

ENCL: Yes

DARWIN CITY COUNCIL

REPORT

DATE: 26/06/09

TO: TOWN PLANNING COMMITTEE
MEETING/OPEN B

APPROVED: CT

FROM: GENERAL MANAGER INFRASTRUCTURE

APPROVED: PL

REPORT NO: 09TS0109

APPROVED: LC

COMMON NO: 1603283

SUBJECT: PLANNING SCHEME AMENDMENT PA2009/0892
PROPOSED CHANGES TO PROVISIONS RELATING TO
DEMOUNTABLE STRUCTURES

ITEM NO: 10.1

SYNOPSIS:

A Planning Scheme Amendment (PSA) for proposed changes to provisions relating to Demountable Structures has been referred to Council for comment pursuant to Section 19 of the *Planning Act*. The following report addresses relevant Council issues and recommends that Council endorses the comments provided to Strategic Lands Planning, Department of Planning and Infrastructure, by staff.

GENERAL:

Applicant: Minister for Planning and Lands

Proposal:

The Minister for Planning and Lands is seeking comment on proposed changes to Clause 6.8 (Demountable Structures) and Clause 6.11 (Sheds) of the NT Planning Scheme. The amendment will allow 2 demountable structures to be installed on a lot throughout the Northern Territory within zones RR (Rural Residential), RL (Rural Living), R (Rural), A (Agriculture), H (Horticulture), LI (Light Industry), GI (General Industry) and DV (Development) as a permitted use instead of a discretionary use.

The exhibition period for PA2009/0892 is from Friday 26 June 2009 to Friday 24 July 2009.

Attachments:

Attachment A:

- a). The Notice of Exhibition under section 17 of the *Planning Act*.
- b). Extract from the NT Planning Scheme relating of Clause 6.8 (Demountable Structures) and Clause 6.11 (Sheds) with the **proposed changes in red**.

Attachment B:

A copy of the letter to the Department of Planning and Infrastructure, which sets out Council's comments on the proposed Planning Scheme Amendment.

Attachment C

Darwin City Council - 'Demountable Structures and Sea Containers Policy' (Policy No. 364)

Northern Territory Planning Scheme:

Clause 6.8 (Demountable Structures) of the Planning Scheme currently states that consent is required for the placement of a demountable structure on zoned land. The purpose of the clause is to ensure that demountable structures do not detract from the visual amenity of an area. In some locations the consent authority may only consent to the placement of a demountable structure on land if it is satisfied that there will be landscaping or architectural embellishments to the demountable structure that will enhance its appearance and also if the demountable structure is visually consistent with adjoining or nearby development.

The proposed PSA will allow 2 demountable structures to be installed on a lot throughout the Northern Territory within zones RR (Rural Residential), RL (Rural Living), R (Rural), A (Agriculture), H (Horticulture), LI (Light Industry), GI (General Industry) and DV (Development) as a permitted use instead of a discretionary use. The proposed changes to Clause 6.8 (Demountable Structures) and Clause 6.11 (Sheds) of the Planning Scheme are set out below in red.

6.8 DEMOUNTABLE STRUCTURES

1. The purpose of this clause is to ensure that **demountable structures** do not detract from the visual **amenity** of an area.
2. Within zones RR, RL, R, A, H, LI, GI and DV a **demountable structure** may be placed on zoned land provided:
 - (a) there are no more than 2 **demountable structures** on the site;
 - (b) the **demountable structure** is not located between the **dwelling** and the primary street of the site;
 - (c) there will be landscaping or architectural embellishments to the **demountable structure** that will enhance the appearance of the structure; and
 - (d) the **demountable structure** will be visually consistent with adjoining or nearby development.
3. Within any other zone placement of a **demountable structure** requires **consent**.
4. Subject to sub-clause 5, the consent authority may only **consent** to the placement of a **demountable structure** on land if it is satisfied that:
 - (a) there will be landscaping or architectural embellishments to the **demountable structure** that will enhance the appearance of the structure; and
 - (b) the **demountable structure** will be visually consistent with adjoining or nearby development.
5. If the consent authority is satisfied that, because of the proposed use and location of a **demountable structure**, it is not necessary that sub-clause 4(a) and (b) apply to the **demountable structure** the consent authority may **consent** to the placement of it on land without being satisfied as to the matters set out in those paragraphs.

6.11 SHEDS

1. The purpose of this clause is to ensure that sheds **and demountable structures** in Zones RR, RL, R, A and H are sited so they do not detract from the streetscape or the **amenity** of adjoining land.
2. A shed **or demountable structure** on a lot Zoned RR, RL, R, A or H that is proposed to be located within 10m of any lot boundary requires **consent**.
3. In this clause a shed **or demountable structure** includes a roofed area, whether or not it is enclosed by walls, but does not include a verandah, balcony, carport or the like.

Council Issues:

Areas within the Municipality of Darwin affected by the proposed PSA, include the following:

Zone	Location
RR(Rural Residential)	- Coconut Grove (Orchard Road)
RL (Rural Living)	- Leanyer (along north-eastern boundary) - Berrimah (Bowerlee Road)
R (Rural)	- Berrimah (Boulter Road & Bowerlee Road/Vanderlin Drive)
LI (Light Industry)	- Coconut Grove industrial area - Winnellie industrial area - Berrimah industrial area - Stuart Park (Dinah Beach Road)
GI (General Industry)	- Stuart Park/Winnellie industrial area (incl. Farrell Crescent) - Berrimah industrial area - Stuart Park (Dinah Beach Road)

Council adopted a 'Demountable Structures and Sea Containers Policy' (Policy No. 364) on 12 February 2008 (Decision No: 19\5767). The Policy **does not** support the proposed PSA. The Policy states that demountable structures and sea containers are not supported within residential zones and are only supported for a maximum of two years within industrial and commercial zones, provided certain criteria are met. This Policy is based upon the presumption that demountable structures are typically designed for a temporary use and fail to demonstrate the architectural merit of permanent buildings and that demountable structures can detract from the visual amenity of an area.

Disability Discrimination Legislation:

Disability Discrimination Act issues are addressed under the Building Act requirements. Council places a statement of support for equal opportunity on all responses.

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC PLAN IMPLICATIONS:

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the 'Evolving Darwin Strategic Directions: Towards 2020 and Beyond':-

Goal

1 Achieve Effective Partnerships and Engage in Collaborative Relationships

Outcome

1.1 Improve relations with all levels of Government

Key Strategies

1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin

1.1.5 Influence Government and developers to develop sustainable projects which reflect Darwin's lifestyle

LEGAL IMPLICATIONS:

This item is not considered "Confidential".

PUBLIC RELATIONS IMPLICATIONS:

Not assessed.

COMMUNITY SAFETY IMPLICATIONS:

Not assessed.

DELEGATION:

Not required.

CONSULTATION:

Planning Scheme Amendment public exhibition.

PROPOSED PUBLIC CONSULTATION PROCESS:

Nil

APPROPRIATE SIGNAGE:

Not Applicable.

RECOMMENDATIONS:

THAT the Committee resolve under delegated authority:-

- A. THAT Report Number 09TS0109 entitled Planning Scheme Amendment PA2009/0892 - Proposed Changes to Provisions relating to Demountable Structures, be received and noted.
- B. THAT the letter to Strategic Lands Planning in **Attachment B** to Report Number 09TS0109 be endorsed.

PETER LINDWALL
STRATEGIC TOWN PLANNER

LUCCIO CERCARELLI
GENERAL MANAGER INFRASTRUCTURE

Any queries on this report can be directed to Peter Lindwall on 8930 0528.



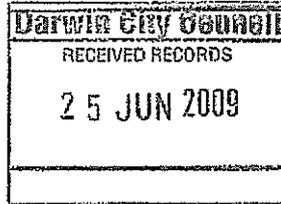
Northern
Territory
Government

DEPARTMENT OF
PLANNING AND INFRASTRUCTURE

www.dpi.nt.gov.au

Our Ref: PA2009/0892

Darwin City Council
GPO Box 84
DARWIN NT 0801



Strategic Lands Planning
Ground Floor, Cavenagh House
38 Cavenagh Street, Darwin
Postal GPO Box 1680
DARWIN NT 0801
Tel (08) 8999 3938
Fax (08) 8999 7189
Email richard.day@nt.gov.au

Dear Sir or Madam

PLANNING SCHEME AMENDMENT PA2009/0892 – PROPOSED CHANGES TO PROVISIONS RELATING TO DEMOUNTABLE STRUCTURES

I am writing to inform you that there is a proposal to amend the NT Planning Scheme with respect to the provisions relating to Demountable Structures. These changes affect clause 6.8 (Demountable Structures) and Clause 6.11 (Sheds) of the Planning Scheme.

Proposed Planning Scheme Amendment PA2009/0892 will be on public exhibition for a period of 28 days commencing on **Friday 26 June 2009** and finishing on **Friday 24 July 2009**. A copy of the exhibition material is attached.

Comments pertaining to your area of concern would be appreciated by the close of exhibition.

If you wish to discuss this matter, please contact me on telephone **8999 3938**.

Yours sincerely

RICHARD DAY
Project Officer

Attach

23 June 2009

NORTHERN TERRITORY OF AUSTRALIA

PROPOSAL TO AMEND NT PLANNING SCHEME PA2009/0892

The Minister for Planning and Lands is seeking comment on proposed changes to Clause 6.8 (Demountable Structures) and Clause 6.11 (Sheds).

The amendment will allow 2 demountable structures to be installed on a lot throughout the Northern Territory within zones RR (Rural Residential), RL (Rural Living), R (Rural), A (Agriculture), H (Horticulture), LI (Light Industry), GI (General Industry) and DV (Development) as a permitted use instead of a discretionary use.

Attached are:

- the Notice of Exhibition under section 17 of the *Planning Act*; and
- extract of the NT Planning Scheme of Clause 6.8 (Demountable Structures) and Clause 6.11 (Sheds) with the **proposed changes in red**.

The exhibition period is from Friday 26 June 2009 to Friday 24 July 2009.

Written submissions about the proposed planning scheme amendment are to be received by 4.00pm on Friday, 24 July 2009 and made to:

Del Batton
Project Manager
Strategic Lands Planning
Department of Planning and Infrastructure
GPO Box 1680
DARWIN NT 0801; or

Email: 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.

6.8 DEMOUNTABLE STRUCTURES

1. The purpose of this clause is to ensure that **demountable structures** do not detract from the visual **amenity** of an area.
2. Within zones RR, RL, R, A, H, LI, GI and DV a **demountable structure** may be placed on land provided:
 - (a) there are no more than 2 **demountable structures** on the **site**.
 - (b) the **demountable structure** is not located between the **dwelling** and the primary street of the **site**.
 - (c) there will be landscaping or architectural embellishments to the **demountable structure** that will enhance the appearance of the structure.
 - (d) the **demountable structure** will be visually consistent with adjoining or nearby development.
3. Within any other zone placement of a **demountable structure** requires **consent**.
4. Subject to sub-clause 5, the consent authority may only **consent** to the placement of a **demountable structure** on land if it is satisfied that:
 - (a) there will be landscaping or architectural embellishments to the **demountable structure** that will enhance the appearance of the structure; and
 - (b) the **demountable structure** will be visually consistent with adjoining or nearby development.
5. If the consent authority is satisfied that, because of the proposed use and location of a **demountable structure**, it is not necessary that sub-clause 4(a) and (b) apply to the **demountable structure** the consent authority may **consent** to the placement of it on land without being satisfied as to the matters set out in those paragraphs.

6.11 SHEDS

1. The purpose of this clause is to ensure that sheds **and demountable structures** in Zones RR, RL, R, A and H are sited so they do not detract from the streetscape or the **amenity** of adjoining land.
2. A shed **or demountable structure** on a lot Zoned RR, RL, R, A or H that is proposed to be located within 10m of any lot boundary requires **consent**.
3. In this clause a shed **or demountable structure** includes a roofed area, whether or not it is enclosed by walls, but does not include a verandah, balcony, carport or the like.

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

NOTICE OF EXHIBITION OF PROPOSAL
TO AMEND NT PLANNING SCHEME
PA2009/0892

I, DELIA PHOEBE LAWRIE, the Minister for Planning and Lands, with reference to section 17 of the *Planning Act*, give notice of the following:

(a) a proposal to amend the NT Planning Scheme, numbered PA2009/0892 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:

Del Batton
Project Manager, Strategic Lands Planning
Department of Planning and Infrastructure
GPO Box 1680
DARWIN NT 0801 or

Fax: (08) 8999 6055 or
Email: planning@nt.gov.au

(e) the proposed amendment to the Northern Territory Planning Scheme will allow 2 demountable structures to be installed on a lot throughout the Northern Territory within zones RR (Rural Residential), RL (Rural Living), R (Rural), A (Agriculture), H (Horticulture), LI (Light Industry), GI (General Industry) and DV (Development) as a permitted instead of a consent use.

Dated

19 June

2009.



DELIA PHOEBE LAWRIE
Minister for Planning and Lands

Please quote: 1603283

15 July 2009

Ms Del Batton
Project Manager
Strategic Lands Planning
Department of Planning and Infrastructure
GPO Box 1680
DARWIN NT 0801

Dear Ms Batton

**Planning Scheme Amendment PA2009/0892
Proposed Changes to Provisions relating to Demountable Structures**

Thank you for the proposed amendment to the Planning Scheme referred to this office on 25th June 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.

The following issues are raised for consideration by the Authority:

- i). **Council cannot support the proposed Planning Scheme Amendment for the following reasons:**
 - a). A Demountable Structures and Sea Containers Policy (Policy No. 364) was adopted by Council on 12 February 2008 (Decision No. 19/5767). A copy is attached for your information. The Policy states that demountable structures and sea containers are not supported within residential zones and are only supported for a maximum of two years within industrial and commercial zones, provided certain criteria are met.
 - b). The proposed Planning Scheme Amendment would allow demountable structures to be installed on lots throughout the Northern Territory within zones RR (Rural Residential), RL (Rural Living), R (Rural), A (Agriculture), H (Horticulture), LI (Light Industry), GI (General Industry) and DV (Development) as a permitted use instead of a discretionary use. Locations within the Darwin Municipality that would be affected by the change in policy include the following:

...2/



DARWIN200

Zone	Location
RR(Rural Residential)	- Coconut Grove (Orchard Road)
RL (Rural Living)	- Leanyer (along north-eastern boundary) - Berrimah (Bowerlee Road)
R (Rural)	- Berrimah (Boulter Road & Bowerlee Road/Vanderlin Drive)
LI (Light Industry)	- Coconut Grove industrial area - Winnellie industrial area - Berrimah industrial area - Stuart Park (Dinah Beach Road)
GI (General Industry)	- Stuart Park/Winnellie industrial area (incl. Farrell Crescent) - Berrimah industrial area - Stuart Park (Dinah Beach Road)

- c). Council's Policy is based upon the presumption that demountable structures are typically designed for a temporary use and fail to demonstrate the architectural merit of permanent buildings and that demountable structures can detract from the visual amenity of an area.

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 contact me on 08 8930 0528.

Yours faithfully

PETER LINDWALL
STRATEGIC TOWN PLANNER

ATTACHMENTReport No:
SUBJECT:**C:**
09TS0109
PLANNING SCHEME AMENDMENT PA2009/0892
PROPOSED CHANGES TO PROVISION RELATING TO
DEMOUNTABLE STRUCTURES

Title: Demountable Structures and Sea Containers Policy
Policy No: 364
Responsibility: Director Technical Services

Version	Decision Number	Decision Date	History
1	19\5767	12/02/08	Adopted
2			

Goal

Council's goal is to have a key input into the development assessment process for demountable structures and sea containers within the Municipality of Darwin.

Aim

The intent of the policy is to provide a framework for Council's responses to the Development Consent Authority (DCA) on development applications for demountable structures and sea containers.

The policy also sets out Council's recommendations on the appropriate siting and design for demountable structures and sea.

Northern Territory Planning Scheme (2007)

The Northern Territory Planning Scheme (2007) defines a "demountable structure" as follows:

"...a building, including transport containers, which is wholly or substantially prefabricated and which is designed to be transported from site to site, but does not include a caravan or transportable module used in conjunction with an education establishment or used as a construction site office, or a prefabricated dwelling."

Placement of a demountable structure on zoned land requires the consent of the DCA pursuant to Clause 6.8 "Demountable Structures" of the Planning Scheme, as set out overleaf:

ATTACHMENT

Report No:

SUBJECT:

C:

09TS0109

PLANNING SCHEME AMENDMENT PA2009/0892

PROPOSED CHANGES TO PROVISION RELATING TO
DEMOUNTABLE STRUCTURES**6.8 DEMOUNTABLE STRUCTURES**

1. *The purpose of this clause is to ensure that demountable structures do not detract from the visual amenity of an area.*
2. *Placement of a demountable structure on zoned land requires consent.*
3. *Subject to sub-clause 4, the consent authority may only consent to the placement of a demountable structure on land if it is satisfied that:*
 - (a) *there will be landscaping or architectural embellishments to the demountable structure that will enhance the appearance of the structure; and*
 - (b) *the demountable structure will be visually consistent with adjoining or nearby development.*
4. *If the Consent Authority is satisfied that, because of the proposed use and location of a demountable structure, it is not necessary that sub-clause 3(a) and (b) apply to the demountable structure the consent authority may consent to the placement of it on land without being satisfied as to the matters set out in those paragraphs.*

Source: Northern Territory Planning Scheme Part – 4, page 14

Policy Statement

Demountable structures and sea containers are not supported within **residential and open space zones**. If the DCA provides approval, Council requests that the following conditions be applied:

1. The proposal for the demountable building or sea container meets the requirements of the Northern Territory Planning Scheme and should not impinge on any boundary setbacks required by the Planning Scheme.
2. The demountable building or sea container is clad with an approved material, painted a uniform colour, have a pitched approved roof, concealed footings and be landscaped.
3. The demountable building or sea container is located to the rear of the site or at minimum behind the line of the front wall of the dwelling, to minimise its impact upon the local streetscape.
4. The demountable building or sea container complies with the Northern Territory Building Act.
5. the demountable building or sea container has a personal access door which is openable from the inside at all times.

ATTACHMENT

Report No:

SUBJECT:

C:

09TS0109

PLANNING SCHEME AMENDMENT PA2009/0892

PROPOSED CHANGES TO PROVISION RELATING TO
DEMOUNTABLE STRUCTURES

Demountable structures and sea containers are only supported for a maximum of two years within **industrial and commercial zones** provided that the following criteria are met:

1. The proposal for the demountable building or sea container should meet the requirements of the Northern Territory Planning Scheme and should not impinge on any boundary setbacks required by the Planning Scheme.
2. The demountable building or sea container should be clad with an approved material, painted a uniform colour, have a pitched approved roof, concealed footings and be landscaped.
3. The demountable building or sea container should comply with the NT Building Act.