odour.

Therefore, whilst the Authority consent to the change in the use of the existing premises to a veterinary clinic and animal rescue centre, there will remain obligations under the *Waste Management and Pollution Control Act 1998* and to the provision of appropriate waste management, as required by City of Darwin, which is considered to respond to the concerns raised in the submissions.

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

The land is currently developed and used for the purposes which are the subject of the application and has access to reticulated services, and subject to standard conditions which address stormwater, waste water, provision of water and electricity services and access, the land is considered capable of supporting the intended use. The physical characteristics of the land and other land will not be affected by the development.

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

The land is within Zone GI (General Industry) and the primary purpose of the zone is to provide for industrial developments that require separation from more sensitive uses as the nature of activities may detrimentally impact on the amenity of the locality, in locations with access to services and transport networks capable of supporting heavy industry. Permitted uses in this zone includes industry-general, meaning an industry in which the process carried on, the machinery used and goods and commodities carried to and from the premises on which the industry is sited has potential for significant impacts on the surrounding amenity due to off-site emissions including aerosol, fume, dust, smoke, waste products, odours, noise, generation of heavy vehicle traffic flows in the locality and the potential for night-time and/or outdoor activities.

The application includes the accommodation of animals including external playpens along the perimeter of the site and within a large shed building which is passively cooled and ventilated.

The Authority considered the relevance of Clause 5.7.2 (Animal Related Use - Animal Boarding and Stables) and while the proposal cannot meet the front setback requirements, it is possible to achieve the minimum side and rear setbacks requirements and the purpose of this clause. It determined that removing the kennels in areas within 15m of the side and rear boundaries and external to the building and limiting the number of animals accommodated on site would assist with minimising any adverse effect the use may have on the locality. A condition which requires an amended plan to be submitted is included to ensure all kennels located along the perimeter of the site are removed.

In addition, the requirement for appropriate arrangements for management of wastewater, stormwater and waste generally, to the requirements of the City of Darwin to be determined prior to the endorsement of plans were anticipated to mitigate concerns raised in relation to odour.

Right of Appeal


Applicants are advised that a right of appeal to the Northern Territory Civil and Administrative Tribunal exists under Part 9 of the *Planning Act 1999*. An appeal under section 114 against a determination of a development application must be made within 28 days of the service of this notice.

The Northern Territory Civil and Administrative Tribunal can provide information regarding the Notice of Appeal form and fees payable. The address for lodgement of a Notice of Appeal is: Northern Territory Civil and Administrative Tribunal, PO Box 41860 CASUARINA NT 0810 or Level 1, The Met Building, 13 Scaturchio Street, CASUARINA NT 0810 (Telephone: 08 8944 8720 or Facsimile 08 8922 7201 or email AGD.ntcat@nt.gov.au).

There is no right of appeal by a third party under section 117 of the *Planning Act 1999* in respect of this determination as section 117(4) of the Act and regulation 14 of the Planning Regulations 2000 apply to the application

If you have any queries in relation to this Notice of Consent or the attached Development Permit, please contact Development Assessment Services on telephone (08) 8999 6046.

Yours faithfully

Ann-Marie
Reynolds
 2020.11.17
17:34:07
+09'30'

Ann-Marie Reynolds

Delegate

17 November 2020

Attachment

cc City of Darwin
Anna Harding
Ben Steenson
Danielle Sharpe
Jack Berno
Wendy Crow

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999 - sections 54 and 55

DEVELOPMENT PERMIT

DP20/0315

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Portion 01336
Hundred of Bagot
77 WINNELLIE RD, WINNELLIE

APPROVED PURPOSE

To use and develop the land for the purpose of a change of use from warehouse to animal rescue centre and veterinary clinic, in accordance with the attached schedule of conditions and the endorsed plans.

VARIATIONS GRANTED

Clause 5.2.4.4 (Parking Layout), Clause 5.2.6 (Landscaping) and Clause 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV) of the Northern Territory Planning Scheme 2020.

BASE PERIOD OF THE PERMIT

Subject to the provisions of sections 58, 59 and 59A of the *Planning Act 1999*, this permit will lapse two years from the date of issue.

Ann-Marie
Reynolds



2020.11.17

17:33:00

+09'30'

ANN-MARIE REYNOLDS

Delegate
Development Consent Authority

17 November 2020

DEVELOPMENT PERMIT

DP20/0315

SCHEDULE OF CONDITIONS

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - addition of two car parking spaces to provide a minimum of four car parking spaces for the operation of the animal rescue centre;
 - removal of structures (kennels) which are external to the building and less than 15m from the side and rear boundaries (excluding boarding associated with treatment of animals at the veterinary clinic); and
 - all existing and proposed building/works;
 - all existing within the street frontage of the lot;
 - removal of the tyre wall;
 - specification of existing and proposed fences to contain animals on and within the site; and
 - areas used as part of the veterinary clinic.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an engineered plan completed by a suitably qualified civil engineer demonstrating the on-site collection of stormwater and its discharge into the local underground stormwater drainage system, shall be submitted to, and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels, and Council's stormwater drain connection point/s and connection details. The plan shall also indicate how uncontaminated stormwater will be collected on the site and connected underground to City of Darwin's system and ensure that no stormwater will sheet-flow into the road reserve.
3. Prior to commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
4. Prior to the commencement of works (including site preparation), a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Policy 054, shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. 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.
8. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
9. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin to the satisfaction of the consent authority.
10. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.
11. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a. constructed;
 - b. properly formed to such levels that they can be used in accordance with the plans;
 - c. surfaced with an all-weather-seal coat;
 - d. drained;
 - e. line marked to indicate each car space and all access lanes; and
 - f. clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
12. Signage to direct parking of vehicles to the onsite parking area must be provided, to the satisfaction of the consent authority.
13. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
14. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
15. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
16. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
17. The animal rescue centre shall accommodate a maximum of 25 dogs and 10 cats.

NOTES

1. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste.

The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act.

Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>.

The proponent is advised to take notice of the SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act

2. Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
3. Notwithstanding the approved plans, any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
4. Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
5. Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999 - section 59

EXTENSION OF PERIOD OF PERMIT

DP20/0315B

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

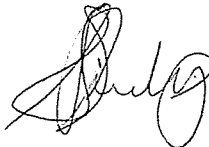
Portion 01336
Hundred of Bagot
77 WINNELLIE RD, WINNELLIE

PERIOD OF EXTENSION

The Development Consent Authority has determined to extend the period of Development Permit DP20/0315 by a period of one year.

Development Permit DP20/0315 will now lapse on 17 November 2024.

In all other respects DP20/0315 remains unchanged.

 Suzanne
Philip
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SUZANNE PHILIP
Delegate
Development Consent Authority
27 February 2024



Department of ENVIRONMENT,
PARKS AND WATER SECURITY

Environment Division
Arnhemica House, Level 1
16 Parap Road, PARAP NT 0820

Postal address
GPO Box 3675
DARWIN NT 0801

E eia.ntepa@nt.gov.au

Attachment

Schedule of Environmental Considerations

T 08 8924 4218
F 08 8942 6554

PA2020/0201- PAWS Darwin

Change of use from warehouse to animal rescue centre
and veterinary clinic

1336 Hundred of Bagot
77 Winnellie Road, Winnellie

File references
NTEPA2020/0013-120
DENR2020/0407

Guidelines

Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at:

<https://ntepa.nt.gov.au/publications-and-advice/environmental-management> (*Guidance for environmental management, monitoring and reporting*).

Noise

The proponent is to ensure that noise levels emanating from the premises do not exceed those required to be met under the latest version of the *Northern Territory Environment Protection Authority - Northern Territory Noise Management Framework Guideline*, available at:

https://ntepa.nt.gov.au/_data/assets/pdf_file/0004/566356/noise_management_framework_guideline.pdf.

The applicant has prepared a Noise Management Plan, however it is recommended the plan is revised to include a complaint management process and noise mitigation measures where it is established that there is actual, or the potential for, excessive noise, to reduce the level of noise to acceptable levels.

Providing services for the
Northern Territory Environment Protection Authority



Department of ENVIRONMENT,
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