

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

AMENDMENT TO NT PLANNING SCHEME

I, DELIA PHOEBE LAWRIE, the Minister for Planning and Lands, under section 25(2)(c) of the *Planning Act*:

- (a) alter the proposal to amend the NT Planning Scheme numbered PA2007/0448 in accordance with the Schedule to this instrument; and
- (b) amend the NT Planning Scheme in accordance with the altered proposal.

Dated 25 June 2009



Minister for Planning and Lands

SCHEDULE

AMENDMENT TO NT PLANNING SCHEME

AMENDMENT No. 73

1. Citation

This amendment to the NT Planning Scheme may be cited as Amendment No. 73.

2. Definition

In this amendment –

"amending map" means the map, signed by the Minister for Planning and Lands and marked "NT Planning Scheme Amendment No. 73", deposited in the office of the Department of Planning and Infrastructure, 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 **SD24** (Specific Use Darwin 24), which is Lot 9327 Town of Darwin (125 Dick Ward Drive, Coconut Grove)

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

The NT Planning Scheme is amended by adding a new Specific Use **SD24** to Schedule 1 to Clause 2.4 - Specific Uses which reads:

SD24

Lot 9327, Town of Nightcliff (125 Dick Ward Drive, Coconut Grove)

1. The purpose of this zone is to facilitate the subdivision, development and use of the land as a residential estate with one **storey, single dwellings** and **multiple dwellings**.
2. With **consent**, land within this zone may be developed for the purpose of a residential subdivision with a maximum of 8 lots, which may include lots for **single dwellings** and a maximum of 4 **multiple dwellings**. An application to subdivide the land is to be accompanied by a drawing indicating the proposed use of each lot, including the number of **dwellings** to be constructed on each lot, and an approved version of that drawing will be endorsed under the development permit for subdivision.
3. The purpose of this paragraph is to ensure that residential subdivisions in this zone are integrated with infrastructure, community services and facilities which ensure appropriate levels of residential **amenity**.

The subdivision design should:

- (a) include a road and intersection design that encourages a low speed environment within the estate and a safe connection to Dick Ward Drive;
- (b) include details of street and feature landscaping at the interface of the **site** with Dick Ward Drive and internally;
- (c) include solid boundary fencing to adjoining properties that is a minimum of 1.8 metres in height. Details of proposed finishes both internal to the subdivision and to adjoining properties must be provided;
- (d) provide for connection to reticulated services;
- (e) demonstrate consideration of, and mitigate potential impacts on adjoining properties with respect to stormwater flow and flooding; and
- (f) provide connections to the existing pedestrian network on Dick Ward Drive and internal accessibility.

4. The purpose of this paragraph is to ensure that residential subdivisions in this zone contain lots of a size, configuration and orientation suitable for residential purposes.

Land within this zone may be subdivided to accommodate a **single dwelling** if the minimum lot size is at least 450 m² and the average lot size of the area being subdivided for **single dwellings** is at least 700 m².

Land within this zone may be subdivided to accommodate **multiple dwellings** if the minimum lot size is at least 700 m².

The subdivision design should incorporate drawings showing the building footprint and indicative living zones for each **single dwelling** lot that:

- (a) orient **dwellings** to take into account the visual and acoustic privacy needs of residents particularly with respect to private open space areas and bedrooms;
- (b) orient **dwellings** to take advantage of prevailing breezes and minimise exposure to western insolation;
- (c) may include a **common building boundary**, provided that the boundary is not shared with an existing lot that is within Zone RR or Zone SD;
- (d) may include **building setbacks** to the primary street frontage that are reduced from those required by clause 7.3 only where **building setbacks** to the side and rear boundaries are increased from those required by clause 7.3; and
- (e) comply with the building envelope requirements of clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) with respect to lots with areas less than 600 m².

An approved version of the building footprint and indicative living zones drawing will be endorsed under the development permit for subdivision.

5. Clause 11.2.1 of the scheme does not apply in this zone.
6. The purpose of this paragraph is to enhance the **amenity** of properties and **dwellings** and to reduce risk to people, damage to property and costs to the general community caused by storm surge.
- (a) Without **consent** a lot may be developed for the purpose of a **single dwelling** if:
 - i. the development is consistent with the building footprint and living zones endorsed for the lot under paragraph 4;
 - ii. the building contains a single **storey** only and, subject to paragraph 6(a)(iii), is a ground level structure;
 - iii. 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 associated with a 1% Annual Exceedence Probability of inundation by storm surge);

- iv. 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
- v. the development complies with all other requirements of the Planning Scheme as if the land were in Zone SD.

If a **single dwelling** does not comply with the requirements of paragraph 6(a) it shall be permitted only with **consent**, and the consent authority may **consent** only if it is satisfied that special circumstances justify the giving of **consent**.

(b) With **consent** land may be developed for the purpose of **multiple dwellings** if :

- i. the lot has been identified for the purpose of **multiple dwellings** on the drawing endorsed under paragraph 2;
- ii. any building contains a single **storey** only and, subject to paragraph 6(b)(iii), is a ground level structure;
- iii. the finished floor level of **habitable rooms** of a **dwelling** is at least 300mm above the primary storm surge level of the **site** ("primary storm surge level" means the water level associated with a 1% Annual Exceedence Probability of inundation by storm surge);
- iv. the **dwellings** incorporate 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;
- v. the development complies with all other requirements of the Planning Scheme as if the land were in Zone MD.

If **multiple dwellings** do not comply with the requirements of paragraph 6(b) the consent authority may **consent** only if it is satisfied that special circumstances justify the giving of **consent**.

7. 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.

8. With **consent** a lot may be developed for the purpose of:

- (a) **bed and breakfast accommodation;**
- (b) **dependant unit;**
- (c) display homes;
- (d) **group home;**
- (e) **home based child care centre;**
- (f) **medical consulting rooms;**
- (g) **supporting accommodation;**
- (h) 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 SD and the finished floor level of **habitable rooms** of any new building is at least 300mm above the primary storm surge level of the **site** ("primary storm surge level" means the water level associated with a 1% Annual Exceedence Probability of inundation by storm surge).

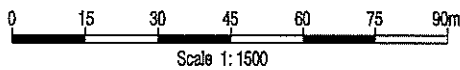
The consent authority must not **consent** to development outlined in this paragraph which does not comply with the relevant clauses of the Planning Scheme on lots with areas less than 600 m².



NT PLANNING SCHEME
AMENDMENT No. 73
LOT 9327 TOWN OF NIGHTCLIFF



Northern Territory Government
Department of Planning and Infrastructure



[Signature]

Date 25.6.09

MINISTER FOR PLANNING AND LANDS

File No. : PA2007/0448

Date: 19/05/2009

Drawing Name: Z:\DRAFTING\DAWIN\PA2007 0048 LOT 9327 NIGHTCLIFF.DGN

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NORTHERN TERRITORY OF AUSTRALIA

Planning Act
Section 28

NOTICE OF MAKING OF AMENDMENT TO NT PLANNING SCHEME

AMENDMENT No. 73

I, DELIA PHOEBE LAWRIE, the Minister for Planning and Lands, under to 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 RR (Rural Residential) to Zone **SD24** (Specific Use Darwin 24) and adding new Specific Use **SD24** to Schedule 1 to Clause 2.4 - Specific Uses ; and
- (b) copies of the amendment (Amendment No. 73) are available from the Offices of the Department of Planning and Infrastructure, Ground floor, Cavenagh House, 38 Cavenagh Street, Darwin.

Dated *25 June* 2009



Minister for Planning and Lands

NORTHERN TERRITORY OF AUSTRALIA

Planning Act **Section 29**

Reasons for Decision

NT PLANNING SCHEME AMENDMENT **AMENDMENT No. 73**

1. The future development of the site for the purpose of one storey single and multiple dwellings (maximum of 10 dwellings) supports the planning principles for the Darwin region set out in Clause 4.2 of the NT Planning Scheme as it will provide for orderly and appropriate expansion of development that maximises existing development options including urban infill.

Furthermore the incorporation of restrictions relating to building height, density, minimum floor levels and noise mitigation ensures the land's future development occurs in a manner consistent with the NT Planning Principles outlined in Clause 4.1 particularly:

- Facilitate the supply of sufficient land ... so that the subdivision of land is cost effective, equitable and timely and maximises the value of public and private investment in infrastructure;
 - Ensure development does not unreasonably intrude on or compromise the privacy of adjoining residential uses and ensures its own amenity is not compromised in the future; and
 - Consider flood and storm surge levels associated with floods and cyclones to minimise risk to life and property.
2. Amendment of the proposal to include more specific requirements in relation to the required fencing to adjoining properties will mitigate against potential visual intrusion and ensure adjoining land owners have the opportunity to review and influence the design of the fencing that will be developed.
 3. Amendment of the application to include more specific requirements in relation to the location of future street and feature landscaping will ensure the future development contributes to the existing and future character and appearance of the area.
 4. Amendment of the proposal to include a requirement that future development address stormwater flow and flooding will ensure the necessary investigation is undertaken and any potential impacts are mitigated through the design detail for any subdivision.
 5. Amendment of the proposal to remove the requirement that "building setbacks and landscaping are designed to afford privacy between adjoining dwellings and the incorporation of usable private open spaces for each dwelling" will ensure that there is no ambiguity that the standard requirements of the NT Planning Scheme relating to building setbacks, landscaping and private open space for multiple dwellings will apply to future development proposals.

6. The concerns raised during consultation regarding traffic impacts due to the site's location can be appropriately addressed through best practice design and engineering having regard to the external road network.

Furthermore the local authority responsible for the road (Darwin City Council) although clearly indicating that a traffic study will be required has not indicated that a future connection as described in the application is not achievable.

7. The proposal to develop the site with lot sizes smaller than those expected in a standard single dwelling zone is supported as the parameters specified in the zone schedule are consistent with those that are allowable in an integrated residential development under Clause 11.1.2 of the NT Planning Scheme. The reason for specifying the requirement in the zone schedule instead of relying on clause 11.1.2 relates to the fact that clause 11.1.2 requires an integrated residential development to contain 50 contiguous lots and only 8 are proposed within this small infill estate.



DELIA PHOEBE LAWRIE
Minister for Planning and Lands

25 / 6 /2009