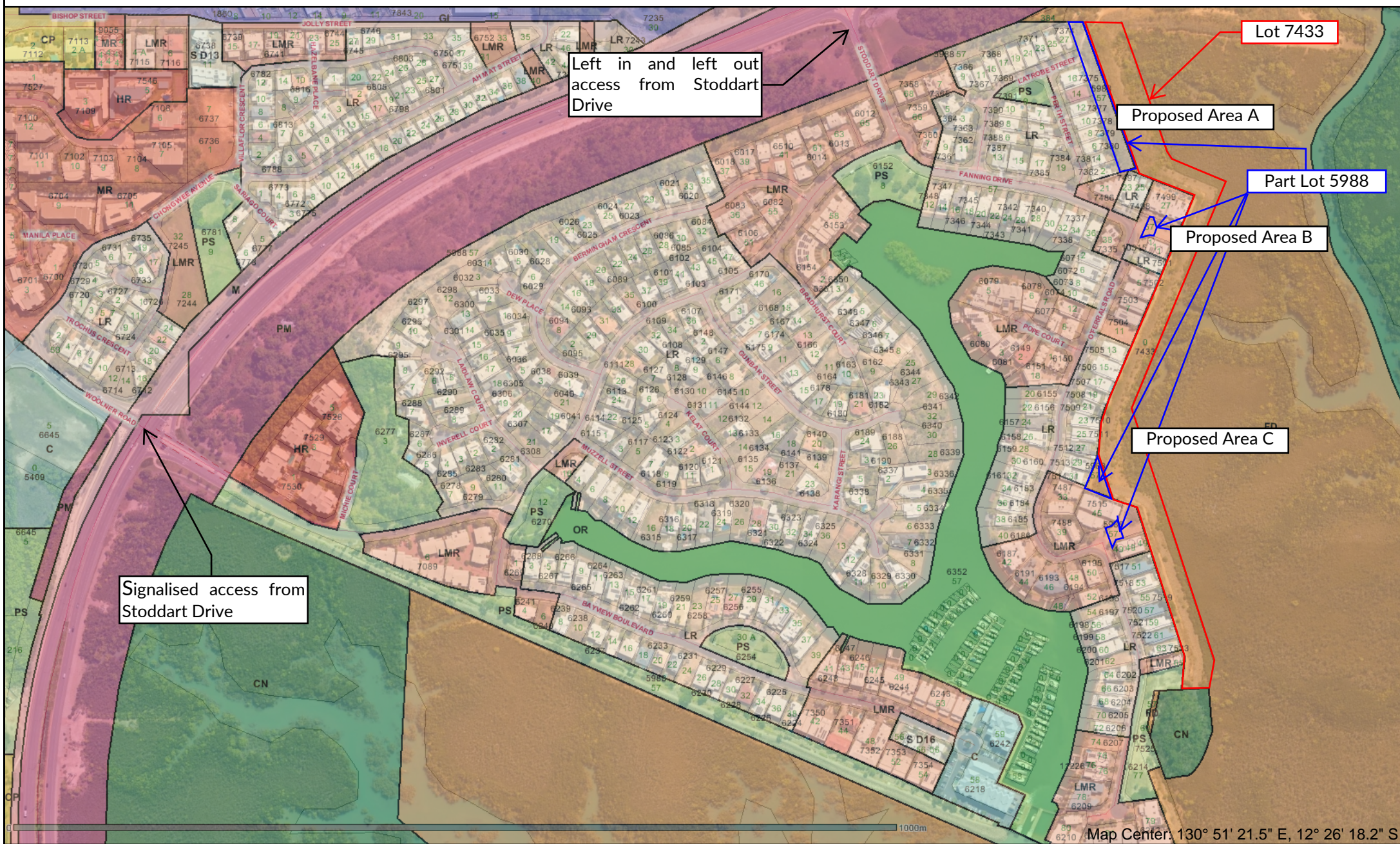


Locality Plan

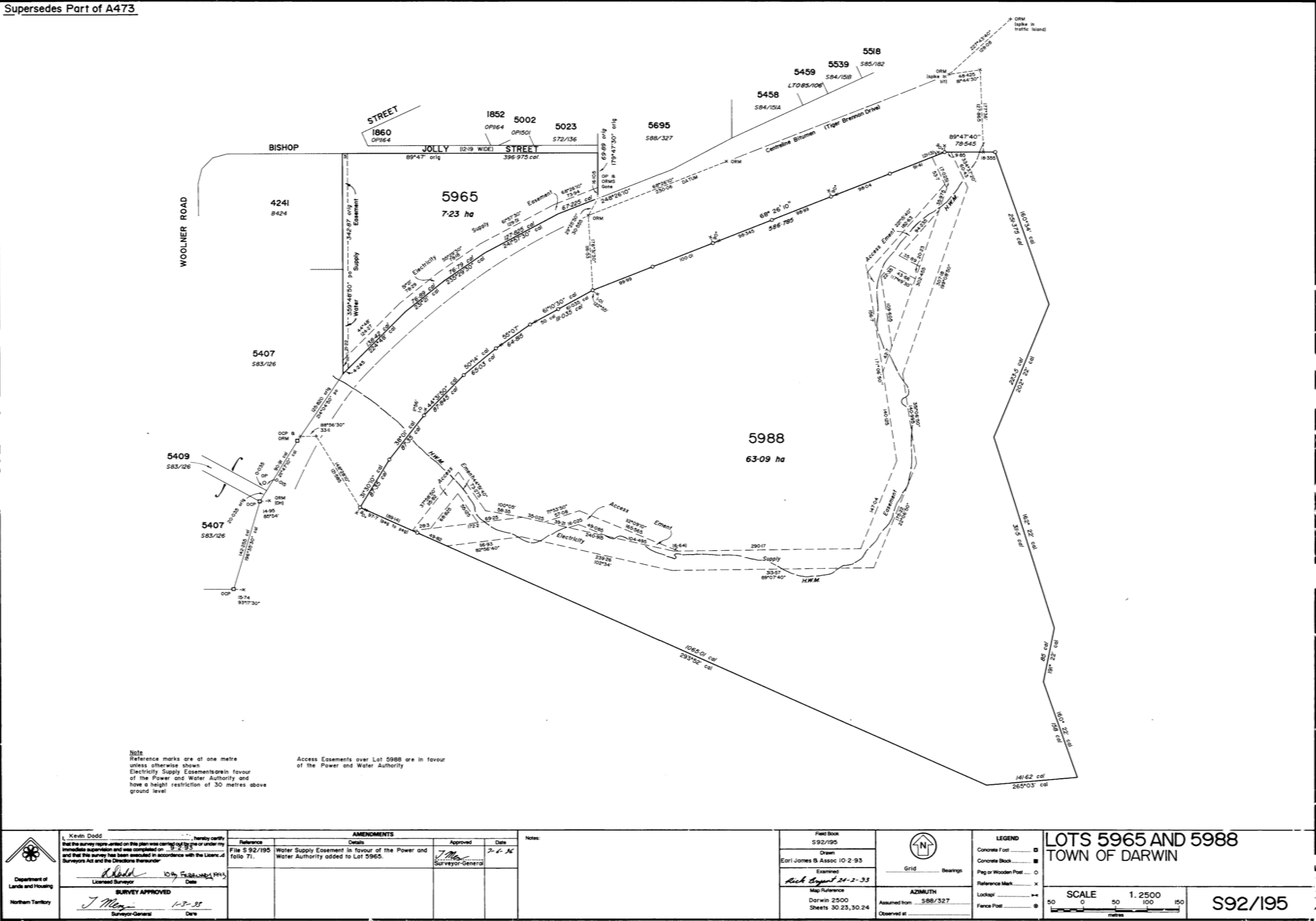


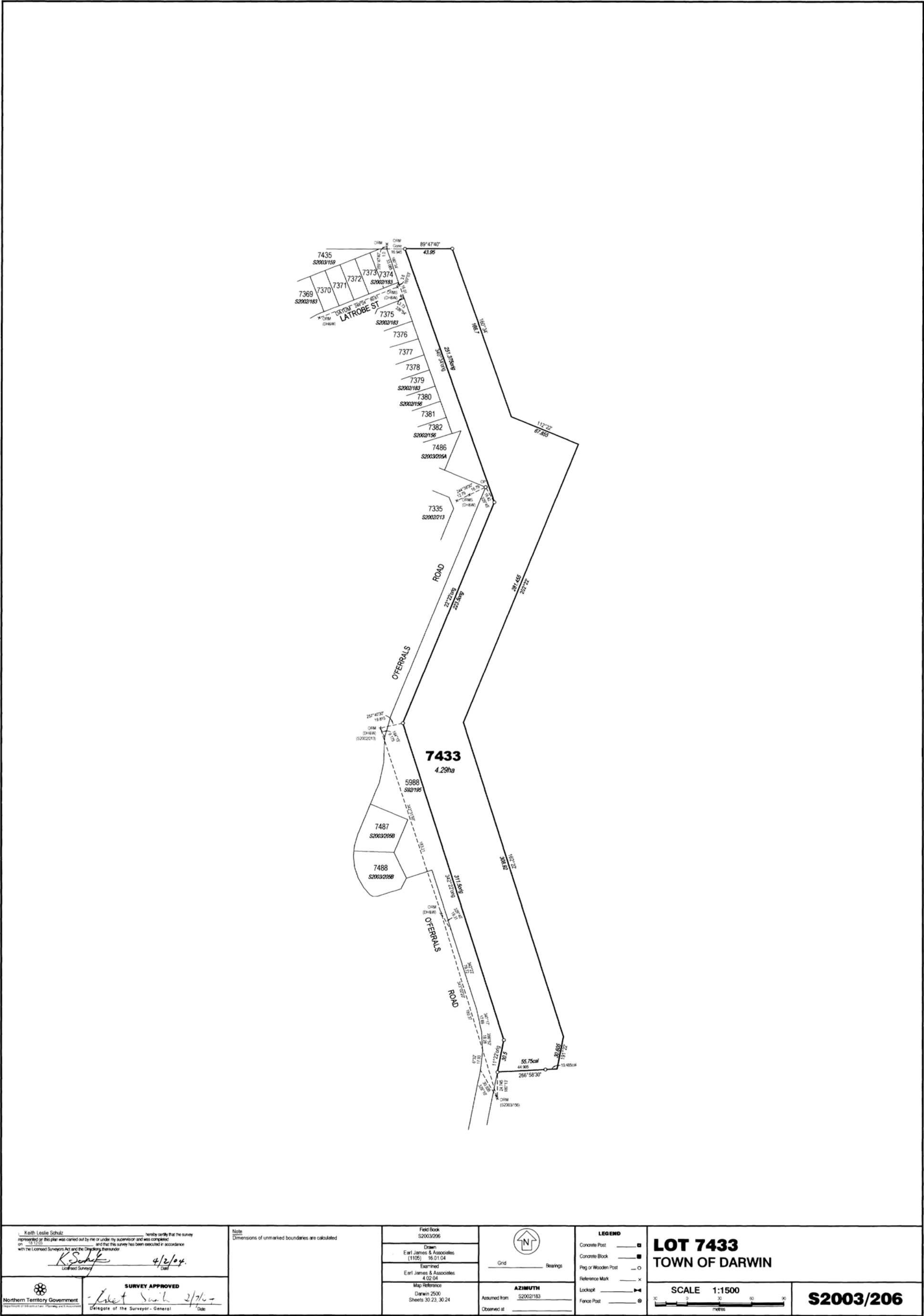
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Bottom Left: -12° 26' 30", 130° 50' 55" Top Right: -12° 26' 05", 130° 51' 47" Approximate Scale: 1:5,600 Datum: GDA 1994

Data for information purposes only - accuracy not guaranteed

N.T. Land Information System Copyright Northern Territory of Australia







Exhibition sign along Latrobe Street at proposed Area A.



Exhibition sign along Fanning Drive and O'Ferrals Road at proposed Area B.



-12.43967, 130.86017, 75.8m, 65°
7 Mar 2024 1:33:09 pm

Exhibition sign along O'Ferrals Road at proposed Area C.



Proposed Area A at the end of Latrobe Street



Proposed Area A at the end of Latrobe Street (South)



Proposed Area A at the end of Latrobe Street (North)



Proposed Area A at the end of Latrobe Street (North)



O'Ferrals Road and Fanning Drive



Proposed Area B at O'Ferrals Road and Fanning Drive



View of O'Ferrals Road from Proposed Area B



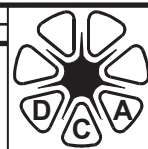
Rear access track to Proposed Area B



Proposed Area C along O'Ferrals Road



Drain along Stoddart Drive



Development Consent Authority

Northern Territory

GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6044
Email: development.consentauthority@nt.gov.au

In reply please quote: PA2023/0327

Mr Kevin Dodd
Earl James and Associates
GPO Box 884
Darwin NT 0801

kdodd@eja.com.au

Dear Mr Dodd

LOT 5988 (57) BAYVIEW BOULEVARD, AND LOT 7433, BAYVIEW, TOWN OF DARWIN

You are hereby advised that the Darwin Division of the Development Consent Authority, at its meeting on 9 December 2024 resolved, pursuant to section 30P(3) of the *Planning Act 1999*, to defer consideration of the application to develop the above land for the purpose of subdivision to create 18 lots to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- 1) Provide further information on how the Authority has power to determine the subdivision application as greenfield areas under Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR) of the Northern Territory Planning Scheme 2020 (NTPS 2020).
- 2) Provide an amended statement of effect which identifies and justifies the proposed non-compliance with sub-clause 7 of Clause 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR) of the NTPS 2020
- 3) Any amendments to the application that arise as a result of the above information request.

REASONS FOR THE DECISION

1. Pursuant to sections 30P(2)(a) and (b) of the *Planning Act 1999*, the consent authority must take into account any planning scheme that applies to the land to which the application relates, and the amendment proposal contained within the application.

The NT Planning Scheme 2020 applies to the land and subdivision to create 18 lots 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 Darwin Regional Land Use Plan 2015 and Darwin Inner Suburbs Area Plan 2016), overlay Clauses 3.4 (CR - Coastal Reclamation) and 3.7 (LSSS - Land Subject to Storm Surge) zone purpose and outcomes of Clauses 4.2 (Zone LR – Low Density Residential) and Clause 4.3 (Zone LMR – Low-Medium Density Residential) and Clauses 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR), 6.2.2 (Lots Less Than 600m² for Dwellings-Single), 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR) and 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR), need to be considered.

The Authority notes the assessment of Development Assessment Services (DAS) which found that the proposed development complies with the relevant requirements of the NTPS 2020. However, the Authority queried if it has the power to consider the subdivision in its current form as it does not have discretion under Clause 6.2.1 to consent to lots in Zone LR with a minimum lot size of less than 760m² (800m² – 5% of 800m²), unless such lots are appropriately identified in Table A to the Clause. The Authority requests that additional information be provided to demonstrate compliance with Clauses 6.2.1.

In regard to Clause 6.2.1, the Authority notes that the subdivision component of the application is for a subdivision to create 18 lots. The subdivision proposal is split into three areas, area A, area B and area C.

Area A includes 12 lots ranging in size from 454m² to 715m² and will be in zone LR (Low Density Residential). Area B includes 2 lots measuring 399m² and 392m² and is zoned LMR (Low-Medium Density Residential). Area C include 4 lots, where the 2 lots to the north will be in zone LR and include lot sizes of 1429m² and 670m². The two lots to the south will be in zone LMR and include lot sizes of 1812m² and 597m².

Sub-clause 5 of Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR) specifies the minimum lot size as:

Zone LR in greenfield areas identified for compact urban growth in the strategic framework is an average of 600m² and no smaller than 450m².

Zone LR other than greenfield areas identified for compact urban growth in the strategic framework is 800m².

The application proposes lot sizes in line with the Zone LR in greenfield areas requirements. The DAS report provides background on how the site can be identified as a greenfield area. The broader Bayview Marina Estate was developed prior to the introduction of the Darwin Regional Land Use Plan 2015 (DRLUP) in the Planning Scheme and comprises a range of smaller lot sizes.

The zone LR lots adjoining proposed area A (Lots 7374 to 7499) have lots sizes ranging from 524m² (Lot 7378) to 732m² (Lot 7375), where the majority of lots are 600m² or less. This excludes Lot 7486 with a lot size of 887m² and Lot 7499 is 1970m² as these 2 lots are zoned LMR. Adjoining proposed lots 1 and 2 of part area C, the lots sizes are 602m² to 619m².

The DAS report notes the high-level mapping in the DRLUP does not recognise the nuances in established areas between those smaller sites that have been built upon and those that remain undeveloped.

While there is no clear definition of greenfield in the DRLUP or DISAP, there is a definition of greenfield in the Compact Urban Growth Policy 2015 which is *the creation of new planned suburbs and communities on previously undeveloped land*.

Historic imagery confirms that prior the development of the Bayview Marina Estate, the land was undeveloped and is therefore appropriately considered as greenfield.

This application applies to the last portion of land within the original estate lease area suitable for residential development. The application also seeks to match the existing zoning along proposed area A and part of area C where the existing zoning pattern is LR.

The Authority notes the assessment in the DAS report identifies the subdivision proposal complies with the minimum lot size requirements for Zone LR in greenfield areas of the NTPS 2020.

The Authority notes the wording of Table A to Clause 6.2.1: Lot Size and Configuration in Residential Subdivisions specifies the *minimum lot size for Zone LR in greenfield areas identified for compact urban growth in the strategic framework*.

The Authority considers the site is not explicitly identified as a greenfield area identified for compact urban growth in the strategic framework within the DRLUP or DISAP and therefore cannot conclude that the site can be considered within the Zone LR greenfield areas minimum lot size.

Furthermore, the Authority noted administration sub-clause 1 of Clause 6.2.1 states, *the consent authority must not consent to a subdivision that reduces a lot size by an area greater than 5% of the minimum specified in Table A to this clause...in Zone LR*. Therefore, in its current form the Authority does not have discretion under Clause 6.2.1 to consent to lots in Zone LR with a minimum lot size of less than 760m² (800m² – 5% of 800m²). For these reasons, the Authority requests the applicant provide further information on how the Authority has power to determine the subdivision application as greenfield areas identified for compact urban growth in the strategic framework. under Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR) of the Northern Territory Planning Scheme 2020 (NTPS 2020).

2. Pursuant to section 30P(2)(k) of the *Planning Act 1999*, the consent authority must take into account the public facilities or public open space available in the area in which the land is situated and any requirement for the facilities, or land suitable for public recreation, to be provided by the applicant.

Clause 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR) of the NTPS 2020 requires that at least 10% of a residential subdivision area be allocated as public open space.

The Authority notes that the application has not identified or justified the proposed non-compliance with sub-clause 7 of Clause 6.2.4.

Mr Kevin Dodd advised that no additional public open space is proposed as part of the application, as there is existing open space in Bayview. Furthermore, the provision of additional open space would not benefit the adjoining properties. The Authority requests that the applicant justify the non-compliance under sub-clause 7 of Clause 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR) of the NTPS 2020.

3. At the hearing, Mr Ilias Nicolakis spoke to his written submission. Mr Nicolakis raised concerns regarding the proposed relocation of the seawall and if there will be any impacts on the existing properties.

Mr Kevin Dodd explained that the seawall will not extend past the Crown Lease. It is also noted that the Authority asked the applicant for clarification regarding access between area A and area C for maintenance of the seawall and the City of Darwin comments. Mr Simon Byrne of Byrne Consultants advised that the subdivision was re-designed in consultation with the City of Darwin to ensure maintenance access for the seawall is provided.

Mr Nicolakis raised concerns regarding the proposed building envelopes. The Authority advised the building envelopes are indicative and only to show how the lots can meet the subdivision development requirements. If future developments do not comply with the minimum setbacks required under the NTPS 2020 a development permit will be required.

Mr Nicolakis noted that the application states no mature mangroves will be removed, however the mangroves have been there a long time.

Mr Nicolakis also noted his concern that a 2 storey property can be built on the proposed lots and that this may result in overlooking of his property and impact on property values. The Authority advised that impacts on property values is not a planning consideration and cannot form part of their decision making.

In addition, Mr Nicolakis advised that he is concerned about the traffic impacts on O'Ferrals Road and also questioned if the development is viable.

Mr Dodd advised the traffic impact assessment has been reviewed and commented on by the City of Darwin who have carriage of all transport related matters.

The Authority noted the viability of a development is not a planning consideration and cannot form part of their decision making.

Should you require any further information on this matter, please telephone Development Assessment Services on 8999 6046.

Yours faithfully

 Digitally signed
by Kaleb Thomas
Date: 2025.01.21
15:49:46 +09'30'

Kaleb Thomas
Delegate
21 January 2025

cc City of Darwin
 Submitters

Our Ref: 8093

Supplementary Report Addressing DCA Deferral

Lots 5988 and 7433, Town of Darwin

A Concurrent Application has been lodged seeking approval to change the zoning of part of Lots 5988 and 7433, Town of Darwin from FD (Future Development) to LR (Low Density Residential) and LMR (Low-Medium Density Residential) and then subdivide the subject parts of Lots 5988 and 7433 in order to create 18 lots.

The Development Consent Authority (DCA), at its meeting on 9 December, 2024, resolved to defer consideration of the application subject to provision of the following, additional information:

- 1) Provide further information on how the Authority has power to determine the subdivision application as greenfield areas under Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR) of the Northern Territory Planning Scheme 2020 (NTPS 2020).*
- 2) Provide an amended statement of effect which identifies and justifies the proposed non-compliance with sub-clause 7 of Clause 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR) of the NTPS 2020*
- 3) Any amendments to the application that arise as a result of the above information request.*

Additional information:

1. The Planning Scheme Amendment Proposal has been amended to propose a Specific Use (SU) zone for the subject area.

The details of the Specific Use zone are attached but in summary the zone provides that Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR) applies to the subdivision of land subject to this specific use zone, with subdivision requirements to be applied as if the land were zoned in accordance with the zonings indicated ... and as if the land were a greenfield area identified for compact urban growth in the strategic framework.

The revised zoning proposal will allow the DCA to determine the application and make a recommendation subject to the Minister approving the revised amendment proposal.

2. The Development Proposal component of the concurrent application (Statement of Effect for the subdivision) has been amended as requested to address the non-compliance with sub-clause 7 of Clause 6.2.4.

Following is an extract of the relevant section of the Development Proposal

Public open space is considered in Clause 6.2.4 (7) and calls for the provision of 10% of the subdivision area as public open space. The current application is seeking a waiver of the requirement to provide this 10% in the proposed subdivision areas.

Whilst the current application is not proposing open space, the proposed lots will be able to utilise the extensive areas of open space developed throughout the preceding stages of Bayview Marina Estate.

Bayview incorporates a variety of public open space including parks, walking paths and heritage areas and rather than establish new areas of open space that back onto existing lots, it is more appropriate to utilise the existing, established open space in the immediate vicinity.

All of the lots being proposed by the current application are less than 400m walking distance from a neighbourhood park and the established open space throughout Bayview has been developed in accordance with previous approvals.

No amendments to the subdivision proposal, previously considered by the DCA, are required due to the actions taken to address the reasons for deferral.

Our Ref: 8093

Supplementary Report – Amendment Proposal Component of Concurrent Application

Lots 5988 and 7433, Town of Darwin

A Concurrent Application has been lodged seeking approval to change the zoning of part of Lots 5988 and 7433, Town of Darwin from FD (Future Development) to LR (Low Density Residential) and LMR (Low-Medium Density Residential) and then subdivide the subject parts of Lots 5988 and 7433 in order to create 18 lots.

The application has been on public exhibition and submissions have been received from the public, Council and Government agencies.

Development Assessment Services (DAS) branch of the Department of Lands, Planning, and Environment (DLPE), after having assessed the application and considered the submissions, concluded that the Development Consent Authority (DCA) would likely approve the application if the Minister approved the changes to the zonings.

The DCA requested further information as to how it could determine the application as a greenfield area because, even though the subject area is the remaining undeveloped portion of the Bayview Marina Estate, it is not specifically identified as greenfield in the NT Planning Scheme.

In response to the matters raised in the deferral notice, the 'Amendment Component' of the application has been altered to establish a 'Specific Use Zone' (SU Zone). This zone pertains specifically to part Lot 5988 (57), Bayview Boulevard and part Lot 7433, Bayview as identified in the application, and outlines the intended future zoning for the proposed lots. It permits the subdivision of the land to be treated as if it were a greenfield area designated for compact urban growth within the strategic framework of Zone LR (Low-Density Residential) and Zone LMR (Low-Medium Density Residential).

The introduction of the SU zone makes no change to the subdivision layout, or the proposed zonings that have been publicly exhibited and considered by the relevant authorities.

A further Planning Scheme Amendment will be submitted prior to title issue, with the intention being that the LR and LMR zones will be designated for the relevant lots.

Given that the proposal is not changing, and the layout and zones have been exhibited, re-exhibition of the SU zone proposal should not be necessary.

The proposed Specific Use zone details are attached along with a revised Amendment Proposal (a component of the Concurrent Application).

Purpose

Facilitate an intermediate zone for low and low-medium density residential subdivision in a manner consistent with the existing lot size and configuration established in the earlier stages of the Bayview development.

Administration

1. This specific use zone applies to Part Lot 5988 Town of Darwin (57 Bayview, Boulevard) and Part Lot 7433, Town of Darwin, shown as Area A, Area B, Area C1 and C2 on the diagram to this zone.
2. Clause 6.2 (Subdivision in Zones LR, LMR, MR and HR) applies to the subdivision of land subject to this specific use zone, to the extent of any inconsistencies.
3. The consent authority must not consent to a subdivision that is not in accordance with subclause 7.

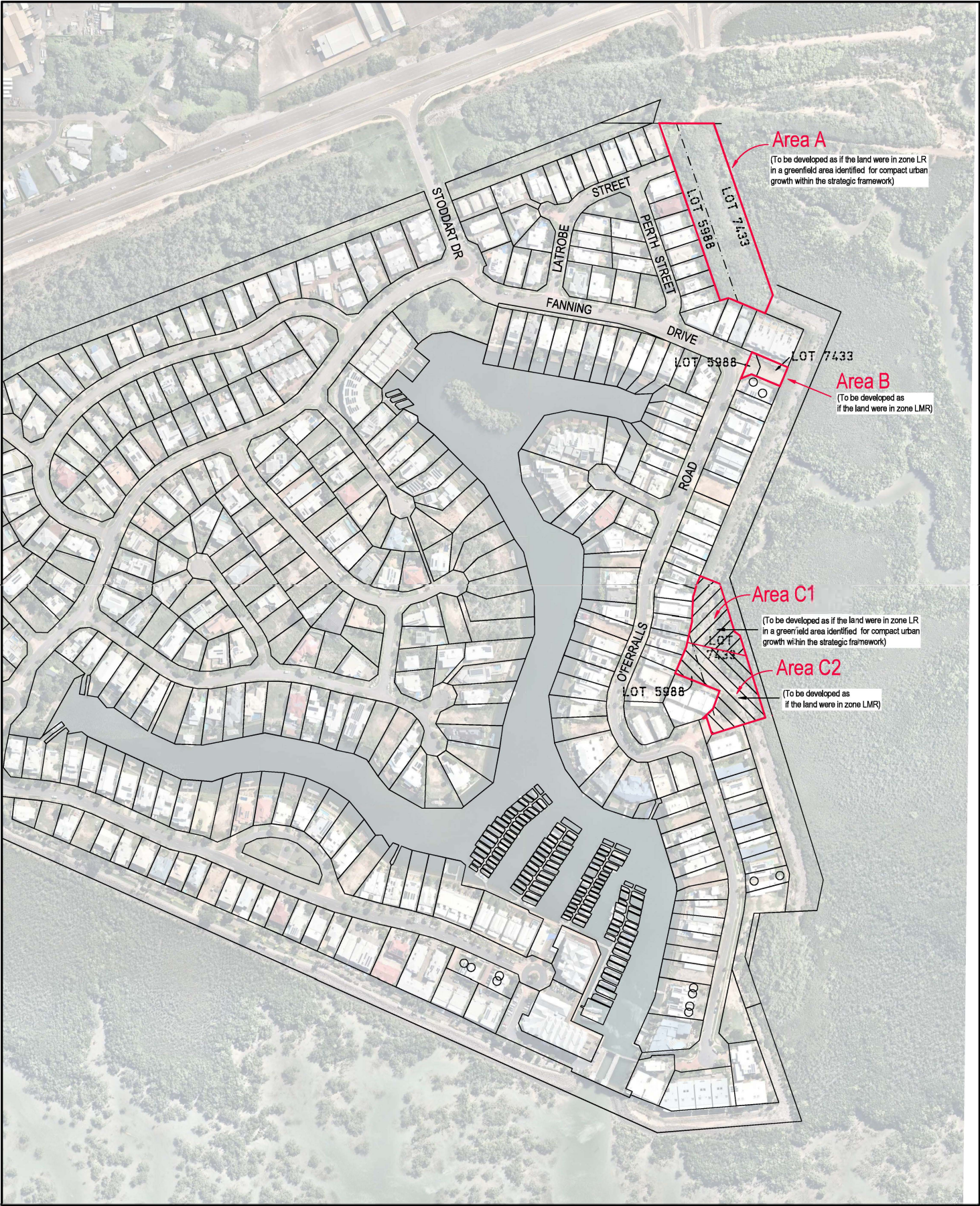
Zone Outcomes

4. Provide a range of lot sizes for a mix of dwelling-single, dwelling-group and dwelling-multiple development.
5. Provide an intermediate zone to enable completion of the Bayview development, in a style and format consistent with the existing development.
6. An efficient pattern of lots that are connected to reticulated services, integrated with the existing road network, and with reasonable access to open space and community facilities.

Requirements

7. Subdivision design is to be in accordance with the requirements of the table below:

| Subdivision Area | Requirements |
|------------------|---|
| Area A | Clause 6.2.1 applies as if the land were in Zone LR in a greenfield area identified for compact urban growth within the strategic framework. |
| Area B | Clause 6.2.1 applies as if the land were in Zone LMR |
| Area C1 | Clause 6.2.1 applies to the area identified as Zone LR in the diagram to this Zone as if the land were a greenfield area identified for compact urban growth in the strategic framework |
| Area C2 | Clause 6.2.1 applies to the area identified as Zone LMR in the diagram in this Zone as if the land were in Zone LMR |



Area A

(To be developed as if the land were in zone LR in a greenfield area identified for compact urban growth within the strategic framework)

Area B

(To be developed as if the land were in zone LMR)

Area C1

(To be developed as if the land were in zone LR in a greenfield area identified for compact urban growth within the strategic framework)

Area C2

(To be developed as if the land were in zone LMR)

Proposed Development Report – Amended 26/3/2025

Lots 5988 and 7433, Town of Darwin

This report forms part of a Concurrent Application seeking approval to change the zoning of part of Lots 5988 and 7433, Town of Darwin from FD (Future Development) to LR (Low Density Residential) and LMR (Low-Medium Density Residential) and then subdivide the subject parts of Lots 5988 and 7433 in order to create 18 lots.

Lots 5988 and 7433, Town of Darwin are Crown lease parcels that have been progressively developed as the Bayview Marina Estate. Bayview Marina Estate is one of Darwin's premier residential subdivisions located a short distance from the Darwin CBD.

The subdivision is recognised for its high standard of development that has resulted from strict design guidelines developed and managed by the developer, Dover Investments.

The developers were initially granted a Crown lease over Lot 5988, Town Darwin (CLT 1251) in 1993 and then in 2004 a Crown lease (CLT 2155) was granted over an additional land area (Lot 7433) to enable the subdivision to be expanded.

The NT Government's strategic planners saw the potential for even further development in the Sadgrove's Creek locality and the Bayview developers were granted an option to purchase an additional area to the east of Lot 7433.



Bayview Marina Estate

Since that time the extension of residential development further to the east into the mangroves has gone off the agenda due to a variety of reasons and there are no longer any plans to develop the land to the east and south of Bayview.

Whilst the development of the option area is not going to happen, there are still certain areas of the existing Crown leases that have been assessed as being suitable for residential development. Areas not suitable for development, such as buffer strips along Tiger Brennan Drive and strips comprising the seawalls are obviously not suitable for residential development and these areas are in the process of being surrendered from the Crown leases.

The three remnant areas that have been determined as being suitable for residential development were the subject Development Application in 2013. These areas are adjacent to the eastern boundary of the Crown leases. The intention was to create three lots and then construct units on the proposed lots.

The Development Consent Authority (DCA) subsequently issued DP13/0635, approving the creation of two new parcels. The third parcel was removed from the proposal in order to provide an access option for the land to the east, however provision for that access is no longer required.

Consideration has been given to the most appropriate form of development for the three subject areas, taking into account the existing Bayview residents and the preferred living options for future residents.

The 2013 proposal, for the land to be developed to its highest potential yield of units was discarded and the option of a subdivision that creates separate freehold lots was adopted.

The current application is seeking the approval of the DCA to subdivide Lots 5988 and 7433, Town of Darwin for the purpose of creating 18 lots, in accordance with plans 22/8093/36.4, 27.4, 28.4 and 29.4



Public open space abutting the marina

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

Phone: 08 89812494

Landowner:

Lot 5988, Town of Darwin

Dover Investments Pty Ltd (ACN 009 637 914)

Address: Level 8, 728 George Street
Sydney NSW 2000

Phone: c/o 08 89812494

Lot 7433, Town of Darwin

Dover Investments Pty Ltd (ACN 009 637 914)

Address: Level 8, 728 George Street
Sydney NSW 2000

Phone: c/o 08 89812494

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

Property details:

Lot 5988, Town of Darwin

Title details: Volume 857 Folio 147

Crown Lease Term 1251

Survey Plan: S92/195

Address: 57 Bayview Boulevard, Bayview

Easements: Nil

Lot Area: 5.43 hectares

Lot 7433, Town of Darwin

Title details: Volume 857 Folio 148

Crown Lease Term 2155

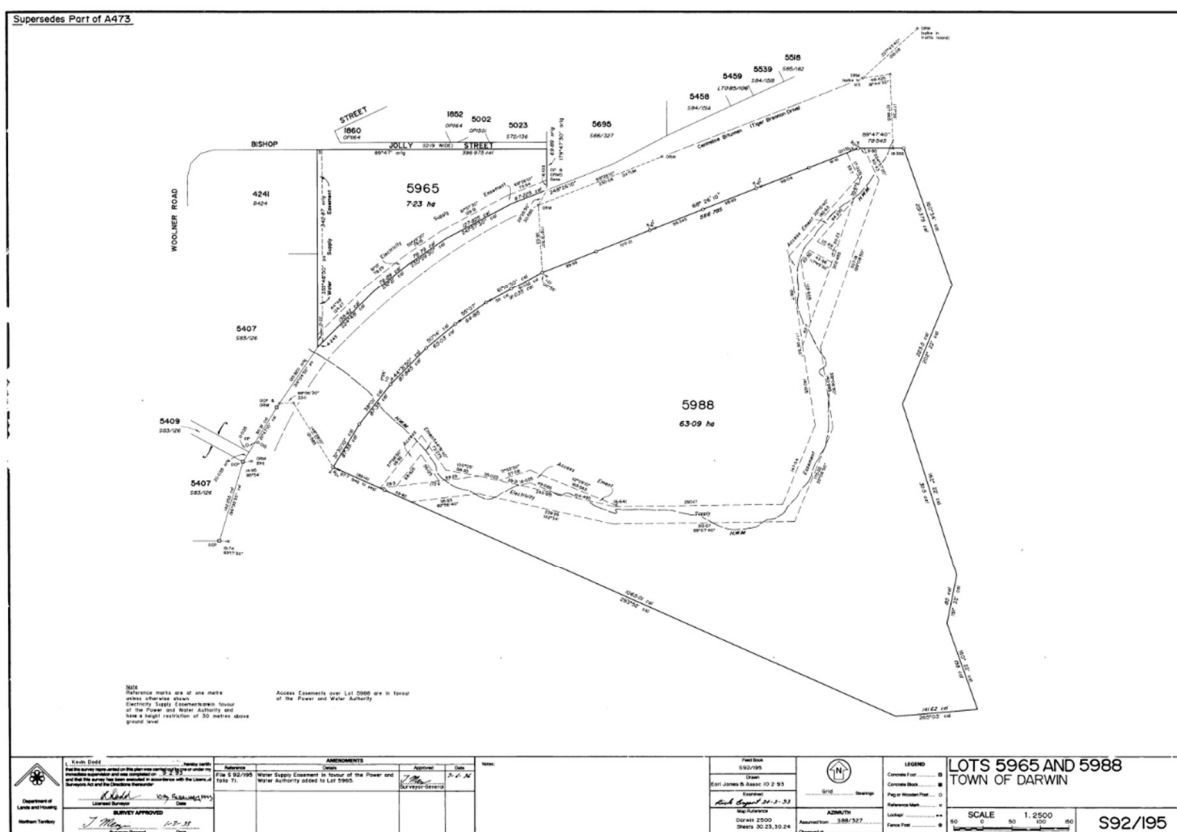
Survey Plan: S2003/206

Address: Bayview

Easements: Nil



Lot Area: 3.2 hectares



Survey plan S92/195

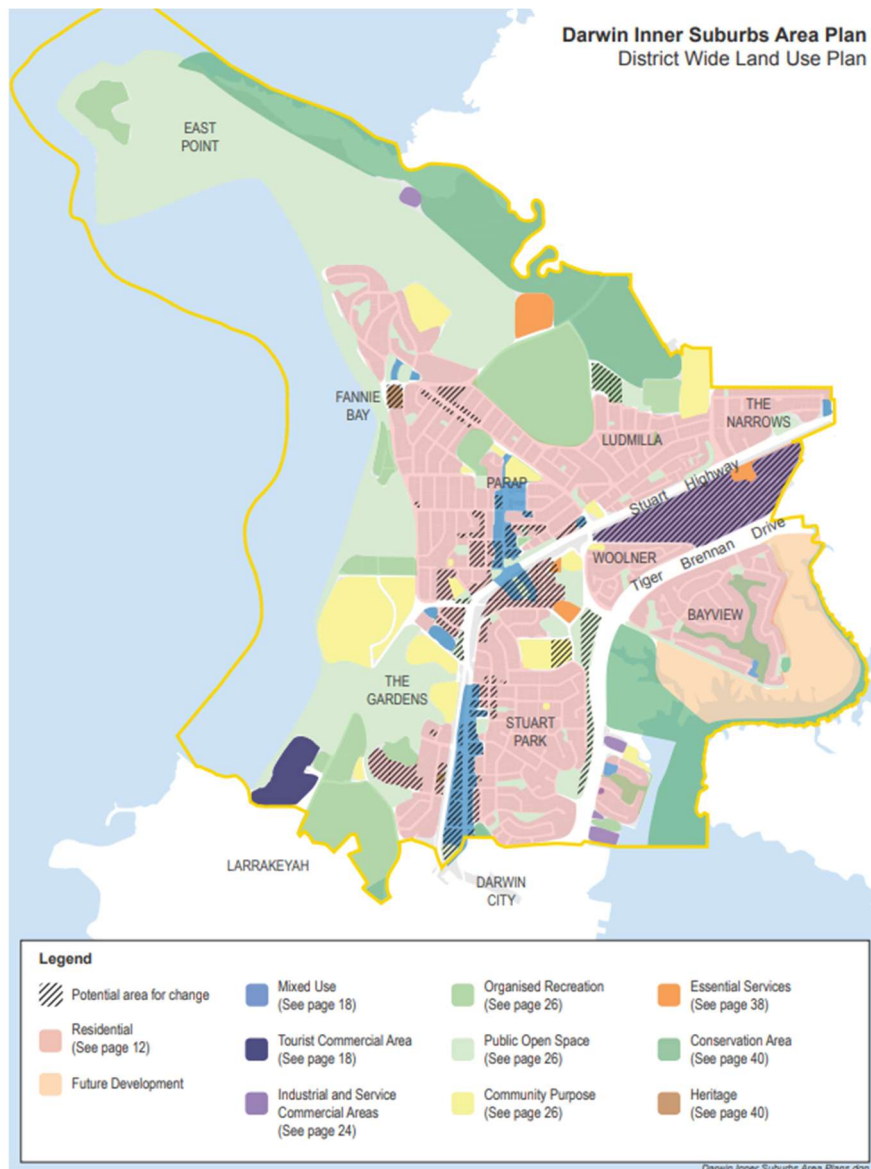
Strategic Framework

The Darwin Regional Land Use Plan 2015 (DRLUP) applies to the subject land and identifies the subject land as being suitable for urban/peri-urban development.

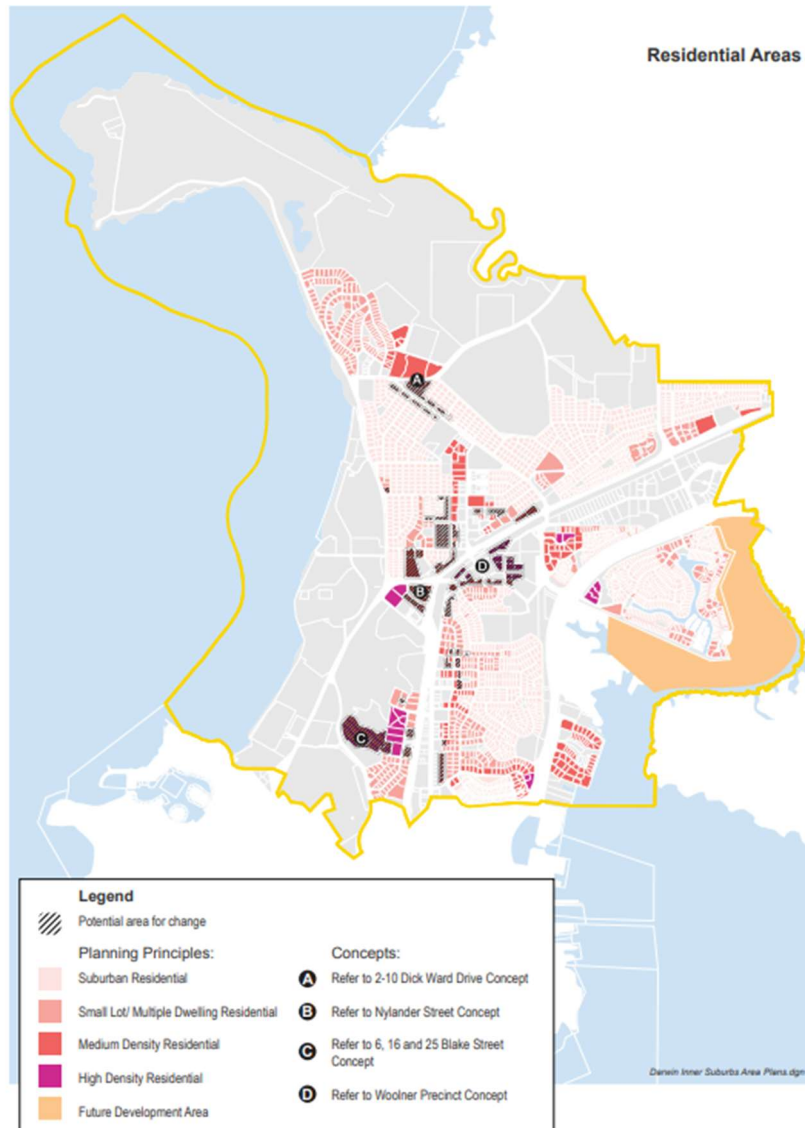
The lots being proposed by the current application are ideally suited to urban development and in no way conflict with the intention of the DRLUP.

The Darwin Inner Suburbs Area Plan (DISAP) also applies to the land comprised within the Bayview Crown leases.

The DISAP provides a framework to guide progressive growth and development within the Inner Suburbs of Darwin and the land that is the subject of this application, lying on the eastern edge of the existing Bayview development, is identified for 'Future Development'.



The following figure showing Residential Areas, from the DISAP, also identifies the subject area as a *Future Development Area*.



The Planning Principles associated with *Future Development Area* are set out in the following table from the DISAP:

| Future Development Area | |
|--|---|
| Objectives | Acceptable Responses |
| 1. Identify areas intended for future development. | <p>Development is to accord with either</p> <ul style="list-style-type: none"> An Area Plan and the provisions of Zone FD; or Provisions of a Specific Use Zone. <p>Both the Area Plan and the Specific Use Zone must address the relevant provisions within the NT Planning Scheme (including concepts within this Area Plan).</p> |
| 2. Provide for development in accordance with a site or locality specific planning framework once services are or can be made available to the land. | |

Part of the land that is the subject of the current application is zoned LMR whilst the rest is zoned LR and FD.

The intention is for those parts that are currently zoned FD to be rezoned to LR and LMR.

Reticulated services are to be extended to service the proposed lots and details of the servicing are included within this Statement of Effect.

Zoning

As previously mentioned, part of the land that is the subject of the current application is zoned LMR (Low-Medium Density Residential) whilst the rest is zoned LR and FD. The intention is for those parts that are currently zoned FD to be rezoned to LR and LMR prior to titles issuing for the proposed lots.

The intention is to amend the NTPS so the zoning of all the land comprised within Area A is LR. Part of Area A is already zoned LR, whilst the eastern part is zoned FD. Similarly, the intention is to also rezone the area comprising Lots 1 and 2 to zone LR and rezone the area comprising Lot 3 and 4 to LMR.

The purpose of zone LR is:

Provide predominantly for low rise urban residential development comprising individual houses and uses compatible with residential amenity, in locations where full reticulated services are available.

The lots being proposed by the current application are consistent with the purpose of the zone and will provide new housing options that will be fully serviced and can utilise existing community services and facilities. The proposed lots will also have a zone that is the same as the zoning of the existing, abutting parcels.

The purpose of zone LMR is to *provide a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available.*

Proposed Lots 3 and 4 in Area C, to be rezoned to LMR, are consistent with the purpose of the zone and will provide new housing options that will be fully serviced and can utilise existing community services and facilities.

The current application is not seeking approval for the use of the land but will result in parcels that will facilitate the development of the desired housing options where reticulated services are available and there are community services available.

Zone Outcomes

The outcome being sought for zone LR is *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 and community facilities.*

The LMR zone is looking for lots that are *connected to the reticulated services, integrated with existing transport networks, and with reasonable access to open space and community services.*

The lots being proposed by the current application will be connected to reticulated services and the subdivision will involve the development of new portions of public road that will connect to an integrated road network.

The new lots will be able to utilise the existing open space areas (parks, bicycle and walkways, heritage areas) and given Bayview's proximity to the CBD and other service commercial areas, the new residents will have access to existing community facilities.

Overlays

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

The Record of Administrative Interests advises the following Overlays apply to Lots 5988 and 7433:

CR Coastal Reclamation

The purpose of this Overlay is to *ensure that landfill of coastal areas does not adversely affect adjacent land or waters, or the quality of adjacent waters, and is suited to its intended purpose.*



The *Administration* section of this overlay advises that the placement of fill below the level of the highest astronomical tide requires consent. The filling works will be part of the works associated with the development of this subdivision and geotechnical consultants Douglas Partners (DP), have previously been engaged to provide an assessment of the proposed site filling and seawalls.

It should be noted that Area B does not require earthworks as this area has been filled and surcharged as part of a previous stage of Bayview that was completed in 2004.

The DP report (attached) advises that the proposed construction for Areas A and C will be as follows:

Area A: Clear and reshape the sloping ground, then construct a building platform at a final level at about RL5.5m AHD by filling over the prepared site surface. Surcharge the lot for a period of up to 5 months with about 2 m of filling to reduce post construction settlements, then remove the surcharge and construct a seawall to RL6.5 m AHD.

Area C: Remove and stockpile the rock armour from the current seawall, reshape the sloping fill batter, then construct a building platform at a final level at about RL5.5 m AHD by filling over the prepared site surface. Surcharge the lot for a period of up to 8 months with about 2 m of filling to reduce post construction settlements, then remove the surcharge and construct a seawall to RL6.5 m AHD.

Also from the DP report:

Geotechnical Issues for Design and Construction

Based on the previous earthworks carried out for construction of similar filling platforms suitable for residential construction in Stages 3 to 10 of the Bayview subdivision, there are four main geotechnical issues to be addressed. These include the following:

- a. stability of the filling and surcharge during placement over soft marine sediments;*
- b. differential settlement between previously placed filling and new filling which may lead to the formation of tension cracks at the interface between the “old” and “new” filling;*
- c. settlement of the filling platform; and*
- d. stability of the seawall after surcharge is removed and rock armour is placed.*

Each of these four issues will be specifically addressed by incorporating the following geotechnical design features and construction strategies into the site filling procedures, and by monitoring the settlement of fill platforms by precise survey.

Issue a: *The current site surfaces will be cleared and benched before an engineered filling platform comprising a woven geotextile layer, a rockfill working platform, engineered filling and surcharge is placed over the mud surface. The earthworks profile proposed for site filling and surcharge is shown on attached Drawing 5. A similar profile has been successfully used for construction of previous stages of Bayview including the adjacent Stage 10 earthworks.*

Issue b: *The new filling will be carefully placed in a controlled manner, and will be keyed into the current filling, to minimise the risk of longitudinal cracking and to ensure stability of the filling platform at all stages. Any tension cracks that form at the interface between “old” and “new” filling will be reinstated before surcharge is removed. Tension cracks that have formed due to differential settlement at Bayview and the nearby Tiger Brennan Drive embankments have been successfully reinstated with minimal detrimental effect to the filling platform using this approach.*

Page 4 of 6

Geotechnical Assessment of Proposed Site Filling & Seawalls Project 77861.01

Stage 11 - Lots A and C, Bayview, NT May 2012

Issue c: *Surcharge will be placed over the engineered filling to heights predetermined by engineering calculations. Examples of surcharge profiles and estimated surcharge times for areas including part of Lot A and all of Lot C are shown on attached Drawings 6 and 7. Settlement of the filling platform under surcharge loads will be monitored by periodic survey and the surcharge will not be removed until approximately 90% of primary consolidation under filling load has been achieved. Settlement monitoring of previous stages of Bayview for periods of up to 5 years after removal of surcharge indicates that post construction settlements of monuments located on filled areas have generally been limited to 20 mm or less.*



Issue d: The seawall section proposed for Lots A and C is shown on attached Drawing 8. This section differs from previous seawall sections at Bayview because shallower average mud depths along the lease boundary on this eastern side allow for a steeper, stable armour rock wall to be constructed on a rockfill base. The seawall construction comprises removing and displacing soft mangrove mud and replacing this soft soil with a rockfill base. The top of the rockfill base will be at or slightly below natural surface level and the rockfill base will be founded on the underlying stiff marine clay. This rockfill base will be placed before the working platform and site filling so that trenching required to remove mud does not cause any instability in the filling.

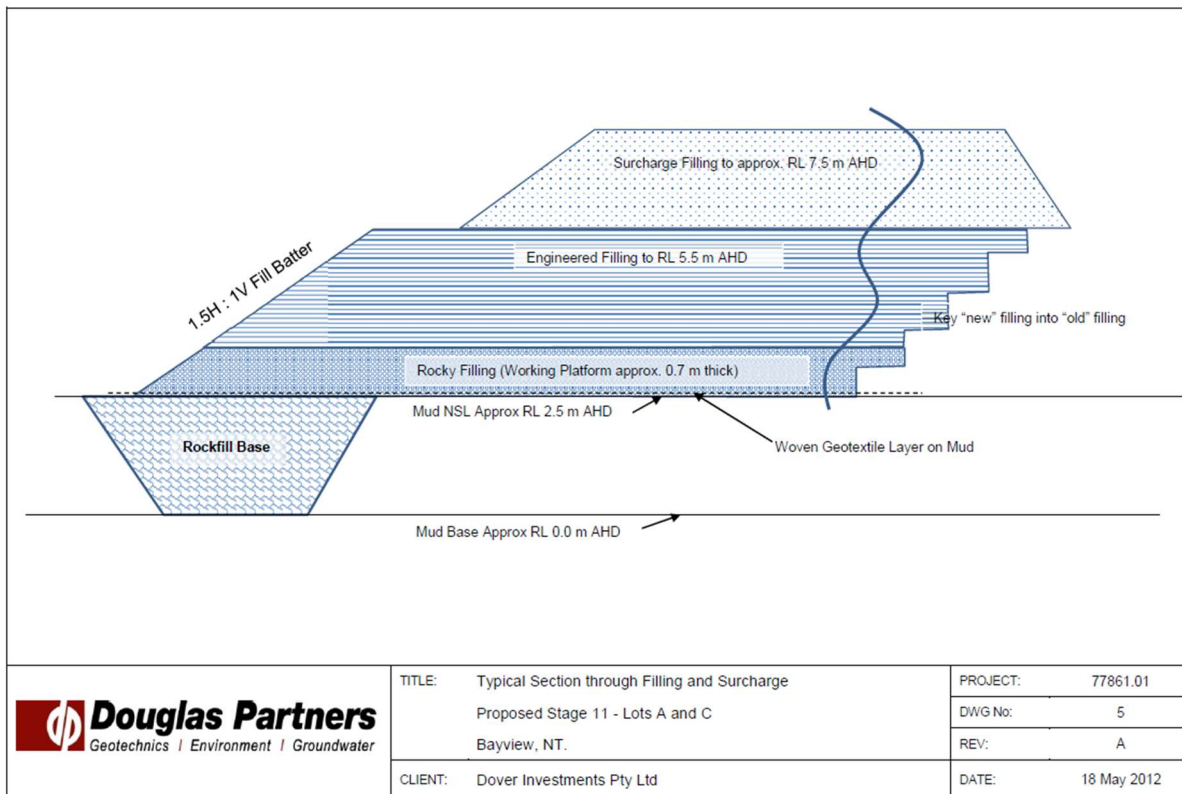
After the surcharge is removed to the design site level of about RL5.5 m AHD, the compacted outer fill batter will be trimmed to a slope of 5H:4V and a 1 m high precast concrete retaining wall will be constructed at the crest of the batter as shown on Drawing 8. A non-woven geotextile will be laid on the batter and secured under the wall, then armour rock (which was previously removed and stockpiled before filling Lots A and C) will be placed on the batter and over the base of the retaining wall.

Suitability for Residential Construction

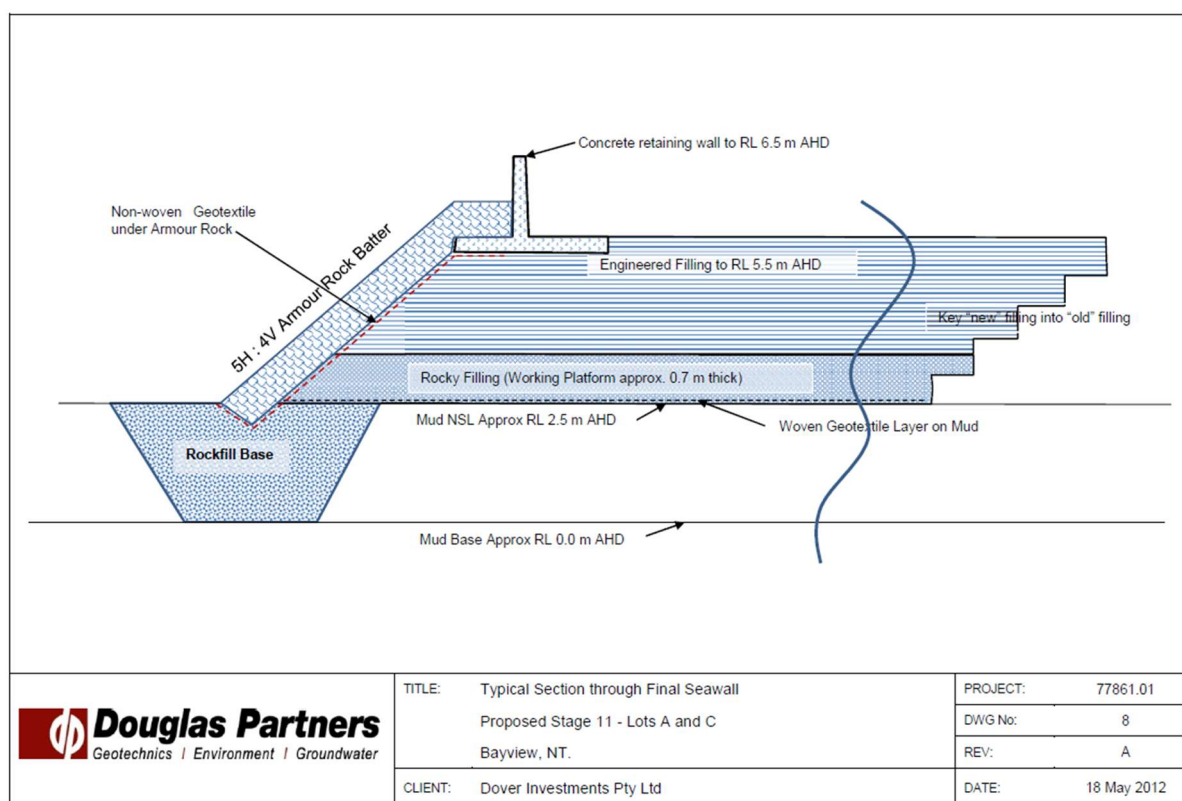
The attached Drawing 4 shows the locations of the proposed Stage 11 - Lots A and C which confirms that the information on mud depths and surcharge calculations contained in previous DP geotechnical reports will adequately cover the proposed Stage 11 lot areas. In addition, the information on Drawings 6 and 7 indicate that previous calculations of surcharge heights and surcharge times could be revised to adequately address the proposed construction schedule of the Stage 11 lots.

The proposed composite wall profile with a rockfill base will be stable, will enable development of the lots for their intended purposes, and with a crest level of RL6.5 m AHD will mitigate risk and damage as a result of any storm surge event.

If the proposed seawall section shown on Drawing 5 is adopted for construction, some additional geo-environmental sampling, testing and reporting will be required to assess the potential for acid sulphate soils (PASS) and to address the issues of handling and disposal of PASS. The management of ASS has been addressed for previous stages of Bayview and the management plans would apply to this additional construction.



Typical section through filling and surcharge



Typical section through final seawall

The future use of the subject area (post surcharging) is yet to be determined however the suitability of the site for the future use will be considered as part of a future DA.

The DP report advises that existing material comprises mostly silty gravelly cobbles and boulders. The cobbles and boulders have been described as medium to high strength and as being well compacted.

The DP report and the Cardno plans advise that outer batter slopes of 1V:2.5H should be maintained in order to ensure against slope instability and associated impact on adjacent waters.

Other measures to minimise impact on the adjacent areas include silt fences and rock sediment traps.

The DP report outlines the surcharge procedures and advises that if all the requirements are followed, then any impact on acid sulphate soils within the marine environment should be avoided.

In addition to the extensive work undertaken by DP, Dover recently engaged environmental consultants EcoZ to assess the proposed development and the likely environmental impacts.

The Ecoz report forms part of this application.

In relation to the impact on coastal processes the EcoZ report makes the following conclusion:

The development is considered unlikely to have a significant impact on coastal processes for the following reasons:

- Currents and tidal movement are limited at the locations that will be reclaimed.
- There is no evidence of erosion occurring along the coastline around the edges of the existing Bayview Development.

CNC *Clearing of Native Vegetation*

From the DP report:

Lot A (Area A) comprises grassed and vegetated vacant land which is partially filled over intertidal mud flats.

The lot is bounded by a filled area to the north, by residential allotments located on a filling platform to the south and west, and by a narrow corridor of cleared mangroves, then mangrove forest to the east. Lot A site surface currently slopes down to the east from about RL5.5 m AHD on the crest of the filling platform to about RL2 to 2.6 m along the eastern lease boundary.

Lot C comprises unvegetated vacant land located in a re-entrant corner of the Bayview rock armoured seawall, as well as low-lying intertidal mud flats. The lot is bounded by residential allotments located on a filling platform to the north, west and south and by a narrow corridor of cleared mangroves, then mangrove forest to the east. Lot C surface is currently level at about RL5.5 m along the western boundary and slopes down across the rock wall to about RL1.8 to 2.4 m over intertidal mudflats along the eastern lease boundary.

In relation to the impact on vegetation, the EcOz report makes the following conclusions:

The development will result in the loss of a small area of mangroves but is considered unlikely to have a significant impact for the following reasons:

- The clearing is small scale and is located on land that is zoned Residential and Future Development.
- The surrounding mangroves that fringe Sadgroves Creek are protected by Conservation zoning.
- Dover Investments has committed to implementing ASS management and ESCP's during construction to minimise the generation of contaminated and turbid stormwater runoff and reduce the likelihood of that water entering the adjacent mangroves that are zoned Conservation.
- Dover Investments has committed to managing weeds to meet the requirements of the *Weeds Management Act*.
- Mangroves have persisted adjacent to the existing development, which indicates that impacts are likely to be limited to within the direct disturbance footprint.
- Due to the small scale and location of the development footprint the loss of habitat is not expected to alter biodiversity, ecological integrity and functioning.

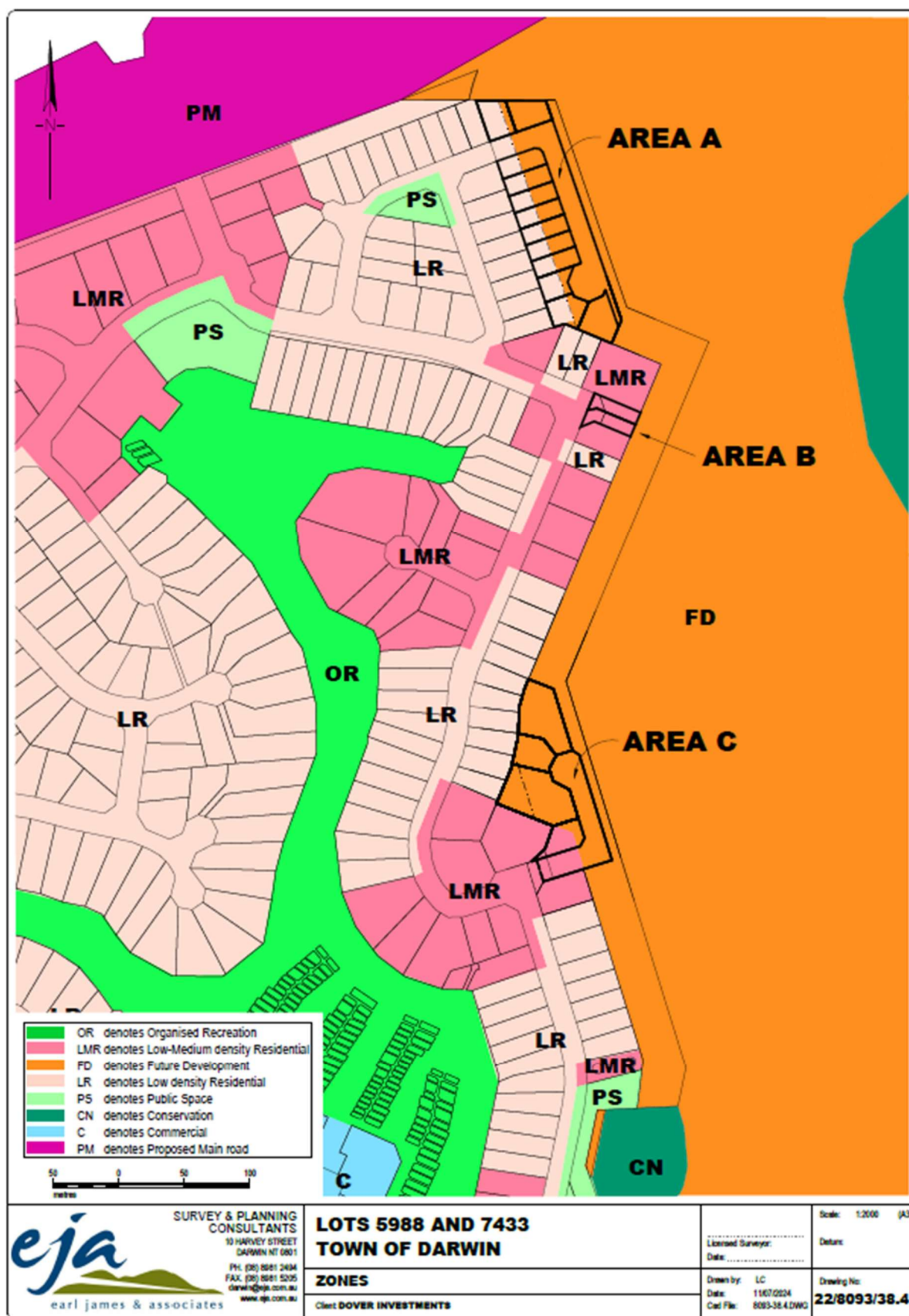
DHD *Darwin Harbour Dredging*

The proposed subdivision does not involve any harbour dredging.

LSSS *Land Subject to Storm Surge*

The purpose of this overlay is to identify areas with a known risk of inundation from primary or secondary storm surges and ensure that development in these areas demonstrates adequate measures to minimise the associated the risk to people, damage to property and costs to the general community caused by storm surge.

The earthworks and construction measures outlined in the DP report will render the land suitable for the proposed use and minimise the risk to people and damage to property.



Existing zones



A view along part of the existing seawall on the eastern side of Bayview

Clause **6.2.1** deals with lot size and configuration for subdivision in zone LR, LMR, MR and HR.

The purpose of the Clause is to *ensure that subdivision of land for urban residential purposes creates lots of a size, configuration and orientation suitable for residential development at a density envisaged by the zone.*

Clause 6.2.1 lists the following Requirements for the subdivision of land in zone LR, LMR, MR and HR:

(Note: The Specific Use zone being proposed by the revised Amendment Proposal proposes that Clause 6.2.1 applies to the subdivision of land subject to this specific use zone, with subdivision requirements to be applied as if the land were zoned in accordance with the zonings indicated and as if the land were a greenfield area identified for compact urban growth in the strategic framework.

Land is to be subdivided in accordance with Table A to this clause

| Table A to Clause 6.2.1: Lot Size and Configuration in Residential Subdivisions | |
|---|--|
| Zone | Minimum Lot Size |
| LR in greenfield areas identified for compact urban growth in the strategic framework | Average of 600m ² and no smaller than 450m ² |
| LR other than greenfield areas identified for compact urban growth in the strategic framework | 800m ² |
| LR, MR, HR and lots for residential buildings in Zone T | 800m ² |
| LMR | 300m ² |

The areas proposed for the development of Lots zoned LR are not infill areas and consequently can be regarded as greenfield areas. Consequently, the average lot area required in 600m² with a minimum lot area of 450m². The lots being proposed for Area A, and that section of Area C to be zoned LR, conform with the average lot area requirement and all lots have areas greater than 450m².

The prescribed minimum lot size for lots zoned LMR is 300m² and all of the lots proposed to have an LMR zoning have areas in excess of the prescribed minimum.

Lots are to conform with the building envelope requirements in Table B to this clause.

The building envelope requirements are listed in the following Table:

| Table B to Clause 6.2.1: Lot Size and Configuration in Residential Subdivisions | |
|--|---|
| Lot Size | Minimum Building Envelope Requirement |
| 300m ² to less than 450m ² | 7m x 15m (exclusive of any boundary setbacks or service authority easements) |
| 450m ² to less than 600m ² | 8m x 15m (exclusive of any boundary setbacks or service authority easements). |
| 600m ² and greater | 17m x 17m (exclusive of any boundary setbacks or service authority easements) |

Plans 22/8093/31.4, 32.4 and 33.4 indicate that all of the proposed lots can accommodate the required building envelopes.

Lots have sufficient area and appropriate dimensions to provide for the proposed density of developments including dwellings, vehicle access, parking and ancillary buildings.

The lots have been designed to ensure that they can all accommodate the dwellings, access, parking and any ancillary buildings expected for parcels zoned LR and LMR.

There are no battle-axe lots.

No battle-axe parcels are being proposed by the current application.

Lots are oriented to allow dwellings to take advantage of environmental conditions such as prevailing breezes and sunlight.

The design of future dwellings on the proposed lots will be able to take environmental conditions into account.

Lots are connected to reticulated services.

Byrne Consultants has been engaged to consider service reticulation and the servicing of each of the proposed lots.

Servicing reports have been prepared and these form part of the current Development Application.

Servicing details are provided in following sections of this Statement of Effect but each of the proposed Lots will have water, power, sewer and communications connections.

Where there are lots for medium and higher density residential development, those lots are:

(a) distributed in small groups serviced by public transport;

(b) in close proximity to public open space and with adequate access to community facilities and services; and

(c) not located in a cul-de-sac

It is intended that the proposed Lots will be zoned LR and LMR and the purpose of the zone is to provide for a range of low-rise housing options.

All of the lots within Area A, and proposed Lots 1 and 2 in Area C will be for single dwellings. Similarly, the lots in Area B and proposed Lot 4 in Area C will be single dwellings as they all have areas less than 600m².

Proposed Lot 3 in Area C, with an intended LMR zoning, could potentially yield 6 dwellings.

The proposed Lots can all utilise the existing public transport that (buses) that service Bayview as well as the range of open space options within the precinct.

Areas A and C are to be developed as cul-de-sacs however the lots are only for low and medium future uses and the proposed roads are not long cul-de-sacs.

6.2.2 Lots Less Than 600m² for Dwellings-Single

Purpose

Ensure the subdivision of land to lots of less than 600m² will allow residential development that minimises impact on amenity and the functionality of the street infrastructure.

Administration

1. *The consent authority must not consent to a subdivision that is not in accordance with sub-clauses 3 and 4.*
2. *An application must provide plans to demonstrate the requirements of sub-clause 4.*

Requirements

3. *Lots subject to this clause shall not have a boundary to any public road less than specified in the table to this clause.*



All of the proposed lots have frontages that exceed the minimums listed in the table to Clause 6.2.2.

4. *The site layout of lots subject to this clause is able to comply with the purpose of this clause and the development requirements for vehicle parking (5.2.4), building setbacks (5.4.3 and 5.4.3.3) and private open space (5.4.6).*

As required by Clause 5.2.4, every Lot can accommodate 2 on-site parking spaces and every lot has sufficient area to ensure that the required area of private open space can be accommodated in the development of a future dwelling (refer to plans 22/8093/31.4, 32.4 and 33.4).

Plans 22/8093/37.4-A, 37.4-B and 37.4-C indicate drive and on-street parking options. Whilst a few of the lots do not have the required 6.5m for on-street parking directly in front of the lots (due to the curved kerblines, the streets do allow for on-street parking in close proximity to the subject lots. This on-street parking option will not be inconvenient for the lot owners and will not unduly reduce the operation or amenity of the street.

| Table to Clause 6.2.2: Lots Less than 600m ² for Dwellings-Single | |
|--|---|
| Range of Lot Size | Minimum length of any Boundary to a Public Road |
| 300m ² to less than 450m ² | 10m |
| 450m ² to less than 600m ² | 13m |

Clause **6.2.3** deals with site characteristics for subdivision in Zones LR

The purpose of this Clause is to *ensure that the subdivision of land provides lots suitable for urban residential purposes that respond appropriately to the physical characteristics of the land and does not detrimentally impact on surrounding land.*

Administration

1. *The consent authority may consent to a subdivision that is not in accordance with sub-clauses 2-6, only if it is satisfied the subdivision design is consistent with the purpose of this clause.*

Requirements

2. *Avoid the development of land of excessive slope, unstable or otherwise unsuitable soils (e.g. seasonally waterlogged) and natural drainage lines.*

The entire Bayview Marina development has involved earthworks and site treatment to ensure that the land is suitable for the purpose for which it was leased – *residential subdivisional purposes.*

The design and implementation of these earthworks has been carried out in conjunction with relevant Government agencies over many years and similarly, all design and construction works for the proposed areas will be undertaken by engineering and environmental consultants in consultation with Government agencies.

3. *Ensure, by site selection or site grading, that areas intended for lots less than 600m² do not slope in excess of 2%, such that the need for on-site stormwater structures, retaining walls and the like is minimised.*

All site design will ensure that the grades of those lots with areas less than 600m² are not greater than 2 %.



4. *Retain and protect significant natural and cultural features.*

O'Ferrals Rock has previously been identified as a significant cultural feature and will not be impacted by the current proposal.

5. *Avoid development of land affected by a 1% AEP flood or storm surge event.*

As with previous stages of the Bayview development, the subject land will be developed to ensure that the resulting housing lots are free of the 1% AEP storm surge event.

6. *Retain and protect natural drainage lines and any distinctive landform features or stands of natural vegetation and incorporate them into public open space.*

Previous assessments of the entire Bayview lease areas have identified the distinctive landforms (eg: O'Ferrals Rock) and these have been excluded from development and set aside as public open space.

Clause 6.2.4 deals with infrastructure and community facilities for subdivision in Zones LMR

The purpose of this Clause is to *ensure that subdivision of land for residential purposes is appropriately integrated with infrastructure, community services and facilities.*

Bayview Marina Estate is a centrally located residential precinct that is a short distance from commercial and community facilities located in Darwin CBD, Stuart Park, Parap and Winnellie.

Each of the areas proposed for development by the current application will have direct access onto an established public road network. This network services the Bayview development and then connects to Tiger Brennan Drive that in turn leads to the rest of Darwin and beyond.

There is a Government public bus service that services Bayview and the residents of the proposed lots will be able to utilise this service.

Public open space is considered in Clause 6.2.4 (7) and calls for the provision of 10% of the subdivision area as public open space. The current application is seeking a waiver of the requirement to provide this 10% in the proposed subdivision areas.

Whilst the current application is not proposing open space, the proposed lots will be able to utilise the extensive areas of open space developed throughout the preceding stages of Bayview Marina Estate.

Bayview incorporates a variety of public open space including parks, walking paths and heritage areas and rather than establish new areas of open space that back onto existing lots, it is more appropriate to utilise the existing, established open space in the immediate vicinity.

All of the lots being proposed by the current application are less than 400m walking distance from a neighbourhood park and the established open space throughout Bayview has been developed in accordance with previous approvals.

As previously mentioned, Byrne Consultants has been engaged to consider service reticulation and this application includes the Byrne servicing reports.

The Reports contain all the necessary detail but following are extracts in relation to the various services, including comments from Power and Water Corporation (PWC):

Water and Sewer

PWC comments:

Lot A

- *For water – A new DN150 water main is to connect from the existing DN150 main at the end of Latrobe Street, be looped in the cul-de-sac and connect back into the existing DN100 in Perth Street. It is recommended that the water network is designed to direct flow through the cul-de-sac and reduce risk to water quality*
- *For sewer – connect into existing sewer reticulation main in Latrobe Street via new DN150 sewer reticulation main.*

Lot B

- *For water – Install 2 x service connections on the existing DN150 water main in O’Ferrals Road*
- *For sewer – construct new sewer service connections for both lots and connect into existing vacuum pit BA/P1*

Lot C

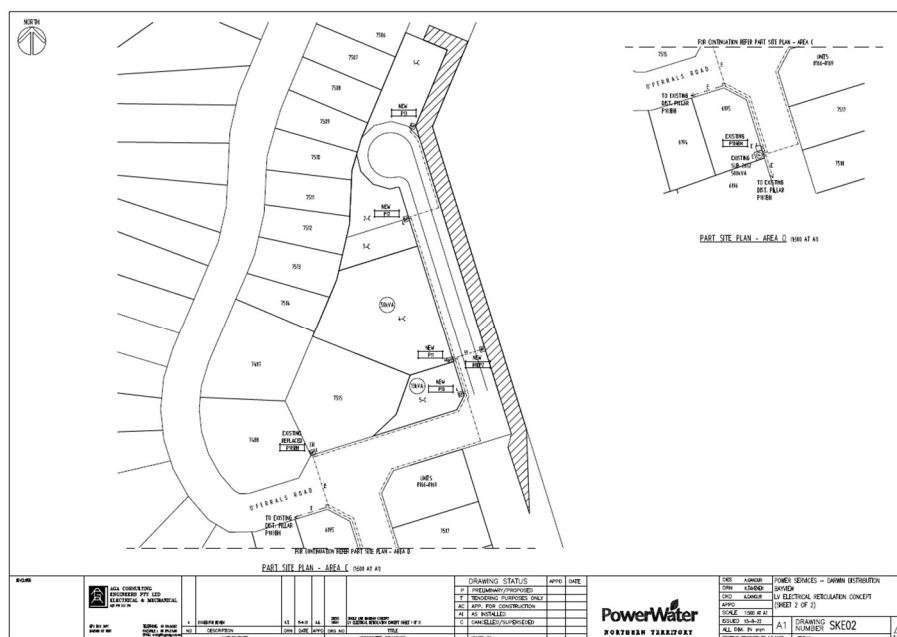
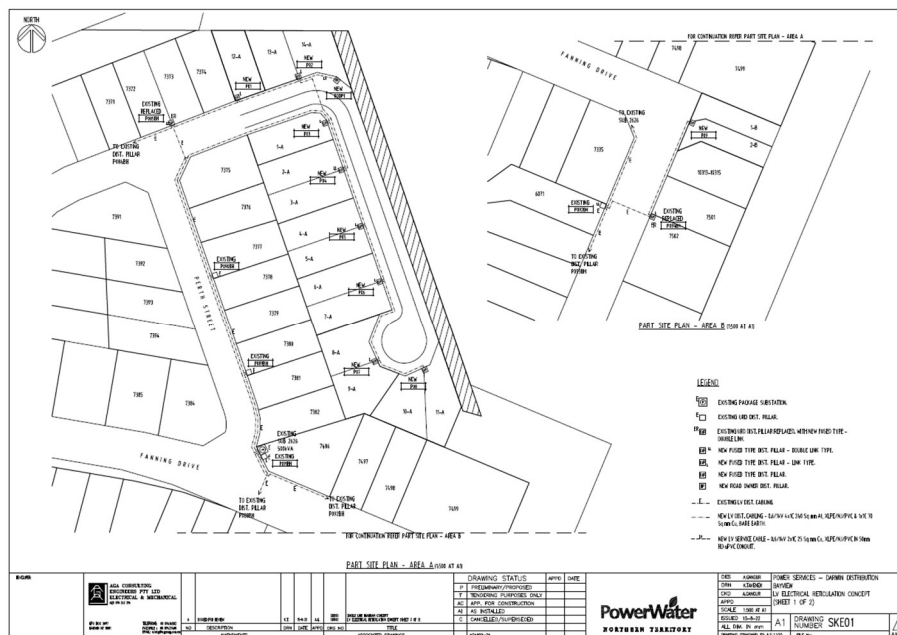
- *For water – A new DN150 water main is to connect from the existing DN150 main in O’Ferrals Road, looped in the cul-de-sac and connect back into the existing DN150 in O’Ferrals Road. It is recommended that the water network is designed to direct flow through the cul-de-sac and reduce risk to water quality*
- *For sewer – Construct new sewer reticulation main to service the subdivision and connect into existing DN125 vacuum sewer line via a new vacuum pit built as per PWC standard drawing W2-2-10A*

Power

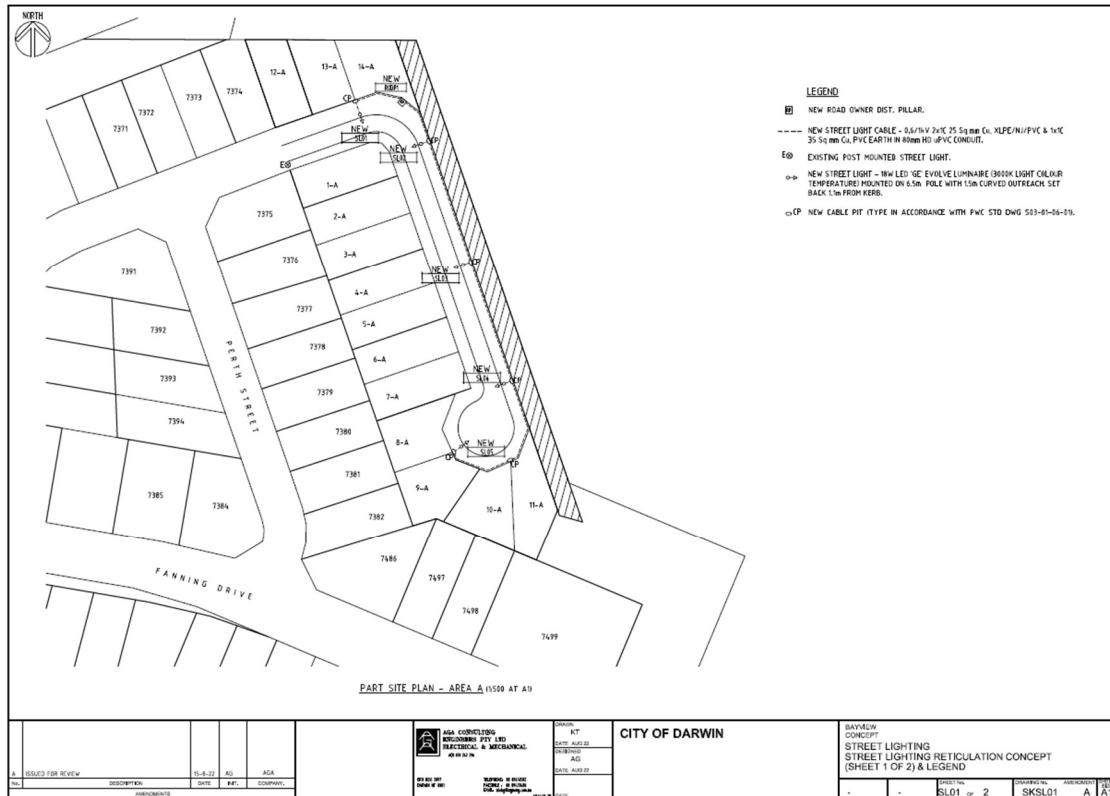
All high and low voltage electrical reticulation will be designed and constructed in accordance with PWC specifications.

Similarly, streetlight design will be in accordance with City of Darwin (COD) requirements.

Concept electrical plans prepared by electrical consultant AGA Consulting Engineers:



Concept streetlighting plans prepared by AGA Consulting Engineers:





Part of the extensive public walkway network through Bayview

Stormwater

The stormwater drainage design prepared by Byrne has been designed in accordance with COD standards and the Northern Territory Subdivision Development Guidelines.

Internal Stormwater Strategy:

The intent of the internal development stormwater strategy is to direct all stormwater flows from the proposed lots toward the road reserve where it will be collected via kerb and channel along the roadway and captured via stormwater inlet pits into the proposed stormwater pipe network. The sites shall discharge stormwater into the existing mangrove creek in accordance with the current stormwater management philosophy for the development.

Area A

The proposed lawful point of discharge for the development of Lot A is into the mangroves and creek area east of Latrobe Street. An existing 525mm diameter RCP which discharges to the area shall be extended and upsized to account for the additional development catchment area of Lot A.

Area B

All stormwater from Lot B is collected by the existing stormwater network (pit and pipes) on O'Ferrals Road which is directed via the trunk underground drainage network to a drainage easement through Lot 7502 before discharging into the adjacent mangroves area. No upgrades to the existing drainage system are proposed to service Lot B.

Area C

The proposed lawful point of discharge for the development of Lot C shall be via the existing underground stormwater network and 1200mm diameter RCP outlet which discharges to the mangroves area through Lot PT8169. The existing 1200mm RCP discharge pipe shall be extended and upsized to account for the additional development catchment area of Lot C.

External Stormwater Strategy:

It is anticipated that the proposed internal stormwater strategy design will cause no worsening effects of existing upstream conditions due to the proposed stormwater network being sized sufficiently to convey the upstream inflows. No worsening of the downstream flows is expected due to discharge into the existing tidal mangrove creek.

Traffic Assessment

Byrne has carried out a traffic impact assessment with the full results contained in the attached servicing the report.

Following are the conclusions extracted from the report:

- *Intersection 1 (Stoddard Dr / Tiger Brennan Dr / Woolner Rd) exhibited minor changes in the intersection performance due to the development traffic generation (no notable change). The intersection performance with respect to degree of saturation, average delay and queue length lowered during the 2027 and 2032 scenarios due to the applied background growth factors on Tiger Brennan Drive and Woolner Road, not the development traffic. It is beyond the scope of this TIA to suggest any upgrades to this intersection and impact by the proposed development is minimal.*
- *Intersection 2 (Stoddard Dr / Tiger Brennan Dr) exhibited a LoS of B and DoS ≤ 0.6 during the 2032 growth scenario (AM / PM) due to growth rates applied to Tiger Brennan Drive. This intersection performs satisfactorily with the proposed development traffic.*
- *Intersection 3 (Stoddard Dr / Fanning Dr) and Intersection 4 (Stoddard Dr / Bayview Blvd) exhibited a LoS of A and a DoS ≤ 0.2 for all growth scenarios performing satisfactorily with the proposed development traffic.*



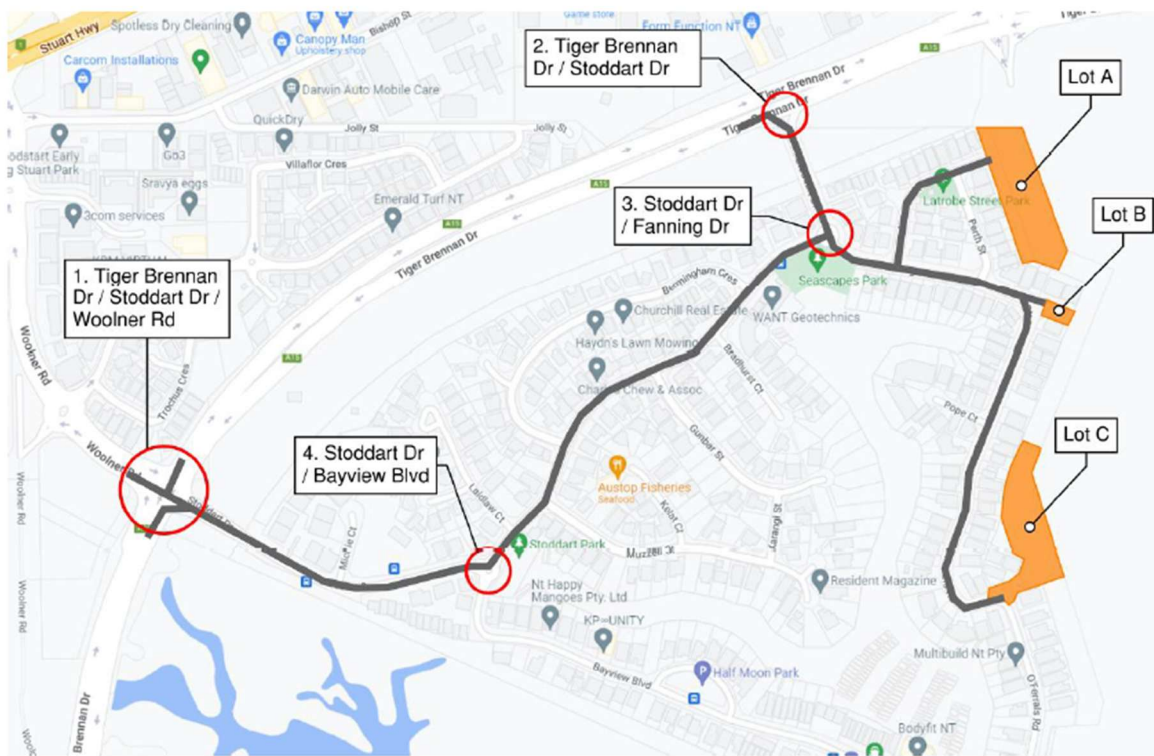


Figure 1.1 – Site Overview (source: Google)

30C(4)(a) – Compliance with an Interim Development Control Order

The subject land is not subject to any Interim Development Control Orders.

30C(4)(b) – Public Environmental Report or Environment Impact Statement

EcOz environmental consultants were engaged to carry out an assessment (screening) in order to determine whether the development has the potential for significant environmental impact under the Environment Protection Act 2019.

The screening indicated that the development is unlikely to have a significant impact and therefore does not need to be referred under the *Environment Protection Act 2019*.

30C(4)(c) – Merits of the proposed development

The Bayview Marina development is a master planned development that has provided a variety of housing options for the Darwin market over many years and also comprised an Estate Development, unit title component that comprised the lots fronting the marina and the associated marina berths.

The land currently being proposed for development is part of the balance of Crown lease issued by the NT Government. The purpose of these Crown leases is for residential subdivisional purposes and the subdivisions now being proposed are consistent with the purpose of the leases that the Government has issued.

The proposed subdivisions will be the final subdivisions from the Crown leases and will complete the Bayview Marina development.

The design and construction of the proposed, new allotments will benefit the NT economy and will provide prime housing options that are sure to be well sought after in the market.

The range of lots sizes being proposed will provide an opportunity for people with varying financial capabilities to secure an allotment and develop a home in close proximity to the Darwin CBD.

30C(4)(d) – The physical characteristics of the land

As previously addressed in this report and the associated attachments, the physical characteristics of the land have been assessed by engineering consultants and siteworks will render the subject areas suitable for the intended use.

30C(4)(e) – Public facilities or open space

The housing lots being proposed by the current application will be able to utilise the existing public facilities and open space within Bayview and the adjoining areas.



An existing neighbourhood park in close proximity to the areas being proposed for development

30C(4)(f) – Public utilities and infrastructure

Significant design and consultation work has already been undertaken to ensure that the proposed lots can be serviced with power, water, sewer and telecommunication.

All lots will have direct access onto a public road network and stormwater management has been considered to ensure that the lots will all have appropriate drainage measures in place.

30C(4)(g) – Potential impact on the existing and future amenity of the area

As with any staged development, each progressive stage of the Bayview Marina development has had some impact on the preceding stages.

The current application deals with the final stage of the development of the existing Crown leases and the lots now being proposed are for residential uses which is consistent with the existing uses in the existing, adjacent stages.

Given that the uses are consistent, the impact on the amenity of the area will be minimal.

30C(4)(h) – Assessment of the benefit or detriment to the public interest of the development

The proposal will have significant economic benefit in not only the design and construction of the subdivisions, but also the ongoing benefits to a wide range of design and trades people during the construction of new dwellings on the lots.

Apart from the clear economic benefits, the creation of new housing options will benefit the wider community by providing the opportunity for more people to reside in this unique residential precinct.

30C(4)(i) – Building regulations

There are no buildings on the subject areas.

30C(4)(j) – Unit Titles Act

Not applicable



Technical Assessment PA2023/0327

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

Application No: PA2023/0327

Lot number: Part Lot 7433 and Part Lot 5988

Town/Hundred: Town of Darwin

Zone: Current Zone – Zone FD (Future Development)
Proposed Zone - Specific Use Zone

Site Area: Lot 7433 - 54,300m² / 5.34ha
Lot 5988 is 42,900m² / 4.29ha

Proposal: Subdivision to create 18 lots

Plans used for assessment: Drawing No:22/8093/27.4, 22/8093/28.4, 22/8093/29.4, 22/8093/31.4, 22/8093/32.4 and 22/8093/33.4

Date assessment finalised: 19 May 2025

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 to create 18 lots in a Specific Use Zone of the Northern Territory Planning Scheme 2020 (NTPS 2020).

| Assessment Table – Zone SU with reference to: Zone LR and Zone LMR | | | | | | |
|---|---------------------|--|----------------------------------|--|-----------------------------------|--|
| Defined Use | Assessment Category | Overlays | General Development Requirements | Location Specific Development Requirements | Specific Development Requirements | Subdivision and Consolidation Requirements |
| Subdivision | Impact Assessable | Clause 3.4 – Coastal Reclamation Clause 3.7 – Land Subject to Storm Surge Clause 3.9 – Darwin Harbour Dredging | N/A | N/A | N/A | Clause 6.2.1 Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR Clause 6.2.2 Lots Less Than 600m ² for Dwellings-Single Clause 6.2.3 Site Characteristics for Subdivision in Zones LR, LMR, MR and HR Clause 6.2.4 Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR |

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) | Consent Required | | |
|---------------------------------|------------------|----|-----|
| | Yes | No | N/A |
| 3.4 Coastal Reclamation | X | | |
| 3.7 Land Subject to Storm Surge | X | | |
| 3.9 – Darwin Harbour Dredging | | | X |

| 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 | X | | |
| 6.6.2 Lots Less Than 600m ² of Dwellings-Single | X | | |
| 6.2.3 Site Characteristics for Subdivision in Zones LR LMR MR and HR | X | | |
| 6.2.4 Infrastructure and Community Facilities for Subdivision in Zones LR LMR MR and HR | | X | |

1.7 Operation of the Planning Scheme

1. Where there is inconsistency between Parts within this Planning Scheme, the following rules apply: *(as relevant)*
 - e) the provisions of Parts 1, 2, 3, 5, 6 and 7 apply to development described in Schedule 4.1 (Specific Use Zones) except where they conflict with any conditions specified in that Schedule.

1.8 When development consent is required

2. 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:
 - (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*.

1.10 Exercise of Discretion by the Consent Authority

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.

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.

Schedule 4 – Specific Use Zone

Purpose

Facilitate an intermediate zone for low and low-medium density residential subdivision in a manner consistent with the existing lot size and configuration established in the earlier stages of the Bayview development.

Administration

1. This specific use zone applies to Part Lot 5988 Town of Darwin (57 Bayview, Boulevard) and Part Lot 7433, Town of Darwin, shown as Area A, Area B, Area C1 and C2 on the diagram to this zone.
2. Clause 6.2 (Subdivision in Zones LR, LMR, MR and HR) applies to the subdivision of land subject to this specific use zone, to the extent of any inconsistencies.
3. The consent authority must not consent to a subdivision that is not in accordance with subclause 7.

Zone Outcomes

4. Provide a range of lot sizes for a mix of dwelling-single, dwelling-group and dwelling-multiple development.
5. Provide an intermediate zone to enable completion of the Bayview development, in a style and format consistent with the existing development.
6. An efficient pattern of lots that are connected to reticulated services, integrated with the existing road network, and with reasonable access to open space and community facilities.

Requirements

7. Subdivision design is to be in accordance with the requirements of the table below:

| Subdivision Area | Requirements |
|------------------|---|
| Area A | Clause 6.2.1 applies as if the land were in Zone LR in a greenfield area identified for compact urban growth within the strategic framework. |
| Area B | Clause 6.2.1 applies as if the land were in Zone LMR |
| Area C1 | Clause 6.2.1 applies to the area identified as Zone LR in the diagram to this Zone as if the land were a greenfield area identified for compact urban growth in the strategic framework |
| Area C2 | Clause 6.2.1 applies to the area identified as Zone LMR in the diagram in this Zone as if the land were in Zone LMR |

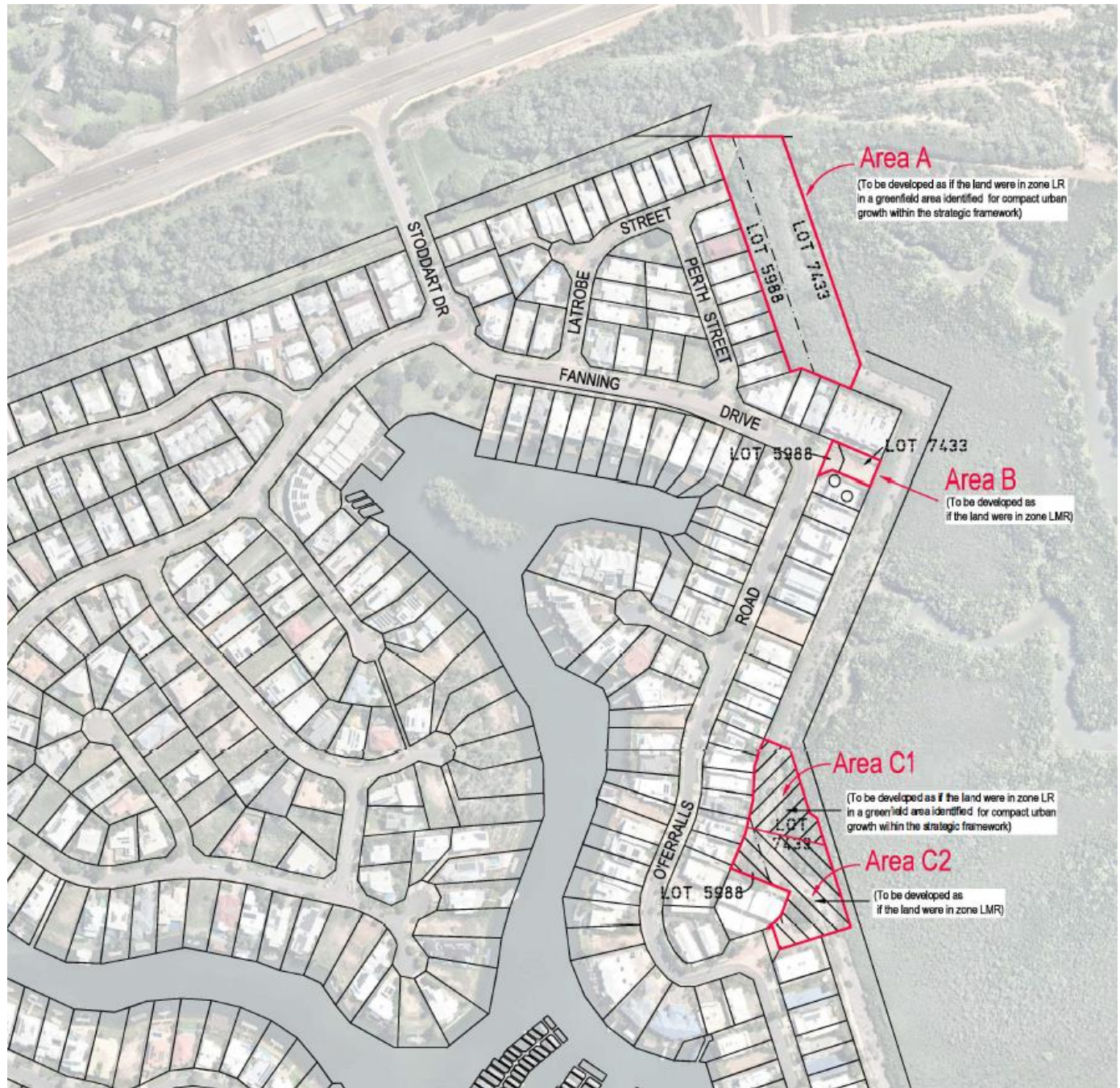
Assessment:

The proposed subdivision provides a range of lot sizes capable of accommodating a mix of dwelling-single, dwelling-group and dwelling-multiple development, as demonstrated through the assessment of the applicable subdivision requirements in Zones LR, LMR, MR and HR and therefore achieves sub-clause 4.

The proposed subdivision reflects the existing lot sizes and configuration of the Bayview development, therefore complying with sub-clause 5.

The proposed subdivision will be connected to reticulated services, will integrate with the existing road network and has access to existing open space and community facilities, therefore complying with sub-clause 6.

Sub-clause 2 applies the requirements of Clause 6.2 (Subdivision in Zones LR, LMR, MR and HR) to the land subject to the Specific Use Zone. See below diagram.



In accordance with sub-clause 3, the consent authority must not consent to a development that is not in accordance with sub-clause 7. Sub-clause 7 specifies the proposed subdivision design must be in accordance with Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR) applied as follows

- Area A - Clause 6.2.1 applies as if the land were in Zone LR in a greenfield area identified for compact urban growth within the strategic framework.

- Area B - Clause 6.2.1 applies as if the land were in Zone LMR.
- Area C1 - Clause 6.2.1 applies to the area identified as Zone LR in the diagram to this Zone as if the land were a greenfield area identified for compact urban growth in the strategic framework.
- Area C2 - Clause 6.2.1 applies to the area identified as Zone LMR in the diagram in this Zone as if the land were in Zone LMR.

See below assessment of sub-clause 2 and 3 and the applicable requirements of Clause 6.2 (Subdivision in Zones, LR, LMR, MR and HR).

6.2 Subdivision in Zones LR, LMR, MR and HR

6.2.1 Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR

Purpose

Ensure that subdivision of land for urban residential purposes creates lots of a size, configuration and orientation suitable for residential development at a density envisaged by the zone.

Administration

1. The consent authority must not **consent** to a subdivision that reduces a lot size by an area greater than 5% of the minimum specified in Table A to this clause:
 - (a) in Zone LR; or
 - (b) in Zones LR and MR in Alice Springs and adjacent zoned areas.
2. The consent authority must not **consent** to a subdivision in Zone LMR that is not in accordance with Table A to this clause.
3. The consent authority may **consent** to a subdivision in Zone LR, MR or HR that is not in accordance with Table A to this clause only if it is satisfied that all lots created are consistent with the purpose of this clause and the zone purpose and outcomes.
4. The consent authority may **consent** to a subdivision that is not in accordance with sub-clauses 5-12, only if it is satisfied the subdivision is consistent with the purpose of this clause and the zone purpose and outcomes.

Requirements

5. Land is to be subdivided in accordance with Table A to this clause.
6. Lots are to conform with the building envelope requirements in Table B to this clause.
7. Lots have sufficient area and appropriate dimensions to provide for the proposed density of developments including **dwelling**s, vehicle **access**, parking and **ancillary** buildings.
8. There are no battle-axe lots.
9. Lots are oriented to allow **dwelling**s to take advantage of environmental conditions such as prevailing breezes and sunlight.
10. Lots are connected to reticulated services.
11. Potential land use conflicts are minimised by taking account of the visual and acoustic privacy of residents.
12. Where there are lots for medium and higher density residential development, those lots are:
 - (a) distributed in small groups serviced by public transport;
 - (b) in close proximity to **public open space** and with adequate **access** to community facilities and services; and

- (c) not located in a cul-de-sac.

| Table A to Clause 6.2.1: Lot Size and Configuration in Residential Subdivisions | |
|---|--|
| Zone | Minimum Lot Size |
| LR in greenfield areas identified for compact urban growth in the strategic framework | Average of 600m ² and no smaller than 450m ² |
| LR other than greenfield areas identified for compact urban growth in the strategic framework | 800m ² |
| LR, MR, HR and lots for residential buildings in Zone T | 800m ² |
| LMR | 300m ² |

| Table B to Clause 6.2.1: Lot Size and Configuration in Residential Subdivisions | |
|---|---|
| Lot Size | Minimum Building Envelope Requirement |
| 300m ² to less than 450m ² | 7m x 15m (exclusive of any boundary setbacks or service authority easements) |
| 450m ² to less than 600m ² | 8m x 15m (exclusive of any boundary setbacks or service authority easements). |
| 600m ² and greater | 17m x 17m (exclusive of any boundary setbacks or service authority easements) |

Assessment

Sub-clause 7 of Specific Use Zone specifies that the land must be subdivided in accordance with Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR) applied as follows:

- Area A - Clause 6.2.1 applies as if the land were in Zone LR in a greenfield area identified for compact urban growth within the strategic framework.
- Area B - Clause 6.2.1 applies as if the land were in Zone LMR.
- Area C1 - Clause 6.2.1 applies to the area identified as Zone LR in the diagram to this Zone as if the land were a greenfield area identified for compact urban growth in the strategic framework.
- Area C2 - Clause 6.2.1 applies to the area identified as Zone LMR in the diagram in this Zone as if the land were in Zone LMR.

| <u>Requirements</u> | Assessment |
|--|---|
| 5. Land is to be subdivided in accordance with Table A to this clause. | LR – The lot sizes proposed through Area A and Area C1 are listed below in Figure 2. For LR in greenfield areas the proposal results in an average lot size of 601.21m ² and complies with the |

| <u>Requirements</u> | Assessment |
|--|--|
| | minimum lot size requirement of average of 600m ² and no smaller than 450m ² . LMR – The lots sizes proposed through Area B (399m ² and 392m ²) and Area C2 (1812m ² and 597m ²) comply with the minimum lots size requirement of 300m ² . |
| 6. <i>Lots are to conform with the building envelope requirements in Table B to this clause.</i> | The proposal complies with the minimum building envelopment requirements as assessed in Figure 3 table below. |
| 7. <i>Lots have sufficient area and appropriate dimensions to provide for the proposed density of developments including dwellings, vehicle access, parking and ancillary buildings.</i> | The assessment of the building envelope plan indicates that all lots can comply with the building envelope requirements. The lot sizes and configuration are suitable for dwellings, vehicle access, parking and ancillary buildings. |
| 8. <i>There are no battle-axe lots.</i> | No battle axe lots are proposed. |
| 9. <i>Lots are oriented to allow dwellings to take advantage of environmental conditions such as prevailing breezes and sunlight.</i> | The lot orientation varies throughout the subdivision however the application indicates that a range of lot which is suitable to capture prevailing breezes. Lots along the western boundary are configured to enable exposure to solar heat gain to be minimised. |
| 10. <i>Lots are connected to reticulated services.</i> | The application confirms that all lots will be connected to reticulated services. |
| 11. <i>Potential land use conflicts are minimised by taking account of the visual and acoustic privacy of residents.</i> | No land use conflict or privacy impacts are expected as a result and the design. |
| 12. <i>Where there are lots for medium and higher density residential development, those lots are:</i> (a) <i>distributed in small groups serviced by public transport;</i> (b) <i>in close proximity to public open space and with adequate access to community facilities and services; and</i> (c) <i>not located in a cul-de-sac.</i> | There are no lots for medium or higher density. |

| Table A to Clause 6.2.1: Lot Size and Configuration in Residential Subdivisions | |
|---|---|
| Zone | Minimum Lot Size |
| LR in greenfield areas identified for compact urban growth in the strategic framework | Average of 600m² and no smaller than 450m² |
| LR other than greenfield areas identified for compact urban growth in the strategic framework | 800m ² |
| LR, MR, HR and lots for residential buildings in Zone T | 800m ² |
| LMR | 300m² |

Assessment

Figure 2: Average lot size calculation for Zone LR (Areas A and C1)

| Lot # | Lot Size (m ²) |
|------------------|----------------------------|
| 1A | 502 |
| 2A | 497 |
| 3A | 479 |
| 4A | 461 |
| 5A | 461 |
| 6A | 461 |
| 7A | 485 |
| 8A | 454 |
| 9A | 580 |
| 10A | 715 |
| 11A | 625 |
| 12A | 598 |
| 1C | 1429 |
| 2C | 670 |
| Total Area | 8417 |
| Average lot size | 601.21 |

| Table B to Clause 6.2.1: Lot Size and Configuration in Residential Subdivisions | |
|---|---|
| Lot Size | Minimum Building Envelope Requirement |
| 300m ² to less than 450m ² | 7m x 15m (exclusive of any boundary setbacks or service authority easements) |
| 450m ² to less than 600m ² | 8m x 15m (exclusive of any boundary setbacks or service authority easements) |
| 600m ² and greater | 17m x 17m (exclusive of any boundary setbacks or service authority easements) |

Figure 3: Assessment against sub-clause 6 against building envelopment plans provided.

| Lot # | Lot Size (m ²) | Minimum building envelopment required (Xm by Xm)* | Compliance as shown on building envelopment plans |
|-------|----------------------------|---|---|
| 1A | 502 | 8 x 15 | Complies |
| 2A | 497 | 8 x 15 | Complies |
| 3A | 479 | 8 x 15 | Complies |
| 4A | 461 | 8 x 15 | Complies |
| 5A | 461 | 8 x 15 | Complies |
| 6A | 461 | 8 x 15 | Complies |
| 7A | 485 | 8 x 15 | Complies |
| 8A | 454 | 8 x 15 | Complies |
| 9A | 580 | 8 x 15 | Complies |
| 10A | 715 | 17 x 17 | Complies |
| 11A | 625 | 17 x 17 | Complies |
| 12A | 598 | 8 x 15 | Complies |
| 1B | 392 | 7 x 15 | Complies |
| 2B | 399 | 7 x 15 | Complies |
| 1C | 1429 | 17 x 17 | Complies |
| 2C | 670 | 17 x 17 | Complies |
| 3C | 1812 | 17 x 17 | Complies |
| 4C | 597 | 8 x 15 | Complies |

*(exclusive of any boundary setbacks or service authority easements)

COMPLIES

6.2.2 Lots Less Than 600m² for Dwellings-Single

Purpose

Ensure the subdivision of land to lots of less than 600m² will allow residential development that minimises impact on **amenity** and the functionality of the street infrastructure.

Administration

1. The consent authority must not **consent** to a subdivision that is not in accordance with sub-clauses 3 and 4.
2. An application must provide plans to demonstrate the requirements of sub-clause 4.

Requirements

3. Lots subject to this clause shall not have a boundary to any public road less than specified in the table to this clause.
4. The **site** layout of lots subject to this clause is able to comply with the purpose of this clause and the development requirements for vehicle parking (5.2.4), **building setbacks** (5.4.3 and 5.4.3.3) and private open space (5.4.6).

Table to Clause 6.2.2: Lots Less than 600m² for Dwellings-Single

| Range of Lot Size | Minimum length of any Boundary to a Public Road |
|--|---|
| 300m ² to less than 450m ² | 10m |
| 450m ² to less than 600m ² | 13m |

Assessment

Assessment against sub-clause 3 for minimum length of any boundary to a public road.

| Lot # | Lot Size (m ²) | Length of boundary to a public road | | Compliance |
|-------|----------------------------|-------------------------------------|--------------|------------|
| | | Proposed (m) | Required (m) | |
| 1A | 502 | 30.3, 4, 4 and 9.1 (47.4 total) | 13 | Complies |
| 2A | 497 | 14 | 13 | Complies |
| 3A | 479 | 13.5 | 13 | Complies |
| 4A | 461 | 13 | 13 | Complies |
| 5A | 461 | 13 | 13 | Complies |
| 6A | 461 | 13 | 13 | Complies |
| 7A | 485 | 13.7 | 13 | Complies |
| 8A | 454 | 13.4 and 9.1 (22.4 total) | 13 | Complies |
| 9A | 580 | 2.9 and 12 (14.9 total) | 13 | Complies |
| 10A | 715 | 12, 5 and 30.4 (47.4 total) | 13 | Complies |
| 11A | 625 | 21.3 | 13 | Complies |
| 12A | 598 | 29.2 | 13 | Complies |
| 1B | 392 | 14 | 10 | Complies |
| 2B | 399 | 14 | 10 | Complies |
| 1C | 1429 | 13 and 49 (62 total) | 13 | Complies |
| 2C | 670 | 11.3 and 3.5 (14.8 total) | 13 | Complies |
| 3C | 1812 | Approximately 42 | 13 | Complies |
| 4C | 597 | 15.8, 6.8 and 38.9 (61.5 total) | 13 | Complies |

As assessed above, the subdivision proposal complies with the minimum boundary to any public road.

Compliance with the requirements of clauses 5.2.4, 5.4.3 and 5.4.6 will require individual assessment depending on the design and layout and siting of the proposed dwellings.

COMPLIES

6.2.3 Site Characteristics for Subdivision in Zones LR, LMR, MR and HR

Purpose

Ensure that the subdivision of land provides lots suitable for urban residential purposes that respond appropriately to the physical characteristics of the land and does not detrimentally impact on surrounding land.

Administration

1. The consent authority may **consent** to a subdivision that is not in accordance with sub-clauses 2-6, only if it is satisfied the subdivision design is consistent with the purpose of this clause.

| <u>Requirement</u> | <u>Assessment</u> |
|--|---|
| 2. <i>Avoid the development of land of excessive slope, unstable or otherwise unsuitable soils (e.g. seasonally waterlogged) and natural drainage lines.</i> | <p>The land has been included in the DISAP and is identified for future development, through the proposed concurrent application the proposed rezoning will facilitate residential development. Area A comprises grassed and vegetated vacant land, which is partially filled over intertidal mud flats. The lot is bounded by a filled area to the north, by residential allotments located on a filling platform to the south and west, a narrow corridor of cleared mangroves, and then a mangrove forest to the east. Area A site surface currently slopes down to the east from about RL5.5 m AHD on the crest of the filling platform to about RL2 to 2.6 m along the eastern lease boundary.</p> <p>Area C1 and C2 comprises un-vegetated vacant land located in a re-entrant corner of the Bayview rock armoured seawall, as well as low-lying intertidal mud flats. The lot is bounded by residential allotments located on a filling platform to the north, west and south and by a narrow corridor of cleared mangroves, then mangrove forest to the east. Area C1 and C2 surface is currently level at about RL5.5 m along the western boundary and slopes down across the rock wall to about RL1.8 to 2.4 m over intertidal mudflats along the eastern lease boundary.</p> <p>Furthermore, the land unit mapping identifies that the soils are subject to seasonal inundation. The application proposes a sea wall along the eastern</p> |

| <u>Requirement</u> | <u>Assessment</u> |
|---|--|
| | boundary and bulk earthworks to ensure the land is suitably filled to a height to enable the development of the lots for their intended purposes, thereby avoiding risk and damage due to any storm surge event. |
| 3. <i>Ensure, by site selection or site grading, that areas intended for lots less than 600m² do not slope in excess of 2%, such that the need for on-site stormwater structures, retaining walls and the like is minimised.</i> | The application proposes bulk earthworks to ensure the land is suitably filled to a height to enable development of the lots for their intended purposes. The applicant has requested a condition precedent to demonstrate site grade of less than 2% as this will be address in the detailed design. |
| 4. <i>Retain and protect significant natural and cultural features.</i> | <p>Mangroves exist within parts of Areas A and C1 and C2, which will be removed as part of the filling of the land.</p> <p>The application was referred to the Department of Lands, Planning and Environment who advised of matters to be addressed by the applicant in relation to addressing buffer zones for biting midges and disturbance of Potential Acid Sulfate Soils. The applicant provided at response to the matters raised advising that the matters can be addressed through conditions on any development permit issued.</p> <p>The application was referred to the Aboriginal Areas Protection Authority (AAPA). A note advising the developer to obtain a certificate from the AAPA can be recommended on any permit issued for the proposed subdivision.</p> |
| 5. <i>Avoid development of land affected by a 1% AEP flood or storm surge event.</i> | Refer to discussion provided under sub-clause 1 above. |
| 6. <i>Retain and protect natural drainage lines and any distinctive landform features or stands of natural vegetation and incorporate them into public open space.</i> | Refer to the discussion provided under sub-clause 4 above. |

COMPLIES

6.2.4 Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR

Purpose

Ensure that subdivision of land for residential purposes is appropriately integrated with infrastructure, community services and facilities.

Administration

1. The consent authority may **consent** to a subdivision that is not in accordance with sub-clauses 2-7, only if it is satisfied the subdivision is consistent with the purpose of this clause.

| <u>Requirements</u> | <u>Assessment</u> |
|--|--|
| 2. <i>Provide a high level of internal accessibility and external connections for pedestrian, cycle and vehicle movements.</i> | <p>Area A shall be accessed via a proposed road extension of Latrobe Street.</p> <p>Area B shall be accessed via O'Ferrals Road.</p> <p>Area C1 and C2 shall be accessed via a proposed road extension and a minor intersection off O'Ferrals Road.</p> <p>The assessment notes that the proposed road network will restrict the opportunity to link the existing Bayview subdivision to the future subdivision of Lot 7433 (Zone FD).</p> |
| 3. <i>Provide links to schools, commercial facilities and public transport services.</i> | There are no links to these facilities other than via existing roads. |
| 4. <i>Provide traffic management to restrain vehicle speed, deter through traffic and create safe conditions for all road users.</i> | The road reserve widths proposed in the subdivision is 15m. Council access from Area A to Area C1 and C2 to Lot 7433 is provided from an access road adjacent to Lot 10A and Lot 1C. City of Darwin advises they are satisfied with the new access arrangements to the remaining part Lot 7433, to allow vehicle access between area A and area C1 and C2. |
| 5. <i>Incorporate street networks capable of accommodating safe and convenient bus routes with stops within a 400m radius of a majority of dwellings.</i> | The existing bus shelter located on Fanning Drive is 300m-400m from Area A and B, and 600m from Area C1 and C2. The majority of dwellings are within 400m of existing bus stop. |
| 6. <i>Provide for connection to reticulated services.</i> | The subdivision is intended to be serviced by electricity, water and sewer and the application has been circulated to Power and Water Corporation for comment. |
| 7. <i>Provide a minimum of 10% of the subdivision area as public open space which:</i> (a) <i>ensures the majority of dwellings are within 400m walking distance of a neighbourhood park;</i> (b) <i>incorporates recreational open space in larger units available for active leisure pursuits;</i> (c) <i>is unencumbered by drains and has sufficient flat area for informal recreation; and</i> (d) <i>is designed to provide a safe environment for users by allowing clear views of the open space from surrounding dwellings or passing vehicles.</i> | No public open spaces are proposed as part of this proposal. |

DOES NOT COMPLY – Variation sought to not provide public open space within the subdivision area

Part 2 - Strategic Framework

2. Strategic Framework

The site is located within the following strategic frameworks:

Darwin Regional Land Use Plan (DRLUP) 2015

The purpose of the Darwin Regional Land Use Plan 2015 (DRLUP) is to identify the essential characteristics and needs that will shape future development in the region and establish an overarching framework for that development.

The location of the proposed development is in an area identified for Urban/Peri-Urban land use. These areas will accommodate a full range of land uses such as a variety of housing types, retail and commercial, community facilities and services, sport, recreation and urban open space, and natural and conservation areas.

The proposal aligns with the key Residential objectives of the DRLUP by providing residential lots that integrate new and existing residential development to maintain character and create a cohesive society that meets the diverse needs and aspirations of all sectors of the community.

The high level mapping in the DRLUP does not recognise the nuances in established areas between those smaller sites that have been built upon and those that remain undeveloped.

Darwin Inner Suburbs Area Plan 2016

The Darwin Inner Suburbs Area Plan 2016 (DISAP) provides a framework to guide progressive growth and development within the Inner Suburbs of Darwin building on the broad regional strategic planning policies established by the Darwin Regional Land Use Plan 2015.

The Land Use Plan identifies the subject land as future development. Land to the west of the subject land is shown in the DISAP as a mixture of low density and low-medium residential, which forms part of the existing Bayview Marina Estate.

Lots 5988 and 7433, Town of Darwin, are Crown lease parcels that have been progressively developed as the Bayview Marina Estate. The developers were initially granted a Crown lease over Lot 5988, Town Darwin (CLT 1251) in 1993. Then in 2004, a Crown lease (CLT 2155) was granted over an additional land area (Lot 7433) to enable the subdivision to be expanded. The current application proposes to create 18 lots as below:

Area A – Comprises of a strip of land that is part of Lot 5988 and a portion of Lot 7433. The subdivision proposes to create 12 lots in this area having lots sizes ranging from 454m² to 715m² and will be in zone LR. This area also includes the creation of a 15m wide public road and access to Lot 7433 adjacent to Lot 10.

Area B – Comprises of a strip of land that is part of Lot 5988 and a portion of Lot 7433. The subdivision proposes to create 2 lots in this area measuring 399m² and 392m² and is zoned LMR.

Area C1 and C2 - Comprises of the middle section of Lot 7433 and a small portion of Lot 5988. The subdivision proposes to create 4 lots and a 15m wide public road and access to Lot 7433 adjacent to Lot 1. The 2 lots to the north will be in zone LR and include lot sizes of 1429m² and 670m². The two lots to the south will be in Zone LMR and include lot sizes of 1812m² and 597m².

The balance of Lot 7433 will form the remnant Crown Lease Term (CLT) parcel.

The subdivision includes lots that can be used for the purpose of dwelling-single, dwelling-group and dwelling multiple. The Area Plan identifies the site residential and future development.

Part 3 - Overlays

3.4 CR – Coastal Reclamation

Purpose

Ensure that landfill of coastal areas does not adversely affect adjacent land or waters, or the quality of adjacent waters, and is suited to its intended purpose.

Administration

1. The placement of fill material below the level of the highest astronomical tide requires **consent**.
2. This overlay does not apply to unzoned land.
3. The consent authority in considering an application for coastal landfill must have regard to the advice of the agency responsible for natural resources and the environment.

Requirements

4. An application for the placement of fill material is to demonstrate how the fill material will:
 - (a) suit the future use of the reclaimed land;
 - (b) minimise the impact of fill works on adjoining land and waters;
 - (c) provide appropriate edge treatment of the fill in order to prevent future erosion and siltation of adjacent waters; and
 - (d) prevent the formation of acid sulphate leachates.

Assessment

The site is within the level of the highest astronomical tide (see Image 1 below). The application proposes site preparation earthworks and a sea wall to ensure the site (areas A and C1 and C2) is suitable for residential development.

The proposed construction for Areas A and C will be as follows:

Area A: Clear and reshape the sloping ground, then construct a building platform at a final level at about RL5.5m AHD by filling over the prepared site surface. Surcharge the lot for a period of up to 5 months with about 2 m of filling to reduce post construction settlements, then remove the surcharge and construct a seawall to RL6.5 m AHD.

Area C: Remove and stockpile the rock armour from the current seawall, reshape the sloping fill batter, then construct a building platform at a final level at about RL5.5 m AHD by filling over the prepared site surface. Surcharge the lot for a period of up to 8 months with about 2 m of filling to reduce post construction settlements, then remove the surcharge and construct a seawall to RL6.5 m AHD.

The application notes that Area B does not require earthworks as this area has been filled and surcharged as part of a previous stage of Bayview that was completed in 2004.

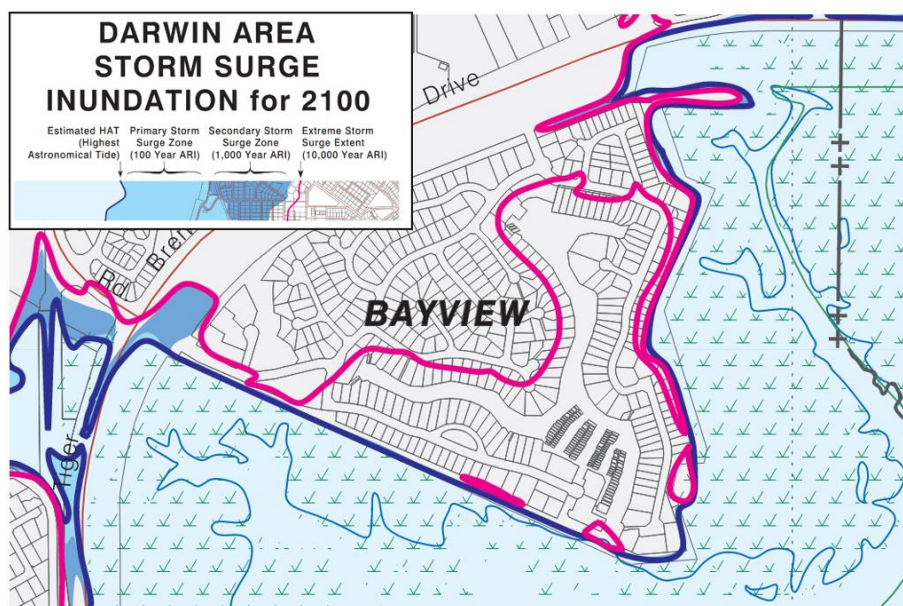


Figure 1: Storm surge mapping (Darwin)

The application provides the following response to the requirements of sub-clause 3:

- (a) The current site surfaces will be cleared and benched before an engineered filling platform comprising a woven geotextile layer, a rockfill working platform, engineered filling and surcharge is placed over the mud surface. The earthworks profile proposed for site filling and surcharge is shown on attached Drawing 5. A similar profile has been successfully used for construction of previous stages of Bayview including the adjacent Stage 10 earthworks.
- (b) The new filling will be carefully placed in a controlled manner, and will be keyed into the current filling, to minimise the risk of longitudinal cracking and to ensure stability of the filling platform at all stages. Any tension cracks that form at the interface between “old” and “new” filling will be reinstated before surcharge is removed. Tension cracks that have formed due to differential settlement at Bayview and the nearby Tiger Brennan Drive embankments have been successfully reinstated with minimal detrimental effect to the filling platform using this approach. Page 4 of 6 Geotechnical Assessment of Proposed Site Filling & Seawalls Project 77861.01 Stage 11 - Lots A and C, Bayview, NT May 2012
- (c) Surcharge will be placed over the engineered filling to heights predetermined by engineering calculations. Examples of surcharge profiles and estimated surcharge times for areas including part of Lot A and all of Lot C are shown on attached Drawings 6 and 7. Settlement of the filling platform under surcharge loads will be monitored by periodic survey and the surcharge will not be removed until approximately 90% of primary consolidation under filling load has been achieved. Settlement monitoring of previous stages of Bayview for periods of up to 5 years after removal of surcharge indicates that post construction settlements of monuments located on filled areas have generally been limited to 20 mm or less.
- (d) The seawall section proposed for Lots A and C is shown on attached Drawing 8. This section differs from previous seawall sections at Bayview because shallower average mud depths along the lease boundary on this eastern side allow for a steeper, stable armour rock wall to be constructed on a rockfill base. The seawall construction comprises removing and displacing soft mangrove mud and replacing this soft soil with a rockfill base. The top of the rockfill base will be at or slightly below natural surface level and the rockfill base will be founded on the underlying stiff marine clay. This rockfill base will be placed before the working platform and site filling so that trenching required to remove mud does not cause any instability in the filling. After the surcharge is removed to the design site level of about RL5.5 m AHD, the compacted outer fill batter will be trimmed to a slope of 5H:4V and a 1 m high precast concrete retaining wall will be constructed at the crest of the batter as shown on Drawing 8. A non-woven geotextile will be laid on the batter and secured under the

wall, then armour rock (which was previously removed and stockpiled before filling Lots A and C) will be placed on the batter and over the base of the retaining wall.

The application was circulated to the Department of Lands, Planning and Environment (previously Department of Environment, Parks and Water Security), which request conditions and notes in relation to acid sulfate soils and erosion and sediment control.

TO BE CONDITIONED

3.7 LSSS – Land Subject to Storm Surge

Purpose

Identify areas with a known risk of inundation from primary or secondary storm surges and ensure that development in these areas demonstrates adequate measures to minimise the associated the risk to people, damage to property and costs to the general community caused by storm surge.

Administration

1. This Overlay applies to land subject to the PSSA and/or the SSSA.
 2. This Overlay does not apply to:
 - (a) **outbuildings** and extensions to existing **dwelling**s;
 - (b) extensions to existing commercial or industrial buildings;
 - (c) a use or development within the SSSA that would otherwise be *Permitted*, and complies with the requirements of Part 5;
 - (d) unzoned land; or
 - (e) any use or development within a PSSA or SSSA that complies with Clause 5.5.1 (Interchangeable Use and Development in Specific Zones) which but for this Overlay, would not require **consent**.
 3. This overlay does not apply to the use and development of land for **dwelling**s-group or **dwelling**s-multiple when the land is subject to Overlay 3.11 RCFR (Rapid Creek Flood Response).
 4. In this Overlay:
 - (a) "AEP" means Annual Exceedance Probability, which is the likelihood, in percentage terms, of inundation by storm surge;
 - (b) "PSSA" means Primary Storm Surge Areas, which are those coastal areas within a 1% AEP of inundation by storm surge as defined on mapping produced by the NT Government;
 - (c) "SSSA" means Secondary Storm Surge Areas, which are those coastal areas adjacent to the PSSA with a 0.1% AEP of inundation by storm surge as defined on mapping produced by the NT Government; and
 - (d) "storm surge" means the elevation in sea level which accompanies the movement of a cyclone particularly near, or over, a coastline, attributed to a cyclone's intensity and wind stress build-up.
 5. Land within the PSSA is to be used or developed only with **consent**.
 6. The consent authority may **consent** to a use or development within the PSSA that is not in accordance with sub-clauses 8-10 only if it is satisfied that the application demonstrates that there is no increased risk to people and property, including adjoining property.
 7. The use or development of land within the SSSA should have regard to sub-clauses 9 and 10.
-

Requirements

8. Development in the PSSA should be limited to uses such as open space, recreation, non-essential public facilities (wastewater treatment works excepted) and short-stay tourist camping/ caravan areas.
9. Development within the SSSA should be confined to those uses permitted in the PSSA as well as industrial and commercial land uses.
10. Residential uses, strategic and community services (such as power generation, defence installations, schools, **hospitals**, public shelters and major transport links) should be avoided in the PSSA and the SSSA.

Assessment

The site is located within the primary and secondary storm surge area (PSSA and SSSA). The application identifies bulk earthworks that will be undertaken to achieve the proposed road design and site levels for lots in preparation for residential development. These works will ensure that the lots are suitable for development as they will be elevated to approximately RL 6.5m AHD, above the storm surge level. In addition, a seawall is proposed will enable the development of the lots for their intended purposes, and with a crest level of RL6.5m AHD, will mitigate risk and damage as a result of any storm surge event.

COMPLIES**3.9 DHD – Darwin Harbour Dredging**Purpose

Ensure dredging within Darwin Harbour does not degrade the environmental value of the harbour waters.

Administration

1. The Darwin Harbour Dredging Overlay applies to the seabed within Darwin Harbour, being the waters south of a straight line between Charles Point and Gunn Point.
2. Dredging of the seabed within the Darwin Harbour Dredging Overlay requires consent.
3. The consent authority in considering an application for dredging must have regard to the advice of the agency responsible for natural resources and the environment.

Requirements

4. An application for dredging is to demonstrate consideration of the Guidelines for the Environmental Assessment of Marine Dredging in the Northern Territory (as amended from time to time) produced by the NT Environmental Protection Authority.

Assessment

The application does not propose dredging of the Darwin Harbour, therefore this clause does not apply.

NOT APPLICABLE

From: nuno_decastro <nuno_decastro@yahoo.com.au>

Sent: Thursday, 8 May 2025 10:58 PM

To: Sally Graetz <Sally.Graetz@nt.gov.au>

Subject: RE: Bayview Concurrent Application - Response to deferral of planning application (new information)

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.

Hi Sally

My only concern is the traffic load imposed by the additional lots on the existing road network of Stoddard Drive, near my property.

The exiting road of Stoddard Drive on the hill is not designed for the traffic load of existing lots at Bayview based on the Darwin City Council guidelines.

I have previously advised the DCC of the shortcomings of building a main road with specifications for a cul- de-sac

I hope as part of the solution is for the proposed Subdivision to use another road that allows the proposed lots entry and exit access.

The existing traffic load on Stoddard Drive is already a danger to pedestrians and other users the live in the constrained road section.

Can the developer built a new road access to Tiger Brennan Drive for this proposed Subdivision and divert traffic away from Stoddard Drive?

Regards

Nuno

From: [Caesar Yik](#)
To: [Monica Pham](#)
Cc: [Thanh Tang](#)
Subject: RE: PA2023/0327 – Notification of altered application - Lots 5988 and 7433, Town of Darwin - (Power response)
Date: Friday, 9 May 2025 9:34:09 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.gif](#)
[Power response to PA2023-0327 \(additional information and amended plans\).PDF](#)

Hi Monica,

Power Services does not have any further comment on the additional information and altered 'amendment component' provided by the applicant.

Previous power response letter record D2024/325175 dated 28 August 2024 (attached) remains unchanged.

Regards

Caesar Yik

Distribution Development Engineer
Power Engineering | Power Services

T 08 8924 5042 M

Caesar.Yik@powerwater.com.au



Power and Water Corporation

Level 1, BHC 1, Ben Hammond Complex,
15 Iliffe Street, Woolner
PO Box 37471 Darwin NT 0821

powerwater.com.au

I acknowledge the Traditional Owners and Custodians of the lands on which I live and work and pay my respect to Elders past, present and future.

From: Monica Pham <Monica.Pham@nt.gov.au>
Sent: Thursday, 8 May 2025 4:29 PM
Subject: PA2023/0327 – Notification of altered application - Lots 5988 and 7433, Town of Darwin
Importance: High

Good afternoon

I refer to Concurrent Application reference PA2023/0327 which relates to Lots 5988 and 7433 Town of Darwin (Bayview).

In December 2024, the Development Consent Authority deferred consideration of the application to require the applicant to provide additional information (notice of deferral attached).

The applicant has responded to the DCA's deferral decision and has provided additional information together with an altered 'amendment component'.

The 'development component', which includes subdivision to create 18 lots, is unchanged. The 'amendment component' has been updated to a Specific Use Zone (i.e. a zone that is specific to the site) as an intermediate zone to facilitate subdivision as if the land were already in Zone LR (Low-Density Residential) and Zone LMR (Low-Medium Density Residential). The altered amendment does not change the proposed development outcome, but rather uses a different mechanism to achieve it. If the application is approved, the land will need to undergo a separate rezoning process to standardised zones (i.e. Zone LR and LMR) to enable dwelling construction. Note that the DCA's role is to determine the 'development component', with the 'amendment component' to be determined by the Minister for Lands Planning and Environment.

A copy of the additional material submitted by the applicant is attached, including a copy of the proposed Specific Use Zone.

We would be grateful if you could please confirm via return email whether the updated materials alter advice previously provided in relation to this application **by Wednesday 21 May 2025**.

If you would like to discuss the updated proposal please contact Amit Magotra (Development Assessment Services) on 08 8999 6046 or Sally Graetz (Lands Planning) on 08 8999 8963.

Kind regards

Monica Pham

Senior Planner
Lands Planning
Department of Lands, Planning and Environment
Northern Territory Government

From: [Jayde Manning](#) on behalf of [Secretariat AAPA](#)
To: [Monica Pham](#)
Subject: RE: PA2023/0327 – Notification of altered application - Lots 5988 and 7433, Town of Darwin
Date: Friday, 9 May 2025 11:26:23 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.gif](#)

Good Morning,

AAPA's advice wont change. However, to make you aware there is an archaeological place (not a sacred site) located very close to the boundary of the subject land. This is a small hill and may be of some significance, therefore we advise that if not already done so then the Heritage Branch should be contacted to make comment.

Kind regards
Jayde

Jayde Manning
Ministerial and Policy Officer | Policy and Governance
Aboriginal Areas Protection Authority
Telephone: 08 8999 4303
Website: www.aapant.org.au

RCG Centre, Level 4
47 Mitchell Street Darwin | GPO Box 1890, DARWIN NT 0801

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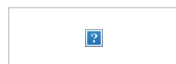
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Kind regards

Monica Pham
Senior Planner
Lands Planning
Department of Lands, Planning and Environment
Northern Territory Government

Floor 1, Energy House, 18-20 Cavenagh Street, Darwin
GPO Box 1680, Darwin, NT 0801

P: **+61 8 8999 7684**
E: Monica.Pham@nt.gov.au



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From: [Sally Graetz](#)
To: [Monica Pham](#)
Subject: FW: PA2023/0327 – Notification of altered application - Lots 5988 and 7433, Town of Darwin
Date: Tuesday, 13 May 2025 12:56:54 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.gif](#)

From: Allan Warchot <Allan.Warchot@nt.gov.au>
Sent: Tuesday, 13 May 2025 12:54 PM
To: Das NTG <Das.NTG@nt.gov.au>; Amit Magotra <Amit.Magotra@nt.gov.au>; Sally Graetz <Sally.Graetz@nt.gov.au>
Subject: RE: PA2023/0327 – Notification of altered application - Lots 5988 and 7433, Town of Darwin

Hi, the updated material does not alter previous advice provided by Medical Entomology.

Kind regards
Allan

Allan Warchot

Advice and Control Officer
Medical Entomology - Centre for Disease Control
Public Health Division
NT Health

Building 19, Royal Darwin Hospital, 105 Rocklands Drive, Tiwi, NT 0810
GPO Box 41326, Casuarina, NT 0811

t. 08 8922 8337 **m.** **0477351537**
f. 08 8922 8820



nt.gov.au
health.nt.gov.au



I acknowledge Aboriginal people as the Traditional Owners of the country I work on, and their connection to land and community. I pay my respect to all Traditional Owners, and to the Elders both past and present.

Monica Pham
Development Assessment Services
GPO Box 1680
Darwin NT 0801

File reference
DDL2011/0644-03
TCSD Project No: 2023-0010-P2

Dear Monica

**Re: DARWIN – LOT 5988 AND 7422 TOWN OF DARWIN – 57 BAYVIEW BOULEVARD, BAYVIEW –
SUBDIVISION TO CREATE NINETEEN (19) LOTS – DOVER INVESTMENTS PTY LTD – EARL
JAMES & ASSOCIATES**

I refer to the Development Assessment Services' correspondence of 5 June 20234 regarding Planning Application PA2023/0327.

I am pleased to advise that the Transport and Civil Services Division (TCSD), Department of Infrastructure, Planning and Logistics (DIPL) has no objections in principle to the above mentioned Subdivision, subject to the following comments and requirements:

1. All proposed work (including the provision or connection of services) within, or impacting upon the Tiger Brennan Drive road reserve shall be in accordance with the standards and specifications of the TCSD, DIPL.

Note that a development permit issued under the *Planning Act* is not an approval for access upon a Northern Territory Government (NTG) road. Approval for the access to be taken from, or constructed within the NTG controlled road reserve rests solely with the TCSD, DIPL as the approving authority.

2. All new road reserves created within the subdivision shall be vested with the relevant local road authority and shall be noted on the survey plans as such.

Should you wish to discuss the above mentioned further, please contact the TCSD on telephone 8999 4412.

Please quote the TCSD Project No 2023-0010 in all correspondence.

Yours sincerely



Chandan Kalase
Executive Director, Transport Planning

24/06/2024

From: [Brian Sellers](#)
To: [Das NTG](#); [Amit Magotra](#); [Sally Graetz](#)
Subject: RE: PA2023/0327 – Notification of altered application - Lots 5988 and 7433, Town of Darwin
Date: Monday, 19 May 2025 4:12:19 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.gif](#)

Hi Monica,

Thank you for your email regarding the Concurrent Application reference PA2023/0327, which relates to Lots 5988 and 7433 Town of Darwin (Bayview).

As the proposal does not change the proposed development outcome, but rather uses a different mechanism to achieve it, the amendment does not alter the advice previously provided in relation to this application.

Please let me know if you have any questions or would like to discuss this matter further.

Regards,

BRIAN SELLERS
PLANNING COORDINATOR



Civic Centre | 17 Harry Chan Avenue | GPO Box 84 Darwin NT 0801
P: +61 8 8930 0683
www.darwin.nt.gov.au

Please consider the environment before printing this email.

City of Darwin is proud to operate on Larrakia country. We acknowledge the Larrakia people as the Traditional Owners of the Darwin region and pay our respects to Larrakia elders past and present. We are committed to working with all Larrakia people to care for our community and this land and sea for our shared future.

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