

**DEVELOPMENT CONSENT AUTHORITY
DARWIN DIVISION**

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: **1** **MEETING DATE:** 18 September 2026 **FILE:** PA2026/0269

APPLICATION PURPOSE:	Rooming Accommodation (Student Accommodation) with 40 beds and office in a 3-storey building
SUBJECT SITE:	Lot 359 (22) Progress Dr, Nightcliff, Town of Nightcliff
ZONE:	C (Commercial)
SITE AREA:	1000m ²
APPLICANT	Sheridan Consulting Director – Joseph Sheridan
PERSONS ON WHOSE BEHALF THE APPLICATION IS MADE	Ashford Architects Randal Ashford
LANDOWNER	David Superannuation Funds Pty Ltd as trustee for the David Family Superannuation Fund - Director Ronald David
ANY PERSON WITH AN AGREEMENT TO ACQUIRE AN INTEREST IN THE LAND	N/A

1. PROPOSAL

The application is for rooming accommodation (student accommodation) with 40 beds and office in a three-storey mixed-use building at Lot 359 (22) Progress Drive, Nightcliff, Town of Nightcliff (the site). The site has an area of approximately 1000m², is currently undeveloped and is zoned C (Commercial) under the Northern Territory Planning Scheme 2020. The site fronts Progress Drive to the south, adjoins Zone LR land to the north and east, and Zone C land to the west.

The application was submitted by Joseph Sheridan of Sheridan Consulting, with Randal Ashford of Ashford Consulting identified as a person with an interest in the application, and with the authorisation of the landowner David Superannuation Fund Pty Ltd (via Director Ronald David).

The application comprises:

- A three-storey mixed-use building, with commercial and supporting uses at ground level and rooming accommodation at Levels 1 and 2. The building is oriented towards Progress Drive and the Dick Ward Drive/Progress Drive 'gateway' intersection.
- Four occupancies are proposed at ground level, comprising three office tenancies and one reception area. The reception area services the rooming accommodation above and incorporates the associated end-of-trip facilities, including an accessible shower/change

facility and lockers. The commercial component has a combined net floor area of approximately 185m².

- Levels 1 and 2 contain the rooming accommodation. The application describes 14 single-bedroom and 3 two-bedroom accommodation units on each of level, providing a total of 34 accommodation units and 40 beds across the two residential levels. Each accommodation unit is self-contained with a private bathroom, living/kitchenette area and sleeping area, and is provided with an external balcony. Individual air-conditioning condenser units are positioned on the respective balconies.
- A rooftop communal open space area of approximately 387m² is provided for occupants of the rooming accommodation. The area includes seating and recreation areas, landscaping and a green roof (albeit comprising astro turf), together with shaded/undercover areas and associated communal facilities. The rooftop area is separated from vehicle circulation and parking at ground level.
- Sixteen on-site car parking spaces are provided within the central and northern portions of the ground floor, predominantly behind the commercial frontage and beneath the upper-level building envelope.
- Vehicular access is provided from Progress Drive at the south-eastern side of the site via a single two-way access and internal driveway. The driveway is shown with a 6m width between the building line and eastern boundary and provides access to the car parking and rear service areas.
- A separate pedestrian entrance is provided from the south-western portion of the Progress Drive frontage, providing direct access to the ground-floor commercial tenancies and the reception serving the rooming accommodation. A frontage awning provides weather protection along the principal pedestrian interface.
- Twenty-eight bicycle parking spaces are provided within dedicated bicycle parking areas at the north-eastern portion of the site, behind the parking bays 15 and 16.
- One loading bay is provided within the north-eastern portion of the site and is accessed via the eastern driveway beneath the Level 1 building projection.
- A dedicated bin enclosure is provided at the rear of the site behind the loading bay.
- 166m² of landscaping is proposed across the ground, upper levels and rooftop. Ground-level landscaping is concentrated principally along the northern and western boundaries, with additional planting incorporated into balconies and the rooftop.
- A 1.8m high solid screen fence is proposed along lot boundaries.

A location plan, pink sign are provided at **Bookmark A**, with the Statement of Effect and development plans provided at **Bookmark B**.

2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

An application is required for planning permission as the proposal is *Impact Assessable* under clause 1.8(1)(c)(i) of the NTPS2020 as it is shown as *Impact Assessable* on the relevant assessment table in Part 4.

Assessment Table – Zone C (Commercial)					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Rooming Accommodation And Office (Up to 1 storey above ground level)	<i>Impact Assessable</i>	N/A	5.2.1 General Height Control	5.9.6 Nightcliff Village	5.5.1 Interchangeable Use and Development
	<i>Permitted</i>		5.2.4 Car Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC		5.5.2 Commercial Plot Ratio 5.4.3 Building Setbacks for Residential Buildings and Ancillary Structures 5.4.7 Communal Open Space 5.4.9 Residential Development in Zone C 5.4.17 Building Articulation 5.4.19 Residential Plot Ratio 5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC 5.5.15 Design in Commercial and Mixed Use Areas 5.5.17 Building Frontage in Commercial and Mixed Use Areas

3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should approve the application subject to conditions on the development permit as specified at section 7 of this report.

4. BACKGROUND

The subject site at Lot 359 (22) Progress Drive, Nightcliff, Town of Nightcliff has a limited planning history, with previous approvals relating to commercial uses. The relevant planning history is outlined below:

- On 12 April 1990, Instrument of Determination DV3761 granted consent to develop Lot 359 Progress Drive for a veterinary clinic (Stage I) and offices (Stage II). The approval

included conditions relating to landscaping, access and crossovers, car parking and internal driveways, internal footpaths, sight lines, essential services and traffic control.

- On 9 April 1997, PA1997/0345 was lodged as a compliance check for a video store (RMS973270). The planning history records the application as approved.

The site is currently undeveloped and no existing building or use associated with the above approvals remain active on the land.

5. PUBLIC EXHIBITION

The application was placed on public exhibition for a period of two weeks between 14 and 28 August 2026. Seven (7) public submissions were received under section 49(1) of the *Planning Act 1999*. Photos of the pink sign photos are provided at **Bookmark A3**.

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

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

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

The Northern Territory Planning Scheme 2020 (NTPS2020) applies to the land. The proposed rooming accommodation (student accommodation) with 40 beds and office in a three-storey building requires consent under clause 1.8 (When development consent is required). The rooming accommodation is *Impact Assessable*, while the office (up to one storey above ground level) is Permitted in Zone C (Commercial). Accordingly, the purpose and outcomes of Zone C (Commercial) and clauses 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR), 5.3.7 (End of Trip Facilities in Zones C), 5.4.3 (Building Setbacks for Residential Buildings and Ancillary Structures), 5.4.7 (Communal Open Space), 5.4.9 (Residential Development in Zone C), 5.4.17 (Building Articulation), 5.4.19 (Residential Plot Ratio), 5.5.1 (Interchangeable Use and Development), 5.5.2 (Commercial Plot Ratio), 5.5.4 (Expansion of Existing Developments in Zones CB, C, SC and TC), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.5.17 (Building Frontage in Commercial and Mixed Use Areas), and 5.9.6 (Nightcliff Village), need to be considered.

These clauses have been assessed and it is found that the proposal complies with the relevant requirements of the NTPS2020 except for clauses 5.2.4.4 (Layout of Car Parking Area), 5.2.5 (Loading Bays), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR), 5.3.7 (End of Trip Facilities in Zones C), 5.4.3 (Building Setbacks for Residential Buildings and Ancillary Structures), and 5.5.17 (Building Frontage in Commercial and Mixed Use Areas), which are discussed in detail below.

A copy of the technical assessment completed by DAS is provided at **Bookmark C**.

A summary of the relevant parts of the NTPS2020 is as follows:

Part 2 – Strategic Framework:

The application is considered consistent with the applicable strategic framework of the Darwin Regional Land Use Plan 2015 and Darwin Mid Suburbs Area Plan 2016. The development provides rooming accommodation within an established urban area, contributing to housing

choice and making efficient use of existing infrastructure, services and public transport. The inclusion of three ground-floor office tenancies with rooming accommodation above supports the mixed-use function sought for the Nightcliff Activity Centre and maintains a commercial presence at street level. The proposed three-storey built form is consistent with the Nightcliff and Coconut Grove Concept Plan, which identifies the site as a gateway development location. The articulated facades, glazing, balconies, landscaping and varied roof form provide a distinctive built-form response that reinforces the site's role as a visual anchor at the Progress Drive and Dick Ward Drive intersection. The proposal also maintains pedestrian movement along Progress Drive and does not preclude the longer-term public realm and transport improvements envisaged by the Area Plan.

Part 3 – Overlays

The site is not affected by any overlays.

Part 4 – Zoning

Clause 4.11 (Zone C – Commercial)

The proposal is consistent with the purpose and outcomes of Zone C by combining three ground-floor office tenancies with rooming accommodation above, maintaining the commercial function of the site while introducing residential accommodation appropriate to the scale of the Nightcliff Activity Centre.

The development provides an appropriate mixed-use built form, with commercial activity and pedestrian engagement concentrated at street level and car parking located predominantly behind the commercial frontage. Glazing, direct entrances and passive surveillance strengthen the interface with Progress Drive, while building articulation, balconies, screening and landscaping assist in managing building mass, privacy and the interface with adjoining residential land. The proposed uses are compatible with one another and are supported by existing urban infrastructure and transport networks.

Part 5 – Development requirements

As mentioned earlier, the application was found to comply with the relevant part 5 development requirements of the NTPS2020, except for clauses 5.2.4.4 (Layout of Car Parking Area), 5.2.5 (Loading Bays), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR), 5.3.7 (End of Trip Facilities in Zones C), 5.4.3 (Building Setbacks for Residential Buildings and Ancillary Structures), and 5.5.17 (Building Frontage in Commercial and Mixed Use Areas).

Pursuant to clause 1.10 (Exercise of Discretion by the Consent Authority), subclause (5), of the NTPS2020, *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).*

In response to clause 1.10(5)(a), it is considered that variations to these clauses are appropriate in this instance for the following reasons:

Clause 5.2.4.4 (Layout of Car Parking Areas)

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

Sub-clause 8(d) requires *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*, where parking bays 7 and 8 are located at the end of the respective parking aisles and are shown as standard 5.5m × 2.5m spaces, with the driveway not extending 1m beyond the spaces.

Further, sub-clause 9(a) requires *car parking areas are to have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow*, where a single two-way access is provided from Progress Drive and the plans show a 6m distance between the building line and eastern boundary. However, the inward-opening electric swing gate is located within this area and projects into the driveway when open, meaning a clear 6m width is not maintained at the gate. Accordingly, the application does not comply with sub-clauses 8(d) and 9(a).

Administratively, sub-clause 4 states that *the consent authority may consent to a car parking area that is not in accordance with sub-clauses 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development* and sub-clause 5 states that *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.*

A variation to sub-clauses 8(d) and 9(a) is considered appropriate for the following reasons:

- The parking bays 7 and 8 are located at the western end of their respective parking aisles and are provided at the standard width of 2.5m, rather than the required 3.5m. However, the driveway extends approximately 0.7m beyond each of these end spaces, providing additional manoeuvring area beyond the parking bays and falling only 0.3m short of the required 1m projection. The additional driveway area assists vehicles to manoeuvre into and out of these spaces without affecting the adjoining parking bays or broader internal circulation. Given the minor extent of the shortfall and the location of the spaces at the end of the parking aisles, the arrangement is considered to remain safe and functional, consistent with the purpose of the clause.
- The reduction in clear width is localised to the gate position, with the remainder of the eastern accessway providing the intended two-way circulation area. Only one crossover is provided to Progress Drive, thereby limiting vehicle conflict points, and the internal layout enables vehicles to manoeuvre and exit the site in a forward direction. The access also provides adequate sight lines for vehicles entering and exiting the site. Having regard to the scale of the development and the limited extent of the encroachment, the gate arrangement is not expected to materially affect the internal functionality of the car parking area or adversely impact the local road network.

Based on the above discussion, the proposed variation to clause 5.2.4.4 (Layout of car parking area) is supported, as it is not considered likely that the non-compliances will adversely affect the functionality of the on-site car parking area.

Clause 5.2.5 (Loading Bays)

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

Sub-clause 4 requires a loading bay to:

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

The application provides one loading bay to service the 185m² office component. The loading bay is approximately 3.2m × 5.5m, which is below the minimum dimensions of 3.5m × 7.5m required by sub-clause 4(b). While the loading bay itself is intended to provide the required height, access to it is via the eastern driveway beneath the Level 1 building projection, where the available vertical clearance reduces to approximately 3.2m, below the 4m required by sub-clause 4(c). The reduced clearance also affects the adequacy of access under sub-clause 4(d).

Administratively, sub-clause 1 state that the *consent authority may consent to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:*

- (a) the scale of the use and development on the site;*
- (b) any potential adverse impacts on the local road network; and*
- (c) any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or secondary street.*

A variation to sub-clause 4 is considered appropriate for the following reasons:

- The loading bay is required only in association with the relatively small 185m² (72m² + 40m² + 73m²) three office occupancies. Servicing demand is therefore expected to be limited and primarily associated with smaller delivery, maintenance and service vehicles rather than large commercial vehicles. Although the loading bay dimensions are reduced, the area remains capable of accommodating the smaller service vehicles reasonably anticipated for the scale and nature of the office use.
- The reduced vertical clearance along part of the access route would preclude larger vehicles requiring the full 4m clearance; however, the anticipated servicing task can reasonably be undertaken by smaller vehicles compatible with the available clearance.
- The loading bay is located wholly within the site. It is directly accessible from the internal driveway, allowing loading and unloading activities to occur off-street without obstructing Progress Drive or relying on off-site loading arrangements. Despite the reduced dimensions and clearance, the dedicated on-site loading area is not expected to impact the local road network adversely.

In addition to above, City of Darwin raised the reduced loading bay dimensions and clearance and requested that safe vehicle manoeuvring, and operation be demonstrated prior to works. Accordingly, DAS has recommended a condition precedent to address this matter. Having regard to the limited scale of the commercial component, anticipated servicing by smaller vehicles and provision of a dedicated on-site loading area, the variation is considered acceptable.

Clause 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR)

The purpose of clause is to *protect the visual and acoustic amenity of residential buildings where they are adjacent to non-residential development.*

Sub-clause 3 requires that the setback (5m for non-residential use) described in sub-clause 2 is to be landscaped to provide a visual screen to the adjacent land Zoned LR for a minimum depth of 3m.

The subject site is within Zone C and abuts Zone LR land to the north and east. The ground-floor commercial component achieves the minimum 5m building setback required by sub-clause 2, with setbacks of approximately 21.5m to the northern boundary and 6m to the eastern boundary. However, the required 3m deep landscaped screen is not provided for the full length of the northern boundary, with bicycle parking and the bin enclosure occupying the north-eastern portion, and no landscaping is provided along the eastern boundary.

Administratively, sub-clause 1 states that *the consent authority may consent to a development that is not in accordance with sub-clause 3, if:*

- (a) the development is covered by an area plan listed as a Major Remote Town in Part 2 of the Planning Scheme, if the service authority responsible for distribution of electricity, water and sewerage services provides advice that compliance would be impractical or prohibited; or*
- (b) the development is for the establishment of, or change in, use of an existing lawfully established building that has an existing encroachment into the setback required by this clause; or*
- (c) the consent authority is satisfied that the development provides adequate setbacks and landscaping consistent with the purpose of this clause.*

Sub-clauses 1(a) and (b) are not applicable, as the site is not within a Major Remote Town and the proposal is for a new development on an undeveloped site, rather than a change in use of an existing lawfully established building. Accordingly, a variation is considered appropriate under sub-clause 1(c) for the following reasons:

- The commercial component substantially exceeds the minimum 5m setback to the northern boundary, being approximately 21.5m, and achieves a 6m setback to the eastern boundary, providing physical separation from the adjoining Zone LR properties.
- Along the northern boundary, landscaping is provided across the majority of the interface, including Indian mast trees intended to establish a substantial vertical screen at maturity (8m to 10m high). The landscaping shortfall is principally confined to the north-eastern portion occupied by the bicycle parking and bin enclosure.
- A 1.8m high solid screen fence is proposed along both the northern and eastern boundaries, providing a continuous visual barrier between the ground-floor commercial use and adjoining residential land.
- The eastern setback accommodates the vehicle accessway, and provision of a 3m landscaped strip along this boundary would materially reduce the area available for vehicle access and compromise driveway functionality.
- The office tenancy nearest the eastern boundary does not provide east-facing windows or openings, further limiting visual interaction with the adjoining residential property.
- The non-residential component comprises office tenancies, which are relatively low-impact uses and are not anticipated to generate significant noise or other activities that would unreasonably affect the acoustic amenity of adjoining residential properties.

Having regard to the substantial northern setback, compliant eastern setback, landscaping along the majority of the northern interface, continuous 1.8m solid screening and the low-impact nature of the office use, the development provides adequate separation and screening to protect the visual and acoustic amenity of adjoining Zone LR land and is therefore consistent with the purpose of the clause.

Clause 5.3.7 (End of Trip Facilities in Zones C)

The purpose of clause is to ensure that new commercial and high-density residential buildings provide sufficient, safe, quality and convenient end-of-trip facilities to enable active travel choices by residents, visitors, workers and customers of the site.

Sub-clause 3 requires bicycle parking facilities to be designed in accordance with AS2890.3 and, relevantly, to: 3(a) be located in a convenient and safe location with adequate security;...; 3(e) be protected from the weather; and 3(h) be easily accessible from the road. Further, Sub clause 4 require that a locker should accompany every secure bicycle parking space provided, and should be: (a) of suitable volume and dimensions to allow storage of clothing; cycling helmets and other personal items; (b) well ventilated, secure and lockable; and (c) located close to shower and changing facilities.

The proposal provides 28 bicycle parking spaces, substantially exceeding the minimum requirement of 15 spaces. However, the bicycle racks are currently located in the north-eastern corner, west of the bin closer and behind parking bays 15 and 16, with no separate cyclist access. When these parking spaces are occupied, direct access to the bicycle racks may be obstructed. The racks are also not shown as weather protected. Furthermore, in accordance with subclause 4, minimum 15 lockers would be required. The proposal provides 5 lockers adjacent to the ground-floor accessible shower/change facility, resulting in a numerical shortfall of 10 lockers.

Administratively, sub-clause 1 states that the consent authority may consent to a use or development with fewer bicycle parking spaces, lockers and/or showers and changing facilities than required by sub-clauses 2-6 if satisfied that either:

- (a) there are alternative end of trip facilities (on or off the site), where:
 - i. the same function is provided which can accommodate the same number of bicycles and/or users required by the clause;
 - ii. access to the alternative end of trip facilities is safe and convenient for users;
 - iii. the alternative end of trip facilities are sheltered and secure; and
 - iv. the size and layout of alternative storage areas allows for safe and comfortable storage and access to bicycles and/or personal items; or
- (b) it would be unreasonable to provide the end of trip facilities as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or
- (c) it would be unreasonable to provide shower and changing facilities for a small development, where the development becomes

A variation to above requirement is considered appropriate for the following reasons:

- Of the minimum 15 bicycle spaces, only one relates to the office component, for which the five proposed lockers provide sufficient capacity. The remaining 14 spaces relate to the rooming accommodation, where occupants have secure and sheltered private rooms for storage of personal items, providing an alternative facility serving the same practical storage function as individual lockers.
- While the bicycle racks are not provided with dedicated weather protection, they are located within the developed site and provide secure bicycle storage in close proximity to the proposed accommodation and commercial uses. Having regard to the substantial overprovision of bicycle spaces and the availability of supporting end-of-trip facilities within the building, the absence of dedicated weather protection is not considered to materially discourage or prevent bicycle use.
- Notwithstanding the location of the bicycle racks behind parking bays 15 and 16, the bike racks are contained within the site in a dedicated area, separated from the Progress Drive

frontage, pedestrian, and vehicular movement. While access may be constrained only when the adjoining parking spaces are occupied, the bicycle parking remains accessible through the road and internal driveway. The proposal also provides 28 bicycle spaces, almost twice the minimum requirement of 15, providing substantial capacity for active travel notwithstanding the reduced convenience of access.

In addition to the above, DAS considers that a better overall outcome can be achieved by providing unobstructed access to the bicycle racks, which are to be located in a convenient and safe location with adequate security. This can be achieved through an amended layout, rather than relying on a variation. The south-western corner of the site provides a more appropriate location, as it is directly adjacent to the dedicated pedestrian entrance from Progress Drive, is separated from vehicle parking and manoeuvring areas, and benefits from partial weather protection from the Level 1 awning projection. Relocation to this area would provide a safer, more direct and legible cyclist access from the street and remove the existing conflict with parked vehicles. DAS has therefore recommended a condition precedent requiring amended plans demonstrating relocation of the bicycle parking to an appropriate location.

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

The purpose of clause is to *ensure that residential buildings and ancillary structures are located in a manner that is compatible with the streetscape and surrounding development, minimises adverse effects of building massing and overlooking, and facilitates breeze penetration through and between buildings.*

Sub-clause 6 requires residential buildings and ancillary structures to be setback from lot boundaries in accordance with the relevant table to the clause. For development in Zone C, Table C requires:

- South – primary street frontage: 3m for residential buildings, 0m for balconies and nil for the roofline.
- West – side boundary adjoining Zone C: 3m for walls with openings or balconies and 2.1m for the roofline.
- North and east – side/rear boundaries adjoining Zone LR: 5m for residential buildings and 4.1m for the roofline.

The proposal does not fully comply with these setback requirements:

- South: The residential building is setback 1.5m.
- West: The balconies are setback 1.8m with the awning projections extending further towards the boundary to a setback of 1m.
- North: The residential building, (including balconies) is setback at 3.8m, with the awning projections extending further towards the boundary to a setback of 3m, and the roofline is setback 3m.
- East: The residential building (including balconies) is setback 4m, with the awning projections extending further towards the boundary to a setback of 3m.

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

A variation to sub-clause 6 is considered appropriate for the following reasons:

- The setback variations are largely associated with upper-level balconies and landscaped awning projections, rather than the principal building walls. These projecting elements are open and articulated and therefore do not introduce a continuous solid building mass within the setback areas. The integrated landscaping further softens their visual prominence, provides shading and contributes to a cooler building edge. Along the western boundary, the principal wall achieves the required 3m setback, with the variation confined to the balconies and awnings. Along Progress Drive, the 1.5m residential building setback establishes a stronger relationship with the street and is appropriate to the site's identified gateway location, where a prominent and visually distinctive built form is anticipated. Overall, the nature of the encroachments, together with their articulation and landscaping, limits the additional perception of bulk arising from the reduced setbacks.
- The most sensitive interfaces are the northern and eastern boundaries adjoining Zone LR. The building retains setbacks of 3.8m to the north and 4m to the east, together with a 1.8m high solid screen fence along both boundaries. Landscaping and screening vegetation are provided along the northern interface, including Indian Mast Trees intended to provide additional vertical screening. The eastern roofline exceeds the required setback at 5.6m, increasing separation at the upper level. These measures, together with the articulated building form and balcony planting, assist in reducing overlooking, perceived bulk and visual impact on adjoining residential properties. To the west, the adjoining land is within Zone C and is currently occupied by a service station. The reduced setbacks associated with the balconies and awning therefore interface with an established commercial use rather than a sensitive residential use. As the principal building wall also achieves the required 3m setback, the western setback variations are not expected to result in an unreasonable amenity impact on the adjoining property.

Based on the above discussion, the proposed variation to clause 5.4.3 (Building Setbacks for Residential Buildings and Ancillary Structures) is supported, as it is not considered likely that this development will unreasonably impact on local amenity.

Clause 5.5.17 (Building Frontage in Commercial and Mixed Use Areas)

The purpose of the clause is to *encourage primary frontages of commercial buildings to contribute to a pleasant pedestrian environment and provide visual connectivity with their surroundings.*

Sub-clause 6 requires *buildings are to provide awnings for the length of the primary building frontage to a minimum of 3m wide*, where the awning along the Progress Drive frontage is 1.8m wide.

Administratively, sub-clause 3 states *the consent authority may consent to a development that is not in accordance with sub-clause 6 if the development provides appropriate shading for pedestrians adjacent to the primary frontage.*

A variation to sub-clause 6 is considered appropriate for the following reasons:

- Notwithstanding the reduced width, the proposed awning extends approximately 21m across the 27.4m Progress Drive frontage, covering approximately 77% of the total frontage. It projects over the existing footpath, providing substantial shade and weather protection along the pedestrian interface. The remaining frontage accommodates the eastern vehicle access, where an awning would conflict with vehicle

clearance and movements, and the western service area, including the electrical pillar. Accordingly, the awning maximises pedestrian coverage where practicable while responding appropriately to the functional constraints of the frontage.

Further, the City of Darwin, as the authority responsible for the adjoining footpath and local road, did not object to the proposed awning arrangement along Progress Drive. As the awning provides appropriate and functional shading for pedestrians adjacent to the primary frontage, it is considered acceptable.

In response to clause 1.10(5)(b), the considerations listed under clause 1.10(3) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NTPS2020, except for the non-compliant clauses as identified and discussed above.

- (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 land.

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

There are no environment protection objectives that are considered to affect this application. Additionally, the Land Resources Division of the Department of Lands, Planning and Environment did not communicate any requirements or concerns regarding this application.

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

The application was placed on public exhibition for two weeks, between 18 August 2026 and 28 August 2026. Seven public submissions were received under section 49(1) of the *Planning Act 1999*. Of the seven submissions received, two supported the application and five raised concerns. Seann Scheppard (**Bookmark E6**) and Will Johnson (**Bookmark E7**) supported the application. The submitters considered that the development would provide additional accommodation and housing diversity, support local businesses and the wider community, increase foot traffic and positively activate Progress Drive. Will Johnson further considered the site well located with access to public transport, walking, cycling and local amenities, and the proposed three-storey scale appropriate to the precinct. The matters raised in the five submissions objecting to or raising concerns with the proposal are summarised below.

1. Nino Carcuro and Amanda Nobbs-Carcuro (**Bookmark E1**)

The submission raises concerns about the proposal's interface with adjoining residential land, particularly its reduced setbacks, building mass and height, overlooking and privacy impacts from upper-level balconies and the rooftop communal area, and potential noise from communal, servicing, and waste activities. The submitters also raise concerns regarding the description and intended operation of the rooming accommodation, including its potential use

for worker accommodation, and seek greater certainty regarding occupancy and management arrangements. Further matters raised include building articulation, parking provision and access, loading bay and waste collection, bicycle parking and end-of-trip facilities, landscaping and screening, communal open space, residential plot ratio, and acoustic impacts. The submitters request refusal of the application or design modifications and enforceable permit conditions to manage the identified amenity, operational and residential interface impacts.

2. Beth Niemeier (Bookmark E2)

The submission raises concerns regarding inconsistencies in the description of the intended rooming accommodation use and clarity of the subject site. Traffic and safety matters include waste collection vehicle manoeuvring, pedestrian and cyclist safety around the Progress Drive intersection and roundabout, and vehicle turning movements associated with the proposed access. Concerns are also raised regarding the potential amenity impacts of reduced building setbacks on neighbouring residential properties, particularly from balcony activity, air-conditioning and increased street noise.

3. Fiona Douglas (Bookmark E3)

The submission supports the mixed-use concept but raises concerns about the intensity and design of the development. Concerns include inconsistencies in the description and occupancy of the rooming accommodation, multiple setback variations, and the reduced width of the Progress Drive awning. Particular concerns include bicycle parking location, accessibility, security, weather protection, and the lack of e-bike charging, as well as insufficient lockers and access to shower facilities for commercial users. The submitter considers the development footprint excessive and recommends reducing accommodation/tenancy areas and associated car parking, redesigning bicycle parking and end-of-trip facilities.

4. Matthew and Joanna Hare (Bookmark E4)

The submission does not oppose proposal in principle but raises concerns about the proposal's scale and intensity and its interface with adjoining Zone LR land. Concerns include reduced building and roofline setbacks, overlooking from northern and eastern balconies, reliance on neighbouring vegetation for privacy, and inadequate landscaping and screening, particularly along the eastern boundary. The submission also raises potential noise, overlooking and management impacts associated with the rooftop communal area. Traffic and parking concerns relate to the proposed occupancy, limited parking margin, vehicle movements and cumulative impacts on the Progress Drive/Dick Ward Drive intersection and surrounding parking, particularly during peak periods and the Nightcliff Market. The submitters consider the cumulative variations indicative of excessive development intensity and seek substantial redesign.

5. Nick Kirlew on behalf of Plan: the Planning Action Network Inc. (Bookmark E5)

The submission supports mixed-use development in principle but objects to the proposal because of its scale and cumulative non-compliances. Concerns include reduced setbacks on all boundaries, inadequate landscaping and screening to adjoining Zone LR land, overlooking from elevated balconies, noise impacts, and reliance on vegetation for privacy. The submission also raises concerns about building articulation, reduced awning width and coverage, inadequate weather protection and bicycle lockers, and loading-bay dimensions and clearance. Further concerns relate to the adequacy of car parking, assumptions regarding occupant car ownership, the absence of an Operational Management Plan, and potential traffic and servicing impacts near the Progress Drive/Dick Ward Drive intersection. The submission also argues that the

proposal is a fragmented response to the identified gateway location and seeks refusal or deferral pending redesign and further supporting information.

DAS has assessed the concerns raised in the submissions against the applicable requirements of the NTPS 2020. The proposed three-storey mixed-use development is considered consistent with the strategic intent for the identified gateway location. Variations relating to setbacks, landscaping, loading, bicycle facilities, and awning width are considered acceptable, having regard to the development's design, scale, and site context, as discussed under Part 5 section above. The proposal provides the required car parking and exceeds the minimum bicycle parking requirement. City of Darwin raised no concerns regarding the awning arrangement. However, it raised matters relating to traffic, access, loading and waste servicing, and requested swept-path diagrams and technical drawings demonstrating safe servicing without queuing or reversing onto public roads, together with appropriate waste-management controls. DAS has recommended conditions addressing these matters, including relocating the bicycle parking, ongoing maintenance of proposed landscaping, and waste management.

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

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

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

The application submits that the proposal has the following merits:

- *The type and scale of development is appropriate for the site and consistent with the uses anticipated in the Nightcliff Commercial precinct.*
- *The design exemplifies efficient infill development by leveraging an undeveloped site that will improve the overall street aesthetic and compliment the strategic planning policy objectives.*
- *The improvements to the active street frontage including new awnings are a positive contribution to the immediate locality and streetscape.*
- *The design also improves community safety by promoting passive surveillance opportunities.*

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

The site is flat, is not affected by the Australian Noise Exposure Forecast (ANEF) 20-unit value or greater contour, and is outside areas of storm surge. The land is within an established urban area and is capable of accommodating the proposed three-storey mixed-use development. The height, scale and built form are consistent with the development anticipated for the site, including its identification as a gateway location within the Nightcliff Village precinct.

The site has access to reticulated power, water, sewerage and other urban infrastructure. No land capability constraints have been identified that would prevent the proposed development. Additionally, the Land Resources Division of the Department of Lands, Planning and Environment did not communicate any requirements or concerns regarding the land capability. Accordingly, the land is considered capable of supporting the proposed development.

- (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 identified requirement for the provision of additional public facilities, public open space or land for public recreation as part of the proposed development. The site is located within the established Nightcliff activity centre, with existing public facilities, open space and recreational areas available within the surrounding locality.

- (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 Local Government and Service Authorities for comment. The responses received are summarised below:

Local Government

City of Darwin – Bookmark D1

The City of Darwin advised that it has no objection to the proposed development and has requested that conditions be applied to the permit to address the following:

- Crossover and driveway
- Stormwater management.
- Dilapidation report.
- Site Construction Management Plan.
- Waste management plan.
- Traffic Impact Assessment Report (TIA)
- landscape plan , detailing the proposed location of replacement street trees and any associated landscaping
- Effective operation of loading bay with the reduced clearance and dimensions
- Works within the City of Darwin Road reserve.
- Building identification.
- Sight lines

The City of Darwin requested that any proposed crossover be designed in accordance with the NT Subdivision Development Guidelines and to its satisfaction. It is noted that the application does not involve subdivision, and the specific subdivision guideline reference is therefore not considered directly applicable to the proposal. Notwithstanding this, the design and approval of the proposed crossover is already addressed through City of Darwin's requested condition precedent requiring in-principle approval for the crossover and driveway. Accordingly, the additional condition referring to the NT Subdivision Development Guidelines has not been separately recommended.

Standard conditions and notes are recommended to be applied to the permit to address the above listed requirements.

Power and water Corporation – (Water and sewerage services) – Bookmark D2

Power and Water (Water and sewerage services) provided standard comments requiring upgrade of the existing water and sewer service, separate water meters, Backflow prevention,

compliance with AS/NZS 3500.1, AS/NZS 2845.3 and Power and Water's Connection Code, internal firefighting water storage (break tank), and trade waste approval and licensing requirements.

Standard conditions and notes are recommended to be applied to the permit to address the above requirements.

Power and water Corporation – (Power services) – Bookmark D3

Power and Water Corporation advised that the existing power service does not have sufficient capacity for the proposed development. The proposed electrical pillar is accepted; however, a new package substation may be required subject to maximum demand. The developer will be required to engage an accredited electrical consultant to undertake maximum demand calculations, obtain the required connection approval, prepare detailed electrical servicing designs, comply with Power and Water installation requirements, and registration of required electricity easements.

Standard conditions and notes are recommended to be applied to the permit to address the above requirements.

Development Coordination, Land and Resources Division of the Department of Lands, Planning and Environment– Bookmark D4

- **Land Management Unit, Land Resources Division**, advised that due to the small disturbance area, an Erosion and Sediment Control Plan (ESCP) is not required as a permit condition. However, erosion and sediment control measures should be implemented throughout the development in accordance with recommended best-practice measures. Standard permit notes are recommended.
- **Building Assessment Services, Lands and Planning Division**, advised that no issues are foreseen with the proposed development and recommended compliance with the *Building Act 1993*, *Building Regulations 1993*, and the National Construction Code. Further, a building permit is required before building works commence.
- **Environmental Regulation Division** advised that the proposal does not appear to trigger the requirement for an Environment Protection Approval under the *Waste Management and Pollution Control Act 1998*. The proponent remains subject to the General Environmental Duty and relevant environmental management requirements relating to dust, noise, erosion and sediment control, liquid storage, site contamination, waste management and imported fill, odour or smoke, and stormwater/water pollution.

Standard conditions and notes are recommended to be applied to the permit to address the above requirements.

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

The potential amenity impacts are considered in the context of the site's Zone C location within the established Nightcliff Activity Centre and its identification as a gateway development site. The three-storey mixed-use development is consistent with the scale and form strategically anticipated for the locality. The western boundary adjoins an existing service station, creating a commercial interface where the reduced setbacks are unlikely to cause unreasonable amenity impacts. Potential impacts on the more sensitive residential interfaces to the north and east are mitigated through building separation, a 1.8m high solid screen fence, landscaping and vertical

screening, and an articulated building form, which collectively reduce overlooking and perceived building bulk. Further, the Progress Drive frontage incorporates commercial tenancies, glazing, pedestrian access, landscaping and a substantial awning, providing activation, shade, visual interest and passive surveillance.

(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**

It is in the public interest to ensure that development generally accords with the land use requirements as stipulated within the NTPS2020, as this sets out reasonable expectations of the community for developments in a given locality.

The proposal has been assessed against matters of public interest as under:

- i. Community safety through crime prevention principles has been incorporated into the proposal through the active Progress Drive frontage, glazed commercial frontages, clearly defined pedestrian entries and a site layout that facilitates natural surveillance of the street and pedestrian areas. These matters are also addressed through the relevant design provisions of the NTPS 2020, as discussed in section 6(a) of this report.
- ii. No swimming pool or other water-based recreational facility is proposed as part of the development. Accordingly, no specific water-safety considerations are triggered by the proposal.
- iii. Access for persons with disabilities is principally addressed through the applicable building accessibility requirements and will be considered through the building certification process under the *Building Act 1993* and National Construction Code.

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

Not applicable to this application.

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

Not applicable to this application.

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

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

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

The site is located within the declared Darwin Harbour beneficial use area, which exists to protect surface water in the declared area for aquaculture, environment, cultural, rural stock and domestic purposes. It is the responsibility of the developer and landowner to ensure that land use does not result in a contravention of the *Water Act 1992*.

(t) other matters it thinks fit

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

Section 51(2) of the *Planning Act 1999*

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

(a) the NT EPA has determined that an environmental impact assessment is not required under that Act for that proposal; or

(b) if the NT EPA has determined that an environmental impact assessment is required – an environmental approval has been granted under that Act for the proposal and the decision is consistent with that approval; or

(c) the Environment Protection Act 2019 otherwise permits the making of the decision.

No comments regarding above were received from the Land Resources Division, DLPE, the proposed development is not considered to be of scale or intensity that would reasonably require the preparation of any environmental reports or impact statements under the *Environmental Protection Act 2019*. Therefore, the consent authority may make a decision by virtue that referral is not reasonably required.

7. RECOMMENDATION

That, the Development Consent Authority should vary the requirements of clauses 5.2.4.4 (Layout of Car Parking Area), 5.2.5 (Loading Bays), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR), 5.3.7 (End of Trip Facilities in Zones C), 5.4.3 (Building Setbacks for Residential Buildings and Ancillary Structures), and 5.5.17 (Building Frontage in Commercial and Mixed Use Areas) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to develop Lot 359 (22) Progress Drive, Nightcliff, Town of Nightcliff for the purpose of Rooming accommodation (student accommodation) with 40 beds and office in a 3-storey building, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority;
 - a) Showing clear, unobstructed access to the bicycle racks, which are to be located in a convenient and safe location with adequate security.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), in principle approval is required for the crossover and driveway to the site from the City of Darwin road reserve, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required for the awnings to the three street frontages to the requirements of the City of Darwin and Power and Water Corporation, to the satisfaction of the consent authority.

4. 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.
5. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
6. Prior to the commencement of works (including site preparation), the applicant is to prepare a Site Construction Management Plan (SCMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The SCMP should specifically address the impact to Council owned public spaces and include a waste management plan for disposal of waste to Shoal Bay, traffic control for affected City of Darwin roads, haulage routes, storm water drainage and sediment control, use of City of Darwin land, and how this land will be managed during the construction phase.
7. 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 Guidelines, shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.
8. Prior to the commencement of works, a Traffic Impact Assessment Report (TIA) is to be prepared by a suitably qualified traffic engineer identifying any necessary upgrades to the surrounding street network to the requirements of the City of Darwin, to the satisfaction of the consent authority.
9. Prior to the commencement of works (including site preparation), the applicant is to prepare designs and specifications for landscaping of the road reserve adjacent to the property, to the requirements of City of Darwin, to the satisfaction of the consent authority.
10. Prior to the commencement of works, the applicant is to demonstrate that the loading bay can operate effectively with the reduced clearance and dimensions to the City of Darwin, to the satisfaction of the consent authority. This should include swept path diagrams and relevant technical drawings confirming that vehicles can safely enter, manoeuvre within and exit the loading bay.

The assessment should also demonstrate that the proposed arrangement will not result in adverse impacts on the surrounding road network, including vehicle queuing or the need for heavy vehicles to reverse onto the access road or adjoining public roads.

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

Please refer to notes 1,2 and 3 for further information

3. 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.

Item 1

4. 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.
5. All works recommended by the traffic impact assessment are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.
6. Upon completion of any works within or impacting upon existing road reserves, the infrastructure within the road reserve shall be rehabilitated to the standards and requirements of the City of Darwin and returned to the condition as documented in the dilapidation report.
7. 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.
8. No new fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street to the requirements of the City of Darwin, to the satisfaction of the consent authority.
9. Any gate over an access to a public road shall be placed on the subject site at least 4.5 metres from the face of the kerb line of the adjoining public road to the requirements of the City of Darwin, to the satisfaction of the consent authority.
10. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay[s] and must not disrupt the circulation and parking of vehicles on the land).
11. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
12. All new substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
13. 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.
14. 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.
15. 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.
16. 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/ clients).

17. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.
18. All new pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
19. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.

Notes

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. All 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.
3. 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>
4. New Street lighting shall be designed to achieve the minimum lighting levels required as per the AS/NZS 1158.3.1:2020 and the lighting design shall be certified by a member of the Illuminating Engineering Society (The IES). All street lighting designs and the lighting designs for public spaces within the subdivision / New Development shall be compatible with the City of Darwin's smart lighting control system.
5. 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.
6. 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 6310.100.E.R – Outdoor Advertising Signs Code.

7. Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
8. Any proposed stormwater connections to City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
9. In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction and at no cost to City of Darwin.
10. 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. Due to provisions in the National Construction Code (NCC), the subject lots may need to be consolidated before a building permit can be issued.
11. 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.
12. 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. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.

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, DLPE may take enforcement action or issue statutory instruments should there be noncompliance with the Act.

8. REASONS FOR THE RECOMMENDATION

1. The application proposes A three-storey mixed-use building, with commercial and supporting uses at ground level and rooming accommodation at Levels 1 and 2. The building is oriented towards Progress Drive and the Dick Ward Drive/Progress Drive 'gateway' intersection.

Four occupancies are proposed at ground level, comprising three office tenancies and one reception area. The reception area services the rooming accommodation above and incorporates the associated end-of-trip facilities, including an accessible shower/change facility and lockers. The commercial component has a combined net floor area of approximately 185m².

Levels 1 and 2 contain the rooming accommodation. The application describes 14 single-bedroom and 3 two-bedroom accommodation units on each of level, providing a total of 34 accommodation units and 40 beds across the two residential levels. Each accommodation unit is self-contained with a private bathroom, living/kitchenette area and sleeping area, and is provided with an external balcony. Individual air-conditioning condenser units are positioned on the respective balconies.

2. 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 Northern Territory Planning Scheme 2020 (NTPS2020) applies to the land. The proposed rooming accommodation (student accommodation) with 40 beds and office in a three-storey building requires consent under clause 1.8 (When development consent is required). The rooming accommodation is *Impact Assessable*, while the office (up to one storey above ground level) is Permitted in Zone C (Commercial). Accordingly, the purpose and outcomes of Zone C (Commercial) and clauses 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR), 5.3.7 (End of Trip Facilities in Zones C), 5.4.3 (Building Setbacks for Residential Buildings and Ancillary Structures), 5.4.7 (Communal Open Space), 5.4.9 (Residential Development in Zone C), 5.4.17 (Building Articulation), 5.4.19 (Residential Plot Ratio), 5.5.1 (Interchangeable Use and Development), 5.5.2 (Commercial Plot Ratio), 5.5.4 (Expansion of Existing Developments in Zones CB, C, SC and TC), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.5.17 (Building Frontage in Commercial and Mixed Use Areas), and 5.9.6 (Nightcliff Village), need to be considered.

These clauses have been assessed and it is found that the proposal complies with the relevant requirements of the NTPS2020 except for clauses 5.2.4.4 (Layout of Car Parking Area), 5.2.5 (Loading Bays), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR), 5.3.7 (End of Trip Facilities in Zones C), 5.4.3 (Building Setbacks for Residential Buildings and Ancillary Structures), and 5.5.17 (Building Frontage in Commercial and Mixed Use Areas), which are discussed in detail below.

A summary of the relevant parts of the NTPS2020 is as follows:

Part 2 – Strategic Framework:

The application is considered consistent with the applicable strategic framework of the Darwin Regional Land Use Plan 2015 and Darwin Mid Suburbs Area Plan 2016. The development provides rooming accommodation within an established urban area, contributing to housing choice and making efficient use of existing infrastructure, services and public transport. The inclusion of three ground-floor office tenancies with rooming accommodation above supports the mixed-use function sought for the Nightcliff Activity Centre and maintains a commercial presence at street level. The proposed three-storey built form is consistent with the Nightcliff and Coconut Grove Concept Plan, which identifies the site as a gateway development location. The articulated facades, glazing, balconies, landscaping and varied roof form provide a distinctive built-form response that reinforces the site's role as a visual anchor at the Progress Drive and Dick Ward Drive intersection. The proposal also maintains pedestrian movement along Progress Drive and does not preclude the longer-term public realm and transport improvements envisaged by the Area Plan.

Part 3 – Overlays

The site is not affected by any overlays.

Part 4 – Zoning

Clause 4.11 (Zone C – Commercial)

The proposal is consistent with the purpose and outcomes of Zone C by combining three ground-floor office tenancies with rooming accommodation above, maintaining the commercial function of the site while introducing residential accommodation appropriate to the scale of the Nightcliff Activity Centre.

The development provides an appropriate mixed-use built form, with commercial activity and pedestrian engagement concentrated at street level and car parking located predominantly behind the commercial frontage. Glazing, direct entrances and passive surveillance strengthen the interface with Progress Drive, while building articulation, balconies, screening and landscaping assist in managing building mass, privacy and the interface with adjoining residential land. The proposed uses are compatible with one another and are supported by existing urban infrastructure and transport networks.

Part 5 – Development requirements

As mentioned earlier, the application was found to comply with the relevant part 5 development requirements of the NTPS2020, except for clauses 5.2.4.4 (Layout of Car Parking Area), 5.2.5 (Loading Bays), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR), 5.3.7 (End of Trip Facilities in Zones C), 5.4.3 (Building Setbacks for Residential Buildings and Ancillary Structures), and 5.5.17 (Building Frontage in Commercial and Mixed Use Areas).

Pursuant to clause 1.10 (Exercise of Discretion by the Consent Authority), subclause (5), of the NTPS2020, *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).*

In response to clause 1.10(5)(a), it is considered that variations to these clauses are appropriate in this instance because:

Clause 5.2.4.4 (Layout of Car Parking Areas)

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

Sub-clause 8(d) requires *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*, where parking bays 7 and 8 are located at the end of the respective parking aisles and are shown as standard 5.5m × 2.5m spaces, with the driveway not extending 1m beyond the spaces.

Further, sub-clause 9(a) requires *car parking areas are to have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow*, where a single two-way access is provided from Progress Drive and the plans show a 6m distance between the

building line and eastern boundary. However, the inward-opening electric swing gate is located within this area and projects into the driveway when open, meaning a clear 6m width is not maintained at the gate. Accordingly, the application does not comply with sub-clauses 8(d) and 9(a).

Administratively, sub-clause 4 states that the consent authority may consent to a car parking area that is not in accordance with sub-clauses 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development and sub-clause 5 states that 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.

A variation to sub-clauses 8(d) and 9(a) is considered appropriate for the following reasons:

- The parking bays 7 and 8 are located at the western end of their respective parking aisles and are provided at the standard width of 2.5m, rather than the required 3.5m. However, the driveway extends approximately 0.7m beyond each of these end spaces, providing additional manoeuvring area beyond the parking bays and falling only 0.3m short of the required 1m projection. The additional driveway area assists vehicles to manoeuvre into and out of these spaces without affecting the adjoining parking bays or broader internal circulation. Given the minor extent of the shortfall and the location of the spaces at the end of the parking aisles, the arrangement is considered to remain safe and functional, consistent with the purpose of the clause.
- The reduction in clear width is localised to the gate position, with the remainder of the eastern accessway providing the intended two-way circulation area. Only one crossover is provided to Progress Drive, thereby limiting vehicle conflict points, and the internal layout enables vehicles to manoeuvre and exit the site in a forward direction. The access also provides adequate sight lines for vehicles entering and exiting the site. Having regard to the scale of the development and the limited extent of the encroachment, the gate arrangement is not expected to materially affect the internal functionality of the car parking area or adversely impact the local road network.

Based on the above discussion, the proposed variation to clause 5.2.4.4 (Layout of car parking area) is supported, as it is not considered likely that the non-compliances will adversely affect the functionality of the on-site car parking area.

Clause 5.2.5 (Loading Bays)

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

Sub-clause 4 requires a loading bay to:

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

The application provides one loading bay to service the 185m² office component. The loading bay is approximately 3.2m × 5.5m, which is below the minimum dimensions of 3.5m × 7.5m required by sub-clause 4(b). While the loading bay itself is intended to provide the required height, access to it is via the eastern driveway beneath the Level 1 building

projection, where the available vertical clearance reduces to approximately 3.2m, below the 4m required by sub-clause 4(c). The reduced clearance also affects the adequacy of access under sub-clause 4(d).

Administratively, sub-clause 1 state that the *consent authority may consent to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:*

- (a) the scale of the use and development on the site;*
- (b) any potential adverse impacts on the local road network; and*
- (c) any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or secondary street.*

A variation to sub-clause 4 is considered appropriate for the following reasons:

- The loading bay is required only in association with the relatively small 185m² (72m² + 40m² + 73m²) three office occupancies. Servicing demand is therefore expected to be limited and primarily associated with smaller delivery, maintenance and service vehicles rather than large commercial vehicles. Although the loading bay dimensions are reduced, the area remains capable of accommodating the smaller service vehicles reasonably anticipated for the scale and nature of the office use.
- The reduced vertical clearance along part of the access route would preclude larger vehicles requiring the full 4m clearance; however, the anticipated servicing task can reasonably be undertaken by smaller vehicles compatible with the available clearance.
- The loading bay is located wholly within the site. It is directly accessible from the internal driveway, allowing loading and unloading activities to occur off-street without obstructing Progress Drive or relying on off-site loading arrangements. Despite the reduced dimensions and clearance, the dedicated on-site loading area is not expected to impact the local road network adversely.

In addition to above, City of Darwin raised the reduced loading bay dimensions and clearance and requested that safe vehicle manoeuvring, and operation be demonstrated prior to works. Accordingly, DAS has recommended a condition precedent to address this matter. Having regard to the limited scale of the commercial component, anticipated servicing by smaller vehicles and provision of a dedicated on-site loading area, the variation is considered acceptable.

Clause 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR)

The purpose of clause is to *protect the visual and acoustic amenity of residential buildings where they are adjacent to non-residential development.*

Sub-clause 3 requires that the setback (5m for non-residential use) described in sub-clause 2 is to be landscaped to provide a visual screen to the adjacent land Zoned LR for a minimum depth of 3m.

The subject site is within Zone C and abuts Zone LR land to the north and east. The ground-floor commercial component achieves the minimum 5m building setback required by sub-clause 2, with setbacks of approximately 21.5m to the northern boundary and 6m to the eastern boundary. However, the required 3m deep landscaped screen is not provided for the full length of the northern boundary, with bicycle parking and the bin enclosure

occupying the north-eastern portion, and no landscaping is provided along the eastern boundary.

Administratively, sub-clause 1 states that *the consent authority may consent to a development that is not in accordance with sub-clause 3, if:*

- (a) the development is covered by an area plan listed as a Major Remote Town in Part 2 of the Planning Scheme, if the service authority responsible for distribution of electricity, water and sewerage services provides advice that compliance would be impractical or prohibited; or*
- (b) the development is for the establishment of, or change in, use of an existing lawfully established building that has an existing encroachment into the setback required by this clause; or*
- (c) the consent authority is satisfied that the development provides adequate setbacks and landscaping consistent with the purpose of this clause.*

Sub-clauses 1(a) and (b) are not applicable, as the site is not within a Major Remote Town and the proposal is for a new development on an undeveloped site, rather than a change in use of an existing lawfully established building. Accordingly, a variation is considered appropriate under sub-clause 1(c) for the following reasons:

- The commercial component substantially exceeds the minimum 5m setback to the northern boundary, being approximately 21.5m, and achieves a 6m setback to the eastern boundary, providing physical separation from the adjoining Zone LR properties.
- Along the northern boundary, landscaping is provided across the majority of the interface, including Indian mast trees intended to establish a substantial vertical screen at maturity (8m to 10m high). The landscaping shortfall is principally confined to the north-eastern portion occupied by the bicycle parking and bin enclosure.
- A 1.8m high solid screen fence is proposed along both the northern and eastern boundaries, providing a continuous visual barrier between the ground-floor commercial use and adjoining residential land.
- The eastern setback accommodates the vehicle accessway, and provision of a 3m landscaped strip along this boundary would materially reduce the area available for vehicle access and compromise driveway functionality.
- The office tenancy nearest the eastern boundary does not provide east-facing windows or openings, further limiting visual interaction with the adjoining residential property.
- The non-residential component comprises office tenancies, which are relatively low-impact uses and are not anticipated to generate significant noise or other activities that would unreasonably affect the acoustic amenity of adjoining residential properties.

Having regard to the substantial northern setback, compliant eastern setback, landscaping along the majority of the northern interface, continuous 1.8m solid screening and the low-impact nature of the office use, the development provides adequate separation and screening to protect the visual and acoustic amenity of adjoining Zone LR land and is therefore consistent with the purpose of the clause.

Clause 5.3.7 (End of Trip Facilities in Zones C)

The purpose of clause is to *ensure that new commercial and high-density residential buildings provide sufficient, safe, quality and convenient end-of-trip facilities to enable active travel choices by residents, visitors, workers and customers of the site.*

Sub-clause 3 requires bicycle parking facilities to be designed in accordance with AS2890.3 and, relevantly, to: *3(a) be located in a convenient and safe location with adequate security;...; 3(e) be protected from the weather; and 3(h) be easily accessible from the road.* Further, Sub clause 4 require that *a locker should accompany every secure bicycle parking space provided, and should be: (a) of suitable volume and dimensions to allow storage of clothing; cycling helmets and other personal items; (b) well ventilated, secure and lockable; and (c) located close to shower and changing facilities.*

The proposal provides 28 bicycle parking spaces, substantially exceeding the minimum requirement of 15 spaces. However, the bicycle racks are currently located in the north-eastern corner, west of the bin closer and behind parking bays 15 and 16, with no separate cyclist access. When these parking spaces are occupied, direct access to the bicycle racks may be obstructed. The racks are also not shown as weather protected. Furthermore, in accordance with subclause 4, minimum 15 lockers would be required. The proposal provides 5 lockers adjacent to the ground-floor accessible shower/change facility, resulting in a numerical shortfall of 10 lockers.

Administratively, sub-clause 1 states that the consent authority may consent to a use or development with fewer bicycle parking spaces, lockers and/or showers and changing facilities than required by sub-clauses 2-6 if satisfied that either:

- (a) there are alternative end of trip facilities (on or off the site), where:*
 - i. the same function is provided which can accommodate the same number of bicycles and/or users required by the clause;*
 - ii. access to the alternative end of trip facilities is safe and convenient for users;*
 - iii. the alternative end of trip facilities are sheltered and secure; and*
 - iv. the size and layout of alternative storage areas allows for safe and comfortable storage and access to bicycles and/or personal items; or*
- (b) it would be unreasonable to provide the end of trip facilities as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or*
- (c) it would be unreasonable to provide shower and changing facilities for a small development, where the development becomes*

A variation to above requirement is considered appropriate for the following reasons:

- Of the minimum 15 bicycle spaces, only one relates to the office component, for which the five proposed lockers provide sufficient capacity. The remaining 14 spaces relate to the rooming accommodation, where occupants have secure and sheltered private rooms for storage of personal items, providing an alternative facility serving the same practical storage function as individual lockers.
- While the bicycle racks are not provided with dedicated weather protection, they are located within the developed site and provide secure bicycle storage in close proximity to the proposed accommodation and commercial uses. Having regard to the substantial overprovision of bicycle spaces and the availability of supporting end-of-trip facilities within the building, the absence of dedicated weather protection is not considered to materially discourage or prevent bicycle use.

- Notwithstanding the location of the bicycle racks behind parking bays 15 and 16, the bike racks are contained within the site in a dedicated area, separated from the Progress Drive frontage, pedestrian, and vehicular movement. While access may be constrained only when the adjoining parking spaces are occupied, the bicycle parking remains accessible through the road and internal driveway. The proposal also provides 28 bicycle spaces, almost twice the minimum requirement of 15, providing substantial capacity for active travel notwithstanding the reduced convenience of access.

In addition to the above, DAS considers that a better overall outcome can be achieved by providing unobstructed access to the bicycle racks, which are to be located in a convenient and safe location with adequate security. This can be achieved through an amended layout, rather than relying on a variation. The south-western corner of the site provides a more appropriate location, as it is directly adjacent to the dedicated pedestrian entrance from Progress Drive, is separated from vehicle parking and manoeuvring areas, and benefits from partial weather protection from the Level 1 awning projection. Relocation to this area would provide a safer, more direct and legible cyclist access from the street and remove the existing conflict with parked vehicles. DAS has therefore recommended a condition precedent requiring amended plans demonstrating relocation of the bicycle parking to an appropriate location.

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

The purpose of clause is to ensure that residential buildings and ancillary structures are located in a manner that is compatible with the streetscape and surrounding development, minimises adverse effects of building massing and overlooking, and facilitates breeze penetration through and between buildings.

Sub-clause 6 requires residential buildings and ancillary structures to be setback from lot boundaries in accordance with the relevant table to the clause. For development in Zone C, Table C requires:

- South – primary street frontage: 3m for residential buildings, 0m for balconies and nil for the roofline.
- West – side boundary adjoining Zone C: 3m for walls with openings or balconies and 2.1m for the roofline.
- North and east – side/rear boundaries adjoining Zone LR: 5m for residential buildings and 4.1m for the roofline.

The proposal does not fully comply with these setback requirements:

- South: The residential building is setback 1.5m.
- West: The balconies are setback 1.8m with the awning projections extending further towards the boundary to a setback of 1m.
- North: The residential building, (including balconies) is setback at 3.8m, with the awning projections extending further towards the boundary to a setback of 3m, and the roofline is setback 3m.
- East: The residential building (including balconies) is setback 4m, with the awning projections extending further towards the boundary to a setback of 3m.

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

A variation to sub-clause 6 is considered appropriate for the following reasons:

- The setback variations are largely associated with upper-level balconies and landscaped awning projections, rather than the principal building walls. These projecting elements are open and articulated and therefore do not introduce a continuous solid building mass within the setback areas. The integrated landscaping further softens their visual prominence, provides shading and contributes to a cooler building edge. Along the western boundary, the principal wall achieves the required 3m setback, with the variation confined to the balconies and awnings. Along Progress Drive, the 1.5m residential building setback establishes a stronger relationship with the street and is appropriate to the site's identified gateway location, where a prominent and visually distinctive built form is anticipated. Overall, the nature of the encroachments, together with their articulation and landscaping, limits the additional perception of bulk arising from the reduced setbacks.
- The most sensitive interfaces are the northern and eastern boundaries adjoining Zone LR. The building retains setbacks of 3.8m to the north and 4m to the east, together with a 1.8m high solid screen fence along both boundaries. Landscaping and screening vegetation are provided along the northern interface, including Indian Mast Trees intended to provide additional vertical screening. The eastern roofline exceeds the required setback at 5.6m, increasing separation at the upper level. These measures, together with the articulated building form and balcony planting, assist in reducing overlooking, perceived bulk and visual impact on adjoining residential properties. To the west, the adjoining land is within Zone C and is currently occupied by a service station. The reduced setbacks associated with the balconies and awning therefore interface with an established commercial use rather than a sensitive residential use. As the principal building wall also achieves the required 3m setback, the western setback variations are not expected to result in an unreasonable amenity impact on the adjoining property.

Based on the above discussion, the proposed variation to clause 5.4.3 (Building Setbacks for Residential Buildings and Ancillary Structures) is supported, as it is not considered likely that this development will unreasonably impact on local amenity.

Clause 5.5.17 (Building Frontage in Commercial and Mixed Use Areas)

The purpose of the clause is to *encourage primary frontages of commercial buildings to contribute to a pleasant pedestrian environment and provide visual connectivity with their surroundings.*

Sub-clause 6 requires *buildings are to provide awnings for the length of the primary building frontage to a minimum of 3m wide*, where the awning along the Progress Drive frontage is 1.8m wide.

Administratively, sub-clause 3 states *the consent authority may consent to a development that is not in accordance with sub-clause 6 if the development provides appropriate shading for pedestrians adjacent to the primary frontage.*

A variation to sub-clause 6 is considered appropriate for the following reasons:

- Notwithstanding the reduced width, the proposed awning extends approximately 21m across the 27.4m Progress Drive frontage, covering approximately 77% of the total frontage. It projects over the existing footpath, providing substantial shade and weather protection along the pedestrian interface. The remaining frontage accommodates the eastern vehicle access, where an awning would conflict with vehicle clearance and movements, and the western service area, including the electrical pillar. Accordingly, the awning maximises pedestrian coverage where practicable while responding appropriately to the functional constraints of the frontage.

Further, the City of Darwin, as the authority responsible for the adjoining footpath and local road, did not object to the proposed awning arrangement along Progress Drive. As the awning provides appropriate and functional shading for pedestrians adjacent to the primary frontage, it is considered acceptable.

In response to clause 1.10(5)(b), the considerations listed under clause 1.10(3) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NTPS2020, except for the non-compliant clauses as identified and discussed above.

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

The site is flat, is not affected by the Australian Noise Exposure Forecast (ANEF) 20-unit value or greater contour, and is outside areas of storm surge. The land is within an established urban area and is capable of accommodating the proposed three-storey mixed-use development. The height, scale and built form are consistent with the development anticipated for the site, including its identification as a gateway location within the Nightcliff Village precinct.

The site has access to reticulated power, water, sewerage and other urban infrastructure. No land capability constraints have been identified that would prevent the proposed development. Additionally, the Land Resources Division of the Department of Lands, Planning and Environment did not communicate any requirements or concerns regarding the land capability. Accordingly, the land is considered capable of supporting the proposed development

4. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the consent authority must take into consideration 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 application was circulated to the relevant authorities and comments received from these authorities are addressed by recommended conditions and/or notations on the development permit.

In particular, the City of Darwin requested that any proposed crossover be designed in accordance with the NT Subdivision Development Guidelines and to its satisfaction. It is noted that the application does not involve subdivision, and the specific subdivision

guideline reference is therefore not considered directly applicable to the proposal. Notwithstanding this, the design and approval of the proposed crossover is already addressed through City of Darwin's requested condition precedent requiring in-principle approval for the crossover and driveway. Accordingly, the additional condition referring to the NT Subdivision Development Guidelines has not been separately recommended.

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

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

The potential amenity impacts should be considered in the context of the site's Zone C location within the established Nightcliff Activity Centre and its identification as a gateway development site. The three-storey mixed-use development is consistent with the scale and form strategically anticipated for the locality. The western boundary adjoins an existing service station, creating a commercial interface where the reduced setbacks are unlikely to cause unreasonable amenity impacts. Potential impacts on the more sensitive residential interfaces to the north and east are mitigated through building separation, a 1.8m high solid screen fence, landscaping and vertical screening, and an articulated building form, which collectively reduce overlooking and perceived building bulk. Further, the Progress Drive frontage incorporates commercial tenancies, glazing, pedestrian access, landscaping and a substantial awning, providing activation, shade, visual interest and passive surveillance.

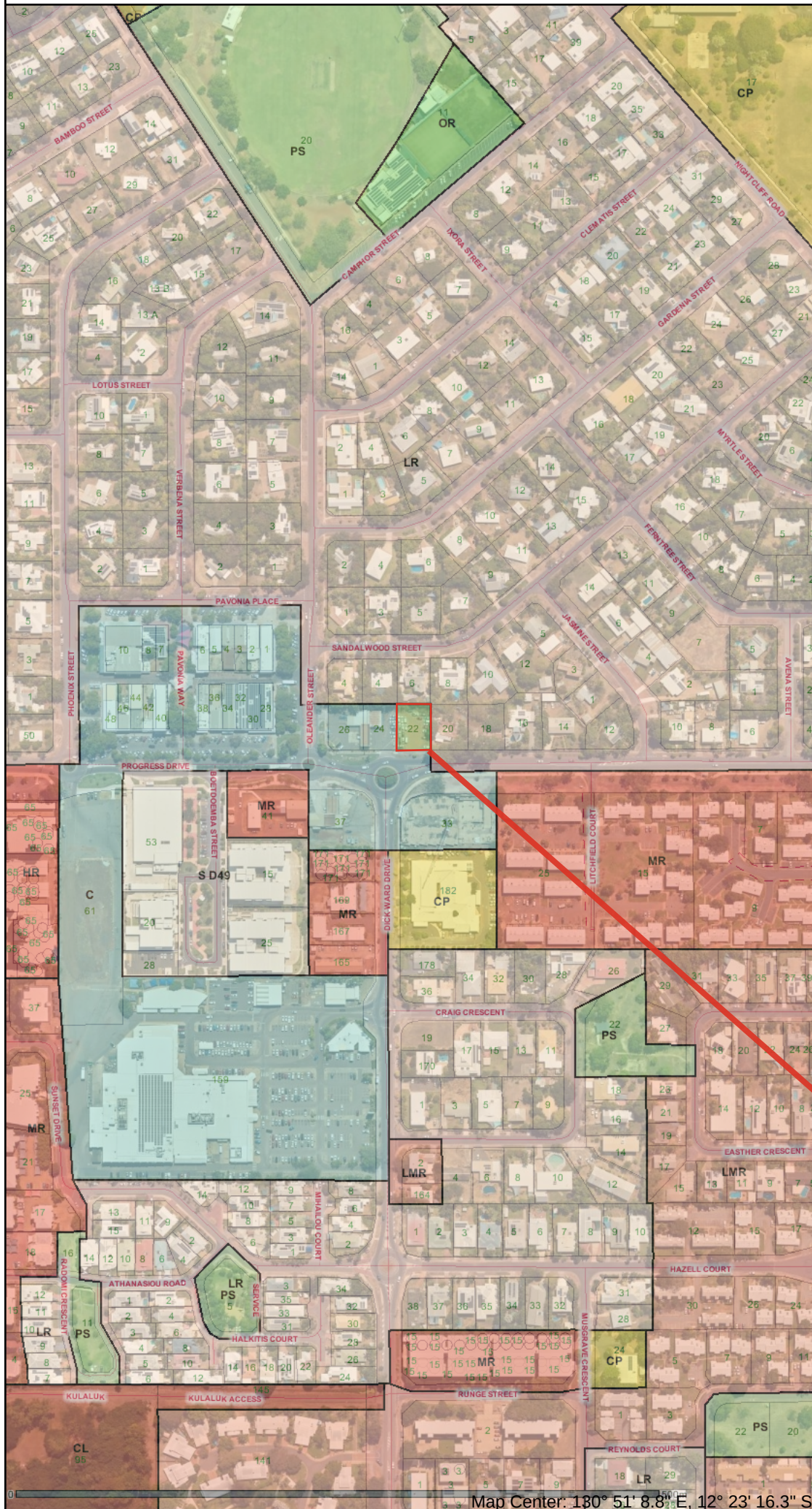


AUTHORISED:

.....
**SENIOR PLANNER - URBAN PLANNING
DEVELOPMENT ASSESSMENT SERVICES**

Location Map :Lot 359, 22 Progress Dr Town of Nightcliff, NT

Legend



- General Lines**
- Development Applications**
- 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
- Street Numbers**
- Cadastre
 - Coastline

SITE



Bottom Left: 130° 50' 58", -12° 23' 22"

Top Right: 130° 51' 19", -12° 23' 10"

Approximate Scale: 1:4,300

Datum: GDA 1994

Data for information purposes only

- accuracy not guaranteed

N.T. Land Information System

Copyright Northern Territory of Australia

Map Center: 130° 51' 8.8" E, 12° 23' 16.3" S



NORTHERN TERRITORY OF AUSTRALIA

PLAN OF
LOTS 266-402

Town of Nightcliff

Hundred of Bagot

County of Palmerston

Scale:- 100 feet to an inch

Traverses and Secants		
Line	Bearing	Dist.

Reference to Corners

Cor.	Bearing	From	Links	Marks
------	---------	------	-------	-------

Note

Proposed Sewerage Easement additions
to Lots 266-274, 276, 287-299, 301, 312, 313,
315-327, 329, 345-351, 353-356
362, 363, 365, 366, 368, 370, 372, 374-
377, 382-386, 389, 391, 394
395, 397-399 vide field
book B.S. 50 folios 16-22
and file S946.

Enl. 29/2/72.
Resident Chief Draftsman
Land and Survey Branch.

Note: Sewerage Easement over Lot 316
amended. Vide field book B.S. 50 folio 17
and file S946 folio 123.

Sports Oval

ENLARGEMENT 'B'
Not to Scale

Truncation Diagram
Scale: 20 feet to 1 inch

ENLARGEMENT 'A'
Scale: 30 feet to an inch.

NOTE: Proposed Sewerage Easement
over Lot 368 amended vide field book
B.S. 50 and file S946 folio 109.

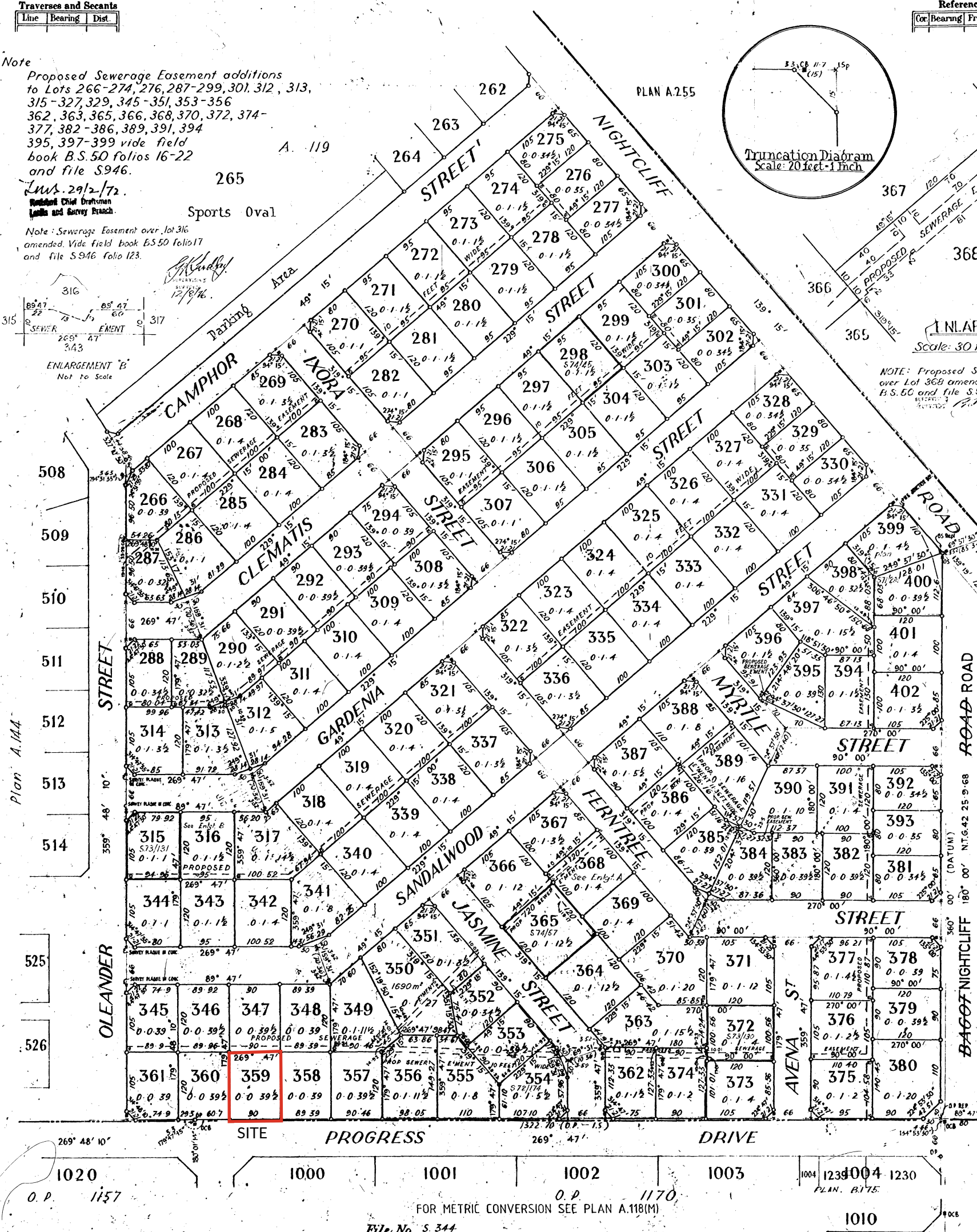
CONVERSION TABLE FOR LOT 350	
FEET	METRES
10.03	3.055
10.48	3.195
12	3.66
14.01	4.27
75.47	23.005
80	24.385
98.47	30.015
150	45.72
154	46.94

Metric Conversion Table
and Area Added
R. H. H. 4.6.86
SUPERVISING DRAFTSMAN (S)

DIA. 325



NO MARKS



Asimuth { Observed at
Assumed from O.P. 1170
Surveyor's Certificate.
I hereby certify that this survey was performed by me and/or
under my immediate supervision in strict accordance with the
Licensed Surveyors Regulations, that on 29.4.1958 I completed
the survey and that the plan is in all respects accurate.
14-11-58
Date
A. A. Marshall
Licensed Surveyor

Field Book No. S.A.S. 24 INSTRUCTION No. S.A.S. 57/18 9.9.1957
Calculation Book No. S.A.S. 1/79
Drawn by N.S. G. 16.10.1958
Registered by N.S.G. 16.10.58
Charted on P.P. NIGHTCLIFF
Examined with F.B. G.W. H. 13.11.58
Diagram passed
Date 1-11-60
CHIEF DRAFTSMAN N.T.

Survey approved and certified correct
Y-11-1960
Date
A. 118
Surveyor General N.T.

COPY TO L.T.O. 19-3-79

NOTED

Blair 6/11/60
M.L. 2-2 A. 118







Land owner/s authorisation to lodge a development application

The Planning Act 1999

Before you fill in the form

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

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

Applicant

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

Name of Applicant/Consultant or Acting agent	Joe Sheridan		
Address	2/29 Rossiter Street, Rapid Creek, NT, 0810.		
Phone	0407 703 813	Email	joe@sheridanconsulting.au

Persons on whose behalf the application is made:

Person/s on whose behalf the application is made:	Randal Ashford		
Address	39 Stokes Hill Road, Darwin City		
Phone	0413316562	Email	randal@ala.net.au

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

*Lot/NT portion	Lot 359
*Location/town/hundred	Town of Nightcliff
*Street address	22 Progress Drive, Nightcliff

The application is for the purpose of:***Proposed development**

Brief description of proposed development

Proposed mixed used development, consisting of commercial tenancies and car parking at ground level and rooming accommodation on Levels 1 and Level 2.

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

Written authorisation from each:

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

***Full name**

Ronald David

^Company name

David Superannuation Fund Pty Ltd (ACN 070 079 828) as trustee for the David Family Superannuation Fund

^Title

(e.g. director/authorised representative)

Director

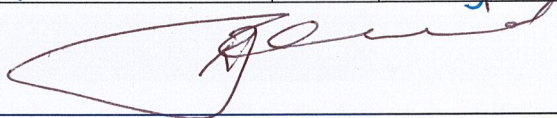
Phone

04

0408747045

Email

dickydavid1@gmail.com.

***Signature**

***Date**

20.7.26

Landowner signature***Full name**

Ronald David

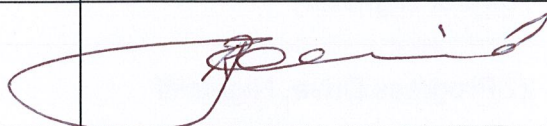
^Company name

David Superannuation Fund Pty Ltd (ACN 070 079 828) as trustee for the David Family Superannuation Fund

^Title

(e.g. director/authorised representative)

Director

Phone**Email*****Signature**

***Date**

20.7.26.

Any Persons with an interest in the land (as applicable)

In accordance with section 46(3)(aa)(iii) and (iv) of the *Planning Act 1999*, a development application is to contain the name and contact details of **any person who entered into an agreement** with the applicant and/or landowner, **to acquire an estate or interest in the land to which the application relates**; and **any person with an interest** prescribed by regulation.

^Full name			
^Company name			
^Title (e.g. director/authorised representative)			
^Signature			
Phone		Email	
^Full name			
^Company name			
^Title (e.g. director/authorised representative)			
^Signature			
Phone		Email	

Privacy Note

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

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

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



Statement of Effect

Rooming Accommodation (student accommodation) with ground floor commercial tenancies (offices) in a 3-storey building.

22 Progress Drive, Nightcliff

(Lot 359 Town of Nightcliff)

August 2026

Table of Contents

1.0	Introduction	3
2.0	Locality & Site Description	4
2.1	Locality	4
2.2	Site & Existing Development	4
3.0	Proposed Development	5
3.1	Development description	5
4.0	S46(3)(A) of the Act - Northern Territory Planning Scheme	6
4.1	Part 1 – Guidance.....	6
4.2	Part 2 – Strategic framework.....	6
4.3	Part 3 – Overlays	15
4.4	Part 4 – Zones and Assessment Tables	15
4.5	Part 5 – General Development Requirements	18
4.6	Part 5 – Location Specific Development Requirements.....	25
4.7	Part 5 – Specific Development Requirements.....	27
	S46(3)(b) to (l) of the Act	36
5.0	Conclusion	38

Application Details s46(3)(aa) of the Act	
Proposed Development	Student Accommodation with ground floor commercial tenancies (offices) in a 3-storey building
Lot	359 Town of Nightcliff
Street address	22 Progress Drive, Nightcliff
Site area	1,000m ²
Easements	Nil listed on Title (historical easement on survey plan)
Applicant	Sheridan Consulting
Landowner	David Superannuation Fund Pty Ltd (ACN 070 079 828) as trustee for the David Family Superannuation Fund
Beneficiaries	Nil (other than the landowners listed on Title)
Other interests	Randal Ashford
Contact	Joe Sheridan
Email	joe@sheridanconsulting.au
Address	PO Box 41936 Casuarina NT 0811
Planning Synopsis	
Planning Scheme	Northern Territory Planning Scheme 2020 (NTPS)
Strategic framework	- Darwin Regional Land Use Plan (DRLUP) - Darwin Mid-suburbs Area Plan
Overlays	Nil.
Zone	C (Commercial)
Assessment Category	<i>Impact Assessable</i> pursuant to NTPS Clause 1.8(1)(c)(i)
NTPS Variations sought	- Clause 5.2.5 – Loading Bays - Clause 5.2.7 – Commercial setbacks adjacent Zone LR land - Clause 5.3.7 – End of Trip facilities - Clause 5.4.3 – Residential setbacks - Clause 5.4.17 – Building Articulation
Consent Authority	Darwin Division of the Development Consent Authority
Council municipality	City of Darwin

1.0 Introduction

Sheridan Consulting has been engaged to prepare, lodge and manage this Development Application for **rooming accommodation** (student accommodation) with ground floor offices in a 3-storey building at 22 Progress Drive (Lot 359 Town of Nightcliff).

The land is Zone C of the *Northern Territory Planning Scheme 2020 (NTPS)*, and the primary use is *impact assessable* pursuant to clause 1.8(1)(c)(i) of the NTPS. In accordance with clause 1.10(4) of the NTPS, the consent authority must consider the relevant requirements set out in Part 5; any Overlays and associated requirements in Part 3, and; the guidance provided by the relevant zone purpose and outcomes in Part 4 and any component of the Strategic Framework relevant to the land as set out in Part 2.

No recent planning history exists over the site. The only publicly available determination was issued in 1990 for a two-storey building with offices and veterinary clinic (**Attachment G** refers).

This development application contains the following attachments:

Attachment A	Certificate of Title
Attachment B	Survey Plan
Attachment C	Site Aerial
Attachment D	Zoning & Locality Plan
Attachment E	Development Plans
Attachment F	Architectural Design Statement
Attachment G	Planning History

2.0 Locality & Site Description

2.1 Locality

The site is located within the Nightcliff commercial precinct. The existing land uses within the immediate locality are both ground level and multi-storey commercial developments along with low-rise residential including:

- Nightcliff Shopping Centre comprising a Woolworths supermarket and various commercial tenancies.
- Nightcliff Village & Market Space.
- Coles & Puma Service Stations.
- Multi-storey high density residential dwellings to the south & south-west along Progress Drive.
- Single and two-storey residential dwellings to the north.

2.2 Site & Existing Development

The site is approximately 1,000m², relatively flat, undeveloped, rectangular in shape with dimensions of 27.43m (w) x 36.575m (l). Existing vehicle access is from Progress Drive. No easements are identified on the Certificate of Title or the survey plan (**Attachment B** refers).

The site abuts land to the north and east in Zone LR (Low-Density Residential). Land to the west is in Zone C (Commercial) and currently developed as a **service station** and **motor repair station** across two (2) lots.

The site is also strategically located between the Charles Darwin University Casuarina and CBD campuses. A range of other vocational education, language schools and education providers are also located both in the CBD and surrounding suburbs all of which are conveniently accessible from Nightcliff via existing public transport networks.

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

3.0 Proposed Development

3.1 Development description

The proposed development is for **rooming accommodation** (student accommodation) with ground floor offices in a 3-storey building at 22 Progress Drive, Nightcliff (Lot 395 Town of Nightcliff).

Schedule 2 of the NTPS defines:

rooming accommodation as: “...premises such as hostels, guest houses, student and student accommodation used for the accommodation of unrelated persons which may include:

(a) the provision of food or other services and facilities,

(b) on-site management or staff and associated accommodation

(c) has a right to occupy one or more rooms; and

(d) does not have a right to occupy the whole of the premises in which the rooms are situated;

(e) may have separate facilities for private use or share communal facilities or communal space with other residents

The use can include where **ancillary, bar-small, food premises-café/take away, office, and shop ...**”.

Office as: “...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**;

The proposed development is summarised as follows:

- Three ground floor **office** tenancies.
- A reception area with end-of-trip facilities.
- Two-way vehicle crossover from Progress Drive in the south-east corner.
- Ground floor landscaping, car parking, loading bay, bin enclosure and bicycle parking located to the rear of the site.
- 14 x 1 & 3 x 2-bedroom student accommodation units on Levels 1 and 2
- Rooftop communal open space area.

A copy of the development plans is at **Attachment E**.

4.0 S46(3)(A) of the Act - Northern Territory Planning Scheme

4.1 Part 1 – Guidance

Part 1 of The Northern Territory Planning Scheme (NTPS) sets out its administration and function. The relevant assessment parameters are summarised below:

- Pursuant to Clause 1.8(1)(c)(i) of the NTPS, the proposed development is deemed *impact assessable* and requires consent.
- Pursuant to Clause 1.10(4) of the NTPS, the consent authority must consider the relevant requirements set out in Part 5; any Overlays and associated requirements in Part 3, and; the guidance provided by the relevant zone purpose and outcomes in Part 4 and any relevant component of the Strategic Framework in Part 2.

4.2 Part 2 – Strategic framework

Part 2 of the NTPS sets out the strategic framework for development by promoting the objectives of the *NT Planning Act 1999*. It establishes the hierarchy of strategic land use plans and contains policies designed to guide development outcomes relevant to the geographical context of the region, sub-region and locality.

The *Darwin Regional Land Use Plan 2015* (DRLUP)¹ and the *Darwin Mid Suburbs Area Plan 2016*² are relevant to the land.

Darwin Regional Land Use Plan 2015 (DRLUP)

The area subject to the DRLUP is bound by the sea in the north, Adelaide River to the east, the Finniss River catchment to the west, and includes both Darwin and Bynoe harbours and associated coastal features. Within this area, sub-regions are identified generally in line with administrative boundaries and the unique characteristics of each area.

The primary objective of the DRLUP is to identify factors which are anticipated to shape future development at a regional level and setting an overarching framework to facilitate desired outcomes. It does this by establishing a broad land use structure, identifying key activity centres, sub-regional narratives and land requirements to guide development in the region. It also conveys the need for appropriate policy settings conducive to balancing the region's environmental, economic and social priorities.

Land Use Structure

The land use structure map identifies a range of broad land uses that contemplated within the context of the DRLUP. The Nightcliff locality is identified as 'Peri-urban/Urban' and includes established 'Open Space' & 'Conservation' areas focused along the foreshore (see

¹ DRLUP https://nt.gov.au/_media/docs/housing,-property-and-land/planning-and-development/nt-planning-scheme-2020/policies-and-guidelines/darwin-regional-land-use-plan.PDF

² DMSAP https://nt.gov.au/_media/docs/housing,-property-and-land/planning-and-development/nt-planning-scheme-2020/policies-and-guidelines/darwin-mid-suburbs-area-plan.pdf

p.13-16 & figure 1 below). The locality accommodates a range of existing land uses including:

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

Activity Centres

The DRLUP identifies a regional hierarchy of Activity Centres to guide a logical and equitable distribution of land allocated for retail, commercial and residential commensurate with community needs. It aims to promote the economic viability of all Activity Centres through proactive land policies and infrastructure planning through evidence-based research.

The hierarchy identifies Nightcliff as an ‘Secondary/Urban Activity Centre’ and acknowledges that:

*“...Development of higher density housing around a number of established urban activity centres (e.g. Parap, Fannie Bay and **Nightcliff**) and along major transport corridors (e.g. Stuart Highway at Stuart Park) reflects increasing interest in housing variety, particularly options close to employment, transport networks and local facilities and services.*

Higher density dwellings integrated with activity centres will play a significant role in increasing housing choice and affordability, improving public transport and enhancing the viability of the centres...”

The proposed student accommodation aligns with the strategic objectives of an Urban Activity Centre.

Darwin Sub-regional narrative

The Darwin sub-region is approximately 143sqm² and extends to ‘Lee Point in the north to East Arm of Darwin Harbour in the west, and south-east to Vanderlin Drive, the Stuart Highway and Pinelands’. It comprises the City of Darwin local government area, the Darwin Waterfront Precinct and the Darwin Rates Act Area (tracts of unincorporated land outside the City of Darwin jurisdiction).

The Darwin sub-region acknowledges that the northern suburbs, inclusive of Nightcliff, acknowledges that:

“....an increasing proportion of dwellings will be supplied by infill on remnant vacant sites or redevelopment of underdeveloped sites. Priority will be given to maintaining the character of existing suburbs while maximising self-containment through development of localised economies focused on activity centres close to high frequency public transport routes... (p.38)”

Proposed Development

The proposed development (see section 3.0 of this report) supports the DRLUP vision by:

- aligning with the 'Peri-urban/Urban' land use structure definition and objectives;
- promoting development consistent with the role of the Nightcliff as a Secondary/Urban Activity Centre hierarchy, and;
- sustaining the Darwin sub-region narrative as a focal point for infill development within identified commercial centres.

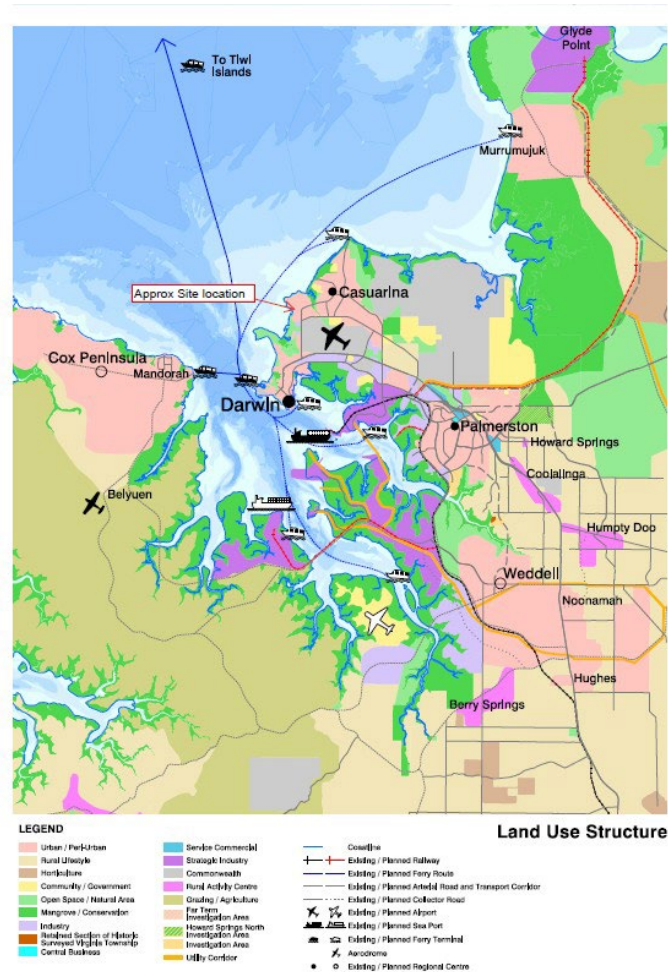


Figure 1: DLRUP Land Use Structure Map (p.13)

Darwin Mid Suburbs Area Plan 2016 (DMSAP)

The Area Plan is subordinate to the DRLUP in the land use policy hierarchy and is designed to increase the granularity for preferred development outcomes in the mid northern suburbs. It encompasses Nightcliff, Rapid Creek, Millner, Coconut Grove and a portion of Ludmilla north of Ludmilla Creek.

Its primary function is to establish a detailed land use framework within the context of broader regional strategic planning policies established by the DRLUP. It aims to create a walkable, medium-rise mixed-use centre where residential development is combined with

retail, commercial, community facilities, public transport and public open space. It aims to curate these outcomes by adapting the DRLUP framework to identify development ‘goals’ aligned to land use themes. Objectives and Acceptable Responses are then set out to facilitate desired outcome(s).

The subject site is in an area identified as an ‘Activity Centre & Commercial Area’ (see figures 2 & 3 below) which aims to:

“...create more opportunities to live, work, play and shop locally by co-locating new commercial, retail and higher density residential development in focused mixed use activity centres that are well serviced by public transport...(p.9)”

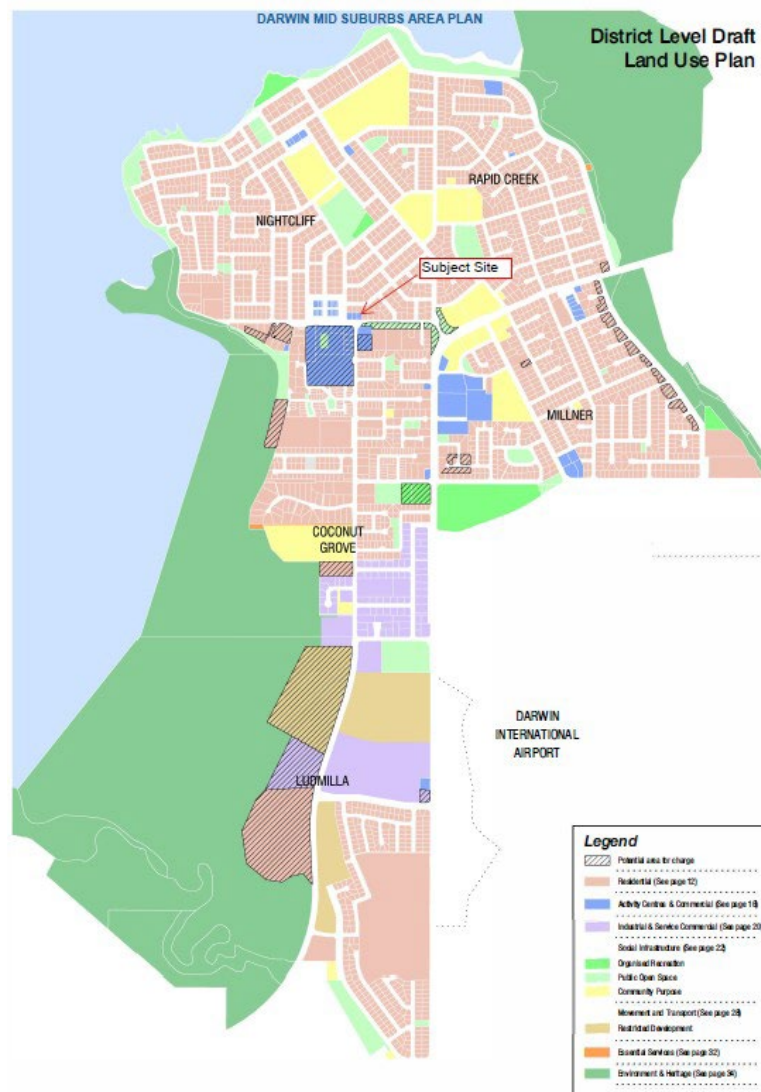


Figure 2: DMSAP District Level Draft Land Use Plan (p.8)

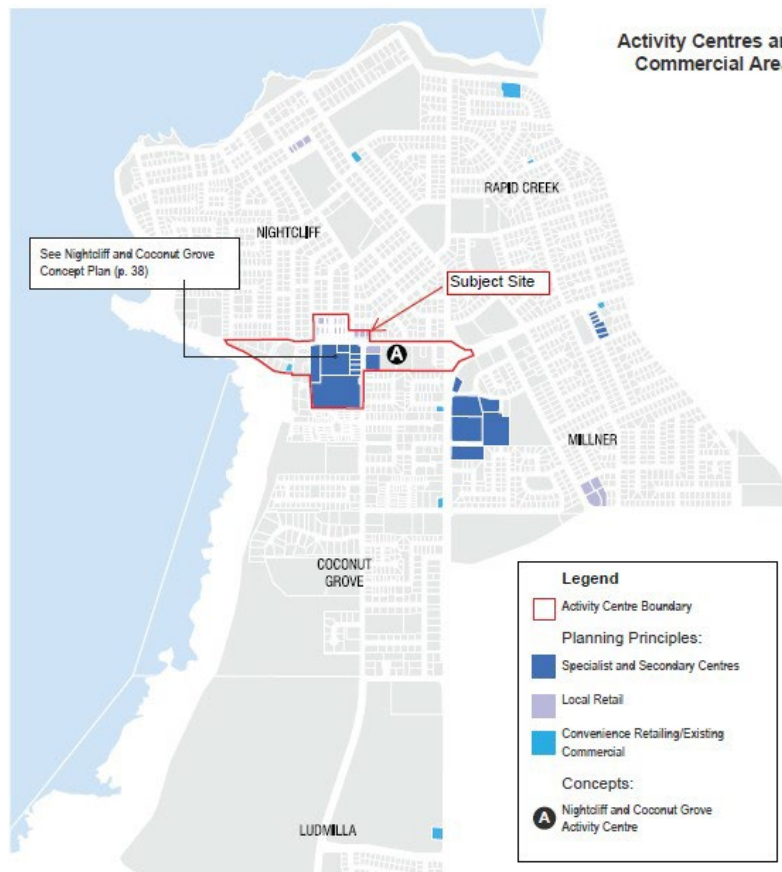


Figure 3: DMSAP Activity Centre & Commercial Areas (p.18)

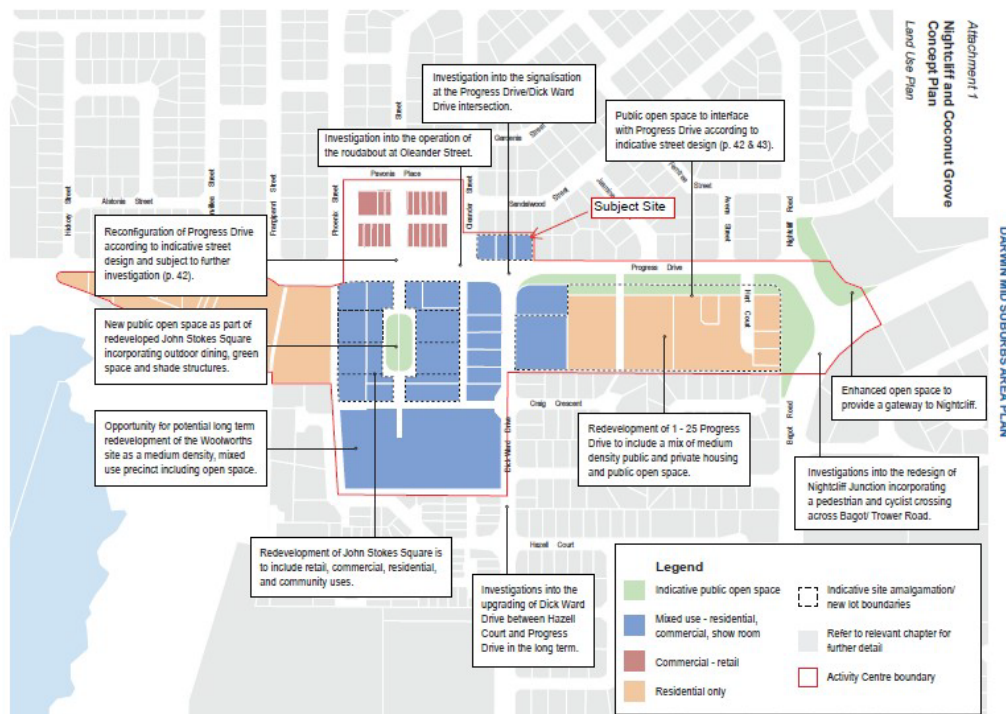


Figure 4: Nightcliff and Coconut Grove Concept Plan (p.42)

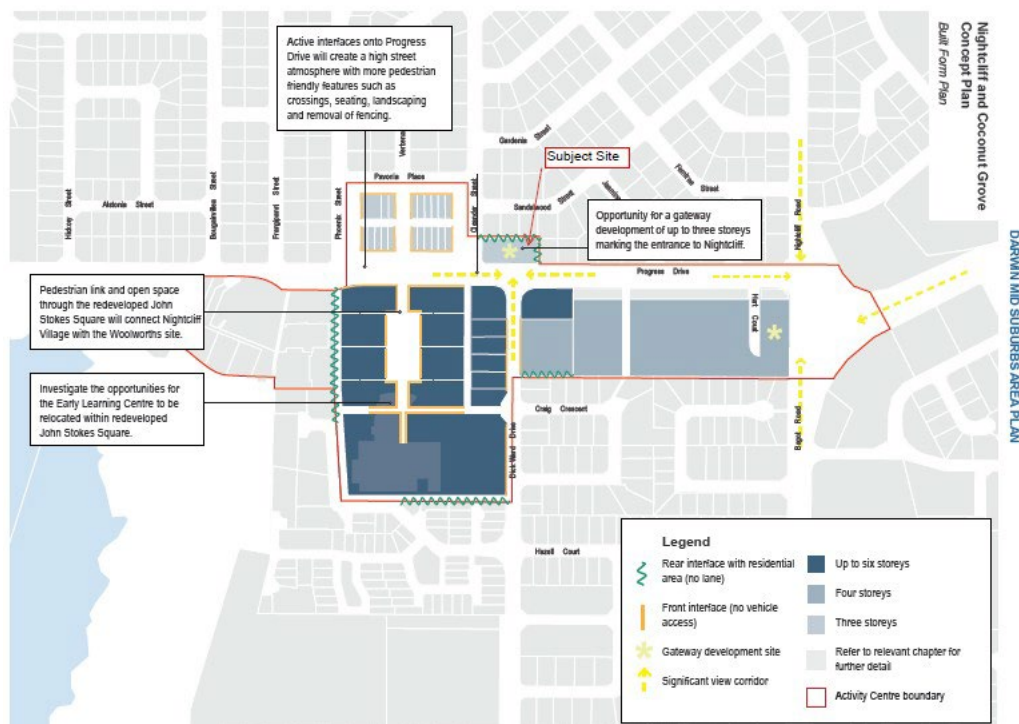


Figure 5: Nightcliff and Coconut Grove Concept Plan – Built Form Plan (p.43)

Activity Centres & Commercial Areas

The objectives and acceptable responses set out for ‘Local Retail’ centres and the concepts identified by the Coconut Grove/Nightcliff Concept Plan are discussed below.

Planning Principles		
Local Centers & Convenience Retailing/Existing Commercial		
Objectives	Acceptable Responses	Proposed Development
1. – Ongoing use for Commercial Purposes.	A mix of commercial, retail and residential uses in these localities is encouraged within existing Zone C (Commercial) land. Development adjoining commercial zones must accord with the relevant provisions of the NT Planning Scheme.	The proposed student accommodation provides a mix of ground floor commercial offices & short stay accommodation. Parts 4 and 5 of the NTPS are discussed below.
Concepts		
Nightcliff and Coconut Grove Activity Centre (Nightcliff concept plan)		
Objectives	Acceptable Responses	Proposed Development
1 - Redevelopment of John Stokes Square and adjacent sites to integrate Nightcliff Village with the Woolworths site as one activity centre.	The redevelopment of the NT Housing Commission owned site John Stokes Square must provide a publicly accessible pedestrian link between Progress Drive and Woolworths. The inclusion of landscaping and shade awnings along Progress Drive and the new pedestrian link are to provide a	A mixed-use development with ground floor commercial tenancies is consistent with Concept Plan. A full-length shade awning is also provided to the Progress Drive frontage offering improved pedestrian shelter and connectivity (except the driveway).

	continuous pedestrian friendly connection between Nightcliff Village and Woolworths. Land use to generally accord with the Nightcliff and Coconut Grove Concept Plan (Land Use Plan) at Attachment 1. A mix of residential, commercial, retail and community uses are encouraged within the redeveloped John Stokes Square. Retail, commercial and community uses encouraged on ground floor. Residential uses to be avoided on ground floor.	
2. Development of medium rise mixed use buildings.	Buildings to accord with the Nightcliff and Coconut Grove Concept Plan (Built Form Plan – figure 4 above).	A mixed-use development with ground floor commercial tenancies and upper floor short-stay accommodation which aligns with the Concept Plan. The total building height is 12.2m and three storeys which is less than the prescribed limit of 14m above ground level (discussed below).
3. Car parking hidden from view and located to facilitate continuous pedestrian movement on primary and secondary streets.	Car parking should be accommodated underground within John Stokes Square and in the longer term, within the redeveloped Woolworths site. Vehicle access that accords with the Nightcliff and Coconut Grove Concept Plan (Built Form Plan).	No change to the existing crossover location is proposed. This ensures that any future plans identified in the Area Plan for Progress Drive are not jeopardised.
4. Mark the arrival point of specialist and secondary centres via the articulation of building form, envelope and material expression.	Gateway location development sites identified on the Nightcliff and Coconut Grove Concept Plan (Built Form Plan) incorporate a design response which strengthens the precinct by: • establishing a prominent architectural address orientated towards the identified view corridor; • providing a visual anchor point, via the articulation of building form, envelope and material expression within the identified view corridor; and • employing the appropriate use of building height on the interface with the view corridor to accentuate the sense of arrival.	The subject site is identified as a 'gateway location' in the Built form Plan concept at the intersection of key view corridors along Progress and Dick Ward Drive. While the policy aspires for a consolidated parcel with lots to the west, this aspiration is not directly incentivised nor can it be brokered through NTPS requirements. Demonstrating full compliance with the aspirations of this concept over one site is therefore limited.

		Notwithstanding, the building is proposed over the eastern lot and respects the gateway location through the use of contemporary architectural design features such as ground floor and level 1/2 façade landscaping, increased ground floor ceiling heights for the commercial tenancies and appropriate material/colour selection. The design also adheres to the three-storey height limit and relevant Part 5 design criteria (discussed below). Development on neighbouring lots identified for gateway development to the west are not unduly impacted by ensuring appropriate setbacks are also provided.
5. Enhanced community facilities and public open space that form a community hub in the precinct.	Redevelopment of John Stokes Square should provide public open space of at least 10 per cent of the total site area. Opportunities for the provision of community and social facilities and services within the redevelopment of John Stokes Square should be explored. These uses should act as activators of the square and should have a presence on the ground floor where possible.	Not applicable.
6. Streets that serve their traffic function whilst providing a pedestrian and cyclist friendly environment.	Landscaping, seating, water fountains, wayfinding signage and public art should be provided to create places for people to gather. Pedestrian and cyclist access should be prioritised. Upgrades to Progress Drive should generally implement the spatial use elements outlined in Nightcliff and Coconut Grove Concept Plan (Built Form Plan and Indicative Street Design - Progress Drive at Figure 4 above)	Duplication of Progress Drive per the concept plans is out of scope for the proposed development. However, improved pedestrian/cyclist connections and shade are achieved through the proposed awning over the existing footpath.

7. Non-residential uses that are compatible with residential use.	Building design should give consideration to mitigating potential noise impacts that can occur in mixed use precincts.	The ground-floor commercial tenancies (offices) are located towards the Progress Drive frontage and unlikely to have any adverse noise impacts.
8. Continued operation of the Nightcliff Market.	Nightcliff Village and Sunday Markets should continue to cater for the convenience needs of local residents and the broader region.	Student accommodation in this location will indirectly support the ongoing operation of the markets by providing the opportunity for increased patronage.
9. Appropriate lot size subdivision design and configuration to accommodate mixed use, pedestrian friendly development.	Amalgamations, site layout and lot size to accord with the Nightcliff and Coconut Grove Concept Plan (Land Use Plan) at Attachment 1.	Subdivision or consolidation is not proposed. It is noted that the subject site is identified as a 'gateway location' in the Built form Plan concept at the intersection of key view corridors along Progress and Dick Ward Drive. While the policy aspires for a consolidated parcel with lots to the west, this aspiration is not directly incentivised nor can it be brokered through NTPS requirements.

Movement & Transport

The subject site is located along a 'Sub-arterial/Primary Transport Corridor'. In general terms, this policy aims to preserve and improve existing transport networks. While the majority of the policy concentrates on infrastructure upgrades beyond the scope of this development, the improvement of the overall pedestrian/cyclist network will be supported through the inclusion of an awning over the existing footpath and bike parking as required Part of the NTPS (discussed below).

4.3 Part 3 – Overlays

Part 3 of the NTPS identifies areas of land within the NT by using Overlays designed to preserve desired development outcomes. Overlays can apply to both terrestrial and marine environments and respond to unique locality or site features.

No Overlays apply to the subject site.

4.4 Part 4 – Zones and Assessment Tables

4.4.1 Clause 4.11 - Zone C (Commercial)

The purpose of Zone C is to provide a mix of activities and services well connected to a surrounding community at varying scales including:

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

The mixed-use development aligns with the purpose of the clause and through additional **office** stock and upper floor student accommodation. The scale of accommodation is also commensurate with the surrounding commercial locality and compliant with height and density limits set by Part 5 of the NTPS (discussed below). The relevant zone outcomes are discussed below.

- 1. A diversity of commercial activities that provide for a range of needs of the surrounding area at an appropriate scale for their location, including:*
 - a. a mix of retail and business activities including **shop, food premises-café/take away, food premises-restaurant, bar-small and bar-public, sex services-commercial premises, medical clinic, office, and leisure and recreation**; and*
 - b. **child care centre, club, residential care facility**, and other community activities and support services.*

The proposed development will support the diversity of land uses that are encouraged in Zone C and, once occupied, contribute to the viability of existing and future commercial uses in the Nightcliff Activity and Commercial Centre.

- 2. **Dwelling-multiple and rooming accommodation** incorporate commercial activities within the ground floor occupancies in a manner that contributes to the activation of the commercial precinct, at an appropriate scale for the location.*

The **rooming accommodation** includes ground floor **offices** that will contribute to the activation of the commercial precinct and public domain during business hours.

- 3. Other development, such as **education establishment, exhibition centre, hotel/motel, nightclub entertainment venue, place of assembly, place of worship,***

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

Not applicable.

4. *All development is to:*

- a. avoid adverse impacts on the local road network;*
- b. be managed to minimise unreasonable impacts to the amenity of surrounding residents;*
- c. be of a scale, intensity and nature that reflects the mixed-use character of the zone;*
- d. provide variety and interest at street level;*
- e. allow passive surveillance of public spaces; and*
- f. have a scale and character appropriate to the commercial function of the locality.*

The existing driveway will be used while the design incorporates features to minimise the potential impact on surrounding Zone LR land. This includes 1.8m solid fencing on lot boundaries, 6-10m high Indian mast tress along the rear boundary that will provide a natural screen to the rear. The rooftop communal area is also positioned towards the Progress Drive frontage to provide increased separation from neighbouring low-rise residential development.

Small but functional balconies also provide opportunities for passive surveillance particularly along the south and west facades. On the ground floor, small **office** tenancies are proposed commensurate with the scale of the Nightcliff commercial precinct designed to attract smaller boutique services that don't require large CBD **office** space.

5. *Innovative building design, **site** layout and **landscaping** that:*

- a. responds to microclimates, including breeze flow;*
- b. minimises privacy and overlooking impacts;*
- c. reduces the appearance of building mass relative to its surroundings; and*
- d. creates attractive outdoor spaces and enhances the streetscape.*

The architecturally designed building includes façade planting on upper levels, a full-length awning to the Progress Drive frontage. It also seeks to reduce the potential for privacy and overlooking impacts through setbacks, fencing and landscaping that will offer additional screening at maturity. Massing is reduced through building recesses, façade landscaping, blade walls and curved rooflines.

See also responses to sub-clause 4 above.

6. *Development is designed to provide clear connections within the development and to external pedestrian, bicycle, public and road transport networks and infrastructure to promote accessibility and use.*

The development improves pedestrian connectivity through the full-length awning to Progress Drive. It also promotes active transport by ensuring adequate bicycle parking is provided within the development. By using the existing driveway location, the development will also not impede the strategic vision set out by Part 2 (discussed above).

7. *Development incorporates appropriate urban and landscape design that creates safe, attractive and functional buildings, streets and places.*

See responses to sub-clauses 4 and 5 above.

8. *Developments are operated in a manner to ensure that there is no unreasonable loss of **amenity** for surrounding premises, having regard to the mixed-use nature of the zone.*

Potential impacts on neighbouring residential properties have been considered in the design (discussed above). From a purely operational perspective, the **rooming accommodation** component and **offices** are not expected to give rise to any long-term amenity impacts. An Operational Management Plan will be prepared and adopted to ensure student activity on site is managed in line with the established amenity of the locality.

9. *Development is provided with the appropriate services, including roads, pedestrian and cycle paths, reticulated electricity, water, sewerage, stormwater drainage and telecommunication infrastructure where available or where can be made available. If reticulated sewerage is unavailable, lots are suitable for the on-site disposal of effluent in a manner that does not pollute ground or surface waters.*

The site is located in a high amenity commercial precinct with established businesses which offer a range of food, professional services and recreational opportunities including the Nightcliff foreshore. Reticulated services are also available.

10. *Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.*

Not applicable.

4.5 Part 5 – General Development Requirements

The following Part 5 clauses are relevant in assessing the proposed development's level of compliance.

4.5.1 Clause 5.2.1 – General Height Control

The purpose of this clause is to ensure that building heights are appropriate for the locality and meets community expectations for the Zone.

Table B to this clause sets a maximum building height of 4 storeys for mixed-use development in Zone C. However, height requirements are superseded by clause 5.9.6(1) which permit a maximum building height of 3 storeys up to 14m above ground level (discussed below).

4.5.2 Clause 5.2.4.1 – Parking Spaces

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

The following car parking requirements have been calculated in accordance with Table A:

Use	Required Bays	Requirement/NFA*	Total
Rooming Accommodation	1 for every 5 persons + 1 for every staff member + 1	Max 40 pax	8 + 1 + 1
Offices	2.5 per 100m ² of NFA not within a dwelling	(185m ² / 100 x 2.5)	4.625
Total required (rounded up)			14.625 (15)
Provided on site			16
Total surplus			1

In general terms, vehicle ownership for students is typically lower than people in full-time employment. Bicycle and e-scooter usage is proportionally higher and offers a viable alternative which is less expensive than car ownership. On this basis, excess bicycle parking on the ground floor has been provided to meet anticipated demand. Proximity to public transport is also key consideration for the student demographic. Notwithstanding, management of available car parking on site will form a key part of the facility's Operational Management Plan.

While the provisions of Table B to clause 5.2.4.1 do not strictly apply to the proposed development, the following reductions have been considered in a general sense:

- Route 4 offers a regular weekday service to/from Darwin CBD and Casuarina with bus stops 226, 245 and 86 located along Progress Drive within 200m of the subject site. This offers a theoretical reduction of 15%.

- The site is wholly within a commercial precinct. Again, this offers a theoretical reduction of 15%.

If a theoretical 30% reduction was considered along with excess bicycle parking, lower vehicle ownership rates for students and adequate on-site management of car parks, the provision of the 16 bays for the proposed development is appropriate.

4.5.3 Clause 5.2.4.4 – Car 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 requirements of this clause are:

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

The proposed car parking area is sealed, undercover and to the rear of the site behind the ground floor office tenancies.

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

The car parking area is sealed, of a suitable gradient for safe and convenient car parking and will be drained adequately.

8. *The layout of a car parking area is to:*
 - a. *be functional and provide separate access to every car parking space;*
 - b. *allow a vehicle to enter from and exit to a road in a forward gear;*
 - c. *be in accordance with the dimensions set out in the diagram to this clause; and*
 - d. *ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.*

The car parking layout is functional, has separate access to each bay and allows each vehicle to enter/exit in a forward gear. All bays comply with the dimensions set out by this clause including the 1m projection beyond bays 7 and 8 at the end of the driveway.

9. *The number of access points to the road is to be limited, and access points to car parking areas are to:*
 - a. *have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and*
 - b. *maximise sight lines for drivers entering or exiting the car parking area.*

The driveway location is unchanged and includes an internal width of 6m to allow for two-way traffic flow.

4.5.4 Clause 5.2.5 – Loading Bays

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

Rooming accommodation does not require a loading bay however **offices** require 1 per 2,000m². Based on a net floor area of 185m², this equates to a requirement of 1 loading bay (rounded up). The provision of a loading bay will improve functionality for the overall development and support waste management services.

4. A loading bay is to:

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

A loading bay with dimensions of 3.2m (w) x 5.5m (l) x 4m (h) is provided in the north-west corner. While the loading bay itself provides the required 4m height clearance, the floor plate for level 1 is 3.2m above ground which reduces the access by 0.8m. Pursuant to sub-clause 5.2.5(1), a variation is sought for the following reasons:

- Technically, the loading bay is only required for the **office** use and is therefore appropriate for smaller scale service/delivery vehicles and general building maintenance.
- A minor reduction to the required loading bay dimensions will not inhibit a private waste contractor vehicle from servicing the area.

The loading bay is therefore considered sufficient for the proposed scale of development. Pursuant to sub-clause 5.2.5(1), the consent authority's discretion is respectfully sought for a variation to the minor non-compliances identified above.

4.5.5 Clause 5.2.6.1 – Landscaping in Zones other than CB

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

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

The proposed development includes ground level and upper floor landscaping which aligns with the purpose of this clause by promoting passive cooling and appropriate species selection for the climate.

3. Where landscaping is required by this Scheme it should be designed so that:

- a. planting is focused on the area within the street frontage setbacks side setbacks, communal open space areas and uncovered car parking areas;*
- b. it maximises efficient use of water and is appropriate to the local climate;*
- c. it takes into account the existing streetscape, or any landscape strategy in relation to the area;*
- d. significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained;*
- e. energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;*
- f. the layout and choice of plants permits surveillance of public and communal areas; and*
- g. it facilitates on-site infiltration of stormwater run-off.*

The site is void of significant vegetation. Approximately 166m² of landscaping is proposed with planting focused along the upper-level façades, including on the Progress Street frontage, to promote passive cooling and building aesthetics. Importantly, planting along the rear boundary includes mature trees that will reach a height of 8-10m at maturity to increase the privacy between the proposed lots and the neighbouring Zone LR land. Passive surveillance opportunities of public land will not be impacted by the selected species.

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

Landscaping is considered a key feature of the overall design and will be maintained to preserve the integrity of the design aesthetics of the development when in operation. A condition can be included on any permit issued to this effect.

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

Not applicable.

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

Not applicable.

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

Not applicable.

4.5.7 Clause 5.2.7 - Setbacks for Development Adjacent to Zones LR, LMR, MR or HR

The purpose of this clause is to protect the visual and acoustic amenity of residential buildings where they are adjacent to non-residential development.

2. *A use or development or a proposed use or development that is:*
 - a. *not a residential building;*
 - b. *on land that is in a zone other than Zones LR, LMR, MR or HR; and*
 - c. *abuts land in any of those zones;*
 - d. *must provide a setback to the boundary that abuts any of those zones of not less than 5m.*

The land abuts land in Zone LR on the north and east side boundaries. The requirements of sub-clause 2 are therefore relevant to the ground floor **office** component.

Lot Boundary adjacent Zone	Setback requirements	Office setback
LR		
Rear (north)	5m	21.5m
Side (east)	5m	6m

3. *The setback described in sub-clause 2 is to be landscaped to provide a visual screen to the adjacent land Zoned LR, LMR, MR or HR for a minimum depth of 3m.*

The setback to the east side boundary is not landscaped to a depth of 3m. However, the majority of the rear boundary includes the 3m depth of landscaping except for a small portion approximately 5.825m long which has 1.5m setback. Accordingly, a variation is sought (discussed below).

4. *The development should provide a solid screen fence of a minimum height of 1.8m at the boundary with land in Zones LR, LMR, MR or HR.*

The development includes 1.8m high privacy fencing adjacent the Zone LR land to the north and east.

Pursuant to sub-clause 5.2.7(1)(c), the consent authority 'may consent to a development that is not in accordance with sub-clause 5.2.7(3) if it's satisfied that the development provides adequate setbacks and landscaping consistent with the purpose of this clause'. A variation is sought for the following reasons:

- The **office** component is on the ground floor, located internal to the site and has setbacks that exceed the minimum 5m required by this clause.
- The development provides the required 1.8m high privacy fencing along the required boundaries which effectively screens the **offices** from neighbouring land.
- In relation to the rear, trees will be planted that area capable of reaching 8-10m height at maturity offering increased screening for the ground and upper floors. The non-compliance with the 3m depth of landscaping is isolated to the north east corner and minor in nature.

- In relation to the east side boundary, the area within the setback will only be used as an access/egress driveway with the office building setback 6m from this boundary where only 5m is required. For context, the provision of landscaping to a depth of 3m equal to the length of the ground floor **office** tenancy, would require a non-compliant driveway design.
- Furthermore, no east facing windows or openings are proposed for the **office** (tenancy 3) closest to the east side boundary.

For the reasons outlined above, the consent authority's discretion is sought to grant a variation to sub-clause 5.2.7(3).

4.5.8 Clause 5.3.7 – End of Trip Facilities (EoT) in Zone CB

The purpose of this clause is to ensure that new commercial and high-density residential buildings provide sufficient safe, quality and convenient end of trip facilities to enable active travel choices by residents, visitors, students and customers for the proposed use of the site.

Sub-clause 5.3.7(2) states that all new buildings in Zone CB should provide bicycle parking facilities calculated per the table to this clause.

The EoT facilities required for the development are:

Use	Bicycle spaces required	Rooms/NFA	Total
Rooming Accommodation	1 space for every 3 rooms + 1 shower	40 rooms	14 parks
Offices	1 space per 300m ² of NFA	185m ²	1
Total required (rounded up)			15
Total provided (dual side) + 1 shower in GF reception area			28

Sub-clause 5.3.7(3) requires that all bicycle parking facilities and associated bicycle parking devices should be designed in accordance with Australian Standard AS2890.3 – Bicycle Parking and must:

- be located in a convenient and safe location with adequate security for the storage of bicycles;*
- have an appropriate mix of long and short term, wall and floor mounted bicycle parking;*
- where secure parking is provided, provide e-bike charging facilities, as necessary;*
- not require access via steps;*
- be protected from the weather;*
- enable the wheels and frame of a bicycle to be locked to the device without damaging the bicycle;*
- be located outside pedestrian movement paths;*
- be easily accessible from the road;*
- be arranged so that parking and manoeuvring motor vehicles will not damage adjacent bicycles;*
- be protected from manoeuvring motor vehicles and opening car doors;*

- k. be as close as possible the cyclist's ultimate destination;*
- l. be well lit by appropriate existing or new lighting; and*
- m. be sympathetic in design, material & colour to compliment the surrounding environment.*

Secure ground mounted bicycle car parking internal to the development is available for approximately 28 bikes in the north-east corner of the development. These parks comply with the design criteria set out above except there is limited protection from weather.

Pursuant to sub-clause 5.3.7(1), a variation is sought as this area is located within the 3m setback area required by clause 5.2.7. This area can be covered if the DCA is open to varying the setback clause discussed above.

- 4. A locker should accompany every secure bicycle parking space, and should be:*
 - a. of suitable volume and dimensions to allow storage of clothing, cycling helmets and other personal items;*
 - b. well ventilated, secure and lockable; and*
 - c. located close to shower and changing facilities.*

A total of 5 lockers are proposed and located in the ground-floor reception area directly adjacent a DDA compliant shower for use by staff. Noting the private bathrooms in each room, it's reasonable to assume that students will prioritise use of bathrooms in their private rooms thereby limiting the requirement for lockers and additional showers.

- 5. All new non-residential buildings, hotels/motels, and serviced apartments in Zones HR, CB, C, SC and TC should provide sufficient and accessible shower and changing facilities for staff with the number of showers calculated at the rate specified in the table to this clause.*
- 6. Shower and changing facilities must be secure facilities capable of being locked, and should:*
 - a. be located as close as practical to the associated bicycle parking facilities;*
 - b. provide one change space per shower; and*
 - c. Provide for separate male and female facilities where more than one shower is provided.*

Please refer to responses provided for sub-clauses 3 and 4 above.

4.6.1 Clause 5.9.6 – Nightcliff Village

Diagram to Clause 5.9.6: Nightcliff Village Extent and Features



Figure 6: Diagram to clause 5.9.6 (p.143 of the NTPS)

The purpose of this clause is to promote building height that is sympathetic to the Nightcliff Village character.

The proposed development is comprised of three (3) storeys with open/green rooftop design and is a maximum height above ground level of approximately 12.2m.

4.6.3 Clause 5.9.6.2 – Development in Gateway Locations

The purpose of this clause is to ensure that development on prominent sites serves as a visual anchor point and creates a sense of arrival into the Nightcliff Village precinct.

The requirements of this clause are:

4. *Development is to be oriented towards the significant view corridor identified in the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features) and address the Dick Ward Drive and Progress Drive intersection through:*
 - a. *additional articulation of building form, envelope and material expression;*
 - and*
 - b. *variations in building height and/or roof sections.*

The site is identified as one of the parcels in the ‘gateway location’ in the diagram to clause 5.9.6 at the intersection of key view corridors along Progress and Dick Ward Drive. As required by sub-clause 5.9.6.2(2), an architectural design statement is provided at **Attachment F**.

While the policy aspires for a consolidated parcel with lots to the west, this is reliant on a commercial outcome between landowners that is beyond the scope of the NTPS. Notwithstanding, the proposed respects the gateway location through the use of contemporary architectural design features such as ground floor and level 1/2 façade landscaping, articulated built form with curved roof lines, increased ground floor ceiling heights for the commercial tenancies and contemporary material/colour selection.

The design also adheres to the three-storey height and 14m height limit required by clause 5.9.6.1 (discussed above) and associated setbacks outlined by related Part 5 clause. Development on neighbouring lots identified as part of the ‘gateway location’ are therefore not unduly impacted allowing for future design responses in line with this clause.

4.6.4 Clause 5.9.6.3 – Active Street Frontage

The purpose of this clause is to prioritise active frontage along key streets in Nightcliff to encourage pedestrian activity and strengthen the relationship between buildings and the public domain.

Per-sub clause 5.9.6.3(1), the requirements of this clause only apply Zone C that has frontage to a “priority activated frontage” identified in the Diagram to Clause 5.9.6. Assessment under this clause is therefore not required.

4.6.5 Clause 5.9.6.4 – Plot Ratio for Commercial Development

*The purpose of this clause is to ensure that **building height**, massing and form maintains pedestrian scale in the street.*

The requirements of this clause only apply to Zone C within Area B identified in the Diagram to Clause 5.9.6. Assessment under this clause is therefore not required.

4.6.6 Clause 5.9.6.5 – Plot Ratio for Residential Development

The purpose of this clause is to encourage mixed use development that provides varied built form and visual interest consistent with the anticipated character of the area.

The requirements of this clause apply only to residential development in Zone C with more than 4 storeys in the area identified in the Diagram to Clause 5.9.6. Assessment under this clause is therefore not required.

4.7 Part 5 – Specific Development Requirements

4.7.1 Clause 5.4.3 – Building Setbacks of Residential Buildings & Ancillary Structures

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

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

The relevant requirements of this clause are:

- 6. Subject to clause 5.2.7, building setbacks of residential buildings and ancillary structures are to be set back from lot boundaries in accordance with:*
 - a. the relevant table to this clause;*
 - b. or any setbacks established in a building setback plan included in Schedule 9.*

Table C applies to residential development and ancillary structures in Zone C.

Setbacks required by clause 5.2.7 are discussed above in Section 4.5.7 of this report.

Lot Boundary	Table C setback requirements	Proposed setbacks	Complies
Primary Street (south)	3m to residential buildings	1.5m to building (L1, L2)	x
	0m for balconies	0m	✓
Side (east)	5m	5m to building (L1, L2) 3.8m to 8 x central balconies (L1, L2)	✓ x
	4.1m to roofline	3m to roofline at closest point (L1, L2)	x
Rear (north)	5m	5m to building 3.8m to 12 x balconies (L1, L2)	✓ x
	4.1m to roofline	3m to roofline	x
Side (west)	0m for walls with no openings	3m to GF office wall (no openings)	✓
Abuts land in Zone C	3m for walls with openings/balconies	3m to wall on north & south wings (L1,L2)	✓
		1.8m to 8 x central balconies (L1, L2)	x

Pursuant to sub-clause 5.4.3(3), the consent authority may consent to a 'development that is not in accordance with Table C if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site, having regard to such matters as its location, scale and impact on adjoining and nearby property'.

The consent authority's discretion is sought in relation to the setback variation outlined above for the following reasons:

- A 50% reduction to the front setback to residential building wall is not a material variation when considering what is already permissible by Table C. For context, a 0m setback is permitted for the level 1 and 2 balconies. Per the notes appended to this clause, balconies may also encroach into the road reserve subject to consent from the relevant local government council. Together, these building features may give rise to massing effects greater than what is proposed even if a development was to propose a compliant building setback of 3m for the residential building on levels 1 and 2.
- Further offsetting the potential massing impacts is the contemporary design. This will complement the broader Nightcliff commercial precinct and immediate streetscape through façade landscaping and an awning over the footpath.
- In relation to the rear (north) boundary, the 5m required for the building line is achieved. However, a total of twelve (12) balconies encroach 1.2m into the required 5m setback resulting in a 3.8m setback (76% compliance). This is mitigated through dense planting of Indian mast trees along the rear boundary that will reach a height of at least 8-10m at maturity – effectively screening view lines from balconies at 6-9m above ground to adjoining Zone LR land. In many instances these trees grow higher than 10m and could potentially be taller than the proposed building itself.

- In relation to the east side boundary, the 5m required for the building line is achieved however a total of 8 balconies encroach 1.2m into the required 5m setback resulting in 3.8m setback. If considered quantitatively, this equates to 76% compliance ($3.8/5 \times 100$). Notwithstanding, view lines from levels 1 and 2 to the Zone LR land are obscured by existing vegetation on neighbouring land.³
- In relation to the west side boundary, the 3m required to the building line is achieved however a total of 8 balconies encroach 1.2m into the required 3 m setback. If considered quantitatively, this equates to 60% compliance ($1.8\text{m}/3\text{m} \times 100$). While this is not considered a substantial variation, the adjoining land is currently undeveloped and therefore still offers the future developer an opportunity to respond to neighbouring built form.

For the reasons set out above, a variation to the setback requirements is unlikely to have adverse impacts on neighbouring land. Importantly, the design features of the residential building have sought to reduce the potential impact on neighbouring land through façade treatments, landscaping and careful consideration of the communal open space area (discussed below). This approach, and resulting design, supports the purpose of the clause.

In summary the exercise of discretion is required of the consent authority pursuant to sub-clause 5.4.3(3) is respectfully sought.

4.7.2 Clause 5.4.7 – Communal Open Space

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

The requirements of this clause are:

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

A total of 150m² (1000m² / 100 x 15) is required. A total of 387m² is provided in the form a rooftop communal open space area. The design includes barbecues, open air seating, and a recreation space shaded by a landscaped green roof. It also hosts the communal laundry to encourage activity and socialisation by students.

³ It's unclear whether this building is currently occupied and presents in a state of disrepair.

Importantly, this area is designed in the southern portion of the rooftop area away from adjoining residential development to the north. The rear portion of the rooftop is reserved for Level 2 rooftop which, combined with building setbacks, provides a 12m setback in total to the rear property boundary.

4.7.3 Clause 5.4.8 – Residential Building Design

The purpose of this clause is to promote site-responsive designs for dwelling-group, rooming accommodation and residential care facility, which provide a pleasant living environment for the occupants and a sympathetic interface with adjoining lots, to minimise unreasonable impacts on the privacy and amenity of surrounding residents.

The requirements of this clause are:

3. *Locate development on the site for correct solar orientation.*

The site has a northerly aspect.

4. *Minimise expanses of walls by varying building heights, building setbacks and façades.*

Blank walls are isolated to the east and west side ground floor **office** walls. Building articulation, setback variations and façade landscaping are all incorporated as part of the upper floors building design.

5. *Locate air conditioners where they are accessible for servicing.*
6. *Conceal service ducts, pipes, air conditioners, air conditioning plants etc.*

Individual air conditioning units will be provided for each room on the corresponding balcony and be screened from view.

7. *Avoid overlooking of private open spaces and habitable rooms of adjacent residences on the same and adjacent sites.*

Refer to discussion under sections 4.7.1 & 4.7.2 above.

8. *Locate bedrooms and private open spaces away from noise sources.*

Bedrooms are not located directly adjacent any lift shafts, stairs or large plant equipment.

9. *Control its own noise sources and minimise the transmission of noise between dwellings.*

Noise impacts resulting from the proposed development are anticipated to be minimal. A 1.8m high privacy fence is provided at ground level per the requirements of clause 5.2.7 (discussed above). This will serve to mitigate potential noise transfer between sites and offer additional privacy at ground level.

Refer to discussion above under section 4.7.2 in relation to the rooftop communal area.

- 10. Where close to high noise sources (such as busy roads and airport flight paths), be of appropriate acoustic design and construction.*

Construction materials (rendered & painted blockwork) along with glazing for windows associated with student accommodation rooms will offer relief from potential traffic noise emanating from Progress Drive.

- 11. Balance the achievement of visual and acoustic privacy with passive climate control features.*

Facade planting and rooftop landscaping is also proposed which aligns with passive climate control principles.

- 12. Allow breeze penetration and circulation.*

The architecturally designed development promotes breeze penetration through building articulation, balconies and the proposed building setbacks.

- 13. Minimise use of reflective surfaces.*

Materials with reflective surfaces are limited windows/glazing.

- 14. Provide internal drainage of balconies and coving on the edge of balconies.*

Internal drainage will be incorporated into balcony design.

4.7.4 Clause 5.4.9 - Residential Development in Zone C

*The purpose of this clause is to ensure that residential development on a **site** in Zone C does not prejudice the use or development of the **site** for commercial or retail activity in accordance with the purpose of the zone.*

This clause mandates that sites in Zone C are only to be used or developed for a **residential building** where the development includes ground floor commercial tenancies with a 'floor area that is consistent with the service function of the site'.

The proposed development includes commercial **office** tenancies on the ground floor commensurate with the scale of the broader commercial precinct. These are designed to attract smaller, boutique services, which don't require expansive CBD floor space.

4.7.4 Clause 5.4.17 – Building Articulation

The purpose of this clause is to ensure that residential buildings mitigate the perception of building mass and bulking when viewed from adjoining properties and the street, and provide opportunities for cross-ventilation within building design.

This clause requires:

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

In relation to the building lengths along the east and west facades, the central core of the building is approximately 12.3m long before stepping in at both the north and south

hallways by approximately 1m x 1.5m. This recess also includes landscaping to further reduce the perceived visual bulk.

In relation to the north and south façades, the building length is approximately 19.4m but does not include a 1m x 1m recess.

Pursuant to sub-clause 5.4.17(2), a variation is sought to the front and rear building lengths noting the use of façade landscaping and curved roof lines which visually reduce potential massing impacts. In addition to this, the ground floor commercial tenancies have 0m setback which further reduce the overall presence of the residential components on levels 1 and 2 when viewed from the street.

4.7.5 Clause 5.4.19 – Residential Plot Ratio

The purpose of this clause is to encourage varied built form outcomes in higher density zones that are consistent with the anticipated character of the area.

This clause applies to **rooming accommodation** in Zone C. Table A to this clause sets a plot ratio limit of 1.3:1 which equates to 1,300m² for the subject site (1.3 x 1,000m²). The residential plot ratio equates to approximately 1,048m² for both levels (room floor areas + balconies).

4.7.6 Clause 5.5.2 – Commercial Plot Ratio

The purpose of this clause is to provide for development that will, in terms of building massing, be compatible with adjacent and nearby development.

This clause applies to development in Zone C. Development should not exceed a commercial plot ratio of 1. The total **office** space equates to approximately 246m² which well below the threshold allowed.

4.6.4 Clause 5.5.15 - Design in Commercial & Mixed-Use Areas

The purpose of this clause is to encourage diverse mix of commercial and mixed-use developments that are safe, positively contribute to the activity and amenity of commercial centres, climate appropriate, and minimise conflicts between different land uses within and surrounding the commercial centre.

Pursuant to sub-clause 5.5.15(1), in addition to the matters described in sub-clauses 12-23, demonstrate consideration of and the consent authority is to have regard to the [Community Safety Design Guide in Schedule 5](#).

The primary objective of these guidelines is to promote the key principles of Crime Prevention Through Environmental Design (CPTED).

Surveillance

The objective of this principle is to promote passive surveillance of public spaces, streets and communal area. The proposed development achieves this through glazed windows at street level with upper floor balconies that have views of the public realm.

Sight Lines/Building Design/Lighting/Wayfinding

The objective of this principle is to ensure that built form promotes clear sight lines and avoids potential for concealment. The proposed development does not introduce any areas with potential for concealment and does not unreasonably inhibit existing or future sight lines.

Mixed-Use Areas & Activity Generators

The objective of this principle is to increase the level of activity within areas to enhance passive surveillance opportunities and extend hours of activity in an area to include after business hours.

As noted above, passive surveillance opportunities are increased through the building design. The inclusion of commercial activity at ground level and accommodation on the upper floors will support increased passive surveillance opportunities throughout the mixed-use commercial precinct.

The requirements of this clause are:

- 12. Building design is to be sympathetic to the character of buildings in the immediate locality.*

The proposed development is sympathetic to development in the immediate locality through the use of architectural features including façade and boundary landscaping, reduced building height and the communal open space location.

Please also refer to discussion under sections 4.7.1 – 3 above.

- 13. Buildings are to incorporate and maintain passive climate control measures appropriate to the local climate.*

The proposed development incorporates glazed floor to ceiling windows to promote energy efficiency and façade landscaping features on upper floors to promote passive cooling.

- 14. Building design is to minimise the expanse of blank walls facing the street and public open spaces and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.*

Blank walls are isolated to the east and west side ground floor **office** walls. Building articulation, setback variations and façade landscaping are all incorporated as part of the upper floors building design.

- 15. Services and utilities (such as bin storage areas, service ducts, pipes, air conditioner plants etc.) are to be integrated into the development and/or screened to the public domain and neighbouring properties.*

Services will be integrated from the development and/or screened from public view.

16. *Car parking areas, including rooftop parking, and open expanses of pavement are to be shaded by landscaping and/or shade structures.*

No rooftop parking is proposed with all parking located on the ground floor and obscured by the building footprint/landscaping.

17. *Unless advised otherwise by the relevant local government council or controlling agency for roads (whichever is applicable), development is to provide an awning or veranda to all street frontages that adjoin a footpath, which:*

- a. extends along the full length of the site boundary to provide continuous coverage for pedestrians.*
- b. covers the full width of the footpath or has a minimum width of 3m; and*
- c. allows for the growth of existing trees and the planting and growth of reasonably anticipated trees within the road reserve.*

The development includes an awning that is 1.8m (w) x 2.2m wide x 21m (l) which covers the existing Progress Drive footpath.

18. *Development is to provide legible pedestrian access from the street and public pathways to building entrances that:*

- a. is direct and provides refuge from the sun and rain; and*
- b. avoids potential entrapment areas, blind corners or sudden changes in level that restrict sightlines.*

The development includes individual tenancy entrances with a central reception area for the **rooming accommodation**.

19. *New developments are to be sited, designed and operated to minimise unreasonable impacts to surrounding uses and development related to noise, vibration, light, odours and other nuisance.*

The proposed residential use is not anticipated to give rise to any unreasonable impacts on surrounding uses. Setbacks and associated mitigants are discussed above.

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

- a. locating lift shafts away from habitable rooms, or by using other noise attenuation measures; and*
- b. locating air conditioner plants away from openings in habitable rooms.*

No noise or exhaust impacts are anticipated with all rooms/bedrooms located away from noise sources.

21. *Buildings are to provide internal drainage of balconies.*

Balconies are internally drained.

22. *Development with a floor area of 3500m² or greater is to provide a dedicated parenting room (to allow for activities such as baby change and breastfeeding).*

The floor area is less than 3,500m².

23. *Development is to provide designated areas for rubbish collection.*

A designated refuse area is provided on the ground floor which a private waste contractor will service.

4.6.5 Clause 5.5.17 – Building frontage in Commercial Areas

The purpose of this clause is to encourage primary frontages of commercial buildings to contribute to a pleasant pedestrian environment and provide visual connectivity with their surroundings.

The requirements of this clause are:

5. *Services on primary building frontages are to be limited to:*
- a. a direct single point of access to service equipment for all service authorities;*
 - b. required fire egress; and*
 - c. required fire booster connection points.*

A single point of access is provided for building services in the south-east corner of the development, and one vehicle entry/egress is proposed.

6. *Primary building frontages are to contain one or more of the following components for 60% of the building length, where the distance between each component is no more than 1.5m:*
- a. windows with openings that have dimensions not less than 0.9m wide and 1.2m high;*
 - b. operational and legible entrances (excluding fire egress);*
 - c. areas that are used for alfresco dining;*
 - d. spaces that allow for pedestrian movement and/or seating; or*
 - e. vertical **landscaping** for the full height of the frontage.*

Floor to ceiling glazed windows are included along the street frontage. Entrances are legible and offer direct access to the footpath.

6. *Buildings are to provide awnings for the length of the primary building frontage to a minimum of 3m wide.*

The front boundary is approximately 27.43m long with approximately 18.4m of active frontage proposed. This equates to approximately 67%.

S46(3)(b) to (l) of the Act

This relevant parts of s46 for the type of development proposed are discussed below.

5.1 46(3)(b) – Interim Development Control Order

There are no Interim Development Control Orders listed on Title.

5.2 46(3)(c) – Referral to the NT EPA

Referral to the NT EPA under Part 4 Division 3 of the *Environment Protection Act 2019* has not been undertaken and is not required.

5.3 46(3)(d) – Merits of the proposed development

The following merits have been identified:

- The type and scale of development is appropriate for the site and consistent with the uses anticipated in the Nightcliff Commercial precinct.
- The design exemplifies efficient infill development by leveraging a n undeveloped site that will improve the overall street aesthetic and compliment the strategic planning policy objectives.
- The improvements to the active street frontage including new awnings are a positive contribution to the immediate locality and streetscape.
- The design also improves community safety by promoting passive surveillance opportunities.

5.4 46(3)(e) – Physical characteristics of the land and an assessment regarding its suitability for the proposed development on the land and other land.

A description of the site is provided in Section 2.2 of this report. The site is considered appropriate for the development and consistent with previous approvals issued over the site.

5.5 46(3)(f) – specify the public facilities or public open space available in the area in which the land is situated, whether land for public facilities or public open space is to be provided by the developer and whether it is proposed that facilities or open space be developed by the developer.

A description of the locality is provided in Section 2.1. No public facilities or open space is proposed as part of the proposed development.

5.6 46(3)(g) – specify the public facilities or public open space available in the area in which the land is situated, the requirement for public facilities or infrastructure to be connected to the land and whether public utilities or infrastructure are to be provided by the developer for the provision of public utilities or infrastructure.

Reticulated power, water and sewer and telecommunications are connected to the site. No public facilities or open space is proposed as part of the proposed development.

5.7 46(3)(h) – potential impact on existing and future amenity of the area in which the land is situated.

The proposed development is not anticipated to have an adverse impact on future or existing amenity in the area. Instead, it will activate an underutilised parcel of land that has sat undeveloped for some time.

5.8 46(3)(j) – the benefit or detriment to the public interest of the development.

No detriment to the public interest is anticipated. The proposed development will benefit the broader Darwin community by stimulating economic activity during the development, construction and operational phases of the project. Once operational, it will also contribute to the diversity and availability of accommodation within the Nightcliff commercial precinct.

5.0 Conclusion

Sheridan Consulting has been engaged to prepare, lodge and manage this Development Application for **rooming accommodation** (student accommodation) with ground floor offices in a 3-storey building at 22 Progress Drive (Lot 359 Town of Nightcliff).

The land is Zone C of the *Northern Territory Planning Scheme 2020 (NTPS)*, and the use is *impact assessable* pursuant to clause 1.8(1)(c)(i) of the NTPS. In accordance with clause 1.10(4) of the NTPS, the consent authority must consider the relevant requirements set out in Part 5; any Overlays and associated requirements in Part 3, and; the guidance provided by the relevant zone purpose and outcomes in Part 4 and any component of the Strategic Framework relevant to the land as set out in Part 2.

No overlays apply to the site with only minor variations sought in relation to performance criteria. These variations are considered relatively minor with justification provided to support favourable administration of the corresponding clauses. Importantly, the proposed development is a prime example of infill development where a longstanding undeveloped site will become a feature of the broader Nightcliff commercial precinct.

In summary, Sheridan Consulting requests that the consent authority review the application material and, subject to its satisfaction, determine to grant consent under s53(a) of the Act with conditions commensurate with the scale of development.

End



NORTHERN TERRITORY OF AUSTRALIA

PLAN OF
LOTS 266-402

Town of Nightcliff

Hundred of Bagot

County of Palmerston

Scale:- 100 feet to an inch

Traverses and Secants

Line	Bearing	Dist.
------	---------	-------

Reference to Corners

Cor.	Bearing	From	Links	Marks
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Note

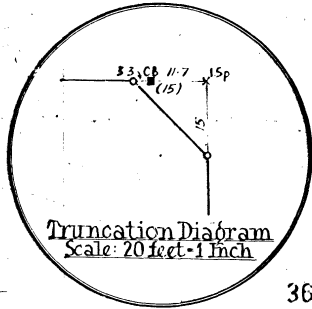
Proposed Sewerage Easement additions
to Lots 266-274, 276, 287-299, 301, 312, 313,
315-327, 329, 345-351, 353-356
362, 363, 365, 366, 368, 370, 372, 374-
377, 382-386, 389, 391, 394
395, 397-399 vide field
book B.S. 50 folios 16-22
and file S946.

Enl. 29/2/72.
Resident Chief Draftsman
Land and Survey Branch.

Note: Sewerage Easement over Lot 316
amended. Vide field book B.S. 50 folio 17
and file S946 folio 123.

Sports Oval

ENLARGEMENT 'B'
Not to Scale



ENLARGEMENT 'A'
Scale: 30 feet to an inch.

NOTE: Proposed Sewerage Easement
over Lot 368 amended vide field book
B.S. 50 and file S946 folio 109.

CONVERSION TABLE
FOR LOT 350

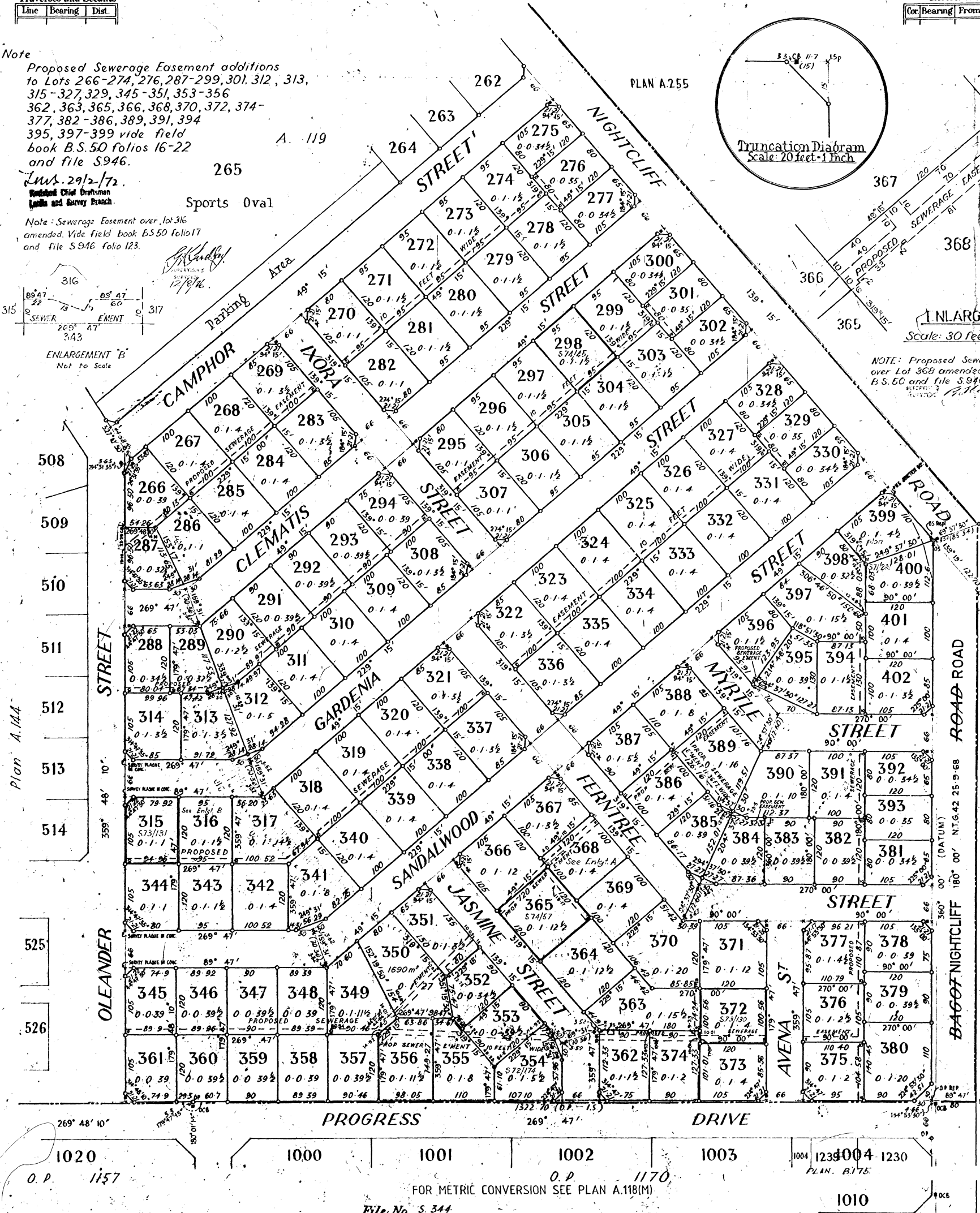
FEET	METRES
10.03	3.055
10.48	3.195
12	3.66
14.01	4.27
75.47	23.005
80	24.385
98.47	30.015
150	45.72
154	46.94

Metric Conversion Table
and Area Added
R. H. H. 4.6.86
SUPERVISING DRAFTSMAN
(S)

DIA. 325



NO MARKS



Assumed at O.P. 1170 Surveyor's Certificate I hereby certify that this survey was performed by me and/or under my immediate supervision in strict accordance with the Licensed Surveyors Regulations, that on 29.4.1958 I completed the survey and that the plan is in all respects accurate. 14-11-58 Date A. A. Marshall Licensed Surveyor	Field Book No. S.A.S. 24 INSTRUCTION No. S.A.S. 57/18 9.9.1957 Calculation Book No. S.A.S. 1/79 Drawn by N.S. G. 16.10.1958 Registered by N.S.G. 16.10.58 Checked on P.P. NIGHTCLIFF Examined with F.B. G.W. H. 13.11.58 Diagram passed Date 1-11-60 CHIEF DRAFTSMAN N.T.	Survey approved and certified correct Y-11-1960 Date A. 118 R. H. H. Surveyor General N.T.
---	--	---

COPY TO L.T.O. 19-3-79

NOTED

Blair 22.11.18

NR MAPS

Attachment C - Site Aerial



Legend

 Subject Site



Metres 10 20 30 40

nrmaps.nt.gov.au

Geospatial Services Unit



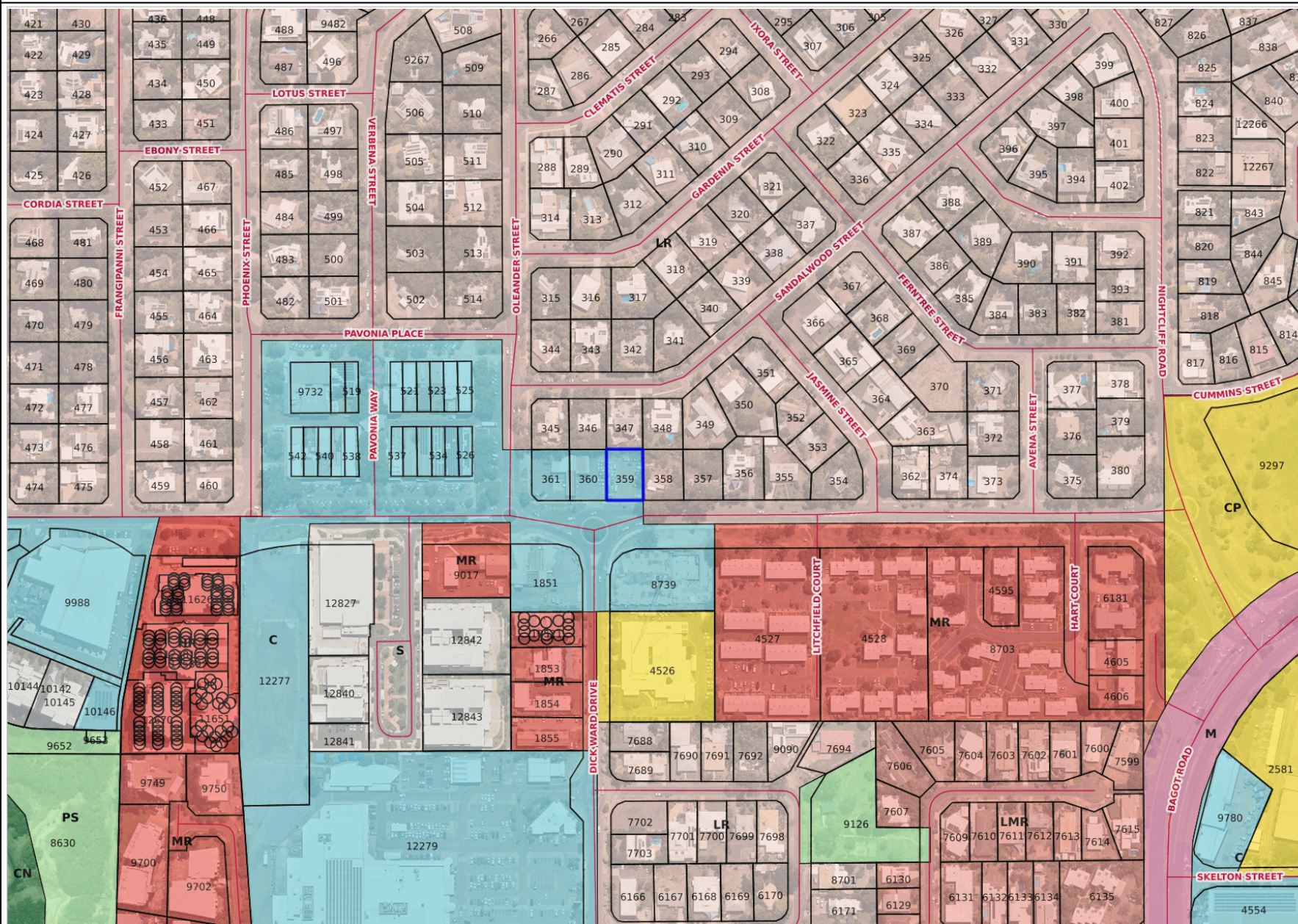
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Planning and Environment
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NR MAPS

Attachment D - Zoning & Locality Plan



Legend

TOWN_PLANNING_ZONES

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



Metres 50 100 150

nrmaps.nt.gov.au

Geospatial Services Unit



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Planning and Environment
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PORPOSED MIXED USE DEVELOPMENT
LOT 359, 22 PROGRESS DRIVE, NIGHTCLIFF, DARWIN, N.T.



LOCATION OF WORKS



LOCALITY PLAN
1 : 2000 @ A1

SHEET LIST

Sheet Number	Sheet Name	Current Revision	Current Revision Description
A000	COVER SHEET	A	FOR INFORMATION
A001	GENERAL NOTES	A	FOR INFORMATION
A002	GENERAL NOTES	A	FOR INFORMATION
A003	SITE LANDSCAPE PLAN	A	FOR INFORMATION
A100	FLOOR PLANS - GENERAL ARRANGEMENT PLAN	A	FOR INFORMATION
A101	FLOOR PLANS - GENERAL ARRANGEMENT PLAN	A	FOR INFORMATION
A120	ELEVATIONS	A	FOR INFORMATION
A130	SECTION	A	FOR INFORMATION
A140	3D VIEWS	A	FOR INFORMATION



FOR INFORMATION

A	FOR INFORMATION				
No.	DESCRIPTION	DATE	DRAWN	CHECKED	
	AMENDMENTS				

ASHFORD
LAMAYA
ARCHITECTS

LANDSCAPE: NAME	INTERIOR: NAME
STRUCTURAL: NAME	BUILDING CERTIFICATION: NAME
CIVIL: NAME	SURVEYOR: NAME
MECHANICAL: NAME	GEOTECHNICAL: NAME
ELECTRICAL: NAME	ACOUSTICS: NAME
HYDRAULIC: NAME	

PORPOSED MIXED USE DEVELOPMENT
22 PROGRESS DRIVE - NIGHTCLIFF - DARWIN - N.T.
COVER SHEET

IS A SHARED LAMAYA ARCHITECTS CLASSES COPYRIGHT IN THIS DOCUMENT. THE UNAUTHORIZED USE, COPYING OR REPRODUCTION OF THIS DOCUMENT IS NOT PERMITTED.
DO NOT SCALE OFF THIS DRAWING. CONTRACTOR TO MAKE ANY ACTUAL OR SUSPECTED DISCREPANCIES WITH THE PROJECT PURPOSE OR INTENT OF THIS DRAWING AND ANY EVENT PRIOR TO DESIGN, FABRICATION, OR COMMENCEMENT OF CONSTRUCTION.

JOB No.	SHEET No.	AMENDMENT	SHEET SIZE
RA2604	A000 OF -	A	A1

GENERAL NOTES				DEMOLITION NOTES				STORMWATER AND SEDIMENT CONTROL				CEILING NOTES			
1. DO NOT SCALE OFF DRAWINGS				1. ALL DEMOLITION WORKS SHALL BE IN ACCORDANCE WITH AS 2601 AND NT WORKSAFE REQUIREMENTS				1. EROSION AND SILT RUN OFF PROTECTION TO BE MAINTAINED AT ALL TIMES TO COMPLY WITH RELEVANT LEGISLATION AND LOCAL GOVERNMENT REGULATIONS MINIMUM STANDARDS AT ALL TIMES				1. THE CONTRACTOR SHALL CARRY OUT A TRIAL SETOUT OF ALL CEILINGS, CEILING GRIDS AND SOFFIT TYPES. VERIFY LAYOUT WITH SUPERINTENDENT PRIOR TO CONSTRUCTION OF CEILING SYSTEM			
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE				2. CONTRACTOR TO PROVIDE DEMOLITION REPORT TO CLIENT PRIOR TO DEMOLITION WORKS TO COMMENCE ON SITE				2. DO NOT ALLOW STORMWATER TO DISCHARGE INTO NEIGHBOURING PROPERTIES				2. ALL PERIMETER GAPS AND PENETRATIONS IN FLUSH JOINTED PLASTERBOARD OR CEILING SYSTEMS TO BE SEALED WITH APPROVED MATERIAL COMPLYING WITH THE MANUFACTURERS REQUIREMENTS			
3. ALL REFERENCES TO AUSTRALIAN STANDARDS ARE TO THOSE CURRENTLY REFERENCED IN THE NCC.				3. ITEMS TO BE DEMOLISHED OR MODIFIED ARE TYPICALLY SHOWN DASHED / HATCHED ON THE DEMOLITION PLAN				3. STORMWATER DISCHARGE IS TO BE DIVERTED AWAY FROM THE BUILDINGS ON SITE AND ANY ADJOINING ALLOTMENT. GROUND AND PAVED SURFACES ADJACENT TO THE BUILDING ARE TO BE SET DOWN AND FALL AWAY FROM THE BUILDING.				3. CEILING HEIGHTS SHOWN ARE TAKEN FROM THE TOP OF THE INTERIOR CONCRETE FLOOR SLAB			
4. ALL CONTRACTORS AND SUB CONTRACTORS ARE TO NOTIFY THE SUPERINTENDANT OF ANY DISCREPANCIES IMMEDIATELY. THE CONTRACTOR IS TO ALLOW FOR THE HIGHER VALUE SPECIFICATION UNLESS DIRECTED OTHERWISE				4. REFER TO OTHER SERVICES DOCUMENTATION FOR ANY ADDITIONAL DEMOLITION WORK				4. DIVERSION DRAINS TO BE USED TO DIRECT SURFACE WATER AROUND BUILDING SITE. DRAINS SHOULD BE 150mm DEEP. CUT SOIL TO BE DEPOSITED ON THE LOW SIDE OF THE TRENCH. DRAIN SHOULD BE STABILISED USING GRASS, AGGREGATE OR MATTING TO SLOW VELOCITY OF WATER. DIVERTED WATER SHOULD BE DIRECTED ONTO A SUITABLE AREA OF ABSORPTION OR TO A PROTECTIVE MEASURE SUCH AS GEOTEXTILE SEDIMENT FENCE				4. FOR MECHANICAL AND ELECTRICAL LAYOUTS REFER TO ENGINEERS DRAWINGS			
5. ALL CONTRACTORS AND SUB CONTRACTORS WORKS TO COMPLY WITH RELEVANT AUSTRALIAN STANDARDS, THE NATIONAL CONSTRUCTION CODE (NCC), LOCAL GOVERNMENT OR STATUTORY BODIES REQUIREMENTS				5. CONFIRM LOCATION OF ALL SERVICES LOCATIONS PRIOR TO NEW WORKS COMMENCING				5. FLASHINGS INDICATE ARCHITECTURAL INTENT ONLY. SITE CHECK DIMENSIONS OF ALL FLASHINGS PRIOR TO MANUFACTURE. OBTAIN APPROVAL FOR ANY VARIATIONS PRIOR TO PROCEEDING				5. ALL PLASTERBOARD SHEETING TO AS 2589			
6. ALL WORKMANSHIP TO COMPLY WITH RELEVANT AUSTRALIAN STANDARDS BY STANDARDS ASSOCIATION OF AUSTRALIA				6. SERVICES AFFECTED BY DEMOLITION WORKS ARE TO BE MADE GOOD OR CAPPED OFF AS REQUIRED. REMOVE ALL REDUNDANT FITTINGS, FIXTURES AND SERVICES BACK TO THEIR SOURCE				5. ALL PLASTERBOARD TO BE FLUSH SET UNLESS OTHERWISE NOTED ON DRAWINGS OR SCHEDULES				7. EXPANSION JOINTS AT ALL CHANGES IN SUBSTRATE AS RECOMMENDED BY MANUFACTURER			
7. ALL PLANS TO BE READ IN CONJUNCTION WITH ALL CONSULTANTS DOCUMENTS. WHERE RELEVANT REFER TO STRUCTURAL, ELECTRICAL, HYDRAULIC, MECHANICAL AND CIVIL ENGINEERS DRAWINGS FOR FURTHER INFORMATION REGARDING BUILDING SERVICES AND STRUCTURE.				7. WHERE EXISTING SURFACES ARE DAMAGED BY DEMOLITION WORKS, THEY SHALL BE MADE GOOD TO MATCH EXISTING ADJACENT SURFACES AND PREPARED FOR NEW WORKS				5. ALL CEILING/ WALL JOINTS TO BE SQUARE SET UNLESS OTHERWISE NOTED ON DRAWINGS OR SCHEDULES				9. CONTRACTOR TO PROVIDE STRUCTURAL ENGINEERS CERTIFICATES FOR ALL SUSPENDED CEILING WORKS WHERE APPLICABLE			
8. CONTRACTOR TO SET OUT ALL WORKS ON SITE TO DETERMINE ANY CLASHES WITH ANY EXISTING SITE INFRASTRUCTURE AND UNDERGROUND SERVICES				8. ALLOW FOR TEMPORARY DUST PROOFING / HOARDING AROUND WORK AREA WHILE STILL PROVIDING SUITABLE EGRESS AND ACCESS TO ALL OCCUPIED AREAS				5. LEAKY GUTTERS TO HAVE A FALL TOWARDS OUTLET OF 1:500 MIN.				6. GUTTER HANGERS TO BE LOCATED AT MIDPOINT OR END OF GUTTER AS SHOWN ON THE ROOF PLAN			
9. VERIFY ALL DIMENSIONS AND LEVELS BEFORE COMMENCING ANY ON SITE WORKS				9. ADJACENT AREAS MUST REMAIN SECURE AND FREE OF DUST				5. STORMWATER DRAINAGE DESIGN, INCLUDING ROOF WATER COLLECTION, MUST COMPLY WITH AS/NZS 3500.3				6. CONTRACTOR TO PROVIDE STRUCTURAL ENGINEERS CERTIFICATES FOR ALL SUSPENDED CEILING WORKS WHERE APPLICABLE			
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE STRUCTURE DURING ERECTION & SHALL PROVIDE ADEQUATE PROPPING AND SUPPORT				10. WHEN WALLS ARE OPEN FOR INSTALLATION OF NEW WORKS PROVIDE SECURITY FROM UNAUTHORISED ENTRY INTO THE WORKS AREA				CONCRETE NOTES				6. DIMENSIONS SHOWN ARE NOMINAL STRUCTURAL OPENING SIZES ONLY. ALL MEASUREMENTS SHALL BE TAKEN FROM SITE BEFORE ANY FABRICATION			
11. MANUFACTURERS AND SUB-CONTRACTORS ARE TO PROVIDE SHOP DRAWINGS FOR PROJECT SUPERINTENDENTS APPROVAL PRIOR TO FABRICATION AND INSTALLATION				11. REGULARLY REMOVE ALL DEMOLISHED MATERIAL FROM SITE IN CLOSED WHEELIE BINS AND MAINTAIN A CLEAN & TIDY SITE THROUGHOUT CONSTRUCTION.				1. ALL CONCRETE CONSTRUCTION SHALL COMPLY WITH AS 3600 & AS 2870				3. THE PROJECT STRUCTURAL ENGINEERS DOCUMENTATION INDICATE THE DESIGN CRITERIA AND FIXING TYPE AND SPACING FOR THE WINDOW DESIGN. THE BUILDER IS TO CONFIRM ALL PRESSURES WITH THE PROJECT ENGINEER PRIOR TO ORDERING AND FABRICATION			
12. ALL PROPRIETARY ITEMS SHALL BE CONSTRUCTED, INSTALLED OR FIXED AS PER MANUFACTURERS, SPECIFICATIONS OR RELEVANT AUSTRALIAN STANDARDS AND THE NATIONAL CONSTRUCTION CODE.				12. PROTECT ALL EXISTING RETAINED ADJACENT FLOOR, WALL & CEILING FINISHES THROUGHOUT DEMOLITION & CONSTRUCTION WORKS. LIAISE WITH THE CLIENT'S REPRESENTATIVE FOR PROTECTION OF ANY LIFT CARS				2. ALL CONCRETE SHALL BE CURED IN ACCORDANCE WITH AS 3600 & AS 2870.				3. THE PROJECT STRUCTURAL ENGINEERS DOCUMENTATION INDICATE THE DESIGN CRITERIA AND FIXING TYPE AND SPACING FOR THE WINDOW DESIGN. THE BUILDER IS TO CONFIRM ALL PRESSURES WITH THE PROJECT ENGINEER PRIOR TO ORDERING AND FABRICATION			
13. ANY ALTERNATIVES ARE TO BE APPROVED IN WRITING BY THE SUPERINTENDENT				13. TAKE ALL PRACTICAL STEPS TO MINIMIZE NOISE RESULTING FROM WORKS				3. PROVIDE DAMP-PROOF MEMBRANE (0.2mm THICK APPROVED POLYETHYLENEMEMBRANE) TO BE INSTALLED TO THE UNDERSIDE OF FLOOR SLABS FULLY TAPED, LAPPED & SEALED IN ACCORDANCE WITH NCC PART F107				4. IN THE EVENT OF A NOMINATED WINDOW SIZE NOT BEING ABLE TO MEET THE REQUIREMENTS OF THE LISTED AUSTRALIAN STANDARD CODES AND/OR THE NCC THE BUILDER/MANUFACTURER ARE TO ADVISE THE SUPERINTENDENT PRIOR TO PROCEEDING WITH FABRICATION			
14. THE PROPOSED SITE IS IN A CYCLOCLIC WIND REGION. ALL CLADDING MATERIALS AND ATTACHMENTS TO THE BUILDING ARE TO BE FIXED IN ACCORDANCE WITH THE AN APPROVED DTC MANUAL REFERENCE SHEET OR MANNER ENDORSED BY THE DESIGN ENGINEER				14. REMOVAL OF ASBESTOS SHALL BE BY SPECIALIST SUBCONTRACTORS. SEE ASBESTOS NOTES FOR MORE INFORMATION				4. C76SAW CUTS AT 1500MM CENTRES UNLESS NOTED OTHERWISE				5. WINDOW MANUFACTURER TO DETERMINE LOCATION AND THICKNESS OF ALL SAFETY AND TOUGHENED GLASS TO THE REQUIREMENTS OF THE AS1288 & AS 2047			
15. FLOOR LEVELS SHOWN ARE TO STRUCTURAL CONCRETE LEVELS AND NOT FINISHED SURFACE LEVELS (TYPICAL).				15. DEMOLISH ALL EXISTING ROLLER & VENETIAN BLINDS & TRACKS TO ALL EXTERNAL WINDOWS & INTERNAL GLAZING				5. CONTRACTION JOINTS, EXPANSION JOINTS, SAW CUT JOINTS ARE TO BE PROVIDED IN ACCORDANCE WITH THE ENDORSED STRUCTURAL ENGINEERS DOCUMENTATION.				6. ALUMINIUM FRAMES TO BE SELECTED POWDERCOAT UNLESS OTHERWISE NOTED ON DRAWINGS OR SCHEDULES			
16. CONTRACTOR TO UNDERTAKE THE FOLLOWING:				16. ALL EXTERNAL BUILDING FINISHES THAT ARE BEING RETAINED AND NOT RECEIVING A NEW FINISH SHOULD BE THOROUGHLY CLEANED. ANY VISIBLE DAMAGE TO THOSE SURFACES SHOULD BE REPORTED TO THE SUPERINTENDENT				5. TERMITES PROTECTION TO BE PERFORMED STRICTLY IN ACCORDANCE WITH AS3660.1.				7. ALL EXTERNAL WINDOWS ARE VIEWED FROM OUTSIDE AND ALL INTERNAL WINDOWS ARE VIEWED FROM OUTSIDE OF ROOM			
a. ALL SET-OUTS TO BE CONFIRMED BY LICENSED SURVEYOR PRIOR TO COMMENCEMENT OF ANY SITE WORKS				17. REMOVE ALL REDUNDANT SURFACE MOUNTED EXPOSED DUCTS, CONDUITS & FIXINGS				5. TERMITES PROTECTION TO BE PERFORMED STRICTLY IN ACCORDANCE WITH AS3660.1.				8. GLAZING CAPABLE OF BEING MISTAKEN AS AN UNIMPEDED PATH OF TRAVEL MUST BE MARKED WITH SOLID AND NON-TRANSPARENT VISUAL INDICATOR (MIN 75mm WIDE AND BOTTOM EDGE 900-1000 AFL) THAT PROVIDES MIN 30% LUMINANCE CONTRAST AGAINST THE FLOOR SURFACE OR SURFACES WITHIN 2M OF THE GLAZING ON OPPOSITE SIDE IN ACCORDANCE WITH AS 1428.1			
b. PROVIDE CERTIFICATION TO PROJECT SUPERINTENDANT OF ALL DIMENSIONING PRIOR TO SITE SET-OUT				18. LEAVE THE SITE IN A CLEAN AND TIDY STATE				5. TERMITES PROTECTION TO BE PERFORMED STRICTLY IN ACCORDANCE WITH AS3660.1.				9. ALL WINDOWS AND DOORS TO BE PROVIDED WITH THE REQUIRED ADEQUATE WEATHER SEALS TO ACHIEVE WATER TIGHTNESS THROUGHOUT AND COMPLIANCE WITH ENERGY EFFICIENCY PROVISIONS.			
17. THE CONTRACTOR SHALL DESIGN AND CONSTRUCT NON-STRUCTURAL BUILDING PARTS AND COMPONENTS IN ACCORDANCE WITH SECTION 8 OF AS 1170.4 TO RESIST EARTHQUAKE ACTIONS. THE CONTRACTOR SHALL PROVIDE WRITTEN CERTIFICATION BY A STRUCTURAL ENGINEER REGISTERED IN THE NORTHERN TERRITORY AS A BUILDING PRACTITIONER IN THE APPROPRIATE CATEGORY.				19. ANY REDUNDANT SERVICE PENETRATIONS IN FIRE RESISTING CONSTRUCTION SHALL BE APPROPRIATELY FIRE STOPPED TO MAINTAIN THE FRL OF THE BUILDING ELEMENT IN ACCORDANCE WITH NCC PART C4D15.				5. TERMITES PROTECTION TO BE PERFORMED STRICTLY IN ACCORDANCE WITH AS3660.1.				10. PROVIDE SUB SILL FOR DRAINAGE TO EXTERNAL WINDOWS			
18. CORROSION PROTECTION OF STEEL MEMBERS SHALL COMPLY WITH AS/NZS 4600 AND THE NASH STANDARD				SITE NOTES				ROOF NOTES				11. ALL WINDOWS ARE TO BE RETRO FITTED INTO SUB FRAMES AFTER BLOCKWORK & RENDER IS COMPLETED. ALLOW FOR NECESSARY MATCHING TRIMS & CONCEALED FIXINGS WHERE POSSIBLE. ENSURE BLOCKWORK REVEALS ARE SEALED BEFORE INSTALLATION.			
19. THREE COATS OF ACRYLIC BASED PAINT OR ALTERNATE EXTERNAL MOISTURE BASED PROTECTION IN ACCORDANCE WITH AS 3700 2018 MUST BE INSTALLED TO EXTERNAL BLOCKWORK WALLS				1. FORMAL DETAILED SURVEY DEPICTING ALL SITE INFORMATION, BOUNDARIES, BEARINGS, LEVELS & CONTOURS TO BE PROVIDED BY CLIENT				1. ALL ROOF SHEETING AND FLASHINGS TO BE AS PER AS 1562.2 MANUFACTURERS SPECIFICATIONS & RELEVANT NT DTC MANUAL SHEETS.				12. ALL ALUMINIUM FRAMED DOORS TO HAVE WIDE STILES TO SUIT SPECIFIED MORTICE LOCKS			
20. STEELWORK SHALL BE SELECTED AND INSTALLED TO COMPLY WITH THE STRUCTURAL ENGINEERS DESIGN AS 4100 / AS4600 AS APPROPRIATE.				2. CONTRACTOR TO UNDERTAKE GPR SURVEY TO VERIFY UNDERGROUND SERVICES.				2. ALL PENETRATIONS THROUGH ROOF SHEETING TO BE FLASHED WITH FLASHING TO MATCH SELECTED ROOF SHEETING FINISH.				13. FOR ALUMINIUM DOOR FRAMES GENERALLY USE EL6478 PLANT ON STOPS WHERE NO STOP IS SPECIFIED			
				3. GEOTECHNICAL INVESTIGATION TO BE PROVIDED BY CLIENT				3. ALL COLORBOND TO BE STANDARD GRADE, UNLESS NOTED OTHERWISE				14. ALL FIXED GLASS PANELS TO BE CLEAR GLASS UNLESS NOTED OTHERWISE			
				4. STANDARD BOUNDARY WALL / FENCE HEIGHTS TO BE MEASURED ABOVE NATURAL GROUND				4. ALL EXTERNAL STEEL TO BE GALVANIZED 0.48 TCT UNLESS NOTED OTHERWISE				15. REFER TO MECHANICAL DRAWINGS FOR DOOR GRILLES			
				5. RETAIN / PROTECT / MAKE GOOD TO EXISTING ADJACENT PROPERTIES TO SUPERINTENDENTS SATISFACTION / APPROVAL				5. MINIMUM COVER:				16. REFER TO SCHEDULE FOR HARDWARE			
				6. TEMPORARY FENCING AND WORKPLACE HEALTH AND SAFETY REQUIREMENTS TO BE MAINTAINED AT ALL TIMES				• RIDGE CAPPING: 200mm				17. REMOVE & CLEAN ALL SEALANT FROM FRAMES, GLASS & SURROUNDING SURFACES			
				7. ERECT AND MAINTAIN DUST PROOF HOARDING TO THE SHOP FRONT THROUGHOUT THE COURSE OF CONSTRUCTION/ FIT OUT OF WORKS				• APRON FLASHING AND BARGE CAPPING: 200mm				18. REFER TO FLOOR PLANS FOR DIRECTION OF DOOR SWINGS			
								6. NEATLY SCRIBE FLASHING TO SUIT ROOF PROFILES.							
								7. PROVIDE "DEKITTIE" ROOF FLASHINGS OF MATCHING DIAMETER TO ALL PLUMBING ROOF PENETRATIONS							
								SELECTED COLOUR TO MATCH ROOF SHEETING							
								TURN UP VALLEYS AT RIDGE & INSTALL PROFILED BITUMEN IMPREGNATED FOAM SEALING STRIP UNDER FLASHING.							

FOR INFORMATION				ASHFORD LAMAYA ARCHITECTS				LANDSCAPE: NAME STRUCTURAL: NAME CIVIL: NAME MECHANICAL: NAME ELECTRICAL: NAME HYDRAULIC: NAME				INTERIOR: NAME BUILDING CERTIFICATION: NAME SURVEYOR: NAME GEOTECHNICAL: NAME ACOUSTICS: NAME				PORPOSED MIXED USE DEVELOPMENT 22 PROGRESS DRIVE - NIGHTCLIFF - DARWIN - NT. GENERAL NOTES			
A				07/07/2026				DA				JOB No:				SHEET No:			
No.				DATE				DRAWN				RA2604				A001			
AMENDMENTS												OF				-			
												A				A1			

1. GENERAL POWER OUTLETS AND COMMUNICATIONS POINT LOCATIONS TO BE CONFIRMED WITH CLIENT
2. LIGHTING FIXTURE LOCATIONS TO BE CONFIRMED WITH CLIENT (EMERGENCY LIGHTING TO BE AS PER DRAWINGS UNLESS OTHERWISE APPROVED BY BUILDING CERTIFIER)
3. ELECTRICAL FIXTURES TO BE CO-ORDINATED WITH JOINERY
4. REFER TO CLIENT EQUIPMENT MANUFACTURERS FOR A1 REQUIRED GPQS. ELECTRICIAN TO ALLOW FOR SUPPLY AND INSTALLATION OF GPQS OR OTHER SPECIAL POWER SUPPLY TO ALL OTHER ITEMS REQUIRING POWER
5. REFER ELECTRICAL ENGINEERS DOCUMENTATION IN ALL CASES. ALL ELECTRICAL WORKS TO COMPLY WITH NCC & AS 3000
6. ALL SWITCH LIGHTS AND EXIT SIGNS TO BE IN ACCORDANCE WITH NCC E4D2, E4D4, E4D5, E4D6 AND AS/NZS 2293.1
7. ALL ELECTRICAL WIRING AND OTHER CABLEING TO BE CONCEALED WITHIN JOINERY
8. NOT ALL LIGHT FITTINGS ARE SHOWN - CONTRACTOR TO BE AWARE THAT LIGHT FITTINGS INDICATED ARE NOT EXHAUSTIVE
9. ALL SWITCHES WALL MOUNTED AT BETWEEN 900-1100mm ABOVE FFL AND NOT CLOSER THAN 500MM TO AN INTERNAL CORNER, TO COMPLY WITH AS1428.1:2009.
10. GPQ'S FIXED AT SKIRTING LEVEL UNLESS NOTED OTHERWISE
11. ABOVE BENCH (AB) MOUNTING LEVEL IS ABOVE JOINERY/BENCH, ENSURE 200mm CLEARANCE FROM TOP OF THE BENCH TO UNDER OF THE LIGHTING
12. ALL SWITCHES/SWITCHES/GPO'S SHALL BE: HPM EXCEL WITH STAINLESS STEEL COVER PLATE OR SIMILAR INTERNAL/ EXTERNAL, GRADE DOUBLE POWER OUTLET
13. ALL NON-EXPOSED SWITCHES/ GPO'S SHALL BE: HPM EXCEL STANDARD WHITE OR SIMILAR INTERNAL/ EXTERNAL, GRADE DOUBLE POWER OUTLET
14. ARTIFICIAL LIGHTING TO BE PROVIDED AND TO COMPLY WITH AS 1680.0
15. ALL LIGHTING REQUIREMENTS TO BE READ IN CONJUNCTION WITH NCC N1 PART J1.
16. ELECTRICIAN TO SUPPLY CERTIFICATES OF COMPLIANCE AT COMPLETION FOR OCCUPANCY PERMIT ISSUE

1. ALL SMOKE ALARMS/DETECTORS ARE TO BE HARD WIRE CONNECTED TO MAINS SUPPLY WITH A BATTERY BACKUP AND SHALL COMPLY WITH AS 3786 WHERE MORE THAN 1 ALARM IS INSTALLED WITHIN A SOLE OCCUPANCY UNIT THE ALARMS ARE TO BE INTERCONNECTED.
2. ELECTRICAL SWITCHBOARD LOCATED IN THE PATH OF TRAFFIC TO FITS TO BE ENCLOSED IN METAL OR OTHER NON-COMBUSTIBLE CABINETS WITH SMOKE PROOF DOORS TO COMPLY WITH NCC PART D308.
3. FIRE HAZARD PROPERTIES OF ALL MATERIALS, LININGS, ASSEMBLIES AND SURFACE FINISHES SHALL COMPLY WITH SPECIFICATION 7 OF THE NCC. CONTRACTOR TO PROVIDE COLOURS OF FIRE INDICES TEST CERTIFICATES.
4. FIRE RESISTING CONSTRUCTION SHALL BE INSTALLED STRICTLY IN ACCORDANCE WITH THE TESTED PROTOTYPE SYSTEM. ANY GAPS OR PENETRATIONS ARE TO MAINTAIN THE FRL OF THE ELEMENT IN QUESTION.
5. ANY PENETRATIONS OF FIRE RATED FLOORS, WALLS, SLOPED ROOFS OR PARTITIONS ARE TO BE PROTECTED IN ACCORDANCE WITH SPECIFICATION NCC C4D15 TO ENSURE THE FIRE RATING IS MAINTAINED. EG. FIRE COLLARS TO NEW P/V PENETRATIONS ETC.
6. ALL TAP, VENT PIPES, WASTE PIPES, CABLES AND AIRCONDITIONING REFRIGERANT PIPEWORK ARE TO BE CONCEALED WITHIN THE WALLS
7. ALTERATIONS TO THE SPRINKLER SYSTEM TO BE CARRIED OUT IN ACCORDANCE WITH AS 2118 SUEITE OF STANDARDS AS APPROPRIATE
8. ALTERATIONS TO THE SPRINKLER SYSTEM TO BE DOCUMENTED INSPECTED AND APPROVED AS COMPLYING WITH AS 2118 BY THE HYDRAULIC SYSTEMS ENGINEER
9. ALL DOORWAYS TO HAVE A MIN. UNOBSTRUCTED HEIGHT OF 2.0M
10. EXHAUST FANS ARE TO DISCHARGE AIR DIRECTLY TO OUTSIDE AIR AT A RATE OF NO LESS THAN 25L/S

11. EXIT DOORS WHICH SWING AGAINST THE DIRECTION OF EXIT TRAVEL ARE TO BE CAPABLE OF BEING HELD IN THE OPEN POSITION.
12. ALL EXIT DOORS AND DOORS IN THE PATH OF TRAVEL TO EXITS (INCLUDING ROLLER SHUTTER GRILLES) ARE TO BE CAPABLE OF BEING OPENED AT ALL TIMES FROM THE SIDE FACING A PERSON SEEKING EGRESS FROM THE BUILDING WITH A SINGLE-HANDED DOWNWARD ACTION ON A SINGLE DEVICE WITHOUT THE USE OF A KEY AND LOCATED BETWEEN 900MM AND 1100MM ABOVE FINISHED FLOOR LEVEL. IN ACCORDANCE WITH CLAUSE NCC D3026
13. EXIT SIGN AND EMERGENCY LIGHTING TO COMPLY WITH AS/NZS 2293.1.
14. EXIT SIGN TO BE MOUNTED AT A HEIGHT OF 2.7M OR AS OTHERWISE APPROVED BY THE RELEVANT BUILDING SURVEYOR.
15. WHERE CHANGE IN CEILING HEIGHTS ARE PROPOSED TO EXISTING HEIGHTS EXTEND ALL MECHANICAL DUCTWORK, SPRINKLERS, HYDRAULIC SERVICES ETC. TO SUIT THE PROPOSED WORKS UNLESS OTHERWISE DOCUMENTED
16. FINAL LOCATION OF GENERAL SPRINKLER HEADS, SMOKE DETECTORS, EMERGENCY LIGHTS, SWITCHBOARD TO BE DETERMINED BY THE SERVICES ENGINEER.
17. ALL NEW AND ALTERATION WORKS TO BE CARRIED OUT BY A REGISTERED FIRE SERVICES CONTRACTOR AND ARE TO COMPLY WITH AS2181.
18. A 1.0M MINIMUM CLEAR EXIT PATH IS REQUIRED TO BE MAINTAINED THROUGHOUT THE BUILDING/ TENANCY /STOREY

1. ALL NEW & ALTERATION WORKS TO BE CARRIED OUT ARE TO COMPLY WITH AS 1668.2 & AS 3666.1
2. MECHANICAL EXHAUST: REFER MECHANICAL ENGINEERS DRAWINGS FOR SPECIFICATIONS AND LOCATION
3. MECHANICAL GRILLES TO MECHANICAL ENGINEERS SPECIFICATIONS. GRILLE FINISH POWDER COATED TO MATCH SURROUNDING WALL
4. MECHANICAL SERVICES TO BE CO-ORDINATED WITH OTHER SERVICES
5. ALLOW SUFFICIENT VENTILATION FOR ALL EQUIPMENT AS REQUIRED BY RELEVANT MANUFACTURERS
6. MECHANICAL INSTALLATION TO BE CERTIFIED BY SUITABLY QUALIFIED AND REGISTERED CERTIFYING ENGINEER. A COPY OF THE CONSTRUCTION CERTIFICATE IS TO BE PROVIDED AS A PART OF THE OCCUPANCY PERMIT APPLICATION.

1. FLOOR GRADIENTS IN ACCESSIBLE PERSONS TOILET TO BE BETWEEN 1 in 60 & 1 in 80 FOR SHOWERS AND BETWEEN 1 in 80 & 1 in 100 FOR GENERAL AREAS
2. SET-OUT DIMENSIONS OF ALL FIXTURES & FITTINGS TO BE FROM FINISHED FLOOR AND WALL SURFACES AND MUST COMPLY WITH AS 1428.1-2009. ALLOW FOR THESE FINISHES WHEN SETTING OUT FROM BASE (UNFINISHED) WALLS & FLOORS
3. BRAILLE EXIT SIGNAGE IS TO BE PROVIDED AT ALL DOORS TO BE PROVIDED WITH AN EXIT SIGN (PRESCRIBED UNDER NCC PART 4.0.6). SIGNS SHALL READ 'EXIT LEVEL X' AND BE MOUNTED IN ACCORDANCE WITH NCC PART 4.0.6
4. PROVIDE ACCESSIBLE FACILITIES TO HAVE AN IN-USE INDICATOR. SNIB TYPE LATCHES ARE TO BE A MIN 45MM LENGTH
5. DOOR TO ACCESSIBLE FACILITIES TO BE REMOVABLE FROM OUTSIDE
6. PROVIDE AT LEAST 30% MIN LUMINANCE CONTRAST (BETWEEN DOOR LEAF v. DOOR FRAME OR DOOR LEAF v. ADJACENT WALL) AT ALL DOORWAYS WHERE DISABLED ACCESSIBILITY IS REQUIRED IN ACCORDANCE WITH AS 1428.1

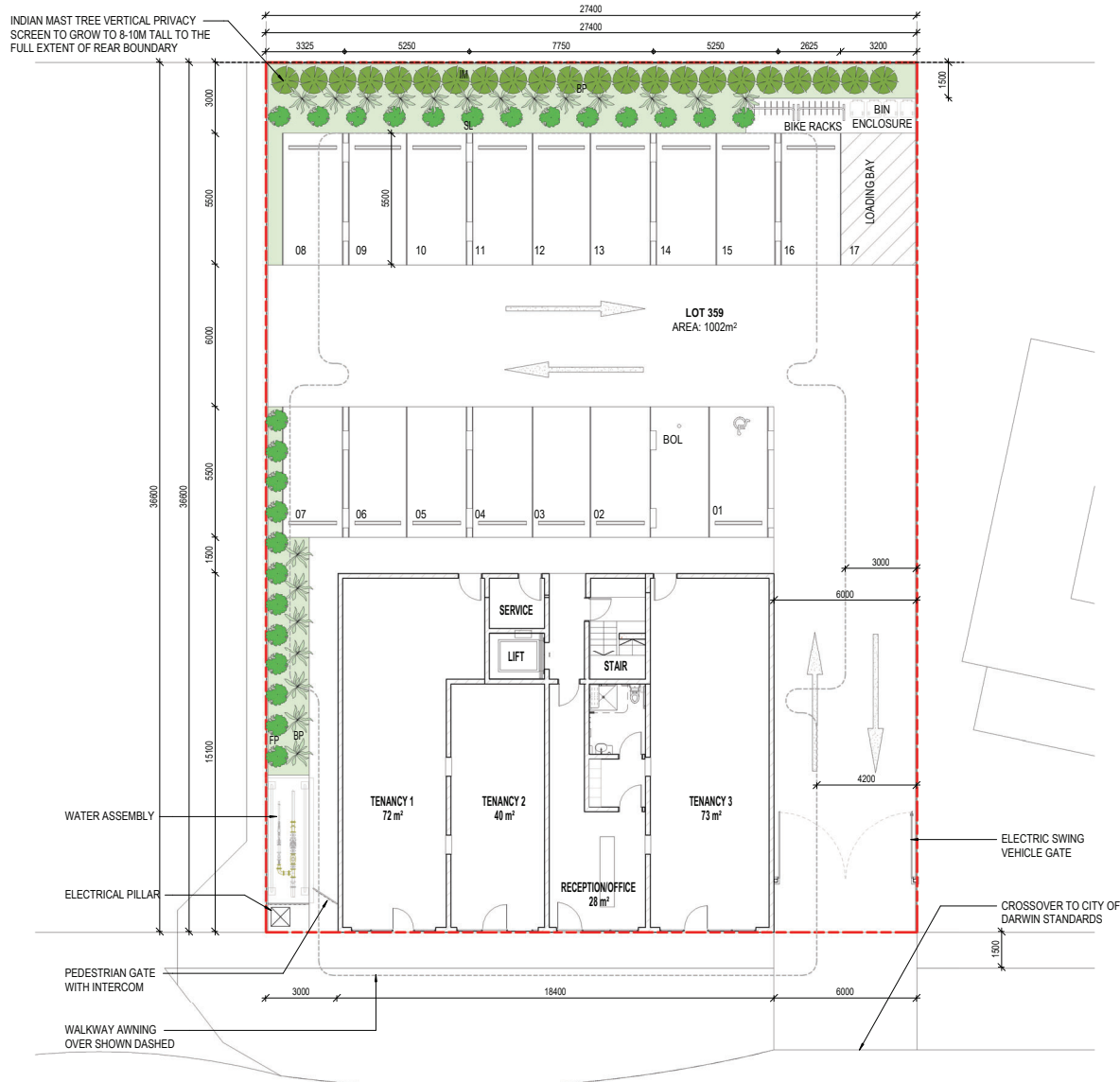
1. FLOOR WASTES TO BE PROVIDED IN ALL WET AREAS. ENSURE WATERPROOFING WITH AN APPROVED MEMBRANE IS APPLIED TO ALL FLOORS FITTED WITH FLOOR WASTE.
2. FALL FLOORS WITH A FLOOR WASTE TO COMPLY WITH NCC PART F2D4.

1. REFER TO JOINERY DRAWINGS & FINISHES SCHEDULE FOR DETAILS
2. ALL ARCHITECTURAL DRAWINGS SHOWING JOINERY AND FABRICATED ITEMS ARE FOR PRICING PURPOSES ONLY
3. CLIENT TO CONFIRM/ SUPPLY SCHEDULE FOR FINISHES AND JOINERY HARDWARE
4. CONTRACTOR TO ALLOW FOR THE SUPPLY, MANUFACTURE AND INSTALLATION OF JOINERY AND HARDWARE
5. CONTRACTOR TO CONFIRM ALL DIMENSIONS ON SITE PRIOR TO FIXATION
6. ALL JOINERY SURFACES TO BE FINISHED INCLUDING UNDER BENCHTOP
7. COORDINATE JOINERY WITH SERVICES AND PARTITIONS
8. JOINER TO ENSURE STRUCTURAL INTEGRITY OF ALL ITEMS
9. DRAWERS TO INCORPORATE FULL EXTENSION RUNNERS WITH ANTI-TILT MECHANISMS UNLESS OTHERWISE NOTED ON DRAWINGS OR SCHEDULES
10. ADJUSTABLE SHELVES ON BRASS PINS AT 50mm INCREMENTS, ADJUSTABLE TO FIVE POSITIONS UNLESS OTHERWISE NOTED ON DRAWINGS OR SCHEDULES
11. CARCASSES TO BE CONSTRUCTED FROM 18MM MRMDF UNLESS OTHERWISE NOTED ON DRAWINGS OR SCHEDULES WITH MATCHING SQUARE SELF EDGE STRIPPING TO EXPOSE LEADING EDGE/
12. BENCHTOPS TO CABINETS/ JOINERY UNITS TO BE CONSTRUCTED FROM 32 MR MDF UNLESS OTHERWISE NOTED ON DRAWINGS OR SCHEDULES
13. ALL METAL FIXINGS TO BE FULLY CONCEALED AND NON-CORROSIVE
14. CONFIRM ALL CUT-OUT DIMENSIONS FOR EQUIPMENT INSTALLATION WITHIN JOINERY UNITS PRIOR TO CONSTRUCTION
15. ALL FIXTURES, FITTINGS AND APPLIANCES TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS
16. CONFIRM ALL GPO LOCATIONS WITH THE CLIENT WITHIN JOINERY UNITS PRIOR TO CONSTRUCTION

1. PROVIDE A 3A:40B(E) DRY CHEMICAL FIRE EXTINGUISHER ADJACENT THE EXITS. INSTALLED AS PER AS 2444
2. PROVIDE TYPE F FIRE EXTINGUISHERS OR FIRE BLANKETS IN KITCHEN AREAS WHERE COOKING OILS AND FATS WILL BE USED IN ACCORDANCE WITH AS 2444.
3. PROVIDE A 2A:20B(E) FIRE EXTINGUISHER OR 2A:40B(E) DRY CHEMICAL FIRE EXTINGUISHER ADJACENT TO ANY KITCHEN/BAR AREAS AND ADJACENT TO THE ELECTRICAL SWITCHBOARD - ALL IN ACCORDANCE WITH NCC E1.6 AND AS2444.

JOB No.	SHEET No.	AMENDMENT	SHEET SIZE
RA2604	A002 OF -	A	A1

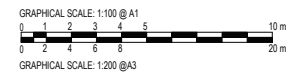
INDIAN MAST TREE VERTICAL PRIVACY
SCREEN TO GROW TO 8-10M TALL TO THE
FULL EXTENT OF REAR BOUNDARY



LANDSCAPE LEGEND



GROUND FLOOR LANDSCAPE AREA : 104m²
FIRST FLOOR LANDSCAPE AREA : 22m²
SECOND FLOOR LANDSCAPE AREA : 22m²
ROOF TOP LANDSCAPE AREA : 18m²
GRAND TOTAL : 166m²



SITE LANDSCAPE PLAN
1: 100 @ A1

PROGRESS DRIVE

FOR INFORMATION

A	FOR INFORMATION					07/07/2026	ALA	BR	
No.	DESCRIPTION					DATE	DRAWN	CHECKED	
AMENDMENTS									

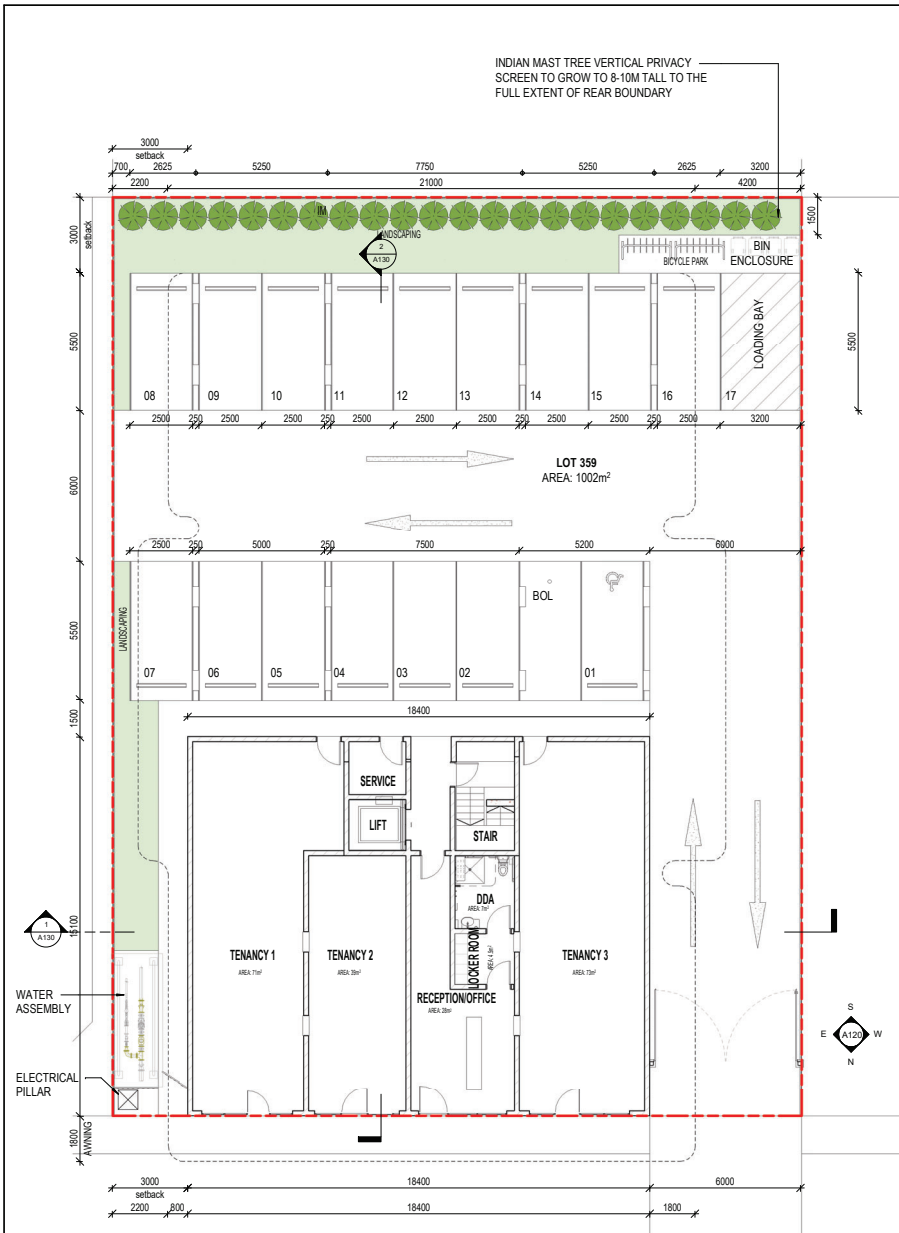
**ASHFORD
LAMAYA
ARCHITECTS**

LANDSCAPE: NAME	INTERIOR: NAME
STRUCTURAL: NAME	BUILDING CERTIFICATION NAME
CIVIL: NAME	SURVEYOR: NAME
MECHANICAL: NAME	GEOTECHNICAL: NAME
ELECTRICAL: NAME	ACoustics: NAME
HYDRAULIC: NAME	

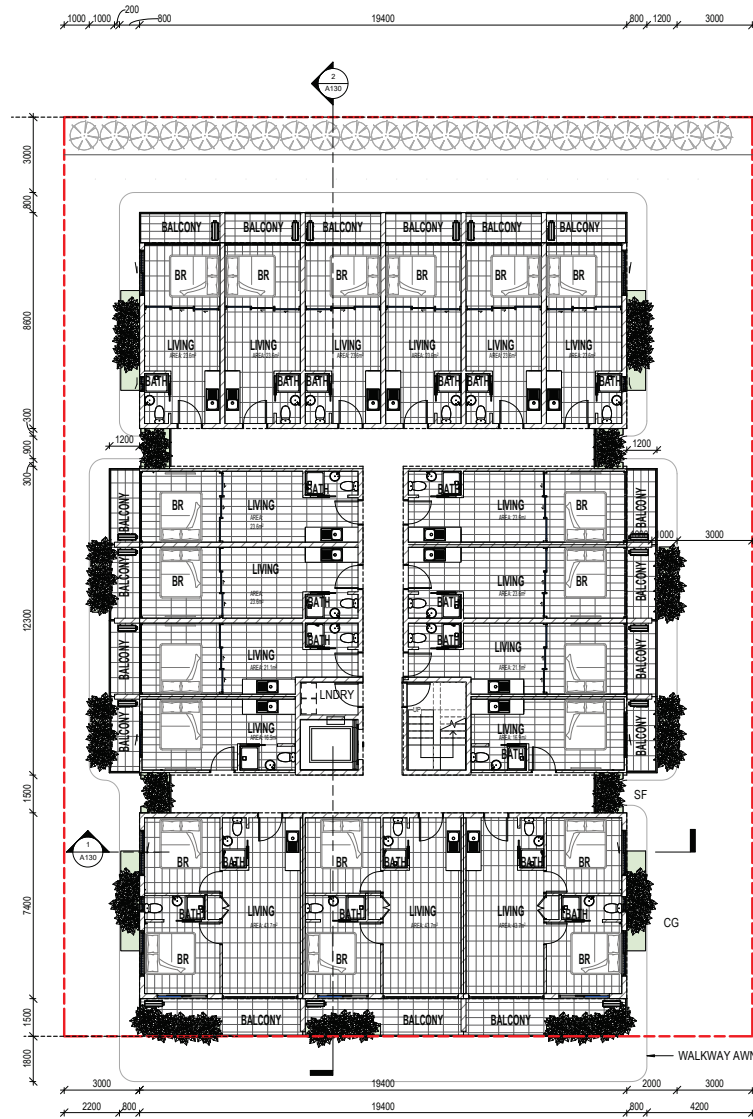
PORPOSED MIXED USE DEVELOPMENT
22 PROGRESS DRIVE - NIGHTCLIFF - DARWIN - N.T.
SITE LANDSCAPE PLAN

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JOB No.	SHEET No.	OF	AMENDMENT	SHEET SIZE
RA2604	A050	-	A	A1



GROUND FLOOR - GENERAL ARRANGEMENT PLAN
1: 100 @ A1



LEVEL 01 - GENERAL ARRANGEMENT PLAN
1: 100 @ A1

-  SPATHIPHILLUM MAUNA LOA SUPREME
BP - BIRD OF PARADISE
-  ACALYPHA WIKESIANA 'JAVA WHITE'
FP - FIJIAN FIRE PLANT
-  POLYALTHIA LONGIFOLIA 'PENDULA'
IM - INDIAN MAST TREE
-  CRYPTOSTACHYS LAKKA
LP - LIPSTICK PALM
-  HELICONIA PSITTACORUM DWARF ORANGE
OC - ORANGE CRAB CLAW
-  HYMENOCALLIS SPECIOSA
SL - SPIDER LILLY
-  DICHONDRA SILVER FALLS
SF - SILVER FALLS
-  CASUARINA GLAUCA PROSTRATA
CG - CASUARINA GLAUCA
-  EPIPREMNUM DEVILS IVY
DI - DEVILS IVY

GROUND FLOOR LANDSCAPE AREA : 104m²
FIRST FLOOR LANDSCAPE AREA : 22m²
SECOND FLOOR LANDSCAPE AREA : 22m²
ROOF TOP LANDSCAPE AREA : 18m²
GRAND TOTAL : 166m²



NORTH

FOR INFORMATION

FOR INFORMATION		07/07/2026	ALA	BR
No.	DESCRIPTION	DATE	DRAWN	CHECKED
AMENDMENTS				

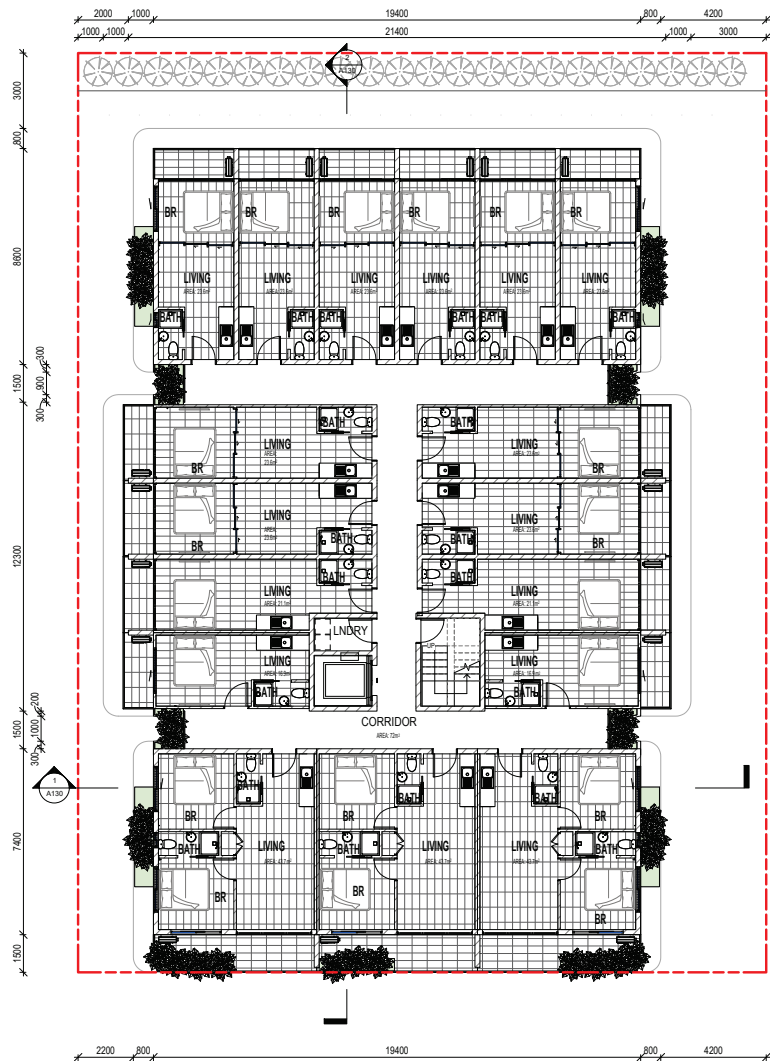
ASHFORD
LAMAYA
ARCHITECTS

LANDSCAPE: NAME	INTERIOR: NAME
STRUCTURAL: NAME	BUILDING CERTIFICATION NAME
CIVIL: NAME	SUPERVISOR: NAME
MECHANICAL: NAME	GEOTECHNICAL: NAME
ELECTRICAL: NAME	ACOUSTICS: NAME
HYDRAULIC: NAME	

PORPOSED MIXED USE DEVELOPMENT
22 PROGRESS DRIVE - NIGHTCLIFF - DARWIN - N.T.
FLOOR PLANS - GENERAL ARRANGEMENT PLAN

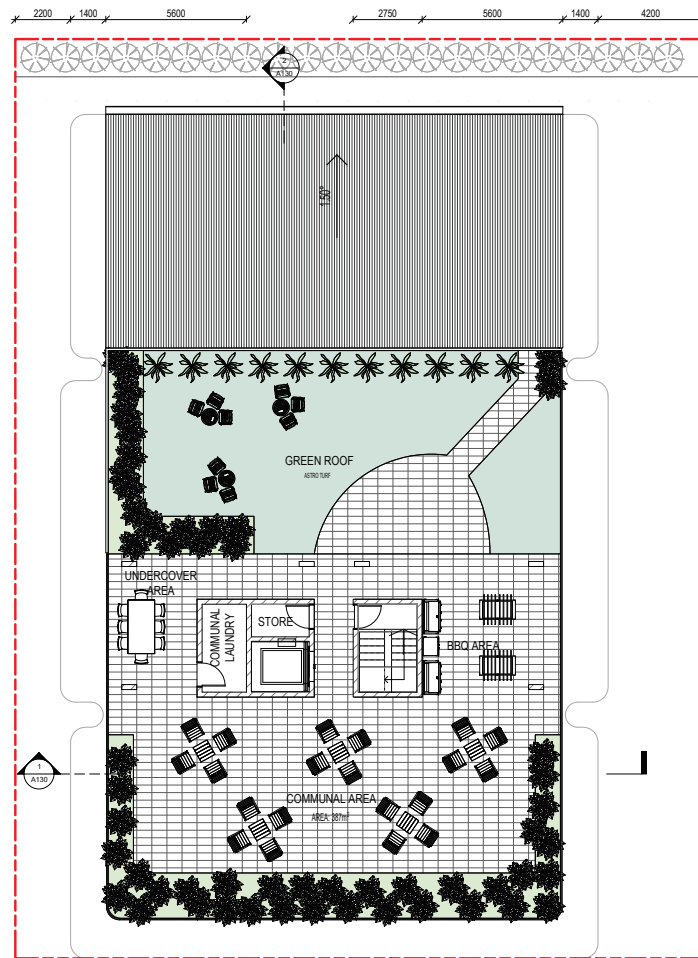
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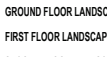
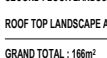
JOB No.	SHEET No.	OF	AMENDMENT	SHEET SIZE
RA2604	A100	-	A	A1



LEVEL 02 - GENERAL ARRANGEMENT PLAN
1 : 100 @ A1

ROOF TOP - GENERAL ARRANGEMENT PLAN
1 : 100 @ A1



-  SPATHIPHYTELLUM MAUNA LOA SUPREME
-  BP - BIRD OF PARADISE
-  ACALYPHA WIKESIA 'JAVA WHITE'
-  FP - FIJIAN FIRE PLANT
-  POLYALTHIA LONGIFOLIA 'PENDULA'
-  IM - INDIAN MAST TREE
-  CRYTOSTACHYS LAKKA
-  LP - LIPSTICK PALM
-  HC - ORANGE CRAB CLAW
-  SL - SPIDER LILLY
-  SF - SILVER FALLS
-  CG - CASUARINA GLAUCA
-  DI - DEVILS IVY

GROUND FLOOR LANDSCAPE AREA : 104m²
FIRST FLOOR LANDSCAPE AREA : 22m²
SECOND FLOOR LANDSCAPE AREA : 22m²
ROOF TOP LANDSCAPE AREA : 18m²
GRAND TOTAL : 166m²

NORTH

FOR INFORMATION

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No.	DESCRIPTION	07/07/2026	ALA	BR			
AMENDMENTS							

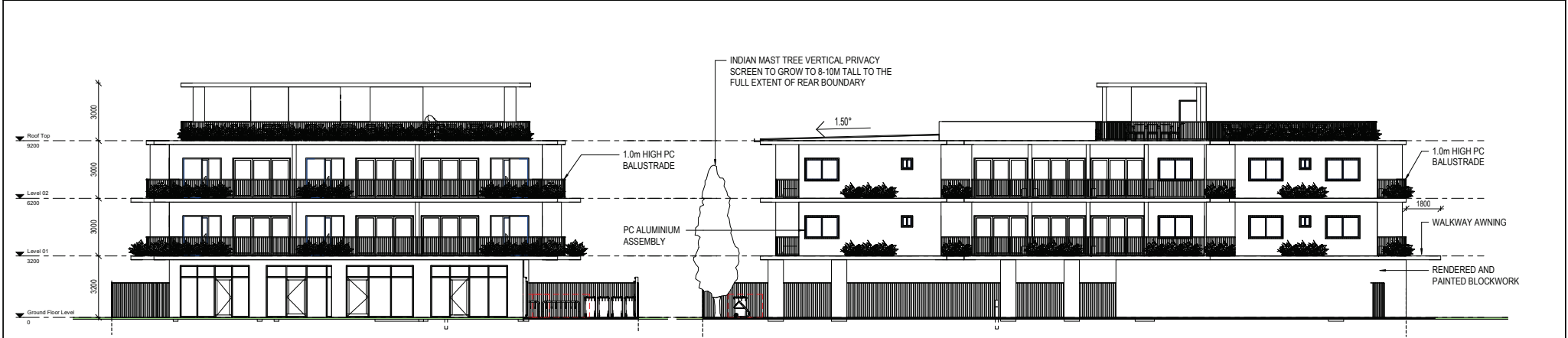
**ASHFORD
LAMAYA
ARCHITECTS**

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STRUCTURAL: NAME	BUILDING CERTIFICATION NAME
CIVIL: NAME	SURVEYOR: NAME
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ELECTRICAL: NAME	ACOUSTICS: NAME
HYDRAULIC: NAME	

PORPOSED MIXED USE DEVELOPMENT
22 PROGRESS DRIVE - NIGHTCLIFF - DARWIN - N.T.
FLOOR PLANS - GENERAL ARRANGEMENT PLAN

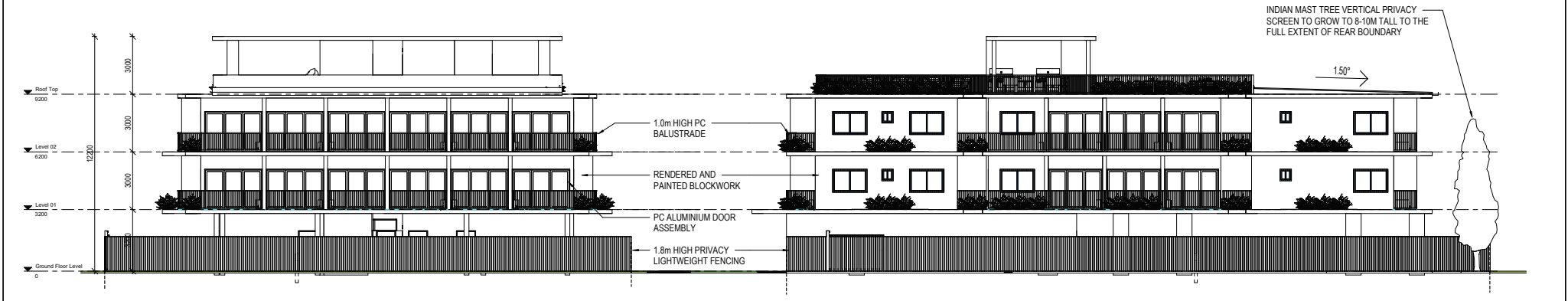
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JOB No.	SHEET No.	OF	AMENDMENT	SHEET SIZE
RA2604	A101	-	A	A1



S SOUTH ELEVATION
A100 1 : 100

W WEST ELEVATION
A100 1 : 100

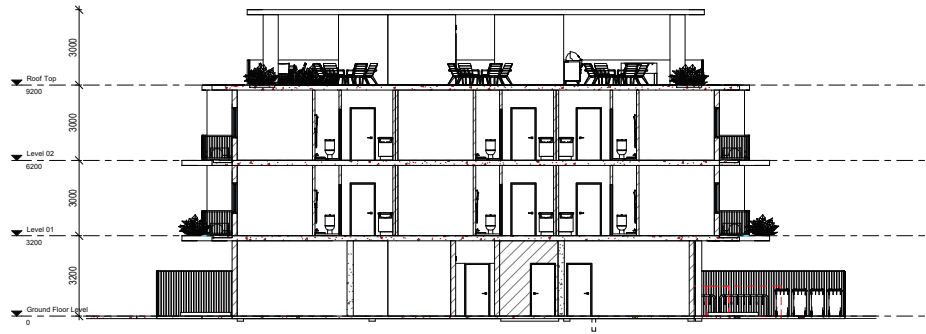


N NORTH ELEVATION
A100 1 : 100

E EAST ELEVATION
A100 1 : 100

FOR INFORMATION

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1
A100 SECTION A
1 : 100



2
A100 SECTION B
1 : 100

FOR INFORMATION

A FOR INFORMATION		07/07/2025		ALA		BR		ASHFORD LAMAYA ARCHITECTS		LANDSCAPE: NAME		INTERIOR: NAME		PORPOSED MIXED USE DEVELOPMENT 22 PROGRESS DRIVE - NIGHTCLIFF - DARWIN - N.T. SECTION		© ASHFORD LAMAYA ARCHITECTS CLASSES COPYRIGHT IN THIS DOCUMENT. THE UNAUTHORIZED USE, COPYING OR REPRODUCTION OF THIS DOCUMENT IS NOT PERMITTED. DO NOT SCALE OF THIS DRAWING. CONTRACTOR TO MAKE ANY ACTUAL OR SUSPECTED DOCUMENTATION DISCREPANCIES WITH THE PROJECT MANAGER OR ARCHITECT ASAP AND IN ANY EVENT PRIOR TO BEGINNING, VARIATION, OR COMMENCEMENT OF CONSTRUCTION.		JOB No. RA2604 SHEET No. A130 OF - AMENDMENT A SHEET SIZE A1	
No.	DESCRIPTION	DATE	DRAWN	CHECKED			STRUCTURAL: NAME			BUILDING CERTIFICATION: NAME									
AMENDMENTS								CIVIL: NAME	SURVEYOR: NAME	MECHANICAL: NAME		GEOTECHNICAL: NAME							
								ELECTRICAL: NAME	ACOUSTICS: NAME	HYDRAULIC: NAME									



FOR INFORMATION

								ASHFORD LAMAYA ARCHITECTS		LANDSCAPE: NAME STRUCTURAL: NAME CIVIL: NAME MECHANICAL: NAME ELECTRICAL: NAME HYDRAULIC: NAME INTERIORS: NAME BUILDING CERTIFICATION: NAME SUPERVISOR: NAME GEOTECHNICAL: NAME ACOUSTICS: NAME		PORPOSED MIXED USE DEVELOPMENT 22 PROGRESS DRIVE - NIGHTCLIFF - DARWIN - N.T. 3D VIEWS			
A	FOR INFORMATION			07/07/2026	ALA	BR						JOB No:	SHEET No:	AMENDMENT	SHEET SIZE
No.	DESCRIPTION	DATE		DRAWN	CHECKED						RA2604	A140	OF -	A	A1
AMENDMENTS															

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

Application No: PA2026/0269

Lot number: Lot 359 (22) Progress Dr, Nightcliff

Town/Hundred: Town of Nightcliff

Zone: C (Commercial)

Site Area: 1000m²

Proposal: Rooming accommodation (student accommodation) with 40 beds and office in a 3-storey building

Plans used for assessment: Statement of Effect, dimensioned plans, and all supporting material submitted with the application.

Date assessment finalised: 10 September 2026

The application requires consent under the NTPS2020 as described in the tables and sections below:

Assessment Table – C (Commercial)					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Rooming Accommodation And Office (Up to 1 storey above ground level)	Impact Assessable	N/A	5.2.1 General Height Control 5.2.4 Car Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR	5.9.6 Nightcliff Village	5.4.3 Building Setbacks for Residential Buildings and Ancillary Structures 5.4.7 Communal Open Space 5.4.9 Residential Development in Zone C 5.4.17 Building Articulation 5.4.19 Residential Plot Ratio
	Permitted				

			5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC		5.5.1 Interchangeable Use and Development 5.5.2 Commercial Plot Ratio 5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC 5.5.15 Design in Commercial and Mixed Use Areas 5.5.17 Building Frontage in Commercial and Mixed Use Areas
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The proposed development is *Impact Assessable* under clause 1.8(1)(c)(i) of the NTPS2020 as Rooming Accommodation is shown as Impact Assessable on the relevant assessment table of Zone C in Part 4.

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

Development Requirements	Compliance		
	Yes	No	N/A
5.2.1 (General Height Control)	Yes	No	
5.2.4.1 (Car Parking Spaces)	Yes	No	
5.2.4.4 (Layout of Car Parking Area)		No	
5.2.5 Loading Bays		No	
5.2.6.1 (Landscaping in Zones other than Zone CB)	Yes	No	
5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR)		No	
5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC		No	
5.5.1 Interchangeable Use and Development			
5.5.2 Commercial Plot Ratio	Yes	No	
5.4.3 Building Setbacks for Residential Buildings and Ancillary Structures		No	
5.5.4 Expansion of Existing Developments in Zones CB, C, SC and TC			
5.4.7 Communal Open Space	Yes	No	
5.4.9 Residential Development in Zone C	Yes	No	
5.4.17 Building Articulation			
5.4.19 Residential Plot Ratio	Yes	No	
5.5.15 Design in Commercial and Mixed Use Areas	Yes	No	
5.5.17 Building Frontage in Commercial and Mixed Use Areas		No	
5.9.6.1 Building height	Yes	No	
5.9.6.2 Development in Gateway Locations	Yes	No	

5.9.6.3 Active Street Frontage			
5.9.6.4 Plot ratio for commercial development			
5.9.6.5 Plot ratio for residential development			

1.8 When development consent is required

1. *The need for **consent** and the level of assessment that applies to the use and development of land is set out in the framework below:*

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

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

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

1.10 Exercise of Discretion by the Consent Authority

4. *In considering an application for a use or development identified as Impact Assessable the consent authority must take into account all of the following:*
 - (a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
 - (b) any overlays and associated requirements in Part 3 that apply to the land;
 - (c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and
 - (d) any component of the Strategic Framework relevant to the land as set out in Part 2.
5. *The consent authority may **consent** to a proposed use or development that is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:*
 - (a) the purpose and administration clauses of the requirement; and
 - (b) the considerations listed under Clause 1.10(3) or 1.10(4).
6. *When **consenting** to the use or development of land, the consent authority may impose a condition requiring a higher standard of development than is set out in a requirement of Parts 3, 5 or 6 if it considers it necessary to the achievement of the Strategic Framework, the purpose of the overlay or the zone, or it considers it is otherwise necessary to do so.*

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

Part -2 – Strategic Framework

Darwin Regional Land Use Plan (DRLUP) 2015:

The Darwin Regional Land Use Plan applies to the site. The land in question is identified as Urban / Peri-Urban Residential under the DRLUP. The Key urban and peri-urban residential objectives include:

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

Assessment:

The proposed mixed-use development aligns with the relevant objectives above by:

- Providing rooming accommodation for up to 40 persons, contributing to housing supply and diversity within an established urban area.
- Providing a mixed-use form of development, with commercial offices at ground level and rooming accommodation on the upper levels, which supports a more diverse and efficient use of an existing urban site.
- Incorporating landscaping, shading and covered pedestrian areas, providing a built-form response appropriate to Darwin's tropical climate.

Notwithstanding the above, clause 2.2(4) of the NTPS 2020 provides that Area Plans prevail over higher-order land use plans to the extent of any inconsistency. The proposal is therefore assessed below against the Darwin Mid-Suburbs Area Plan 2016 (DMSAP).

Darwin Mid Suburbs Area Plan

The District Level Land Use Plan identifies the subject site within an Activity Centre and Commercial Area, where the strategic goal is to create opportunities for people to live, work, play and shop locally by co-locating commercial, retail and higher-density residential development within focused mixed-use centres that are well serviced by public transport

The development responds to this strategic direction by providing commercial tenancies at ground level with rooming accommodation on the upper levels, creating a mixed-use development within the established Nightcliff activity centre. The location provides access to existing public transport and nearby commercial, community and recreational services.

In further detail, as identified in the Activity Centres and Commercial Areas Plan, the site is specifically identified as Local Retail and is also subject to the Nightcliff and Coconut Grove Activity Centre Concept. Accordingly, the proposal is assessed below against the relevant Local centre objectives and the applicable objectives of the Nightcliff and Coconut Grove Activity Centre Concept.

Table 1: Local Centres and Convenience Retailing/Existing Commercial

Objectives	Acceptable Responses	Assessment
1. <i>Ongoing use for commercial purposes</i>	A mix of commercial, retail and residential uses in these localities is encouraged within existing Zone C (Commercial) land.	The site is within Zone C (Commercial) and the proposal retains a commercial function through three commercial tenancies at ground level, with rooming accommodation provided on the upper levels. This arrangement maintains the commercial role of the site while introducing a compatible residential component, consistent with the mixed-use form of development envisaged for the locality.
	Development adjoining commercial zones must accord with the relevant provisions of the NT Planning Scheme.	The proposal is located within an established commercial area and interfaces with residential (LR zoned) land to the north and east. The potential impacts arising from this interface are addressed separately against the relevant provisions of the NT Planning Scheme 2020 further in this technical assessment.

Table 2: A. Nightcliff and Coconut Grove Activity Centre (Refer to the Nightcliff and Coconut Grove Concept Plan at Attachment 1)

Objectives	Acceptable Responses	Assessment
1. Redevelopment of John Stokes Square and adjacent sites to integrate Nightcliff Village with the Woolworths site as one activity centre	The redevelopment of the NT Housing Commission owned site John Stokes Square must provide a publicly accessible pedestrian link between Progress Drive and Woolworths.	The subject site is currently undeveloped and the proposal does not form part of the redevelopment project. Accordingly, this objective is not relevant to the proposal.
	The inclusion of landscaping and shade awnings along Progress Drive and the new pedestrian link are to provide a continuous pedestrian friendly connection between Nightcliff Village and Woolworths.	
	Land use to generally accord with the Nightcliff and Coconut Grove Concept Plan (Land Use Plan) at Attachment 1.	
	A mix of residential, commercial, retail and community uses are encouraged within the redeveloped John Stokes Square.	
	Retail, commercial and community uses encouraged on ground floor. Residential uses to be avoided on ground floor.	
2. Development of medium rise mixed use buildings	Buildings to accord with the Nightcliff and Coconut Grove Concept Plan (Built Form Plan).	The Built Form Plan identifies the subject site as a gateway development site, with a building height of up to three storeys. The proposed three-storey mixed-use building accords with this built-form outcome. Further assessment against the location-specific development requirements is provided below in this report under Clause 5.9.6 – Nightcliff Village. The Proposed development accords with the Nightcliff and Coconut Grove Concept Plan (Built Form Plan).

3. Car parking hidden from view and located to facilitate continuous pedestrian movement on primary and secondary streets	Car parking should be accommodated underground within John Stokes Square and in the longer term, within the redeveloped Woolworths site. Vehicle access that accords with the Nightcliff and Coconut Grove Concept Plan (Built Form Plan).	The proposed parking is located predominantly behind the commercial frontage and beneath the upper levels of the building, rather than between the building and Progress Drive. Vehicle access is provided through a single crossover to Progress Drive.
4. Mark the arrival point of specialist and secondary centres via the articulation of building form, envelope and material expression	Gateway location development sites identified on the Nightcliff and Coconut Grove Concept Plan (Built Form Plan) incorporate a design response which strengthens the precinct by: • establishing a prominent architectural address orientated towards the identified view corridor; • providing a visual anchor point, via the articulation of building form, envelope and material expression within the identified view corridor; and • employing the appropriate use of building height on the interface with the view corridor to accentuate the sense of arrival.	The site occupies an identified gateway location and interfaces with the significant view corridor. The proposed three-storey building responds to this prominent location through its orientation, articulated facades, balconies, glazing, varied building and roof forms, and differentiated material treatments, including textured finishes and screening elements. These features create depth and visual interest, reduce the perceived building mass and establish the development as a recognisable visual anchor. The proposed three-storey height also accords with the built form identified for the site and reinforces the sense of arrival into the Nightcliff Activity Centre. Further assessment against the specific requirements for development within a gateway location is provided under clause 5.9.6.2 – Development in Gateway Locations further in this report.
5. Enhanced community facilities and public open space that form a community hub in the precinct	Redevelopment of John Stokes Square should provide public open space of at least 10 per cent of the total site area. Opportunities for the provision of community and social facilities and services within the redevelopment of John Stokes Square should be explored. These uses should act as activators of the	These responses specifically relate to the redevelopment of John Stokes Square and are not applicable to the subject site.

	square and should have a presence on the ground floor where possible.	
6. Streets that serve their traffic function whilst providing a pedestrian and cyclist friendly environment	Landscaping, seating, water fountains, wayfinding signage and public art should be provided to create places for people to gather.	The objective principally relates to the future function and public-realm treatment of Progress Drive, including maintaining its traffic role while improving pedestrian and cyclist amenity through footpaths, bicycle facilities, landscaping and increased shade. The Indicative Street Design for the section between Dick Ward Drive and Nightcliff Road identifies these elements as part of a broader future upgrade of Progress Drive. The proposed development does not involve or preclude the broader reconfiguration of Progress Drive. At the site interface, the development maintains the existing pedestrian path, provides weather protection through the frontage awning. Accordingly, while implementation of the wider street-design elements is outside the scope of this application, the proposal does not stop the longer-term pedestrian and cyclist-friendly street outcome envisaged by the Area Plan.
	Pedestrian and cyclist access should be prioritised.	
	Upgrades to Progress Drive should generally implement the spatial use elements outlined in Nightcliff and Coconut Grove Concept Plan (Built Form Plan and Indicative Street Design - Progress Drive) at Attachment 1.	
7. Non residential uses that are compatible with residential use	Building design should give consideration to mitigating potential noise impacts that can occur in mixed use precincts.	The proposal vertically separates the ground-floor commercial tenancies from the rooming accommodation above. The proposed commercial component comprises office tenancies, which provides a compatible non-residential use within the mixed-use development with respect to the zoning of the site.
8. Continued operation of the Nightcliff Market	Nightcliff Village and Sunday Markets should continue to cater for the convenience needs of local residents and the broader region.	The proposal does not involve the Nightcliff Market site or any works affecting its operation. Accordingly, this objective is not directly applicable to the proposal.
9. Appropriate lot size subdivision design and configuration to accommodate	Amalgamations, site layout and lot size to accord with the Nightcliff and Coconut Grove Concept Plan (Land Use Plan) at Attachment 1.	No subdivision or amalgamation is proposed. The development is confined to the existing 1,000 m ² lot; therefore, the subdivision component of this objective is not directly applicable.

mixed use, pedestrian friendly development		
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As evident from above, the proposal demonstrates a land use and built-form response that is consistent with the applicable strategic directions for the site. Accordingly, the proposal is considered consistent with the applicable strategic framework of the DRLUP and Darwin Mid Suburbs Area Plan.

CONSISTENT

Part -3 – Overlays

No overlay provisions apply to the subject site.

4.11 Zone C– Commercial

Zone Purpose

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

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

Zone Outcomes

1. A diversity of commercial activities that provide for a range of needs of the surrounding area at an appropriate scale for their location, including:
 - (a) a mix of retail and business activities including shop, food premises-café/take away, food premises-restaurant, bar-small and bar-public, sex services-commercial premises, medical clinic, office, and leisure and recreation; and
 - (b) child care centre, club, residential care facility, and other community activities and support services.
 2. Dwelling-multiple and rooming accommodation incorporate commercial activities within the ground floor occupancies in a manner that contributes to the activation of the commercial precinct, at an appropriate scale for the location.
 3. Other development, such as education establishment, exhibition centre, hotel/motel, nightclub entertainment venue, place of assembly, place of worship, car wash, service station, shopping centre, showroom sales, vehicle sales and hire and veterinary clinic are located to support the function of the commercial precinct.
 4. All development is to:
 - (a) avoid adverse impacts on the local road network;
 - (b) be managed to minimise unreasonable impacts to the *amenity* of surrounding residents;
 - (c) be of a scale, intensity and nature that reflects the mixed use character of the zone;
 - (d) provide variety and interest at street level;
 - (e) allow passive surveillance of public spaces; and
 - (f) have a scale and character appropriate to the commercial function of the locality.
 5. Innovative building design, *site* layout and *landscaping* that:
 - (a) responds to microclimates, including breeze flow;
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- (b) minimises privacy and overlooking impacts;
 - (c) reduces the appearance of building mass relative to its surroundings; and
 - (d) creates attractive outdoor spaces and enhances the streetscape.
6. Development is designed to provide clear connections within the development and to external pedestrian, bicycle, public and road transport networks and infrastructure to promote accessibility and use.
 7. Development incorporates appropriate urban and landscape design that creates safe, attractive and functional buildings, streets and places.
 8. Developments are operated in a manner to ensure that there is no unreasonable loss of *amenity* for surrounding premises, having regard to the mixed use nature of the zone.
 9. Development is provided with the appropriate services, including roads, pedestrian and cycle paths, reticulated electricity, water, sewerage, stormwater drainage and telecommunication infrastructure where available or where can be made available. If reticulated sewerage is unavailable, lots are suitable for the on-site disposal of effluent in a manner that does not pollute ground or surface waters.
 10. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

Assessment

The proposal responds to the purpose of Zone C (Commercial) by providing a mixed-use development comprising three office tenancies at ground level and rooming accommodation on the two upper levels. The commercial component maintains an active business function at street level. In contrast, the residential component is accommodated above and is proportionate to the three-storey scale envisaged for this part of the Nightcliff commercial precinct. The proposal responds to the relevant Zone C outcomes as follows:

- Three ground-floor office tenancies support business activities consistent with the zone's commercial function and contribute to the range of services available within the Nightcliff activity centre.
- Rooming accommodation is located on the upper levels, with commercial tenancies on the ground floor, maintaining street-level commercial activity while providing residential development appropriate to the mixed-use setting.
- The three-storey scale and combination of commercial and residential uses reflect the mixed-use character of the locality. Parking is predominantly located behind the commercial frontage and beneath the upper levels, while glazing, entrances and pedestrian access provide street-level interest and passive surveillance. A single crossover provides vehicle access from Progress Drive.
- Articulation, balconies, screening, varied roof forms, and landscaping reduce the development's visual mass and provide visual interest. Setbacks, screening and the arrangement of residential areas assist in managing privacy and overlooking towards adjoining residential properties.

- Direct pedestrian access is provided from Progress Drive, together with bicycle parking and end-of-trip facilities. The site is also connected to existing pedestrian, road and public transport networks within the Nightcliff activity centre.
- The site layout integrates the commercial frontage, pedestrian access, bicycle facilities and parking to provide a functional mixed-use development and an appropriate interface with Progress Drive.
- The proposed office tenancies are compatible with the residential accommodation above, while setbacks, screening, landscaping, and building design help manage potential amenity impacts on adjoining residential properties.
- The development is within an established urban area with access to reticulated services and existing road, pedestrian, cycle and telecommunications infrastructure.

Outcome 10 is not applicable, as rooming accommodation and office are defined uses under the NT Planning Scheme 2020.

COMPLIES

5.2.1 General Height Control

Purpose

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

Administration

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

Requirements

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

Assessment:

An alternative height control applies to the development under the Location Specific Development Requirements. Accordingly, the proposed building height is assessed against Clause 5.9.6.1 – Building Height later in this assessment report.

COMPLIES

5.2.4.1 Car Parking Spaces

Purpose

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

Administration

1. This clause does not apply where alternative car parking space requirements are established under clause 5.9 (Location specific development requirements).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of **car parking spaces** is appropriate with regard to:
 - (a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;
 - (b) the provision of **car parking spaces** in the vicinity of the land;
 - (c) the availability of public transport in the vicinity of the land; and
 - (d) the potential impact on the surrounding road network and the **amenity** of the locality and adjoining property; or
 - (e) if the use or development relates to a **heritage place** and the Minister responsible for the administration of the Heritage Act 2011 supports the reduced provision of **car parking spaces** in the interest of preserving the significance of the **heritage place**.

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

Requirements

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

Editor's Note: Clause 5.2.4.4 provides for the design and layout of a car parking area.

Table to Clause 5.2.4.1: Minimum number of required parking spaces	
Use or Development	Minimum Number of Car Parking Spaces Required
Rooming accommodation	1 for every 5 persons <u>Plus</u> 1 for every staff member <u>Plus</u> 1
Office (not elsewhere referred to in this table)	2.5 for every 100m ² of net floor area

Assessment

Sr.no.	Defined use	Area in m ² / Number of Bed	Required Car Parking	Proposed car parking
1.	Rooming accommodation	40 Bed	10 (8+1+1)	16
2.	Office (not elsewhere referred to in this table)	185	5 (4.6)	

As demonstrated in the above table, the development requires 15 car parking spaces, with 16 spaces proposed on-site. Accordingly, the minimum car parking requirement is satisfied.

COMPLIES

5.2.4.4 Layout of car parking areas

Purpose

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

Administration

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

Requirements	Assessment
6. A car parking area is to: (a) be not less than 3m from any lot boundary abutting a road; and (b) provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the car parking area when viewed from the road.	NOT APPLICABLE • The car parking area is located towards the northern portion of the site and does not abut the Progress Drive frontage to the south.

7. A <i>car parking area</i> is to be constructed and maintained to be: (a) of a suitable gradient for safe and convenient parking; and (b) sealed and well drained in urban areas, or dust suppressed in non-urban areas.	COMPLIES - The plans do not specify the gradient of the car parking area. However, the plans show a generally level parking area with marked parking bays and internal circulation. The Statement of Effect confirms that the parking area will be constructed to a suitable gradient. - The site is within the Darwin urban area and the plans indicate a sealed car parking area. Drainage details are not shown; however, the Statement of Effect confirms that the parking area will be appropriately drained.
8. The layout of a <i>car parking area</i> is to: (a) be functional and provide separate access to every car parking space; (b) allow a vehicle to enter from and exit to a road in a forward gear; (c) be in accordance with the dimensions set out in the diagram to this clause; and (d) ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.	DOES NOT COMPLY - The plans provide 16 marked car parking spaces, with each space directly accessible from the internal circulation area. - The internal circulation arrangement enables vehicles to enter and exit Progress Drive in a forward direction. - The parking bays are shown as 5.5 m × 2.5 m, and the parking layout is generally consistent with the dimensional requirements of the clause. - Parking bay No. 8 and 7 is shown as a standard parking space measuring 5.5m x 2.5m. the driveway does not projects 1m beyond the last parking space.

9. The number of access points to the road is to be limited, and access points to car parking areas are to: (a) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and (b) maximise sight lines for drivers entering or exiting the car parking area.	DOES NOT COMPLY • A single two-way access point is proposed from Progress Drive. The plans show a 6 m distance between the building line and the eastern boundary, within which the inward-opening electric swing gate is also located. As the gate projects into this area when open, a clear 6 m driveway width for two-way traffic flow is not maintained. • The layout provides adequate sight lines for vehicles entering and exiting the site and is not expected to adversely impact the local road network.
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DOES NOT COMPLY

5.2.5 Loading Bays

Purpose

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

Administration

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

Requirements

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

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

Assessment:

The office component has a net floor area of 185 m² and therefore requires one loading bay, which is provided within the north-east corner of the site.

- The proposed loading bay measures 3.2 m × 5.5 m, which does not achieve the minimum required dimensions of 3.5 m × 7.5 m.
- Access to the loading bay is via the eastern driveway beneath the Level 1 building projection, where the available vertical clearance is 3.2 m, which is less than the required 4 m.

The plans also show that the Level 1 built form, projects 1.8 m over the driveway, with the balcony projection extending further over the driveway to 3 m after about 10 m along the access. These projections affect the vertical clearance along the access route for vehicles both entering and exiting the loading area.

DOES NOT COMPLY

5.2.6.1 Landscaping in Zones other than Zone CB

Purpose

Encourage landscaping that enhances local amenity by:

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

Administration

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

Requirements

3. Where landscaping is required by this Scheme it should be designed so that:

- (a) *planting is focused on the area within the street frontage setbacks side setbacks, communal open space areas and uncovered **car parking areas**;*
 - (b) *it maximises efficient use of water and is appropriate to the local climate;*
 - (c) *it takes into account the existing streetscape, or any landscape strategy in relation to the area;*
 - (d) *significant trees and vegetation that contribute to the character and **amenity** of the **site** and the streetscape are retained;*
 - (e) *energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;*
 - (f) *the layout and choice of plants permits surveillance of public and communal areas; and*
 - (g) *it facilitates on-site infiltration of stormwater run-off.*
4. *The quality and extent of the landscaping consented to must be maintained for the life of the development.*
 5. *Other than in Zones CB, C and TC, not less than 30% (which may include communal open space) of a **site** that is used for **rooming accommodation, dwellings-group, dwellings-multiple and residential care facility** is to be landscaped.*
 6. *In Zones LI, GI and DV all street frontages, except **access** driveways or footpaths, are to be landscaped to a minimum depth of 3m.*
 7. *In Zones MR and HR, side and rear setbacks are to include planting to the length of the setback of no less than 2m deep, except for areas that are used for private open space.*

Assessment

The landscape plan provides approximately 166 m² of landscaping, comprising ground-level, upper-level and rooftop planting. Landscaping is primarily provided along the northern and western boundaries.

As the site is within Zone C, the requirements of sub-clauses 5, 6 and 7 do not apply. The proposed landscaping generally satisfies the design requirements of sub-clause 3, with ongoing maintenance addressable by a permit condition.

COMPLIES

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

Purpose

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

Administration

1. *The consent authority may **consent** to a development that is not in accordance*
-

with sub-clause 3 and/or 4, if:

- (a) the development is covered by an area plan listed as a Major Remote Town in Part 2 of the Planning Scheme, if the service authority responsible for distribution of electricity, water and sewerage services provides advice that compliance would be impractical or prohibited; or
- (b) the development is for the establishment of, or change in, use of an existing lawfully established building that has an existing encroachment into the setback required by this clause; or
- (c) the consent authority is satisfied that the development provides adequate setbacks and **landscaping** consistent with the purpose of this clause.

Requirements

- 2. A use or development or a proposed use or development that is:
 - (a) not a **residential building**;
 - (b) on land that is in a zone other than Zones LR, LMR, MR or HR; and
 - (c) abuts land in any of those zones;
 must provide a setback to the boundary that abuts any of those zones of not less than 5m.
- 3. The setback described in sub-clause 2 is to be landscaped to provide a visual screen to the adjacent land Zoned LR, LMR, MR or HR for a minimum depth of 3m.
- 4. The development should provide a solid screen fence of a minimum height of 1.8m at the boundary with land in Zones LR, LMR, MR or HR.

Assessment:

The subject site is within Zone C and abuts Zone LR land to the north and east. The ground-floor commercial development achieves the minimum 5 m setback to both boundaries. **However, the required 3 m deep landscaped screen is not provided for the full length of the northern boundary, with the bike racks and bin enclosure occupying the north-eastern portion, and no landscaping is proposed along the eastern boundary.** A 1.8 m high solid screen fence is proposed along the boundaries adjoining Zone LR.

Accordingly, the proposal does not comply with the landscaping requirement of sub-clause 3.

DOES NOT COMPLY

5.3.7 End of trip facilities in Zones HR, CB, C, SC and TC

Purpose

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

Administration

- 1. The consent authority may **consent** to a use or development with fewer bicycle parking spaces, lockers and/or showers and changing facilities than required by sub-clauses 2-6 if satisfied that either:
 - (a) there are alternative **end of trip facilities** (on or off the **site**), where:

- i. *the same function is provided which can accommodate the same number of bicycles and/or users required by the clause;*
- ii. ***access** to the alternative **end of trip facilities** is safe and convenient for users;*
- iii. *the alternative **end of trip facilities** are sheltered and secure; and*
- iv. *the size and layout of alternative storage areas allows for safe and comfortable storage and **access** to bicycles and/or personal items;*
or
- (b) *it would be unreasonable to provide the **end of trip facilities** as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or*
- (c) *it would be unreasonable to provide shower and changing facilities for a small development, where the development becomes unfeasible should such facilities be required.*

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

Use or Development	Minimum number of bicycle parking spaces	Minimum number of showers
Rooming accommodation	1 space for every 3 guest rooms	1 shower for up to 50 staff, plus 1 additional shower for up to every 50 staff thereafter.
Office	1 space per 300m ² <i>net floor area</i>	1 shower for up to 1500m ² <i>net floor area</i> , plus 1 additional shower for up to every 1500m ² thereafter.

Requirements	Assessment
2. <i>All new buildings in Zones HR, CB, C, SC and TC should provide bicycle parking facilities with a number of bicycle parking spaces calculated at the rate specified in the table to this clause (rounded up to the nearest whole number).</i>	COMPLIES The proposed rooming accommodation comprises 40 guest rooms, requiring 14 bicycle parking spaces (1 space per 3 guest rooms, rounded up). The 185 m² office component requires 1 bicycle parking space. Accordingly, a total of 15 bicycle parking spaces is required. The proposal provides 28 bicycle parking spaces, exceeding the minimum requirement.

3. All bicycle parking facilities and associated bicycle parking devices should be designed in accordance with Australian Standard AS2890.3 – Bicycle Parking and must: (a) <i>be located in a convenient and safe location with adequate security for the storage of bicycles;</i> (b) <i>have an appropriate mix of long and short term, wall and floor mounted bicycle parking;</i> (c) <i>where secure parking is provided, provide e-bike charging facilities, as necessary;</i> (d) <i>not require access via steps;</i> (e) <i>be protected from the weather;</i> (f) <i>enable the wheels and frame of a bicycle to be locked to the device without damaging the bicycle;</i> (g) <i>be located outside pedestrian movement paths;</i> (h) <i>be easily accessible from the road;</i> (i) <i>be arranged so that parking and manoeuvring motor vehicles will not damage adjacent bicycles;</i> (j) <i>be protected from manoeuvring motor vehicles and opening car doors;</i> (k) <i>be as close as possible the cyclist's ultimate destination;</i> (l) <i>be well lit by appropriate existing or new lighting; and</i> (m) <i>be sympathetic in design, material and colour to compliment the surrounding environment.</i>	DOES NOT COMPLIES • The bicycle racks are located at the north-eastern corner, behind car parking bays 15 and 16 and adjacent to the loading bay, with no separate cyclist access. When these parking bays and the loading bay are occupied, access to the bicycle racks would be obstructed. • The plans indicate floor mounted bicycle racks; which may be used for a long and short-term, parking. • No e-bike charging facilities are identified on the plans. • The bicycle parking is located at ground level and does not require access via steps. • The bicycle parking area is not shown as covered or otherwise protected from the weather. • Ground-mounted racks are capable of securing the frame and wheels. • Parking is located within designated internal areas and not within primary pedestrian paths. • The bicycle racks are located at the rear of the site, behind car parking bays 15 and 16 and adjacent to the loading bay, with no separate cyclist access from the road. When these spaces are occupied, access to the bicycle racks would be obstructed. Accordingly, the bicycle parking is not easily accessible. • Bicycle parking is separated from car parking bays and manoeuvring areas. • Bicycle parking is provided within dedicated spaces separate from car parking bays and circulation areas. No conflict with manoeuvring vehicles or opening car doors is anticipated. • The bicycle parking is located within the site and provides convenient access to the proposed uses. • Lighting details for the bicycle parking areas are not specified on the submitted plans. While the spaces are located in open areas that would receive natural light during the day, it is reasonably considered that lighting to the requirements will be provided. • Ground-mounted racks are internal to the development and not visually intrusive.
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4. <i>A locker should accompany every secure bicycle parking space provided, and should be:</i> (a) <i>of suitable volume and dimensions to allow storage of clothing, cycling helmets and other personal items;</i> (b) <i>well ventilated, secure and lockable; and</i> (c) <i>located close to shower and changing facilities.</i>	DOES NOT COMPLIES The statement of effects mentions that only 5 lockers have been provided adjacent to the accessible shower/change facility. The proposal does not provide a locker for minimum 15 required bicycle parking space.
5. <i>All new non-residential buildings, hotels/motels, and serviced apartments in Zones HR, CB, C, SC and TC should provide sufficient and accessible shower and changing facilities for staff with the number of showers calculated at the rate specified in the table to this clause.</i>	COMPLIES The rooming accommodation includes one staff member, requiring one shower, while the 185m² office component also requires one shower under the applicable rate. A single accessible shower/change facility is provided at ground level and is available for use by staff associated with both proposed uses. The shared facility satisfies the minimum shower and changing facility requirement.
6. <i>Shower and changing facilities must be secure facilities capable of being locked, and should:</i> (a) <i>be located as close as practical to the associated bicycle parking facilities;</i> (b) <i>provide one change space per shower; and</i> (c) <i>Provide for separate male and female facilities where more than one shower is provided.</i>	COMPLIES The shower/change facility is located at ground level within the building and reasonably close to the bicycle parking area. As only one shower is provided, separate male and female facilities are not required. The plans indicate an accessible shower/changing space.

DOES NOT COMPLIES

5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures

Purpose

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

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

Administration

1. This clause does not apply in Zones CB, LI, GI and DV.
2. In this clause:
 - (a) an **ancillary** structure includes an **outbuilding** (excluding shade sails), balcony, portico and the like, which may or may not include external walls; and
 - (b) for all developments except **dwelling-multiple** in Zone MR or HR, where a lot has a boundary with a public street from which vehicular **access** to the lot is restricted by the controlling Agency or local government council, this boundary shall be considered a side or rear lot boundary for the

purpose of calculation of the **building setback**.

3. The consent authority may **consent** to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the **site** having regard to such matters as its location, scale and impact on adjoining and nearby property.
4. If a building setback plan in Schedule 9 does not establish a specific setback to a nominated boundary, **residential buildings** and **ancillary** structures are to be set back from that boundary in accordance with sub-clause 6(a) or clause 5.4.3.3 as appropriate.
5. Despite sub-clause 6 sheds in Zones other than H, A, RR, RL and R may have a nil setback to the side and rear boundaries provided it is
 - (a) 6m or more from the **primary street** and 2.5m or more from a **secondary street** when measured to the wall of the shed or where there is no wall, the outer face of any column;
 - (b) has a cumulative **floor area** of 15m² or less;
 - (c) is 2.5m or less in height;
 - (d) has no openings in walls that are less than 1.5m from a lot or unit title; and
 - (e) does not discharge rainwater on an adjacent lot or unit title.

Requirements

6. Subject to clause 5.2.7, **building setbacks** of **residential buildings** and **ancillary** structures are to be set back from lot boundaries in accordance with:
 - (a) the relevant table to this clause; or
7. any setbacks established in a building setback plan that is included in Schedule 9. Where a zero or 300mm setback is identified on a building setback plan in Schedule 9, a zero or 300mm setback can only be established to the boundary nominated on the setback plan.
8. Unless detailed in a table to this clause or within a building setback plan in Schedule 9, no part of the roof structure, including gutters and eaves, is to encroach more than 0.9m into the minimum **building setbacks** (subject to the Building Code of Australia) from the lot boundaries.

Editor's Note: If a zero or 300mm setback identified within a building setback plan is not used, the requirements of sub-clause 6(a) apply.

Table C to Clauses 5.4.3: Minimum building setbacks for residential buildings and ancillary structures in Zone C		
Lot Boundary	Minimum Setback for first four storeys above ground level	Minimum setback for roofline
Primary street frontage	3m for residential buildings 0m for balconies	Nil
Secondary street frontage		
Side and rear lot boundaries abutting Zone C	0m for walls with no openings 3m for walls with openings or balconies	Nil – for walls with no openings 2.1m for walls with openings or balconies
Side and rear lot boundaries abutting all other Zones	5m for residential buildings	4.1m

Editor's Notes:

- (1) Clause 5.2.7 provides specific setback requirements for Development Adjacent to Land in Zones LR, LMR, MR or HR.
- (2) Clause 5.4.3.3 provides reduced setback requirements in certain circumstances for dwellings-single.
- (3) Clause 5.8.7 Demountable Structures includes specific setback requirements.
- (4) Setbacks relate to lot boundaries and not unit title boundaries.
- (5) Refer to [Design Guidance: Setbacks in Zones MR and HR](#) for guidance on interpreting Table B.
- (6) Balconies and rooflines in Zone C may extend into the road reserve with approval of the relevant local government council.

Assessment:

Achieved Set back		
Lot Boundary	Minimum Setback for first four storeys above ground level	Minimum setback for roofline
Primary street frontage (south)	1.5m for residential buildings 0m for balconies	1.5m to roofline
Side and rear lot boundaries abutting Zone C (west)	3m for walls with openings And 1.8m for balconies at level one and level 1 & 2. 1 m walkway awning	3.6m for walls with openings or balconies
Side and rear lot boundaries abutting all other Zones (north and east)	North : 3m walkway awning 3.8m to building including balconies East : 3m walkway awning	North : 3m East :5.6m

	4m to building including balconies	
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The site is within Zone C. The southern boundary fronts Progress Drive, the northern and eastern boundaries adjoin Zone LR, and the western boundary adjoins Zone C. The applicable setbacks are assessed as follows:

- South – Primary street frontage: A 3m setback is required for the residential building, with a nil setback permitted for balconies and the roofline. The building is setback 1.5m, the balconies have a nil setback, and the roofline is setback 1.5m. Therefore, the building setback does not comply, while the balcony and roofline setbacks comply.
- West – adjoining Zone C: A 3m setback is required for walls with openings or balconies, with a 2.1m setback required for the roofline. The building wall achieves 3m; however, the balconies are setback 1.8m and the walkway awning 1m. The roofline is setback 3.6m, exceeding the required 2.1m. Therefore, the balcony setbacks do not comply, while the building wall and roofline setbacks comply.
- North – adjoining Zone LR: A 5m setback is required for residential buildings, with a 4.1m setback required for the roofline. The building, including balconies, is setback 3.8m, the walkway awning 3m, and the roofline 3m. Therefore, the building, balcony and roofline setbacks do not comply.
- East – adjoining Zone LR: A 5m setback is required for residential buildings, with a 4.1m setback required for the roofline. The building, including balconies, is setback 4m, the walkway awning 3m, and the roofline 5.6m. Therefore, the building, balcony setbacks do not comply, while the roofline setback complies.

Accordingly, the proposal does not fully satisfy the applicable setback requirements of Table C to Clause 5.4.3.

DOES NOT COMPLY

5.4.7. Communal Open Space

Purpose

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

Administration

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

space for the occupants of the development is provided, having regard to the following matters:

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

Requirements

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

Assessment:

The proposal provides 387m² of communal open space at the rooftop level, substantially exceeding the minimum requirement of 15% of the 1,000m² site (150m²). The communal open space also achieves the minimum 6m width.

The communal open space is clearly delineated and provides a dedicated recreational area for occupants, incorporating seating areas, landscaping, a green roof and shaded areas. Its rooftop location separates the communal area from on-site traffic and car parking, while the proposed layout provides an open and functional space capable of ongoing maintenance and management.

Accordingly, the proposed communal open space satisfies the requirements of the clause.

COMPLIES

5.4.9 Residential Development in Zone C

Purpose

Ensure residential development on a *site* in Zone C does not prejudice the use or development of the *site* for commercial or retail activity in accordance with the purpose of the zone.

Administration

1. The consent authority must not **consent** to a use or development that is not in accordance with sub-clause 2.

Requirements

2. A **site** in Zone C is only to be used or developed for a **residential building** where the development includes, on the ground floor, occupancies for commercial activity of a **floor area** that is consistent with the service function of the **site**.

Assessment:

The proposal provides three office tenancies at ground level, comprising approximately 185m² of net floor area, thereby maintaining a commercial function at street level with the rooming accommodation located above.

COMPLIES

5.4.17 Building Articulation

Purpose

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

Administration

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

Requirements

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

Editor's Note: Refer to [Design Guidance: Articulation](#) for guidance on interpreting sub-clause 4.

Assessment:

As per sub-clause 1, this clause applies only to sides of a residential building that are longer than 15m. In determining building length, sub-clause 3 expressly excludes verandahs, balconies, porches and carports integrated into the residential building design.

The northern and southern elevations incorporate balconies along the residential building frontage and, when these integrated balconies are excluded in accordance with sub-clause 3, do not contain a building length exceeding 15m.

For the eastern and western elevations, the residential building is divided by the central section incorporating balconies. Excluding this balcony component, the remaining building sections are approximately 7.4m at each end, giving a combined applicable building length of approximately 14.8m, based on scaled measurement of the submitted plans. Accordingly, neither elevation contains an applicable building length exceeding 15m.

As no side of the residential building has a building length longer than 15m when measured in accordance with sub-clause 3, sub-clause 1 is not triggered and the step or recess requirement under sub-clause 4 does not apply.

NOT APPLCAIBLE

5.4.19 Residential Plot Ratio

Purpose

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

Administration

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

Requirements

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

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

Zone	Residential Plot Ratio
C	1.3:1

Editor's Notes: Refer to [Design Guidance: Residential Plot Ratio](#) for guidance on how to interpret this clause

Assessment :

The site area is 1,000m² site, this permits a maximum residential floor area of 1,300m².

As mentioned, the statement of effects, the proposed residential floor area is approximately 1,048m², resulting in a residential plot ratio of 1.05:1, which is below the maximum 1.3:1 permitted for Zone C.

COMPLIES

5.5.1 Interchangeable Use and Development

Purpose

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

Assessment

No, Interchangeable use has been proposed as part of proposal.

NOT APPLICABLE

5.5.2 Commercial Plot Ratio

Purpose

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

Administration

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

Requirements

3. Development of **sites** within:
 - (a) Zone TC other than in the Municipality of Darwin; or
-

- (b) Zone C; or
 - (c) Zone SC;
- should not exceed a **commercial plot ratio** of 1.

4. Development of **sites** within Zone TC in the Municipality of Darwin should not exceed a **commercial plot ratio** of 3.

Assessment:

The site is zoned commercial and has an area of approximately 1,000 m², allowing a maximum commercial floor area of 1,000 m² based on a commercial plot ratio of 1. The proposed commercial component comprises approximately 185 m² of net floor area, resulting in a commercial plot ratio of approximately 0.2:1.

Accordingly, the proposal satisfies the maximum commercial plot ratio of 1:1.

COMPLIES

5.5.4 Expansion of Existing Use or Development in Zones CB, C, SC and TC

Purpose

Provide for the minor expansion of an existing use or development in Zones CB, C, SC and TC.

Assessment:

The proposal is for a new mixed-use development on a currently undeveloped site and does not expand an existing use or development.

NOT APPLICABLE

5.5.15 Design in Commercial and Mixed Use Areas

Purpose

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

Administration

1. A development application must, in addition to the matters described in sub-clauses 12-23, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide in Schedule 5.
 2. The consent authority may **consent** to a development that is not in accordance with sub-clauses 12-14 if it is satisfied that it is consistent with the purpose of the clause.
 3. The consent authority may **consent** to a development that is not in accordance with sub-clause 15 if it is satisfied that services and utilities are appropriately
-

- concealed within the development to minimise their visual impact on the public domain.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 16 if it is satisfied that the development provides an appropriate level of shading that reduces heat capture of paved surfaces, having regard to the location of the **site** and scale of the development.
 5. The consent authority may **consent** to a development that is not in accordance with sub-clause 17 if it is satisfied that:
 - (a) the development provides a considered response to the established character of the streetscape; and
 - (b) the development provides an alternative response for shading.
 6. The consent authority may **consent** to a development that is not in accordance with sub-clauses 18 if it is satisfied that the development facilitates safe and shaded pedestrian movement through the **site**.
 7. The consent authority may **consent** to a development that is not in accordance with sub-clause 19 if it is satisfied that all reasonable measures are taken to mitigate potential impacts between current and reasonably anticipated future developments.
 8. The consent authority may **consent** to a development that is not in accordance with sub-clause 20 if it is satisfied that all reasonable measures have been taken to mitigate potential noise impacts on **habitable rooms** within the **site**.
 9. The consent authority may **consent** to a development that is not in accordance with sub-clause 21 if it is satisfied that the development manages run-off from balconies to adjoining balconies and **dwelling**s below.
 10. The consent authority may **consent** to a development that is not in accordance with sub-clause 22 if it is satisfied that the development provides appropriate provisions for parenting activities relative to the nature and scale of the development.
 11. The consent authority may **consent** to a development that is not in accordance with sub-clause 23 if it is satisfied that the development provides an appropriate response to waste management.

<u>Requirements</u>	<u>Assessment</u>
12. Building design is to be sympathetic to the character of buildings in the immediate locality.	COMPLIES — The site is identified as a gateway location within the Nightcliff Activity Centre. The proposed three-storey mixed-use building provides an articulated form, active commercial frontage, balconies and landscaping that responds to the mixed-use character of the precinct and establishes a strong gateway presence within locality.
13. Buildings are to incorporate and maintain passive climate control measures appropriate to the local climate.	COMPLIES — The building incorporates balconies, roof overhangs, a continuous street awning, landscaping and shaded rooftop communal space, providing effective solar protection and supporting natural ventilation.

14. Building design is to minimise the expanse of blank walls facing the street and public open spaces and limit external finishes that could cause nuisance to residents or the general public, such as materials that would result in excessive reflected glare.	COMPLIES — All public-facing elevations incorporate windows, balconies, landscaping and articulated building elements, avoiding extensive blank walls. No highly reflective external finishes are identified.
15. Services and utilities (such as bin storage areas, service ducts, pipes, air conditioner plants etc.) are to be integrated into the development and/or screened to the public domain and neighbouring properties.	COMPLIES — The bin enclosure is positioned behind the loading bay and screened from the street, while other service areas are integrated within the building and site layout.
16. Car parking areas, including rooftop parking, and open expanses of pavement are to be shaded by landscaping and/or shade structures.	COMPLIES — The majority of car parking is located beneath the Level 1 building envelope, providing permanent shade, with additional landscaping along the northern parking edge assisting in shading paved areas.
17. Unless advised otherwise by the relevant local government council or controlling agency for roads (whichever is applicable), development is to provide an awning or verandah to all street frontages that adjoin a footpath, which: a) extends along the full length of the site boundary to provide continuous coverage for pedestrians; b) covers the full width of the footpath or has a minimum width of 3m; and c) allows for the growth of existing trees and the planting and growth of reasonably anticipated trees within the road reserve.	COMPLIES — A 21m long × 2.2m wide awning is provided along the Progress Drive frontage, covering the pedestrian footpath adjoining the building. The only interruptions occur at the driveway and service area, where vehicle access and existing infrastructure require an opening.
18. Development is to provide legible pedestrian access from the street and public pathways to building entrances that: a) is direct and provides refuge from the sun and rain; and	COMPLIES — A dedicated pedestrian entrance is provided from the south-west corner, with direct access to the commercial tenancies and reception for the rooming accommodation beneath the covered frontage.
19. avoids potential entrapment areas, blind corners or sudden changes in level that restrict sightlines. New developments are to be sited, designed and operated to minimise unreasonable impacts to surrounding uses and	COMPLIES — No potential entrapment areas, blind corners or sudden changes in level that restrict sightlines are proposed. Setbacks, landscaping and 1.8m screening fencing along the residential interfaces reduce potential privacy, noise and light impacts while maintaining compatibility with adjoining

development related to noise, vibration, light, odours and other nuisance.	development.
20. Development is to minimise the transmission of noise and exhaust from services by: a) locating lift shafts away from habitable rooms, or by using other noise attenuation measures; and b) locating air conditioner plants away from openings in habitable rooms.	COMPLIES – Individual air-conditioning units are located on the balconies associated with each room and are separated from the habitable rooms by the external building wall, minimising potential noise and exhaust impacts. The lift is centrally located within the building and separated from habitable rooms.
21. Buildings are to provide internal drainage of balconies.	COMPLIES – The submitted plans and Statement of Effects confirm that balconies will be internally drained.
22. Development with a floor area of 3500m ² or greater is to provide a dedicated parenting room (to allow for activities such as baby change and breastfeeding).	NOT APPLICABLE – The development has a floor area below 3500m ² ; therefore, a dedicated parenting room is not required.
23. Development is to provide designated areas for rubbish collection.	COMPLIES – A dedicated bin enclosure is provided adjacent to the loading area, allowing for screened and functional waste storage and collection.

COMPIES

5.5.17 Building Frontage in Commercial and Mixed Use Areas

Purpose

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

Administration

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

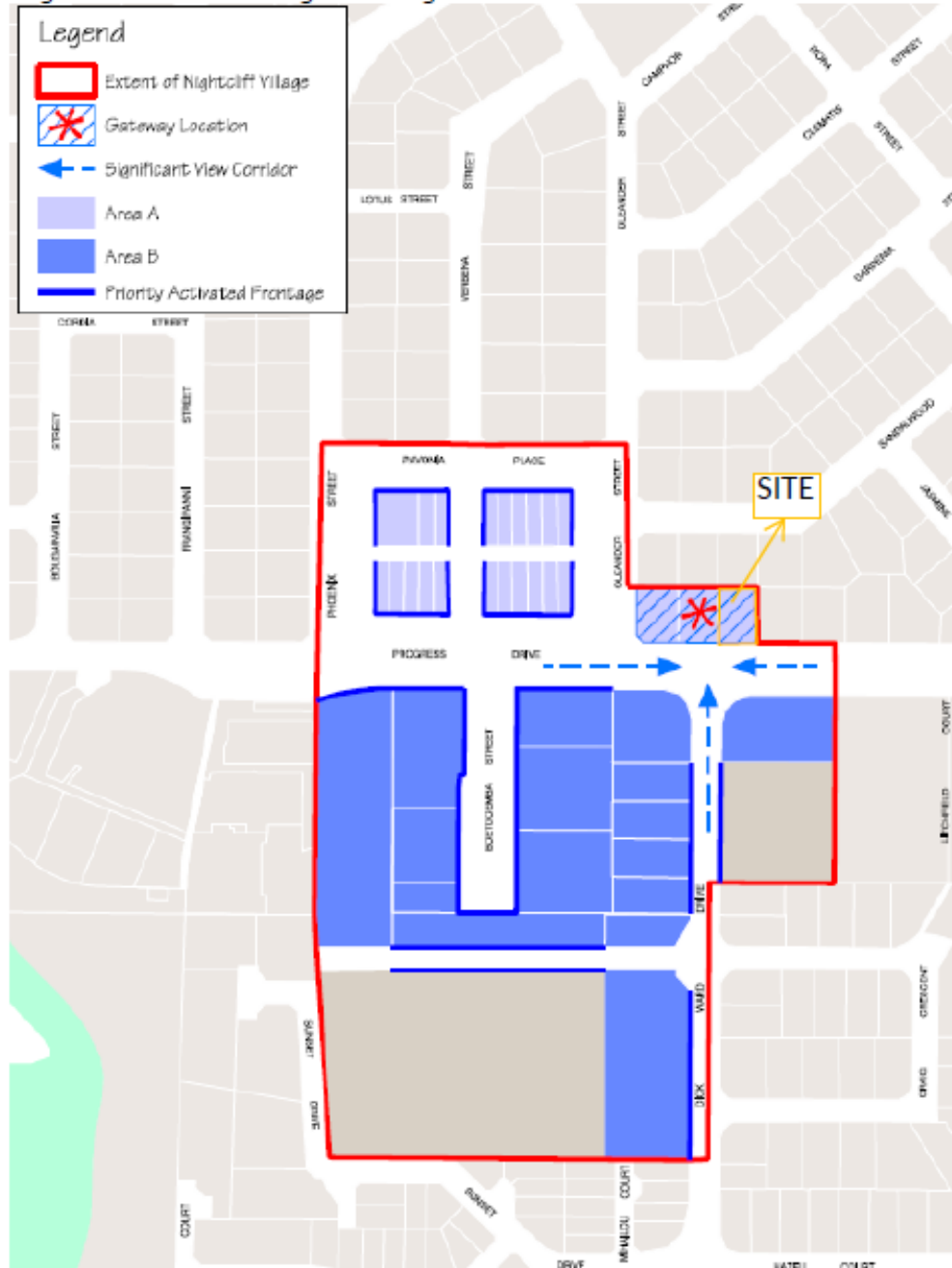
Requirements	Assessment
4. Services on primary building frontages are to be limited to: (a) a direct single point of access to service equipment for all service authorities; (b) required fire egress; and (c) required fire booster connection points.	COMPLIES The frontage is predominantly occupied by glazed openings, pedestrian entrances and vehicle access. No substantial service infrastructure or other service installations inconsistent with sub-clause 4 are evident on the primary frontage.
5. Primary building frontages are to contain one or more of the following components for 60% of the building length, where the distance between each component is no more than 1.5m: (a) windows with openings that have dimensions not less than 0.9m wide and 1.2m high; (b) operational and legible entrances (excluding fire egress); (c) areas that are used for alfresco dining; (d) spaces that allow for pedestrian movement and/or seating; or vertical landscaping for the full height of the frontage.	COMPLIES The primary building frontage is approximately 18.4 m, requiring qualifying components along a minimum of 11.04 m (60%) of the frontage. The ground floor incorporates multiple large glazed openings and operational entrances across the frontage, with pedestrian movement provided along the front of the building. The qualifying components extend across more than 60% of the building frontage and are separated by less than 1.5 m.
6. Buildings are to provide awnings for the length of the primary building frontage to a minimum of 3m wide.	DOES NOT COMPLY The awning is only 1.8 m wide, which does not meet the minimum 3 m width requirement.

DOES NOT COMPLY

5.9.6 Nightcliff Village

1. This clause incorporates planning and design standards contained in the Darwin Mid Suburbs Area Plan.
2. The diagram to this clause identifies the land to which the requirements of 5.9.6 (Nightcliff Village) apply, and the key features referred to in the requirements.

Diagram to Clause 5.9.6: Nightcliff Village Extent and Features



As shown in the diagram above to clause 5.9.6 – Nightcliff Village Extent and Features, the subject site is located within Area A and is identified as a Gateway Location.

5.9.6.1 Building height

Purpose

Promote *building height* that is sympathetic to the Nightcliff Village character.

Administration

1. This clause applies to development on land in Zone C within the area included in the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features).
2. The consent authority may *consent* to a development that exceeds the maximum *building height* in sub-clause 3 if it is satisfied the development reflects the intended character of the area without unreasonably impacting on surrounding development.

Requirements

3. The maximum *building height* for mixed use development in areas shown on Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features) is to be in accordance with the table to this clause.

Table A to Clause 5.9.6.1 Maximum building heights for mixed-use development in Zone C	
Area	Maximum building height
A	3 <i>storeys</i> up to a maximum <i>building height</i> of 14 metres above <i>ground level</i>
B	6 <i>storeys</i> up to a maximum <i>building height</i> of 26 metres above <i>ground level</i> .

Assessment:

The site is located within Area A as identified in the diagram to clause 5.9.6. above in this assessment The proposal comprises 3 storeys, with the rooftop communal open space and associated shade structure above. The maximum height to the top of the shade structure is approximately 12.2 m above ground level, which is below the maximum 14 m building height.

COMPLIES

5.9.6.2 Development in Gateway Locations

Purpose

Ensure that development on prominent sites serves as a visual anchor point and creates a sense of arrival into the Nightcliff Village precinct.

Administration

1. This clause applies to development proposed in Zone C in a 'Gateway Location' in the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features).
2. Every application is to include a design statement prepared by a suitably qualified professional, demonstrating how the proposed development meets the purpose of this clause.
3. The consent authority may consent to a use or development that is not in accordance with sub-clauses 4 if it is satisfied that the development either:
 - (a) provides a better alternative that will contribute to the enhancement of and mark the entry point to the Nightcliff Village precinct; or is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the **site**.

Requirements

4. Development is to be oriented towards the significant view corridor identified in the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features) and address the Dick Ward Drive and Progress Drive intersection through:
 - (a) additional articulation of building form, envelope and material expression; and
 - (b) variations in **building height** and/or roof sections.

Assessment :

The site is specifically identified as a Gateway Location at the Dick Ward Drive and Progress Drive intersection. An Architectural Design Statement prepared by a registered architect has been submitted with the application.

The development is oriented and designed to address the significant view corridor and the Dick Ward Drive/Progress Drive intersection. In particular:

Sub-clause 4(a): The prominent southern, eastern and western elevations incorporate substantial articulation through projecting and recessed building elements, continuous balconies and balustrades, rounded corner treatments, glazing, integrated planter elements, projecting balcony slabs ground-floor awning and projecting eaves. Vertical wall projections and recesses between groups of windows and balconies further break the longer facades into smaller sections. The glazed commercial ground floor differentiates the building base and provides an active presentation to Progress Drive. Collectively, these elements provide depth and visual interest, reduce the appearance of building mass and provide a distinctive presentation when viewed from the Dick Ward Drive and Progress Drive intersection.

Sub-clause 4(b): Variation is provided through the building's stepped and projecting upper-level form, articulated roofline and elevated rooftop shade structure, which creates a distinct upper profile rather than a uniform roof form. The rooftop structure is particularly visible from the

intersection and contributes to the building's prominence and identifiable silhouette. The architectural statement similarly identifies changes in roof elements and building profile as contributing to a visually dynamic skyline.

COMPLIES

5.9.3 Active Street Frontage

Purpose

Prioritise active frontage along key streets in Nightcliff to encourage pedestrian activity and strengthen the relationship between buildings and the public domain.

Administration

1. This clause applies to development in Zone C that has frontage to a "priority activated frontage" identified in the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features).

Assessment :

The subject site is within Zone C; however, the diagram to clause 5.9.6 – Nightcliff Village Extent and Features does not identify the Progress Drive frontage of the subject site as a "priority activated frontage".

As sub-clause 1 specifies that clause 5.9.3 applies only to development in Zone C that has frontage to a "priority activated frontage" identified in the Diagram to Clause 5.9.6, the application does not trigger this clause.

NOT APPLICABLE

5.9.6.4 Plot ratio for commercial development

Purpose

Ensure **building height**, massing and form maintains pedestrian scale in the street.

Administration

1. This clause applies to development in Zone C within Area B as shown on the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features).

Assessment :

The subject site is within Zone C; however, the Diagram to clause 5.9.6 – Nightcliff Village Extent and Features identifies the site within Area A, rather than Area B.

Sub-clause 1 specifies that clause 5.9.6.4 applies only to development in Zone C within Area B. Accordingly, the maximum commercial plot ratio of 1.8:1 under sub-clause 3 does not apply to the proposal.

NOT APPLICABLE

5.9.6.5 Plot ratio for residential development

Purpose

To encourage mixed use development that provides varied built form and visual interest consistent with the anticipated character of the area.

Administration

1. This clause applies to development in Zone C in excess of 4 **storeys** within the area included in the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features).

Assessment :

The subject site is within Zone C and is located within the area identified in the Diagram to Clause 5.9.6 – Nightcliff Village Extent and Features. However, the proposed development does not exceed 4 storeys.

Sub-clause 1 specifies that clause 5.9.6.5 applies only to development in Zone C in excess of 4 storeys within the identified area. Accordingly, the maximum residential plot ratio of 2.5:1 under sub-clause 3 does not apply to the proposal.

NOT APPLICABLE

ARCHITECTURAL STATEMENT

DATE: 31 JULY 2026

FROM: Randal Ashford, Architect

PROJECT: Mixed Use Development

PROPERTY: 22 PROGRESS DRIVE, NIGHTCLIFF VILLAGE

RE: **Clause 5.9.6.2 – Development in Gateway Locations
Northern Territory Planning Scheme 2020**

Purpose

This Architectural Design Statement has been prepared in accordance with Clause 5.9.6.2 of the Northern Territory Planning Scheme 2020 for development within a designated Gateway Location in the Nightcliff Village precinct.

The proposed development has been designed to create a distinctive gateway building that establishes a strong sense of arrival into Nightcliff Village. The architectural response enhances the prominence of the site through a contemporary built form, active street edges and a high-quality architectural expression that contributes positively to the public realm while supporting the ongoing revitalisation of the precinct.

Development Overview

The proposal comprises a mixed-use development consisting of:

- Ground floor commercial tenancies that activate the street frontage and provides commercial opportunities.
- Two upper levels of rooming accommodation providing affordable, well-designed accommodation for essential workers, contributing to the housing needs of the Darwin community.
- Landscaped public interfaces, pedestrian-oriented design and high-quality architectural finishes appropriate for a prominent gateway location.

The combination of commercial activity and accommodation creates a vibrant, mixed-use environment that encourages activity throughout the day and evening.

Response to Clause 5.9.6.2 Requirements

Gateway Presence

The development has been designed as a landmark building that reinforces the importance of the Dick Ward Drive and Progress Drive intersection as one of the principal entry points into Nightcliff Village.

The building presents a contemporary architectural form that establishes a strong visual identity through carefully composed building elements, generous glazing, articulated façades and quality materials. The proposal provides a highly visible and attractive gateway that contributes positively to the character of the precinct.

Orientation Towards the Significant View Corridor

The building is orientated towards the significant view corridor identified within the Nightcliff Village planning framework.

Primary façades address both Dick Ward Drive and Progress Drive, ensuring the development engages with the intersection rather than presenting secondary or inactive elevations. The corner treatment emphasises the gateway location and creates a welcoming arrival experience from all approaches.

Extensive glazing, balconies and active commercial frontages maximise surveillance of surrounding public spaces while enhancing visual connections to the street.

Activation of the Public Realm

Ground floor commercial tenancies provide continuous activation along the street frontages through:

- Active shopfront glazing.
- Multiple pedestrian entrances.
- Outdoor dining and commercial opportunities where appropriate.
- Weather protection for pedestrians.
- Clear visual interaction between internal commercial spaces and the public realm.

This activation creates a vibrant streetscape, improves passive surveillance and supports the economic vitality of Nightcliff Village.

Architectural Articulation

Consistent with Clause 5.9.6.2, the development incorporates significant articulation of the building form, envelope and material expression through:

- Recessed and projecting façade elements.
- Variation in balcony forms and shading devices.
- High-quality contemporary materials.
- Vertical and horizontal architectural elements that reduce perceived building bulk.
- Strong architectural treatment emphasising the gateway location.
- Generous glazing to commercial frontages.

These elements create visual interest while responding appropriately to the scale and prominence of the site.

Variation in Building Height and Roof Form

The proposal incorporates variations in building height and roof elements to avoid a monolithic appearance. Architectural roof features, articulation and changes in the building profile provide a visually dynamic skyline that enhances the landmark quality of the development when viewed from Dick Ward Drive and Progress Drive.

These design measures reinforce the gateway function of the building and improve the overall architectural composition.

Material Expression

The development adopts a contemporary tropical architectural palette consisting of durable, high-quality materials suited to Darwin's climate.

The façade combines textured finishes, glazing, lightweight screening elements and contrasting materials to provide depth, articulation and visual interest while ensuring longevity and ease of maintenance.

External materials have been selected to respond to the coastal setting and contribute positively to the evolving character of Nightcliff Village.

Housing Outcomes

The upper levels provide affordable rooming accommodation specifically intended for essential workers, increasing housing supply within an accessible mixed-use centre.

Locating affordable accommodation above activated commercial uses supports a walkable lifestyle, reduces reliance on private vehicles and allows residents convenient access to employment, public transport, retail and community services.

The proposal therefore delivers both social and economic benefits consistent with contemporary planning objectives.

Contribution to Nightcliff Village

The development delivers significant public benefits by:

- Establishing a landmark gateway building.
- Creating an active and engaging street environment.
- Supporting local businesses through new commercial floor space.
- Delivering affordable accommodation for essential workers.
- Increasing pedestrian activity and passive surveillance.
- Improving the visual quality of a prominent intersection.
- Supporting the long-term growth and revitalisation of Nightcliff Village.

Conclusion

The proposed mixed-use development at **22 Progress Drive** satisfies the intent and requirements of **Clause 5.9.6.2 – Development in Gateway Locations**.

The proposal creates a distinctive architectural gateway through its orientation to the significant view corridor, active commercial frontage, articulated building form, varied roof profile and high-quality material palette. The inclusion of affordable rooming accommodation for essential workers above activated ground floor commercial uses delivers a balanced mixed-use outcome that strengthens the economic, social and urban character of Nightcliff Village.

Accordingly, the proposal demonstrably meets the purpose of the clause by providing a visually prominent, high-quality development that marks the arrival into the Nightcliff Village precinct while contributing positively to its future growth.



Randal Ashford
Ashford Lamaya Architects

NORTHERN TERRITORY PLANNING AUTHORITY

Planning Act

Section 113

INSTRUMENT OF DETERMINATION

DV3761

Development application lodged pursuant to section 104 of the Planning Act by John Charles Chambers, C/- PO Box 41695, Casuarina NT 0811 on 20 March 1990 for consent to develop Lot 359 Progress Drive, Town of Nightcliff for the purpose of a veterinary clinic (Stage I) and offices (Stage II).

I, JAMES MURRAY ROBERTSON, by virtue of a delegation from the Northern Territory Planning Authority on 29 March 1990, waive Clause 72 (Height of Building) and determine the application pursuant to section 112(1)(a) of the Planning Act by granting consent to the application to develop Lot 359 Progress Drive, Town of Nightcliff for the purpose of a veterinary clinic (Stage I) and offices (Stage II) in accordance with drawing number 359/1, endorsed by me and subject to the following conditions:

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

REASON

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

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

REASON

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

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

REASON

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

4. Internal footpaths shall be concrete or similar impervious sealing, and constructed and maintained to the satisfaction of the Division Head, Planning and Building Division, Department of Lands and Housing.

REASON

To ensure the provision of adequate all-weather access.

5. Sight lines shall be provided at the juncture between the means of ingress and egress to the site and the public street to the satisfaction of the Technical Services Manager, Darwin City Council. No fence, hedge or tree exceeding 0.6 metres in height shall be planted in front of the sight line.

REASON

In the interest of road safety.

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

REASON

To ensure the provision of essential services for human habitation.

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

REASON

To ensure the provision of essential services for human habitation.

8. Any traffic control devices shall be constructed to the requirements and satisfaction of the Technical Services Manager, Darwin City Council, at no cost to the Council.

REASON

In the interest of road safety.

9. The proprietor shall:-

- (i) provide for safe storage of all drugs used in the treatment of animals;

- (ii) ensure that any hospitalised animal is under complete control at all times;
- (iii) make adequate provision for disposal of excreta, soiled bedding and carcasses and any other waste from the clinic; and
- (iv) make adequate arrangements for the storage and preparation of food for hospitalised animals.

REASON

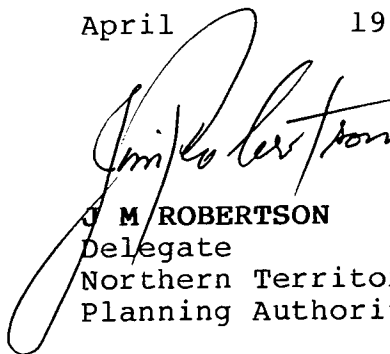
In the interest of health and public amenity.

10. The site shall not be used for the boarding or breeding of animals (with the exception of post or pre operative care).

REASON

In the interest of the amenity of the locality.

Dated this 12th. day of April 1990


J M ROBERTSON
Delegate
Northern Territory
Planning Authority

NOTES:

1. The applicant's attention is drawn to the right of appeal which exists in relation to the above decision in accordance with section 114 of the Planning Act. Within 28 days of receiving this Instrument of Determination, an appeal may be lodged to the Appeals Committee.
2. Your attention is drawn to section 116 of the Planning Act which states:-
 - 1) Subject to this Division, a consent to a development application lapses at the expiration of 2 years from the date of the consent.
 - 2) A consent to a development application does not lapse under subsection (1)-
 - a) in the case of a consent to the erection of a building or the carrying out of work - if the erection of the building or the carrying out of the work, as the case may be, in accordance with that consent is substantially commenced; or

- b) in the case of a consent to use a building, work or land - if the use of the building, work or land in accordance with that consent has actually commenced,

within 2 years from the date of consent.

- 3. Working drawings and specifications to comply with the Northern Territory Building Code and other relevant statutes and are subject to approval by the Building Controller of the Department of Lands and Housing.

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

Please Quote: PA2026/0269

28 August 2026

To whom it may concern

Parcel Description: Lot 00369, Town of Nightcliff
22 Progress Drive, Nightcliff

Proposed Development: Rooming Accommodation With 40 Beds and Office in a
3 Storey Building

Thank you for the development application referred to this office on 14 August 2026 concerning the above.

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

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), in principle approval is required for the crossover and driveway to the site from the City of Darwin road reserve.
2. Prior to the commencement of works (including site preparation), an engineered plan completed by a suitably qualified civil engineer demonstrating the on-site collection of stormwater and its discharge into the local underground stormwater drainage system, shall be submitted to, and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels, and Council's stormwater drain connection point/s and connection details.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.



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

The Traffic Impact Assessment report is to also include swept paths for waste collection vehicles entering and exiting the site.

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

7. Prior to the commencement of works, a landscape plan for works within the City of Darwin road reserve must be submitted alongside the driveway plans, detailing the proposed location of replacement street trees and any associated landscaping enhancements around the driveway, to the satisfaction of the City of Darwin.
8. Prior to the commencement of works, the applicant is to demonstrate that the loading bay can operate effectively with the reduced clearance and dimensions. This should include swept path diagrams and relevant technical drawings confirming that vehicles can safely enter, manoeuvre within and exit the loading bay.

The assessment should also demonstrate that the proposed arrangement will not result in adverse impacts on the surrounding road network, including vehicle queuing or the need for heavy vehicles to reverse onto the access road or adjoining public roads.



GENERAL CONDITIONS

- Any damaged or removed infrastructure located in, on or over the road reserve (inclusive of preexisting street trees), is to be repaired or replaced at either the developers or landowners' cost, to the satisfaction of the City of Darwin.
- New Street lighting shall be designed to achieve the minimum lighting levels required as per the AS/NZS 1158.3.1:2020 and the lighting design shall be certified by a member of the Illuminating Engineering Society (The IES). All street lighting designs and the lighting designs for public spaces within the subdivision / New Development shall be compatible with the City of Darwin's smart lighting control system.
- Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of City of Darwin.
- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and shared paths shall be provided, stormwater shall be collected and discharged into City of Darwin's drainage network, all of which is to be provided at the applicant's expense, to the requirements and satisfaction of City of Darwin.
- Sight lines shall be provided at crossovers to public streets, to the satisfaction of, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- Any gate over an access to a public road shall be placed on the subject site at least 4.5 metres from the face of the kerb line of the adjoining public road.
- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.
- Waste bin enclosures, storage and pick-up shall be provided in accordance with City of Darwin's Waste Management Guidelines.
- All works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
- Any proposed stormwater connections to City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.



- Any proposed crossover must be designed in accordance with the NT Subdivision Development Guidelines and to the satisfaction of the City of Darwin.
- Gates associated with the development must not open outward onto the City of Darwin road reserve or public land. Any proposed gates are to open inward toward the property boundary.
- In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction and at no cost to City of Darwin.

ADVICE NOTES

- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin's Policy 6310.100.E.R – Outdoor Advertising Signs Code.

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

Yours sincerely

Signed by:

AA084F73A8E8F5AD

ALICE PERCY
GENERAL MANAGER INNOVATION



Container No: LD550/0359

DLPE - Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Samay Chandhiok

RE: PA2026/0269 - Lot 00359 Town of Nightcliff - 22 Progress Dr, Nightcliff NT - Rooming accommodation (student accommodation) with 40 beds and office in a 3-storey building

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

1. The developer may need to upgrade the existing water and sewer service and should contact Services Development prior to start of construction.
2. Power and Water require separate water meters where there are residential and non-residential body corporate arrangements. Sewer charge differs between residential and non-residential and is billed to the appropriate body corporate. The developer must advise Power and Water of the body corporate arrangements as early as possible to ensure appropriate billing arrangements are made. All water and/or sewer easements must be identified on the appropriate levels under the unit title subdivision survey plans.
3. PWC are working towards a water efficient future, through the implementation of water saving practices that provide potential financial savings to our customers. PWC strongly encourages you to visit the Living Water Smart website <https://www.livingwatersmart.com.au/> to find out more on how to improve your developments landscaping and irrigation.
4. The developer must ensure that;
 - a) Backflow prevention is installed at the water service in accordance with AS/NZS 3500.1 – Plumbing and Drainage - Water Services
 - b) Where applicable, the device is tested annually in accordance with AS/NZS 2845.3 field testing and maintenance of testable devices.

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

5. An internal break tank maybe required for firefighting, as direct pumping from PWC water mains is not permitted.

PWC recommends that the developers' hydraulic consultant confirm internal firefighting requirements with PWC prior to the development, so that flow capability can be adequately assessed.

6. The developer must ensure that;

- a) Prior to construction Trade Waste approval or exclusion is obtained – to discuss requirements for the proposed development contact TradeWasteDept.PWC@powerwater.com.au
 - b) Before seeking clearance the owner/customer has obtained a License to discharge Trade Waste by applying here <https://www.powerwater.com.au/developers/water-development/trade-waste>
7. All required works mentioned above must all be at according to Power and Water's Connection Code and at the developer's expense. All standard, quoted and Water and Sewerage System Extension Policy (WASSEP) charges, as well as contribution charges may be applicable. As required, Power and Water will reassess the charges for the development.
8. Power and Water advises that the Water and Sewer Services Development Section (developer.concierge@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) must be contacted via email a minimum of 1 month prior to construction works commencing.

If you have any further queries, please contact the undersigned on 08 9463 2089, or email developer.concierge@powerwater.com.au

Yours sincerely



Craig Thomas
Services Development

27 August 2026

cc: Joseph Sheridan
email: joe@sheridanconsulting.au

Phone 1800 245 092

Web powerwater.com.au

Record No: D2026/245481

Container No: NE550/0359

Your Ref: PA2026/0269

Samay Chandhiok
Development Assessment Services
GPO Box 1680
Darwin NT 0810

Dear Samay

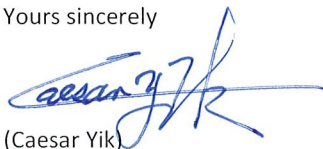
Re: Lot 359 (22) Progress Drive Nightcliff Town of Nightcliff

In response to your letter of the above proposal for the purpose of commercial and rooming accommodation (student accommodation) with 40 beds, and offices in a 3-storey building, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. Existing power service to Lot 359 from Pillar P144NC does not have capacity to provide power supply to the proposed mixed commercial and residential development.
2. The proposed electrical pillar as shown on "Site Landscape Plan" for power service to the proposed development is accepted. Depending on the new maximum demand figure, establishment of a new package substation on Lot 359 may be required.
3. The Proponent, David Superannuation Fund Pty Ltd (DSF), shall engage an accredited electrical consultant (from the attached accreditation list) to:
 - Submit details of AS-3000 maximum demand calculation of the student accommodation development.
 - Apply for a Negotiated Connection application under the Australian Energy Regulator (AER) compliance process.
 - Submit detailed power servicing design drawings in consultation with PWC.
4. PWC shall check and approve the consultant's electrical design drawings for construction by DSF's engaged accredited contractor and carry out final connection works at applicable cost under the AER assessment process.
5. DSF shall engage a licensed electrician to carry out the customer's internal electricity reticulation installation for the proposed development in accordance with the PWC's current NP018 Service and Installation Rules 2024 and NP010 Meter Manual.
6. DSF shall carry out the survey work and registration of all required electricity easements to Land Titles Office at no cost to Power and Water.

If you have any further queries, please contact Thanh Tang, Manager Distribution Development on 8924 5729 or email: PowerDevelopment@powerwater.com.au

Yours sincerely



(Caesar Yik)

for Thanh Tang
Manager Distribution Development

19 August 2026

POWER AND WATER CORPORATION

GPO Box 1921, Darwin NT 0801 | ABN 15 947 352 360

27 August 2026

Mr Samay Chandhiok
Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

E DevelopmentAssessment.DLPE@nt.gov.au

T 08 8999 4446

Our Ref: DLPE2026/0322
Your Ref: PA2026/0269

Dear Mr Chandhiok

Re: PA2026/0269 Rooming accommodation (student accommodation) with 40 beds and office in a 3-storey building

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

Land Resources Division**Land Management Unit**

Based on a desktop assessment the Land Management Unit provides the following advice.

Due to the small disturbance area, the Land Management Unit does not require an Erosion and Sediment Control Plan (ESCP) condition on the Development Permit. However, it is important that erosion and sediment control measures are employed throughout the development stage in accordance with the recommended Permit Notes below.

Permit Notes:

1. For the purposes of best practice land management and environmental protection it is recommended that:
 - (a) prior to the commencement of works an Erosion and Sediment Control Plan (ESCP) is developed;
 - (b) the ESCP is implemented throughout the construction phase including clearing and early works; and
 - (c) all disturbed soil surfaces are stabilised against erosion at completion of works.
2. Resources regarding erosion and sediment control is available on the International Erosion Control Association (IECA) website <https://austieca.com.au/home> and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Development Coordination Branch: (08) 8999 4446.

Lands and Planning Division

Building Assessment Services

Based on the information provided, Building Assessment Services do not foresee any issues with the proposed development. All building works are to comply with the *Building Act 1993*, the Building Regulations 1993 and the National Construction Code. A building permit must be granted and in force prior to the commencement of building works on the site.

Environmental Regulation Division

Based on the information provided, the proposal does not appear to trigger the licensing requirements of an Environment Protection Approval under the *Waste Management and Pollution Control Act 1998* (WMPC Act). Activities requiring authorisation are listed in Schedule 2 of the WMPC Act.

Under the WMPC Act, all persons have statutory obligations to take all reasonable and practicable measures to prevent or minimise pollution and environmental harm, and to reduce the amount of waste generated. This is known as the General Environmental Duty, set out in section 12 of the WMPC Act. The proponent is responsible for ensuring that their activities comply with these obligations.

Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority (NT EPA) website¹.

The proponent is advised to take notice of this non-exhaustive list of environmental issues that should be considered to help satisfy General Environmental Duty:

1. **Dust:** The proponent must ensure that nuisance dust and/or nuisance airborne particles are not discharged or emitted beyond the boundaries of the premises.
2. **Noise:** The proponent must ensure that noise levels from the premises comply with the latest version of the Northern Territory Noise Management Framework Guideline².

If the proposal is situated where there are existing activities nearby that may already generate noise, please see the Guideline: Recommended Land Use Separation Distances³.

3. **Erosion and Sediment Control (ESC):** The proponent must ensure that pollution and/or environmental harm do not result from soil erosion.

ESC measures must be employed prior to and throughout the construction stage of the development. Larger projects should plan, install and maintain ESC measures in accordance with the current International Erosion Control Association (IECA) Australasia guidelines⁴.

Where sediment basins are required by the development, the NT EPA recommends the use of at least Type B basins, unless prevented by site specific topography or other physical constraints.

Basic advice for small development projects is provided by the NT EPA document: Guidelines to Prevent Pollution from Building Sites⁵.

¹ <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>

² https://ntepa.nt.gov.au/_data/assets/pdf_file/0004/566356/noise_management_framework_guideline.pdf

³ https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/453192/guideline_recommended_land_separation_distances_oct.pdf

⁴ <https://www.austieca.com.au/publications/best-practice-erosion-and-sediment-control-bpesc-document>

⁵ https://ntepa.nt.gov.au/_data/assets/pdf_file/0010/284680/guideline_prevent_pollution_building_sites.pdf

4. **Storage:** Where an Environmental Protection Approval or Environmental Protection Licence is required, the proponent must act in accordance with that authorisation.

If an Environment Protection Approval or Environment Protection Licence is not required, the proponent must store liquids only in secure bunded areas in accordance with VIC EPA Publication 1698: Liquid storage and handling guidelines⁶. Where these guidelines are not relevant, the storage must be at least 110% of the total capacity of the largest vessel in the area.

5. **Site Contamination:** If the proposal relates to a change of land use or if the site is known to be contaminated, a contaminated land assessment may be required in accordance with the National Environment Protection (Assessment for Site Contamination) Measure (ASC NEPM). The proponent is encouraged to refer to the information provided on the NT EPA website⁷ and the NT Contaminated Land Guidelines⁸.

6. **Waste Management - Import and Export of Fill:** The proponent must ensure all fill imported or exported as part of the activity must be certified virgin excavated natural material (VENM) in accordance with the NSW EPA guidelines⁹.

All imported fill material must be accompanied by details of its nature, origin, volume, testing and transportation details. All records must be retained and made available to authorised officers upon request. The proponent should also consider the following NT EPA Fact Sheet Illegal Dumping - What You Need to Know¹⁰.

7. **Odour or Smoke:** The proponent must ensure that nuisance odours or smoke are not emitted beyond the boundaries of the premises.

If the proposal is situated where there are existing activities nearby that may already generate odour or smoke, please see the Guideline: Recommended Land Use Separation Distances¹¹.

8. **Water:** The proponent must ensure stormwater is not polluted, refer to water management in the NT EPA guidelines to Prevent Pollution from Building Sites¹².

If this activity requires the discharge of waste to water or could cause water to be polluted, then a waste discharge licence under the *Water Act 1992* may be required. Please refer to the Guidelines on Waste Discharge Licensing under the Northern Territory *Water Act 1992*¹³.

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

Yours sincerely



Maria Wauchope
Executive Director Land Resources

⁶ <https://www.epa.vic.gov.au/about-epa/publications/1698>

⁷ <https://ntepa.nt.gov.au/your-environment/contaminated-land>

⁸ https://ntepa.nt.gov.au/_data/assets/pdf_file/0020/434540/guideline_contaminated_land.pdf

⁹ <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/virgin-excavated-natural-material>

¹⁰ https://ntepa.nt.gov.au/_data/assets/pdf_file/0008/285740/factsheet_illegal_dumping_what_you_need_to_know.pdf

¹¹ https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/453192/guideline_recommended_land_separation_distances_oct.pdf

¹² https://ntepa.nt.gov.au/media/waste-and-pollution/pdf/guidelines/guideline_prevent_pollution_building_sites.pdf

¹³ https://ntepa.nt.gov.au/_data/assets/pdf_file/0005/950603/guidelines-waste-discharge-licensing.pdf

SUBMISSION TO THE DEVELOPMENT CONSENT AUTHORITY

Development Application PA2026/0269*22 Progress Drive, Nightcliff - rear interface with our home at 6 Sandalwood Street*

Application	PA2026/0269
Application land	Lot 359, 22 Progress Drive, Nightcliff - Zone C - site area 1,002 m ²
Advertised proposal	Rooming accommodation (student accommodation) with 40 beds and office in a three-storey building
Applicant	Sheridan Planning and Development
Submitters	Nino Carcuro and Amanda Nobbs-Carcuro
Our land	Lot 347, 6 Sandalwood Street, Nightcliff - Zone LR - adjoining the rear boundary
Contact	PO Box 377, Nightcliff NT 0810 amanda.nobbscarcuro@gmail.com
Date	27 August 2026

1. Our position

We own and live at 6 Sandalwood Street. Our property shares its rear boundary with the application site. Our house and backyard are directly behind the part of the proposal shown with car parking, a loading area, bin storage, upper-level balconies and the rooftop communal area.

We accept that 22 Progress Drive is zoned for development, but we oppose approval of this application. Our objection is not to redevelopment in the abstract. It is to this proposed use and design, the way it meets an established low-density residential boundary, and the effect that its setback, height, balconies, rooftop use and rear service area may have on the privacy and day-to-day amenity of our home.

We ask the Authority to refuse the application. If it is not refused, substantial alterations and enforceable conditions are required to provide a proper transition to the homes behind it and to ensure that the development cannot operate more intensively than the use assessed. Our concerns are set out below.

2. The proposal must be described consistently

The official notice describes the proposal as rooming accommodation (student accommodation) with 40 beds and an office in a three-storey building. The architectural plans also appear to show 34 accommodation rooms, ground-floor tenancies and a reception/office, together with a rooftop communal area, undercover area, BBQ area, enclosed laundry and store.

Those descriptions should be reconciled before any consent is granted. The exact use matters because it determines the applicable parking, end-of-trip, open-space and plot-ratio provisions. The permit should identify the approved use, the maximum of 40 beds, the number of guest rooms, the office and any other commercial uses, their net floor areas, and the maximum staff numbers used in the assessment.

3. Student or worker accommodation must be resolved

Describing the proposal as student accommodation does not, by itself, ensure that it will remain student accommodation. Schedule 2 of the NT Planning Scheme defines rooming accommodation to include hostels, guest houses, student accommodation and worker accommodation. Student and worker accommodation therefore sit within the same planning use definition.

Unless the consent and endorsed documents impose an effective and enforceable student-only limitation, the building may be capable of being occupied as worker or project accommodation without

any material alteration to its built form. The internal arrangement shown on the plans: 34 compact accommodation rooms, 40 beds, a reception/office, lockers, communal laundry and communal rooftop facilities, could physically support, either operating model.

That alternative use is reasonably foreseeable. Current and proposed major project activity, including Beetaloo gas development, is expected to generate substantial workforce demand. The NT Government's Beetaloo Sub-basin information and 2026-27 Budget Industry Outlook identify first gas during 2026 and significant long-term employment potential. We do not allege that the applicant has an undisclosed agreement with any particular project. Our point is that the application does not demonstrate how the advertised student limitation will be secured for the life of the development.

Worker accommodation may produce materially different parking and amenity impacts, including greater vehicle ownership, shift-related departures and arrivals, and vehicle movements during early morning and late-night periods. The Authority should not rely on assumptions about student travel or behaviour unless occupation by students is secured. If a student only limitation cannot lawfully and practically be imposed and enforced, the application should be assessed as unrestricted rooming accommodation, including its potential use for workers, before it is determined.

4. Rear setback, building mass and height

Residential building setback. Clause 5.4.3 and Table C of the NT Planning Scheme 2020 require a residential building in Zone C to be set back 5 metres from a side or rear boundary adjoining a zone other than Zone C, with a 4.1 metre roofline setback. Rooming accommodation is included within the Scheme definition of a residential building. The plans show a 3 metre rear setback to our Zone LR boundary, and the official notice identifies setbacks as a variation sought.

The purposes of clause 5.4.3 include reducing the apparent mass of a building when viewed from adjoining land and avoiding undue overlooking. Those purposes are especially important here because the proposed building directly faces the private area of an existing home. A 2 metre departure is substantial at this interface and should not be treated as a minor numerical variation.

Non-residential components. To the extent that the office, any other commercial tenancies, or associated non-residential development abut the Zone LR boundary, clause 5.2.7 should also be addressed. That clause calls for a 5 metre setback, a landscaped visual screen at least 3 metres deep and a solid screen fence at least 1.8 metres high. The plans show a 1.5 metre planting strip and lightweight fencing.

Height and storey count. The notice calls the proposal a three-storey building, while the plans show floor levels at approximately 0, 3.2, 6.2 and 9.2 metres and roofed or enclosed elements at rooftop level. We do not say that a rooftop terrace is automatically another storey. We ask the applicant and Authority to record how the Schedule 2 definition of "storey" has been applied and which mapped Nightcliff Village height control in clause 5.9.6 applies to this land. Permissible height does not remove the need for an appropriate setback and transition to Zone LR.

Articulation. The rear elevation appears to extend for more than 15 metres without a clear 1 metre by 1 metre step or recess. Compliance with clause 5.4.17 should be demonstrated. A stepped rear form would also move bulk away from our boundary and reduce overlooking.

5. Overlooking and privacy

The plans show rear-facing balconies at the two accommodation levels and a rooftop communal area above them. At a 3 metre rear setback, these elevated areas have direct sightlines toward our backyard and home. The streetside perspectives do not show what the proposal will look like from the residential properties behind it, and we have not identified a section or sightline study across the shared boundary.

This is not a general objection to balconies or communal open space. It is a concern about their placement and design at this boundary. Clauses 5.4.3, 5.4.7 and 5.4.8.1 require attention to overlooking and the reasonable privacy of nearby dwellings, and section 51(1)(n) of the Planning Act 1999 requires the Authority to consider the effect on existing and future amenity.

The proposed Indian mast trees may be useful landscaping, but planting cannot be the only privacy measure. It will not provide an effective screen on the first day of occupation and its performance depends on planting size, spacing, growing conditions and ongoing maintenance. Privacy should be achieved by the building design itself, supported by landscaping rather than dependent on it.

6. Rooftop and other noise

The rooftop includes communal, undercover and BBQ areas, as well as enclosed communal laundry and store. For accommodation of up to 40 residents, these areas may be used by groups and during the evening. Noise generated at rooftop level will not be screened by the rear boundary fence. The car park, loading area and bin enclosure create a separate source of vehicle, servicing and collection noise at ground level beside our home.

The exhibited documents do not appear to include an acoustic assessment, proposed rooftop hours or an operational management plan. We ask for an assessment by a suitably qualified acoustic consultant before the design is endorsed or the application is determined. It should address normal and peak rooftop use, amplified music, the laundry, mechanical plant, vehicles, gates, loading and waste collection, and recommend measurable design and operating controls. Clause 5.4.8.1 requires residential development to control its own noise sources; clause 5.5.3 and section 51(1)(n) are also relevant to the commercial or mixed-use aspects and their effect on adjoining land.

7. Parking, access and end-of-trip facilities

The correct parking rate is important. Because the advertised use is rooming accommodation rather than dwellings-multiple, the residential rate is not one space for every room. Under clause 5.2.4.1 the rooming accommodation component requires one space per 5 people, plus one space for each staff member, plus one additional space. For 40 residents, that begins at 8 resident spaces, plus staff and one additional space. The office rate is 2.5 spaces per 100 m² of net floor area, and any other commercial use must be assessed at its own applicable rate.

Seventeen spaces may or may not satisfy the combined requirement, depending on the approved uses, net floor areas and staff numbers. The application should contain a transparent calculation showing how the figure of 17 was reached, who may use each bay, how visitors and deliveries are accommodated, and whether any reduction is sought. If a reduction is proposed, an evidence-based parking and traffic assessment should consider actual parking availability and peak demand in the surrounding commercial and residential streets. It should also test a worker-accommodation scenario unless student-only occupation is secured by an enforceable limitation.

Clause 5.3.7 also applies to bicycle parking and staff end-of-trip facilities. For rooming accommodation, the rate is one bicycle space per 3 guest rooms. If the plans contain 34 guest rooms, that equates to at least 12 bicycle spaces, with any additional office or commercial requirement assessed separately. The number, dimensions, security, weather protection and access route should be clearly shown.

8. Parking, loading, waste and lighting at our boundary

The plans place car bays 8 to 17 along much of the rear boundary, with the loading area and bin enclosure toward one end. A 1.5 metre planting strip and lightweight fence are shown between these activities and our property. In practical terms, reversing vehicles can direct headlights toward our yard, while doors, engines, gates, waste handling and deliveries occur close to the fence.

We ask that the layout be revised so parking, loading and bins are moved away from the residential boundary as far as reasonably possible. Where that cannot be done, the design should include a continuous solid screen, effective acoustic treatment, shielded lighting and headlight control. Waste collection, loading and deliveries should be limited to reasonable daytime hours. Detailed plans should show bin access, collection movements and how odour and wash-down water will be managed.

9. Communal open space and plot ratio

Communal open space. Clause 5.4.7 applies to rooming accommodation and requires communal open space equal to at least 15% of the site, with a minimum width of 6 metres. On a 1,002 m² site the minimum area is approximately 150.3 m². The rooftop area shown as approximately 387 m² appears capable of meeting the area requirement, but its usable dimensions, 6 metre minimum width, weather protection, accessibility and privacy design should be demonstrated. Our concern is primarily its location and management at the rear interface, not simply its total area.

Residential plot ratio. Clause 5.4.19 sets a maximum residential plot ratio of 1.3:1 for rooming accommodation in Zone C. The application should state the calculation using the Scheme definition of residential floor area. That definition excludes items such as corridors, lobbies and roof terraces, so those areas should not be counted merely to suggest non-compliance. A clear calculation would resolve the issue.

10. Information needed for a fair assessment

The official exhibition record lists a revised Statement of Effect, development plans, an architectural statement, a survey plan, planning history, title, aerial and zoning/locality plan. We therefore do not suggest that those listed documents are absent. However, the following site-specific matters are not clearly demonstrated in the material available to us:

Privacy. A cross-boundary section and sightline analysis from every rear-facing balcony, habitable-room window and trafficable rooftop edge to our home and backyard, together with permanent screening details.

Operating model. The proposed accommodation operator, any relationship with an education or training institution, student eligibility requirements, proposed lease or occupancy arrangements, maximum length of stay, staffing and management arrangements, and the mechanism said to prevent use as worker or project accommodation.

Acoustics and management. An acoustic assessment and an operational management plan covering rooftop hours, maximum users, music, complaints, laundry, mechanical plant, gates, loading and waste collection.

Parking and access. The clause 5.2.4.1 calculation, staff and visitor assumptions, bicycle/end-of-trip schedule, servicing movements and, if a parking reduction is sought, supporting survey evidence.

Landscape, lighting and waste. A detailed rear landscape plan with planting sizes and spacing, a permanent maintenance and replacement obligation, lighting/photometric details, solid boundary-screen construction and a workable waste collection plan.

Built form. A rear perspective or photomontage, shadow diagrams, the storey/height analysis under the applicable Nightcliff Village control, the clause 5.4.17 articulation response and the residential plot-ratio calculation.

If material amendments or new expert reports are accepted after the exhibition period, we ask that determination be deferred and that submitters be given a reasonable opportunity to comment where the Authority considers that fair and lawful.

11. Outcome requested

We ask the Authority to refuse the application in its current form. The proposed rear setback and design do not provide an adequate transition to adjoining Zone LR land; the privacy, acoustic and operational impacts have not been sufficiently demonstrated; and the advertised student-accommodation limitation has not been shown to be secure or enforceable. The foreseeable impacts of unrestricted rooming accommodation, including worker accommodation, have not been assessed.

If the Authority is minded to approve the application, we ask that it first require an altered design and impose conditions to the following effect:

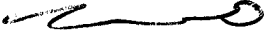
1. To the extent lawfully and practically enforceable, the permit and endorsed documents must expressly limit the use to student accommodation for persons enrolled with a recognised education or training institution, with no more than 40 occupants. The premises must not be used as worker, contractor, project, tourist or other short-term accommodation. If that limitation cannot be secured, the application should be refused or reassessed as unrestricted rooming accommodation before determination.
2. The permit must state the number of guest rooms and maximum staff and identify the approved accommodation operator, office and any other commercial uses and their floor areas. An endorsed management plan must address student eligibility, occupancy arrangements, on-site management, complaints and records capable of demonstrating compliance with the approved use.
3. The residential building must meet the 5 metre rear setback and 4.1 metre roofline setback in clause 5.4.3. Any non-residential component to which clause 5.2.7 applies must meet its setback, landscaping and solid-screen requirements.
4. Upper levels and the rooftop edge must be stepped back from the rear boundary, and the rear elevation must be articulated in accordance with clause 5.4.17.
5. A sightline study must inform fixed privacy screening to rear-facing balconies, windows and rooftop areas. Screening must be effective before occupation and must not depend solely on vegetation.
6. Rooftop communal and BBQ activity must be located away from the rear edge as far as practicable. Trafficable areas should be set back at least 6 metres from the rear boundary, or by the greater distance recommended by the privacy and acoustic assessments, with the balance made non-trafficable.
7. A qualified acoustic assessment must be completed before determination and all recommended building and operational measures implemented in the endorsed design. Rooftop use should cease by 9 pm, with no amplified music, and be governed by an enforceable management and complaints plan.
8. A continuous solid rear boundary screen at least 1.8 metres high, or higher where lawfully required by the acoustic design, must be installed before occupation and maintained. Lighting must be baffled and directed so that direct light and vehicle headlights do not spill onto adjoining residential land.
9. Parking, loading and bin storage must be relocated away from the rear boundary where practicable or enclosed and screened to the satisfaction of the Authority. Waste collection, loading and deliveries must occur only during reasonable daytime hours.
10. The final plans must show a correct parking calculation for every approved use, allocated resident, staff, visitor and accessible bays, and compliant bicycle and end-of-trip facilities.
11. A detailed landscape plan must specify species, advanced planting sizes, spacing, irrigation and replacement. The landscaping and screening must be maintained for the life of the development.
12. The applicant must provide the rear visual material, shadow diagrams, storey and applicable clause 5.9.6 height analysis, and the correct residential plot-ratio calculation before determination.

12. Request to be heard and notified

This submission is made under section 49 of the Planning Act 1999 within the exhibition period. We ask the Development Consent Authority to exercise its discretion under section 50 to invite us to attend and give evidence when the application is considered. Please notify us of the meeting date, time and place,

and provide the decision and reasons in accordance with the Act. We are content for the applicant to contact us directly to discuss a design response.

We respectfully ask that the Authority consider the effect of the proposal from the rear residential side of the site, not only from Progress Drive. The affected space is our home and backyard, and the design decisions made now will shape that interface for the life of the development.

Signature: 

Nino Carcuro

Owner-occupier 6 Sandalwood Street

Date: 28/08/2026

Signature: 

Amanda Nobbs-Carcuro

Owner-occupier 6 Sandalwood Street

Date: 28/08/2026

From: [Beth Niemeier](#)
To: [Das NTG](#)
Subject: TRM: 22 progress drive Nightcliff da 2026/0269
Date: Monday, 17 August 2026 10:32:47 PM

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

Hi DAS

I have some comments relating to the above DA proposal at 22 Progress Drive Nightcliff.

1. The proposal provides two different uses for the building. Sheridan suggest the premises will be student accommodation; whilst the architect suggest it will be essential workers accomodation. The proposal needs to clarify what the intended purpose is.
2. The proposal is confusing as to the subject site plans being on three lots or lot 359. Images show both situated on a corner block or one block. If it is on three blocks the "gateway" site, will the size of the development be increased.
3. The driveway for the site at its narrowest will not allow a garbage truck to turn around, and it is assumed that the garbage truck will need to reverse back along the driveway and reverse on to Progress drive, onto a crossing point for pedestrians at an already confusing crossing point at the roundabout.
4. The Architects Statement p13. suggest cyclist connectors will be enhanced by an awning and cyclist/pedestrian activity will be increased. Has a traffic plan been proposed to show how pedestrians and cyclist will be protected in a roadway environment where there have been fatalities and serious injuries. Currently the crossing points are unsignalised and traffic at peak is problematic as it proceeds around the roundabout, often not giving way to pedestrians and cyclists.
5. Where will vehicles entering and exiting the drive access this from? Presumably vehicles will not be able to turn right from the drive onto Progress Drive nor turn right into the driveway from Progress as this will impede flow down Progress Drive
5. Will reduced setback create a less suitable environment for neighbouring properties (balcony and aircon noise) and increased street noise.

Thanks

Beth Niemeier
0414446617

Development Consent Authority

28 August 2026

Re: PA2026/0269 Development, 22 Progress Drive, Nightcliff.

Thank you for the opportunity to comment on this proposal.

The proposed site is indeed suitable for a mixed use development for the reasons put forward by the proponent.

Two components are proposed: three commercial tenancies; and a 40-bed "rooming house". The penultimate dot point on page 5 of the Statement of Effect (SoE) states: "14 x 1 & 3 x 2-bedroom student accommodation units on Levels 1 and 2". This is a trifle misleading as it is in fact this number on each of Levels 1 and 2, equating to 40 beds.

The rooming house is described as being for "student accommodation" (many instances, from the SoE front cover onwards) or for "essential workers" (architectural statement, dot point 2) and as "short stay accommodation" (P11 of 39 of the SoE). These descriptions are presumably to distinguish the accommodation element from developments such as apartments, with their much larger parking requirements, for example.

It seems to be assumed that only one person will occupy a bed. This is frequently not true, even for students. There are therefore likely to be more than 40 occupants most of the time.

Accommodation

- The balconies for the 1-bedroom units are very small, and as the air-conditioning units will be situated on them, the usable space will be even smaller.
- Clothes lines could be situated on the roof to augment the communal laundry also on that level.

Bicycle parking

Page 18 of 39 of the SoE states: "Bicycle and e-scooter usage is proportionally higher and offers a viable alternative which is less expensive than car ownership. On this basis, excess bicycle parking on the ground floor has been provided to meet anticipated demand."

This provision is in fact not met in any acceptable way:

- They are not "convenient" or easily accessible from the road.
- The siting of the bicycle spaces is appalling, being stuck behind one and a half car spaces, with the only access to the space being via the bin enclosure and loading bay in the very north east corner of the development.
- The bicycle spaces are well away from the stairs and the lift to the residential floors.
- Not one of the bicycle spaces is in any way under cover, which, with Darwin's wet season, is totally unacceptable.
- The bicycle spaces are very small, the total of all the spaces occupies no more than one and a half car spaces. Parking of electric bikes will be a special issue at that size.

- The spaces do not seem to be in a lockable compound, so can hardly be called secure, even though there are gates into the complex.
- There does not appear to be a charging point which really should be installed given the target demographic's use of e-bikes and e-scooters.
- No lockers are available for resident cyclists' uses. There should be one for every bicycle space. Helmets, bags, puncture kits and other accoutrements involved in cycling need to be stored securely close to each bicycle, not have to be taken up to the residence each time.
- The commercial tenancy cyclists also have no access to end-of-journey storage lockers or a shower.
- I can accept that provision of a shower is not important when people are coming home, but the commercial tenancies have no access to a shower either.
- The only lockers, and the sole bathroom facility, are only accessible through the reception/office. There is no reason the doorway into that area could not be from the corridor, which would enable the commercial tenancies to access the facilities as is required.

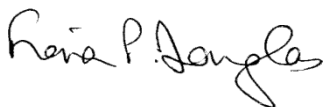
The building

- There are many mentions of the "full-length awning" at the front. It is little more than extended balcony base. "1.8m (w) x 2.2m wide x 21m (l)" (p34 of 39 of the SoE). Page 35 of 39 states awnings to be minimum of 3m wide.
- Multiple exceptions to setbacks are requested, and it is noted that the essential access driveway is the reason given for one of them. Bicycle parking (and presumably the rubbish bins) is another reason given for intrusion into the setback. Any development requiring so many exceptions has too big a footprint.

Summary

- The concept is fine, but the design proposes too many rooms and inadequate facilities for the size of the space.
- Reduction in the number of apartments, and possibly car spaces, is required to reduce the building footprint to stay within the Lot size without requiring multiple setback waivers.
- Total re-siting and redesign of the bicycle racks and provision of adequate end-of-journey facilities is required.
- Re-siting of the entry to the lockers and shower for the commercial tenants is required.
- A reduction in size of tenancies 1 and 3 could assist with provision of adequate bicycle facilities.

Yours faithfully



28th August 2026

Submission regarding PA2026/0269 – 22 Progress Drive, Nightcliff

We, along with our five young children, are residents of the neighbouring low-density residential area to the north-east of the proposed development. We recognise that redevelopment of this site is contemplated by the NT Planning Scheme and do not object to redevelopment or mixed-use development in principle. However, we have concerns about the scale and design of the current proposal and its impacts on the amenity of surrounding Zone LR properties as well as its impact on parking and traffic in the area.

Our concerns relate particularly to the following four matters.

1. Privacy, overlooking and setbacks

The proposed development will introduce two elevated residential levels immediately adjacent to an established low-density residential area. Of particular concern, the application seeks variations to the required 5 m residential setback, with **12 balconies on the northern side and 8 balconies on the eastern side extending to within 3.8 m of the boundaries**.

Clause 5.4.3 seeks, among other things, to minimise adverse effects of building massing and avoid undue overlooking, and requires consideration of the impact on adjoining **and nearby property**. The Statement of Effect itself acknowledges that views from Levels 1 and 2 towards Zone LR land are partly mitigated by **existing vegetation on neighbouring land**.

We do not consider reliance on vegetation located on other privately owned properties to be an appropriate long-term solution to overlooking. That vegetation is outside the developer's control and may be removed or altered in the future. We also note that the Statement of Effect questions whether the house on the eastern boundary of the development is occupied, stating in the page 29 footnote that the house "presents in a state of disrepair". We can confirm that the house (immediately south of our own property) is occupied and we reject the assertion that the state of repair of their house has any bearing on the necessity of the developers to adhere to relevant planning rules.

The proposed 1.8 m boundary fence may provide effective screening at ground level but cannot meaningfully protect privacy from balconies several metres above ground. We therefore request that the consent authority carefully consider overlooking of private gardens and living areas in both **adjoining and nearby LR properties**, including oblique views to the north-east, and consider requiring increased setbacks and/or permanent architectural privacy screening.

2. Inadequate landscaping and transition to the LR residential area

We are also concerned about the proposed variation to the landscaping requirements of clause 5.2.7.

The applicant acknowledges that the required 3 m landscaping depth is not provided along the eastern boundary and explains that providing it would result in a non-compliant driveway design.

This appears to put the issue backwards. The purpose of the setback and landscaping requirements is to provide an appropriate visual and acoustic transition between non-residential development and adjoining residential land. If the proposed intensity and configuration of development cannot accommodate both the required driveway and the required residential buffer, this may indicate that the site layout itself requires reconsideration rather than that the residential buffer should be reduced.

This is particularly relevant because the applicant proposes tall screening trees along the northern boundary, acknowledging the need for screening between the development and Zone LR land, but does not provide an equivalent landscaped screen along much of the eastern interface. In addition, of relevance to our property, the landscaping depth on the eastern edge of the northern boundary is reduced to just 1.5m. As noted above, the eastern boundary (along the length of the proposed driveway) has no landscaping. There appears to be no proposed vegetation to screen the view into our backyard from the numerous balconies on the east and northern faces of the building.

We strongly oppose the request for a landscaping variation.

3. Rooftop communal area, noise and residential amenity

The proposed development contains **40 bedrooms**, and provides a substantial **387 m² rooftop communal area**, incorporating barbecues, open-air seating, recreation space and communal laundry, expressly intended to encourage activity and socialisation by residents.

While locating the principal active area towards Progress Drive reduces its impact on properties directly to the north, we are concerned that insufficient consideration has been given to properties to the **east and north-east**, including potential elevated overlooking and noise from the rooftop.

There does not appear to be an acoustic assessment demonstrating the likely impact of this elevated communal recreation area on surrounding LR residences. The proposed 1.8 m ground-level boundary fence would provide little mitigation of noise generated at rooftop level.

The application also states that an Operational Management Plan will be prepared to manage student activity, but that plan does not appear to form part of the material currently available for assessment.

If approval is contemplated, we ask that appropriate permanent screening of the rooftop area, acoustic mitigation and enforceable controls on its operation — including hours of use and management of amplified music/noise — be considered.

4. Traffic, parking and intensity of use

We are concerned that the traffic and parking assessment does not adequately address the development's particular location.

The development contains **40 bedrooms together with three ground-floor office tenancies**, yet provides only 16 parking spaces. The applicant calculates a requirement for 15 spaces, leaving only a

single-space margin. Importantly, the residential calculation is expressly based on a “**Max 40 pax**”, requiring eight resident spaces under the applicable formula.

It is not clear from the application that there is an enforceable restriction limiting the accommodation to one resident per bedroom or **40 residents in total**. It is foreseeable that some bedrooms would be occupied by two people. The parking and traffic assessment relies upon a maximum occupancy of 40 persons, and are potentially grossly inadequate. We strongly request that the number of occupancies be reduced and that an enforceable restriction on number of occupants be instituted.

The site's location also warrants particular consideration. It is immediately adjacent to the **Progress Drive/Dick Ward Drive intersection**, which already experiences substantial congestion at peak periods, and is very close to the Nightcliff Market, when there is significant additional traffic and parking demand in the surrounding area.

The development will generate vehicle movements from residents (potentially more than 40 persons), visitors, accommodation staff, employees and clients of three office tenancies, as well as servicing and deliveries. With only one parking space above the calculated minimum, there appears to be little capacity to accommodate demand exceeding the assumptions used in the Statement of Effect without displacement onto surrounding streets.

We therefore request that the consent authority consider whether a proper traffic and parking assessment is required, including the cumulative effect on the Progress Drive/Dick Ward Drive intersection and surrounding parking during existing peak periods, including the Sunday Nightcliff Market.

Conclusion

We recognise that redevelopment of 22 Progress Drive is contemplated by the Planning Scheme and we do not object to appropriate development of the site. However, we do not consider that the current proposal provides an appropriate transition between this commercial site and the established low-density residential neighbourhood to its north and east. We also have significant concerns regarding impacts on traffic and parking in the area.

The proposal seeks multiple variations affecting this interface, including reduced residential balcony and roofline setbacks and reduced landscaping adjacent to Zone LR land. The eastern landscaping requirement cannot be accommodated because of the proposed driveway, while 20 balconies along the northern and eastern elevations extend into the required setbacks. These should not be regarded as a series of isolated or minor departures. Taken together, they suggest that the proposed scale and intensity of development exceeds what can comfortably be accommodated on this site while meeting the Planning Scheme requirements intended to protect neighbouring residential amenity.

We are particularly concerned that accommodating the proposed number of bedrooms and residents appears to have driven a building envelope that leaves insufficient space for both the required setbacks and an appropriate landscaped buffer. The appropriate response should not be to progressively vary those protections in order to accommodate the proposed development yield. Rather, the design and scale of the development should respond to the constraints of the site and its sensitive interface with Zone LR land.

We therefore **object to the development in its current form** and request that the consent authority not approve the proposed variations unless the development is substantially redesigned. In our view, this is likely to require a **reduction in the scale and intensity of the accommodation component, including fewer bedrooms and consequently fewer occupants**, so that compliant or substantially improved setbacks and landscaping can be provided along the northern and eastern residential interfaces.

Any revised proposal should also demonstrate that the resulting residential occupancy, rooftop communal use, traffic generation and parking demand can be accommodated without unreasonable impacts on surrounding residents or the already constrained local road and parking network.

Yours sincerely,



Dr Matthew Hare



Mrs Joanna Hare

8 Sandalwood Street, Nightcliff, NT 0810

Email: hareje1@gmail.com

Phone: 0410 281 509

DEVELOPMENT CONSENT AUTHORITY SUBMISSION

TO: Development Consent Authority (DCA)

FROM: PPlan: the Planning Action Network Inc.

DATE: 28 August 2026

SUBJECT: Formal Objection to Development Application for Lot 359 Progress Drive, Nightcliff (Rooming Accommodation & Commercial Tenancies)

1. Overview

PPlan: the Planning Action Network Inc. lodges this formal objection regarding the proposed mixed-use development at Lot 359 Progress Drive, Nightcliff. While PPlan supports the high-level planning objectives of infill development, active commercial frontages, and passive street surveillance within Zone C (Commercial) in the Nightcliff Village precinct, these strategic merits appear to be undermined by the proposal's physical execution. The applicant seems to utilise broad strategic rhetoric to obscure 360-degree non-compliances across building setbacks, vegetative interface buffers, visual bulk, weather protection, loading infrastructure, and parking.

Strategic Merit	PPlan assessment
1. Appropriate Type & Scale	Mixed-use commercial and residential activity is an appropriate land use in Zone C, but placing 40 occupants onto a 1,000 m ² lot while eroding setbacks across all four property boundaries may represent overdevelopment.
2. Efficient Infill & Aesthetics	Infill on long-vacant sites is supported in principle, but efficiency does not justify ignoring Darwin Mid Suburbs Area Plan (DMSAP) site-consolidation goals, nor does an unbroken 19.4m concrete wall improve street aesthetics.
3. Active Frontage & Awnings	Active ground-floor commercial tenancies are welcomed, but the proposed awning fails to deliver required shelter—it is 40% narrower than the mandatory 3.0m code width and leaves a 6m unroofed gap over the driveway.
4. Passive Surveillance	Street-facing windows and upper balconies align with CPTED principles, but passive surveillance can be achieved without

Strategic Merit	PLan assessment
	projecting upper balconies into required 5.0m Zone LR residential boundary buffers.

2. Summary of Key Non-Compliances

The application seeks a large package of variations that would appear to treat baseline Northern Territory Planning Scheme 2020 (NTPS) interface protections as flexible design space to maximize built volume:

NTPS Clause	Standard Requirement	Proposed Provision	Summary
5.2.5 (Loading Bay)	4.0m vertical clearance throughout access	3.2m access clearance under Level 1 floor plate	0.8m reduction in entry clearance; restricts standard servicing trucks.
5.2.7 (Zone LR Setbacks)	3.0m landscape screening depth along Zone LR boundaries	Partial 1.5m rear depth; 0m buffer along east driveway	Eliminates required acoustic/visual vegetative buffer along adjacent residential land.
5.3.7 (End-of-Trip)	Weather-protected bike spaces & 1 locker per space	Uncovered rear bike racks (28 spaces); 5 lockers provided	Lacks overhead weather protection; 23-locker deficit for non-resident staff.
5.4.3 (Building Setbacks)	Front: 3.0m; Rear/East: 5.0m; West: 3.0m	Front: 1.5m; Rear/East: 3.8m to balconies; West: 1.8m	Simultaneous 360-degree encroachments on all four property boundaries.

NTPS Clause	Standard Requirement	Proposed Provision	Summary
5.4.17 (Articulation)	1m×1m physical step/recess every 15m of wall length	19.4m continuous wall length on North & South facades	Omission of required physical slab recesses on front and rear elevations.
5.5.15 / 5.5.17 (Awnings)	Full boundary length coverage; minimum 3.0m width	1.8m width across 21m (18.4m active) of 27.43m frontage	1.2m narrower and >6m shorter than baseline statutory standard.

3. Detailed Grounds

3.1 360-Degree Setback & Landscape Buffer Erosion

- **Systemic Encroachments:** Rather than seeking a minor relaxation on a constrained edge, the proposal requests simultaneous setback reductions across all four property boundaries (Front, Rear, East, and West).
- **High Density vs. Reduced Buffers:** Rooming accommodation introduces high-density occupancy (40 residents) onto a 1,000 m² lot. Planning schemes mandate 5.0m building setbacks (Clause 5.4.3) and 3.0m continuous landscape buffers (Clause 5.2.7) specifically to insulate Low-Density Residential (Zone LR) neighbours from high-intensity uses. The developer is increasing human density while shrinking physical separation buffers.
- **Double-Dipping on the Zone LR Interface:** On the North and East residential interfaces, the design triggers a double failure:
 - **Upper Level:** 20 elevated balconies project into required 5.0m residential setbacks (reduced to 3.8m), creating direct overlooking risks onto single-storey homes.
 - **Ground Level:** The mandatory 3.0m planted screening buffer is cut down to 1.5m at the rear and completely eliminated along the eastern driveway.

- **Unscreened Driveway Noise:** Running a bare access driveway directly against a Zone LR residential boundary without a 3.0m landscape buffer directly transfers vehicle noise and headlight glare onto adjoining homes.
- **Flawed Privacy Defence:** The applicant relies on off-site vegetation on neighbouring properties and future tree growth to justify reduced residential setbacks. The applicant has no legal control over off-site trees, and relying on future plant growth leaves neighbours exposed to direct overlooking from day one of occupation.

3.2 Compounding Visual Bulk & Articulation Failure (Clause 5.4.17)

- **Omission of Physical Recesses:** The proposal incorporates 19.4m continuous concrete wall runs on the North and South elevations without the mandatory 1m×1m physical step/recess required every 15m under Clause 5.4.17.
- **Cosmetic Masking:** To justify this omission, the applicant relies strictly on superficial elements—planter boxes, curved roof overhangs, paint finishes, and glass shopfronts. Cosmetic treatments do not alter the physical slab mass, failing to meet the ventilation and bulk-reduction mandates of the scheme.

3.3 Unacknowledged Awning Deficits (Clauses 5.5.15 & 5.5.17)

- **Unstated Non-Compliance:** Clause 5.5.15(17) and Clause 5.5.17(6) mandate continuous street awnings that cover the full frontage length and extend to a minimum width of 3.0m. The applicant proposes a 1.8m wide awning over 21m (18.4m active) of the 27.43m frontage, leaving over 23% (>6m) of the street edge unroofed.
- **Procedural Flaw:** The applicant failed to formally request a variation for this awning deficit in the application's summary table, framing it instead as a statement of fact. Under Section 46(3)(a) of the *Planning Act 1999* (NT), the DCA cannot grant an implied variation without formal justification.

3.4 Inadequate Parking, Shift-Worker Contradictions & Deferred OMP

If it is reasonable to assume that if there is not enough parking then there will be spill over in the surrounding areas.

- **Unsubstantiated Student Car-Ownership Premise:** The applicant relies on speculation—unsupported by local empirical data, Charles Darwin University (CDU) student transport surveys, or Darwin modal split figures—that rooming accommodation occupants are low-vehicle-owning "students" who will rely almost exclusively on public transport and active travel. Broad demographic generalizations do not satisfy the legal burden of proof under Section 46(3) of the *Planning Act 1999* (NT). Furthermore, using bicycles as a year-round transport

substitute overlooks Darwin's tropical monsoonal climate, an argument further dismantled by the proposal's failure to provide overhead weather protection for its bicycle racks.

- **The Parking Deficit:** The layout provides only 16 car parking spaces to service 40 residents and 3 ground-floor commercial tenancies (185 m² NFA). During business hours, commercial staff will absorb at least 5 spaces, leaving just 11 bays for 40 residents.
- **Contradictory Occupancy Claims:** To defend the low parking supply, the Statement of Effect asserts that occupants will be car-less students. However, the applicant's Architectural Statement explicitly claims the rooms will house "essential workers". Shift workers (nurses, police, hospitality staff) routinely rely on private vehicles for commutes outside public transport hours, destroying the developer's car-less premise.
- **Lack of Legal Enforceability:** "Rooming accommodation" under Schedule 2 of the NTPS 2020 is defined by tenure structure, not student or worker status. There is no legal mechanism or deed capping rents or restricting tenancies to car-less students.
- **Improper Deferred OMP:** Deferring the Operational Management Plan (OMP)—which governs car allocation, noise curfews, and resident conduct—to a post-approval condition deprives the public and the DCA of assessing amenity impacts upfront under Section 46(3)(h) of the Act.

3.5 Deficient End-of-Trip Facilities & Setback Catch-22 (Clause 5.3.7)

- **Uncovered Bike Parking:** Clause 5.3.7(3)(e) requires secure bicycle parking to be weather-protected. All 28 proposed bike racks are placed outdoors without overhead shelter, rendering them impractical during Darwin's wet season.
- **Self-Engineered Setback Conflict:** The applicant placed the bike racks inside the mandatory rear/side Zone LR boundary buffer. Adding an overhead roof to satisfy weather protection rules would erect a permanent building structure inside the buffer, causing a major structural setback breach under Clause 5.2.7.
- **Locker Shortfall:** Clause 5.3.7(4) requires 1 locker per bike space, but only 5 lockers are provided for 28 spaces (a 23-locker deficit), failing non-resident commercial office staff.
- Lockers in End-of-Trip facilities serve a distinct functional purpose beyond basic personal storage: they provide secure, dedicated housing for helmets, wet-season rain gear, cycling apparel, and e-bike batteries while commuting or working, keeping damp and bulky equipment out of professional work areas. The applicant's defence that private upstairs student bedrooms eliminate the need

for lockers ignores non-resident commercial office staff and visitors who have zero access to residential units. Providing only 5 lockers for 28 bicycle spaces leaves a 23-locker deficit that fails to support active transport for ground-floor workers, directly departing from the statutory intent of Clause 5.3.7.

3.6 Loading Bay, Servicing & Traffic Risks (Clauses 5.2.5)

- **Restricted Vertical Clearance:** The loading bay clearance is capped at 3.2m under the Level 1 floor plate, failing the mandatory 4.0m code standard under Clause 5.2.5. Standard heavy rigid waste and delivery vehicles will not fit underneath.
- **Roundabout Bottleneck:** The internal crossover sits directly adjacent to the busy Progress Drive and Dick Ward Drive roundabout. Without a formal Traffic Impact Assessment (TIA) or heavy vehicle sweep-path analysis, turning movements and kerbside servicing risk creating severe traffic congestion.

3.7 Strategic Gateway Failure & Equitable Boundary Principles

- **Piecemeal Development:** The Darwin Mid Suburbs Area Plan (DMSAP) and Clause 5.9.6.2 designate this corner as a "Gateway Location" intended for consolidated master-planning. Conceding an inability to consolidate with adjacent lots (Lots 360/361) delivers a fragmented, single-lot response.
- **Prejudicial Western Boundary Burden:** Shrinking western upper balcony setbacks to 1.8m (instead of 3.0m) shifts the burden onto the adjacent western site. Force-fitting a 1.8m setback forces future redevelopers of adjacent land to build further back or construct solid fire walls, destroying equitable boundary principles.

4. Conclusion & Requested DCA Action

The proposed development represents significant overdevelopment that relies on broad strategic policy claims to mask physical non-compliances across every property line.

PLan: the Planning Action Network Inc. respectfully requests that the Development Consent Authority refuse Development Application PA2026/0014 under Section 51(a) of the *Planning Act 1999* (NT). Alternatively, the DCA should defer determination under Section 53 until the applicant submits a fully compliant design that respects Zone LR interface buffers, satisfies baseline awning and articulation standards, provides full weather-protected End-of-Trip facilities, and supplies a complete Operational Management Plan and Traffic Impact Assessment for public review.

Nick Kirlew

Convener, PLan: the Planning Action Network Inc.

11:52



27 August 2026 at 11:52 am

**Would love to this
development go forward,
students are good for
business, good for the
community!**

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Will Johnson

4 Kurrajong Crescent,

Nightcliff NT 0810

Will.johnson@htw.com.au

0422 896 480

26/08/2026

Development Assessment Services

Department of Infrastructure, Planning and Logistics

GPO Box 1680, Darwin NT 0801

RE: Support for Planning Application – Lot 00359 Town of Nightcliff (22 Progress Drive, Nightcliff)

Proposed Development: Rooming accommodation (student accommodation) with 40 beds and office in a 3-storey building

To the Development Assessment Forum / Planning Commission,

I am writing to express my support for the proposed planning application at 22 Progress Drive, Nightcliff (Lot 00359 Town of Nightcliff), which seeks approval for a 3-storey development featuring 40 beds of student rooming accommodation and office space.

As a resident/community member, I believe this proposal is a well-considered use of the Commercial (C) zone and will deliver significant benefits to the local area:

- **Much Needed Housing Diversity:** Darwin and the surrounding northern suburbs face an ongoing shortage of affordable and specialised accommodation. Providing 40 purpose built student beds will take pressure off the local private rental market while giving students access to safe, modern housing.

- **Ideal Location & Accessibility:** Progress Drive is exceptionally well suited for student accommodation. Located within walking and cycling distance to local amenities, transit options, and the coastal foreshore, residents will be able to rely on public transport and active travel rather than heavy car use.
- **Economic & Urban Activation:** The integration of ground-floor/integrated office space alongside rooming accommodation will support local business activity along Progress Drive, boosting foot traffic for surrounding shops, cafes, and services without altering the commercial character of the zone.
- This area is screaming for positive activation, the behaviour of the occupants in the social flats across the road is wrecking our suburb. We need newer housing to lift the standard of amenity, especially in this pocket of Progress Drive
- **Appropriate Scale:** A 3 storey development is a modest and sensitive scale for this precinct, offering thoughtful density while respecting the surrounding streetscape and commercial footprint.
-

This development represents a positive investment in Nightcliff's future, supporting our education sector, local businesses, and community vibrancy. I strongly encourage the planning authority to approve this application.

Thank you for considering my submission.

Yours sincerely,



Will Johnson