

NT PLANNING COMMISSION HEARING

**EXCEPTIONAL DEVELOPMENT PERMIT APPLICATION
PA2025/0296**

Lot 2850 (2) Scott Street, Fannie Bay, Town of Darwin
Subdivision to create two lots

Agenda Item Number: 1

Meeting Date: 14 November 2025

**Attachment A : Locality Plan &
Exhibition Material**

Attachment B : Submissions Received



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Report to the Planning Commission

This report is prepared under section 22 of the *Planning Act 1999*, and considers the submissions made in relation to the proposal.

1. GENERAL INFORMATION

ADDRESS:	Lot 2850 (2) Scott Street, Fannie Bay, Town of Darwin
AREA:	1550 m ²
CURRENT ZONE:	Zone LR (Low Density Residential)
PROPOSED LAND USE:	Subdivision to create 2 lots
APPLICANT:	Kevin Dodd of Earl James and Associates
LAND OWNER:	Nicholas Boris Scaturchio and Susannah Grant Scaturchio

2. LEGISLATIVE REQUIREMENTS

The Minister for Lands, Planning and Environment is responsible for determining proposals to grant an Exceptional Development Permit (EDP). The *Planning Act 1999* (the Act) establishes requirements relating to the exhibition, consultation and reporting on proposed Exceptional Development Permits.

Under section 22(6) of the Act, the Planning Commission must hold a hearing if submissions are received during the exhibition period, and the Chairperson is satisfied that a hearing would provide further useful information.

Under section 24 of the Act, the Planning Commission must provide to the Minister for Lands, Planning and Environment, a written report that addresses the issues raised in the submissions; the issues raised at the hearing and during any consultation; and any other matters the Commission considers the Minister should take into account when considering the proposal.

3. PROPOSAL

On 27 August 2025, Mr Kevin Dodd (Earl James and Associates) lodged an EDP application seeking approval for subdivision to create 2 lots at Lot 2850 (2) Scott Street, Fannie Bay, Town of Darwin (the site).

The proposal seeks consent to subdivide the site into 2 parcels of land. Lot A is proposed to be 1205 m² in area, with a 34.18 metre frontage to East Point Road and a 32.84 m frontage to Scott Street. The existing dwelling-single is contained within Lot A. Lot B is proposed to be 350 m², with a 16.47 m frontage to Scott Street and currently contains an existing outbuilding (shed).

Lot B is non-compliant with the Northern Territory Planning Scheme (NTPS2020) minimum lot size requirements, which require that a proposed lot in Zone LR (Low Density Residential) have a minimum site area of 760 m², where Lot B is shown to be 350 m². The proposal cannot be considered through a normal development application as the relevant Part 6 requirement of the NTPS2020 prohibits the Development Consent Authority from consenting to a proposed subdivision that does not comply with the minimum lot size requirements.

A copy of the locality plan, and exhibition material, including the application is at **Attachment A**.

4. SITE AND LOCALITY CONTEXT

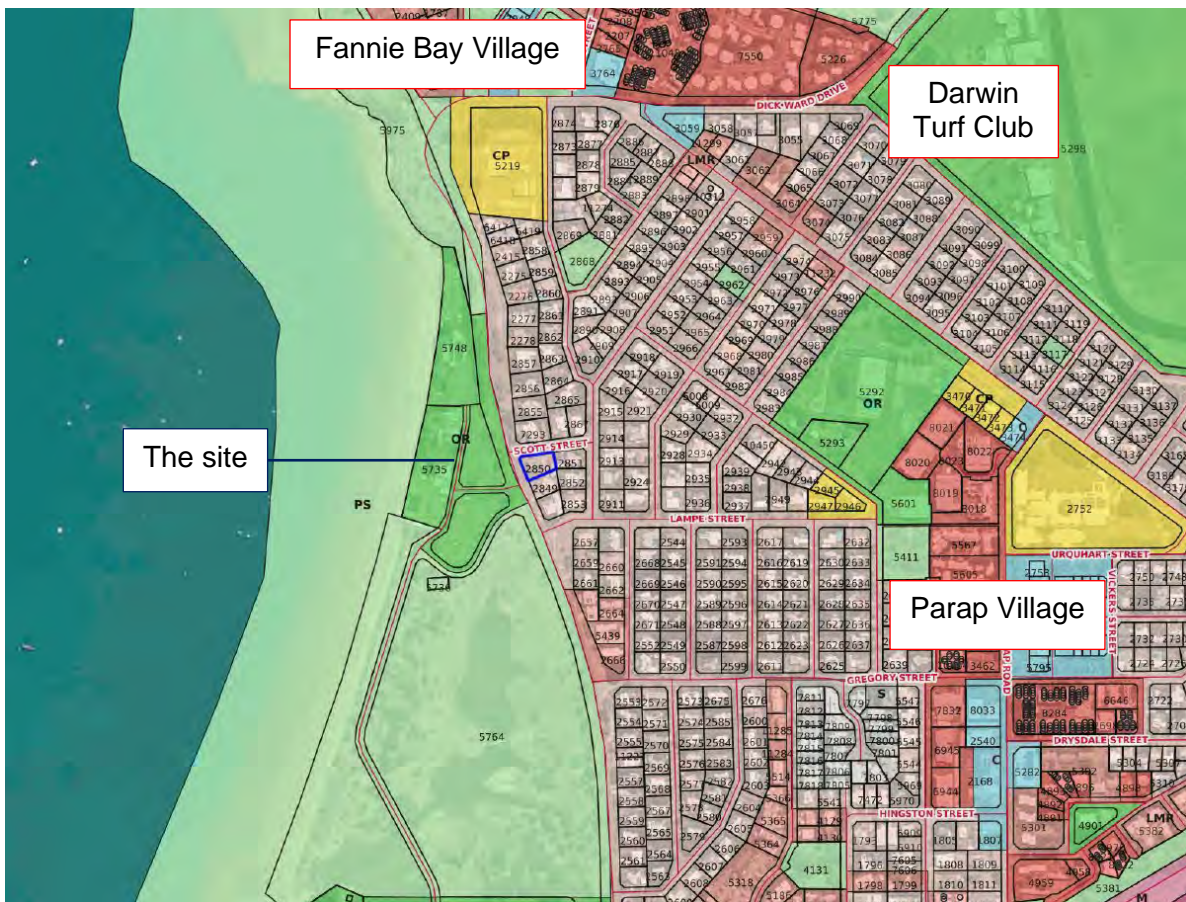
The site is a 1550 m² freehold parcel zoned LR (Low Density Residential) under the NTPS2020. The site has a 54.85 m frontage to Scott Street (including a 5.54 m long truncated corner), and 34.18 m long frontage to East Point Road. The site is generally flat and slopes down towards the south-west. The site comprises an existing double storey dwelling-single with a single storey outbuilding (shed), contains areas of grass and hardstand and some trees. No changes to existing structures are proposed as part of this application.

Surrounding land to the north, east and south is predominantly zoned LR, with land to the west, on the opposite side of East Point Road, zoned PS (Public Open Space) in the vicinity of the Bundilla Beach Reserve, and OR (Organised Recreation) in the vicinity of the Darwin Sailing Club and Darwin Trailer Boat Club.

In the wider context, the site is located approximately 600 m from the Fannie Bay Village (secondary activity centre), 900 m from the Parap Village (secondary activity centre) and Parap Primary School, 400 m from Bundilla Beach, and 1.2 km from the Darwin Middle School and/High School precinct. In addition, the site is adjacent to the sub-arterial East Point Road, and 200 m from a public bus route that goes to Darwin City.

No overlays affect the site. In addition, Darwin Regional Land Use Plan identifies the site for urban land uses and Darwin Inner Suburbs Area Plan identifies the site for low density residential purposes.

Map 1: Excerpt of Location Plan (refer Attachment A1 for full plan)



5. EXHIBITION OF PROPOSAL

On 11 September 2025, a delegate of the Minister for Lands, Planning and Environment determined under section 39(1)(a) of the *Planning Act 1999* to continue consideration of the proposed amendment by placing it on exhibition.

The proposal was on public exhibition for a period of 28 days and was notified in accordance with the requirements of the Act. The exhibition closing date was 17 October 2025.

6. SUBMISSIONS

Below is a summary of the matters raised in submissions.

Public Submissions (Attachments B1 – B5)

Five submissions were received from the public regarding this proposal. A summary of the submissions is below.

Submitter	Discussion Points
Ray Hall Attachment B1	<ul style="list-style-type: none"> • Objects to the proposal. • Lack of on-street car parking in the area to cater for an additional dwelling. • The small block size will result in any new development dominating the site, airflow being blocked and air conditioners expelling hot air into neighbouring properties. • Lot B lot size is out of character with the locality. • Approval of EDP will set a precedent.
Paul Nicholls Attachment B2	<ul style="list-style-type: none"> • Objects to the proposal. • Application doesn't make the case for special circumstances that warrant not complying with the NTPS2020. • Scott Street is not adequately designed to cater for additional dwellings, with on-street parking already at capacity. This will create a safety hazard. • Lot B lot size is out of character with the locality. • Approval of EDP will set a precedent.
Thomas Forgan Attachment B3	<ul style="list-style-type: none"> • Objects to the proposal. • Application undercuts the 760 m² minimum lot safeguard that exists to protect neighbourhood character and liveability. Raises concerns that arguing the application is 'preferable to rezoning' is misleading and should not be accepted as justification for bypassing planning protections. • Less about improving neighbourhood amenity and more about financial return. • Lot B lot size is out of character with the locality. • Increased reliance on on-street car parking. • Traffic impacts due to congested on-street parking.

Submitter	Discussion Points
Brendan Dally Attachment B4	<ul style="list-style-type: none"> • Objects to the proposal. • Lot B lot size is out of character with the locality. • Lack of on-street car parking in the area to cater for an additional dwelling, noting the existing unit development and proximity to local clubs (Sailing, Trailer Boat & Ski Clubs) and Mindil Beach markets • Adverse amenity impacts in relation to increased traffic, residents and noise. • Impact on the nature of existing surrounding housing and land values. • Application will reduce the exclusivity of Fannie Bay and undermine the NT Government's 'Restoring Our Territory Lifestyle' intention. • Approval of EDP will set a precedent.
Jack Benson Attachment B5	<ul style="list-style-type: none"> • Objects to the proposal. • Lot B lot size is out of character with the locality. • Future development would result in overlooking of neighbouring private open spaces. • Additional occupancy or commercial activity could create noise and traffic inconsistent in a residential area. • Increased traffic volume and pressure on street parking poses safety concerns. • Approval of EDP will set a precedent.

Service Authority Comments (Attachments D1 – D4)

Comments received from Service Authorities are summarised in the table below.

Service Authority	Comments
Power and Water Corporation (PWC) Power Services Attachment B6	<ul style="list-style-type: none"> • Does not object to the application. • New lots will need to be provided with underground electricity supply. The proponent will be responsible for the design and installation of these services and will need to use an approved provider. This will need to be to the requirements of PWC Power Services. • An electrical supply easement will need to be created and registered on the proposed lots to accommodate a low voltage distribution pillar.
PWC Water Services Attachment B7	<ul style="list-style-type: none"> • Does not object to the application. • Only a single water and sewerage service will be permitted for each propose lot. These will need to be installed by and at the expense of the developer. • Water Services should be contacted prior to works commencing to confirm servicing requirements. Water

	<p>Services should be contacted a minimum of 1 month prior to works commencing.</p> <ul style="list-style-type: none"> • The developer should engage a hydraulic consultant to confirm servicing requirements. • New services will need to connect with existing infrastructure, with easements registered over the location of these services. • Backflow prevention must be installed.
<p>Transport and Civil Infrastructure (TCI) of the Department of Logistics and Infrastructure (DLI)</p> <p>Attachment B8</p>	<ul style="list-style-type: none"> • Does not object to the application. • No concerns for matters under its responsibility.
<p>NT Fire and Emergency Services</p> <p>Attachment B9</p>	<ul style="list-style-type: none"> • Does not object to the application. • No concerns for matters under its responsibility.

The application was circulated to Land Resources Division of the Department of Lands, Planning and Environment (DLPE) and Survey Land Records, DLPE, and no comments were received.

Local Authority Submission (Attachment D5)

The relevant 'local government council' is the City of Darwin (Council). Pursuant to section 19 of the Act, Council were notified of the application on 19 September 2025. This allowed Council until 17 October 2025 to provide comments for this application. However, as Council did not provide a comment until 31 October 2025, where section 22(2) of the Act states *The submission must be in writing and lodged with the Commission within the exhibition period*, these comments are not considered to be a submission for the purpose of section 22(2) of the Act.

Notwithstanding, as the Minister must have regard to section 51(1)(t) of the Act, which states *other matters it thinks fit*, these comments are considered relevant to this application. For ease of assessment, the Council comments have been included below.

City of Darwin (Attachment B10)	
	<ul style="list-style-type: none"> • Objects to the application. • Application conflicts with Council's community driven approach to place and liveability, which aims to strengthen community participation and belonging, and enhance character and sense of place. • The proposed smaller lot is inconsistent with the purpose of Clause 6.2.11 (Lot Size and Configuration for Subdivision in Zone LR) due to the scale and configuration of the lot being inconsistent with the pattern of the established development in Scott Street and the surrounding area, where there has been no increase in residential development that has resulted in the creation of new lot with areas less than those permitted in Zone LR. • Despite the proposed residential development on the site being inconsistent with the established pattern of development in the area, the land will remain in Zone LR.

- The proposal is inconsistent with the NT Compact Urban Growth Policy (CUGP) for the following reasons:
 - The proposal will not transition density appropriately with surrounding lower density neighbourhood character, it conflicts with Clause: 4.2 Neighbourhood Character – Key Performance Indicator 3.
 - As there is no reticulated stormwater system in the area and the application does not consider stormwater impact, there may be inadequate infrastructure capacity to support increased density from smaller lot development, which conflicts with Clause: 4.4 Service Infrastructure – Key Performance Indicator 1.
 - As the proposal will result in a smaller single dwelling than those in the adjacent area, the proposal is inconsistent with Clause: 4.2 Neighbourhood Character – Key Performance Indicator 1(a).
 - As the Darwin Inner Suburbs Area Plan (DISAP) identifies the site and surrounds for ‘Residential – low density’ and does not identify it as being in a ‘Potential area for change’, the proposal is inconsistent Clause: 4.2 Neighbourhood Character – Key Performance Indicator 2.
 - As the proposal fails to demonstrate compliance with CUGP performance indicators, it is inconsistent with Clause: 3.2 Use of Policy Performance Criteria.
- The proposal is inconsistent with the Darwin Regional Land Use Plan 2015 (DRLUP) for the following reasons:
 - The application has not provided sufficient information to demonstrate that the smaller lot is compatible with land capability and drainage constraint.
 - The increased density is not aligned with sequencing priorities for infrastructure delivery.
- The application does not clearly demonstrate any benefits to the broader community or improved amenity to justify a departure from the NTPS and the Darwin Inner Suburbs Area Plan (DISAP), which undermines the Act’s objective to promote the good design of buildings and other works that respects the amenity of the locality.
- The application does not contain sufficient information to fully consider the requirements of the CUGP, DRLUP or DISAP, which means through this process that residents in the area were not provided the opportunity to consider the proposal against the planning scheme’s Strategic Framework or strategic intent of the Darwin Inner Suburbs Area Plan (DISAP). This weakness in the EDP application undermines the effectiveness of the DISAP and conflicts with the Act’s objectives to a) ensure strategic planning reflects the wishes and needs of the community; and b) respect and encourage fair and open decision making and public access to processes for review of planning related decisions.
- If approved, the EDP would likely set an undesirable precedent of undersized lots in Zone LR, which may increase the potential for future development in the area to bypass existing planning controls. This could result in increasing densities without increasing infrastructure plans or capacity and would erode the character of the area with development that is more suited to a well-planned higher density zone, which undermines the Act’s objectives to a) to assist the provision of public utilities, infrastructure and facilities for the benefit of the community; b) promote the good design of buildings and other works that respects the amenity of the locality; and c) respect and encourage fair and open decision making and public access to processes for review of planning related decisions.
- City of Darwin advises that increased densities in areas of Darwin with inadequate infrastructure should be strategically planned to ensure they reflect the wishes and needs of the community through a review of applicable land use plans. They should

also be aligned with local housing targets, infrastructure pipelines, funding programs and developer contributions. This will empower City of Darwin to plan for and support Darwin's growth, better prioritise infrastructure investment, optimise budgets and deliver more effective and timely services.

7. RECOMMENDATION

That under section 24 of the *Planning Act 1999*, the Planning Commission report to the Minister for Lands, Planning and Environment on the issues raised in submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the proposal.