

**DEVELOPMENT CONSENT AUTHORITY
DARWIN DIVISION**

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: **1** **MEETING DATE:** 17/07/2026 **FILE:** PA2026/0182

APPLICATION PURPOSE: Change of use from warehouse to leisure and recreation (pilates studio) (tenancy 4)

SUBJECT SITE: Lot 8914 (2) Tang Street, Coconut Grove, Town of Nightcliff

ZONE: LI (Light Industry)

SITE AREA: 1250 m²

APPLICANT Mach1 Fitness
Director – Mark Ewins

LANDOWNER Albertoni Family Trust Pty Ltd
Director – Caroline Albertoni

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

1. PROPOSAL

The application seeks approval for a change of use from warehouse to leisure and recreation (pilates studio) (tenancy 4) at Lot 8914 (2) Tang Street, Coconut Grove, Town of Nightcliff (the site). The use of leisure and recreation (pilates studio) has been occurring in breach of the *Planning Act 1999* (the Act) and the application seeks to rectify the breach and achieve compliance with the Act.

The site is 1250 m² in area and is in Zone LI (Light Industry) of the Northern Territory Planning Scheme 2020 (NTPS2020). The area subject to this application (herein referred to as the development site) is located adjacent to the southern property boundary, has a primary pedestrian entrance to Dick Ward Drive, and internal pedestrian/vehicle access to the rear car parking area that is accessed off Tang Street.

The development site is located within a Light Industry (LI) zoned complex and the application states it has been operating as a leisure and recreation (pilates studio) for approximately 11 years. No building works, external alterations, or increases to floor area are proposed.

The application will utilise the existing ground floor areas of the tenancy to provide a reception and waiting space, with reformer, matwork and strength training areas located on the ground floor and mezzanine level. The pilates studio will operate on a structured booking system with small class sizes, private and semi-private sessions. Activities are conducted entirely within the building, with no outdoor components, and the operation is designed to maintain clear circulation and separation between activity areas.

Item 1

The application also provided an indicative weekly timetable. This timetable shows that the intention is to provide private (one patron and one staff member) semi-private sessions (4 patrons and one staff member) prior to, during and after standard business hours during the week, and on Sunday mornings; and for larger class activities (up to 11 patrons and 1 staff member) generally between:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
6am to 7:45am		6am to 7:30am		6:15am to 7:15am	8am to 10am	8:45am to 9:45am
5pm to 7pm	5pm to 7pm	5pm to 7pm	5pm to 7pm			

The application states *A realistic peak demand scenario is approximately 5–7 vehicles, with only occasional higher demand for short periods.* This was supported by reasons including:

- *Not all participants arrive separately (some carpool). Some are local to the studio and walk or ride their bikes*
- *Not all classes operate at maximum capacity (with the maximum number of patrons at the site 13, supported by 3 staff at most)*
- *Overlap between classes is minimal and short.*

The application was submitted by Mark Ewins, Director of the pilates studio, with the consent of the landowner Albertoni Pty Ltd (via Director Caroline Albertoni).

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

2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

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

Zoning and land use	Part 3 Overlays	Part 5 General and specific development requirements	Level of assessment
Zone LI (Light Industry) Leisure and recreation	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 5.6.1 Setbacks and Building Design in Zones LI, GI and DV 5.6.2 Expansion of existing Developments in Zones LI and GI 5.8.5 Leisure and Recreation	<i>Impact Assessable</i>

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

3. ASSESSMENT SYNOPSIS

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

4. BACKGROUND

The site is regular in shape, and has no discernible slope (noting the site is developed in its entirety). A review of the survey plan found that the site is not encumbered by any easements.

In the wider context, the site is located in an area intended to be developed for light industrial purposes as part of the Darwin Mid Suburbs Area Plan. Building height, style and design in the locality is varied, but generally comprises single storey warehouses with ancillary offices.

In its specific context, the site is developed as a 4-tenancy 'warehouse' and ancillary dwelling-care takers in a single 2-storey building, with a shared car parking area at the rear of the building.

Photos of the existing site and its immediate surrounds are provided at **Bookmark A2**, and a copy of the survey plan is provided at **Bookmark A3**.

In addition to the above, the site has the following relevant planning history –

- DP12/0214 was issued on 18 April 2012 for the purpose of 4 x warehouses in a single storey building including mezzanine floors and a caretaker's residence
- DP16/0047 was issued on 24 February 2016 for the purpose of a change of use from warehouse to restaurant and warehouse (tenancy 3)
- DP22/0032 was issued on 8 February 2022 for the purpose of alterations and additions to an existing food premises-restaurant (tenancy 3) with alfresco dining area.

A copy of the above permits and associated documents are provided at **Bookmark C**.

5. PUBLIC EXHIBITION

The application was placed on public exhibition for a period of two weeks, between 29 May and 12 June 2026. No public submissions were received under section 49(1) of the *Planning Act 1999*. Photos of the pink sign photos are provided at **Bookmark A2** (photographs 15 and 17).

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 and a change of use from warehouse to leisure and recreation (pilates studio) (tenancy 4) requires consent under clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under clause 1.8(1)(c)(i); therefore, the Darwin Mid Suburbs Area Plan 2016 (being the most detailed strategic framework document), the zone purpose and outcomes of Zone LI (Light Industry), 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, LMR, MR or HR), 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV), 5.6.2 (Expansion of existing Developments in Zones LI and GI), and 5.8.5 (Leisure and Recreation), need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the NTPS2020 except for clause 5.2.4.1 (Car parking spaces), which is discussed further below.

A copy of the technical assessment completed by DAS is provided at **Bookmark D1**.

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

Part 2 – Strategic framework

Darwin Mid Suburbs Area Plan

The Darwin Mid Suburbs Area Plan 2016 (DMSAP) provides guidance and policy as themes that apply across Nightcliff, Rapid Creek, Millner, Coconut Grove and portion of Ludmilla north of Ludmilla Creek. In addition, the DMSAP identifies several focus areas to address particular issues/support particular development outcomes at specific locations.

The DMSAP 2016 identifies that the site is:

- Intended for light industrial land uses
- Not located over or in close proximity to any identified social infrastructure
- Not located in close proximity to transport corridors identified as high frequency bus corridor, and a sub-arterial/primary transport corridor
- Not located at any specific utility locations
- Not located within a storm surge zone or in proximity to any heritage values.

The application is not considered to be contrary to, or prejudice, the achievement of any relevant objectives of the DMSAP, noting that leisure and recreation is an *Impact Assessable* land use in Zone LI, and subject to specific zone outcomes.

Part 3 – Overlays

The site is not affected by any overlays.

Part 4 – Zoning

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

The application proposes a change of use from warehouse to leisure and recreation (pilates studio) and Zone outcomes 3 and 8 are considered to warrant particular attention.

Zone outcome 3 intends that *Non-Industrial uses such as food premises-cafe/takeaway, bar-public, leisure and recreation, education establishment and hotel/motel are limited to those that:*

- (a) will not be adversely impacted by the operation of industrial activities in the locality;*
- (b) will not compromise or constrain the operation or viability of existing or future industrial activities; or*
- (c) provide a convenience, service or support role to industries and employees in the locality.*

In response to (a), it is not expected that the proposed pilates studio will be impacted by nearby industrial developments particularly as the site is on the periphery of the light industry land precinct.

In response to (b), the operation of the pilates studio is unlikely to generate traffic impacts or environmental nuisances that could detrimentally affect other nearby industrial developments or Zone LI land in the vicinity.

In response to (c), it is reasonably expected that the pilates studio will be accessible and provide a benefit to local employees, as well as the wider community.

Zone 8 then intends that *Development does not detrimentally impact on the capacity, safety or efficient operation of the local road and footpath network.*

In response to this zone outcome, while the proposed development generates a car parking demand greater than that ordinarily expected for industrial developments, the application indicates that peak times of operation will be outside standard business hours, with only private and semi-private sessions (with a maximum of 4 patrons and 1 staff) running during business hours.

As the peak demand will occur outside of business hours, the on street car parking utilised by the surrounding LI land uses would be available, providing additional car parking spaces for the pilates studio. While this may be considered as detrimental to the ongoing operation of the local road infrastructure, it is not considered to be a of scale where it is contrary to this zone outcome, particularly as no concerns were raised by the City of Darwin in relation to adverse traffic impacts.

Part 5 – Development requirements

As mentioned earlier, the proposed development was found to comply with the relevant part 5 development requirements of the NTPS2020, except for clause 5.2.4.1 (Car parking spaces).

Item 1

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).*

The application has been found not to be in accordance with clause 5.2.4.1 (Car parking spaces), because the proposal will worsen the existing 4 car parking space shortfall by 16 car parking spaces, and result in a revised shortfall of 20 car parking spaces at the site.

In support of the above, a review of the planning history at the site was completed. This review indicates that the other on-site land uses require 14 car parking spaces, comprised of:

- Tenancy #1 – 2 car parking spaces (warehouse)
- Tenancy #2 - 2 car parking spaces (warehouse)
- Tenancy #3 – 9 car parking spaces (food premises-restaurant with ancillary warehouse)
- Dwelling-caretakers – 1 car parking space

In total, the site is therefore calculated as requiring 32 car parking spaces to cater for existing and proposed land uses, where 12 car parking spaces are shown on the plans associated with DP22/0032 (which is the most recent approval that approved changes to the layout of the car parking area, and represent the existing layout as verified by a DAS site inspection). In addition, it is noted that while the application indicates that tenancies 1 and 2 may no longer operate as 'warehouses', this assessment has assumed they are still warehouses.

As such, this application will worsen the existing shortfall of 4 car parking spaces, and result in a revised shortfall of 21 car parking spaces. It is noted that this assessment has considered the entirety of tenancy 4 (with the exception of ablution facilities and tea room facilities) as net floor area, to reflect the dynamic nature of leisure and recreation, and ensure a conservative estimate to inform the maximum potential car parking demand.

Permit	Requirement per tenancy/premises					Total		
	Dwelling-caretakers	Tenancy 1	Tenancy 2	Tenancy 3	Tenancy 4	Required	Provided	Difference
DP12/0214 (original permit)	1	2	2	2	2	9	12	3
DP16/0047 (initial food premises)	1	2	2	4	2	11	12	1
DP22/0032 (expanded food premises)	1	2	2	9	2	16	12	-4
Now proposed	1	2	2	9	18	32	12	-20

In response to clause 1.10(5)(a), the purpose of clause 5.2.4.1 (Car parking spaces) 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.*

Item 1

In response to clause 1.10(5)(a), administratively, subclause 2 states *The consent authority may consent to a use or development that is not in accordance with subclause 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;*

In response to subclause (a), the proposed development is for a change of use from warehouse to leisure and recreation (pilates studio) within an existing LI zoned complex. The existing complex contains 4 tenancies that are utilised for various land uses including warehouse (tenancy 1 and 2) and an existing food premises-restaurant (tenancy 4). The nature of each use is expected to operate with varying parking demands.

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

The application states that hours of operation will be between 6am to 11:30am, and 4:30pm to 7:30pm, with only private (maximum one patron and one staff member) and semi-private (maximum 4 patrons and one staff member) sessions occurring during standard business hours. The larger classes (maximum 11 patrons and one staff member) occur outside standard business hours.

Within standard business hours, there would be a maximum capacity of 5 people comprising 4 patrons and one staff member, while outside business hours, there would be a maximum capacity of 18 people including 16 patrons and 2 staff members. A general condition is recommended to be applied to the permit to limit the maximum number of people on site to 4 patrons and one staff member within the standard business hours of 8:00am to 4.30pm, Monday to Friday. This is to ensure adequate car parking is available for all land uses on the site.

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

In response to subclause (b), on-street car parking is available along Tang Street and Dick Ward Drive and patrons are generally expected to be at the site for an hour, ensuring that there will be a consistent turnover of on-street car parking spaces.

In addition, the application advises the proposed pilates studio will operate predominantly outside of standard business hours and the hours of operation for the existing tenancies on-site, that not all classes operate at maximum capacity and that some participants carpool, walk or cycle to the site, which cumulatively help ensure the ongoing provision of available car parking spaces in the locality.

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

In response to subclause (c), the site is located in close proximity to the Darwin-Casuarina bus route #4 and approximately a one kilometre walk to bus route #10.

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

In response to subclause (d), the proposed development will increase the existing car parking space shortfall at the site, with demand for car parking spaces likely to rely upon existing car

parking available along Tang Street, and along Dick Ward Drive. However, no concerns/objections were received from the City of Darwin, who manage the local road network.

The proposed development has access to public transport, with bus stops located in close proximity, therefore encouraging alternative modes of transport and reducing reliance on private cars. *In addition, the Authority may wish to clarify with the applicant whether bicycle parking is available at the site, and the degree to which additional bicycle parking could be provided to cater for/encourage alternative transport options in a convenient fashion.*

The use will be wholly within the existing building, while similar service commercial land is located around the locality, with no residential lot directly abuts the land. Accordingly, the proposal is unlikely to adversely impact the amenity of the locality or adjoining properties.

For the above reasons, there is considered to be sufficient car parking available to accommodate future site users and the proposed pilates studio is unlikely to have any unreasonable adverse impacts on the surrounding road network.

Based on the above discussion, the proposed variation to clause 5.2.4.1 (Car parking spaces) is supported, as the shortfall in car parking spaces is not likely to result in unreasonable adverse impacts on the local street network beyond those ordinarily expected for a mixed-use development within an existing light industrial area.

In response to clause 1.10(5)(b), the considerations listed under clause 1.10(4) 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.

Notwithstanding the above, while the application was found to be compliant with the other relevant development requirements, it is considered that further discussion of clause 5.8.5 (Leisure and recreation) is warranted.

The purpose of this clause is to *Ensure leisure and recreation use and development:*

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

In response to subclause (a), the application states that it offers an activity which has been well utilised to date by the local community.

In response to subclause (b), while the application did not include a traffic impact assessment, no concerns were raised by the City of Darwin, who manage the local road network.

In response to subclause (c), the application does not propose any substantial changes to the existing building frontage, with it to continue to comprise a high degree of landscaping and windows (albeit with security screening).

In response to subclause (d), the ongoing operation of the leisure and recreation land use is considered acceptable, with it contributing another type of land use to the existing mixed-use development at 2 Tang Street.

Based on the above discussion, the application is reasonably considered to comply with the requirements of and support the relevant purpose of clause 5.8.5 (Leisure and recreation).

- (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 NTPS2020 which are considered relevant to this application.

- (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 that affect this application.

- (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 Development Coordination Branch of the Department of Lands, Planning and Environment (who coordinate responses from various entities including the Environment Division) 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**

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

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

The Minister has not given any direction in relation to this application.

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

The application indicates that it has the following merits:

- The proposal is consistent with the NT Planning Scheme
- The site is suitable and appropriately serviced
- No adverse environmental impacts are expected
- Amenity impacts are minimal due to industrial context
- The proposal supports local health and business activity

- (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 connected to reticulated power, water and sewerage, and is flat, cleared of native vegetation and outside areas of identified flooding or storm surge. While the site is located in the Australian Noise Exposure Forecast (ANEF) 2043, 25 - 30 contour (for which Table 2.1 of

the AS2021 - 2000 Acoustics – Aircraft noise intrusion – Building siting and construction considers a commercial development as conditionally acceptable) it is noted that the proposed development does not alter the existing commercial building.

Additionally, the Development Coordination Branch of DLPE did not identify or raise any issues of concern in relation to land capability.

Subsequently, the land is considered to have the capacity to support 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 not considered to be a requirement for the provision of public facilities or open space as part of the proposed application.

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

Below is a summary of service authority submissions –

Local Government Council:

City of Darwin (Bookmark E1) did not raise any concerns and advised that should the Authority consider the proposed number of car parking spaces insufficient, that the Authority require a monetary contribution be paid to City of Darwin in accordance with its Car Parking Contribution Plan, in lieu of the on-site car parking shortfall as a result of this development.

A permit condition requiring a part or in-full contribution for the car parking shortfall at the site is not recommended for the following reasons:

- The peak demand of the leisure and recreation will be outside the main hours of operation of the nearby industrial land uses
- Leisure and recreation patrons are generally expected to be at the site for an hour, ensuring that there will be a consistent turnover of on-street car parking spaces
- The proximity of alternative modes of transport (i.e. public transport, walking and cycling).

Service authorities:

Power and Water Corporation (PWC) Power Services (Bookmark E2) provided standard comments that are reasonably expected for an application of this nature.

DAS response: Standard permit conditions and notes relating to works being to the requirements of Power Services have been recommended.

PWC Water Services (**Bookmark E3**) advised they have no objections or concerns in relation to this application.

DAS response: Noted. No conditions or permit notes relating to Water Services are considered necessary.

The Development Coordination Branch of the Department of Lands, Planning and Environment (DLPE, who coordinate responses from various DLPE entities) (**Bookmark E4**) advice shows that the only comment being provided was by the Environmental Regulation Division, in relation to *Waste Management and Pollution Control Act 1998* matters.

DAS response: Standard permit notes relating to environmental management have been recommended.

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

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

It is considered unlikely that the proposal will have a significant impact on the amenity of the area particularly as it is for a part change of use within an existing commercial/warehouse building. Additionally, it is considered consistent with the DMSAP 2016, the purpose of zone LI and complies with the NTPS2020, except in relation to car parking space matters, which are considered discussed in detail at subsection 7(a) of this report.

(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. Given that no public submissions were received as part of this application's public exhibition, it is considered that there may be a low level of public interest in this development.

In response to (i), it is not considered that community safety through crime prevention principles in design are relevant to this application, by virtue that the Community Safety Design Guide is not referenced in any clauses of the NTPS2020 that are relevant to this application.

Notwithstanding, a review of the application did not consider it was inconsistent with the 4 primary crime prevention through environment design principles, for the following reasons:

Natural surveillance – The public domain will continue to be visible from the premises.

Natural access control – The built form will continue to naturally delineate the public domain from the site premises.

Territorial reinforcement – No changes are proposed to the site tenancies and their respective areas of responsibility.

Maintenance and management – The continued use of the premises for a land use with a variety of hours of operation, including early morning into the early evening, will reasonably improve site activity and passive surveillance.

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

In response to (iii), access for persons with disabilities is expected to be reviewed as part of building code requirements and dealt with under the *Building Act 1993*.

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

Subdivision is not proposed as part of this application.

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

Not applicable to this application.

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

There are no known natural, social, cultural or heritage values of note on the site or in the immediate surrounding area, nor were any identified as part of the public exhibition or assessment of this application.

(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 noted that 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 consideration by the consent authority.

Section 51(2) of the Planning Act 1999

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

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

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

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

In response to (a), the Environment Division did not communicate the need for an environmental impact assessment. As such, pursuant to (c), the consent authority may make a decision by virtue that referral is not reasonably required.

7. RECOMMENDATION

That the Development Consent Authority vary the requirements of clause 5.2.4.1 (Car parking spaces) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 8914 (2) Tang Street, Coconut Grove, Town of Nightcliff for the purpose of a change of use from warehouse to leisure and recreation (pilates studio) (tenancy 4), subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered 2026/0182/01 endorsed as forming part of this permit.
2. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. The use and operation shall provide:
 - a. No more than 4 patrons and one staff member at any one time from Monday to Friday between 8:00am and 4:30pm.
 - b. At all other times, except as specified above, no maximum number of patrons and staff at any one time.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
Please refer to notation 1 for further information.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

Notes

6. The Power and Water Corporation advises that the 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 onsite and/or surrounding infrastructure.
7. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.

8. The applicant is advised to engage a Northern Territory registered building certifier to ensure that the intended use of any existing buildings or structures is permitted by occupancy certification in accordance with the *Building Act 1993*.
9. 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>.

8. REASONS FOR THE RECOMMENDATION

1. The application seeks approval for a change of use from warehouse to leisure and recreation (pilates studio) (tenancy 4) at Lot 8914 (2) Tang Street, Coconut Grove, Town of Nightcliff (the site). The use of leisure and recreation (pilates studio) has been occurring in breach of the *Planning Act 1999* (the Act) and the application seeks to rectify the breach and achieve compliance with the Act.

The site is 1250 m² in area and is in Zone LI (Light Industry) of the Northern Territory Planning Scheme 2020 (NTPS2020). The area subject to this application (herein referred to as the development site) is located adjacent to the southern property boundary, has a primary pedestrian entrance to Dick Ward Drive, and internal pedestrian/vehicle access to the rear car parking area that is accessed off Tang Street.

The development site is located within a Light Industry (LI) zoned complex and the application states it has been operating as a leisure and recreation (pilates studio) for approximately 11 years. No building works, external alterations, or increases to floor area are proposed.

The application will utilise the existing ground floor areas of the tenancy to provide a reception and waiting space, with reformer, matwork and strength training areas located on the ground floor and mezzanine level. The pilates studio will operate on a structured booking system with small class sizes, private and semi-private sessions. Activities are conducted entirely within the building, with no outdoor components, and the operation is designed to maintain clear circulation and separation between activity areas.

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 and a change of use from warehouse to leisure and recreation (pilates studio) (tenancy 4) requires consent under clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under clause 1.8(1)(c)(i); therefore, the Darwin Mid Suburbs Area Plan 2016 (being the most detailed strategic framework document), the zone purpose and outcomes of Zone LI (Light Industry), 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, LMR, MR or HR), 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV), 5.6.2 (Expansion of existing Developments in Zones LI and GI), and 5.8.5 (Leisure and Recreation), need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the NTPS2020 except for clause 5.2.4.1 (Car parking spaces), which is discussed further below.

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

Part 2 – Strategic framework

Darwin Mid Suburbs Area Plan

The Darwin Mid Suburbs Area Plan 2016 (DMSAP) provides guidance and policy as themes that apply across Nightcliff, Rapid Creek, Millner, Coconut Grove and portion of Ludmilla north of Ludmilla Creek. In addition, the DMSAP identifies several focus areas to address particular issues/support particular development outcomes at specific locations.

The DMSAP 2016 identifies that the site is:

- Intended for light industrial land uses
- Not located over or in close proximity to any identified social infrastructure
- Not located in close proximity to transport corridors identified as high frequency bus corridor, and a sub-arterial/primary transport corridor
- Not located at any specific utility locations
- Not located within a storm surge zone or in proximity to any heritage values.

The application is not considered to be contrary to, or prejudice, the achievement of any relevant objectives of the DMSAP, noting that leisure and recreation is an *Impact Assessable* land use in Zone LI, and subject to specific zone outcomes.

Part 3 – Overlays

The site is not affected by any overlays.

Part 4 – Zoning

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

The application proposes a change of use from warehouse to leisure and recreation (pilates studio) and Zone outcomes 3 and 8 are considered to warrant particular attention.

Zone outcome 3 intends that *Non-Industrial uses such as food premises-cafe/takeaway, bar-public, leisure and recreation, education establishment and hotel/motel are limited to those that:*

- (a) *will not be adversely impacted by the operation of industrial activities in the locality;*
- (b) *will not compromise or constrain the operation or viability of existing or future industrial activities; or*
- (c) *provide a convenience, service or support role to industries and employees in the locality.*

In response to (a), it is not expected that the proposed pilates studio will be impacted by nearby industrial developments particularly as the site is on the periphery of the light industry land precinct.

In response to (b), the operation of the pilates studio is unlikely to generate traffic impacts or environmental nuisances that could detrimentally affect other nearby industrial developments or Zone LI land in the vicinity.

In response to (c), it is reasonably expected that the pilates studio will be accessible and provide a benefit to local employees, as well as the wider community.

Zone 8 then intends that *Development does not detrimentally impact on the capacity, safety or efficient operation of the local road and footpath network.*

In response to this zone outcome, while the proposed development generates a car parking demand greater than that ordinarily expected for industrial developments, the application indicates that peak times of operation will be outside standard business hours, with only private and semi-private sessions (with a maximum of 4 patrons and 1 staff) running during business hours.

As the peak demand will occur outside of business hours, the on street car parking utilised by the surrounding LI land uses would be available, providing additional car parking spaces for the pilates studio. While this may be considered as detrimental to the ongoing operation of the local road infrastructure, it is not considered to be a of scale where it is contrary to this zone outcome, particularly as no concerns were raised by the City of Darwin in relation to adverse traffic impacts.

Part 5 – Development requirements

As mentioned earlier, the proposed development was found to comply with the relevant part 5 development requirements of the NTPS2020, except for clause 5.2.4.1 (Car parking spaces).

3. 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).*

The application has been found not to be in accordance with clause 5.2.4.1 (Car parking spaces), because the proposal will worsen the existing 4 car parking space shortfall by 16 car parking spaces, and result in a revised shortfall of 20 car parking spaces at the site.

In support of the above, a review of the planning history at the site was completed. This review indicates that the other on-site land uses require 14 car parking spaces, comprised of:

- Tenancy #1 – 2 car parking spaces (warehouse)
- Tenancy #2 - 2 car parking spaces (warehouse)
- Tenancy #3 – 9 car parking spaces (food premises-restaurant with ancillary warehouse)
- Dwelling-caretakeers – 1 car parking space

In total, the site is therefore calculated as requiring 32 car parking spaces to cater for existing and proposed land uses, where 12 car parking spaces are shown on the plans

associated with DP22/0032 (which is the most recent approval that approved changes to the layout of the car parking area, and represent the existing layout at the site).

As such, this application will worsen the existing shortfall of 4 car parking spaces, and result in a revised shortfall of 21 car parking spaces. It is noted that this assessment has considered the entirety of tenancy 4 (with the exception of ablution facilities and tea room facilities) as net floor area, to reflect the dynamic nature of leisure and recreation, and ensure a conservative estimate to inform the maximum potential car parking demand.

In response to clause 1.10(5)(a), the purpose of clause 5.2.4.1 (Car parking spaces) 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.*

In response to clause 1.10(5)(a), administratively, subclause 2 states *The consent authority may consent to a use or development that is not in accordance with subclause 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;*

In response to subclause (a), the proposed development is for a change of use from warehouse to leisure and recreation (pilates studio) within an existing LI zoned complex. The existing complex contains 4 tenancies that are utilised for various land uses including warehouse (tenancy 1 and 2) and an existing food premises-restaurant (tenancy 4). The nature of each use is expected to operate with varying parking demands.

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

The application states that hours of operation will be between 6am to 11:30am, and 4:30pm to 7:30pm, with only private (maximum one patron and one staff member) and semi-private (maximum 4 patrons and one staff member) sessions occurring during standard business hours. The larger classes (maximum 11 patrons and one staff member) occur outside standard business hours.

Within standard business hours, there are expected to be a maximum capacity of 5 people comprising 4 patrons and one staff member, while outside business hours, there would be a maximum capacity of 18 people including 16 patrons and 2 staff members. A general condition is has been included on the permit to limit the maximum number of people on site to 4 patrons and one staff member within the standard business hours of 8:00am to 4:30pm, Monday to Friday. This is to ensure adequate car parking is available for all land uses on the site.

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

In response to subclause (b), on-street car parking is available along Tang Street and Dick Ward Drive and patrons are generally expected to be at the site for an hour, ensuring that there will be a consistent turnover of on-street car parking spaces.

In addition, the application advises the proposed pilates studio will operate predominantly outside of standard business hours and the hours of operation for the existing tenancies on-site, that not all classes operate at maximum capacity and that some participants

carpool, walk or cycle to the site, which cumulatively help ensure the ongoing provision of available car parking spaces in the locality.

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

In response to subclause (c), the site is located in close proximity to the Darwin-Casuarina bus route #4 and approximately a one kilometre walk to bus route #10.

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

In response to subclause (d), the proposed development will increase the existing car parking space shortfall at the site, with demand for car parking spaces likely to rely upon existing car parking available along Tang Street, and along Dick Ward Drive. However, no concerns/objections were received from the City of Darwin, who manage the local road network.

The proposed development has access to public transport, with bus stops located in close proximity, therefore encouraging alternative modes of transport and reducing reliance on private cars.

The use will be wholly within the existing building, while similar service commercial land is located around the locality, with no residential lot directly abuts the land. Accordingly, the proposal is unlikely to adversely impact the amenity of the locality or adjoining properties.

For the above reasons, there is considered to be sufficient car parking available to accommodate future site users and the proposed pilates studio is unlikely to have any unreasonable adverse impacts on the surrounding road network.

Based on the above discussion, the proposed variation to clause 5.2.4.1 (Car parking spaces) is acceptable, as the shortfall in car parking spaces is not likely to result in unreasonable adverse impacts on the local street network beyond those ordinarily expected for a mixed-use development within an existing light industrial area.

In response to clause 1.10(5)(b), the considerations listed under clause 1.10(4) 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.

Notwithstanding the above, while the application was found to be compliant with the other relevant development requirements, it is considered that further discussion of clause 5.8.5 (Leisure and recreation) is warranted.

The purpose of this clause is to *Ensure leisure and recreation use and development:*

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

In response to subclause (a), the application states that it offers an activity which has been well utilised to date by the local community.

In response to subclause (b), while the application did not include a traffic impact assessment, no concerns were raised by the City of Darwin, who manage the local road network.

In response to subclause (c), the application does not propose any substantial changes to the existing building frontage, with it to continue to comprise a high degree of landscaping and windows (albeit with security screening).

In response to subclause (d), the ongoing operation of the leisure and recreation land use is considered acceptable, with it contributing another type of land use to the existing mixed-use development at 2 Tang Street.

Based on the above discussion, the application is considered to comply with the requirements of and support the relevant purpose of clause 5.8.5 (Leisure and recreation).

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

The site is connected to reticulated power, water and sewerage, and is flat, cleared of native vegetation and outside areas of identified flooding or storm surge. While the site is located in the Australian Noise Exposure Forecast (ANEF) 2043, 25 - 30 contour (for which Table 2.1 of the AS2021 - 2000 Acoustics – Aircraft noise intrusion – Building siting and construction considers a commercial development as conditionally acceptable) it is noted that the proposed development does not alter the existing commercial building.

Additionally, the Development Coordination Branch of DLPE did not identify or raise any issues of concern in relation to land capability.

Subsequently, the land is considered to have the capacity to support the proposed development.

5. 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 referred to the City of Darwin, Power and Water Corporation (Power Services and Water Services), and the Development Coordination Branch of the Department of Lands, Planning and Environment (DLPE) for comment.

The City of Darwin requested that any development permit include a requirement for the proponent to provide a monetary contribution for any shortfall of car parking spaces. A permit condition requiring a part or in-full contribution for the car parking shortfall at the site has not been supported by the Authority in this instance for the following reasons:

- The peak demand of the leisure and recreation will be outside the main hours of operation of the nearby industrial land uses
- Leisure and recreation patrons are generally expected to be at the site for an hour, ensuring that there will be a consistent turnover of on-street car parking spaces

Item 1

- The proximity of alternative modes of transport (i.e. public transport, walking and cycling).

Power and Water Corporation (Water Services) and the Development Coordination Branch of the DLPE provided standard servicing, infrastructure and regulatory advice. These matters have been addressed by including standard advisory notes on the permit.

6. 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.

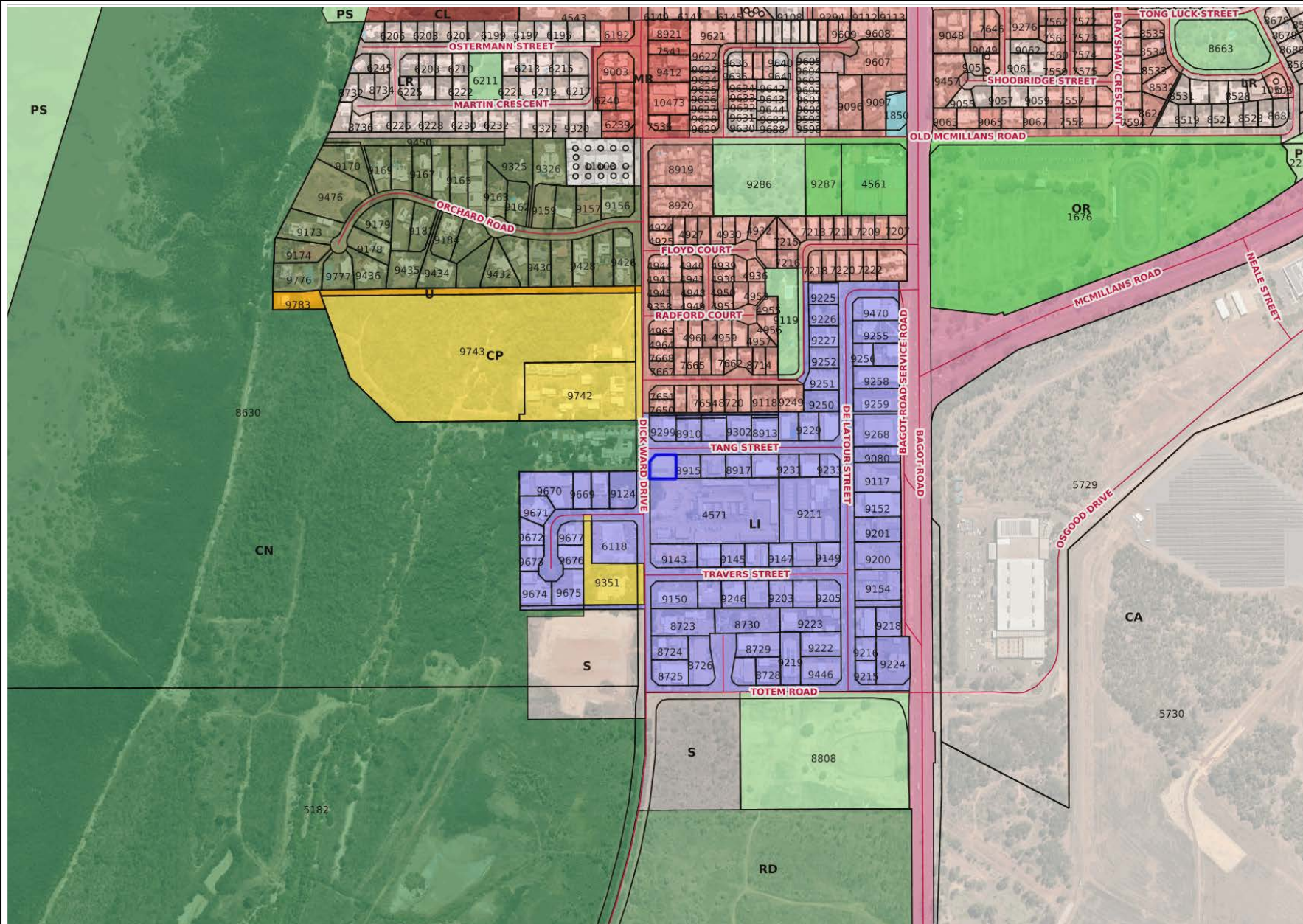
It is considered unlikely that the proposal will have a significant impact on the amenity of the area particularly as it is for a part change of use within an existing commercial/warehouse building. Additionally, it is considered consistent with the Darwin Mid Suburbs Area Plan, the purpose of zone LI and complies with the NTPS2020, except in relation to car parking space matters, which are considered discussed in detail at section 1 of these reasons.

AUTHORISED:


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

NR MAPS

PA2026/0182



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 100 200 300

nrmaps.nt.gov.au

Geospatial Services Unit



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Department of Lands,
Planning and Environment
© Northern Territory Government





























NOTICE OF PROPOSED DEVELOPMENT
SUBMISSIONS CLOSE: MIDNIGHT, 12/06/2026

APPLICATION REF: PA2026/0182

APPLICANT: Mark Ewins

ADDRESS: Lot 8914 Town of Nightcliff (Tenancy 4, 2 Tang Street, Coconut Grove)

USE(S): LI (Light Industry)

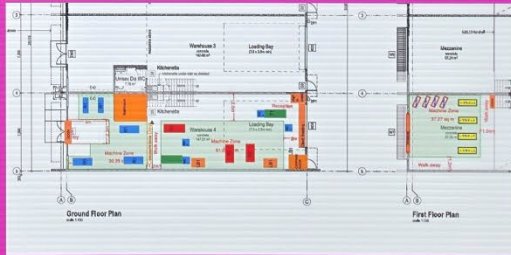
PROPOSAL: Change of use from warehouse to leisure and recreation (pilates studio) (tenancy 4)

HOW TO VIEW THE APPLICATION AND LODGE A SUBMISSION:

VIEW ONLINE:  www.ntlis.nt.gov.au/planning

CONTACT: das.ntg@nt.gov.au

DARWIN
PHONE: 8999 6046
POST: GPO Box 1680
Darwin NT 0801



Indicative image only



NOTICE OF PROPOSED DEVELOPMENT

SUBMISSIONS CLOSE: MIDNIGHT, 12/06/2026

APPLICATION REF: PA2026/0182

APPLICANT: Mark Ewins

ADDRESS: Lot 8914 Town of Nightcliff (Tenancy 4, 2 Tang Street, Coconut Grove)

ZONE(S): LI (Light Industry)

PROPOSAL: Change of use from warehouse to leisure and recreation (pilates studio) (tenancy 4)

VIEW THE APPLICATION AND LODGE A SUBMISSION:

ONLINE:



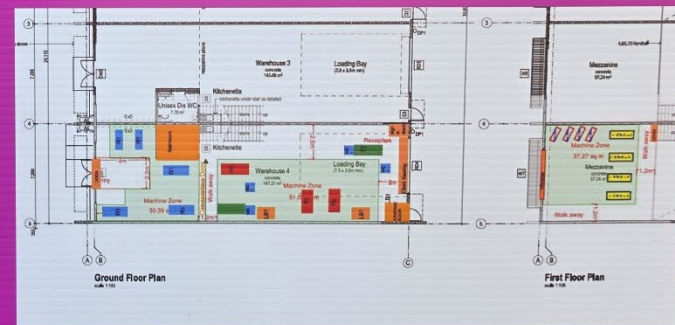
www.ntlis.nt.gov.au/planning

EMAIL: das.ntg@nt.gov.au

DARWIN

PHONE: 8999 6046

POST: GPO Box 1680
Darwin NT 0801



Indicative image only







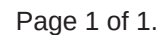








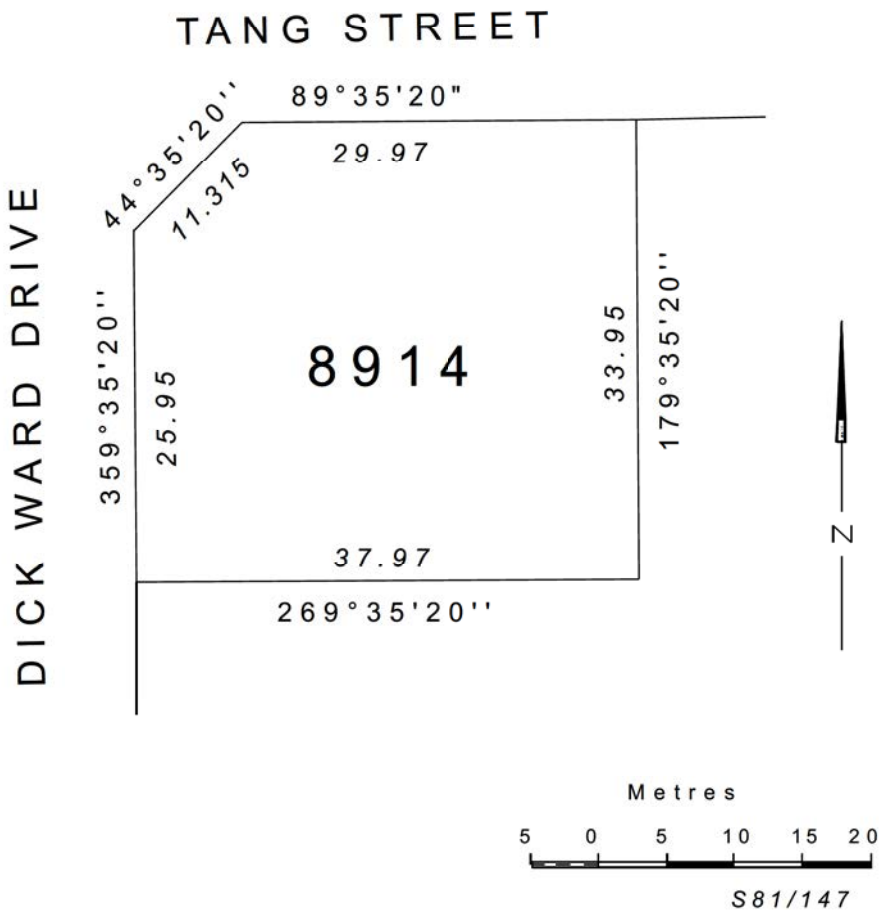




Lot 8914 Town of Nightcliff from plan(s) S 81/147
Area under title is 1250 square metres

Owner:
Albertoni Pty Ltd (ACN 063 387 137) as trustee for Albertoni Family Trust (ABN 48 456 245 209)
of Apartment 330, 19B Kitchener Drive, Darwin NT 0800

Registered Date	Dealing Number	Description
		Previous title is Volume 884 Folio 696
End of Dealings		





NORTHERN TERRITORY OF AUSTRALIA

Record of Administrative Interests and Information

Record of Administrative Interests and Information

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

Parcel Reference: Lot 08914 Town of Nightcliff plan(s) S 81/147

(See section 38 of the Land Title Act)

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

Registrar General

Government Land Register

(none found)

Custodian - Registrar General (+61 8 8999 6252)

Current Title

CUFT 892 859 (order 1)

Tenure Type

ESTATE IN FEE SIMPLE

Tenure Status

Current

Area Under Title

1250 square metres

Owners

Albertoni Pty Ltd (ACN 063 387 137) as trustee for Albertoni Family Trust (ABN 48 456 245 209)
Apartment 330, 19B Kitchener Drive, Darwin NT 0800

Easements

(none found)

Scheme Name

(none found)

Scheme Body Corporate Name

(none found)

Reserved Name(s)

(none found)

Unit Entitlements

(none found)



Transfers

25/11/2011 for \$825,000 (\$75,000 GST)
07/08/2009 for \$825,000 (\$75,000 GST)
03/10/2006 for \$453,750 (\$41,250 GST)
21/02/1984 for \$78,000
28/04/1983 for WILL

Tenure Comments

(none found)

Historic Titles

CUFT 884 696 (order 1)
CUFT 761 565 (order 1)
CUFT 739 081 (order 1)
CUFT 704 983 (order 1)
CUFT 634 335 (order 1)
CUFT 071 049 (order 3)
CUFT 071 049 (order 2)
CUFT 071 049 (order 1)

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

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

2 TANG ST, COCONUT GROVE

Survey Plan

S 81/147

Survey Status

Approved

Parcel Status

CURRENT

Parcel Area

1250 square metres

Map Reference

Code 200 Scale 2500 Sheet 30.26

Parent Parcels

Lot 04568 Town of Nightcliff plan(s) OP 001175

Parcel Comments

SUBD OF LOT 4568 VIDE S81/147.

Survey Comments

(none found)

Proposed Easements

(none found)

Local Government Area

DARWIN MUNICIPALITY

Region

DARWIN



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

Albertoni Pty Ltd (ACN 063 387 137) as trustee for Albertoni Family Trust (ABN 48 456 245 209), APARTMENT 330, 19B KITCHENER DRIVE, DARWIN NT 0800

Parcels in Valuation

Lot 08914 Town of Nightcliff

Unimproved Capital Value

\$500,000 on 01/07/2023
\$435,000 on 01/07/2020
\$620,000 on 01/07/2017
\$650,000 on 01/07/2014
\$488,000 on 01/07/2011
\$428,000 on 01/07/2008
\$215,000 on 01/07/2005
\$172,000 on 01/07/2002
\$172,000 on 01/07/1999
\$168,000 on 01/07/1996
\$125,000 on 01/07/1993
\$92,500 on 01/01/1991
\$82,000 on 01/01/1988
\$75,500 on 01/01/1985
\$44,000 on 01/01/1982

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

(none found)



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

BBDAR001 - Building Control Area

DARWIN BUILDING AREA

Building Permits**Application Number:**

9 of 9

Description:

Alterations to existing restaurant/bakery to ablution facilities/storage/preparation areas

Number of Residential Units:**Australian Bureau of Statistics Type:**

(none found)

Building Class:

Shop

Area:

45 square metres

Certification:Shop - Occupancy Permit - *issued on 06/12/2022***Application Number:**

8 of 9

Description:

64 x PV Panels

Number of Residential Units:**Australian Bureau of Statistics Type:**

(none found)

Building Class:

Structure (Fence, Mast)

Area:

0 square metres

Certification:Structure (Fence, Mast) - Occupancy Permit - *issued on 09/08/2021***Application Number:**

6 of 9

Description:

Structural changes to existing warehouse / caretakers units

Number of Residential Units:**Australian Bureau of Statistics Type:**

(none found)

Building Class:

Attached residence

Area:

0 square metres

Certification:Attached residence - Full Code - *issued on 11/02/2015*Storage,warehouse,wholesale building - Full Code - *issued on 11/02/2015***Application Number:**

4 of 9

Description:

RECONSTRUCTION OF WORKSHOP

Number of Residential Units:

0

Australian Bureau of Statistics Type:

(none found)

Building Class:

Factory

Area:

340 square metres

Certification:Factory - Full Code - *issued on 16/07/1998***Application Number:**

1 of 9

Description:

WORKSHOP

Number of Residential Units:

0

Australian Bureau of Statistics Type:

(none found)

Building Class:

Factory

Area:

339 square metres

Certification:Factory - *issued on 25/09/1985*

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

Planning Scheme Zone

LI (Light Industry)

Overlays:

(none found)

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

Regional Plans:

- Darwin Regional Land Use Plan

Sub Regional Plans:

- None

Area Plans:

- Darwin Mid Suburbs Area Plan

Interim Development Control Orders

(none found)

Planning Notes

(none found)

Planning Applications

File Number

PA2026/0182

Type

Development

Date Received

25/05/2026

Application Purpose

Change of use from warehouse to leisure and recreation (pilates studio) (tenancy 4)

Application Status

Current

Other Affected Parcels

(none found)

Instrument Signed

Instrument Number

Instrument Issued

Not Complete

Instrument Status

File Number

PA2021/0392

Type

Development

Date Received

02/11/2021

Application Purpose

Alterations and additions to an existing food premises-restaurant (tenancy 3) with alfresco dining area

Application Status

Approved

Other Affected Parcels

(none found)

Instrument Signed

08/02/2022

Instrument Number

DP22/0032

Instrument Issued

Signed

Instrument Status

Completed

File Number

PA2016/0002

Type

Development

Date Received

04/01/2016

Application Purpose

Change of use from warehouse to restaurant and warehouse (tenancy 3)

Application Status

Approved

Other Affected Parcels

(none found)

Instrument Signed

24/02/2016

Instrument Number

DP16/0047

Instrument Issued

Signed

Instrument Status

Current

File Number

PA2012/0100

Type

Development



Date Received

17/02/2012

Application Purpose

4 x warehouses in a single storey building including mezzanine floors and a caretaker's residence

Application Status

Approved

Other Affected Parcels

(none found)

Instrument Signed

18/04/2012

Instrument Number

DP12/0214

Instrument Issued

Signed

Instrument Status

Completed

File Number

PA2011/0489

Type

Compliance Check

Date Received

11/07/2011

Application Purpose

4 warehouses in a single storey building with mezzanine floors

Application Status

Approved

Other Affected Parcels

(none found)

Instrument Signed**Instrument Number****Instrument Issued**

Not Complete

Instrument Status

File Number

PA1997/1198

Type

Development

Date Received

16/12/1997

Application Purpose

DEMOUNTABLE FOR USE AS OFFICE EXHIB DATES 19/12/97 - 2/1/98 RMS97/3829

Application Status

Approved

Other Affected Parcels

(none found)

Instrument Signed

22/12/1997

Instrument Number

DP97/0771

Instrument Issued

Signed

Instrument Status

Completed

File Number

PA1984/0224

Type

Development

Date Received

17/04/1984

Application Purpose

MECHANICAL W/SHOP

Application Status

Approved

Other Affected Parcels

(none found)

Instrument Signed

16/05/1984

Instrument Number

DV1283

Instrument Issued

Signed

Instrument Status

Completed

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

(none found)

Visit the website for information on Pastoral land permits.

Custodian - Power and Water Corporation (1800 245 092)**Meters on Parcel**

Power Water - Electricity	3
Power Water - Water	1

For Account balances, contact the Power and Water Corporation.

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

(none found)

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

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

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

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

Energy Titles

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

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

Land Access Agreements

(none found)

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

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

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

(none found)

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



Custodian - Heritage Branch (+61 8 8999 5039)

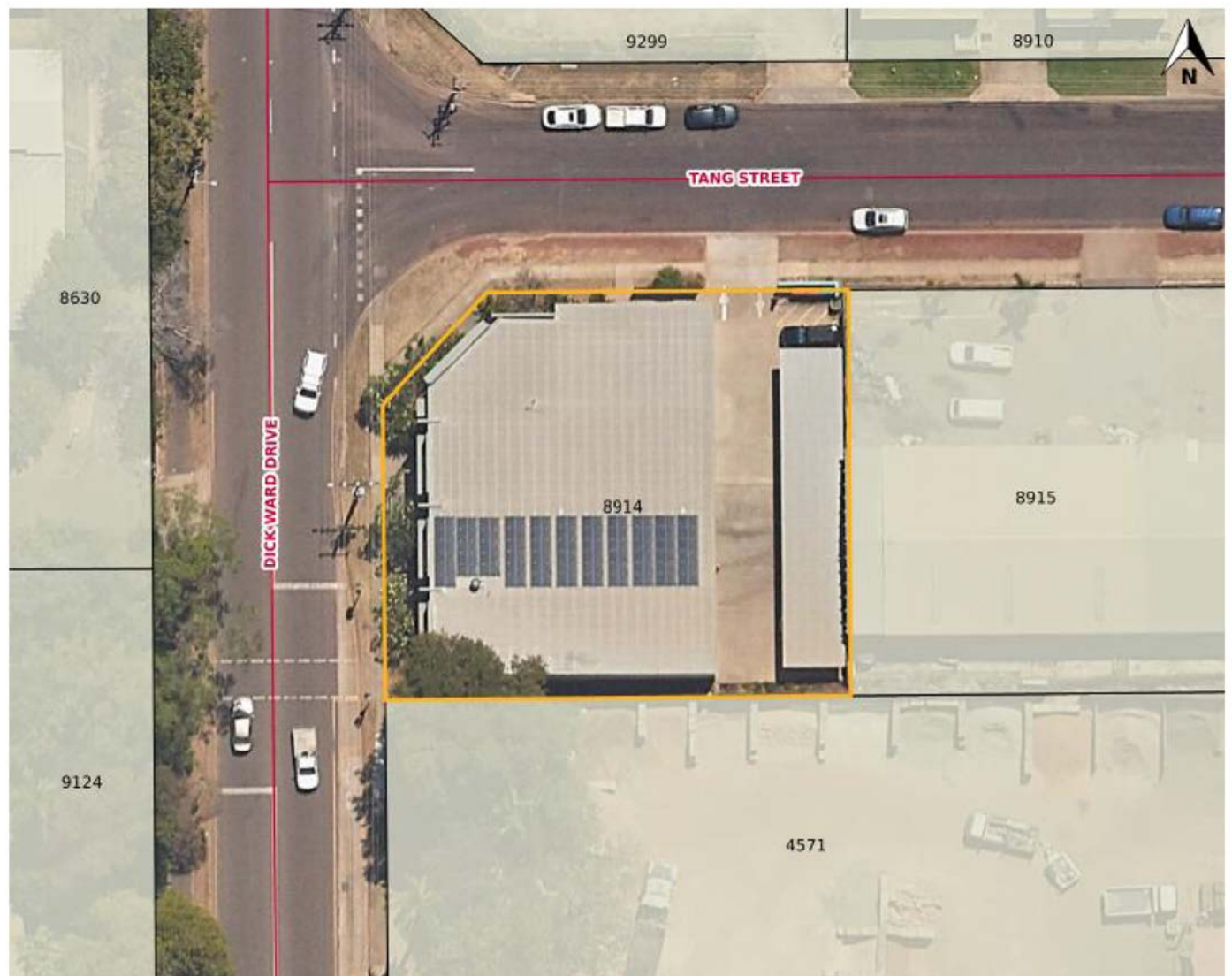
Heritage Listing:
(none found)

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

Other Interests

For Account balances, contact Darwin City Council

Locality Diagram



INSERT COMPANY LOGO / HEADER HERE



STATEMENT OF EFFECT

Leisure and Recreation (Pilates Studio)
4/2 Tang Street, Coconut Grove NT 0814
January 2026

1.0 Introduction

This Statement of Effect has been prepared to support a Development Application for a change of use to Leisure and Recreation (Pilates Studio) at 4/2 Tang Street, Coconut Grove. The subject land is zoned Light Industry under the Northern Territory Planning Scheme 2020 (the Scheme). Leisure and Recreation is impact assessable use requiring consent under Section 44 of the Planning Act.

This report considers the proposal against the relevant provisions of the NT Planning Scheme 2020 and Section 46(3) of the Planning Act and the Darwin Mid Suburbs area plan.

2.0 Site, Locality and Planning Context

The subject tenancy is located within an established light industrial complex. Surrounding uses include light industrial tenancies, service businesses and a café within the same complex.

The locality is not residential in nature and is therefore suitable for low impact commercial uses such as indoor recreation.

Mach 1 Fitness has been a tenant and operating in the warehouse for the past 11 years, since January 2015. Located within the same complex are 3 other commercial tenancies including a Café in Unit 3, an art shop that operates on weekends in unit 2, and a building company in Unit 1. There is also a caretaker resident located in Unit 5 with its own dedicated carpark.

Mach 1 has been asked by the planning department to undertake a change of use application for its Pilates studio.

Item	Details
Address	4/2 Tang Street, Coconut Grove NT 0814
Applicant	Mach 1 Fitness – Mark Ewins
Planning Scheme	Northern Territory Planning Scheme 2020
Zone	LI (Light Industry)
Relevant Clauses	Clause 5.2.4 Car Parking; Clause 5.8.5 Leisure and Recreation
Overlays	None applicable

3.0 Proposed Development

The proposal comprises a change of use of an existing tenancy to a Pilates studio. No external works are proposed. The development comprises:

- Change of use of an existing tenancy to a Pilates studio
- Utilisation of the existing ground floor and mezzanine areas (refer Figures 1 and 2)
- No increase in gross floor area

The internal layout provides:

- Reception and sign-in area
- Waiting/seating area for clients
- Multiple activity zones (Main studio, Reformer, Matwork and strength areas)
- Amenities and mezzanine training space

The design allows for clear circulation and separation between activity areas. The internal layout includes reception, waiting area, main studio, reformer training area & matwork space and mezzanine level.

Figure 1 Equipment Legend:

R1: Pilates Reformer

R2: Pilates Reformer

T1: Trapeze Table

WC1: Wonder Chair

LB1: Ladder Barrel

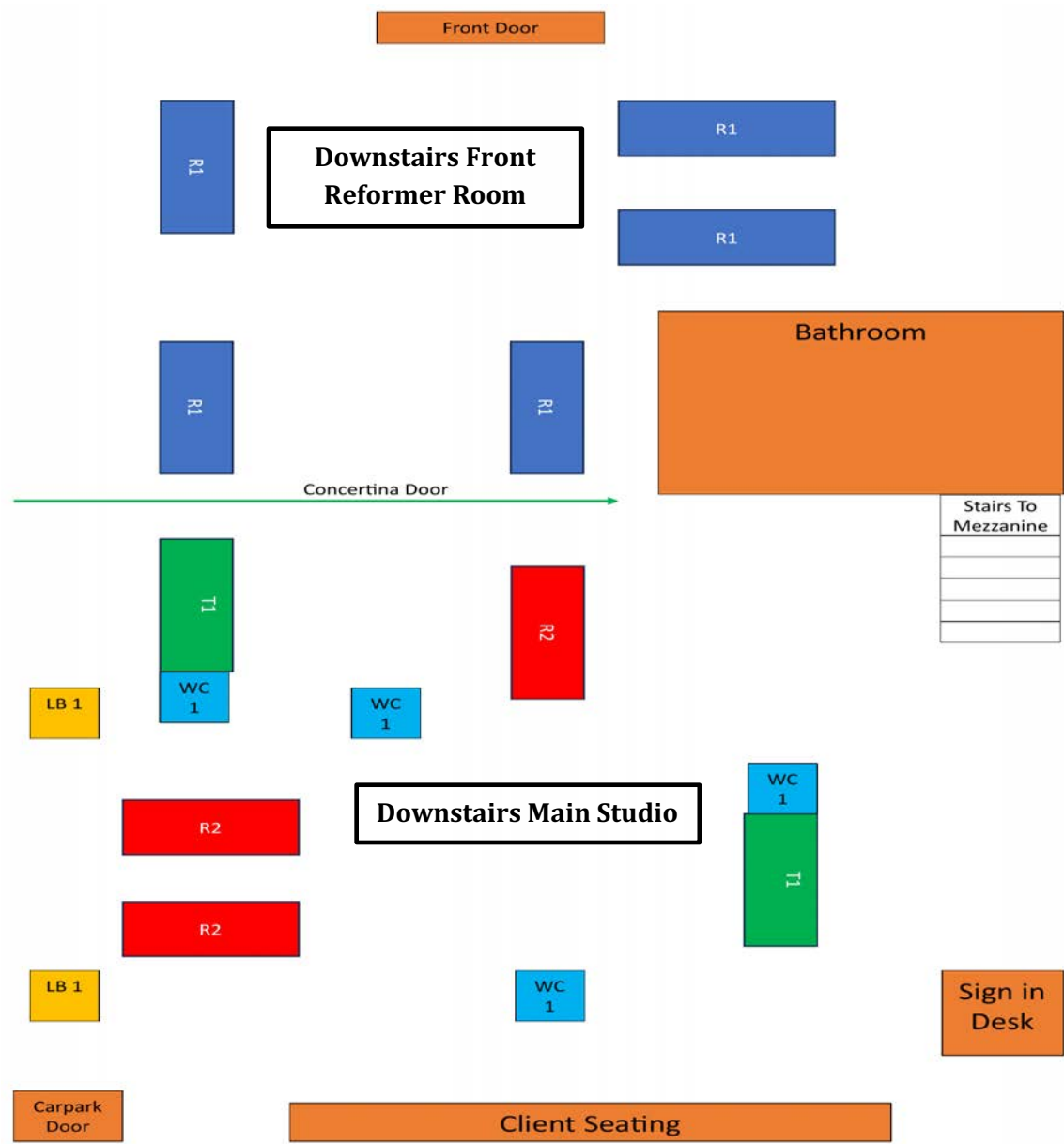


Figure 2 Legend:

- Total Gym
- Spin Bike
- TRX Straps

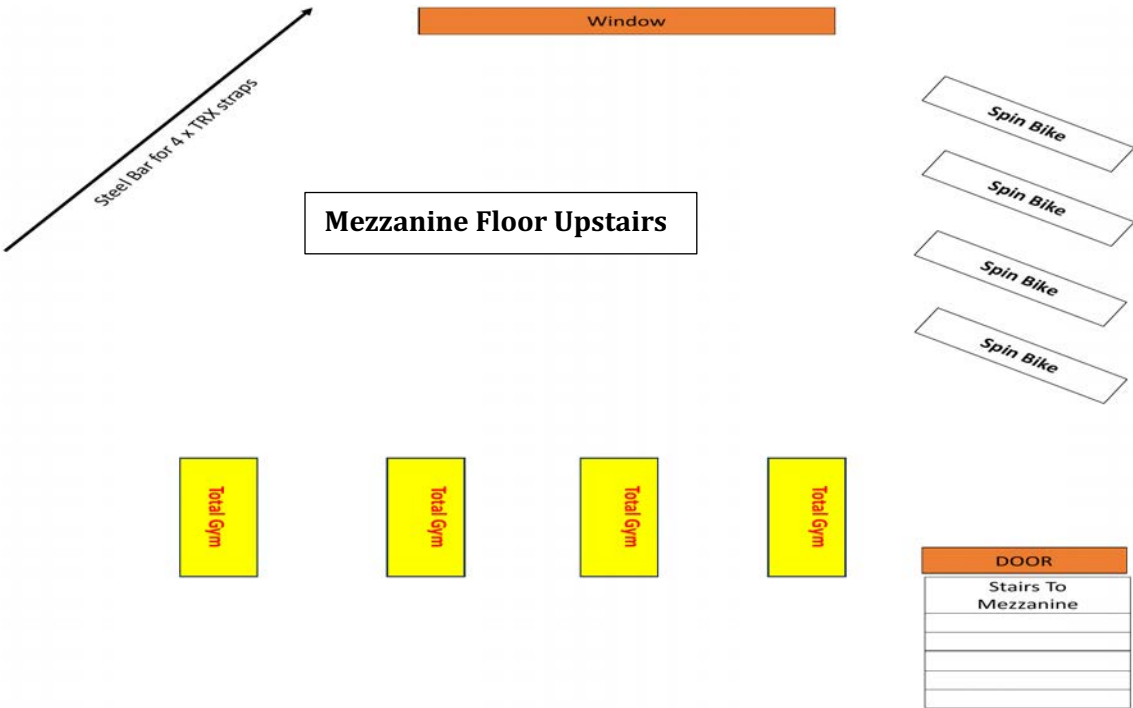


Figure 4: Unit 4 layout with equipment overlay

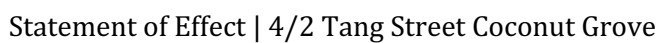


Figure 5: Unit 4 layout with delineated access/ walkways. Highlighted areas total - $51.02 + 24.83 + 37.27\text{m}^2 = 113.12\text{m}^2$.

[illegible]

- 4.0 Operational Characteristics: Peak demand for sessions and classes are early mornings from 6am to 8.30am and evenings from 5pm – 7pm. Basically before and after work for most people. Most businesses in the street, aside from the café, keep 8.30am-4.30pm or 9-5 business hours. Mornings from 8.30am onwards in the studio are mainly self employed and retired clients with quite a few seniors in that group over the course of the week. For most of our seniors, some of whom are disabled, Pilates is their only weekly form of exercise.

- 4.1 Hours of Operation:

Monday – Thursday 6am to 11.30am. 4.30pm to 7.30pm.

Friday: 6am – 7am. Then by appointment only if needed. Usually individual assessments for new clients which take 45 – 60 minutes each.

Saturday: 6am – 10am. Then by appointment only if needed. Usually assessments on new clients which take 45.-60 minutes each.

Sunday: 6am – 10am.

- Total number of staff at any one time is 3 max.

- Total number of patrons at any one time is 13 max.

****Please see appendix A for the timetable.***

- The studio operates primarily outside standard business peak periods:
- Morning: approximately 6:00am to 11.30am. Appointment only.
- Evening: approximately 4.30pm to 7.30pm. Appointment only.
- Weekends: morning sessions only. These hours complement surrounding uses within the complex. The café closes at 2pm daily. The fashion boutique is only open two days a week. The Bayside Constructions office closes at 4pm. Most businesses in the street are 9-5pm or 8.30 – 4.30pm.

- ---

- 4.2 Nature of Use

- The Pilates studio operates on a structured booking system (no drop ins) with small, controlled class sizes. There are rarely more than one trainer/ staff working in the studio at any one time with clients or teaching a class. Currently the only occasions that teaching overlap happens are Monday, Tuesday and Wednesday evenings.

- ♦ Monday evening we have the 4.30pm Semi Private. 5pm Reformer class. 5.15pm Gravity class. 5.30pm Semi private. 6pm Reformer class.

- ◆ Tuesday evening we have the 4.30pm Semi Private. 5pm Reformer class. 5.30pm Semi private. 6pm Reformer class.
 - ◆ Wednesday evening we have the 5pm Reformer class. 5.15pm Gravity class. 5.30pm Private session. 6pm Reformer class.
 - ◆ During the evenings there are no other businesses open in the complex. The café, fashion studio and Bayside Constructions office are closed. All other neighbouring businesses to the complex are all usually closed by 5pm at the latest.
- Private sessions. Main studio (1 hour duration): up to 2 persons (Including 1 staff)
 - Semi-private sessions. Main studio (1 Hour duration): 4–5 persons (Including 1 staff)
 - Group Reformer classes. Reformer room. (50 minutes duration): up to 6 persons (Including 1 staff)
 - Group Matwork classes. Main studio. (50 minutes duration): up to 12 persons (including 1 staff)
 - Group Gravity Strength classes. Mezzanine (35 minutes duration): up to 5 persons (including 1 staff)
 - Classes are scheduled at staggered intervals throughout the day. As a result:
 - Patron arrival and departure times are dispersed
 - Peak demand periods are short in duration.
 - Full theoretical capacity of 120 visits per week, average 18 per day, is not typically reached.
 - Actual attendance, currently 70 – 80 visits per week, is lower than maximum capacity.

-
- 5.0 Car Parking Assessment
 - 5.1 Existing Provision
 - The site is serviced by:
 - 11 on-site car parking spaces
 - 1 additional space utilised as a turning bay (refer Figure 3)
 -
-

- 5.2 Statutory Parking Requirement
- Under Clause 5.2.4 of the Northern Territory Planning Scheme 2020, a Leisure and Recreation use is required to provide car parking based on the intensity of use and floor area.
- Based on the proposed use and operational characteristics of the Pilates studio, the development generates a requirement for 15 additional car parking spaces.

•

• 5.3 Parking Provision and Shortfall

- The development provides:
- 11 on-site car parking spaces
- This results in a shortfall of:
- 15 car parking spaces.

•

• 5.2 Parking Demand Assessment

- A practical parking demand assessment has been undertaken based on actual operations.

• Table 1 – Parking Demand Summary

• Scenario	• Participants	• Instructor	• Total Persons	• Estimated Vehicles
• Private Session	• 1	• 1	• 2	• 2
• Semi-Private	• 4	• 1	• 5	• 4–5
• Reformer Class	• 5	• 1	• 6	• 5–6
• Matwork (max)	• 12	• 1	• 13	• 7–9
• Notes:				

- Not all participants arrive separately (some carpool). Some are local to the studio and walk or ride their bikes.
- Not all classes operate at maximum capacity
- Overlap between classes is minimal and short
- A realistic peak demand scenario is approximately 5–7 vehicles, with only occasional higher demand for short periods.
- ---
- 5.3 Justification for Reduced Parking Provision
- A variation to standard parking requirements is appropriate based on the following:
- Industrial Zoning Context
The site is located within a Light Industry zone and does not interface with residential land.
- Complementary Operating Hours
The studio predominately operates outside peak daytime periods, particularly compared to the café within the complex, which is closed in the afternoons. Minimum 50-60% of clients attend outside of peak periods.
- Shared Parking Arrangement
Parking demand is spread across different times, allowing efficient shared use of available spaces.
- Low Traffic Generation
The use is appointment-based with small class sizes and no high turnover retail component.
- Functional Adequacy
The existing 11 spaces are sufficient to accommodate realistic peak demand scenarios.
- Accordingly, the parking shortfall will not result in adverse impacts.
- ---
- 6.0 Assessment Against NT Planning Scheme 2020
- 6.1 Zone LI – Light Industry
- The proposal is consistent with the intent of Zone LI as it:
- Represents a low-impact indoor use

- Does not generate noise, emissions or heavy vehicle movements
- Supports diversification of business activities
- _____
- 6.2 Clause 5.2.4 – Car Parking
- The proposal achieves the intent of this clause as:
- Parking demand is low and managed
- At least 60-70% of demand occurs outside peak periods
- Shared parking is available within the complex. Also on the street both before and after normal business hours.
- The proposed variation is appropriate.
- _____
- 6.3 Clause 5.8.5 – Leisure and Recreation
- The development satisfies this clause as:
- It is appropriately located in a commercial/industrial setting
- All activities are contained within the building
- Traffic generation is minimal
- Amenity impacts are negligible
- _____
- 7.0 Matters for Consideration (Section 46(3))
- The proposal is consistent with the NT Planning Scheme
- The site is suitable and appropriately serviced
- No adverse environmental impacts are expected
- Amenity impacts are minimal due to industrial context
- The proposal supports local health and business activity
- _____

- 8.0 Conclusion
- The proposed change of use to a Pilates studio at 4/2 Tang Street is appropriate and consistent with the planning framework.
- While a numerical shortfall in parking exists, it is clearly justified due to:
- Industrial zoning with no residential impacts
- Off-peak and staggered operating hours
- Low-intensity, appointment-based use
- Shared parking within the complex and on street parking before and after normal business hours.
- The development will operate efficiently without adverse impacts and is suitable for approval.

***Appendix A: Weekly Timetable.**

Classes: Gravity (Upstairs) & Reformer Room (Downstairs)

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
6am: Gravity		6am: Gravity		6.15am: Reformer	8am: Reformer	8.45am: Matwork
6.45am: Gravity		6.45am: Gravity			9am: Reformer	
5pm: Reformer	5pm: Reformer	5pm: Reformer	5pm: Reformer			
5.15pm: Gravity		5.15PM: Gravity	5.15pm Gravity			
6pm: Reformer	6pm: Reformer	6pm: Reformer	6pm: Reformer			

Private & Semi Private Studio Sessions (Downstairs Main Studio)

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
7.30am: Private	6am: Semi Private	7.30am: Private	6.30am: Semi Private			6.30am Private
8.30am: Private	7am: Semi Private	8.30am: Semi Private	7.30am: Semi Private			7.30am: Private
	8.30am Semi Private	9.30am: Private	8.30am: Semi Private			
	9.30am: Semi Private		9.30am: Private			
	10.30am: Private					
4.30pm: Semi Private	4.30pm: Semi Private		4.30pm: Semi Private			
5.30pm: Semi Private	5.30pm: Semi Private		5.30pm: Semi Private			

27th of March 2026

Dear Mark,

RE: 4/2 TANG ST COCONUT GROVE NT 0810 – AUTHORITY LETTER

As Director of Albertoni Family Trust ABN 48 456245 209, owners of the complex at 2 Tang Street, Caroline Albertoni, herewith authorise Mark Ewins of Mach1Fitness, to apply for a Development Application for 4/2 Tang St Coconut Grove 0810 NT.

Please let me know if you require any further information.

Regards



Caroline Albertoni

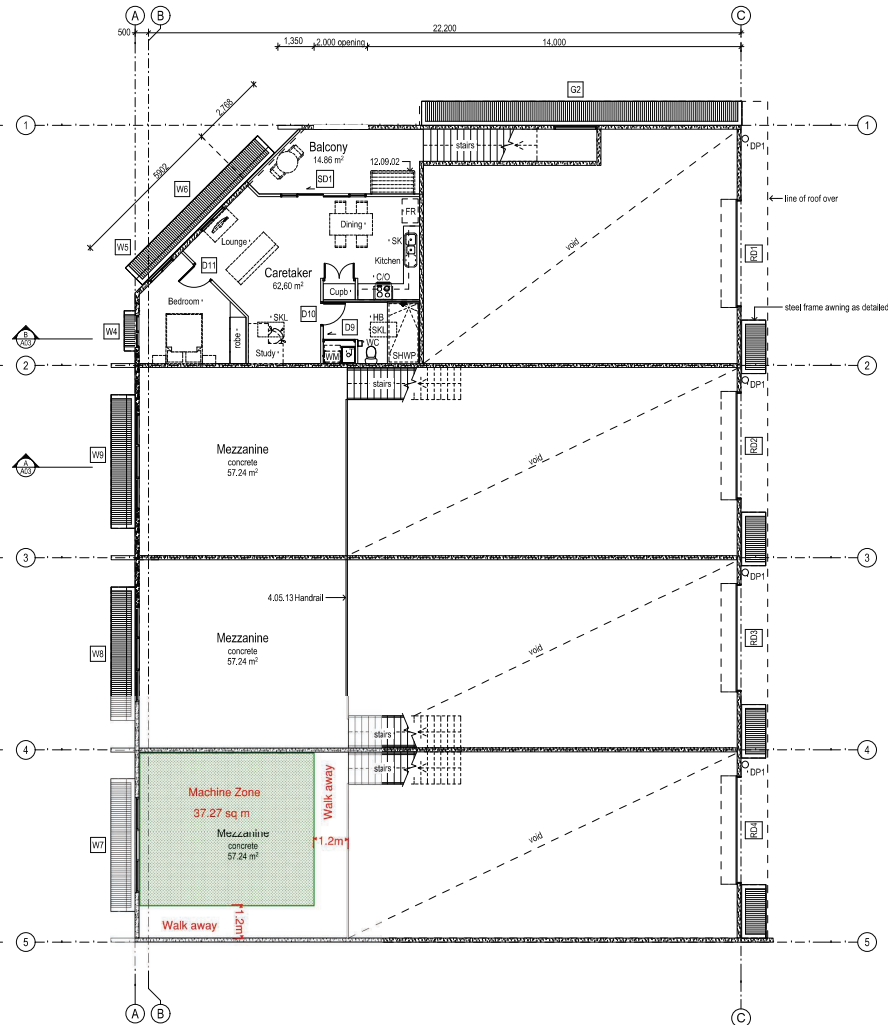
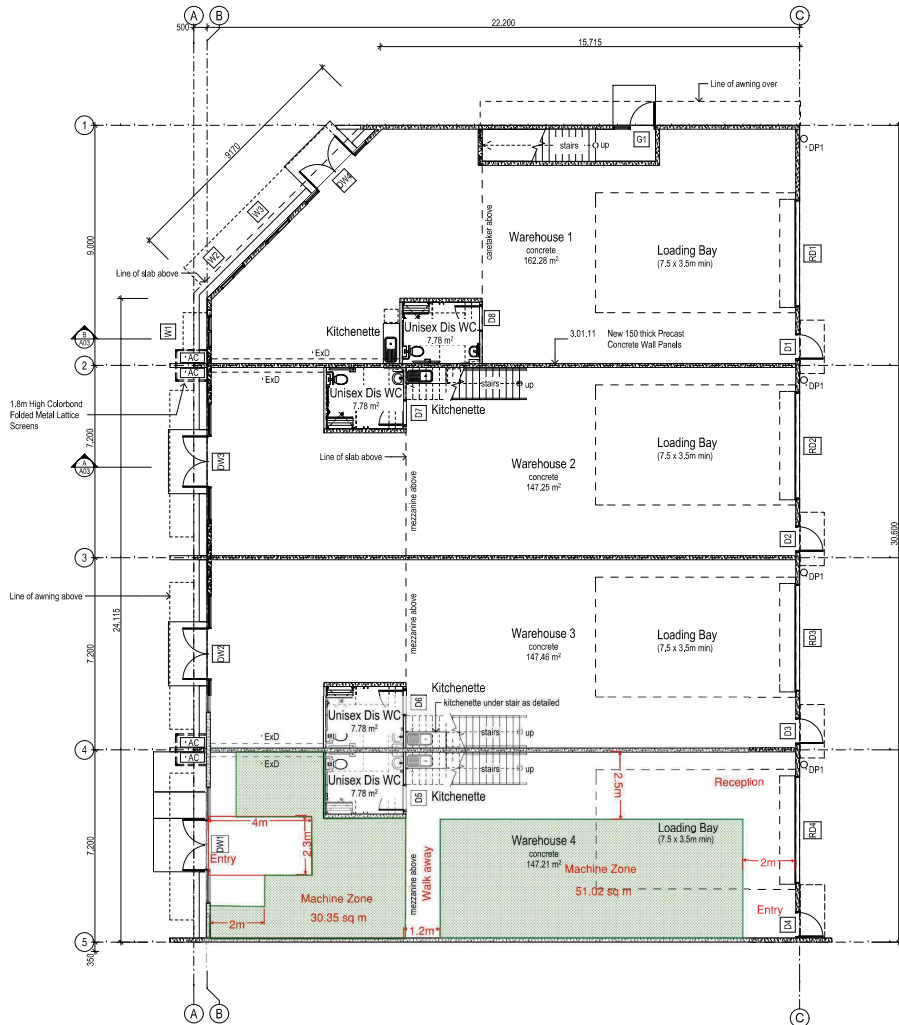
Director

Albertoni Family Trust Pty Ltd

0418 857 362

03caro58@gmail.com





Notes

3. Concrete Construction

3.01.11 New 150 thick Precast Concrete Wall Panels
Typically, refer to plan for setout

4. Timber & Steel Construction

4.05.13 Handrail
Proprietary item, fixed in accordance with BCA Part D2.16 (e).

12. Joinery & Fixtures

12.09.02 Clothes line
As selected & install as per the manufacturer's written instructions.

18. Mechanical Installations

ExD Exhaust Duct
150 dia. PVC

19. Fences

19.05.02 1.8m High Colorbond Folded Metal Lattice Screens
Fixed to DTC M9011, posts and footings to be as per DTC S6 & S7.
Colorbond Wilderness

Legend

AC Air-conditioning Unit
split system

C/O Cooktop and Oven

DP1 225 dia min uPVC Downpipe
Paint Finished

FR Double Door Fridge space

HB Hand Basin

SHWP Shower screen and base
proprietary item selected by client

SK Sink

SKL Skylight
Value VS C04 (104) manual skylight fitted on a 'pitch-up' and custom
flashing at 15degree min. installed to DTC specifications

T Trough

WC Water Closet

WM Top Loader Washing Machine
Dryer located on top as selected by client

REVISIONS

D	Description	Date
A	Issued for Construction - amendment as clouded	14/05/2013
B	As Constructed Issue	11/11/2014

bennett design
PTY LTD

P O Box 4607 P O Box 4619/1912
www.bennettdesign.com.au
ABN 51 083050024

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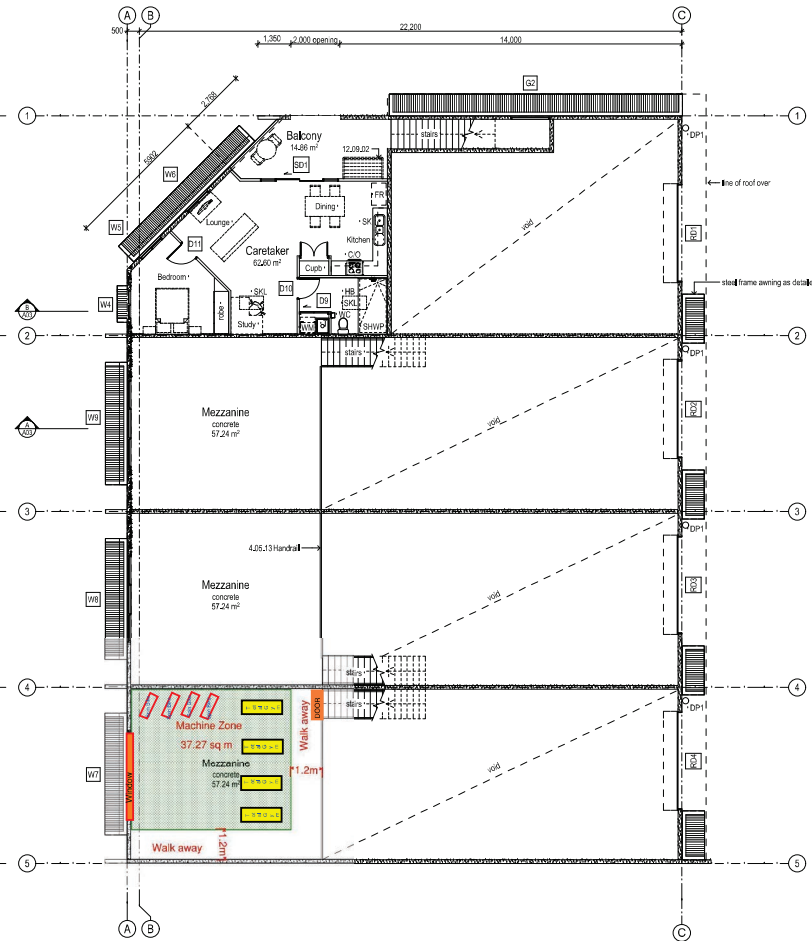
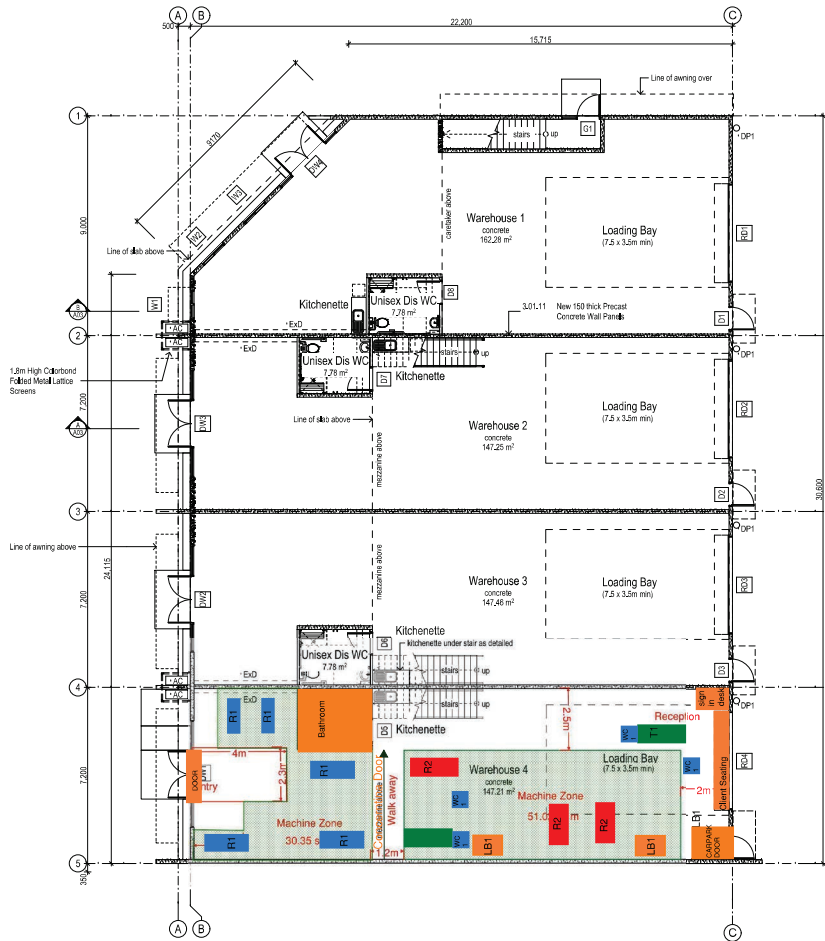
Project:
Proposed Warehouse Development

Client:
MIRTO ALBERTONI

Address:
Lot 8914 Tang Street, Coconut Grove

Drawing:
FLOOR PLANS

PROJECT DATE	SCALE	DRAWN	CHECKED	SIZE
Jan 2012	As Shown	NL	DdN	A1
JOB No: db1929		SHEET No: A2 OF 17		REV. B



Notes	
3. Concrete Construction	
3.01.11 New 150 thick Precast Concrete Wall Panels Typically, refer to plan for subsoil	
4. Timber & Steel Construction	
4.05.13 Handrail Proprietary item, fixed in accordance with BCA Part D2.16 (e).	
12. Joinery & Fixtures	
12.09.02 Kitchen Sink As selected & install as per the manufacturer's written instructions.	
18. Mechanical Installations	
ExD Exhaust Duct 150 dia, PVC	
19. Fences	
19.05.02 1.8m High Colorbond Filled Metal Lattice Screens Fixed to DTC M8011, posts and footings to be as per DTC S6 & S7. Colorbond V-Bars	
Legend	
AC	Air-conditioning Unit
AO	Air-Outlet
CO	Cooktop and Oven
DP1	225 dia min uPVC Downpipe
FR	Double Door Fridge space
HB	Hand Basin
SHWP	Shower screen and base
SK	Sink
SKL	Skylight
T	Trough
WC	Water Closet
WM	Top Loader Washing Machine
	Dryer located on top as selected by client

REVISIONS		
ID	Description	Date
A	Issued for Construction - amendment as detailed	14/5/2013
B	As Constructed Issue	11/11/2014

P 08 9046 4607 F 08 9046 1812
www.bennettdesign.com.au
ABN 61 083050204

AS/NZS ISO 9001
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DO NOT SCALE OFF THESE DRAWINGS

Project: Proposed Warehouse Development				
Client: MIRTO ALBERTONI				
Address: Lot 8914 Tang Street, Coconut Grove				
Drawing: FLOOR PLANS				
PROJECT DATE Jan 2012	SCALE As Shown	DRAWN NL	CHECKED DdN	SHEET A1
JOB No: db1929		SHEET No. A2 OF 17		REV. B





NORTHERN TERRITORY OF AUSTRALIA

Planning Act - sections 54 and 55

DEVELOPMENT PERMIT

DP12/0214

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 08914

Town of Nightcliff

2 TANG ST, COCONUT GROVE

APPROVED PURPOSE

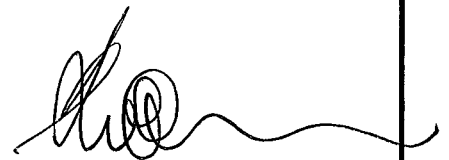
To use and develop the land for the purpose of 4 x warehouses in a single storey building including mezzanine floors and a caretaker's residence, in accordance with the attached schedule of conditions and the endorsed plans.

VARIATIONS GRANTED

Clause 6.5.3 (Parking Layout) of the NT Planning Scheme
Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme
Clause 7.10.3 (Caretaker's Residence) and 9.1.1 (Industrial Setbacks) of the NT Planning Scheme

BASE PERIOD OF THE PERMIT

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



PETER McQUEEN

Delegate

Development Consent Authority

18 / 4 / 2012

DEVELOPMENT PERMIT

DP12/0214

SCHEDULE OF CONDITIONS

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) the conversion of car park No. 11 into a turning bay to permit a car to enter from and exit to Tang Street in a forward gear in the event that the car park is full;
 - (b) details of surface finishes of pathways and driveways;
 - (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant (all species selected must be to the satisfaction of the consent authority); and
 - (d) provision of an in ground irrigation system to all landscaped areas.

GENERAL CONDITIONS

2. Prior to commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to the City of Darwin's stormwater drainage system, to the requirements of the City of Darwin and to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare a Waste Management Plan demonstrating waste disposal, storage and removal, to the requirements of the City of Darwin and to the satisfaction of the consent authority.
4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

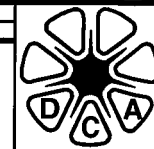
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
8. 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.
9. Before the use or occupation of the development starts, the area set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;
 - (g) to the satisfaction of the consent authority.
 - (h) Car spaces, access lanes and driveways must be kept available for these purposes at all times.
10. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land.
11. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
12. 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.
13. 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.
14. The caretaker's residence is only to be used by a bona fide caretaker of the land.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that any structure within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
3. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.

Development Consent Authority

Northern Territory



GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6044
Facsimile No: (08) 8999 6055

In reply please quote: PA2012/0100
KC : MO

Caroline Albertoni
Albertoni Family Trust
PO BOX 804
NIGHTCLIFF NT 0814
caro03@bigpond.com

Dear Ms Albertoni

NOTICE OF CONSENT (SECTION 53B OF THE *PLANNING ACT*) LOT 8914 (2) TANG STREET, TOWN OF NIGHTCLIFF

The Development Consent Authority has determined in accordance with section 53(b) of the Act to alter the proposed development and grant consent to the proposed development as altered to use and develop the abovementioned land for the purpose of 4 x warehouses in a single storey building including mezzanine floors and a caretaker's residence, subject to the conditions specified on the attached Development Permit DP12/0214.

Reasons for the Determination

1. The proposed warehouses and caretaker's residence are consistent with the primary purpose of Zone LI (Light Industry) to provide for light industry uses or development activities that will not by the nature of their operations, detrimentally affect adjoining or nearby land.
2. A variation to Clause 6.5.3 (Parking Layout) in regard to the requirement for landscaping between the road reserve and car parking area is supported as the parking areas will be screened from view by the proposed 1.8 metre high screening around the waste bin storage area and along the length of car park No. 12, which would lessen the visual impact of these areas when viewed from the street in a manner consistent with the purpose of this clause.
3. A variation to Clause 7.10.3 (Caretaker's Residence) in regard to the required 50m² maximum floor area is supported as the proposed residence is of a design and scale appropriate to the site and would be unlikely to have an adverse impact upon the surrounding light industrial, conservation and community purpose uses.
4. A variation to clauses 7.3 (Building Setbacks of Residential Buildings) and 9.1.1 (Industrial Setbacks) is supported as the site is located on a corner with limited potential for access from Dick Ward Drive, restricting the configuration of buildings and car parking areas within the site. Therefore the most desirable location for car parking is in the eastern portion of the site which restricts the building to be located towards Dick Ward Drive. The application proposes a contemporary building design with façade treatments and glazing which adds a degree of

visual and functional amenity to the Dick Ward Drive in a manner consistent with the purpose of clauses 7.3 and 9.1.1. The provided setback and landscaping is considered sufficient to suitably mitigate any adverse impact on the visual amenity of the locality.

5. Clause 9.1.1 (Industrial Setbacks) requires all street frontages be landscaped to a minimum depth of 3 metres, to ensure that buildings provide an adequate level of visual amenity in industrial zones. Details of the proposed landscaping is required to ensure that the landscaping of the site is consistent with the purpose of clause 9.1.1.
6. City of Darwin advises it is the sole authority responsible under the *Local Government Act* and associated by-laws for stormwater drainage and waste management and as such has requested details of the collection and discharge of stormwater run-off and waste storage and removal.

Right of Appeal

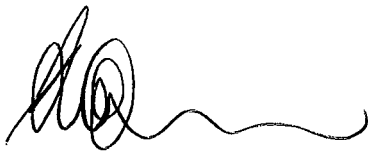
Applicants are advised that a right of appeal to the Appeals Tribunal exists under Part 9 of the *Planning Act*. An appeal under section 114 against a determination of a development application must be made within 28 days of the service of this notice.

The Registrar of the Appeals Tribunal can provide information regarding the Notice of Appeal form and fees payable. The address for lodgement of a Notice of Appeal is: The Registrar, Appeals Tribunal, GPO Box 1281, DARWIN NT 0801 or Level 1, The MET Building, 13 Scaturchio Street, CASUARINA NT 0810 (Telephone: 08 8999 5001 or Facsimile 08 8999 5005).

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

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

Yours faithfully



PETER McQUEEN
Delegate

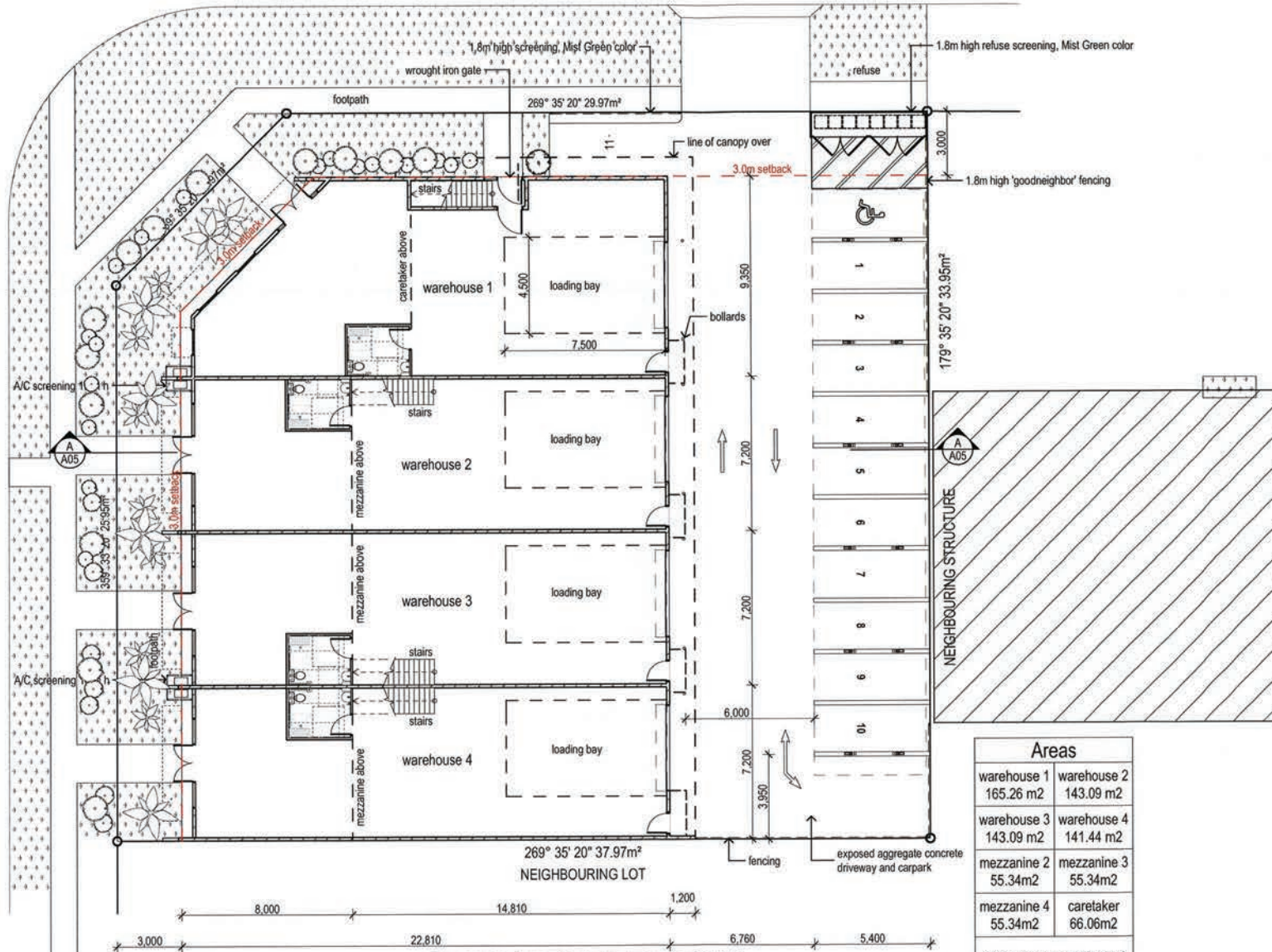
18/4 /2012

Attachment

Cc City of Darwin

TANG STREET

DICKWARD DRIVE



Ground Floor Plan
Scale 1:200

This is the drawing referred to in Development Permit No. DP12/0214 issued by the Development Consent Authority on 18/04/2012.

[Signature]
Delegate of Authority

Areas	
warehouse 1	warehouse 2
165.26 m2	143.09 m2
warehouse 3	warehouse 4
143.09 m2	141.44 m2
mezzanine 2	mezzanine 3
55.34m2	55.34m2
mezzanine 4	caretaker
55.34m2	66.06m2
total warehouse 758.90m2	
63 percent site coverage	

bennett design Pty Ltd



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www.bennettdesign.com.au
ABN 51 083050024

Proposed Warehouse Development

MIRTO ALBERTONI
Lot8914 Tang Street
Coconut Grove

GROUND FLOOR PLAN

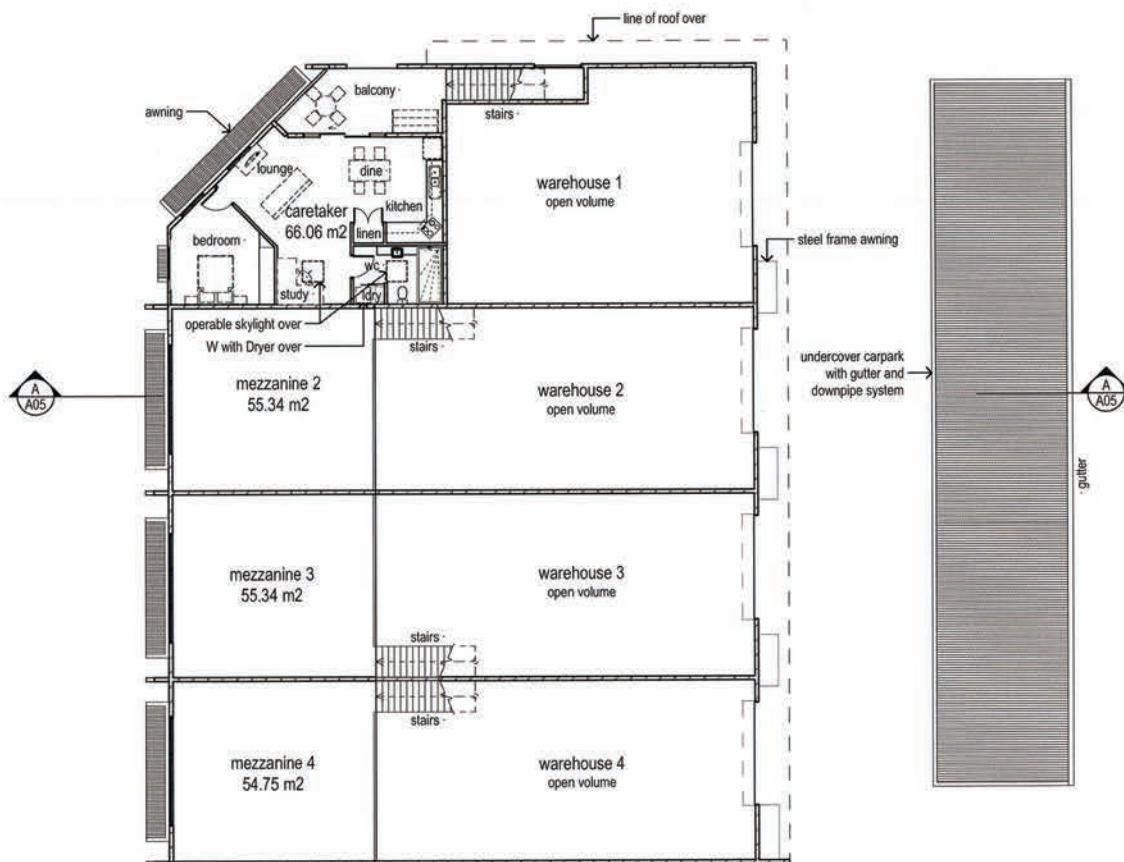
Scale - Drawn NL A2 = 8
Date Jan 2012 Checked DB Amend 2

CONCEPT DRAWINGS db1929

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dwg # : 2012/0100/01



First Floor Plan

Scale 1:200

This is the drawing referred to in Development
Permit No. DA2 0214
issued by the Development Consent Authority
on 18/04/2012

Delegate of Authority

DWG # : 2012/0100/02

Proposed Warehouse Development

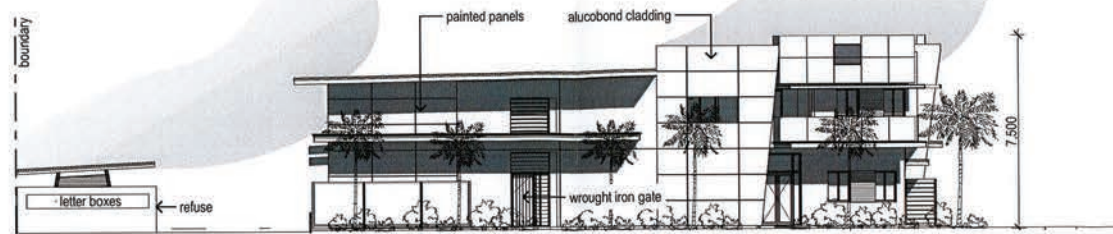
MIRTO ALBERTONI
Lot8914 Tang Street
Coconut Grove

FIRST FLOOR PLAN

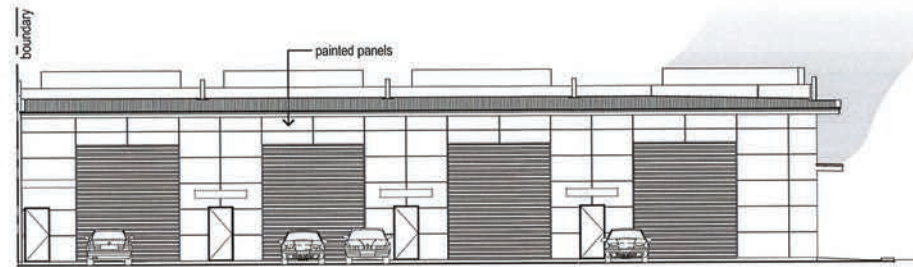
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Date	Jan 2012	Checked	DB	Amend	1

CONCEPT DRAWINGS db1929

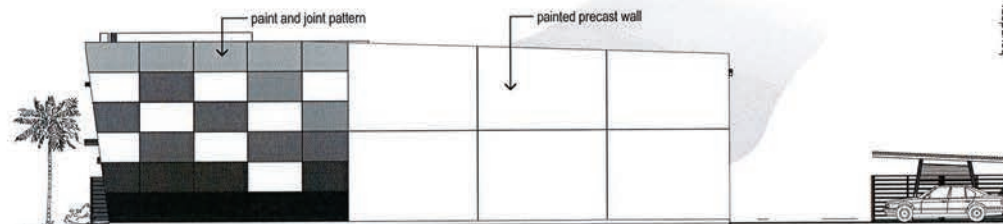
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north elevation
scale 1:200



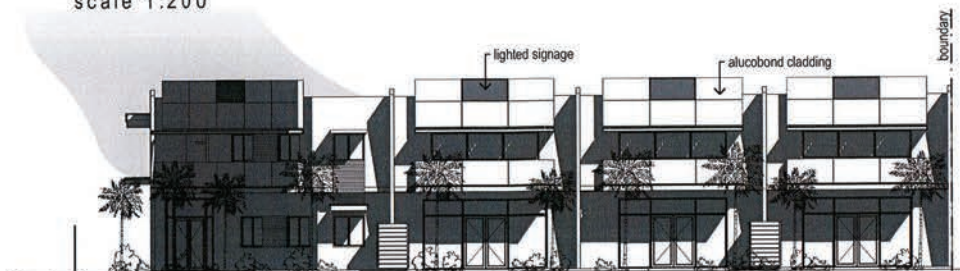
east elevation
scale 1:200



south elevation
scale 1:200



corner elevation
scale 1:200



west elevation
scale 1:200

This is the drawing referred to in Development Permit No. CP12/0214 issued by the Development Consent Authority on 18/04/2012

[Signature]
Delegate of Authority

DA # 2012/0100/03

bennett design
pty ltd



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www.bennettdesign.com.au
ABN 51 083050024

Proposed Warehouse Development

MIRTO ALBERTONI
Lot8914 Tang Street
Coconut Grove

ELEVATIONS

Scale	-	Drawn	NL	A4 or B
Date	Jan 2012	Checked	DB	Amend 1

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Proposed Warehouse Development

MIRTO ALBERTONI
Lot8914 Tang Street
Coconut Grove

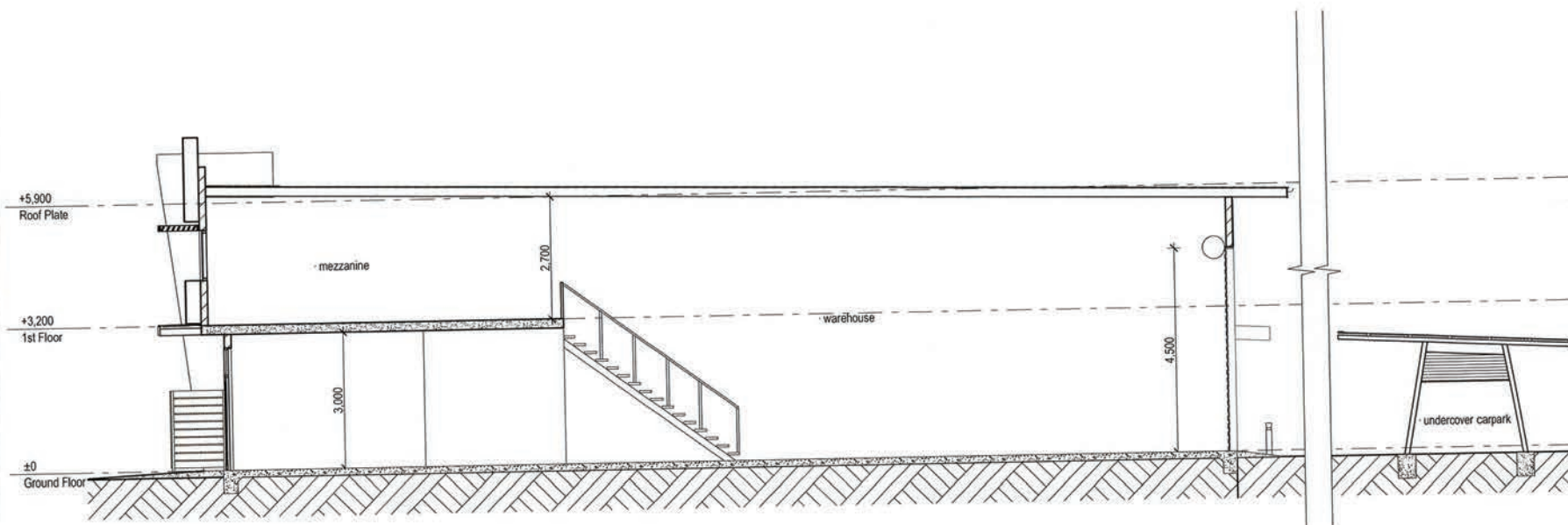
SECTION

Scale	-	Drawn	NL	A5 or 8
Date	Jan 2012	Checked	DB	Amend 1

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Section A
scale 1:100

This is the drawing referred to in Development
Permit No. DP 12/0214
issued by the Development Consent Authority
on 18/04/2012
[Signature]
Delegate of Authority

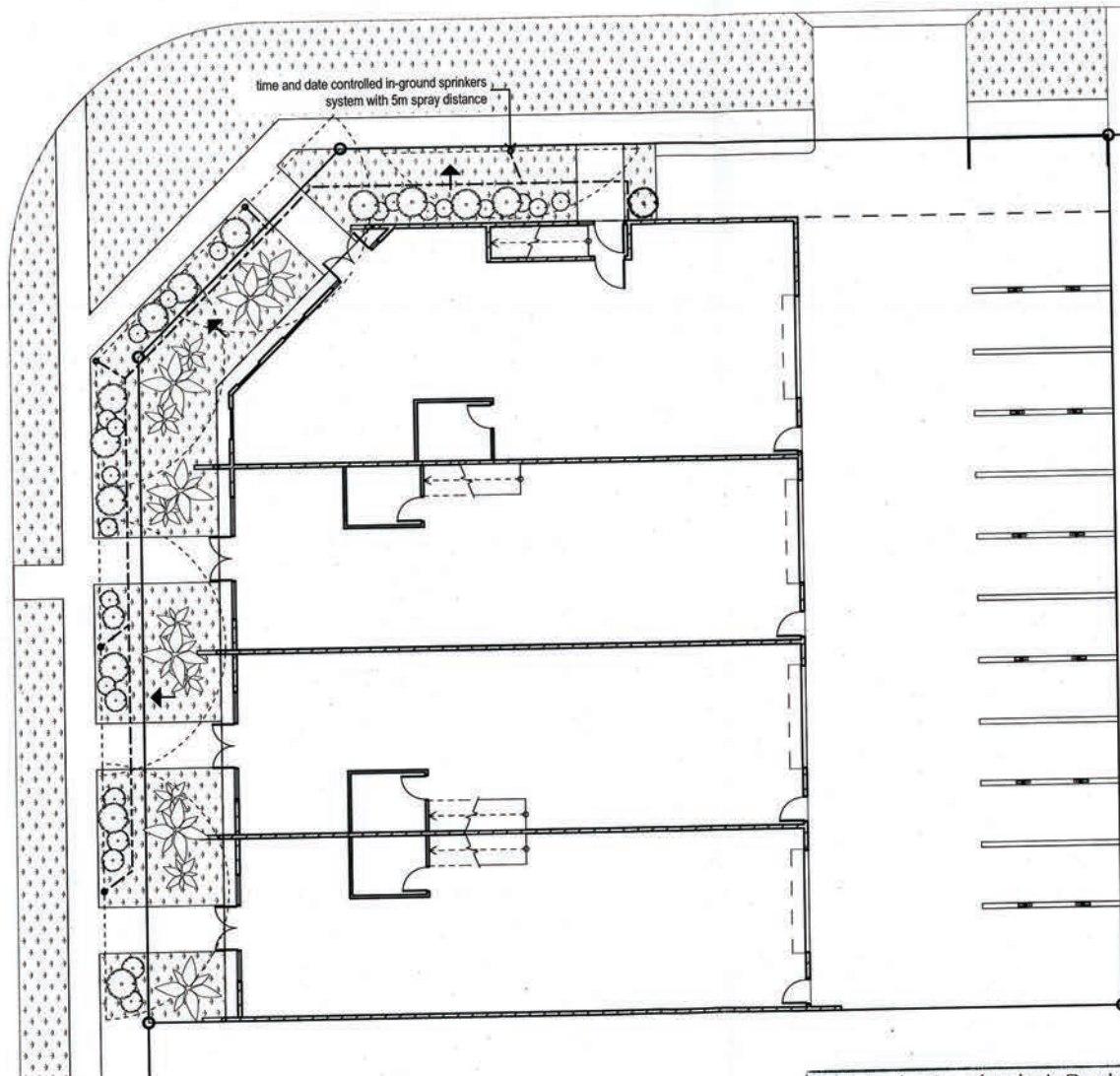
dwg # 2012/0100/04

Landscape Legend

-  fox tail palm tree 4-5m
-  Staphylea Pinnata or low level shrub
-  in-ground sprinkler system and pipeline
-  Sprinkler system spray distance
-  Grassed buffer zone

DICKWARD DRIVE

TANG STREET



Landscape Plan

scale 1:200

This is the drawing referred to in Development
Permit No. DP12/0214
issued by the Development Consent Authority
on 18/04/2012

Delegate of Authority

DWG #: 2012/0100/05

**Proposed
Warehouse
Development**

MIRTO ALBERTONI
Lot8914 Tang Street
Coconut Grove

LANDSCAPE PLAN

Scale	Drawn	NL	AS	9
Date Jan 2012	Checked	DB	Amend	3

CONCEPT DRAWINGS db1929

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NORTHERN TERRITORY OF AUSTRALIA

Planning Act - sections 54 and 55

DEVELOPMENT PERMIT

DP16/0047

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 08914
Town of Nightcliff
2 TANG ST, COCONUT GROVE

APPROVED PURPOSE

To use and develop the land for the purpose of a change of use from warehouse to restaurant and warehouse (tenancy 3), in accordance with the attached schedule of conditions and the endorsed plans.

VARIATIONS GRANTED

Nil.

BASE PERIOD OF THE PERMIT

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



ROBERT ELIX

Delegate

Development Consent Authority

24/2016

DEVELOPMENT PERMIT

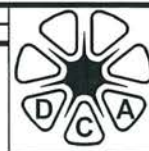
DP16/0047

SCHEDULE OF CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2016/0002/01 to 2016/0002/02 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, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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.
4. The car parking shown on the endorsed plan must be available at all times for the exclusive use of the occupants of the development and their visitors.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.
2. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.
3. Notwithstanding the approved plans, all signage is subject to City of Darwin Council approval, at no cost to Council.



Development Consent Authority

Northern Territory

GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6044
Facsimile No: (08) 8999 6055

In reply please quote: PA2016/0002

Fleurieu Holdings Pl: Mr Shane Orits
PO BOX 2018
PARAP NT 0820
E-mail: shanemel2@bigpond.com

Dear Mr Orits

NOTICE OF CONSENT (SECTION 53B OF THE *PLANNING ACT*)

LOT 8914 (2) TANG STREET, TOWN OF NIGHTCLIFF

The Development Consent Authority has determined, pursuant to section 53(a) of the *Planning Act*, to consent to the application to develop Lot 8914 (2) Tang Street, Town of Nightcliff for the purpose of a change of use from warehouse to restaurant and warehouse (tenancy 3), subject to the conditions detailed in the attached permit by signing the Notice of Consent and Development Permit DP16/0047.

Reasons for the Determination

1. Pursuant to section 51(a) of the Planning Act, the consent authority must take into account any planning scheme that applies to the land to which the application relates. The change of use from a warehouse to restaurant is not considered incompatible with surrounding land uses.
2. Pursuant to Section 51(e) of the Planning Act, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. The application was exhibited in accordance with the requirements of the NT Planning Scheme. No public submissions were received.

Right of Appeal

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

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

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

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

Yours faithfully

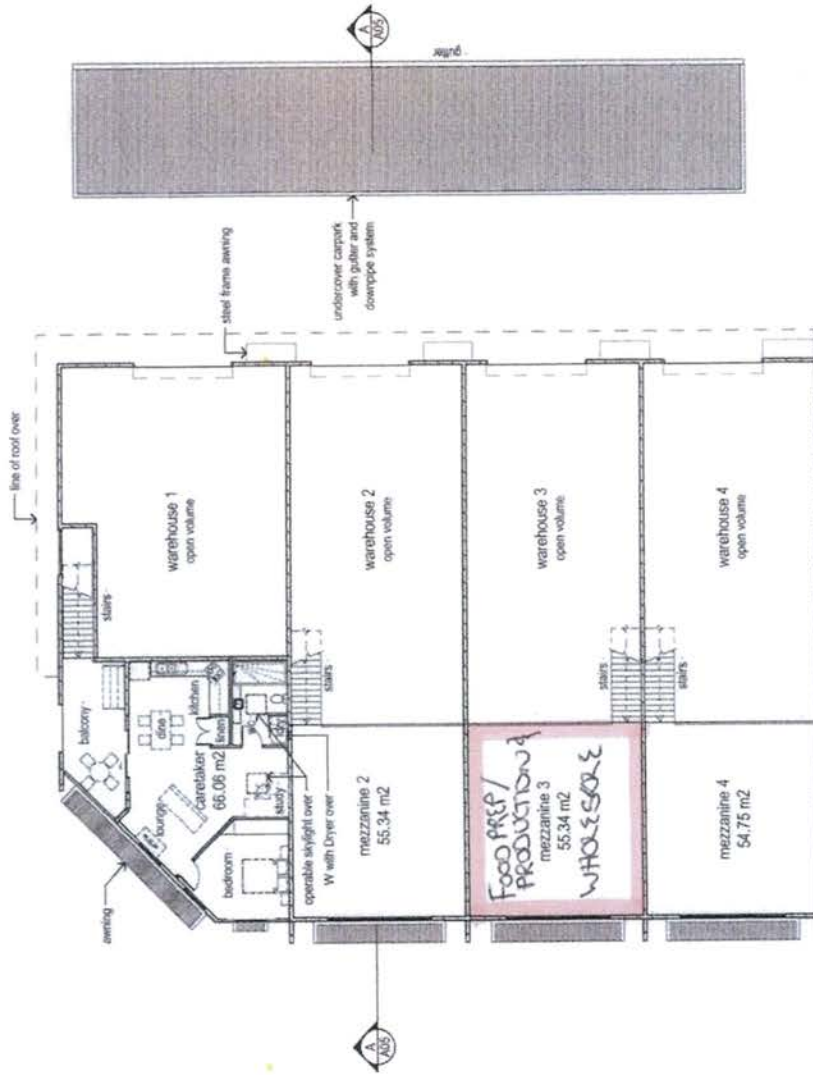


ROBERT ELIX
Delegate, Development Consent Authority

24.2.2016

Attachment

Cc City of Darwin

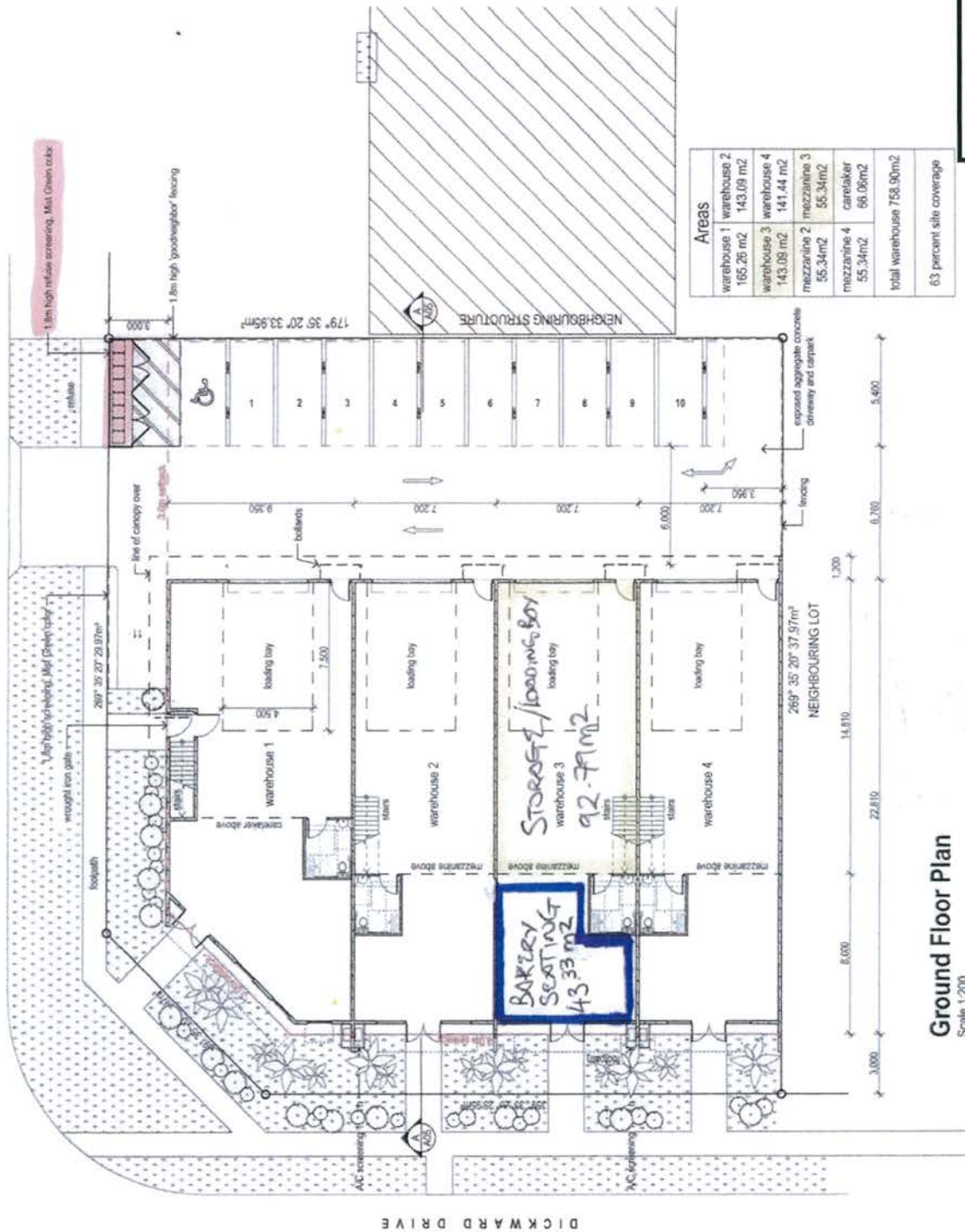


First Floor Plan
Scale 1:200

Drawing No: 2016/0002/01 referred to in
Permit No: DP16/0047 issued by
the consent authority on: 24.2.16
Consent Authority / Delegate

RUBY G'S CANTEN.

TANG STREET



Ground Floor Plan
Scale 1:200

RUBY G'S CANTEN.

Drawing No: 2016/0002/02 referred to in
Permit No: DP16/0047 issued by
the consent authority on: 24.2.16
Consent Authority / Delegate

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999 - sections 54 and 55

DEVELOPMENT PERMIT

DP22/0032

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 08914
Town of Nightcliff
2 TANG ST, COCONUT GROVE

APPROVED PURPOSE

To use and develop the land for the purpose of alterations and additions to an existing food premises-restaurant (tenancy 3) with alfresco dining area, in accordance with the attached schedule of conditions and the endorsed plans.

VARIATIONS GRANTED

Clause 5.2.5 (Loading Bays) of the Northern Territory Planning Scheme 2020.

BASE PERIOD OF THE PERMIT

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

Dawn Parkes

2022.02.08



17:08:50

+09'30'

DAWN PARKES

Delegate

Development Consent Authority

08/02/2022

DEVELOPMENT PERMIT

DP22/0032

SCHEDULE OF CONDITIONS

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
(a) The inclusion of one loading bay/ vehicle bay (3.5m x 5.5m) within the development; and
(b) Provision of a turn-around bay in the car park.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
6. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
7. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land).
8. The use as shown on the endorsed plans must not be altered without the further consent of the 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. Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
3. The applicant is advised to engage a Northern Territory registered building certifier to ensure that the intended use of any existing buildings or structures is permitted by occupancy certification in accordance with the Building Act 1993.

Development Consent Authority

Northern Territory



GPO BOX 1680
DARWIN NT 0801

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

In reply please quote: PA2021/0392

Mr Israel-Tshepo Kgosiemang
One Planning Consult
Email: israel.k@oneplanningconsult.com.au

Dear Mr Kgosiemang,

NOTICE OF CONSENT (SECTION 53B OF THE *PLANNING ACT 1999*) LOT 8914, 2 TANG STREET, COCONUT GROVE, TOWN OF NIGHTCLIFF

The Development Consent Authority has determined, to vary the requirements of Clause 5.2.5 (Loading Bays) and reduce the car parking requirements pursuant to Clause 5.2.4.2 (Reduction in Parking Requirements outside of Zone CB in Darwin) of the Northern Territory Planning Scheme 2020, and in accordance with section 53(a) of the *Planning Act 1999*, to grant consent to the proposal to use and develop the abovementioned land for the purpose of alterations and additions to an existing food premises-restaurant (tenancy 3) with alfresco dining area, subject to the conditions specified on the attached Development Permit DP22/0032.

Reasons for the Determination

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

The NT Planning Scheme 2020 applies to the land and food premises-restaurant require consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(i), therefore the strategic framework (Part 2 of the Scheme, including Darwin Regional Land Use Plan and Darwin Inner Suburbs Area Plan, which are relevant to this application), zone purpose and outcomes of Clause 4.14 (Zone LI – Light Industry) and clauses 5.2.1 (General Height Control), 5.2.4 (Vehicle Parking), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.5.11 (Food Premises), 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV) need to be considered.

The development is for the purpose of alterations and additions to an existing food premises-restaurant (tenancy 3) with alfresco dining area and includes conversion of part of the building from warehouse to food premises – restaurant, the addition of storage and food preparation area and alfresco dining.

These clauses have been considered, and it is found that the proposal complies with the relevant requirements of the NT Planning Scheme 2020 except for Clause 5.2.4.1 (Parking Requirements) and 5.2.5 (Loading Bays).

The assessment notes that the proposed development is intended as a complementary component to the surrounding industrial uses and other non-industrial uses located along Dickward Drive. The development layout is similar to a café style and will be available to provide services to support the ongoing light industrial uses in the area. As such, the use will not prejudice the integrity of the zone or impact the ongoing operation and viability of surrounding industrial activities. A condition is recommended on any permit that the use must not be altered without the further consent of the Authority.

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

5.2.4.1 (Parking Requirements)

The proposal has been found not to be in accordance with Clause 5.2.4.1 (Parking Requirements). The proposal will result in 12 car parking spaces being provided for the existing and proposed development where 17 is required. A reduction in the parking by Clause 5.2.4.1 (Parking Requirements) through the provision of Clause 5.2.4.2 (Reduction in Parking Requirements outside of Zone CB) is supported as the number of car parking spaces proposed is considered sufficient for the food premises-restaurant use. The Authority notes that when considering the possible future use or development of the land, the site includes three existing warehouse premises and should the future use of the tenancies change to a use that has a higher parking demand than one per 100m², the use may only establish with consent. The use proposed includes elements that may be expected to operate with varying parking demands throughout the week, day and night due to baking and peaks in customer flow to food premises. Further, the use of the premises is likely to see cross utilisation between the food production for wholesale and distribution (industry) and for on-site consumption (restaurant), which may reduce the overall parking demand.

The Authority further notes that the City of Darwin have raised no concerns with regard to parking and there is public transport in the vicinity of the land. The site is not a heritage place.

Given the location of the site and the anticipated cross-utilisation of car parks, the reduction would be unlikely to impact on the surrounding road network and the amenity of the locality and adjoining property.

5.2.5 (Loading Bays)

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

The proposed development requires 1 loading bay for every 2,000m² of the total net floor area. The clause also requires that:

A loading bay is to:

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

The Authority notes that a car park bay (space no. 8) is designated for an interchangeable use as a loading bay at the rear of the property. While the height clearance of 4m is achieved, it presents non-compliance with the minimum size requirement (3.5m x 7.5m required and 2.5m x 5.0m provided).

The relevant Administration of this clause is – “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 it is consistent with the purpose of this clause and the zone purpose and outcomes, and that the non-compliance will not result in adverse impacts on the local road network nor the number or availability of car parking spaces.”

Mr Israel Tshepo Kgosiemang (One Planning Consult) attended the meeting and spoke further about the non-compliance. Mr Kgosiemang noted that the business has been operating for a number of years and currently utilises an existing a car parking space without incident.

The Authority notes the above-mentioned comments of the applicant however concurs with the Development Assessment Services' recommendation to increase the size of the existing loading bay from 2.5m x 5.0m to 3.5m x 5.5m. The Authority considers the requirement to increase the size of the existing loading bay necessary to ensure delivery trucks have adequate room to unload goods.

In addition, taking into account the purpose of Clause 5.2.5 (Loading Bays), the Authority grants a variation to the dimension requirements for loading bays, noting the following circumstances which have been identified:

- The expected deliveries needs for the proposed uses can be accommodated within a smaller size loading bay area.
- Conditions can be included on any permit issued to ensure that all loading and unloading occur on site including.
- There is a separate loading bay within each of the other three warehouse tenancies.

A condition is recommend to provide amended plans showing 1 loading bay/service vehicle bay (3.5m x 5.5m) for the proposed development.

The Authority also notes that the car parking bay no. 12 shown on the plan is proposed over the turnaround bay in the car park. The provision of amended plans showing an area for a three-point turn bay in the car park is required to allow a car to enter from and exit to Tang Street in a forward gear in the event that the car park is full.

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 assessment found that the development is consistent with that anticipated in Zone LI with respect to the land's capability and the effect on surrounding properties. Service authority comments are addressed by including appropriate conditions and/or notations on the development permit. No land capability issues have been identified.

4. Pursuant to Section 51(1)(m) of the *Planning Act 1999*, the consent authority must consider 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 the inclusion of conditions and/or notations on the development permit as required.

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

The proposed changes to the existing restaurant are not expected to adversely affect the amenity of the area due to the nature of the development and surrounding land uses. Where the development does not comply with the relevant clauses of the Scheme, the impact on existing and future amenity has been considered and a variation has only been supported in cases where this amenity will not unduly be impacted upon.

Right of Appeal

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

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

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

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

Yours faithfully

 Dawn Parkes
2022.02.08
17:09:45
+09'30'

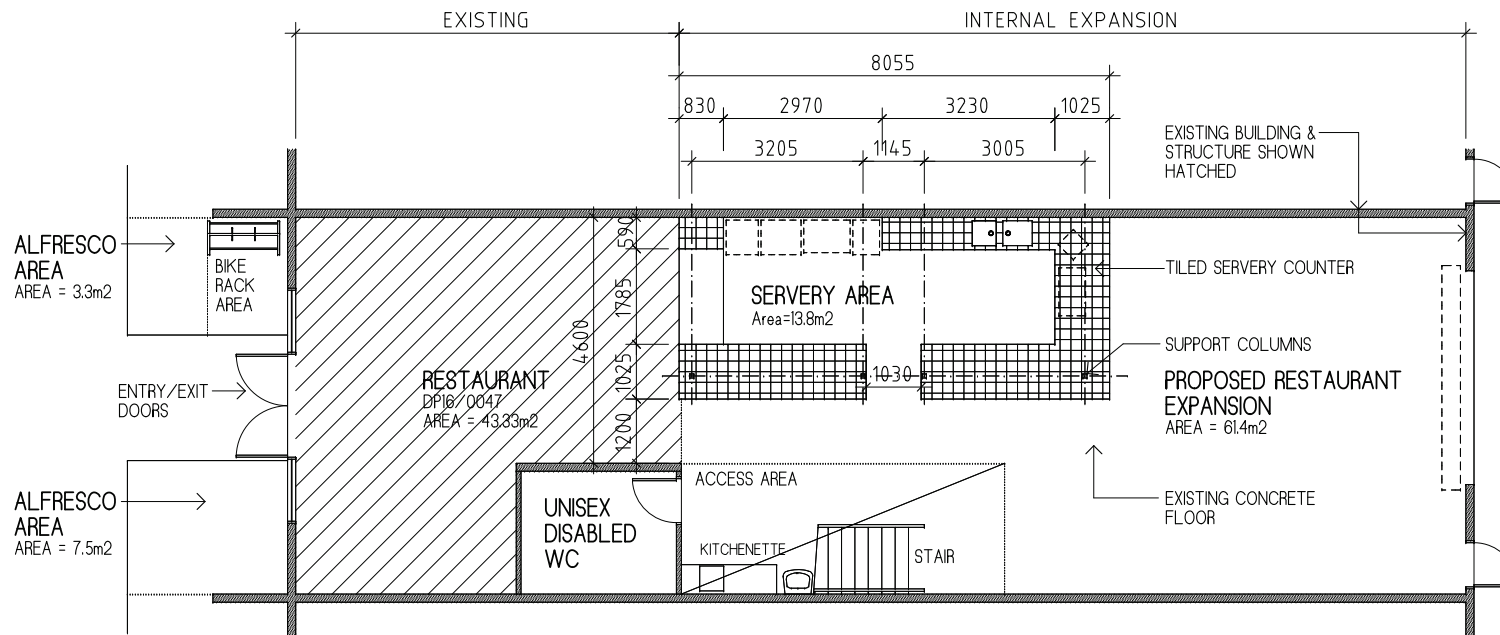
DAWN PARKES

Delegate

8 February 2022

Attachment

cc CITY OF DARWIN



PROPOSED GROUND FLOOR

Drawing number 2021/0392/02
Referred to in Permit No: DP22/0032

No.	AMENDMENT	DATE

draftLink

PO Box 1461 DARWIN NT 0801
27/16 Charlton Crt, WOOLNER
Email: dlmk@lsgond.net.au

Ph: (08) 8981 6466
Fx: (08) 8941 0414
ABN: 85 866 599 367

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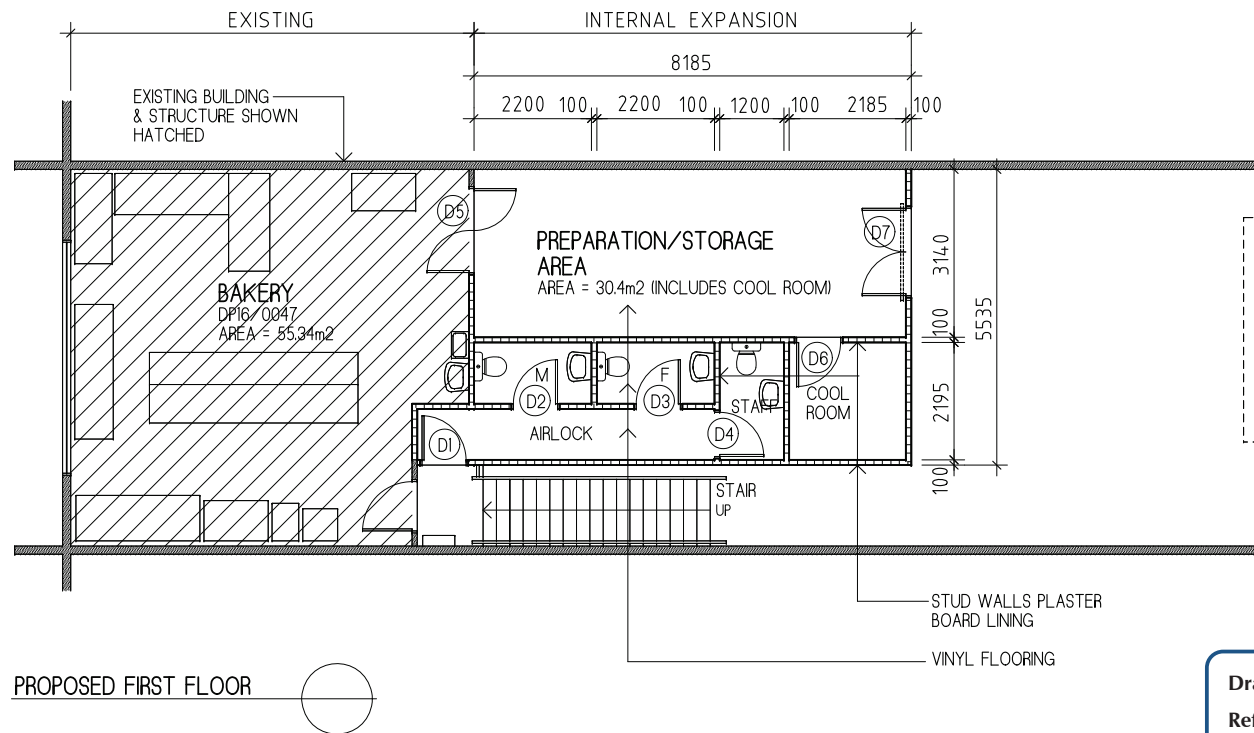
JOB TITLE
PROPOSED INTERNAL EXPANSION TO TENANCY LOT 8914 (2) TANG STREET, COCONUT GROVE RUBY G's CANTEN & BAKERY

USE FIGURED DIMENSIONS IN PREFERENCE TO SCALE

DRAWING TITLE
PROPOSED GROUND FLOOR PLAN

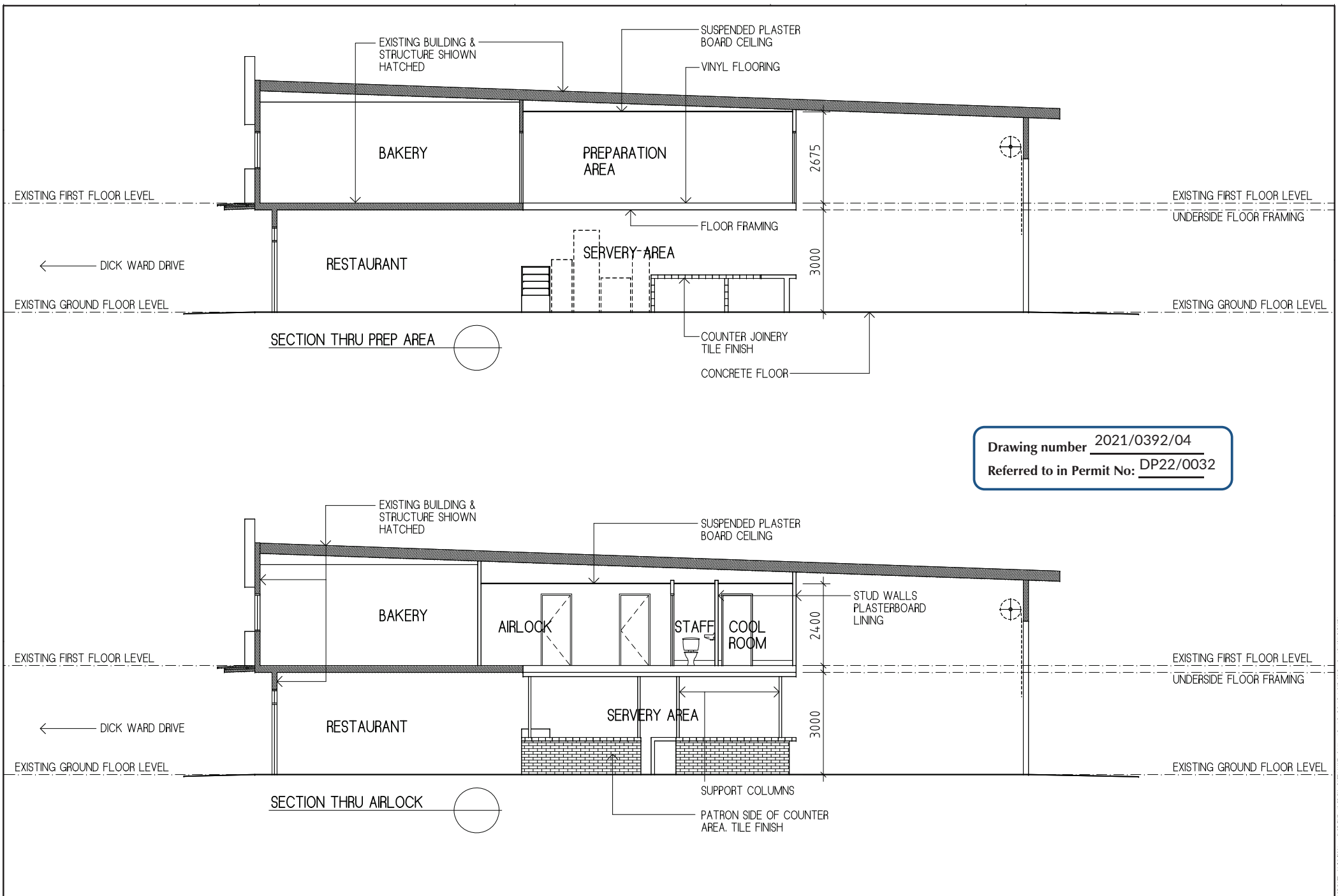
ALL DIMENSIONS TO BE VERIFIED AND CHECKED ON JOB

DATE	OCT '21	JOB No.	DL21/489
DRAWN	PM	DRAWING No.	A03
CHECKED		ISSUE No.	DCA
SCALE	1 : 100 (A3)		



PROPOSED FIRST FLOOR

Drawing number 2021/0392/03
 Referred to in Permit No: DP22/0032



Drawing number 2021/0392/04
 Referred to in Permit No: DP22/0032

No.	AMENDMENT	DATE

draftLink
 PO Box 1461 DARWIN NT 0801
 27/16 Charlton Crt, WOOLNER
 Email: dlink@igpond.net.au
 Ph: (08) 8981 6466
 Fx: (08) 8941 0414
 ABN 85 866 599 367

COPYRIGHT draftLink
 JOB TITLE
**PROPOSED INTERNAL EXPANSION TO TENANCY
 LOT 8914 (2) TANG STREET, COCONUT GROVE
 RUBY G'S CANTEN & BAKERY**

USE FIGURED DIMENSIONS IN PREFERENCE TO SCALE
 DRAWING TITLE
CROSS SECTIONS

ALL DIMENSIONS TO BE VERIFIED AND CHECKED ON JOB

DATE	OCT 21	JOB No.	DL21/489
DRAWN	PM	DRAWING No.	A05
CHECKED		ISSUE No.	DCA
SCALE	1:100 (A3)		

Technical Assessment PA2026/0182

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

Application No:	PA2026/0182
Lot number:	Lot 8914 (2) Tang Street, Coconut Grove
Town/Hundred:	Town of Nightcliff
Zone:	Zone LI (Light Industry)
Site Area:	1250 m ²
Proposal:	Change of use from warehouse to leisure and recreation (pilates studio) (tenancy 4)
Plans used for assessment:	DRAFT - Planning Submission 4-2 Tang St.pdf (statement of effect); Plans 4_2 Tang st. with Access ways etc.pdf (dimension plans); 4_2 Tang st_updated floor plan.pdf (dimension plans)
Date assessment finalised:	6 July 2026

This review has been completed pursuant to the Northern Territory Planning Scheme 2020 (NTPS2020). The proposal has been assessed as being for leisure and recreation within Zone LI (Light Industry).

The area subject to this application (the development site) is located adjacent to the southern property boundary, has a primary pedestrian entrance to Dick Ward Drive, and secondary pedestrian/car parking entrance to the rear car parking area access of Tang Street.

The development site is located within a Light Industry (LI) zoned complex and has been operating as part of the Mach 1 Fitness business for approximately 11 years. No building works, external alterations, or increases to floor area are proposed, with the application primarily intended to formalise the existing Pilates studio use through the planning process.

The application will utilise the existing ground floor areas of the tenancy to provide a reception and waiting space, with reformer, matwork and strength training areas located on the ground floor and mezzanine level. The pilates studio will operate on a structured booking system with small class sizes, private and semi-private sessions, and a maximum occupancy of approximately 13 patrons and 3 staff at any one time. Activities are conducted entirely within the building, with no outdoor components, and the operation is designed to maintain clear circulation and separation between activity areas.

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

Assessment Table – Zone LI (Light Industry)					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Leisure and Recreation	<i>Impact assessable</i>	3.4 CR – Coastal Reclamation 3.6 LSF – Land Subject to Flooding 3.7 LSSS – Land Subject to Storm Surge 3.8 LADR – Land Adjacent to a Designated Road 3.14 HHLSI – Land in proximity to Helicopter Landing Sites of Strategic Importance	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		5.6.1 Setbacks and Building Design in Zones LI, GI and DV 5.6.2 Expansion of existing Developments in Zones LI and GI 5.8.5 Leisure and Recreation

The application is *Impact Assessable* under clause 1.8(1)(c)(i) of the NTPS2020 as the use is shown as *Impact Assessable* on the relevant assessment table in Part 4 of the NTPS 2020.

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

Overlays	Compliance		
	Yes	No	N/A
3.4 (Coastal Reclamation)			
3.6 (Land Subject to Flooding)			
3.7 (Land Subject to Storm Surge)			
3.8 (Land Adjacent to a Designated Road)			
3.14 (Land in proximity to Helicopter Landing Sites of Strategic Importance)			
General Development Requirements	Compliance		
	Yes	No	N/A
5.2.1 (General Height Control)			
5.2.4.1 (Car Parking Spaces)			
5.2.4.4 (Layout of Car Parking Area)			
5.2.4.5 (Vehicle Access and On-site Parking for Dwellings-Single on Lots Less than 600m ² but not less than 300m ²)			
5.2.5 (Loading Bays)			
5.2.6.1 (Landscaping in Zones other than Zone CB)			
5.2.6.2 (Landscaping in Zone CB)			
5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR)			
Industrial Specific Development Requirements	Compliance		
	Yes	No	N/A
5.6.1 (Setbacks and Building Design Requirements in Zones LI GI and DV)			
5.6.2 (Expansion of Existing Use or Development in Zones LI and GI)			

5.6.3 (Motor Body Works and Motor Repair Station)			
Miscellaneous Specific Development Requirements	Compliance		
	Yes	No	N/A
5.8.5 (Leisure and Recreation)			

*TBC – To be confirmed by further information from the applicant.

*GC – Generally complies, with any outstanding aspects can be addressed via standard permit conditions.

In order to ensure a consistent assessment of the above clauses, the following terms defined in Schedule 2 of the NTPS 2020 are clarified below:

Net floor area is defined as *net floor area in relation to a building, includes all the area between internal surfaces of external walls but does not include: (a) stairs, cleaners cupboards, ablution facilities, lift shafts, escalators or tea rooms where tea rooms are provided as a standard facility in the building; (b) lobbies between lifts facing other lifts servicing the same floor; (c) areas set aside as public space or thoroughfares; (d) areas set aside as plant and lift motor rooms; (e) areas set aside for use of service delivery vehicles; and (f) areas set aside for car parking or access.*

The following spaces as shown on the plans are not considered to constitute net floor area in relation to a defined land use under this definition – toilet, staircase and kitchenette (17.82 m²).

The following types of spaces as measurable under this definition –downstairs area (141.44 m²); and mezzanine level (55.34 m²). As such, the net floor area of this application is considered to be 178.96 m².

It is noted that while the application infers that the net floor area of the development is 118.64 m², comprised of 3 ‘machine zones’, this assessment considers the above calculation as more appropriate, noting the dynamic nature of a leisure and recreation land use.

Floor area is defined as *floor area in relation to a building, includes all wall thicknesses of the external walls and all roof areas used as floors, but does not include verandahs, balconies or areas set aside for car parking or access thereto.*

This area is considered to comprise all the spaces mentioned above. As such, the floor area of this application is considered to be 196.78 m².

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:

- (a) Permitted – use and development that is compatible with the purpose of the zone provided it is established and operated to comply with all relevant development requirements.

Use and development of land is *Permitted* without **consent** when the following apply:

- i. it is shown as *Permitted* on the relevant assessment table in Part 4; and
- ii. it does not require **consent** by virtue of an overlay in Part 3; and
- iii. it complies with all relevant development requirements set out in Part 5; or
- iv. a provision of the Planning Scheme expressly sets out that it is *Permitted*.

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

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

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

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

- (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;
- ii. it is for the subdivision of land other than that included at Clause 1.8(1)(b)(iii); or
- iii. it is identified as *Impact Assessable* in Clause 1.9; or
- iv. it is a *Prohibited* development which relates to a **heritage place** as set out in Clause 1.10(7)(b); or
- v. a provision of this Planning Scheme expressly requires assessment as *Impact Assessable*.

- (d) *Prohibited* – use and development to which the consent authority must not grant **consent**.

Use and development of land is *Prohibited* if:

- i. it is shown as *Prohibited* on the relevant assessment table in Part 4, unless it is **ancillary** as allowed by Clause 1.9; or
- ii. a provision of this Planning Scheme expressly prohibits **consent**.

1.9 Ancillary use and development

1. Unless expressly provided for in this Planning Scheme:
 - (a) where the definition of a development in Schedule 2 includes use or development that may be established if **ancillary**, the **ancillary** use or development included in the definition are *Permitted* provided they comply with any relevant development requirements in Parts 3 and 5;
 - (b) if an **ancillary** use or development described in (a) does not comply with Parts 3 and 5, the **ancillary** use or development requires **consent** and the level of assessment that applies is *Merit Assessable*;
 - (c) an **ancillary** use or development not specified in the definition of the **primary use** in Schedule 2 requires **consent** and the level of assessment that applies to the **ancillary** use or development is either:
 - i. the assessment category specified in the assessment table for the zone in Part 4; or
 - ii. if Undefined or Prohibited it is *Impact Assessable*.

1.10 Exercise of Discretion by the Consent Authority

1. In considering an application for **consent** for a use or development, the consent authority must consider the use or development in its entirety except in relation to:
 - (a) an application to alter, change or vary a development permit under sections 43A, 46 or 57 of the Act;
 - (b) **access** to a **main road**; or
 - (c) a *Merit Assessable* application under Clause 1.8(1)(b)(ii)(2).
2. In considering an application for **consent** for a use or development that has become *Merit Assessable* under Clause 1.8(1)(b)(ii)(2), the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.
3. In considering an application for **consent** for a use or development identified as *Merit Assessable* the consent authority must take into account all of the following:
 - (a) the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
 - (b) any Overlays and associated requirements in Part 3 that apply to the land; and
 - (c) the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6.
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.
7. The consent authority must not grant **consent** for a use or development identified as *Prohibited* unless:
 - (a) the *Prohibited* use or development is **ancillary** as set out in Clause 1.9; or
 - (b) the *Prohibited* use or development relates to a **heritage place** and it has the approval of the Minister responsible for the administration of the *Heritage Act 2011*.

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.

Strategic Framework

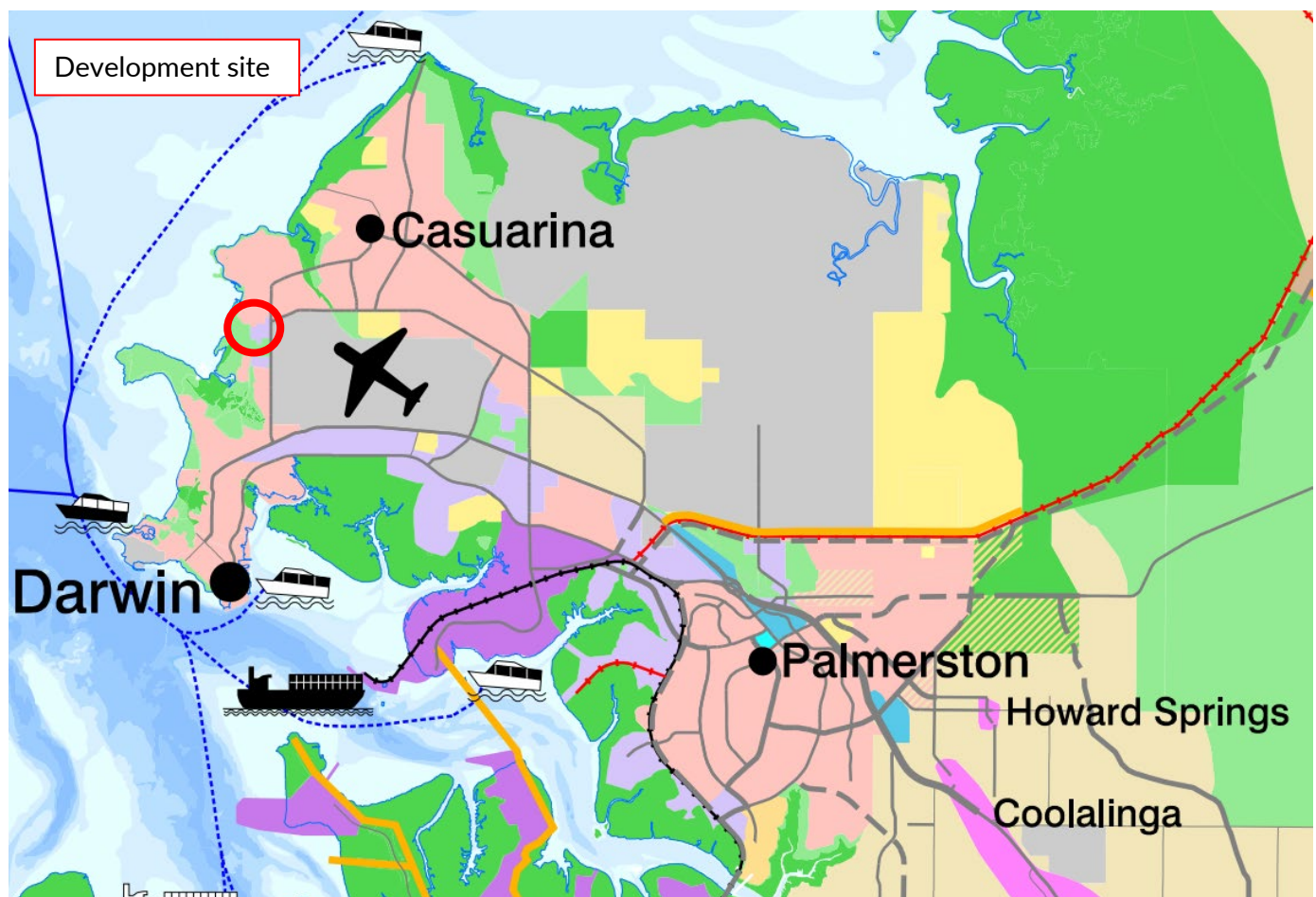
Clause 1.6 (Structure of the Planning Scheme) states *The structure of the Planning Scheme includes:*

(a) [Strategic Framework \(Part 2\)](#)

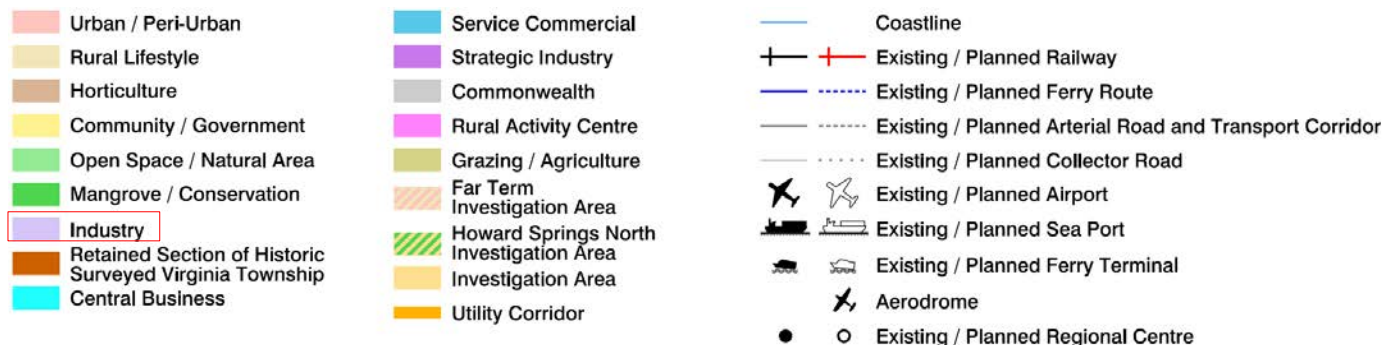
The Strategic Framework establishes guidance to facilitate development and decision making in a coordinated manner while recognising the differences between various regions and local areas across the Planning Scheme area.

As such, a review of the strategic framework has been completed, which considers whether this application supports, is neutral towards, contrary to, or not relevant to, any guidance or documents within the framework.

Darwin Regional Land Use Plan



Excerpt of the DRLUP



The Darwin Regional Land Use Plan (DRLUP) 2015 provides a broad framework for the future development in the greater Darwin region. The DRLUP identifies the subject area for industrial land uses. The DRLUP provides key industrial objectives to identify adequate industrial land, and ensure the detailed planning for future development in the region, and also supports industrial uses in existing industrial areas.

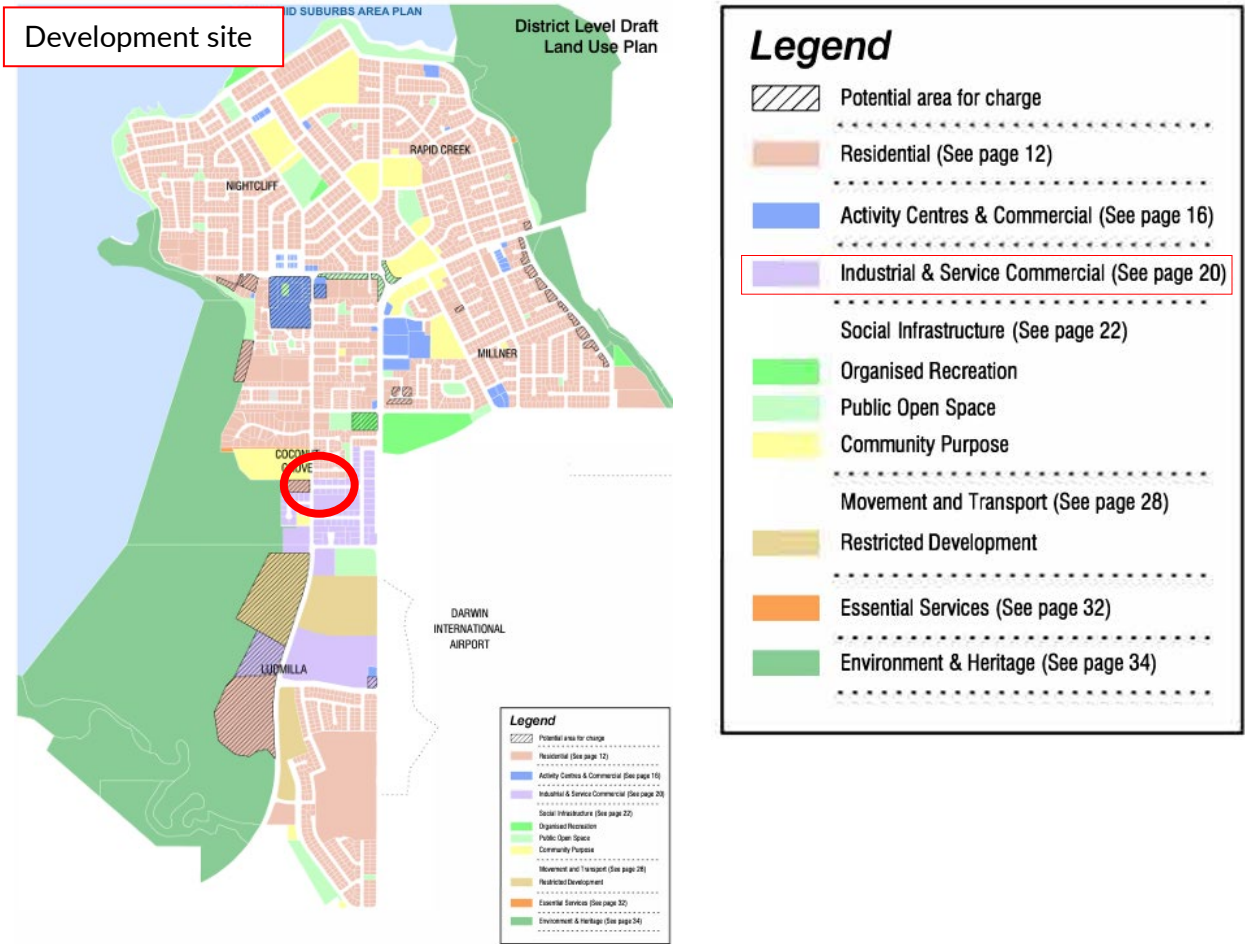
An assessment of the key industrial objectives is provided below:

Objective	DAS response
Identify adequate industrial land to:	Acceptable – While the application is not for an industrial land use, it is considered acceptable against this objective by virtue that the land use is permissible under the relevant zoning, and this application is for a small scale change of use.
Encourage a range of opportunities to accommodate the diverse needs of industry with a particular focus on high quality light industrial estates, superior access to transport networks and reasonably priced larger lots.	
Support competition in the industrial land market to avoid the unnecessary upward pressure on land prices.	
Provide lead times for appropriate detailed strategic and infrastructure planning.	
Provide confidence and direction for investors.	
Assist in building growth and critical mass in the sector	
Ensure the detailed planning for future development in the region takes account of the limited opportunities to appropriately locate strategic industrial development to minimise the potential for future land use conflict and detrimental impacts on the environment.	Acceptable – The site is located within an existing development that has been used for non-industrial/commercial uses. The loss of the tenancy for a commercial leisure and recreation land use is not considered to be contrary to this objective.

As discussed above, overall, the application is not considered to be contrary to the relevant objectives of the Darwin regional land use plan, by virtue that the land use is permissible with consent under the relevant zoning.

SUPPORTS

Darwin Mid Suburbs Area Plan



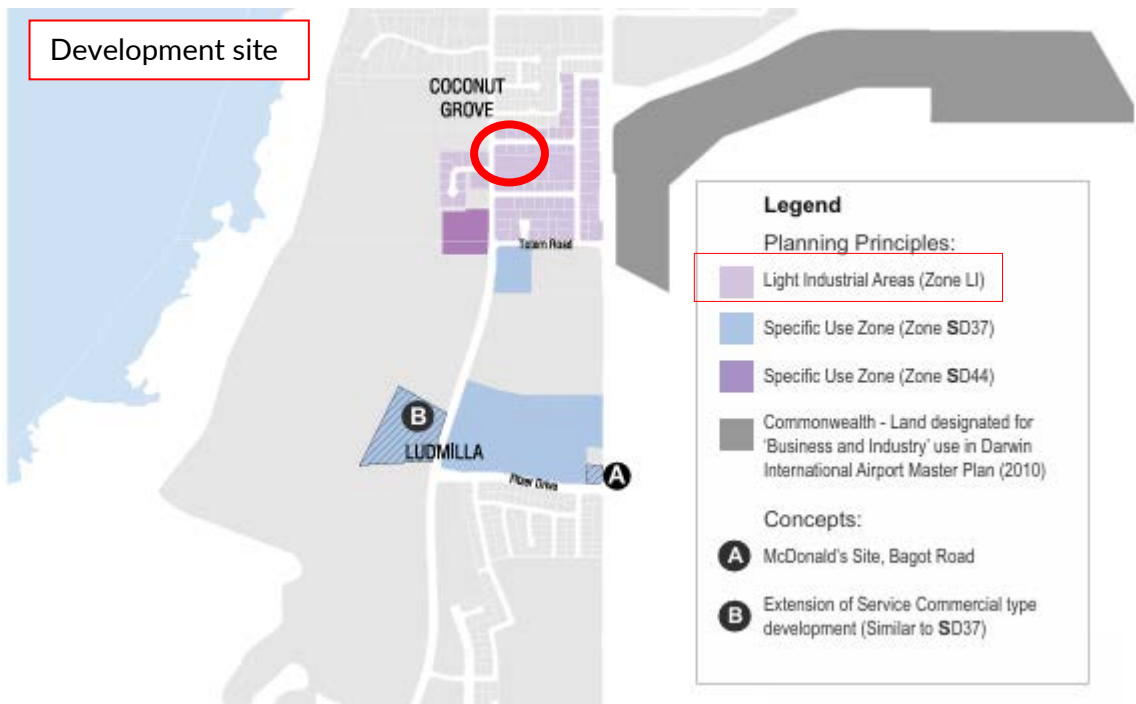
Excerpt of the District Level Draft Land Use Plan

The Darwin Mid Suburbs Area Plan (DMSAP) provides a framework to guide the progressive development of the mid suburbs, which comprise northern Ludmilla, Coconut Grove, Nightcliff, Rapid Creek and Millner. This is achieved by overarching vision and goals for each seven primary land use themes. Each land use theme is then expanded upon by a goal, and series of associated planning principles. Each planning principle is then supported by a set of objectives and acceptable responses that provide more detailed direction and serve as policy. However, these aspects do not prevent the use of land consistent with the current zoning of the site. Furthermore, the DMSAP may specify additional requirements for a development consistent with an existing zone. In addition to the themes, some locations are identified as a concept area or place, and which have specific planning principles, objectives and acceptable responses that need to be considered.

As shown in the excerpt of the District Level Draft Land Use Plan, the development site is located within an area identified for industrial/service commercial land uses. As such, the Residential Areas, Activity Centres and Tourist Commercial Area, Industrial and Service Commercial Areas, Social Infrastructure, Movement and Transport, Essential Services, Environment and Heritage land use themes are considered relevant to this application.

3.3 Industrial and Service Commercial Areas

The goal of this theme is *To maintain the role of existing industrial and service commercial areas as local employment hubs that allow for the employment and work activities of Mid Suburbs residents.*



Excerpt of the Industrial and Commercial Areas plan

The proposal is located within an area identified on the Industrial and Service Commercial Areas figure within a light industrial area.

Light Industrial Areas		
Objectives	Acceptable Responses	Assessment
1. The use of land for light industrial uses in areas constrained by the operation of the Airport.	The ongoing use of land in Zone LI (Light Industry) areas of Coconut Grove constrained by the operations of the Darwin International Airport is supported. Development of land on Totem Road is to be in accordance with the provisions of Specific Use Zone Darwin No. 37 (SD37). Development of land on Dick Ward Drive is to	Acceptable – While this application does not relate to an industrial development, it is considered acceptable by virtue leisure and recreation is a permissible land use in Zone LI.

be in accordance with the provisions of Specific Use Zone Darwin No. 44 (SD44)..

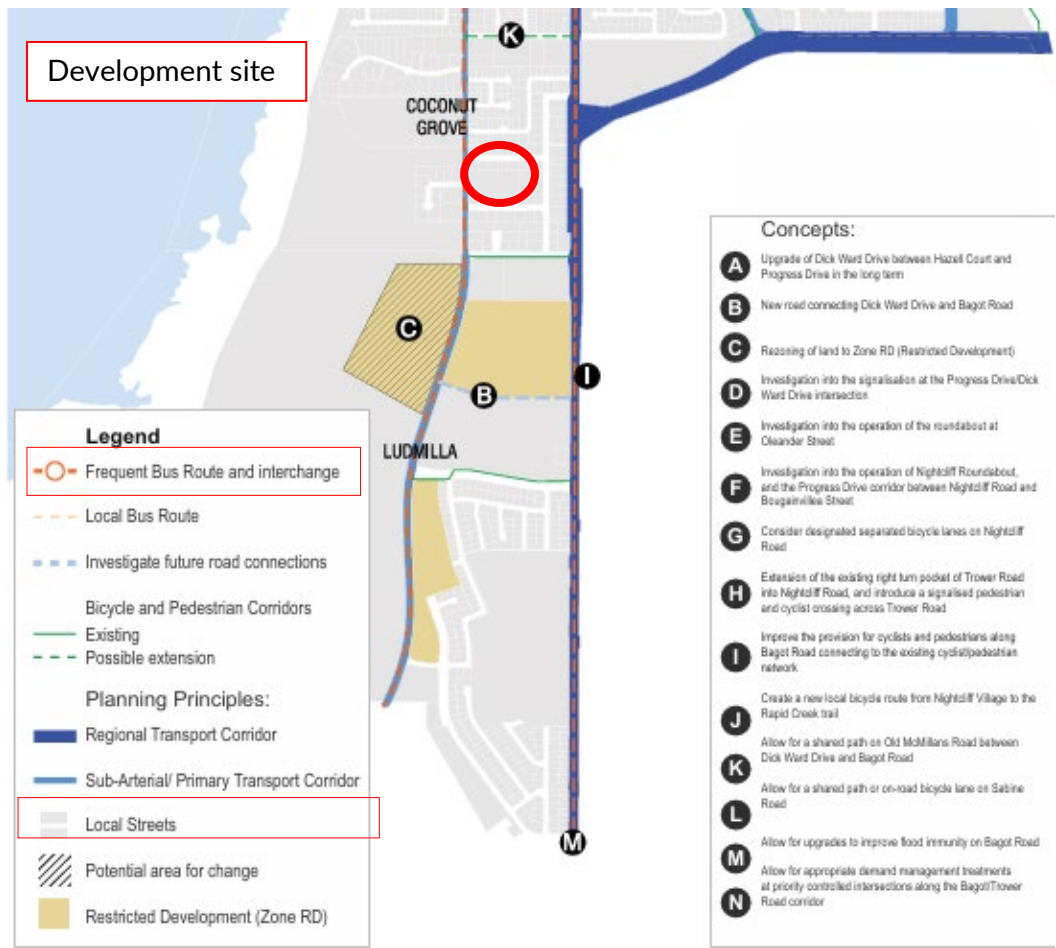
3.4 Social Infrastructure

The goal of this theme is *To enhance the range of community services, recreational facilities and public open space in the area to serve the needs of the community now and into the future.*

The site is not located over or in close proximity to any identified social infrastructure, nor does this application propose, nor need to provide, any public social infrastructure.

3.5 Movement and Transport

The goal of this theme is *To improve access and amenity for pedestrians and cyclists and to encourage increased ridership and efficiency of public transport services.*



Excerpt of the Movement and Transport plan

A review of the Movement and Transport figure found the proposal is located in close proximity to transport corridors identified as high frequency bus corridor, and a sub-arterial/primary transport corridor.

Regional & Sub-arterial/Primary Transport Corridors		
Objectives <i>1. Transport corridors that cater for the safe and efficient movement of pedestrians, cyclists, public transport and private motor vehicles.</i>	Acceptable Responses Roads included within Zone PM, M or identified as a sub-arterial or primary road by the City of Darwin cater for the various needs of motorists, public transport, pedestrians and cyclists. No development is to occur within such road reservation unless approved by the agency responsible for administering the road.	Assessment Noted – No changes are proposed to the interface of the development with the adjacent transport network, nor is considered that this application should require upgrades to public infrastructure.
<i>2. Well serviced public transport corridors that provide a reliable, convenient and accessible public transport service.</i>	Ongoing upgrades as required over time within the context of those outlined on the Transport and Movement Theme Map.	
<i>3. Enhancement of higher order bicycle and pedestrian routes.</i>	High frequency public transport corridors along the Stuart Highway, Gilruth Avenue and East Point Road.	
<i>4. The creation of green gateways along major boulevards.</i>	A corridor on the inbound side of the Stuart Highway and in the median through the Stuart Park High Street to provide a dedicated rapid transit corridor. The corridor allows two way movements of rapid transit vehicles, associated passenger collection points and other related infrastructure.	
Local Streets		
Objectives <i>1. Provide a low speed traffic environment to improve safety for all road users.</i>	Acceptable Responses Allow for a low speed traffic environment in local streets that provides for the safe movement of different transport modes.	Assessment Noted – No changes are proposed to the interface of the development with the adjacent transport network, nor is considered that this application should require upgrades to public infrastructure.
<i>2. Adequate capacity for on-street car parking in higher density areas</i>	Provide indented parking bays in verges and nature strips where the road carriageway is less than 7 m.	

3. A safe and direct local bicycle network	Provide safe bike routes on local streets that provide direct connections between formal bicycle routes and major destinations such as schools, open spaces and local retail areas.	
4. Landscaped street verges that provide shade, habitat and enhance the local street character.	Landscaped street verges to achieve an increased canopy cover of the public realm. Provide adequate landscaping to soften the appearance of hard infrastructure and residential buildings.	

Darwin International Airport Controls

(Refer to Darwin International Airport Controls Plan at Attachment 2)

Objectives	Acceptable Responses	Assessment
1. Minimise the detrimental effects of aircraft noise on people who reside or work in the vicinity of an airport	Land subject to the ANEF 20 unit value contour line or greater is to have regard to Table 2.1 - Building Site Acceptability Based on ANEF Zones taken from the Australian Standard titled "Acoustics – Aircraft noise intrusion – Building Siting and Construction" (AS2021- 2000).	Acceptable – It is reasonably considered the building in which the land use will take place is located within an appropriately treated building.
2. Prevent any new use or intensification of development on land that would prejudice the safety or efficiency of an airport	Lighting associated with development on land within approach paths is not to prejudice the safe operation of an airport. Use or development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport. Any proposed development whereby it is determined that structure will exceed the Above Ground Level restriction applied by the Defence (Areas Controls) Regulations 1989, as shown in Attachment 2, will need approval from the Department of Defence.	Acceptable – The land use is not considered likely to prejudice the ongoing safe operation of the airport.

3.6 Essential Services

The goal of this theme is *To plan for the timely delivery of essential services and infrastructure in order to meet the changing needs of the population.*

Power, Water, Sewer and Stormwater Reticulated Networks

Objectives	Acceptable Responses	Assessment
1. Upgrade and extend reticulated systems as required.	The upgrade of these systems which are usually located in road reserves and other public spaces occurs as required.	Acceptable – Relevant service authorities will comment if any upgrades to local infrastructure are required.

3.7 Environment and Heritage

The goal of this theme is *To preserve and enhance Rapid Creek, Ludmilla Creek and coastal conservation areas whilst increasing the tree canopy cover in local streets and open spaces to cool the environment and improve the ecological function of the area.*

The site not located within a storm surge zone or in proximity to any heritage values.

Assessment

Acceptable – As discussed above, the application is considered to be either appropriate or neutral against the relevant objectives of the Darwin Mid Suburbs Area Plan.

3.4 CR – Coastal Reclamation

Purpose

Ensure that landfill of coastal areas does not adversely affect adjacent land or waters, or the quality of adjacent waters, and is suited to its intended purpose.

Assessment

Not relevant – This application does not propose any land reclamation. As such, this overlay is not relevant to this application.

3.6 LSF – Land Subject to Flooding

Purpose

Identify areas with a known risk of inundation from riverine flooding and ensure that development in these areas demonstrates adequate measure to minimise the associated risk to people, damage to property and costs to the general community.

Assessment

Not relevant – The subject lot is not located within land identified as subject to flooding. As such, this overlay is not relevant to this application.

3.7 LSSS – Land Subject to Storm Surge

Purpose

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

Assessment

Not relevant – The development site is not located within the mapped primary or secondary storm surge extent (2100) on NT Atlas. As such, this overlay is not relevant to this application.

3.8 LADR – Land Adjacent to a Designated Road

Purpose

Ensure that **access** to a designated road from adjacent land does not prejudice traffic safety or the integrity and operation of the infrastructure.

Assessment

Not relevant – The subject lot is not located adjacent to a designated road. As such, this overlay is not relevant to this application.

3.14 HLSSI – Land in proximity to Helicopter Landing Sites of Strategic Importance

Purpose

Ensure that development does not compromise the ability of helicopters using landing sites of strategic importance.

Assessment

Not relevant – The subject lot is not located within or near helicopter landing site of strategic importance, nor a flight path to one. As such, this overlay is not relevant to this application.

4.14 Zone LI – Light Industry

Zone Purpose

Provide for low impact industrial and compatible non-industrial developments that will not by the nature of their operations, detrimentally affect adjoining or nearby land.

Zone Outcomes

1. Land is primarily developed for low impact **car-wash, industry-light, industry-primary, motor body works, motor repair station, recycling depot, showroom sales, transport terminal, vehicle sales and hire, and warehouse**, that are compatible with and are of such a kind that will not adversely affect the **amenity** of the light industrial function of the area.

Acceptable – The site is currently used for non-industrial land uses. The continued use of the site for a leisure and recreation land use is not considered likely to compromise the industrial nature of the locality.

2. **Office** and **shops** are limited to those that serve the needs of industrial uses on a **site**, or directly support and are compatible with the ongoing industrial use of the zone.

Not relevant – The application does not concern an office or shop.

3. Non-Industrial uses such as **food premises-cafe/takeaway, bar-public, leisure and recreation, education establishment** and **hotel/motel** are limited to those that:
 - (a) will not be adversely impacted by the operation of industrial activities in the locality;

Acceptable – It is not expected that the proposed pilates studio will be impacted by nearby industrial developments.

- (b) will not compromise or constrain the operation or viability of existing or future industrial activities; or

Acceptable – The operation of the pilates studio is not considered likely to adversely impact upon nearby industrial developments.

- (c) provide a convenience, service or support role to industries and employees in the locality.

Acceptable – It is reasonably expected that the pilates studio will be accessible to local employees, as well as the wider community.

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

Not relevant – As zone outcome 3 is relevant to this application, this zone outcome is not considered to be relevant.

- 5. Industrial activities and other activities established in the zone provide variety and interest at street level and allow passive surveillance of public spaces, with a scale and character appropriate to the industrial function of the locality.
- 6. Industrial development is located, designed and managed to maintain public health and safety, the quality of the natural environment and the reasonable **amenity** of any adjoining non-industrial zone.

Not relevant – The application does not concern an industrial land use. As such, zone outcomes 5 and 6 are not considered to be relevant.

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

Acceptable – The existing building is considered to be well articulated with a good variety of landscaping along the street boundaries.

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

Acceptable – While the application will see continued traffic in exceedance of industrial developments within the locality, the application indicates that peak times of operation will be at the very start and end of the standard working day. While the application states that the business will be open during the day, it is considered that this will avoid peak cross-utilisation of the limited presence of on-street car parking in the locality. While this may be considered as detrimental to the ongoing operation of the local road infrastructure, it is not considered to be a of scale whereby its contrary to this zone outcome.

- 9. Subdivision primarily provides for a range of lot sizes are available to cater for diverse industrial needs and user requirements.

Not relevant – As the application does not concern a subdivision, this zone outcome is not considered relevant to this application.

10. Development does not impose unsustainable demands on surface water and groundwater.

Not relevant – The application will not utilise surface water or groundwater. As such, this zone outcome is not considered to be relevant to this application.

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

Not relevant – This zone outcomes is considered to be relevant to the subdivision of land within Zone LI. As such, this zone outcome is not considered to be relevant to this application.

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

Not relevant – The application is considered to meet the definition of leisure and recreation.

Assessment

Supports - As discussed above, the application supports with the relevant zone outcomes.

5.2.1 General Height Control

Purpose

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

Administration

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

Requirements

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

Table A to clause 5.2.1: Height control in Alice Springs

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

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

Table B to clause 5.2.1: Height control outside Alice Springs

Zone	Use	Maximum building height above ground level
MR	Development on a site in zone MR abutting a site in Zone LR	3 storeys
	Development on a site that is: - within the boundaries of the Darwin Inner Suburbs Area Plan or Darwin Mid Suburbs Area Plan; and - has frontage to a street with a reservation width not exceeding 18m on the opposite side of which is a site in Zone LR.	3 storeys
	All other uses	4 storeys
HR	All uses	8 storeys
C	Mixed use development that consists of one or more residential buildings	4 storeys
	All other uses	No height limit
CL and CP	Education establishment or hospital	No height limit
CB, SC, TC and DV	All uses	No height limit

Editor's Notes:

- (1) If applicable, the residential plot ratio and/or the commercial plot ratio may impact on the building height.
- (2) Basements that protrude less than 1m from ground level are not considered as a storey for the purposes of this clause.

- (3) Any use or development of land that intrudes into a protected airspace, such as the use of cranes, within 15km of an airport or RAAF base may have additional restrictions and approval requirements from the airport operator under the [Airports Act 1996 \(Cth\)](#), [Airports \(Protection of Airspace\) Regulations 1996 \(Cth\)](#), and [Defence Regulation 2016 \(Cth\)](#). More information is available on [NT.GOV.AU](#).

Assessment

Not relevant – No changes to the building height are proposed as part of this application. As such, this clause is not considered to be relevant to this application.

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).

Does not comply – The development is to provide car parking at the rate specified in the table below.

- Leisure and recreation: 178.96 m² requiring 17.90 spaces.

As such, the total number of car parking spaces required for tenancy #4 is 17.90 (18), where 11 shared car parking spaces are provided on-site, and where there is an additional space dedicated to the on-site dwelling-caretakers. Notwithstanding the above, it is noted that if the applicant's identified net floor area were used (noting this excludes the reception, waiting and internal circulation areas), then 11.86 (12) car parking spaces would be required.

A review of the planning history at the site indicates that the other on-site land uses require 14 car parking spaces, comprised of:

- Tenancy #1 – 2 car parking spaces (warehouse)
- Tenancy #2 – 2 car parking spaces (warehouse)
- Tenancy #3 – 9 car parking spaces (food premises-restaurant with ancillary warehouse)
- Dwelling-caretakers – 1 car parking space

In total, the site is calculated as requiring 32 car parking spaces to cater for existing and proposed land uses, where 12 car parking spaces are shown on the plans associated with DP22/0032 (which is the most recent approval that approved changes to the layout of the car parking area, and represent the existing layout as verified by a DAS site inspection). In addition, it is noted that while the application indicates that tenancies 1 and 2 may no longer be 'warehouses', this assessment has assumed they are still warehouses.

As such, this application will worsen the existing shortfall (4 car parking spaces), and result in a revised shortfall of 21 car parking spaces.

Permit	Requirement per premise					Required	Provided	Difference
	Dwelling-caretakers	Tenancy 1	Tenancy 2	Tenancy 3	Tenancy 4			
DP12/0214 (original permit)	1	2	2	2	2	9	12	3
DP16/0047 (first food premises)	1	2	2	4	2	11	12	1
DP22/0032 (food premises expansion)	1	2	2	9	2	16	12	-4
<i>Now proposed</i>	1	2	2	9	19	33	12	-21

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
Leisure and recreation	Indoor spectator facilities including cinema or theatre: 1 for every 4 seats Racquet court games: 4 for every court <u>Plus</u> For indoor spectator facilities (if any) 1 for every 4 seats Lawn bowls: 20 spaces per green Golf course: 4 per hole <u>Plus</u> 5 for every 100m ² of net floor area used as a club house Otherwise than specified above, 10 for every 100m ² of net floor area <u>Plus</u> Requirement for indoor spectator facilities (if any) 1 for every 4 seats
Any other uses (including undefined uses)	Minimum number of car parking spaces to be determined by the consent authority.

Editor's Notes:

- (1) Clause 5.2.4.4 provides for the design and layout of a car parking area.
- (2) An area that can be readily converted to a bedroom or that combines sleeping and living areas, is considered a bedroom for the purpose of this clause.

Assessment

Does not comply – As discussed above, the application does not provide the require number of car parking spaces on-site.

5.2.4.4 Layout of car parking areas**Purpose**

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

Administration

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

Requirements

6. A **car parking area** is to:
 - (a) be not less than 3m from any lot boundary abutting a road; and
 - (b) provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the **car parking area** when viewed from the road.
7. A **car parking area** is to be constructed and maintained to be:
 - (a) of a suitable gradient for safe and convenient parking; and
 - (b) sealed and well drained in urban areas, or dust suppressed in non-urban areas.
8. The layout of a **car parking area** is to:
 - (a) be functional and provide separate access to every car parking space;
 - (b) allow a vehicle to enter from and exit to a road in a forward gear;
 - (c) be in accordance with the dimensions set out in the diagram to this clause; and

- (d) ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.
9. The number of **access** points to the road is to be limited, and **access** points to **car parking areas** are to:
- (a) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and
 - (b) maximise sight lines for drivers entering or exiting the car parking area.

It is noted that the Diagram to Clause 5.2.4.4: Parking Layout can be found at the NTPS 2020 website.

Assessment

Not relevant – No changes are proposed to the on-site car parking area. In addition, it is noted that one of these car parking spaces are identified as shared car parking space/loading bay facility.

5.2.4.5 Vehicle Access and On-site Parking for Dwellings-Single on Lots Less than 600m² but not less than 300m²

Purpose

Ensure that vehicle **access** driveways and on-site parking spaces for **dwellings-single** on lots less than 600m² and not less than 300m² do not unduly reduce the **amenity** of a public road or the availability of kerbside vehicle parking in the public road.

Assessment

Not relevant – This application does not concern a dwelling-single on a lot between 300 m² and 600 m². As such, this clause is not considered relevant to this application.

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

Table to Clause 5.2.5: Minimum number of loading bays	
Use or development	Minimum number of loading bays
All other uses	No loading bays required

Assessment

Not relevant – Leisure and recreation is not listed as a land use that requires a loading bay. As such, no loading bay facilities are required at the site. It is noted that this application would result in the removal of an existing loading bay facility within tenancy #4.

5.2.6.1 Landscaping in Zones other than Zone CB

Purpose

Encourage landscaping that enhances local amenity by:

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

Administration

- Landscaping** may include, where subordinate to areas for the planting and growing of plants, impervious and unplanted areas for:
 - pedestrian access,
 - outdoor recreation, or
 - natural or ornamental features and the like.
- 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

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

Acceptable – It is reasonably considered that the proposed landscaping supports the design aspects listed under sub-clauses (a) through (g).

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

Conditionally acceptable – This is an ongoing requirement by the proponent. It is noted that this aspect can be addressed by a standard permit condition.

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 relevant – The application is not for rooming accommodation, dwellings-group, dwellings-multiple and residential care facility. As such, this subclause is not considered relevant to this application.

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 relevant – No changes are proposed to the existing landscaping arrangements. While the existing landscaping is not provided to a depth of 3 m along the Tang Street property boundary, this was lawfully established through previous planning permits.

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.

Editor's note: Refer to [Species Guide for Landscaping in the Northern Territory Planning Scheme](#) for assistance with addressing the requirements of Clause 5.2.6.1.

Assessment

Conditionally acceptable – As discussed above, the application is considered to generally comply with the relevant requirements of this clause, or can be addressed by permit conditions.

5.2.6.2 Landscaping in Zone CB

Purpose

Ensure developments within central business districts minimise heat capture and enhance the visual **amenity** of the area when viewed from the street or from surrounding buildings.

Editor's Notes:

- (1) Refer to [Species Guide for Landscaping in the Northern Territory Planning Scheme](#) for assistance with addressing the requirements of subclause 3 of Clause 5.2.6.2.
- (2) Any vertical landscaping within the Darwin City Centre provided to meet subclause 3 of Clause 5.2.6.2 may also contribute to a reduction of car parking under Clause 5.9.2.12.
- (3) Refer to [Landscaping in Zone CB](#) for guidance on interpreting the requirements of subclause 3 of Clause 5.2.6.2.

Assessment

Not relevant – The subject lot is not located within Zone CB (Central Business). As such, this clause is not relevant to this application.

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.

Assessment

Not relevant – The subject lot is not located adjacent to land in Zones LR, LMR, MR or HR. As such, this clause is not relevant to this application.

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

Purpose

Ensure that buildings are sited and designed to facilitate the development of safe, attractive and legible industrial zones.

Administration

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

Requirements

2. Buildings, including **residential buildings**, in Zones LI, GI and DV are to be sited in accordance with the table to this clause.

Not relevant – The current building does not meet the requirements of this clause, as it was originally approved under DP12/0214, it is considered lawful. As no alterations are proposed to the external building form as approved under DP12/0214, this clause is not considered relevant to this application.

Table to Clause 5.6.1: Industrial Setbacks and Building Design Requirements	
Location/ Boundary	Minimum Building Setback
Municipality of Alice Springs: Buildings with frontage to Stuart Highway, Smith Street or Larapinta Drive	9m
Municipality of Darwin: Buildings with frontage to Stuart Highway, Bagot Road or Dick Ward Drive	9m
Buildings having frontage to all other streets	3m
Minimum setback to at least one side boundary and to the rear boundary	5m

3. A clearly identifiable, dedicated pedestrian **access** is to be provided to the main entrance of the building from the street and customer **car parking areas**.

Complies – No changes are proposed to the existing pedestrian entrances. Notwithstanding, there are direct pedestrian entrances to Dick Ward Drive and the car parking area at the rear of the site.

4. Building façades are to provide visual interest to the street by including one or more of the following treatments for every 15m of building length, or part thereof:
 - (a) setbacks or projections;
 - (b) changes in height to provide focal features and identify key locations (such as entrances);
 - (c) the use of a varied palette of materials, finishes and colours within the building design; and
 - (d) projecting features such as awnings or sun shades.

Not relevant – The front façade of the building is well articulated with a variety of sun awnings, windows, and pedestrians entrances. As no changes are proposed to this building line, this clause is not considered to be relevant to this application.

5. Buildings situated on corner lots in Zone LI are to incorporate architectural features at the corner, such as bevelled or rounded corners.

Not relevant – No changes are proposed to the built form at the corner of Dick Ward Drive and Tang Street. As such, this clause is not considered to be relevant to this application.

6. Bin storage areas are to be screened by landscaping and/or fencing to avoid visual impact to the **primary street**.

Not relevant – No changes are proposed to the existing waste disposal arrangements. As such, this sub-clause is considered to not be relevant to this application.

Editor's Note: Clause 5.2.7 provides specific setback requirements for Development Adjacent to Land in Zones LR, LMR, MR or HR.

Assessment

Acceptable – As discussed above, the application is reasonably considered to comply with the relevant requirements of this clause.

5.6.2 Expansion of Existing Use or Development in Zones LI and GI

Purpose

Provide for the expansion of an existing use or development in Zone LI or Zone GI.

Assessment

Not relevant – The application does not relate to an expansion of an existing use.

5.8.5 Leisure and Recreation

Purpose

Ensure **leisure and recreation** use and development:

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

Administration

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

Requirements

2. The use or development is suitable to meet the needs of users, having regard to the scale and nature of the use.

Acceptable – The pilates studio has operated for approximately 11 years, which is considered to demonstrate that it addresses the needs of their clients. The ongoing usage of tenancy #4 for the pilates studio is considered to be of a scale suitable to the locality.

3. Any mechanical plant and equipment and storage areas associated with the use are designed and screened to minimise adverse **amenity** impacts when viewed from adjoining streets and on adjoining properties.

Acceptable – It is reasonably considered that all mechanical plant and equipment and storage areas relating to the pilates studio are appropriate screened from the public domain.

4. Any structure associated with the use does not result in a significant loss of **amenity** for surrounding development, having regard to:
 - (a) the extent and duration of lighting and overshadowing;
 - (b) privacy and overlooking impacts; and
 - (c) the scale of the structure relative to its surroundings.

Not relevant – No additional structures or external built form changes are proposed as part of this application. As such, this clause is not considered to be relevant to this application.

5. Demonstrate that the surrounding road network is capable of accommodating the additional traffic generated without adverse impacts.

Acceptable – While the application did not include a traffic impact assessment, no concerns were raised by the City of Darwin, who manage the local road network. In addition, no submissions were received from local businesses or the community in relation to this application.

6. The operation of the use or development must take into account the **amenity** of the surrounding locality having regard to:
- (a) hours of operation;

Acceptable – The application states that the use will operate from 6am to 7.30pm Monday to Saturday, and 6am to 10am on Sundays. However, states that peak times are expected to be between 6am to 8.30am and 5pm to 7pm, with smaller classes/individuals expected to attend during the day.

- (b) maximum capacity of patrons; and

Acceptable – The application states that the largest class size will be 13 patrons.

- (c) any other relevant aspects of the day-to-day operations of the use or development.

Not relevant – With the exception of car parking, which is detailed at clause 5.2.4.1, there are no other aspects of the application that are considered to be relevant for consideration.

Assessment

Acceptable – As discussed above, the application is reasonably considered to comply with the relevant requirements of this clause.

DEVELOPMENT ASSESSMENT SERVICES

Ground Floor, Cavenagh House, 38 Cavenagh Street, Darwin
GPO Box 1680, Darwin, NT, 0801

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

Lot number: Lot 8914
Town/Hundred: Town of Nightcliff
Zone: LI (Light Industry)
Site Area: 1250m²
Proposal: 4 x warehouses in a single storey building including
mezzanine floors and a caretaker's residence

The proposed development is subject to the following provisions of the NT Planning Scheme:

- Clause 5.11 – Zone LI (Light Industry)
- Clause 6.1 – General Height Control
- Clause 6.5.1 – Parking Requirements
- Clause 6.6 – Loading Bays
- Clause 7.3 – Building Setbacks of Residential Buildings
- Clause 7.10.3 – Caretaker's Residence
- Clause 9.1.1 – Industrial Setbacks

This is a technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme and is no indication of whether or not approval will be given by the Development Consent Authority. It is noted that clause 2.5 (Exercise of Discretion by the Consent Authority) allows the Development Consent Authority discretion to vary standards only where special circumstances justify the giving of consent or impose a condition requiring a higher standard if it considers it necessary to do so.

Clause 5.11 – Zone LI (Light Industry)

The primary purpose of Zone LI is to provide for light industry uses or development activities that will not by the nature of their operations, detrimentally affect adjoining or nearby land.

Offices are expected to primarily provide a service to the light industry in the zone and be of a size commensurate with the service provided.

Shops are expected to be limited to those that either service the needs of the light industry in the zone or would be inappropriate in a commercial zone.

The proposed warehouses and caretaker's residence are consistent with the primary purpose of Zone LI (Light Industry)

COMPLIES

Clause 6.1 – General Height Control

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

Unless expressly provided by this Planning Scheme, the height of any part of a building is not to exceed 8.5m above the ground level, unless it is:

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

The proposed building has a maximum height of 7.5 metres.

COMPLIES

Clause 6.5.1 – Parking Requirements

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

Warehouses in Zone LI are required to provide 1 car park for every 100m² of net floor area other than offices, 4 for every 100m² of office and 1 for every 250m² used for outdoor storage.

Use	Ratio	Parks required	Parks provided
Warehouse (752.5m ²)	1 per 100m ² NFA	8	11
Caretaker's residence	1	1	1
Total		9	12+1 accessible park

COMPLIES

Clause 6.5.3 – 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.

A car parking area is to:

- (a) be of a suitable gradient for safe and convenient parking;*
- (b) be sealed and well drained;*

The submitted plans do not indicate the gradient or drainage arrangement of the car parking area surface. The existing gradient of the site suggests that any future car parking area will be of a suitable gradient.

- (c) be functional and provide separate access to every car parking space;*
- (d) limit the number of access points to the road;*
- (e) allow a vehicle to enter from and exit to a road in a forward gear;*

The application proposes one access point to Tang Street. The proposed car park layout provides separate access to every car parking space, however to allow greater functionality of the car park it is recommended that it be redesigned to allow a car to enter from and exit to Tang Street in a forward gear in the event that the car park is full (e.g. car park No. 11 be instead utilised as a three-point turn bay).

- (f) maximise sight lines for drivers entering or exiting the car parking area;*

The proposed layout of the car park and driveway allows for suitable sight lines.

- (g) be not less than 3m from a road, and the area between the car parking area and the road is to be landscaped with species designed to lessen the visual impact of the car parking area;*

The 12th car parking space (adjacent to Warehouse 1) is 0.5 metres from the Tang Street road reserve and the first space of the main car parking area is 3.6 metres from the road reserve, with no landscaping proposed to lessen the visual impact of either of these areas. The application instead proposes the construction of a 1.8 metre screen in front of car park No. 12 and a 1.8 metre high letter box and waste bin enclosure between Tang Street and the main car parking area.

- (h) be in accordance with the dimensions set out in the diagram to this clause;*
- (i) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one way traffic flow; and*
- (j) be designed so that parking spaces at the end of and perpendicular to a driveway be either 3.5m wide or so that the driveway projects 1m beyond the last parking space.*

The proposed layout of the car parking area is generally in accordance with the required minimum dimensions of these subclauses.

DOES NOT COMPLY

Clause 6.6 - Loading Bays

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

Under this clause, a light industry, office, showroom sales or warehouse use on a site must provide areas wholly within the site for loading and unloading of vehicles at the ratio of:

- (a) if for a light industry, showroom sales or warehouse use:*
 - i. 1 loading bay for a single occupation of a net floor area of 10 000m² or less; and*
 - ii. 1 loading bay for every 5000m² of net floor area or part thereof in excess of 10 000m²; or*
- (b) if for an office, 1 loading bay for every 2000m² of the total net floor area.*

A loading bay is to be at least 7.5 by 3.5 metres, have a clearance of at least 4 metres and have access that is adequate for its purpose.

Loading bays are provided in each warehouse which meet the dimensions and clearance requirements of this clause.

COMPLIES

Clause 7.3 – Building Setbacks of Residential Buildings

The purpose of this clause is to ensure residential buildings and structures without external walls are located so:

- they are compatible with the streetscape and surrounding development including residential buildings on the same site;*
- as to minimise any adverse effects of building massing when viewed from adjoining land and the street;*
- as to avoid undue overlooking of adjoining properties; and*
- as to encourage breeze penetration through and between buildings.*

In this clause a structure without external walls includes a carport, pergola, portico and shade sail.

Subject to clauses 7.4 (Building Setbacks and Fencing of Multiple Dwellings and Supporting Accommodation in Zone MR) and 11.1.2 (Integrated Residential Development), residential buildings and structures without external walls are to be set back from lot boundaries in accordance with table A, B or C (as the case requires) to this clause.

TABLE A TO CLAUSE 7.3 MINIMUM BUILDING SETBACKS FOR ONE AND TWO STOREY RESIDENTIAL BUILDINGS AND ASSOCIATED OPEN STRUCTURES IN ZONES OTHER THAN CB, C, H, A, RR, RL AND R

Lot Boundary	Minimum Setback
Primary street frontage for 1 and 2 storey buildings	6m <u>and</u> 4.5m for verandahs, balconies and structures without external walls
Secondary street frontage for 1 and 2 storey buildings	2.5m <u>and</u> 1.5m for verandahs, balconies and structures without external walls
Side and rear lot boundaries for 1 and 2 storey buildings	1.5m including structures without external walls and 0.9m for shade sails
Building setback is measured from all boundaries to: - the wall of a residential building; - the outer surface of the railings of a balcony or a verandah; - the outer surface of any support column of a ground level verandah; and - the outer surface of any support column of structures without external walls except that the setback of a shade sail is measured to the outer extremity of the fabric. No part of the roof structure including gutters and eaves, is to encroach more than 0.9m into the minimum building setbacks from the lot boundaries described in Table A to Clause 7.3.	

Lot boundary	Setback required	Setback provided	Complies
Dick Ward Drive front	6m	3m	No
Tang Street front	2.5m	3m	Yes
Southern side	1.5m	21.8m	Yes
Eastern side	1.5m	24.2m	Yes

It is proposed that the caretaker's residence be located in the mezzanine floor of Warehouse 1.

DOES NOT COMPLY

Clause 7.10.3 – Caretaker's Residence

The purpose of this clause is to ensure that:

- (a) a caretaker's residence is not the primary use of the land; and*
- (b) the caretaker's residential use does not prejudice the use of the site or adjoining land in accordance with its zoning.*

A building or part of a building may be used, constructed or modified for use as a caretaker's residence where:

- (a) the floor area of the caretaker's residence does not or will not exceed 50m²; and*
- (b) there is or will be only one caretaker's residence on the site.*

The consent authority may approve an application for a caretaker's residence that is not in accordance with sub-clause 2 only if it is satisfied the proposed caretaker's residence is appropriate to the site having regard to the potential impact of the caretaker's residence on adjoining and nearby property.

The floor area of the proposed caretaker's residence is 66.06m².

DOES NOT COMPLY

Clause 9.1.1- Industrial Setbacks

The purpose of this clause is to ensure that buildings are sited to provide an adequate level of visual amenity in industrial zones.

All street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3 metres. The quality and extent of the landscaping is to be maintained for the life of the development.

Buildings in Zone LI (Light Industry) are to be sited in accordance with the below table to this clause:

TABLE TO CLAUSE 9.1.1	
Location/ Boundary	Minimum Building Setback
Municipality of Darwin: Buildings with frontage to Stuart Highway, Bagot Road or Dick Ward Drive	9m
Buildings having frontage to all other streets	3m
Minimum setback to at least one side boundary and to the rear boundary	5m

Lot boundary	Setback required	Setback provided	Complies
Dick Ward Drive front	9m	3m	No
Tang Street front	3m	3m	Yes
Southern side	0m	0m	Yes
Eastern side	5m	1.2m	No

Approximately 11.4 metres of the Tang Street frontage is not landscaped. The application proposes the construction of a 1.8 metre high letter box and waste bin enclosure between Tang Street and the main car parking area and the use of a 1.8 metre screen in front of car park No. 12.

DOES NOT COMPLY

DEVELOPMENT ASSESSMENT SERVICES

**Ground Floor, Arnhemica House, 16 Parap Road, Parap
GPO Box 1680, Darwin, NT, 0801**

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

Lot number:	Section 8914
Town/Hundred:	Town of Nightcliff
Address:	2 Tang St, Coconut Grove
Zone:	LI (Light Industry)
Site Area:	1250m ²
Proposal:	Change of use from warehouse to restaurant and warehouse (tenancy 3)

The proposed development is a discretionary land use in Zone LI (Light Industry) subject to the following clauses:

- Clause 6.1 (General Height Control)
- Clause 6.5.1 (Parking Requirements)
- Clause 6.6 (Loading Bays)
- Clause 9.1.1 (Industrial Setbacks)

This is a preliminary technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme and is no indication of whether or not approval will be given by the Development Consent Authority (DCA). It is noted that clause 2.5 (Exercise of Discretion by the Consent Authority) allows the Development Consent Authority discretion to vary standards only where special circumstances justify the giving of consent or impose a condition requiring a higher standard if it considers it necessary to do so.

Clause 6.1 General Height Control

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

The maximum height of the existing building does not change.

COMPLIES

Clause 6.5.1 Parking Requirements

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

The Scheme requires the following:

Use or Development	Minimum Number of Car Parking Spaces Required	Proposed Floor area and required number of spaces
Warehouse/General Industry	1 for every 100m ² of net floor area <u>Plus</u> 4 for every 100m ² of net floor area of office <u>Plus</u> 1 for every 250m ² used as outdoor storage	92.79m ² (Storage) + 55.34m ² (Wholesale) = 1.48 spaces
Restaurant	6 for every 100m ² of net floor area and any alfresco dining areas plus 10 for drive-through (if any) for cars being served or awaiting service	43.33m ² (Bakery) = 2.59spaces Total required = 4.07 (4) spaces

There is a surplus of 3 spaces on site, given the development is currently allocated 2 car parking spaces, the overall development will have a surplus of 1 car parking space as a result of this development.

COMPLIES

Clause 6.5.3 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. A car parking area is to be established, used and maintained for the purpose of vehicle parking only.

The proposal does not impact on the existing car parking layout.

COMPLIES

Clause 6.6 Loading Bays

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

One internal loading bay is provided.

COMPLIES

Clause 9.1.1 Industrial Setbacks

The purpose of this clause is to ensure that buildings are sited to provide an adequate level of visual amenity in industrial zones. Buildings in Zones LI, GI and DV are to be sited in accordance with the table to this clause.

The building setbacks have not been altered as a result of this development.

COMPLIES

Technical Assessment PA2021/0392

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

Application No: PA2021/0392

Lot number: Lot 8914

Town/Hundred: Town of Nightcliff

Zone: Zone LI (Light Industry)

Site Area: 1250m²

Proposal: Alterations and additions to an existing food premises-restaurant (tenancy 3) with alfresco dining area

Plans used for assessment: As submitted.

Date assessment finalised: 19 January 2022

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

Zone LI (Light Industry)				
Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Alterations and additions to an existing food premises-restaurant (tenancy 3) with alfresco dining area	Impact	N/A	5.2.1 General Height Control 5.2.4 Vehicle Parking 5.2.5 Loading Bays 5.2.6 Landscaping	5.5.11 Food Premises 5.6.1 Setbacks and Building Design in Zones LI, GI and DV

Clause 1.8(1)(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:

ii. it is for the subdivision of land other than that included at Clause 1.8(1)(b)(iii)

Clause 1.10 Exercise of Discretion by the Consent Authority

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

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

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

2.4 Strategic Framework - Darwin Mid Suburbs Area Plan

The Darwin Mid Suburbs Area Plan identifies the land for continued light industrial activity. The objectives identify the site is constrained by the operation of the Airport however supports ongoing use of land in this location.

In this location the Area Plan identifies Darwin International Airport controls which require that structures greater than 15m in height obtain consent from the Department of Defence. Further, the Area Plan shows the location is between the 20 to 25-unit value contour line as defined on the Aircraft Noise Exposure Forecast (ANEF) maps produced by the Department of Defence.

Light Industrial Areas	
Objectives	Acceptable Responses
1. <i>The use of land for light industrial uses in areas constrained by the operation of the Airport</i>	The ongoing use of land in Zone LI (Light Industry) areas of Coconut Grove constrained by the operations of the Darwin International Airport is supported. Development of land on Totem Road is to be in accordance with the provisions of Specific Use Zone Darwin No. 37 (SD37). Development of land on Dick Ward Drive is to be in accordance with the provisions of Specific Use Zone Darwin No. 44 (SD44).

The proposed alterations and additions to an existing food premises-restaurant (tenancy 3) with alfresco dining area continues to provide services to support the ongoing light industrial uses in the area.

COMPLIES

3. Overlay- NOT APPLICABLE

4.14 Zone LI – Light Industry

Zone Purpose

Provide for low impact industrial and compatible non-industrial developments that will not by the nature of their operations, detrimentally affect adjoining or nearby land.

Zone Outcomes

1. Land is primarily developed for low impact **industry-light, motor body works, motor repair station, recycling depot, showroom sales, transport terminal, vehicle sales and hire, and warehouse**, that are compatible with and are of such a kind that will not adversely affect the **amenity** of the light industrial function of the area.
2. **Office** and **shops** are limited to those that serve the needs of industrial uses on a **site**, or directly support and are compatible with the ongoing industrial use of the zone.
3. Non-Industrial uses such as **food premises-cafe/takeaway, bar-public, leisure and recreation, education establishment** and **hotel/motel** are limited to those that:
 - (a) will not be adversely impacted by the operation of industrial activities in the locality;
 - (b) will not compromise or constrain the operation or viability of existing or future industrial activities; or
 - (c) provide a convenience, service or support role to industries and employees in the locality.
4. Other non-industrial activities, such as community activities including **club, community centre** and **place of worship** may be established where they do not compromise the ongoing operation and viability of industrial activities or the integrity of the zone.
5. Industrial activities and other activities established in the zone provide variety and interest at street level and allow passive surveillance of public spaces, with a scale and character appropriate to the industrial function of the locality.
6. Industrial development is located, designed and managed to maintain public health and safety, the quality of the natural environment and the reasonable **amenity** of any adjoining non-industrial zone.
7. Development incorporates well-designed buildings and landscaping that contribute to a safe, attractive and legible industrial environment.
8. Development does not detrimentally impact on the capacity, safety or efficient operation of the local road and footpath network.
9. Subdivision primarily provides for a range of lot sizes are available to cater for diverse industrial needs and user requirements.
10. Development does not impose unsustainable demands on surface water and groundwater.
11. Appropriate urban services including, roads, reticulated electricity, water, sewerage, storm water, drainage, and telecommunication infrastructure are available. If lots are unsewered, provision for the disposal of effluent must be made on-site so that the effluent does not pollute ground or surface waters.
12. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

The zone is primarily intended for low impact industry type uses that will not adversely affect the amenity of the light industrial function of the area. The development is located within an existing building and provides food services conveniently accessible to the workforce in the area, passing trade and broader locality. It is noted that the other tenancies in the building are otherwise used for the purpose of warehouse. The development is predominantly for the purpose of internal changes with limited alfresco dining on the street frontage. The dining is predominantly indoors within the confines of tenancy 3 which is between two warehouse tenancies in the same building which provides for a level of acoustic separation from the background noise (moto-body works adjacent).

Further, the site is on the periphery of the established light industrial area, beyond which is predominantly low-density residential development and community uses.

The premises include glazed frontage and dining area facing the street providing for variety and interest at street level and promoting passive surveillance.

Comments sought from City of Darwin regarding the road and footpath network.

NOTED

5.2.1 GENERAL HEIGHT CONTROL

Purpose

Ensure that the height of buildings in a zone is consistent with development provided for by that zone.

Administration

1. This clause does not apply:
 - (a) within Zones CB or DV or TC; or
 - (b) to **education establishments** or **hospitals** within zones CL or CP or, subject to clause 5.4.2, Zone C; or
 - (c) where a height is specified elsewhere in this Planning Scheme.
2. The height of any point of a building is to be measured from **ground level** vertically below that point and includes the height of a mound specifically provided or made to elevate the building.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 4 if it considers the height of the building or structure achieves the zone purpose, having regard to such matters as its location, nature, scale and potential impact on adjoining property.

Requirements

4. The height of any part of a building is not to exceed 8.5m above the **ground level**, unless it is:
 - (a) a flag pole, aerial or antenna; or
 - (b) for the housing of equipment relating to the operation of a lift; or
 - (c) a **telecommunications facility**.

There is no change to the height of the existing building.

COMPLIES

5.2.4 VEHICLE PARKING

Purpose

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

Administration

1. The consent authority may **consent** to a use or development that is not in accordance with the table to this clause only if it is satisfied the use or development is appropriate to the **site** having regard to the purpose of this clause and the potential impact on the surrounding road network and the **amenity** of the locality and adjoining property.
2. If a proposed use or development which is not listed in the table to this clause requires **consent**, the number of **car parking spaces** required for that use or development is to be determined by the consent authority.
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. Despite anything to the contrary in this clause, on land within an area depicted as 'Activated Frontages' within the 'Residential and Mixed Use Map' of the Central Darwin Area Plan, an **alfresco dining area** that results in the loss of up to 25 **ground level car parking spaces** associated with any existing development is exempt from providing replacement **car parking spaces** ordinarily required by this clause.
5. A change of use from an **alfresco dining area** (including the provision of air conditioning) will result in the new use being subject to full car parking requirements of this clause.

Requirements

6. A use or development specified in column 1 of the table to this clause is to provide the number of **car parking spaces** (rounded up to the next whole number) required for that development and is to be calculated in accordance with the formula specified opposite in column 2 or, if the development is within Zone CB in Darwin, column 3.

Use	Net Floor Area (m ²)	Minimum Number of Car Parking Spaces Required	Parking required	Parking Provided
Restaurant Ground floor (existing, new servery, expansion area and alfresco)	43.3 13.8 61.4 + 10.8 129.3	6 for every 100m ² of net floor area and any alfresco dining areas	7.8	13 (note new Car Park No. 12 to be removed to provide a turn-around bay resulting in total of 12 bays).
Warehouse/General Industry First Floor (storage and bakery)	30.4 +55.3 85.7	1 for every 100m ² of net floor area other than offices Plus 4 for every 100m ² of net floor area of office Plus 1 for every 250m ² used as outdoor storage	1	
Warehouse	560.47		5.6	
Caretakers Residence	66.06		1	
			16 (15.4)	

DOES NOT COMPLY - Reduction sought under clause 5.2.4.2 (Reduction in Parking Requirements outside of Zone CB in Darwin)

5.2.4.4 PARKING LAYOUT

Purpose

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

Administration

1. The consent authority may **consent** to a **car parking area** that is not in accordance with sub-clause 4 if it is satisfied that the non-compliance will not:
 - (a) result in adverse impacts on the local road network or internal functionality of the **car parking area**; and
 - (b) unreasonably impact on the **amenity** of the surrounding locality.
2. 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**.

Requirements

3. A **car parking area** is to be established, used and maintained for the purpose of vehicle parking only.
4. A **car parking area** is to:
 - (a) be of a suitable gradient for safe and convenient parking;
 - (b) be sealed and well drained;
 - (c) be functional and provide separate **access** to every **car parking space**;
 - (d) limit the number of **access** points to the road;
 - (e) allow a vehicle to enter from and exit to a road in a forward gear;
 - (f) maximise sight lines for drivers entering or exiting the **car parking area**;
 - (g) be not less than 3m from a road, and the area between the **car parking area** and the road is to be landscaped with species designed to lessen the visual impact of the **car parking area**;
 - (h) be in accordance with the dimensions set out in the diagram to this clause;

e parking area in forward gear where

there is no free parking space. Details of surface finishes and drainage not shown.

DOES NOT COMPLY – non-compliance with (b) and (e). Existing non-compliance with sub-clause (g).

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 2 and 3 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and that the non-compliance will not result in adverse impacts on the local road network nor the number or availability of **car parking spaces**.

Requirements

2. **Bar-public, club, emergency services facility, exhibition centre, food premises (fast food outlet and restaurant), hospital, hotel/motel, industry-general, industry-light, nightclub entertainment venue, office, place of assembly, shop, shopping centre, showroom sales, transport terminal or warehouse** use or development on a **site** must provide areas wholly within the **site** for loading and unloading of vehicles at the ratio of:
 - (a) if for a **bar-public, club, emergency services facility, hospital, hotel/motel, industry-general, industry-light, nightclub entertainment venue, showroom sales, transport terminal or warehouse** development:
 - i. 1 **loading bay** for a single occupation of a **net floor area** of 10 000m² or less; and
 - ii. 1 **loading bay** for every 5000m² of **net floor area** or part thereof in excess of 10 000m²; or
 - (b) if for an **exhibition centre, food premises (fast food outlet and restaurant) office, place of assembly, shop or shopping centre** development, 1 **loading bay** for every 2000m² of the total **net floor area**.
3. A **loading bay** is to:
 - (a) be at least 7.5m by 3.5m;
 - (b) have a clearance of at least 4m; and
 - (c) have **access** that is adequate for its purpose.

A loading bay is required and there is no loading bay provided.

DOES NOT COMPLY

5.2.6 LANDSCAPING

Purpose

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

Administration

1. Landscaping may include provision of paved areas and areas for entertainment and recreational activities.
2. The consent authority may **consent** to landscaping that is not in accordance with sub-clauses 4 and 5, 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. 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.
5. In Zones LI, GI and DV all street frontages, except **access** driveways or footpaths, are to be landscaped to a minimum depth of 3m.
6. The quality and extent of the landscaping consented to must be maintained for the life of the development.

Landscaping is required between the parking area and the road.

DOES NOT COMPLY – existing non-compliance (existing screening to car park No. 13 to be shown)

5.5.11 FOOD PREMISES

Purpose

Ensure that the operation of a **food premises**:

- (a) provides an active interface to the public domain and contributes to the interest and diversity of the locality;
- (b) minimises adverse impacts on the **amenity** of the locality; and
- (c) is designed for the safety of patrons.

Administration

1. This clause applies to **food premises-café/take away, food premises-fast food outlet, and food premises-restaurant**.
2. The consent authority may **consent** to a **food premises** that is not in accordance with sub-clauses 3-10, only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the **site** having regard to such matters as its location, scale and impact on surrounding **amenity**.

Requirements

3. Incorporate appropriate building and landscape design to ensure that there is no unreasonable loss of **amenity** for adjoining and nearby property.
4. A minimum 1.8m high solid acoustic screen fence is erected along the full length of all **site** boundaries adjoining land in Zones LR, LMR, MR or HR.
5. Floodlights, spotlights and all other forms of lighting shall be constructed, oriented and controlled so as not to adversely impact on the **amenity** of any adjacent residents or cause a traffic hazard in the adjacent road network.
6. Manage noise emissions so that they will not have an unreasonable impact on the **amenity** of the locality.
7. The design of an **alfresco dining area** or outdoor entertainment space located adjacent to a **dwelling** is to take account of and reasonably mitigate noise and privacy impacts.
8. Adequate provision is made for the on-site collection, storage and disposal of waste, positioned to avoid nuisance to neighbours.
9. The maximum **net floor area** of a **café/take away** should be 80m².
10. If a **fast food outlet** is adjacent to land in Zones LR, LMR, MR or HR, the development is to be set back 5m from all side and rear boundaries and landscaped to a minimum depth of 3m to provide a visual screen.

There are no proposed changes to the existing building and landscaping that are proposed, however existing landscaping should be shown on plans. The land does not adjoin land within a residential zone and the applicant states that there is no dwelling adjacent the premises. The site is on the corner of two roads and does not adjoin any sensitive uses such that there is an unreasonable impact on amenity anticipated from the restaurant. Conditions can be included on any permit issued for adequate provision for the on-site collection, storage and disposal of waste in addition to control of light spill.

COMPLIES

5.6.1 SETBACKS AND BUILDING DESIGN IN ZONES LI, GI AND DV

Purpose

Ensure that buildings are sited and designed to facilitate the development of safe, attractive and legible industrial zones.

Administration

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

Requirements

2. Buildings, including **residential buildings**, in Zones LI, GI and DV are to be sited in accordance with the table to this clause.

Table to Clause 5.6.1: Industrial Setbacks and Building Design Requirements	
Location/ Boundary	Minimum Building Setback
Municipality of Alice Springs: Buildings with frontage to Stuart Highway, Smith Street or Larapinta Drive	9m
Municipality of Darwin: Buildings with frontage to Stuart Highway, Bagot Road or Dick Ward Drive	9m
Buildings having frontage to all other streets	3m
Minimum setback to at least one side boundary and to the rear boundary	5m

3. A clearly identifiable, dedicated pedestrian **access** is to be provided to the main entrance of the building from the street and customer **car parking areas**.
4. Front facades should be articulated to break up long lengths of blank walls and provide visual interest to the street. Articulation may include a combination of the following:
 - (a) setbacks or projections;
 - (b) changes in height to provide focal features and identify key locations (such as entrances);
 - (c) the use of a varied palette of materials, finishes and colours within the building design; and
 - (d) projecting features such as awnings or sun shades.
5. Buildings situated on corner lots in Zone LI should be designed to accentuate the corner location with architectural features that create a visual presence at the corner.
6. Bin storage areas are to be screened by landscaping and/or fencing to avoid visual impact to the **primary street**.

DOES NOT COMPLY – existing non-compliance – sub-clause 2

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

Please Quote: PA2026/0182

12 June 2026

To whom it may concern

Parcel Description: **Lot 8914 Town of Nightcliff
2 Tang Street, Coconut Grove**

Proposed Development: **Change of Use from Warehouse to Leisure &
Recreation (Pilates Studio) (Tenancy 4)**

Thank you for the development application referred to this office on 29 May 2026 concerning the above.

It is noted that this is a retrospective change of use application. It is also noted that the proposed development results in a shortfall in the required number of car parking spaces.

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.

GENERAL CONDITIONS

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



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:

E3B9C2E59E874114

ALICE PERCY
GENERAL MANAGER INNOVATION



Phone 1800 245 092

Web powerwater.com.au

Record No: D2026/161027

Container No: NE550/8914

Your Ref: PA2026/0182

Kaleb Thomas
Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Kaleb

Re: Lot 8914 (2) Tang Street Coconut Grove Town of Nightcliff

In response to your letter of the above proposal for the purpose of change of use from warehouse to leisure and recreation (pilates studio) (tenancy 4), Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. PWC has no objection to the proposed above.
2. The engaged electrician shall carry out applicable customer's internal electrical installation in accordance with the PWC's current NP018-Service and Installation Rules 2024 and NP010-Meter Manual.

If you have any further queries, please contact Robyn Gless, Customer Connections Officer on 8924 5702.

Yours sincerely



Thanh Tang
Manager Distribution Development
1 June 2026



Container No: LD550/8914

DLPE - Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Kaleb Thomas

RE: PA2026/0182 - Lot 08914 Town of Nightcliff - 2 Tang St, Coconut Grove NT - Change of use from warehouse to leisure and recreation (pilates studio) (tenancy 4)

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

- Power and Water have no objections or requirements for the proposed change of use.

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

15 June 2026

cc: Mark Ewins
email: ewins.m@gmail.com

9 June 2026

Mr Kaleb Thomas
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: DLPE2026/0208
Your Ref: PA2026/0182

Dear Mr Thomas

**Re: PA2026/0182 Change of use from warehouse to leisure and recreation (Pilates studio)
(tenancy 4)**

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

Environmental Regulation Division

Based on the information provided, the proposal does not appear to trigger the licensing requirements of an Environment Protection Approval (EPA) 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.

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

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.

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.

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

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

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 Licencing 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 DevelopmentAssessment.DLPE@nt.gov.au or phone (08) 8999 4446.

Yours sincerely



Maria Wauchope
Executive Director Land Resources

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