

# OPEN SECTION

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## CITY OF DARWIN

### TOWN PLANNING COMMITTEE

#### TUESDAY, 2 DECEMBER 2014

**MEMBERS:** Member G A Lambert, (Chairman); The Right Worshipful, Lord Mayor, Ms Katrina Fong Lim; Member J M Anictomatis; Member R K Elix; Member H I Galton; Member J A Glover; Member G J Haslett; Member R M Knox; Member G Lambrinidis; Member A R Mitchell; Member S J Niblock; Member R Want de Rowe; Member K J Worden.

**OFFICERS:** Chief Executive Officer, Mr B Dowd; General Manager Infrastructure, Mr L Cercarelli; Manager Design, Planning & Projects, Mr D Lelekis; Executive Manager, Mr M Blackburn; Strategic Town Planner, Miss C Robson; Acting Graduate Town Planner; Ms N Smith; Executive Officer, Ms A Smit.

**Enquiries and/or Apologies: Arweena Smit**  
**E-mail [a.smit@darwin.nt.gov.au](mailto:a.smit@darwin.nt.gov.au) - PH: 89300 685**

### ***Committee's Responsibilities***

THAT effective as of 16 April 2012, Council in pursuant to Section 32(2)(b) of the Local Government Act 2008 hereby delegates to the Town Planning Committee the power to make decisions within the approved budget relating to:

- \* Development Applications referred from the Development Consent Authority
- \* Town Planning Strategy, Policies and Procedures
- \* Development and Planning Matters referred to Council from Developers, Community Groups and Individuals
- \* Signage Applications, Policies and Procedures

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Town Planning Committee Meeting – Tuesday, 2 December 2014

## 1. MEETING DECLARED OPEN

## 2. APOLOGIES AND LEAVE OF ABSENCE

### 2.2 Leave of Absence Granted

- A. THAT it be noted Member H I Galton is an apology due to a Leave of Absence previously granted on 25 November 2014, for the period 27 November 2014 to 2 February 2014.
- B. THAT it be noted Member R Want de Rowe is an apology due to a Leave of Absence previously granted on 28 October 2014, for the period 29 November 2014 to 2 December 2014.
- C. THAT it be noted Member R K Elix is an apology due to a Leave of Absence being previously granted on 28 November 2014, for the period 27 November 2014 to 16 December 2014.

DECISION NO.21\() (2/12/14)

## 3. DECLARATION OF INTEREST OF MEMBERS AND STAFF

## 4. CONFIDENTIAL ITEMS

Nil

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Town Planning Committee Meeting – Tuesday, 2 December 2014

## 5. WITHDRAWAL OF ITEMS FOR DISCUSSION

### 5.1 Items Withdrawn by Staff

() COMMITTEE'S DECISION

THAT the Committee resolve under delegated authority that the following items be withdrawn by staff as Items of Significance, be considered: .....

DECISION NO.21\() (2/12/14)

### 5.2 Items Withdrawn by Members

() COMMITTEE'S DECISION

THAT the Committee resolve under delegated authority that the Information Items and Officers Reports to the Town Planning Committee Meeting held Tuesday, 2 December 2014, be received and considered individually.

DECISION NO.21\() (2/12/14)

## 6. CONFIRMATION OF MINUTES PERTAINING TO THE PREVIOUS TOWN PLANNING COMMITTEE MEETING

() COMMITTEE'S DECISION

THAT the Committee resolve that the minutes of the previous Town Planning Committee Meeting held on Tuesday, 7 October 2014, tabled by the Chairman, be received and confirmed as a true and correct record of the proceedings of that meeting.

DECISION NO.21\() (2/12/14)

## 7. BUSINESS ARISING FROM THE MINUTES PERTAINING TO THE PREVIOUS TOWN PLANNING COMMITTEE MEETING

### 7.1 Business Arising



**ENCL: TOWN PLANNING  
YES /OPEN**

**AGENDA ITEM: 8.1**

**REZONE FROM ZONE CP (COMMUNITY PURPOSES) TO ZONE MD (MULTIPLE DWELLING RESIDENTIAL) - SECTION 5693 - 35 BOULTER ROAD, BERRIMAH PA2014/0815**

**REPORT No.: 14TS0306 CR:dj COMMON No.: 2941339**

**DATE: 02/12/2014**

**Presenter: Manager Design, Planning & Projects, Drosso Lelekis**

**Approved: General Manager Infrastructure, Luccio Cercarelli**

### **PURPOSE**

The purpose of this report is to refer to Council for comment, pursuant to Section 48 of the Planning Act, the following Rezone from Zone CP (Community Purposes) to Zone MD (Multiple Dwelling Residential) - Section 5693 - 35 Boulter Road, Berrimah PA2014/0815, included as **Attachment A**.

### **LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

#### **Goal**

1. Collaborative, Inclusive and Connected Community

#### **Outcome**

1.4 Improved relations with all levels of government and significant stakeholders

#### **Key Strategies**

1.4.2 Play an active role in strategic and statutory planning processes

### **KEY ISSUES**

- It is recommended that Council strongly objects to the rezoning as proposed and requests a deferral of the application subject to the finalisation of the revised Berrimah North Planning Principles and Area Plan and implementation of appropriate studies and contribution plans.
- The rezoning is considered premature in the absence of contribution plans to provide for necessary infrastructure upgrades in the area.
- Consideration of future community and social infrastructure has not been outlined for the area, nor have funding or implementation plans been prepared for this infrastructure.
- The site is partially within the 400 metre biting insect buffer surrounding Marrara Swamp.
- Residential density is generally limited within biting insect buffer areas.
- It is not considered appropriate to zone land within the biting insect zone to MD.

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## **RECOMMENDATIONS**

- A. THAT Report Number 14TS0306 CR:dj entitled Rezone from Zone CP (Community Purposes) to Zone MD (Multiple Dwelling Residential) - Section 5693 - 35 Boulter Road, Berrimah PA2014/0815, be received and noted.
- B. THAT Council endorse the submission dated, 28 November 2014 to the Reporting Body, **Attachment B** to Report Number 14TS0306 CR:dj entitled Rezone from Zone CP (Community Purposes) to Zone MD (Multiple Dwelling Residential) - Section 5693 - 35 Boulter Road, Berrimah PA2014/0815.

## **BACKGROUND**

### **Site and Surrounds**



*Subject Site*

Section 5693 Hundred of Bagot, commonly referred to as 35 Boulter Road, Berrimah is located on the northern side of Boulter Road. The subject site is approximately 1.39 hectares in area and is currently within Zone CP (Community Purposes).

Land to the immediate east of the site has recently been rezoned MD (Multiple Dwelling Residential), in-line with the Berrimah North Area Plan. Land to the west at 1 Boulter Road is currently zoned CP; however, is the subject of an active rezoning application to MD. Land to the immediate south of Boulter Road is zoned Rural. The remainder of land in the general vicinity is zoned CP (Community Purposes).

Boulter Road consists of a number of mixed uses such as; the Milkwood Steiner School, child care centres, Yilli Rreung Housing Aboriginal Corporation, City of Darwin Animal Pound, RSPCA Shelter, plant nursery and multiple dwellings.

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### Site Development History

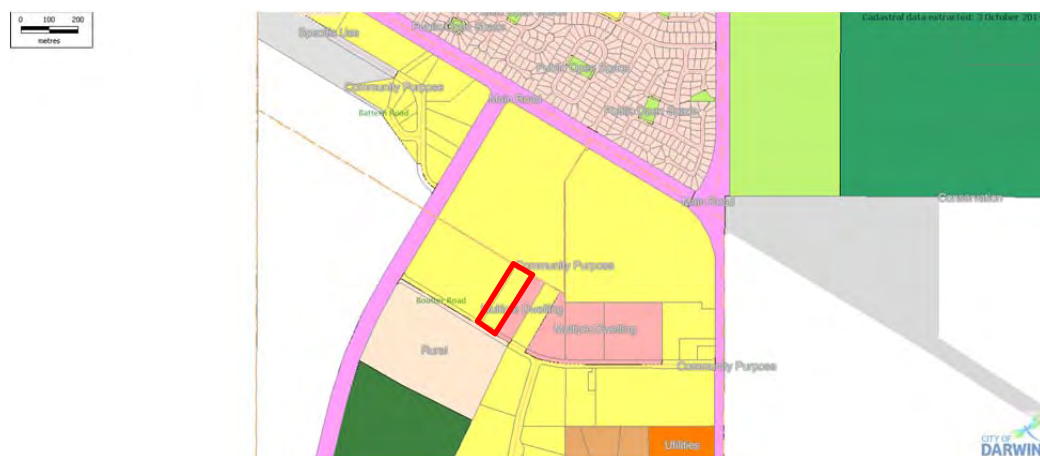
In 2010, the then Department of Lands and Planning (DLP) amended the Northern Territory Planning Scheme to include *Clause 14.1.2, Berrimah North Planning Principles*. The primary purpose of the Planning Principles is to provide for a diversity of uses and attract urban infill to the area.

The existing Berrimah North Area Plan covers an area to the north of Boulter Road, between Amy Johnson Avenue, McMillans Road and Vanderlin Drive. This area plan generally facilitated rezoning from Zone CP (Community Purpose) to Zone MD (Multiple Dwelling) for the purpose of facilitating multiple dwelling residential developments. At that time, DLP was advised, that Council had engaged consultants to assess future infrastructure needs and prepare a contribution plan for Boulter Road upgrades and associated infrastructure, including road works, stormwater drainage and street lighting. DLP was further advised that all development occurring in the area covered by the contribution plans will be subject to making a contribution towards this infrastructure upgrade.

The recently *Revised Berrimah North Planning Principles and Area Plan* were referred to Council for comment at its 1<sup>st</sup> Ordinary Meeting on the 16 September 2014. The revised and expanded Berrimah North Area Plan encompasses the land between Amy Johnston Avenue, McMillans Road, Vanderlin Drive and Stuart Highway, including the subject site. Exhibition of the Area Plan concluded on 19 September 2014. Whilst Council supported the revised Area Plan "in principle", it is considered premature to introduce it into the Planning Scheme until all studies and a contribution plan for infrastructure have been finalised.

The Draft Revised Area Plan is likely to be adopted into the Northern Territory Planning Scheme by the end of this year.

### DISCUSSION



Current zoning

- CP (Community Purpose)
- R (Rural)
- MD (Multiple Dwelling)



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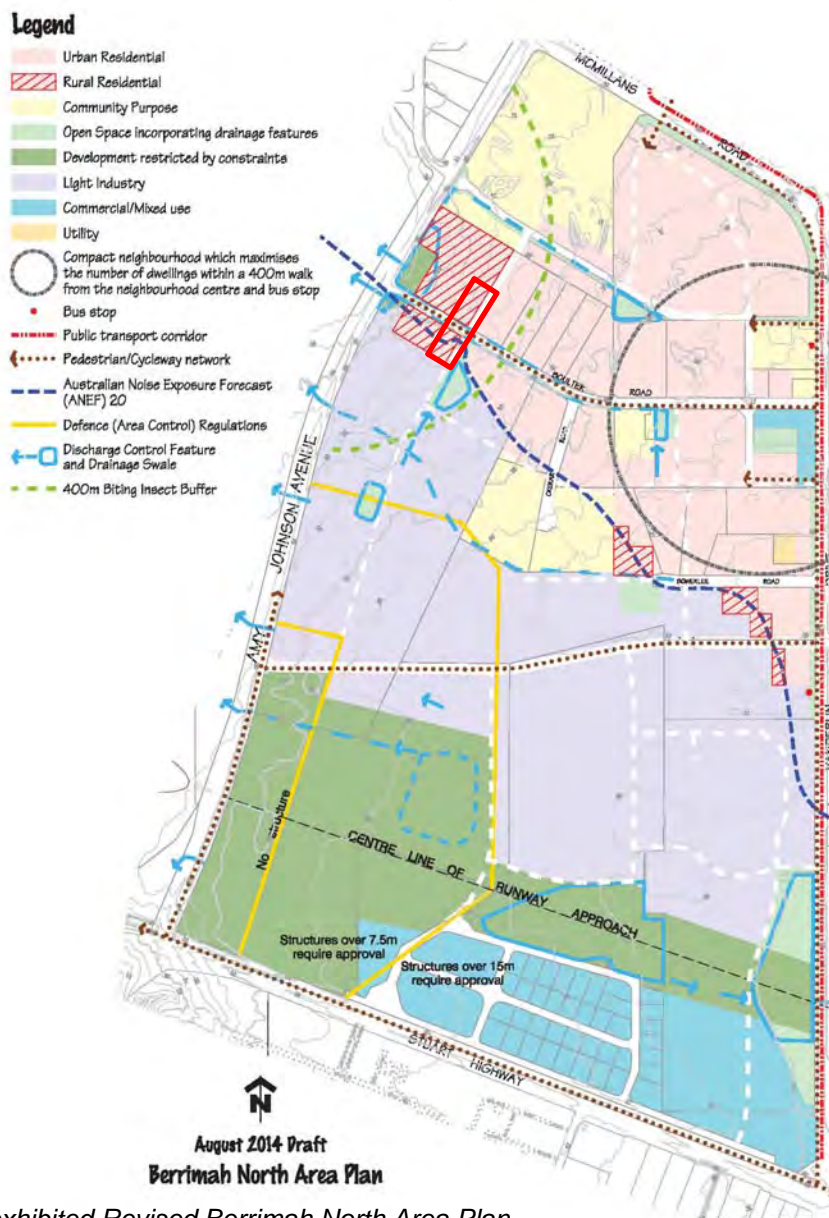
### Current Proposal

The applicant has applied to the Minister for Lands, Planning and The Environment to amend the Northern Territory Planning Scheme by rezoning Section 5693, Hundred of Bagot (35 Boulter Road, Berrimah) from Zone CP (Community Purpose) to Zone MD (Multiple Dwelling Residential).

### Assessment

The site is within both the existing Berrimah North Area Plan and the Revised Draft Berrimah North Area Plan. This assessment will refer to the draft Area Plan (as exhibited) as it is likely to replace the existing Area Plan before the end of this year.

The Draft Area Plan indicates that this site is suitable for residential development. No density is prescribed for the site within the revised draft Area Plan, although the site is indicated for MD within the existing Area Plan.



Recently exhibited Revised Berrimah North Area Plan

  Subject Site

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In the Revised Area Plan, the 400m biting insect buffer zone surrounding Marrara Swap covers a portion of the lot (as indicated in the diagram on the previous page). The Revised Planning Principles refers to:

*“5(e) providing rural residential lots to serve as buffers between urban residential areas and site constraints such as biting insect breeding areas.”*

The minimum lot size for Zone RR (Rural Residential) is 4000m<sup>2</sup>. If this minimum lot size applies to the western portion of this lot it is considered that the zoning should reflect the restriction. Rezoning the entire lot to MD would imply that the land is suitable for that use across the entire lot. An FD zoning may be more appropriate, allowing the site to develop in accordance with the constraints of the site.

The rezoning application includes supporting documentation, indicating the future intended uses on the site. Whilst there is no requirement for the site to be developed in this manner once the rezoning is issued, the applicant has noted that it is intended to continue the plant nursery operations to the front of the lot, under existing use rights and develop a small number of multiple dwellings to the rear of the site.

There is no indication of future subdivision. Although the indicative development plans indicate a driveway access from Boulter Road, therefore it is assumed that the applicant is not intending to subdivide the lot as the Revised Area Plan indicates that this particular site is not intended to create any public road access points from Boulter Road.

The intent of the Revised Area Plan and Planning Principles is to provide for an integrated suburb across multiple landowners, with an interconnected road network, supporting community infrastructure, site responsive design, whilst taking into account the sites constraints, including; biting insects, aircraft noise and stormwater drainage. The statement of effects notes that the proposal is consistent with both the existing and proposed area plans. However; the proposal achieves very little of the intended planning principles.

Allowing this lot to rezone without controls in place to ensure that an internal, interconnected road layout will be constructed, will lead to disjointed development with multiple dwellings on large private lots without any development of a permeable suburb; similar to that currently being developed on adjoining lots to the east.

#### Council Issues

Council expressed its concern to the Minister for Lands Planning and the Environment that adoption of the Revised Area Plan and Planning Principles is premature at this point in time. In addition, particular details of the Area Plan (as exhibited) were not supported by Council, therefore, changes to the Area Plan may occur prior to final gazettal.

Development under the existing Berrimah North Area Plan, has allowed development to be approved without any provision for coordinated infrastructure upgrades, or the provision of an interconnected road network. It was originally

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anticipated that the existing Area Plan would result in redevelopment of the area into a suburb with an interconnected road network and with that, stormwater systems, shared pathways, green space networks and in general, connectivity and permeability. Instead, allowing the sites to rezone without any controls to force (or allow) an internal road network, across multiple ownership, has resulted in disconnected development of individual isolated lots.

The most common proposal resulting on the northern side of Boulter Road has been large lot multiple dwelling development with private internal roads, which all access from Boulter Road, apart from at Section 5875 (81) Boulter Road, which has a larger lot size and has an internal subdivision. Notwithstanding this, 81 Boulter Road has not managed to integrate with the surrounding development.

The disjointed development to the north of Boulter Road has also resulted in infrastructure that does not interconnect. Each lot has managed stormwater in an isolated way, which may function on a small scale; however, this area leads into the Rapid Creek catchment and other catchments with existing capacity issues. It would be undesirable for the existing precedent to continue on the Southern Side of Boulter Road. Without formal controls in place at rezoning, there is also potential for development that hinders the execution of the remainder of the Area Plan. The revised Area Plan includes an interconnected stormwater drainage and road layout network. Incongruent development of land integral to this system may result in the need for redesign of the network.

### **Social and Community Infrastructure**

Council also previously requested a social and community infrastructure study to be undertaken for the Berrimah North area. City of Darwin officers have had no involvement in any such study to date. Although it is understood that officers from the Department for Lands, Planning and the Environment may have undertaken this study internally no such study has been confirmed. There needs to be a social and community study to identify the value of and cost of such infrastructure required to service the land uses within the area plan. Furthermore, how these works will be funded and maintained must also be established prior to rezoning and development of land.

### **Funding of Infrastructure Upgrade Works**

At this point there has been no determination as to how any stormwater drainage, roadwork or community and social infrastructure works required to service the proposed land uses will be funded. It is vital, that this be determined as a matter of urgency. Upfront funding will be required to implement the upgrading works.

Prior to the rezoning, it should be determined how the infrastructure works will be funded. Without a funding model in place, development could proceed without the requirement to contribute towards the overall infrastructure upgrades to facilitate this development. This is considered an unsatisfactory outcome and no development approvals should be issued until the infrastructure funding matter has been resolved.

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### **Summary**

The site will be subject to the Revised *Berrimah North Planning Principles and Area Plan*, recently exhibited. Any premature development or rezoning may hinder the implementation of the final *Area Plan*.

The lot is partially within the 400m biting insect buffer zone to the Marrara Swamp, which restricts residential development to lower densities. The proposed rezoning is for a flat MD zoning, however, it is considered that any rezoning should clearly take into account any restrictions on the site. This could be achieved through multiple zonings or an FD zoning that allowed for flexible development that took into account site constraints.

Similar development on the northern side of Boulter Road has been allowed to proceed without the necessary controls and contribution plans in place. This has led to disjointed development that provides multiple dwellings on large private lots without any provision of an integrated suburb.

It is recommended that Council object to the rezoning as proposed and requests a deferral of the rezoning until the revised Area Plan and all suitable contribution plans are in place.

### **CONSULTATION PROCESS**

In preparing this report, the following City of Darwin officers were consulted:

- Team Leader, Development
- Strategic Town Planner
- Town Planner

### **POLICY IMPLICATIONS**

Any future development on this site will be required to conform to the relevant Council Policies.

### **BUDGET AND RESOURCE IMPLICATIONS**

Presently, Developer Contribution Plans for the upgrading of infrastructure to facilitate development in this area have not been finalised. The premature approval of this rezoning and any future development could result in development that does not provide infrastructure in-line with the final Area Plan and/or does not provide a full contribution towards any upgrades. This may result in costs to Council.

### **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

Not assessed.

### **ENVIRONMENTAL IMPLICATIONS**

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Drainage and infrastructure studies have been undertaken to mitigate foreseeable environmental impacts on downstream catchments and traffic networks.

### **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**DROSSO LELEKIS**  
**MANAGER DESIGN, PLANNING**  
**& PROJECTS**

**LUCCIO CERCARELLI**  
**GENERAL MANAGER**  
**INFRASTRUCTURE**

For enquiries, please contact Cindy Robson on 89300528 or email:  
 c.robson@darwin.nt.gov.au.

### **Attachments:**

**Attachment A:** Development Application, PA2014/0815

**Attachment B:** City of Darwin, Letter of Response to Development Assessment Services, dated 28/11/2014



## ATTACHMENT A

**NORTHERN TERRITORY OF AUSTRALIA**  
**Planning Act**

**Proposal to amend a Planning Scheme- section 13(1)**


**1. LAND INFORMATION (FOR PROPOSED CHANGE IN ZONING ONLY)**

Town/Hundred/Locality: <u>Bagot</u>	
Parcel Number(s) and/or Unit number: <u>Section 5693</u>	
LTO Plan:	
Number and Street Name: <u>35 Boulter Road, Berrimah</u>	
<b>and</b>	
Existing Zone: <u>CP</u>	
Proposed Zone: <u>MD</u>	
Tenure:	
Is the proponent the land owner?:	YES <input type="radio"/> NO <input checked="" type="radio"/>

**2. PROPONENT INFORMATION**

<b>PROponent INFORMATION</b>	
ILIS Customer no. (if known):	
Company name (if applicable): <u>BELL GABBERT ASSOCIATES</u>	
ABN or ACN (if applicable): <u>64108 6966 895</u>	
Title: <input checked="" type="radio"/> Mr <input type="radio"/> Mrs <input type="radio"/> Miss <input type="radio"/> Ms <input type="radio"/> Dr <input type="radio"/> Other:	
Family name(s): <u>WAYNE PATRICK</u>	
Given name(s): <u>GABBERT</u>	
Preferred name(s): <u>WAYNE</u>	
Postal address: <u>P.O BOX 4619 DARWIN.</u>	
Telephone no. (business hours): <u>89411177</u>	
Facsimile no.: <u>89411166</u>	
E-mail address: <u>wayne@bellgabbert.com</u>	

**3. DESCRIPTION OF PROPOSED AMENDMENT**

Attach A detailed statement describing the proposed amendment.	<b>ATTACHMENT A</b> 
<b>and</b>	
Where the proposed amendment relates to a published document, the title of the document proposed to be amended:	



**4. REASON(S) FOR PROPOSAL**

Attach a detailed statement describing why the proposed amendment should be considered.

**ATTACHMENT B****5. APPLICANT TO SIGN AND/OR AFFIX SEAL**

The application is complete and all required documentation is attached.

Signature(s)

Date

14, 10, 2014

**PRIVACY NOTE:**

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

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

Collection of personal information on this form is done in accordance with the privacy legislation contained within the *Information Act 2002 (NT)*. For more information please refer to the Department of Lands, Planning and the Environment privacy statement located at [www.lands.nt.gov.au/](http://www.lands.nt.gov.au/)

Any personal information provided can be subsequently accessed by you on request.

If you have any queries please contact:

**Lands Planning****Department of Lands, Planning and the Environment**

GPO BOX 1680

DARWIN NT 0801 or


Phone: (08) 8999 5511

Fax: (08) 8999 7189


Email: [planning@nt.gov.au](mailto:planning@nt.gov.au)

We, Peter & Rachel Hoschke of 35 Boulter Rd, Berrimah, give Wayne Gabbert of Bell Gabbert Associates permission to lodge our Development Application for rezoning on our behalf.

Signed

  
.....  
Peter Hoschke

13.10.2014

  
.....  
Rachel Hoschke

October 15th, 2014

## DEVELOPMENT CONSENT AUTHORITY

GPO Box 1680  
Darwin NT 0801  
Fx. 8999 6055

**APPLICATION:** *The applicant seeks planning approval for a planning scheme amendment to the (NTPS) by changing the zoning of Lot 5693 (35) from CP to MD whilst maintaining existing usage rights to operate the existing operational nursery facility usage.*

**PROPERTY :** *Lot 5693 (35) , Boulter Road, Berrimah Darwin NT.*

**LAND OWNER:** *Peter and Rachael Hoschke*

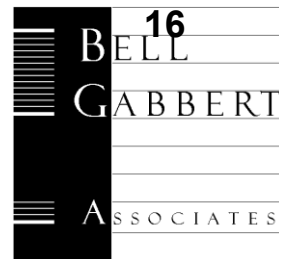
**TITLE REF :** *CUFT 671 260 (order 1)*

**CURRENT ZONE :** *CP (COMMUNITY PURPOSE)*

**SITE AREA :** *13,900 M2 ( 1.39 hectares)*



*6 x Proposed Duplex style units*



### BUILDING DESIGN PROFESSIONALS

**BELL GABBERT  
ASSOCIATES Pty Ltd**

ACN 108 696 895  
ABN 64 108 696 895

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Building Design

Interior Design

Master Planning

Project Management

Graphic Design

Computer Visualization



## 1.0 Site and Locality Description

The applicant seeks planning approval for re-zoning lot 5693 Boulter road whilst maintaining the existing usage rights of the existing operational nursery located on the site. The object of the proposal is provide affordable medium density housing solutions that are consist with the objectives of the Berrimah North Area 2010 Plan and the recently exhibited 2014 Berrimah North Area Plan. Lot 5693 is a rectangular shaped block. The proposed residential lota are to be located at the rear of the site. The site is accessed directly from Boulter road. The site falls approximately 400mm from front to rear. The site has no easements within its boundaries.

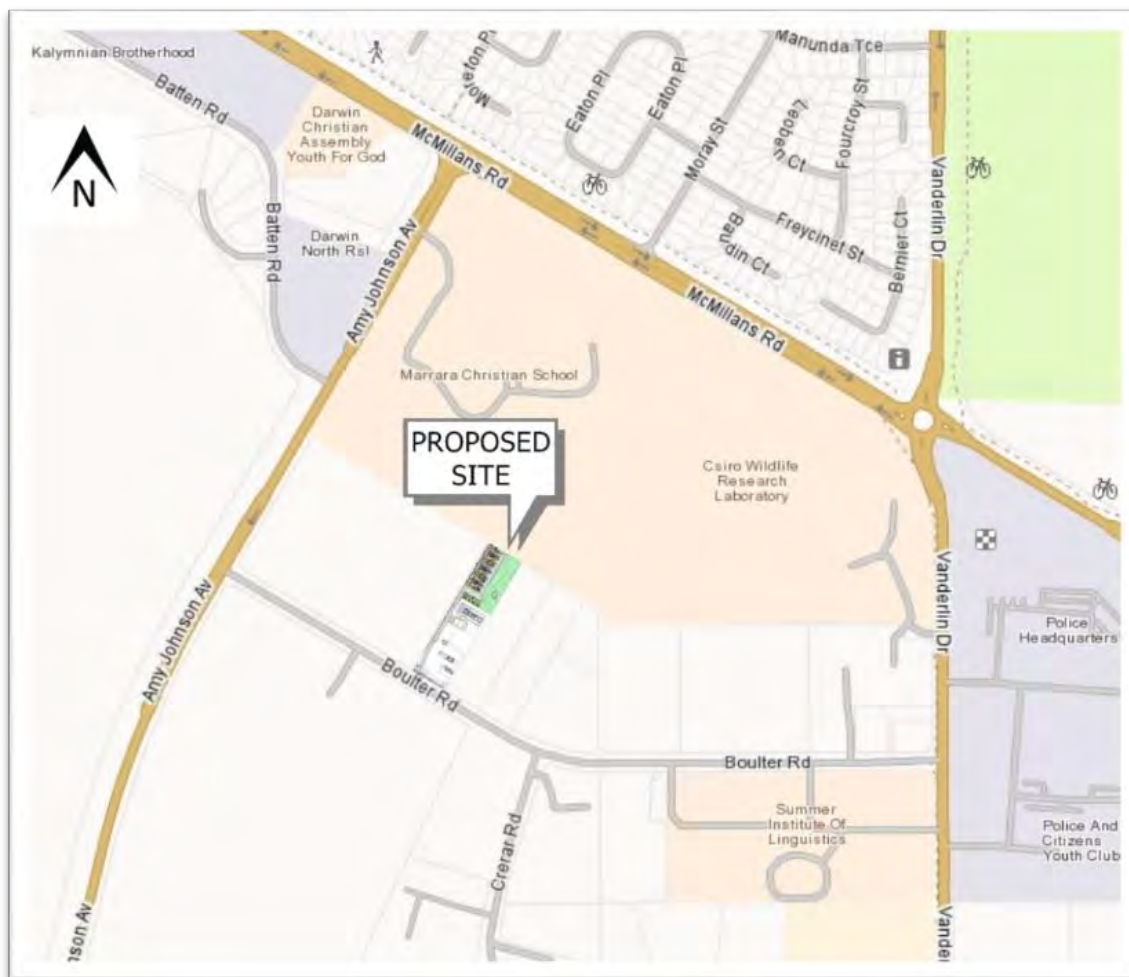


Fig 1. LOCATION PLAN FOR LOT 5623 BOULTER ROAD. (Image courtesy of Google Maps)

## 2.0 The Proposal

The re-zone application will allow the applicant to provide affordable residential housing options based on the allowable site density. The objective of Medium Residential is to provide a range of possible residential solutions in urban areas. The proposal will cater for the projected increased housing demand without the need for extensive infrastructure costs associated with creating new sub-divisions. The large site has allowed the applicant to provide a design which is located to maximize the distances from existing dwellings on neighbouring blocks. The proposed dwellings are larger 3 bedroom style units which can accommodate families and provide a better quality living environment.

The proposal is a logical and considered solution to the site. The applicant clearly demonstrates a compliant well thought-out solution which doesn't over develop the site. The site, being 1.39 hectares, could accommodate a larger subdivision style development; however they have opted for smaller multi-residential solution which is more harmonious with the existing use of the site. The site is capable of supporting the proposed zoning change and is consistent with the residential amenity and zoning of the existing surrounding lots which also comprises of multi- residential dwellings.

### **3.0 Berrimah North Area Plan 2010 and Draft Berrimah North Area Plan 2014**

The site currently has an operating nursery which includes on-site office and caretakers residence. The existing use and proposed rezone uses are both consistent and approved within the principles of the adopted 2010 Berrimah North Area Plan and 2014 draft Berrimah North Area Plan . Refer to Fig 2. below.

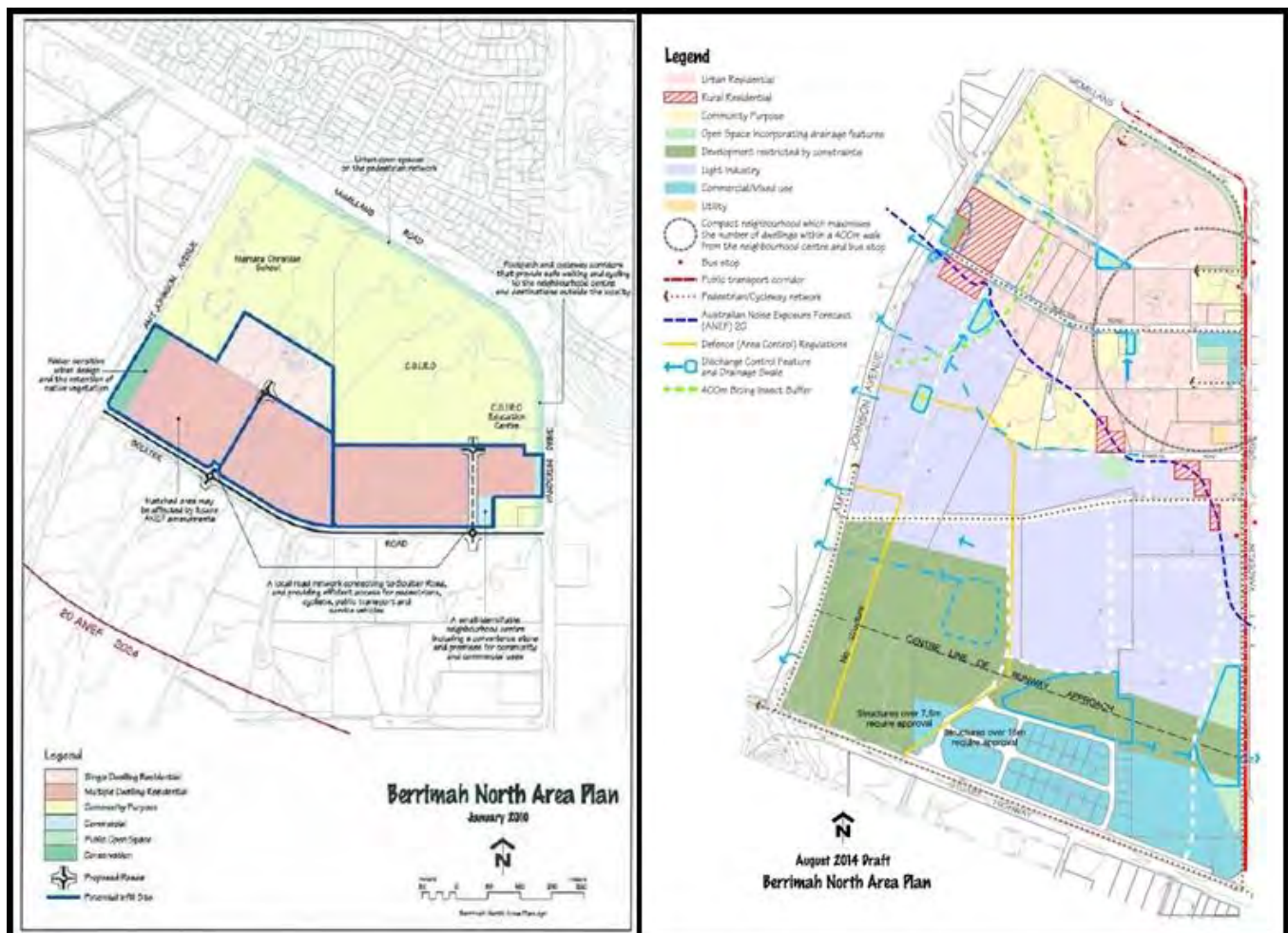


Fig 2. Berrimah North Area plan January 2010 and Draft Berrimah North Area plan 2014

## 4.0 Berrimah North Area Planning Principles

The Berrimah North Area Plan has prescribed principles for development with the plan these are notes below.

Amendment No. 125  
gazetted 07.07.2010  
introduces clause  
14.1.2

### 14.1.2 Berrimah North Planning Principles

Development within the Berrimah North locality is to be consistent with the following principles:

1. Provide a diversity of uses that reinforce the area's focus on urban land uses for example:
  - (a) residential use;
  - (b) commercial use;
  - (c) nursery use;
  - (d) community purpose facilities;
  - (e) public open space; and
  - (f) education facilities.
2. Promote development that integrates compatible land uses and:
  - (a) is consistent with the operational requirements of the Darwin International Airport;
  - (b) ensures that lighting installations do not adversely impact on aircraft operations;
  - (c) protects noise sensitive uses by separation from co-located noise tolerant uses, and employs appropriate noise attenuation measures;
  - (d) considers the proximity of the airport operations in determining material of structures; and
  - (e) positions structures to ensure no adverse impacts on the operation of the airport operations.
3. Provide a safe, accessible, equitable and interesting built environment and public domain that includes:
  - (a) a robust and legible shared use street grid which connects with the adjacent street network, pedestrian and cycle routes;
  - (b) pedestrian and cycle paths which are clearly defined, attractively landscaped to provide shade and interest, well connected to existing routes;
  - (c) consistent provision of high quality street furniture, paving, wayfare signage and pathway lighting;
  - (d) thoughtful integration of public art;
  - (e) a series of connected, landscaped public open spaces and corridors designed to facilitate comfortable and safe use during the day and night;
  - (f) impounded water bodies with appropriate water quality for their intended use;
  - (g) positive relationships between buildings and streets to promote passive surveillance; and
  - (h) active frontages and visually interesting ground level uses.

4. Promote climatically responsive, energy efficient urban design and architecture that contributes to the character of the precinct by:
  - (a) implementing sensitive water use practices across the site;
  - (b) implementing a whole-of-site water management system which addresses both stormwater and groundwater;
  - (c) incorporating strong landscape treatments to provide shade and which are largely comprised of native vegetation;
  - (d) identifying areas of pedestrian priority over vehicle traffic;
  - (e) providing seating, shade and weather protection to adjacent pedestrian footpaths;
  - (f) facilitating natural cross ventilation;
  - (g) integrating generous balconies for outdoor living;
  - (h) minimising direct solar penetration to all buildings through orientation and use of screens, awnings, eaves and the like; and
  - (i) using construction materials appropriate to a tropical environment.
5. Relate the scale of development to both the surroundings and to reflect the desired future character by:
  - (a) considering the visual and acoustic privacy of adjoining residential development;
  - (b) recognising the requirements of existing users of the existing adjacent facilities and land uses; and
  - (c) incorporating a range of building heights within identified building areas.

#### **4.0 Compliance with Berrimah North Planning Principles 14.1.2**

##### **Clause 14.1.2. 1**

The proposal is consistent with both prescribed uses with the Berrimah North Area Plan 2010 and the Draft Berrimah North Area Plan 2014. Both Nursery and Multi- Residential uses approved uses prescribed in the plan under clause 14.1.2.

##### **Clause 14.1.2. 2**

The site falls outside the ANEF 20 noise contour. The proposal does not provide any lighting which will adversely affect the operations of the Darwin International Airport. The building's design provides screening of air-conditioning to reduce acoustic impact on neighbouring units.

The building themselves are separated and common walls between units will be acoustically treated in compliance with the Building Code of Australia requirements. The buildings are only 6.72 meters high, well below the prescribed 8.5 m high residential limit for the area.

##### **Clause 14.1.2. 3**

The site currently has direct front access to Boulter Road; the proposed residential zoning will also have direct access to Boulter Road. The site neighbours Lot 5694 which has recently be granted MD re-zoning approval. As with other previous applications this application takes into account the future proposed construction of pedestrian foot paths and cycle paths as outlined in the recent proposal to amend the NT Planning Scheme PA2014/0598.

##### **Clause 14.1.2. 4**

The development offers a climatically responsive design. The buildings have been orientated to provide good breezeways between buildings and adjoining sites. In addition the buildings have positioned with greater than required boundary setbacks which provides greater separation from neighbouring sites. The dwellings have large roof overhangs at the front and rear of the buildings. The large overhangs provide superior shading to the internal and outdoor living areas as well as provide appropriate weather protection applicable to our environment. Refer to figure 5 below. The site also has been designed to capture all storm water within the site and subsequently discharged into the City of Darwin system. Refer to attached Storm Water design by OPUS Engineers.



Fig 5.



#### **4.0 Compliance with Berrimah North Planning Principles 14.1.2 Cont.**

##### **Clause 14.1.2. 5**

The scale of the proposal is in context to other approved developments on Boulter Road. The applicant has chosen not to apply for a larger sub-division application. Instead they have opted for a smaller multi-residential proposal of lower density which provides larger dwellings and greater communal space while at the same time provides a more harmonious link with current nursery usage of the site. Being one of the later development in the area the applicant has the opportunity to see what has been previously been built and has opted for a smaller scale development which relates to the neighbouring sites. Refer to Fig 6. below.



Fig 6.

## **5.0 Compliance with Development Standards**

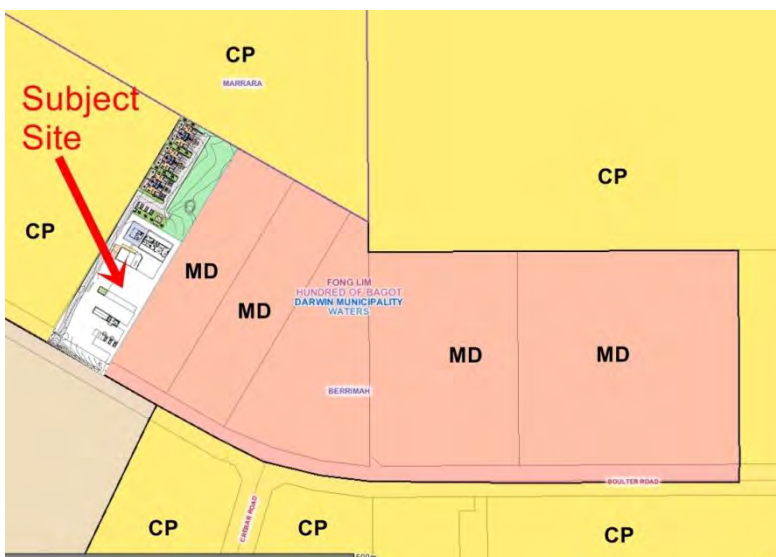
To demonstrate the suitability and compliance for higher density development the applicant has given consideration to at least outline the proposed future concept in order to genuinely show the true development intentions and to demonstrate and highlight that the site can accommodate a higher density residential development. The applicant has included a proposed compliant design. This design has been based on the MD zone requirements and illustrates that a quality design of suitable character can be achieved on the site if it was successful in achieving a zoning change.



*Fig 7. Perspective image highlighting residential characteristics of the design.*

### **5.1 NATURE OF APPLICATION**

This application is made under the section 46 (1) of the Planning Act 1999. The proposal site has a total area 13,900 m<sup>2</sup> under title. The site is currently zoned CP and abuts adjacent MD and CP sites. Please refer figure 8 Below for current zoning in area.



*Fig 8. Recently approved MD zones on Boulter Road*

## **5.2 THE SITE**

The sites fronts Boulter Road and has a combined area of 13,900 m<sup>2</sup>. The site has no easements. The lot is currently zoned CP under the Town Plan of 1990. The lot is serviced by all required urban infrastructure.

### **The Proposal**

The application seeks a development permit to allow the construction of 6 x 3 bedroom multiple dwellings in a single storey building. The site is capable of supporting the proposed development; the proposal is consistent with the residential amenity and is in context with recently re-zoned surrounding lots. The proposed rezoning is in compliance with the objectives of the Berrimah North Area plans. This is further demonstrated by the recent approval of the neighbouring site which has received MD rezoning approval.

### **RELEVANT CLAUSES IN THE NT PLANNING SCHEME**

Multiple dwellings - The following clauses apply to a MD zoned block with a discretionary use application;

The relevant development provisions are:

- Clause 6.5.1 Car parking requirements.
- Clause 6.5.3 Car parking layout.
- Clause 7.1 Residential density and height restrictions.
- Clause 7.3 Building setbacks.
- Clause 7.5 Private open space.
- Clause 7.7 Landscaping.
- Clause 7.8 Building design.
- Section 46 of the Planning Act.

### **Clause 6.51- Parking**

1. 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**.
2. Subject to clause 6.5.2, if a use or development specified in column 1 of the table to this clause is proposed, the number of **car parking spaces** (rounded up to the next whole number) required for that use or development is to be calculated in accordance with the formula specified opposite in column 2 or, if the use or development is within zone CB in Darwin, column 3.
3. 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.
4. A **car parking area** is to be designed in accordance with clause 6.5.3.

The proposal includes 6 x 3 bed units. The NTPS requires 2 parking bays per dwelling:

2 bays per dwelling x 6 dwellings = 12 resident car spaces are required. This proposal provides 12 car bays it also provides 5 car bays for visitor parking.

***The proposal complies with this clause.***

### Clause 6.5.3 - Parking Layout

The car parking and site access has been designed to provide safe and convenient vehicle access; the building design provides covered separate parking whilst reducing the capacity for vehicle conflict within the site. The parking and driveway areas are separate for each unit. The car bays and road is sealed to comply with requirements of AS 2890. In addition a vehicle reversing bay has been provided to assist garbage collection vehicles and tenant vehicle traffic movement within the site.

*The proposal complies with this clause.*

### Clause 7.1 Residential density

TABLE A TO CLAUSE 7.1.1 – DWELLING DENSITY IN CERTAIN ZONES		
Zone	Dwelling Density	
SD, RR, RL, R and for a single dwelling in CL, CV and T	1 single dwelling per lot and may include an independent unit.	Clause 11.1.2 allows for provision of higher densities of single dwellings as part of integrated residential developments in Zone SD.
MD and for multiple dwellings in CL and T	1 per 300m <sup>2</sup>	Clause 11.1 refers to minimum lot sizes and other associated requirements.

The site is 13,900 m<sup>2</sup>; the allowable density for a MD site as per table 7.1.1 is 1 dwelling per 300m<sup>2</sup>.

$$\frac{13,900 \text{ M2 TOTAL SITE}}{300 \text{ M2 PER UNIT}} = 46 \text{ units}$$

The site is 13,900 m<sup>2</sup> therefore can accommodate 46 units this application proposes 6 which is significantly under the allowable density.

*The proposal complies with this clause.*



## Clause 7.1 Residential Height

**TABLE TO CLAUSE 7.1.2 – DWELLING HEIGHT AND MAXIMUM NUMBER OF STOREYS IN CERTAIN ZONES**

Zone	Maximum Number of Storeys and Maximum Dwelling Height above Ground Level for Residential Buildings
SD and for a single dwelling in Zones CL, CV and T	2 – to a maximum height of 8.5m
MD and for multiple dwellings in Zones CL, T	2 – to a maximum height of 8.5m
MR other than in Alice Springs	4 maximum
MR and TC in Alice Springs	3 maximum
HR	8+*
RR	2 – to a maximum height of 8.5m
RL	2 – to a maximum height of 8.5m
R	2 – to a maximum height of 8.5m
C	3

Clause 6.2 limits building heights in Alice Springs.

Clause 7.9 limits residential development on the ground floor in Zone C.

\* The consent authority may consent to a development application for a building that exceeds 8 storeys in height in Zone HR only if it is satisfied that special circumstances justify the giving of consent.

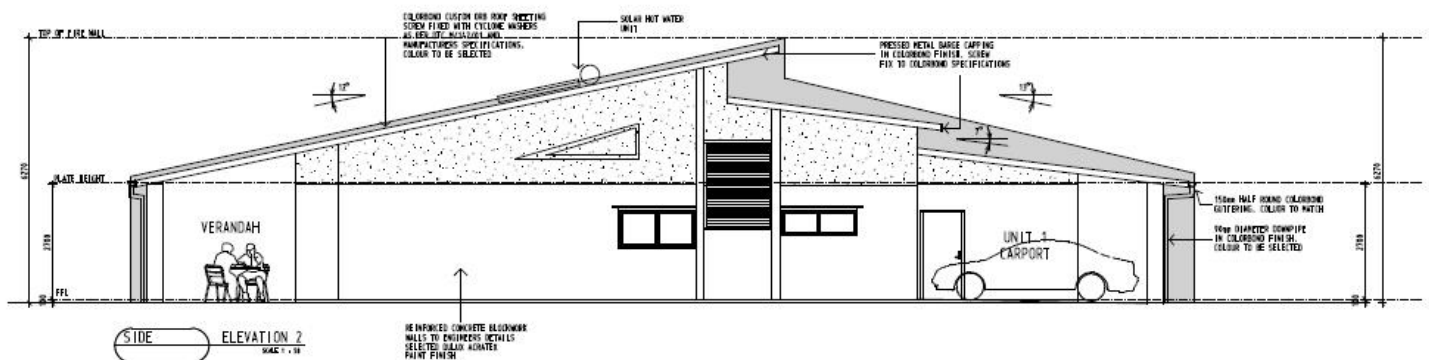


Fig 9 . Building heights

The development entails 6 x 3 bedroom single storey dwellings in a Duplex construction. The overall height is 6.720m, which complies with the allowable 8.5 m overall height as noted in table to clause 7.1.2 above . Refer to figure 9 above.

**The proposal complies with this clause.**

### 7.3 Building Setbacks

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	<p>Clause 2.4 describes the circumstances when the setback requirements of clause 7.3 apply to specific use zones.</p> <p>Setbacks relate to lot boundaries and not unit title boundaries.</p> <p>A structure without external walls includes a carport, pergola, portico and shade sail.</p>
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  <u>and</u> 0.9m for shade sails	
<p><b>Building setback</b> is measured from all boundaries to:</p> <ul style="list-style-type: none"> <li>the wall of a residential building;</li> <li>the outer surface of the railings of a balcony or a verandah;</li> <li>the outer surface of any support column of a ground level verandah; and-</li> <li>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.</li> </ul> <p>No part of the roof structure including gutters and eaves, is to encroach more than 0.9m into the minimum <b>building setbacks</b> from the lot boundaries described in Table A to Clause 7.3.</p>		

The proposal complies with all setback requirements. The development is setback more 6.0 meters from the primary street.

- Wall between duplex units are spaced at 3 meters.
- Units veranda are set back 2.1 meters off the boundary.
- Units are located 4.0 meters off the rear boundary.

***The proposal complies with this clause.***

## 7.5 Private Open Space

**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 <u>and</u> 0.9m for shade sails

Clause 2.4 describes the circumstances when the setback requirements of clause 7.3 apply to specific use zones.

Setbacks relate to lot boundaries and not unit title boundaries.

A structure without external walls includes a carport, pergola, portico and shade sail.

**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.

The proposal provides a mix of private and communal open space for residents. Each dwelling is at ground level and has a min of 65m<sup>2</sup> of screened private space. Each dwelling has an area of private open space with the minimum dimensions 5m x 5m.

***The proposal complies with this clause***



## 7.7 Landscaping

1. The purpose of this clause is to ensure that landscaping for **hostels, multiple dwellings, and supporting accommodation** complements and enhances the streetscape, is attractive and pleasant and contributes to a safe environment.
2. 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 **hostels, multiple dwellings and supporting accommodation** is to be landscaped.

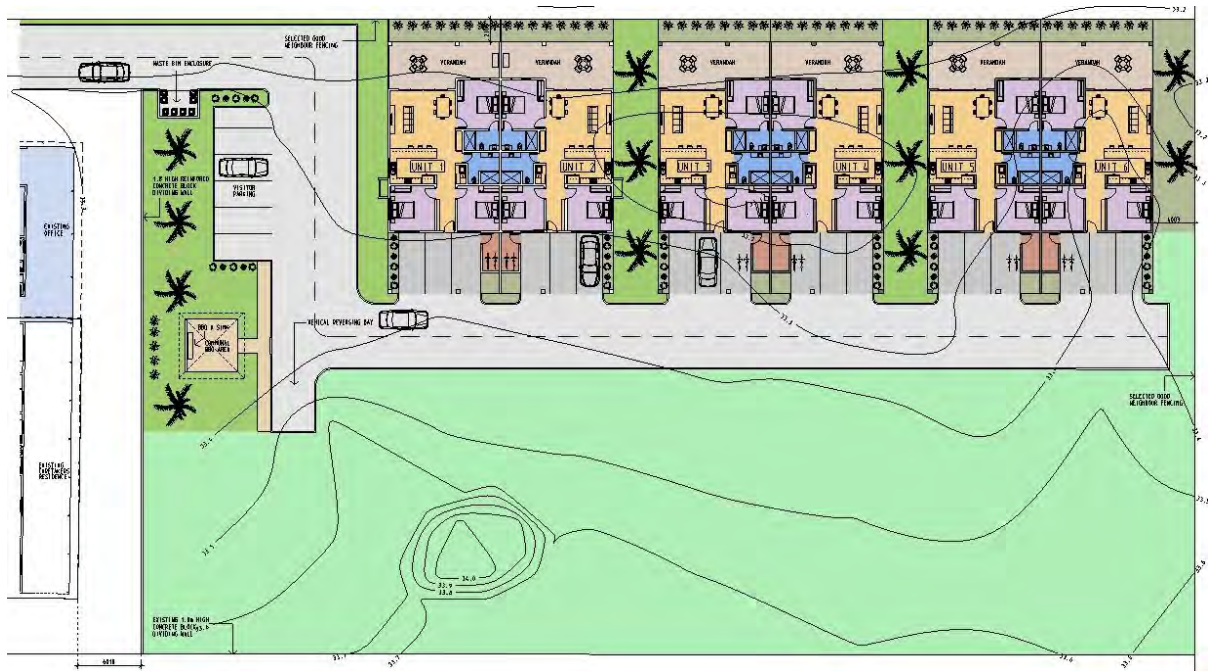


Fig 10.

The proposal provides significantly more than the 30% landscape quota.

*The proposal complies with this clause.*



## 7.8 Building Design

1. The purpose of this clause is to promote site-responsive designs for **hostels, multiple dwellings** and **supporting accommodation** which are pleasant for the occupants and do not unreasonably affect the use and enjoyment of adjacent land.
2. Building design should:
  - (a) locate development on the **site** for correct solar orientation;
  - (b) minimise expanses of walls by varying building heights, **building setbacks** and façades;
  - (c) locate air conditioners where they are accessible for servicing;
  - (d) conceal service ducts, pipes, air conditioners, air conditioning plants etc;
  - (e) avoid overlooking of private open spaces and **habitable rooms** of adjacent residences on the same and adjacent **sites**;
  - (f) locate bedrooms and private open spaces away from noise sources;
  - (g) control its own noise sources and minimise the transmission of noise between **dwellings**;
  - (h) where close to high noise sources (such as busy roads and airport flight paths), be of appropriate acoustic design and construction;
  - (i) balance the achievement of visual and acoustic privacy with passive climate control features;
  - (j) allow breeze penetration and circulation;
  - (k) minimise use of reflective surfaces; and
  - (l) provide internal drainage of balconies and coving on the edge of balconies.

## 7.8 Building Design

**a)** The building is designed with the long-axis facing North/South and includes sun-shading/louvers above windows. All balconies and living areas are recessed providing significant shading to interior areas.

**b)** The building has an interesting plan form which has been designed to provide an affordable and attractive affordable housing option. The design has stepped roof lines creating a visual break in wall heights and building mass. The buildings have a contemporary design which utilizes a variety of materials and forms.

### 7.8 Building Design Cont...

c) To reduce visibility, all air-conditioning units are positioned behind nib walls or behind screen on gable end walls. They are generally located in areas which are conducive to reducing the acoustic impact on adjoining private space areas. Refer to figure 11 below.



Fig 11. Air conditioning screening

d) As noted above - All air-conditioning will be multi-split systems and all pipe work will be within constructed within the walls. The air-conditioning units are located behind screening to reduce acoustic and visual impact.

e) Visual privacy within the site is provided as no unit directly looks onto another. The design has positioned the private open spaces at opposite ends of verandas providing both privacy and physical separation. Areas between units will have shrubs to provide a visual screening barrier.

f) All bedrooms and private open spaces where possible, are positioned away from noise sources. The location of Duplex to the rear of the property ensures that no bedrooms face the primary road reducing the effects of road noise.

g) Air-conditioning units are positioned behind nib walls or to the side boundaries. They are generally located in areas which are conducive to reducing the acoustic impact on adjoining

private space areas. The sound transmission between units will comply with the Acoustic Requirements of the Building Code of Australia.

h) The site is located outside the ANEF 20 contour and no specialized acoustic attenuation measures are required.

## 7.8 Building Design Cont...

- i) Not applicable.
- j) The design orientation will allow for circulation of prevailing breezes around the building. In addition the living areas have been designed with parallel windows promoting cross ventilation in the main living areas.
- k) No reflective wall materials other than glass are proposed.
- l) Not applicable for single storey construction.

## 46.3 Section of the planning act

SECTION OF THE PLANNING ACT	MATTER TO BE ADDRESSED IN APPLICATION
46(3)(a)	an assessment demonstrating how the proposed development will comply with any planning scheme that applies to the land;
46(3)(b)	an assessment demonstrating how the proposed development will comply with an interim development control order, if any, applying to the land;
46(3)(c)	if a public environmental report or an environmental impact statement has been prepared or is required under the <i>Environmental Assessment Act</i> in relation to the proposed development, a copy of the report or statement and the results of any assessment of the report or statement under that Act by the Minister administering that Act;
46(3)(d)	an assessment demonstrating the merits of the proposed development;
46(3)(e)	a description of the physical characteristics of the land and a detailed assessment demonstrating the land's suitability for the purposes of the proposed development and the effect of development on that land and other land;
46(3)(f)	a statement specifying 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;
46(3)(g)	a statement specifying 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 whether public utilities or infrastructure are to be provided by the developer or land is to be provided by the developer for the provision of public utilities or infrastructure;
46(3)(h)	an assessment of the potential impact on the existing and future amenity of the area in which the land is situated;
46(3)(j)	an assessment of the benefit or detriment to the public interest of the development;

### 46.3 Section of the planning act Cont....

- a) Refer to section 5 compliance with planning requirements.
- b) Not applicable.
- c) There are no known interim development orders applicable to this area.
- d) This development does not require any new environmental report or environmental statements. The site has already has an established operating nursery and caretakers residence. All services and urban infrastructure have already been established and in addition adjacent sites have already been re-zoned and developed in context with Berrimah North Area Plans 2010 and 2014 draft plan.
- e) The proposed development is in context with the adjoining rezoned MD developments and the land use objectives of the area. The proposal provides a housing solution which is consistent with the urban planning of the Berrimah North Area Plan. Th proposed dwellings are a contemporary design, which will use modern colours and materials. The design is also energy efficient and will incorporate shading devices to prevent direct sunlight into living areas.
- f) The proposed development portion of site will be cleared and graded for collection of storm water within the site. All urban infrastructure and services have been installed and will be augmented to accommodate the additional capacity if required. The site has approximately .4 meters fall over it longest length. The proposal provides a storm water design which will capture and direct on-site water to the City of Darwin storm water system located at the front of the site. The site is context and scale to similar approved developments already under construction on Boulter Road
- g) The proposal provides a designated public open space within the development. The area has a shaded undercover BBQ area. The surrounds will contain extensive green space which are above standard planning requirements. The proposal also provides 5 genuine visitors car parks for visitors of the residing residents.
- h) Service utilities and infrastructure are already provided on-site however these will be augmented if required to support any increased loads. The site services will connect to the existing Boulter Road infrastructure.
- i) The proposed development is consistent and in context with the aim of the Berrimah North Area Plans . The development is symbiotic with current and proposed amenities for the area, this range from extensive residential, commercial and nursery use. The proposal is unlikely to have a negative effect on the existing or future amenity of the area; the design contributes to the area by providing a design which is functionable and compatible.
- j) It is not foreseen that the proposal will have any negative impact on the existing public interest or amenity of the site. The proposal is consistent and harmonious with the existing land use and future expectation of land use for this area. The proposal will provide valuable housing solutions to a market desperately seeking quality and affordable housing solutions which will benefit the general public.

### **Conclusion**

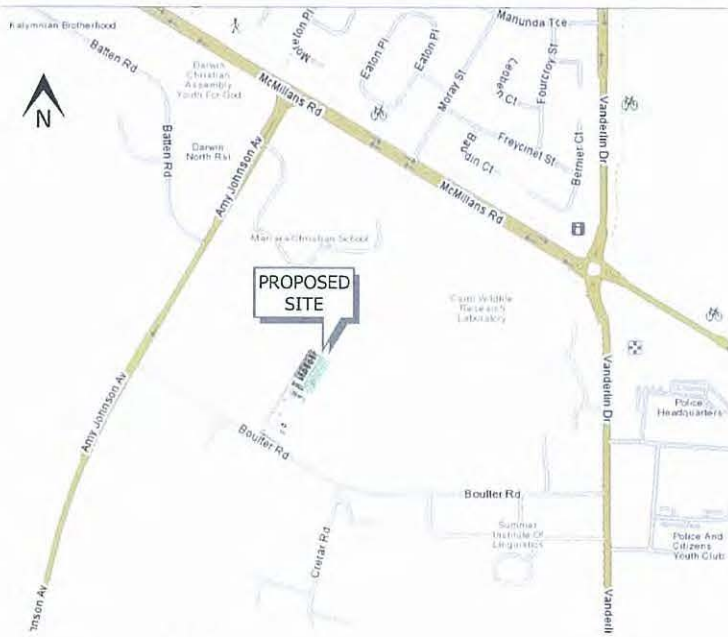
This application to rezone Lot 5693 (35) , Boulter Road, Berrimah from CP to MD whilst maintaining existing usage rights to operate the existing operational nursery facility is in context with Berrimah North Area Plans. Both uses are included in 2010 plan and the current revised 2014 draft plan. The proposal has been considered against Sections 46 of the planning act and complies in all respects. The proposal is similar to other successful rezoning applications on Boulter Road including the neighbouring block. The site is capable of supporting the proposed MD development whilst maintaining existing operational nursery usage and is compatible with surrounding land uses. The proposal is in context with the objectives Berrimah North Area Plan. It is therefore kindly requested that a planning permit be granted for this proposal.

Should you wish to discuss any of the above, please call me on 8941 1177.

Regards

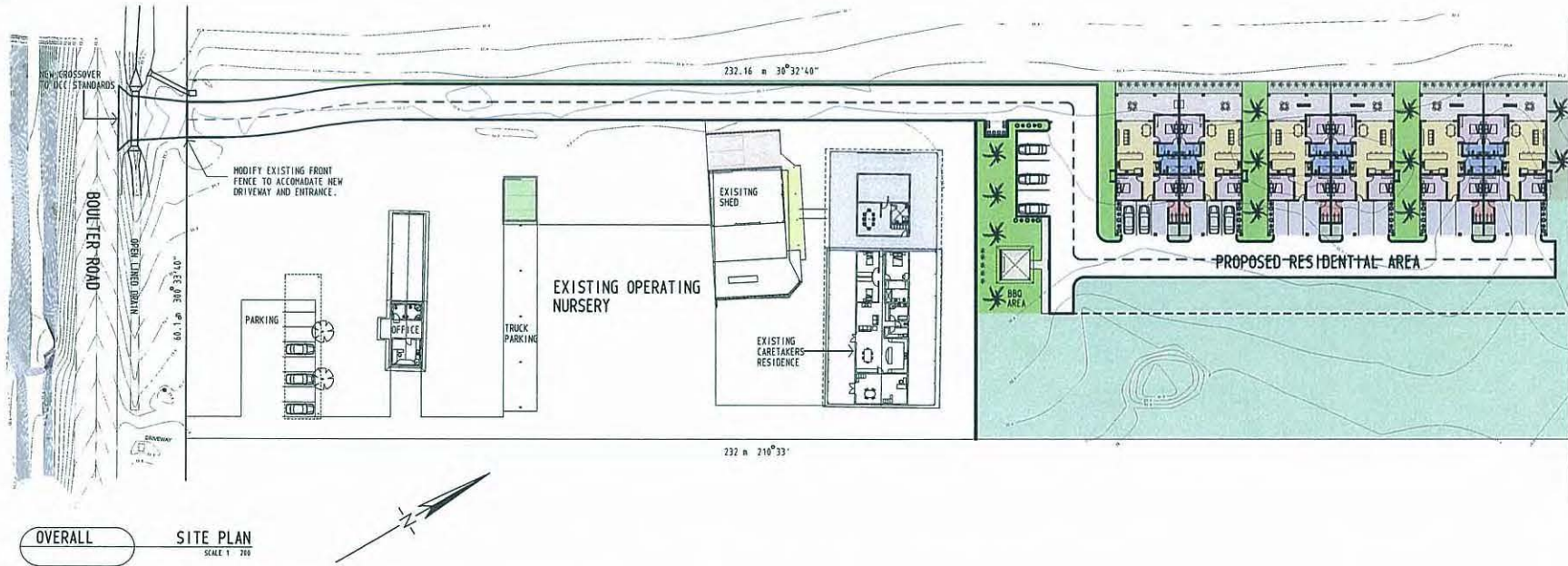
Wayne Gabbert  
Director  
Bell Gabbert Associates





PROPOSED MULTI-RESIDENTIAL CONCEPT

LOCATION PLAN



OVERALL SITE PLAN  
SCALE 1:200

CLIENT  
PROJECT MANAGER  
BUILDER

CONSULTANTS  
— QUANTITY SURVEYOR  
— STRUCTURAL ELECTRICAL  
— HYDRAULIC  
— CIVIL  
— BUILDING CERTIFICATION



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JOB TITLE

PROPOSED RE-ZONE APPLICATION  
FOR LOT 5693 BOULTER RD  
BERRIMAH

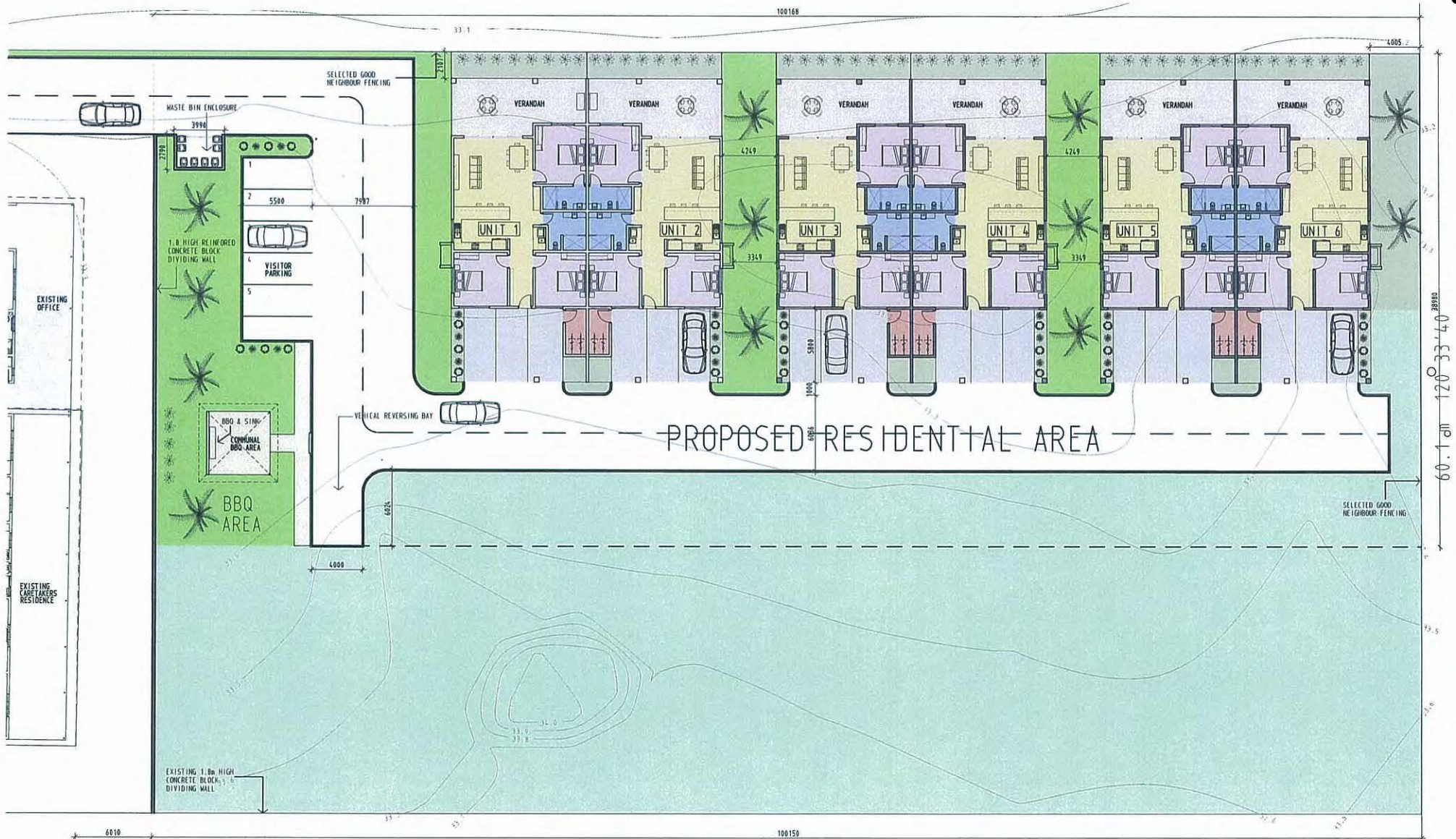
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DRAWING TITLE

LOCATION PLAN  
SITE PLAN

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JOB No. D14503  
DATE AUGUST 2014  
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DRAWING No. SK1  
REVISION





RESIDENTIAL SITE PLAN

SCALE 1:150

No. AMENDMENT

DATE

CLIENT  
PROJECT MANAGER  
BUILDER

CONSULTANTS  
QUANTITY SURVEYOR  
STRUCTURAL ELECTRICAL  
HYDRAULIC  
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JOB TITLE

PROPOSED RE-ZONE APPLICATION  
FOR LOT 5693 BOULTER RD  
BERRIMAH

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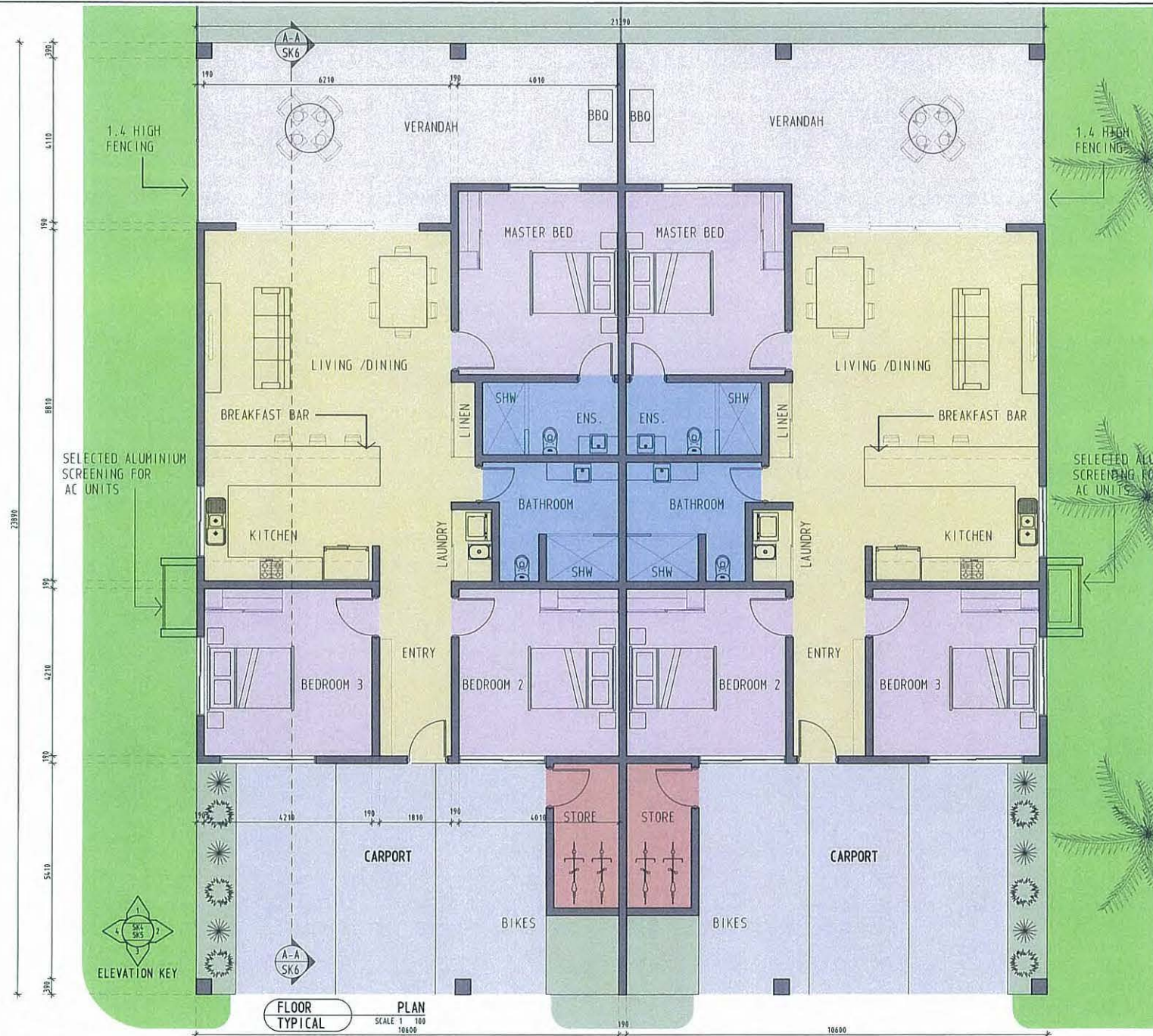
RESIDENTIAL  
SITE PLAN

ALL DIMENSIONS TO BE VERIFIED AND CHECKED ON JOB

JOB No. D14593  
DATE AUGUST 2014  
DRAWN NG + JS  
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DRAWING No. SK2  
REVISION





NO.	AMENDMENT

CLIENT	
PROJECT MANAGER	
BUILDER	
DATE	

CONSULTANTS	
QUANTITY SURVEYOR	
STRUCTURAL ELECTRICAL	
HYDRAULIC	
CIVIL	
BUILDING CERTIFICATION	



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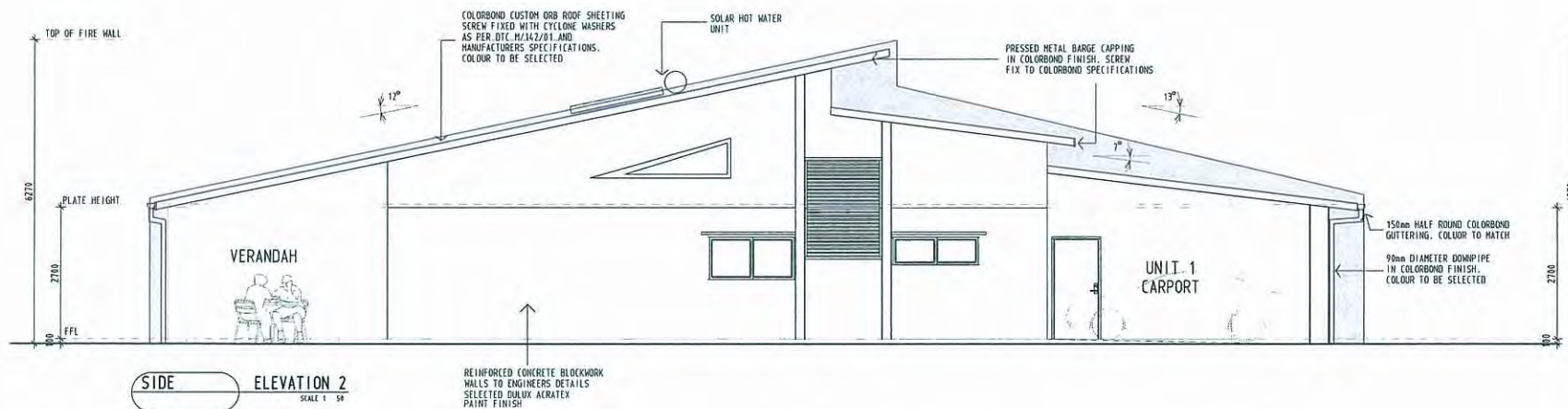
**PROPOSED RE-ZONE APPLICATION  
 FOR LOT 5693 BOULTER RD  
 BERRIMAH**

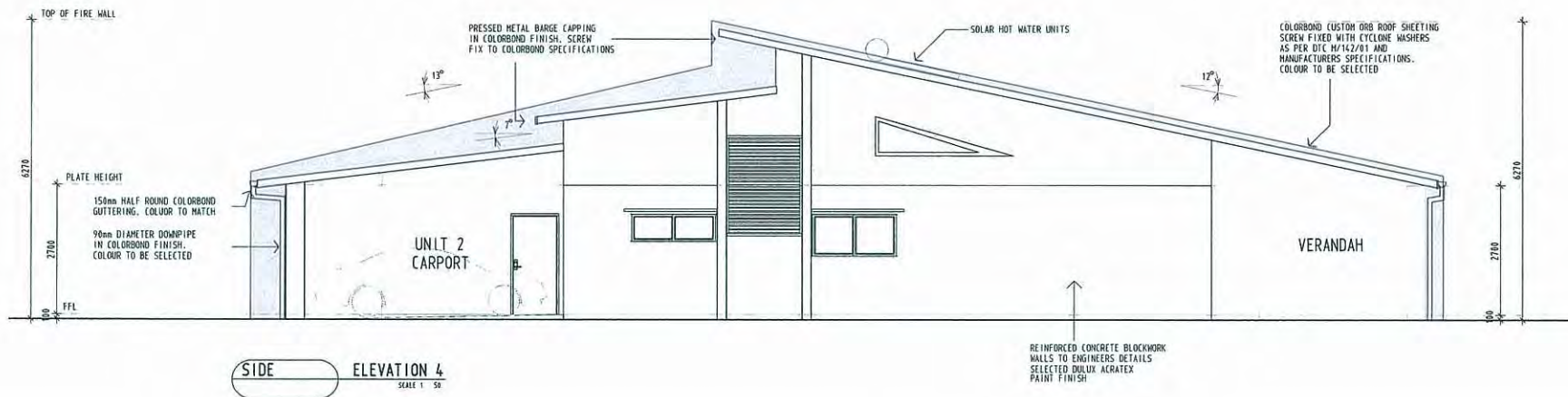
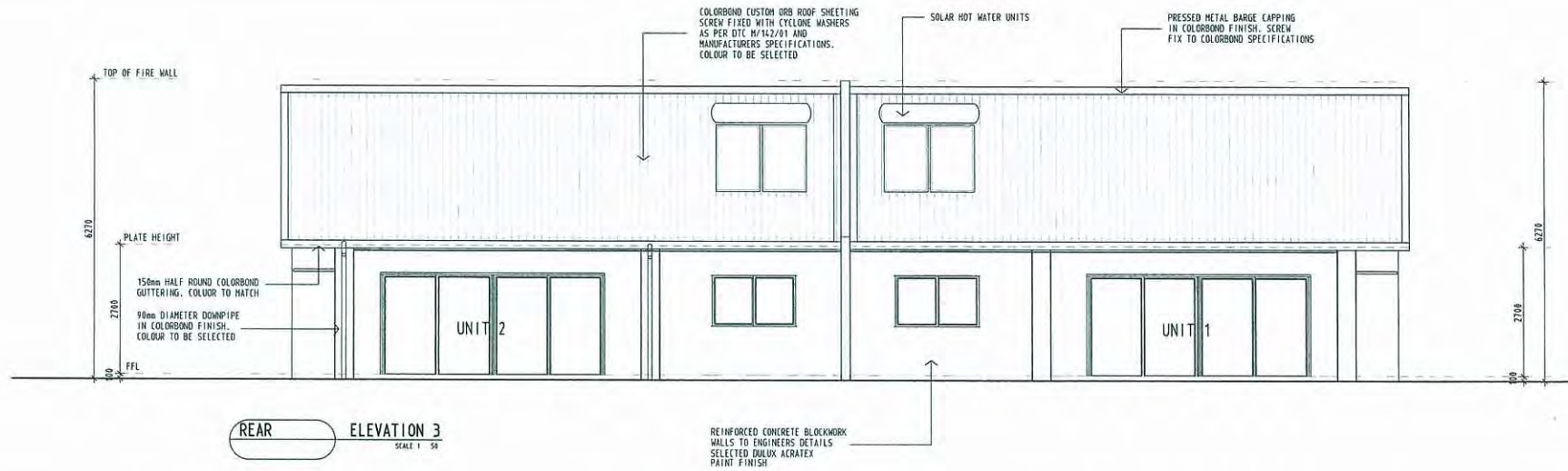
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**UNIT  
 FLOOR PLAN**

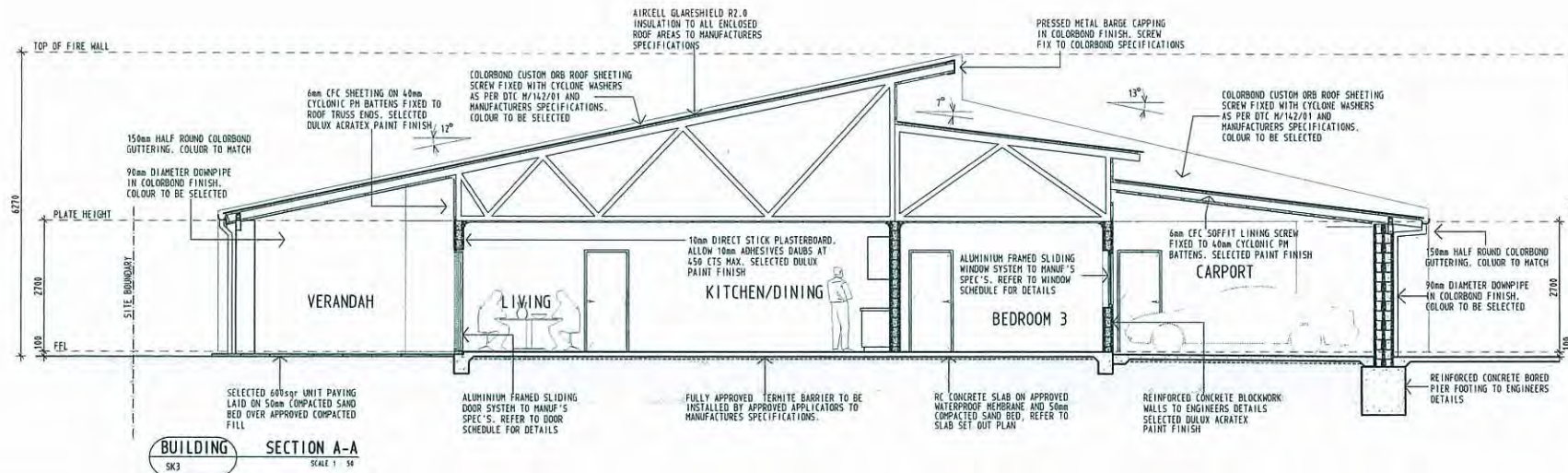
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JOB NO. D14503	<b>SK3</b>
DATE AUGUST 2014	REVISION
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DATE: Tuesday, October 14, 2014  
PLOT TIME: 3:07 PM  
PANNAMAE, C:\Users\p14033\Boulters RE-ZONE\DWG\SK3-510.dwg

NO. AMENDMENT	CLIENT	CONSULTANTS	PROJECT NORTH	BELL GABBERT ASSOCIATES
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		HYDRAULIC		GPO Box 4010 Darwin NT 0800
		CIVIL		Ph. (08) 8941 1177
		BUILDING CERTIFICATION		Fx. (08) 8941 1106
				A.B.N. 64 1100 000 896
				www.bellgabbert.com

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JOB TITLE	DRAWING TITLE
<b>PROPOSED RE-ZONE APPLICATION</b>	<b>SECT A-A</b>
<b>FOR LOT 5693 BOULTER RD</b>	
<b>BERRIMAH</b>	

ALL DIMENSIONS TO BE VERIFIED AND CHECKED ON JOB	DRAWING NO.
JOB NO. D14503	<b>SK6</b>
DATE AUGUST 2014	REVISION
DRAWN WG + JS	
SCALE 1:50 (A1)	









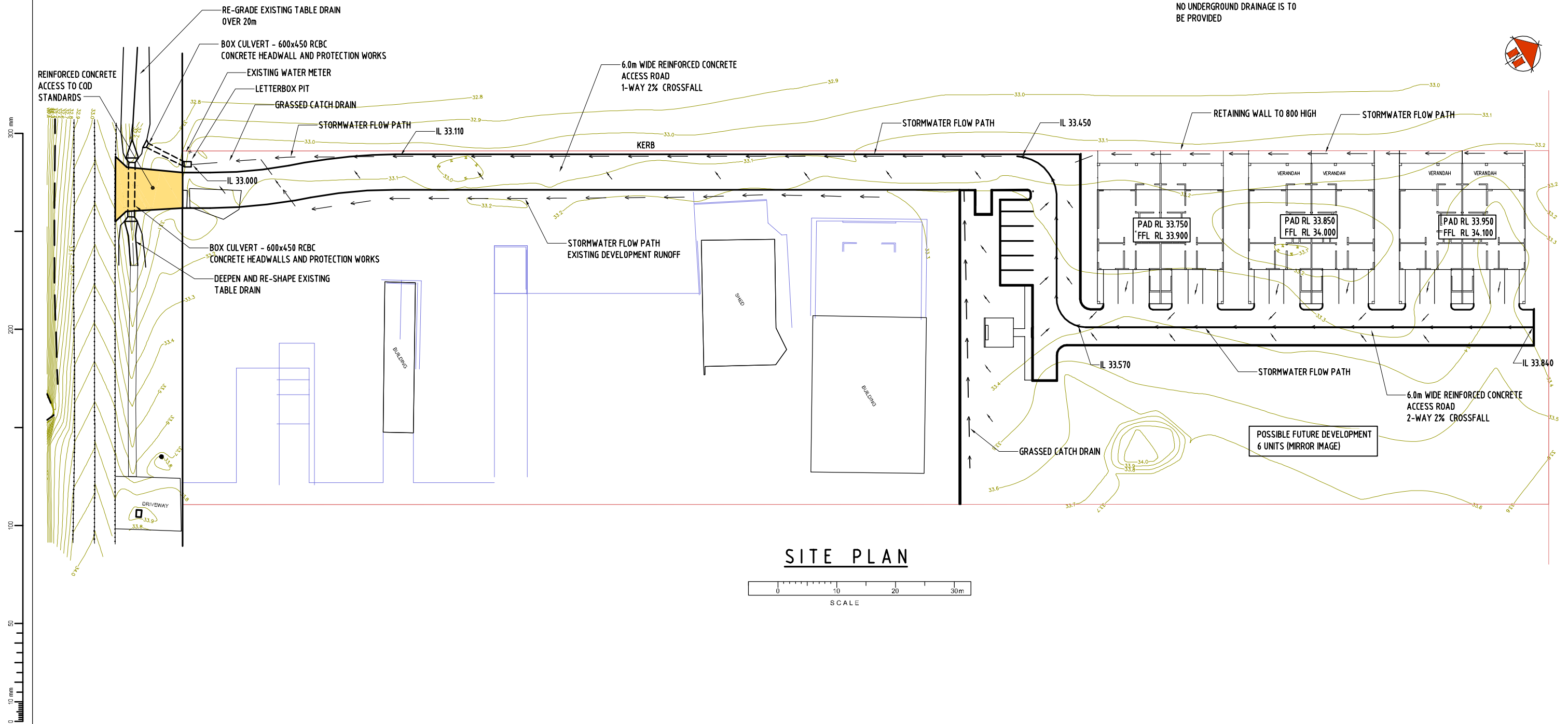








DOWNPIPE DRAINAGE IS OVERLAND  
NO UNDERGROUND DRAINAGE IS TO  
BE PROVIDED

[illegible]

PO Box 4083  
Darwin NT 0801  
Australia

PO Box 4083  
Darwin NT 0801  
Australia

Drawn	Designed	Approved	Revision Date
OAR	OAR	DMB	09-09-14

Project No.	Scale
N-D4701.00	AS SHOWN

Project	PROPOSED DEVELOPMENT - LOT 5693 BOULTER ROAD MULTIPLE DWELLINGS
---------	--

## ACCESS AND DRAINAGE CONCEPT

14

Drawing No.	N-D4701.00 C01
-------------	----------------

Sheet No. C01

1



POSSIBLE FUTURE DEVELOPMENT  
6 UNITS (MIRROR IMAGE)

[illegible]







## NORTHERN TERRITORY OF AUSTRALIA

### PROPOSAL TO AMEND NT PLANNING SCHEME PA2014/0815

An application has been made to the Minister for Lands, Planning and the Environment to amend the NT Planning Scheme by rezoning Section 5693 Hundred of Bagot (35 Boulter Road, Berrimah) from Zone CP (Community Purposes) to Zone MD (Multiple Dwelling Residential).

Attached are:

- the Notice of Exhibition under section 17 of the *Planning Act*;
- extracts from the NT Planning Scheme relating to Zone CP (Community Purposes);
- extracts from the NT Planning Scheme relating to Zone MD (Multiple Dwelling Residential);
- a locality map; and
- a copy of the submitted application.

The exhibition period is from Friday 31 October to Friday 28 November 2014.

Written submissions about the proposed planning scheme amendment are to be received by 4.00pm on Friday 28 November 2014 and made to:

Director, Lands Planning  
Department of Lands, Planning and the Environment  
GPO Box 1680  
DARWIN NT 0801; or

Email: [planning.dlpe@nt.gov.au](mailto:planning.dlpe@nt.gov.au)

Fax: (08) 8999 7189; or

Hand delivered to Ground Floor, Arnhemica House, 16 Parap Road, Parap.

For more information please contact Steven Conn, Lands Planning on ph. (08) 8999 7684.



## NORTHERN TERRITORY OF AUSTRALIA

*Planning Act*

**NOTICE OF EXHIBITION OF PROPOSAL  
TO AMEND NT PLANNING SCHEME  
PA2014/0815**

I, FABIO ROSARIO FINOCCHIARO, delegate of the Minister for Lands, Planning and the Environment, pursuant to section 17 of the *Planning Act* give notice of the following:

- (a) a proposal to amend the NT Planning Scheme, numbered PA2014/0815 as referred to in (e), is to be exhibited under Division 3 of Part 2 of the Act;
- (b) the proposed amendment is to be exhibited at the office of the Department of Lands, Planning and the Environment, Ground Floor, Arnhemica House, 16 Parap Road, Parap;
- (c) the period of exhibition is for 28 days, commencing upon first newspaper publication of the notice required by section 17(1);
- (d) written submissions regarding this exhibition should be made to:

Director, Lands Planning  
Department of Lands, Planning and the Environment  
GPO Box 1680  
DARWIN NT 0801 or

Fax: (08) 8999 7189 or

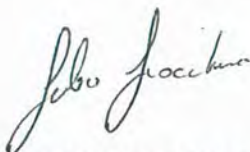
Email: [planning.dlpe@nt.gov.au](mailto:planning.dlpe@nt.gov.au)

- (e) the proposed amendment is to the NT Planning Scheme, to rezone Section 5693 Hundred of Bagot (35 Boulter Road, Berrimah) from Zone CP (Community Purposes) to Zone (Multiple Dwelling Residential) to facilitate the development of the site for the purpose of multiple dwellings.

Dated

19 OCTOBER

2014.



FABIO ROSARIO FINOCCHIARO  
Delegate of the Minister for Lands, Planning and the Environment

## 5.21 ZONE CP – COMMUNITY PURPOSES

1. The primary purpose of Zone CP is to provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration.
2. Design is expected to incorporate landscaping that will enhance the visual appearance of the development. The development of residential accommodation is to only be in association with and ancillary to the primary use of the land.

Clause 6.8 refers to **Demountable Structures**.

Clause 6.2 limits the height of buildings within the Municipality of Alice Springs.

Clause 6.9 controls the use and development of land within the ANEF 20 unit value contour adjacent to airports.

Clause 6.14 refers to land subject to flooding and storm surge.

Clause 7.10.2 refers to **caravans**.

Clause 10.2 refers to the **clearing of native vegetation**.

Clause 13.5 refers to the erection of mobile telephone communications towers.

ZONING TABLE – ZONE CP

abattoir	x	
agriculture	x	
animal boarding	D	6.1, 6.5.1, 10.1, 10.2
business sign	P	6.7
caravan park	x	
caretaker's residence	P	6.1, 6.5.1, 7.3, 7.10.3
car park	x	
child care centre	P	6.1, 6.5.1, 8.1.5, 8.2, 10.2
community centre	P	6.1, 6.5.1, 8.2, 10.2
domestic livestock	x	
education establishment	P	6.5.1, 8.2, 10.2
fuel depot	x	
general industry	x	
group home	x	
home based child care centre	x	
home based contracting	x	
home based visitor accommodation	x	
home occupation	P	7.10.7
horticulture	x	
hospital	D	6.1, 6.5.1, 6.6, 8.2, 10.2
hostel	x	
hotel	x	
independent unit	x	
intensive animal husbandry	x	
leisure and recreation	D	6.1, 6.5.1, 10.2
licensed club	x	
light industry	x	
medical clinic	D	6.1, 6.5.1, 8.2, 10.2
medical consulting rooms	x	
motel	x	
motor body works	x	
motor repair station	x	
multiple dwellings	x	
office	x	
passenger terminal	D	6.1, 6.5.1, 8.2, 10.2
place of worship	P	6.1, 6.5.1, 8.2, 10.2
plant nursery	D	6.1, 6.5.1, 10.2
promotion sign	D	6.7
recycling depot	D	6.1, 6.5.1, 8.2, 10.2
restaurant	x	
retail agricultural stall	x	
rural industry	x	
service station	x	
shop	x	
showroom sales	x	
single dwelling	x	
stables	x	
supporting accommodation	D	6.1, 6.5.1, 7.3, 7.5, 7.6, 7.7, 7.8, 10.2
transport terminal	x	
vehicle sales and hire	x	
veterinary clinic	D	6.1, 6.5.1, 8.2, 10.2
warehouse	x	

P = Permitted    S = Self Assessable    D = Discretionary    x = Prohibited

Amendment No. 87  
gazetted 09.09.2009  
amends clause 6.1  
to remove the height  
limit for education  
establishments in  
Zones CP and CL



## 5.2 ZONE MD – MULTIPLE DWELLING RESIDENTIAL

Amendment No. 320  
gazetted 26.03.2014  
omits and substitutes  
clause 5.2

1. The primary purpose of Zone MD is to provide for a range of housing options to a maximum height of two **storeys** above **ground level**.
2. The scale, character and architectural style of infill development should be compatible with the streetscape and surrounding development.
3. A **single dwelling** on a lot less than 600m<sup>2</sup> should be integrated in terms of design and site layout with adjacent development and street infrastructure.

Clause 1.3 refers to Sheds.

Undefined uses are prohibited in this zone. See clause 2.2(3) & (4).

Clause 6.8 refers to **Demountable Structures**.

Clause 6.11 refers to Garages and Sheds.

Clause 6.14 refers to land subject to flooding and storm surge.

Clause 7.10.2 refers to **caravans**.

Clauses 11.1.1 and 11.1.2 refer to subdivision lot size and 11.2 to subdivision standards.

Clause 13.5 refers to the erection of mobile telephone communications towers.

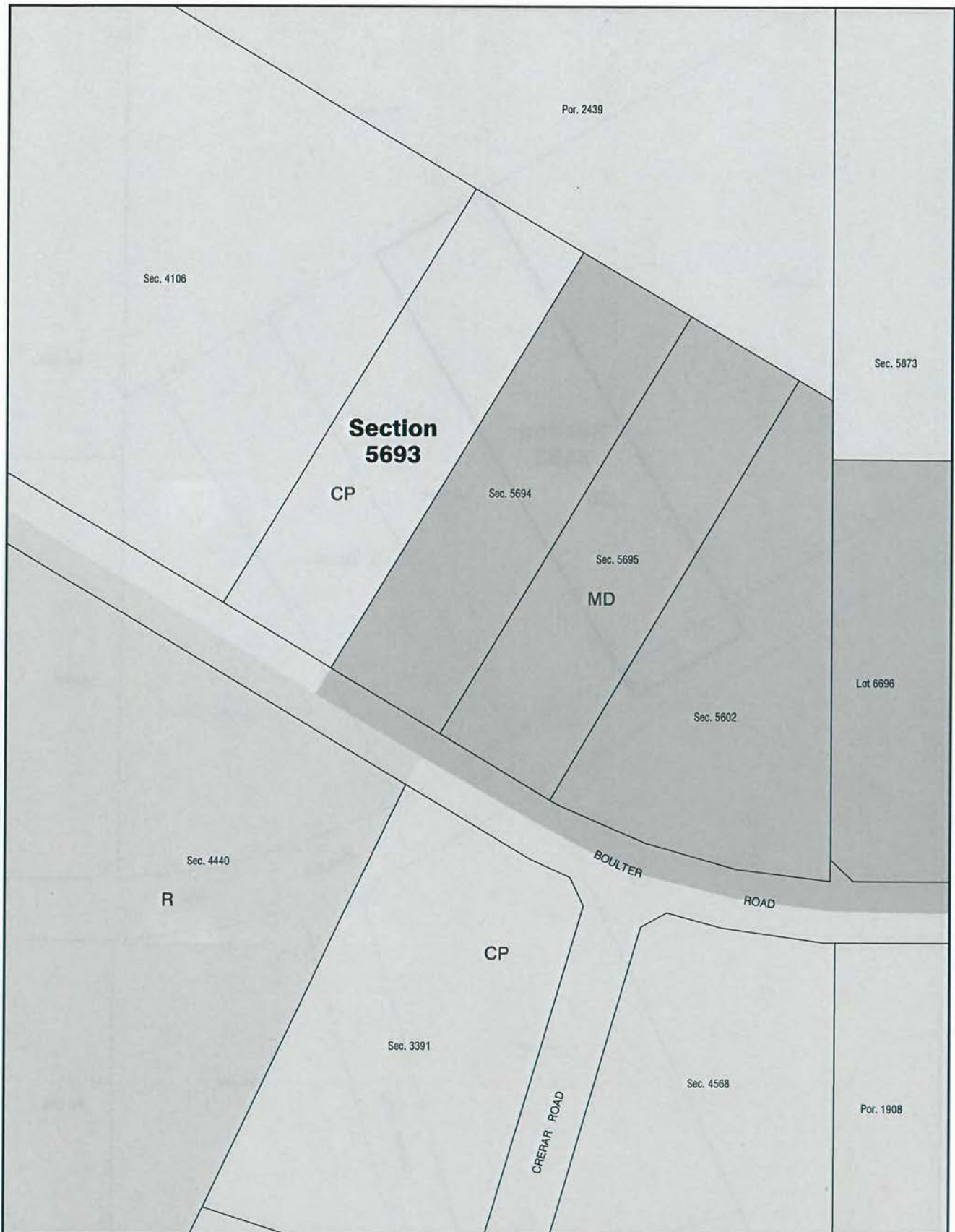
Clause 11.2.4 refers to lots less than 600m<sup>2</sup> for **single dwellings** in Zone MD.



ZONING TABLE – ZONE MD

abattoir	x	
agriculture	x	
animal boarding	x	
business sign	P	6.7
caravan park	x	
caretaker's residence	x	
car park	x	
child care centre	x	
community centre	D	6.1, 6.5.1
domestic livestock	x	
education establishment	x	
fuel depot	x	
general industry	x	
group home	P	7.1, 7.10.5
home based child care centre	D	6.5.1, 7.10.6
home based contracting	P	7.10.8
home based visitor accommodation	S	7.10.1
home occupation	P	7.10.7
horticulture	x	
hospital	x	
hostel	x	
hotel	x	
independent unit	P	6.5.1, 7.1, 7.3, 7.5, 7.10.4
intensive animal husbandry	x	
leisure and recreation	x	
licensed club	x	
light industry	x	
medical clinic	x	
medical consulting rooms	D	6.5.1, 7.10.9
motel	x	
motor body works	x	
motor repair station	x	
multiple dwellings	D	6.5.1, 7.1, 7.3, 7.5, 7.6, 7.7, 7.8
office	x	
passenger terminal	x	
place of worship	x	
plant nursery	x	
promotion sign	x	
recycling depot	x	
restaurant	x	
retail agricultural stall	x	
rural industry	x	
service station	x	
shop	x	
showroom sales	x	
single dwelling	P	6.5.1, 6.5.4, 7.1, 7.3, 7.3.3, 7.5
stables	x	
supporting accommodation	D	6.5.1, 7.1, 7.3, 7.5, 7.6, 7.7, 7.8
transport terminal	x	
vehicle sales and hire	x	
veterinary clinic	x	
warehouse	x	

P = Permitted    S = Self Assessable    D = Discretionary    x = Prohibited



EXISTING NT PLANNING SCHEME  
AMENDMENT PA2014/0815  
REZONE SECTION 5693  
HUNDRED OF BAGOT

From Zone CP (Community Purpose)  
to Zone MD (Multiple Dwelling)



Northern  
Territory  
Government

Department of Lands, Planning and the Environment

0 25 50 75 100 125m

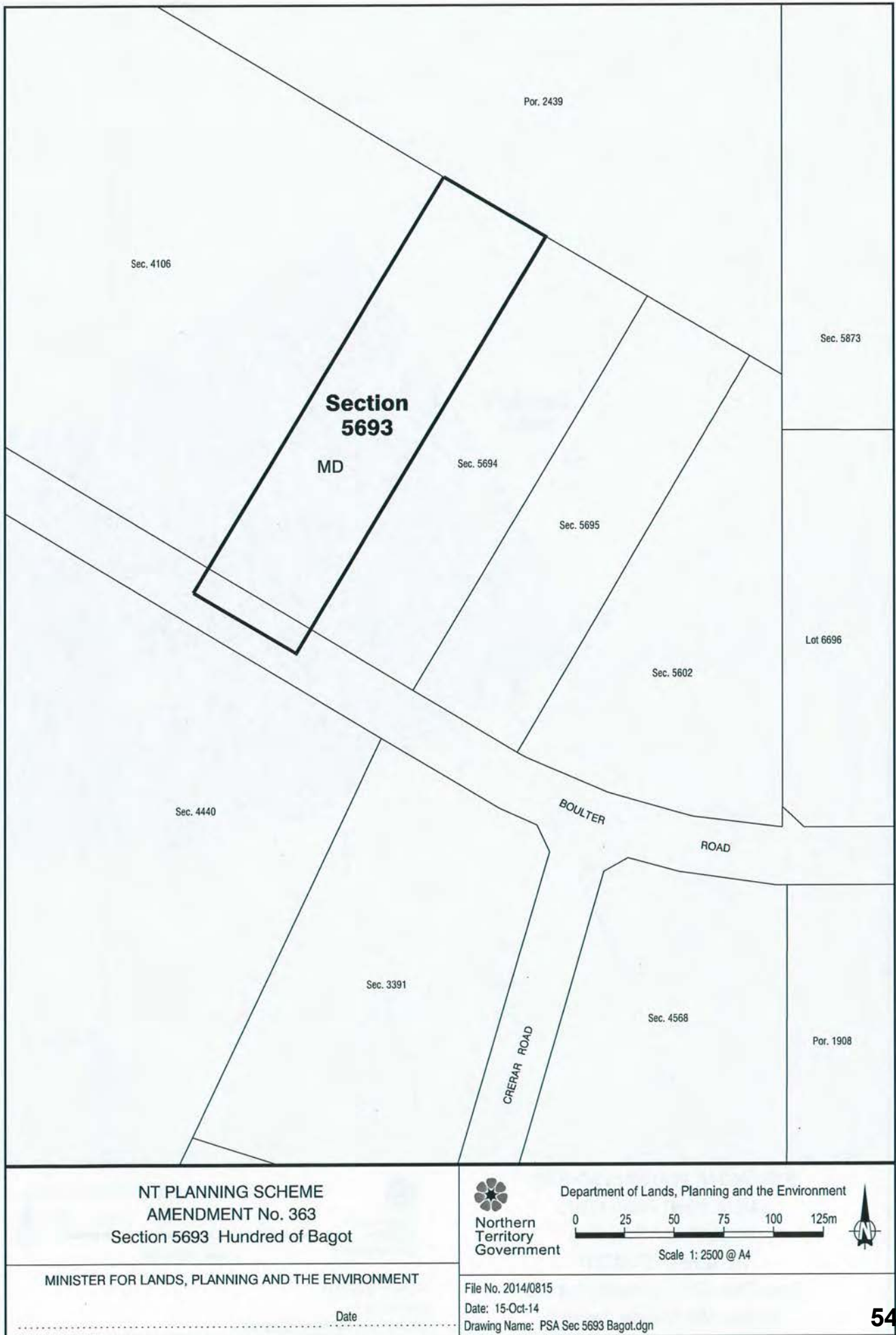
Scale 1:2500 @ A4



File No.: PA2014/0815

Date: 15-Oct-14

Drawing Name: PSA Sec 5693 Bagot.dgn





28 November 2014

Please quote: 2941339 CR:dj  
Your reference: PA2014/0815

Hannah Stevenson – Manager Urban Planning  
Department of Lands, Planning and the Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Stevenson

**Parcel Description:**                      **Section 5693 - Hundred of Bagot  
35 Boulter Road, Berrimah**

**Proposed Development:**    **Rezone from Zone CP (Community Purposes)  
Zone MD (Multiple Dwelling Residential)**

Thank you for the Planning Scheme Amendment application referred to this office 3 November 2014, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The City of Darwin objects to the rezoning of the subject site as proposed and requests a deferral of the application subject to the finalisation of the revised *Berrimah North Planning Principles and Area Plan* and any associated developer contribution plans for infrastructure upgrades in the area.

#### **Infrastructure**

Significant infrastructure upgrades for stormwater and roads are required to facilitate coordinated development of land within the revised Area Plan.

How the upgrading works required are to be funded should be established prior to any rezoning occurring in the Berrimah North area. However, there is an expectation that the Northern Territory Government will fund construction of the required upfront infrastructure upgrades for the Berrimah North Area, in the absence of any alternative funding mechanism.



The rezoning application is supported by a Concept Plan, which outlines an intended development proposal. Generally, the proposal is not in keeping with the Planning Principles of the Area Plan, in particular the indicative development would not provide for a compact walkable neighbourhood with interconnected local roads and cycle paths.

Rezoning the subject lot in the absence of adequate controls in place (to ensure that an internal, interconnected road layout will be constructed), would likely result in disjointed development, similarly to the northern side of Boulter Road.

Development under the existing Berrimah North Area Plan, has allowed applications to be approved without any provision for coordinated infrastructure upgrades, or the provision of an interconnected road network. It was originally anticipated that the existing Area Plan would result in development of an integrated suburb with an interconnected road network and with that, stormwater systems, shared pathways, green space networks and in general, connectivity and permeability. Instead, allowing the sites to rezone without any controls to force (or allow) an internal road network, across multiple lot ownerships, has resulted in disconnected development and individual isolated lots.

The disjointed development to the north of Boulter Road has also resulted in infrastructure that does not interconnect. Each lot manages stormwater in an isolated way, which may function on a small scale; however, this area leads into the Rapid Creek catchment and other catchments with existing capacity issues. It would be undesirable for the existing precedent to continue. Without formal controls in place at rezoning, there is the potential for development that hinders the execution of the remainder of the Area Plan. The revised Area Plan includes an indicative stormwater drainage and road layout network. Incongruent development of land integral to this system may result in the need for redesign of the network.

### **Biting Insect Buffer Zone**

In the Revised Area Plan, the 400m biting insect buffer zone surrounding Marrara Swap covers a portion of the lot. The Revised Planning Principles refers to:

*“5(e) providing rural residential lots to serve as buffers between urban residential areas and site constraints such as biting insect breeding areas.”*

The minimum lot size for Zone RR (Rural Residential) is 4,000m<sup>2</sup>. If this minimum lot size applies to the western portion of this lot it is considered that the zoning should reflect the restriction. Rezoning the entire lot to MD would imply that the land is suitable for that use across the entire lot. Zone FD (Future Development) may be more appropriate, allowing the site to be developed in accordance with the constraints of the site.

### **Social and Community Infrastructure**

Council also previously requested a social and community infrastructure study to be undertaken for the Berrimah North area. Although it is understood that officers from the Department for Lands, Planning and the Environment may have undertaken work internally, it is not clearly represented in the revised Area Plan. It is noted that although the revised Area Plan shows PS (Public Open Spaces) zoning, it does not show any detail of required social or community infrastructure. There needs to be a social and community study which identifies the value of and cost of such infrastructure required to service the land use within the Area Plan. Furthermore, how these works will be funded and maintained must also be established prior to rezoning and developing the land.

### **Funding of Infrastructure Upgrade Works**

At this point there has been no determination as to how any stormwater drainage, roadwork or community and social infrastructure works required to service the proposed land uses will be funded. It is vital, that this be determined as a matter of urgency. Upfront funding will be required to implement the upgrading works.

Without a funding model in place, development could proceed without the requirement to contribute towards the overall infrastructure upgrades to facilitate this development. This is considered an unsatisfactory outcome and no development approvals should be issued until the infrastructure funding matter has been resolved.

### **Summary**

The City of Darwin has concerns with the proposal given that any development on the site will be subject to the draft revised *Berrimah North Planning Principles and Area Plan*, recently exhibited. Any premature development or rezoning may hinder the implementation of the final *Area Plan*.

Similar development under the existing Area Plan has been allowed to proceed without the necessary controls and contribution plans in place. This has led to disjointed development that does not achieve the intent of the Area Plan.

Therefore, Council objects to the rezoning in its current form and requests that any future rezoning reflects the constraints of the site appropriately, including biting insects. Council also request a deferral of the application until the revised Area Plan and all suitable funding arrangements to undertake infrastructure upgrades are in place.

If you require any further discussion in relation to this application please feel free to contact me on 8930 0528.

Yours faithfully



**CINDY ROBSON**  
**STRATEGIC TOWN PLANNER**



**ENCL: TOWN PLANNING  
YES /OPEN**

**AGENDA ITEM: 8.2**

**EDP FOR INDEPENDENT UNIT ADDITION TO EXISTING MULTIPLE DWELLING IN  
ZONE SD - LOT 2099 - 47 CHARLES STREET, STUART PARK PA2014/0825**

**REPORT No.: 14TS0307 NS:dj COMMON No.: 2940456**

**DATE: 02/12/2014**

**Presenter: Manager Design, Planning & Projects, Drosso Lelekis**

**Approved: General Manager Infrastructure, Luccio Cercarelli**

### **PURPOSE**

The purpose of this report is to refer to Council for comment, pursuant to Section 48 of the Planning Act, the following proposed Exception Development Permit for an Independent Unit Addition to existing Multiple Dwelling in Zone SD - Lot 2099 - 47 Charles Street, Stuart Park PA2014/0825, included as **Attachment A**.

### **LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

#### **Goal**

1. Collaborative, Inclusive and Connected Community

#### **Outcome**

- 1.4 Improved relations with all levels of government and significant stakeholders

#### **Key Strategies**

- 1.4.1 Actively engage with all levels of government to coordinate efficiencies and develop opportunities

### **KEY ISSUES**

- It is recommended that Council objects to the proposed Exceptional Development Permit.
- The proposal has been issued with a building permit, despite being prohibited under the planning scheme.
- Construction of the ancillary dwelling was commenced prior to the applicant ceasing all works to submit this application.
- Independent units are only intended to accompany a single dwelling on a lot.
- If approved, this site would contain six (6) fully self-contained dwellings.

PAGE: 2  
 REPORT NUMBER: 14TS0307 NS:dj  
 SUBJECT: INDEPENDENT UNIT ADDITION TO EXISTING MULTIPLE DWELLING IN  
 ZONE SD - LOT 2099 - 47 CHARLES STREET, STUART PARK  
 PA2014/0825

## **RECOMMENDATIONS**

THAT the Committee resolve under delegated authority:-

- A. THAT Report Number 14TS0307 NS:dj entitled Independent Unit Addition to existing Multiple Dwelling in Zone SD - Lot 2099 - 47 Charles Street, Stuart Park PA2014/0825, be received and noted.
- B. THAT Council endorse the submission dated, 28 November 2014 to the Reporting Body, **Attachment B** to Report Number 14TS0307 NS:dj entitled Independent Unit Addition to existing Multiple Dwelling in Zone SD - Lot 2099 - 47 Charles Street, Stuart Park PA2014/0825.

## **BACKGROUND**

### **Site and Surrounds**



The subject site is located on the northern side of Charles Street, Stuart Park. The site is zoned SD (Single Dwelling Residential) and is surrounded by other SD zoned lots.

The general built form in the area is one and two storey single dwellings, with several non-conforming multiple dwellings scattered along the northern side of Charles Street. The general streetscape is dominated by vegetation

### **Site Development History**

It is clear that the site has been developed in several stages. The Statement of Effects identifies that four (4) units were built behind the existing single dwelling in the late 60's and early 70's. There is no indication of when the original dwelling was constructed.

On 11 June 2014, a building permit was issued for a Dependant Relative Unit and

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 ZONE SD - LOT 2099 - 47 CHARLES STREET, STUART PARK  
 PA2014/0825

the building is near completion. All works ceased on the site when it was realised that the building permit was issued in contravention of the Planning Scheme.

## DISCUSSION

### Current Proposal

The applicant has applied to the Minister for Lands, Planning and the Environment for an Exceptional Development Permit (EDP) for the purpose of an independent unit addition to existing multiple dwellings on Lot 2099 (47 Charles Street, Town of Darwin).

Under the Planning Scheme provisions, an *'independent unit'* means an ancillary dwelling constructed on the same site as a single dwelling.



### Application Assessment

The subject site is zoned SD (Single Dwelling Residential). Independent units are a permissible use in Zone SD. However, subclause 2(a) of clause 7.10.4 *Independent Units*, states that *'there will be no more than two dwellings on the site'*. It is also specifically stated that the Consent Authority must not consent to an independent unit that is not in accordance with this clause.

As a result of the above clause, the proposed use is prohibited under the Planning Scheme and must seek an Exceptional Development Permit from the Minister.

Notwithstanding this, the building was issued with a building permit in June and works on the almost completed dwelling have now ceased. It is stated in the Planning Application that the building permit was issued as a result of a misinterpretation of the planning scheme.

The Planning Scheme was amended in relation to this clause in May 2014, removing the previous clause relating to 'dependent units' and replacing it with the current 'dependant unit' clause. The previous clause only allowed an ancillary dwelling to be



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 ZONE SD - LOT 2099 - 47 CHARLES STREET, STUART PARK  
 PA2014/0825

constructed where it would be occupied by family members of the main dwelling. Neither the current, nor the previous clause allows ancillary dwellings to be constructed where there would be more than two dwellings on the site, inclusive of the ancillary dwelling.

Some confusion may have arisen from the zoning table which notes that independent units (and the previous dependant unit use) are permissible in Zone MD. This does not however, allow an independent unit to be built on a site with multiple dwellings, it simply allows a parcel of MD zoned land with a single dwelling to construct an independent unit.

The statement of effects notes that the dwelling is for relatives of the main dwelling. Notwithstanding this, it is noted that all of the dwellings on the site are in common ownership. If the relative is dependent on the owner for care, then they could occupy one of the existing four other units on the site.

### Density

The subject lot is 1100m<sup>2</sup> and inclusive of the independent unit; the site has six (6) fully self-contained dwellings. The site now has one dwelling per 183m<sup>2</sup>. As a comparison of density on the site, an MD zoned lot would allow 3 dwellings or one dwelling per 300m<sup>2</sup> and an MR zoned lot would allow the following:

TABLE B TO CLAUSE 7.1.1 – DWELLING DENSITY IN ZONE MR OTHER THAN IN ALICE SPRINGS			
Number of Storeys Above Ground Level	1 or 2 Bedrooms	3 Bedrooms	4 Bedrooms
1	155m <sup>2</sup>	180m <sup>2</sup>	215m <sup>2</sup>
2	125m <sup>2</sup>	170m <sup>2</sup>	210m <sup>2</sup>
3	95m <sup>2</sup>	130m <sup>2</sup>	180m <sup>2</sup>
4 (maximum)	85m <sup>2</sup>	130m <sup>2</sup>	140m <sup>2</sup>

Development on the site is a maximum of two stories and is therefore closer to the density of Zone MR than MD.

### Setbacks

The unit complies with the required setbacks for an independent unit in Zone SD, being six (6) metres from the front boundary and 1.5 metres from the side boundary. However, the scheme requires a three (3) metre separation between residential buildings on the same site and this has not been provided.

### Private Open Space

The Statement of Effects notes that the main dwelling is provided with 78m<sup>2</sup> and the independent unit is provided with 61m<sup>2</sup>, both with minimum dimensions and therefore meeting the planning scheme requirements. However, it is unclear from

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 ZONE SD - LOT 2099 - 47 CHARLES STREET, STUART PARK  
 PA2014/0825

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the plans how the rear units are accessed and whether these units are accessed through the area nominated as the private open space of the main dwelling.

### Key Council Issues

#### **Cross-over and driveway**

The Planning Scheme requires that there be only one vehicular access point for a site with an independent unit, unless the City of Darwin has approved a second access point. The site already has two crossovers; one for the main dwelling and one for the rear units. The independent unit has gained access across the verge diagonally from the existing main dwelling access and does not comply with City of Darwin Policy. The proposed access is not supported.

### Summary

It is recommended that Council objects to the proposed Exceptional Development Permit despite the proposal having been issued with a building permit, in contravention of the Planning Scheme.

Independent units are only intended to accompany a single dwelling on a lot. If approved, this site would contain six (6) fully self-contained dwellings, which is considered excessive for the site and not in keeping with the intent of the zone.

### **CONSULTATION PROCESS**

In preparing this report, the following parties were consulted:

- Team Leader Development
- Strategic Town Planner

### **POLICY IMPLICATIONS**

The application has been assessed against City of Darwin Policies in the above report.

### **BUDGET AND RESOURCE IMPLICATIONS**

Independent units are rated as a second dwelling on the site.

### **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

Not Assessed.

### **ENVIRONMENTAL IMPLICATIONS**

Not Assessed.

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ZONE SD - LOT 2099 - 47 CHARLES STREET, STUART PARK  
PA2014/0825

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### **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**DROSSO LELEKIS**  
**MANAGER DESIGN, PLANNING**  
**& PROJECTS**

**LUCCIO CERCARELLI**  
**GENERAL MANAGER**  
**INFRASTRUCTURE**

For enquiries, please contact Cindy Robson on 89300528 or email:  
c.robson@darwin.nt.gov.au.

#### **Attachments:**

**Attachment A:** Development Application, PA2014/0825

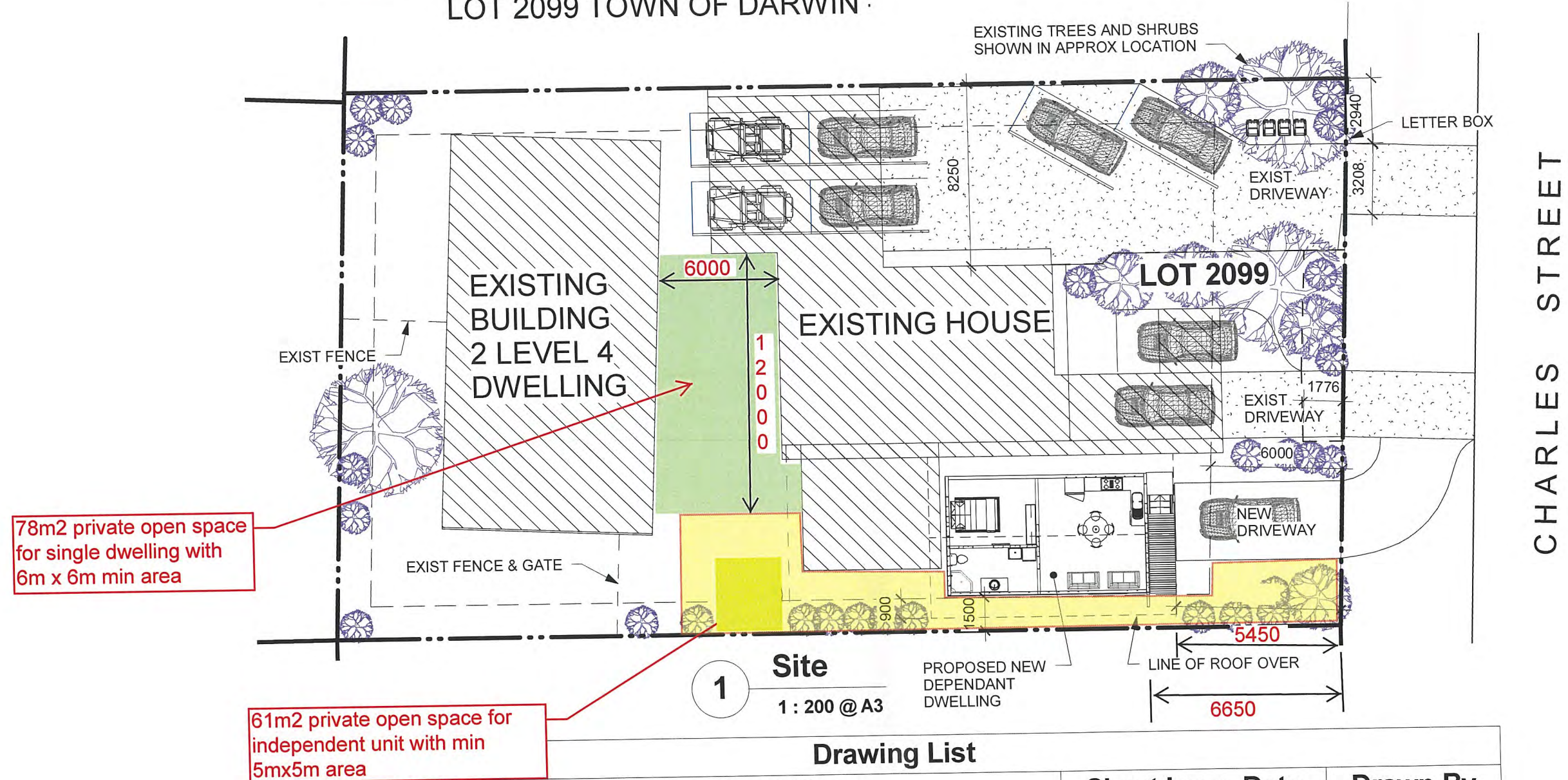
**Attachment B:** City of Darwin, Letter of Response to Development Assessment  
Services, dated 28/11/2014



# KEN GRAHAM - PROPOSED DEPENDANT DWELLING

## ATTACHMENT A

LOT 2099 TOWN OF DARWIN



### Drawing List

Sheet Number	Sheet Name	Sheet Issue Date	Drawn By
00	TITLE SHEET	12/10/2014	MB
01	FLOOR PLAN & AREA PLAN	12/10/2014	MB
02	FOOTINGS, BEAM & BRACING PLANS	12/10/2014	MB
03	ROOF PLAN	12/10/2014	MB
04	ELEVATIONS	12/10/2014	MB
05	'DOOR & WINDOW' REFERENCE PLAN & SCHEDULE OF QUANTITIES	12/10/2014	MB
06	WINDOW DETAILS	12/10/2014	MB
07	TYPICAL DETAILS SHEET 1	12/10/2014	MB
08	TYPICAL DETAILS SHEET 2	12/10/2014	MB
09	TYPICAL DETAILS SHEET 3	12/10/2014	MB



#### MONSOON DRAFTING SERVICES

Michael Bond  
m.bond@monsoondrafting.com.au  
Ph: 0487 402 350  
PO Box 38 Virginia 0834  
ABN: 34 532 889 150

No.	Description	Date
1	CLIENT REVIEW	26/03/2014
2	ISSUED FOR APPROVAL	01/05/2014
3	ISSUED FOR APPROVAL	08/05/2014
4	REVISED AS PER ENG COMMENTS	13/05/2014
5	SETBACK REVISED	05/06/2014
6	REVISED AS PER CERTIFIERS COMMENTS	12/10/2014

#### KEN GRAHAM

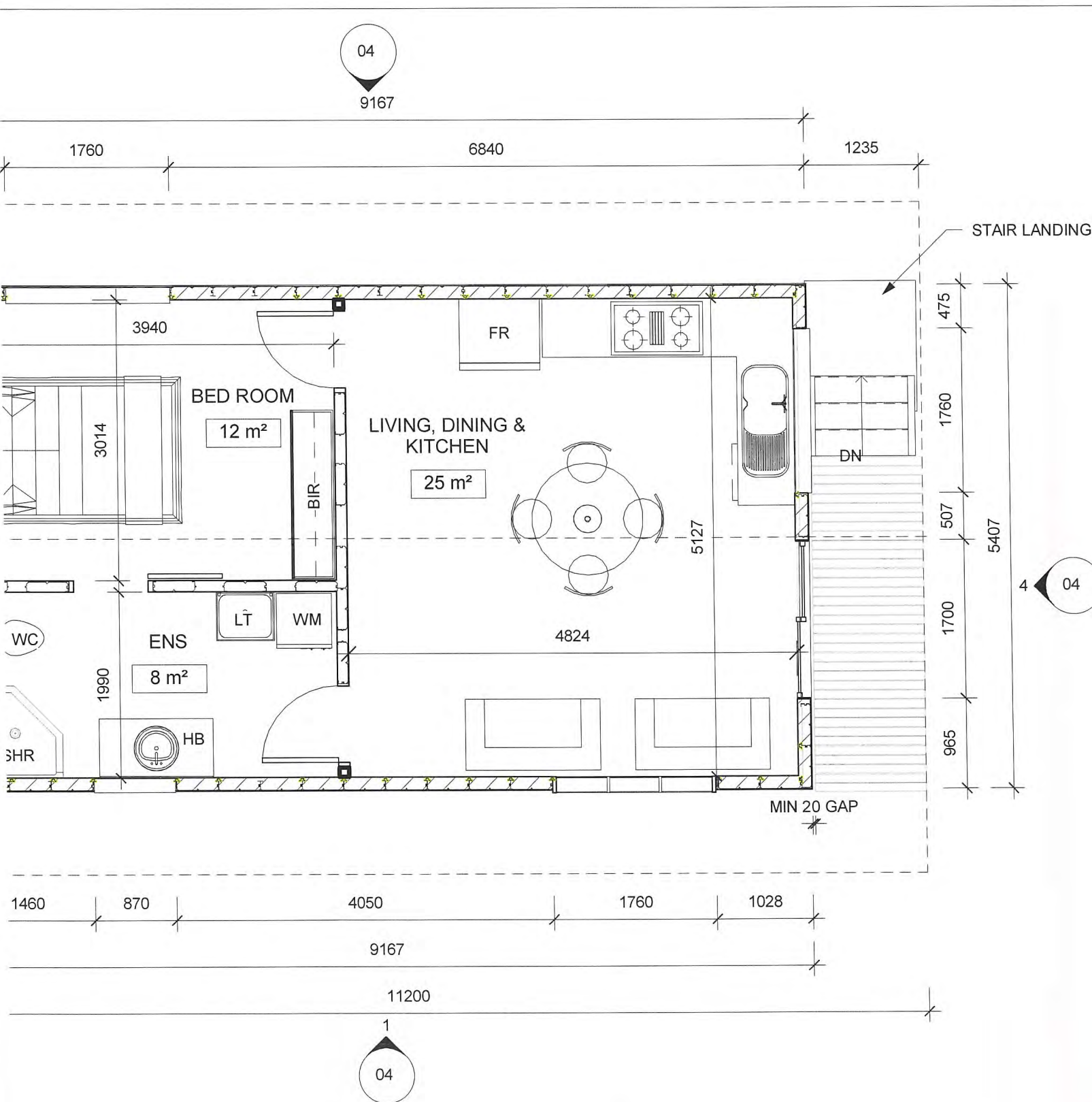
(47) CHARLES ST, STUART PARK  
LOT 2099 TOWN OF DARWIN - HUNDRED OF BAGOT

1 BED DEPENDANT DWELLING

#### TITLE SHEET

Project number	MDS-081	00	
Date	12/10/2014		
Drawn by	MB		
Checked by	-	Scale	1 : 200





**NOTES:**

SERVICES TO EXISTING HOUSE ARE TO BE REDIRECTED WHERE NECESSARY.

ALL DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION.

**NT PLANNING REQUIREMENT**  
NO PART OF ROOF STRUCTURE, INCLUDING GUTTERS AND EAVES, IS TO ENCROACH MORE THAN 900mm INTO MINIMUM BUILDING SETBACKS FROM LOT BOUNDARIES

**FIRE SEPARATION ALLOWABLE ENCROACHMENT S**  
EAVES AND FACIAS WITHIN 900mm OF ALLOTMENT BOUNDARY TO BE PROVIDED WITH NON-COMBUSTIBLE SOFFIT LINING IN ACCORDANCE WITH BCA 3.7.1.7

**DRAINAGE**  
WHERE SURFACE WATER, SUBSOIL OR STORM WATER DRAINAGE IS INSTALLED IT MUST COMPLY WITH BCA 3.1.2  
SURFACE WATER MUST BE DIVERTED AWAY FROM CLASS 1 BUILDINGS AS FOLLOWS

**SLAB ON GROUND:**

- EXTERNAL FINISHED SURFACE SURROUNDING SLAB -50mm OVER 1m TO DRAIN

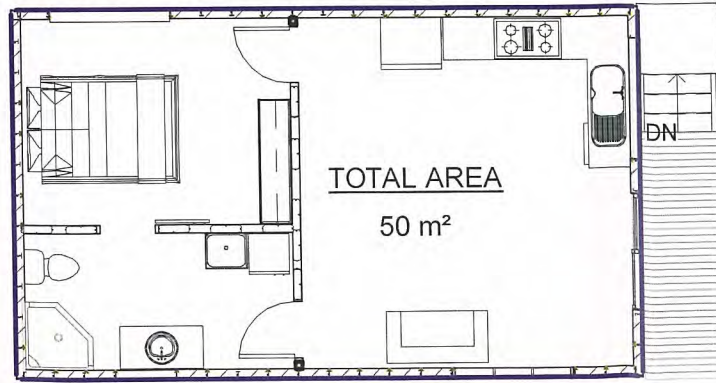
**SLAB HEIGHT:**

- 150mm ABOVE FINISHED GROUND LEVEL OR
- 100mm ABOVE SANDY WELL DRAINED AREAS OR
- 50mm ABOVE PAVED/CONCRETED AREAS THAT FALL AWAY FROM BUILDING

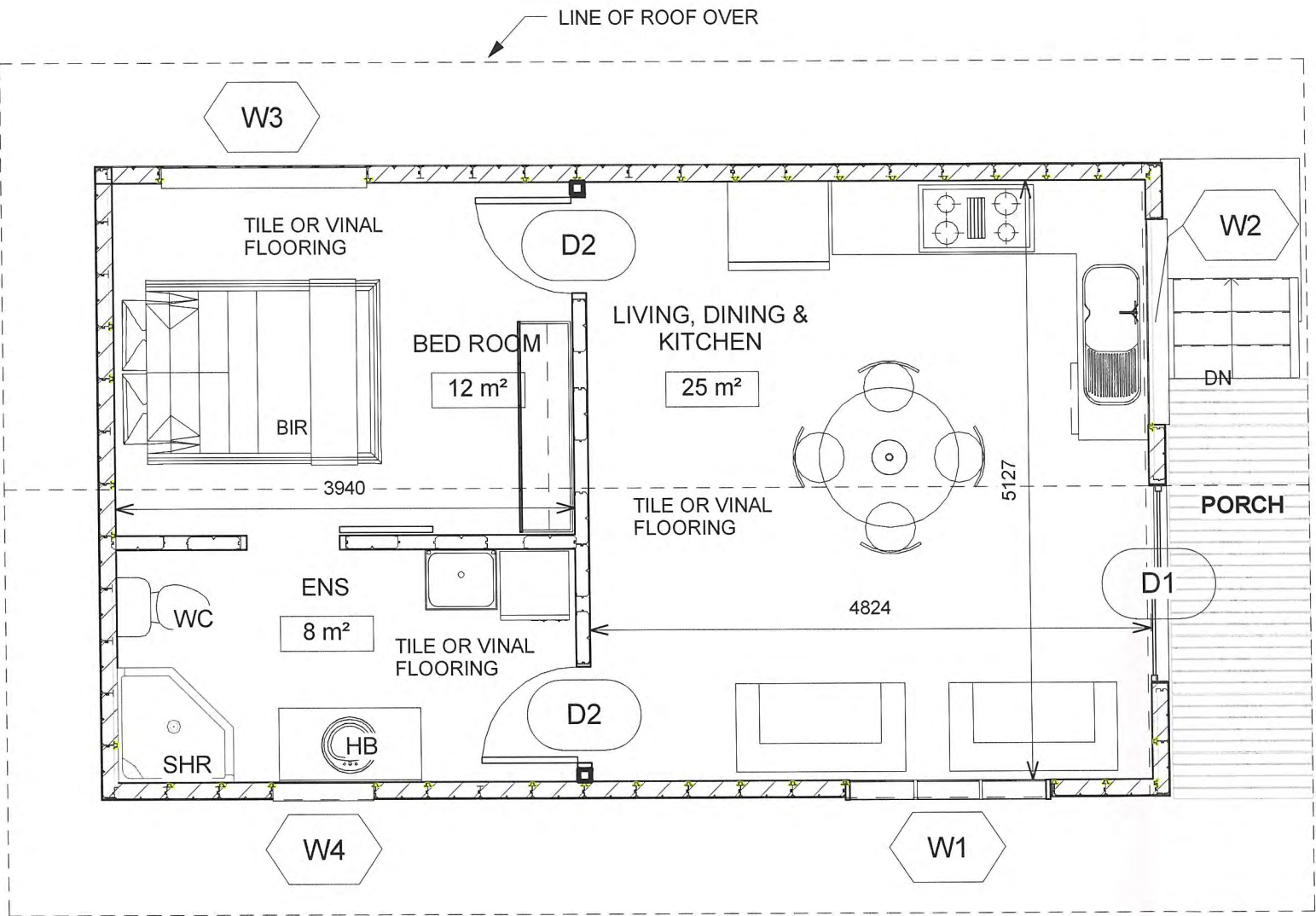
**OVERFLOW RELIEF GULLIES (ORG)**  
HEIGHT BELOW LOWEST FIXTURE:  
MINIMUM OF 100mm TO BE MAINTAINED BETWEEN TOP OF ORG RISER AND LOWEST FIXTURE CONNECTED TO DRAIN  
HEIGHT ABOVE SURROUNDING GROUND:  
MINIMUM HEIGHT BETWEEN TOP OF ORG AND SURROUNDING NATURAL GROUND SURFACE LEVEL TO BE 150mm EXCEPT WHERE ORG IS LOCATED IN A PATH OR PAVED AREA, WHERE IT SHALL BE 10mm ABOVE FINISHED SURFACE LEVEL AND FREE OF OBSTRUCTION

**POTABLE WATER**

- ALL COPPER POTABLE WATER PIPEWORK INSTALLED UNDERSLAB TO BE LAGGED AND PROTECTED BY PETROLATUM WRAP SIMILAR TO DENSO OR KEMLAG. INSTALL IN CONTINUOUS LENGTHS TO AVOID JOINTS UNDER FLOOR WHEREVER POSSIBLE.
- ALL HOT WATER FLOW AND RETURN PIPEWORK MUST BE THERMALLY INSULATED WITH FORMSHIELD SECTION PIPE INSULATION OR EQUIVALENT IN ACCORDANCE WITH AS3500.4
- REFER AS3500 TABLE 1:1 FOR AUSTRALIAN EQUIVALENT PIPE SIZES GUIDE TO ENSURE CORRECT SPECIFIED NOMINAL BORE SIZES ARE USED
- ALL POTABLE WATER MATERIALS AND PRODUCTS USED IN THE INSTALLATION SHALL COMPLY WITH A.S.3500:1 AND THE PLUMBING CODE OF AUSTRALIA. ALL MATERIALS AND PRODUCTS CHOSEN FOR POTABLE WATER INSTALLATION MUST BE SELECTED TO ENSURE SATISFACTORY SERVICE FOR THE LIFE OF THE INSTALLATION WITHIN THE PROJECT. COPPER PIPES ARE TO BE IN ACCORDANCE WITH A.S.1432-1990 TABLE 2 AND TYPE 'B' TUBE.







**1 DOOR & WINDOW REFERENCE**  
1 : 50 @ A3

Door Quantities			
Mark	Width	Height	Count
D1	1675	2087	1
D2	820	2100	2
D3	800	2100	1

Window Quantities			
Mark	Width	Height	Count
W1	1760	1800	1
W2	1760	1100	1
W3	1760	600	1
W4	870	600	1

NOTE: CHECK ACTUAL STRUCTURAL OPENING DIMENSIONS OF ALL WINDOW AND DOOR CAVITIES PRIOR TO ORDERING ANY DOORS OR WINDOWS



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**KEN GRAHAM**

(47) CHARLES ST, STUART PARK  
LOT 2099 TOWN OF DARWIN - HUNDRED OF BAGOT

1 BED DEPENDANT DWELLING

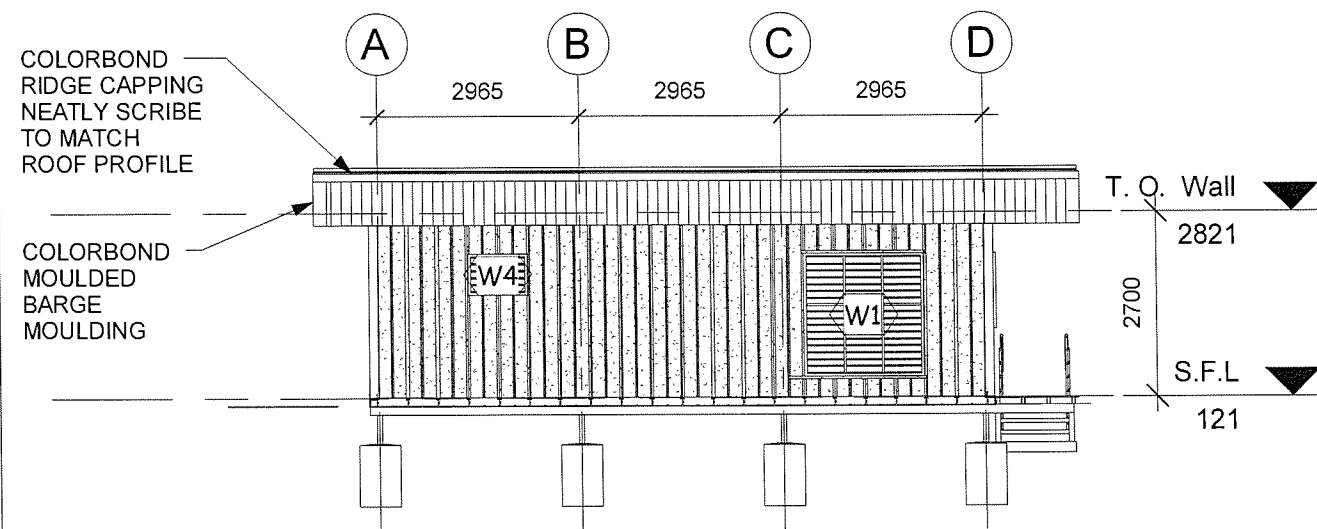
**'DOOR & WINDOW' REFERENCE PLAN & SCHEDULE OF QUANTITIES**

Project number	MDS-081
Date	12/10/2014
Drawn by	MB
Checked by	-

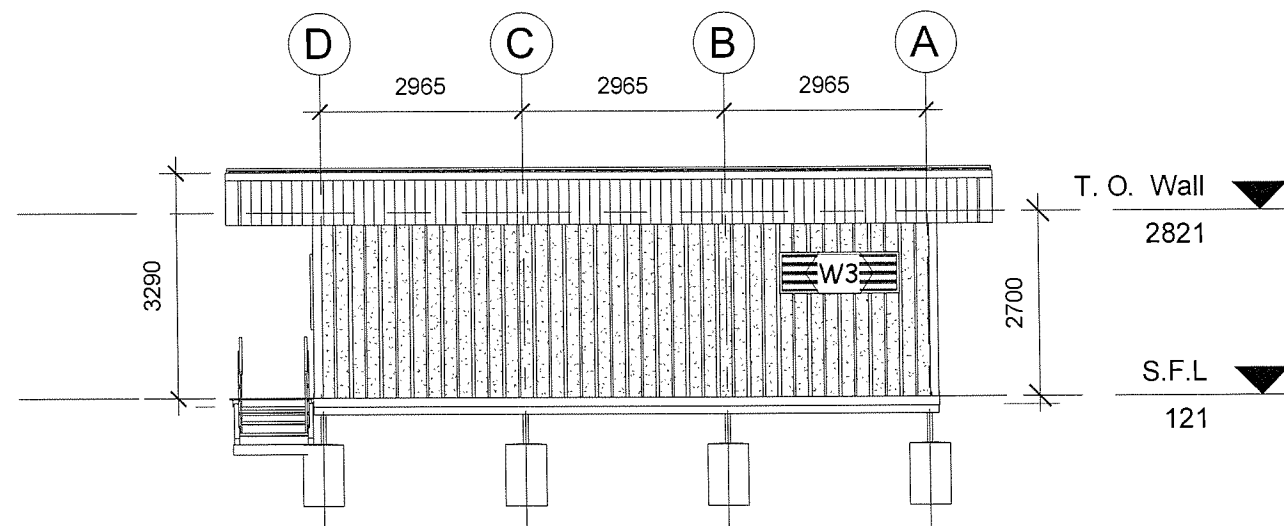
05

Scale

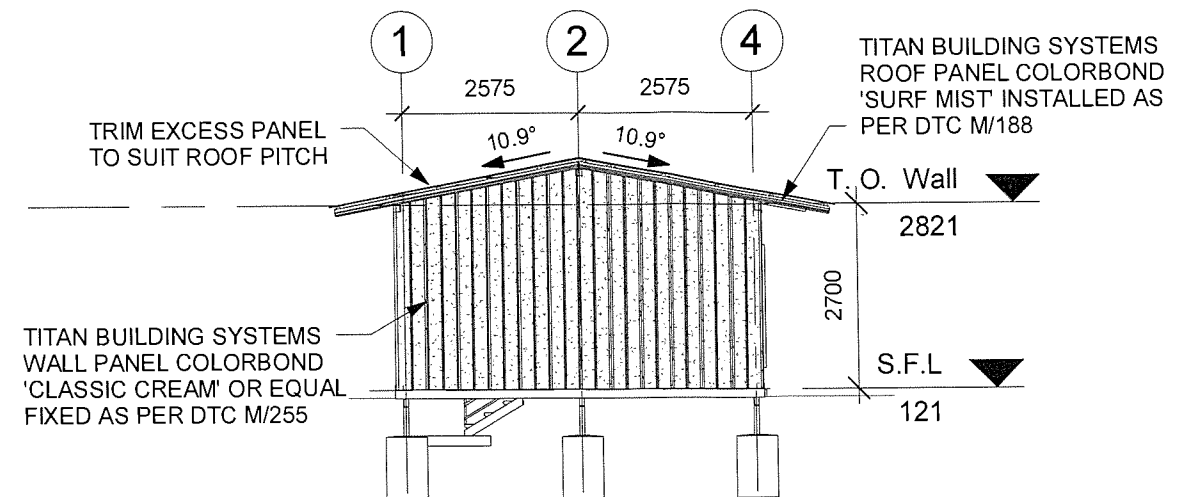
1 : 50



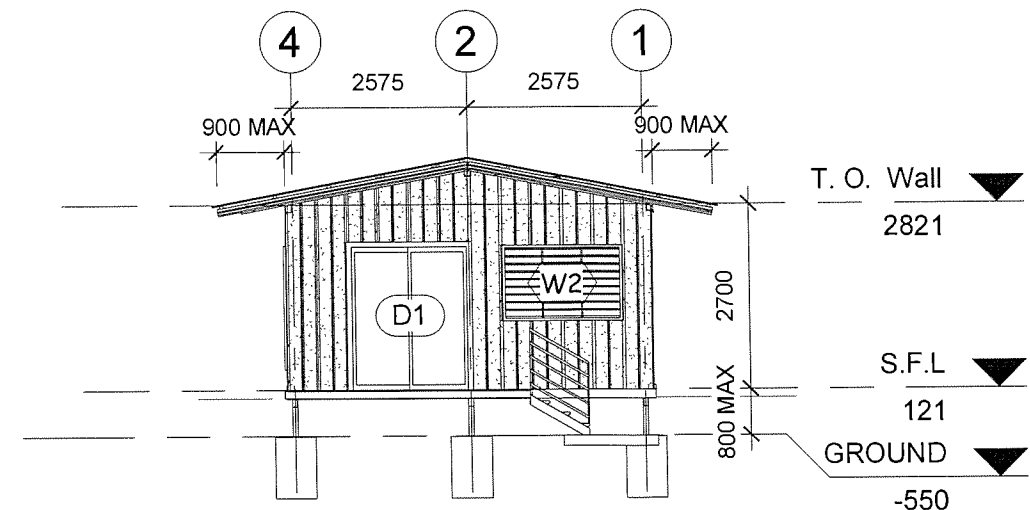
**1 ELEVATION 1**  
1 : 100 @ A3



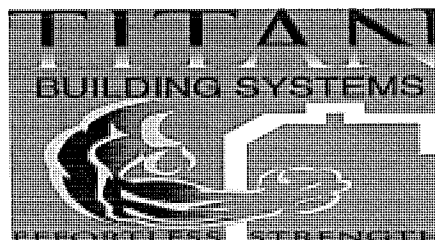
**2 ELEVATION 2**  
1 : 100 @ A3



**3 ELEVATION 3**  
1 : 100 @ A3



**4 ELEVATION 4**  
1 : 100 @ A3



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**KEN GRAHAM**

(47) CHARLES ST, STUART PARK  
LOT 2099 TOWN OF DARWIN - HUNDRED OF BAGOT

1 BED DEPENDANT DWELLING

**ELEVATIONS**

Project number MDS-081

Date 12/10/2014

Drawn by MB

Checked by - Scale

04

1 : 100 68





DEPARTMENT OF  
LANDS, PLANNING AND THE ENVIRONMENT

**Development Assessment Services**

Ground Floor, Arnhemica House  
16 Parap Road, Parap  
NT 0804

**Postal address** GPO Box 1680

DARWIN NT 0801

**Tel** 08 8999 6046

**Fax** 08 8999 6055

**Email** [das.dlpe@nt.gov.au](mailto:das.dlpe@nt.gov.au)

**Our ref** PA2014/0825

Sir or Madam  
City of Darwin  
GPO Box 84  
DARWIN NT 0801

Dear Sir or Madam

**PROPOSED EXCEPTIONAL DEVELOPMENT PERMIT - NOTIFICATION UNDER SECTION 19 OF  
THE *PLANNING ACT*  
LOT 2099 (47) CHARLES STREET, TOWN OF DARWIN**

An application for an Exceptional Development Permit under the *Planning Act* has been made by ABP Permits Pty Ltd. The delegate of the Minister for Lands, Planning and the Environment has determined pursuant to Section 39(1)(a) to exhibit the proposal. A copy of the delegate's determination and exhibition documentation is attached for your information.

The application is seeking consent for an Exceptional Development Permit (EDP) for the purpose of an independent unit addition to existing multiple dwellings on Lot 2099 (47) Charles Street, Town of Darwin. The land is in Zone SD (Single Dwelling) and the development of the site for this purpose would otherwise be prohibited.

Section 39 requires applications for Exceptional Development Permits to be exhibited in accordance with Part 2, Divisions 3, 4 and 5 of the *Planning Act*. The proposal will be on public exhibition from Friday 31 October 2014 to 28 November 2014 (inclusive).

In accordance with Section 19 of the *Planning Act*, you are invited to make a submission on this proposal under section 22 of the Act. You are requested to forward any submission relating to the proposal by **Friday 28 November 2014** to the above address, or upload them directly to the Integrated Land Information System (ILIS). If you have any queries relating to this matter please contact me on telephone 8999 6118.

Yours sincerely

Adelle Godfrey  
Planner – Darwin Planning Team  
31 October 2014

## NORTHERN TERRITORY OF AUSTRALIA

### PROPOSED EXCEPTIONAL DEVELOPMENT PERMIT NORTHERN TERRITORY PLANNING SCHEME

ABP Permits Pty Ltd has applied to the Minister for Lands, Planning and the Environment for an Exceptional Development Permit (EDP) for the purpose of an independent unit addition to existing multiple dwellings on Lot 2099 (47) Charles Street, Town of Darwin.

The land is in Zone SD (Single Dwelling) of the Northern Territory Planning Scheme and the development of the site for this purpose would otherwise be prohibited.

Attached are:

- the Delegate of the Minister for Lands, Planning and the Environment's section 17 determination under the *Planning Act* to exhibit the proposed EDP;
- a locality map; and
- a copy of the application from ABP Permits Pty Ltd.

The exhibition period is from 31/10/2014 to 28/11/2014.

Written submissions with respect to the proposed EDP are to be received by 4pm on 28/11/2014 and made to:

Manager, Darwin Planning  
Department of Lands, Planning and the Environment  
GPO Box 1680  
DARWIN NT 0801; or

Facsimile : (08) 8980 0707

**NORTHERN TERRITORY OF AUSTRALIA**

***PLANNING ACT***

**PROPOSED EXCEPTIONAL DEVELOPMENT PERMIT**

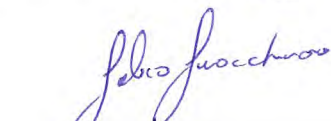
I, Fabio Rosario Finocchiaro, the delegate of the Minister for Lands, Planning and the Environment, determine pursuant to section 17 of the *Planning Act*, that:

- (a) a proposed Exceptional Development Permit, as described in (e), is to be exhibited;
- (b) the proposal is to be exhibited at the following locations:  
  
Offices of the Department of Lands, Planning and the Environment  
Ground Floor, Arnhemica House, 16 Parap Road, Parap NT 0820; and
- (c) the period of exhibition is 28 days, commencing upon first newspaper publication of the notice required by section 17(1);
- (d) written submissions in respect of this exhibition should be made to:  
  
Manager, Darwin Planning  
Development Assessment Services  
Department of Lands, Planning and the Environment  
GPO Box 1680  
DARWIN NT 0801; or  
  
Facsimile: (08) 8980 0707; and
- (e) the proposed Exceptional Development Permit is to allow the use and development of Lot 2099 (47) Charles Street, Town of Darwin for the purpose of an independent unit addition to existing multiple dwellings. The land is in Zone SD (Single Dwelling) of the Northern Territory Planning Scheme and the development of the land for this purpose would otherwise be prohibited in this zone.

Dated

28 OCTOBER

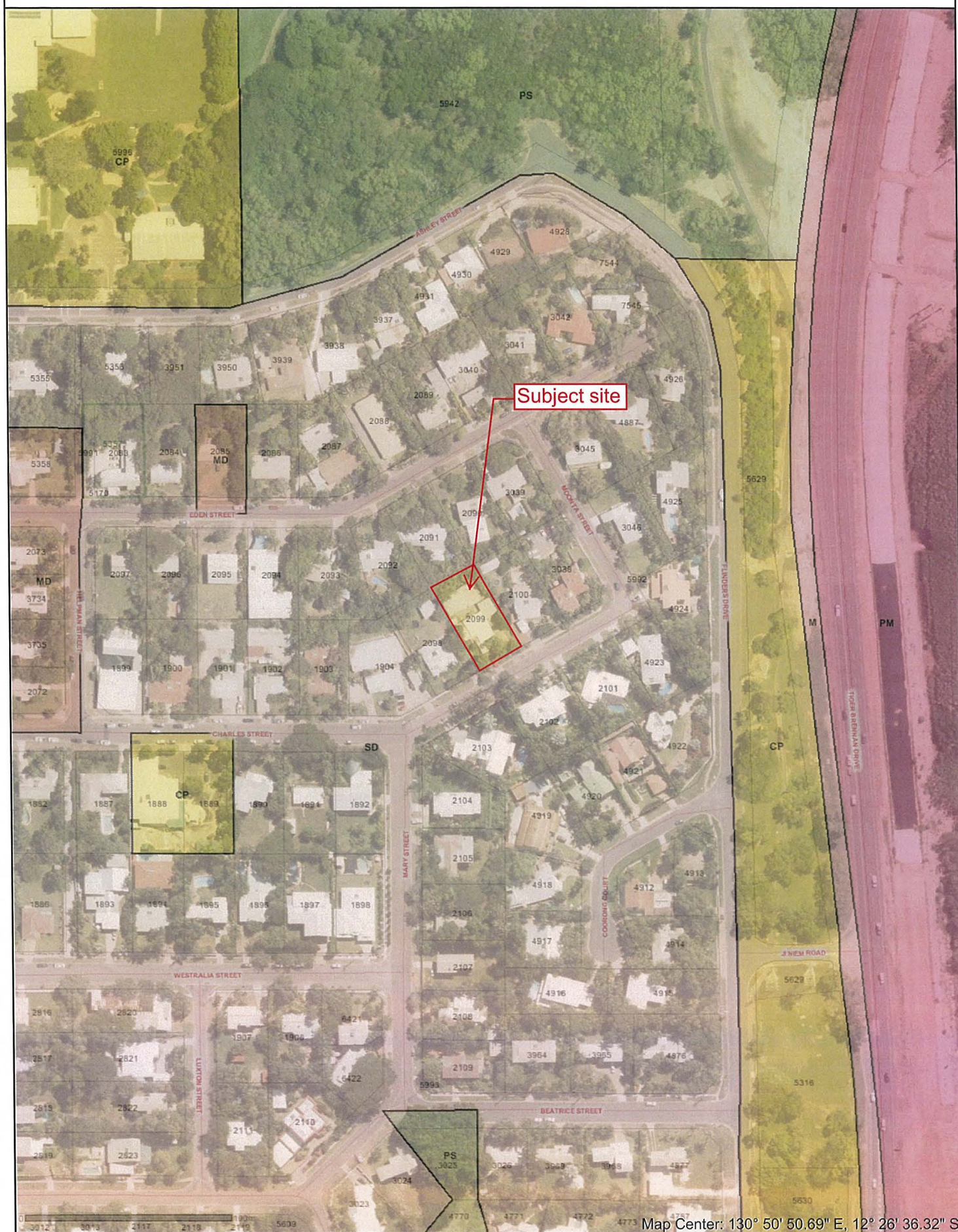
2014



FABIO ROSARIO FINOCCHIARO

Delegate of the Minister for Lands, Planning and the Environment





Bottom Left: -12° 26' 41", 130° 50' 43" Top Right: -12° 26' 31", 130° 50' 58" Approximate Scale: 1:2,300 Datum: GDA 1994  
Data for information purposes only - accuracy not guaranteed  
N.T. Land Information System Copyright Northern Territory of Australia



**NORTHERN TERRITORY OF AUSTRALIA**  
**Planning Act****Application for Exceptional Development Permit - section 38****1. LAND INFORMATION**

LOCATION OF PROPOSED DEVELOPMENT	
Town/Hundred/Locality:	200
Parcel Number(s) and/or Unit number:	2099
LTO Plan:	
Number and Street Name:	47 Charles St Stuart Park NT
Zone:	SD
LAND OWNER INFORMATION	
Is the applicant the land owner?	YES / <input checked="" type="radio"/> NO
Owner's name(s):	Kenneth Leslie Graham
Postal address:	GPO Box 2345 Darwin NT 0801

**2. APPLICANT INFORMATION**

APPLICANT	
ILIS Customer no. (if known):	32abp
Company name (if applicable):	ABP Permits Pty Ltd
ABN or ACN (if applicable):	
Title:	<input checked="" type="radio"/> Mr Mrs Miss Ms Dr Other:
Family name(s):	Lovewell
Given name(s):	Christopher (Chris)
Preferred name(s):	PO Box 1623
Postal address:	Berrimah NT 0828
Telephone no. (business hours):	08 89472256
Facsimile no.:	08 89843199
E-mail address:	chris@abpnt.com.au
CONTACT PERSON FOR FURTHER INFORMATION (OR WRITE 'AS ABOVE')	
ILIS Customer no. (if known):	
Company name (if applicable):	as above
ABN or ACN (if applicable):	
Title:	Mr Mrs Miss Ms Dr Other:
Family name(s):	
Given name(s):	
Preferred name(s):	
Postal address:	
Telephone no. (business hours):	
Mobile no.:	
Facsimile no.:	
Email address:	

**NOTE:**  
ALL CORRESPONDENCE  
WILL GO TO THE PERSON  
AND ADDRESS INDICATED  
HERE.

**3. BRIEF DESCRIPTION OF DEVELOPMENT / PROPOSAL**

independent  
accommodation

**4. EXISTING LAND USE**

SD

**5. STATEMENT OF EFFECT OF DEVELOPMENT / PROPOSAL**

SEE ATTACHMENT GUIDE FOR FURTHER INFORMATION

ATTACHMENT A  
TEN (10) COPIES

**6. DIMENSIONED PLANS**

SEE ATTACHMENT GUIDE FOR FURTHER INFORMATION

ATTACHMENT B  
TEN (10) COPIES

**7. APPLICANT TO SIGN AND/OR AFFIX SEAL**

The application is complete and all required documentation is attached.

Signature(s)

16/10/2014

Date

**PRIVACY NOTE:**

The Department of Lands, Planning and the Environment, on behalf of the Minister, is authorised under the *Planning Act* to collect the information on this form, or otherwise provided by you, to consider a proposal to grant an Exceptional Development Permit. Failure to provide the information in full may result in non-consideration of the proposal.

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

Collection of personal information on this form is done in accordance with the privacy legislation contained within the *Information Act 2002 (NT)*. For more information please refer to the Department of Lands, Planning and the Environment privacy statement located at [www.nt.gov.au/dlpe](http://www.nt.gov.au/dlpe)

Any personal information provided can be subsequently accessed by you on request.

**EXCEPTIONAL DEVELOPMENT PERMIT APPLICATION**

The following information is provided to assist with the preparation of an application for Exceptional Development Permit and contains information on the content and required number of copies of each attachment.

**NOTE:** TEN (10) COPIES OF THE APPLICATION FORM MUST BE PROVIDED IN ADDITION TO THE ATTACHMENTS LISTED BELOW.

**ATTACHMENT A - DETAILED STATEMENT DESCRIBING THE EFFECT OF THE DEVELOPMENT/PROPOSAL.****TEN (10) COPIES REQUIRED**

Under section 40 of the Act, the Minister must not grant an Exceptional Development Permit unless he or she is satisfied that it is preferable to issue a permit in relation to the proposal in the application, than to amend the NT Planning Scheme.

In determining whether to grant an Exceptional Development Permit under section 40, the Minister must take certain matters (specified in section 42 of the Act with reference to section 51) into account. Applications made under section 38 of the *Planning Act* require the applicant to provide a statement describing the effect of the proposed development or of the proposal.

The statement should be detailed and should address, but need not be limited to, those matters required to be considered by the consent authority under section 51 of the *Planning Act*, which are listed below.

SECTION OF THE <i>PLANNING ACT</i>	MATTER TO BE ADDRESSED
51(d)	an environment protection objective within the meaning of the <i>Waste Management and Pollution Control Act</i> that is relevant to the land to which the application relates;
51(g)	if a public environmental report, or an environmental impact statement, has been prepared or is required under the <i>Environmental Assessment Act</i> in relation to the proposed development – the report or statement and the results of any assessment of the report or statement under that Act by the Minister administering that Act;
51(h)	the merits of the proposed development as demonstrated in the application;
51(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;
51(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;
51(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;
51(n)	the potential impact on the existing and future amenity of the area in which the land is situated;
51(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;
51(r)	any potential impact on natural, social, cultural or heritage values;
51(s)	any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the <i>Water Act</i> ;
51 (t)	other matters it thinks fit.

**TEN (10) COPIES REQUIRED AT NO GREATER THAN A3 SIZE**

**NOTE:** Where original plans have been prepared at a size larger than A3, two (2) additional sets of plans at the original size are required.

Dimensioned plans are required as part of this application. Depending upon the complexity of the Exceptional Development Permit application, or if you are having difficulty understanding these requirements, it may be in your best interests to engage a design professional to assist you in the preparation of your application or to prepare it on your behalf.

If you consider some of the following information is unnecessary due to the nature or location of the particular development proposed, the information may be omitted from your application. The Department of Lands, Planning and the Environment will then decide whether the information is required prior to assessing the application.

**PLANS SHOWING THE INFORMATION INDICATED BELOW ARE REQUIRED.**

<b>A site plan at a legible scale, not less than 1:500, showing the following information:</b>	
1	The north point, area of the existing parcel and boundary dimensions.
2	Existing and proposed buildings and their distance from lot boundaries.
3	Any existing and proposed easements, substations and services.
4	Vehicle access points.
5	Proposed surfacing of parking areas, driveways, vehicle turning areas and loading areas (locations and dimensions).
6	Landscape and open space areas including types of planting, details of screening and/or fencing (locations and descriptions).
7	The proximity of adjoining buildings within the site and their uses.
8	The location of any bores on the subject property and adjoining land.
9	The location of any proposed and/or existing effluent disposal systems.
<b>Floor layout plans at a scale not less than 1:200, showing:</b>	
1	Dimensioned floor plans of existing and proposed buildings showing layout, partitioning, room sizes, uses.
2	A schedule stating the total area of each component use in the building, the total floor area and percentage of site cover.
<b>Elevations and sections at a scale not less than 1:200, showing:</b>	
1	All elevations of buildings, indicating finished floor levels, existing and finished ground levels and external finishes.
2	Sufficient cross-sections and longitudinal sections to show the relationship between structures and their respective heights.



## AUTHORITY TO LODGE DEVELOPMENT APPLICATION / VARIATION

I HEREBY CONSENT TO ABP PERMITS PTY LTD TO PREPARE AND LODGE A DEVELOPMENT APPLICATION/VARIATION ON MY BEHALF FOR:

PROPOSED INDEPENDENT ACCOMMODATION

AT LOT 2099 TOWN OF DARWIN

ADDRESS 47 CHARLES ST, STUART PARK

OWNERS NAME: Ken GRAHAM SIGNATURE: [Signature]

OWNERS NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

OWNERS NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

PLEASE DIRECT ANY QUERIES IN RELATION TO THE DEVELOPMENT APPLICATION/VARIATION TO:

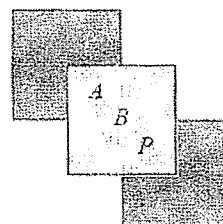
CHRIS LOVEWELL

ABP PERMITS PTY LTD

PH: 89472257

FAX: 89843199

EMAIL: [chris@abpnt.com.au](mailto:chris@abpnt.com.au)



*Australian Building Permits*

ACN 14 618 134

25/09/2014  
Ref No:141792

Australian Building Permits

**Development Consent Authority**  
**Department of Lands, Planning and the Environment**  
GPO Box 2520  
Darwin NT 0801

ABP Permits Pty Ltd  
ACN 134 616 194  
PO Box 1624  
Berrimah NT 0828

Attention; The Chairman

P: 08 89472256  
M: 0417797388  
F: 08 08843199

[Chris@abpnt.com.au](mailto:Chris@abpnt.com.au)

**RE: APPLICATION FOR EXCEPTIONAL DEVELOPMENT PERMIT  
LOT 2099 (47) CHARLES STREET STUART PARK DARWIN NT  
PROPOSED INDEPENDENT ACCOMMODATION UNIT IN ZONE SD**

Dear Sir,

ABP Permits Pty Ltd have been requested by the owner of the above mentioned property Mr Kenneth L Graham to apply for an Exceptional Development Permit to construct an Independent accommodation unit on a SD zoned site.

**Historical**

In normal circumstances there would be no need to apply for an EDP in zone SD if all conditions of the planning scheme were met, with this statement in mind on the 11<sup>th</sup> June 2014 a Building Permit was issue for a fully compliant "Dependant Relative Unit (DRU)" and it is evident that the building is near complete.

As a result of some confusion and misinterpretation of the planning scheme the DRU is now considered an **independent accommodation unit** on a SD zone with other multiple dwellings and as such a prohibited use. It is now apparent that the Building Permit was issued in contravention of the Planning Act enacted on the 1<sup>st</sup> May 2014. The confusion started when a review of the property title failed to clearly reveal the presence of an existing set of 4 flats on the SD zoned site that were built in the late 60s and early 70s

Upon realisation of the error all work has stopped on the project and this application lodged. The situation whilst unfortunate has caused server anxiety, frustration and financial hardship to the owners. We believe that this application is generally administrative and as such could be approved without the need for notification or advertising.

It is with optimism that this application is looked upon favourably and approved in order for the owners to move forward.

**Details**

The purpose of the proposal is to construct an independent unit on a SD zone. An independent unit is permitted use in zone SD, subject to the following clauses;

- 6.5.1 Parking Requirements.
- 7.1 Residential Density and Height Limitations
- 7.3 Building Setbacks of Residential Buildings
- 7.5 Private Open Space
- 7.10.4 Independent Units

We hope you find this application favourable should you wish to discuss further please do not hesitate to contact our office during business hours on 89472256.

Yours Faithfully,

Chris Lovewell  
**ABP Permits Pty Ltd**

Attachment A	Owners Authorisation
Attachment B	Statement of Effect of use
Attachment C	Dimensioned Plans
Attachment D	Subdivision / Consolidation Not Applicable

### **Attachment B Statement of Effect**

***NT Planning Act – Section 46(3)(a). An assessment demonstrating how the proposed development will comply with any planning scheme that applies to the land;***

#### **Clause 6.5.1 – Vehicle Parking**

The purpose of this clause is to ensure sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of the site.  
A car parking area is to be designed in accordance with clause 6.5.3 except where the car parking is required in association with a single dwelling and an independent unit.

Primary Use	Required Car parking	Proposed Car parking
Independent unit 1 per bedroom to a maximum of 2	1	1
Single Dwelling	2	2
Existing units	Not Affected	Existing

**Complies**

#### **Clause 7.1 - Residential Density and Height Limitations**

7.1.1 The purpose of this clause is to ensure that residential development is of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area and consistent with land capability

The maximum number of dwellings that may be constructed on a site are to be determined in accordance with table A to clause 7.1.1

<b>Table A to Clause 7.1.1</b>	
Zone	Dwelling Density
SD	6

**May Not Comply**

7.1.2 The purpose of this clause is to ensure that residential development is of a height that is compatible with adjoining or nearby existing development or development reasonably anticipated and does not unduly overlook adjoining properties.

The height of any point of a residential 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.

Subject to clause 6.2, the height of residential buildings that may be constructed on a site are to be determined in accordance with the table to this clause.

Single dwellings in Zones SD are not to contain any part of a room (habitable or otherwise) verandah or balcony 7m above ground level without consent. Where a room does not have a horizontal ceiling, a normal ceiling envelop of 2.7m shall be applied to the subject storey.



Anything above the 2.7m envelop will be considered air space and should not be inhabited, unless **80** consent is otherwise granted.

The existing dwelling is a single story dwelling and as such is less than the maximum height of 8.5m as required under clause 7.1 the proposed independent unit is also a single storey unit and is less than the maximum height of 8.5m

There are no elevated verandah decks or windows that over look any neighbouring properties

Existing landscaping to the front boundary and side boundary provides a suitable buffer ensuring there is little visual impact of the proposal and in addition to this provides a sense of security whilst maintaining the existing surrounding streetscape character.

Photo evidence provided concurs that the existing approved structure is concealed from the streetscape in both directions of travel along Clarke Street.

**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 and as to minimise any adverse effects of building massing when viewed from adjoining land and the street and to avoid undue overlooking of adjoining properties; and to encourage breeze penetration through and between buildings.

<b>Table A to clause 7.3</b>	
Lot Boundary	Minimum Setback
Primary street frontage for 1 and 2 storey buildings	6m and 4.5m 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

**Complies**

### **Clause 7.5 - Private Open Space**

The purpose of this clause is to ensure that each dwelling has private open space that is appropriately sited and of an adequate size to provide for domestic purposes. Private open space areas should satisfy the minimum area and dimensions contained in the table to this clause and be directly accessible from the dwelling and enable an extension of the function of the dwelling.

Where the private open space is at ground level and other than for a single dwelling, or a single dwelling and associated independent unit it should be screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas or fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting. The location of the private open space should take into account views from the site, the natural features of the site and the location of any private open space or habitable room associated with neighbouring dwellings

<b>Table to Clause 7.5</b>		
Type of Dwelling	Private open Space Area Required	Private open Space Provided
single dwellings on a lot of less than 600m	NA	
independent unit	for the single dwelling 50m <sup>2</sup> (exclusive of driveways and parking areas) but inclusive of an	78m <sup>2</sup>

**80**

	area with minimum dimensions of 6m x 6m; and for the independent unit 45m <sup>2</sup> (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 5m x 5m.	61m <sup>2</sup>	81
--	--	------------------	----

The single dwelling can demonstrate an area set aside for the exclusive use of the occupants of 78m<sup>2</sup> and a dimension of 6m x 12m

The independent unit demonstrates an area set aside for the exclusive use of the occupants of 61m<sup>2</sup> and a dimension of 5m x 23m

**Complies**

#### **Clause 7.10.4 - Independent Units**

The primary purpose of this clause is to ensure that an independent unit does not detrimentally impact on the amenity of adjoining and nearby property and remains ancillary to the single dwelling on a site.

**May not comply**

An independent unit may be developed on a site provided there will be no more than two dwellings on the site, the maximum floor area of the independent unit in Zones SD shall not exceed 50m<sup>2</sup> there is only one vehicle access point to the road.

**Complies**

Both dwellings will be serviced by a common effluent disposal system or connected to reticulated sewerage, both dwellings will be serviced by a single connection to a reticulated water supply and both dwellings will be serviced by a single connection to a reticulated power supply.

**Complies**

***NT Planning Act Section 46(3)(b). An assessment demonstrating how the proposed development will comply with an interim development control order, if any, applying to the land;***

There is no development control order applying to this allotment of land. Therefore section 46(3)(b) is not applicable for this development.

***NT Planning Act Section 46(3)(c). If a public environmental report or an environmental impact statement has been prepared or is required under the Environmental Assessment Act in relation to the proposed development – a copy of the report or statement and the results of any assessment of the report or statement under that Act by the minister administering that Act.***

There is no public environmental report or environmental statement that has been prepared or required under the environmental assessment Act. Therefore Section 46(3)(c) is not applicable for this development.

***NT Planning Act Section 46(3)(d). An assessment demonstrating the merits of the proposed development;***

The proposed development will convert an unused vacant and underutilised part of the site into one of activity by introducing a new independent unit within the Darwin domestic housing stock. When considered against the low level availability of current similar housing stock in Darwin and the resulting "supply v demand" and un-affordability equation, this can only benefit owners of properties in the immediate area and potential users of independent users.

This Statement of Effect clearly indicates Lot 2099 Charles Street Stuart Park can comfortably accommodate the independent unit whilst also complying with, or exceeding, the vast majority

**81**

**NT Planning Act Section 46(3)(e). A description of the physical characteristics of the land and a detailed assessment demonstrating the lands suitability for the purposes of the proposed development and the effect of development on that land and other land;**

Lot 2099 town of Darwin (47) Charles Street Stuart Park is located within the Stuart Park residential precinct and is ideally suited to urban infill. The total area under title is approximately 1112 square metres and is zoned SD in accordance with the Northern Territory Planning Scheme.

From inspecting the property the allotment is generally sloping to the South with existing stormwater drainage systems, and driveways in place. The proposed development will be generally consistent with the existing developments around the area.

Vegetation to the West boundary provide a suitable environment and streetscape from the Primary Street and neighbouring allotments ensuring there is no adverse visual impact to surrounding area.

As demonstrated by the statement of effect above the land is more than suitable for the proposed development and as we submit, will have very little impact on adjacent land apart from increasing its real market value by benefit of the proposed unit development.

**NT Planning Act Section 46(3)(f). A statement specifying the public facilities or public open space available in the area in which the land is situated, whether the land the 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;**

There are no immediate public facilities or public open space available in the area in which the land is situated.

No provisions have been made by the owner to provide public facilities or public open space as the use and location does not warrant such developments.

**NT Planning Act Section 46(3)(g). A statement specifying the public utilities or infrastructure provided in the area in which the land is situated, the requirements for public facilities and services to be connected to the land whether public utilities or infrastructure are to be provided by the developer or land is to be provided by the developer for the provision of public utilities or infrastructure;**

No public Utilities or infrastructure will be provided by the land owner. Therefore Section 46(3)(g) is not applicable for this development.

**NT Planning Act Section 46(3)(h). An assessment of the potential impact on the existing and future amenity of the area in the land is situated;**

Minimal impact will occur from the proposed development as the existing and future amenity of the area has specifically been allocated and zoned to support and warrant such development.

It is important to note that the proposed development provides Setbacks, Private Open Space, landscaping, parking and pedestrian/vehicle circulation space generally in excess of the minimum amenity requirements of the NT Planning Scheme we anticipate no detrimental impact on future amenity of the area.

It is clearly demonstrated that there will be little or no impact to the existing amenity and consultation of the directly affected neighbours have agreed to and consented in writing to the proposal

**NT Planning Act Section 46(3)(j). An assessment of the benefit or detriment to the public interest of the development;**

The proposed development will offer increased housing stock that is in keeping with the urban infill priorities of the NT Government and has the support from the directly affected neighbours. (see attachment)

The owners are investing considerable effort to develop the proposal into a modern looking structure. The development proposal has been designed having regard to the environment and the impact of the surrounding area. The proposal has considered the effect that the method materials used and the product stored on site will have no adverse affect on the area.



SKYE LEE  
49 Charles St  
Stuart Park NT 0820

21st September, 2014

To: Ken and Mayumi Graham  
5/47 Charles St  
Stuart Park NT 0820

Re: Development Consent for Dependent Dwelling

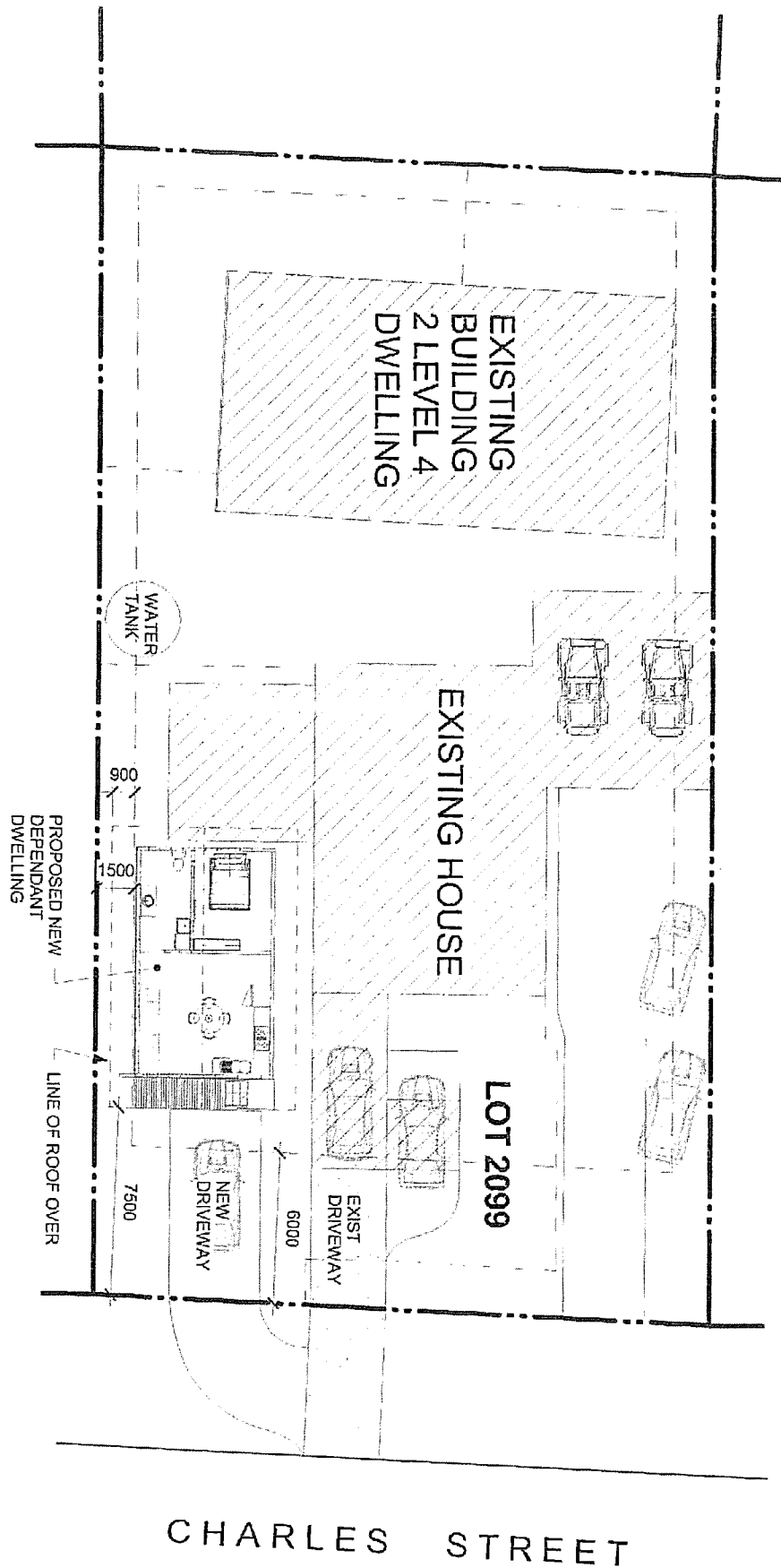
I am signing the attached plan for the "proposed" new dependent dwelling at your house to show that I will not object to this dwelling being built.

I note that the dwelling has been being built for the last few months and that it is almost ready to be moved into.

I note also that the four units at the back of your block have been there for many years.

Yours sincerely,





*K. M. J. J. J.*  
*[Signature]*

CHARLES STREET

MICHAEL + KATHLEEN MIHAILOU  
 45 Charles St  
 Stuart Park NT 0820

21st September, 2017

To: Ken + Mayumi Graham  
 5/47 Charles St  
 Stuart Park NT 0820

Re: Development Consent for Dependent Dwelling

We are signing the attached plan for the "proposed" new dependent dwelling at your house to show that we will not object to this dwelling being built.

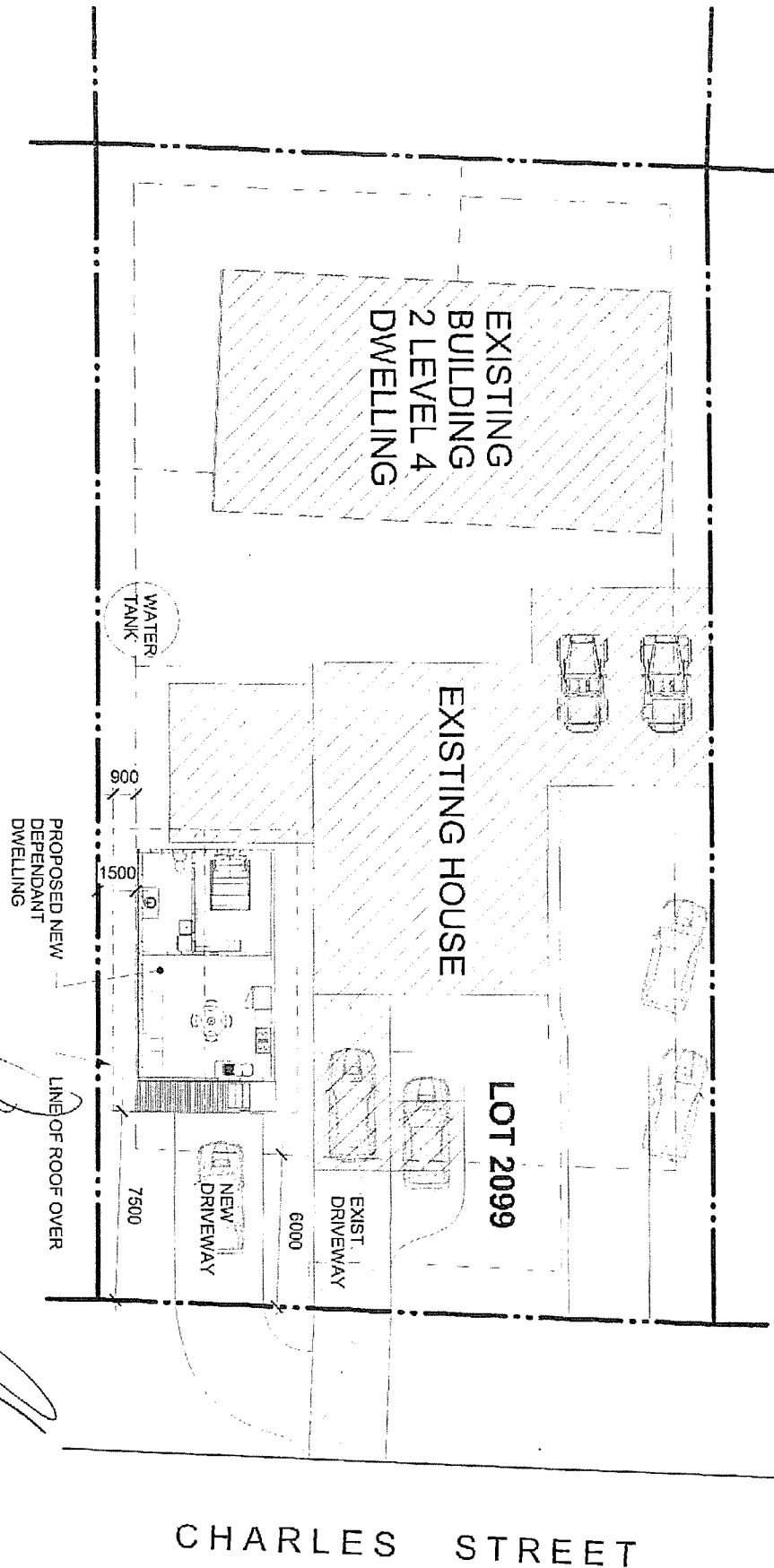
We note that the dwelling has been being built for the last few months and that it is almost ready to be moved into.

We note also that the four units at the back of your block have been there for many years

Yours sincerely,

KMihailou  



*[Handwritten signature]*

11/9/2014

BOB and PAT COVA  
 48 Charles St  
 Stuart Park NT 0820

18th September 2014

To: Ken and Mayumi GRAHAM  
 5/47 Charles St  
 Stuart Park NT 0820

Re: Development Consent for Dependent Dwelling.

We are signing the attached plan for the "proposed" new dependent dwelling at your house to show that we will not object to this dwelling being built.

We note that the dwelling has been being built for the last few months and that it is almost ready to be moved into.

We note also that the four units at the back of your block have been there for very many years.

Yours sincerely,

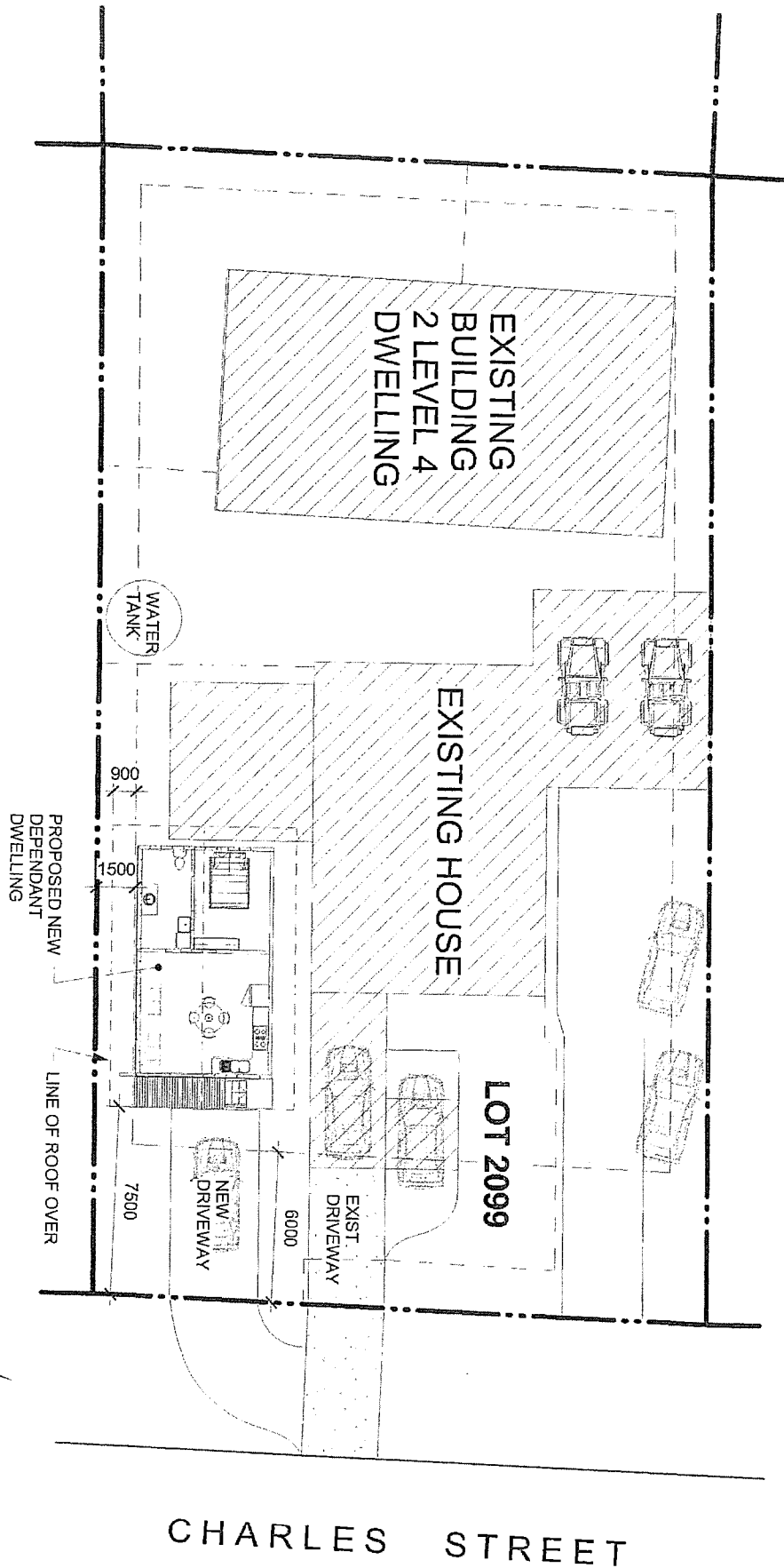


R. COVA.

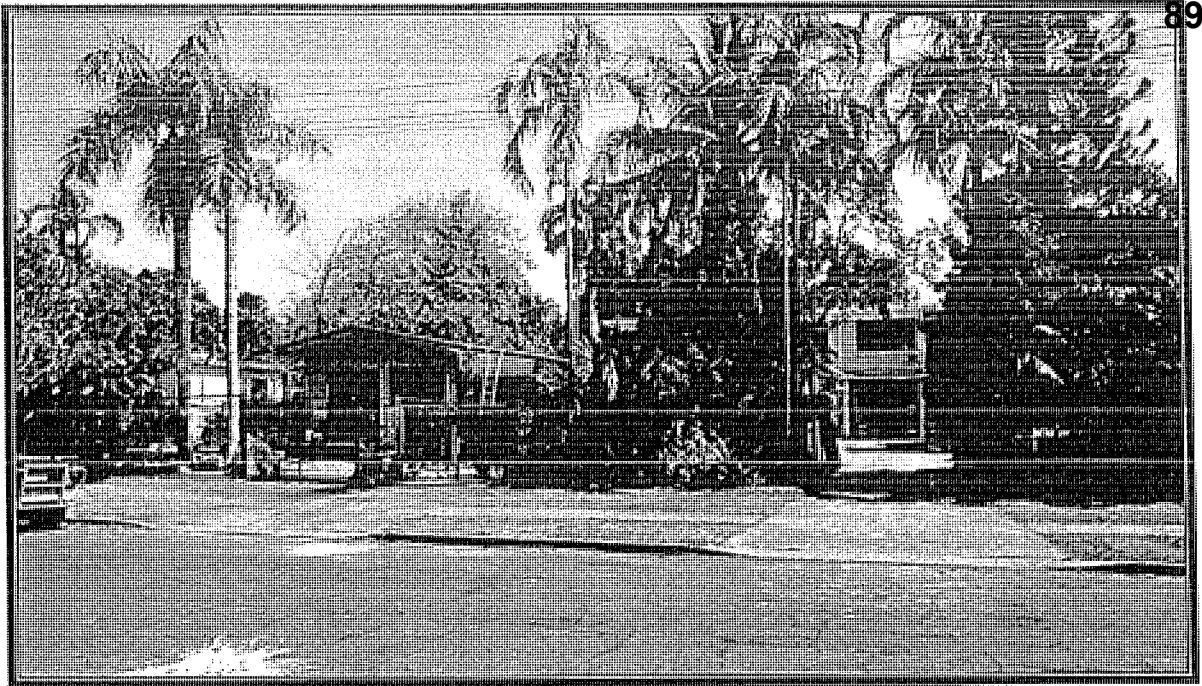
48 CHARLES ST. STUART PARK.  
 DARWIN.



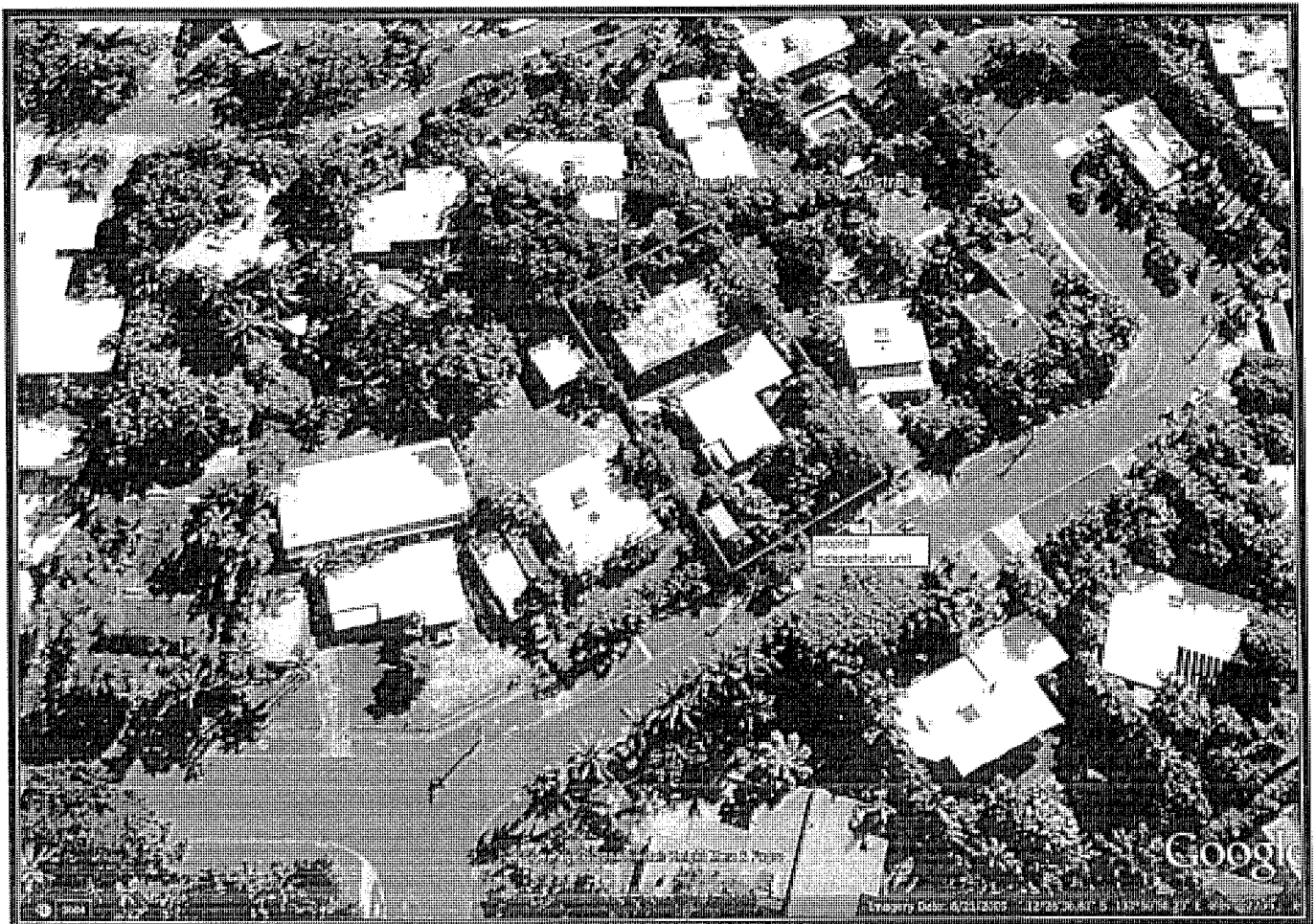
P. COVA







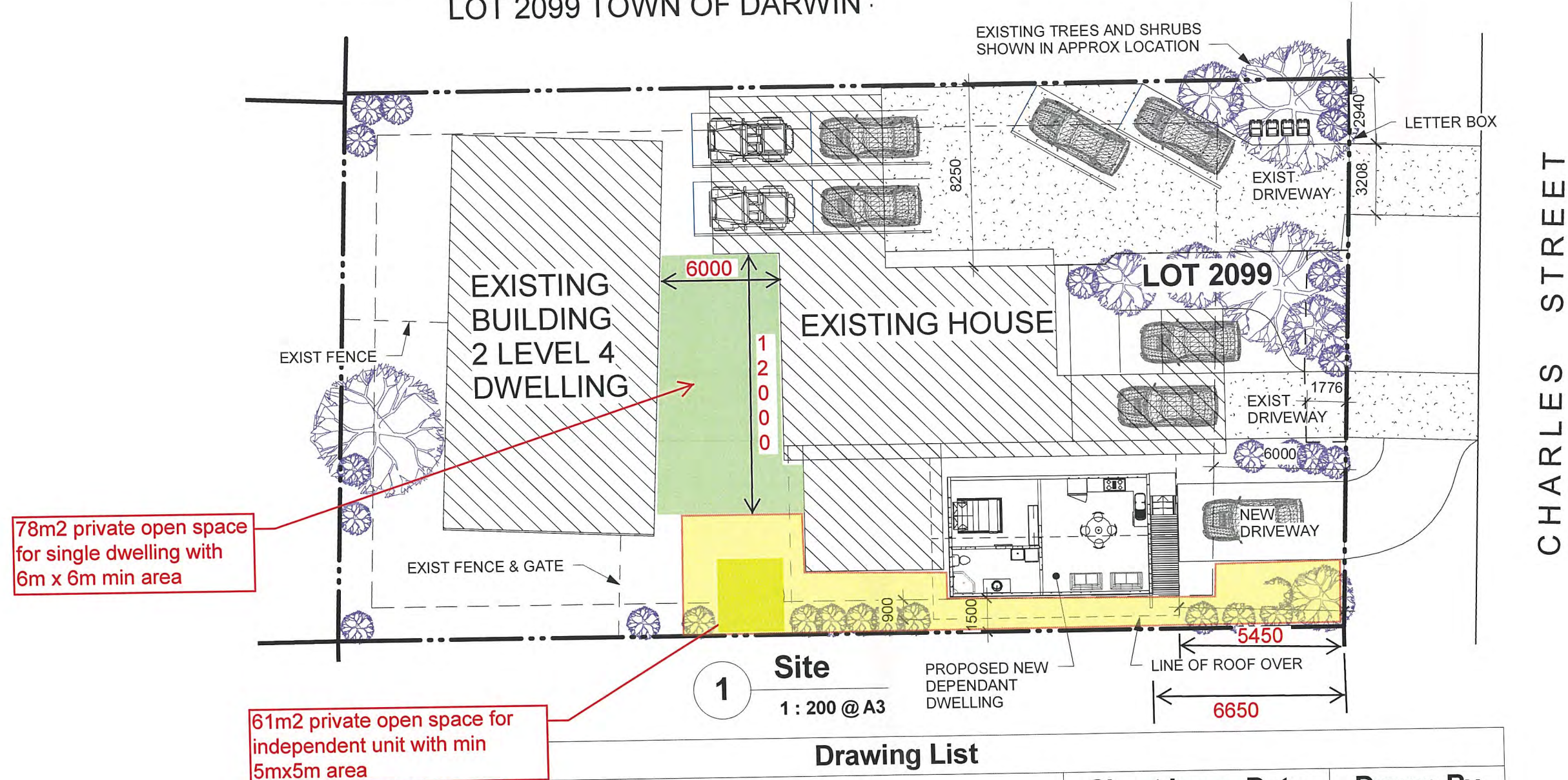
Current photo of the nearly completed independent unit.  
 Note the little or nil impact on the surrounding amenity.  
 The outlook is as if it were indeed a separate site with more open space than could be expected in a new urban development in suburbs like Durack Heights, Muirhead or Zuccoli





# KEN GRAHAM - PROPOSED DEPENDANT DWELLING

LOT 2099 TOWN OF DARWIN



## Drawing List

Sheet Number	Sheet Name	Sheet Issue Date	Drawn By
00	TITLE SHEET	12/10/2014	MB
01	FLOOR PLAN & AREA PLAN	12/10/2014	MB
02	FOOTINGS, BEAM & BRACING PLANS	12/10/2014	MB
03	ROOF PLAN	12/10/2014	MB
04	ELEVATIONS	12/10/2014	MB
05	'DOOR & WINDOW' REFERENCE PLAN & SCHEDULE OF QUANTITIES	12/10/2014	MB
06	WINDOW DETAILS	12/10/2014	MB
07	TYPICAL DETAILS SHEET 1	12/10/2014	MB
08	TYPICAL DETAILS SHEET 2	12/10/2014	MB
09	TYPICAL DETAILS SHEET 3	12/10/2014	MB



### MONSOON DRAFTING SERVICES

Michael Bond  
m.bond@monsoondrafting.com.au  
Ph: 0487 402 350  
PO Box 38 Virginia 0834  
ABN: 34 532 889 150

No.	Description	Date
1	CLIENT REVIEW	26/03/2014
2	ISSUED FOR APPROVAL	01/05/2014
3	ISSUED FOR APPROVAL	08/05/2014
4	REVISED AS PER ENG COMMENTS	13/05/2014
5	SETBACK REVISED	05/06/2014
6	REVISED AS PER CERTIFIERS COMMENTS	12/10/2014

### KEN GRAHAM

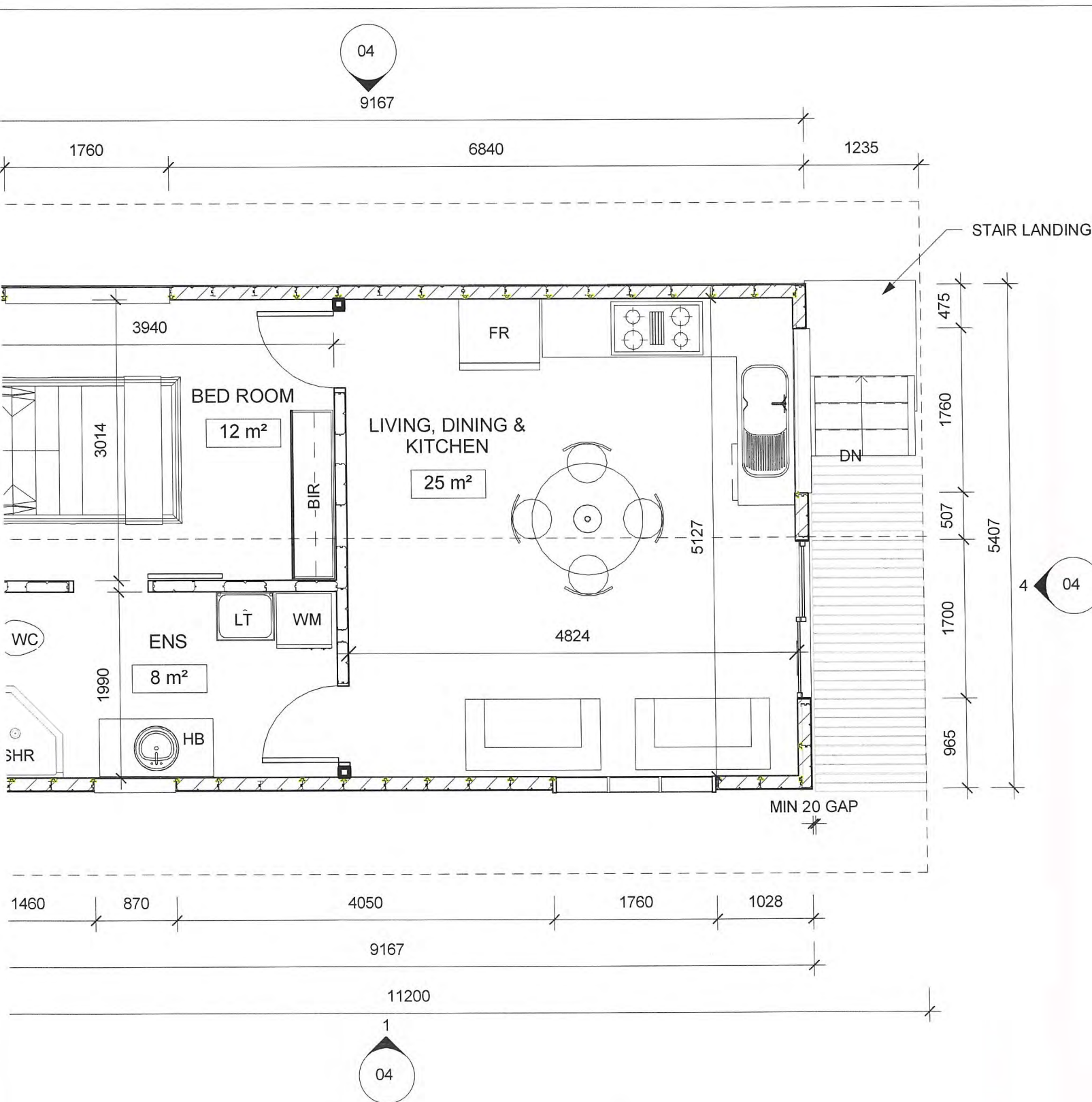
(47) CHARLES ST, STUART PARK  
LOT 2099 TOWN OF DARWIN - HUNDRED OF BAGOT

1 BED DEPENDANT DWELLING

### TITLE SHEET

Project number	MDS-081	00	
Date	12/10/2014		
Drawn by	MB		
Checked by	-	Scale	1 : 200





NOTES:

SERVICES TO EXISTING HOUSE ARE TO BE REDIRECTED WHERE NECESSARY.  
ALL DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION.

**NT PLANNING REQUIREMENT**  
NO PART OF ROOF STRUCTURE, INCLUDING GUTTERS AND EAVES, IS TO ENCROACH MORE THAN 900mm INTO MINIMUM BUILDING SETBACKS FROM LOT BOUNDARIES

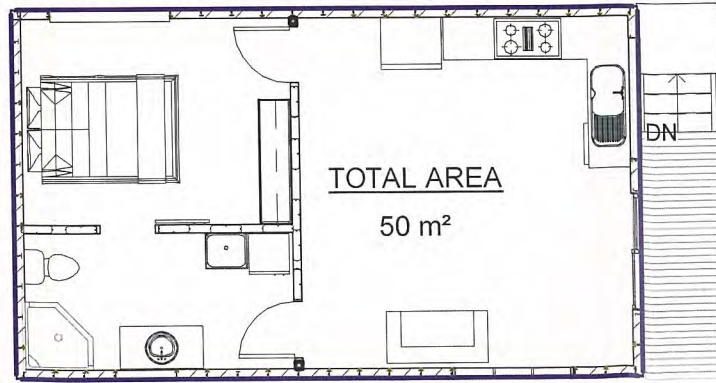
**FIRE SEPARATION ALLOWABLE ENCROACHMENT S**  
EAVES AND FACIAS WITHIN 900mm OF ALLOTMENT BOUNDARY TO BE PROVIDED WITH NON-COMBUSTIBLE SOFFIT LINING IN ACCORDANCE WITH BCA 3.7.1.7

**DRAINAGE**  
WHERE SURFACE WATER, SUBSOIL OR STORM WATER DRAINAGE IS INSTALLED IT MUST COMPLY WITH BCA 3.1.2  
SURFACE WATER MUST BE DIVERTED AWAY FROM CLASS 1 BUILDINGS AS FOLLOWS

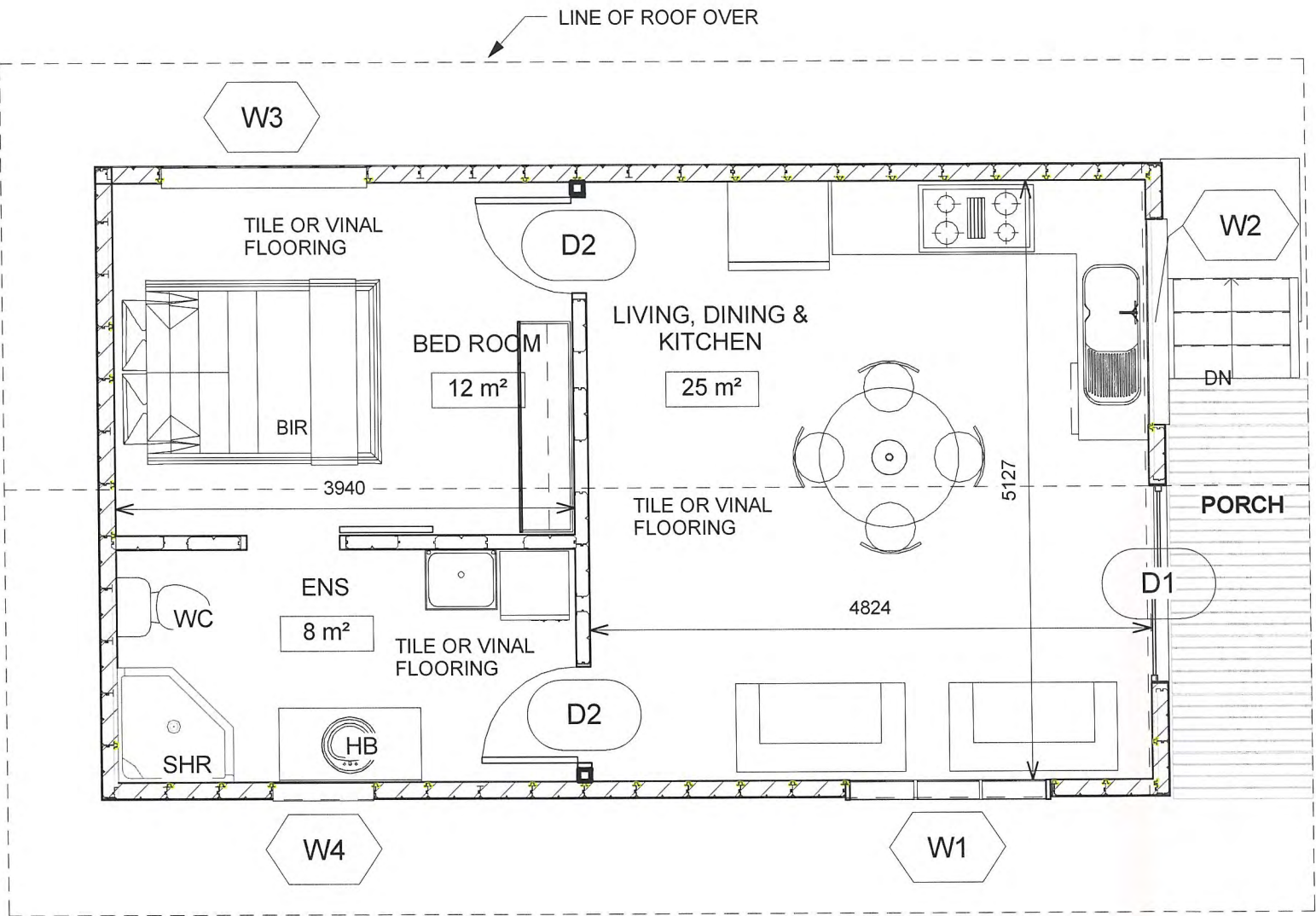
- SLAB ON GROUND:**
- EXTERNAL FINISHED SURFACE SURROUNDING SLAB -50mm OVER 1m TO DRAIN
- SLAB HEIGHT:**
- 150mm ABOVE FINISHED GROUND LEVEL OR
  - 100mm ABOVE SANDY WELL DRAINED AREAS OR
  - 50mm ABOVE PAVED/CONCRETED AREAS THAT FALL AWAY FROM BUILDING

**OVERFLOW RELIEF GULLIES (ORG)**  
HEIGHT BELOW LOWEST FIXTURE:  
MINIMUM OF 100mm TO BE MAINTAINED BETWEEN TOP OF ORG RISER AND LOWEST FIXTURE CONNECTED TO DRAIN  
HEIGHT ABOVE SURROUNDING GROUND:  
MINIMUM HEIGHT BETWEEN TOP OF ORG AND SURROUNDING NATURAL GROUND SURFACE LEVEL TO BE 150mm EXCEPT WHERE ORG IS LOCATED IN A PATH OR PAVED AREA, WHERE IT SHALL BE 10mm ABOVE FINISHED SURFACE LEVEL AND FREE OF OBSTRUCTION

- POTABLE WATER**
- ALL COPPER POTABLE WATER PIPEWORK INSTALLED UNDERSLAB TO BE LAGGED AND PROTECTED BY PETROLATUM WRAP SIMILAR TO DENSO OR KEMLAG. INSTALL IN CONTINUOUS LENGTHS TO AVOID JOINTS UNDER FLOOR WHEREVER POSSIBLE.
  - ALL HOT WATER FLOW AND RETURN PIPEWORK MUST BE THERMALLY INSULATED WITH FORMSHIELD SECTION PIPE INSULATION OR EQUIVALENT IN ACCORDANCE WITH AS3500.4
  - REFER AS3500 TABLE 1:1 FOR AUSTRALIAN EQUIVALENT PIPE SIZES GUIDE TO ENSURE CORRECT SPECIFIED NOMINAL BORE SIZES ARE USED
  - ALL POTABLE WATER MATERIALS AND PRODUCTS USED IN THE INSTALLATION SHALL COMPLY WITH A.S.3500:1 AND THE PLUMBING CODE OF AUSTRALIA. ALL MATERIALS AND PRODUCTS CHOSEN FOR POTABLE WATER INSTALLATION MUST BE SELECTED TO ENSURE SATISFACTORY SERVICE FOR THE LIFE OF THE INSTALLATION WITHIN THE PROJECT. COPPER PIPES ARE TO BE IN ACCORDANCE WITH A.S.1432-1990 TABLE 2 AND TYPE 'B' TUBE.





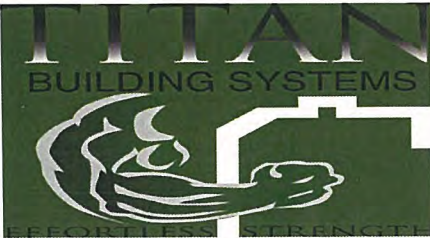


**1 DOOR & WINDOW REFERENCE**  
1 : 50 @ A3

Door Quantities			
Mark	Width	Height	Count
D1	1675	2087	1
D2	820	2100	2
D3	800	2100	1

Window Quantities			
Mark	Width	Height	Count
W1	1760	1800	1
W2	1760	1100	1
W3	1760	600	1
W4	870	600	1

NOTE: CHECK ACTUAL STRUCTURAL OPENING DIMENSIONS OF ALL WINDOW AND DOOR CAVITIES PRIOR TO ORDERING ANY DOORS OR WINDOWS



**MONSOON DRAFTING SERVICES**

Michael Bond  
m.bond@monsoondrafting.com.au  
Ph: 0487 402 350  
PO Box 38 Virginia 0834  
ABN: 34 532 889 150

No.	Description	Date
2	ISSUED FOR APPROVAL	01/05/2014
3	ISSUED FOR APPROVAL	08/05/2014
4	REVISED AS PER ENG COMMENTS	13/05/2014
6	REVISED AS PER CERTIFIERS COMMENTS	12/10/2014

**KEN GRAHAM**

(47) CHARLES ST, STUART PARK  
LOT 2099 TOWN OF DARWIN - HUNDRED OF BAGOT

1 BED DEPENDANT DWELLING

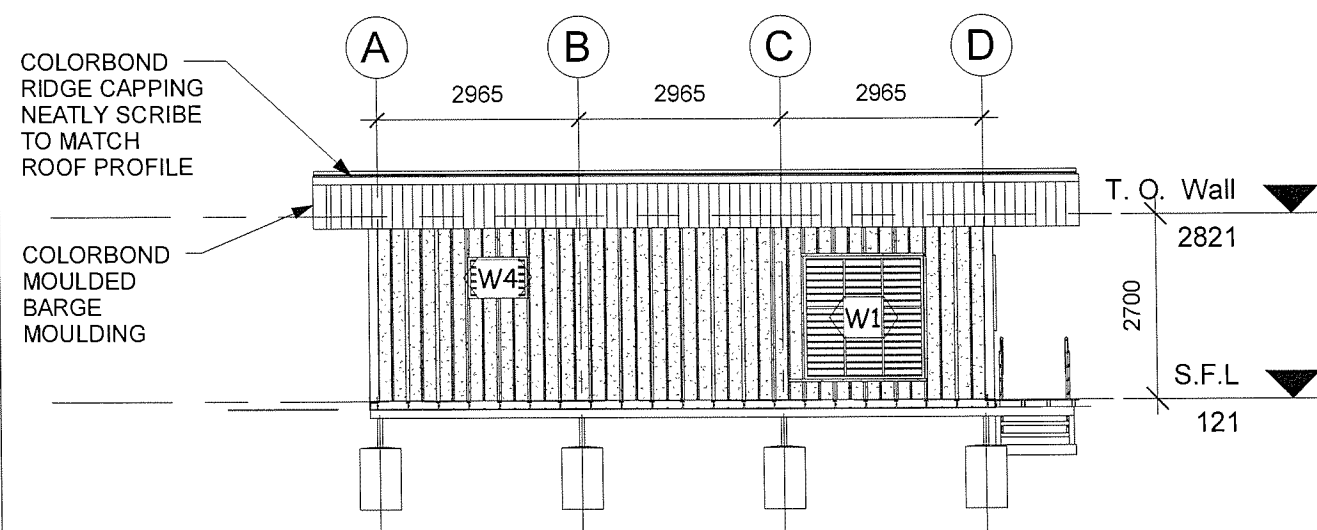
**'DOOR & WINDOW' REFERENCE PLAN & SCHEDULE OF QUANTITIES**

Project number	MDS-081
Date	12/10/2014
Drawn by	MB
Checked by	-

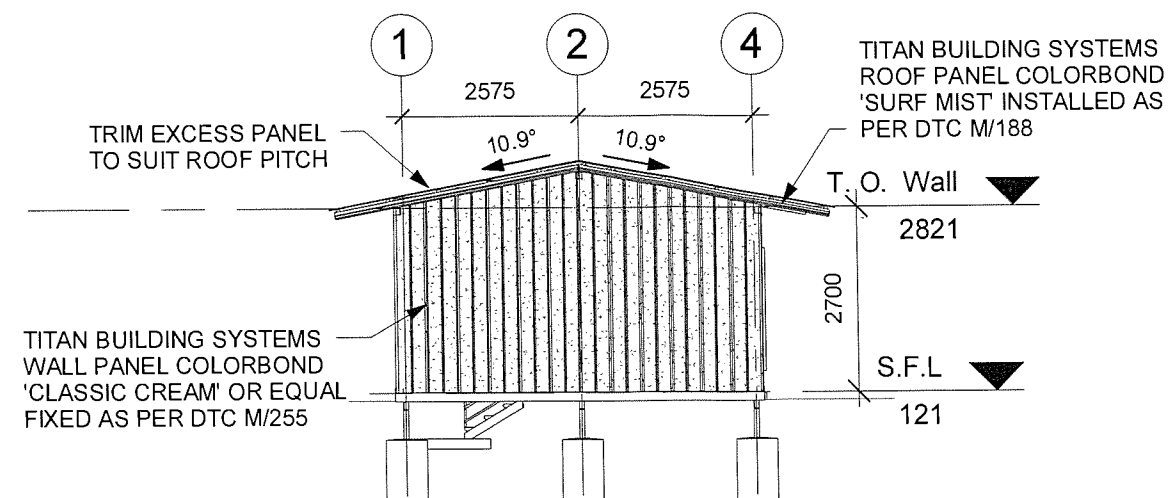
05

Scale

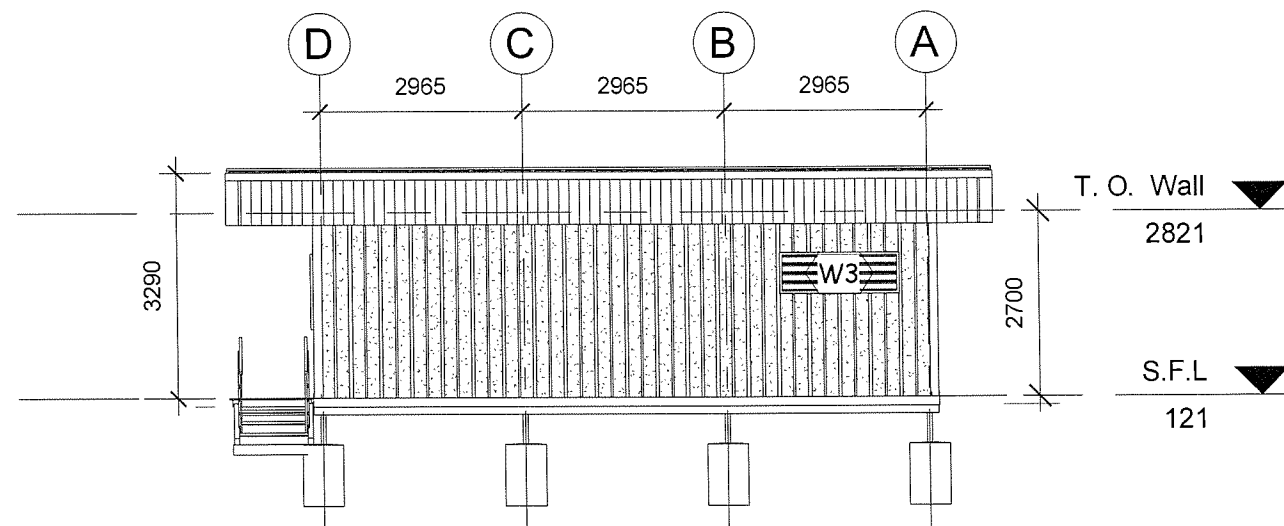




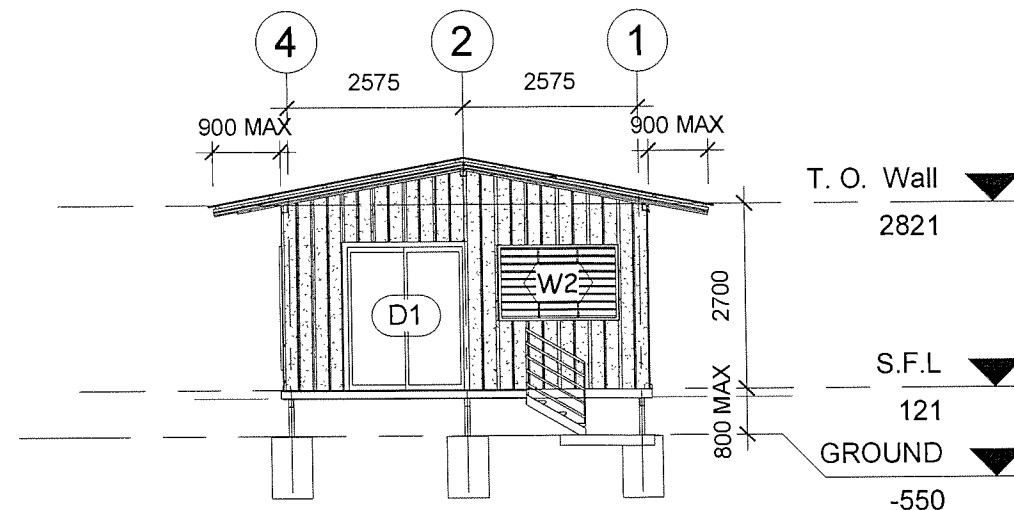
**1 ELEVATION 1**  
1 : 100 @ A3



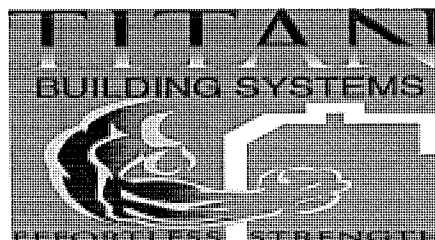
**3 ELEVATION 3**  
1 : 100 @ A3



**2 ELEVATION 2**  
1 : 100 @ A3



**4 ELEVATION 4**  
1 : 100 @ A3



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Michael Bond

m.bond@monsoondrafting.com.au

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ABN: 34 532 889 150

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6	REVISED AS PER CERTIFIERS COMMENTS	12/10/2014

**KEN GRAHAM**

(47) CHARLES ST, STUART PARK  
LOT 2099 TOWN OF DARWIN - HUNDRED OF BAGOT

1 BED DEPENDANT DWELLING

**ELEVATIONS**

Project number MDS-081

Date 12/10/2014

Drawn by MB

Checked by - Scale

04

1 : 100

**NORTHERN TERRITORY OF AUSTRALIA**  
**Planning Act****Application for Exceptional Development Permit - section 38****1. LAND INFORMATION**

<b>LOCATION OF PROPOSED DEVELOPMENT</b>	
Town/Hundred/Locality:	200
Parcel Number(s) and/or Unit number:	2099
LTO Plan:	
Number and Street Name:	47 Charles St Stuart Park NT
Zone:	SD
<b>LAND OWNER INFORMATION</b>	
Is the applicant the land owner?	YES / <input checked="" type="radio"/> NO
Owner's name(s):	Kenneth Leslie Graham
Postal address:	GPO Box 2345 Darwin NT 0801

**2. APPLICANT INFORMATION**

<b>APPLICANT</b>	
ILIS Customer no. (if known):	32abp
Company name (if applicable):	ABP Permits Pty Ltd
ABN or ACN (if applicable):	
Title:	<input checked="" type="radio"/> Mr Mrs Miss Ms Dr Other:
Family name(s):	Lovewell
Given name(s):	Christopher (Chris)
Preferred name(s):	PO Box 1623
Postal address:	Berrimah NT 0828
Telephone no. (business hours):	08 89472256
Facsimile no.:	08 89843199
E-mail address:	chris@abpnt.com.au
<b>CONTACT PERSON FOR FURTHER INFORMATION (OR WRITE 'AS ABOVE')</b>	
ILIS Customer no. (if known):	
Company name (if applicable):	as above
ABN or ACN (if applicable):	
Title:	Mr Mrs Miss Ms Dr Other:
Family name(s):	
Given name(s):	
Preferred name(s):	
Postal address:	
Telephone no. (business hours):	
Mobile no.:	
Facsimile no.:	
Email address:	

**NOTE:**  
**ALL CORRESPONDENCE**  
**WILL GO TO THE PERSON**  
**AND ADDRESS INDICATED**  
**HERE.**

**3. BRIEF DESCRIPTION OF DEVELOPMENT / PROPOSAL**

independent  
accommodation

**4. EXISTING LAND USE**

SD

**5. STATEMENT OF EFFECT OF DEVELOPMENT / PROPOSAL**

SEE ATTACHMENT GUIDE FOR FURTHER INFORMATION

ATTACHMENT A  
TEN (10) COPIES

**6. DIMENSIONED PLANS**

SEE ATTACHMENT GUIDE FOR FURTHER INFORMATION

ATTACHMENT B  
TEN (10) COPIES

**7. APPLICANT TO SIGN AND/OR AFFIX SEAL**

The application is complete and all required documentation is attached.

Signature(s)

16/10/2014

Date

**PRIVACY NOTE:**

The Department of Lands, Planning and the Environment, on behalf of the Minister, is authorised under the *Planning Act* to collect the information on this form, or otherwise provided by you, to consider a proposal to grant an Exceptional Development Permit. Failure to provide the information in full may result in non-consideration of the proposal.

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

Collection of personal information on this form is done in accordance with the privacy legislation contained within the *Information Act 2002 (NT)*. For more information please refer to the Department of Lands, Planning and the Environment privacy statement located at [www.nt.gov.au/dlpe](http://www.nt.gov.au/dlpe)

Any personal information provided can be subsequently accessed by you on request.



**EXCEPTIONAL DEVELOPMENT PERMIT APPLICATION**

The following information is provided to assist with the preparation of an application for Exceptional Development Permit and contains information on the content and required number of copies of each attachment.

**NOTE:**      **TEN (10) COPIES OF THE APPLICATION FORM MUST BE PROVIDED IN ADDITION TO THE ATTACHMENTS LISTED BELOW.**

**ATTACHMENT A - DETAILED STATEMENT DESCRIBING THE EFFECT OF THE DEVELOPMENT/PROPOSAL.**

**TEN (10) COPIES REQUIRED**

Under section 40 of the Act, the Minister must not grant an Exceptional Development Permit unless he or she is satisfied that it is preferable to issue a permit in relation to the proposal in the application, than to amend the NT Planning Scheme.

In determining whether to grant an Exceptional Development Permit under section 40, the Minister must take certain matters (specified in section 42 of the Act with reference to section 51) into account. Applications made under section 38 of the *Planning Act* require the applicant to provide a statement describing the effect of the proposed development or of the proposal.

The statement should be detailed and should address, but need not be limited to, those matters required to be considered by the consent authority under section 51 of the *Planning Act*, which are listed below.

<b>SECTION OF THE <i>PLANNING ACT</i></b>	<b>MATTER TO BE ADDRESSED</b>
51(d)	an environment protection objective within the meaning of the <i>Waste Management and Pollution Control Act</i> that is relevant to the land to which the application relates;
51(g)	if a public environmental report, or an environmental impact statement, has been prepared or is required under the <i>Environmental Assessment Act</i> in relation to the proposed development – the report or statement and the results of any assessment of the report or statement under that Act by the Minister administering that Act;
51(h)	the merits of the proposed development as demonstrated in the application;
51(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;
51(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;
51(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;
51(n)	the potential impact on the existing and future amenity of the area in which the land is situated;
51(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;
51(r)	any potential impact on natural, social, cultural or heritage values;
51(s)	any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the <i>Water Act</i> ;
51 (t)	other matters it thinks fit.

**TEN (10) COPIES REQUIRED AT NO GREATER THAN A3 SIZE**

**NOTE:** Where original plans have been prepared at a size larger than A3, two (2) additional sets of plans at the original size are required.

Dimensioned plans are required as part of this application. Depending upon the complexity of the Exceptional Development Permit application, or if you are having difficulty understanding these requirements, it may be in your best interests to engage a design professional to assist you in the preparation of your application or to prepare it on your behalf.

If you consider some of the following information is unnecessary due to the nature or location of the particular development proposed, the information may be omitted from your application. The Department of Lands, Planning and the Environment will then decide whether the information is required prior to assessing the application.

**PLANS SHOWING THE INFORMATION INDICATED BELOW ARE REQUIRED.**

<b>A site plan at a legible scale, not less than 1:500, showing the following information:</b>	
1	The north point, area of the existing parcel and boundary dimensions.
2	Existing and proposed buildings and their distance from lot boundaries.
3	Any existing and proposed easements, substations and services.
4	Vehicle access points.
5	Proposed surfacing of parking areas, driveways, vehicle turning areas and loading areas (locations and dimensions).
6	Landscape and open space areas including types of planting, details of screening and/or fencing (locations and descriptions).
7	The proximity of adjoining buildings within the site and their uses.
8	The location of any bores on the subject property and adjoining land.
9	The location of any proposed and/or existing effluent disposal systems.
<b>Floor layout plans at a scale not less than 1:200, showing:</b>	
1	Dimensioned floor plans of existing and proposed buildings showing layout, partitioning, room sizes, uses.
2	A schedule stating the total area of each component use in the building, the total floor area and percentage of site cover.
<b>Elevations and sections at a scale not less than 1:200, showing:</b>	
1	All elevations of buildings, indicating finished floor levels, existing and finished ground levels and external finishes.
2	Sufficient cross-sections and longitudinal sections to show the relationship between structures and their respective heights.

## AUTHORITY TO LODGE DEVELOPMENT APPLICATION / VARIATION

I HEREBY CONSENT TO ABP PERMITS PTY LTD TO PREPARE AND LODGE A DEVELOPMENT APPLICATION/VARIATION ON MY BEHALF FOR:

PROPOSED INDEPENDENT ACCOMMODATION

AT LOT 2099 TOWN OF DARWIN

ADDRESS 47 CHARLES ST, STUART PARK

OWNERS NAME: Ken GRAHAM SIGNATURE: [Signature]

OWNERS NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

OWNERS NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

PLEASE DIRECT ANY QUERIES IN RELATION TO THE DEVELOPMENT APPLICATION/VARIATION TO:

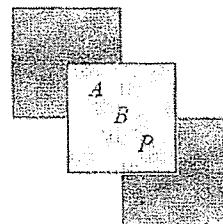
CHRIS LOVEWELL

ABP PERMITS PTY LTD

PH: 89472257

FAX: 89843199

EMAIL: [chris@abpnt.com.au](mailto:chris@abpnt.com.au)

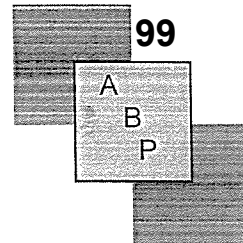


*Australian Building Permits*

ACN 114 616 134



25/09/2014  
Ref No:141792



Australian Building Permits

**Development Consent Authority**  
**Department of Lands, Planning and the Environment**  
GPO Box 2520  
Darwin NT 0801

ABP Permits Pty Ltd  
ACN 134 616 194  
PO Box 1624  
Berrimah NT 0828

Attention; The Chairman

P: 08 89472256  
M: 0417797388  
F: 08 08843199

[Chris@abpnt.com.au](mailto:Chris@abpnt.com.au)

**RE: APPLICATION FOR EXCEPTIONAL DEVELOPMENT PERMIT  
LOT 2099 (47) CHARLES STREET STUART PARK DARWIN NT  
PROPOSED INDEPENDENT ACCOMMODATION UNIT IN ZONE SD**

Dear Sir,

ABP Permits Pty Ltd have been requested by the owner of the above mentioned property Mr Kenneth L Graham to apply for an Exceptional Development Permit to construct an Independent accommodation unit on a SD zoned site.

**Historical**

In normal circumstances there would be no need to apply for an EDP in zone SD if all conditions of the planning scheme were met, with this statement in mind on the 11<sup>th</sup> June 2014 a Building Permit was issue for a fully compliant "Dependant Relative Unit (DRU)" and it is evident that the building is near complete.

As a result of some confusion and misinterpretation of the planning scheme the DRU is now considered an **independent accommodation unit** on a SD zone with other multiple dwellings and as such a prohibited use. It is now apparent that the Building Permit was issued in contravention of the Planning Act enacted on the 1<sup>st</sup> May 2014. The confusion started when a review of the property title failed to clearly reveal the presence of an existing set of 4 flats on the SD zoned site that were built in the late 60s and early 70s

Upon realisation of the error all work has stopped on the project and this application lodged. The situation whilst unfortunate has caused server anxiety, frustration and financial hardship to the owners. We believe that this application is generally administrative and as such could be approved without the need for notification or advertising. It is with optimism that this application is looked upon favourably and approved in order for the owners to move forward.

**Details**

The purpose of the proposal is to construct an independent unit on a SD zone. An independent unit is permitted use in zone SD, subject to the following clauses;

- 6.5.1 Parking Requirements.
- 7.1 Residential Density and Height Limitations
- 7.3 Building Setbacks of Residential Buildings
- 7.5 Private Open Space
- 7.10.4 Independent Units

We hope you find this application favourable should you wish to discuss further please do not hesitate to contact our office during business hours on 89472256.

Yours Faithfully,

Chris Lovewell  
**ABP Permits Pty Ltd**

Attachment A	Owners Authorisation
Attachment B	Statement of Effect of use
Attachment C	Dimensioned Plans
Attachment D	Subdivision / Consolidation Not Applicable

### **Attachment B Statement of Effect**

***NT Planning Act – Section 46(3)(a). An assessment demonstrating how the proposed development will comply with any planning scheme that applies to the land;***

#### **Clause 6.5.1 – Vehicle Parking**

The purpose of this clause is to ensure sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of the site.  
A car parking area is to be designed in accordance with clause 6.5.3 except where the car parking is required in association with a single dwelling and an independent unit.

Primary Use	Required Car parking	Proposed Car parking
Independent unit 1 per bedroom to a maximum of 2	1	1
Single Dwelling	2	2
Existing units	Not Affected	Existing

**Complies**

#### **Clause 7.1 - Residential Density and Height Limitations**

7.1.1 The purpose of this clause is to ensure that residential development is of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area and consistent with land capability

The maximum number of dwellings that may be constructed on a site are to be determined in accordance with table A to clause 7.1.1

<b>Table A to Clause 7.1.1</b>	
Zone	Dwelling Density
SD	6

**May Not Comply**

7.1.2 The purpose of this clause is to ensure that residential development is of a height that is compatible with adjoining or nearby existing development or development reasonably anticipated and does not unduly overlook adjoining properties.

The height of any point of a residential 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.

Subject to clause 6.2, the height of residential buildings that may be constructed on a site are to be determined in accordance with the table to this clause.

Single dwellings in Zones SD are not to contain any part of a room (habitable or otherwise) verandah or balcony 7m above ground level without consent. Where a room does not have a horizontal ceiling, a normal ceiling envelop of 2.7m shall be applied to the subject storey.

Anything above the 2.7m envelop will be considered air space and should not be inhabited, unless consent is otherwise granted. **401**

The existing dwelling is a single story dwelling and as such is less than the maximum height of 8.5m as required under clause 7.1 the proposed independent unit is also a single storey unit and is less than the maximum height of 8.5m

There are no elevated verandah decks or windows that over look any neighbouring properties

Existing landscaping to the front boundary and side boundary provides a suitable buffer ensuring there is little visual impact of the proposal and in addition to this provides a sense of security whilst maintaining the existing surrounding streetscape character.

Photo evidence provided concurs that the existing approved structure is concealed from the streetscape in both directions of travel along Clarke Street.

**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 and as to minimise any adverse effects of building massing when viewed from adjoining land and the street and to avoid undue overlooking of adjoining properties; and to encourage breeze penetration through and between buildings.

<b>Table A to clause 7.3</b>	
Lot Boundary	Minimum Setback
Primary street frontage for 1 and 2 storey buildings	6m and 4.5m 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

**Complies**

### **Clause 7.5 - Private Open Space**

The purpose of this clause is to ensure that each dwelling has private open space that is appropriately sited and of an adequate size to provide for domestic purposes. Private open space areas should satisfy the minimum area and dimensions contained in the table to this clause and be directly accessible from the dwelling and enable an extension of the function of the dwelling.

Where the private open space is at ground level and other than for a single dwelling, or a single dwelling and associated independent unit it should be screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas or fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting. The location of the private open space should take into account views from the site, the natural features of the site and the location of any private open space or habitable room associated with neighbouring dwellings

<b>Table to Clause 7.5</b>		
Type of Dwelling	Private open Space Area Required	Private open Space Provided
single dwellings on a lot of less than 600m	NA	
independent unit	for the single dwelling 50m <sup>2</sup> (exclusive of driveways and parking areas) but inclusive of an	78m <sup>2</sup>

**101**



	area with minimum dimensions of 6m x 6m; and for the independent unit 45m <sup>2</sup> (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 5m x 5m.	61m <sup>2</sup>	102
--	--	------------------	-----

The single dwelling can demonstrate an area set aside for the exclusive use of the occupants of 78m<sup>2</sup> and a dimension of 6m x 12m

The independent unit demonstrates an area set aside for the exclusive use of the occupants of 61m<sup>2</sup> and a dimension of 5m x 23m

**Complies**

#### **Clause 7.10.4 - Independent Units**

The primary purpose of this clause is to ensure that an independent unit does not detrimentally impact on the amenity of adjoining and nearby property and remains ancillary to the single dwelling on a site.

**May not comply**

An independent unit may be developed on a site provided there will be no more than two dwellings on the site, the maximum floor area of the independent unit in Zones SD shall not exceed 50m<sup>2</sup> there is only one vehicle access point to the road.

**Complies**

Both dwellings will be serviced by a common effluent disposal system or connected to reticulated sewerage, both dwellings will be serviced by a single connection to a reticulated water supply and both dwellings will be serviced by a single connection to a reticulated power supply.

**Complies**

***NT Planning Act Section 46(3)(b). An assessment demonstrating how the proposed development will comply with an interim development control order, if any, applying to the land;***

There is no development control order applying to this allotment of land. Therefore section 46(3)(b) is not applicable for this development.

***NT Planning Act Section 46(3)(c). If a public environmental report or an environmental impact statement has been prepared or is required under the Environmental Assessment Act in relation to the proposed development – a copy of the report or statement and the results of any assessment of the report or statement under that Act by the minister administering that Act.***

There is no public environmental report or environmental statement that has been prepared or required under the environmental assessment Act. Therefore Section 46(3)(c) is not applicable for this development.

***NT Planning Act Section 46(3)(d). An assessment demonstrating the merits of the proposed development;***

The proposed development will convert an unused vacant and underutilised part of the site into one of activity by introducing a new independent unit within the Darwin domestic housing stock. When considered against the low level availability of current similar housing stock in Darwin and the resulting "supply v demand" and un-affordability equation, this can only benefit owners of properties in the immediate area and potential users of independent users.

This Statement of Effect clearly indicates Lot 2099 Charles Street Stuart Park can comfortably accommodate the independent unit whilst also complying with, or exceeding, the vast majority

**102**

**NT Planning Act Section 46(3)(e). A description of the physical characteristics of the land and a detailed assessment demonstrating the lands suitability for the purposes of the proposed development and the effect of development on that land and other land;**

Lot 2099 town of Darwin (47) Charles Street Stuart Park is located within the Stuart Park residential precinct and is ideally suited to urban infill. The total area under title is approximately 1112 square metres and is zoned SD in accordance with the Northern Territory Planning Scheme.

From inspecting the property the allotment is generally sloping to the South with existing stormwater drainage systems, and driveways in place. The proposed development will be generally consistent with the existing developments around the area.

Vegetation to the West boundary provide a suitable environment and streetscape from the Primary Street and neighbouring allotments ensuring there is no adverse visual impact to surrounding area.

As demonstrated by the statement of effect above the land is more than suitable for the proposed development and as we submit, will have very little impact on adjacent land apart from increasing its real market value by benefit of the proposed unit development.

***NT Planning Act Section 46(3)(f). A statement specifying the public facilities or public open space available in the area in which the land is situated, whether the land the 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;***

There are no immediate public facilities or public open space available in the area in which the land is situated.

No provisions have been made by the owner to provide public facilities or public open space as the use and location does not warrant such developments.

***NT Planning Act Section 46(3)(g). A statement specifying the public utilities or infrastructure provided in the area in which the land is situated, the requirements for public facilities and services to be connected to the land whether public utilities or infrastructure are to be provided by the developer or land is to be provided by the developer for the provision of public utilities or infrastructure;***

No public Utilities or infrastructure will be provided by the land owner. Therefore Section 46(3)(g) is not applicable for this development.

***NT Planning Act Section 46(3)(h). An assessment of the potential impact on the existing and future amenity of the area in the land is situated;***

Minimal impact will occur from the proposed development as the existing and future amenity of the area has specifically been allocated and zoned to support and warrant such development.

It is important to note that the proposed development provides Setbacks, Private Open Space, landscaping, parking and pedestrian/vehicle circulation space generally in excess of the minimum amenity requirements of the NT Planning Scheme we anticipate no detrimental impact on future amenity of the area.

It is clearly demonstrated that there will be little or no impact to the existing amenity and consultation of the directly affected neighbours have agreed to and consented in writing to the proposal

***NT Planning Act Section 46(3)(j). An assessment of the benefit or detriment to the public interest of the development;***

The proposed development will offer increased housing stock that is in keeping with the urban infill priorities of the NT Government and has the support from the directly affected neighbours. (see attachment)

The owners are investing considerable effort to develop the proposal into a modern looking structure. The development proposal has been designed having regard to the environment and the impact of the surrounding area. The proposal has considered the effect that the method materials used and the product stored on site will have no adverse affect on the area.

Skye

SKYE LEE  
49 Charles St  
Stuart Park NT 0820

21st September, 2014

To: Ken and Mayumi Graham  
5/47 Charles St  
Stuart Park NT 0820

Re: Development Consent for Dependent Dwelling

I am signing the attached plan for the "proposed" new dependent dwelling at your house to show that I will not object to this dwelling being built.

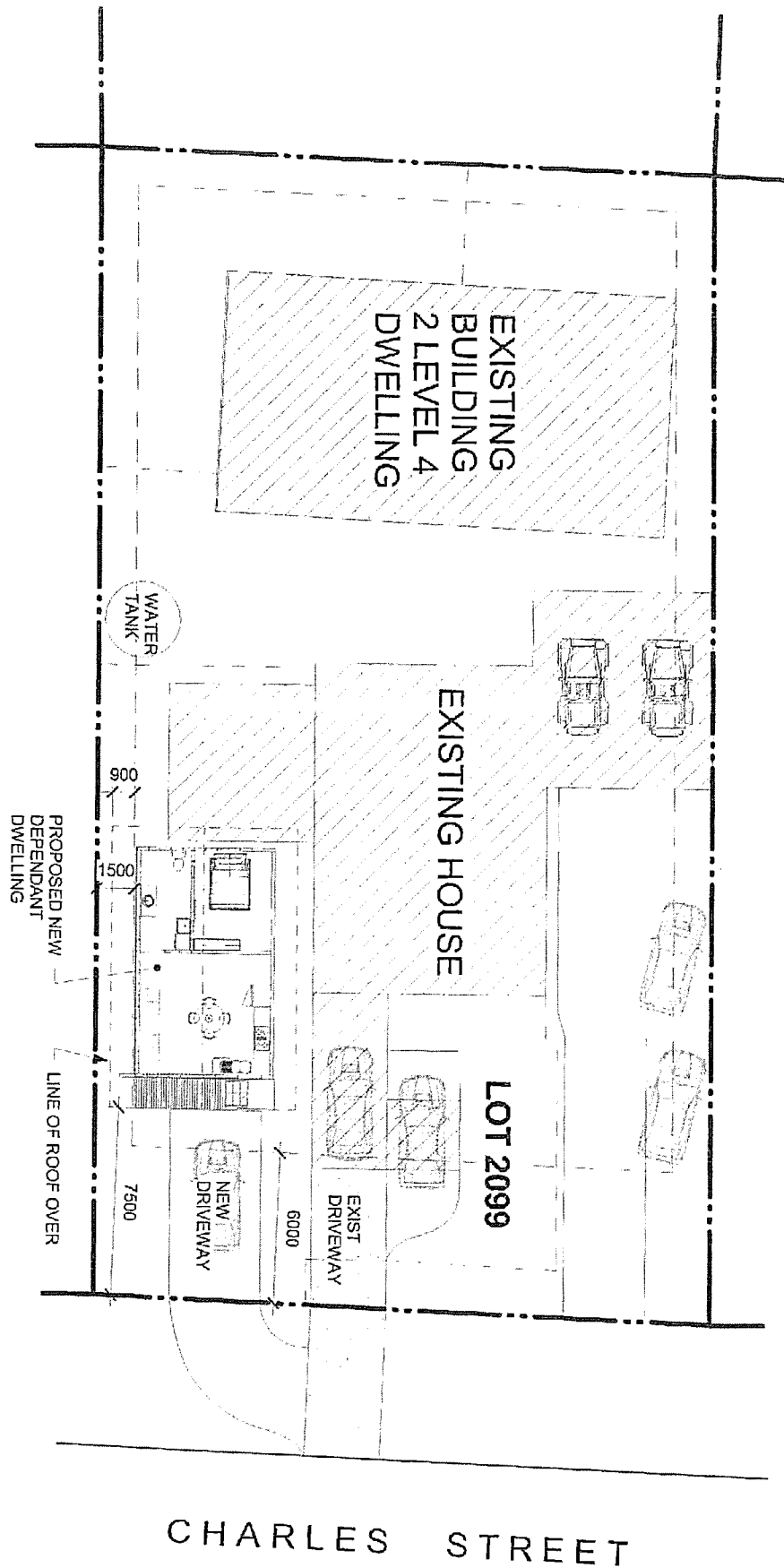
I note that the dwelling has been being built for the last few months and that it is almost ready to be moved into.

I note also that the four units at the back of your block have been there for many years.

Yours sincerely,







*K. M. J. J. J.*  
*[Signature]*

CHARLES STREET

MICHAEL + KATHLEEN MIHAILOU  
 45 Charles St  
 Stuart Park NT 0820

21st September, 2017

To: Ken + Mayumi Graham  
 5/47 Charles St  
 Stuart Park NT 0820

Re: Development Consent for Dependent Dwelling

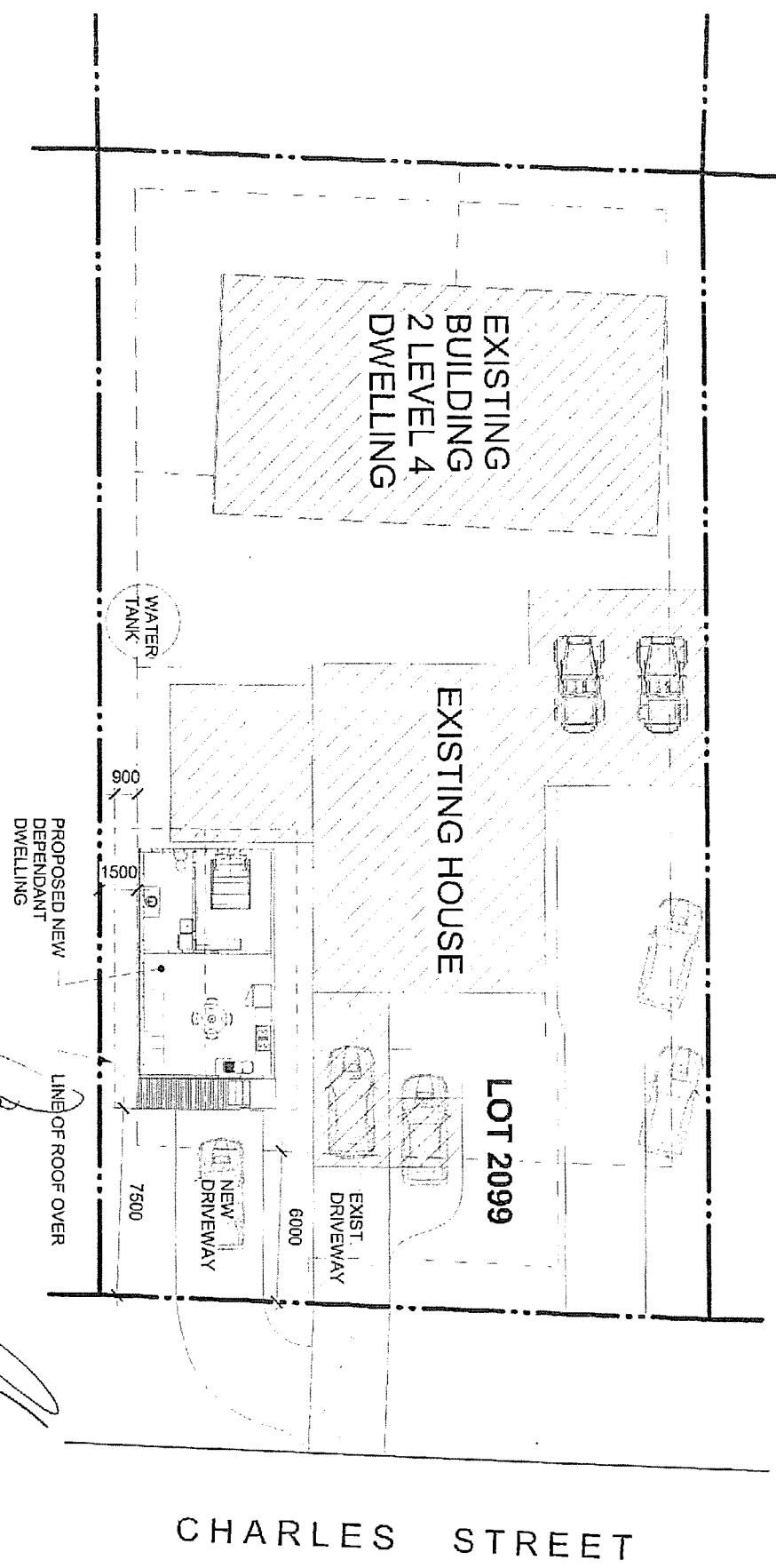
We are signing the attached plan for the "proposed" new dependent dwelling at your house to show that we will not object to this dwelling being built.

We note that the dwelling has been being built for the last few months and that it is almost ready to be moved into.

We note also that the four units at the back of your block have been there for many years

Yours sincerely,

KMihailou  

*[Handwritten signature]*

11/9/2014

BOB and PAT COVA  
 48 Charles St  
 Stuart Park NT 0820

18th September 2014

To: Ken and Mayumi GRAHAM  
 5/47 Charles St  
 Stuart Park NT 0820

Re: Development Consent for Dependent Dwelling.

We are signing the attached plan for the "proposed" new dependent dwelling at your house to show that we will not object to this dwelling being built.

We note that the dwelling has been being built for the last few months and that it is almost ready to be moved into.

We note also that the four units at the back of your block have been there for very many years.

Yours sincerely,



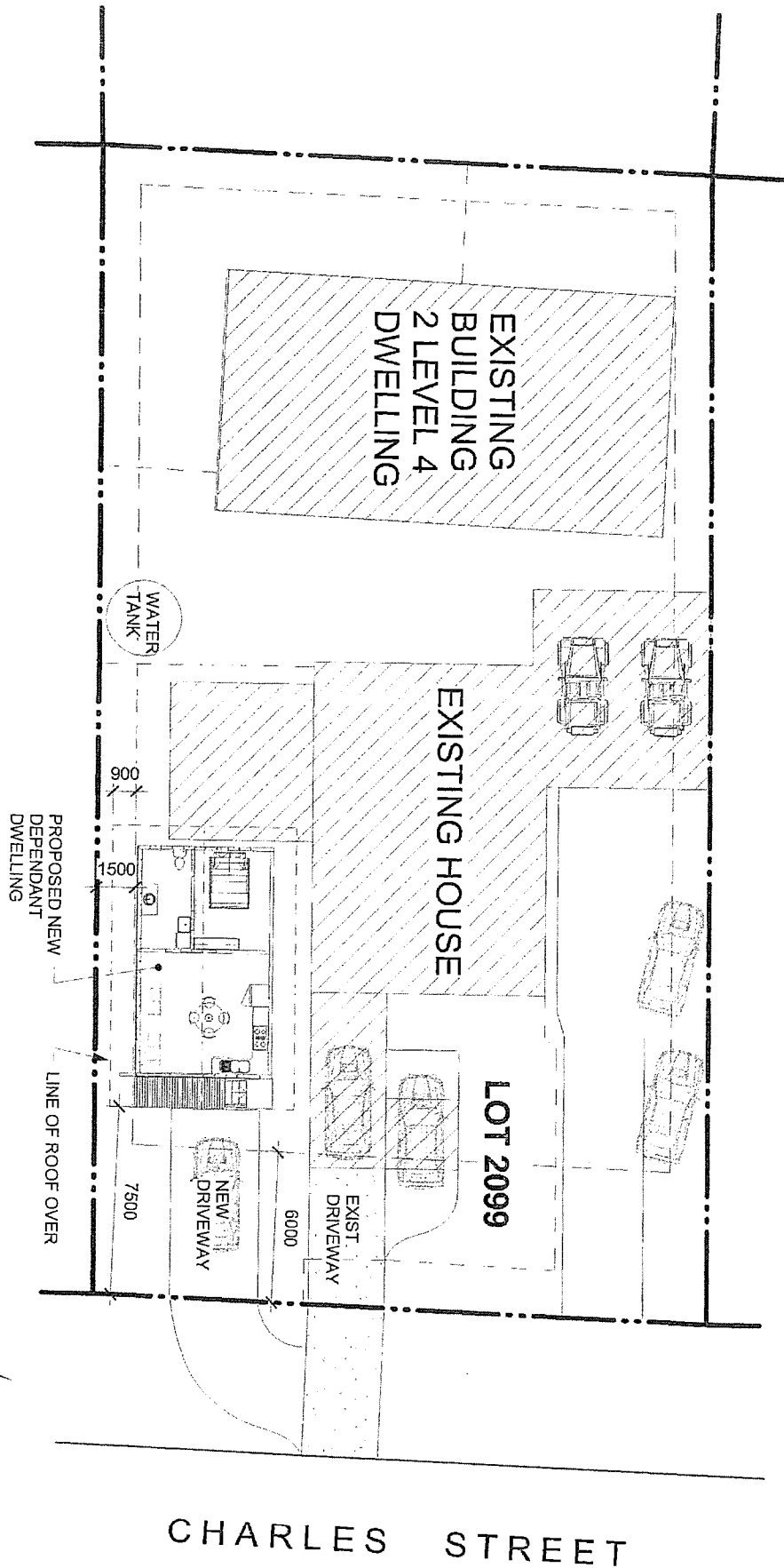
R. COVA.

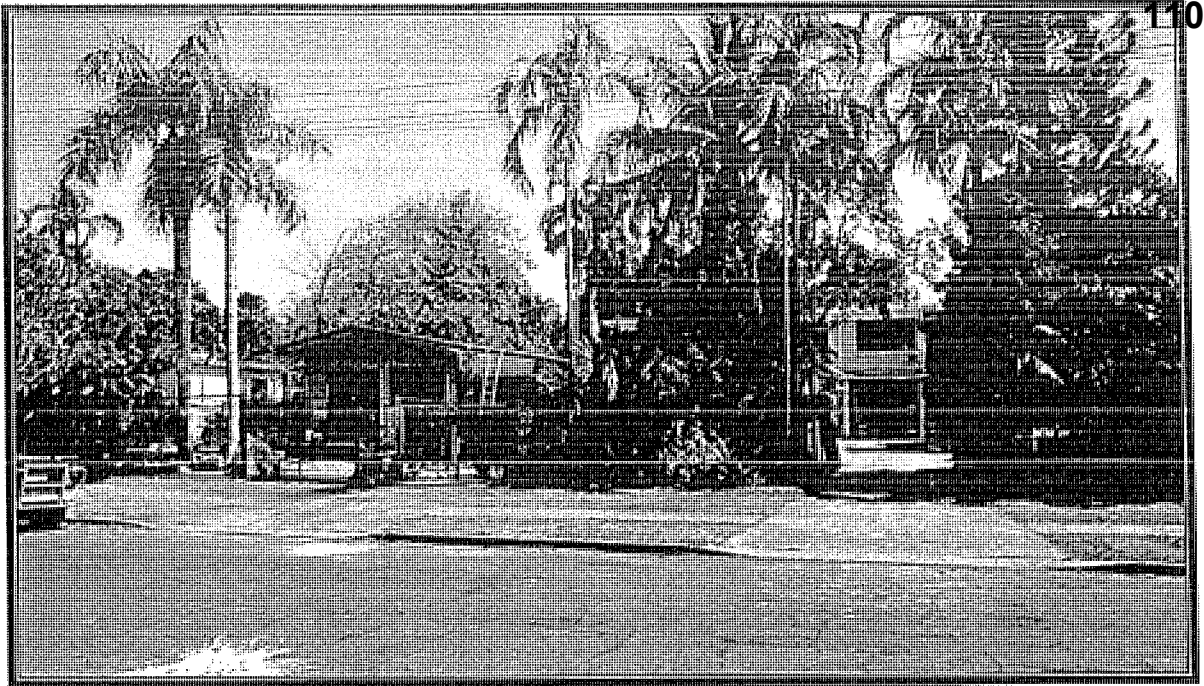
48 CHARLES ST. STUART PARK.  
 DARWIN.



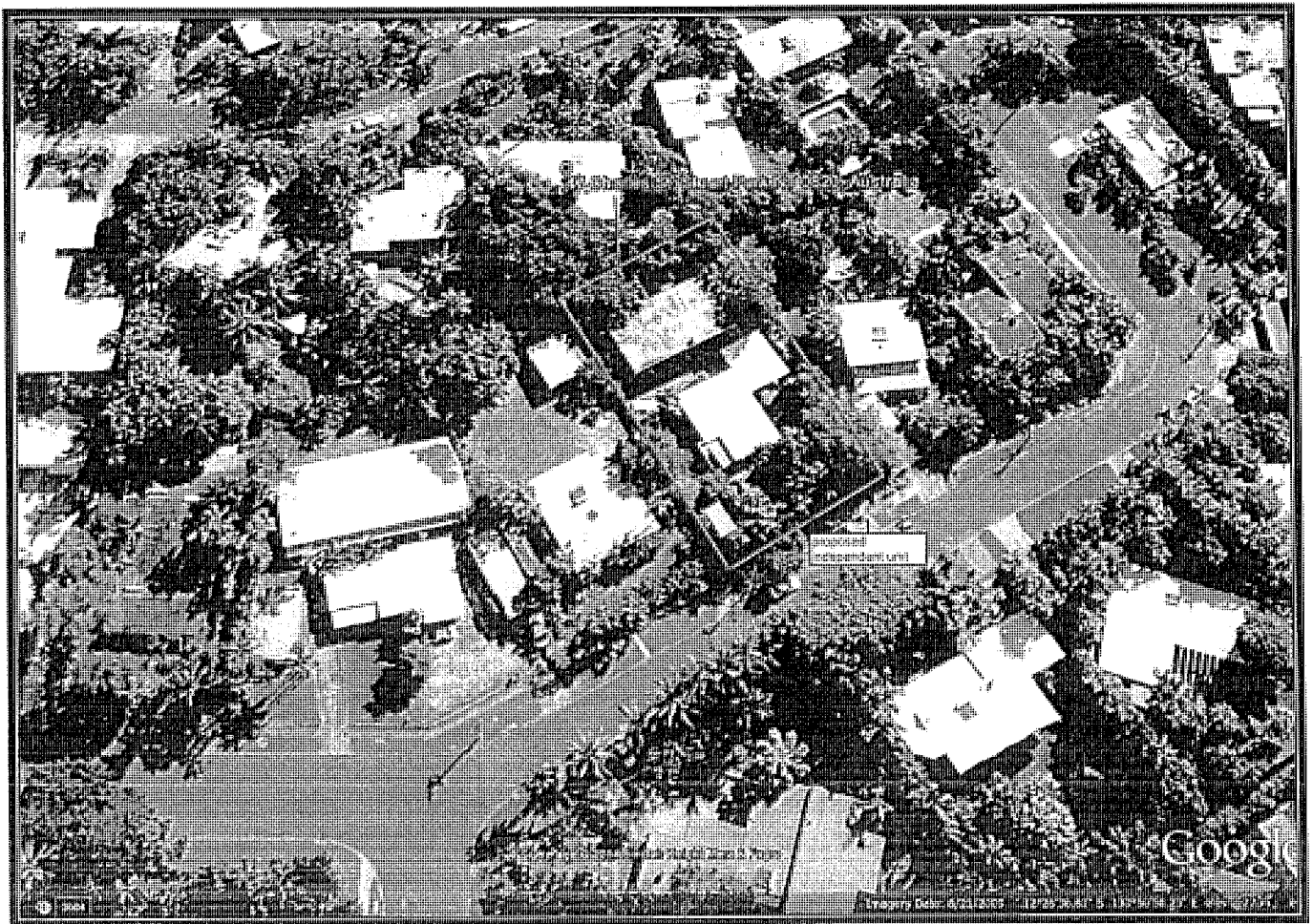
P. COVA







Current photo of the nearly completed independent unit.  
Note the little or nil impact on the surrounding amenity.  
The outlook is as if it were indeed a separate site with more open space than could be expected in  
a new urban development in suburbs like Durack Heights, Muirhead or Zuccoli



## NORTHERN TERRITORY OF AUSTRALIA

### PROPOSED EXCEPTIONAL DEVELOPMENT PERMIT NORTHERN TERRITORY PLANNING SCHEME

ABP Permits Pty Ltd has applied to the Minister for Lands, Planning and the Environment for an Exceptional Development Permit (EDP) for the purpose of an independent unit addition to existing multiple dwellings on Lot 2099 (47) Charles Street, Town of Darwin.

The land is in Zone SD (Single Dwelling) of the Northern Territory Planning Scheme and the development of the site for this purpose would otherwise be prohibited.

Attached are:

- the Delegate of the Minister for Lands, Planning and the Environment's section 17 determination under the *Planning Act* to exhibit the proposed EDP;
- a locality map; and
- a copy of the application from ABP Permits Pty Ltd.

The exhibition period is from 31/10/2014 to 28/11/2014.

Written submissions with respect to the proposed EDP are to be received by 4pm on 28/11/2014 and made to:

Manager, Darwin Planning  
Department of Lands, Planning and the Environment  
GPO Box 1680  
DARWIN NT 0801; or

Facsimile : (08) 8980 0707

**NORTHERN TERRITORY OF AUSTRALIA**

***PLANNING ACT***

**PROPOSED EXCEPTIONAL DEVELOPMENT PERMIT**

I, Fabio Rosario Finocchiaro, the delegate of the Minister for Lands, Planning and the Environment, determine pursuant to section 17 of the *Planning Act*, that:

- (a) a proposed Exceptional Development Permit, as described in (e), is to be exhibited;
- (b) the proposal is to be exhibited at the following locations:  
  
Offices of the Department of Lands, Planning and the Environment  
Ground Floor, Arnhemica House, 16 Parap Road, Parap NT 0820; and
- (c) the period of exhibition is 28 days, commencing upon first newspaper publication of the notice required by section 17(1);
- (d) written submissions in respect of this exhibition should be made to:  
  
Manager, Darwin Planning  
Development Assessment Services  
Department of Lands, Planning and the Environment  
GPO Box 1680  
DARWIN NT 0801; or  
  
Facsimile: (08) 8980 0707; and
- (e) the proposed Exceptional Development Permit is to allow the use and development of Lot 2099 (47) Charles Street, Town of Darwin for the purpose of an independent unit addition to existing multiple dwellings. The land is in Zone SD (Single Dwelling) of the Northern Territory Planning Scheme and the development of the land for this purpose would otherwise be prohibited in this zone.

Dated

28 OCTOBER

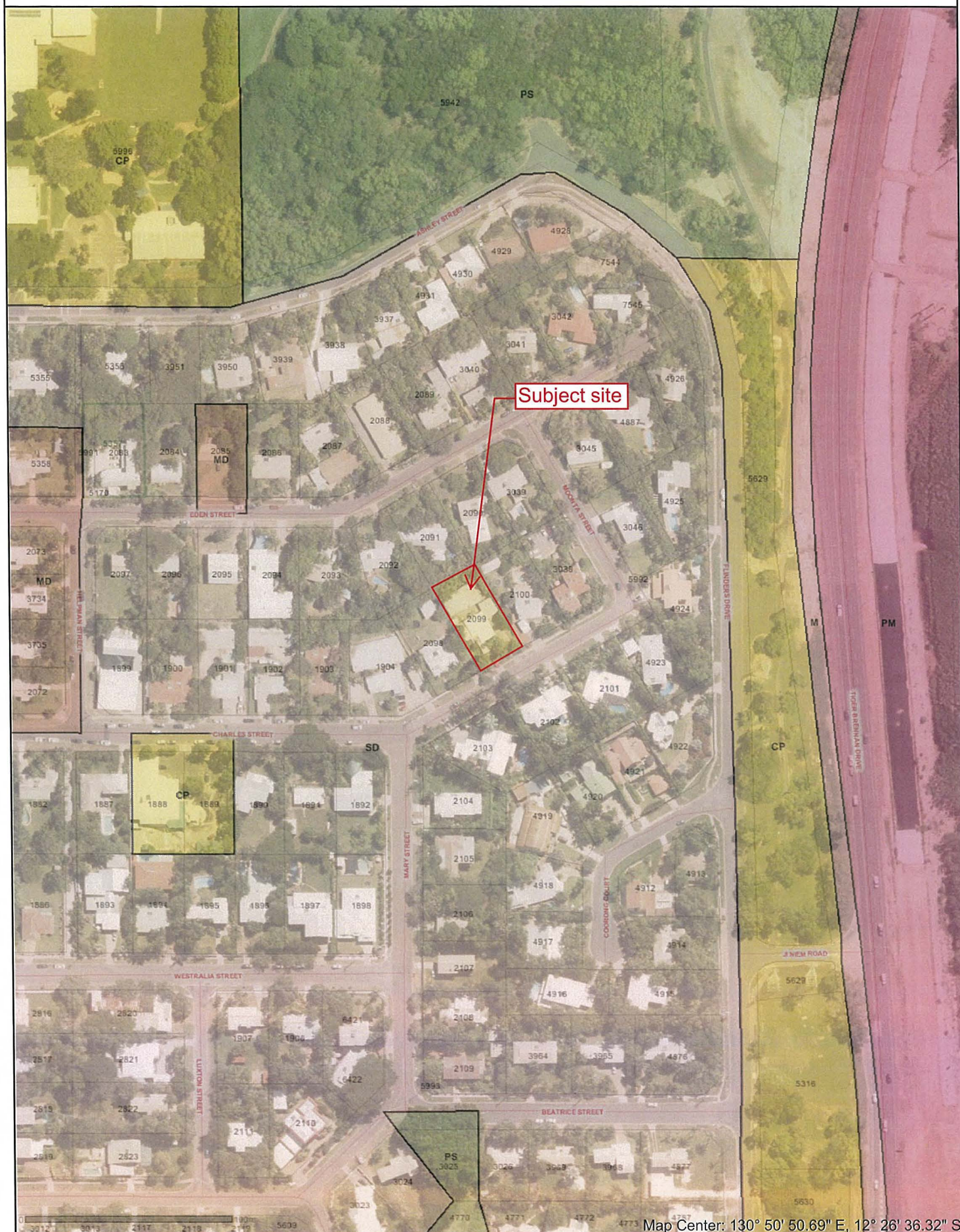
2014



FABIO ROSARIO FINOCCHIARO

Delegate of the Minister for Lands, Planning and the Environment





Bottom Left: -12° 26' 41", 130° 50' 43" Top Right: -12° 26' 31", 130° 50' 58" Approximate Scale: 1:2,300 Datum: GDA 1994  
Data for information purposes only - accuracy not guaranteed  
N.T. Land Information System Copyright Northern Territory of Australia



**NORTHERN TERRITORY OF AUSTRALIA**  
**Planning Act****Application for Exceptional Development Permit - section 38****1. LAND INFORMATION**

<b>LOCATION OF PROPOSED DEVELOPMENT</b>	
Town/Hundred/Locality:	200
Parcel Number(s) and/or Unit number:	2099
LTO Plan:	
Number and Street Name:	47 Charles St Stuart Park NT
Zone:	SD
<b>LAND OWNER INFORMATION</b>	
Is the applicant the land owner?	YES / <input checked="" type="radio"/> NO
Owner's name(s):	Kenneth Leslie Graham
Postal address:	GPO Box 2345 Darwin NT 0801

**2. APPLICANT INFORMATION**

<b>APPLICANT</b>	
ILIS Customer no. (if known): 32abp	
Company name (if applicable): ABP Permits Pty Ltd	
ABN or ACN (if applicable):	
Title: <input checked="" type="radio"/> Mr Mrs Miss Ms Dr Other:	
Family name(s): Lovewell	
Given name(s): Christopher (Chris)	
Preferred name(s): PO Box 1623	
Postal address: Berrimah NT 0828	
Telephone no. (business hours): 08 89472256	
Facsimile no.: 08 89843199	
E-mail address: chris@abpnt.com.au	
<b>CONTACT PERSON FOR FURTHER INFORMATION (OR WRITE 'AS ABOVE')</b>	
ILIS Customer no. (if known):	
Company name (if applicable): as above	
ABN or ACN (if applicable):	
Title: Mr Mrs Miss Ms Dr Other:	
Family name(s):	
Given name(s):	
Preferred name(s):	
Postal address:	
Telephone no. (business hours):	
Mobile no.:	
Facsimile no.:	
Email address:	

**NOTE:**  
**ALL CORRESPONDENCE**  
**WILL GO TO THE PERSON**  
**AND ADDRESS INDICATED**  
**HERE.**

**3. BRIEF DESCRIPTION OF DEVELOPMENT / PROPOSAL**

independent  
accommodation

**4. EXISTING LAND USE**

SD

**5. STATEMENT OF EFFECT OF DEVELOPMENT / PROPOSAL**

SEE ATTACHMENT GUIDE FOR FURTHER INFORMATION

ATTACHMENT A  
TEN (10) COPIES

**6. DIMENSIONED PLANS**

SEE ATTACHMENT GUIDE FOR FURTHER INFORMATION

ATTACHMENT B  
TEN (10) COPIES

**7. APPLICANT TO SIGN AND/OR AFFIX SEAL**

The application is complete and all required documentation is attached.

Signature(s)

16/10/2014

Date

**PRIVACY NOTE:**

The Department of Lands, Planning and the Environment, on behalf of the Minister, is authorised under the *Planning Act* to collect the information on this form, or otherwise provided by you, to consider a proposal to grant an Exceptional Development Permit. Failure to provide the information in full may result in non-consideration of the proposal.

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

Collection of personal information on this form is done in accordance with the privacy legislation contained within the *Information Act 2002 (NT)*. For more information please refer to the Department of Lands, Planning and the Environment privacy statement located at [www.nt.gov.au/dlpe](http://www.nt.gov.au/dlpe)

Any personal information provided can be subsequently accessed by you on request.

**EXCEPTIONAL DEVELOPMENT PERMIT APPLICATION**

The following information is provided to assist with the preparation of an application for Exceptional Development Permit and contains information on the content and required number of copies of each attachment.

**NOTE:**      **TEN (10) COPIES OF THE APPLICATION FORM MUST BE PROVIDED IN ADDITION TO THE ATTACHMENTS LISTED BELOW.**

**ATTACHMENT A - DETAILED STATEMENT DESCRIBING THE EFFECT OF THE DEVELOPMENT/PROPOSAL.**

**TEN (10) COPIES REQUIRED**

Under section 40 of the Act, the Minister must not grant an Exceptional Development Permit unless he or she is satisfied that it is preferable to issue a permit in relation to the proposal in the application, than to amend the NT Planning Scheme.

In determining whether to grant an Exceptional Development Permit under section 40, the Minister must take certain matters (specified in section 42 of the Act with reference to section 51) into account. Applications made under section 38 of the *Planning Act* require the applicant to provide a statement describing the effect of the proposed development or of the proposal.

The statement should be detailed and should address, but need not be limited to, those matters required to be considered by the consent authority under section 51 of the *Planning Act*, which are listed below.

SECTION OF THE <i>PLANNING ACT</i>	MATTER TO BE ADDRESSED
51(d)	an environment protection objective within the meaning of the <i>Waste Management and Pollution Control Act</i> that is relevant to the land to which the application relates;
51(g)	if a public environmental report, or an environmental impact statement, has been prepared or is required under the <i>Environmental Assessment Act</i> in relation to the proposed development – the report or statement and the results of any assessment of the report or statement under that Act by the Minister administering that Act;
51(h)	the merits of the proposed development as demonstrated in the application;
51(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;
51(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;
51(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;
51(n)	the potential impact on the existing and future amenity of the area in which the land is situated;
51(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;
51(r)	any potential impact on natural, social, cultural or heritage values;
51(s)	any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the <i>Water Act</i> ;
51 (t)	other matters it thinks fit.



**TEN (10) COPIES REQUIRED AT NO GREATER THAN A3 SIZE**

**NOTE:** Where original plans have been prepared at a size larger than A3, two (2) additional sets of plans at the original size are required.

Dimensioned plans are required as part of this application. Depending upon the complexity of the Exceptional Development Permit application, or if you are having difficulty understanding these requirements, it may be in your best interests to engage a design professional to assist you in the preparation of your application or to prepare it on your behalf.

If you consider some of the following information is unnecessary due to the nature or location of the particular development proposed, the information may be omitted from your application. The Department of Lands, Planning and the Environment will then decide whether the information is required prior to assessing the application.

**PLANS SHOWING THE INFORMATION INDICATED BELOW ARE REQUIRED.**

<b>A site plan at a legible scale, not less than 1:500, showing the following information:</b>	
1	The north point, area of the existing parcel and boundary dimensions.
2	Existing and proposed buildings and their distance from lot boundaries.
3	Any existing and proposed easements, substations and services.
4	Vehicle access points.
5	Proposed surfacing of parking areas, driveways, vehicle turning areas and loading areas (locations and dimensions).
6	Landscape and open space areas including types of planting, details of screening and/or fencing (locations and descriptions).
7	The proximity of adjoining buildings within the site and their uses.
8	The location of any bores on the subject property and adjoining land.
9	The location of any proposed and/or existing effluent disposal systems.
<b>Floor layout plans at a scale not less than 1:200, showing:</b>	
1	Dimensioned floor plans of existing and proposed buildings showing layout, partitioning, room sizes, uses.
2	A schedule stating the total area of each component use in the building, the total floor area and percentage of site cover.
<b>Elevations and sections at a scale not less than 1:200, showing:</b>	
1	All elevations of buildings, indicating finished floor levels, existing and finished ground levels and external finishes.
2	Sufficient cross-sections and longitudinal sections to show the relationship between structures and their respective heights.

## AUTHORITY TO LODGE DEVELOPMENT APPLICATION / VARIATION

I HEREBY CONSENT TO ABP PERMITS PTY LTD TO PREPARE AND LODGE A DEVELOPMENT APPLICATION/VARIATION ON MY BEHALF FOR:

PROPOSED INDEPENDENT ACCOMMODATION

AT LOT 2099 TOWN OF DARWIN

ADDRESS 47 CHARLES ST, STUART PARK

OWNERS NAME: Ken GRAHAM SIGNATURE: [Signature]

OWNERS NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

OWNERS NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

PLEASE DIRECT ANY QUERIES IN RELATION TO THE DEVELOPMENT APPLICATION/VARIATION TO:

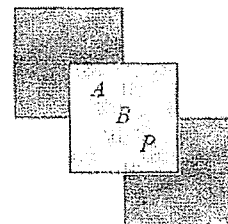
CHRIS LOVEWELL

ABP PERMITS PTY LTD

PH: 89472257

FAX: 89843199

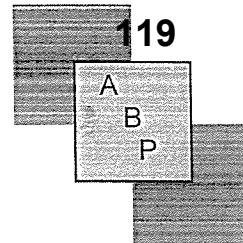
EMAIL: [chris@abpnt.com.au](mailto:chris@abpnt.com.au)



*Australian Building Permits*

ACN 114 618 134

25/09/2014  
Ref No:141792



Australian Building Permits

**Development Consent Authority**  
**Department of Lands, Planning and the Environment**  
GPO Box 2520  
Darwin NT 0801

ABP Permits Pty Ltd  
ACN 134 616 194  
PO Box 1624  
Berrimah NT 0828

Attention; The Chairman

P: 08 89472256  
M: 0417797388  
F: 08 08843199

[Chris@abpnt.com.au](mailto:Chris@abpnt.com.au)

**RE: APPLICATION FOR EXCEPTIONAL DEVELOPMENT PERMIT  
LOT 2099 (47) CHARLES STREET STUART PARK DARWIN NT  
PROPOSED INDEPENDENT ACCOMMODATION UNIT IN ZONE SD**

Dear Sir,

ABP Permits Pty Ltd have been requested by the owner of the above mentioned property Mr Kenneth L Graham to apply for an Exceptional Development Permit to construct an Independent accommodation unit on a SD zoned site.

**Historical**

In normal circumstances there would be no need to apply for an EDP in zone SD if all conditions of the planning scheme were met, with this statement in mind on the 11<sup>th</sup> June 2014 a Building Permit was issue for a fully compliant "Dependant Relative Unit (DRU)" and it is evident that the building is near complete.

As a result of some confusion and misinterpretation of the planning scheme the DRU is now considered an **independent accommodation unit** on a SD zone with other multiple dwellings and as such a prohibited use. It is now apparent that the Building Permit was issued in contravention of the Planning Act enacted on the 1<sup>st</sup> May 2014. The confusion started when a review of the property title failed to clearly reveal the presence of an existing set of 4 flats on the SD zoned site that were built in the late 60s and early 70s

Upon realisation of the error all work has stopped on the project and this application lodged. The situation whilst unfortunate has caused server anxiety, frustration and financial hardship to the owners. We believe that this application is generally administrative and as such could be approved without the need for notification or advertising. It is with optimism that this application is looked upon favourably and approved in order for the owners to move forward.

**Details**

The purpose of the proposal is to construct an independent unit on a SD zone. An independent unit is permitted use in zone SD, subject to the following clauses;

- 6.5.1 Parking Requirements.
- 7.1 Residential Density and Height Limitations
- 7.3 Building Setbacks of Residential Buildings
- 7.5 Private Open Space
- 7.10.4 Independent Units

We hope you find this application favourable should you wish to discuss further please do not hesitate to contact our office during business hours on 89472256.

Yours Faithfully,

Chris Lovewell  
**ABP Permits Pty Ltd**

**119**

Attachment A	Owners Authorisation
Attachment B	Statement of Effect of use
Attachment C	Dimensioned Plans
Attachment D	Subdivision / Consolidation Not Applicable

### **Attachment B Statement of Effect**

***NT Planning Act – Section 46(3)(a). An assessment demonstrating how the proposed development will comply with any planning scheme that applies to the land;***

#### **Clause 6.5.1 – Vehicle Parking**

The purpose of this clause is to ensure sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of the site.  
A car parking area is to be designed in accordance with clause 6.5.3 except where the car parking is required in association with a single dwelling and an independent unit.

Primary Use	Required Car parking	Proposed Car parking
Independent unit 1 per bedroom to a maximum of 2	1	1
Single Dwelling	2	2
Existing units	Not Affected	Existing

**Complies**

#### **Clause 7.1 - Residential Density and Height Limitations**

7.1.1 The purpose of this clause is to ensure that residential development is of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area and consistent with land capability

The maximum number of dwellings that may be constructed on a site are to be determined in accordance with table A to clause 7.1.1

<b>Table A to Clause 7.1.1</b>	
Zone	Dwelling Density
SD	6

**May Not Comply**

7.1.2 The purpose of this clause is to ensure that residential development is of a height that is compatible with adjoining or nearby existing development or development reasonably anticipated and does not unduly overlook adjoining properties.

The height of any point of a residential 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.

Subject to clause 6.2, the height of residential buildings that may be constructed on a site are to be determined in accordance with the table to this clause.

Single dwellings in Zones SD are not to contain any part of a room (habitable or otherwise) verandah or balcony 7m above ground level without consent. Where a room does not have a horizontal ceiling, a normal ceiling envelop of 2.7m shall be applied to the subject storey.



Anything above the 2.7m envelop will be considered air space and should not be inhabited, unless consent is otherwise granted. **421**

The existing dwelling is a single story dwelling and as such is less than the maximum height of 8.5m as required under clause 7.1 the proposed independent unit is also a single storey unit and is less than the maximum height of 8.5m

There are no elevated verandah decks or windows that over look any neighbouring properties

Existing landscaping to the front boundary and side boundary provides a suitable buffer ensuring there is little visual impact of the proposal and in addition to this provides a sense of security whilst maintaining the existing surrounding streetscape character.

Photo evidence provided concurs that the existing approved structure is concealed from the streetscape in both directions of travel along Clarke Street.

**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 and as to minimise any adverse effects of building massing when viewed from adjoining land and the street and to avoid undue overlooking of adjoining properties; and to encourage breeze penetration through and between buildings.

<b>Table A to clause 7.3</b>	
Lot Boundary	Minimum Setback
Primary street frontage for 1 and 2 storey buildings	6m and 4.5m 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

**Complies**

### **Clause 7.5 - Private Open Space**

The purpose of this clause is to ensure that each dwelling has private open space that is appropriately sited and of an adequate size to provide for domestic purposes. Private open space areas should satisfy the minimum area and dimensions contained in the table to this clause and be directly accessible from the dwelling and enable an extension of the function of the dwelling.

Where the private open space is at ground level and other than for a single dwelling, or a single dwelling and associated independent unit it should be screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas or fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting. The location of the private open space should take into account views from the site, the natural features of the site and the location of any private open space or habitable room associated with neighbouring dwellings

<b>Table to Clause 7.5</b>		
Type of Dwelling	Private open Space Area Required	Private open Space Provided
single dwellings on a lot of less than 600m	NA	
independent unit	for the single dwelling 50m <sup>2</sup> (exclusive of driveways and parking areas) but inclusive of an	78m <sup>2</sup>

**121**

	area with minimum dimensions of 6m x 6m; and for the independent unit 45m <sup>2</sup> (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 5m x 5m.	61m <sup>2</sup>	122
--	--	------------------	-----

The single dwelling can demonstrate an area set aside for the exclusive use of the occupants of 78m<sup>2</sup> and a dimension of 6m x 12m

The independent unit demonstrates an area set aside for the exclusive use of the occupants of 61m<sup>2</sup> and a dimension of 5m x 23m

**Complies**

#### **Clause 7.10.4 - Independent Units**

The primary purpose of this clause is to ensure that an independent unit does not detrimentally impact on the amenity of adjoining and nearby property and remains ancillary to the single dwelling on a site.

**May not comply**

An independent unit may be developed on a site provided there will be no more than two dwellings on the site, the maximum floor area of the independent unit in Zones SD shall not exceed 50m<sup>2</sup> there is only one vehicle access point to the road.

**Complies**

Both dwellings will be serviced by a common effluent disposal system or connected to reticulated sewerage, both dwellings will be serviced by a single connection to a reticulated water supply and both dwellings will be serviced by a single connection to a reticulated power supply.

**Complies**

***NT Planning Act Section 46(3)(b). An assessment demonstrating how the proposed development will comply with an interim development control order, if any, applying to the land;***

There is no development control order applying to this allotment of land. Therefore section 46(3)(b) is not applicable for this development.

***NT Planning Act Section 46(3)(c). If a public environmental report or an environmental impact statement has been prepared or is required under the Environmental Assessment Act in relation to the proposed development – a copy of the report or statement and the results of any assessment of the report or statement under that Act by the minister administering that Act.***

There is no public environmental report or environmental statement that has been prepared or required under the environmental assessment Act. Therefore Section 46(3)(c) is not applicable for this development.

***NT Planning Act Section 46(3)(d). An assessment demonstrating the merits of the proposed development;***

The proposed development will convert an unused vacant and underutilised part of the site into one of activity by introducing a new independent unit within the Darwin domestic housing stock. When considered against the low level availability of current similar housing stock in Darwin and the resulting "supply v demand" and un-affordability equation, this can only benefit owners of properties in the immediate area and potential users of independent users.

This Statement of Effect clearly indicates Lot 2099 Charles Street Stuart Park can comfortably accommodate the independent unit whilst also complying with, or exceeding, the vast majority

**122**

**NT Planning Act Section 46(3)(e). A description of the physical characteristics of the land and a detailed assessment demonstrating the lands suitability for the purposes of the proposed development and the effect of development on that land and other land;**

Lot 2099 town of Darwin (47) Charles Street Stuart Park is located within the Stuart Park residential precinct and is ideally suited to urban infill. The total area under title is approximately 1112 square metres and is zoned SD in accordance with the Northern Territory Planning Scheme.

From inspecting the property the allotment is generally sloping to the South with existing stormwater drainage systems, and driveways in place. The proposed development will be generally consistent with the existing developments around the area.

Vegetation to the West boundary provide a suitable environment and streetscape from the Primary Street and neighbouring allotments ensuring there is no adverse visual impact to surrounding area.

As demonstrated by the statement of effect above the land is more than suitable for the proposed development and as we submit, will have very little impact on adjacent land apart from increasing its real market value by benefit of the proposed unit development.

**NT Planning Act Section 46(3)(f). A statement specifying the public facilities or public open space available in the area in which the land is situated, whether the land the 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;**

There are no immediate public facilities or public open space available in the area in which the land is situated.

No provisions have been made by the owner to provide public facilities or public open space as the use and location does not warrant such developments.

**NT Planning Act Section 46(3)(g). A statement specifying the public utilities or infrastructure provided in the area in which the land is situated, the requirements for public facilities and services to be connected to the land whether public utilities or infrastructure are to be provided by the developer or land is to be provided by the developer for the provision of public utilities or infrastructure;**

No public Utilities or infrastructure will be provided by the land owner. Therefore Section 46(3)(g) is not applicable for this development.

**NT Planning Act Section 46(3)(h). An assessment of the potential impact on the existing and future amenity of the area in the land is situated;**

Minimal impact will occur from the proposed development as the existing and future amenity of the area has specifically been allocated and zoned to support and warrant such development.

It is important to note that the proposed development provides Setbacks, Private Open Space, landscaping, parking and pedestrian/vehicle circulation space generally in excess of the minimum amenity requirements of the NT Planning Scheme we anticipate no detrimental impact on future amenity of the area.

It is clearly demonstrated that there will be little or no impact to the existing amenity and consultation of the directly affected neighbours have agreed to and consented in writing to the proposal

**NT Planning Act Section 46(3)(j). An assessment of the benefit or detriment to the public interest of the development;**

The proposed development will offer increased housing stock that is in keeping with the urban infill priorities of the NT Government and has the support from the directly affected neighbours. (see attachment)

The owners are investing considerable effort to develop the proposal into a modern looking structure. The development proposal has been designed having regard to the environment and the impact of the surrounding area. The proposal has considered the effect that the method materials used and the product stored on site will have no adverse affect on the area.

skye

SKYE LEE  
49 Charles St  
Stuart Park NT 0820

21st September, 2014

To: Ken and Mayumi Graham  
5/47 Charles St  
Stuart Park NT 0820

Re: Development Consent for Dependent Dwelling

I am signing the attached plan for the "proposed" new dependent dwelling at your house to show that I will not object to this dwelling being built.

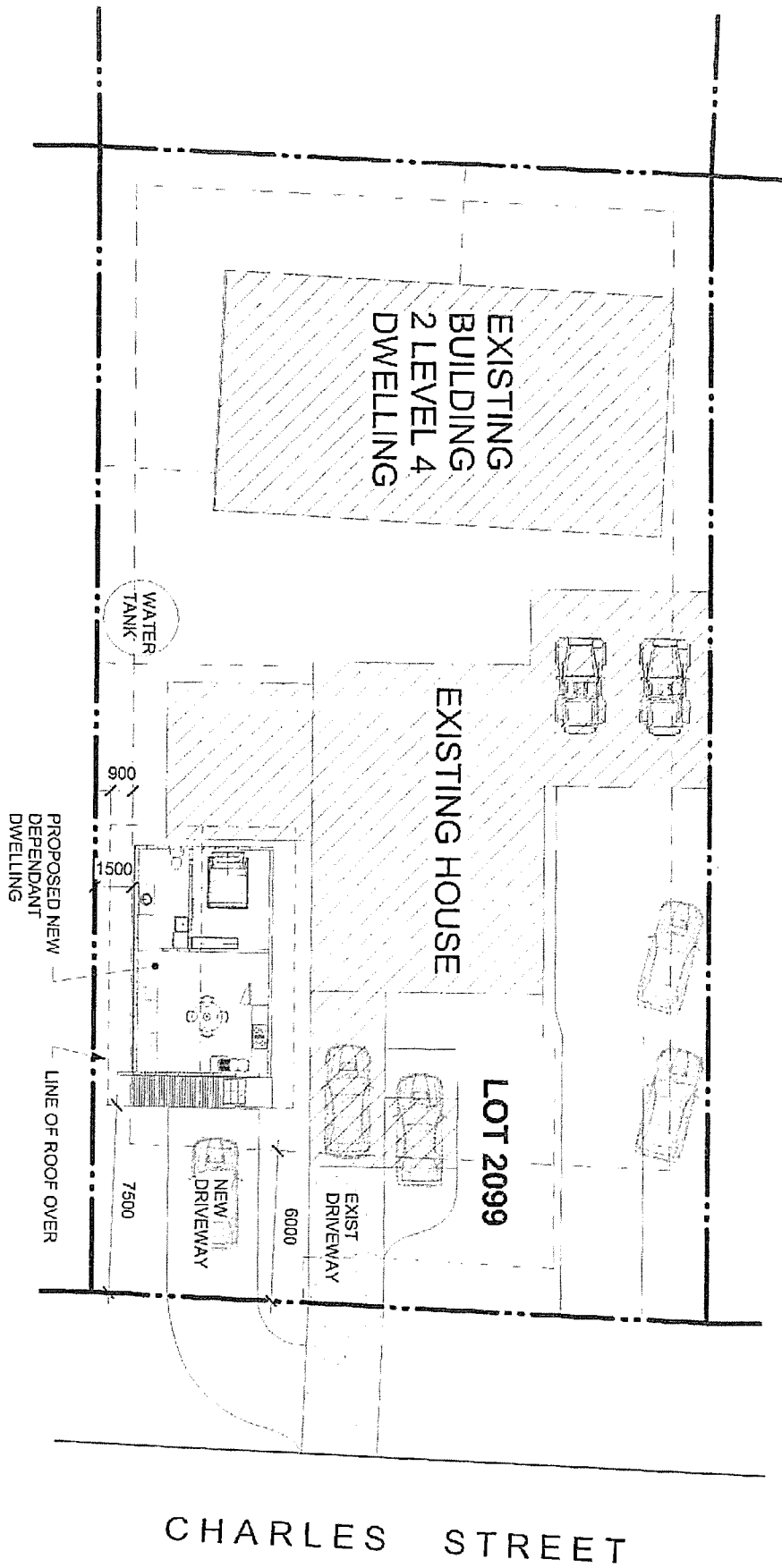
I note that the dwelling has been being built for the last few months and that it is almost ready to be moved into.

I note also that the four units at the back of your block have been there for many years.

Yours sincerely,







*K. M. J. J. J.*  
*[Signature]*

CHARLES STREET

MICHAEL + KATHLEEN MIHAILOU  
 45 Charles St  
 Stuart Park NT 0820

21st September, 2017

To: Ken + Mayumi Graham  
 5/47 Charles St  
 Stuart Park NT 0820

Re: Development Consent for Dependent Dwelling

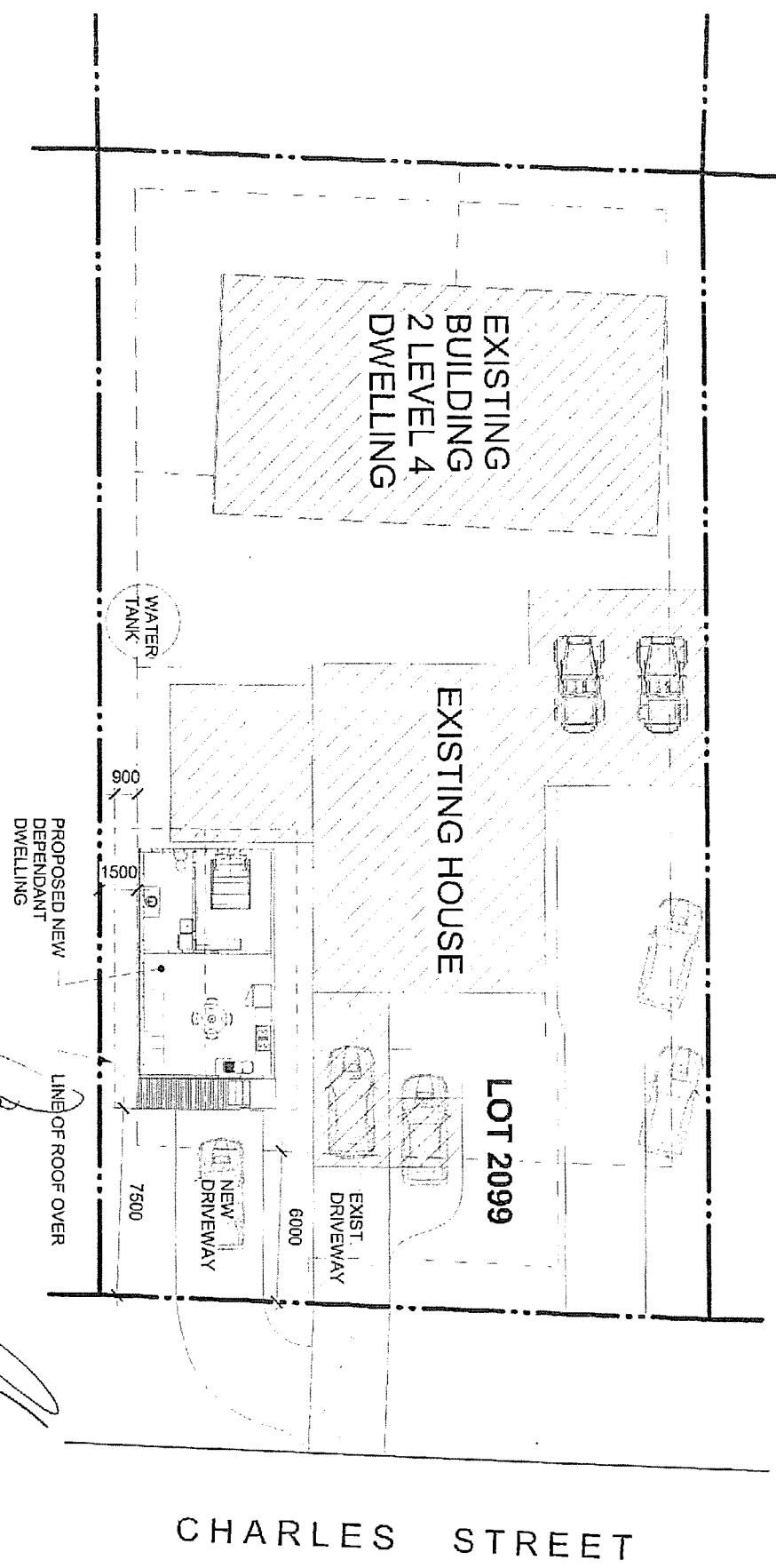
We are signing the attached plan for the "proposed" new dependent dwelling at your house to show that we will not object to this dwelling being built.

We note that the dwelling has been being built for the last few months and that it is almost ready to be moved into.

We note also that the four units at the back of your block have been there for many years

Yours sincerely,

KMihailou  

*[Handwritten signature]*

*11/9/2014*

BOB and PAT COVA  
 48 Charles St  
 Stuart Park NT 0820

18th September 2014

To: Ken and Mayumi GRAHAM  
 5/47 Charles St  
 Stuart Park NT 0820

Re: Development Consent for Dependent Dwelling.

We are signing the attached plan for the "proposed" new dependent dwelling at your house to show that we will not object to this dwelling being built.

We note that the dwelling has been being built for the last few months and that it is almost ready to be moved into.

We note also that the four units at the back of your block have been there for very many years.

Yours sincerely,



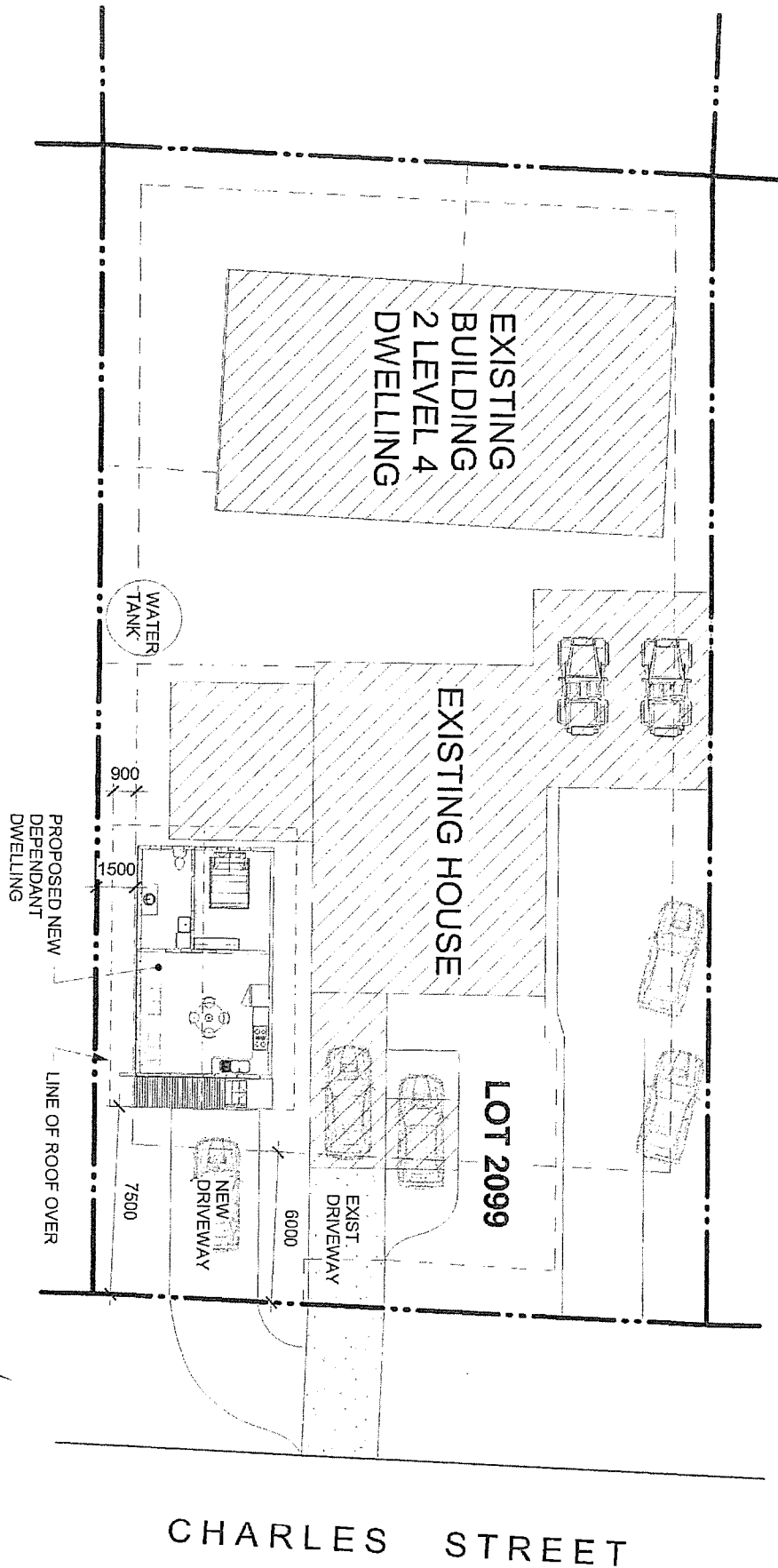
R. COVA.

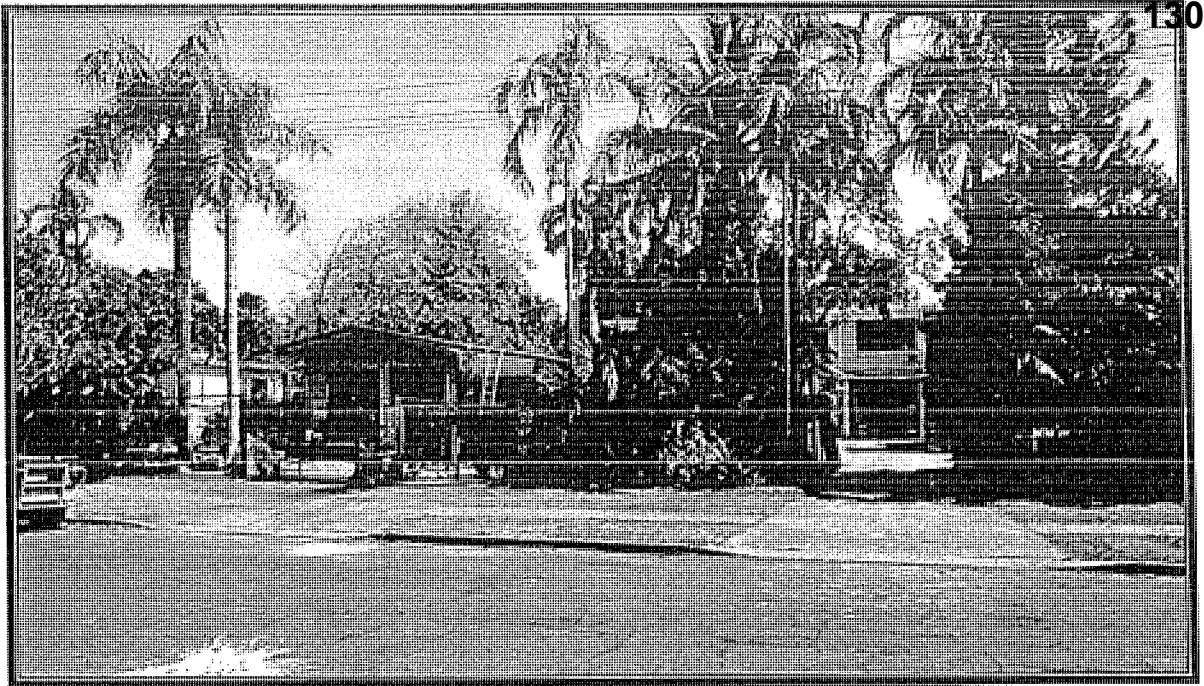
48 CHARLES ST. STUART PARK.  
 DARWIN.



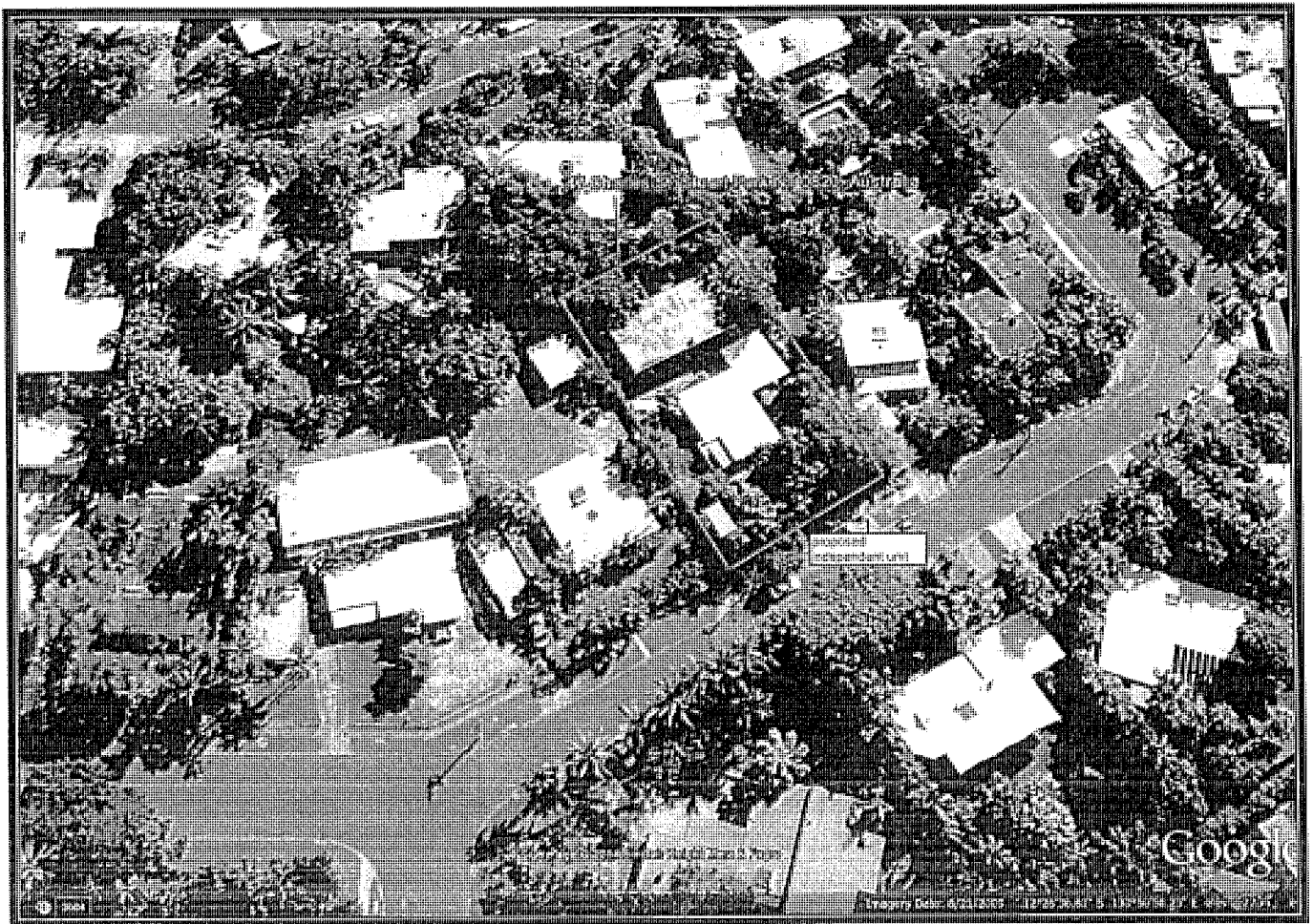
P. COVA







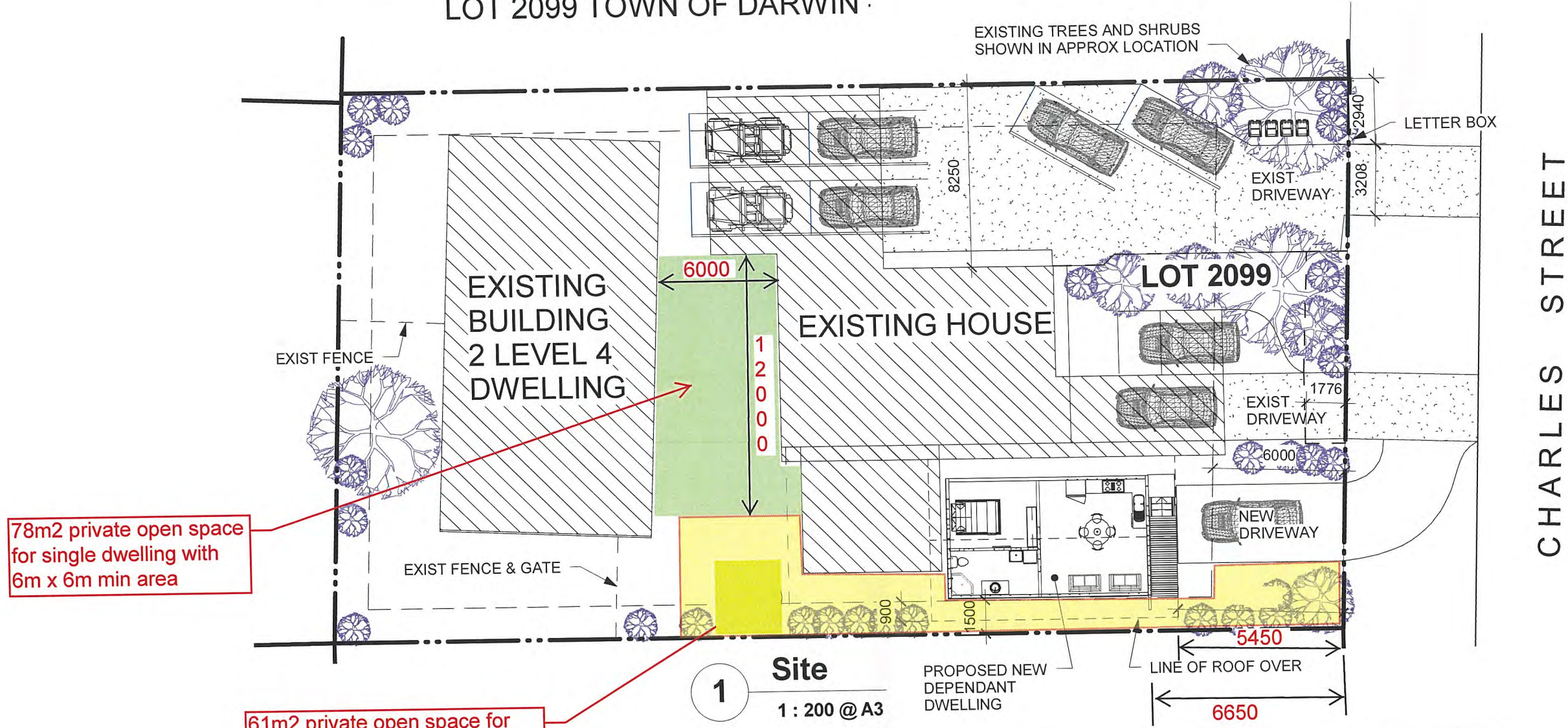
Current photo of the nearly completed independent unit.  
Note the little or nil impact on the surrounding amenity.  
The outlook is as if it were indeed a separate site with more open space than could be expected in  
a new urban development in suburbs like Durack Heights, Muirhead or Zuccoli





KEN GRAHAM - PROPOSED DEPENDANT DWELLING

LOT 2099 TOWN OF DARWIN



Site  
1 : 200 @ A3

Drawing List

Sheet Number	Sheet Name	Sheet Issue Date	Drawn By
00	TITLE SHEET	12/10/2014	MB
01	FLOOR PLAN & AREA PLAN	12/10/2014	MB
02	FOOTINGS, BEAM & BRACING PLANS	12/10/2014	MB
03	ROOF PLAN	12/10/2014	MB
04	ELEVATIONS	12/10/2014	MB
05	'DOOR & WINDOW' REFERENCE PLAN & SCHEDULE OF QUANTITIES	12/10/2014	MB
06	WINDOW DETAILS	12/10/2014	MB
07	TYPICAL DETAILS SHEET 1	12/10/2014	MB
08	TYPICAL DETAILS SHEET 2	12/10/2014	MB
09	TYPICAL DETAILS SHEET 3	12/10/2014	MB



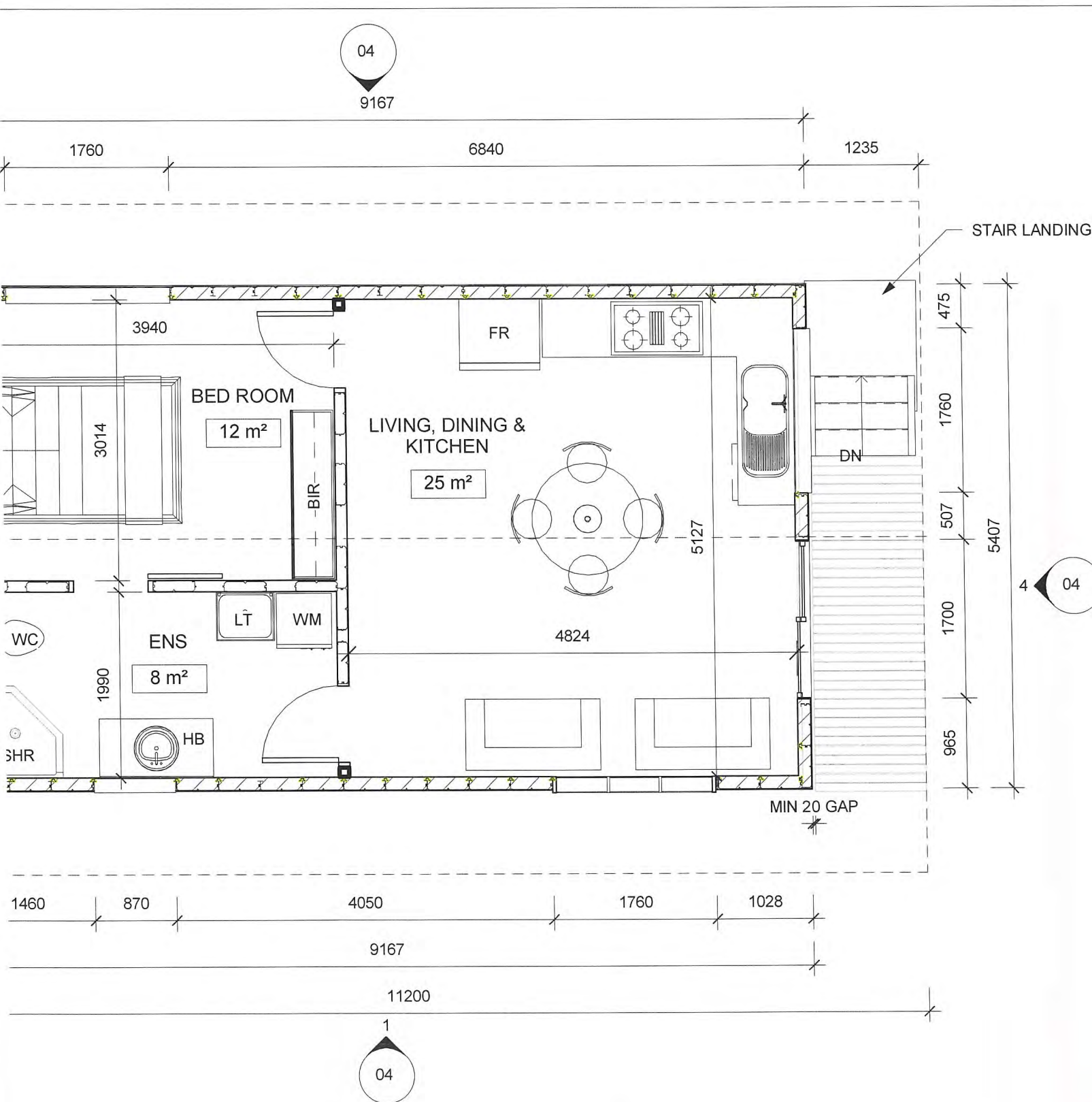
**MONSOON DRAFTING SERVICES**  
Michael Bond  
m.bond@monsoondrafting.com.au  
Ph: 0487 402 350  
PO Box 38 Virginia 0834  
ABN: 34 532 889 150

No.	Description	Date
1	CLIENT REVIEW	26/03/2014
2	ISSUED FOR APPROVAL	01/05/2014
3	ISSUED FOR APPROVAL	08/05/2014
4	REVISED AS PER ENG COMMENTS	13/05/2014
5	SETBACK REVISED	05/06/2014
6	REVISED AS PER CERTIFIERS COMMENTS	12/10/2014

**KEN GRAHAM**  
(47) CHARLES ST, STUART PARK  
LOT 2099 TOWN OF DARWIN - HUNDRED OF BAGOT  
1 BED DEPENDANT DWELLING

TITLE SHEET			
Project number	MDS-081	00	1 : 200
Date	12/10/2014		
Drawn by	MB		
Checked by	-	Scale	131





**NOTES:**

SERVICES TO EXISTING HOUSE ARE TO BE REDIRECTED WHERE NECESSARY.

ALL DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION.

**NT PLANNING REQUIREMENT**  
NO PART OF ROOF STRUCTURE, INCLUDING GUTTERS AND EAVES, IS TO ENCROACH MORE THAN 900mm INTO MINIMUM BUILDING SETBACKS FROM LOT BOUNDARIES

**FIRE SEPARATION ALLOWABLE ENCROACHMENT S**  
EAVES AND FACIAS WITHIN 900mm OF ALLOTMENT BOUNDARY TO BE PROVIDED WITH NON-COMBUSTIBLE SOFFIT LINING IN ACCORDANCE WITH BCA 3.7.1.7

**DRAINAGE**  
WHERE SURFACE WATER, SUBSOIL OR STORM WATER DRAINAGE IS INSTALLED IT MUST COMPLY WITH BCA 3.1.2  
SURFACE WATER MUST BE DIVERTED AWAY FROM CLASS 1 BUILDINGS AS FOLLOWS

**SLAB ON GROUND:**

- EXTERNAL FINISHED SURFACE SURROUNDING SLAB -50mm OVER 1m TO DRAIN

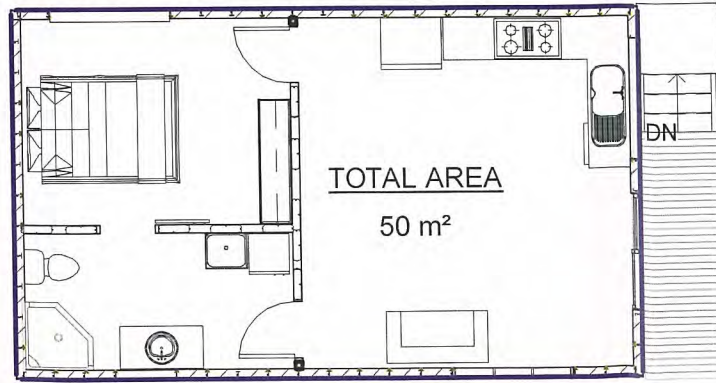
**SLAB HEIGHT:**

- 150mm ABOVE FINISHED GROUND LEVEL OR
- 100mm ABOVE SANDY WELL DRAINED AREAS OR
- 50mm ABOVE PAVED/CONCRETED AREAS THAT FALL AWAY FROM BUILDING

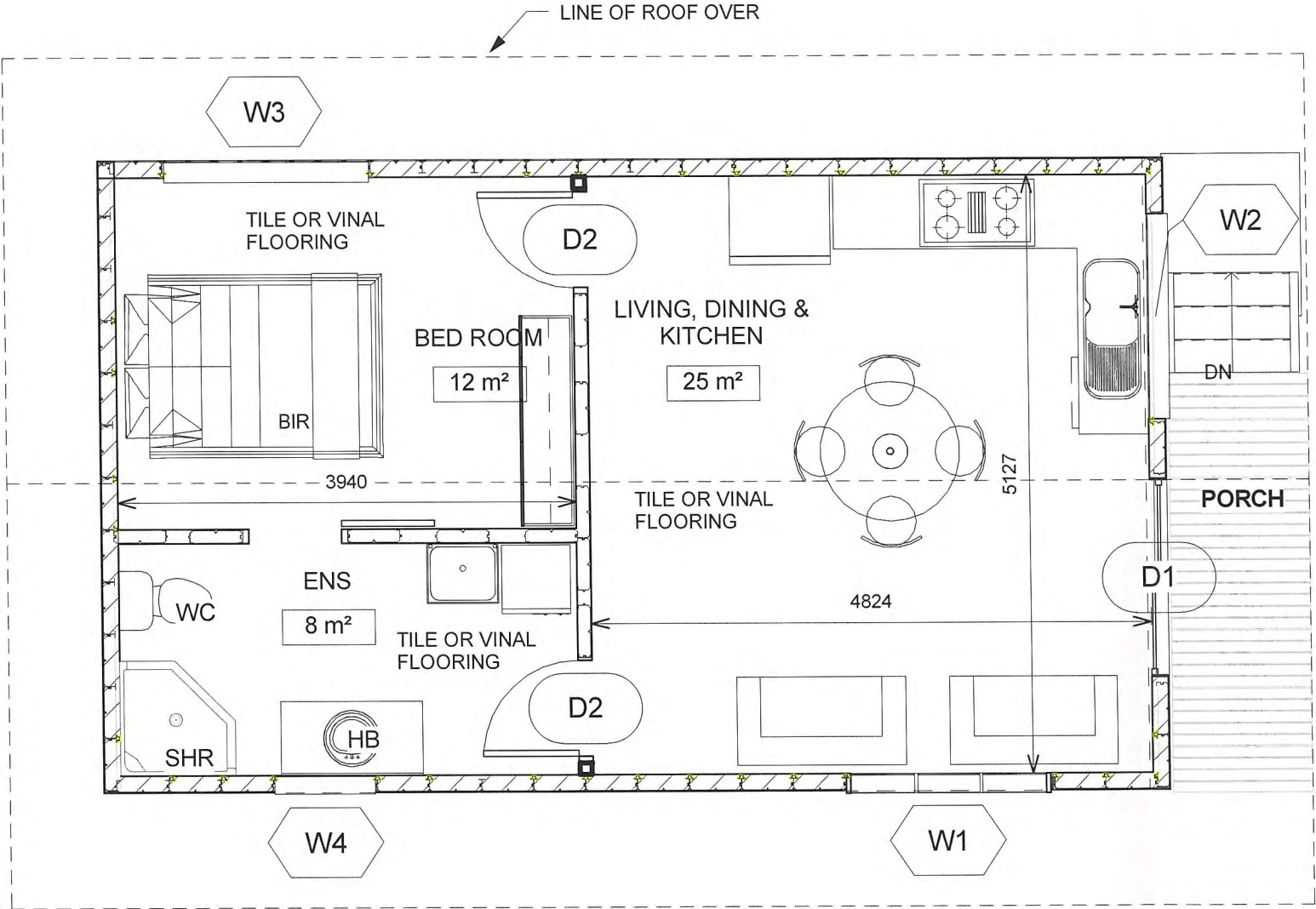
**OVERFLOW RELIEF GULLIES (ORG)**  
HEIGHT BELOW LOWEST FIXTURE:  
MINIMUM OF 100mm TO BE MAINTAINED BETWEEN TOP OF ORG RISER AND LOWEST FIXTURE CONNECTED TO DRAIN  
HEIGHT ABOVE SURROUNDING GROUND:  
MINIMUM HEIGHT BETWEEN TOP OF ORG AND SURROUNDING NATURAL GROUND SURFACE LEVEL TO BE 150mm EXCEPT WHERE ORG IS LOCATED IN A PATH OR PAVED AREA, WHERE IT SHALL BE 10mm ABOVE FINISHED SURFACE LEVEL AND FREE OF OBSTRUCTION

**POTABLE WATER**

- ALL COPPER POTABLE WATER PIPEWORK INSTALLED UNDERSLAB TO BE LAGGED AND PROTECTED BY PETROLATUM WRAP SIMILAR TO DENSO OR KEMLAG. INSTALL IN CONTINUOUS LENGTHS TO AVOID JOINTS UNDER FLOOR WHEREVER POSSIBLE.
- ALL HOT WATER FLOW AND RETURN PIPEWORK MUST BE THERMALLY INSULATED WITH FORMSHIELD SECTION PIPE INSULATION OR EQUIVALENT IN ACCORDANCE WITH AS3500.4
- REFER AS3500 TABLE 1:1 FOR AUSTRALIAN EQUIVALENT PIPE SIZES GUIDE TO ENSURE CORRECT SPECIFIED NOMINAL BORE SIZES ARE USED
- ALL POTABLE WATER MATERIALS AND PRODUCTS USED IN THE INSTALLATION SHALL COMPLY WITH A.S.3500:1 AND THE PLUMBING CODE OF AUSTRALIA. ALL MATERIALS AND PRODUCTS CHOSEN FOR POTABLE WATER INSTALLATION MUST BE SELECTED TO ENSURE SATISFACTORY SERVICE FOR THE LIFE OF THE INSTALLATION WITHIN THE PROJECT. COPPER PIPES ARE TO BE IN ACCORDANCE WITH A.S.1432-1990 TABLE 2 AND TYPE 'B' TUBE.





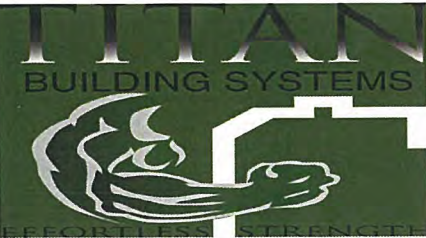


**1 DOOR & WINDOW REFERENCE**  
1 : 50 @ A3

Door Quantities			
Mark	Width	Height	Count
D1	1675	2087	1
D2	820	2100	2
D3	800	2100	1

Window Quantities			
Mark	Width	Height	Count
W1	1760	1800	1
W2	1760	1100	1
W3	1760	600	1
W4	870	600	1

NOTE: CHECK ACTUAL STRUCTURAL OPENING DIMENSIONS OF ALL WINDOW AND DOOR CAVITIES PRIOR TO ORDERING ANY DOORS OR WINDOWS



**MONSOON DRAFTING SERVICES**

Michael Bond  
m.bond@monsoondrafting.com.au  
Ph: 0487 402 350  
PO Box 38 Virginia 0834  
ABN: 34 532 889 150

No.	Description	Date
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**KEN GRAHAM**

(47) CHARLES ST, STUART PARK  
LOT 2099 TOWN OF DARWIN - HUNDRED OF BAGOT

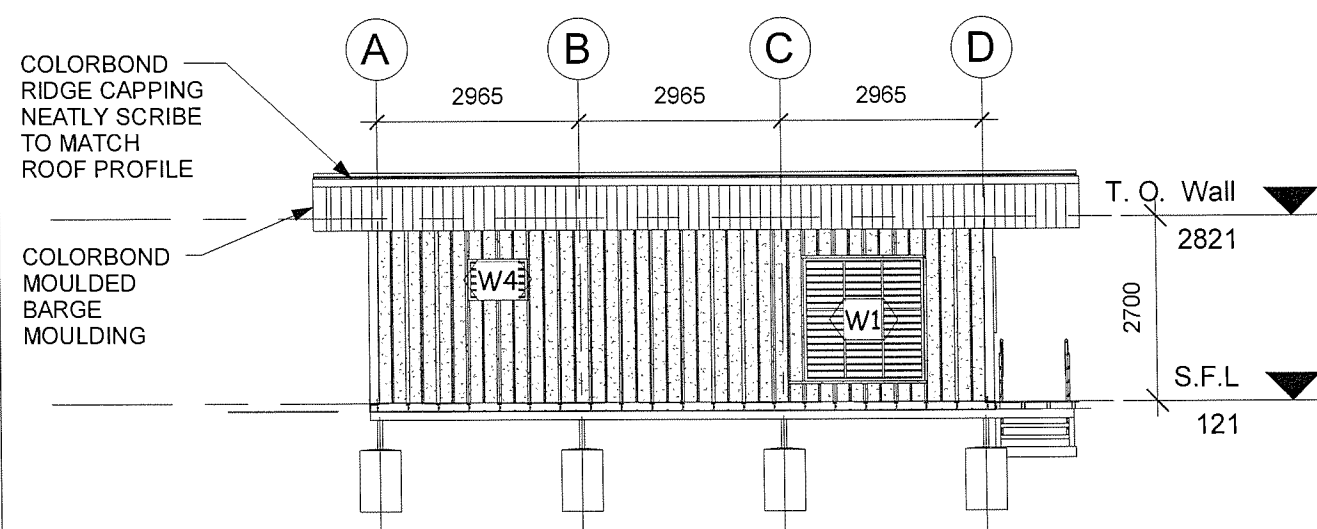
1 BED DEPENDANT DWELLING

**'DOOR & WINDOW' REFERENCE PLAN & SCHEDULE OF QUANTITIES**

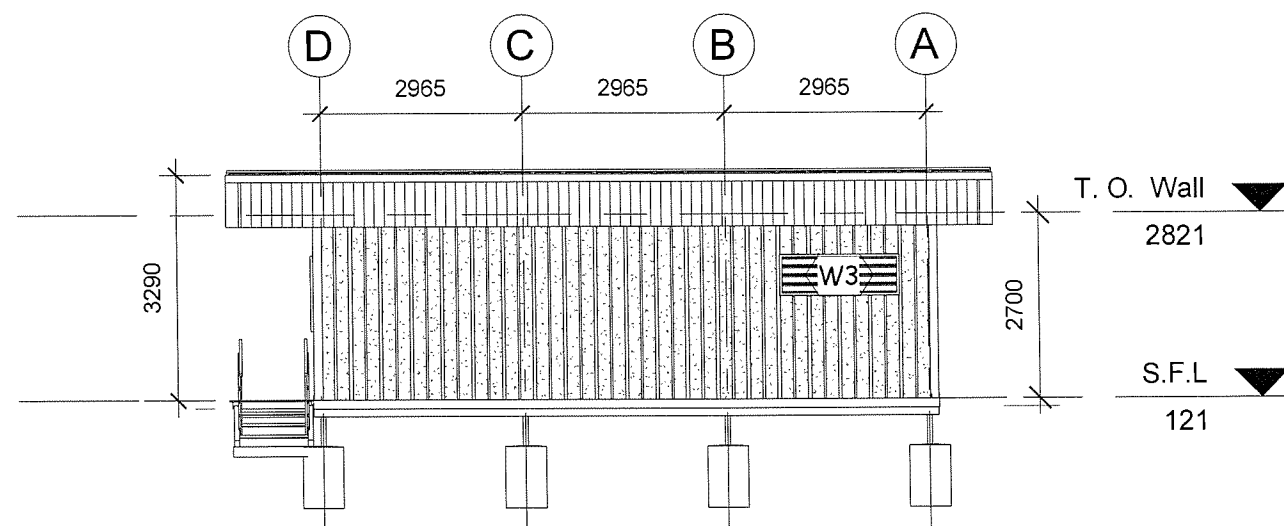
Project number	MDS-081
Date	12/10/2014
Drawn by	MB
Checked by	-

05

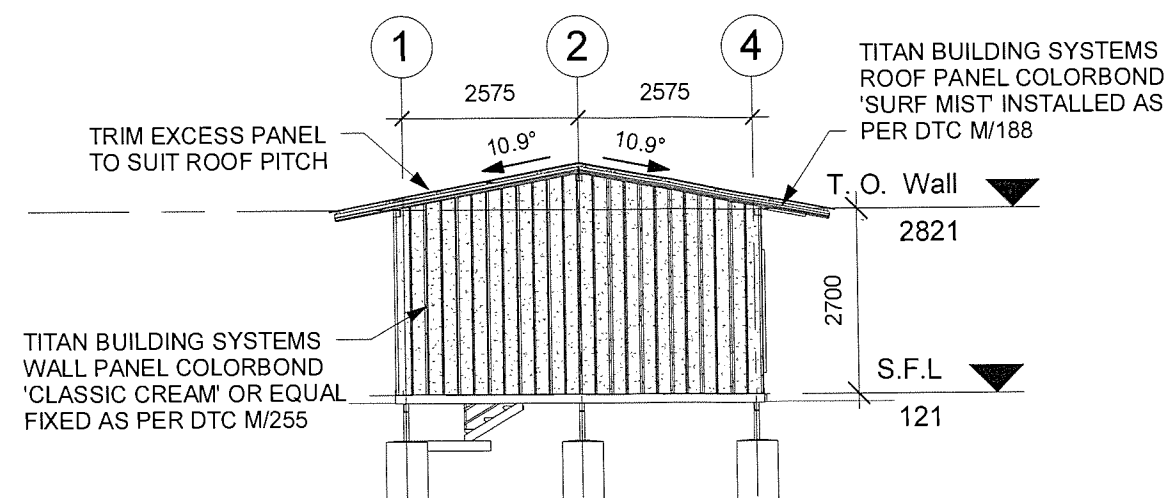
Scale



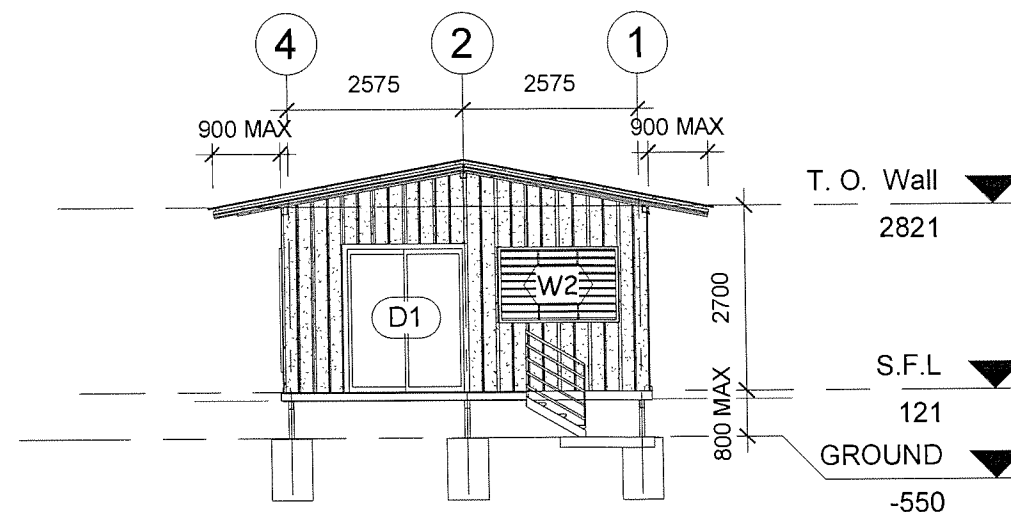
**1 ELEVATION 1**  
1 : 100 @ A3



**2 ELEVATION 2**  
1 : 100 @ A3



**3 ELEVATION 3**  
1 : 100 @ A3



**4 ELEVATION 4**  
1 : 100 @ A3



**MONSOON DRAFTING SERVICES**

Michael Bond

m.bond@monsoondrafting.com.au

Ph: 0487 402 350

PO Box 38 Virginia 0834

ABN: 34 532 889 150

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**KEN GRAHAM**

(47) CHARLES ST, STUART PARK  
LOT 2099 TOWN OF DARWIN - HUNDRED OF BAGOT

1 BED DEPENDANT DWELLING

**ELEVATIONS**

Project number MDS-081

Date 12/10/2014

Drawn by MB

Checked by - Scale

04

1 : 100

28 November 2014

Please quote: 2940456 CR:dj  
Your reference: PA2014/0825

Hannah Stevenson –Manager Urban Planning  
Department of Lands, Planning and the Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Stevenson

**Parcel Description: Lot 2099 – Town of Darwin  
47 Charles Street, Stuart Park**

**Proposed Development: Independent Unit addition to existing multiple  
dwelling in Zone SD**

Thank you for the Exceptional Development Application referred to this office 3 November 2014, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

- i). **The City of Darwin objects to the granting of an Exceptional Development Permit for the following reasons:**
  - a). Inclusive of the Independent unit, the site would contain six (6) self-contained dwellings on an SD (Single Dwelling Residential) zoned lot. This is considered excessive and not in keeping with the intent of the zone and would likely result in a detrimental effect on residential amenity.
  - b). Council's rating system indicates that the site is in single ownership. If the unit is intended to provide accommodation for a relative who requires family care, then one (1) of the four (4) rear units could be occupied for this use, rather than being tenanted separately.
  - c). If the Independent unit is issued with a development permit, the unit could be tenanted to a non-relative, effectively becoming an additional multiple dwelling on the site.

- d). Notwithstanding that the ancillary accommodation has been substantially constructed, it is considered that the proposal has not provided sufficient justification or merit as to why an Exceptional Development Permit should be issued.
  - e). Council will not allow any additional crossovers for the subject site. Should an Exceptional Development Permit be issued an alternate solution needs to be discussed with the City of Darwin.
  - f). In addition, the proposal also does not meet the requirements of Clause 7.3.2 of the Northern Territory Planning Scheme which requires a minimum 3m separation between residential buildings on a site.
- ii). **The City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**
- a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of the General Manager Infrastructure, City of Darwin at no cost to Council.**
  - b). **The crossover and driveway shall meet City of Darwin requirements.**
  - c). **The City of Darwin requests that the Authority require a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to the City of Darwin's stormwater drainage system.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged underground to the City of Darwin's drainage network.
    - 1). The plan shall include details of site levels and the City of Darwin's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to the City of Darwin's system.
    - 2). The City of Darwin requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into the City of Darwin's stormwater drainage system. It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
- iii). **Should the above issues be adequately addressed, the City of Darwin offers the following comments:**



The City of Darwin comments in relation to the Planning Act, the Northern Territory Planning Scheme and Land Use Objectives:-

- a). **The City of Darwin requests that the Authority require a monetary contribution is paid to the City of Darwin in accordance with its Stormwater Contribution Plan to upgrade stormwater infrastructure as a result of this development.** The site falls within the Developer Contributions Plan for Stormwater Drainage – Stuart Park CP 2014/02 SWD – Policy Area B. The applicant will be required to pay the City of Darwin a contribution towards stormwater drainage works in accordance with the above plan.

Should this application be approved, the following conditions pursuant to the Planning Act and the City of Darwin's responsibilities under the Local Government Act are also recommended for inclusion in the Development Permit issued by the Consent Authority.

- Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the General Manager Infrastructure, City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of the City of Darwin.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of the General Manager Infrastructure, City of Darwin.
- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into the City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at the applicant's expense and to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Sight lines shall be provided at crossovers to public streets, to the satisfaction of the General Manager Infrastructure, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- Any gate over an access to a public road shall be placed on the subject site at least 4.5m from the face of the kerb line of the adjoining public road.
- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.
- The total number of required disabled car parking bays shall be met on site.

- Pursuant to clause 6.5.2 of the Northern Territory Planning Scheme and s.70(5) of the Planning Act a monetary contribution shall be paid to the City of Darwin for any determined parking shortfall.
- All developments on/or adjacent to any easements on-site, in favour of the City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
- Further, subject to conditions of subdivision to the satisfaction of service authorities.
- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
- Any proposed awnings at the site shall be subject to City of Darwin Policy Number 37 - Awnings, Balconies and Verandahs on Council Property.
- Any proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Any proposed stormwater connections to the City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application please feel free to contact me on 8930 0528.

Yours faithfully



**CINDY ROBSON**  
**STRATEGIC TOWN PLANNER**

**ENCL:** TOWN PLANNING COMMITTEE/OPEN  
**YES**

**AGENDA ITEM:** 8.3

**CARAVAN PARK ANCILLARY TO AN EXISTING ORGANISED RECREATIONAL  
FACILITY (GREYHOUND TRACK) -  
PORTION 2781 (13) HOOK ROAD, WINNELLIE - PA2014/0682**

**REPORT No.:** 14TS0308 NS:dj **COMMON No.:** 2941326

**DATE:** 02/12/2014

**Presenter:** Manager Design, Planning & Projects, Drosso Lelekis

**Approved:** General Manager Infrastructure, Luccio Cercarelli

### **PURPOSE**

The purpose of this report is to refer to Council for comment, pursuant to Section 48 of the Planning Act, the following Caravan Park ancillary to an existing organised recreational facility (Greyhound track) – Portion 2781 (13) Hook Road, Winnellie - PA2014/0682, included as **Attachment A**.

### **LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

#### **Goal**

1. Collaborative, Inclusive and Connected Community

#### **Outcome**

1.4 Improved relations with all levels of government and significant stakeholders

#### **Key Strategies**

1.4.2 Play an active role in strategic and statutory planning processes

### **KEY ISSUES**

- It is recommended that Council supports the proposal subject to the following issues being resolved (as per **Attachment B**):
  - A total of six (6) car parking spaces need to be nominated on the plans as per the car parking requirements of the Northern Territory Planning Scheme.
  - Further details of grey water be disposed,
  - ablution block for campers,
  - dust issues given that driveways are to be dirt/gravel,
  - lighting for security and amenity purposes,
  - existing vegetation should be retained,
  - the existing dump point is public, clarification is required on whether this will be retained as a public facility to ensure that black water is disposed of correctly, given it is the only public dump point in the Darwin Region.
- A Caravan Park is a prohibited use pursuant to Zone OR (Organised Recreation) applicable to the subject site. The use of a Caravan Park requires an Exceptional Development Permit,

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- The proposed development is similar to the current arrangement at Robbie Robbins Reserve and is for the purpose of self-contained caravans and motorhomes.

## **RECOMMENDATIONS**

THAT the Committee resolve under delegated authority:-

- THAT Report Number 14TS0308 NS:dj entitled Caravan Park ancillary to an existing organised recreational facility (Greyhound track) – Portion 2781 (13) Hook Road, Winnellie - PA2014/0682, be received and noted.
- THAT Council endorse the submission dated, 28 November 2014 to the Reporting Body, **Attachment B** to Report Number 14TS0308 NS:dj entitled Caravan Park ancillary to an existing organised recreational facility (Greyhound track) – Portion 2781 (13) Hook Road, Winnellie - PA2014/0682.

## **BACKGROUND**

### **Site and Surrounds**

The subject site is 7.59 ha in area, is zoned OR (Organised Recreation) and is currently occupied by the Darwin Greyhound Association of the NT (DGANT).

The site is occupied by multiple buildings, including a caretaker's residence which services the DGANT use. North of the greyhound track is generally vacant dirt paddocks with scattered vegetation.



*Image source: aerial mapping*

The subject site is bordered on the three sides by the Darwin Showgrounds, which is Crown Land. There is a smaller site to the south west which is privately owned and is currently vacant. There are varied light industrial/commercial uses on the western side of Hook Road.



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The Discovery Holiday Park is within close proximity to the subject site and is zoned CV (Caravan Parks).



*Image source: zone mapping*

Land to the east of Hook Road is generally zoned OR with land to the west zoned GI (General Industry) and SC (Service Commercial) running parallel with the Stuart Highway.

## **DISCUSSION**

### **Current Proposal**

The current proposal is for an Exceptional Development Permit for the use of a Caravan Park ancillary to the existing Greyhound track. A Caravan Park is a prohibited use pursuant to the requirements of Zone OR of the Northern Territory Planning Scheme.

The Caravan Park is to provide DGANT with “different income revenues to maintain the Greyhound racing industry”.

The applicant has identified a total of 58 sites which are “aimed towards self-contained motorhomes that don’t require powered sites, which find it difficult to fit in existing caravan parks during the peak tourism season” and therefore “public facilities will not be required”.

DGANT already provides a public ‘dump point’ for caravans and motorhomes to use, this point will be made available for the proposed caravan park.

The applicant has identified that the “proposed development is similar to the current arrangement at Robbie Robbins Reserve”.

The proposal includes no physical development at this stage.

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### Application Assessment

The primary purpose of Zone OR “is to provide areas for organised recreational activities” and “development is to be limited to that which is consistent with the recreational opportunities of the land”.

The proposed use is ancillary with the existing leisure and recreation facility (Greyhound track). It is considered that the Caravan Park would not detract from the recreational opportunities of the site; given that the area to be occupied by the Caravan Park is vacant.

The purpose of *Clause 7.10.2, Caravans* of the scheme restricts Caravan Parks to certain zones (OR is not one of these zones). Clause 7.10.2 requires “regard to the potential impact of the caravan on the residential amenity of adjoining and nearby property”.

The subject site is in an area prominently utilised for industrial uses; it is therefore considered that a Caravan Park would not impact upon any residential amenity, given that there are no residences within the immediate vicinity.

The applicant has identified that the Caravan Park is to be “aimed towards self-contained motorhomes that don’t require powered sites, which find it difficult to fit in existing caravan parks during the peak tourism season”. City of Darwin officers interpret this as a ‘dry season’ use only and would consider this use appropriate given that:

- there are no concrete pads proposed, which would otherwise provide reprieve from heavy rains and muddy grounds and an area of amenity for future visitors,
- the driveway is to be dirt/gravel, use in the wet season would prove problematic, and
- this is similar to how the Robbie Robins Reserve currently operates.

City of Darwin officers question the design and location of some of the sites which would prove to be difficult for large motorhomes/caravans to manoeuvre in and out of. Consideration to existing driveways, adjoining sites and site features needs to be made prior to finalising the site layout.

The statement of effect identifies that a 2m wide vegetation screen would be provided adjacent to sites 22-31 to screen the sites from the Greyhound track. The plans (as at **Attachment A**) fail to identify this, but do nominate a 2m vegetation buffer adjacent to sites 1-13. Vegetation buffers are encouraged for amenity, privacy and noise abatement reasons. Additionally the plans fail to nominate the location of existing vegetation and whether it is to be retained or removed? Vegetation within the vicinity of the proposed Caravan Park should be retained for dust mitigation purposes and to provide future visitors with shade and amenity.

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The sites are to “be grassed, with driveway access being gravel/dirt initially with a view to sealing the road after a trial period”. City of Darwin officers are concerned with how dust from vehicle movements along the unsealed roads and sites will be managed given that the use will operate in the dry season. The City of Darwin requests that all driveways should be sealed and encourages that sites be grassed as per the proposal to reduce dust issues.

Adequate lighting should be provided for security and amenity reasons for future visitors, ensuring that light spillage is contained within the subject site.

### Key Council Issues

*Clause 6.5.1, Parking Requirements* requires 1.1 car parks per site. A total of 58 sites is proposed, therefore a total of 63.8 (64 rounded up to the nearest whole number) car parking spaces are required. Given that each site is a minimum of 8m wide, it is considered that each site would be able to accommodate a vehicle and their motorhome/caravan, this arrangement is similar to most Caravan Parks. A total of six car parking spaces would also be required for visitors, staff etc. to meet the requirements of the scheme. Given the size of the site, such parking could be accommodated for, Council requests that amended plans be provided nominating the six car parking spaces.

City of Darwin officers note that the existing dump point is to be used for the proposed Caravan Park; clarification is required on whether or not this point will remain available to the public. According to [www.dumpppoints.com](http://www.dumpppoints.com) this point is the only public point in the Greater Darwin Region. Dump points are located within Caravan Parks in the region; this however does not provide ‘free campers’ with an appropriate means to properly dispose of their ‘black water’. Removing such a public facility may result in disposing black water in an inappropriate and undesirable location within the municipality. Retention of such a public facility is highly encouraged and recommended.

As identified in **Attachment A**, the proposal is for self-contained motorhomes that don’t require powered sites. Motorhomes/caravans for ‘well-travelled’ users are generally quite self-contained; however as to how their grey water is disposed of and how potable water will be obtained needs to be considered. For health purposes, grey water from showers and washing dishes and clothes should not be disposed of across the surface but should have the ability to be discharged via an appropriate sewer connection. Officers do not support such grey water flowing into Council’s road reserves and request that further information be provided to address this concern.

Most motorhomes/caravans have the ability to store a potable water supply that would last a few days to a week; consideration should be given to future visitors needs and how long they may intend to stay at the Caravan Park for. If stays are for longer periods of time, consideration should be given to providing each site with a water connection for amenity and health purposes.

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As identified by the applicant, the proposed use is to be similar to the Robbie Robbins Reserve. The Robbie Robbins Reserve provides two ablution blocks and a laundry for a total of 25 sites. Whilst the applicant is aiming to attract self-contained visitors, City of Darwin Officers recommend the inclusion of a minimum of one ablution block to remain competitive and provide visitors with such amenity facilities as does the Robbie Robbins Reserve.

### Summary

In summary, City of Darwin officers do not object to the proposal subject to a number of issues (outlined above) being resolved (as per Council's response at **Attachment B**).

### **CONSULTATION PROCESS**

In preparing this report, the following City of Darwin officers were consulted:

- Strategic Town Planner
- Team Leader Development

In preparing this report, the following external parties were consulted:

- Development Assessment Services

The following reference was utilised in preparing this report:

- [www.dumpppoints.com](http://www.dumpppoints.com)

### **POLICY IMPLICATIONS**

The plans fail to nominate the proposed location of waste bins. A detailed waste management plan has been requested to ensure compliance with City of Darwin Policy No. 054 – Waste Management.

### **BUDGET AND RESOURCE IMPLICATIONS**

Not assessed.

### **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

Not assessed.



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### **ENVIRONMENTAL IMPLICATIONS**

The dump point provides travellers with a public facility to discharge their 'black water'. The retention of this as a public point is encouraged and recommended to ensure that 'free campers' dispose of their waste appropriately.

A stormwater plan, environmental construction management plan and a waste management plan have all been requested as condition precedence to ensure compliance with City of Darwin requirements.

### **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**DROSSO LELEKIS**  
**MANAGER DESIGN, PLANNING**  
**& PROJECTS**

**LUCCIO CERCARELLI**  
**GENERAL MANAGER**  
**INFRASTRUCTURE**

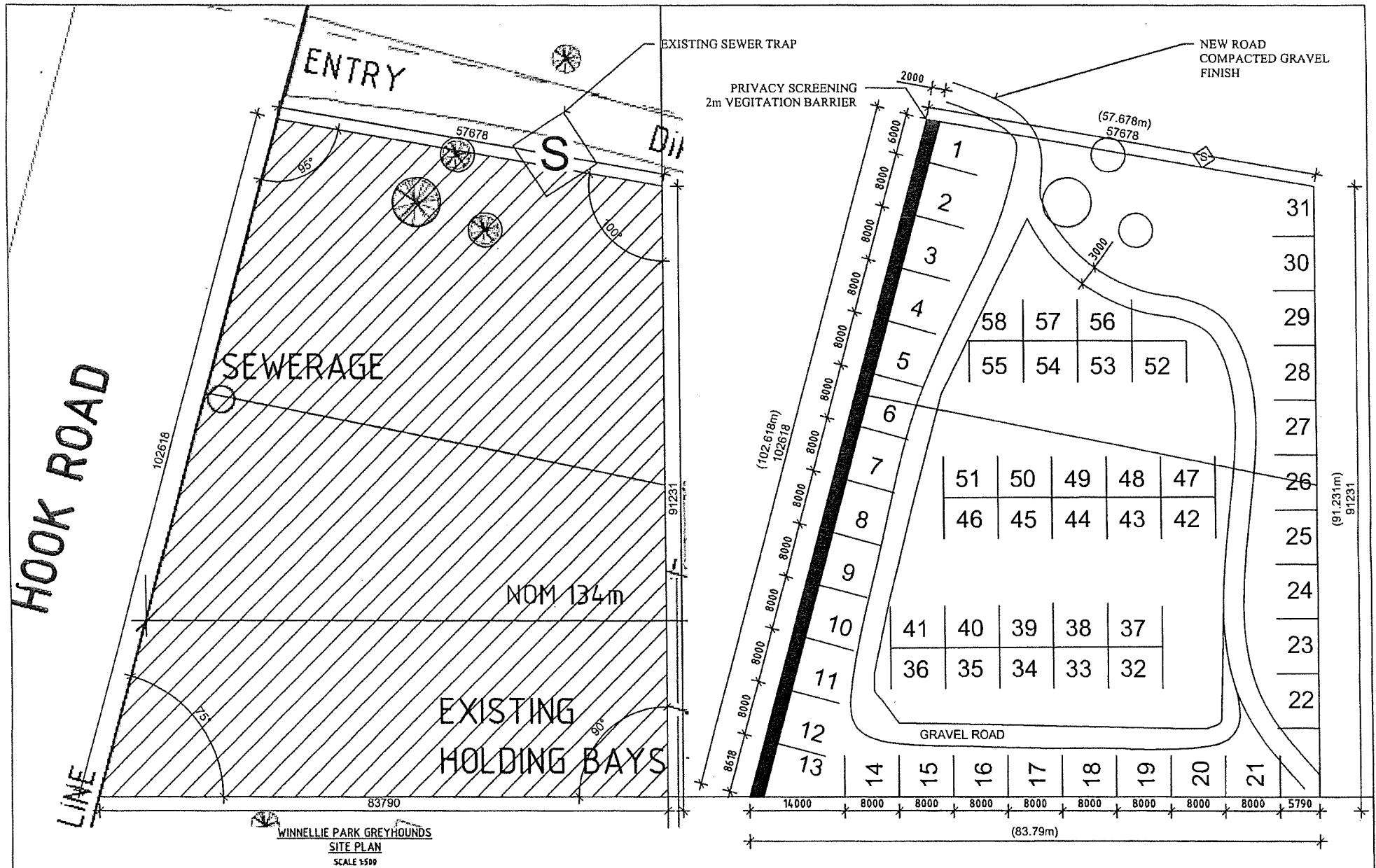
For enquiries, please contact Cindy Robson on 8930 0528 or email:  
[c.robson@darwin.nt.gov.au](mailto:c.robson@darwin.nt.gov.au).

#### **Attachments:**

**Attachment A:** Development Application, PA2014/0682

**Attachment B:** City of Darwin, Letter of Response to Development Assessment Services, dated 28 November 2014





A		ISSUED FOR CLIENT REVIEW	MASH	-	-	13-03-14
Rev	Revised	By	Checked	Approved	Date	

Win Draw 147 May 2014 10:21 AM

<b>DO NOT SCALE</b>		Drawn: MASH	Designed: W.P. GREY.	Client: WINNELLIE PARK GREYHOUNDS
H.A. DON B.G. SERVICES		Drafting: Check	Design: Check	Project: PROPOSED VAN PARKING
IN 20/07/15		Approved:		Proposed: VAN PARKING
		Date:		
		Scale:		
		This Drawing must not be used for construction unless agreed as Approved.		Original Size: A3 Drawing No: SK001
				Rev: A

## NORTHERN TERRITORY OF AUSTRALIA

### PROPOSED EXCEPTIONAL DEVELOPMENT PERMIT NORTHERN TERRITORY PLANNING SCHEME

Darwin Greyhound Association has applied to the Minister for Lands, Planning and the Environment for an Exceptional Development Permit (EDP) for the purpose of a Caravan Park ancillary to an existing organised recreation facility (greyhound track) on Portion 2781 (13) Hook Road, Hundred of Bagot.

The land is in Zone OR (Organised Recreation) of the Northern Territory Planning Scheme and the development of the site for this purpose would otherwise be prohibited.

Attached are:

- the Delegate of the Minister for Lands, Planning and the Environment's section 17 determination under the *Planning Act* to exhibit the proposed EDP;
- a locality map; and
- a copy of the application from Darwin Greyhound Association.

The exhibition period is from 31/10/2014 to 28/11/2014.

Written submissions with respect to the proposed EDP are to be received by 4pm on 28/11/2014 and made to:

Manager, Darwin Planning  
Department of Lands, Planning and the Environment  
GPO Box 1680  
DARWIN NT 0801; or

Facsimile : (08) 8980 0707



## NORTHERN TERRITORY OF AUSTRALIA

## PLANNING ACT

## PROPOSED EXCEPTIONAL DEVELOPMENT PERMIT

I, Fabio Rosario Finocchiaro, the delegate of the Minister for Lands, Planning and the Environment, determine pursuant to section 17 of the *Planning Act*, that:

- (a) a proposed Exceptional Development Permit, as described in (e), is to be exhibited;
- (b) the proposal is to be exhibited at the following locations:  
Offices of the Department of Lands, Planning and the Environment  
Ground Floor, Arnhemica House, 16 Parap Road, Parap NT 0820; and
- (c) the period of exhibition is 28 days, commencing upon first newspaper publication of the notice required by section 17(1);
- (d) written submissions in respect of this exhibition should be made to:  
Manager, Darwin Planning  
Development Assessment Services  
Department of Lands, Planning and the Environment  
GPO Box 1680  
DARWIN NT 0801; or  
Facsimile: (08) 8980 0707; and
- (e) the proposed Exceptional Development Permit is to allow the use and development of Portion 2781 (13) Hook Road, Hundred of Bagot for the purpose of a caravan park ancillary to an existing organised recreation facility (greyhound track). The land is in Zone OR (Organised Recreation) of the Northern Territory Planning Scheme and the development of the land for this purpose would otherwise be prohibited in this zone.

Dated

28 OCTOBER

2014

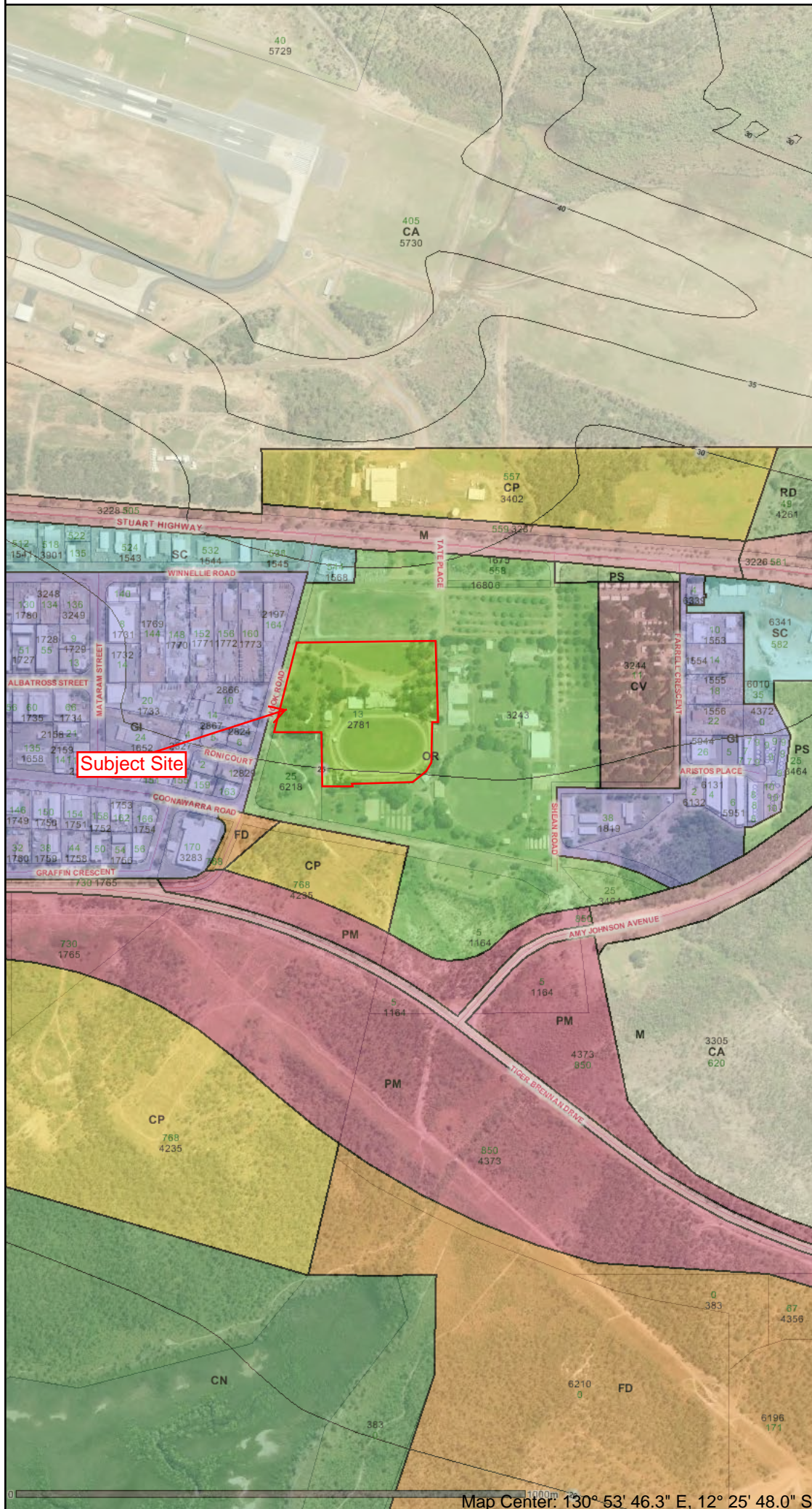
FABIO ROSARIO FINOCCHIARO

Delegate of the Minister for Lands, Planning and the Environment



# Locality Plan

Legend<sup>150</sup>



- General Lines
- Aircraft Noise Exposure Forecast 2030
- 2030
- Aircraft Noise Exposure Forecast 2024
- 2024
- 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
- H - Horticulture
- LI - Light Industry
- M - Main Road
- MR - Medium Density
- MD - Multiple Dwelling
- CA - No Planning Scheme Controls
- OR - Organised Recreation
- PM - Proposed Main Road
- PS - Public Open Space
- RW - Railway
- RD - Restricted Development
- R - Rural
- RL - Rural Living
- SC - Service Commercial
- SD - Single Dwelling
- S - Specific Use
- TC - Tourist Commercial
- U - Utilities
- WM - Water Management
- FD - Future Development
- JABTC - Town Centre
- JABRES - Residential
- JABSF - Service Facilities
- JAB11 - Industry
- JABREC - Recreation
- JABO - Open Space
- JABSP - Special Purpose
- JABFU - Future Use
- Road Labels**
- Road Centrelines
- Highway
- Other Road
- Street Numbers**
- Parcel Numbers**
- Cadastre
- Coastline

Created by SZI

Bottom Left: 130° 53' 19", -12° 26' 03"  
 Top Right: 130° 54' 12", -12° 25' 32"  
 Approximate Scale: 1:11,000  
 Datum: GDA 1950  
 Data for information purposes only  
 - accuracy not guaranteed  
 N.T. Land Information System  
 Copyright Northern Territory of Australia

Map Center: 130° 53' 46.3" E, 12° 25' 48.0" S

## **DARWIN GREYHOUND ASSOCIATION (DGA)**

### **ATTACHEMENT A-DETAILED STATEMENT DESCRIBING THE EFFECT OF THE DEVELOPMENT/PROPOSAL.**

<b>SECTION OF THE PLANNING ACT</b>	<b>MATTER TO BE ADDRESSED BY THE DARWIN GREYHOUND ASSOCIATION (DGA)</b>
51 (d)	<p>An environment protection objective within the meaning of the Waste Management and Pollution Control Act that is relevant to the land to which the application relates;</p> <p>A waste dump point is currently located on the grounds at Winnellie Park. Dump point is managed and maintained by PAWA. Rubbish removal will be processed in line with current rubbish removal by Veolia each Monday. If further rubbish removal is required it will be addressed by DGA management. DGA staff will maintain rubbish removal on a daily basis if required but would expect uses of the site to keep area's tidy at all times.</p>
51 (g)	<p>If a public environmental report ,or an environmental impact statement, has been prepared or is required under the Environmental Assessment Act in relation to the proposed development-the report or statement and the results of any assessment of the report or statement under that Act by the Minister administering that ACT;</p> <p>DGA proposal will have limited environmental impact on the site as the current use of the land is similar to the use of the development proposal.</p>
51 (h)	<p>The merits of the proposed development as demonstrated in the application;</p> <p>Opportunity for self-contained motor homes and caravans to utilise the excess space at Winnellie Park. DGA require different income revenues to maintain the greyhound racing industry with this proposal appearing a cost effective way of income. The</p>

	proposed development is aimed towards self-contained motor homes that don't require powered sites, which find it difficult to fit in existing caravan parks during the peak tourism season.
51 (j)	<p>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;</p> <p>The proposed development will have little effect on the land. The proposed area is currently used as a car park when required, with access directly available off Hook Rd. The proposed development area is currently a vacant lot. No current physical characteristics will be affected as its flat with limited tree coverage.</p>
51 (k)	<p>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;</p> <p>Public facilities will not be required by the developer as this is a space for self-contained motor homes and caravans only. Space provided will be for parking of self-contained motor homes only.</p>
51 (m)	<p>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;</p> <p>Waste dump point is available to serve the development currently. Access to the site is off Hook Rd with double gate access for larger vehicles.</p>



51 (n)	<p>The potential impact on the future amenity of the area in which the land is situated;</p> <p>DGA would expect minimal impact on which the land is situated due to its use currently being similar to the DGA's proposed development. DGA would improve grass cover to limit dust from access track and in time look to upgrade roads that service the area.</p>
51 (p)	<p>(i) Community safety through crime prevention principles in design;</p> <p>DGA caretaker is present at Winnellie Park and will monitor incoming traffic to the site. All vehicles will be required to register at the DGA office with details to be taken regarding vehicle and numbers of people staying. Visitors will be required to maintain security with their vehicles. Visitors will be only permitted at the site outside race night.</p> <p>(ii) Water safety;</p> <p>Water safety access is available at the dump point.</p> <p>(iii) Assess for persons with disabilities;</p> <p>Access is available for people with disabilities with the proposed area flat for access with the only people using the area travelling in self-contained vehicles.</p>
51 r	<p>Any potential impact on natural, social, cultural or heritage values;</p> <p>Proposed site will have no impact on natural, cultural and heritage values as the current use of land is similar to the proposal.</p>
51 (s)	<p>Any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the Water Act;</p> <p>DGA are of the understanding that beneficial uses, quality standards, criteria or objectives are not</p>

	needed to be declared under section 73 of the water act.
51 (t)	Other matters it thinks fit; Proposed development is similar to the current arrangement at Robbie Robbins Reserve.

## **DARWIN GREYHOUND ASSOCIATION (DGA)**

### **ATTACHEMENT B-DIMENSIONED PLANS**

1	<p>The North Point, area of the existing parcel and boundary dimensions-</p> <p>North Point is highlighted on the map with boundary highlighted by numbered parking spots, refer to Map 2 with shaded area displaying proposed site.</p>
2	<p>Existing and proposed buildings and their distance from lot boundaries-</p> <p>No existing or proposed buildings are currently on or being planned for this site.</p>
3	<p>Any Existing and proposed easements, substations and services-</p> <p>No easements or substations are located on this site.</p>
4	<p>Vehicle access points-</p> <p>Access is off Hook Rd with a one way track running through the proposed park as shown on plans.</p>
5	<p>Proposed surfacing of parking areas, driveways, vehicle turning areas and loading areas(location and dimensions)-</p> <p>Parking areas will be grassed, with driveway access being gravel/dirt initially with a view of sealing the road after a trial period. Parking bays will be 8m wide as seen on map, vehicles will have plenty of open space for turning and loading as seen on map.</p>
6	<p>Landscape and open space areas including types of planting, details of screening and/or fencing (locations and descriptions).-</p> <p>Sight is currently lightly wooded with trees sparsely located with a view to add a tree line down the Hook Rd side of the sight. Fencing is currently located down the Hook Rd side of the site and along the southern end of the sight from Bay 14 to 21. Planting a tree line along Bays 22-31 would screen off the site from the DGA carpark.</p>
7	<p>The proximity of adjoining buildings within the site-</p>

	DGA kennel block/offices and club rooms are located S/W of the proposed sight closest point being 40 metres away. Race night practice will not be effected by proposal.
8	The location of any bores on the subject property and adjoining land- Not applicable to this proposal.
9	The location of any proposed and/or existing effluent disposal systems- A waste dump is currently located on the grounds of the Darwin Greyhound Association marked as a S at the northern end of the proposed site.
	<b>Floor Layout Plans-</b> Not applicable to this proposal No buildings proposed for this site.
	<b>Elevations and Sections-</b> Not applicable to this proposal No buildings proposed for this site.



28 November 2014

Please quote: 2941326 NS:dj  
Your reference: PA2014/0682

Hannah Stevenson –Manager Urban Planning  
Department of Lands, Planning and the Environment  
GPO Box 1680  
DARWIN NT 0801

Dear Ms Stevenson

**Parcel Description:**                      **Portion 2781 – Hundred of Bagot  
13 Hook Road, Winnellie**

**Proposed Development:**    **Caravan Park ancillary to an existing organised  
recreational facility (greyhound track)**

Thank you for the Development Application referred to this office 3 November 2014, concerning the above. This letter may be placed before the City of Darwin's, Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

- i). **The City of Darwin supports the granting of a Development Permit provided the following issues are adequately addressed:**
  - a). *Clause 6.5.1, Parking Requirements* of the Planning Scheme requires 1.1 car parks per site. A total of 58 sites are proposed, therefore a total of 63.8 (64 rounded up to the nearest whole number) car parking spaces are required. Given that each site is a minimum of 8m wide, it is considered that each site would be able to accommodate a vehicle and their motorhome/caravan, this arrangement is similar to most Caravan Parks.

In addition to those provided within the sites an additional six car parking spaces would be required for visitors, staff etc. Given the size of the site, such parking could be accommodated for. Council requests that amended plans be provided nominating the six car parking spaces.

- b). City of Darwin officers note that the existing dump point is to be used for the proposed Caravan Park; it is questioned if this point will remain available for the public? According to [www.dumpppoints.com](http://www.dumpppoints.com) this point is the only public point in the Greater Darwin Region. Dump points are located within Caravan Parks in the region; this however does not provide 'free campers' with an appropriate means to properly dispose of their 'black water'.

Removing such a public facility may result in disposing black water in an inappropriate and undesirable location within the municipality. Retention of such a public facility is highly encouraged and recommended.

- c). Motorhomes/caravans for 'well-travelled' users are generally quite self-contained; however grey water disposal and how a convenient source of potable water will be obtained needs to be considered. For health purposes, grey water from showers and washing dishes and clothes should not be disposed of across the surface but should have the ability to be discharged via an appropriate sewer connection. City of Darwin does not support grey water flowing into Council's road reserves and requests that further information be provided to address this concern.

Most motorhomes/caravans have the ability to store a potable water supply that would last a few days to a week; consideration should be given to future visitors needs and how long they may intend to stay at the Caravan Park for? If stays are for longer periods of time, consideration should be given to providing each site with a water connection for amenity and health purposes.

- d). The applicant has identified that the Caravan Park use is for self-contained motorhomes/caravans that don't require powered sites, which find it difficult to fit in existing caravan parks during the peak tourism season and that it would be a similar arrangement to the Robbie Robbins Reserve.

This is interpreted as a 'dry season' use only which is considered appropriate given that:

- There are no concrete pads proposed, which would otherwise provide reprieve from heavy rains and muddy grounds and an area of amenity for future visitors,
- the driveway is to be dirt/gravel, use in the wet season would prove problematic, and
- this is similar to how the Robbie Robbins Reserve currently operates.

Council accordingly requests that the use be restricted to the dry season, or alternately measures be included in the proposal that address these concerns.

- e). The design and location of some of the sites would prove to be difficult for large motorhomes/caravans to manoeuvre in and out of. Consideration to existing driveways, adjoining sites and site features needs to be given in the final site layout.
- f). The statement of effect identifies that a 2m wide vegetation screen would be provided adjacent sites 22-31 to screen the sites from the Greyhound track. The plans fail to identify this, but do nominate a 2m vegetation buffer adjacent sites 1-13.

Vegetation buffers are encouraged for amenity, privacy and noise abatement reasons. Additionally the plans fail to nominate the location of existing vegetation and whether it is to be retained or removed? Vegetation within the vicinity of the proposed Caravan Park should be retained for shade and amenity.

- g). The applicant identified that the sites are to "be grassed, with driveway access being gravel/dirt initially with a view to sealing the road after a trial period".

There are concerns with how dust from vehicle movements along the unsealed roads and sites will be managed given that the use will likely operate in the dry season.

The City of Darwin requests that all driveways should be sealed and encourages that sites be grassed as per the proposal to reduce dust issues.

- h). Adequate lighting should be provided for security and amenity ensuring that light spillage is contained within the subject site.
- i). As identified by the applicant, the proposed use is to be similar to the Robbie Robbins Reserve. The Robbie Robbins Reserve provides two ablution blocks and a laundry for a total of 25 sites. Whilst the applicant is aiming to attract self-contained visitors, City of Darwin recommends the inclusion of an ablution block at a minimum to remain competitive and provide visitors with such amenity facilities as does the Robbie Robbins Reserve.

ii). **The City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**

a). **The City of Darwin requests that the Authority require a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to the City of Darwin's stormwater drainage system or another appropriate location.**

The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged underground to the City of Darwin's drainage network.

- 1). The plan shall include details of site levels and the City of Darwin's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to the City of Darwin's system.
- 2). The City of Darwin requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into the City of Darwin's stormwater drainage system. It is also necessary to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

b). **Waste**

**The City of Darwin requests that the Authority require a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with the City of Darwin's Waste Management Policy 054.**

The applicant's plans fail to demonstrate adequate waste management, this includes:

- any access gates to the bin enclosure not being locked,
- there shall be no step between the bin enclosure and the collection area to allow for ease of access,
- the bin enclosure shall include a hose and wash down area with a drain connected to the City of Darwin's stormwater system, and
- an unimpeded concrete access path to the bin enclosure from the development.

A copy of the City of Darwin's Waste Management Policy 054 may be viewed on the City of Darwin's website or by contacting the City of Darwin's Infrastructure department.



c). **Site Construction**

**The City of Darwin requests that an Environmental and Construction Management Plan (ECMP) be required.**

The ECMP should specifically address the following:

- waste management,
- traffic control,
- haulage routes,
- storm water drainage,
- use of City of Darwin land, and
- how this land will be managed during the construction phase;

to the satisfaction of the General Manager, Infrastructure, City of Darwin.

**Note:** Sediment control measures are to be established and maintained, to prevent silt and sediment escaping the site or producing erosion.

Building rubbish or debris must not be placed, or be permitted to be placed, on any adjoining public reserve, footway, road or private land, without first obtaining a works approval from the City of Darwin.

iii). **Should the above issues be adequately addressed, the City of Darwin offers the following comments:**

Should this application be approved, the following conditions pursuant to the Planning Act and the City of Darwin's responsibilities under the Local Government Act are also recommended for inclusion in the Development Permit issued by the Development Consent Authority.

- Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.
- The total number of required disabled car parking bays shall be met on site.
- All developments on/or adjacent to any easements on-site, in favour of the City of Darwin shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.

- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
- Any proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Any proposed stormwater connections to the City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
- Any easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose, shall be made available free of cost to the City of Darwin and/or neighbouring property owners.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application please feel free to contact me on 8930 0528.

Yours faithfully



**CINDY ROBSON**  
**STRATEGIC TOWN PLANNER**

**ENCL:** TOWN PLANNING COMMITTEE/OPEN  
**NO**

**AGENDA ITEM:** 8.4

### **STRATEGIC PLANNING ISSUES – DECEMBER 2014**

**REPORT No.:** 14TS0301 BS:dj **COMMON No.:** 2481144

**DATE:** 02/12/2014

**Presenter:** Drosso Lelekis, Manager Design, Planning and Projects

**Approved:** Luccio Cercarelli, General Manager Infrastructure

### **PURPOSE**

The purpose of this report is to provide an updated schedule of identified strategic Town Planning matters for referral to Town Planning Committee meetings.

### **LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

#### **Goal**

1. Collaborative, Inclusive and Connected Community

#### **Outcome**

- 1.4 Improved relations with all levels of government and significant stakeholders

#### **Key Strategies**

- 1.4.2 Play an active role in strategic and statutory planning processes

### **KEY ISSUES**

- Under the Town Planning Committee format, meetings will be utilised to consider strategic town planning matters, reflecting a greater focus on strategic planning issues by Council;
- This report presents an updated schedule of previously identified and known strategic town planning matters and the timeframes for reporting on these matters. The schedule is of known current issues and will be influenced by unforeseen strategic matters requiring consideration either directly raised by Council or via external parties such as the Northern Territory Planning Commission; and
- Progress and updating of the schedule will be reported to the Town Planning Committee meetings.

### **RECOMMENDATIONS**

THAT the Committee resolve under delegated authority:-

THAT Report Number 14TS0301 BS:dj entitled Strategic Planning Issues – December 2014, be received and noted.

## **BACKGROUND**

At the Town Planning Committee Meeting held on 5 August 2013, Council resolved as follows:

### **Town Planning Committee Review 2013**

Report No. 13TS0108 (02/17/13) Common No. 2481144

- A. *THAT Report Number 13TS0108 LC:mm entitled Town Planning Committee Review, 2013, be received and noted.*
- B. *THAT in order to provide a primary focus on strategic Town Planning, Council endorses the Alternative Process as set out in Report Number 13TS0108 LC:mm, Town Planning Committee Review 2013.*

DECISION NO.21\1233 (02/07/13)

Carried

Council has resolved that Town Planning Committee Meetings would be held once every two (2) months, with a focus on strategic town planning matters.

This report provides an updated schedule of previously identified strategic town planning matters and time frames for addressing these matters.

## **DISCUSSION**

To assist Council in dealing with strategic matters in a programmed manner, the following table provides a list of current City of Darwin strategic town planning matters and proposed timeframes for reporting to the Town Planning Committee. Periodic updates of issues and the expected timeframes will be presented to Town Planning meetings.

Issue	Issue Source	Date	Comment
Review of Outdoor Advertising Signs Code	City of Darwin	Early 2015	Council workshop to discuss reviewing the Signs Code.
Shading of air-conditioning units on buildings.	City of Darwin	April 2015	Investigate options to enforce the shading of air-conditioning units for more efficient operation.
Section J of the BCA	City of Darwin	April 2015	Investigate options to incorporate energy efficiency requirements in the BCA for the NT.



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The following table provides a list of new strategic matters that have been raised by Elected Members since the previous update report was presented on strategic planning matters.

Issue	Issue Source	Date	Comment
Building setbacks	City of Darwin	Dec 2014	Discussion paper: How reduced building setbacks are assessed against the Northern Territory Planning Scheme and to discuss the impact of continued variations.
Universal Design Principles in planning and construction of new buildings.	City of Darwin	June 2015	
The development of an Age Friendly City	City of Darwin	June 2015	

The following table provides a list of ongoing strategic planning projects in which City of Darwin staff are currently working with the Northern Territory Government.

Issue	Issue Source	Date	Comment
Greater Darwin Regional Land Use Plan	Northern Territory Planning Commission	Ongoing	The Draft Darwin Regional Land Use Plan is currently on public exhibition for final insertion into the Planning Scheme.
Urban infill and densification.	Northern Territory Government	Ongoing	Area plans are currently being developed.

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Issue	Issue Source	Date	Comment
The height, bulk and over development of land in the Darwin CB Zone	City of Darwin	Ongoing	To be considered in light of the outcomes of the Draft City Centre Master Plan and Greater Darwin Regional Land Use Plan.
Darwin City Centre Master Plan	<ul style="list-style-type: none"> <li>• City of Darwin</li> <li>• Northern Territory Government</li> <li>• Australian Government</li> </ul>	Ongoing	Strategies and guidelines are currently being established. The final version of the Darwin City Centre Master Plan is to be presented to Council for consideration in December 2014.
Contribution Plan for community facilities and open space	City of Darwin	Ongoing	A range of work is being undertaken on this matter.
Car parking, Public Transport and alternative transport arrangements.	City of Darwin	Ongoing	To be considered in light of the Darwin CBD Parking Strategy Review, CBD Traffic Study and Draft City Centre Master Plan both during these projects and after their completion.

### **CONSULTATION PROCESS**

In preparing this report, the following City of Darwin officers were consulted:

- Strategic Town Planner
- Planning Officer

### **POLICY IMPLICATIONS**

Not assessed.

### **BUDGET AND RESOURCE IMPLICATIONS**

Not assessed.

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### **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

Not assessed.

### **ENVIRONMENTAL IMPLICATIONS**

Not assessed.

### **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**DROSSO LELEKIS**  
**MANAGER DESIGN, PLANNING**  
**& PROJECTS**

**LUCCIO CERCARELLI**  
**GENERAL MANAGER**  
**INFRASTRUCTURE**

For enquiries, please contact Cindy Robson on 8930 0528 or email:  
[c.robson@darwin.nt.gov.au](mailto:c.robson@darwin.nt.gov.au).

**ENCL:  
YES**

**TOWN PLANNING COMMITTEE /OPEN**

**AGENDA ITEM: 8.5**

**PLACE NAMES COMMITTEE FOR THE NORTHERN TERRITORY  
NAMING OF 16 ROADS FOR STAGES 6 AND 7 OF MUIRHEAD SUBDIVISION  
LOT 9737, TOWN OF NIGHTCLIFF**

**REPORT No.: 14TS0315 BS:dj**

**COMMON No.: 2955447**

**DATE: 02/12/2014**

**Presenter: Manager Design, Planning & Projects, Drosso Lelekis**

**Approved: General Manager Infrastructure, Luccio Cercarelli**

**PURPOSE**

The purpose of this report is to respond to the Place Names Committee for the Northern Territory (Place Names Committee) request for Council's support for the naming of eight (8) roads, and the extension of eight (8) existing gazetted roads for stages 6 and 7 of the Muirhead subdivision.

**LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

**Goal**

1. Collaborative, Inclusive and Connected Community

**Outcome**

1.4 Improved relations with all levels of government and significant stakeholders

**Key Strategies**

1.4.2 Play an active role in strategic and statutory planning processes

**KEY ISSUES**

- The Place Names Committee is proposing eight (8) new roads and the extension of eight (8) existing roads for stages 6 and 7 of the Muirhead subdivision.
- There are only six (6) names complying with the "ANZAC Soldiers" naming theme available to be used.
- The developer has provided support to include two (2) ship names which were instrumental in deploying Northern Territory recruits in WWI as the final two (2) road names.
- It is recommended that Council support the eight (8) new road names and the extension of eight (8) existing roads names as submitted by the Place Names Committee.



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 NAMING OF 16 ROADS FOR STAGES 6 AND 7 OF MUIRHEAD  
 SUBDIVISION LOT 9737, TOWN OF NIGHTCLIFF

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- Two (2) road names are duplicated within the greater Darwin area, these are:
  - Albert Place – located within Robertson Barracks. Private access only and road name has not been gazetted, and
  - Samuel Street - located within Herbert. Road names are not expected to be confused with each other due to the distance the roads are apart.

## **RECOMMENDATIONS**

THAT the Committee resolve under delegated authority:-

- A. THAT Report Number 14TS0315 BS:dj entitled Place Names Committee for the Northern Territory, naming of 16 roads for stages 6 and 7 of Muirhead Subdivision, Lot 9737, Town of Nightcliff, be received and noted.
- B. THAT Council support the following eight (8) new road names for stages 6 and 7 of the Muirhead subdivision, as follows:
 

• Albert Street	• Samuel Street
• David Street	• Stanley Street
• Colin Street	• Changsha Crescent
• Patrick Street	• Taiyuan Street
- C. THAT Council support the following eight (8) road extensions from stage 5 into stages 6 and 7 of the Muirhead subdivision, as follows:
 

• Bridge Street	• O'Neill Street
• Fuhrmann Street	• Philpott Street
• Hargrave Street	• Saunders Street
• Leitch Street	• Thorne Street

as proposed by the Place Names Committee of the Northern Territory at **Attachment A**, to Report Number 14TS0315 BS:dj entitled Place Names Committee for the Northern Territory, naming of 16 roads for stages 6 and 7 of Muirhead Subdivision, Lot 9737, Town of Nightcliff.

## **BACKGROUND**

The suburb of Muirhead is named in commemoration of James Muirhead, AC (1925-1999) Royal Commissioner into Aboriginal Deaths in Custody, Barrister, Supreme Court Judge and Administrator.

Council has previously supported the naming of new roads within the suburb of Muirhead proposed by the Place Names Committee with the theme “ANZAC Soldiers” for stage 5, “Members of the Legal Profession whose Contribution to the Northern Territory is Worthy of Note” for Stages 2, 3 & 4 and “Notable Territorians with Links to Military Service” theme for Stage 1.

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 SUBDIVISION LOT 9737, TOWN OF NIGHTCLIFF

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## **DISCUSSION**

The Place Names Committee is seeking Council's support for the submitted eight (8) new road names and eight (8) extended road names included within stages 6 and 7 of the Muirhead subdivision (**Attachment A**).

The current road naming theme for the Muirhead subdivision is "ANZAC Soldiers", however, only six (6) names are available which are viable to be used within the greater Darwin area. The developer has provided support to include two (2) ship names which were instrumental in deploying Northern Territory recruits during WWI, as the final two (2) road names (to make up the eight (8) new road names).

The Place Names Committee has recommended the following six (6) street names which continue the "ANZAC Soldiers" theme:

- Albert Street
- David Street
- Colin Street
- Patrick Street
- Samuel Street
- Stanley Street

The Place Names Committee has recommended the following two (2) street names after WWI ships:

- Changsha Crescent
- Taiyuan Street

There is an Albert Place (named after a town in France which was the scene of heavy fighting by the AIF (*Australian Imperial Force*) in WWI) located within Robertson Barracks. The Place Names Committee has confirmed that the road is within Commonwealth land, not open to the public, has not been gazetted and therefore not advertised in any road maps.

There is a Samuel Road located within Litchfield Council in the suburb of Herbert. Due to the distance these roads are apart, it is considered that the road names will not be confused with each other.

**Attachment A** contains detailed information in regard to each of the above names and how they are deemed appropriate in regard to the road naming theme of "ANZAC Soldiers", as well as their proposed locations within stages 6 and 7 of the Muirhead subdivision.

The Place Names Committee approves street names for each stage of the subdivision and as such, it is necessary to continue eight (8) gazetted roads from stage 5 into stages 6 and 7. The eight (8) road names are:

- Bridge Street
- Fuhrmann Street
- Hargrave Street
- Leitch Street
- O'Neill Street
- Philpott Street
- Saunders Street
- Thorne Street

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## **CONSULTATION PROCESS**

The Place Names Committee for the Northern Territory is responsible for public consultation of proposed place names.

In preparing this report, the following City of Darwin officers were consulted:

- Strategic Town Planner
- Town Planner
- Planning Officer

In preparing this report, the following external parties were consulted:

- Secretary, Place Names Committee

## **POLICY IMPLICATIONS**

A condition within the City of Darwin Policy No: 041- Land Use Planning-General, is that names should not duplicate or nearly duplicate either in sound or spelling an existing name in the area, to avoid postal confusion. A search of the Place Names Register has confirmed that two (2) of the submitted names are duplicated within the greater Darwin area.

The City of Darwin Policy No: 041- Land Use Planning-General can be viewed at [www.darwin.nt.gov.au](http://www.darwin.nt.gov.au).

## **BUDGET AND RESOURCE IMPLICATIONS**

No budget or resource implications have been identified.

## **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

No risk, legal, legislative implications is expected from this application.

## **ENVIRONMENTAL IMPLICATIONS**

No risk, legal, legislative implications have been identified.

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### **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**DROSSO LELEKIS**  
**MANAGER DESIGN, PLANNING**  
**& PROJECTS**

**LUCCIO CERCARELLI**  
**GENERAL MANAGER**  
**INFRASTRUCTURE**

For enquiries, please contact Cindy Robson on 89300528 or email:  
c.robson@darwin.nt.gov.au.

#### **Attachments:**

**Attachment A:** Incoming letter from Place Names Committee for the Northern Territory



# Place Names Committee for the Northern Territory

Telephone (08) 8995 5333  
Facsimile: (08) 8995 5365  
E-mail: [place.names@nt.gov.au](mailto:place.names@nt.gov.au)  
Web: [www.placenames.nt.gov.au](http://www.placenames.nt.gov.au)

3<sup>rd</sup> Floor NAB House  
71 Smith Street  
GPO Box 1680  
Darwin NT 0801

Brendan Dowd  
Chief Executive Officer  
City of Darwin Council  
PO Box 84  
Darwin NT 0810

Our reference: 2014/0031

Dear Mr Dowd

## **Darwin – Muirhead – naming of roads in Stage 6 and 7**

The Place Names Committee (the Committee) has been asked by Developers, Investa Property Group, to name roads in stages 6 and 7 of the Muirhead subdivision.

Stages 6 and 7 require eight new road names and eight extensions to existing roads. There is the capability to continue the current street naming theme, World War 1 Servicemen killed in action or died of wounds or illness during the period of WWI, in support of the Anzac Centenary Project. Place Names staff have identified a further six WWI servicemen whom are able to be commemorated in Northern Territory Nomenclature by the use of their first name. The following names have been assessed as suitable against the Guidelines, with no duplication issues, and are being submitted to the Committee for their consideration.

Albert Street	Albert Frank Mettam was born in Napier, New Zealand. Albert worked as a miner prior to becoming a WWI Serviceman (Service Number 3168). Albert enlisted to serve in WWI at Broadmeadows on 2 July 1915 at the age of 23. He served with the 7 <sup>th</sup> Battalion Australian Imperial Force. Albert was appointed to Corporal in October 1916, appointed to Lance Sergeant later in 1916 and again promoted to Second Lieutenant. Second Lieutenant Albert Mettam was killed in action on 15 May 1918. He was buried at Borre British Cemetery, France;
David Street	David Campbell MacPherson was born in Scotland to John and Georgina MacPherson. He was living and working as a labourer in Darwin (his brother owned a lugger called the Flying Scotchman and was a trepanger before the war) prior to WWI. He travelled to Western Australia to enlist on 30 October 1914 at the age of 38. David embarked Melbourne, Victoria on board HMAT A40 Ceramic on 22 December 1914 with the 16 <sup>th</sup> Battalion. Lance Corporal MacPherson was killed in action at Gallipoli Peninsula, Turkey on 27 April 1915. His name appears on the Lone Pine Memorial, Turkey;
Colin Street	Colin Campbell McKenzie was born in Auckland, New Zealand. Colin worked as an engineer for Vesty's Meatworks, Darwin prior to WWI. He enlisted in Darwin on 6 May 1916 at the age of 28. Colin embarked from Brisbane, Queensland on board HMAT A55 Kyarra on 17 November 1916 as part of the 15 <sup>th</sup> Battalion, 22 <sup>nd</sup> Reinforcement. On 17 May 1917 he transferred to the 11 <sup>th</sup> Battalion. He was appointed to Lance Corporal on 173

3 August 1918. Lance Corporal McKenzie was killed in action (machine gunfire) on 10 August 1918 at Amiens, France and buried in the Heath Cemetery, France. His name appears on the Australian National Memorial, Villers-Bretonneux, France;

#### Patrick Street

Patrick Edward Lionel Radcliff Holmes was a Civil Engineer WWI Serviceman (Service Number 6/1/84B). Patrick worked at Darwin 2 ½ mile railway workshop prior to WWI and was a veteran of service with the Munster Fusiliers (infantry regiment of the British Army). He shared the distinction of being the first to volunteer from the Northern Territory for war service. He departed Darwin on board SS Mataram on 22 August 1915 for England, via Singapore to join his old regiment – Canterbury Infantry Regiment, British Section New Zealand Expeditionary Force. Lieutenant Patrick Holmes was recorded as missing in action on 25 April 1915 – declared ‘believed killed’ in 1916. His name appears on the Darwin Cenotaph;

#### Samuel Street

Samuel Henry Dick, born in Perth, he was a grocer, pearler and WWI Serviceman. He departed Darwin on board SS Changsha on 26 April 1915 at the age of 21 to enlist in Brisbane. Corporal Dick served with the Australian Imperial Force 25<sup>th</sup> Battalion, B Company. Corporal Dick was wounded in the shoulder and throat at Gallipoli in August 1915. Corporal Dick died at Villers-Bretonneux, France on 17 July 1918 and is buried at Crucifix Corner Cemetery, France. Corporal Samuel Dick’s name appears on the Darwin Cenotaph; and

#### Stanley Street

Stanley Michael Jordan was a hairdresser and WWI Serviceman (Service Number 5345). Private Jordan enlisted in Darwin on 26 September 1917 at the age of 23. He embarked from Sydney, New South Wales, on board RMS Ormonde on 2 March 1918 with the 31<sup>st</sup> Battalion 15<sup>th</sup> Reinforcement. Private Jordan died of pneumonia on 29 October 1918 in France. He was buried in the Abbeville Communal Cemetery Extension, France.

Stages 6 and 7 of the Muirhead subdivision requires a further two new road names. The list of WWI Servicemen has been exhausted with the remaining 14 names posing duplication issues in the municipality. Research has indicated the possibility of expanding the WWI theme to include the names of two of the ships that were instrumental in deploying Northern Territory recruits during WWI. The Developer has provided his support for the following names:

#### Changsha Crescent

Named after the SS Changsha (2269 tons) of the Australian Oriental Line Ltd on the Melbourne-Darwin-Hong Kong run from 1912 to 1926. The first official Northern Territory Contingent of the Australian Expeditionary Force for WWI sailed from Darwin on the SS Changsha on the 26 April 1915; and

#### Taiyuan Street

Named after SS Taiyuan (2269 tons) of the Australian Oriental Line Ltd on the Melbourne-Darwin-Hong Kong run from 1912 to 1925. When war was declared on 4 August 1914, there were no enlistment camps in the Northern Territory. In October 1914, a petition signed by 24 Darwin volunteers to secure enlistments in one of the earliest contingents to leaving Australia was initially denied. By late February 1915, those from the Northern Territory wishing to enlist were instructed to ‘head south’. Eleven recruits boarded the SS Taiyuan on 4 March 1915 bound for Melbourne to enlist for service in WWI.

The following naming extensions to the already existing roads from previous stages are proposed as follows:

Bridge Street	named after Alan Bridge who was a resident judge of the Northern Territory. He held that office between 1961 and 1979. He was the last resident judge to sit in the old Sydney Williams Hut that served as the courthouse until the construction of the new courthouse on the corner of Mitchell and Herbert Streets (now demolished to make way for the parliamentary precinct). In the community he was a life member of the Northern Territory Trailer Boat Club and patron of the Northern Territory Basketball Association;
Fuhrmann Street	named in commemoration of Sergeant Charles Fuhrmann, who was working as an accountant in Darwin for the Office of the Railway Superintendent prior to enlisting in the Australian Imperial Force. Sergeant Fuhrmann enlisted in Perth in 1915 at the age of 26 years and served with the 3rd Light Horse Regiment and the 10th Light Horse Regiment. Sergeant Fuhrmann died in Jerusalem on 13 August 1918 of pneumonia and was buried at the Jerusalem War Cemetery, Palestine;
Hargrave Street	named after Neil Hargrave, who was born in Adelaide in 1915 to a legal family. He was admitted to the Bar in Adelaide in 1938 and shortly after enlisted in the RAAF as WWII had begun. Neil was posted to Bachelor in July 1942, shortly after the Bombing of Darwin. In 1949, he moved to Alice Springs to set up practice, which made him the only Lawyer between Katherine and Port Augusta for four years. In 1954 Neil successfully ran for the Legislative Council as the Member for Alice Springs. He was a Member for nine years until 1963. He was an Officer of the Order of the British Empire in recognition of his service to the Territory. Neil passed away in June 2002;
Leitch Street	named in commemoration of Corporal Douglas Leitch, who was amongst a number of men to sign a petition to the Northern Territory Administrator which sought the Administrator's influence in securing enlistment for the signatories with one of the earliest contingents to leave Australia. Corporal Leitch enlisted in Tasmania in 1915. He was wounded in action in 1916 and again in 1917. He died on 4 May 1919 from pulmonary tuberculosis and was buried in the Cowley Churchyard Middlesex, England;
O'Neill Street	named in commemoration of Sapper Alfred O'Neill who enlisted for the Australian Army in Darwin in 1916 at the age of 31. Sapper Alfred O'Neill served with the Australian Imperial Force, 1st Tunnelling Company. He was killed in action in Belgium on 2 October 1917. Sapper Alfred O'Neil's name appears on the Ypres Menin Gate Memorial, and the Darwin Cenotaph;
Philpott Street	named in commemoration of Private Beaumont Philpott, who moved to the Northern Territory and joined the Union's reef Gold Mining Syndicate before enlisting in the Australian Imperial Force in 1915, aged 25. Shortly after joining his Battalion, Private Philpott became ill and did not return to his Battalion until 10 January 1916 at Tel-el-Kebir. Private Philpott died of gas poisoning and shell wounds in the front line trenches at Messines on 17 June 1916, and was buried at Dranoutre Cemetery, France. Private Phillpott's name appears on the Darwin Cenotaph;

- Saunders Street      named in commemoration of Walter Saunders, who was born in Darwin and enlisted in the Australian Imperial Force in 1915 at the age of 26. Walter Saunders served with the 8th Australian Field Ambulance and the 5th Mechanical Transport Company Australian Army Service Corps. Driver Walter Saunders was killed in action by a shell while driving an ambulance car between Fouilloy and Hamelet near Corbie on 4 May 1918. He was buried in the British Section of the communal Cemetery at Daours, Pas du Somme;
- Thorne Street      named in commemoration of Private Carlestone Thorne, who enlisted in Darwin in 1915 at the age of 30. Private Thorne was gassed in 1917 and transferred to the 12th Machine Gun Company in 1918. He died at Lihons, France in August 1918 and was buried in the Fouquescourt British Cemetery, France.

The City of Darwin is requested to provide its views regarding the naming of Albert Street, David Street, Colin Street, Patrick Street, Samuel Street, Stanley Street, Changsha Crescent and Taiyuan Street and the extensions to Bridge Street, Fuhrmann Street, Hargrave Street, Leitch Street, O'Neill Street, Philpott Street, Saunders Street and Thorne Street in Muirhead, Town of Nightcliff.

If comment could be provided by 10 December 2014 to process for the next Place Names Committee meeting, it would be appreciated.

A marked up plan showing the locations of the roads is attached for your information.

Yours sincerely



Belinda Osborne  
Secretary Place Names

18 November 2014



# STAGE 7

# STAGE 6

# STAGE 5

# STAGES 1-4 APPROVED

STAGES  
6+7

EXTENSIONS:

- A THORNE ST
- B SAUNDERS ST
- C FUHRMANN ST
- D BRIDGE ST
- E LEITCH ST
- F O'NEILL ST
- G PHILPOTT ST
- H HARGRAVE ST

NEW:

- 1 DAVID ST
- 2 COLIN ST
- 3 STANLEY ST
- 4 ALBERT ST
- 5 PATRICK ST
- 6 TAIYUAN ST
- 7 SAMUEL ST
- 8 CHANGSHA CRESCENT

- Subject Land
- Staging Boundary
- Sub-staging Boundary

<b>STAGE 5: 189 Lots</b> - 170 urban - 19 rural	<b>STAGE 6: 143 Lots</b> - 123 urban - 19 rural - 1 DHA Superlot	<b>STAGE 7: 113 Lots</b> - 96 urban - 17 rural	<b>RESIDENTIAL LOTS TOTAL: 445 Lots</b> <b>MUIRHEAD TOTAL: 1,150</b>
<b>STAGE 5A</b> - 23 urban	<b>STAGE 6A</b> - 60 urban - 13 rural - 1 DHA Superlot		
<b>STAGE 5B</b> - 74 urban - 14 rural	<b>STAGE 6B</b> - 63 urban - 5 rural		
<b>STAGE 5C</b> - 73 urban - 5 rural			

Staging Plan  
MUIRHEAD

**ENCL:** TOWN PLANNING COMMITTEE/OPEN  
**NO**

**AGENDA ITEM:** 8.6

### **BUILDING SETBACKS**

**REPORT No.:** 14TS0312 NS:dj **COMMON No.:** 2950902

**DATE:** 02/12/2014

**Presenter:** Manager Design, Planning & Projects, Drosso Lelekis

**Approved:** General Manager Infrastructure, Luccio Cercarelli

### **PURPOSE**

The purpose of this report is to provide Council with an initial overview, initiate discussion and provide information on the purpose of building setbacks, how reduced building setbacks are assessed against the Northern Territory Planning Scheme and the impact of continued variations.

### **LINK TO STRATEGIC PLAN**

The issues addressed in this Report are in accordance with the following Goals/Strategies of the City of Darwin 2012 – 2016 as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

#### **Goal**

1. Collaborative, Inclusive and Connected Community

#### **Outcome**

- 1.4 Improved relations with all levels of government and significant stakeholders

#### **Key Strategies**

- 1.4.2 Play an active role in strategic and statutory planning processes

### **KEY ISSUES**

- Council has been discussing the impacts of continued setbacks variations,
- Council makes comment on development and strategic applications, however as the City of Darwin are not the Consent Authority, (the Northern Territory Government (NTG) is), Council's comments may or may not influence the outcome of an application,
- the issue of reduced building setbacks is a complex and subjective matter, this report is intended as an initial discussion paper for Council's consideration. It is recommended that Council further understand the NTG position and engage with the Chairman of the Northern Territory Planning Commission, Chairman of the Development Consent Authority and representatives from the Department of Lands, Planning and the Environment to undertake a review,
- pursuant to the Northern Territory Planning Scheme (the scheme) some setbacks can be varied by the Development Consent Authority (DCA) whilst others are prescriptive and can only be varied by the Minister through an Exceptional Development Process (EDP),

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- City of Darwin officers assess development applications against the criteria outlined in the scheme, where a variation is proposed, the merits of the proposal will be assessed against existing neighbourhood character, built form, likely amenity impacts and any relevant Council Policies,
- setback variations that may be appropriate for one area, may be inappropriate for another,
- the current scheme applies to the entire Northern Territory and has limited design guidelines and outcomes for specific areas such as Darwin vs. Katherine etc., and

### **RECOMMENDATIONS**

THAT the Committee resolve under delegated authority:-

- A. THAT Report Number 14TS0312 NS:dj entitled Building Setbacks, be received and noted.
- B. THAT Council invite the Chairman of the Northern Territory Planning Commission, Chairman of the Development Consent Authority and representatives from the Department of Lands, Planning and the Environment to engage with Council regarding the Governments position on building setbacks and variations.
- C. THAT Council write to the Minister for Lands, Planning and the Environment requesting a review of the Northern Territory Planning Scheme setback requirements to ensure variations are merit based and consider issues such as streetscape character, lot sizes, environmental impacts, urban and tropical amenity be maintained and protected in the interest of the community.
- D. THAT Council prepare a report for the Northern Australia Capital City Committee to formally raise the issue of building setbacks.

### **BACKGROUND**

At Council's 2nd Ordinary Meeting held on 28 October 2014, Elected Members requested a report to be presented at the next Town Planning Committee Meeting which addressed concerns with the application and variation to building setbacks.

The issue of reduced building setbacks and their impacts is a complex and subjective issue. This report has been prepared in a short timeframe and it is considered that further research should be undertaken to better inform Council on this issue. This report is an initial discussion paper and has been prepared to address Council's interests and discussions.



## **DISCUSSION**

### **History and the role of planning**

It is argued that industrial revolution and new manufacturing processes have influenced the planning 'of today'. New manufacturing in planning terms brought with it modes of transportation, a stronger economy, better living conditions, infrastructure etc. Such influences caused vehicle dependant urban sprawl in nations such as America, Canada and Australia, deviating from the traditional 'walkable cities' with narrow streets and lots.

There are current significant and complex global, regional and local demands that impact society, environment and the economy. Planners face challenges such as population growth, demographic change, infrastructure, transport and access needs, climate change issues, food and natural resources being exhausted. Finding the balance between supporting the growth, change and such global challenges whilst facilitating solutions is the key to the planning of today and the future.

Traditional approaches to planning and managing cities changed post WWII. In the 1950's and 1960's Australian cities significantly grew beyond the established urban areas, resulting in car dependant suburbs. Following this, new suburbs have increasingly expanded and become more remote from the major centres of employment, education and activity. Since the 1990's a shift towards urban infill has occurred around Australia, as people have sought to live closer to major concentrations of jobs and services.

The first urban settlement in Darwin (nee Palmerston) in 1869 was by GW Goyder; a South Australian Surveyor-General who drew up the current CBD grid, which was a modification of Adelaide's CBD but suited to Darwin's topography. "43,000 acres had been surveyed into 160 and 360 acre sections around the townsite, with 1,019 allotments in the town itself".

Today, Darwin is Australia's youngest capital as a result of its torturous past with WWII and cyclones meaning that the city has been largely rebuilt. Between the first settlement of Darwin and 1945, residences were largely confined to the City centre. In the post war years, new and returning citizens to Darwin founded accommodation in abandoned military camps at Winnellie, Parap, Nightcliff and Stuart Park. The suburbs of Larrakeyah, Fannie Bay, Berrimah and Leanyer were developed in the decade that followed. By the time Cyclone Tracy occurred in 1974, residential development had expanded into the northern suburbs. In the early 1980's, development commenced to form the satellite City of Palmerston.



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As a comparison, below provides Council with some of the Australian Capital statistics:

	<b>Municipality area (hectares)</b>	<b>Population</b>	<b>Average population density (persons per hectare)</b>
City of Darwin	11,209	81,670	7.29
Adelaide City Council	1,557	22,200	14.26
City of Brisbane	132,618	1,131,191	8.53
City of Sydney	2,672	191,918	71.82
City of Perth	812	20,285	24.98

Formalised planning in Darwin evolved with the “Darwin Rural Area Plan 1983” which applied to the Greater Darwin region of today and controlled land uses and development.

In 1990, new Area Plans were developed, (similar to the municipal boundaries of today) for areas like Darwin, Cox Peninsula, Finnis, Litchfield etc. The “Darwin Town Plan 1990” nominated provisions for residential development and differing densities, subdivision requirements, industrial and commercial developments, advertising signs, car parking requirements and the alike. Additionally, the “Darwin Regional Land Use Structure Plan 1990” was introduced, identifying the new Area Plans. This document identified Land capability, mineral and water resources, socio economics, transport networks etc. similarly to the Darwin Regional Land Use Plan 2014.

In 1996, “Central Land Use Objectives” were introduced for the areas of the CBD, Larrakeyah, The Gardens, Stuart Park, Frances Bay and Bayview (nee Bayview Haven); in addition to this, the “Central Darwin Planning Concepts and Development Opportunities” were introduced. This document provided key concepts for specific areas such as the Civic Area of the CBD, the Wharf, Fishermans Wharf, Railway Dam, Myilly Point etc.

In 1999, the “Central Darwin Planning Concepts and Land Use Objectives” were introduced (covering a similar area to as above), providing specific land use objectives and outcomes. This document had specific projects and concepts outlined, similarly to the Draft Darwin City Centre Master Plan.

Upon the development of the *Planning Act 1999*, it determined that there would be one scheme. On the commencement of the Act all the planning documentation at that time formed the “Planning Scheme” in the expectation that it would be revised and rationalised into a consolidated Territory wide Scheme. A Territory wide Scheme was drafted and exhibited in 2003, through consultation and much public interest the format of the current scheme was adopted on the 1 February 2007; controlling land use and development across the entire Territory.

Interstate counterparts control Urban and Strategic Planning at a Local Government Level; their Planning Schemes regulate land use and built form unique to the area; considering the areas climatic needs, geographical constraints, population, political commitments and the alike. Accordingly planning principles and precinct based controls are developed to guide use and development individual to the area and often include multiple zones and overlays to guide coastal type uses and development over semi-rural uses and development within a municipality, given their differing characteristics and preferred principles.

Given that there is one planning scheme that governs the entire Territory, this has resulted in a rather broad scheme covering 1,349,129sq/km (with the exception of specific planning schemes such as the Town of Jabiru). Part 8 of the scheme identifies Area Plans; the Darwin municipality has three specific Area Plans (Darwin Waterfront, Berrimah North and Francis Bay), if an Area Plan exists any proposal must be assessed against that criterion.

Additionally, Part 9 of the scheme provides Specific Uses which are developed through Planning Scheme Amendments; the Darwin municipality has a total of 38 current Specific Uses. These Specific Uses can be found in areas such as the Dinah Beach Road, Stuart Park subdivision, which facilitated the subdivision, use and development of the original land (SD20). Some Specific Uses will call upon assessment being made against certain parts of the scheme; while other Specific Uses provide the assessment criteria in their zoning; this is dependent upon how the Specific Use was developed.

Without detailed Area Plans or Specific Uses; assessment is made against the generic zones and assessment criteria that apply to the entire Territory i.e. a single dwelling in Zone SD (Single Dwelling Residential) in Nightcliff has the same assessment criteria as a single dwelling in Zone SD in Katherine.

If Local Governments were the Consent Authority, Planning Schemes would likely be more unique to the area. In the absence of this, it is the role of the Northern Territory Planners to assess use and development on a 'what fits the area' level given that i.e. Nightcliff and Katherine are very different (a detailed assessment approach undertaken by City of Darwin officers is discussed further within the report).

### **Scheme Setbacks requirements**

Clause 3.0 Definitions, of the scheme states that a '**building setback**' "means the distance from any lot boundary to a building" and is measured 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.

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Clause 7.3 of the scheme controls building setbacks in residential buildings. Setbacks are defined by the scale of the residential building, refer below:

	<b>Primary Street frontage</b>	<b>Secondary street frontage</b>	<b>Side and rear lot boundaries</b>
<b>Setbacks for one and two storey buildings</b>	<ul style="list-style-type: none"> <li>• 6m, and</li> <li>• 4.5m for verandahs, balconies and structure without external walls</li> </ul>	<ul style="list-style-type: none"> <li>• 2.5m, and</li> <li>• 1.5m for verandahs, balconies and structure without external walls</li> </ul>	<ul style="list-style-type: none"> <li>• 1.5m including structures without external walls, and</li> <li>• 0.9m for shade sails</li> </ul>
<b>Setbacks for residential buildings over two storeys</b>	<ul style="list-style-type: none"> <li>• 7.5m for residential buildings including verandahs and balconies, and</li> <li>• 4.5m for structures without external walls</li> </ul>	<ul style="list-style-type: none"> <li>• 2.5m for residential buildings including verandahs and balconies, and</li> <li>• 1.5m for structures without external walls</li> </ul>	<p>1.5m for:</p> <ul style="list-style-type: none"> <li>• non-habitable rooms;</li> <li>• habitable rooms <u>without</u> windows and/ or doors facing the subject boundary; and</li> <li>• verandahs and/or balconies where the side of the verandah or balcony is <u>fully</u> screened to the subject boundary; and</li> <li>• structures without external walls excluding shade sails.</li> </ul> <p>3m for:</p> <ul style="list-style-type: none"> <li>• habitable rooms <u>with</u> windows and/ or doors facing the subject boundary; and</li> <li>• verandahs and/ or balconies facing the subject boundary; and shade sails.</li> </ul>

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Clause 7.3.1 prescribes additional setback requirements for Residential Buildings that are longer than 18m or are over four storeys in height. For example if a building is six storeys and 23.5m in length, the following would apply:

- (a) “for each additional 3m or part thereof in building length over 18m, an additional building setback to the affected boundary of 0.5m; and plus”
- (b) “for each additional storey over four storeys above ground level, an additional building setback to that storey of 1.5m from all boundaries”

Therefore increasing the setback proportionate to the bulk and scale of the proposed building.

*Note:* Clause 7.3.1 also states that “no part of a residential building is required to exceed a building setback of 10.5m from any boundary”.

Clause 7.3.3 provides further consideration for lots less than 600m<sup>2</sup> in area in Zone MD (Multiple Dwelling Residential) that were subdivided after 26 March 2014, allow for a 0m setback to no more than one side boundary of a lot.

Clause 7.4 guides setbacks for development in Zone MR (Medium Density Residential) that abuts land in Zone SD (Single Dwelling Residential), accordingly a building setback of not less than 3m to the boundary that abuts land in Zone SD and to each frontage of a street reserve not exceeding 18m in width on the opposite side of which the land is in Zone SD. This is also to be vegetated to provide a visual screen.

Clause 8.4 guides setbacks for development in commercial uses adjacent residential uses, accordingly the proposed use or development must provide a setback to the boundary that abuts any of those zones of not less than 5m. This is also to be vegetated to provide a visual screen.

Clause 9.2.1 provides setbacks in industrial uses, as follows:

<b>Location/boundary</b>	<b>Minimum building setback</b>
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

An assessment against these clauses should ensure that development:

- Is compatible with the streetscape and surrounding development including residential buildings on the same site,
- minimises any adverse effects of building massing when viewed from adjoining land and the street,
- avoids undue overlooking of adjoining properties,
- minimises potential noise and light transmission, and
- encourages breeze penetration through and between buildings.



Some prescribed setback requirements of the scheme allow for variation and can be assessed on merits and consistency with the purpose of the relevant clauses of the scheme, whilst some setbacks are prescriptive and state that the “Consent Authority must not consent to development” which is not in accordance with the requirements.

### **Purpose of setbacks and climatic principles**

The purpose of setbacks is to ensure that development is consistent with the existing streetscape and neighbourhood character whether it is in a residential, industrial, city, commercial context.

In general setbacks should not unduly cause amenity impacts such as, but not limited to the following;

- overlooking from adjoining development resulting in a loss of private open space, overshadowing from adjoining development,
- bulk and scale (particularly when viewed from adjoining development and within the street),
- an alteration to the continued built form which may impact upon the public realm and streetscape character,
- reduction of passive surveillance to the street through development forward of the building line,
- reduction of prevailing breezes which assist in cooling buildings, and
- the loss of off-street car parking through reduced building setbacks etc.

Darwin is located in the tropical wet and dry, or tropical savannah climate which causes year round high temperatures; shading is one of the most effective methods of keeping people comfortable whilst prevailing breezes assist in cooling. Designing around shade and natural ventilation is also important for an efficient and hospitable built form.. Design should note that the direction of wind typically comes from the south-east in the dry season and rain and wind typically comes from the north-west during the wet season.

The best techniques for creating comfortable environments are to provide protection from the rain and the sun and access to the prevailing breezes. There are specific Urban Planning and Building techniques that need to be considered, such as:

#### *Urban Planning Techniques*

- Ventilation corridors,
- interweave buildings and greens,
- block orientation,
- breezy streets,
- lot disposition,
- wide streets and walkways,
- shady streets,
- hierarchy of street, and
- short, walkable streets.

#### *Building Techniques*

- Outdoor rooms,
- cool courtyards,
- permeable buildings,
- deep overhangs,
- external shade size,
- ventilation opening arrangement,
- ventilation opening size, and
- stack ventilation.

Decisions made in relation to each design technique will affect the outcome at various scales, understanding how each design detail affects overall performance needs to be understood when considering potential variations. Such techniques are discussed further below:

#### Urban Planning Techniques:

Dense urban areas typically store more heat during the day than areas with less development (i.e. rural areas) and therefore take longer to cool during the night. This is often referred to as the urban heat island effect. Large, undeveloped vegetated land at the perimeter of highly developed areas provides cool air into urban areas. Integrating vegetation within urban streets assists in circulating the cooler air, whilst vegetated roof tops can reduce the 'heat island' effect in urban areas. Given that solar heating isn't necessary in Darwin, buildings (especially windows) should be shaded from the sun as much as possible. By "correctly orientating blocks buildings can be designed with less exposed surface areas, through which solar heat would be gained. Further to this, orientating blocks to receive a south-east and north-west orientation, promotes prevailing breezes during both the wet and dry season and maximises cross ventilation.

Setbacks also impact upon prevailing breezes, "by offsetting buildings on opposite sides of the block, paths for the wind to move through are created, as well as private outdoor rooms". The below diagram indicates 0m setbacks to one boundary, so to provide larger setbacks and private areas on the adjoining boundary. This is not to say that 0m setbacks are ideal, the diagram just identifies that offset building orientation encourages air flow.

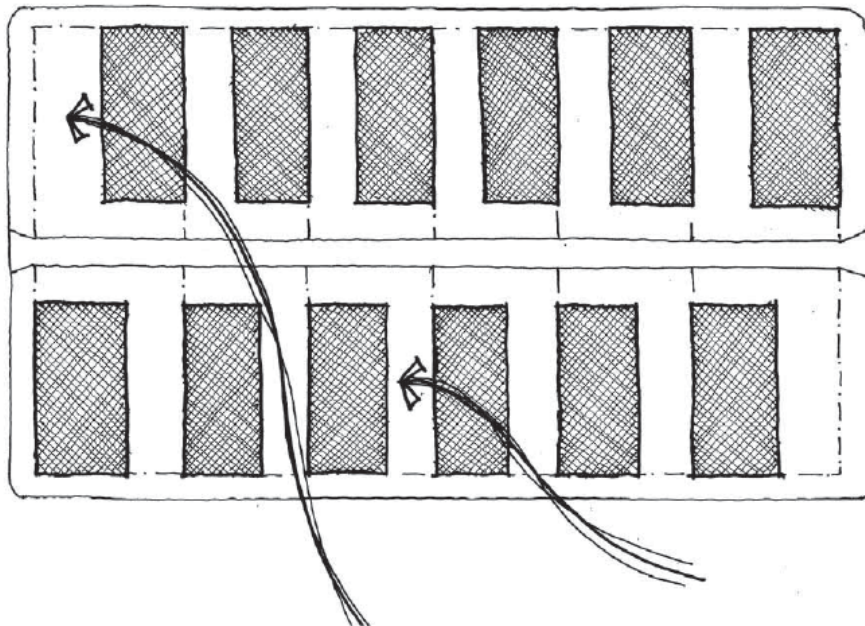


Image source: *Tropical Urbanism a Design Approach – Technical Report*  
*Mount Peter Structure Plan 2010 (Cairns Regional Council)*

Streets and sidewalks should be designed to be wide to encourage breezes and provide areas for pervious surfaces and vegetation. Additionally, streets should be developed with an order of hierarchy; to “support different building types, heights and setbacks which can promote a greater variety of site specific climatic design responses”.

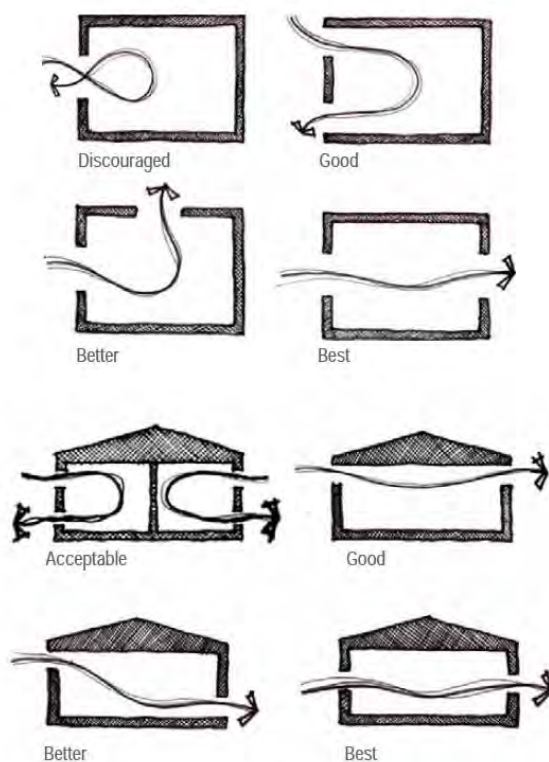
Street networks should be designed toward major physical features such as the Darwin Harbour, Rapid Creek, Casuarina Beach etc. and orient along their alignments to promote prevailing breezes.

### Building Techniques:

“Buildings can be arranged to create outdoor microclimates that are comfortable to occupy”; this can be achieved by arranging outdoor areas to be shaded and located to maximise cross ventilation.

Awnings and eaves should be included in development to shade buildings and pedestrians, depths and design should consider the location of the sun at different times of day and year.

Stack ventilation can provide buildings with an alternate ventilation system when site conditions restrict successful cross ventilation to cool the building. This is achieved by “creating air movement within a building by pulling hot air up” based on the ‘hot air rises and cool air sinks’ principle.



“Open floor plans and building sections encourage cross ventilation through a building. The fewer obstructions in a building, the less resistance the breezes will encounter. Openings on both sides of a room in plan, and stack ventilation techniques in section, encourage maximum airflow”.

This goes in hand with the placement and size of ventilation openings; refer to the diagram for examples.

Image source:  
*Tropical Urbanism a Design Approach – Technical Report*  
*Mount Peter Structure Plan 2010*  
 (Cairns Regional Council)

This discussion identifies that there are varying elements that need to be considered and reduced setbacks in some instances can work so long as all other climatic considerations are included at the design stage. These climatic principles also identify that subdivision design, lot orientation and lot size are a large consideration.

Increased setbacks or complying setbacks unfortunately don't guarantee good design. The scheme lacks Planning Principles and Framework that promotes good design, climatic and environmental design, and provision of vegetation.

### **Tropical counterparts (Cairns and Singapore)**

#### **Cairns Regional Council**

Cairns Regional Council (CRC) is located in Far North Queensland; their municipal boundary starts from just north of Innisfail to just north of Palm Cove, covering a total of 168,872 hectares. CRC has a population of 157,102 people, with an average population density of 0.93 persons per hectare. The area is controlled by a single planning scheme.

CRC have recently exhibited the Draft Cairns Region Planning Scheme for public consultation. The draft scheme responds to the growth and development across the Cairns region over the next 20 years. The draft scheme aims to achieve a balance between continued growth and maintaining the regions characteristics.

Prior to the development of the draft scheme (which took three years to develop), CRC prepared precinct based Design Guidelines which have heavily influenced the draft scheme. Such guideline documents in the interim provided the community and the Planning Department with desired design outcomes based on the existing streetscape character. A particularly relevant precinct example was the 'Cairns Neighbourhood Character Study – Cairns North' which was significant given the relatively intact pre-war and inter-war Queenslander style dwellings set within lush green landscapes. To address the existing neighbourhood character, the precinct study identified the existing elements, development objectives, design responses and 'avoids', for example:

<b>Element</b>	<b>Objective</b>	<b>Design Response</b>	<b>Avoid</b>
Siting	To maintain the predominant front boundary setback pattern in the street	Buildings should be setback a minimum, the average distance of the front setbacks of buildings on the two adjoining allotments	No reflection of the predominant front boundary setback pattern in the street.  Buildings that are set further forward than buildings on neighbouring properties.



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Element	Objective	Design Response	Avoid
Car parking and vehicle storage	To minimise the loss of front garden space and the dominance of car parking structures.	<p>Where located to the side of the dwelling, set back garages and carports behind the line of the front façade.</p> <p>For enclosed car parking structures to the side of a dwelling, use a skillion or flat roof and materials, colours and finishes that complement those of the dwelling.</p> <p>Where providing an enclosed garage beneath a building, set back the garage door from the front façade.</p> <p>Consider the use of timber or slatted garage doors.</p> <p>Minimise paving in front garden areas and use permeable or porous materials for driveways and crossovers and car parking areas.</p>	<p>Standalone garages and carports that mimic the design detailing of the building.</p> <p>Carparking in front setbacks.</p>
Front boundary treatment	To maintain views to gardens and dwellings and reflect the predominant style of fences in the street.	Provide a low, open style front fence up to 1.2 metres in height, and constructed of materials appropriate to the dwelling style and era, including simple timber picket and wire styles.	High solid fences.

The draft scheme nominates local plans and identifies the context and setting of the area, purpose of the plan and criterion for assessment. The local plans are generally for principal activity centres and their surrounds. The scheme prescribes Zones, which identify the need for a planning permit (similarly to the scheme). Zones are further considered with planning Overlays which are more environ based, for example; Acid sulphate soils overlay code, Extractive resources overlay code, Potential landslip overlay code etc.

Development in Queensland is governed by the Queensland Development Code (QDC) (in addition to the Building Code) which provides national technical building standards, however contains Queensland specific guidelines. The code provides 'default' standards that must be applied unless a planning scheme contains 'alternative standards'. If alternative standards are contained in a planning scheme, they must be applied instead of the QDC requirements. The CRC draft scheme has adopted the default standards of the QDC requirements. The QDC provides performance criteria considerations such as; bulk, outlook and views of neighboring residents, nuisance and safety to the public etc.

Residential setbacks prescribed by the QDC recognise the challenges of smaller lots and provide a different setback standard for lots under and over 450m<sup>2</sup>. The purpose is to provide good residential design that promotes the efficient use of a lot, an acceptable amenity to residents, and to facilitate off-street parking. The QDC requirements are discussed below:

***Residential lots under 450m<sup>2</sup>:***

Detached dwelling setbacks range from 2m to 6m from the front boundary depending on the proximity of adjoining existing building setbacks from the street; to ensure built form and streetscape character are consistent. If there is no adjoining development, setbacks are a minimum of 3m depending on the hierarchy of the street it interfaces with. Side setbacks also depend on the hierarchy of the street it interfaces with and nominate a minimum side setback of 1m.

Garage/carport setbacks consider the shape of the allotment and its placement. For rectangular lots (or near rectangular lots) the elevational dimension of openings facing the street is to be the lesser of 6m and 50% of the street frontage. If there is no adjoining development, setbacks are a minimum of 3m depending on the hierarchy of the street it interfaces with. Side setbacks also depend on the hierarchy of the street it interfaces with and nominate a minimum side setback of 1m.

Corner allotments are considered differently again and are similar to the above however, if the depth of the lot is 24m or less the height of the structure comes into effect and controls the setback required.

Side and rear setbacks increase from the 1m above minimum to 2m if the height of the building is greater than 4.5m but less than 7.5m. If the building is 7.5m or higher the setback depends on the nominal height adjoining that boundary. Setbacks are further considered if a lot has a 15m or less street frontage.

### ***Residential lots over 450m<sup>2</sup>:***

Detached dwellings require a 6m setback from the road frontage however; if there are adjoining buildings the nominal setback is calculated depending on their placement from the street and could therefore be less than the 6m as required by new development with no adjoining dwellings. Again, this approach ensures built form and streetscape character are consistent.

Open carports may impede on the nominal setback (discussed above) if the aggregate perimeter dimension of walls, solid screens, and supports located within the setback does not exceed 15% of the total perimeter dimension of that part of the carport within the same setback and there is no alternative on-site location that otherwise complies

Setbacks for corner allotments are considered the same as lots less than 450m<sup>2</sup> in area (detailed above).

Side and rear setbacks increase from the 1.5m minimum to 2m if the height of the building is greater than 4.5m but less than 7.5m. If the building is 7.5m or higher the setback depends on the nominal height adjoining that boundary. Setbacks are nominated in a supporting table if a lot has a 15m or less street frontage.

Setbacks for industrial/commercial/community uses etc. differ from the above. The above is a guide of how residential setbacks are considered and provides context to considerations that the SCHEME does not; however by allowing a variation, the role of a planner is to consider such factors that the QDC addresses in its assessment criteria, however it is very prescriptive, unlike a planners assessment which is open for interpretation by the individual.

### **Singapore**

Singapore is an island of 71,830 hectares located North West of the Northern Territory in South East Asia. Singapore has a population of 5,469,700 people with an average density of 76.1 persons per hectare.

The Urban Redevelopment Authority (URA) is Singapore's national land use Planning Authority. To facilitate urban planning, the URA divides Singapore into five regions, namely Central, West, North, North-East and East Regions. Each region provides a mix of residential, commercial, business and recreational areas. Each region is served by a Regional Centre to complement the activities in the CBD.

The Planning Regions are divided into smaller Planning Areas. There are a total of 55 Planning Areas in Singapore with each Planning Area served by a town centre and several neighbourhood commercial/shopping centres. The number of Planning Areas within a Planning Region ranges from six to 22 depending on the distribution of population.

Each Planning Area is further divided into smaller subzones centred around a focal point such as neighbourhood centre or activity node. There can be more than ten subzones within a Planning Area.

Guidelines for development are broken down to the type of development i.e. landed housing, industrial, condominium flats etc. Setbacks for landed housing are explored further below:

### ***Landed housing:***

Landed housing is low-rise/low density residential development. There are various landed housing forms in Singapore:

#### *Land title:*

- Detached house,
- Semi-detached house, and
- Terrace house I or II.

#### *Strata title:*

- Strata detached houses (bungalows),
- Strata semi-detached houses,
- Strata terrace houses, and
- Mixed strata landed housing.

The density of landed housing is depicted by the URA maps and is individual to the Planning Area within the Region, the maps identify the type, density and number of storeys permitted, these areas are 'safeguarded estates'. Development is to then accord with the Special and Detailed Control plans.

The Special and Detailed Control plans detail setback requirements for each type of landed housing (land title type e.g. detached house, semi-detached house and terrace house I or II).

A detached house should have a minimum lot size of 400m<sup>2</sup> unless the existing lots have already been subdivided with a smaller land area. Bungalow plots (detached house) within the good class bungalow areas (GCBA) should have a minimum development size of 1,400m<sup>2</sup>; bungalow plots are subject to a maximum site coverage control of 35%-45% depending on the plot size.

A detached house on a lot smaller than 800m<sup>2</sup> in area should have site coverage of no more than 40% of the site. Setbacks from side and rear boundaries are:

- 2m for the ground floor (1m to the eaves),
- 2m for the first floor (1m to the eaves), and
- 3m for the second floor\* (1m to the eaves).

*\* where three storey detached dwellings are nominated on the URA plans.*

The front setbacks are depicted by the category of road that the dwelling interfaces with. For category 3-5 roads, the dwelling buffer requirement is a 7.5m setback; however a carport is able to have a 2.4m setback (a carport can encroach into this setback so long as the car park does not exceed the standard provision of 5m in length).



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Road categories are defined by the below:

Category 1:	Expressway
Category 2:	Major Arterial (A)
Category 3:	Major Arterial (B)
Category 4:	Other Major Roads/Slip Roads
Category 5:	Minor Roads/Slip Roads

There are further considerations for irregular shaped lots. While the general planning guidelines are applicable for most development proposals, URA may vary the guidelines for development proposals to minimise any potential impact they may have on the nearby developments after considering the specific site context and conditions.

Plot widths for new subdivisions/development in landed housing areas are identified within the Special and Detailed Control plans, as plot widths and sizes according to the below ensures that they are capable of compliant development in the future:

HOUSING FORM	PLOT WIDTH (min)	PLOT DEPTH(min)	PLOT SIZE(min)
Good class bungalow	18.5m	30m	1400m <sup>2</sup>
Other bungalow	10m	nil	400m <sup>2</sup>
Semi-detached house (including corner terrace I)	8m	nil	200m <sup>2</sup>
Back-to-back Semi-detached house	10m	nil	200m <sup>2</sup>
Terrace house I (intermediate units)	6m	nil	150m <sup>2</sup>
Terrace house II (corner units)	8m	nil	80m <sup>2</sup>
Terrace house II (intermediate units)	6m	nil	80m <sup>2</sup>

For new development on lots that accord with the above table, the Special and Detailed Control plans are very prescriptive and identify setback requirements for columns, roof eaves for carports, terrace areas, air-condition ledges etc. in addition to the housing form setbacks.

### **City of Darwin Planning assessment approach**

Upon receipt of the written notice from DAS, a site inspection is generally undertaken by planning staff in conjunction with the Team Leader Development. Site inspections and technical assessments are undertaken to ensure that:

- City of Darwin assets and infrastructure are accounted for on the development plans to ensure that proposal won't be to the detriment of Council,

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- an assessment is made against the immediate and broad streetscape and neighbourhood character i.e. the public realm, privacy and potential overlooking issues, pattern of existing development, built form, scale, front fencing styles and height, landscaping, density, height, setbacks, development forward of the main building line, subdivision pattern and alignment, awnings, car parking requirements and placement, topography, lot shape and limitations, development opportunities, existing site features, access points (ingress/egress to allow exiting and entering the site in a forward gear), necessary services, surrounding uses, site coverage, prevailing breezes, views and vistas, design and architectural elements, street widths and footpaths, open space, goods and service vehicle needs for deliveries, surrounding road networks, the sites prominence to the immediate and surrounding vicinity and more. This is to ensure that the proposal is harmonious and respects the existing built form, streetscape and neighbourhood character,
- proposals are assessed on their own merit, considering the above and any likely impact that the proposal would cause on such considerations, if any,
- the proposal is consistent with surrounding zoning and development patterns. This is generally undertaken upon return to the office using Council's aerial imaging and zoning maps,
- the proposal has been assessed against impacts of storm surge, contribution plans, land in proximity to airports, and any other potential land use conflicts.
- the proposal is consistent with Clause 4.0, Planning Principles and Framework of the scheme, the relevant Area Plan or Specific use (if applicable), the relevant zoning and associated clauses within the scheme. A full technical assessment against the criteria prescribed in the scheme is made against the plans to identify whether the proposal is consistent with the above and to identify what the variations are and their impacts if any,
- ILIS (Integrated Land Information System) is checked for any previous applications for the subject site, surrounding sites or similar proposals to ensure consistency,
- consultation with DAS is undertaken at the assessment stage if there is some level of concern with the proposal or staff require further information or want to understand DAS's view on the proposal to make a better informed decision,
- consultation with senior staff is undertaken where officers may need guidance on previous issues for the subject site, surrounding area, political and community views for direction and guidance, and
- consultation is undertaken with any other relevant Council department that may be impacted upon by the proposal i.e. climate change and environment, vegetation removal within the road reserve, property etc.,

Upon completion of this assessment a letter response is prepared and addressed to DAS. A report is subsequently prepared for larger applications that may have a greater impact upon the community, allowing Council to be better informed prior to any decision.

If upon Council considering a response letter or a report there are changes to be made, staff make such changes in accordance with discussions held at Council and as per the decision.

### **Development Assessment Services assessment approach**

Development Assessment Services (DAS) expect applicants meet the minimum setback requirements prescribed by the scheme. If a setback variation is proposed the applicant must provide 'special merits' as to why a variation is being sought and should be granted.

From conversations with DAS it is understood that a more flexible approach is undertaken for setbacks variations in Zone SD (Single Dwelling Residential) (discussed further below) than setbacks variations in denser residential zones. However DAS do assess each application on its own merits, similar to the assessment approach undertaken by City of Darwin officers, (as discussed above).

DAS undertake a differing approach to front setbacks and side setback variations as follows:

#### **Side and rear setbacks**

If an application is deemed not to have a significant impact on the existing or future amenity of the area, 'neighbourhood advertising' will be undertaken via letters to neighbouring properties. All service authorities are notified of these types of applications.

DAS advises applicants to undertake consultation with their neighbours. If no objection is received, DAS generally permit a variation taking into consideration; heights, type of development and any likely amenity impacts.

#### **Front setbacks**

All applications are publicly advertised via a pink sign, and in the newspaper for a 14 day period and the service authorities are notified. DAS take a more detailed assessment here (again similar to the assessment approach undertaken by City of Darwin officers).

A stricter approach to reduced setbacks in denser zones is taken, given that they have the potential to have greater amenity, overlooking, bulk, scale, neighbourhood and streetscape character impacts. DAS generally do not have the delegation to issue development permits in denser zones (the Development Consent Authority have delegation), although they have some limited delegation in Zone MD (Multiple Dwelling Residential) exists, depending on the type of development and potential impacts.

Industrial setback variations are assessed in a similar way to residential development and consideration is given to on-site access and manoeuvrability for larger vehicles, particularly to the rear of site. DAS Managers have some delegation for setback variations in industrial areas, however they don't always exercise their delegation, which often means applications are referred to the DCA for a decision.

### **What is Council's role in setback variations?**

The City of Darwin responds in its capacity as a service authority to all written notices, representing the views and expectations of the community along with professional planning assessments.

Given that the City of Darwin is not the Consent Authority, Council's ability to influence planning decisions is limited. Council does have the ability to make an appeal pursuant to the *Northern Territory Planning Act* for decisions that Council feels strongly about. The *Planning Act* and regulations outline third party appeal rights, these rights are generally limited to appealing to decisions made in relation to development on Zone SD (Single Dwelling Residential) and Zone MD (Multiple Dwelling Residential) land.

Whilst Council may object to an application (for example where reduced setbacks are being sought for a carport) on the basis that the proposal doesn't provide climatic design and restricts future landscaping opportunities for the site; both the Council and DAS/DCA are restricted given that the scheme provides limited/no design requirements or principles to guide site responsive design, amount of impervious/pervious surfaces, landscaping and retention of vegetation. Ultimately, if approval is not granted, the area can be concreted and used for informal parking of vehicles regardless of the decision made and ultimately Council's objection provides little weight in such circumstances given that the scheme provides little guidance on objectives that Council wishes to implement.

Council needs to carefully consider what it wants to achieve in its capacity as a service authority. By inviting the Chairman of the Northern Territory Planning Commission, Chairman of the Development Consent Authority and representatives from the Department of Lands, Planning and the Environment to workshop the impacts of the issue, the extent that such variations and the lack of guidance that the scheme provides, the opportunity to engage with current stakeholders and the community on this issue is being initiated. Additionally, advocating and initiating discussions with the Northern Australian Capital City Committee will ensure that subsequent discussions will be held across all levels of stakeholders.

### **Summary**

The issue of reduced building setbacks and their impacts is a complex and subjective issue, this report has been prepared in a short timeframe and it is considered that further research could be undertaken to better inform Council on this issue. However, this report is an initial discussion paper and has been prepared to address Council's interests and discussions.

The City of Darwin has no legislative ability to implement new processes regarding the application and assessment of reduced building setbacks. City of Darwin officers can assess an application according to Council's views and relevant Policies. However, Council's comments may or may not influence the outcome given the NTG are the Consent Authority.



It is recommended that Council invite the key stakeholders to present their views and considerations when assessing setback variations and their likely impacts. Additionally, advocate discussions at the Northern Australia Capital City Committee and write to the Minister for Lands, Planning and the Environment requesting a review of the Northern Territory Planning Scheme setback requirements to ensure variations are merit based and consider issues such as streetscape character, lot sizes, environmental impacts, urban and tropical amenity be maintained and protected in the interest of the community. It is considered that in the event that changes are made to the scheme, adequate community engagement should be held by NTG to ensure that a collaborative and open approach to this issue is undertaken.

It is considered that the scheme lacks Planning Principles and Framework that promote climatic and environmental design retention of vegetation and limits amenity issues.

This report and subsequent discussions have identified that setbacks alone don't achieve climatically compliant development; the design, building, lot orientation, design, architecture and planting. Nil setbacks are acceptable where all other elements are apparent and have addressed the climatic response.

### **CONSULTATION PROCESS**

In preparing this report, the following City of Darwin officers were consulted:

- Strategic Town Planner

In preparing this report, the following external parties were consulted:

- Development Assessment Services

The following references were utilised in preparing this report:

- Greater Darwin Plan 2012
- Smart Growth – Unlocking Smart Growth in Australia's Capital Cities
- Tropical Urbanism a Design Approach – Technical Report Mount Peter Structure Plan 2010 (Cairns Regional Council)
- [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au)
- [www.planning.org.au](http://www.planning.org.au)
- [www.hpw.qld.gov.au](http://www.hpw.qld.gov.au)
- [www.ura.gov.sg](http://www.ura.gov.sg)
- [www.singstat.gov.sg](http://www.singstat.gov.sg)
- [www.lands.nt.gov.au](http://www.lands.nt.gov.au)
- [www.profile.id.com.au](http://www.profile.id.com.au)

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### **POLICY IMPLICATIONS**

By Council advocating a change of practice on the application and assessment of reduced building setbacks, this may result in changes to the scheme and in turn Council's position in responding to development applications where a reduced setback is applied for.

### **BUDGET AND RESOURCE IMPLICATIONS**

There are no current budget implications.

### **RISK/LEGAL/LEGISLATIVE IMPLICATIONS**

The City of Darwin are not the consent Authority for development, therefore any risks are limited.

### **ENVIRONMENTAL IMPLICATIONS**

Adequate urban planning and building techniques aid the retention of a tropical environment, prevailing breezes reduce the reliance on cooling aids, retention of vegetation assists in cooling and shading and the amenity of people, maintaining a tropical and vibrant place to live, work and stay.

### **COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION**

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

**DROSSO LELEKIS**  
**MANAGER DESIGN, PLANNING**  
**& PROJECTS**

**LUCCIO CERCARELLI**  
**GENERAL MANAGER**  
**INFRASTRUCTURE**

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## OPEN SECTION

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Town Planning Committee Meeting – Tuesday, 2 December 2014

### 9. INFORMATION ITEMS

### 10. GENERAL BUSINESS