

NORTHERN TERRITORY OF AUSTRALIA

*Planning Act*

AMENDMENT TO NT PLANNING SCHEME

I, GERALD FRANCIS MCCARTHY, the Minister for Lands and Planning, under section 25(2)(a) of the *Planning Act*, amend the NT Planning Scheme by making the amendment, specified in the Schedule.

Dated 9<sup>th</sup> February 2011.

  
Minister for Lands and Planning

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**SCHEDULE**

**AMENDMENT TO NT PLANNING SCHEME**

**AMENDMENT No. 152**

**1. Citation**

This amendment to the NT Planning Scheme may be cited as Amendment No. 152.

**2. Definition**

In this amendment –

"amending map" means the map, signed by the Minister for Lands and Planning and marked "NT Planning Scheme Amendment No. 152", deposited in the office of the Department of Lands and Planning, Darwin;

"zoning map" means the zoning map within the meaning of the NT Planning Scheme.

### 3. Amendment of Zoning Map

The NT Planning Scheme is amended by amending the zoning map relating to Darwin to the extent of its inconsistency with the amending map in respect of the area of land shown on the amending map bounded by a thick black line and lettered **SD33** (Specific Use Zone Darwin No. 33) which is Lot 9327 Town of Nightcliff (125 Dick Ward Drive, Coconut Grove).

### 4. Amendment of Schedule 1 to Clause 2.4 – Specific Uses

The NT Planning Scheme is amended by:

- (a) deleting the provisions of **SD24** (Specific Use Darwin No. 24); and
- (b) adding a new Specific Use **SD33** (Specific Use Darwin No. 33) to Schedule 1 to clause 2.4 Specific Use Zones which reads:

<b>SD33</b>	<p>Lot 9327 Town of Nightcliff (125 Dick Ward Drive, Coconut Grove)</p> <ol style="list-style-type: none"><li>1. The purpose of this zone is to facilitate the development and use of the land as a residential estate with single <b>storey multiple dwellings</b>;</li><li>2. With consent, land within this zone may be developed for the purpose of a residential estate for a maximum number of 16 <b>dwellings</b>.</li><li>3. An application to develop the land in stages is to be accompanied by a drawing showing the stage boundaries and indicating the number of <b>dwellings</b> to be constructed in each stage and an approved version of that drawing will be endorsed under the development permit.</li><li>4. The purpose of this paragraph is to ensure that residential development in this zone will ensure appropriate levels of residential <b>amenity</b>.</li></ol> <p>The design of the residential estate should:</p> <ul style="list-style-type: none"><li>a) include details of street and feature landscaping at the interface of the <b>site</b> with Dick Ward Drive and internally;</li><li>b) include solid boundary fencing to adjoining properties that is a minimum of 1.8m in height. Details of proposed finished both internal to the subdivision and to adjoining properties must be provided.</li><li>c) Provide for connection to reticulated services;</li></ul>
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- d) Demonstrate consideration of, mitigate potential impacts on adjoining properties with respect to stormwater flow and flooding; and
- e) Provide connections to the existing pedestrian network on Dick Ward.

5. The purpose of this paragraph is to enhance the **amenity** of properties and **dwelling**s and to reduce risk to people, damage to property and costs to the general community caused by storm surge.

With **consent** the land may be developed for the purpose of a single **dwelling** or **multiple dwelling**s if:

- i. the building contains a single **storey** only and, subject to paragraph 5(a)(ii), is a ground level structure;
- ii. the finished floor level of **habitable rooms** of a **dwelling** is at least 300 mm above the primary storm surge level of the site ("primary storm surge level" means the water level is associated with a 1% Annual Exceedence Probability of inundation by storm surge);
- iii. the dwelling incorporates aircraft noise mitigation measures, in accordance with a report by a qualified acoustic consultant, that would produce night time indoor design sound levels not exceeding 50 Db(a) in bedrooms and 55 Db(A) in other habitable rooms; and
- iv. each **dwelling** is provided with private open space with a minimum area of 100 m<sup>2</sup>, exclusive of driveways and parking areas, but inclusive of an area with minimum dimensions of 5m x 5m.

If **single dwelling**s or **multiple dwelling**s do not comply with the requirements of this paragraph, the consent authority may consent only if it is satisfied that special circumstances justify the giving of **consent**.

6. Clause 7.6 does not apply in this zone.
7. **Residential buildings** and structures without external walls are to be set back from Dick Ward Drive a minimum of 5.0m in the case of a **residential building**, and a minimum of 1.5 m in the case of a veranda or structure without external walls.

Building setbacks to side rear boundaries are to comply with the requirements of Table A to clause 7.3.

8. Without **consent** land within this zone may be developed for the purpose of a **home occupation** if the development complies with clause 7.10.7 (home occupation), and otherwise only with the **consent** of the consent authority.
9. With **consent** land within this zone may be developed for the purpose of:
  - (a) **bed and breakfast accommodation;**
  - (b) **dependant unit;**
  - (c) display homes;
  - (d) **group home;**
  - (e) **supporting accommodation;**
  - (f) temporary sales centre

Development for a purpose specified in this paragraph is subject to the relevant clauses of the Planning Scheme which would apply if the land were within Zone MD, and the finished floor level of **habitable rooms** of any new building must be at least 300mm above the primary storm surge level of the **site** ("primary storm surge level" means the water associated with a 1% Annual Exceedence Probability of inundation by storm surge).



**NT PLANNING SCHEME  
AMENDMENT No. 152  
LOT 9327 TOWN OF NIGHTCLIFF**

**MINISTER FOR LANDS AND PLANNING**

*[Signature]*

Date *9/2/2011*



**Northern  
Territory  
Government**

Department of Lands & Planning



Scale 1: 2000 @ A4



File No. PA2010/0417

Date: 10-Aug-10

Drawing Name: PSA\_Lot 9327\_Nightcliff.dgn

**NORTHERN TERRITORY OF AUSTRALIA**

***Planning Act***

**NOTICE OF MAKING OF AMENDMENT TO NT PLANNING SCHEME  
AMENDMENT No. 152**

**DARWIN LOCALITY**

I, GERALD FRANCIS MCCARTHY, the Minister for Lands and Planning, under section 28(1) of the *Planning Act*, give notice that –

- (a) I have, under section 25 of the Act, amended the NT Planning Scheme by rezoning Lot 9327 Town of Nightcliff (125 Dick Ward Drive, Coconut Grove) from Zone **SD24** (Specific Use Zone Darwin No. 24) to Zone **SD33** (Specific Use Zone Darwin No. 33); and
- (b) copies of the amendment, (Amendment No 152), are available from the Offices of the Department of Lands and Planning, Ground Floor, 38 Cavenagh Street, Darwin.

Dated *9<sup>th</sup> February* 2011

  
Minister for Lands and Planning

**NORTHERN TERRITORY OF AUSTRALIA**

***Planning Act***  
**Section 29**

**NT PLANNING SCHEME AMENDMENT**

**AMENDMENT No. 152**

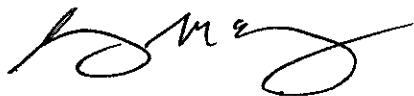
**Reasons for Decision**

Lot 9327 Town of Nightcliff (125 Dick Ward Drive, Coconut Grove) is suitable for the proposed development as sufficient strategic merit exists for the rezoning of the land. The site is also located near services including local schools and shops, and is unlikely to adversely impact on the amenity of the locality.

The proposed rezoning would provide housing choice and affordability to the wider Darwin community.

The proposed rezoning would not locate any future development below the primary storm surge levels.

The proposed rezoning will not adversely affect the privacy of the adjoining properties and will not alter the character of the wider Coconut Grove area.



GERALD FRANCIS MCCARTHY  
Minister for Lands and Planning

9 / 2 / 2011