

**DEVELOPMENT CONSENT AUTHORITY  
DARWIN DIVISION**

**NORTHERN TERRITORY PLANNING SCHEME 2020**

**AGENDA ITEM:** **1**      **MEETING DATE:** 04/10/2024      **FILE:** PA2024/0232

**APPLICATION:** Subdivision to create one lot  
**APPLICANT/CONTACT:** Kevin Dodd (kdodd@eja.com.au)  
**LAND OWNER:** Crown Land Estate  
**BENEFICIARY:** Crown Land, Department of Lands Planning and Environment  
**LOCATION:** Lots 7474 (9), 5961 (15), 6566 (9), 7417 (16) and 4995 (11), Smith Street, Darwin, Town of Darwin  
**ZONE:** Zone CB (Central Business)  
**AREA:** Lot 7474 – 4250 m<sup>2</sup>; Lot 4995 – 1750 m<sup>2</sup>; Lot 5961 – 3050 m<sup>2</sup>; Lot 6566 – 1370 m<sup>2</sup>; and Lot 7419 – 3730 m<sup>2</sup>

## 1. PROPOSAL

The proposal seeks to subdivide 5 Vacant Crown Land (VCL) parcels to create one lot. This application forms part of the NT Government's Civic and State Square Precinct works, which aim to revitalise the State Square area of the CBD. The purpose of this application is to aide the ongoing servicing and maintenance of the area, by consolidating the constituent lots into a single parcel. An extract of the proposed parcel (with constituent parcels in dashed lines) is provided in **Figure 1**, below.

It is noted that as the constituent lots are VCL, un-registered parcels (4 lots are 'government set aside', and one lot is a 'reserve'). Therefore, this application cannot be considered a consolidation under the NTPS2020. However, this application is for all other intents and purposes to consolidate all VCL parcels to create one free-hold lot.

The location of the application is provided at **Bookmark A1**, with photos of the exhibition signs (pink signs) provided at **Bookmark A2**, and owner's authorisation provided at **Bookmark A3**.



Figure 1: Extract of proposed parcels (with constituent parcels in dashed lines)

A copy of the application, and the dimension plans are provided at **Bookmark B1**, and **B2**, respectively.

## 2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

The subject lot is located within Zone CB (Central Business), the purpose of which is to *Promote an active and attractive mixed-use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development.*

The application is *Impact Assessable* under Clause 1.8(1)(c)(ii) of the NTPS2020 where the application is for the subdivision of land.

Zoning	Part 3 Overlay	Consent required by virtue of Overlay Requirement	Part 5 – General and Specific Development Requirements	Level of Assessment
Zone CB (Central Business)	N/A	No	N/A	<i>Impact Assessable</i>

*The exercise of discretion by the consent authority that applies is clause 1.10(4), which states. In considering an application for a use or development identified as Impact Assessable the consent authority must take into account all of the following:*

- a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;*
- b) any Overlays and associated requirements in Part 3 that apply to the land;*
- c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and*
- d) any component of the Strategic Framework relevant to the land as set out in Part 2.*

## 3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should approve the application subject to conditions on the development permit as detailed in section 9 of this report.

## 4. BACKGROUND

There are 5 existing parcels that form part of this application. Their planning history are as follows:

Lot 7474 (9) Smith Street, Darwin, Town of Darwin, is associated with DP22/0245 (PA2022/0322), which was for subdivision to create a single lot to service the NT Art Gallery development. DP22/0245 will see a south-eastern part of Lot 7474 be amalgamated with the NT Art Galley lot, and the remainder join this subdivision. It is noted that this lot was previously utilised for car parking (Supreme Court Car Park), prior to the State Square redevelopment works.

Lot 4995 (11) Smith Street, Darwin, Town of Darwin has no relevant planning history associated with the lot. It is noted that this parcel is a proclaimed reserve ('preservation of place of historic interest', gazetted on 11/01/1980), contains a declared heritage place (Palmerston Town Hall, gazetted on 19/03/1996), as well as 2 significant trees.

Lot 5961 (15) Smith Street, Darwin, Town of Darwin has no relevant planning history associated with the lot.

Lot 6566 (9) Smith Street, Darwin, Town of Darwin has no relevant planning history associated with the lot. The parcel comments note that this lot shares the same street address as Lot 7474.

Lot 7419 (16) Smith Street, Darwin, Town of Darwin has no relevant planning history associated with the lot.

## 5. PUBLIC EXHIBITION

The application was placed on public exhibition for a period of two weeks. Two (2) public submissions were received under section 49(1) of the *Planning Act 1999*.

## 6. THIRD PARTY APPEAL RIGHTS

There is no right of appeal by a third party under section 117 of the *Planning Act 1999* in respect of this determination, as pursuant to Part 4 of the *Planning Regulations 2000* section 14(2) states that there is no right of review *if the determination relates to the subdivision or consolidation of land*.

## 7. MATTERS TO BE TAKEN INTO ACCOUNT (SECTION 51 OF THE PLANNING ACT)

**Pursuant to Section 51(1) of the *Planning Act 1999*, a consent authority must, in considering a development application, take into account any of the following relevant to the development:**

**(a) any planning scheme that applies to the land to which the application relates**

Section 51 of the *Planning Act 1999* provides that in considering a development application the Authority must take into account a range of matter including compliance with the planning scheme.

The NTPS2020 applies to the land. A technical assessment of the proposal against applicable clauses of the NTPS2020 is provided at **Bookmark C1**.

Pursuant to sub-clause 1(c)(ii) of clause 1.8 of the NTPS2020, as the proposal is for the *subdivision of land other than that included at Clause 1.8(1)(b)(iii)*, it is *Impact Assessable*.

Clause 1.10 (Exercise of Discretion by the Consent Authority)

Sub-clause 4 states that *In considering an application for a use or development identified as Impact Assessable the consent authority must take into account all of the following:*

- (a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;*
- (b) any Overlays and associated requirements in Part 3 that apply to the land;*
- (c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and*
- (d) any component of the Strategic Framework relevant to the land as set out in Part 2.*

In response to sub-clause (a), the NTPS 2020 does not include any specific subdivision requirements or minimum lot sizes for Zone CB. The proposed subdivision will result in creating a lot as part of the NT Government's Civic and State Square Precinct works, which aim to revitalise the State Square area of the CBD. As discussed previously in this report, the purpose of this application is to aid the ongoing servicing and maintenance of the area by consolidating the constituent lots into a single parcel.

# Item 1

Discussion is provided below on how the proposed subdivision responds to the zone purpose and outcomes of Zone CB and the strategic framework (sub-clauses (c) and (d)).

In response to sub-clause (b), it is noted that no overlays are applicable to this proposal.

## Strategic Framework - Central Darwin Area Plan

In response to sub-clause (d), the Central Darwin Area Plan sets out the goals for future development. The proposal is located within an area identified for civic and community purpose uses. In addition, the social infrastructure, culture and heritage map identifies the 'Town Hall Ruins - Darwin' as being present on the subject lots.

The purpose of the subdivision is to create a lot to aid the ongoing servicing and maintenance of the area as part of the NT Government's Civic and State Square Precinct works, which aim to revitalise the State Square area of the CBD. The subdivision does not propose to alter any existing heritage buildings and uses on site, and the proposed lot can be developed for civic and community purposes.

## Zone CB (Central Business)

In response to sub-clause (c), it is noted that the proposal is located within Zone CB (Central Business). The purpose of this zone is to *Promote an active and attractive mixed use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development.*

The proposal will facilitate the future development and servicing of the area, which is identified as 'Chan Lawn' (open space). It is noted that the area around the Town Hall Ruins to still be confirmed, however will likely be open space.

The subdivision provides for an adequately sized and shaped parcel, with opportunities for passive surveillance, connections to the existing pedestrian network and landscaping.

- (b) any proposed amendments to such a planning scheme:**
- (i) that have been or are on exhibition under Part 2, Division 3;**
  - (ii) in respect of which a decision has not been made under Part 2, Division 5; and**
  - (iii) that are relevant to the development proposed in the development application**

There are no proposed amendments to the Northern Territory Planning Scheme 2020 which affect this proposal.

- (c) an interim development control order, if any, in respect of the land to which the application relates**

There are no interim development control orders relevant to the site.

- (d) an environment protection objective within the meaning of the Waste Management and Pollution Control Act 1998 that is relevant to the land to which the application relates**

There are no environmental protection objectives relevant to the land.

- (e) any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application**

Two (2) public submissions were received during the exhibition period under Section 49 of the Planning Act 1999 with respect to the proposal.

Submissions are summarised below, with full copies provided at **Bookmark D**.

## Fiona Douglas (Bookmark D1)

- Submission is considered neutral towards the application
- Suggests that a heritage assessment should be considered for the Town Hall Ruins, and queries if this heritage place should be included in the proposed lot
- Suggests that the proposal may also impact on other confirmed heritage values, such as the porcellanite kerbing on Smith Street (as well as impact from heavy machinery).

## Margaret Clinch, on behalf of the Planning Action Network (Bookmark D2)

- Submission is considered to oppose the application
- Application should be withdrawn due to the timing of the NT general election in August 2024
- States that there is a lack of public awareness of the proposed Civic and State Square redevelopment works
- Queries who is responsible for the application
- Queries what government is responsible for the proposal
- Queries who will control the land after consolidation
- Suggests that public have not had a say in the 'revitalisation design'.

## Applicant response

No response to the applicants has been provided to date.

## DAS response

The concerns raised by the submissions are noted.

Concerns raised in regard to gazetted heritage values on-site (i.e. the Town Hall Ruins) have been addressed through conversations with the Heritage Branch, and Survey Land Records team, of the Department of Lands, Planning and Environment. This is discussed further at section (m) of this report.

It is considered that the following information is adequately presented in the application:

- The submission was submitted by EJA on behalf of the NT Government
- The land will continue to be owned and managed by the NT Government

The following is noted as not being relevant to the scope of this application:

- Heritage values associated with the porcellanite kerbing along Smith Street are not located on lot subject to this application, and as this application is administrative in nature (i.e. no physical works are proposed), any impact on kerbing is not considered relevant to this proposal. It is noted that future works may take place at the proposed future lot, however, these are outside the remit of this application.
- The overarching Civic and State Square redevelopment project does not form part of this assessment. As such, any perceived lack of public consultation with, or awareness of, that project is not considered relevant to this application.
- The timing of the NT general election is not considered a planning matter, and as such, the standard exhibition requirements employed during this application are satisfactory.

- (f) a matter that the Minister has, under section 85, directed it to consider in relation to development applications generally**

The Minister has made no direction in relation to the application.

- (h) the merits of the proposed development as demonstrated in the application**

The applicant indicated the following merits in their statement of effect:

- *The merit of the proposal is that it will facilitate the revitalisation of the State Square precinct in accordance with the objectives of the NT Government*
- *The redevelopment will have long lasting benefits for the Darwin community as it will lead to enhanced open space and landscaped areas*

Another statement from the application material includes:

- *In order to facilitate servicing and redevelopment, the intention is to create a new parcel for the Tranche 1 area*

- (j) the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development**

There were no issues identified with respect to the capability of the land for the proposed development. Additionally, the application was circulated to service authorities which did not identify or raise any issues of concern in relation to land capability.

- (k) the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer**

There is no requirement for the provision of public facilities or open space as part of the proposed application.

- (m) the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose**

The proposal was circulated to the following authorities for comment:

**Local Authority:**

City of Darwin – **Bookmark E1**

Council did not raise any issues or concerns, however raised for consideration of the DCA that *Any easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose, shall be made available free of cost to City of Darwin, and/or neighbouring property owners.*

## **Service Authority:**

### Power and Water Corporation – power services – **Bookmark E2**

Power services indicated that the proposed lot will only be permitted to have a single point of supply, where 3 currently exist. The applicant will need to engage an accredited electrical consultant to design an appropriate power supply subject to PWC standards.

### Power and Water Corporation – water services – **Bookmark E3**

Water services indicated that the proposed lot will only be permitted to have a single point of supply. The applicant will be responsible for ensuring excess access points are removed, and the final water supply meets PWC standards. Water services also indicated that any existing easements on the constituent lots will need to be retained on the proposal lot.

The requirement of PWC (Power) and PWC (Water Services) can be addressed via standard servicing conditions included in the recommendation.

### Survey Land Records – **Bookmark E4**

The Survey Land Records (SLR) team noted that one of the constituent lots (Lot 4995) is a reserve, and contains a gazetted heritage place. They indicated that these will need to be resolved prior to the consolidation of the lots. SLR also advises that any potential encroachments issues should be taken into account with regards to the new boundaries.

### DAS Response

This application was originally placed on deferral after consideration of the SLR comments. During the deferral, the applicant, and then the responsible Departmental project officers for the Civic and State Square project, suggested that the concerns raised by SLR were able to be dealt with separate to this application. Following discussions with SLR, it was determined that this assessment can proceed, however, DAS recommend that a note be included with any development permit, advising the applicant that consolidation will not take place until the reserve and heritage matters identified in this report are resolved. It is noted as well that the advice provided by the SLR team was in consultation with the Heritage Branch, and as such, the lack of response directly by the Heritage Branch is considered acceptable, and not a reflection about lack of heritage values at the subject lots.

In regards to encroachment, it is noted that Lot 7474 (9) Smith Street, Darwin, Town of Darwin, is associated with DP22/0245 (PA2022/0322), which was for subdivision to create a single lot to service the NT Art Gallery development. DP22/0245 will see a southeastern part of Lot 7474 amalgamated with the NT Art Galley lot, and the remainder will join this subdivision. A condition is included in the recommendation requiring Part 5 clearance for this subdivision will not be granted until Part 5 clearance for DP22/0245 has been issued and the remainder of the lot from Lot 7474 to join this subdivision has been created.

A copy of DP22/0245 and its endorsed drawings are provided at **Bookmark F1** and **F2**, respectively.

**(n) *the potential impact on the existing and future amenity of the area in which the land is situated***

As this application is administrative in nature, and will only result in changes to site servicing, it is considered that any existing or future amenity impacts are unlikely.

**(p) the public interest, including (if relevant) how the following matters are provided for in the application:**

- (i) community safety through crime prevention principles in design;**
- (ii) water safety;**
- (iii) access for persons with disabilities**

As this application is administrative in nature, this is not considered relevant to this proposal.

**(pa) for a proposed subdivision or consolidation of land in a Restricted Water Extraction Area – whether the subdivision or consolidation complies with the restrictions of sections 14A and 14B of the Water Act 1992 and the requirements of section 14C(1) of that Act;**

The proposal is not located within a Restricted Water Extraction Area.

**(q) for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building)**

The applicant has indicated that part of the site is currently occupied by site offices associated with the NT Art Gallery development, and that as this is a temporary use, should be exempted from the requirement for a building report – this conclusion is supported by DAS. In addition, it is considered that the Town Hall Ruins do not require an assessment.

The building report exception request is provided at **Bookmark G1**.

**(r) any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the Heritage Act 2011**

As this application is administrative in nature, this is not considered relevant to this proposal. It is noted the SLR team have indicated that the existing heritage item located on Lot 7474 will need to be sorted by the applicant prior to consolidation being approved. A note has been included on the permit to remind the permit holder of this.

**(s) any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the Water Act 1992**

The following declared beneficial uses apply to the subject land for Darwin Harbour:

- Aquaculture, environment, cultural, rural stock and domestic.

It is the responsibility of the developer and land owner to ensure that land use does not result in a contravention of the *Water Act 1992*.

**(t) other matters it thinks fit**

No other matters are raised for consideration by the consent authority.



## Section 51(2) of the *Planning Act 1999*

*If a development proposal is required to be referred to the NT EPA under Part 4, Division 3 of the Environment Protection Act 2019, the consent authority must not make a decision under this Division in relation to a development application for the proposal unless:*

- a) the NT EPA has determined that an environmental impact assessment is not required under that Act for that proposal; or*
- b) if the NT EPA has determined that an environmental impact assessment is required – an environmental approval has been granted under that Act for the proposal and the decision is consistent with that approval; or*
- c) the Environment Protection Act 2019 otherwise permits the making of the decision.*

The *Environment Protection Act 2019* otherwise permits the making of the decision by virtue that referral is not considered to be required.

## 8. RECOMMENDATION

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop lots 7474 (9) Smith Street, 4995 (11) Smith Street, 5961 (15) Smith Street, 6566 (9) Smith Street, and 7419 (16) Smith Street, Darwin, Town of Darwin, for the purpose of subdivision to create one lot, subject to the following conditions:

### GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunication networks to the development/each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

Please refer to notation 2 for further information.

3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
5. Part 5 Clearance for the subdivision will not be granted until relevant Part 5 Compliance has been issued for the subdivision as shown on Subdivision Permit DP22/0245 and any subsequent variations to it.

### Notes

1. The un-registered tenure of Lot 4995 – Town of Darwin (11 Smith Street, Darwin) is 'Reserve' (Reserve 1643), and the whole of Lot 4995 has been declared a Heritage Place vide NTG S7 19/3/1996. The survey plan defining a new parcel incorporating Lots 4995, 5961, 6266, 7419 and 7474 - Town of Darwin will not be approved by the Surveyor-General until Reserve 1673 has been revoked and the un-registered tenure of Lot 4995 has been reverted to Vacant Crown Land .

2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements and the need for upgrading of on-site and/or surrounding infrastructure.
3. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>

## 9. REASONS FOR THE RECOMMENDATION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and the subdivision to create one lot requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clause 1.8(1)(c)(ii), therefore the strategic framework (Part 2 of the Scheme, including the Central Darwin Area Plan, which are relevant to this application), zone purpose and outcomes of Clause 4.10 Zone CB (Central Business), need to be considered. It is noted that as Zone CB (Central Business) is not listed within the Part 6 – Subdivision and Consolidation Requirements, this application must refer to parts 2 and 4 of the NTPS2020.

These have been considered and it is found that the proposal complies with the relevant requirements of the NTPS2020. The proposal will result in one lot of a size and configuration that will aide in the future servicing and on-going maintenance of the lot, for the purposes of the Civic and State Square redevelopment.

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Two (2) public submissions were received during the public exhibition period. Both raised concerns around existing heritage values, with one also raising concerns around the nature and timing of the application. Neither submission raised concerns around the impact that the application would have on local amenity.

Issues raised within the submission are noted, and where considered to be a planning matter, can be addressed through permit conditions.

3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

There were no issues identified with respect to the capability of the land for the proposed development. Additionally, the application was circulated to the City of Darwin, and other

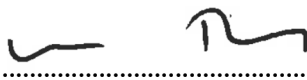
# Item 1

service authorities, none of whom identified or raised any concerns in relation to land capability.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated

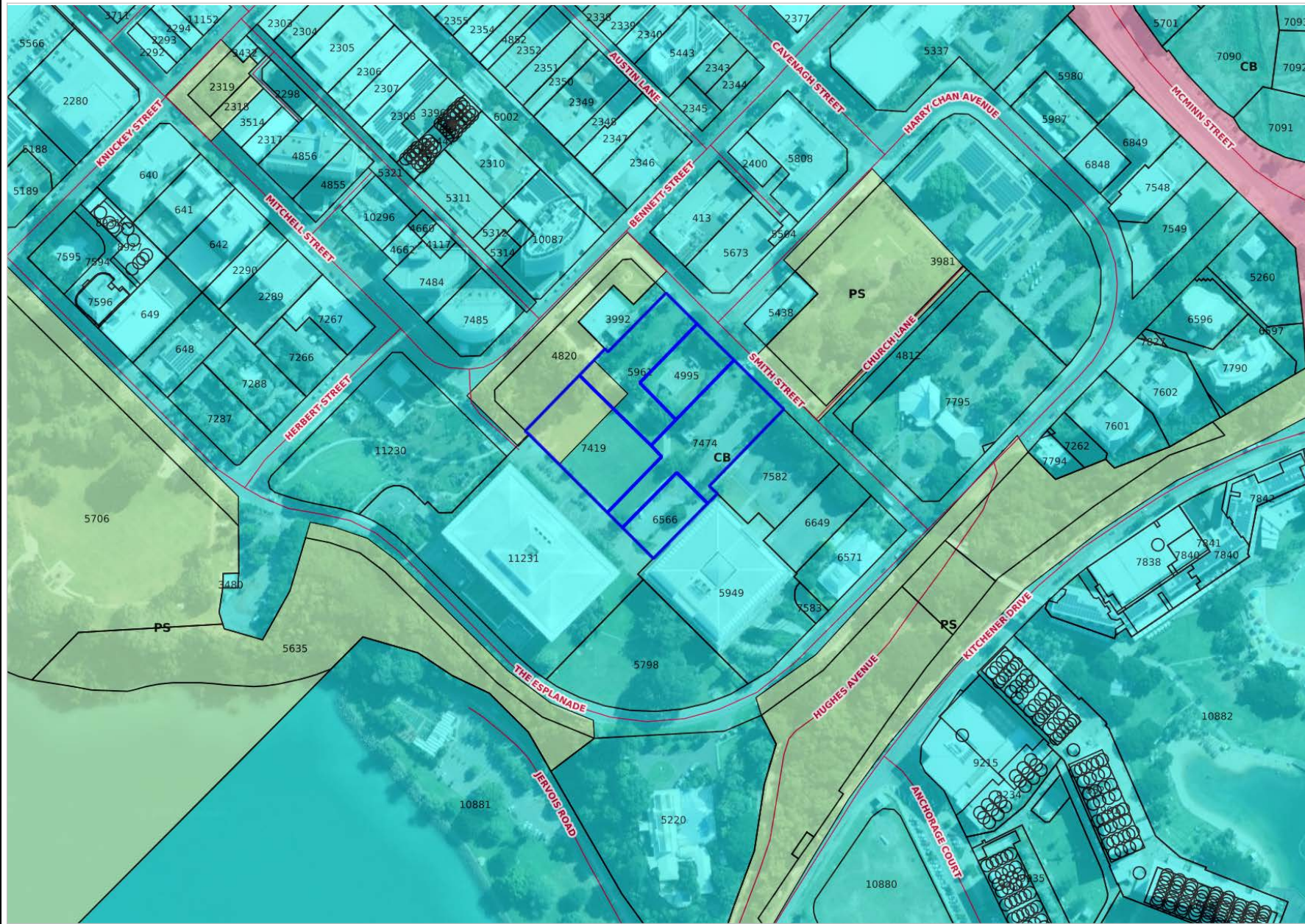
In providing this assessment, consideration has been given to potential amenity impacts above under sections (a) and (e). Although two (2) public submissions were received for the project, the concerns raised in the submissions are not considered to raise concerns with the impact on the existing or future amenity of the subject lots. As this application is administrative in nature, it is not considered likely to result in a negative impact on existing for future amenity at the area.

**AUTHORISED:**



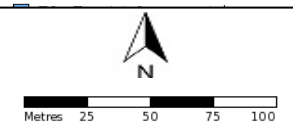
.....  
**KALEB THOMAS  
PLANNER  
DEVELOPMENT ASSESSMENT SERVICES**





**Legend**

- TOWN\_PLANNING\_ZONES
- A - Agriculture
  - CV - Caravan Park
  - CB - Central Business
  - C - Commercial
  - CL - Community Living
  - CP - Community Purpose
  - CN - Conservation
  - DV - Development
  - RR - Rural Residential
  - GI - General Industry
  - HT - Heritage
  - HR - High Density Residential
  - H - Horticulture
  - LI - Light Industry
  - M - Main Road
  - MR - Medium Density Residential
  - LMR - Low-Medium Density Resid
  - CA - No Planning Scheme Control
  - OR - Organised Recreation
  - PM - Proposed Main Road
  - PS - Public Open Space
  - RW - Railway
  - RD - Restricted Development
  - R - Rural
  - RL - Rural Living
  - SC - Service Commercial
  - LR - Low Density Residential
  - S - Specific Use



[nrmaps.nt.gov.au](http://nrmaps.nt.gov.au)  
 Geospatial Services Branch

Creative Commons Attribution 4.0  
 International Public License  
<https://creativecommons.org/licenses/by/4.0/legalcode>  
 Department of Environment,  
 Parks and Water Security  
 © Northern Territory Government



# NOTICE OF PROPOSED DEVELOPMENT

SUBMISSIONS CLOSE: MIDNIGHT, 6/9/2024

APPLICATION REF: PA2024/0232

APPLICANT: EARL JAMES AND ASSOCIATES

ADDRESS: LOT 7474 TOWN OF DARWIN (9 SMITH ST, DARWIN CITY), LOT 4995 TOWN OF DARWIN (9 SMITH ST, DARWIN CITY), LOT 5341 TOWN OF DARWIN (5 SMITH ST, DARWIN CITY), LOT 6566 TOWN OF DARWIN (9 SMITH ST, DARWIN CITY), LOT 7449 TOWN OF DARWIN (6 MITCHELL ST, DARWIN CITY)

ZONE(S): MZ (MULTI ZONE), CB (CENTRAL BUSINESS)

PROPOSAL: SUBDIVISION TO CREATE ONE LOT

## VIEW THE APPLICATION AND LODGE A SUBMISSION:

ONLINE:



[www.dba.nt.gov.au/planning](http://www.dba.nt.gov.au/planning)

EMAIL: [dax.rdg@nt.gov.au](mailto:dax.rdg@nt.gov.au)

DARWIN

PHONE: 8998 6046

POST: GPO Box 1880  
Darwin NT 0801

ALICE SPRINGS

PHONE: 8951 9200

POST: PO Box 2130  
Alice Springs NT 0871

KATHERINE

PHONE: 8973 8926

POST: PO Box 2390  
Katherine NT 0851



Dawn Parkes  
Director Program Strategy and Program Delivery  
Infrastructure NT  
Level 3, 18-20 Cavenagh Street  
DARWIN NT 0800

Crown Land Estate  
Level 5 Energy House  
18-20 Cavenagh Street  
DARWIN NT 0801

Postal Address  
GPO Box 1680  
DARWIN NT 0801

T 08 8999 7019  
E [kerri.obrien@nt.gov.au](mailto:kerri.obrien@nt.gov.au)

File Ref LD2024/0018-  
0007~0004

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

**Landowner's Consent to Lodge Development Application over Lots 4995, 5961, 6566, 7419 and part Lot 7474 Town of Darwin (9, 11, 15 Smith Street and 16 Mitchell Street, Darwin)**

I refer to your email dated 4 July 2024 seeking landowners consent to lodge a development application over Lots 4995, 5961, 6566, 7419 and part Lot 7474 Town of Darwin (9, 11, 15 Smith Street and 16 Mitchell Street, Darwin) for the purpose of subdivision to create one lot to facilitate Tranche 1 Civic and State Square redevelopment works.

This letter authorises Infrastructure NT and its consultant, Earl James and Associates, to lodge the above application with the Development Consent Authority (DCA) in accordance with the requirements of the *Planning Act 1999*, on behalf of the Northern Territory of Australia.

In providing this consent, the Department in no way endorses the content of the application but merely provides authorisation for the application to be lodged and considered by the DCA. A new approval will be required should the development application be further amended or varied subsequent to this approval

Should you have any queries in relation to this matter, please contact me by telephone on 8999 7019 or via email to [kerri.o'brien@nt.gov.au](mailto:kerri.o'brien@nt.gov.au).

Kind regards



Kerri O'Brien  
Executive Director  
Crown Land Estate

10 July 24

## **Lots 4995, 5961, 6566, 7419 and 7474, Town of Darwin Development Application**

### PROPOSAL

The Northern Territory Government has commissioned the design and construction of the Civic and State Square Precinct in order to revitalise the State Square area of the CBD.

Works completed to date include the construction of the State Square underground carpark, the conversion of the parliamentary carpark into landscaped parkland, the redevelopment of Liberty Square and the demolition of the Chan Building.

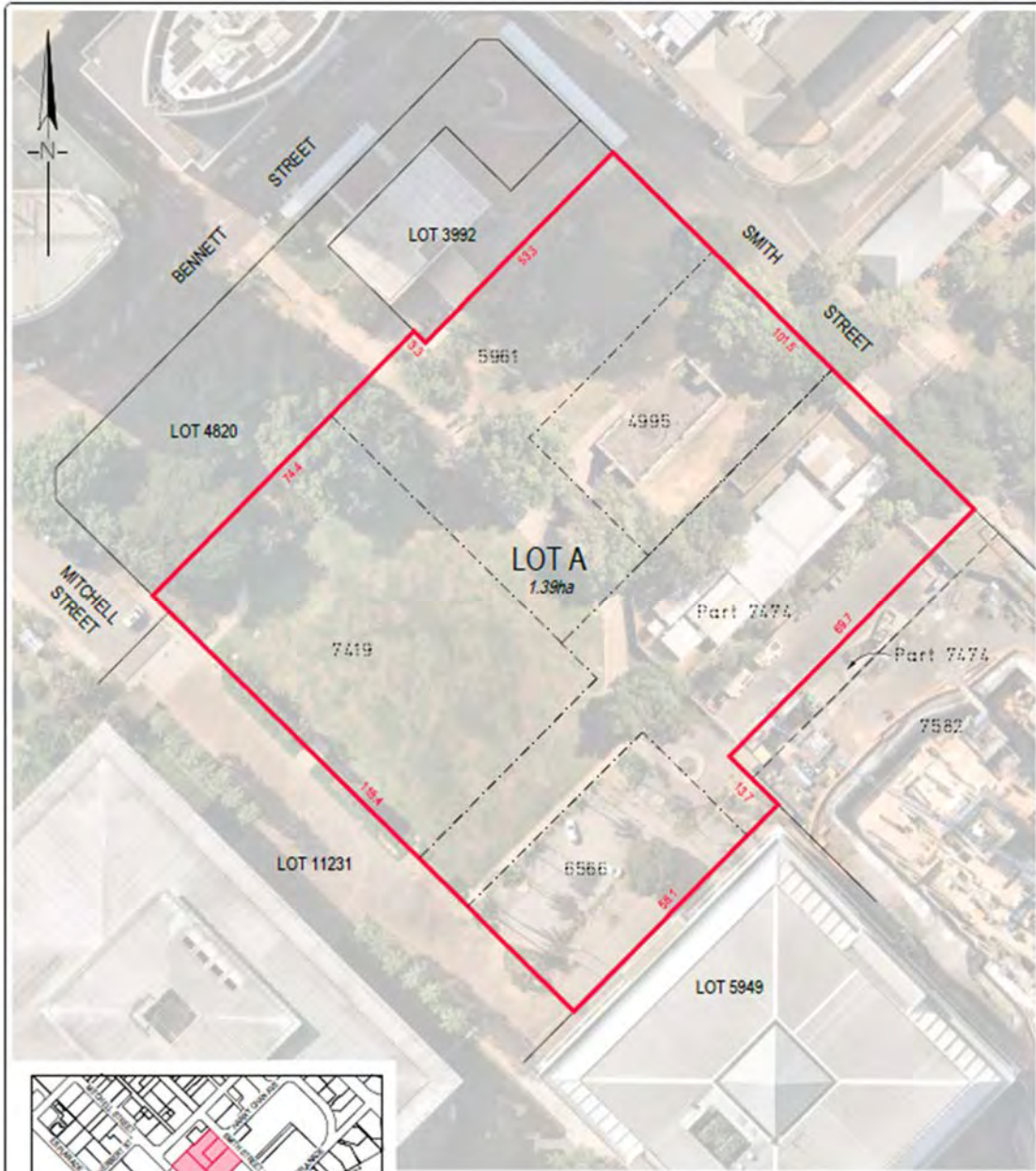
Construction of the Northern Territory Art Gallery (NTAG) is well underway, and design works for the balance open space areas have commenced.

Tranche 1 of the redevelopment of the balance open space areas comprises the area bounded by Smith Street, the NTAG, Parliament House, the Supreme Court, the Tourist Information allotment and Lot 4820 (open space) that fronts Bennett Street.

The Tranche 1 area is made up of the land comprised within NT Government 'parcels' Lots 4995, 5961, 6566, 7419 and part of 7474. A portion of Lot 7474 makes up the new parcel being created for the NTAG.

In order to facilitate servicing and redevelopment, the intention is to create a new parcel for the Tranche 1 area. Plan 24/12971/1 (copy on the following page) indicates the extent of Tranche 1 and the proposed Lot.

This application is seeking the approval of the Development Consent Authority (DCA) for the creation of a new parcel that comprises the land included in NT Government parcels 4995, 5961, 6566, 7419 and part of Lot 7474, Town of Darwin, in order to create one lot in accordance with attached plan 24/12971/1.



LOCATION  
Not to Scale

**Note**  
Easements should be confirmed with the current Certificate of Title  
Areas and dimensions (including easements) are subject to survey  
Aerial image obtained from Neemap, dated 04/05/2024  
Aerial image is shown for background information only  
and is not rectified or accurately positioned  
4995, 5961, 6566, 7419 and 7474 are NTG 'parcels' (no titles issued)



 <p><b>SURVEY &amp; PLANNING CONSULTANTS</b> 10 HARVEY STREET DARWIN NT 8001 Ph: (08) 8961 2494 FAX: (08) 8961 5205 darwin@eja.com.au www.eja.com.au</p>	<p><b>LOTS 4995, 5961, 6566, 7419 and 7474</b> <b>TOWN OF DARWIN</b></p>	<p>Scale: 1:750 (A3) Details:</p>
	<p><b>DEVELOPMENT APPLICATION</b></p> <p>Client: <b>BITZLER PTY LTD</b></p>	<p>Drawn by: ic Date: 24/06/2024 Cad File: 12971-LDWG</p>

The proposed Lot





## MATTERS TO BE ADDRESSED

### **46(3)(aa) – Interested parties**

#### *Applicant Details*

#### **Earl James and Associates**

Representative: Kevin Dodd

Address: GPO Box 884, Darwin NT 0801

Email: [kdodd@eja.com.au](mailto:kdodd@eja.com.au)

Phone: 08 89812494

#### *Landowner:*

Lots 4995, 5961, 6566, 7419 and 7474, Town of Darwin

#### **Northern Territory Government**

Address: GPO Box 2520, Darwin NT 0801

Phone: c/o 08 89812494

### **46(3)(a) – Compliance with the NT Planning Scheme**

Property details:

#### **Lot 4995, Town of Darwin**

Title details: Volume 0 Folio 0

Survey Plan: B643

Address: 15 Smith Street, Darwin City

Easements: nil

Lot Area: 1,750m<sup>2</sup>

#### **Lot 5961, Town of Darwin**

Title details: Volume 0 Folio 0

Survey Plan: S911035

Address: 15 Smith Street, Darwin City

Easements: Nil

Lot Area: 3,050m<sup>2</sup>



**Lot 6566, Town of Darwin**

Title details: Volume 0 Folio 0

Survey Plan: S951037

Address: 9 Smith Street, Darwin City

Easements: Nil

Lot Area: 1,370m<sup>2</sup>

**Lot 7419, Town of Darwin**

Title details: Volume 0 Folio 0

Survey Plan: S2002/151

Address: 16 Mitchell Street, Darwin City

Easements: Nil

Lot Area: 3,730m<sup>2</sup>

**Lot 7474, Town of Darwin**

Title details: Volume 0 Folio 0

Survey Plan: S2003/151

Address: 9 Smith Street, Darwin City

Easements: Nil

Lot Area: 4,250m<sup>2</sup>



### Strategic Framework

The Darwin Regional Land Use Plan (DRLUP) applies to the subject land and identifies the subject land as Urban/Peri-Urban.

The subdivision proposal will result in a parcel that is entirely suitable for the use identified in the DRLUP.

The Central Darwin Area Plan (CDAP) also applies to the subject land.

The CDAP indicates that the land use vision for the subject area is *civic and community purpose* and the reason the new parcel is being created is to promote and facilitate that very vision.

### Zoning

The majority of the subject area is zoned CB (Central Business) and there is a portion that is zoned PS (Public Open Space) under the NT Planning Scheme.

It is proposed to adopt a PS zone for the whole area and an application is being prepared to make the appropriate change to the NT Planning Scheme.

The Purpose of the PS zone is to *...retain and enrich open spaces for public use and enjoyment, and the enhancement of public amenity.*

This Purpose is consistent with the uses that are intended for the Tranche 1 area

### Overlays

The Overlays in the NTPS identify areas of land that have specific development requirements.

The Record of Administrative Interests advises that no Overlays apply to the subject land.



Existing zones

### *Zone Outcomes*

As previously mentioned, the parcel being proposed by the current application is to facilitate the development of open space and landscaped areas forming part of the State Square redevelopment.

The parcel will have direct access onto Smith Street and it is expected that new pedestrian links and bicycle paths will be created through to Parliament House and the other adjoining areas.

There are reticulated power, water, sewerage and telecommunication services adjacent to the subject land and these will be connected if required. Servicing requirements will be confirmed with the relevant authorities.

Stormwater drainage has been investigated and will be designed and constructed as part of the development of the area. These works will be carried out in accordance with the requirements of City and Darwin and NT Government (if applicable).

#### **46(3)(b) – Compliance with an Interim Development Control Order**

The Applicant is not aware of any Interim Development Control Orders applying to the subject land.

#### **46(3)(c) – Referral to the NT EPA**

There is no requirement for the proposed development to be referred to the NT EPA under Part 4, Division 3 of the Environment Protection Act 2019 and the proposed development has not been referred to the NT EPA under that legislation.

#### **46(3)(d) – Merits of the proposed development**

The merit of the proposal is that it will facilitate the revitalisation of the State Square precinct in accordance with the objectives of the NT Government.

The redevelopment will have long lasting benefits for the Darwin community as it will lead to enhanced open space and landscaped areas.

#### **46(3)(e) – The physical characteristics of the land**

The subject land does not have any physical characteristics that would make the creation of the new parcel inappropriate. Current design work for the future development of the parcel has involved extensive survey and the physical characteristics of the land will be taken into account during the design phase.

#### **46(3)(f) – Public facilities or open space**

The proposal will actually facilitate the development of additional public facilities and open space.

#### **46(3)(g) – Public utilities and infrastructure**

The new parcel will be connected to reticulated power, water, sewer and communications and will have direct access onto an established public road.

Service authorities and Council are being consulted as part of the design phase to ensure that servicing and access is in accordance with the relevant standards and requirements.

#### **46(3)(h) – Potential impact on the existing and future amenity of the area**

The proposal will serve to enhance the amenity of the area as it is an integral part of the revitalisation of this part of the CBD.

#### **46(3)(j) – Benefit or detriment to the public interest**

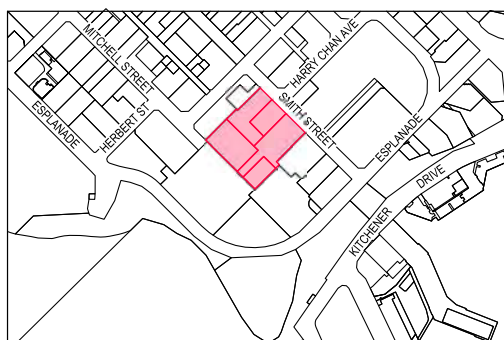
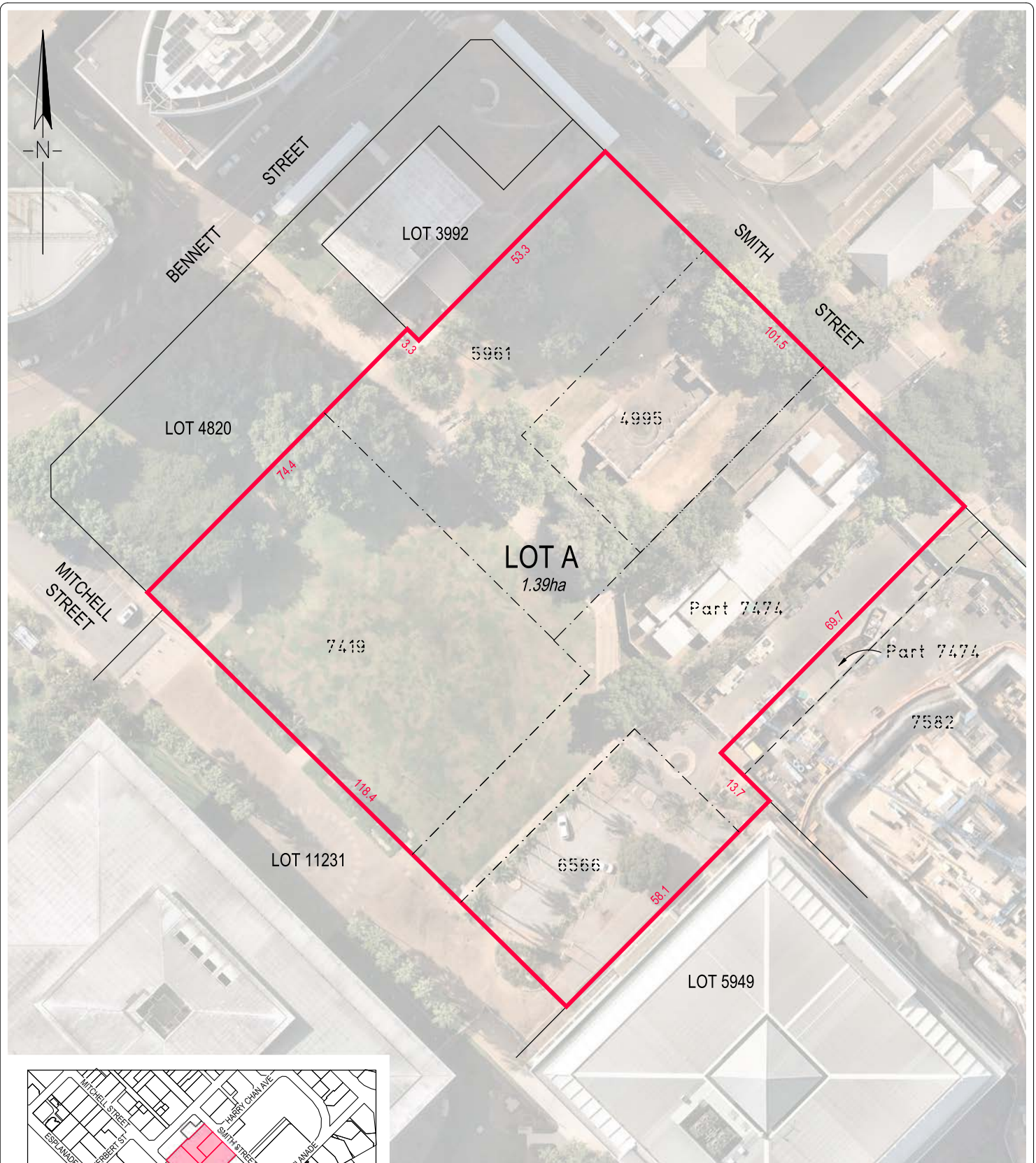
The proposal will benefit the public interest as it will facilitate the revitalisation of this part of the city, and this will have lasting benefits for the community. There will be economic benefit during the construction phase that will follow the creation of the new parcel and there will be ongoing economic and social benefits for the community.



**46(3)(k) – Compliance with the Building Act**

No new boundaries are being introduced and consequently the proposal to create the new Lot will not conflict with building regulations.





**LOCATION**  
Not to Scale

**Note**  
Easements should be confirmed with the current Certificate of Title  
Areas and dimensions (including easements) are subject to survey  
Aerial image obtained from Nearmap, dated 04/05/2024  
Aerial image is shown for background information only  
and is not rectified or accurately positioned  
4995, 5961, 6566, 7419 and 7474 are NTG 'parcels' (no titles issued)



**eja**  
earl james & associates

**SURVEY & PLANNING CONSULTANTS**  
10 HARVEY STREET  
DARWIN NT 0801  
PH. (08) 8981 2494  
FAX. (08) 8981 5205  
darwin@eja.com.au  
www.eja.com.au

**LOTS 4995, 5961, 6566, 7419 and 7474**  
**TOWN OF DARWIN**

**DEVELOPMENT APPLICATION**

Client: **SITZLER PTY LTD**

Scale: 1:750 (A3)	
..... Licensed Surveyor: Date: .....	Datum:
Drawn by: LC Date: 24/06/2024 Cad File: 12971-1.DWG	Drawing No: <b>24/12971/1</b>



# Technical Assessment PA2024/0232

## TECHNICAL ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST RELEVANT PROVISIONS OF THE NORTHERN TERRITORY PLANNING SCHEME 2020

Application No:	PA2024/0232
Lot number:	7474; 4995; 5961; 6566; 7419
Town/Hundred:	Town of Darwin
Zone:	Zone CB (Central Business)
Site Area:	4250 m <sup>2</sup> ; 1750 m <sup>2</sup> ; 3050 m <sup>2</sup> ; 1370 m <sup>2</sup> ; 3730 m <sup>2</sup>
Proposal:	Subdivision to create one lot
Plans used for assessment:	EJA 12971 - Statement of Effect - V2.pdf (PLN Statement of Effect); 12971-1 (2024-06-24).pdf (PLN Dimensioned Plan); 12971 BCA.pdf (PLN Statement of Compliance)
Date assessment finalised:	24 September 2024

This review has been completed pursuant to the Northern Territory Planning Scheme 2020 (the Planning Scheme). The proposal has been assessed as being for subdivision within Zone CB (Central Business). Under this zoning, the proposed use is for the purpose of a subdivision.

The proposed development requires consent under the Northern Territory Planning Scheme 2020 as described in the tables below:

Assessment Table – Zone CB (Central Business)					
Defined Use	Assessment Category	Overlays	General Development Requirements	Location Specific Development Requirements	Specific Development Requirements
Subdivision	Impact Assessable	N/A	2.0 Strategic Framework 4.10 Zone CB – Central Business		6.1 Preliminary of Subdivision and Consolidation Requirements

The application is *Impact Assessable* under Clause 1.8(1)(c)(ii) of the NTPS2020 where the application is for the subdivision of land.

An assessment of the relevant clauses are summarised in the table below.

Part 3 Clauses (Overlays)	Compliance		
	Yes	No	N/A
3.2 Clearing of Native Vegetation			
3.3 Restricted Clearing of Native Vegetation			
3.4 Coastal Reclamation			
3.5 Land in Proximity to Airports			
3.6 Land Subject to Flooding			
3.7 Land Subject to Storm Surge			
3.8 Land Adjacent to a Designated Road			
3.9 Darwin Harbour Dredging			
3.10 Residential Development in Major Remote Towns			
3.11 Rapid Creek Flood Response			
3.12 Residential Development in Katherine East Locality			
3.13 Gateway Locations			
3.14 Land in proximity to Helicopter Landing Sites of Strategic Importance			
Part 6 Clauses – Subdivision and Consolidations Requirements	Compliance		
	Yes	No	N/A
6.2.1 Lot Size and Configuration for Subdivision in Zones LR LMR MR and HR			
6.6.2 Lots Less Than 600m <sup>2</sup> of Dwellings-Single			
6.2.3 Site Characteristics for Subdivision in Zones LR LMR MR and HR			
6.2.4 Infrastructure and Community Facilities for Subdivision in Zones LR LMR MR and HR			
6.3.1 Subdivision in Zone RR			
6.3.2 Lot Size and Configuration for Subdivision in Zones RL R H and Unzoned Land			
6.3.3 Site Characteristics for Subdivision for Lots 1ha or Greater in Zones RR RI R H and Unzoned Land			
6.3.4 Infrastructure for Subdivision in Zones RL R and Unzoned Land			
6.3.5 Mineral resources and Subdivision in Zone RL			
6.3.6 Lots less than 8ah on Unzoned Land			
6.4.1 Lot Size and Configuration for Subdivision in Zones LI GI and DV			
6.4.2 Site Characteristics for Subdivision in Zones LI GI and DV			
6.4.3 Infrastructure for Subdivision in Zones LI GI and DV			
6.5.1 Subdivision in Zone FD			
6.5.2 Subdivision in Zone WM			
6.5.3 Subdivision in Zone RD			
6.6.1 Subdivision for the Purposes of a Unit Title Scheme			
6.6.2 Consolidation			

### 1.8 When development consent is required

1. The need for **consent** and the level of assessment that applies to the use and development of land is set out in the framework below:
  - (a) *Permitted* – use and development that is compatible with the purpose of the zone provided it is established and operated to comply with all relevant development requirements.

Use and development of land is *Permitted* without **consent** when the following apply:

- i. it is shown as *Permitted* on the relevant assessment table in Part 4; and
- ii. it does not require **consent** by virtue of an overlay in Part 3; and
- iii. it complies with all relevant development requirements set out in Part 5; or
- iv. a provision of the Planning Scheme expressly sets out that it is *Permitted*.



- (b) *Merit Assessable* – use and development that requires the exercise of discretion by the consent authority to ensure it can be established and operated in a way that does not impact on the **amenity** of the area and accords with the relevant zone purposes and outcomes.

Use and development of land requires **consent** and is *Merit Assessable* when any of the following apply:

- i. it is shown as *Merit Assessable* on the relevant assessment table in Part 4;
- ii. it is shown as *Permitted* on the relevant assessment table in Part 4 but:
  - (1) requires **consent** by virtue of an Overlay as set out in Part 3; or
  - (2) does not comply with the relevant development requirements set out in Part 5;
- iii. it is for the consolidation of land; or
- iv. it is for the subdivision of land for the purpose of a Unit Title Scheme, where:
  - (1) development consent has been granted; or
  - (2) the development is permitted in the relevant assessment table; or
  - (3) the Unit Title Scheme does not include vacant land.
- v. a provision of the Planning Scheme expressly requires assessment as *Merit Assessable*.

**Editor’s note: the Planning Act and Regulations exempt some types of consolidation and subdivision from requiring consent.**

- (c) *Impact Assessable* – use and development that requires the exercise of discretion by the consent authority to determine if it is appropriate given the location of the **site** and the potential impacts on surrounding uses, and if it accords with the Strategic Framework.

Use and development of land requires **consent** and is *Impact Assessable* when any of the following apply:

- i. it is shown as *Impact Assessable* on the relevant assessment table in Part 4;
- ii. it is for the subdivision of land other than that included at Clause 1.8(1)(b)(iii); or
- iii. it is identified as *Impact Assessable* in Clause 1.9; or
- iv. it is a *Prohibited* development which relates to a **heritage place** as set out in Clause 1.10(7)(b); or
- v. a provision of this Planning Scheme expressly requires assessment as *Impact Assessable*.

- (d) *Prohibited* – use and development to which the consent authority must not grant **consent**.

Use and development of land is *Prohibited* if:

- i. it is shown as *Prohibited* on the relevant assessment table in Part 4, unless it is **ancillary** as allowed by Clause 1.9; or
- ii. a provision of this Planning Scheme expressly prohibits **consent**.

## 1.9 Ancillary use and development

1. Unless expressly provided for in this Planning Scheme:
  - (a) where the definition of a development in Schedule 2 includes use or development that may be established if **ancillary**, the **ancillary** use or development included in the definition are *Permitted* provided they comply with any relevant development requirements in Parts 3 and 5;
  - (b) if an **ancillary** use or development described in (a) does not comply with Parts 3 and 5, the **ancillary** use or development requires **consent** and the level of assessment that applies is *Merit Assessable*;
  - (c) an **ancillary** use or development not specified in the definition of the **primary use** in Schedule 2 requires **consent** and the level of assessment that applies to the **ancillary** use or development is either:
    - i. the assessment category specified in the assessment table for the zone in Part 4; or
    - ii. if Undefined or Prohibited it is *Impact Assessable*.

### 1.10 Exercise of Discretion by the Consent Authority

1. In considering an application for **consent** for a use or development, the consent authority must consider the use or development in its entirety except in relation to:
  - (a) an application to alter, change or vary a development permit under sections 43A, 46 or 57 of the Act;
  - (b) **access** to a **main road**; or
  - (c) a *Merit Assessable* application under Clause 1.8(1)(b)(ii)(2).
2. In considering an application for **consent** for a use or development that has become *Merit Assessable* under Clause 1.8(1)(b)(ii)(2), the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.
3. In considering an application for **consent** for a use or development identified as *Merit Assessable* the consent authority must take into account all of the following:
  - (a) the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
  - (b) any Overlays and associated requirements in Part 3 that apply to the land; and
  - (c) the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6.
4. In considering an application for a use or development identified as *Impact Assessable* the consent authority must take into account all of the following:
  - (a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
  - (b) any Overlays and associated requirements in Part 3 that apply to the land;
  - (c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and
  - (d) any component of the Strategic Framework relevant to the land as set out in Part 2.
5. The consent authority may **consent** to a proposed use or development that is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
  - (a) the purpose and administration clauses of the requirement; and
  - (b) the considerations listed under Clause 1.10(3) or 1.10(4).
6. When consenting to the use or development of land, the consent authority may impose a condition requiring a higher standard of development than is set out in a requirement of Parts 3, 5 or 6 if it considers it necessary to the achievement of the Strategic Framework, the purpose of the overlay or the zone, or it considers it is otherwise necessary to do so.
7. The consent authority must not grant **consent** for a use or development identified as *Prohibited* unless:
  - (a) the *Prohibited* use or development is **ancillary** as set out in Clause 1.9; or
  - (b) the *Prohibited* use or development relates to a **heritage place** and it has the approval of the Minister responsible for the administration of the *Heritage Act 2011*.

*This is a technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme 2020 (NTPS2020) and is no indication of whether or not approval will be given by the consent authority.*

## 2. Strategic Framework

An application which is Impact Assessable must take into consideration the Strategic Framework in which the proposal is located, pursuant to Clause 1.8(c) of the Planning Scheme.

The site is located within the following strategic frameworks:

### Darwin Regional Land Use Plan (DRLUP) 2015:

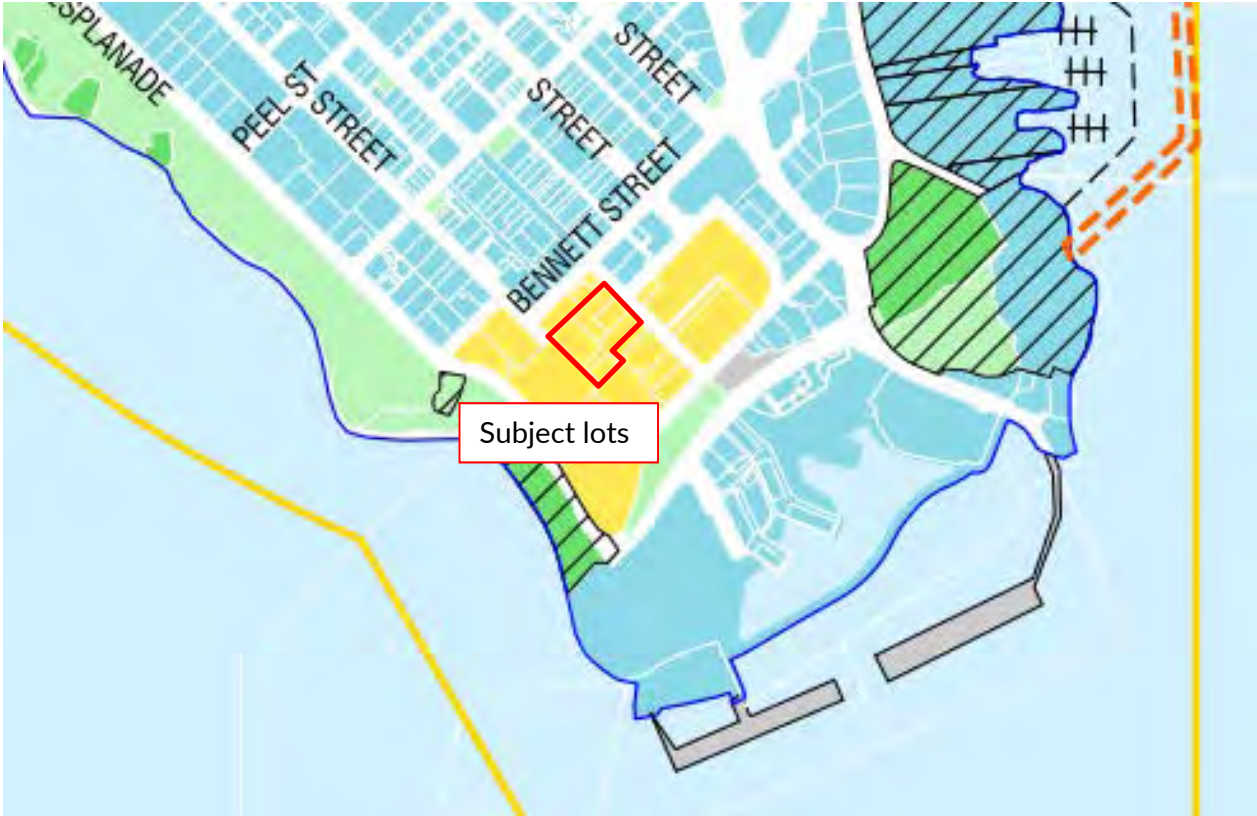
The Darwin Regional Land Use Plan applies to the site. It provides a broad framework for developing land in the NT and identifies the subject area for urban land-uses. The DRLUP provides key residential and commercial objectives to identify adequate urban land, and ensure the detailed planning for future development in the region.



The proposal is in an area designated for 'Urban/Peri-Urban' use and development. The proposal is for the consolidation is for future development of office, shop, and medical clinic uses on the site, therefore the proposal is consistent with the purpose of retail and commercial land use under the DRLUP.

### Central Darwin Area Plan

The Central Darwin Area Plan sets out the goals for future development. The proposal is located within an area identified for civic and community purpose uses (extract provided below). In addition, the social infrastructure, culture and heritage map identifies the 'Town Hall Ruins - Darwin' as being present on the subject lots.



**Legend**

-  Potential Area for Change
-  Study Area Boundary
-  Potential Sea Wall/Storm Surge Barrier
-  Potential land reclamation and/or Mooring
-  Residential  
Refer to page 16
-  Organised Recreation  
Refer to page 21
-  Open Spaces  
Refer to page 21
-  Heritage  
Refer to page 21
-  Civic and Community Purpose  
Refer to page 21
-  Mixed Use (Commercial, Civic, Residential, Education, Tourism, Recreation & Retail)  
Refer to page 16
-  Tourist Commercial  
Refer to page 16

**COMPLIES**

**3 Overlays**

No overlays are applicable at the site.

**NOT APPLICABLE**

**4.10 Zone CB – Central Business**

Zone Purpose

Promote an active and attractive mixed use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development.

Zone Outcomes

1. A diverse mix of commercial, community, cultural, recreational and residential developments of a scale and intensity commensurate with the role and function of the central business district.

Complies – the proposal will administratively support the land owner’s intention to further develop the area as part of the Civic and State Square Precinct development, which supports the objectives of the area as part of the Central Darwin Area Plan.

2. Residential developments that cater for residents and tourists, including **dwelling-multiple, serviced apartment, rooming accommodation, residential care facility**, and **hotel/motel**, are usually of high density and are integrated with complementary commercial and entertainment activities that are located nearby or contained within the same building.

Not applicable – no physical development is proposed as part of this application.

3. **Dwelling-community residence** and **home based business** are designed and operated in a manner consistent with the residential **amenity** of the building or surrounding precinct.

Not applicable – physical no development is proposed as part of this application.

4. Commercial developments and entertainment and dining activities such as **bar-public, bar-small, food premises (all), leisure and recreation, market, night club entertainment venue, office, shops** and **sex services-commercial premises**:
  - (a) encourage diversity and contribute to day and night activity within the zone; and
  - (b) are designed and operated in a manner that is considerate of the character and **amenity** of surrounding uses, having regard to the mixed use nature of the zone.

Not applicable – no physical development is proposed as part of this application.

5. Cultural and community focused activities such as **child care centre, community centre, exhibition centre, medical clinic, place of assembly** and **place of worship** support the needs of the local or regional population and contribute to the diversity and activity of uses within the zone.

Not applicable – no physical development is proposed as part of this application.

6. Developments such as **veterinary clinic, plant nursery, shopping centre, showroom sales, education establishment**, and **passenger terminal** are established in locations that complement and do not undermine the core functioning of the city precinct.

Not applicable – no physical development is proposed as part of this application.

7. Developments such as **vehicle sales and hire, motor body works, motor repair station, service station, industry-light** and **emergency services facility**:
  - (a) are sited on the periphery of the CB area;
  - (b) are located with good **access** to the local road network; and
  - (c) are managed to minimise unreasonable impacts to the **amenity** of surrounding residents.

Not applicable – no physical development is proposed as part of this application.

8. Development incorporates innovative building design, **site** layout and landscaping that:
  - (a) responds to and encourage pleasant microclimates, including through breeze capture and shading;
  - (b) minimises privacy and overlooking impacts on private spaces;
  - (c) maximises overlooking and passive surveillance of public spaces;
  - (d) maximises pedestrian activity along **primary street** frontages;
  - (e) reduces the appearance of building mass relative to its surroundings; and
  - (f) creates attractive outdoor spaces and enhances the streetscape.

Not applicable – no physical development is proposed as part of this application.

9. Development contributes to the creation of an active, safe and legible public realm by:
  - (a) incorporating and responding to high quality **public open spaces** including town squares, civic plazas and forecourts where appropriate; and



- (b) integrating with walking, cycling and public transport networks to promote accessibility and use.

Not applicable – no physical development is proposed as part of this application.

10. Developments are designed and operated in a manner that avoids unreasonable loss of **amenity** for surrounding premises, having regard to the close proximity between residential and entertainment uses, and the overall mixed use nature of the zone.

Not applicable – no physical development is proposed as part of this application.

11. An efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks and with convenient **access** to open space, community and educational facilities.

Complies – it is not considered likely that the new lot will materially impact on existing servicing arrangements, or complicate future arrangements.

12. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

Not applicable – no physical development is proposed as part of this application.

Please note that as subdivision is not a defined use under the NTPS2020, the assessment table for Zone CB (Central Business) has been removed from this technical assessment.

### Assessment

The proposal is located within Zone CB (Central Business). The purpose of this zone is to *Promote an active and attractive mixed use environment that maximises its function as the commercial, cultural, administrative, tourist and civic centre for the surrounding region that is integrated with high density residential development.*

The proposal will facilitate the future development of the area, which is identified as ‘Chan Lawn’ (open space) and area around the Old Town Hall Ruins to still be confirmed.

The subdivision provides for an adequately sized and shaped parcel, with opportunities for passive surveillance, connections to the existing pedestrian network and landscaping.

### **COMPLIES**

## 5 Development requirements

There are no development requirements affecting the proposal

### 6.1 Preliminary of Subdivision and Consolidation Requirements

1. *Unless otherwise specified by the Act, Regulations or the provisions of Part 1 of this Scheme the subdivision and consolidation of land requires consent.*

**Editor’s note: Zones not mentioned in this Part do not have minimum subdivision requirements, and should respond to the relevant zone purpose and outcomes and the Strategic Framework.**

### Assessment

There are no specific subdivision requirements in Part 6 of the Scheme relating to the subdivision of land in either Zone CB. Taking into consideration the editor's note above, it is considered that the relevant zone purpose and outcomes and the Strategic Framework, as discussed in this technical assessment, is adequate.

**NOT APPLICABLE**

---

Fiona P Douglas  
PO Box 744  
NIGHTCLIFF NT 0814  
e-mail: [fpdouglas@bigpond.com](mailto:fpdouglas@bigpond.com)

Development Consent Authority

31 August 2024

Re: PA2024/0232 – Subdivision. Multiple Lots Smith St and Mitchell St., Darwin City.

Thank you for the opportunity to comment on this proposal.

The object of the consolidation of the Lots is understandable and seems simple.

Despite there being a mention in the document 118855974\_EJA 12971 - Statement of Effect - V2.pdf

There is no requirement for the proposed development to be referred to the NT EPA”  
there is no mention of consideration of referral for a heritage assessment.

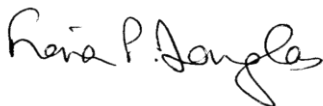
I suggest that a heritage assessment needs to be sought as to whether the Old Town Hall ruins should be included in the proposed new Lot.

In the separate document 118779768\_12971 BCA.pdf there is the statement:

There are also existing historic building remains (Old Town Hall) on the subject land however this application is for a consolidation, not a subdivision, and consequently, a report from a building certifier is not required.

The Old Town Hall ruins are not the only objects of heritage value with potential to be affected. Some of the porcelanite kerbing (opposite Brown’s Mart and included on the Heritage Register with the kerbing on the Brown’s Mart site), although not directly within the subdivision site, has potential to be adversely affected by heavy machinery.

Yours faithfully





**From:** [Margaret Clinch](#)  
**To:** [Das NTG](#)  
**Subject:** PA2024/0232 State Square Civic Area- Proposed consolidation of lots, to form one lot and rezone. Earl James and Associates  
**Date:** Friday, 6 September 2024 11:51:30 PM

---

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

6 9.2024

The Manager,  
Development Assessment Services

Dear Sir or Madam,

This development application has been advertised in the press during the time of the change of NT Government Authority due to a major election.

For that reason we believe that it should be withdrawn.

The area involved is the most significant of the capital Darwin, and indeed regards changes to the CIVIC CENTRE.

There has been no prior advice that this was intended, and thus the public is completely in the dark about these proposed changes. Just who is responsible for the detailed ideas and content which are being quoted. ?

It one point the application states:

'The merit of the proposed development is that it will facilitate the revitalisation of the State Square precinct in accordance with the objectives of the NT Government.'

JUST WHICH GOVERNMENT IS BEING REFERRED TO ?

This is a major proposal for the most important land in the NT.

Too much is unknown of the legal outcomes of these proposed changes. Who will control this land ?

The people must have a say in any 'revitalisation design'. We have had no say. This is crucial for our future.

Please acknowledge this submission regarding PA2024/0232.

Regards,

M A CLINCH

PLan:the Planning Action Network, Inc



Civic Centre  
Harry Chan Avenue  
Darwin NT 0800

GPO Box 84  
Darwin NT 0801

P 08 8930 0300  
E [darwin@darwin.nt.gov.au](mailto:darwin@darwin.nt.gov.au)

Mr Amit Magotra  
Manager Urban Planning  
Department of Infrastructure, Planning & Logistics  
GPO Box 1680  
DARWIN NT 0801

Please Quote: PA 2024/0232

06 September 2024

Dear Mr Magotra

**Parcel Description:**      **Lot 4995 Town of Darwin 11 Smith Street Darwin City**  
**Lot 5961 Town of Darwin 15 Smith Street Darwin City**  
**Lot 6566 Town of Darwin 9 Smith Street Darwin City**  
**Lot 7419 Town of Darwin 16 Mitchell Street Darwin City**  
**Lot 7474 Town of Darwin 9 Smith Street Darwin City**

**Proposed Development:**      **Subdivision to create one lot**

Thank you for the development application referred to this office on 20 August 2024, concerning the above.

The following issue is raised for consideration by the Development Consent Authority (Authority):

- Any easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose, shall be made available free of cost to City of Darwin, and/or neighbouring property owners.

If you require any further information in relation to this application, please feel free to contact City of Darwin's Innovation Team on 8930 0300 or [darwin@darwin.nt.gov.au](mailto:darwin@darwin.nt.gov.au)

Yours sincerely

Signed by:  
  
1B4AF18D418BFB59

**ALICE PERCY**  
**GENERAL MANAGER INNOVATION**

[darwin.nt.gov.au](http://darwin.nt.gov.au)



Phone 1800 245 092

Web [powerwater.com.au](http://powerwater.com.au)

Record number: D2024/327838

Container number: NE200/7474

Your ref: PA2024/0232

Kaleb Thomas  
Development Assessment Services  
GPO Box 1680  
Darwin NT 0801

Dear Kaleb

**Re: Lot 7474 (9) Lot 4995 (11) Lot 5961 (15) Lot 6566 (9) Smith Street and Lot 7419 (16) Mitchell Street  
Darwin City Town of Darwin**

In response to your letter of the above proposal for the purpose of subdivision of part Lot 7474, Lot 4995, Lot 5961, Lot 6566 and Lot 7419 to create one lot (Lot A), Power and Water (PWC) advises the following with reference to electricity enquiries:

1. The proposed Lot A is created to facilitate the development of open space and landscaped areas forming part of the future State Square redevelopment.
2. Appropriate new power supply shall be required for the proposed Lot A. Existing low voltage power services for Lot 4995 and 5961 shall be removed. Only one point of supply to the new Lot A will be permitted, in accordance with PWC's electrical "General Conditions of Supply".
3. The Proponent shall engage an accredited electrical consultant to design appropriated new power supply subject to:
  - Preparation of specific maximum demand requirement as per AS3000 calculation for proposed development.
  - Submission of a Negotiated Connection application under Australian Energy (AER) compliance process for PWC's assessment on applicable network upgrade including high voltage cable extension and substation (as required).
  - Preparation of detailed power servicing drawing submission in consultation with PWC.
4. The Proponent shall engage an accredited electrical contractor (only with relevant fields of experience from the attached accreditation list) to construct the power servicing requirements as per the approved design drawings.
5. PWC shall check and approve the consultant's electrical design drawings for construction and carry out final connection works at applicable cost under the AER assessment process.

If you have any further queries, please contact the undersigned on 8924 5729 or email: [PowerDevelopment@powerwater.com.au](mailto:PowerDevelopment@powerwater.com.au)

Yours sincerely



Thanh Tang  
**Manager Distribution Development**  
03 September 2024



Container No: LD200/7474

DIPL - Development Assessment Services  
GPO Box 1680  
Darwin NT 0801

Dear Amit,

**RE: PA2024/0232 - Lot 7474, Lot 4995, Lot 5961, Lot 6566, Lot 7419 Town of Darwin - Smith Street Darwin City - Subdivision to create one lot**

In response to your letter of the above proposal for development application purpose, Power and Water Corporation Water Services advises the following with reference to water and sewer enquiries:

1. Only a single water and sewer service is permitted for each proposed individual lot. All new services are constructed by the developer, at no cost to Power and Water.
2. Water supply to the new lot shall be provided by the land developer of a size adequate to cater for the ultimate future water demand of the lot. The developer must ensure that;
  - a) Backflow prevention is installed at the water service in accordance with AS/NZS 3500.1 – Plumbing and Drainage - Water Services
  - b) Where applicable, the device is tested annually in accordance with AS/NZS 2845.3 field testing and maintenance of testable devices.

Our database shows a device **is not** installed.

3. The developer will need to contact Power and Water's Trade Waste Department ([TradeWasteDept.PWC@powerwater.com.au](mailto:TradeWasteDept.PWC@powerwater.com.au)) to discuss trade waste requirements for the proposed development.
4. The existing water and sewerage easements within Lot 7474, Lot 5961, Lot 7419 and Lot 6566 are still required. Structures must not be located on or over a water supply or sewerage easement, or where no easement exists such as within a road reserve without obtaining the prior written approval of Power and Water.
5. All required works mentioned above must all be at according to Power and Water's Connection Code and at the developer's expense. A letter has been sent to the applicant outlining the fees and charges applicable for this development. All standard and quoted charges, as well as contribution charges will be valid for a period of 6 months from date of letter issue. As required, Power and Water will reassess the charges for the development.
6. Power and Water advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) must be contacted via email a minimum of 1 month prior to construction works commencing.

If you have any further queries, please contact the undersigned on 8995 5884, or email [waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)

Yours sincerely,

*L Leyson*

Louise Leyson

**Services Development**

20<sup>th</sup> September 2024

cc: Kevin Dodd – Earl James and Associates

email: [kdodd@ej.com.au](mailto:kdodd@ej.com.au)

Dear Sir/Madam,

**PA2024/0232**

**DATE :** 30 August 2024

Survey Land Records has the following comments regarding the Planning Application PA2024/0232.


Please ensure that any potential encroachment issues are taken into account with regards to the new boundaries.

It is noted that one of the parcels (Lot 4995, Town of Darwin) is noted as being a reserve (Reserve 1643). This has been Gazetted and declared a Heritage Place (NTG S7 – 19/03/1996). Please note this will need to be dealt with prior to consolidation.

Land Search Displaying 1 to 2 of 2		
<b>No Current Title</b>	<b>Parcel:</b>	Lot 04995 Town of Darwin ( <a href="#">Show Map</a>   <a href="#">Google Earth</a> )
11 SMITH ST DARWIN CITY	<b>Location:</b>	200 Lot: 04995 LTO Plan: Part: Unit: 0
<input type="button" value="Admin Interests"/>	<b>Plan:</b>	B 000643
	<b>Tenure Status:</b>	CURRENT
	<b>Parcel Status:</b>	CURRENT
	<b>Tenure Reference:</b>	RESERVE 1643
	<b>Owner:</b>	Department of Lands Planning And Environment

Custodian - Surveyor General (+61 8 8995 5354)	
<b>Address:</b>	11 SMITH ST, DARWIN CITY
<b>Survey Plan:</b>	<a href="#">B 000643</a>
<b>Survey Status:</b>	Approved
<b>Parcel Status:</b>	CURRENT
<b>Parcel Area:</b>	1750 square metres
<b>Map Reference:</b>	Code 200 Scale 2500 Sheet 30.21 (none found)
<b>Parent Parcels:</b>	(none found)
<b>Parcel Comments:</b>	PARTS OF FORMER LOTS 527 TO 529 CONTAINING PALMERSTON TOWN HALL - ORIGINALLY CONSTRUCTED ON LOT 528 - L/G 7/10. PROPOSED MUSEUM LAP 7037 - SPL268 (VOL 122 FOL 9) SURRD. PROCLAIMED RESERVE 1643 (PRESERVATION OF PLACE OF HISTORIC INTEREST) NTG G2 11/1/1980. DECLARED A HERITAGE PLACE NTG S7 19/3/1996.
<b>Survey Comments:</b>	(none found)
<b>Proposed Easements:</b>	(none found)
<b>Local Government Area:</b>	DARWIN MUNICIPALITY
<b>Region:</b>	DARWIN

It is also noted that not the entire current parcel (Lot 7474, Town of Darwin) is fully contained within the area shown. As such the parcel reference should currently be Part Lot 7474, Town of Darwin.

 Last updated by BSONI on 21 August 2024 09:00 AM

File Number	PA2024/0232	Application Id	118791012
Friendly Name	12971 CaSS Tranche 1		
Application Status	Current	Status Date	16/08/2024
Determination Status		Determination Status Date	
Application Type	Subdivision	Site Area	1.39 hectares
Number of Existing Parcels	5	Number of New Parcels	1
Date Registered	16/08/2024		
Consent Authority	Darwin		
Project Officer	Kaleb Thomas		
Parcel(s):	Lot 07474 Town of Darwin Lot 04995 Town of Darwin Lot 05961 Town of Darwin Lot 06566 Town of Darwin Lot 07419 Town of Darwin		
Use Signage Parcel Text	No		
Signage Parcel Text			
Purpose	Subdivision to create one lot		

Survey Land Records will assign street addressing to the development on data allocation according to the Australian/New Zealand Standard.

Please be aware that there may be survey marks within the area, if any of these become disturbed please advise Survey Land Records.

Kind Regards  
Survey Land Records

**NORTHERN TERRITORY OF AUSTRALIA**

*Planning Act 1999 - sections 54 and 55*

**DEVELOPMENT PERMIT**

DP22/0245

**DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT**

Lot 07474

Lot 07582

Lot 07583

Lot 05949

Lot 06571

Lot 06649

Town of Darwin

9 SMITH ST, DARWIN CITY

7 SMITH ST, DARWIN CITY

16 ESPLANADE, DARWIN CITY

18 ESPLANADE, DARWIN CITY

14 ESPLANADE, DARWIN CITY

3 SMITH ST, DARWIN CITY

**APPROVED PURPOSE**

To use and develop the land for the purpose of of subdivision to create two lots, in accordance with the attached schedule of conditions and the endorsed plans.

**VARIATIONS GRANTED**

Nil.

**BASE PERIOD OF THE PERMIT**

Subject to the provisions of sections 58, 59 and 59A of the *Planning Act 1999*, this permit will lapse two years from 10 October 2022.

Note: This permit has been reissued to correct minor errors. This version supersedes the permit dated 10 October 2022 and 21 July 2023.



Suzanne Philip

2024.05.14

13:36:36 +09'30'

**SUZANNE PHILIP**

Delegate

Development Consent Authority

14 May 2024



## DEVELOPMENT PERMIT

DP22/0245

### SCHEDULE OF CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings 2022/0322/01 and 2022/0322/02, endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity to the lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

Please refer to notations 1 and 2 for further information.

3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.

### NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure
2. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
3. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5346 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).

This document contains drawing numbers:  
2022/0322/01 to 2022/0322/02

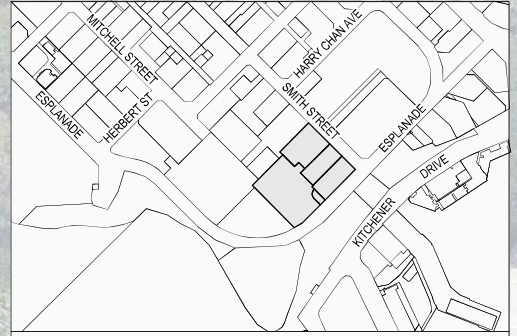
Referred to in Permit No: DP22/0245

Re-issued by the consent authority on: 14 May 2024

All drawings contained within this document have been authorised  
by the delegate of the consent authority.

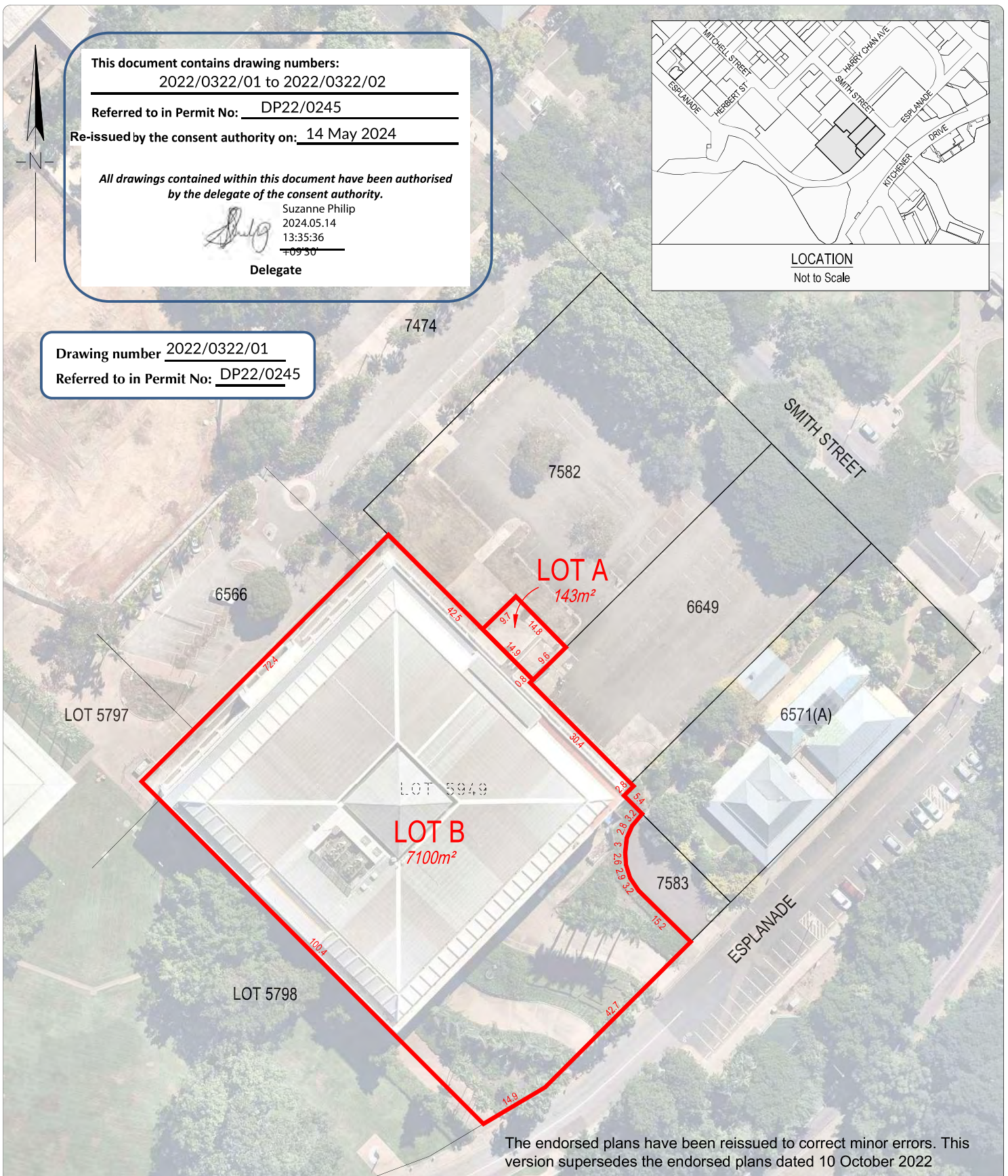
Suzanne Philip  
2024.05.14  
13:35:36  
+09:50

Delegate



LOCATION  
Not to Scale

Drawing number 2022/0322/01  
Referred to in Permit No: DP22/0245



The endorsed plans have been reissued to correct minor errors. This version supersedes the endorsed plans dated 10 October 2022

Note

This plan has been prepared for discussion purposes only  
Easements should be confirmed with the current Certificate of Title  
Areas and dimensions are subject to survey  
Aerial image obtained from Nearmap, dated 6/6/2021  
Aerial image is shown for background information only  
and is not rectified or accurately positioned  
6649,7582,7583,6571 and 7474 are NTG 'parcel' (no titles issued)

Stage 1

Subdivision of Lot 5949 to create Lots A and B

Stage 2 - Refer to plan 21/11605/4B

Lot C comprises land designated as Lots A,  
6649, 7582, 7583 and parts of 6571 and 7474



SURVEY & PLANNING  
CONSULTANTS  
10 HARVEY STREET  
DARWIN NT 0801  
PH. (08) 8981 2494  
FAX. (08) 8981 5205  
darwin@eja.com.au  
www.eja.com.au

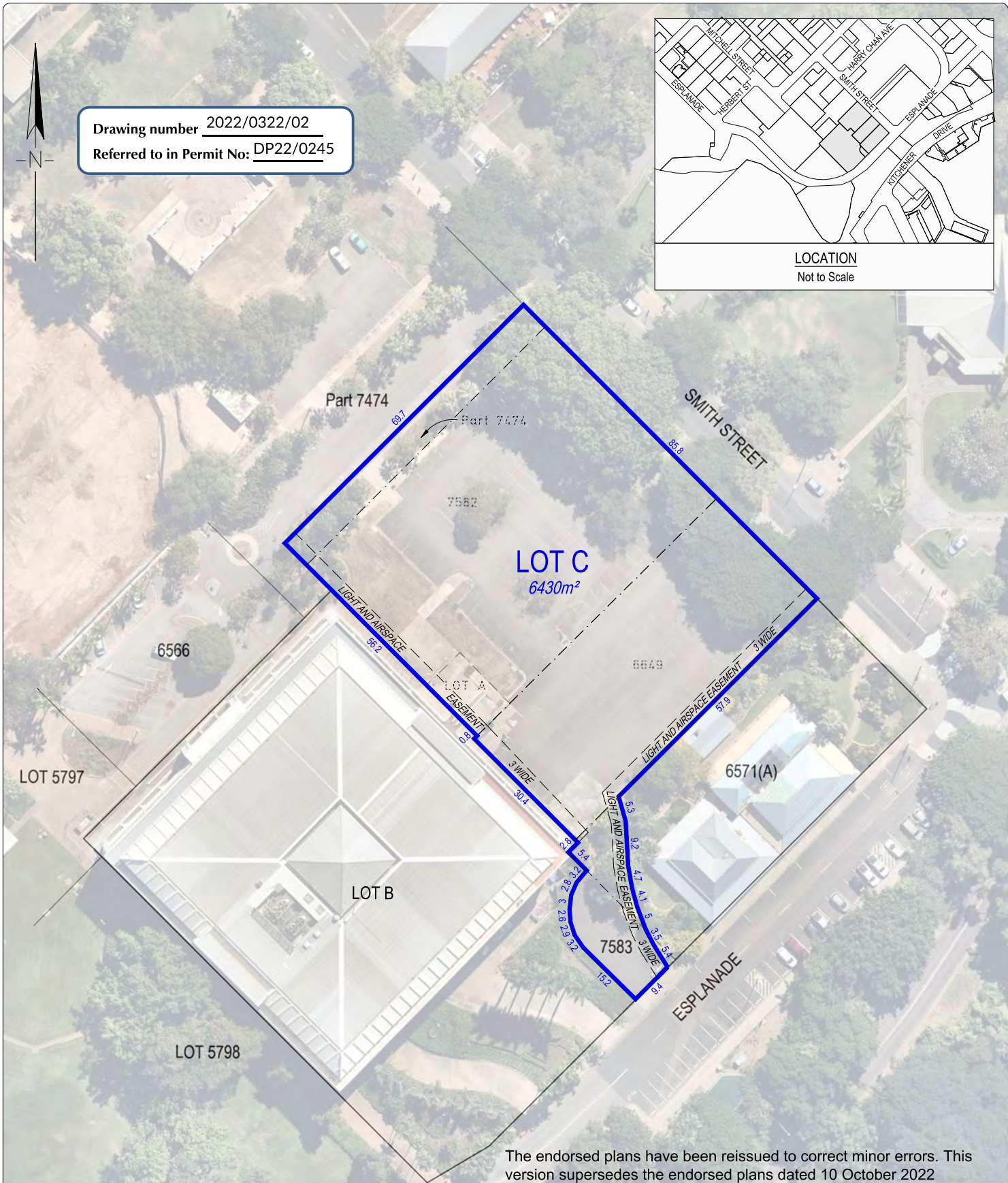
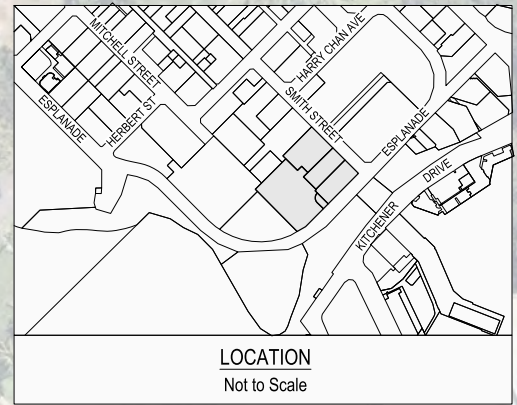
**LOTS 5949, 6571, 6649, 7474, 7582 AND 7583**  
**TOWN OF DARWIN**  
**CONCEPT SUBDIVISION**

Client: **ASHFORD ARCHITECTS**

Licensed Surveyor:	Scale: 1:750 (A3)
Date:	Datum:
Drawn by: SH	Drawing No:
Date: 24/8/2021	<b>21/11605/3A</b>
Cad File: 11605-3A.DWG	



Drawing number 2022/0322/02  
 Referred to in Permit No: DP22/0245



The endorsed plans have been reissued to correct minor errors. This version supersedes the endorsed plans dated 10 October 2022

**Note**  
 This plan has been prepared for discussion purposes only  
 Easements should be confirmed with the current Certificate of Title  
 Areas and dimensions are subject to survey  
 Aerial image obtained from Nearmap, dated 6/6/2021  
 Aerial image is shown for background information only  
 and is not rectified or accurately positioned  
 6649, 7582, 7583, 6571 and 7474 are NTG 'parcel' (no titles issued)

**Stage 1 - Refer to plan 21/11605/3A**  
 Subdivision of Lot 5949 to create Lots A and B

**Stage 2**  
 Lot C comprises land designated as Lots A,  
 6649, 7582, 7583 and parts of 6571 and 7474



**SURVEY & PLANNING CONSULTANTS**  
 10 HARVEY STREET  
 DARWIN NT 0801  
 PH. (08) 8981 2494  
 FAX. (08) 8981 5205  
 darwin@eja.com.au  
 www.eja.com.au

**LOTS 5949, 6571, 6649, 7474, 7582 AND 7583**

**TOWN OF DARWIN**

**CONCEPT SUBDIVISION**

Client: **ASHFORD ARCHITECTS**

Licensed Surveyor: .....  
 Date: .....  
 Drawn by: SH  
 Date: 09/06/2022  
 Cad File: 11605-4B.DWG

Scale: 1:750 (A3)  
 Datum:  
 Drawing No:  
**21/11605/4B**

Ref: 12971

**Development Application**

**Lots** 4995, 5961, 6566, 7419 and part of Lot 7474, Town of Darwin

**Compliance with building regulations**

There are currently site offices on part of the land, associated the ongoing construction of the NT Art Gallery but these will eventually be removed.

There are also existing historic building remains (Old Town Hall) on the subject land however this application is for a consolidation, not a subdivision, and consequently, a report from a building certifier is not required.