



Statement of Effect

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

22 Progress Drive, Nightcliff

(Lot 359 Town of Nightcliff)

August 2026

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

1.0 Introduction

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

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

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

This development application contains the following attachments:

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

2.0 Locality & Site Description

2.1 Locality

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

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

2.2 Site & Existing Development

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

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

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

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

3.0 Proposed Development

3.1 Development description

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

Schedule 2 of the NTPS defines:

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

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

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

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

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

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

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

Office as: “...a building or part of a building used for the conduct of administrative, secretarial or management services or the practice of a profession, where no goods or materials are made, repaired, sold or hired but does not include a **home-based business**;

The proposed development is summarised as follows:

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

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

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

4.1 Part 1 – Guidance

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

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

4.2 Part 2 – Strategic framework

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

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

Darwin Regional Land Use Plan 2015 (DRLUP)

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

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

Land Use Structure

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

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

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

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

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

Activity Centres

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

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

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

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

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

Darwin Sub-regional narrative

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

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

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

Proposed Development

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

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

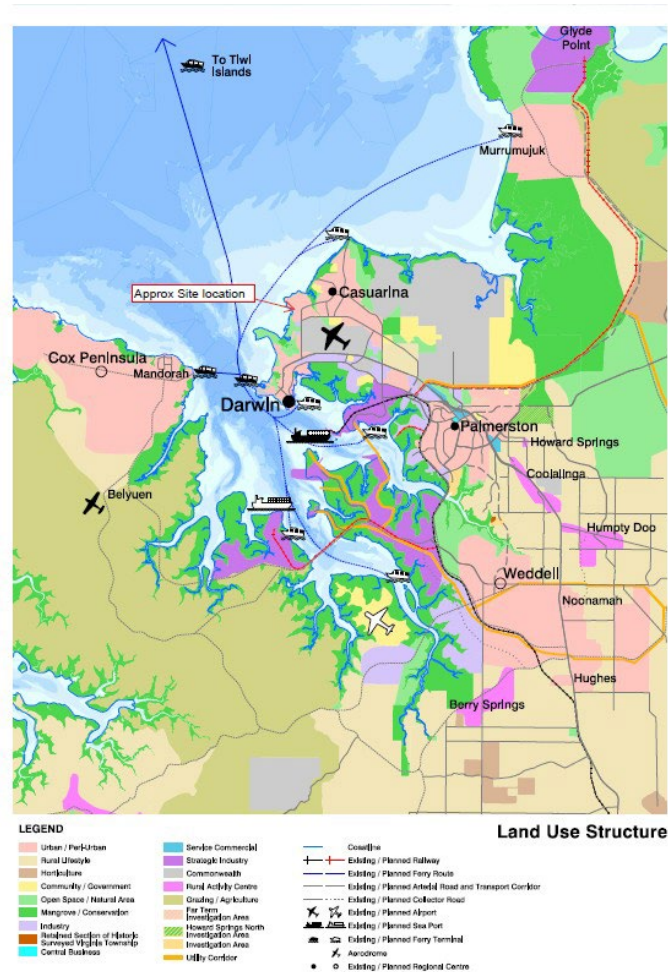


Figure 1: DLRUP Land Use Structure Map (p.13)

Darwin Mid Suburbs Area Plan 2016 (DMSAP)

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

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

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

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

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

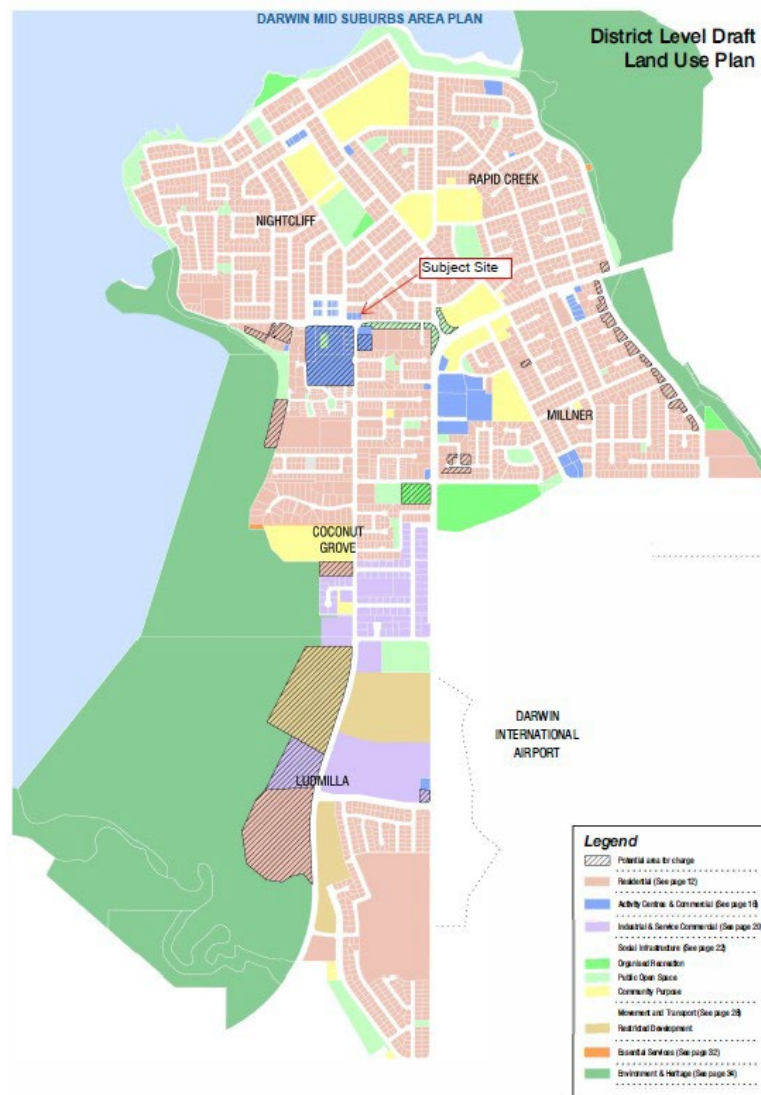


Figure 2: DMSAP District Level Draft Land Use Plan (p.8)

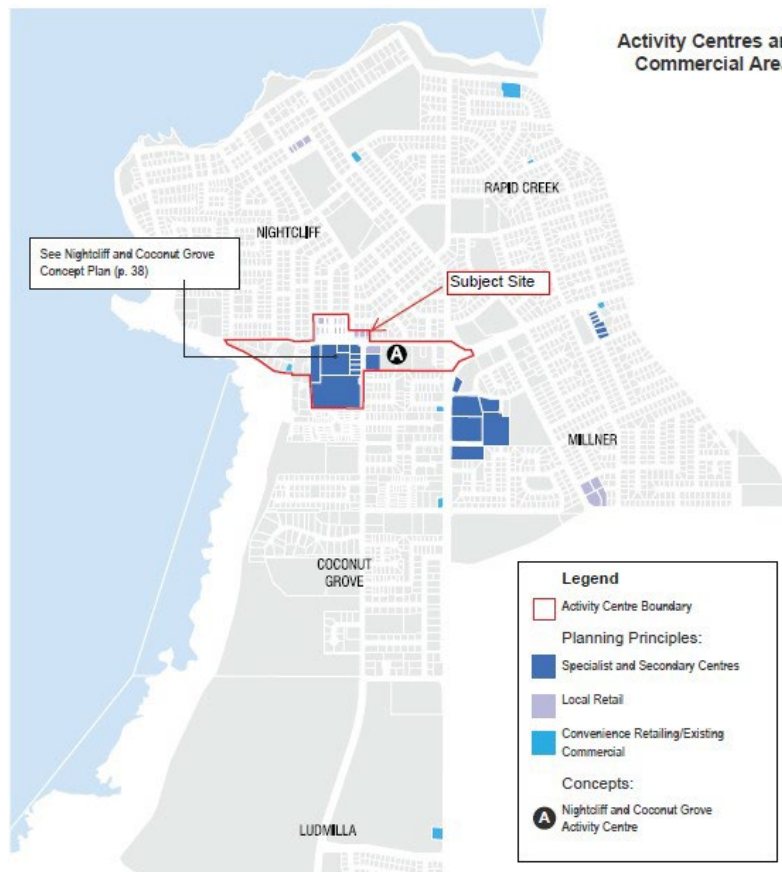


Figure 3: DMSAP Activity Centre & Commercial Areas (p.18)

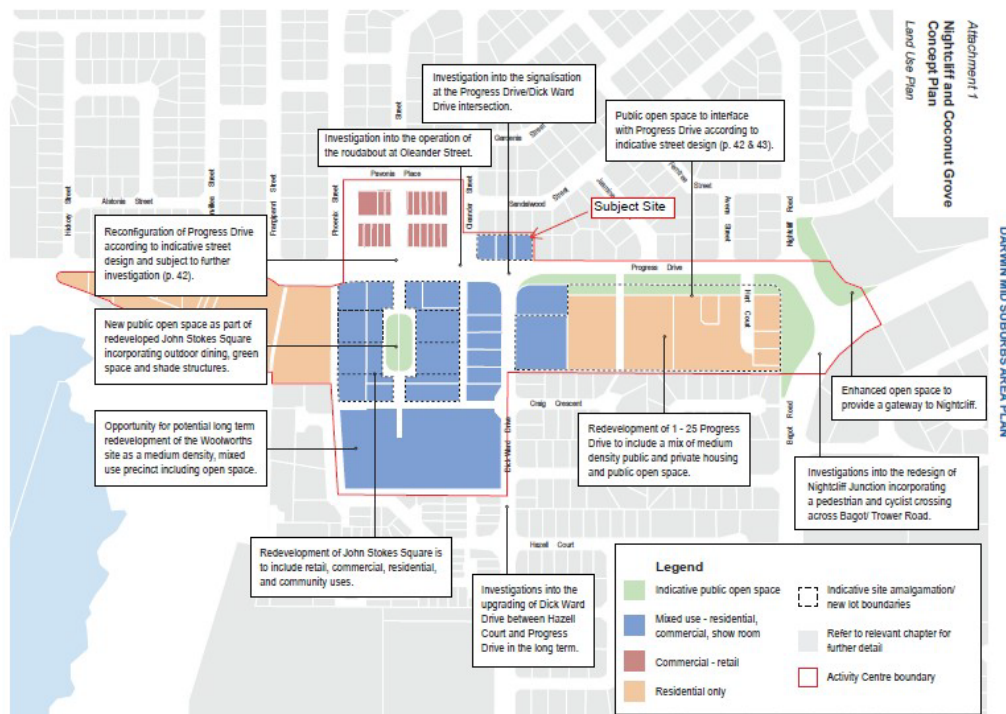


Figure 4: Nightcliff and Coconut Grove Concept Plan (p.42)

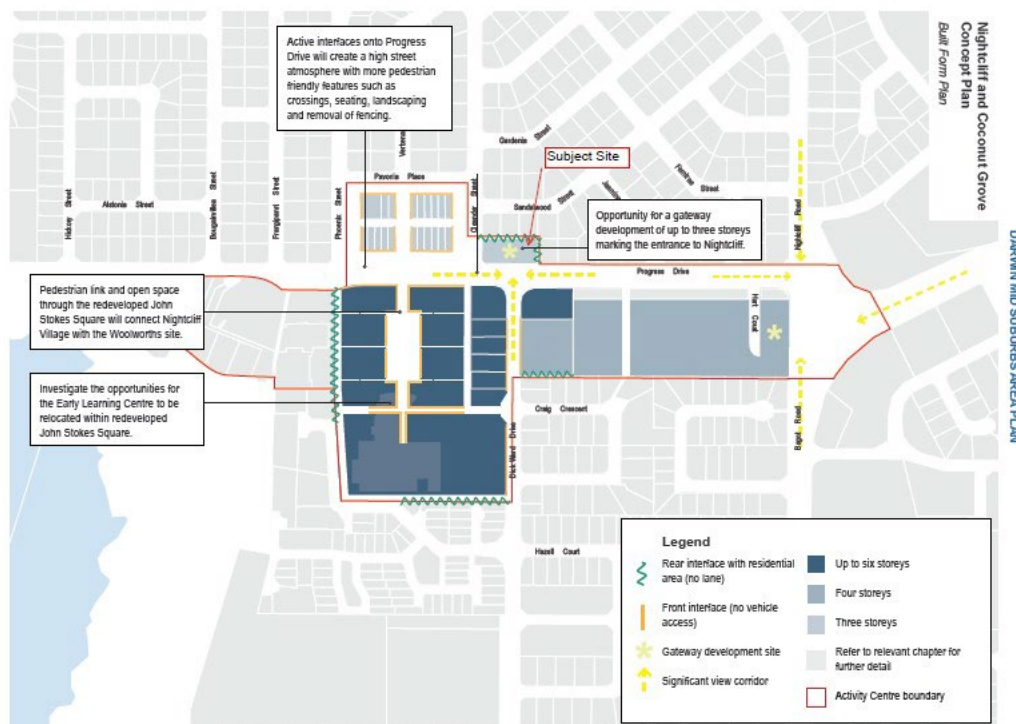


Figure 5: Nightcliff and Coconut Grove Concept Plan – Built Form Plan (p.43)

Activity Centres & Commercial Areas

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

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

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

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

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

Movement & Transport

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

4.3 Part 3 – Overlays

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

No Overlays apply to the subject site.

4.4 Part 4 – Zones and Assessment Tables

4.4.1 Clause 4.11 - Zone C (Commercial)

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

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

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

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

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

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

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

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

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

Not applicable.

4. *All development is to:*

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

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

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

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

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

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

See also responses to sub-clause 4 above.

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

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

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

See responses to sub-clauses 4 and 5 above.

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

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

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

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

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

Not applicable.

4.5 Part 5 – General Development Requirements

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

4.5.1 Clause 5.2.1 – General Height Control

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

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

4.5.2 Clause 5.2.4.1 – Parking Spaces

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

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

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

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

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

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

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

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

4.5.3 Clause 5.2.4.4 – Car Parking Layout

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

The requirements of this clause are:

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

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

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

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

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

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

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

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

4.5.4 Clause 5.2.5 – Loading Bays

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

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

4. A loading bay is to:

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

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

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

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

4.5.5 Clause 5.2.6.1 – Landscaping in Zones other than CB

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

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

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

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

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

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

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

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

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The EoT facilities required for the development are:

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

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

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

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

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

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

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

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

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

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

4.6.1 Clause 5.9.6 – Nightcliff Village

Diagram to Clause 5.9.6: Nightcliff Village Extent and Features



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

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

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

4.6.3 Clause 5.9.6.2 – Development in Gateway Locations

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

The requirements of this clause are:

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

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

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

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

4.6.4 Clause 5.9.6.3 – Active Street Frontage

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

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

4.6.5 Clause 5.9.6.4 – Plot Ratio for Commercial Development

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

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

4.6.6 Clause 5.9.6.5 – Plot Ratio for Residential Development

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

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

4.7 Part 5 – Specific Development Requirements

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

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

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

The relevant requirements of this clause are:

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

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

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

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

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

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

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

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

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

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

4.7.2 Clause 5.4.7 – Communal Open Space

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

The requirements of this clause are:

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

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

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

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

4.7.3 Clause 5.4.8 – Residential Building Design

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

The requirements of this clause are:

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

The site has a northerly aspect.

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

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

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

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

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

Refer to discussion under sections 4.7.1 & 4.7.2 above.

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

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

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

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

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

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

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

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

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

- 12. Allow breeze penetration and circulation.*

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

- 13. Minimise use of reflective surfaces.*

Materials with reflective surfaces are limited windows/glazing.

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

Internal drainage will be incorporated into balcony design.

4.7.4 Clause 5.4.9 - Residential Development in Zone C

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

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

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

4.7.4 Clause 5.4.17 – Building Articulation

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

This clause requires:

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

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

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

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

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

4.7.5 Clause 5.4.19 – Residential Plot Ratio

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

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

4.7.6 Clause 5.5.2 – Commercial Plot Ratio

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

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

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

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

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

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

Surveillance

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

Sight Lines/Building Design/Lighting/Wayfinding

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

Mixed-Use Areas & Activity Generators

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

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

The requirements of this clause are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Balconies are internally drained.

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

The floor area is less than 3,500m².

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

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

4.6.5 Clause 5.5.17 – Building frontage in Commercial Areas

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

The requirements of this clause are:

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

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

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

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

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

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

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

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

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

There are no Interim Development Control Orders listed on Title.

5.2 46(3)(c) – Referral to the NT EPA

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

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

The following merits have been identified:

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

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

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

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

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

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

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

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

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

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

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

5.0 Conclusion

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

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

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

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

End