

**NORTHERN TERRITORY OF AUSTRALIA****PROPOSAL TO AMEND NT PLANNING SCHEME  
PA2009/1271**

Earl James and Associates have applied to the Minister for Planning and Lands to amend the NT Planning Scheme by rezoning Lot 796 Town of Nightcliff (67 Ryland Road Rapid Creek) from Zone SD (Single Dwelling Residential) 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 SD (Single Dwelling Residential);
- extracts from the NT Planning Scheme relating to Zone MD (Multiple Dwelling Residential);
- a locality map; and
- a copy of the application from Earl James and Associates.

The exhibition period is from Friday 04 September 2009 to Friday 02 October 2009.

Written submissions about the proposed planning scheme amendment are to be received by 4.00pm on Friday, 02 October 2009 and made to:

Julia Wanane  
Project Officer  
Strategic Lands Planning  
Department of Planning and Infrastructure  
GPO Box 1680  
DARWIN NT 0801; or

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

Fax: (08) 8999 7189 or

Hand delivered to Ground Floor, Cavenagh House, 38 Cavenagh Street, Darwin.

For more information please telephone 8999 8963.

**NORTHERN TERRITORY OF AUSTRALIA**

*Planning Act*

**NOTICE OF EXHIBITION OF PROPOSAL  
TO AMEND NT PLANNING SCHEME  
PA2009/1271**

I, MARJ MORRISSEY, delegate for the Minister for Planning and Lands, give notice under section 17 of the *Planning Act* of the following:

- (a) a proposal to amend the NT Planning Scheme, numbered PA2009/1271 as referred to in (e), is to be exhibited under Division 3 of Part 2 of the Act;
- (b) the amendment is to be exhibited at the following location:  
  
Offices of the Department of Planning and Infrastructure  
Ground Floor, Cavenagh House, 38 Cavenagh Street, Darwin
- (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 in respect of this exhibition should be made to:  
  
Julia Wanane  
Project Officer  
Strategic Lands Planning  
Department of Planning and Infrastructure  
GPO Box 1680  
DARWIN NT 0801 or  
  
Fax: (08) 8999 7189 or  
  
Email: [planning@nt.gov.au](mailto:planning@nt.gov.au)
- (e) the proposed amendment is to the NT Planning Scheme, to rezone Lot 796 Town of Nightcliff (67 Ryland Road Rapid Creek) from Zone SD (Single Dwelling Residential) to Zone MD (Multiple Dwelling Residential).

Dated 31 August

2009.



MARJ MORRISSEY  
Delegate for the Minister for Planning and Lands

## 5.0 ZONE PURPOSE AND TABLES

### 5.1 ZONE SD – SINGLE DWELLING RESIDENTIAL

1. The primary purpose of Zone SD is to provide for **single dwellings** on individual lots.
2. Non-residential uses or development should be limited to those which predominantly service the local neighbourhood and do not have any detrimental effect on residential **amenity**.

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

**Demountable structures require consent.**

Clause 6.14 refers to land subject to inundation.

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 telecommunication structures.

ZONING TABLE – ZONE SD

abattoir	x	
agriculture	x	
animal boarding	x	
bed and breakfast accommodation	D	6.5.1, 7.10.1
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
dependant unit	P	7.1, 7.3, 7.10.4
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 occupation	P	7.10.7
horticulture	x	
hospital	x	
hostel	x	
hotel	x	
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	x	
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, 7.1, 7.3, 7.5
stables	x	
supporting accommodation	D	6.5.1, 7.1, 7.5, 7.6, 7.7, 7.8
transport terminal	x	
vehicle sales and hire	x	
veterinary clinic	x	
warehouse	x	

P = Permitted    D = Discretionary    x = Prohibited

## 5.2 ZONE MD – MULTIPLE DWELLING RESIDENTIAL

1. The primary purpose of Zone MD is to provide for a range of housing options to a maximum height of two **storeys**.
2. The scale, character and architectural style of infill development should be compatible with the streetscape and surrounding development.

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

Demountable structures require consent.

Clause 6.14 refers to land subject to inundation.

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 telecommunication structures.

ZONING TABLE -- ZONE MD

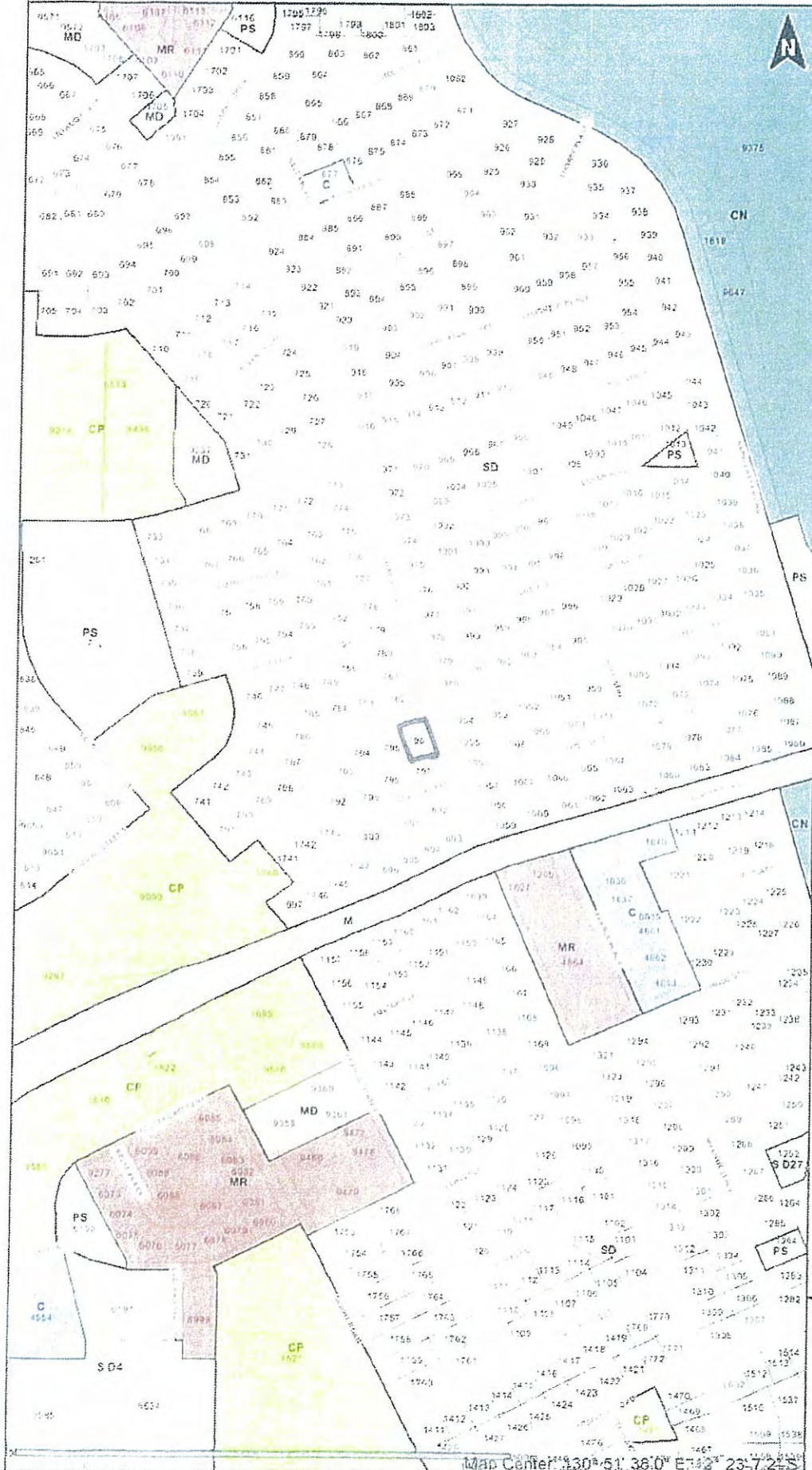
abattoir	x	
agriculture	x	
animal boarding	x	
bed and breakfast accommodation	D	6.5.1, 7.10.1
business sign	P	6.7
caravan park	x	
caretaker's residence	x	
car park	x	
child care centre	x	
community centre	D	6.1, 6.5.1
dependant unit	P	7.1, 7.3, 7.10.4
domestic livestock	x	
education establishment	x	
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 occupation	P	7.10.7
horticulture	x	
hospital	x	
hostel	x	
hotel	x	
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, 7.1, 7.3, 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    D = Discretionary    x = Prohibited

67 Ryland Rd, Rapid Creek

# Locality Map of Lot 796 Town of Nightcliff

## Legend



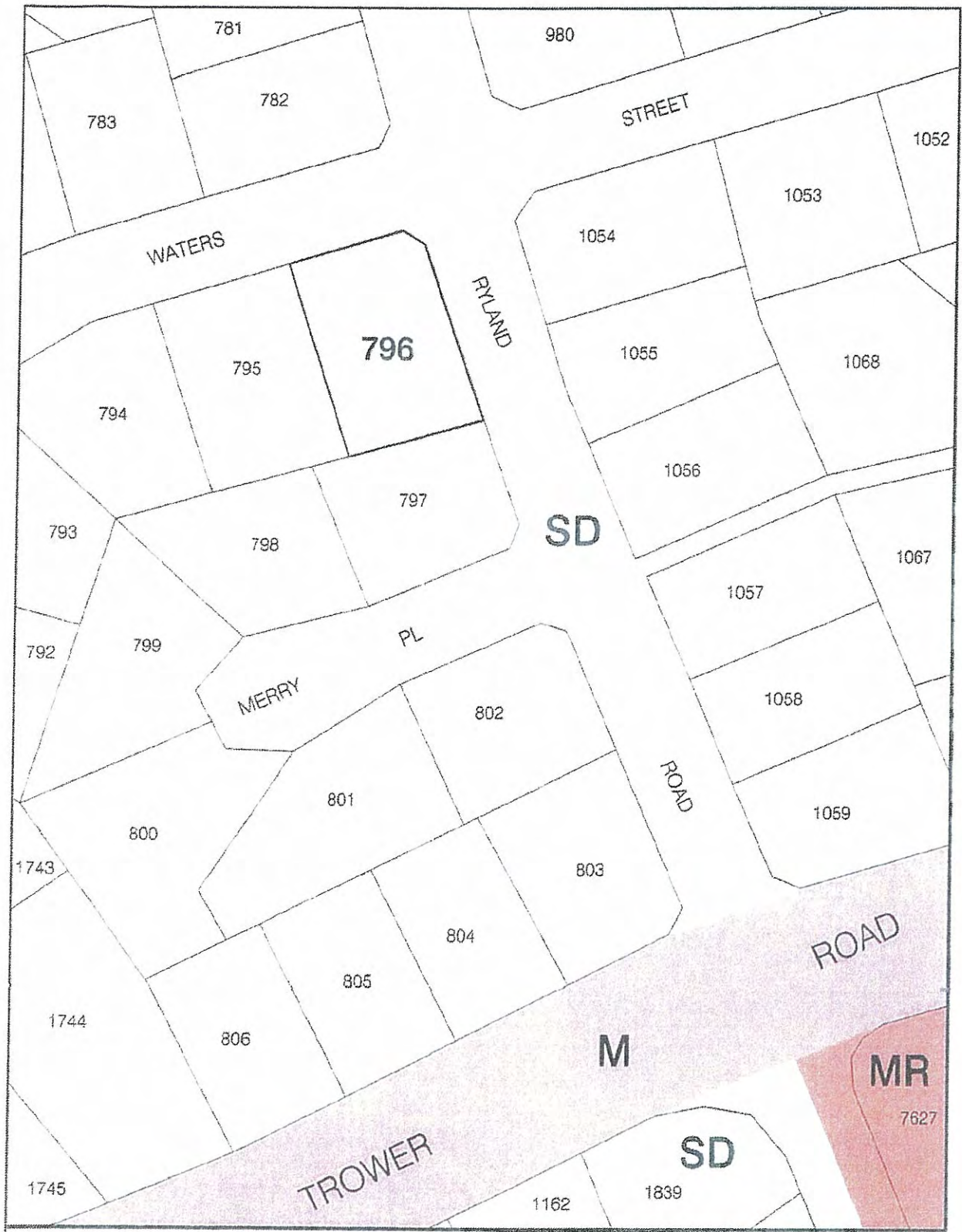
- State Borders
- General Lines
- Lot Boundaries
- Town Planning Zones
- A - Agriculture
- CY - Caravan Park
- CB - Central Business
- C - Commercial
- CL - Community Living
- CP - Community Purpose
- CN - Conservation
- DV - Development
- RR - Rural Residential
- RRR - Restricted Rural Residential
- 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
- JABRE5 - Residential
- JABSF - Service Facilities
- JAB11 - Industry
- JABREC - Recreation
- JABO - Open Space
- JABSP - Special Purpose
- JABFU - Future Use
- Road Labels
- Road Centrelines
- Highway
- Other Road
- Parcel Numbers
- Cadastre
- Coastline

Created by WJULIA



Bottom Left: 130° 51' 24" - 12° 23' 17"  
 Top Right: 120° 51' 51" - 12° 22' 57"  
 Approximate Scale: 1:5,500  
 Datum: GDA 1994  
 Data for information purposes only  
 - accuracy not guaranteed  
 N.T. Land Information System  
 Copyright Northern Territory of Australia

Map Center: 130° 51' 38.0" E 12° 23' 7.2" S



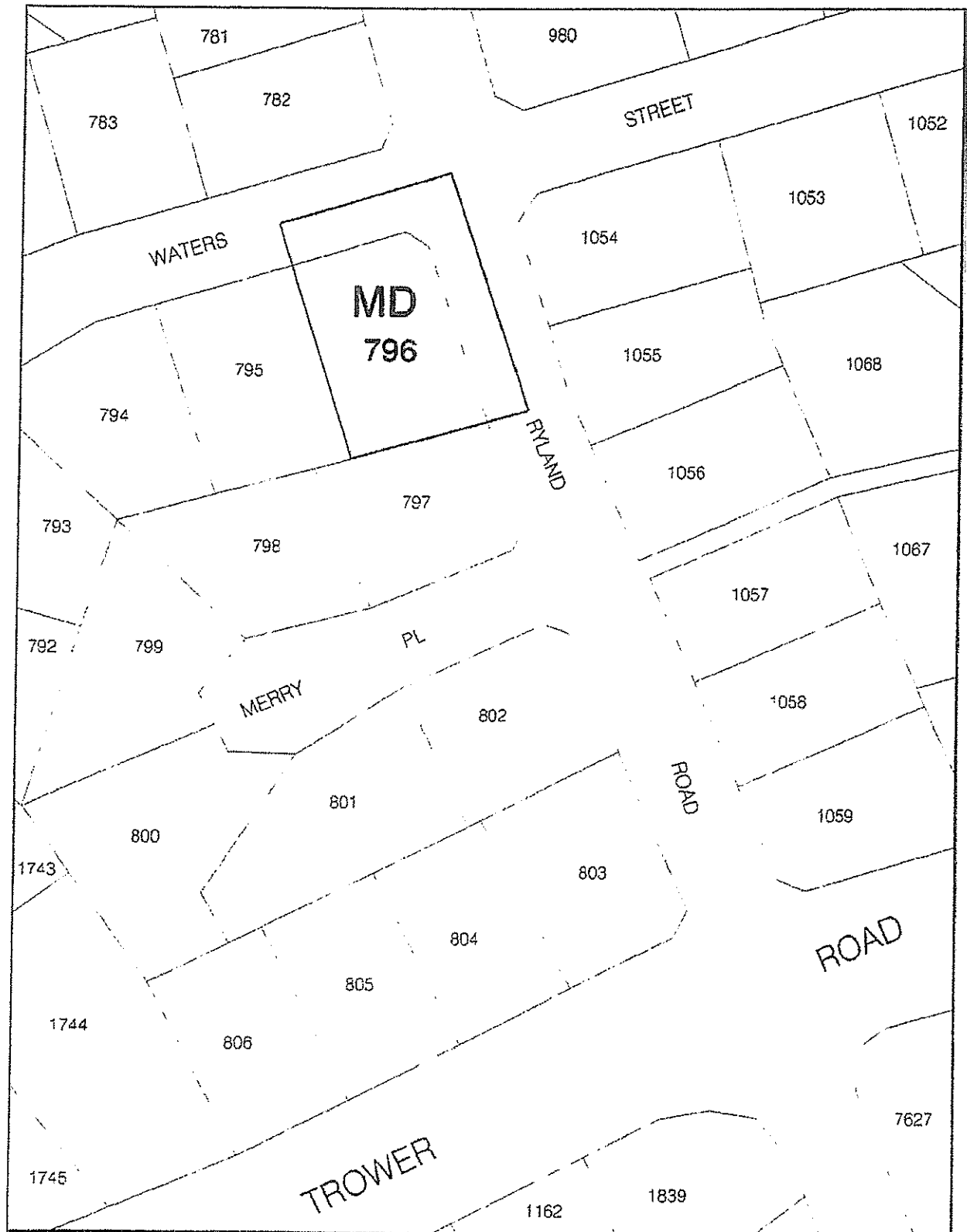


**PROPOSED NT PLANNING SCHEME AMENDMENT**  
**PA2009/1271**  
**LOT 796 TOWN OF NIGHTCLIFF**  
**FROM ZONE SD (SINGLE DWELLING RESIDENTIAL)**  
**TO ZONE MD (MULTIPLE DWELLING RESIDENTIAL)**


 Department of Planning & Infrastructure  
 Northern Territory Government  
 0 10 20 30 40 50m  
 Scale 1:1,000 @ A4  


Date: 28/08/2009  
 Drawing Name:  
 LV4-2 Products\DRAWING\2009\Lot 796 Nightcliff August 2009\Lot796\_Nightcliff.dgn





PROPOSED NT PLANNING SCHEME AMENDMENT  
 PA2009/1271  
 LOT 796 TOWN OF NIGHTCLIFF  
 FROM ZONE SD (SINGLE DWELLING RESIDENTIAL)  
 TO ZONE MD (MULTIPLE DWELLING RESIDENTIAL)



Northern  
 Territory  
 Government

Department of Planning & Infrastructure

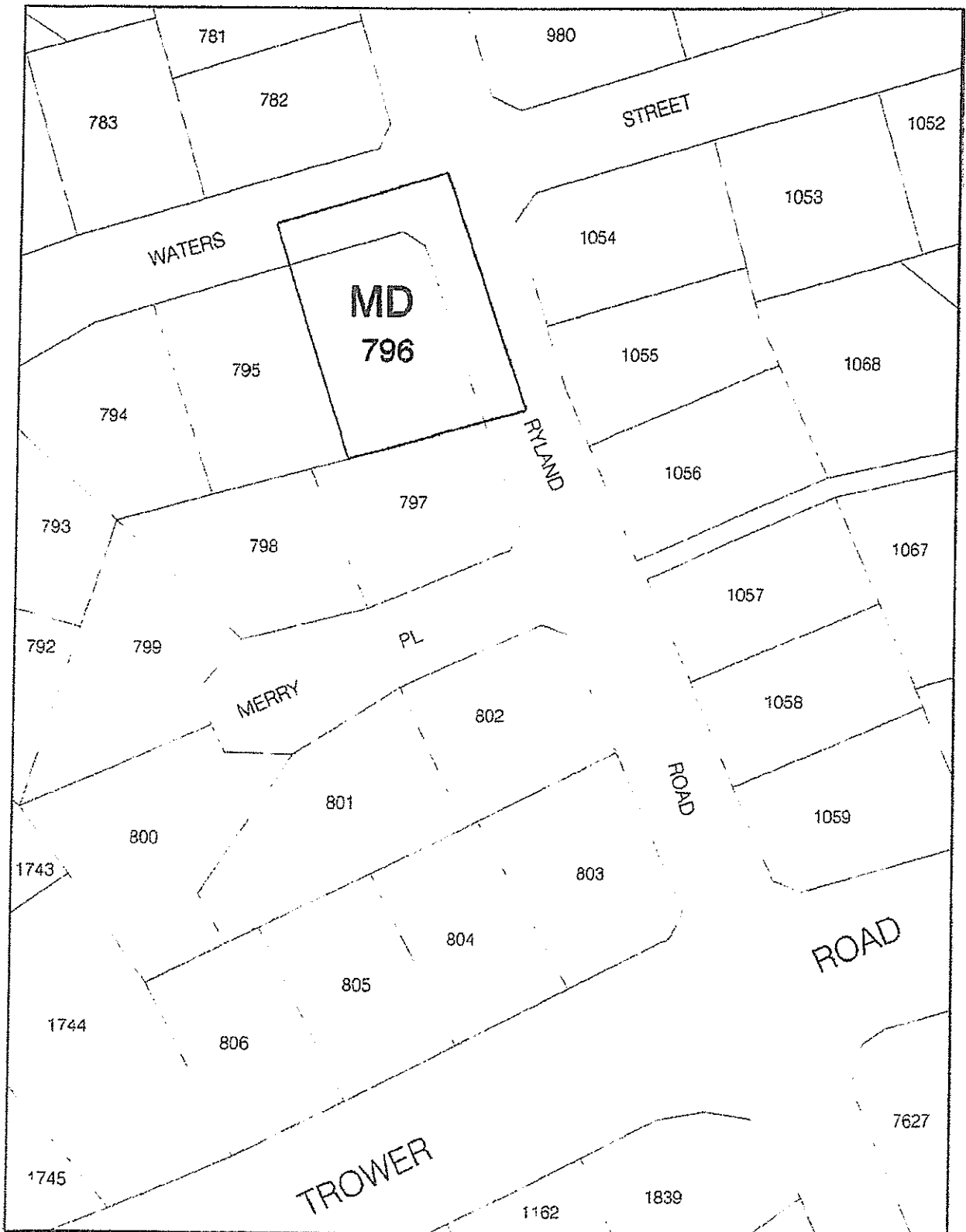


Scale 1:1,000 @ A4



Date: 28/03/2009

Drawing Name:  
 L114-2 Process/DRAFTING 2009/Lot 796 Nightcliff August 2009/Lot 796 Nightcliff.dgn



PROPOSED NT PLANNING SCHEME AMENDMENT  
 PA2009/1271  
 LOT 796 TOWN OF NIGHTCLIFF  
 FROM ZONE SD (SINGLE DWELLING RESIDENTIAL)  
 TO ZONE MD (MULTIPLE DWELLING RESIDENTIAL)



Northern Territory Government

Department of Planning & Infrastructure



Scale 1:1,000 @ A4



Date: 28/08/2009

Drawing Name: LV14-2 Product DRAFTING 2009/Lot 796 Nightcliff August 2009/L5796\_Nightcliff.dgn

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: Nightcliff	
Parcel Number(s) and/or Unit number: Lot 796	
LTO Plan: A 300	
Number and Street Name: 67 Ryland Road, Rapid Creek	
and	
Existing Zone: SD	
Proposed Zone: MD	
Tenure: Freehold	
is the proponent the land owner?	YES / NO

2. PROPONENT INFORMATION

PROPONENT INFORMATION IUS Customer no. (if known): Company name (if applicable): Earl James and Associates ABN or ACN (if applicable): ABN 30 112 988 625 Title: Mr Mrs Miss Ms Dr Other Family name(s): Given name(s): Preferred name(s): Postal address: GPO Box 884 Darwin NT 0801 Telephone no. (business hours): 08 89812494 Mobile no.: Facsimile no.: 08 89815205 Email address: kdodd@eja.com.au
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3. DESCRIPTION OF PROPOSED AMENDMENT

Attach a detailed statement describing the proposed amendment.	ATTACHMENT A 
and	
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



5. APPLICANT TO SIGN AND/OR AFFIX SEAL

The application is complete and all required documentation is attached.

*[Handwritten signature]*

26 / 8 / 09

Signature(s) for Earl James and Associates

Date

PRIVACY NOTE:

The Department of Planning and Infrastructure, 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 delays processing the proposal.

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 Planning and Infrastructure privacy statement located at [www.dpi.nt.gov.au](http://www.dpi.nt.gov.au)

Any personal information provided can be subsequently accessed by you on request. If you have any queries please contact the Manager Development Assessment Services on 8999 6109.

Lot 796, Town of Nightcliff  
Proposed Planning Scheme Amendment

INTRODUCTION

Lot 796 is located on the corner of Ryland Road and Waters Street in Rapid Creek with the area under title being in excess of 1,010m<sup>2</sup>. The registered proprietor of Lot 796 is Nancy Lee, a long-time Territory resident.

The two attached dwellings on the property were constructed immediately after Cyclone Tracy as part of a construction camp for the people working on the re-construction of Darwin and they remain until this day. Whilst the property is accepted as the site of multiple dwellings, the existing units are in a state of disrepair and Mrs Lee would like to replace them with better quality units.

In order to allow Mrs Lee to construct more appropriate units, this application is seeking to amend the NT Planning Scheme (NTPS) by changing the zoning of Lot 796 from Single Dwelling Residential (SD) to Multiple Dwelling Residential (MD).

THE PROPOSAL

The primary purpose of the MD zone is to provide for a range of housing options to a maximum height of two storeys. The land is obviously suited in this purpose as it has been used for multiple dwellings for over 30 years. Whilst the proposed zone provides the potential for new units up to two storeys, the existing ground level units could have always been replaced by a two storey residence under the existing zoning. Consequently the change in zoning will not adversely affect the adjacent residents.

Lot 796 has an area of over 1,010m<sup>2</sup>. This is well in excess of the minimum lot size for the MD zone prescribed in the NT Planning Scheme (NTPS) which is 800m<sup>2</sup>. Mrs Lee's current thinking is that three multiple dwellings could be developed on the land and this minor increase in the number of dwellings will have a negligible impact on traffic and minimal impact on the adjacent properties.

The size of the lot will also permit the development of quality units whilst still meeting the setback requirements from adjacent property boundaries.

The location of the property means that there are a number of different access and exit options from the area via the existing road network. The location also means that the people residing on Lot 796 are able to utilise the existing commercial facilities at the Rapid Creek Shopping Centre and it is only a short drive or bus trip to Casuarina Shopping Square and the Nightcliff shopping precinct.

The property is connected to reticulated sewerage, water and power and given that there are already multiple dwellings on the site, the change in zoning should not require any change to the existing service connections. If the property is redeveloped in the future (a separate Development Application would be required) the service authorities will at that time be able to determine whether any upgrades to the services are required in order to service the proposed development.

There are a number of schools in close proximity to the site and a range of other community facilities are available at Casuarina and Nightcliff. The existing and future residents on Lot 796 also have easy access to public transport bus routes.

Rapid Creek Park is a short walking distance away and there are numerous other recreational opportunities available at the nearby schools, the parklands adjacent to Rapid Creek and the Nightcliff foreshore.



## CONCLUSION

The proposal to amend the NT Planning Scheme and change the zoning of Lot 796 to MD certainly has merit.

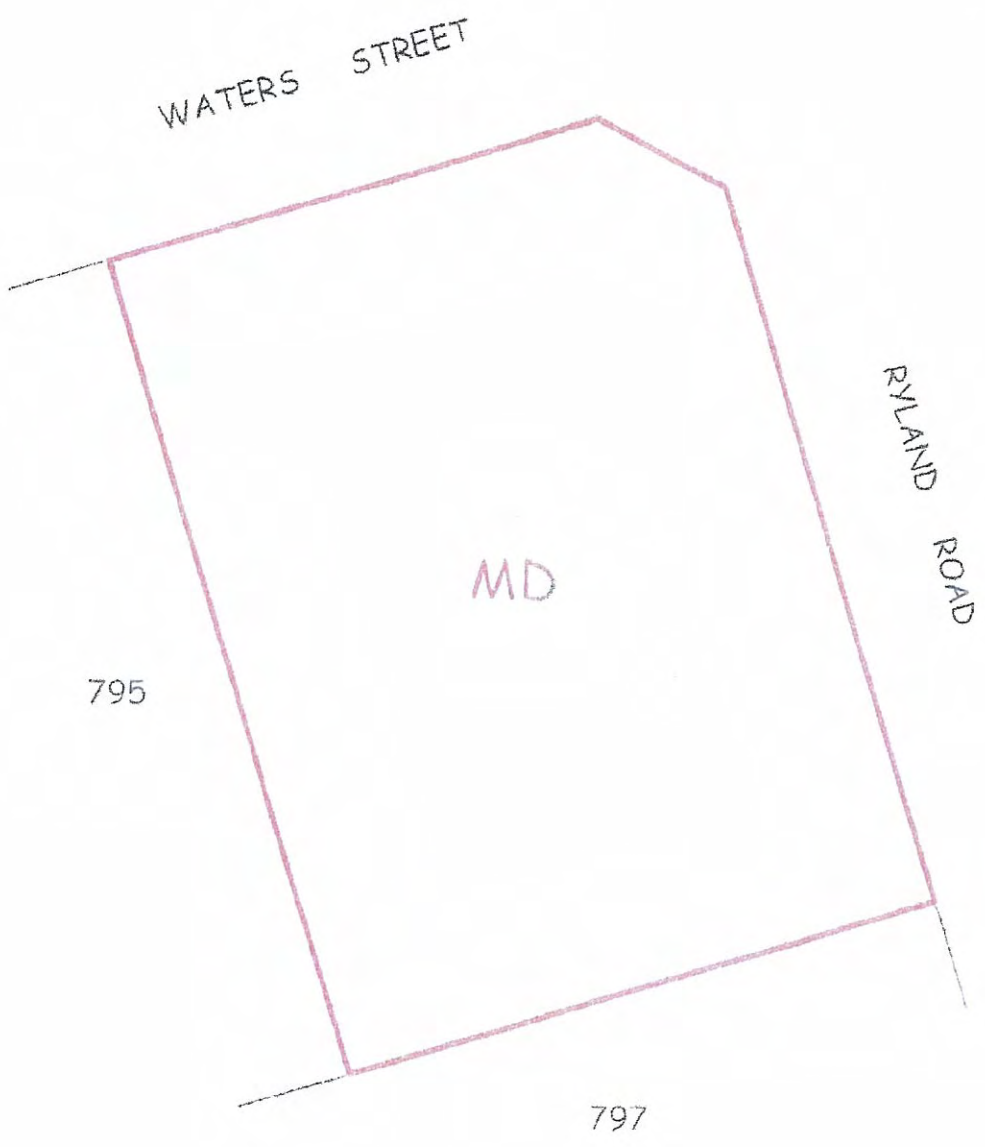
The fact that there have been multiple dwellings on the property for over 30 years is evidence that the site is suitable for that use and given that the maximum number of units that could be developed under the proposed zoning is three there will be minimal impact on the area or the existing residents in the locality.

Public transport is available, there is an established road network, the residents have access to open space options and there are commercial and community facilities available for the residents of Lot 796.

The NT Government is currently trying to develop more housing options in the Top End to cater for our increasing population and as well as creating new suburbs, in-fill options such as rezonings are being used to achieve the additional housing options.

The current proposal to rezone Lot 796 could result in the development of one additional dwelling and it will also formalise an existing arrangement and facilitate the development of higher quality dwellings.

*eja*



Licensed Surveyor Date

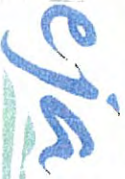
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Datum	
Drawing No	09/7401/2



**SURVEY & PLANNING CONSULTANTS**  
 6 WATERS STREET  
 DARWIN NT 0801  
 PH (08) 898 12494  
 FAX (08) 898 15205  
 darwin@eja.com.au

**LOT 796**  
**TOWN OF NIGHTCLIFF**

**PROPOSED REZONING**  
 Genr **LJ HOOKER**



ENGINEERS & ARCHITECTS

PH 403 841204  
FAX 403 841206  
eja@eja.com

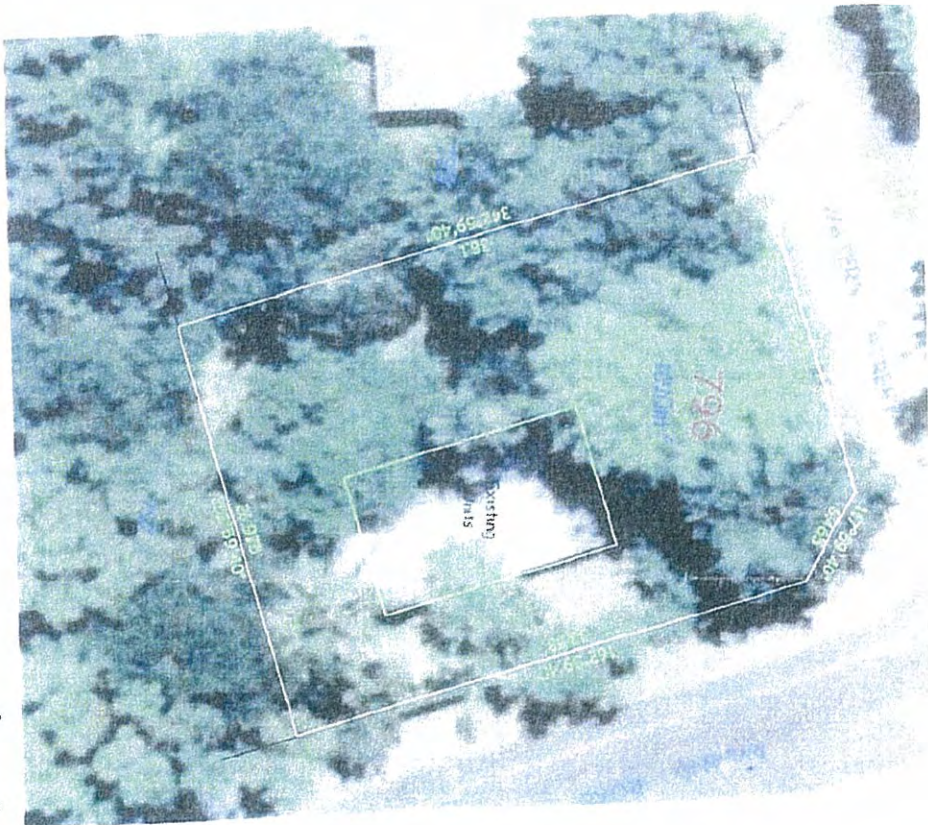
**SURVEY & PLANNING  
CONSULTANTS**

18 HARVEY STREET  
DANFORTH ONT

**LOCATION PLAN**  
Not to Scale



**LOT 796**  
**TOWN OF NIGHTCLIFF**  
**SITE PLAN**  
Drawn by **LJ HOOKER**



Scale: 1:100 (A3)  
Date: 08/20/11  
Drawing No: 08740V1  
Author: LJH

Please quote: 1646501 PL:sv

2 October 2009

Ms Julia Wanane  
Project Officer  
Strategic Lands Planning  
Department of Planning and Infrastructure  
GPO Box 1680  
DARWIN NT 0801

Dear Julie

**Planning Scheme Amendment PA2009/1271  
Lot 796 (67) Ryland Road, Rapid Creek, Town of Nightcliff  
Proposed Amendment – Rezone from SD (Single Dwelling Residential) to MD  
(Multiple Dwelling Residential)**

Thank you for the Planning Scheme Amendment application referred to this office on 8 September 2009, concerning the above. This letter may be placed before Council's Town Planning Committee at its next meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

Council's Comments in relation to the Northern Territory Planning Scheme

The rezoning of Lot 796 from SD (Single Dwelling Residential) to MD (Multiple Dwelling Residential) is not supported. Lot 796 (67) Ryland Road is located at the corner of Ryland Road and Waters Street, Rapid Creek and the area is zoned almost exclusively for SD (Single Dwelling Residential) use. Lot 796 has an area of around 1,010m<sup>2</sup>, with two dwellings currently constructed on the site. If rezoned to MD (Multiple Dwelling), Clause 7.1 of the Planning Scheme would allow up to 3 medium density dwellings, in 2 storeys to a height of 8.5 metres to be developed on the site. It is considered this intensity of development is out of character with the neighbourhood.

An alternative would be to rezone the site for a "Specific Use" (Zone SD), with specific development criteria established for the multiple dwellings on the site, to ensure that the development would be compatible with the single residential dwellings in the area.



...2/  
DARWIN200

It is understood that one of the aims of the review process of the Northern Territory Planning Scheme (as commenced 1 February 2007) was to avoid the 'spot' zoning of individual sites and to have consistent and compatible zonings across several properties. It is considered that a 'spot' zoning of Lot 796 for zone MD (Multiple Dwelling Residential) within the zone SD (Single Dwelling Residential) area of Rapid Creek could be incompatible with the surrounding land use zoning and could set a precedent for future rezoning applications within this single dwelling residential area

Council comments on issues for which it is the sole responsible authority, under the Local Government Act and associated By-Laws:-.

The area is serviced for residential development. Any future development application for the site will be subject to various Council approvals including vehicle access, stormwater drainage, landscaping works on Council land and waste bin storage.

In considering this application, the 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

**PETER LINDWALL**  
**STRATEGIC TOWN PLANNER**

cc. Earl James & Associates