

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999 – section 41

REASONS FOR DECISION IN RELATION TO PROPOSED EXCEPTIONAL DEVELOPMENT PERMIT

The decision to grant a variation to Exceptional Development Permit EDP20/0015 for Section 3181 (398) Mermaid Circuit, Dundee Beach Hundred of Glyde, for the purpose of a variation to condition 4 of EDP20/0015 to allow changes to the car parking layout and the addition of two demountable structures with a reduced building setback to the side boundary was made pursuant to section 40(3)(a) of the *Planning Act 1999* for the following reasons:

1. The decision to grant a variation to Exceptional Development Permit EDP20/0015 was based on consideration of the reports referred to in section 24 of the *Planning Act 1999*, as well as the matters listed in section 42 of the *Planning Act 1999*. The relevant matters were considered and approval was granted for the following reasons:
 - EDP20/0015 was granted in January 2021 for the purpose of rooming accommodation to accommodate 12 persons (guest staff and manager/landowner) in 1 x 5 bedroom and 1 x 2 bedroom dwellings. The variations sought include:
 - Accommodation previously shown as a 'manager's residence' to be used as a 'disability access room';
 - Alterations to the car parking layout to allow angle parking in place of perpendicular parking; and
 - The addition of two demountable structures (for storage purposes) adjacent to the northern side and eastern front boundaries noting the demountable structure adjacent to the northern boundary proposes a reduced building setback of 0.8m.
 - The variation will not result in an intensification of the existing approved use of the land. The number of occupants and number of rooms permitted for rooming accommodation will not increase as a result of the variation; the changes will provide accommodation to cater for persons with disabilities.
2. Four public submissions were received which raised concerns regarding the following:
 - an increase in the number of persons on site;
 - an impact on amenity of adjoining land due to the location of the demountable structure 0.8m from the side boundary;
 - an increase in noise and dust associated with the use;
 - the coastal reserve being used to entertain guests;
 - the demountable in its current location interferes with firebreak requirements and should be setback 5m;
 - one of the demountable structures is used for accommodation and should be removed;
 - the legitimacy of the proposal and breach of the original conditions; and

- the waste water treatment system was not installed immediately and produces odour.

In consideration of the above matters, I have determined that while the application initially proposed a new accommodation unit suitable for persons with disabilities, it was amended following public exhibition to remove the unit opting instead to alter the use of the managers dwelling, approved as part of EDP20/0015, to accommodate persons with disabilities. EDP20/0015 granted approval for rooming accommodation to accommodate 12 persons in 1 x 5 bedroom and 1 x 2 bedroom dwellings, this will not change as a result of the variation.

The impact of the demountable structure (shipping container) situated 0.8m from the northern side boundary is considered negligible as the location of the demountable structure adjoins a 5.5m wide walkway that provides the adjoining lot, Lot 3182 Hundred of Glyde, with direct access to the adjacent coastal reserve and is unlikely to have a significant impact on the level of amenity enjoyed by the occupants of the associated dwelling on the adjoining parcel of land and the use of its open space.

The variation will not result in an intensification of the existing approved use of the land, therefore additional noise and dust is unlikely to be generated.

In relation to the adjacent coastal reserve, I note that Section 2881 Hundred of Glyde land is zoned CN (Conservation) with one of the key objectives of the zone to provide access for informal recreation. Notwithstanding this, the use of the adjacent coastal reserve is not a consideration of the variation being sought.

While changes are proposed to the parking layout, there is no change in the car parking requirements associated with this proposal. Car parking spaces have been altered such that four angular spaces exist in the centre of the vehicle access way and the remaining four are parallel to the southern side boundary.

One of the demountable structures is situated 0.8m from the northern side boundary; I note that variations to required firebreaks can be sought from Bushfires NT and a condition to this effect is included in the variation permit (condition 14).

I have determined to approve two demountable structures for storage purposes only and no additional accommodation units are proposed or have been approved as part of this variation.

I note that this variation approval addresses inconsistencies between the development approved by EDP20/0015 and what was developed particularly with regard to the demountable structure adjacent to the northern boundary, the car parking layout and the provision of accommodation suitable for persons with disability.

As stated previously, the variation will not result in an intensification of the existing approved use of the land, the number of occupants permitted will not increase as a result of the variation and therefore demand on the wastewater treatment system approved as part of the original EDP is not anticipated to increase.



JOSHUA ROLAND BURGOYNE
Minister for Lands, Planning and Environment

29 / 11 / 2024

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999

NOTICE OF DECISION EXCEPTIONAL DEVELOPMENT PERMIT EDP20/0015A

I, JOSHUA ROLAND BURGOYNE, the Minister for Lands, Planning and Environment, in pursuance of section 40(6) of the *Planning Act 1999*, give notice that –

- (a) I have, in pursuance of section 40(2)(a), granted an Exceptional Development Permit for Section 3181 (398) Mermaid Circuit, Dundee Beach, Hundred of Glyde;
- (b) The Exceptional Development Permit has been granted to vary condition 4 of EDP20/0015 to allow changes to the car parking layout and the addition of two demountable structures with a reduced building setback to the side boundary;
- (c) The previously approved “manager’s residence” is to be used as “disability access room” for accommodation purposes. There is no increase in the number of persons accommodated on site.
- (d) The land is within Zone SN1 (Specific Use Namarada) of the NT Planning Scheme 2007, and the development proposes a variation to condition 4 of EDP20/0015 to allow changes to the car parking layout and the addition of two demountable structures with a reduced building setback to the side boundary, which would otherwise be prohibited;
- (e) Copies of the Exceptional Development Permit and the Reasons for the Decision are available online at <https://nt.gov.au/property/land-planning-and-development/our-planning-system/exceptional-development-permit-decisions>.



JOSHUA ROLAND BURGOYNE
Minister for Lands, Planning and Environment

29 / 11 / 2024