

**DEVELOPMENT CONSENT AUTHORITY  
DARWIN DIVISION**

**NORTHERN TERRITORY PLANNING SCHEME**

**ADDENDUM**

**AGENDA ITEM:** 1                      **MEETING DATE:** 20/09/2020                      **FILE:** PA2024/0127

**APPLICATION:** Dwelling-group (4 x 4 bedroom) in a two-storey building with reduced building setbacks to the primary and secondary street boundaries

**APPLICANT/CONTACT:** Cunnington Rosse Town Planning and Consultants / Brad Cunnington

**LAND OWNER:** Haralambos Vavlas and Niki Vavlas as trustees for H & N Vavlas Family Trust  
Charlie Kathopoulos and Kalotina Kathopoulos as trustee for NTB Family Trust

**LOCATION:** Lot 0158 (59) Nightcliff Road, Nightcliff, Town of Nightcliff

**ZONE:** LMR (Low-Medium Density Residential)

**AREA:** 1150m<sup>2</sup>

**ISSUE**

It has been identified that a further submission received from Kerith and Tim Hagenaar (submitter) to the applicant's response to submissions has not been included in the report to the Authority. This addendum summarises the concerns raised in the further submission received from Kerith and Tim Hagenaar. A copy of the further submission is at **Bookmark A**.

**DISCUSSION**

The further submission from Kerith and Tim Hagenaar reiterated the concerns raised in their original submission regarding noise and reverberation impacts from the driveway location, building massing and privacy impacts from the site layout and car parking impacts on Nightcliff Road and Cypress Street. The further submission also raised concerns that the proposed dwelling-density does not meet the requirements of the Northern Territory Planning Scheme 2020 (NTPS 2020).

In addition, the further submission raised concerns that the driveway location at the rear of the site will create noise and reverberation impacts on their property from vehicle and roller-door movements and create privacy and building massing impacts due to the rear wall of the proposed dwelling-group facing their lot boundary.

Other concerns raised by Kerith and Tim Hagenaar in their further submission are: layout not providing an appropriate transition from zone LMR (Low-Medium Density Residential) to their LR (Low-Density Residential) zoned lot; the capacity of Nightcliff Road and Cypress Street to accommodate visitor parking; and potential increases in car parking congestion on Cypress Road due to the proposed development. The further submission included photos of parking congestion on Cypress Street and Pandanus Street.

**RECOMMENDATION**

That, the Authority notes the additional submission from Kerith and Tim Hagenaar.

No changes are proposed to the recommendation in the DAS original report to the Authority.

**AUTHORISED:**   
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**PLANNER**  
**DEVELOPMENT ASSESSMENT SERVICE**

## **Objection to Development PA2024/0127 06/09/2024**

To: Development Consent Authority,

After considering the very minimal proposed adjustments made by the applicant in response to public submissions we are writing to further express our objection to the amended proposed development PA2024/0127 at 59 Nightcliff Road, Nightcliff. We continue to ask the DAS/DCA to review the issues raised in our first objection and see that the applicant has not resolved these to a satisfactory level for this application to proceed. These plans do not comply with the requirements of the Planning Scheme and we do not think that exemptions should be given when they are failing to minimise the impact it will have on their neighbours.

As the owners and residents of 16 Pandanus Street, Nightcliff, we are directly adjoining neighbours to this proposed development and our daily lives will be impacted by any future development that is approved. As such, we request that the applicant consider our response, as we have put much thought and effort into the impact that their current submission will have on us and our community and we do not think they have put the needed adjustments into their submission.

Our suggestion of reducing the impact their development will have on our single dwelling next door that would occur by their driveway being located on the opposite end of Nightcliff Road which would then place it on the boundary of 61 Nightcliff Road, which is also zoned LMR, was thought through carefully. Their response to suggest that we haven't considered that reduces the setback is incorrect. The impact on us of a neighbouring wall to only one townhouse instead of a driveway with the movements and noise created by 4 x 4 townhouses is much better suited to our LR zoning as a single dwelling even though the setback will be less than that of a driveway. This is why we have suggested the driveway

be located on the boundary of 61 Nightcliff Road, which is also zoned LMR and would compliment their LMR zoning with similar expected daily movements and noise for their neighbours on that boundary.

While they have acknowledged the limitations of Cypress Street stating that all units front Nightcliff Road, the kerbside parking they suggest is available along both sides of Nightcliff Road is also the parking for access to the businesses that are located directly opposite this site. And spaces will be directly in competition for on-street visitor parking which means an over-reliance on parking along Cypress Street is likely to occur.

Their response to the fact that they are trying to build more dwellings than suited to the minimum size requirements of this land is disappointing. Again we would like to remind them that they are asking for an exemption to build on land size that does not meet the minimum standards. There is a reason that we have minimum standards and not just minimum suggestions and these plans do not even meet the minimum land size for 4 dwellings. The additional size of privacy screens on our boundary and another tree in the corner is inconsequential and will not offer an acceptable buffer for the level of noise and movements that these plans for 4 x 4 townhouses would produce. Due to the easement preventing us from planting along the boundary on our side these plans are maximising the impact instead of minimising the impact that this will have on us.

While they say there will be minimal traffic increase, please find below photos of the already existing parking congestion we deal with in Cypress Street along with photos of Pandanus Street corners and parking from both sides.





By continuing to insist on pushing the boundaries of the minimum standards in this development application, they will compound existing issues and lose the opportunities in a transition from LMR to LR to minimise the affect that it will have on our adjacent single dwelling, which is our family home. While we welcome development on 59

Nightcliff Road, this land still cannot support this amended proposal and is not compatible with our adjoining property. We believe the proposed development PA2024/0127 is not fit for this site and request that it would not be approved.  
Kind regards,

Kind regards,

A handwritten signature in black ink, appearing to read 'Tim Hagenaar'.

Tim Hagenaar  
0422 378 234

A handwritten signature in black ink, appearing to read 'Kerith Hagenaar'.

Kerith Hagenaar  
0422 411 187