

NT PLANNING COMMISSION HEARING

**EXCEPTIONAL DEVELOPMENT PERMIT APPLICATION
PA2025/0413**

Lot 01222 Town of Nightcliff (4 Berry Place, Millner)
Dwelling-group (6 x 2 bedroom) in 3 buildings

Agenda Item Number: 3

Meeting Date: 3 February 2026

**Attachment A – Locality Plan and
Exhibition Material**

Attachment B – Submissions Received

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Madison Harvey
Manager, Urban Planning
Development Assessment Services

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 01222 Town of Nightcliff (4 Berry Place, Millner)
AREA:	2200m ²
CURRENT ZONE:	Zone LR (Low Density Residential)
PROPOSED LAND USE:	Dwelling-group
APPLICANT:	Cat Tatam of Tatam Planning Co on behalf the landowner
LAND OWNER:	Unified Property Group Ltd as trustee for Millner Property Trust

2. LEGISLATIVE REQUIREMENTS

The Minister for Lands, Planning and Environment is responsible for determining proposals to grant or vary 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 12 November 2025, Cat Tatam of Tatam Planning Co on behalf of Unified Property Group Ltd as trustee for Millner Property Trust lodged an application for an EDP to develop Lot 1222 Town of Nightcliff, 4 Berry Place, Millner, (the site) for the purpose of dwelling-group (6 x 2 bedroom) in 3 buildings in Zone LR (Low Density Residential) of the NTPS 2020.

The proposed development comprises:

- 6 x 2 bedroom dwellings, with each dwelling including a main bedroom with ensuite, one other bedroom, a bathroom, a laundry and an open plan kitchen, dining living area that extends to the private open space area.
- One 6m wide crossover from Berry Place that provides access to an undercroft car parking area, comprising 13 car parking spaces, a communal bin storage area, lift and bicycle parking.
- Due to the slope of the land, retaining walls are required along both the northern and south-eastern boundaries. These retaining walls range from 2 – 3.2 m in height above

ground level and in some instances additional 2.4m high boundary fence is proposed on top of the retaining wall.

- 868m² of landscaped area comprising a variety of trees, shrubs and grasses and a fenced swimming pool.

The NTPS 2020 prohibits the development of 'dwelling-group' in Zone LR, and therefore the proposal can only be determined through the EDP process.

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

Of relevance, EDP14/0015 was approved on 5 September 2014 to use and develop the land for the purpose of 18 x 2 bedroom multiple dwellings in a 4 storey building. EDP14/0015 was issued 2 subsequent extensions of time, amounting to over five years. However, the third extension of time request was refused and EDP14/0015 has subsequently lapsed and is no longer valid.

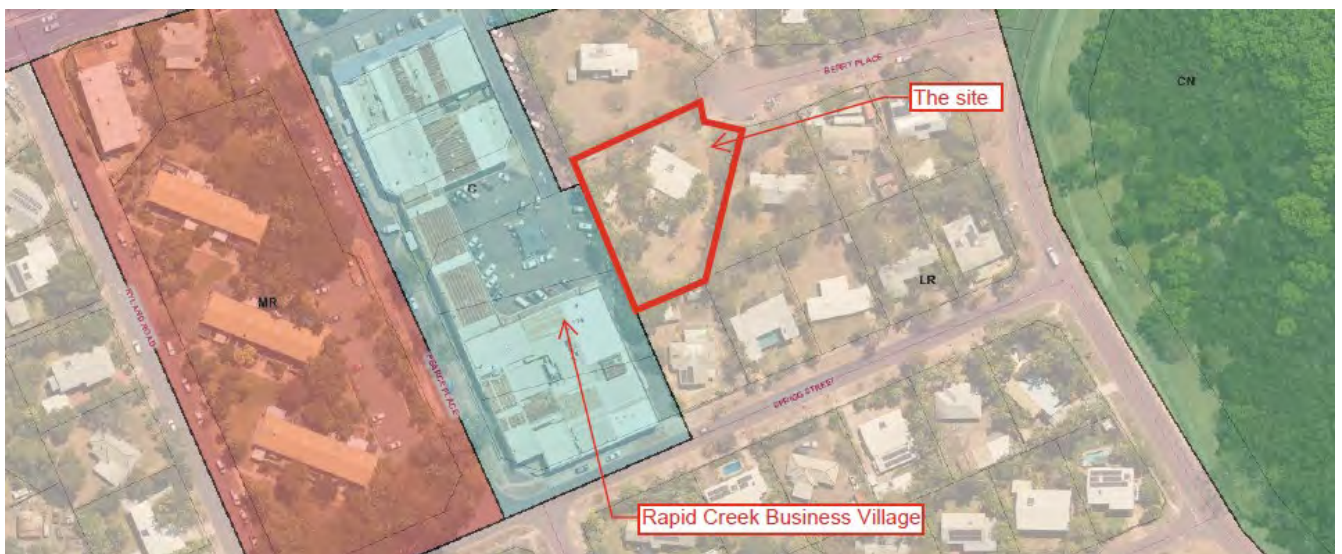
4. SITE AND LOCALITY CONTEXT

The site is located at the western end of Berry Place (a cul-de-sac) in Millner. The site is irregular in shape with an 18.29m frontage to Berry Place and a 53.78m western boundary that partially adjoins Pearce Place (owned by City of Darwin) and lots 4861 and 4862, Town of Nightcliff.

The site is surrounded by other properties in Zone LR to the north, east and south and the Rapid Creek Shopping Village in Zone C (Commercial) to the west. The site gradually slopes down by approximately 2 metres from west to east and is not encumbered by any registered easements.

The site is partially affected by the LSSS - Land Subject to Storm Surge Overlay with the eastern side of the site located in the modelled secondary storm surge areas. It is noted that the site is not located in the modelled primary storm surge areas, however, the eastern side of Berry Place is located in the primary storm surge area. In addition, Darwin Regional Land Use Plan identifies the site for urban land uses and Darwin Mid Suburbs Area Plan identifies the site for Residential - low density.

Map 1: Showing Site, Surrounds and Zoning



5. EXHIBITION OF PROPOSAL

On 14 November 2025, the delegate for the Minister for Lands, Planning and Environment determined under section 39 of the Act 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 19 December 2025.

6. SUBMISSIONS

Below is a summary of the matters raised in the submissions, refer Attachments **B1 – B7**.

Public Submissions (Attachments B1 to B4)

Four (4) submissions were received from the public regarding this proposal. A summary of the submissions is below. All of these submissions were template letters.

Submitter	Discussion Points
<p>Ailsa Leibrick (Attachment B1)</p> <p>Sarah Penney (Attachment B2)</p> <p>Fiona Leibrick (Attachment B3)</p> <p>Dennis Bezzant (Attachment B4)</p>	<ul style="list-style-type: none"> • Inconsistent with Zone LR purpose and density. The application does not identify any site-specific constraint, hardship, or planning anomaly that would prevent reasonable development consistent with the Low-Density Residential (LR) zone. Reliance on proximity to services, transport links, or nearby commercial activity reflects broad strategic considerations applicable to many LR-zoned sites across Darwin and does not constitute “exceptional circumstances” within the meaning of the Planning Act. • Traffic and Parking Impacts on a constrained Cul-de-sac The proposed development does not provide visitor car parking which may result in overflow parking within Berry Place. In addition, the proposed intensification with the function and design of a cul-de-sac and exacerbates safety, access, and amenity impacts beyond what would occur on a through-street. Berry Place also experiences periodic on-street parking pressure during the established weekend Rapid Creek Markets • Flooding, Stormwater and Environment Risk Requests additional information to demonstrate post-development runoff volumes and peak flows will not exceed pre-development conditions during significant rainfall events. The proposal does not demonstrate that flood risk will be adequately managed, nor that impacts will not be transferred off-site. Approval in the absence of this information would be inconsistent with a precautionary approach to development in flood-prone catchments. • Amenity, Privacy and Neighbourhood Character Acknowledges that minimum setbacks have been met, however, raises concerns that given the two-storey form,

Submitter	Discussion Points
	<p>elevated balconies, constrained site dimensions, and inclusion of communal features such as a pool there is potential for privacy loss, overshadowing, and increased noise (including from daily activities, air conditioners, and the pool area) is significant. Requests shadow diagrams, cross-sections and more detailed analysis to verify impacts on neighbouring properties</p> <ul style="list-style-type: none"> • Failure to Demonstrate Public Interest <p>Raises concerns that the proposal will have adverse impacts on amenity, environmental risk, and zone integrity that will be borne by existing residents and the broader community. The claimed benefits of infill efficiency, design quality, and sustainability are not substantiated by evidence and largely serve private interests and the proposal does not demonstrate it will deliver a public benefit.</p>

Service Authority Submissions (Attachments B5 to B6)

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

Service Authority	Comments
Power and Water Corporation (Power) (Attachment B5)	<ul style="list-style-type: none"> • This property is provided with limited capacity of power supply and three phase power service with sufficient capacity shall be required for the proposed 6 dwellings development. • The landowner shall engage a licensed electrician to prepare an overall maximum power demand calculation of the proposed dwellings-group and apply for a Negotiated Connection application under Australian Energy Regulator (AER) compliance process for PWC's assessment on power supply capacity upgrade requirements. • The engaged electrician shall install internal electricity reticulation in accordance with PWC's current NP018 Service and Installation Rules 2024 and NP010 Meter Manual and shall carry out suitable installation of three phase service from the low voltage Distribution Pillar P077MR to Lot 1222.
Power and Water Corporation (Water) (Attachment B6)	<ul style="list-style-type: none"> • The developer may need to upgrade the existing water and sewer service and should contact Services Development prior to start of construction. • The developer is required to install approximately 88 metres of new DN150 water main in Berry Place. The Developer is required to engage a suitably qualified hydraulic professional to confirm this design.

	<ul style="list-style-type: none"> • The developer must contact Power and Water to discuss alternative multi-metering water services for developments larger than 12 units or 6 units for residential and commercial respectively.
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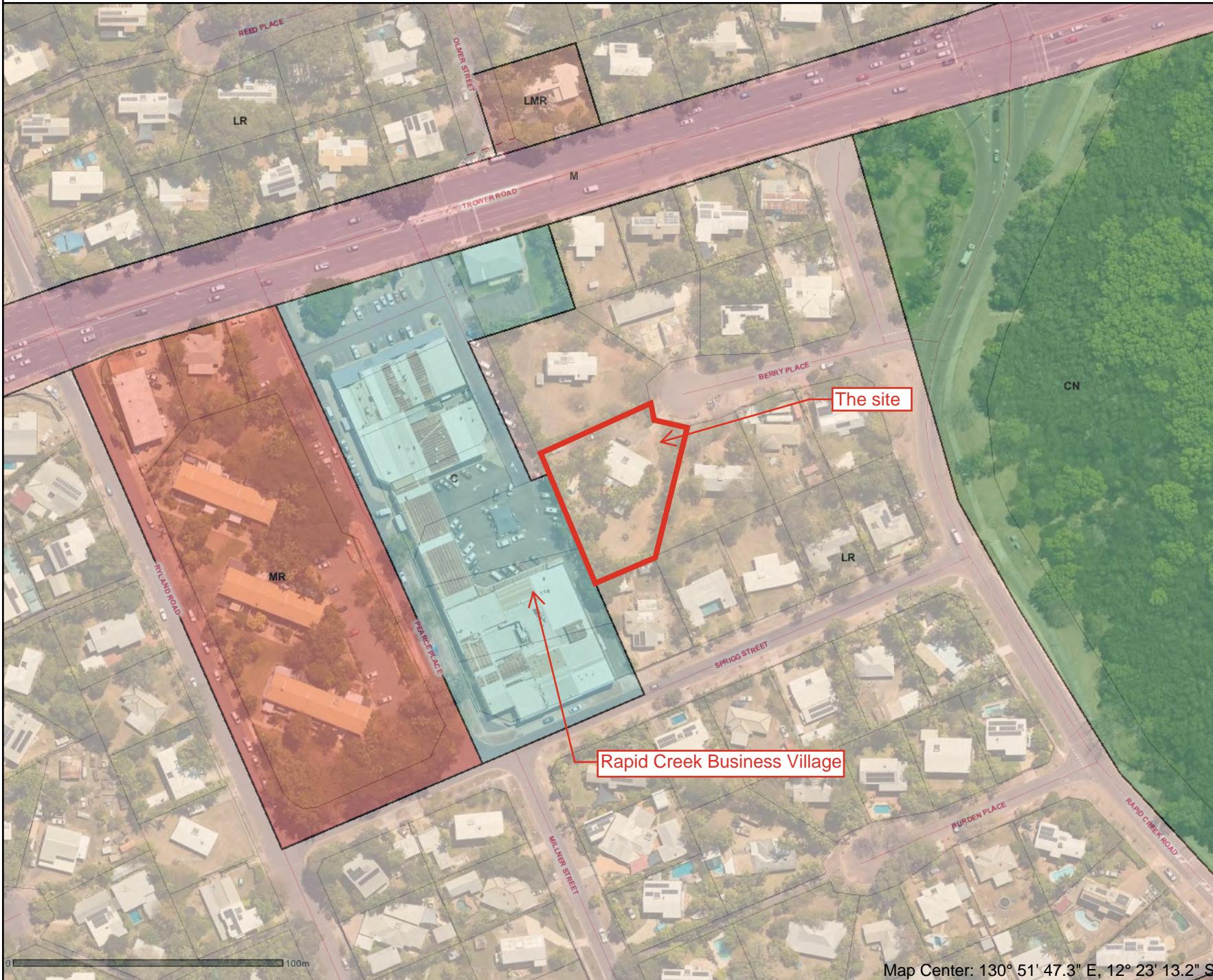
Local Authority Submissions (Attachment B7)

City of Darwin	Comments
(Attachment B7)	<ul style="list-style-type: none"> • Pursuant to Section 22 (1) of the NT Planning Act 1999 (the Act), City of Darwin submits that this application should be refused for the following reasons: <ul style="list-style-type: none"> ○ Despite the proposed residential development being in Zone LR, it will be developed at a much higher density, which is inconsistent with the existing pattern of development. ○ The proposal is inconsistent with the NT Compact Urban Growth Policy (CUGP) for the following reasons: <ul style="list-style-type: none"> ▪ As the proposal will not transition density appropriately with surrounding lower density neighbourhood character, it conflicts with Performance Criterion: 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, which conflicts with Performance Criterion 4.4 Service Infrastructure – Key Performance Indicator 1. ▪ As the proposal will result in a higher density of dwellings (6 instead of 1) than those in the adjacent area, the proposal is inconsistent with Performance Criterion 4.2 Neighbourhood Character – Key Performance Indicator 1(a). ▪ As the Darwin Mid Suburbs Area Plan (DISAP) does not identify the site as being in a ‘Potential area for change’, the proposal is inconsistent Performance Criterion 4.2 Neighbourhood Character – Key Performance Indicator 2. ▪ As the proposal fails to demonstrate compliance with (CUGP) performance indicators, it is inconsistent with Performance Criterion 3.2. ○ The proposal is inconsistent with the Darwin Regional Land Use Plan 2015 (DRLUP) for the following reasons: <ul style="list-style-type: none"> ▪ The application has not provided sufficient information to demonstrate that the development is compatible with

	<p>the road network and traffic or land capability, flooding and drainage constraints.</p> <ul style="list-style-type: none"> ▪ The increased density is not aligned with sequencing priorities for infrastructure delivery. <ul style="list-style-type: none"> ○ 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 Mid Suburbs Area Plan (DMSAP), which undermines the Act's objective to promote the good design of buildings and other works that respects the amenity of the locality. Nor does it address any infrastructure costs to the broader community. ○ The application does not contain sufficient information to fully consider the requirements of the CUGP, DRLUP or DMSAP, which means through this process that residents in the area have not been provided the opportunity to consider the proposal against the planning scheme's Strategic Framework or strategic intent of the Darwin Mid Suburbs Area Plan (DMSAP). This weakness in the EDP application undermines the effectiveness of the DMSAP and conflicts with the Act's objectives to: <ul style="list-style-type: none"> ▪ ensure strategic planning reflects the wishes and needs of the community. ▪ 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 unplanned increased densities 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 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: <ul style="list-style-type: none"> ▪ to assist the provision of public utilities, infrastructure and facilities for the benefit of the community. ▪ promote the good design of buildings and other works that respects the amenity of the locality. ▪ respect and encourage fair and open decision making and public access to processes for review of planning related decisions.
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7. RECOMMENDATION

That under section 24 of the Act, 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.



- General Lines
- ANEF Darwin 2043
- 2043
- Town Planning Zones**
- A - Agriculture
- CV - Caravan Park
- CB - Central Business
- C - Commercial
- CL - Community Living
- CP - Community Purpose
- CN - Conservation
- DV - Development
- RR - Rural Residential
- GI - General Industry
- HT - Heritage
- HR - High Density Residential
- H - Horticulture
- LI - Light Industry
- M - Main Road
- MR - Medium Density Residential
- LMR - Low-Medium Density Residential
- CA - No Planning Scheme Controls
- OR - Organised Recreation
- PM - Proposed Main Road
- PS - Public Open Space
- RW - Railway
- RD - Restricted Development
- R - Rural
- RL - Rural Living
- SC - Service Commercial
- LR - Low Density Residential
- S - Specific Use
- TC - Tourist Commercial
- U - Utilities
- WM - Water Management
- FD - Future Development
- RJ - Residential Jabiru
- PSJ - Public Open Space Jabiru
- ORJ - Organised Recreation Jabiru
- CJ - Commercial Jabiru

Created by NHVH

Bottom Left: 130° 51' 39.123" E, 12° 23' 08" S
 Top Right: 130° 51' 54.12" E, 12° 23' 08" S
 Approximate Scale: 1:1,900
 Datum: GDA 1994
 Data for information purposes only
 - accuracy not guaranteed
 N.T. Land Information System

Map Center: 130° 51' 47.3" E, 12° 23' 13.2" S

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Highway



**EXCEPTIONAL
DEVELOPMENT
PERMIT.**

NOVEMBER 2025

**6 x GROUPED DWELLINGS IN
ZONE LR (LOW DENSITY
RESIDENTIAL).**

**4 BERRY PLACE, MILLNER NT (LOT 1222
TOWN OF NIGHTCLIFF).**

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SUMMARY.

EXCEPTIONAL DEVELOPMENT PERMIT APPLICATION DETAILS.	
Proposed EDP.	6 x 'Dwelling – Grouped' in Zone LR (Low Density Residential).
Existing Development.	Existing Dwelling - Single (To be demolished)
Reason for EDP.	Proposed development exceeds existing density limits in Zone LR.
Zoning.	LR (Low Density Residential)
Applicable Strategic Framework:	Darwin Regional Land Use Plan (DRLUP) Darwin Mid Suburbs Area Plan (DMSAP)
Overlays:	LSSS – Land Subject to Storm Surge
Consent Authority.	Minister for Lands, Planning & Environment
Site Address.	4 Berry Place, Millner (Lot 1222 Town of Nightcliff)
Owner Details.	Unified Property Group Ltd (ACN 139 769 136) as trustee for Millner Property Trust
Beneficiaries.	Nick McKay
Applicant.	Tatam Planning Co.
Contact Address.	PO Box 2224 Darwin NT 0801.
Contact Person.	Catriona Tatam.
Contact Email.	cat@tatamplanningco.com.au.
TPC Job Reference.	J0126

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1. INTRODUCTION.

1.1 EXCEPTIONAL DEVELOPMENT PERMIT.

Tatam Planning Co. has been engaged by the landowner to prepare an Exceptional Development Permit (EDP) application for 4 Berry Place, Millner (Lot 1222 Town of Nightcliff). The proposed EDP is to facilitate the development of six (6) x 'Dwelling – Group' in Zone LR (Low Density Residential).

The proposed use and development is defined as a 'Dwelling – Group' pursuant to the land use definitions in Schedule 2 of the Northern Territory Planning Scheme 2020 (NTPS). The development and/or use of land for the purpose of 'Dwelling – Group' in Zone LR is prohibited.

Accordingly, an application for Exceptional Development Permit (EDP) is required pursuant to Section 38(2) of the *NT Planning Act 1999* (the Act). This EDP application provides details of the subject site and immediate locality, details of the proposed development, and provides assessment against the relevant requirements pursuant to Section 51 of the Act.

Part 2 of the Northern Territory Planning Scheme 2020 (NTPS) contains the Strategic Framework which consists of strategic planning policies and strategic land use plans. Consideration of the Strategic Framework is required in this instance where an Exceptional Development Permit pathway is being pursued.

An assessment against the relevant provisions of the NT Planning Scheme under Part 5 has also been undertaken, noting that as this proposal is for an EDP, any non-compliance with standard provisions of the NT Planning Scheme can be varied as part of the consent authority's (Minister for Planning) determination.

1.2 CONTENTS OF THIS EXCEPTIONAL DEVELOPMENT PERMIT.

This Exceptional Development Permit has been prepared to support the proposed development. Included within this Exceptional Development Permit application are the following attachments:

- **Attachment A.** Certificate of Title Documents.
- **Attachment B.** Survey Plan.
- **Attachment C.** Site Aerial.
- **Attachment D.** Site Zoning.
- **Attachment E.** Proposed Development Plans.
- **Attachment F.** Landscaping Plans.
- **Attachment G.** Civil Plans.

In preparing this Exceptional Development Permit application, Tatam Planning Co. has conducted a site and locality inspection, examined the development and site history, discussed the proposed redevelopment with the client, and considered the relevant provisions of the *NT Planning Act 1999 (the Act)* and the Northern Territory Planning Scheme 2020 (NTPS).

1.3 OWNERSHIP OF THE SITE AND BENEFICIARIES.

The application is lodged on behalf of the landowner by Tatam Planning Co. The landowner listed on the Certificate of Title is Unified Property Group Ltd (ACN 139 769 136) as trustee for Millner Property Trust. Nick

EXCEPTIONAL DEVELOPMENT PERMIT
6 x 'DWELLING – GROUP' IN ZONE LR
4 BERRY PLACE, MILLNER (LOT 1222 TOWN OF NIGHTCLIFF)



McKay, as a Director of Unified Property Group Ltd, has provided consent for the application to be lodged.

It is our understanding that no other persons in a beneficiary to this application other than the landowner. Title documents for the site are provided in **Attachment A**.

1.4 PLANNING HISTORY OF THE SITE.

The Certificate of Title lists the previous building and development approvals issued over the site, summarised below:

- S 2592 – Subdivision to create 2 Lots (approved 10/02/1994)
- EDP14/0015 – 18 x 2 Bedroom Multiple Dwellings in a four (4) storey Building (approved 05/09/2014)
- EDP14/0015A – Extension of Time to EDP14/0015 (approved 01/12/2015)
- EDP14/0015B - Extension of Time to EDP14/0015 (approved 04/02/2018)
- Variation to EDP14/0015B to extend the base period of the permit – Refused (17/03/2020)

It is noted that an EDP has previously been approved on site, for 18 x 2-Bed Multiple Dwellings in a four storey building. Two Extensions of Time (EoT) were granted, however the third EoT request was refused in 2020. EDP was understood to have lapsed on 5 September 2020, without having been substantially commenced.

The Certificate of Title is provided at **Attachment A**.

2. SITE AND LOCALITY.

2.1 DESCRIPTION OF LOCALITY.

The site is within the suburb of Millner, within the area more broadly known as Darwin's Mid-Suburbs. Millner is largely a low-density residential suburb, with some pockets of higher density development and some commercial areas adjacent to the major roads.

The site directly backs onto the Commercial-zoned land of the Rapid Creek Business Village at 48 Trower Road, Rapid Creek. This cluster contains a supermarket, specialty retail, food services and the weekend Rapid Creek Markets, which function as a high-amenity, high-activity centre for the northern suburbs. The close proximity of this major convenience and lifestyle node elevates the functional accessibility of the site.

Vehicular, cycling and pedestrian links are facilitated by Millner's locational advantage between major arterial roads (Bagot Road / McMillans Road / Trower Road).

The CN (Conservation) Zone for Rapid Creek lies approximately 150m to the east of the site. The Jingili Water Gardens (Zoned OR – Organised Recreation) are to the east of Rapid Creek CN Zone.

2.2 DESCRIPTION OF THE SITE.

The site is a roughly trapezoid-shaped lot of 2,200m², located in Zone LR (Low Density Residential). The site has no registered easements. The shortest boundary is the cumulative 18.285m frontage to Berry Place, widening to 53.79m along the rear boundary. The shape is due to the cul-de-sac layout of Berry Place.

The site is considered 'developed', with a single residential building on site. The site is located in close proximity to the area identified as the Rapid Creek Flood Response Area, but is not identified as being part of the area available for up-zoning to LMR.

Survey Plan A000296 is provided at **Attachment B**. A site aerial is provided at **Attachment C**, and a Site Zoning Plan is provided at **Attachment D**.

3. PROPOSED EXCEPTIONAL DEVELOPMENT PERMIT.

3.1 CURRENT DEVELOPMENT.

The site currently contains a single residential dwelling, with ancillary development including a pool, paving, landscaping, a deck area and a gravel driveway. It is proposed to demolish all existing development on site to facilitate the grouped dwelling development, should this EDP application be approved.

A copy of the existing site plan is included within the plan set provided at **Attachment E**.

3.2 PROPOSED DEVELOPMENT.

The proposal seeks approval for the development of six (6) grouped dwellings on Lot 1222 (4 Berry Place, Millner), Town of Nightcliff. The proposal comprises six dwellings within a contemporary landscaped complex using what is referred to as 'Nightingale principles' (shared, functional communal spaces). The development replaces the existing single dwelling with a contemporary low-rise residential development designed to respond to the existing suburban character and proximity to the Rapid Creek Business Village.

The proposed development includes:

- Six (6) x 2-Bed units arranged across the site in paired form (Units 1–2, 3–4, 5–6).
- Under-croft parking (13 on-site car parks and 2 motorcycle bays) provided at ground level with residential units above.
- Integration of balconies, outdoor decks and landscaped areas to maximise cross-ventilation and surveillance.
- Use of contemporary materials and architectural features including Colorbond Custom Orb roofing, Lysaght Klip-Lok wall cladding, and rendered blockwork.
- Elevated units designed for storm-surge resilience (Units 1, 5 & 6 above mapped secondary storm-surge 2100 level).
- Single 6.0 m wide driveway from Berry Place; compliant disabled (PWD) access and bicycle parking.
- Landscaped area: Approx. 868 m² (~ 39 % of site) with landscaping species selected in accordance with the NT Planning Scheme Species Guide.
- Communal open space: Approx. 378 m² (> 15 % minimum) provided centrally between units.
- Each dwelling has two ground-level Private open space areas compliant with planning requirements.
- 1.8 m good-neighbour fencing and slatted screening to maintain privacy and surveillance.

The design provides compliant setbacks, parking and open-space ratios under the NT Planning Scheme 2020 and responds appropriately to the site's context adjoining the Rapid Creek Business Village. The development enhances local housing diversity and delivers a high-quality infill outcome consistent with the growing demand for infill in appropriately located urban areas.

A copy of the proposed development plans is provided at **Attachment E**. A copy of the proposed Landscaping Plans is provided at **Attachment F**. A copy of proposed Civil Plans are provided at **Attachment G**.

4. NT PLANNING ACT 1999.

4.1 CLAUSE 2A – PURPOSE AND OBJECTIVES.

The purpose of the *NT Planning Act 1999* (NTPA or the *Act*) is to establish a system to facilitate planning for the orderly use and development of land to achieve specific objectives.

The proposed Exceptional Development Permit for 4 Berry Place, Millner is to facilitate the development of six (6) Grouped Dwellings in Zone LR (Low Density Residential).

The purpose of the *Act* is noted, and an assessment provided below.

- a) to ensure that strategic planning is applied to planning schemes and implemented in individual planning decisions;*

The proposal gives effect to the strategic direction of the Darwin Regional Land Use Plan, Compact Growth Policy and the Mid Suburbs Area Plan, which identify Millner as a well-located inner-suburban area suited to medium-density infill development close to existing centres and transport.

- b) to ensure that strategic planning reflects the wishes and needs of the community;*

The development responds to community needs for diverse and contemporary housing options in established suburbs with existing infrastructure and services. It contributes to housing choice in a location valued for accessibility and lifestyle amenity, while maintaining a low-rise residential character consistent with community expectations for Millner and Rapid Creek.

- c) to ensure that appropriate public consultation and input are included in the formulation of planning schemes and the making of decisions under planning schemes;*

The proposal has been prepared and will proceed through the public exhibition process required under the Planning Act, enabling local residents and stakeholders to review and comment. This transparent process upholds the community participation intent of the *Act*.

- d) to ensure that the planning system is clear, comprehensive, effective, efficient and accessible to the community;*

The application has been prepared in accordance with the requirements of the NT Planning Scheme 2020, supported by detailed site plans, technical information and assessment. The documentation provides a clear and comprehensive basis for decision-making and public review, demonstrating effective use of the planning system.

- e) to promote the sustainable development of land;*

The development optimises the use of existing serviced urban land and infrastructure, minimising the need for greenfield expansion. It incorporates water-efficient landscaping, stormwater infiltration areas and passive design features to enhance sustainability outcomes.

- f) to promote the responsible use of land and water resources to limit the adverse effects of development on ecological processes;*

The proposal involves redevelopment of a developed urban site, with negligible impact on natural systems. Landscaping and on-site infiltration measures assist in managing surface runoff and improving local microclimate, consistent with sustainable urban design principles.

g) to maintain the health of the natural environment and ecological processes;

The development avoids native vegetation clearance and integrates deep-soil landscaping, permeable surfaces and shading vegetation that contribute to the ecological function and amenity of the locality.

h) to protect the quality of life of future generations;

By providing well-designed, energy-efficient dwellings close to existing employment, retail and community facilities, the development supports compact, resilient urban form and efficient use of resources - key elements in sustaining quality of life over the long term.

i) to assist the provision of public utilities, infrastructure and facilities for the benefit of the community;

The development will utilise existing service infrastructure (water, sewer, power, roads) without imposing undue demand. Contributions to verge and access upgrades, stormwater drainage, and landscaping complement the existing public domain and improve local amenity.

j) to promote the good design of buildings and other works that respects the amenity of the locality;

The proposal exhibits a contemporary architectural design that responds to tropical conditions and the character of the Millner-Rapid Creek area. It provides appropriate setbacks, articulation, passive surveillance, and landscaping to respect adjoining residential amenity and enhance streetscape presentation.

k) to assist the conservation and enhancement of places, areas, buildings, other works and landforms that are of cultural, aesthetic, architectural or historical value;

While the subject site is not identified as containing heritage fabric, the design complements the established suburban landscape and contributes positively to the architectural quality and visual coherence of the area.

l) to respect and encourage fair and open decision making and public access to processes for review of planning related decisions.

The proposal will be determined under the statutory processes of the Planning Act 1999, ensuring procedural fairness, transparency and opportunities for public review and appeal as appropriate. The proposal does not contravene any of the objectives of the current Act.

4.2 DIVISION 2 – EXCEPTIONAL DEVELOPMENT PERMITS

4.1.1 Clause 38 – Application for Permit or Variation of Permit

(1) A person may apply to the Minister for the grant of an exceptional development permit.

This application is made to the Minister for Lands, Planning & Environment for an Exceptional Development Permit, per Clause 38(1) of the Act. The Minister is identified as the Consent Authority for the proposed Exceptional Development Permit.

- (2) An exceptional development permit may permit any of the following in relation to land:
- (a) a development or use of the land, although the development or use would otherwise not be lawful under the relevant planning scheme;
 - (b) a development or use of the land in substitution for an existing use, although the development or use would otherwise not be lawful under the relevant planning scheme;
 - (c) a modification or alteration of an existing building or existing works that would have a result other than as referred to in section 43B(1) or (2);
 - (d) the demolition and reconstruction of an existing building that is used for an existing use of the land.

The EDP is proposed in line with Clause 38(2)(a).

4.1.2 Clause 39 – Decision on receipt of Application

In line with Clause 39, the Minister may decide to either:

- (a) to place the proposal in the application on exhibition;
- (b) if the proposal in the application is for a variation of a permit – that the proposal is not so significant as to require exhibition; or
- (c) to refuse to grant or vary the exceptional development permit without placing the proposal in the application on exhibition.

It is understood that should the Minister decide to place the application on exhibition, that the exhibition will be undertaken in line with Part 2, Divisions 3, 4 and 5 of the Act.

4.1.3 Clause 40 – Grant or Variation of Permit or Refusal to Grant or Vary

In line with Clause 40(1), the Minister 'must not grant an exceptional development permit for a proposal relating to a development or use referred to in section 38(2)(a) unless the Minister is satisfied it is preferable to issue the permit than to amend the relevant planning scheme.

The proposal is for an application for an EDP under section 38(2)(a), and therefore the following justification is provided as to why an EDP is considered more appropriate than an amendment to the Planning Scheme for the following reasons:

- **Site-specific proposal within an established residential zone** - The proposal relates to a defined parcel of land within the Low Density Residential (LR) zone. The use and built form (grouped dwellings) are limited to this individual lot and do not justify a broader change in zone or policy application across the locality. An EDP enables appropriate flexibility without undermining the integrity of the NT Planning Scheme 2020 or the surrounding zoning pattern.
- **Consistency with the intent of the Planning Scheme & Strategic Framework** - The development upholds the purpose and outcomes of the LR zone by maintaining a low-rise, residential character while increasing housing diversity and utilising existing infrastructure. The proposal satisfies the broader strategic intent of the Darwin Regional Land Use Plan for urban consolidation near activity centres, demonstrating that the proposal aligns with scheme objectives despite requiring an EDP pathway

- **Timely and efficient decision-making** - Pursuing an EDP provides a more practical and efficient pathway for assessment of a single-site redevelopment, enabling the timely delivery of housing in an established area.
- **Limited precedent and contained impacts** - The proposal is context-specific, responding to the unique interface with the Rapid Creek Business Village and the large lot size. It is considered that this EDP application does not create a precedent for widespread rezoning across the broader Millner/ Rapid Creek area.
- **Infrastructure and amenity outcomes appropriately managed** - The EDP mechanism allows the Minister (as the consent authority) to impose tailored conditions, ensuring that local impacts are managed without the need for structural policy change.

It is therefore considered that the granting of an Exceptional Development Permit, specific to the redevelopment of the existing residential site at 4 Berry Place, Millner, is more appropriate than a Planning Scheme Amendment. The proposal aligns with strategic planning objectives, retains the intended character of the LR zone, and can be effectively managed through site-specific permit conditions, consistent with the purpose and decision-making framework of the *NT Planning Act 1999*.

4.1.4 *Clause 42- Matters to be Taken into Account when Making Decision*

Per Clause 42(1), In deciding whether to grant or vary an exceptional development permit under section 40, the Minister must take into account the matters specified in section 51(1)(d), (h), (j), (k), (m), (n), (p), (r), (s) and (t). An assessment against these clauses is provided below.

(d) *an environment protection objective as defined in section 4(1) of the Waste Management and Pollution Control Act 1998 that is relevant to the land to which the application relates;*

No environmental protection objective is applicable to the site.

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

The merits of the proposed development are as follows:

- **Efficient infill and housing diversity** - The proposal delivers a modest-scale, grouped-dwelling development that makes efficient use of existing urban land and infrastructure within an established residential area. It increases the range of housing options available in Millner and supports compact urban form consistent with the objectives of the Darwin Regional Land Use Plan and Compact Urban Growth Policy.
- **Appropriate scale and design quality**
The proposed built form is sympathetic to the existing residential character of Berry Place and surrounding dwellings. The design incorporates articulation, variation in materials, and extensive landscaping to enhance visual interest and reduce bulk and scale. It demonstrates high-quality tropical architectural outcomes that respond to climate and context.
- **Strong locational advantage and amenity** - The site is strategically located adjoining the Rapid Creek Business Village, within walking distance of shops, services, public transport

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and open space. Residents will benefit from excellent access to local facilities without dependence on private vehicle travel, consistent with principles of sustainable, liveable neighbourhoods.

- **Compliance with planning scheme objectives** - The proposal is considered to meet the built form performance criteria under the NT Planning Scheme 2020, including building setbacks, open-space provision, landscaping, and car parking. This EDP is triggered solely as a result of the proposed density, which is noted as being significantly less (but more appropriate) than the previously approved EDP on the site.
- **Enhanced streetscape and neighbourhood presentation** - The development will significantly improve the visual quality of the site through new landscaping, improved pedestrian connectivity and contemporary building design. This will contribute positively to the Berry Place streetscape and the interface with the adjoining commercial precinct.
- **Environmental and sustainability outcomes** - The design incorporates passive cooling, cross-ventilation, solar orientation and deep-soil planting to reduce heat-load and stormwater runoff.
- **Low amenity impact and sensitive interface treatment** – Potential privacy, overshadowing and noise impacts have been mitigated through setbacks, screen fencing and landscaping. The development maintains a residential scale compatible with adjoining dwellings while introducing design elements that enhance passive surveillance and safety.
- **Positive contribution to local economic activity** - Construction of the proposed dwellings will contribute to local employment and investment, while the addition of new housing will support nearby businesses and services in the Rapid Creek and Millner areas.

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

The site is considered to be capable of supporting the proposed development, given that it is a significantly less-intense use (i.e. lesser density) than was previously approved on site. It is not anticipated that the development will affect the land or surrounding land, noting that the outcome is the infill development of an appropriately located site, and the intended development will bring viable dwellings to the housing market in Darwin.

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

The subject site is located in close proximity to the public open space areas of the Rapid Creek Conservation zone, the Jingili Water Gardens, the Nightcliff foreshore and Casuarina beach. No additional public facilities or public open space is required to be provided by the developer in this instance, noting that this is application relates to development of a single residential lot in an established suburb.

(m) *the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the*

requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose;

The proposed development has adequate access to existing facilities and infrastructure. No additional facilities or infrastructure is required to be provided by the developer in this instance, noting that this application relates to development of a single residential lot in an established suburb, with a decrease in the overall number of dwellings being proposed by this application in comparison to the previous EDP (in which no issues were raised in regard to infrastructure to the best of our knowledge).

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

The proposed development has been designed to complement and enhance the existing and future amenity of the surrounding residential and mixed-use environment, as follows:

- The proposal comprises low-rise, grouped dwellings consistent with the prevailing building height and character of Millner. The form, massing and setbacks maintain the established suburban rhythm of Berry Place, ensuring an appropriate transition between adjoining residential properties and the nearby Rapid Creek Business Village.
- The redevelopment will significantly improve the visual presentation of the site through new landscaping, fencing, and contemporary architectural detailing. Approximately 39 % of the site is landscaped, exceeding scheme requirements and contributing to the greening of the locality.
- Maintenance of privacy, sunlight and acoustic amenity as proposed dwellings are separated by compliant setbacks, screen fencing and balcony treatments that minimise overlooking and noise. Building orientation and spacing ensure adequate access to natural light and ventilation for both residents and neighbours.
- The design incorporates active frontages and clearly defined pedestrian entry points, promoting visual connection with the street and improved safety. This creates a positive streetscape outcome for Berry Place and a more cohesive interface with the adjoining commercial land.
- The development aligns with the direction of the Darwin Regional Land Use Plan for well-located infill housing, supporting a gradual increase in density within serviced areas while maintaining the amenity expectations of a suburban setting.

Accordingly, the development is not expected to adversely impact the existing or future amenity of the area and will instead contribute positively to its character, safety and appearance.

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

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

The layout and design of the proposed development apply Crime Prevention Through Environmental

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Design (CPTED) principles by:

- Maximising passive surveillance from dwellings and balconies over communal and street areas;
- Providing clear, well-lit pedestrian access routes and defined entrances;
- Avoiding concealment spaces through open fencing and sight lines; and
- Incorporating landscaping that balances privacy with visibility and security.

These elements promote safety, activation and community comfort within and around the development.

Water safety is not relevant to this application.

In regard to access for persons with disabilities, Units 5 and 6 have access to a lift, which will allow access to these units and associated car parking areas for persons with disabilities.

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

There are no anticipated impacts on natural, social, cultural or heritage values.

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

There are no beneficial uses, quality standards, criteria or objectives that are declared under the Water Act that are relevant to the site.

(t) other matters it thinks fit.

Not applicable.

5. NT PLANNING SCHEME 2020

5.1 PART 1 – GUIDANCE.

Part 1 of the NTPS provides guidance for the interpretation and administration of the document.

5.1.1 *Clause 1.8 - When Development Consent is Required.*

The primary use of the existing development, as defined in Schedule 2 of the NTPS, is 'Dwelling – Group'. A 'Dwelling – Group' is a Prohibited use in Zone LR (Low Density Residential), and as such, consent can only be granted through an EDP for the proposed development.

5.1.2 *Clause 1.10 – Exercise of Discretion.*

As the application is for an EDP, the consent authority (Minister) must consider the matters specified in Clause 42(1) of the Act, rather than Clause 1.10 of the NT Planning Scheme. Notwithstanding, a full assessment against the provisions of the strategic framework and the statutory provisions has been undertaken below.

5.2 PART 2 – STRATEGIC FRAMEWORK.

Part 2 of the NTPS provides the strategic framework, comprising Regional Land Use Plans, Subregional Land Use Plans and Area Plans.

5.2.1 *Clause 2.2 – Components and Operation of the Strategic Framework.*

Pursuant to subclause 4 of Clause 2.2, the strategic framework guides the interpretation of all parts of the NTPS. Subregional Land Use Plans, Regional Land Use Plans and Strategic Planning Policies will guide interpretation of the Planning Scheme when:

1. *there is no applicable Area Plan;*
2. *the Area Plan does not provide guidance on a particular issue;*
3. *a use or development does not accord with an Area Plan; or*
4. *a new Area Plan is being created or a change is proposed to an existing Area Plan.*

The Certificate of Title identifies the Darwin Regional Land Use Plan (DRLUP) and the Darwin Mid-Suburbs Area Plan (DMSAP) as being applicable to the site.

5.2.2 *Clause 2.4 – Darwin Regional Land Use Plan.*

The Land Use Structure Plan of the Darwin Regional Land Use Plan (DRLUP) identifies the site within the boundary of the 'Residential' land use structure. The proposed use of the site as 'Dwelling – Grouped', being a residential land use, is consistent with the land use structure under the DRLUP. The proposed development also meets the purpose and objectives of the DRLUP as follows:

- **Efficient use of existing infrastructure and services** - The subject site is located in a well-established suburb with access to reticulated services, public transport, local shops, and community facilities, including the adjacent Rapid Creek Business Village. Redevelopment of this site for additional housing optimises the use of existing infrastructure networks and

aligns with the DRLUP objective of achieving a compact and efficient urban form.

- **Densification within established urban areas** - The DRLUP encourages infill and medium-density housing in proximity to employment nodes, activity centres, and transport corridors. The proposed development meets these principles by delivering appropriately scaled residential infill in a highly accessible location, contributing to the vitality of the Rapid Creek–Millner precinct.
- **Support for housing diversity and choice** - The proposed dwellings provide a varied housing typology that responds to the evolving needs of the community. The development offers contemporary, well-designed housing options within an established suburb, contributing to housing affordability and diversity outcomes sought by the DRLUP.
- **Environmental and lifestyle balance** - The DRLUP promotes development that balances environmental protection with urban growth. The proposal involves redevelopment of a large, under-developed site, and incorporates tropical design principles and landscaping that enhance environmental performance and residential amenity.
- **Alignment with urban hierarchy and activity structure** - The Millner and Rapid Creek locality is identified within the DRLUP as a key inner-urban residential area that supports the Casuarina Major Activity Centre and surrounding suburban nodes. The proposal strengthens this role by increasing the residential population within walking distance of local services and contributing to a balanced and connected urban structure.

The proposed redevelopment of 4 Berry Place for six (6) grouped dwellings is consistent with the 'Residential' land use structure identified in the Darwin Regional Land Use Plan. The development supports the DRLUP's objectives for efficient land use, infrastructure consolidation, housing diversity and sustainable urban growth within established, well-serviced areas. It does not contravene the intent of the DRLUP and represents a logical and desirable urban infill outcome for the Millner locality.

5.2.3 *Clause 2.4 – Darwin Mid Suburbs Area Plan.*

The Land Use Plan within the Darwin mid-Suburbs Area Plan (DMSAP) identifies the site as being within the boundary of the 'Residential Areas' land use structure. Specifically, the site is designated as a 'Suburban Residential Area', with the proposed objectives as follows:

- *Development of new single detached dwellings*
- *Limit the impact of new single dwelling development on the established neighbourhood character.*
- *Limited change in built form and neighbourhood character.*

The proposal is for an EDP to allow the development of six (6) grouped dwellings. The proposed use of the site as proposed does not meet the objectives of the 'Suburban Residential Area' as set out in the DMSAP, as new single detached dwellings are not proposed.

Notwithstanding, the proposed development represents a carefully designed and well considered grouped dwelling development, suitable to a site of the size and location as subject to this application. The development represents infill development of a premium site, located immediately adjacent to Rapid Creek shops. The proposed development is of a significantly less intense density than previously approved under the historical EDP on site, as a result of a more carefully considered

design that is intended to be more cohesive with the surrounding neighbourhood.

5.3 PART 3 – OVERLAYS.

Part 3 of the NTPS details the overlays which identify areas of land that have specific development requirements.

The Title identifies that the site is subject to the LSSS – Land Subject to Storm Surge overlay. The site is partially affected by the SSSA – Secondary Storm Surge Area.

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. An assessment against the relevant provisions of this overlay is provided below.

9. *Development within the SSSA should be confined to those uses permitted in the PSSA as well as industrial and commercial land uses.*

Noted. The proposed use of the site for residential purposes is consistent with the ongoing use of the site. Although partially affected by the SSSA, it is considered that the development of the proposed dwellings on site, and the continuation of the residential use, is appropriate. It is noted that the proposed habitable elements of the development are elevated above the car parking and landscaping areas, ensuring all dwellings are well above the PSSA and SSSA.

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.*

Noted. The proposed use of the site for residential purposes is consistent with the ongoing use of the site. Although partially affected by the SSSA, it is considered that the development of the proposed dwellings on site, and the continuation of the residential use, is appropriate. It is noted that the proposed habitable elements of the development are elevated above the car parking and landscaping areas, ensuring all dwellings are well above the PSSA and SSSA.

5.4 PART 4 – ZONES AND ASSESSMENT TABLES.

Part 4 of the NTPS details the zones, zone purposes and outcomes, and assessment tables.

5.4.1 *Clause 4.2 – Zone LR (Low Density Residential)*

This clause seeks to 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 proposed use of the site is for residential development. The development is considered to be 'low rise' although the density of the grouped dwellings is not consistent with Zone LR.

The Zone Outcomes of Zone LR (Low Density Residential) are as follows:

1. *Dwellings-single and associated dwellings-independent predominantly two storeys or less, on*

individual lots on a range of lot sizes that respond to changing community needs.

The proposed use of the site is for residential development of two storey or less. The development is considered to be 'low rise' notwithstanding that the density of the grouped dwellings is not consistent with Zone LR. The development as proposed is considered to be a suitable response to a large lot size, excellent locational factors and changing community housing needs.

2. *Home based businesses and dwellings-community residence are conducted in a manner consistent with residential amenity.*

Not applicable.

3. *Residential care facilities are of a scale and conducted in a way that maintains the residential character and amenity of the zone.*

Not applicable.

4. *Dwellings and outbuildings are set back in a manner sympathetic to neighbours, the streetscape and scale and character of surrounding development.*

The proposed grouped dwellings are set back in a manner sympathetic to neighbours, the streetscape, and the scale and character of the surrounding development. The building design also responds to the irregular boundaries and lot shape whilst ensuring a high quality visual amenity is maintained.

5. *Non-residential activities such as community centres:*
- (a) support the needs of the immediate residential community;*
 - (b) are of a scale and intensity compatible with the residential character and amenity of the area;*
 - (c) wherever possible, are co-located with other non-residential activities in the locality;*
 - (d) avoid adverse impacts on the local road network; and*
 - (e) are managed to minimise unreasonable impacts to the amenity of surrounding residents.*

Not applicable.

6. *Building design, site layout and landscaping provide a sympathetic interface to the adjoining public spaces and between neighbours, provides privacy and attractive outdoor spaces.*

The building design, site layout and landscaping is of high quality and design, and provides an interface to adjoining public spaces and between neighbours. Privacy and attractive outdoor spaces has been provided for each unit, and throughout the communal open space areas. A pedestrian connection for residents has been provided to the rear, to provide easy access to the Rapid Creek shops from the site.

7. *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 proposed development is considered to be an efficient pattern of land use, with the proposal being an example of high quality infill development and site maximisation without overutilisation. The



lot is connected to reticulated services and existing transport networks, and has extremely high levels of convenient access to open space, commercial premises and community facilities.

5.5 PART 5 – DEVELOPMENT REQUIREMENTS.

Part 5 of the NTPS outlines the specific development requirements.

5.5.1 Clause 5.2.1 – General Height Control.

The purpose of this clause is to ensure that the heights of buildings and structures are appropriate to the strategic and local context of the location and meet community expectations for development in the zone.

Pursuant to subclause 6, the maximum building height is two storeys to a maximum of 8.5m. It is noted that the previous EDP approved a building height of four (4) storeys.

The proposed development has a maximum building height of 8.253m and is considered to be compliant with this clause.

5.5.2 Clause 5.2.4 - Parking Requirements.

The purpose of this clause is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site.

Based on the car parking requirements of this clause, the below table has been provided to demonstrate the car parking calculations.

PARKING REQUIREMENTS – BASE SCENARIO.			
USE OR DEVELOPMENT.	MINIMUM NUMBER OF CAR PARKING SPACES REQUIRED.	REQ'D	TOTAL.
<i>Dwelling - Group</i>	<i>2 per dwelling</i>	12 (6 Units)	12 bays
<i>PROVIDED ON SITE.</i>			13 bays
<i>SHORTFALL / SURPLUS</i>			+1 Bay

The proposal is considered compliant with parking provision.

5.5.3 Clause 5.2.4.4 – Parking Layout.

This clause seeks to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.

In accordance with Administration subclause 3, the consent authority may consent to a car parking area that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the amenity of the surrounding locality.

Further, pursuant to Administration subclause 4 and 5, the consent authority may consent to a car parking area that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development. The consent authority may consent to a car parking area that is not in accordance with sub-clause 9 if it is

satisfied that the non-compliance will not result in adverse impacts on the local road network or internal functionality of the car parking area.

An assessment against the applicable clauses has been undertaken below.

6. *A car parking area is to:*
- (a) *be not less than 3m from any lot boundary abutting a road; and*
 - (b) *provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the car parking area when viewed from the road.*

A setback of 3.0m has been provided between the car parking area to the lot boundary abutting Berry Place. Landscaping is proposed to this setback area to lessen the visual impact of the car parking area. The proposal is considered compliant.

7. *A car parking area is to be constructed and maintained to be:*
- (a) *of a suitable gradient for safe and convenient parking; and*
 - (b) *sealed and well drained in urban areas, or dust suppressed in non-urban areas.*

The car parking area will be constructed and maintained to be of a suitable gradient, and to be sealed and well drained.

8. *The layout of a car parking area is to:*
- (a) *be functional and provide separate access to every car parking space;*
 - (b) *allow a vehicle to enter from and exit to a road in a forward gear;*
 - (c) *be in accordance with the dimensions set out in the diagram to this clause; and*
 - (d) *ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.*

The proposed car parking layout is considered to be functional, with separate access to each space (i.e. no tandem bays). A vehicle is able to enter and exit in forward gear. All car bays are in accordance with the required dimensions, with the bays measuring 2.5m x 5.5m. Car parking spaces at the end of and perpendicular to the driveway have been designed with extra room to allow ease of manoeuvring.

9. *The number of access points to the road is to be limited, and access points to car parking areas are to:*
- (a) *have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and*
 - (b) *maximise sight lines for drivers entering or exiting the car parking area.*

Only a single point of access is maintained, with a width of 6.0m for two-way traffic. The design allows for clear sightlines of drivers entering and exiting the site.

5.5.4 Clause 5.2.5 – Loading Bay

This clause seeks to provide for the loading and unloading of vehicles associated with the use of land.

This clause is not applicable to the proposed residential development on site.

5.5.5 *Clause 5.2.6 – Landscaping.*

This clause seeks to ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall amenity of the locality.

3. *Where landscaping is required by this Scheme it should be designed so that:*
 - a) *planting is focused on the area within the street frontage setbacks side setbacks, communal open space areas and uncovered car parking areas;*
 - b) *it maximises efficient use of water and is appropriate to the local climate;*
 - c) *it takes into account the existing streetscape, or any landscape strategy in relation to the area;*
 - d) *significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained;*
 - e) *energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;*
 - f) *the layout and choice of plants permits surveillance of public and communal areas; and*
 - g) *it facilitates on-site infiltration of stormwater run-off.*

The site provides for extensive areas of landscaping. Planting has been focused to the front setback, adjacent to car parking areas, and communal open spaces. Efficient water use is proposed through drip irrigation and the like. Species selected are appropriate to the local Darwin climate.

There are no significant trees or vegetation proposed to be retained on site, noting the proposed whole-of-site development and the existing urbanised nature of the block.

Layout of the site will allow for surveillance of communal areas, and there is sufficient extent of landscaped areas to allow for on-site infiltration of stormwater runoff.

4. *Other than in Zones CB, C and TC, not less than 30% (which may include communal open space) of a site that is used for rooming accommodation, dwellings-group, dwellings-multiple and residential care facility is to be landscaped.*

The subject site measures 2,200m². The 30% landscaping requirement equates to 660m². The proposed development includes approximately 868m² of landscaping (approx. 39%), and is considered to be compliant (note that this includes both communal landscaping and private open space landscaping).

5.5.6 *Clause 5.2.7 - Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR*

This clause seeks to protect the visual and acoustic amenity of residential buildings where they are adjacent to proposed non-residential development.

This clause is not applicable, as residential development is proposed on a residential-zoned site.

5.5.7 *Clause 5.4.1 - Residential Density Limitations.*

This clause seeks to ensure that the development of residential buildings is:

- a) *of a density compatible with adjoining or nearby existing development or development reasonably anticipated;*

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- b) of a density compatible with the existing or planned provision of reticulated services and community facilities which will service the area; and
- c) consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations.

The proposal seeks approval for the development of six (6) units on a 2,200m² site.

RESIDENTIAL DENSITY REQUIREMENTS.	
ZONE	LR
DWELLING DENSITY	1 Dwelling-Single per lot
AREA	2,200m ²
PERMITTED DENSITY	1 Dwelling
PROPOSED DENSITY	6 Units
EQUIVALENT AREA PER UNIT	366.66m ² per dwelling proposed

The proposal is not compliant with the residential density limitations, and thus this EDP application is required.

Variation Identified

It is respectfully requested that the proposed density and layout of the site be carefully considered, and that the consent authority allow a variation to the density requirements in light of the above following:

- The proposed EDP would facilitate six (6) dwellings at an average density of 1 dwelling per 366.66m². This is akin to the dwelling density of Zone LMR, which allows for 1 dwelling per 300m². Given the location of the site, immediately adjacent to the Rapid Creek commercial area and in close proximity to public open space and transport networks, a higher density on a large infill site should be supported.
- Having due regard to the Compact Urban Growth policy, the subject site meets numerous markers of site characteristics that would support higher density development on site, including transport networks, existing services, and proximity to commercial hubs.
- The previous EDP approved 18 dwellings on the same site, resulting in a density of 1 dwelling per 142.6m². The proposed development is a more harmonious balance between the existing neighbourhood density and appropriate higher-density infill development in a suitable location.
- 4 Berry Place represents a large underutilised site (2200m²), which is appropriately located and meets all the criteria for a credible infill development site in that it will:
 - Make the most efficient use of available infrastructure capacity and local services;
 - Contribute to the creation of viable communities (see comments below on the design elements and nightingale concept specifically);
 - Have limited impact on the existing residents;
 - Reduce the need to travel (relative to greenfield development in outer Darwin areas);
 - Provide convenient access to services;

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 4 BERRY PLACE, MILLNER (LOT 1222 TOWN OF NIGHTCLIFF)



- Reduce impacts on the environment and natural resources (relative to greenfield development)
- The proposed built form of the site supports infill development, especially via an EDP, as opposed to a broader rezoning.
- The proposed dwellings have been designed using elements of the Nightingale design to provide opportunities to meet neighbours and build a thriving community. The communal design elements together with the location adjacent to the Rapid Creek Market seeks to play to the strengths of Darwin's unique lifestyle.
- Importantly, the dwellings add to greater housing choice within Darwin.

5.5.8 Clause 5.4.3 - Building Setbacks of Residential Buildings and Ancillary Structures.

This clause seeks to ensure that residential buildings and ancillary structures are located in a manner that:

- a) is compatible with the streetscape and surrounding development including residential buildings on the same site;
- b) minimises adverse effects of building massing when viewed from adjoining land and the street;
- c) avoids undue overlooking of adjoining properties; and
- d) facilitates breeze penetration through and between buildings.

The site setbacks are assessed below, and are considered compliant as follows:

MINIMUM BUILDING SETBACKS FOR RESIDENTIAL BUILDINGS AND ANCILLARY STRUCTURES IN ZONES OTHER THAN RR, RL, R, H AND A			
LOT BOUNDARY	STREET NAME	MINIMUM SETBACKS	PROPOSED SETBACKS
Primary street frontage	Berry Place	6m for residential buildings, and ancillary structures with external walls; and 4.5m for ancillary structures without external walls; or 3m for shade sails, to a maximum height of 2.5m at the minimum setback.	Approximately 9.45m to Unit 1. Approximately 9.8m to Unit 6 COMPLIES.
Side and rear lot boundaries	N/A	1.5m for residential buildings and ancillary structures; or 1m, provided that the subject wall: <ul style="list-style-type: none"> • only includes openings that are either glazed in an opaque material and cannot be opened or have a sill height of 1.6m or greater; • does not extend beyond a maximum height of 3.5m; and • does not extend beyond a maximum length of 9m. except shade sails which may be setback 0.9m to a maximum	1.5m to all side and rear boundaries. COMPLIES.

		height of 2.5m at minimum setback.	
--	--	------------------------------------	--

5.5.9 Clause 5.4.3.2 - Distance Between Residential Buildings on one Site.

This clause seeks to ensure residential buildings provide a sympathetic interface with the streetscape and surrounding development, minimise adverse effects of building massing, and avoid undue overlooking of adjoining residential buildings and private open space.

2. *Where more than one building comprising one or two storey residential buildings is located on a site the distance between the buildings is to be calculated in accordance with Table A to Clause 5.4.3 as if there was a lot boundary between the buildings.*

The required setback between the buildings is 3.0m (being 1.5m + 1.5m as if there were a lot boundary between the two buildings).

The proposed setback between the buildings on site is greater than 3.0m. The proposal is considered to be compliant.

5.5.10 Clause 5.4.6 - Private Open Space.

This clause seeks to extend the function of a dwelling and enhance the residential environment by ensuring that each dwelling has private open space that is:

- a) *of an adequate size to provide for domestic purposes;*
- b) *appropriately sited to provide outlook for the dwelling;*
- c) *open to the sky and sufficiently permeable to allow stormwater infiltration and lessen runoff from the site; and*
- d) *inclusive of areas for landscaping and tree planting.*

Private open space for each dwelling is as follows:

PRIVATE OPEN SPACE			
UNIT	AREA A	AREA B	COMPLIANT?
Unit 1	49m ²	24m ²	YES
Unit 2	56m ²	24m ²	YES
Unit 3	51m ²	24m ²	YES
Unit 4	57m ²	24m ²	YES
Unit 5	53m ²	24m ²	YES
Unit 6	53m ²	24m ²	YES

Please note that communal open space is provided in addition to extensive private open space. The extent of the private and communal open space provided is considered to be of more than adequate size to provide for domestic purposes, is appropriately sited to provide outlook for the dwelling, is open to the sky and sufficiently permeable to allow stormwater infiltration and lessen runoff from the site and allows for areas of landscaping and tree planting.

5. *Where the private open space is at ground level and other than for a dwelling-single, or a dwelling-single and associated dwelling- independent, it should be:*
 - a) *screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or*
 - b) *fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting.*

Fencing is proposed to be provided. Solid colorbond fencing to a height of 1.8m is proposed to delineate the private open space areas. A 1.8m solid good neighbour fence is proposed to the side and rear boundaries. 2m blockwork is proposed to car parking areas and a portion of the front boundary.

5.5.11 *Clause 5.4.7 - Communal Open Space*

This clause seeks to ensure that suitable areas for communal open space are provided for dwellings-group, dwellings-multiple, residential care facilities and rooming accommodation. Subclause 4 of this provision states that *'For zones and uses not covered by sub-clauses 2 and 3, the consent authority may consent to a development that is not in accordance with sub-clauses 5 and 6 if it is satisfied the communal open space has usable dimensions and is of a sufficient size for the development'*.

The requirements of this clause are as follows:

5. *A minimum of 15% of the site, being not less than 6m wide at any point, is to be communal open space.*

Greater than 15% of the site is provided as communal open space (approximately 378m², or 17.1%). The communal open space includes grassed common areas, pool area and landscaping to site.

6. *Communal open space is to be designed to:*
 - (a) *be clearly delineated from private and public open space;*
 - (b) *maintain reasonable privacy of nearby dwellings;*
 - (c) *provide recreational facilities for occupants; address the projected needs of children;*
 - (d) *include landscaping and shade where located outdoors;*
 - (e) *minimise safety issues, including through lighting and passive surveillance;*
 - (f) *minimise the effects of any on-site traffic circulation and car parking areas; and*
 - (g) *be capable of efficient maintenance and management.*

The communal open space proposed is considered to meet the intent of the above clause. This project was specifically designed with a communal space as a priority. The shared spaces / common areas are intended to facilitate interaction and create a sense of community and an opportunity for resident engagement. This communal space is a feature of the Nightingale housing concept (see [Nightingale Principles](#) for further info). The Nightingale concept has been successful in other capital cities and this project has cherry-picked elements of it that be successfully adapted to Darwin and the NT Lifestyle and this location specifically.

5.5.12 *Clause 5.4.8 – Residential Building Design*

This clause seeks to promote site-responsive designs for dwelling-group, rooming accommodation and residential care facility, which provide a pleasant living environment for the occupants and a

sympathetic interface with adjoining lots, to minimise unreasonable impacts on the privacy and amenity of surrounding residents..

The requirements under this clause are as follows:

3. *Locate development on the site for correct solar orientation.*

Solar orientation has been considered, noting that the site is constrained by shape and lot orientation

4. *Minimise expanses of walls by varying building heights, building setbacks and façades.*

The proposed building design minimises expanses of walls through the use of architectural detail, varied building heights across the site, and landscaping.

5. *Locate air conditioners where they are accessible for servicing.*

Aircons have been appropriately located for each unit so as to allow for future servicing.

6. *Conceal service ducts, pipes, air conditioners, air conditioning plants etc.*

Service ducts, pipes, and air cons will be concealed or screened from view where proposed.

7. *Avoid overlooking of private open spaces and habitable rooms of adjacent residences on the same and adjacent sites.*

No overlooking of private open spaces or habitable rooms is anticipated as a result of the building design and the level changes on site.

8. *Locate bedrooms and private open spaces away from noise sources.*

Bedrooms and private open spaces have been located away from noise sources, although it is not anticipated that there will be any significant noise generators in the vicinity.

9. *Control its own noise sources and minimise the transmission of noise between dwellings.*

Building design and construction materials of the units will ensure minimal transmission of noise between dwellings.

10. *Where close to high noise sources (such as busy roads and airport flight paths), be of appropriate acoustic design and construction.*

Not applicable.

11. *Balance the achievement of visual and acoustic privacy with passive climate control features.*

The proposed building design is of a high quality, and allows for visual and acoustic privacy whilst still allowing passive climate control, including the use of eaves, verandahs, and clear story windows to allow for natural ventilation and light.

12. *Allow breeze penetration and circulation.*

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4 BERRY PLACE, MILLNER (LOT 1222 TOWN OF NIGHTCLIFF)



Building design will allow breeze penetration and circulation between and within the dwellings.

13. *Minimise use of reflective surfaces.*

No reflective surfaces are proposed.

14. *Provide internal drainage of balconies and coving on the edge of balconies.*

Internal drainage of verandahs will be undertaken in the detailed design stage.

CONCLUSION.

Tatam Planning Co. has been engaged by the landowner to prepare an Exceptional Development Permit (EDP) application for 4 Berry Place, Millner (Lot 1222 Town of Nightcliff). The proposed EDP is to facilitate the development of six (6) Grouped Dwellings in Zone LR (Low Density Residential).

The proposal has been assessed against all EDP requirements under the *NT Planning Act 1999*. An assessment against the relevant provisions of the NT Planning Scheme for the Zone and Grouped Dwellings has also been undertaken, noting that as this proposal is for an EDP, any non-compliance with standard provisions of the NT Planning Scheme can be varied as part of the consent authority's (Minister for Planning) determination.

The merits of the proposed amendment are as follows:

- **Efficient infill and housing diversity** - The proposal delivers a modest-scale, grouped-dwelling development that makes efficient use of existing urban land and infrastructure within an established residential area. It increases the range of housing options available in Millner and supports compact urban form consistent with the objectives of the Darwin Regional Land Use Plan and Compact Urban Growth Policy.
- **Appropriate scale and design quality**
The proposed built form is sympathetic to the existing residential character of Berry Place and surrounding dwellings. The design incorporates articulation, variation in materials, and extensive landscaping to enhance visual interest and reduce bulk and scale. It demonstrates high-quality tropical architectural outcomes that respond to climate and context.
- **Strong locational advantage and amenity** - The site is strategically located adjoining the Rapid Creek Business Village, within walking distance of shops, services, public transport and open space. Residents will benefit from excellent access to local facilities without dependence on private vehicle travel, consistent with principles of sustainable, liveable neighbourhoods.
- **Compliance with planning scheme objectives** - The proposal is considered to meet the built form performance criteria under the NT Planning Scheme 2020, including building setbacks, open-space provision, landscaping, and car parking. This EDP is triggered solely as a result of the proposed density, which is noted as being significantly less (but more appropriate) than the previously approved EDP on the site.
- **Enhanced streetscape and neighbourhood presentation** - The development will significantly improve the visual quality of the site through new landscaping, improved pedestrian connectivity and contemporary building design. This will contribute positively to the Berry Place streetscape and the interface with the adjoining commercial precinct.
- **Environmental and sustainability outcomes** - The design incorporates passive cooling, cross-ventilation, solar orientation and deep-soil planting to reduce heat-load and stormwater runoff.
- **Low amenity impact and sensitive interface treatment** – Potential privacy, overshadowing and noise impacts have been mitigated through setbacks, screen fencing and landscaping. The development maintains a residential scale compatible with adjoining dwellings while introducing design elements that enhance passive surveillance and safety.

EXCEPTIONAL DEVELOPMENT PERMIT
6 x 'DWELLING – GROUP' IN ZONE LR
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- **Positive contribution to local economic activity** - Construction of the proposed dwellings will contribute to local employment and investment, while the addition of new housing will support nearby businesses and services in the Rapid Creek and Millner areas.

In consideration of the requirements of all relevant statutory planning tests of the NTPA, there are considered to be reasonable grounds for the Minister to approve the exhibition of the proposal, and subsequently determine the proposed EDP.

Land owner/s authorisation to lodge a development application

The Planning Act 1999

Before you fill in the form

Signatures from ALL landowners registered on the land title must be provided.
The authorisation must be dated within six months of the submission of the application.

Fields marked with an asterisk (*) are required.
Fields marked with a carat (^) are required if applicable.

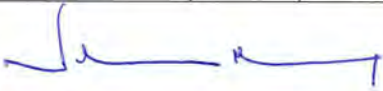
Applicant
In accordance with Section 46(3)(aa)(i) of the *Planning Act 1999*, a development application is to contain the name and contact details of the applicant **AND** any person on whose behalf the application is made.

Name of Applicant/Consultant or Acting agent	 Catriona Tatam Tatam Planning Co.		
Address	PO Box 2224 Darwin NT 0801		
Phone	0415 933 635	Email	cat@tatamplanningco.com.au

Persons on whose behalf the application is made:			
Person/s on whose behalf the application is made:	Nick McKay		
Address			
Phone	0417 032 833	Email	nick@bridgewoodprivatewealth.com.au

The applicant is hereby authorised to lodge a development application over the subject land described as:	
*Lot/NT portion	Lot 1222
*Location/town	Town of Nightcliff
*Street address	4 Berry Place, Millner

Land owner/s authorisation to lodge a development application

The application is for the purpose of:			
Proposed development <i>Brief description of proposed development</i>	Exceptional Development Permit - Grouped Dwelling development in Zone LR (Low Density Residential)		
Landowner/s signature			
In accordance with Section 46(3)(aa)(ii) of the <i>Planning Act 1999</i> , a development application is to contain the name and contact details of the owner of the land to which the application relates. Written authorisation from each:			
<ul style="list-style-type: none"> • Individual owner: Each person listed on the title must provide written authorisation for the application. • Companies: For each company listed on the title, written authorisation must be obtained from the director or authorised representative of the company. This authorisation confirms that the company is giving consent for the application and that the person signing on behalf of the company has the legal authority to do so. 			
*Full name	Nicholas James McKay		
^Company name	Unified Property Group Ltd (ACN 139 769 136) as trustee for Millner Property Trust		
^Title <i>(e.g. director/authorised representative)</i>	Director		
Phone	0417 032 833	Email	nick@bridgewoodprivatewealth.com.au
*Signature			
*Date	9. 10. 2025		
Landowner signature			
*Full name			
^Company name			
^Title <i>(e.g. director/authorised representative)</i>			
Phone		Email	
*Signature			
*Date			

Any Persons with an interest in the land (as applicable)

In accordance with section 46(3)(aa)(iii) and (iv) of the *Planning Act 1999*, a development application is to contain the name and contact details of any person who entered into an agreement with the applicant and/or landowner, to acquire an estate or interest in the land to which the application relates; and any person with an interest prescribed by regulation.

^Full name			
^Company name			
^Title <i>(e.g. director/authorised representative)</i>			
Phone		Email	

Any Persons with an interest in the land

^Full name			
^Company name			
^Title <i>(e.g. director/authorised representative)</i>			
Phone		Email	

Privacy Note

The Department of Lands, Planning and Environment, on behalf of the Minister, is authorised under the *Planning Act 1999* to collect the information on this form, or otherwise provided by you, to consider a proposal to grant a Development Permit or to amend a planning scheme. Failure to provide the information in full may result in delays in processing of the application.

Some of the personal information provided by you on this application may be publicly available, as part of a public exhibition process. The information is also regularly provided to other Northern Territory Government agencies, the Australian Valuation Office, local governments and Commonwealth Government Departments and agencies, as required by law.

Collection of personal information on this form is done in accordance with the privacy legislation within the Northern Territory *Information Act 2002*. For more information, please refer to the Northern Territory Government's privacy statement located at <https://nt.gov.au/copyright-disclaimer-and-privacy>. Any personal information provided can be subsequently accessed by you on request.

Date Registered: 31/08/2018
Duplicate Certificate as to Title issued? No

Volume 828 Folio 476

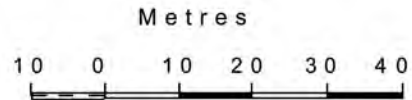
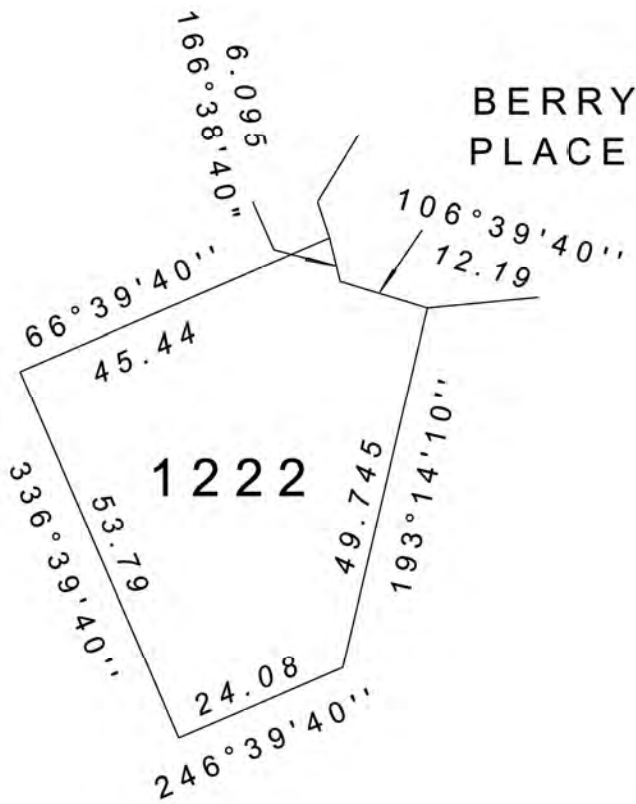
SEARCH CERTIFICATE

Lot 1222 Town of Nightcliff from plan(s) A 000296
Area under title is 2200 square metres

Owner:

Unified Property Group Ltd (ACN 139 769 136) as trustee for Millner Property Trust
of PO Box 7366, Melbourne VIC 3004

Registered Date	Dealing Number	Description
06/12/2018	912150	Previous title is Volume 816 Folio 391 Mortgage Chisley Holdings Pty Ltd
End of Dealings		



A 296



NORTHERN TERRITORY OF AUSTRALIA

Record of Administrative Interests and Information

Record of Administrative Interests and Information

The information contained in this record of Administrative Interests only relates to the below parcel reference.

Parcel Reference: Lot 01222 Town of Nightcliff plan(s) A 000296

(See section 38 of the Land Title Act)

Note: The Record of Administrative Interests and Information is not part of the Land Register and is not guaranteed by the Northern Territory of Australia, and the NT Government accepts no Liability for any omission, misstatement or inaccuracy contained in this statement.

Registrar General

Government Land Register

(none found)

Custodian - Registrar General (+61 8 8999 6252)

Current Title

CUFT 828 476 (order 1)

Tenure Type

ESTATE IN FEE SIMPLE

Tenure Status

Current

Area Under Title

2200 square metres

Owners

Unified Property Group Ltd (ACN 139 769 136) as trustee for Millner Property Trust
PO Box 7366, Melbourne VIC 3004

Easements

(none found)

Scheme Name

(none found)

Scheme Body Corporate Name

(none found)

Reserved Name(s)

(none found)

Unit Entitlements

(none found)

Transfers

31/08/2018 for \$1,000,000 (Nil GST)
30/01/2017 for \$1,250,000 (Nil GST)
08/10/2010 for \$779,000
25/02/1994 for \$177,000
21/03/1983 for \$55,000
13/03/1971 for n/a
18/10/1967 for n/a
30/04/1964 for n/a

Tenure Comments

(none found)

Historic Titles

CUFT 816 391 (order 1)
CUFT 750 896 (order 1)
CUFT 351 125 (order 1)
CUFT 085 048 (order 2)
CUFT 085 048 (order 1)
CUCL 051 036 (order 5)
CUCL 051 036 (order 4)
CUCL 051 036 (order 3)
CUCL 051 036 (order 2)
CUCL 051 036 (order 1)

Visit the website http://www.nt.gov.au/justice/bdm/land_title_office/

Custodian - Surveyor General (+61 8 8995 5354)**Address**

4 BERRY PL, MILLNER

Survey Plan

A 000296

Survey Status

Approved

Parcel Status

CURRENT

Parcel Area

2200 square metres

Map Reference

Code 200 Scale 2500 Sheet 30.27

Parent Parcels

(none found)

Parcel Comments

SUBDIVIDED INTO LOTS 9500 AND 9501, VIDE LTO 95/114.

Survey Comments

(none found)

Proposed Easements

(none found)

Local Government Area
DARWIN MUNICIPALITY

Region
DARWIN

Custodian - Valuer General (+61 8 8995 5375)

Owner's Last Known Address

UNIFIED PROPERTY GROUP LTD ATF MILLNER PROERTY TRUST, PO BOX 7366, MELBOURNE VIC 3004

Parcels in Valuation

Lot 01222 Town of Nightcliff

Unimproved Capital Value

\$420,000 on 01/07/2023

\$380,000 on 01/07/2020

\$460,000 on 01/07/2017

\$505,000 on 01/07/2014

\$450,000 on 01/07/2011

\$382,000 on 01/07/2008

\$243,000 on 01/07/2005

\$135,000 on 01/07/2002

\$129,000 on 01/07/1999

\$107,000 on 01/07/1996

\$80,000 on 01/07/1993

\$30,750 on 01/01/1991

\$29,000 on 01/01/1988

\$29,000 on 01/01/1985

\$25,000 on 01/01/1982

\$11,200 on 01/05/1979

\$11,200 on 01/05/1977

\$6,910 on 01/05/1974

Custodian - Property Purchasing (+61 8 8999 6886)

Acquisitions

(none found)

Custodian - Building Advisory Service (+61 8 8999 8965)

Building Control Areas

BBDAR001 - Building Control Area DARWIN BUILDING AREA

Building Permits

Application Number: 6 of 7
Description: Bathroom alterations
Number of Residential Units: 1
Australian Bureau of Statistics Type: Separate House
Building Class: Single Dwelling
Area: 7 square metres
Certification: Single Dwelling - Full Code - *issued on 2006-11-27 00:00:00.0*

Application Number: 4 of 7
Description: TOOL SHED
Number of Residential Units: 0
Australian Bureau of Statistics Type: (none found)
Building Class: Out building
Area: 10 square metres
Certification: Out building - Full Code - *issued on 1987-07-29 00:00:00.0*

Application Number: 2 of 7
Description: PCS COFC
Number of Residential Units: 0
Australian Bureau of Statistics Type: (none found)
Building Class: House
Area: 0 square metres
Certification: House - Pre 1975 C - *issued on 1983-01-10 00:00:00.0*

Visit the website <http://www.nt.gov.au/building/>

Custodian - Town Planning and Development Assessment Services (+61 8 8999 6046)

Planning Scheme Zone

LR (Low Density Residential)

Overlays: The following overlays may apply to your land

- LSSS - Land Subject to Storm Surge

Refer to the NT Planning Scheme 2020 for more information.

Strategic Frameworks: The following strategic frameworks may apply to your land

Regional Plans:

- Darwin Regional Land Use Plan

Sub Regional Plans:

- None

Area Plans:

- Darwin Mid Suburbs Area Plan

Interim Development Control Orders

(none found)

Planning Notes

(none found)

Planning Applications**File Number**

PA2013/0695

Type

Variation of Exceptional Development Permit

Date Received

18/12/2019

Application Purpose

Variation to EDP14/0005 to extend the base period of the permit

Application Status

Refused

Other Affected Parcels

(none found)

Instrument Signed

17/03/2020

Instrument Number

17/03/2020

Instrument Issued

Signed

Instrument Status

Completed

File Number

PA2013/0695

Type

Variation of Exceptional Development Permit

Date Received

09/01/2018

Application Purpose

Extension of Time

Application Status

Approved

Other Affected Parcels

(none found)

Instrument Signed

04/02/2018

Instrument Number

EDP14/0015B

Instrument Issued

Signed

Instrument Status

Current

File Number

PA2013/0695

Type

Variation of Exceptional Development Permit

Date Received

26/10/2015

Application Purpose

To extend the period of EDP14/0015

Application Status

Approved

Other Affected Parcels

(none found)

Instrument Signed

01/12/2015

Instrument Number

EDP14/0015A

Instrument Issued

Signed

Instrument Status

Current

File Number

PA2013/0695

Type

Exceptional Development

Date Received

13/09/2013

Application Purpose

18 x 2 bedroom multiple dwellings in a four storey building

Application Status

Approved

Other Affected Parcels

(none found)

Instrument Signed

05/09/2014

Instrument Number

EDP14/0015

Instrument Issued

Signed

Instrument Status

Current

File Number

PA1993/0750

Type

Subdivision

Date Received

15/12/1993

Application Purpose

CREATE TWO LOTS

Application Status

Approved

Other Affected Parcels

(none found)

Instrument Signed

10/02/1994

Instrument Number

S 2592

Instrument Issued

Signed

Instrument Status**Custodian - Pastoral Estate - Vegetation Assessment Unit (+61 8 8999 4454)**

(none found)

Visit the website for information on Pastoral land permits.

Custodian - Power and Water Corporation (1800 245 092)**Meters on Parcel**

Power Water - Electricity	1
Power Water - Water	1

For Account balances, contact the Power and Water Corporation.

Custodian - Pool Fencing Unit (+61 8 8924 3641)**Swimming Pool/Spa Status**

Pool Certified to Modified Australian Standard (MAS)

For more information, contact the Pool Fencing Unit (+61 8 8924 3641).

Custodian - Department of Industry, Tourism and Trade (+61 8 8999 5263)

Mineral Titles

Title ID	Status	Title Type	Expiry Date	Legislation
RL390	Granted	Reserve Land		Mineral Titles Act 2010

For additional information contact the Mineral Titles Team on +61 8 8999 5322

Energy Titles

Title ID	Status	Title Type	Expiry Date	Legislation
GRO1	Granted	Geothermal Reserved from Occupation		Geothermal Energy Act 2009
RB56	Granted	Reservation of Blocks		Petroleum Act 1984
RB225	Granted	Reservation of Blocks		Petroleum Act 1984

For additional information contact the Petroleum Tenure Team on +61 8 8999 5263

Land Access Agreements

(none found)

For additional information contact the Land Access Team on +61 8 8999 6442

For further information contact as above or visit the website <https://strike.nt.gov.au>

Custodian - NT Environment Protection Authority (+61 8 8924 4218)**Results of site contamination assessment**

(none found)

For further information contact Environment Protection Authority or visit the website <https://ntepa.nt.gov.au/your-business/public-registers/contaminated-land-audits>

Custodian - Heritage Branch (+61 8 8999 5039)**Heritage Listing:**

(none found)

For further information on heritage places contact Heritage Branch or visit the website <https://nt.gov.au/property/land/heritage-register-search-for-places-or-objects>

Other Interests

For Account balances, contact Darwin City Council

Storm Surge: This lot is within a secondary surge zone. For more information contact Lands Planning on 8999 8963.

Locality Diagram





PLAN OF LOTS 1203-1240, 1291-1298 & 1317-1321
Town of Nightcliff Hundred of Bayol County of Palmerston

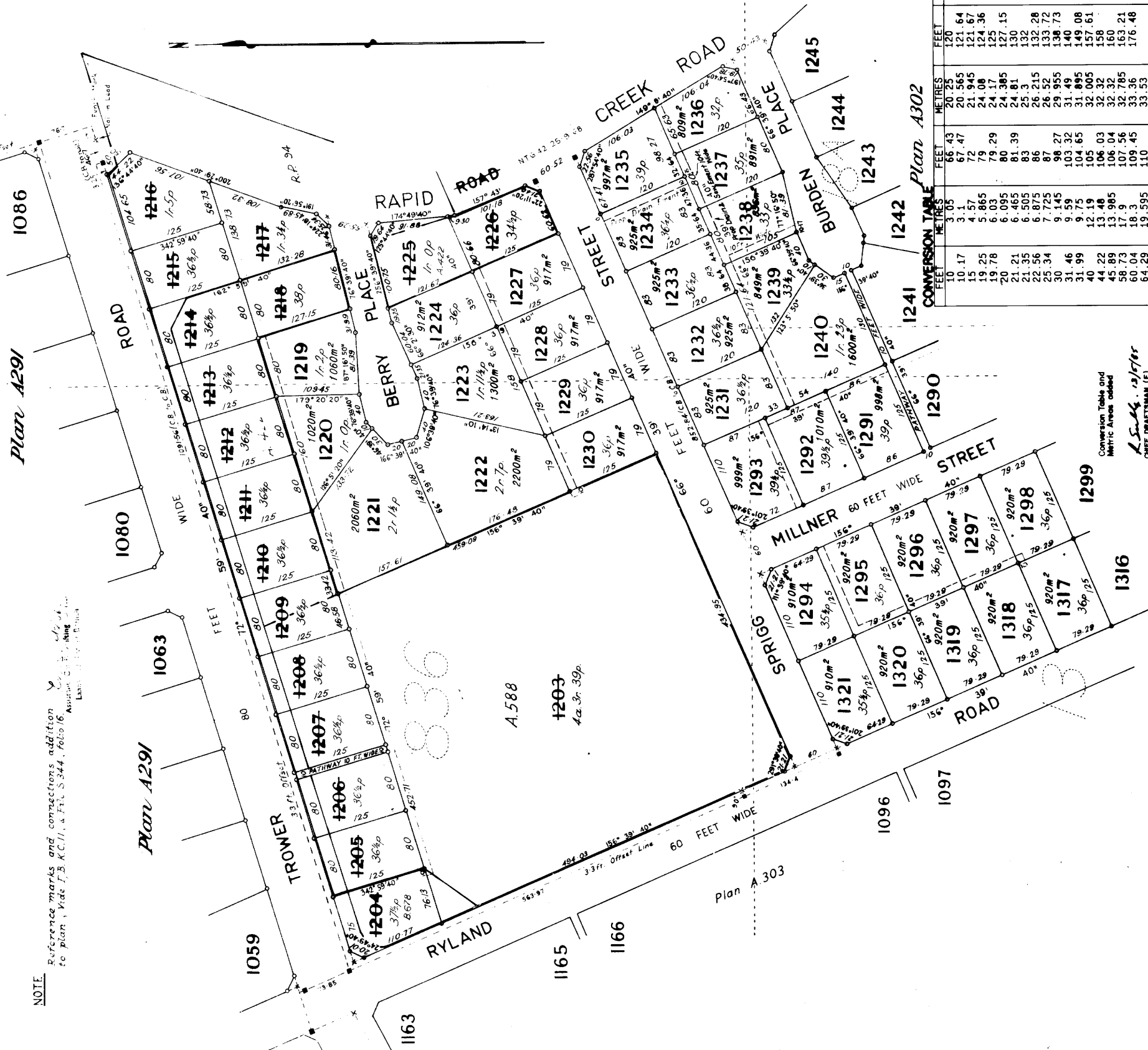
Scale: 80 feet to an inch

Traverses and Secants

Line	Bearing	Dist

Reference to Corners

(C) Bearing	From	To	Mark



CONVERSION TABLE Plan A302

FEET	METRES	FEET	METRES
10	3.05	66.43	20.25
11	3.35	67.47	20.56
12	3.66	72	21.94
13	3.96	79.25	24.08
14	4.27	80	24.38
15	4.57	80	24.38
16	4.88	81.39	24.81
17	5.18	83	25.3
18	5.49	86	26.21
19	5.79	87	26.52
20	6.10	98.27	29.95
21	6.40	103.32	31.49
22	6.71	104.65	31.89
23	7.02	105.03	32.00
24	7.32	106.04	32.32
25	7.63	107.56	32.78
26	7.94	109.45	33.36
27	8.24	110.42	33.53
28	8.55	111.42	34.57
29	8.86		
30	9.16		
31	9.47		
32	9.77		
33	10.08		
34	10.38		
35	10.69		
36	10.99		
37	11.30		
38	11.60		
39	11.91		
40	12.21		
41	12.52		
42	12.82		
43	13.13		
44	13.43		
45	13.74		
46	14.04		
47	14.35		
48	14.65		
49	14.96		
50	15.26		
51	15.57		
52	15.87		
53	16.18		
54	16.48		
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57	17.40		
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60	18.31		
61	18.62		
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64	19.53		
65	19.84		
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67	20.45		
68	20.75		
69	21.06		
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82	25.02		
83	25.33		
84	25.63		
85	25.94		
86	26.24		
87	26.55		
88	26.85		
89	27.16		
90	27.46		
91	27.77		
92	28.07		
93	28.38		
94	28.68		
95	28.99		
96	29.29		
97	29.60		
98	29.90		
99	30.21		
100	30.51		

NOTE: All corner truncations at 15 feet unless otherwise shown.
For details of recovery spikes vide field book.
Sewerage Easements 10 feet wide and shown thus

File No. S 344 (2) S 671
Field Book No. G.M.L. 68 Inst'n No. G.M.L. 61/7 303.61
Calculation Book No. CPAB 3/68-72 RJS I/15
Drawn by P.E. Scorer 27.9.62
Registered by H. Randall 14.9.62
Checked on P.P.P. A.F.J. 27.9.62
Compared with F.H. W.E.H. Queen 25/10/62
Examined by R.L. School 25/10/62
Diagram passed by [Signature] 25/10/62
Date 24.9.62

Observed at
Assumed from A.191
Surveyor's Certificate
I hereby certify that this survey was performed by me and/or
under my immediate supervision in strict accordance with the
Licensed Surveyors Regulations; that on 6 Oct. 61 I completed
the survey and that the plan is in all respects accurate.
4. Sept. 1963
Date
[Signature]
Licensed Surveyor

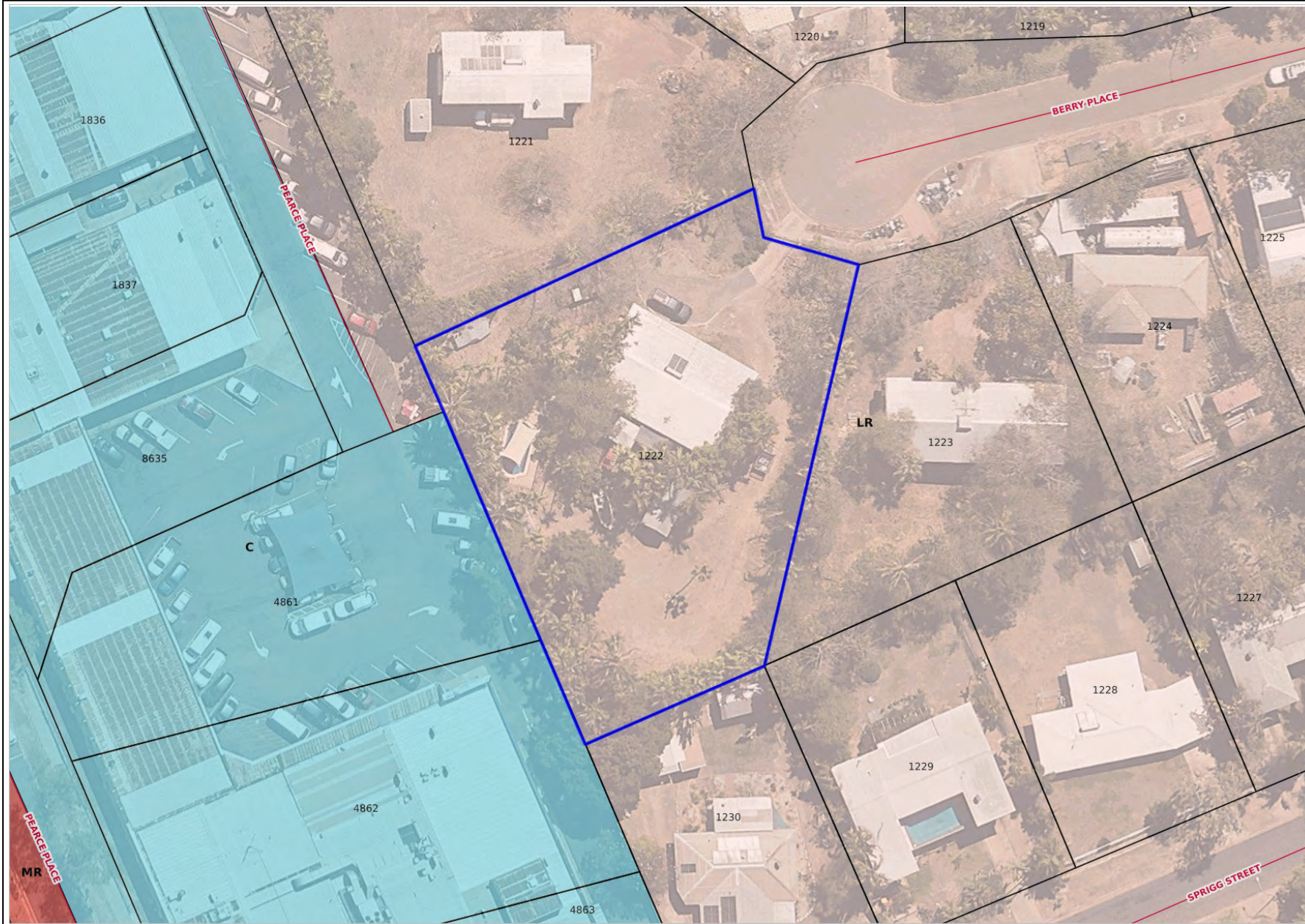
COPY TO L.T.O. 21-9-79. AMENDED COPY TO LTO 14-5-85

Survey approved and certified correct
Date 25-3-1964
A.A. 296
Surveyor General N.T.

N/N 2785
MULTIPLICATED
A.296

ATTACHMENT D - SITE ZONING

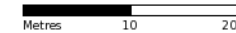
4 BERRY PLACE, MILLNER (LOT 1222 TOWN OF NIGHTCLIFF)



LEGEND

TOWN PLANNING ZONES

- LR - Low Density Residential
- C - Commercial
- MR - Medium Density Residential
- SUBJECT SITE

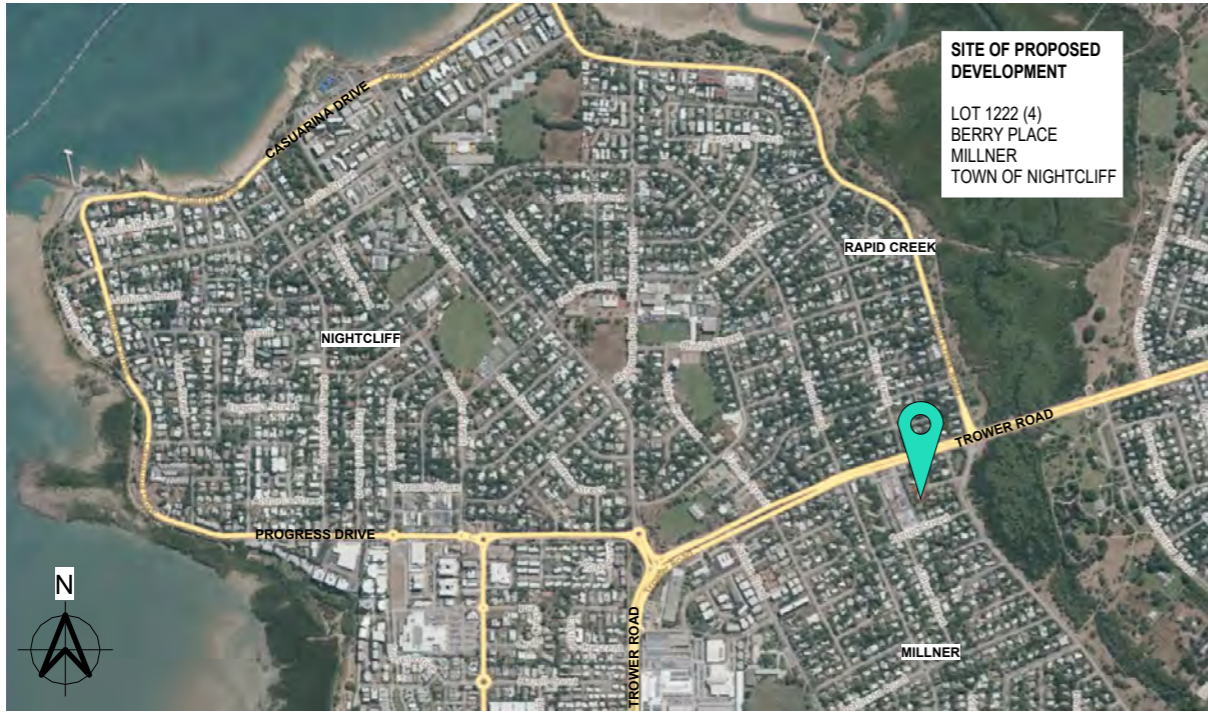


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Geospatial Services Unit

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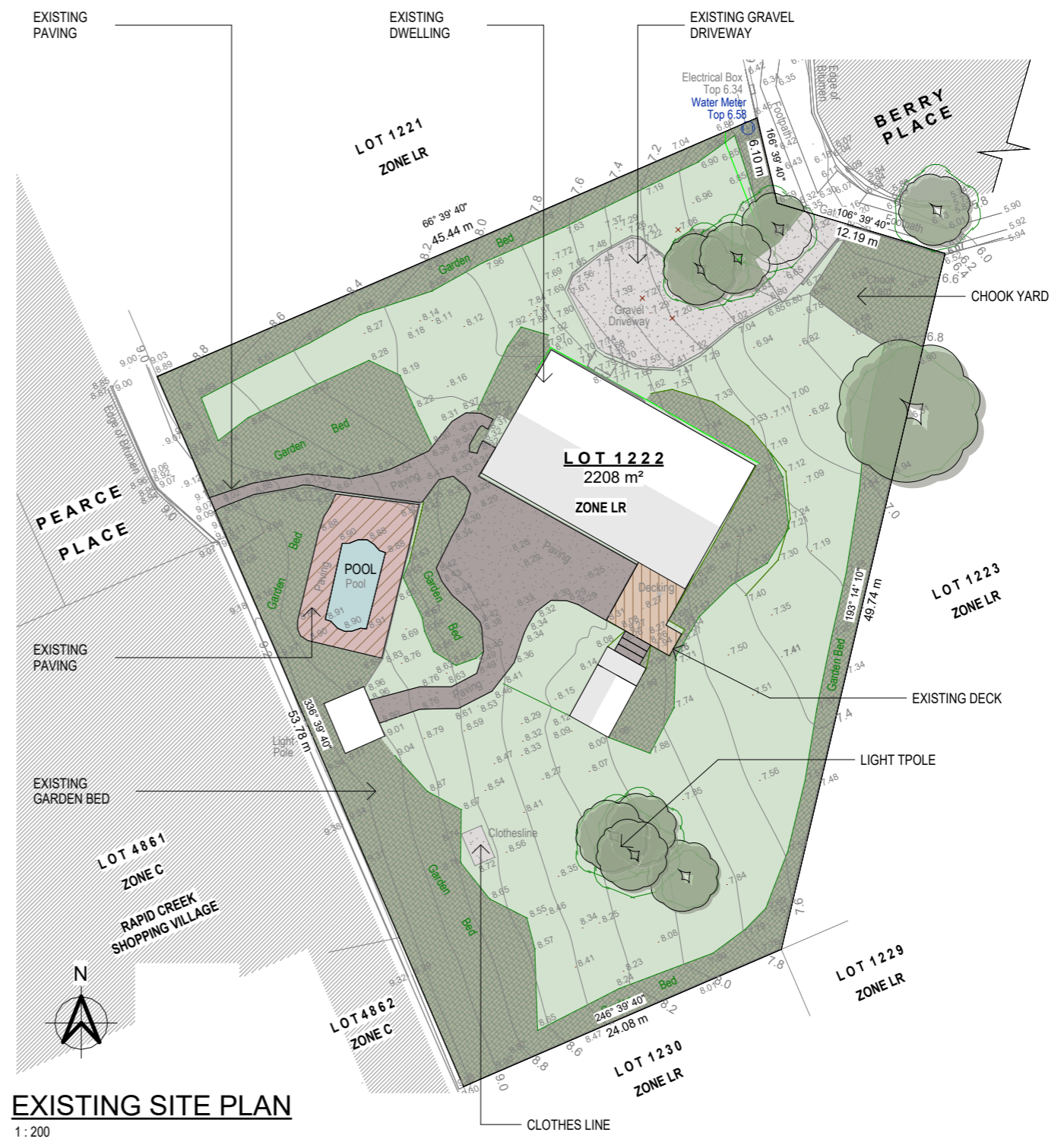


SITE OF PROPOSED DEVELOPMENT
 LOT 1222 (4)
 BERRY PLACE
 MILLNER
 TOWN OF NIGHTCLIFF

LOCATION PLAN
 N.T.S.

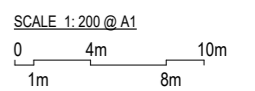


LOCALITY PLAN
 1 : 500



EXISTING SITE PLAN
 1 : 200

DIMENSIONS
 CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO ORDERING MATERIALS OR COMMENCING CONSTRUCTION.



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No.	Description	Date
D	DEVELOPMENT APPLICATION - REVISED	27.10.25
C	DEVELOPMENT APPLICATION - REVISED	25.09.25
B	DEVELOPMENT APPLICATION	31.11.20
A	CONCEPT 01	12.08.20

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BUILDER



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 MECHANICAL ENGINEER
 ELECTRICAL ENGINEER

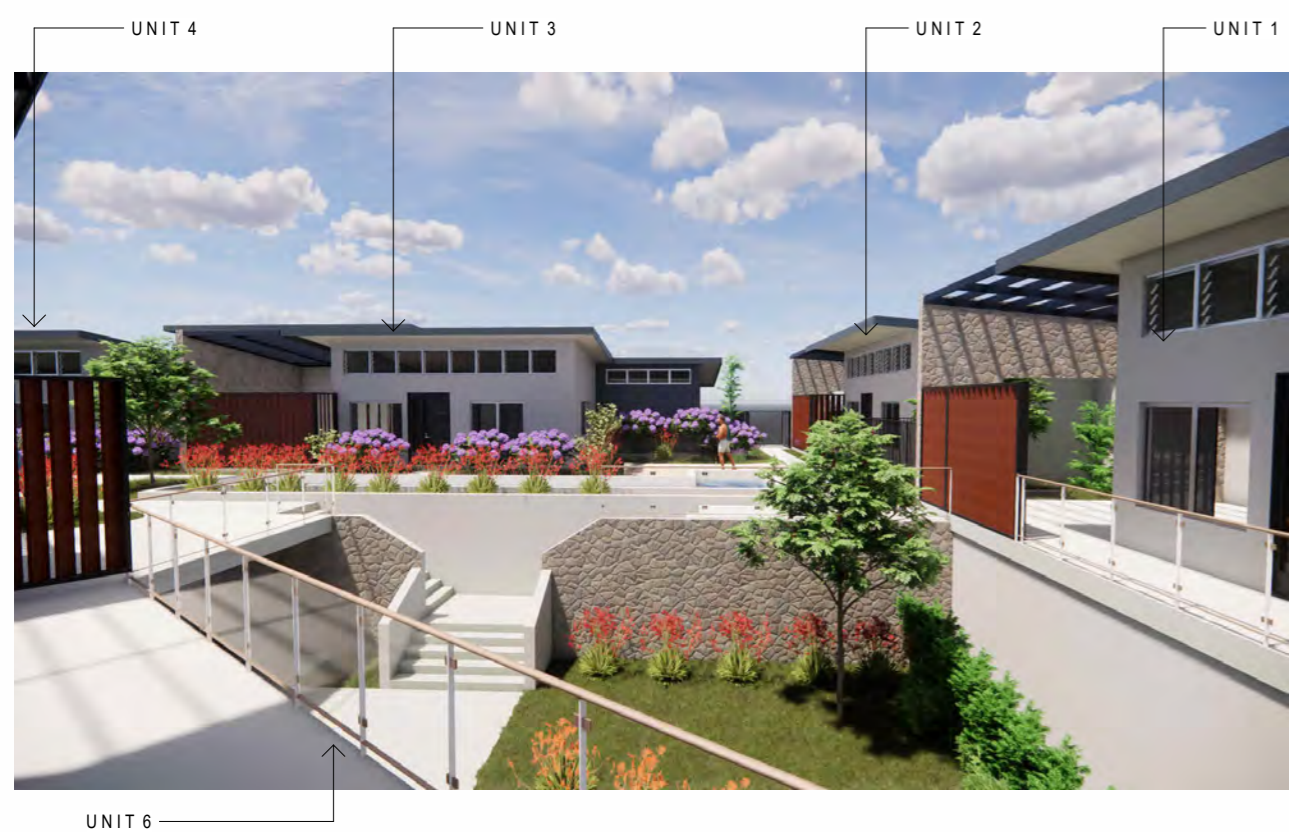
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 Mb. 0439 333 776
 wayne@gabbertdesign.com
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PROJECT TITLE:
BERRY PLACE - PROPOSED UNITS
 LOT 1222(4) BERRY PLACE, MILLNER, TOWN OF NIGHTCLIFF, 0810

DEVELOPMENT
 DRAWING TITLE:
LOCATION MAP & EXISTING SITE PLAN

PROJECT No: 343	DATE: 12/08/2020
A002	DESIGNED: AT + WG
REVISION:	DRAWN: AT
D	SCALE: As indicated @ A1

PLANS TO BE PRINTED IN COLOUR



RENDER - IMAGE DIAGRAMMATIC ONLY
N.T.S.

NT PLANNING SCHEME - SETBACKS

CLAUSE 5.2.7 - SETBACKS FOR DEVELOPMENTS ADJACENT TO LAND IN ZONES LR, LMR, MR OR HR

THIS CLAUSE SEEKS TO PROTECT THE VISUAL AND ACOUSTIC AMENITY OF RESIDENTIAL BUILDINGS WHERE THEY ARE ADJACENT TO NON-RESIDENTIAL DEVELOPMENT.

THIS CLAUSE IS NOT APPLICABLE, AS RESIDENTIAL DEVELOPMENT IS PROPOSED ON A RESIDENTIAL-ZONED SITE.

CLAUSE 5.4.3 - BUILDING SETBACKS OF RESIDENTIAL BUILDINGS AND ANCILLARY STRUCTURES

PRIMARY STREET FRONTAGE

- MINIMUM SETBACKS:
- 6m FOR RESIDENTIAL BUILDINGS, AND ANCILLARY STRUCTURES WITH EXTERNAL WALLS;
 - 4.5m FOR ANCILLARY STRUCTURES WITHOUT EXTERNAL WALLS; OR
 - 3m FOR SHADE SAILS, TO A MAXIMUM HEIGHT OF 2.5m AT THE MINIMUM SETBACK.

SIDE AND REAR LOT BOUNDARIES

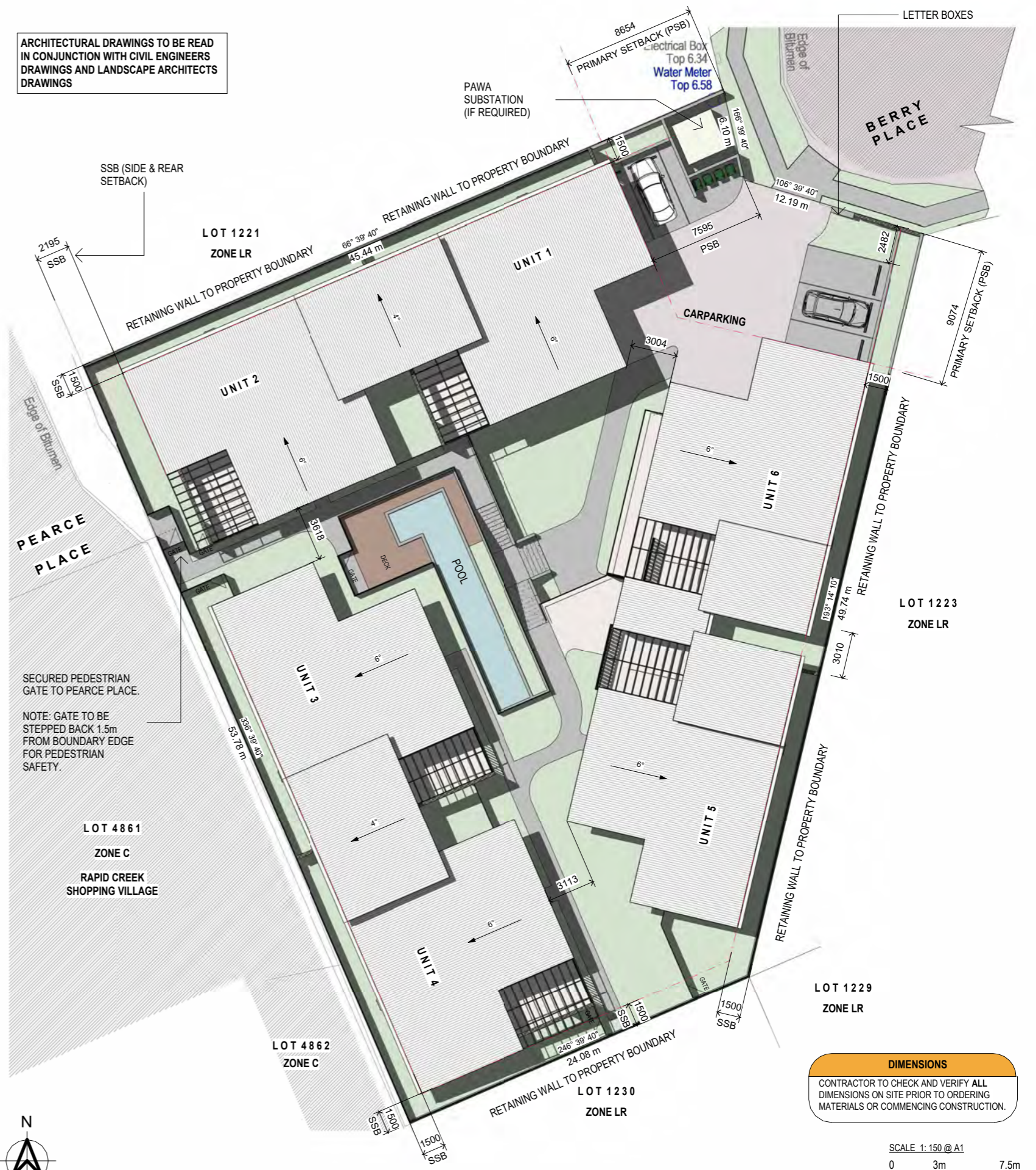
- MINIMUM SETBACKS:
- 1.5m FOR RESIDENTIAL AND ANCILLARY STRUCTURES; R 1m, PROVIDED THAT THE SUBJECT WALL:
 - ONLY INCLUDES OPENINGS THAT ARE NEITHER GLAZED IN AN OPAQUE MATERIAL AND CANNOT BE OPENED OR HAVE A SILL HEIGHT OF 1.6m OR GREATER;
 - DOES NOT EXTEND BEYOND THE MAXIMUM HEIGHT OF 3.5m; AND
 - DOES NOT EXTEND BEYOND A MAXIMUM LENGTH OF 9m.
- EXCEPT SHADE SAILS WHICH MAY BE SET BACK 0.9m TO A MAXIMUM HEIGHT OF 2.5m AT MINIMUM SETBACK

NT PLANNING SCHEME - DISTANCE BETWEEN RESIDENTIAL BUILDINGS

CLAUSE 5.4.3.2 - DISTANCE BETWEEN RESIDENTIAL BUILDINGS ON SITE

WHERE MORE THAN ONE BUILDING COMPRISING ONE OR TWO STOREY RESIDENTIAL BUILDINGS IS LOCATED ON A SITE THE DISTANCE BETWEEN THE BUILDINGS IS TO BE CALCULATED IN ACCORDANCE WITH TABLE A TO CLAUSE 5.4.3 AS IF THERE WAS A LOT BOUNDARY BETWEEN THE BUILDINGS.

THE REQUIRED SETBACK BETWEEN BUILDINGS IS 3m (BEING 1.5m + 1.5m AS IF THERE WAS A LOT BOUNDARY BETWEEN THE BUILDINGS).



PROPOSED SITE SETBACKS 150

1: 150

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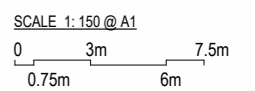
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wayne@gabbertdesign.com

PROJECT TITLE:
BERRY PLACE - PROPOSED UNITS
LOT 1222(4) BERRY PLACE, MILLNER, TOWN OF NIGHTCLIFF, 0810

DEVELOPMENT
DRAWING TITLE:
PROPOSED SITE PLAN - SHEET 1

PROJECT No: 343
DATE: 12/08/2020
A003
DESIGNED: AT + WG
DRAWN: AT
SCALE: As indicated @ A1
REVISION:
B

DIMENSIONS
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO ORDERING MATERIALS OR COMMENCING CONSTRUCTION.



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No.	Description	Date
B	DEVELOPMENT APPLICATION - REVISED	27.10.25
A	DEVELOPMENT APPLICATION - REVISED	25.09.25

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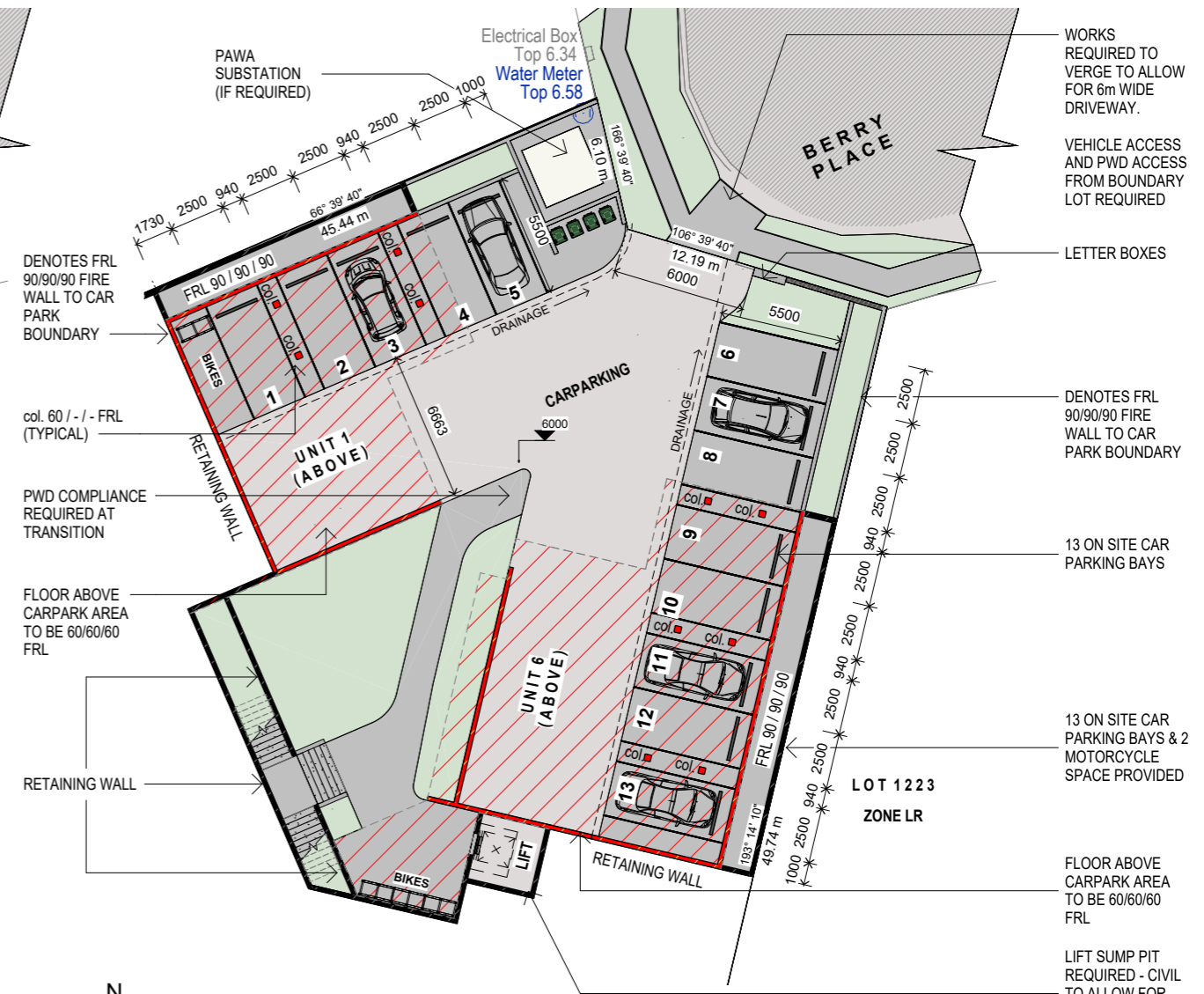
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PROPOSED SITE LAYOUT PLAN - CARPARK_150
1:150

NT PLANNING SCHEME - DISTANCE BETWEEN RESIDENTIAL BUILDINGS

CLAUSE 5.4.3.2 - DISTANCE BETWEEN RESIDENTIAL BUILDINGS ON SITE

WHERE MORE THAN ONE BUILDING COMPRISING ONE OR TWO STOREY RESIDENTIAL BUILDINGS IS LOCATED ON A SITE THE DISTANCE BETWEEN THE BUILDINGS IS TO BE CALCULATED IN ACCORDANCE WITH TABLE A TO CLAUSE 5.4.3 AS IF THERE WAS A LOT BOUNDARY BETWEEN THE BUILDINGS.

THE REQUIRED SETBACK BETWEEN BUILDINGS IS 3m (BEING 1.5m + 1.5m AS IF THERE WAS A LOT BOUNDARY BETWEEN THE BUILDINGS).

FRL LEGEND:

- 90/90/90 DENOTES 90 / 90 / 90 FRL FIRE WALL
- col. DENOTES 60 / - / - FRL STRUCTURAL COLUMN TO UNDERSIDE OF UNIT
- 60/60/60 DENOTES 60 / 60 / 60 FRL FLOOR OF UNIT ABOVE

DIMENSIONS

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO ORDERING MATERIALS OR COMMENCING CONSTRUCTION.

SCALE 1:150 @ A1



PROPOSED SITE LAYOUT PLAN - BUILDINGS_150
1:150

PRINTED: 27/10/2025 3:33:17 PM

No.	Description	Date
B	DEVELOPMENT APPLICATION - REVISED	27.10.25
A	DEVELOPMENT APPLICATION - REVISED	25.09.25

REVISIONS

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PROJECT TITLE:
BERRY PLACE - PROPOSED UNITS

LOT 1222(4) BERRY PLACE, MILLNER, TOWN OF NIGHTCLIFF, 0810

DEVELOPMENT

DRAWING TITLE:
PROPOSED SITE PLAN - SHEET 2

PROJECT No: 343
DATE: 12/08/2020

A004
DESIGNED: AT + WG
DRAWN: AT
SCALE: As indicated @ A1

REVISION:
B

FILE PATH: C:\Users\Gabsys\Documents\GDD Working\Sharing User Files\2026\GD 343 BERRY PLACE_CENTRAL_RVT2026_CENTRAL_Aliissa.Thivakon.rvt

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ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH CIVIL ENGINEERS DRAWINGS AND LANDSCAPE ARCHITECTS DRAWINGS

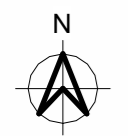
ALLOW FOR PLANTING AS PER DOCUMENT 'DRAFT SPECIES GUIDE FOR LANDSCAPING IN THE NT PLANNING SCHEME

PEARCE PLACE

SECURED PEDESTRIAN GATE TO PEARCE PLACE.
NOTE: GATE TO BE STEPPED BACK 1.5m FROM BOUNDARY EDGE FOR PEDESTRIAN SAFETY.

LOT 4861
ZONE C
RAPID CREEK SHOPPING VILLAGE

LOT 4862
ZONE C



LANDSCAPING ESTIMATE PLAN - BUILDINGS_150

1:150

No.	Description	Date
B	DEVELOPMENT APPLICATION - REVISED	27.10.25
A	DEVELOPMENT APPLICATION - REVISED	25.09.25

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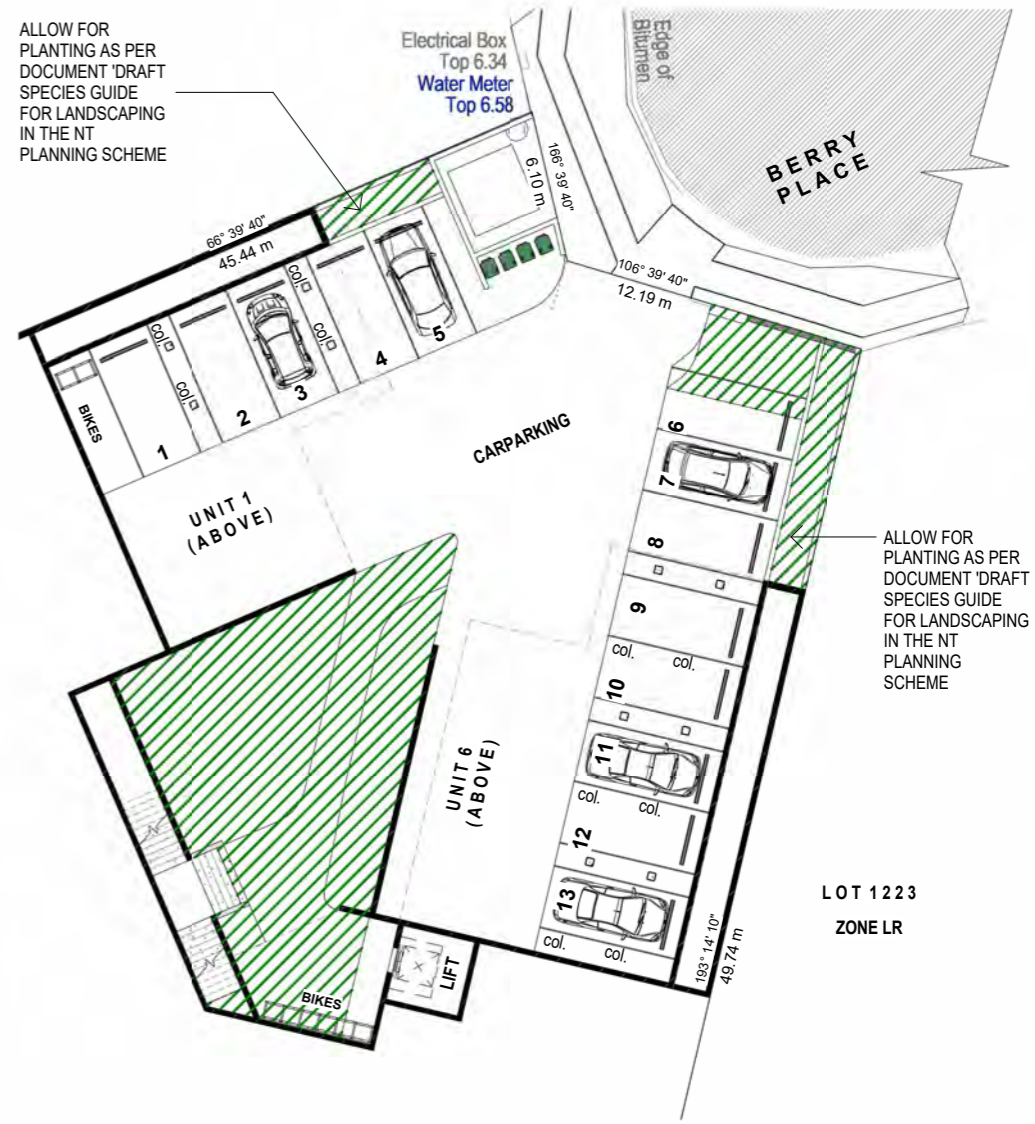
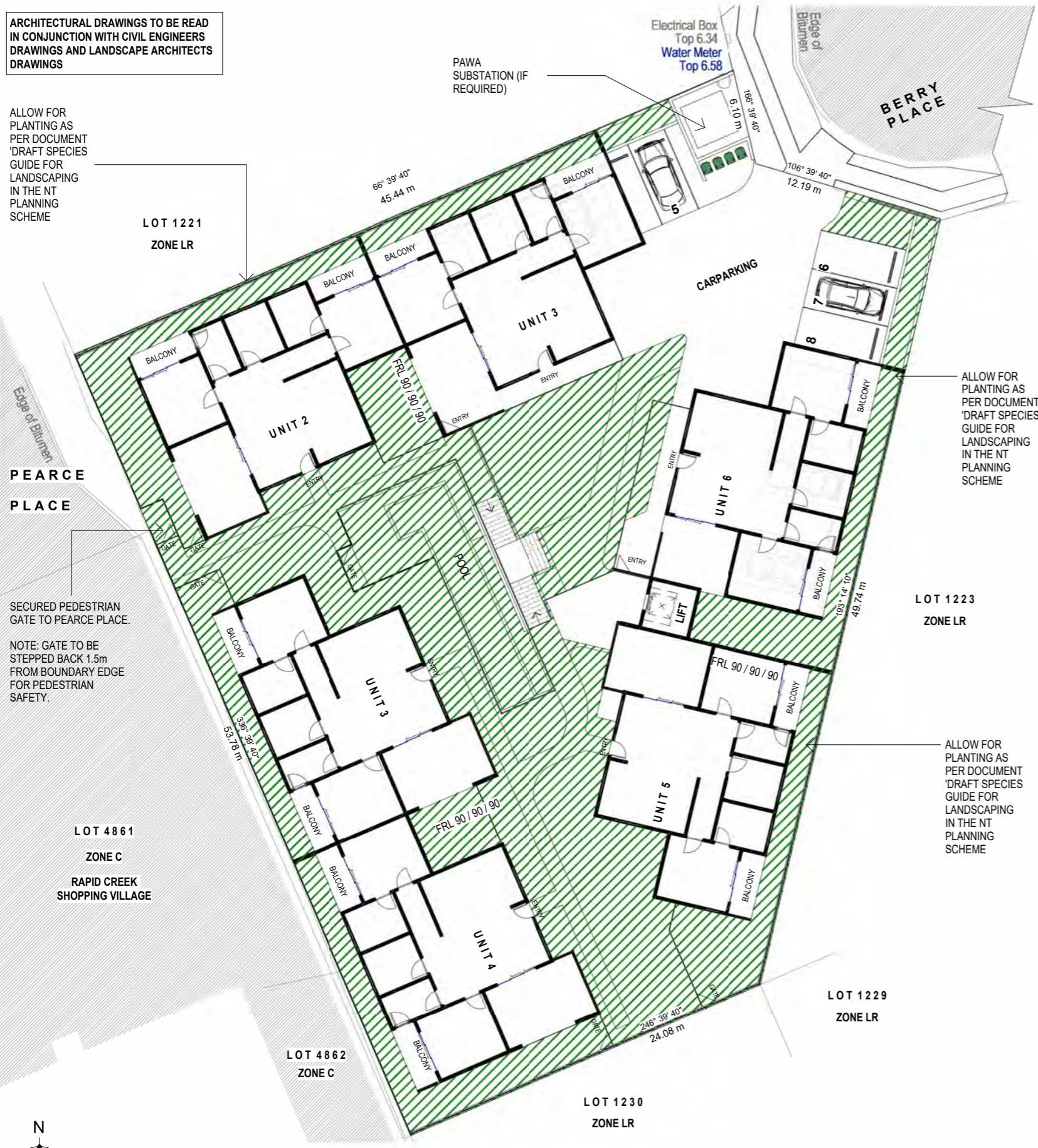
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PROJECT TITLE:
BERRY PLACE - PROPOSED UNITS
LOT 1222(4) BERRY PLACE, MILLNER, TOWN OF NIGHTCLIFF, 0810

DEVELOPMENT
DRAWING TITLE:
PROPOSED SITE PLAN - SHEET 3

PROJECT No: 343	DATE: 12/08/2020
A005	DESIGNED: AT + WG
REVISION:	DRAWN: AT
B	SCALE: As indicated @ A1

FILE PATH: C:\Users\Gabsys\Documents\GDD Working\Sharing User Files\2026\GDD 343 BERRY PLACE_CENTRAL_RVT2026_CENTRAL_Alessa.Thivakon.rvt



LANDSCAPING ESTIMATE PLAN - CARPARK_150

1:150

NT PLANNING SCHEME - LANDSCAPING REQUIREMENTS:

CLAUSE 5.2.6 LANDSCAPING

SITE AREA = 2200 m²
30% OF 2200 m² = 660m²

TOTAL LANDSCAPING = APPROX 868m²
% OF SITE WITH PROPOSED LANDSCAPING = 39.4%

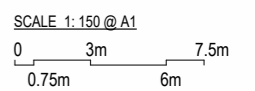
= LANDSCAPING

ALLOW FOR PLANTING AS PER DOCUMENT 'DRAFT SPECIES GUIDE FOR LANDSCAPING IN THE NT PLANNING SCHEME. PROVIDE IRRIGATION.

LANDSCAPE ARCHITECT TO SELECT SPECIES WHICH TAKE INTO ACCOUNT:

- EXISTING STREETSCAPE
- RETAIN EXISTING PLANTS WHERE POSSIBLE
- LAYOUT AND CHOICE OF PLANTS TO PERMIT SURVEILLANCE OF PUBLIC AND COMMUNAL AREAS
- FACILITATE ON-SITE INFILTRATION OF STORMWATER RUN-OFF
- ASSIST WITH PRIVACY
- MAXIMISE EFFICIENT USE OF WATER, APPROPRIATE TO THE LOCAL CLIMATE

DIMENSIONS
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO ORDERING MATERIALS OR COMMENCING CONSTRUCTION.



PLANS TO BE PRINTED IN COLOUR

ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH CIVIL ENGINEERS DRAWINGS AND LANDSCAPE ARCHITECTS DRAWINGS

SECURED PEDESTRIAN GATE TO PEARCE PLACE.

NOTE: GATE TO BE STEPPED BACK 1.5m FROM BOUNDARY EDGE FOR PEDESTRIAN SAFETY.



CALCULATIONS - PRIVATE OPEN SPACE:

UNIT	AREA A	AREA B	COMPLIANT
1	49m ²	24m ²	YES
2	56m ²	24m ²	YES
3	51m ²	24m ²	YES
4	57m ²	24m ²	YES
5	53m ²	24m ²	YES
6	53m ²	24m ²	YES

NT PLANNING SCHEME - COMMUNAL OPEN SPACE:

CLAUSE 5.4.7 COMMUNAL OPEN SPACE

A minimum of 15% of the site, being not less than 6m wide at any point is to be communal open space.

15% of 2200m² = 330m²

LEGEND

= 378m² PROVIDED AS COMMUNAL OPEN SPACE

NT PLANNING SCHEME - PRIVATE OPEN SPACE:

CLAUSE 5.4.6 PRIVATE OPEN SPACE

- The consent authority may **consent** to private open space that is not in accordance with sub-clauses 4 and 5 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the **site** having regard to such matters as its location, scale and impact on adjoining and nearby property.
- If a **dwelling** within a **dwelling-multiple** development has no direct **access** at **ground level** to private open space, and where on-site communal open space is provided, compliance with purpose provisions (c) and (d), and sub-clauses 4(d), (e) and (f) is not required.

REQUIREMENTS

- Private open space for a **dwelling-single**, **dwelling-group**, **dwelling multiple** or **dwelling-independent** should:
 - satisfy the minimum area, dimensions and open to the sky requirements contained in the table to this clause;
 - be directly accessible from the **dwelling** and enable an extension of the function of the **dwelling**; and
 - be located to provide views from the **dwelling** to open space and natural features of the **site** or locality, and to reduce overlooking from neighbouring open space and **dwelling**s;
 - ensure that at least half of the private open space is permeable to allow stormwater infiltration and lessen stormwater runoff from the **site**;
 - include at least one area of at least 5m², with no dimension less than 1.5m, for the deep soil planting of trees and vegetation for shade or screening; and
 - allow for landscaping at the property frontage to complement the visual **amenity** of the streetscape.
- Where the private open space is at **ground level** and other than for a **dwelling-single**, or a **dwelling-single** and associated **dwelling independent** it should be:
 - screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or
 - fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting.

Table to Clause 5.4.6: Minimum Areas of Private Open Space

Type of Dwelling	Private Open Space Area
Dwelling-multiple without direct ground level access	12m ² with no dimension less than 2.8m

For clarity, in this table:

Area A is the minimum area, for each **dwelling**, that must be open vertically to the sky and have no dimension less than 1.5m.

A least half of Area A must be permeable, and may include the 5m² required for deep soil planting.

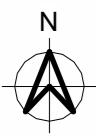
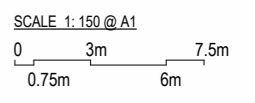
Area B is the minimum dimensioned space that extends the function of the **dwelling** and may be covered or open to the sky.

Any part of Area B that is open to the sky may form part of Area A.

Dwelling-group and dwelling-multiple with direct ground level access	A. 45m ² , open vertically to the sky, with no dimension less than 1.5m; and
Dwelling-single on a lot less than 450m ²	B. 24m ² , all or partly covered, with no dimension less than 4m.
Dwelling-independent in addition to the private open space requirement for the dwelling - single	
Dwelling-single on a lot not less than 450m ²	A. 50m ² , open vertically to the sky, with no dimension less than 1.5m; and B. 36m ² , all or any part covered, with no dimension less than 6m.

DIMENSIONS

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO ORDERING MATERIALS OR COMMENCING CONSTRUCTION.



PRIVATE OPEN SPACE ESTIMATE PLAN - BUILDINGS

1:150

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No.	Description	Date
B	DEVELOPMENT APPLICATION - REVISED	27.10.25
A	DEVELOPMENT APPLICATION - REVISED	25.09.25

REVISIONS

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NICK MCKAY

BUILDER



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PROJECT TITLE:
BERRY PLACE - PROPOSED UNITS

LOT 1222(4) BERRY PLACE, MILLNER, TOWN OF NIGHTCLIFF, 0810

DEVELOPMENT

DRAWING TITLE:
PROPOSED SITE PLAN - SHEET 4

PROJECT No: 343	DATE: 12/08/2020
A006	DESIGNED: AT + WG
REVISION:	DRAWN: AT
B	SCALE: As indicated @ A1

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ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH CIVIL ENGINEERS DRAWINGS AND LANDSCAPE ARCHITECTS DRAWINGS

HATCHED BLUE AREA DENOTES STORM SURGE 2100 SECONDARY

UNIT 1 ELEVATED THEREFORE NOT IMPACTED BY SECONDARY STORM SURGE

Edge of Bluff

PEARCE PLACE

LOT 4861
ZONE C
RAPID CREEK SHOPPING VILLAGE

LOT 4862
ZONE C



STORM SURGE PLAN - BUILDINGS_150
1:150

No.	Description	Date
B	DEVELOPMENT APPLICATION - REVISED	27.10.25
A	DEVELOPMENT APPLICATION - REVISED	25.09.25

REVISIONS

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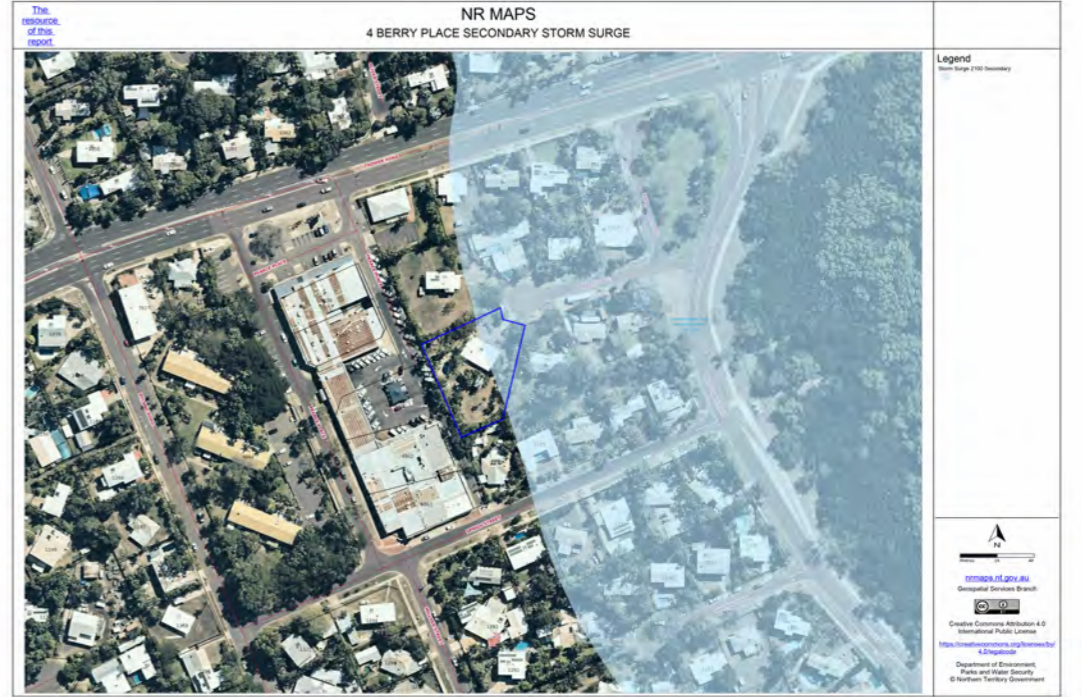
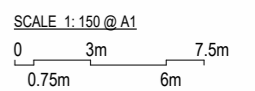
PROJECT TITLE:
BERRY PLACE - PROPOSED UNITS
LOT 1222(4) BERRY PLACE, MILLNER, TOWN OF NIGHTCLIFF, 0810

DEVELOPMENT

DRAWING TITLE:
PROPOSED SITE PLAN - SHEET 5

PROJECT No: 343	DATE: 12/08/2020
A007	DESIGNED: AT + WG
REVISION:	DRAWN: AT
B	SCALE: As indicated @ A1

DIMENSIONS
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO ORDERING MATERIALS OR COMMENCING CONSTRUCTION.

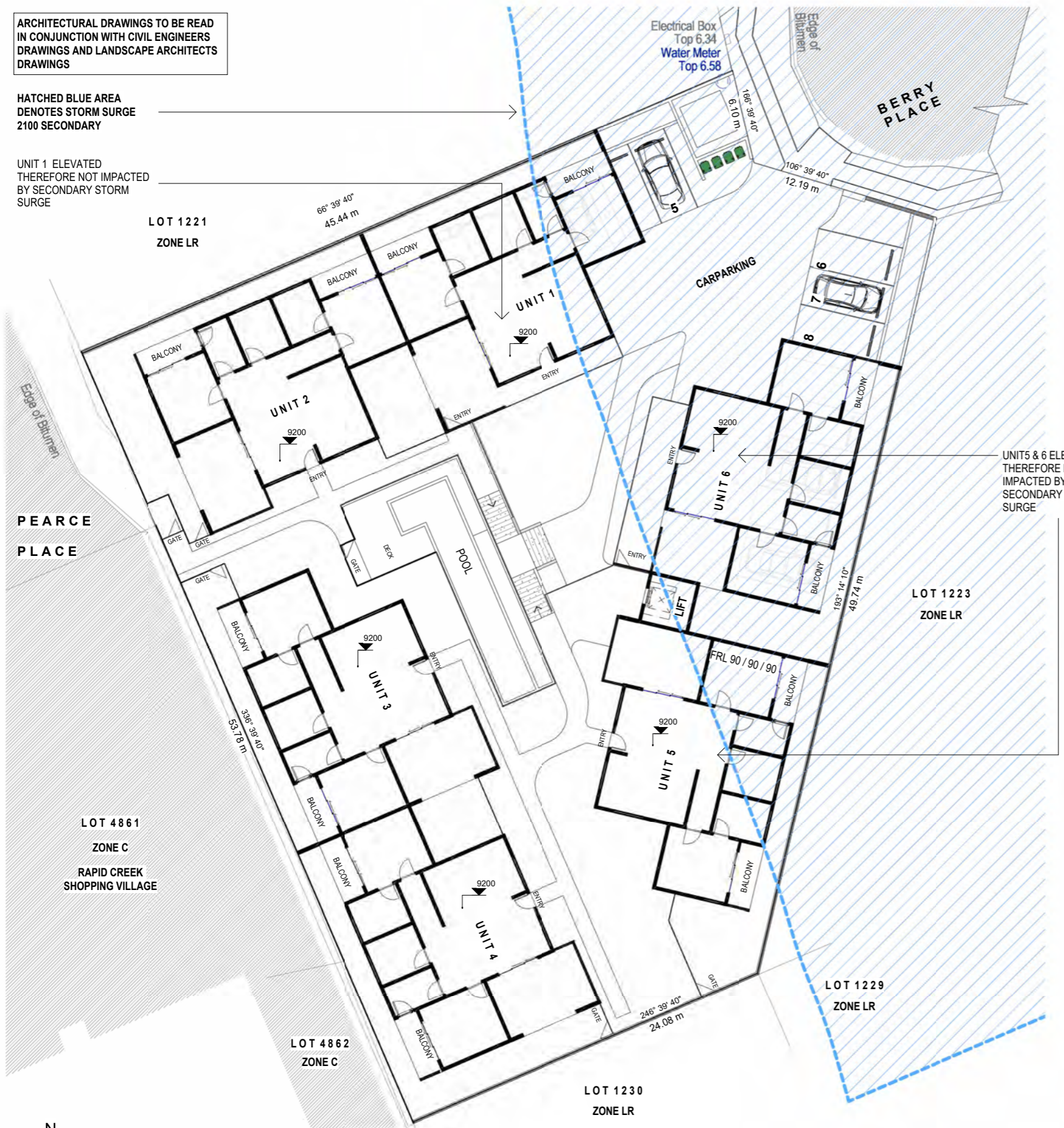


SECONDARY STORM SURGE MAP
N.T.S.

SECONDARY STORM SURGE:

STORM SURGE 2100 SECONDARY DENOTED BY HATCH. SOURCED FROM NTLIS

REFER TO CIVIL DRAWINGS FOR FURTHER DETAILS

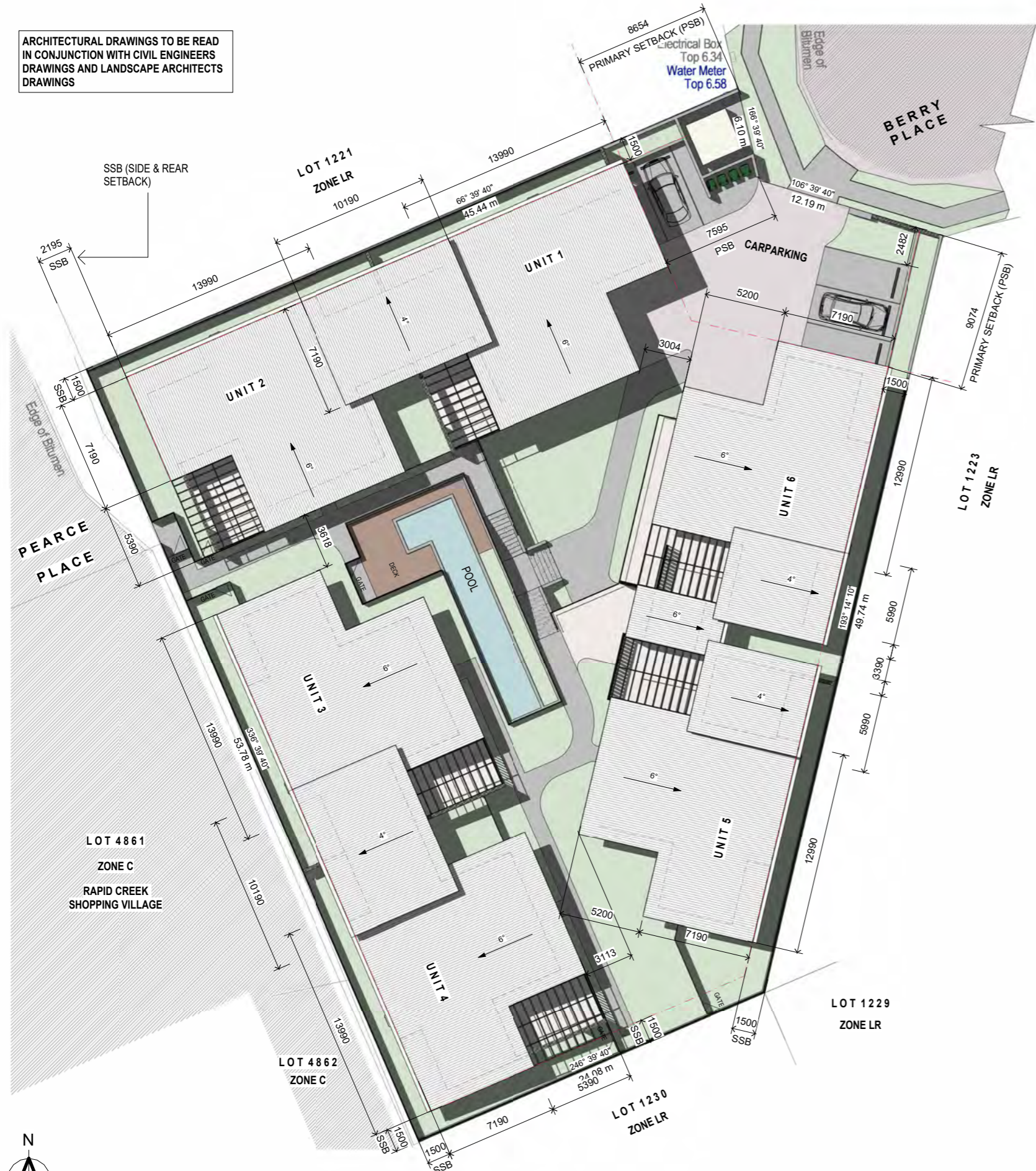


PRINTED: 27/10/2025 3:33:29 PM

FILE PATH: C:\Users\Gabsys\Documents\GDD Working\Sharing User Files 2026\GD 343 BERRY PLACE_CENTRAL_RVT2026_CENTRAL_Alissa.Thivakon.rvt

PLANS TO BE PRINTED IN COLOUR

ARCHITECTURAL DRAWINGS TO BE READ IN CONJUNCTION WITH CIVIL ENGINEERS DRAWINGS AND LANDSCAPE ARCHITECTS DRAWINGS



ROOF NOTES

1. ALL FLASHINGS TO BE NEATLY SCRIBED TO SUIT ROOF PROFILES. FLASHINGS TO BE SCREW FIXED AS PER MANUFACTURERS SPECIFICATIONS
2. BUILDER TO PROVIDE "DEKTITE" FLASHINGS TO ALL PLUMBING AND PENETRATIONS.
3. BUILDER TO PROVIDE ALL ROOF & EXTERNAL FLASHINGS FOR PIPEWORK AND DUCT PENETRATIONS AS REQUIRED BY MECHANICAL TRADES.
4. BUILDER TO REFER TO HYDRAULIC DRAWINGS FOR GUTTER AND DRAINAGE DETAILS.
5. BUILDER TO INSTALL KINGSPAN AIRCELL INSULBREAK INSULATION UNDER ROOF SHEET TO ALL INTERNAL AREAS.
6. BUILDER TO PROVIDE DRY PAN FLASHING TO EXISTING ROOF TO ALL MECHANICAL PENETRATIONS

MINIMUM FLASHING:

BARGE FLASHING 150mm

GUTTERS AND DOWNPIPES:

DP = 150mm DIAMETER STAINLESS STEEL DOWNPIPE. USE STANDARD SS BENDS REDUCERS AND FITTINGS TO STORMWATER SYSTEM.

G1= 150mm MINIMUM WIDE STAINLESS STEEL EAVES GUTTER. REFER CIVIL DRAWINGS.
G2= COLORBOND BOX GUTTER TO CIVIL DRAWINGS.

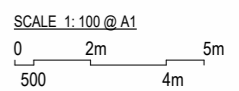
NOTE - REFER TO CIVIL DRAWINGS FOR FURTHER INFORMATION ON STORMWATER AND DOWNPIPES.

LEGEND:

- DENOTES CUSTOM ORB ROOF SHEETING WITH R2.5 ROOF INSULATION UNDER SCREW FIXED TO NT DTC M3/201 & MANUFACTURER'S SPECIFICATIONS. FINISH: COLORBOND COLOUR: SURFMIST
- DENOTES DIRECTION & ANGLE OF ROOF PITCH
- DENOTES WALLS UNDER

DIMENSIONS

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO ORDERING MATERIALS OR COMMENCING CONSTRUCTION.



PROPOSED SITE ROOF PLAN_150

1: 150

NOTES

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CLIENT

NICK MCKAY

BUILDER

PROJECT CONSULTANTS

- BUILDING CERTIFIER
- STRUCTURAL ENGINEER
- CIVIL ENGINEER
- HYDRAULIC ENGINEER
- MECHANICAL ENGINEER
- ELECTRICAL ENGINEER



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wayne@gabbertdesign.com

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PROJECT TITLE:
BERRY PLACE - PROPOSED UNITS

LOT 1222(4) BERRY PLACE, MILLNER, TOWN OF NIGHTCLIFF, 0810

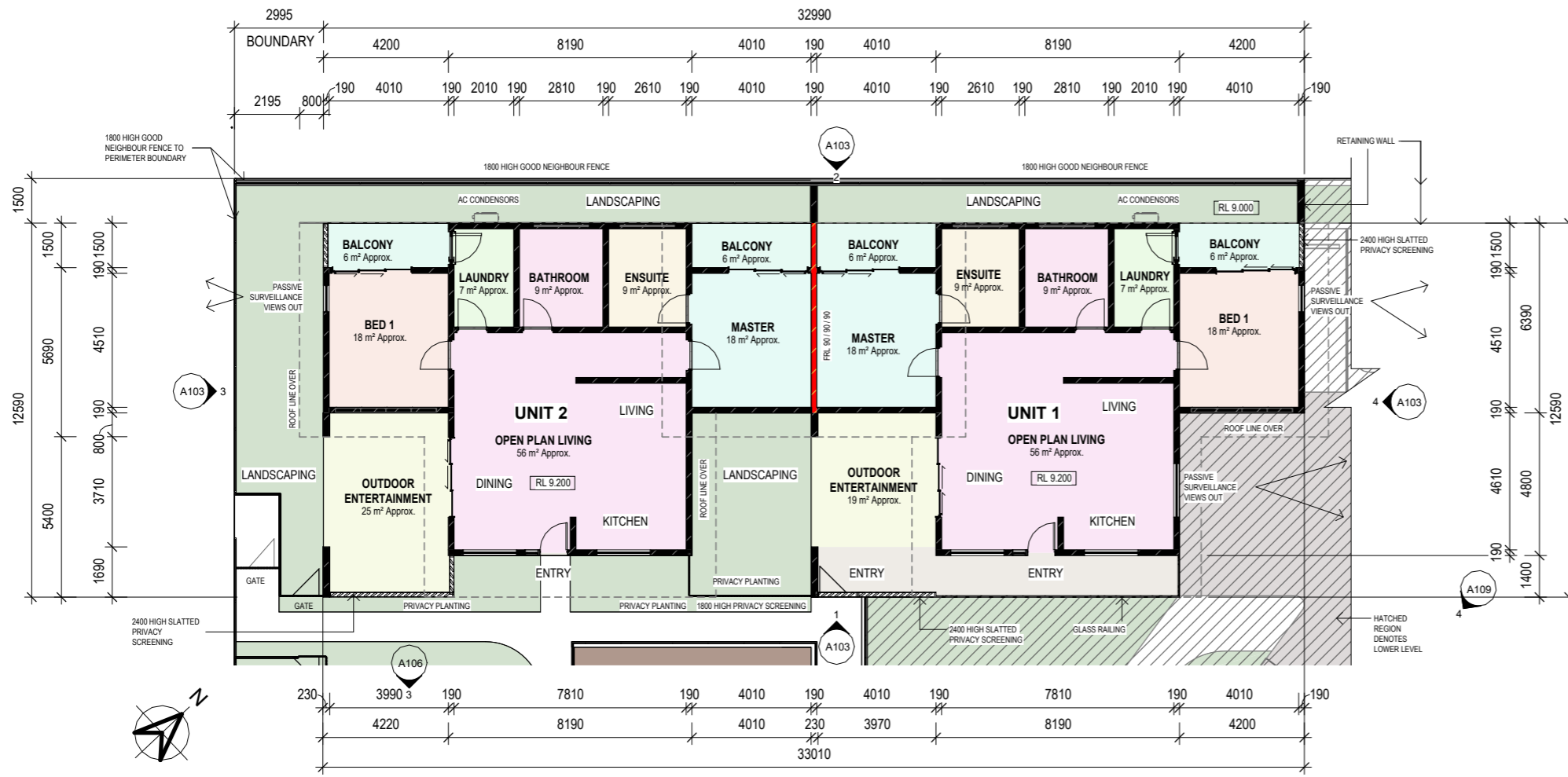
DEVELOPMENT

DRAWING TITLE:
SITE ROOF PLAN

PROJECT No: 343	DATE: 12/08/2020
A100	DESIGNED: AT + WG
REVISION:	DRAWN: AT
C	SCALE: 1:150 @ A1

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PLANS TO BE PRINTED IN COLOUR



UNIT 1 + 2 - FLOOR PLAN
1 : 100

- BALCONY
- BATHROOM
- BED 1
- ENSUITE
- LAUNDRY
- MASTER
- OPEN PLAN LIVING
- OUTDOOR ENTERTAINMENT

ROOM SCHEDULE		
UNIT	ROOM	AREA
UNIT 1	BED 1	18 m ²
UNIT 1	BALCONY	6 m ²
UNIT 1	LAUNDRY	7 m ²
UNIT 1	BATHROOM	9 m ²
UNIT 1	ENSUITE	9 m ²
UNIT 1	BALCONY	6 m ²
UNIT 1	MASTER	18 m ²
UNIT 1	OPEN PLAN LIVING	56 m ²
UNIT 1	OUTDOOR ENTERTAINMENT	19 m ²
UNIT 2	MASTER	18 m ²
UNIT 2	BALCONY	6 m ²
UNIT 2	ENSUITE	9 m ²
UNIT 2	BATHROOM	9 m ²
UNIT 2	LAUNDRY	7 m ²
UNIT 2	BALCONY	6 m ²
UNIT 2	BED 1	18 m ²
UNIT 2	OPEN PLAN LIVING	56 m ²
UNIT 2	OUTDOOR ENTERTAINMENT	25 m ²
Grand total: 18		302 m ²

ROOF NOTES

- ALL FLASHINGS TO BE NEATLY SCRIBED TO SUIT ROOF PROFILES. FLASHINGS TO BE SCREW FIXED AS PER MANUFACTURERS SPECIFICATIONS
- BUILDER TO PROVIDE "DEKITE" FLASHINGS TO ALL PLUMBING AND PENETRATIONS.
- BUILDER TO PROVIDE ALL ROOF & EXTERNAL FLASHINGS FOR PIPEWORK AND DUCT PENETRATIONS AS REQUIRED BY MECHANICAL TRADES.
- BUILDER TO REFER TO HYDRAULIC DRAWINGS FOR GUTTER AND DRAINAGE DETAILS.
- BUILDER TO INSTALL KINGSPAN AIRCELL INSULBREAK INSULATION UNDER ROOF SHEET TO ALL INTERNAL AREAS.
- BUILDER TO PROVIDE DRY PAN FLASHING TO EXISTING ROOF TO ALL MECHANICAL PENETRATIONS

MINIMUM FLASHING:

BARGE FLASHING 150mm

GUTTERS AND DOWNPIPES:

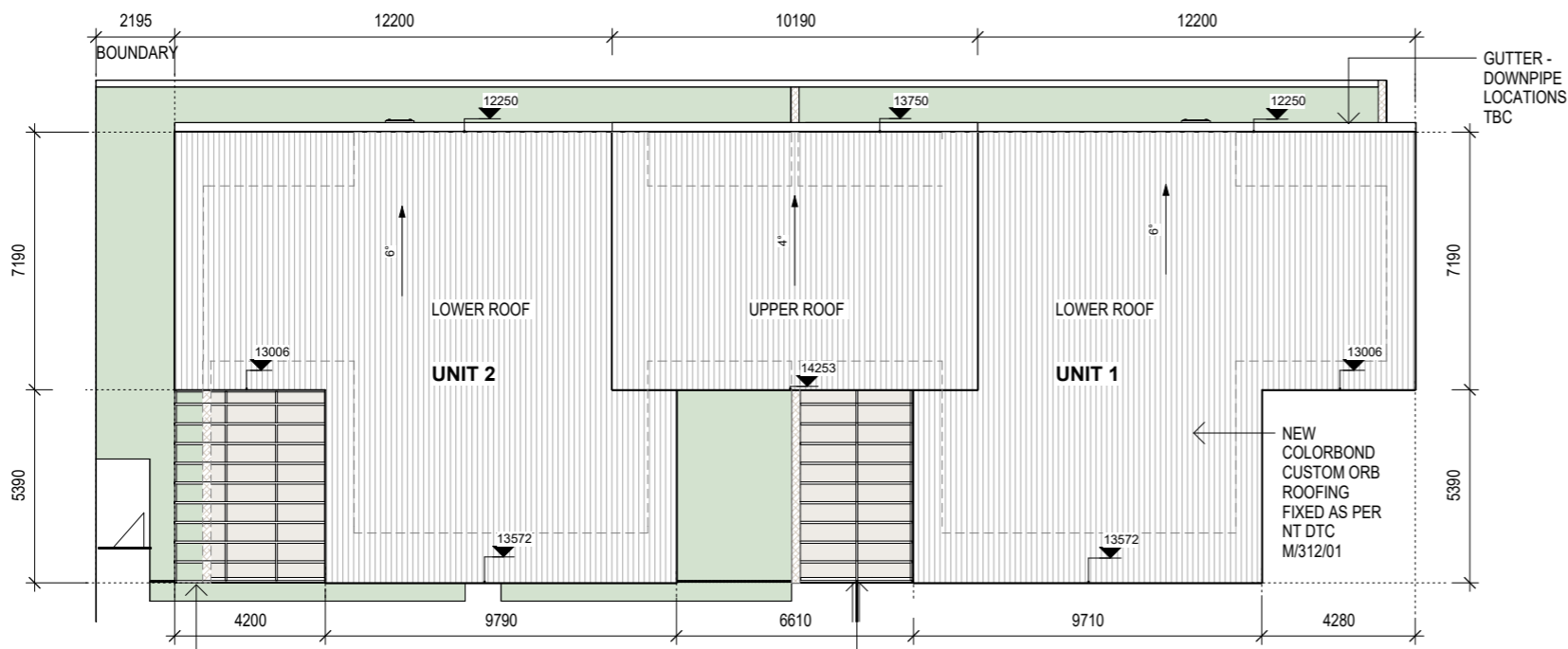
- DP = 150mm DIAMETER STAINLESS STEEL DOWNPIPE. USE STANDARD SS BENDS REDUCERS AND FITTINGS TO STORMWATER SYSTEM.
- G1= 150mm MINIMUM WIDE STAINLESS STEEL EAVES GUTTER, REFER CIVIL DRAWINGS.
- G2= COLORBOND BOX GUTTER TO CIVIL DRAWINGS.
- NOTE - REFER TO CIVIL DRAWINGS FOR FURTHER INFORMATION ON STORMWATER AND DOWNPIPES.

LEGEND:

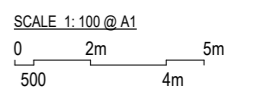
- DENOTES CUSTOM ORB ROOF SHEETING WITH R2.5 ROOF INSULATION UNDER SCREW FIXED TO NT DTC M/312/01 & MANUFACTURER'S SPECIFICATIONS. FINISH: COLORBOND COLOUR: SURFMIST
- DENOTES DIRECTION & ANGLE OF ROOF PITCH
- DENOTES WALLS UNDER

DIMENSIONS

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO ORDERING MATERIALS OR COMMENCING CONSTRUCTION.



UNIT 1 + 2 ROOF PLAN
1 : 100



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No.	Description	Date
D	DEVELOPMENT APPLICATION - REVISED	27.10.25
C	DEVELOPMENT APPLICATION - REVISED	25.09.25
B	DEVELOPMENT APPLICATION	31.11.20
A	CONCEPT 01	12.08.20

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CLIENT
NICK MCKAY

BUILDER

PROJECT CONSULTANTS

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- CIVIL ENGINEER
- HYDRAULIC ENGINEER
- MECHANICAL ENGINEER
- ELECTRICAL ENGINEER



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PROJECT TITLE:
BERRY PLACE - PROPOSED UNITS

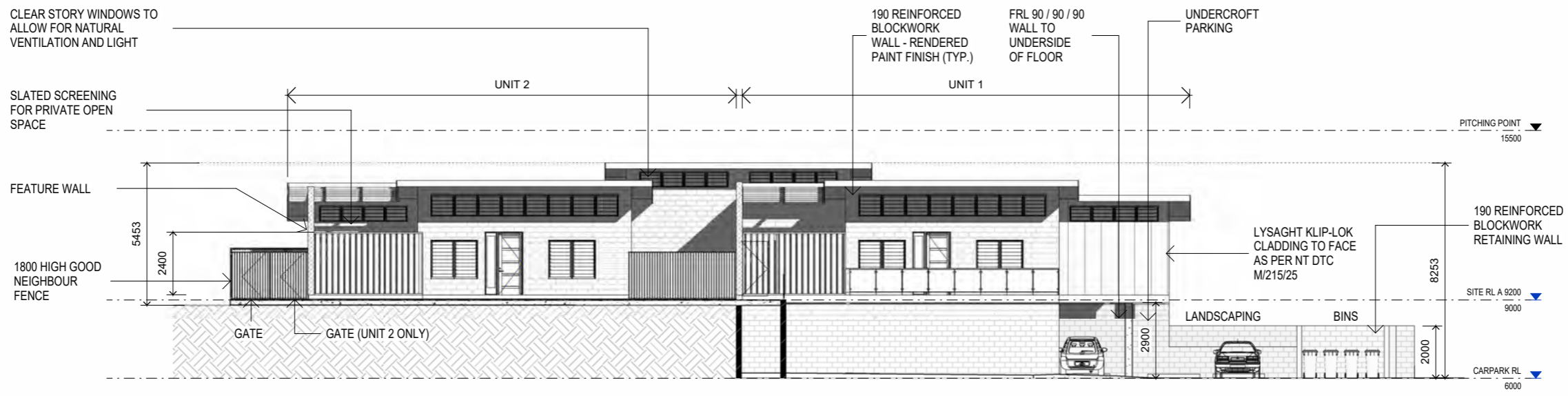
LOT 1222(4) BERRY PLACE, MILLNER, TOWN OF NIGHTCLIFF, 0810

DEVELOPMENT

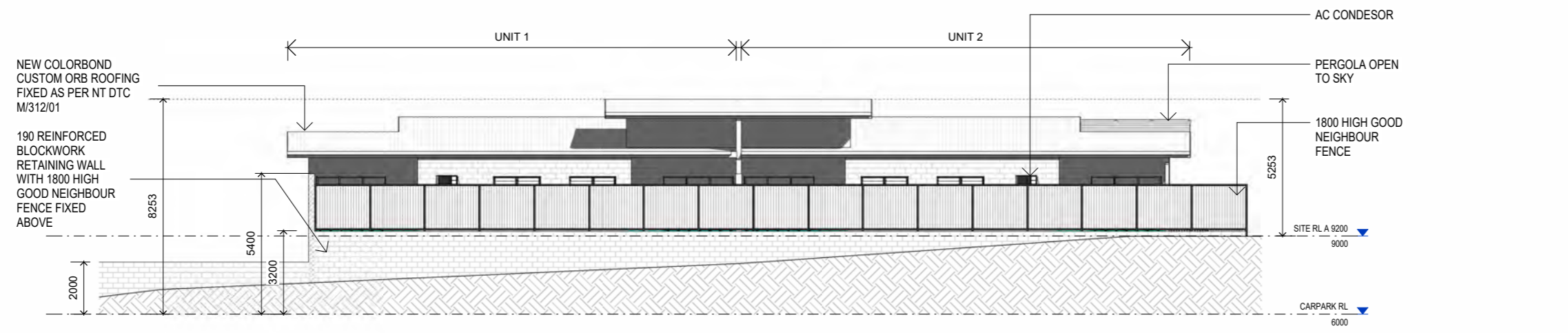
DRAWING TITLE:
UNIT 1 + 2 - PLAN

PROJECT No: 343	DATE: 12/08/2020
A102	DESIGNED: AT + WG
REVISION:	DRAWN: AT
D	SCALE: 1:100 @ A1

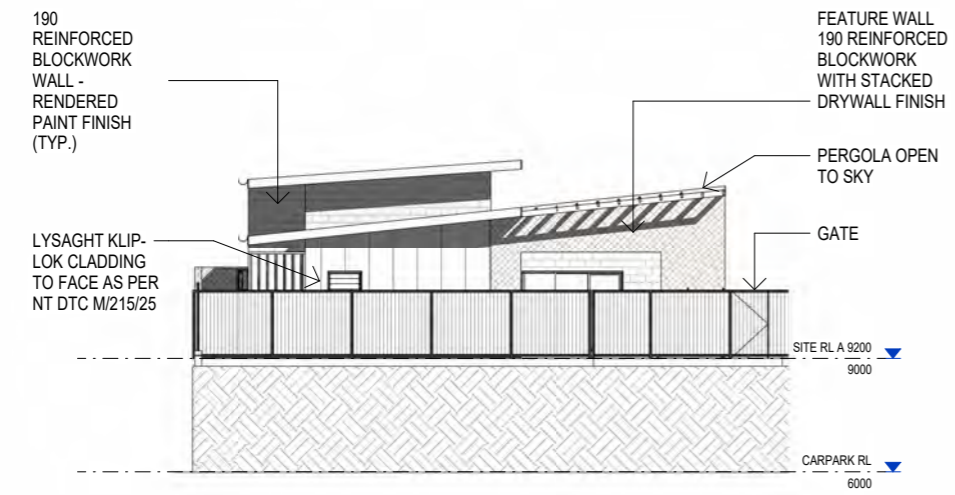
PLANS TO BE PRINTED IN COLOUR



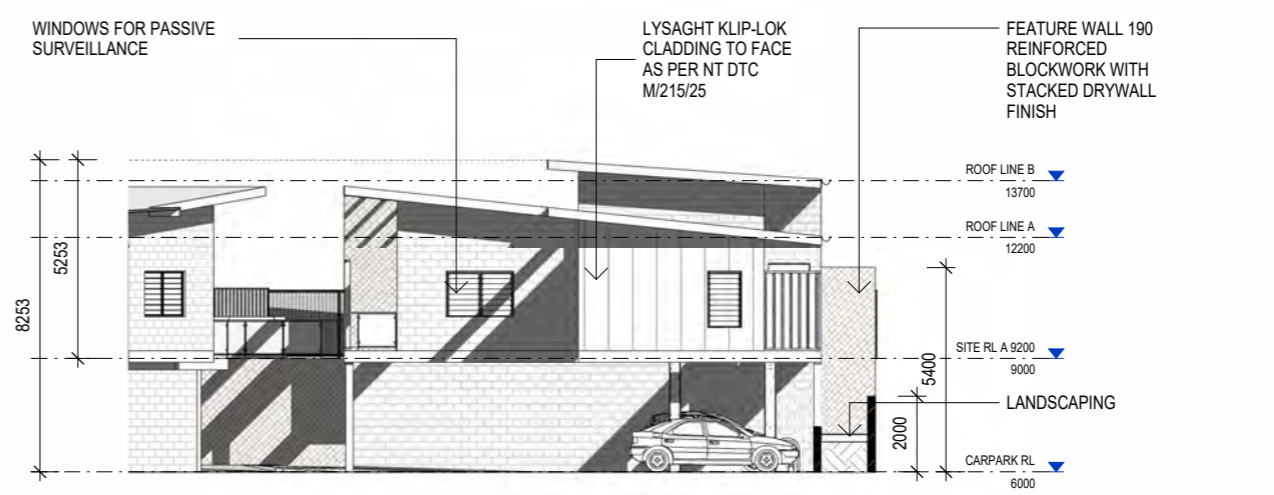
ELEVATION 1
1: 100



ELEVATION 2
1: 100

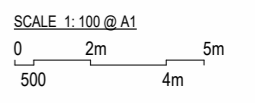


ELEVATION 3
1: 100



ELEVATION 4
1: 100

DIMENSIONS
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO ORDERING MATERIALS OR COMMENCING CONSTRUCTION.



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No.	Description	Date
C	DEVELOPMENT APPLICATION - REVISED	27.10.25
B	DEVELOPMENT APPLICATION - REVISED	25.09.25
A	DEVELOPMENT APPLICATION	31.11.20

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NICK MCKAY
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PROJECT CONSULTANTS
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- STRUCTURAL ENGINEER
- CIVIL ENGINEER
- HYDRAULIC ENGINEER
- MECHANICAL ENGINEER
- ELECTRICAL ENGINEER

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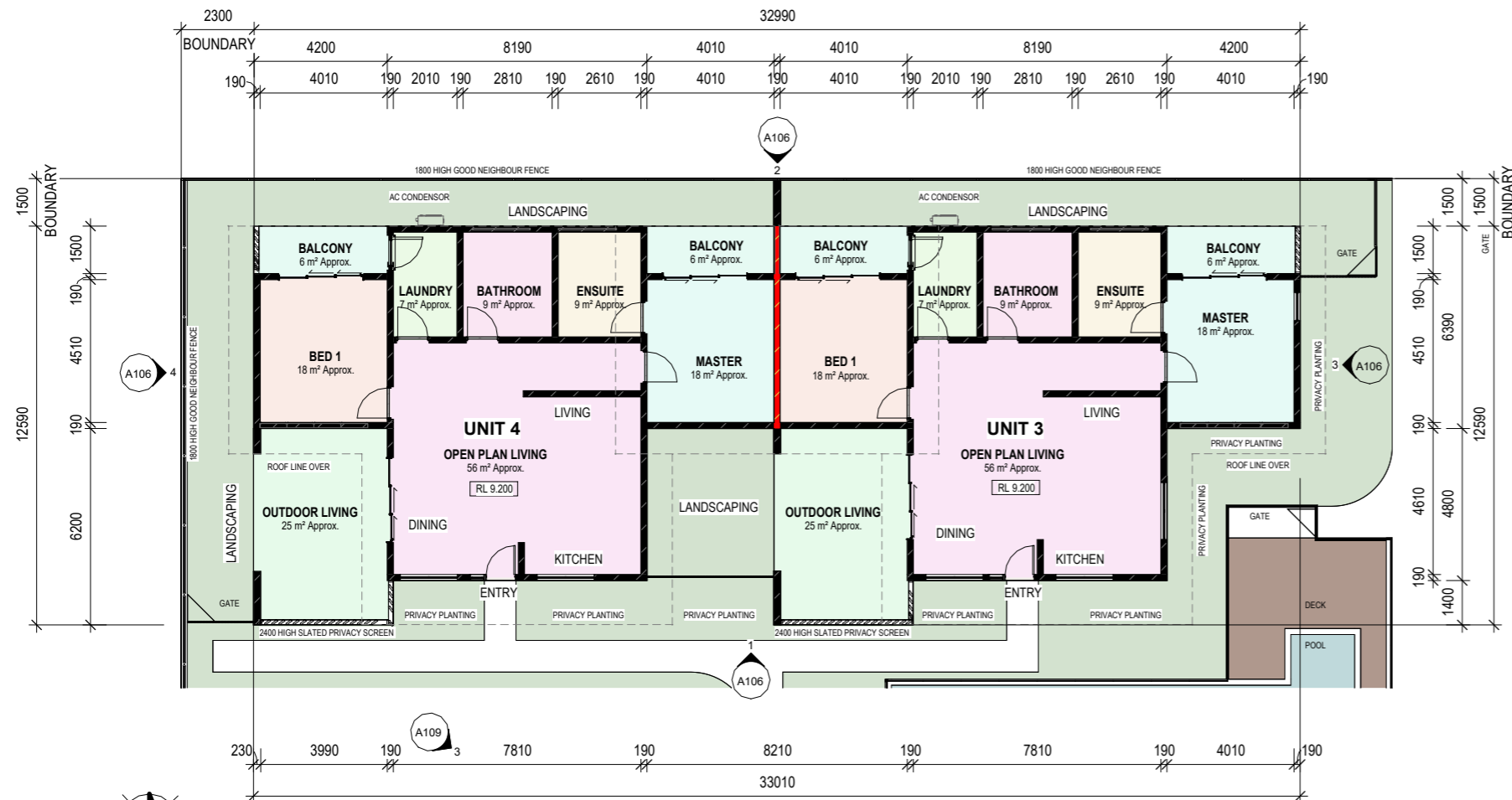
GABBERT DESIGN
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DARWIN NT
Ph. (08) 89423986
Mb. 0439 333 776
wayne@gabbertdesign.com

PROJECT TITLE:
BERRY PLACE - PROPOSED UNITS
LOT 1222(4) BERRY PLACE, MILLNER, TOWN OF NIGHTCLIFF, 0810

DEVELOPMENT
DRAWING TITLE:
UNIT 1 + 2 - ELEVATIONS

PROJECT No: 343	DATE: 12/08/2020
A103	DESIGNED: AT + WG
REVISION: C	DRAWN: AT
	SCALE: 1:100 @ A1

PLANS TO BE PRINTED IN COLOUR



- BALCONY
- BATHROOM
- BED 1
- ENSUITE
- LAUNDRY
- MASTER
- OPEN PLAN LIVING
- OUTDOOR LIVING

ROOM SCHEDULE		
UNIT	ROOM	AREA
UNIT 3	BED 1	18 m ²
UNIT 3	BALCONY	6 m ²
UNIT 3	OUTDOOR LIVING	25 m ²
UNIT 3	OPEN PLAN LIVING	56 m ²
UNIT 3	LAUNDRY	7 m ²
UNIT 3	BATHROOM	9 m ²
UNIT 3	ENSUITE	9 m ²
UNIT 3	MASTER	18 m ²
UNIT 3	BALCONY	6 m ²
UNIT 3	BALCONY	6 m ²
UNIT 4	BED 1	18 m ²
UNIT 4	OUTDOOR LIVING	25 m ²
UNIT 4	OPEN PLAN LIVING	56 m ²
UNIT 4	LAUNDRY	7 m ²
UNIT 4	BATHROOM	9 m ²
UNIT 4	ENSUITE	9 m ²
UNIT 4	MASTER	18 m ²
UNIT 4	BALCONY	6 m ²
Grand total: 18		309 m ²

ROOF NOTES

1. ALL FLASHINGS TO BE NEATLY SCRIBED TO SUIT ROOF PROFILES. FLASHINGS TO BE SCREW FIXED AS PER MANUFACTURERS SPECIFICATIONS
2. BUILDER TO PROVIDE "DEKTITE" FLASHINGS TO ALL PLUMBING AND PENETRATIONS.
3. BUILDER TO PROVIDE ALL ROOF & EXTERNAL FLASHINGS FOR PIPEWORK AND DUCT PENETRATIONS AS REQUIRED BY MECHANICAL TRADES.
4. BUILDER TO REFER TO HYDRAULIC DRAWINGS FOR GUTTER AND DRAINAGE DETAILS.
5. BUILDER TO INSTALL KINGSPAN AIRCELL INSULBREAK INSULATION UNDER ROOF SHEET TO ALL INTERNAL AREAS.
6. BUILDER TO PROVIDE DRY PAN FLASHING TO EXISTING ROOF TO ALL MECHANICAL PENETRATIONS

MINIMUM FLASHING:

BARGE FLASHING 150mm

GUTTERS AND DOWNPIPES:

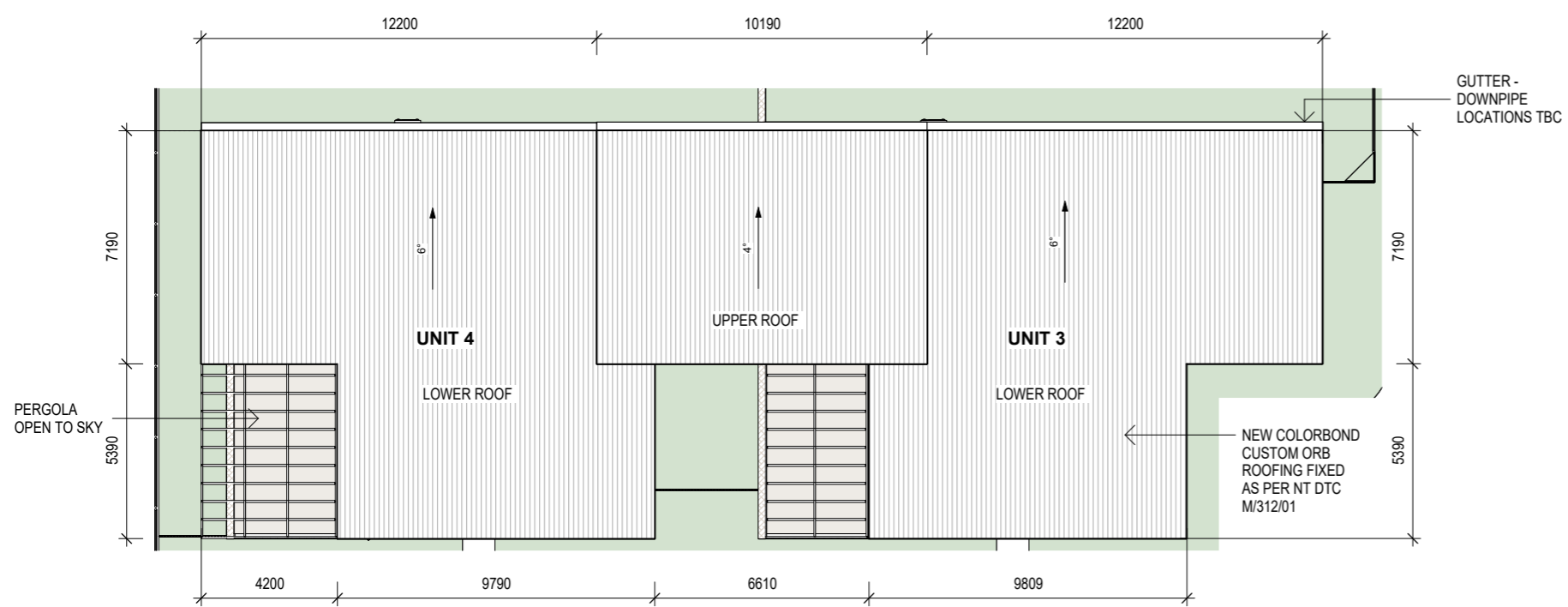
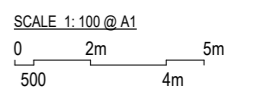
- DP = 150mm DIAMETER STAINLESS STEEL DOWNPIPE. USE STANDARD SS BENDS REDUCERS AND FITTINGS TO STORMWATER SYSTEM.
- G1= 150mm MINIMUM WIDE STAINLESS STEEL EAVES GUTTER. REFER CIVIL DRAWINGS.
- G2= COLORBOND BOX GUTTER TO CIVIL DRAWINGS.
- NOTE - REFER TO CIVIL DRAWINGS FOR FURTHER INFORMATION ON STORMWATER AND DOWNPIPES.

LEGEND:

- DENOTES CUSTOM ORB ROOF SHEETING WITH R2.5 ROOF INSULATION UNDER SCREW FIXED TO NT DTC M312/01 & MANUFACTURER'S SPECIFICATIONS. FINISH: COLORBOND COLOUR: SURFIMIST
- DENOTES DIRECTION & ANGLE OF ROOF PITCH
- DENOTES WALLS UNDER

DIMENSIONS

CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO ORDERING MATERIALS OR COMMENCING CONSTRUCTION.



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No.	Description	Date
D	DEVELOPMENT APPLICATION - REVISED	27.10.25
C	DEVELOPMENT APPLICATION - REVISED	25.09.25
B	DEVELOPMENT APPLICATION	31.11.20
A	CONCEPT 01	12.08.20

NOTES

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NICK MCKAY

BUILDER

PROJECT CONSULTANTS

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- MECHANICAL ENGINEER
- ELECTRICAL ENGINEER



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PROJECT TITLE:
BERRY PLACE - PROPOSED UNITS

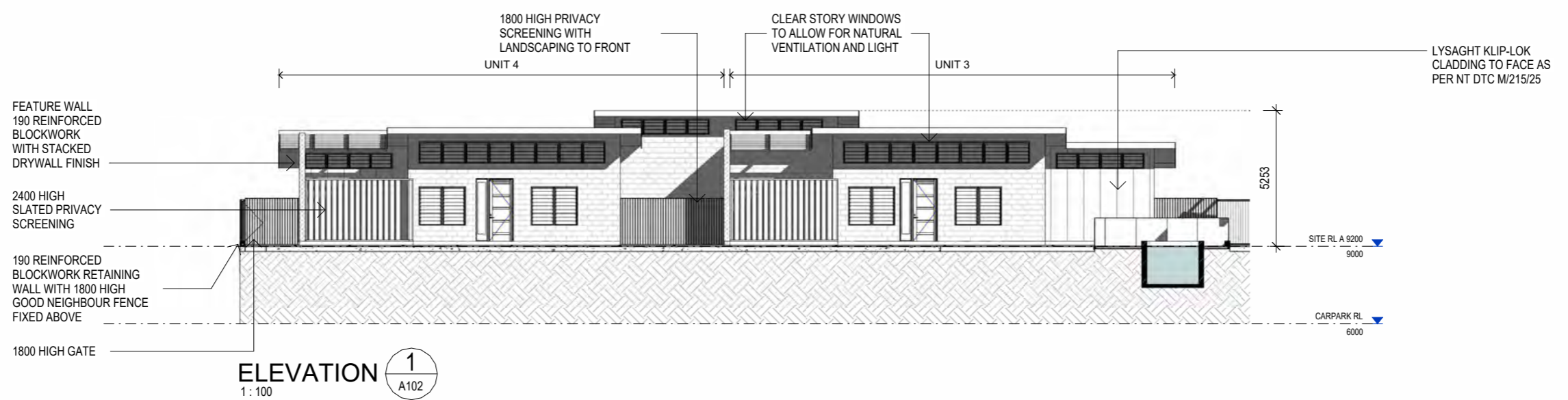
LOT 1222(4) BERRY PLACE, MILLNER, TOWN OF NIGHTCLIFF, 0810

DEVELOPMENT

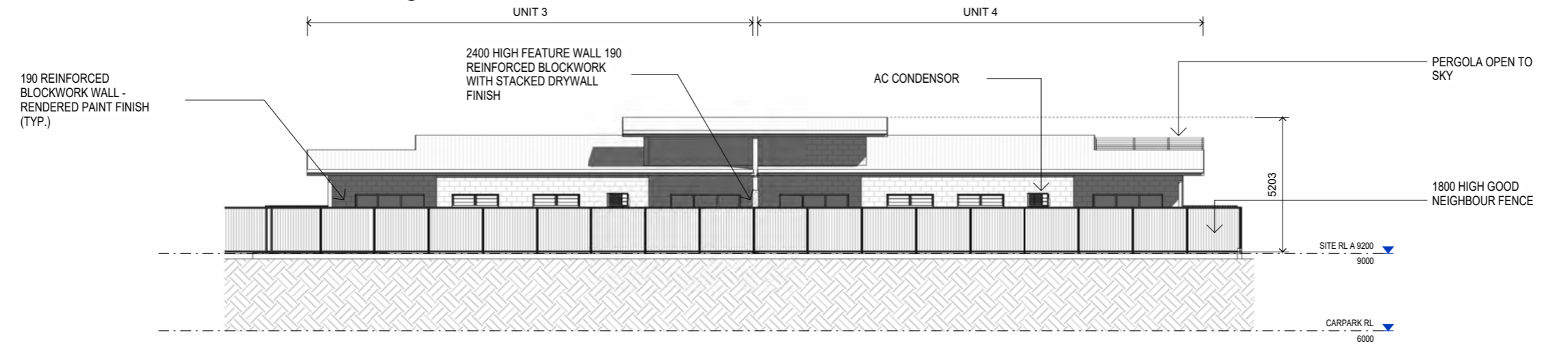
DRAWING TITLE:
UNIT 3 + 4 - PLAN

PROJECT No: 343	DATE: 12/08/2020
A105	DESIGNED: AT + WG
REVISION:	DRAWN: AT
D	SCALE: 1:100 @ A1

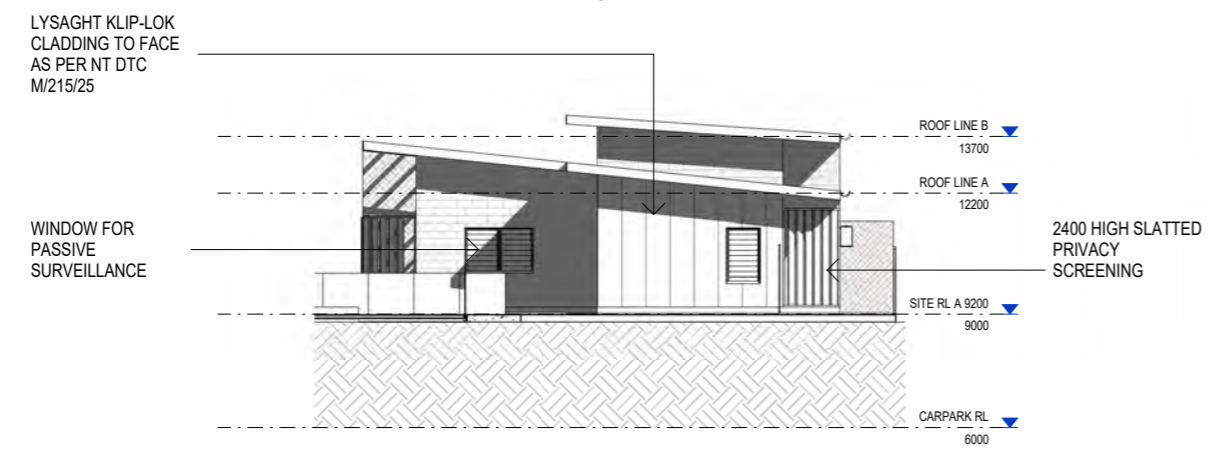
PLANS TO BE PRINTED IN COLOUR



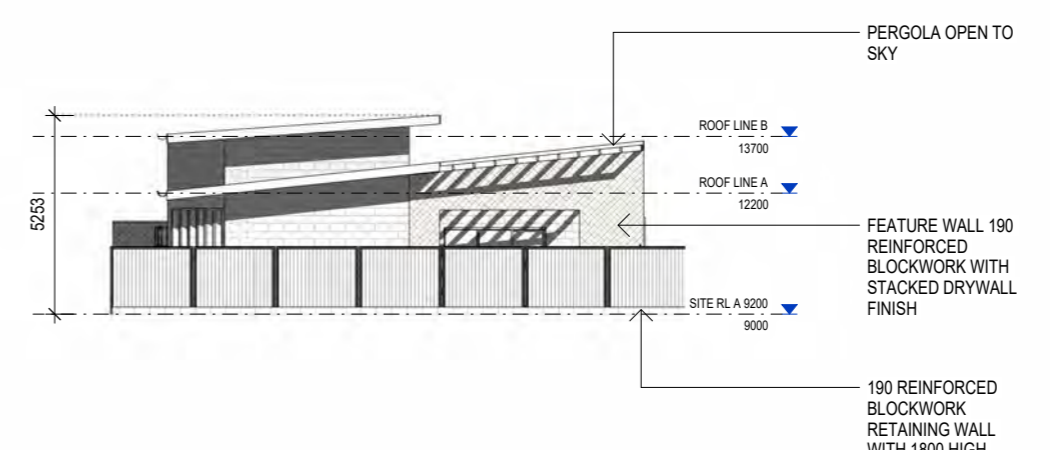
ELEVATION 1
1: 100
A102



ELEVATION 2
1: 100
A102

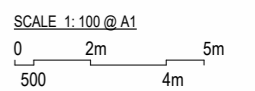


ELEVATION 3
1: 100
A102



ELEVATION 4
1: 100
A105

DIMENSIONS
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO ORDERING MATERIALS OR COMMENCING CONSTRUCTION.



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No.	Description	Date
C	DEVELOPMENT APPLICATION - REVISED	27.10.25
B	DEVELOPMENT APPLICATION - REVISED	25.09.25
A	DEVELOPMENT APPLICATION	31.11.20

REVISIONS

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CLIENT
NICK MCKAY
BUILDER

PROJECT CONSULTANTS
- BUILDING CERTIFIER
- STRUCTURAL ENGINEER
- CIVIL ENGINEER
- HYDRAULIC ENGINEER
- MECHANICAL ENGINEER
- ELECTRICAL ENGINEER



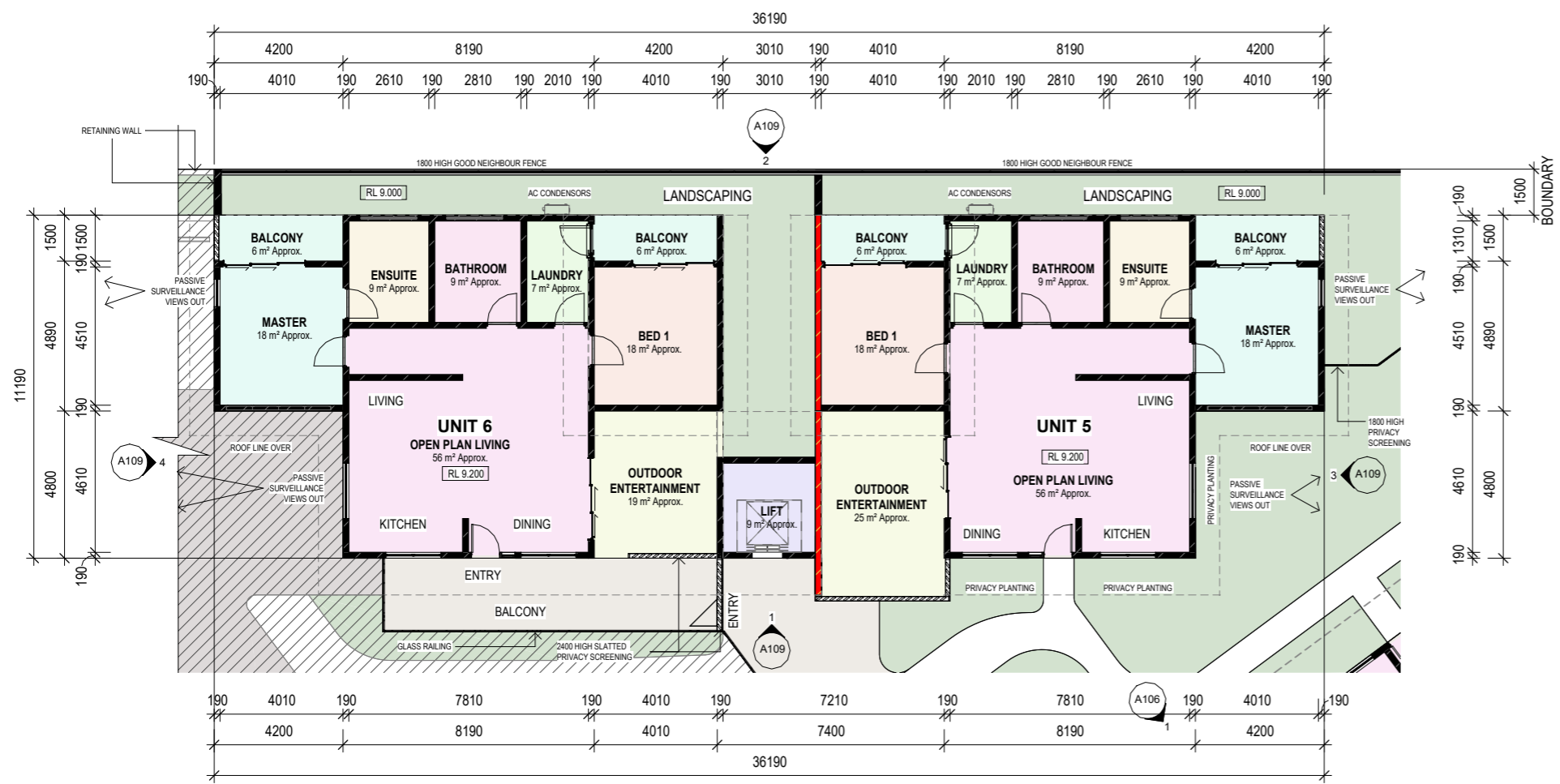
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Mb. 0439 333 776
wayne@gabbertdesign.com

PROJECT TITLE:
BERRY PLACE - PROPOSED UNITS
LOT 1222(4) BERRY PLACE, MILLNER, TOWN OF NIGHTCLIFF, 0810

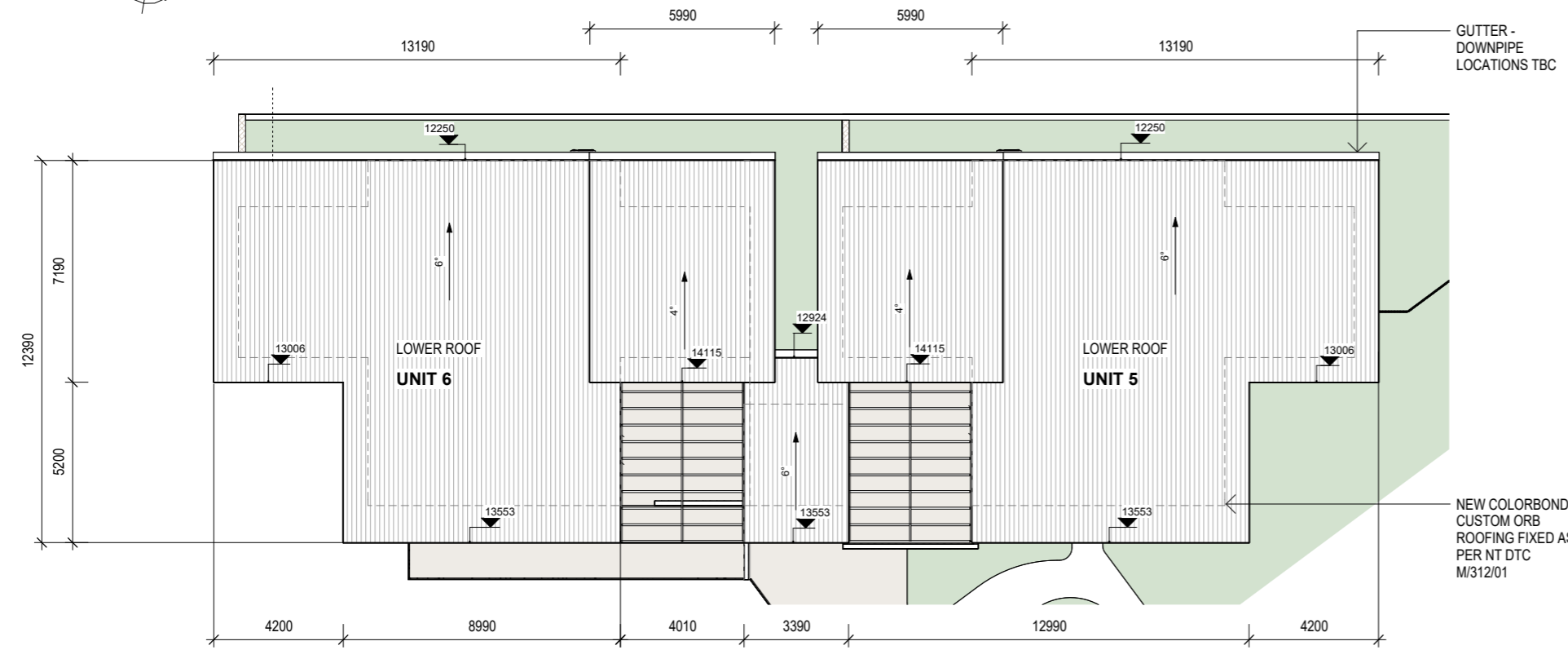
DEVELOPMENT
DRAWING TITLE:
UNIT 3 + 4 - ELEVATIONS

PROJECT No: 343	DATE: 12/08/2020
A106	DESIGNED: AT + WG
REVISION: C	DRAWN: AT
	SCALE: 1:100 @ A1

PLANS TO BE PRINTED IN COLOUR



UNIT 5 + 6 - FLOOR PLAN
1 : 100



UNIT 5 + 6 - ROOF PLAN
1 : 100

- BALCONY
- BATHROOM
- BED 1
- ENSUITE
- LAUNDRY
- LIFT
- MASTER
- OPEN PLAN LIVING
- OUTDOOR ENTERTAINMENT

ROOM SCHEDULE		
UNIT	ROOM	AREA
COMMON	LIFT	9 m ²
UNIT 4	OPEN PLAN LIVING	56 m ²
UNIT 5	OUTDOOR ENTERTAINMENT	25 m ²
UNIT 5	OPEN PLAN LIVING	56 m ²
UNIT 5	BED 1	18 m ²
UNIT 5	LAUNDRY	7 m ²
UNIT 5	BATHROOM	9 m ²
UNIT 5	ENSUITE	9 m ²
UNIT 5	MASTER	18 m ²
UNIT 5	BALCONY	6 m ²
UNIT 5	BALCONY	6 m ²
UNIT 6	OPEN PLAN LIVING	56 m ²
UNIT 6	ENSUITE	9 m ²
UNIT 6	BATHROOM	9 m ²
UNIT 6	LAUNDRY	7 m ²
UNIT 6	MASTER	18 m ²
UNIT 6	BED 1	18 m ²
UNIT 6	BALCONY	6 m ²
UNIT 6	BALCONY	6 m ²
UNIT 6	OUTDOOR ENTERTAINMENT	19 m ²
Grand total: 20		367 m ²

ROOF NOTES

- ALL FLASHINGS TO BE NEATLY SCRIBED TO SUIT ROOF PROFILES. FLASHINGS TO BE SCREW FIXED AS PER MANUFACTURERS SPECIFICATIONS
- BUILDER TO PROVIDE 'DEKTITE' FLASHINGS TO ALL PLUMBING AND PENETRATIONS.
- BUILDER TO PROVIDE ALL ROOF & EXTERNAL FLASHINGS FOR PIPEWORK AND DUCT PENETRATIONS AS REQUIRED BY MECHANICAL TRADES.
- BUILDER TO REFER TO HYDRAULIC DRAWINGS FOR GUTTER AND DRAINAGE DETAILS.
- BUILDER TO INSTALL KINGSPAN AIRCELL INSULBREAK INSULATION UNDER ROOF SHEET TO ALL INTERNAL AREAS.
- BUILDER TO PROVIDE DRY PAN FLASHING TO EXISTING ROOF TO ALL MECHANICAL PENETRATIONS

MINIMUM FLASHING:
BARGE FLASHING 150mm

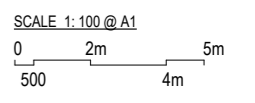
GUTTERS AND DOWNPIPES:
DP = 150mm DIAMETER STAINLESS STEEL DOWNPIPE. USE STANDARD SS BENDS REDUCERS AND FITTINGS TO STORMWATER SYSTEM.
G1= 150mm MINIMUM WIDE STAINLESS STEEL EAVES GUTTER. REFER CIVIL DRAWINGS.
G2= COLORBOND BOX GUTTER TO CIVIL DRAWINGS.

NOTE - REFER TO CIVIL DRAWINGS FOR FURTHER INFORMATION ON STORMWATER AND DOWNPIPES.

LEGEND:

- DENOTES CUSTOM ORB ROOF SHEETING WITH R2.5 ROOF INSULATION UNDER SCREW FIXED TO NT DTC M/312/01 & MANUFACTURER'S SPECIFICATIONS. FINISH: COLORBOND COLOUR: SURFMIST
- DENOTES DIRECTION & ANGLE OF ROOF PITCH
- DENOTES WALLS UNDER

DIMENSIONS
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO ORDERING MATERIALS OR COMMENCING CONSTRUCTION.



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No.	Description	Date
D	DEVELOPMENT APPLICATION - REVISED	27.10.25
C	DEVELOPMENT APPLICATION - REVISED	25.09.25
B	DEVELOPMENT APPLICATION	31.11.20
A	CONCEPT 01	12.08.20

REVISIONS

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PROJECT TITLE:
BERRY PLACE - PROPOSED UNITS

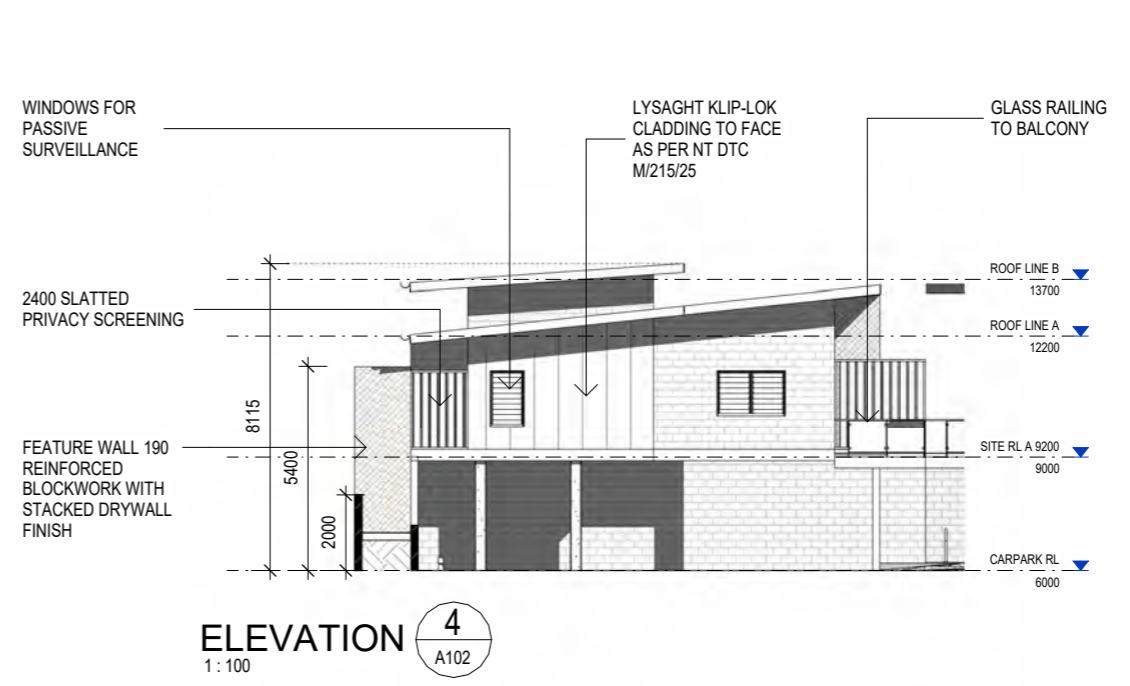
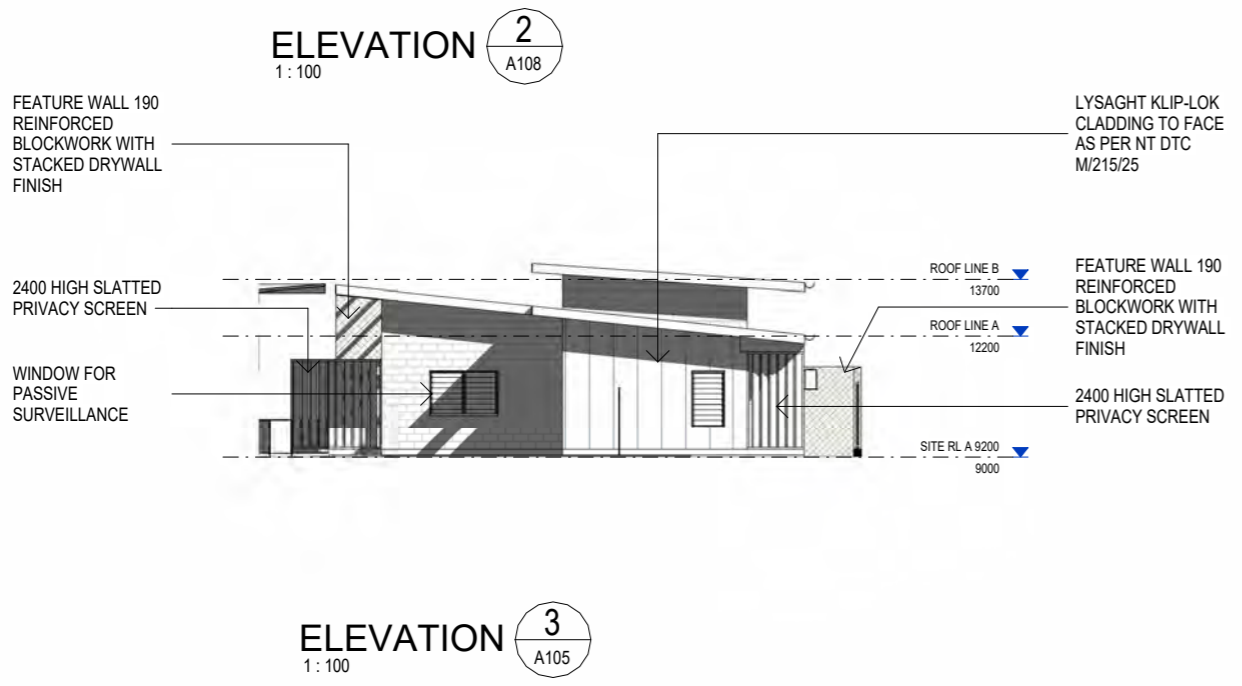
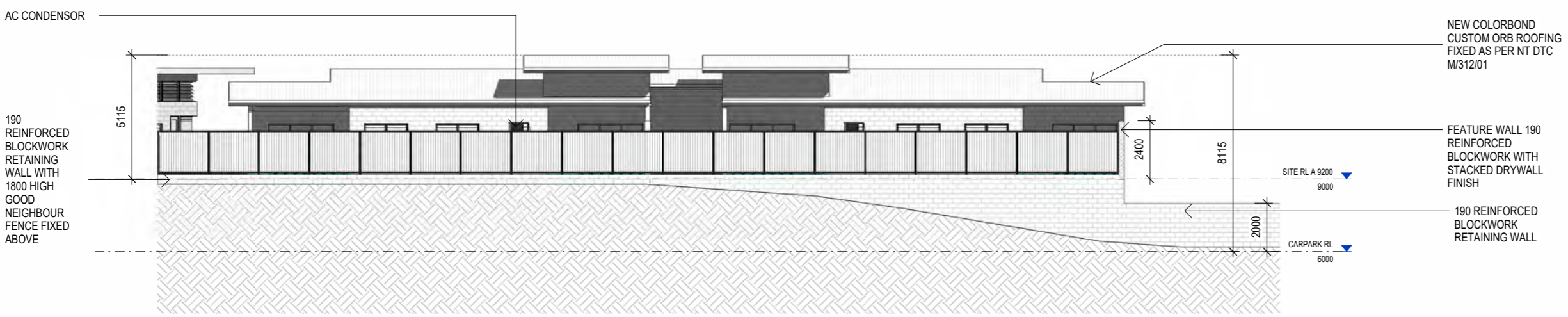
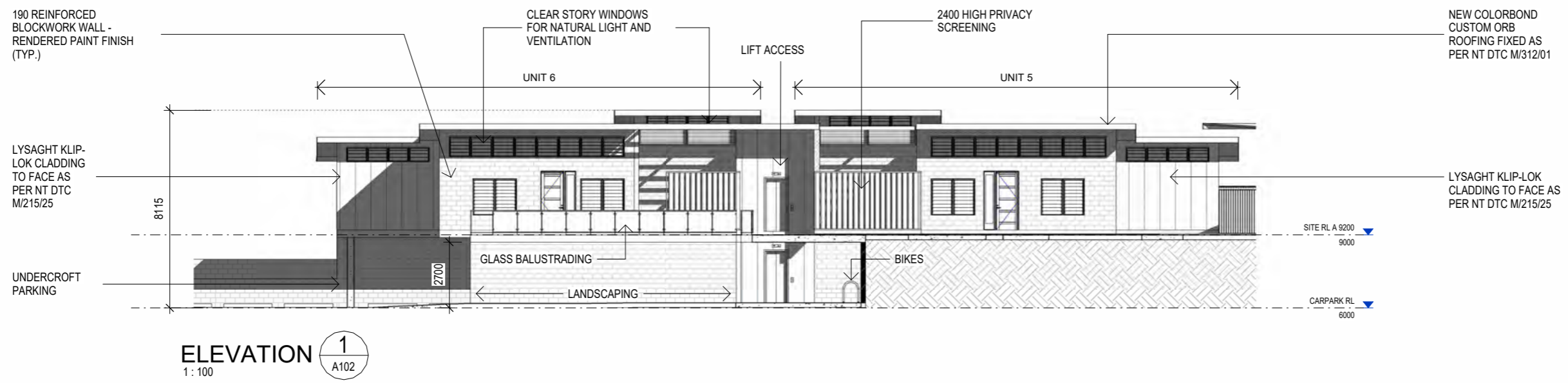
LOT 1222(4) BERRY PLACE, MILLNER, TOWN OF NIGHTCLIFF, 0810

DEVELOPMENT

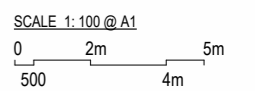
DRAWING TITLE:
UNIT 5 + 6 - PLAN

PROJECT No: 343	DATE: 12/08/2020
A108	DESIGNED: AT + WG
REVISION:	DRAWN: AT
D	SCALE: 1:100 @ A1

PLANS TO BE PRINTED IN COLOUR



DIMENSIONS
CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE PRIOR TO ORDERING MATERIALS OR COMMENCING CONSTRUCTION.



PRINTED: 27/10/2025 3:33:53 PM

No.	Description	Date
C	DEVELOPMENT APPLICATION - REVISED	27.10.25
B	DEVELOPMENT APPLICATION - REVISED	25.09.25
A	DEVELOPMENT APPLICATION	31.11.20

REVISIONS

NOTES
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CLIENT
NICK MCKAY

BUILDER

PROJECT CONSULTANTS

- BUILDING CERTIFIER
- STRUCTURAL ENGINEER
- CIVIL ENGINEER
- HYDRAULIC ENGINEER
- MECHANICAL ENGINEER
- ELECTRICAL ENGINEER



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PROJECT TITLE:
BERRY PLACE - PROPOSED UNITS
LOT 1222(4) BERRY PLACE, MILLNER, TOWN OF NIGHTCLIFF, 0810

DEVELOPMENT

DRAWING TITLE:
UNIT 5 + 6 - ELEVATIONS

PROJECT No: 343	DATE: 12/08/2020
A109	DESIGNED: AT + WG
REVISION: C	DRAWN: AT
	SCALE: 1:100 @ A1

LOT 1222 BERRY PLACE, MILLNER

TOWN OF NIGHTCLIFF 0810

LANDSCAPE WORKS DRAWING SET FOR DA

SHEET LIST

Document Name	Document Number	ISSUE
COVER PAGE	Sk 01	B
LANDSCAPE PLAN	Sk 02	B
PLANTING PALETTE & SCHEDULE - TREES & PALMS	Sk 03	B
PLANTING PALETTE & SCHEDULE - SHRUBS & GROUNDCOVERS	Sk 04	B
INDICATIVE MATERIALS & FINISHES	Sk 05	B



Clouston associates



Client:
Nick McKay

LOT 1222 BERRY PLACE, MILLNER • DARWIN NT

2502782 Sk 01

COVER PAGE

OCT 2025 B



- LEGEND**
- TREE
Refer planting schedule for species.
 - PALM
Refer planting schedule for species.
 - GARDEN BED - LOW PLANTING
Mix of shrubs and ground covers.
Refer planting schedule for species.
 - SCREENING BUFFER PLANTING
Mix of shrubs for screening.
Refer planting schedule for species.
 - GRASS
Play space & picnic area
 - MULCH
To private areas
 - PAVEMENT A
Coloured concrete - Plain
 - PAVEMENT B
Coloured concrete - Rock salt finish
 - PAVEMENT C
Coloured Concrete - Exposed aggregate
 - PAVEMENT D
Crazy paving
 - POOL DECK
Travertine pavers matching coping tiles.
French pattern layout
 - RAISED GARDEN BED
Community Veggie garden
 - BENCH
 - SEATING WALL
 - ROCK BOULDERS
Porcellanite boulders.
 - ROCK STEPPERS
 - BIRD BATH
 - PERIMETER FENCE
1.8M H Good Neighbour fixed on blockwork retaining wall
 - SEPERATION FENCE
1.5M H Aluminium powder coated - White
 - POOL FENCE
1.5M H Glass Fence
- IRRIGATION NOTES:**
1. Fully automatic irrigation system.
 2. Sprinklers to garden bed & screening buffer planting.
 3. Pop ups to lawn.
 4. Bubblers to all trees.
- GENERAL NOTES :**
1. Screening buffer planting is provided to create a visual barrier to adjoining private areas.
 2. Garden beds located along communal areas support passive surveillance and maintain visual permeability.
 3. Mulched areas allow residents the opportunity to plant or establish lawn as desired.
 4. Landscape surfaces and levels to drain to surface drainage pits – refer civil
 5. All pedestrian paths to be free draining with maximum 2.5% crossfall
 6. Sub-soil drainage connected to stormwater system installed to all garden beds that are not otherwise free draining

TREES & PALMS PLANTING SCHEDULE

Overall quantity: Shown on plan

Key	Species	Common Name
AA	ALSTONIA ACTINOPHYLLA	MILKWOOD
BN	BISMARCKIA NOBILIS	BISMARCKIA PALM
CP	CORYMBIA PTYCHOCARPA	SWAMP BLOODWOOD
GP	GREVILLEA PTERIDIFOLIA	GOLDEN GREVILLEA
LM	LEPTOSPERMUM MADIDUM	WEeping TEA TREE
LB	LIVISTONA BENTHAMII	FAN PALM
PP	PELTOPHORUM PTEROCARPUM	YELLOW FLAME TREE
PB	PANDANUS BASEDOWII	SANDSTONE PANDANUS
SA	SYZYGIUM ARMSTRONGII	WHITE BUSH APPLE



Leptospermum madidum



Grevillea pteridifolia



Bismarckia nobilis



Syzygium armstrongii



Corymbia ptychocarpa



Peltophorum pterocarpum



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PLANTING PALETTE & SCHEDULE - TREES & PALMS

OCT 2025 B

GARDEN BED - LOW PLANTING SCHEDULE

Minimum planting density 3 plants/ m2

Key	Species	Common Name
Acr spe	ACROTICHUM SPECIOSUM	MANGROVE FERN
Asp aus	ASPLENIUM AUSTRALASCIIUM / NIDUS	BIRD'S NEST FERN
Ble bra	BLECHUM BRASILIENSE	BRAZILIAN FERN
Dia rev	DIANELLA REVOLUTA	FLAX LILLY
Guz sp.	GUZMANIA SP. Mix (BROMELIAD)	MIXED BROMELIAD SPECIES
Guz gia	GUZMANIA GIANT (BROMELIAD)	BROMELIAD
Hel dwa	HELICONIA DWARF CRAB CLAW	DWARF HELICONIA
Hym spe	HYMENOCALLIS SPECIOSA	SPIDER LILLY
Lir gig	LIRIOPE GIGANTUM 'EVERGREEN GIANT'	LIRIOPE
Lom lon	LOMANDRA LONGIFOLIA VERDAY	LOMANDRA
Mol cap	MOLINERIA CAPITULATA	PALM GRASS
Oph jap	OPHIOPOGON JAPONICUS	MONDO GRASS
Phi sel	PHILODENDRON BIPINNATIFIDUM	PHILODENDRON
Tra spa	TRADESCANTIA SPATHACEA	RHOEO
Zam int	ZAMIA INTEGRIFOLIA 'SARASOTA'	ZAMIA



Syzygium australe



Alocasia macrorrhizos



Liriope gigantum

SCREENING BUFFER PLANTING SCHEDULE

Average planting density 2 plants/ m2

Key	Species	Common Name
Alp pur	ALPINIA PURPURATA	RED GINGER
Alo mac	ALOCASIA MACRORRHIZA	GIANT ELEPHANT EAR
Alp zer	ALPINIA ZERUMBET	GREEN SHELL GINGER
Cal lut	CALATHEA LUTEA	TALL TAMIIL GRASS
Cos woo	COSTUS WOODSONII	RED BUTTON GINGER
Cor fru	CORDYLINER FRUITICOSA 'RUBY'	CORDYLINER
Cor tro	CORDYLINER TROPIC SNOW	TROPIC SNOW
Etl ela	ETLINGERA ELATOIR	RED TOURCH GINGER
Hed cor	HEDYCHIUM CORONARIUM	WHITE GINGER LILLY
Hel hot	HELICONIA HOT RIO NIGHTS	HOT RIO NIGHTS
Mon del	MONSTERA DELICIOSA	SWISS CHEESE PLANT
Mur pan	MURRAYA PANICULATA	MURRAYA
Syz aus	SYZYGIUM AUSTRALE RESILIENCE	LILLY PILLY



Alpinia purpurata



Asplenium australascium



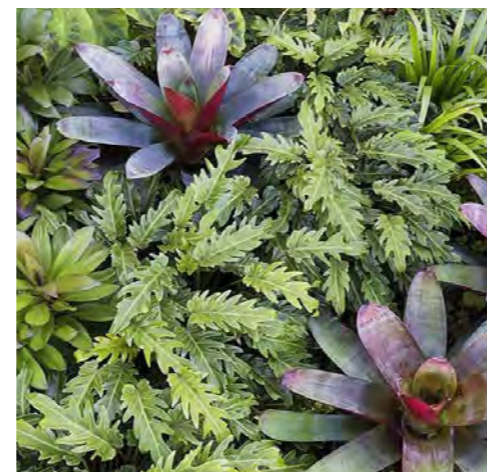
Calathea lutea



Lomandra longifolia



Hedychium coronarium



Guzmania & Philodendron bipinnatifidum



Monstera deliciosa



Cordyline fruiticosa 'ruby'



Calathea lutea



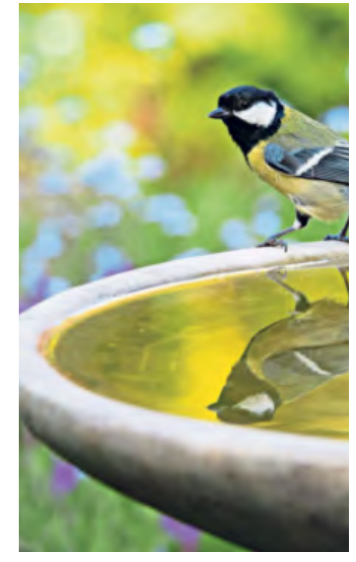
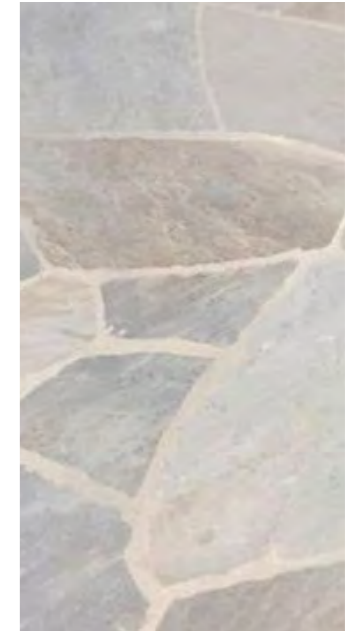
Client:
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2502782 Sk 04

PLANTING PALETTE & SCHEDULE - SHRUBS & GROUNDCOVERS

OCT 2025 B



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2502782 Sk 05

INDICATIVE MATERIALS & FINISHES

OCT 2025 B

SCHEDULE OF PROJECT DRAWINGS

DRAWING No.	TITLE
250924-C01	SCHEDULE OF DRAWINGS, GENERAL NOTES & LOCALITY PLAN
250924-C02	CONSTRUCTION DETAILS
250924-C03	STORM SURGE IMPACT PLAN
250924-C04	FINISHED SURFACES PLAN - CARPARK LEVEL
250924-C05	FINISHED SURFACES PLAN - UNIT LEVEL
250924-C06	WORKS PLAN - CARPARK LEVEL
250924-C07	WORKS PLAN - UNIT LEVEL - SHEET 1 OF 2
250924-C08	WORKS PLAN - UNIT LEVEL - SHEET 2 OF 2
250924-C09	STORMWATER PLAN - CARPARK LEVEL
250924-C10	STORMWATER PLAN - UNIT LEVEL - SHEET 1 OF 2
250924-C11	STORMWATER PLAN - UNIT LEVEL - SHEET 2 OF 2
250924-C12	ROOF DRAINAGE PLAN

SCHEDULE OF STANDARD DRAWINGS

DRAWING No.	TITLE
NORTHERN TERRITORY GOVERNMENT	
SS1006-1	VEHICLE ACCESS - CAT AT TYPICAL DETAILS
SS1009-2	FOOTPATHS, SHARED PATHS & KERB RAMPS - TYPICAL DETAILS
SS3000-2	SUBSOIL DRAINAGE - TYPICAL DETAILS
SS3001-2	STORMWATER PIPES - TYPICAL TRENCH DETAILS
CS3100-1	GENERAL DRAINAGE NOTES AND BASE SLAB EXTENSION & APRON DETAILS
CS3101-1	INSTALLATION, BEDDING & FILLING / BACKFILLING AGAINST / OVER CULVERTS
CS3119-1	MANHOLES AND INLET PITS
CS3300-4	KERB PROFILES

GENERAL NOTES

- ALL UNITS IN METRES U.N.O.
- CONSTRUCT FINISHED SURFACE LEVELS SHOWN. ADOPT UNIFORM SLOPE BETWEEN SPECIFIED LEVELS.
- CONSTRUCT FINISHED SURFACE LEVELS TO ENSURE THAT IT IS FREE DRAINING WITH NO PONDING OF WATER.
- ALL SET OUT IS TO BE REFERENCED FROM THESE CIVIL DRAWINGS.

SURVEY AND SETOUT

- SURVEY UNDERTAKEN BY F.Y.F.E. IN JUNE 2023 REFER DRG. NO. 7972/01-0 FOR DETAILS.
- LEVELS ARE TO A.H.D. COORDINATES ARE TO PLANE LOCAL GRID.
- THE CONTRACTOR IS TO CONFIRM DOCUMENTED LEVELS FOR WORKABILITY WITH EXISTING LEVELS PRIOR TO CONSTRUCTION.

EROSION & SEDIMENT CONTROL

- THE CONTRACTOR SHALL BE WHOLLY RESPONSIBLE FOR PROVIDING ADEQUATE EROSION & SEDIMENT CONTROL AND DUST SUPPRESSION MEASURES DURING THE CONSTRUCTION PHASE AND UNTIL SUCH TIME AS THE SITE IS STABILISED.
- DISCHARGE OF CONTAMINATED STORMWATER OR AIR POLLUTANTS FROM THE SITE IS AN OFFENCE.

CONFORMANCE TESTING

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR UNDERTAKING ADEQUATE PROCESS CONTROL & CONFORMANCE TESTING DURING THE CONSTRUCTION PHASE.
- CONFORMANCE TESTING SHALL BE IN ACCORDANCE WITH DEPARTMENT OF INFRASTRUCTURE, PLANNING & LOGISTICS STANDARD SPECIFICATION FOR ROADWORKS. NOTWITHSTANDING THE REQUIREMENTS OF THIS STANDARD SPECIFICATION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONFORMANCE TESTING, INCLUDING ORDERING & PAYMENT.
- HOLD POINTS AND CONSTRUCTION PHASE INSPECTIONS TO BE PERFORMED BY A REGISTERED ENGINEER & ORDERED & PAID FOR BY CONTRACTOR.

EARTHWORKS

- UNDERTAKE A GEOTECHNICAL INVESTIGATION TO VERIFY GROUND SUBGRADE STRENGTH & CONDITIONS.
- REMOVE & STOCKPILE ALL TOPSOIL INCLUDING ANY ADDITIONAL REMNANT VEGETATION AND ORGANIC MATTER. REUSE TOPSOIL IN ALL DISTURBED AREAS.
- TYNE & RIP SUBGRADE LEVEL TO A DEPTH OF 150mm, MOISTURISE AND COMPACT TO 95% MIN. M.M.D.D.
- PROOF ROLL SUBGRADE WITH MINIMUM OF 3 PASSES WITH 30 TONNE MULTI-TYRED ROLLER OR SIMILAR. REPLACE DEFORMED SUBGRADE.
- REPLACE UNSUITABLE SUBGRADE MATERIAL WITH GRANULAR MATERIAL WITH MIN. CBR 40 IN 200mm LAYERS.
- REINSTATE ALL DISTURBED AREAS WITHIN ROAD RESERVES TO SATISFACTION OF CITY OF DARWIN.

PAVEMENT

- PAVEMENT CONFIGURATION TO BE IN ACCORDANCE WITH DETAILS ON THE CIVIL DRAWINGS
- HOLD POINTS :

PROOF ROLL TESTING TO PREPARED SUBGRADE & GRAVEL BASE LAYERS;
PRE-POUR INSPECTIONS FOR ALL CONCRETE POURS;
ALL INSPECTIONS TO BE PERFORMED BY A REGISTERED ENGINEER.

- GRAVEL MATERIAL SHALL CONFORM TO THE FOLLOWING:

AS SIEVE (mm)	PERCENTAGE PASSING		SPECIFIC PROPERTIES	GRAVEL BASE	SUB-BASE
	GRAVEL BASE	GRAVEL SUBBASE			
75.0	100	-	1. LIQUID LIMIT (LL)	25% MAX.	30% MAX.
37.5	80 - 100	100	2. PLASTICITY INDEX (PI)	1 - 6%	1 - 10%
19.0	50 - 80	70 - 100	3. LINEAR SHRINKAGE (LS)	0 - 3%	0 - 6%
13.2			4. PI x % PASSING 0.425mm SIEVE	180 MAX.	400 MAX.
9.5	35 - 65	50 - 80	5. CALIFORNIA BEARING RATIO (CBR)	80 MIN.	30 MIN.
4.75	25 - 50	35 - 65	4 DAY SOAKED AT 2.5mm PENETRATION AT A RELATIVE DENSITY OF	100% MMDD	98% MMDD
2.36	15 - 40	25 - 50	6. DUST (SIEVE) RATIO (0.075/0.425 x 100)	50 MAX.	60 MAX.
0.425	7 - 20	10 - 30	7. LOS ANGELES ABRASION (LAA) LOSS		
0.075	3 - 13	4 - 16	COURSE GRAINED ROCK		
			FINE GRAINED ROCK		

CONCRETE WORKS

- ALL CONCRETE CONSTRUCTION SHALL COMPLY WITH AS3600 & AS2870.
- THE MIN. LAP LENGTH WHERE MESH HAS BEEN SPLICED SHALL BE ONE FULL MESH PANEL + 25mm.
- CONTRACTION JOINTS AT 2m MAX. SPACINGS ON DRIVEWAYS & AS SHOWN ON THE DRGS FOR CARPARK AREAS. REFER DETAIL ON DRG. C02.
- DOWELLED JOINTS AT 6m MAX. SPACINGS ON DRIVEWAYS & AS SHOWN ON THE DRGS FOR CARPARK AREAS. REFER DETAIL ON DRG. C02.
- CONCRETE SHALL BE N32 U.N.O.
- CONCRETE PAVEMENTS SHALL BE BROOM FINISHED.
- CURE CONCRETE WITH WATER FOR A MIN. 7 DAYS POST POURING.
- ALL KERBING SHALL BE IN ACCORDANCE WITH N.T.G. STD. DRG. CS-3300.

STORMWATER DRAINAGE

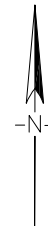
- STORMWATER CONCRETE PIPES SHALL BE R.C.P. CLASS 2 AND INTERNAL uPVC PIPES CLASS SN4 U.N.O.
- STORMWATER PIPEWORK TO BE LAID AT 1 : 100 MINIMUM GRADE UNLESS STATED OTHERWISE.
- USE PROPRIETARY BENDS, JUNCTIONS, REDUCERS & OTHER PIPE FITTINGS. USE 45° BENDS OR JUNCTIONS UNLESS OTHERWISE SPECIFIED.
- CONSTRUCT ALL STORMWATER STRUCTURES IN ACCORDANCE WITH THE STANDARD DRAWINGS STATED.
- USE THE FOLLOWING FLOOR WASTE UNITS UNLESS APPROVED OTHERWISE:
FW100 : M.A. GRIFFITH MAG-MIFAB BS-1100-R 1000 FLOOR WASTE WITH 650 DISCHARGE PIPE WITHIN SLAB.
- BALCONY DRAINAGE AS DETAILED ON DRG. C02.

TRAFFIC CONTROL & LINEMARKING

- ALL CARPARK LINEMARKING SHALL BE WHITE ROAD PAINT 100mm WIDE WITH GLASS BEADS
- DELINEATE DISABLED PARKING AND DEDICATED BAYS AS DETAILED ON DRG. C02.
- INSTALL BOLLARDS AS DETAILED ON DRG. C02.



LOCALITY PLAN
N.T.S.



AMENDMENTS

No.	DESCRIPTION	DATE	INITIAL
A	ISSUED FOR DA SUBMISSION	11-10-25	S.S.
B	ISSUED FOR DA SUBMISSION	28-10-25	S.S.

WARNING

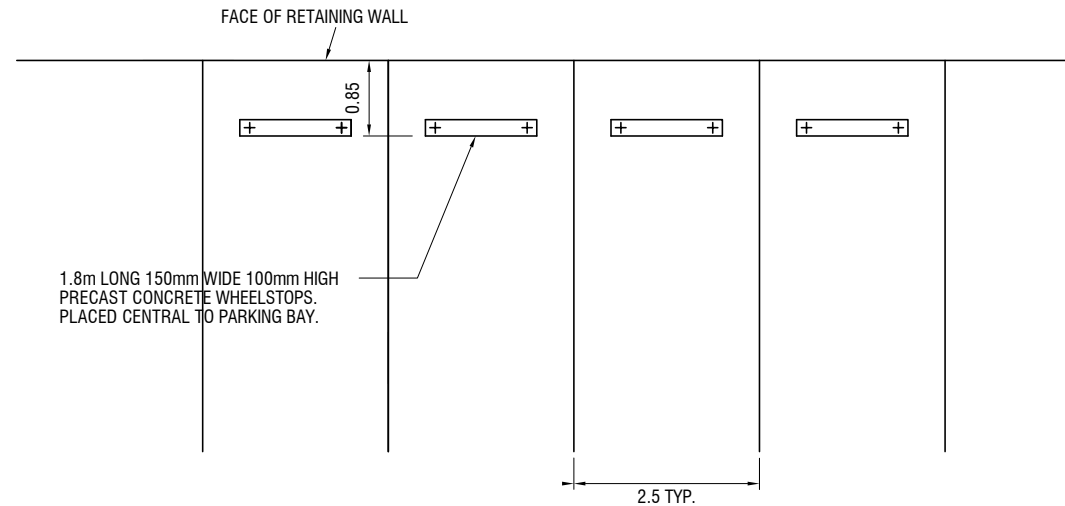
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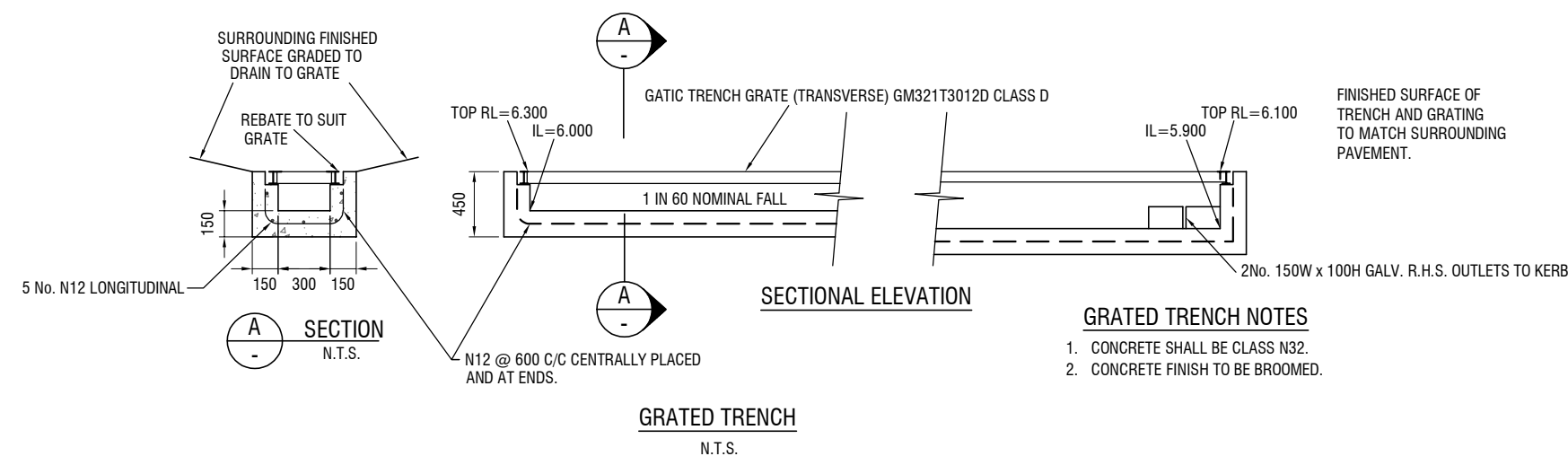
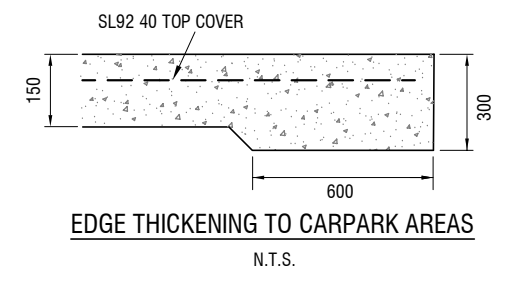
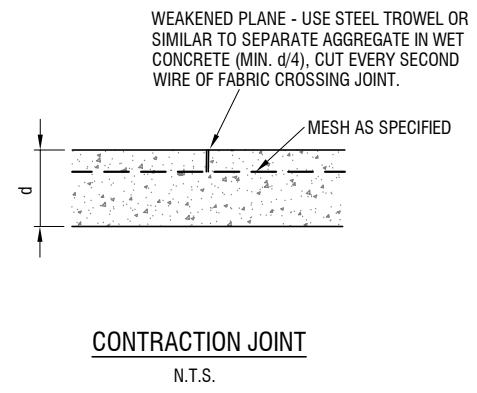
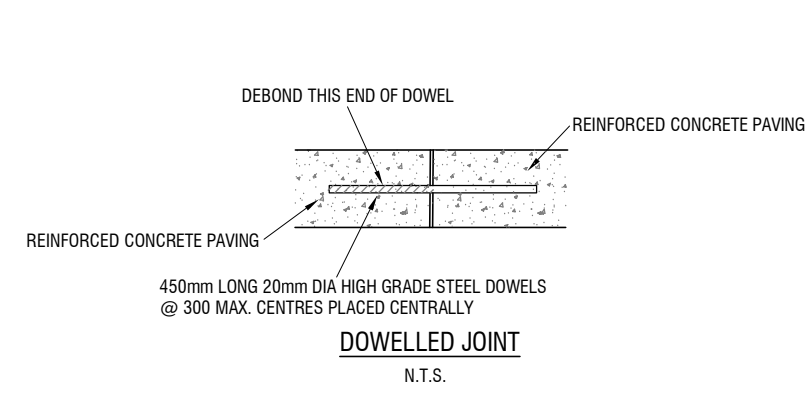
MDP ENGINEERS PTY LTD
Email: mdp@mdpengineers.com
Web: mdpengineers.com

DRAWN B.T.	DESIGNED S.S.
SCALE AS SHOWN	CHECKED M.D.
APPROVED	DATE 28-10-25
	SHEET 1 OF 12

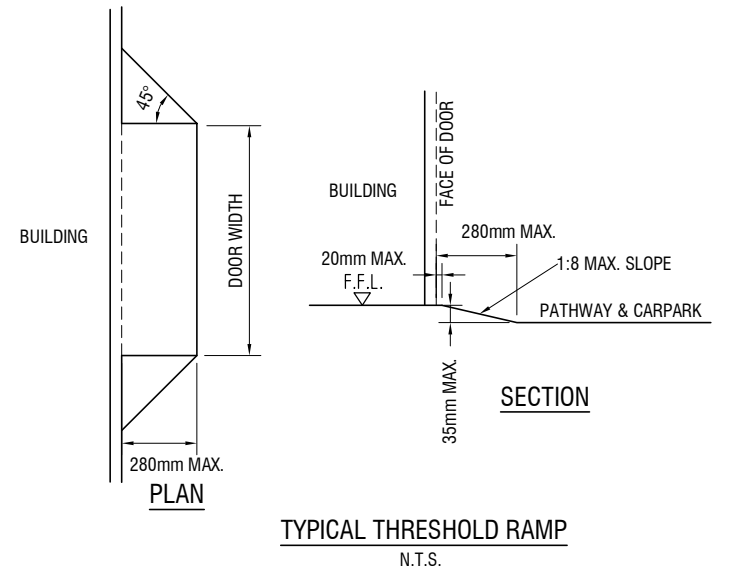
LOT 1222 (4) BERRY PLACE
MILLNER, N.T.
CIVIL WORKS
SCHEDULE OF DRAWINGS, NOTES & LOCALITY PLAN



PARKING BAY DETAILS
N.T.S. REFER TO ARCHITECTURAL DRGS FOR CARPARK BAY SETOUT & DIMENSIONS



GRATED TRENCH NOTES
1. CONCRETE SHALL BE CLASS N32.
2. CONCRETE FINISH TO BE BROOMED.



AMENDMENTS			
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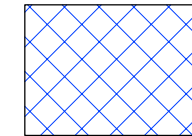
MDP ENGINEERS PTY LTD
Email: mdp@mdpengineers.com
Web: mdpengineers.com

DRAWN B.T.	DESIGNED S.S.
SCALE AS SHOWN	CHECKED M.D.
APPROVED	DATE 28-10-25
	SHEET 2 OF 12

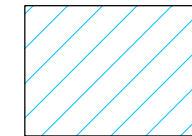
LOT 1222 (4) BERRY PLACE
MILLNER, N.T.
CIVIL WORKS
CONSTRUCTION DETAILS
SHEET SIZE A1 DRAWING No. 250924-C02 AMENDMENT B



LEGEND



PRIMARY STORM SURGE ZONE
1 : 100 YEAR ANNUAL RECURRENCE INTERVAL



SECONDARY STORM SURGE ZONE
1 : 1000 YEAR ANNUAL RECURRENCE INTERVAL

NOTES

1. PLAN BASED ON N.T.G. 'DARWIN STORM SURGE INUNDATION FOR 2100' SEPTEMBER 2020.
2. EMERGENCY VEHICLE ACCESS TO DEVELOPMENT SITE UNDER PRIMARY STORM SURGE IS VIA McMILLANS ROAD TO PEARCE PLACE.
3. PERPETUAL PEDESTRIAN ACCESS IS VIA PEARCE PLACE.
4. NO FORESEEN INUNDATION TO HABITABLE FLOOR AREAS UNDER PRIMARY OR SECONDARY STORM SURGE.
5. NO FORESEEN ADVERSE (GREATER THAN 100mm DEPTH) INUNDATION TO CARPARK AREAS UNDER PRIMARY OR SECONDARY STORM SURGE.

STORM SURGE IMPACT PLAN
N.T.S.

AMENDMENTS

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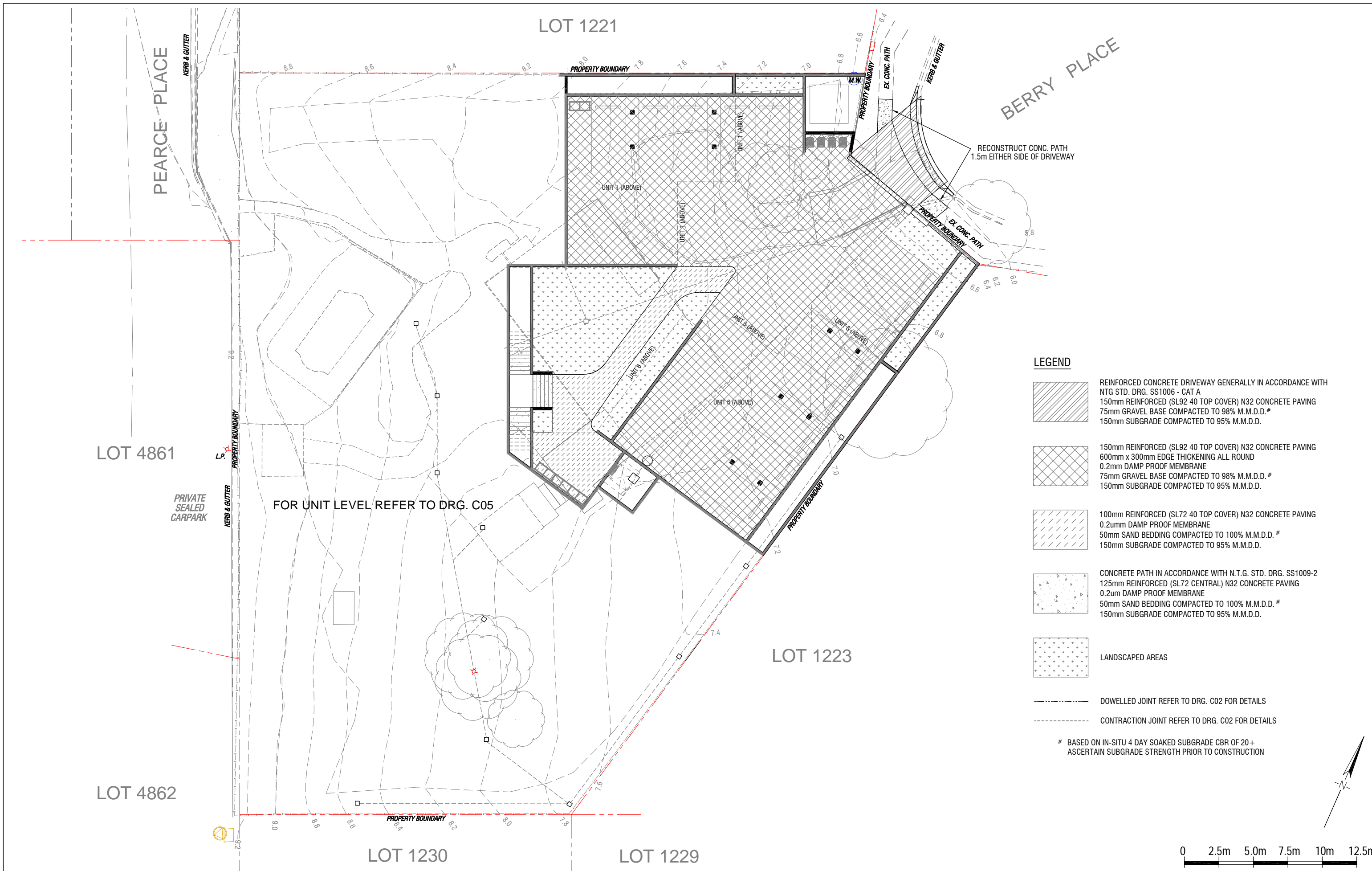
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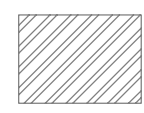
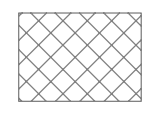
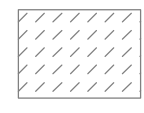
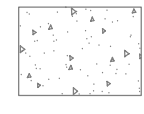
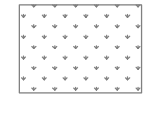
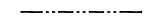
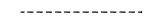


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APPROVED	DATE 28-10-25
	SHEET 3 OF 12

LOT 1222 (4) BERRY PLACE
MILLNER, N.T.
CIVIL WORKS
STORM SURGE IMPACT PLAN



- LEGEND**
-  REINFORCED CONCRETE DRIVEWAY GENERALLY IN ACCORDANCE WITH NTG STD. DRG. SS1006 - CAT A
150mm REINFORCED (SL92 40 TOP COVER) N32 CONCRETE PAVING
75mm GRAVEL BASE COMPACTED TO 98% M.M.D.D. #
150mm SUBGRADE COMPACTED TO 95% M.M.D.D.
 -  150mm REINFORCED (SL92 40 TOP COVER) N32 CONCRETE PAVING
600mm x 300mm EDGE THICKENING ALL ROUND
0.2mm DAMP PROOF MEMBRANE
75mm GRAVEL BASE COMPACTED TO 98% M.M.D.D. #
150mm SUBGRADE COMPACTED TO 95% M.M.D.D.
 -  100mm REINFORCED (SL72 40 TOP COVER) N32 CONCRETE PAVING
0.2mm DAMP PROOF MEMBRANE
50mm SAND BEDDING COMPACTED TO 100% M.M.D.D. #
150mm SUBGRADE COMPACTED TO 95% M.M.D.D.
 -  CONCRETE PATH IN ACCORDANCE WITH N.T.G. STD. DRG. SS1009-2
125mm REINFORCED (SL72 CENTRAL) N32 CONCRETE PAVING
0.2mm DAMP PROOF MEMBRANE
50mm SAND BEDDING COMPACTED TO 100% M.M.D.D. #
150mm SUBGRADE COMPACTED TO 95% M.M.D.D.
 -  LANDSCAPED AREAS
 -  DOWELLED JOINT REFER TO DRG. C02 FOR DETAILS
 -  CONTRACTION JOINT REFER TO DRG. C02 FOR DETAILS
- # BASED ON IN-SITU 4 DAY SOAKED SUBGRADE CBR OF 20+ ASCERTAIN SUBGRADE STRENGTH PRIOR TO CONSTRUCTION

AMENDMENTS			
No.	DESCRIPTION	DATE	INITIAL
A	ISSUED FOR DA SUBMISSION	11-10-25	S.S.
B	ISSUED FOR DA SUBMISSION	28-10-25	S.S.

WARNING

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APPROVED	DATE 28-10-25
	SHEET 4 OF 12

LOT 1222 (4) BERRY PLACE
 MILLNER, N.T.
 CIVIL WORKS
 FINISHED SURFACES PLAN - CARPARK LEVEL

SHEET SIZE A1 DRAWING No. 250924-C04 AMENDMENT B



AMENDMENTS

No.	DESCRIPTION	DATE	INITIAL
A	ISSUED FOR DA SUBMISSION	11-10-25	S.S.
B	ISSUED FOR DA SUBMISSION	28-10-25	S.S.

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APPROVED

DATE 28-10-25

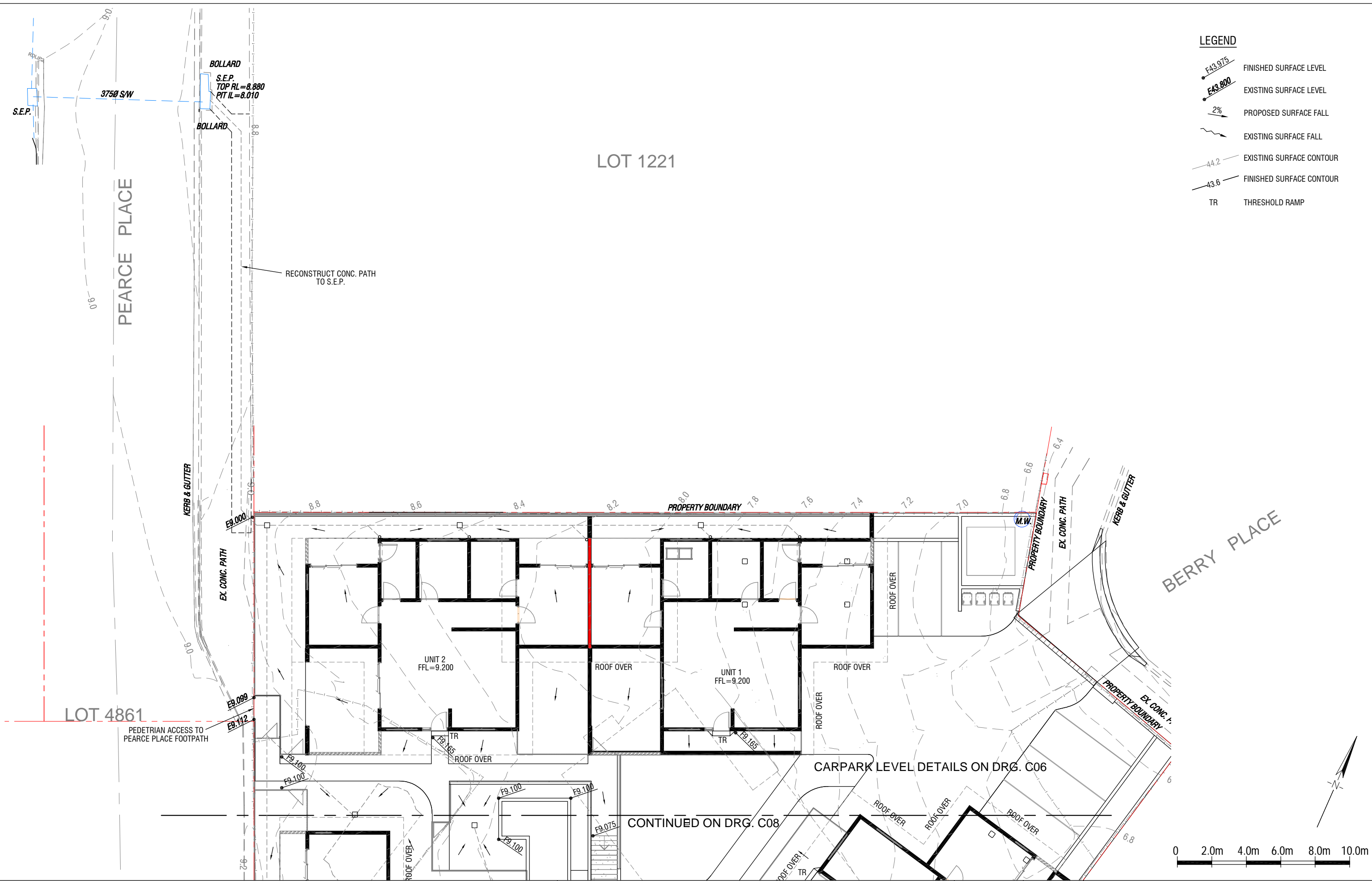
SHEET 5 OF 12

LOT 1222 (4) BERRY PLACE
MILLNER, N.T.
CIVIL WORKS
FINISHED SURFACES PLAN - UNIT LEVEL

SHEET SIZE A1 DRAWING No. 250924-C05 AMENDMENT B

LEGEND

- F43.975 FINISHED SURFACE LEVEL
- E43.800 EXISTING SURFACE LEVEL
- 2% PROPOSED SURFACE FALL
- EXISTING SURFACE FALL
- 44.2 EXISTING SURFACE CONTOUR
- 43.6 FINISHED SURFACE CONTOUR
- TR THRESHOLD RAMP



LOT 4861

PEDETRIAN ACCESS TO PEARCE PLACE FOOTPATH

CARPARK LEVEL DETAILS ON DRG. C06

CONTINUED ON DRG. C08

AMENDMENTS

No.	DESCRIPTION	DATE	INITIAL
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B	ISSUED FOR DA SUBMISSION	28-10-25	S.S.

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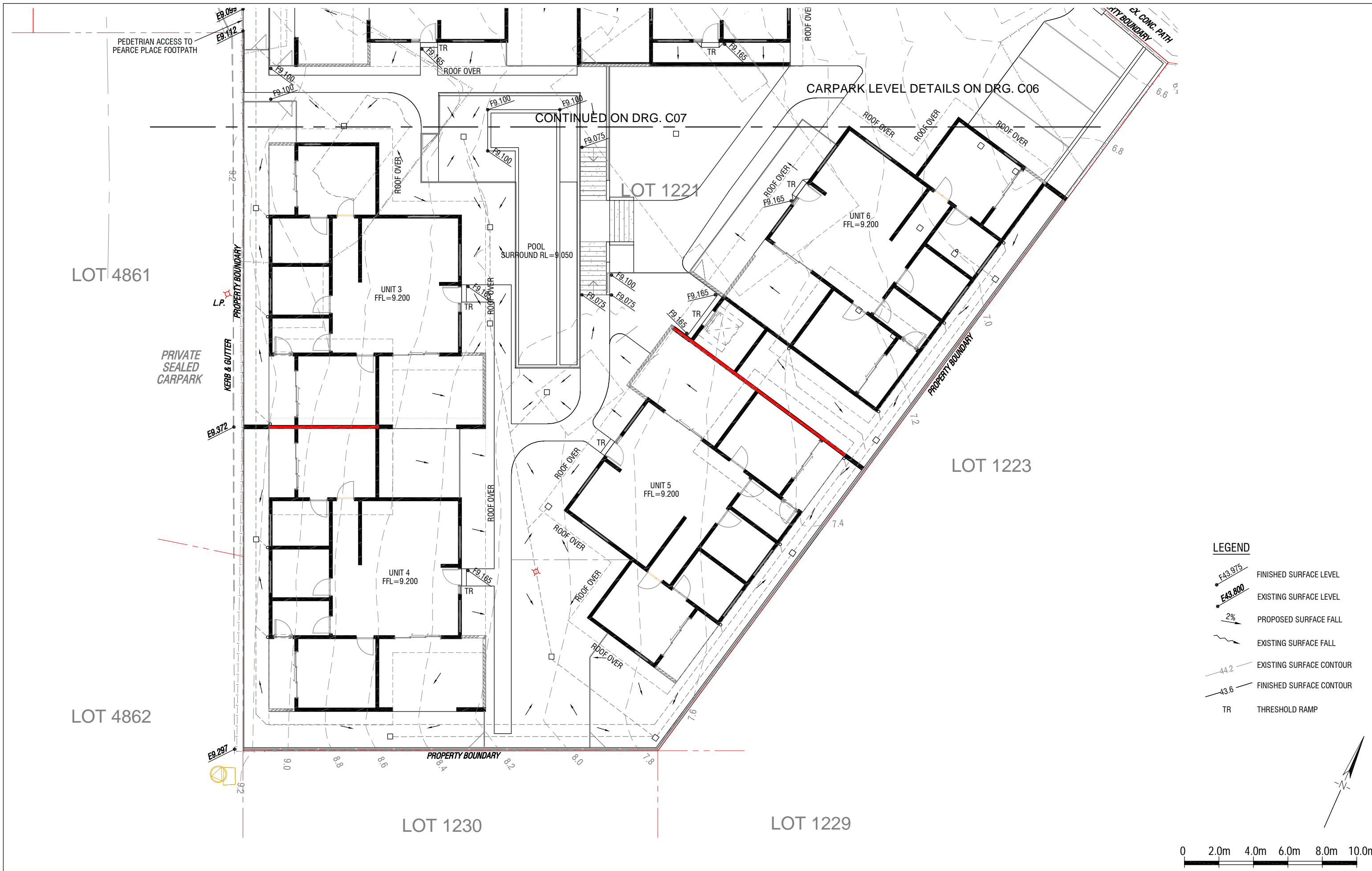


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APPROVED	DATE 28-10-25
	SHEET 7 OF 12

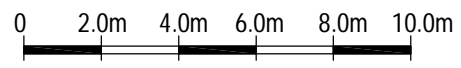
LOT 1222 (4) BERRY PLACE
 MILLNER, N.T.
 CIVIL WORKS
 WORKS PLAN - UNIT LEVEL - SHEET 1 OF 2

SHEET SIZE A1 DRAWING No. 250924-C07 AMENDMENT B



LEGEND

	FINISHED SURFACE LEVEL
	EXISTING SURFACE LEVEL
	PROPOSED SURFACE FALL
	EXISTING SURFACE FALL
	EXISTING SURFACE CONTOUR
	FINISHED SURFACE CONTOUR
	THRESHOLD RAMP



AMENDMENTS			
No.	DESCRIPTION	DATE	INITIAL
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B	ISSUED FOR DA SUBMISSION	28-10-25	S.S.

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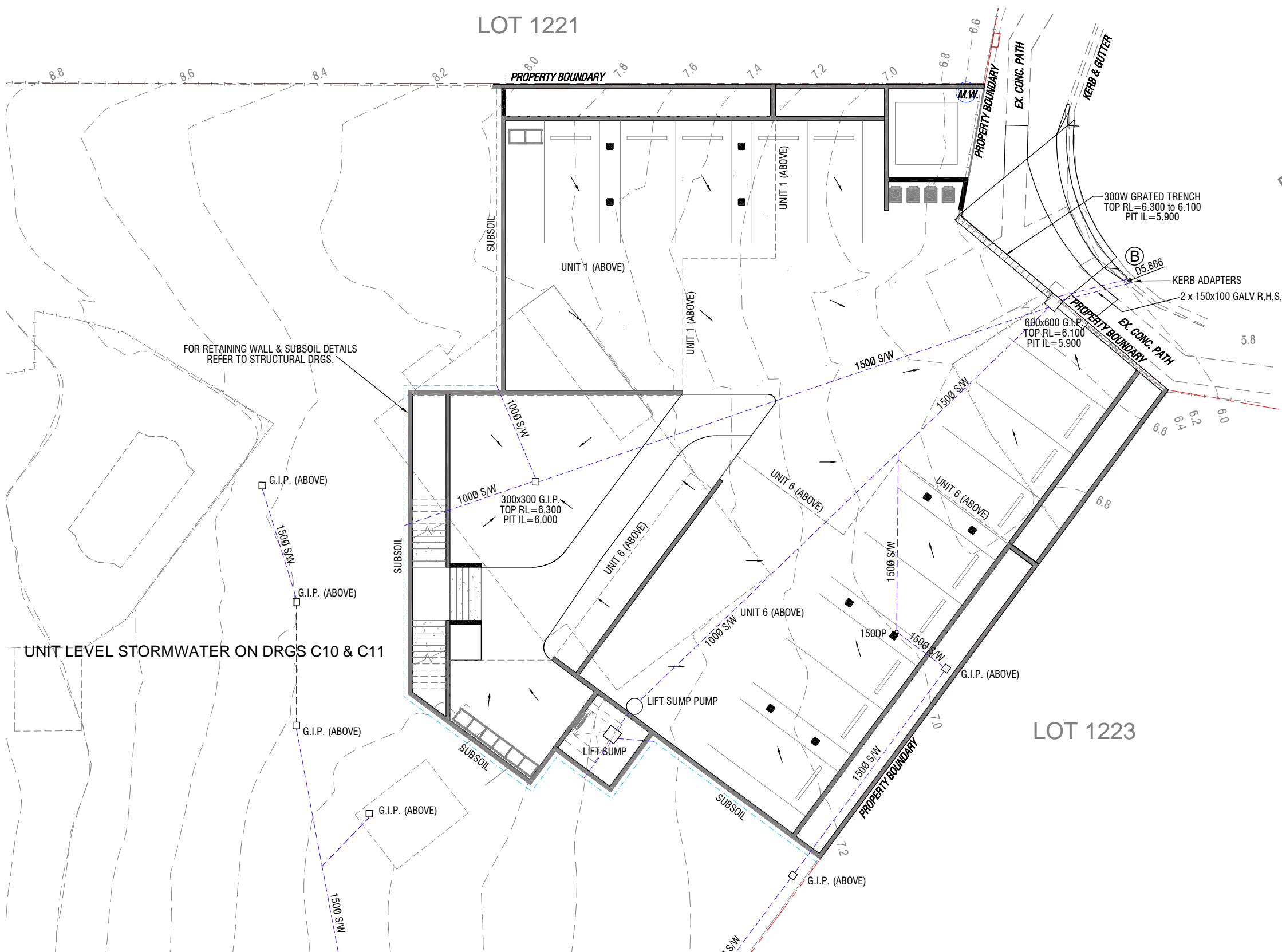
DRAWN B.T.	DESIGNED S.S.
SCALE AS SHOWN	CHECKED M.D.
APPROVED	DATE 28-10-25
	SHEET 8 OF 12

LOT 1222 (4) BERRY PLACE
 MILLNER, N.T.
 CIVIL WORKS
 WORKS PLAN - UNIT LEVEL - SHEET 2 OF 2

SHEET SIZE A1 DRAWING No. 250924-C08 AMENDMENT B

LOT 1221

BERRY PLACE



UNIT LEVEL STORMWATER ON DRGS C10 & C11

- LEGEND**
- PROPOSED SURFACE FALL
 - EXISTING SURFACE FALL
 - PROPOSED U/G STORMWATER PIPE
 - PROPOSED SUBSOIL DRAIN
 - PROPOSED DOWNPIPE (DIA IN mm)
 - STORMWATER DRAINAGE NODE

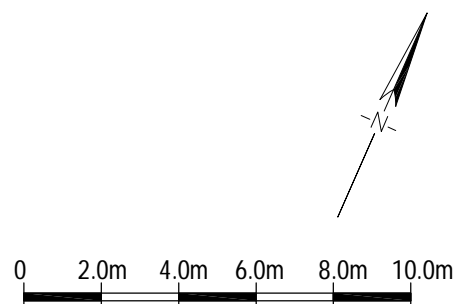
STORMWATER FLOWS
CALCULATED STORMWATER FLOWS TO DRAINAGE NODES (OUTLETS) FOR SPECIFIED CATCHMENT AREAS.

NODE	PRE-DEVELOPMENT			POST-DEVELOPMENT			DESCRIPTION
	AREA m2	Q2 l/s	Q10 l/s	AREA m2	Q2 l/s	Q10 l/s	
A	0	0	0	1238	37	57	ROOF & SURFACE RUNOFF TO S.E.P. IN PEARCE PLACE
B	2200	55	90	962	29	44	SURFACE RUNOFF TO BERRY PLACE KERB

DESIGNED & TO BE CONSTRUCTED IN ACCORDANCE WITH AS3500.3.

ABOVE FLOW CALCULATIONS BASED ON:

	PRE-DEVELOPMENT	POST-DEVELOPMENT
TIME OF CONCENTRATION 't _c '	15 MINUTES	12 MINUTES
RUNOFF FACTOR 'C ₂ '	0.80	0.90
RUNOFF FACTOR 'C ₁₀ '	0.95	1.00
RAINFALL INTENSITY 'I ₂ '	113 mm/hr	120 mm/hr
RAINFALL INTENSITY 'I ₁₀ '	155 mm/hr	165 mm/hr



AMENDMENTS

No.	DESCRIPTION	DATE	INITIAL
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B	ISSUED FOR DA SUBMISSION	28-10-25	S.S.

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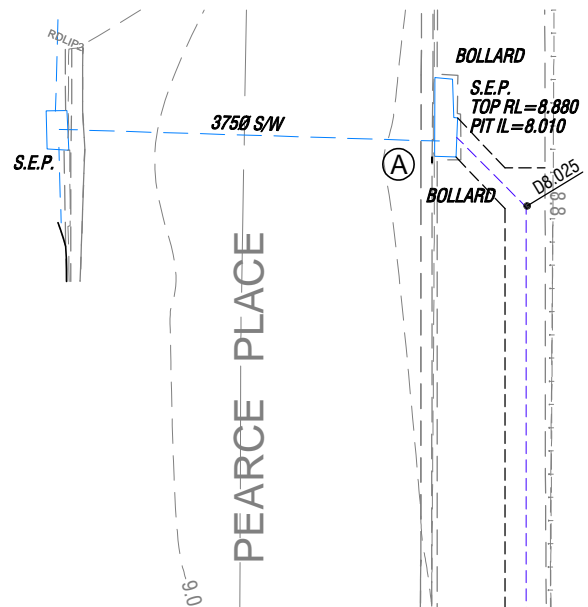


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APPROVED	DATE 28-10-25
	SHEET 9 OF 12

LOT 1222 (4) BERRY PLACE
MILLNER, N.T.
CIVIL WORKS
STORMWATER PLAN - CARPARK LEVEL

SHEET SIZE A1 DRAWING No. 250924-C09 AMENDMENT B



LEGEND

- PROPOSED SURFACE FALL
- EXISTING SURFACE FALL
- PROPOSED U/G STORMWATER PIPE
- PROPOSED SUBSOIL DRAIN
- PROPOSED DOWNPIPE (DIA IN mm)
- STORMWATER DRAINAGE NODE

STORMWATER FLOWS

CALCULATED STORMWATER FLOWS TO DRAINAGE NODES (OUTLETS) FOR SPECIFIED CATCHMENT AREAS.

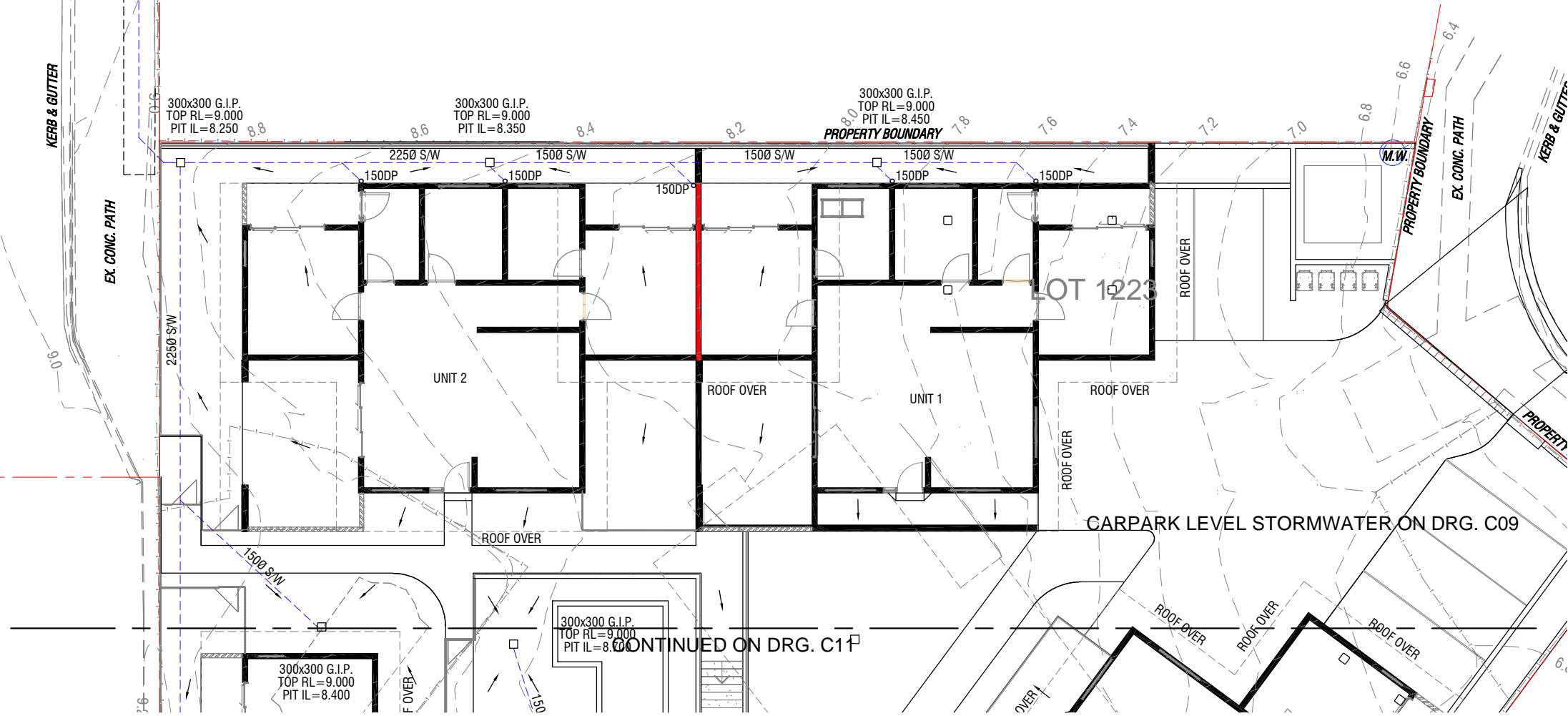
NODE	PRE-DEVELOPMENT			POST-DEVELOPMENT			DESCRIPTION
	AREA m2	Q2 l/s	Q10 l/s	AREA m2	Q2 l/s	Q10 l/s	
A	0	0	0	1238	37	57	ROOF & SURFACE RUNOFF TO S.E.P. IN PEARCE PLACE
B	2200	55	90	962	29	44	SURFACE RUNOFF TO BERRY PLACE KERB

DESIGNED & TO BE CONSTRUCTED IN ACCORDANCE WITH AS3500.3.

ABOVE FLOW CALCULATIONS BASED ON :

	PRE-DEVELOPMENT	POST-DEVELOPMENT
TIME OF CONCENTRATION 'tc'	15 MINUTES	12 MINUTES
RUNOFF FACTOR 'C ₂ '	0.80	0.90
RUNOFF FACTOR 'C ₁₀ '	0.95	1.00
RAINFALL INTENSITY 'I ₂ '	113 mm/hr	120 mm/hr
RAINFALL INTENSITY 'I ₁₀ '	155 mm/hr	165 mm/hr

LOT 1221



LOT 4861

BERRY PLACE

AMENDMENTS

No.	DESCRIPTION	DATE	INITIAL
A	ISSUED FOR DA SUBMISSION	11-10-25	S.S.
B	ISSUED FOR DA SUBMISSION	28-10-25	S.S.

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APPROVED	DATE 28-10-25
	SHEET 10 OF 12

LOT 1222 (4) BERRY PLACE
 MILLNER, N.T.
 CIVIL WORKS
STORMWATER PLAN - UNIT LEVEL - SHEET 1 OF 2
 SHEET SIZE A1 DRAWING No. 250924-C10 AMENDMENT B

LOT 4861

LOT 4862

CONTINUED ON DRG. C10

LOT 1221







CARPARK LEVEL STORMWATER ON DRG. C09

LOT 1223

LOT 1229

LOT 1230

LEGEND

-  PROPOSED SURFACE FALL
-  EXISTING SURFACE FALL
-  PROPOSED U/G STORMWATER PIPE
-  PROPOSED SUBSOIL DRAIN
-  PROPOSED DOWNPIPE (DIA IN mm)
-  STORMWATER DRAINAGE NODE

STORMWATER FLOWS

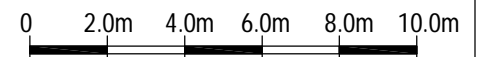
CALCULATED STORMWATER FLOWS TO DRAINAGE NODES (OUTLETS) FOR SPECIFIED CATCHMENT AREAS.

NODE	PRE-DEVELOPMENT			POST-DEVELOPMENT			DESCRIPTION
	AREA m2	Q2 l/s	Q10 l/s	AREA m2	Q2 l/s	Q10 l/s	
A	0	0	0	1238	37	57	ROOF & SURFACE RUNOFF TO S.E.P. IN PEARCE PLACE
B	2200	55	90	962	29	44	SURFACE RUNOFF TO BERRY PLACE KERB

DESIGNED & TO BE CONSTRUCTED IN ACCORDANCE WITH AS3500.3.

ABOVE FLOW CALCULATIONS BASED ON:

	PRE-DEVELOPMENT	POST-DEVELOPMENT
TIME OF CONCENTRATION 't _c '	15 MINUTES	12 MINUTES
RUNOFF FACTOR 'C ₂ '	0.80	0.90
RUNOFF FACTOR 'C ₁₀ '	0.95	1.00
RAINFALL INTENSITY 'I ₂ '	113 mm/hr	120 mm/hr
RAINFALL INTENSITY 'I ₁₀ '	155 mm/hr	165 mm/hr



AMENDMENTS

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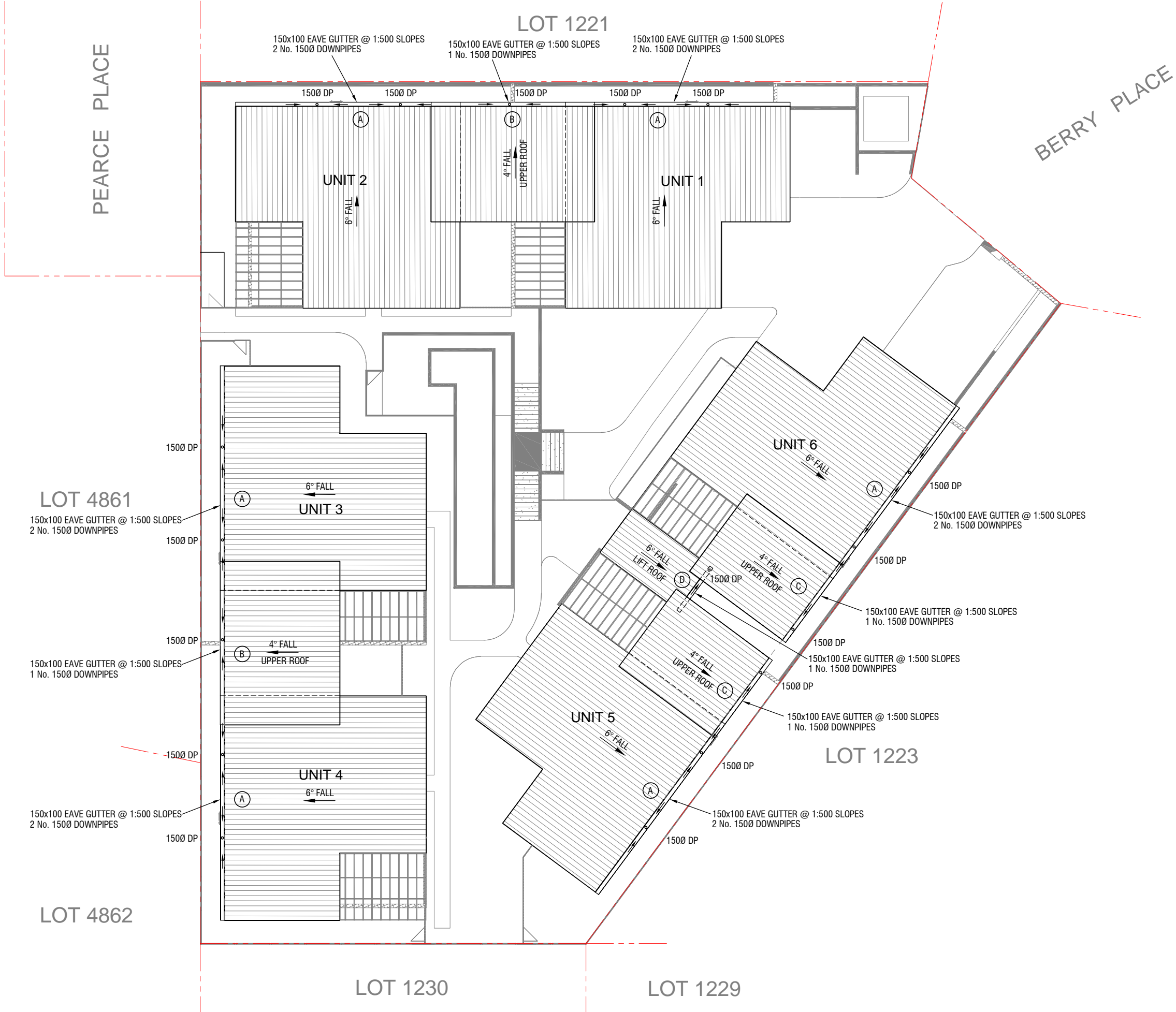
APPROVED

DATE 28-10-25

LOT 1222 (4) BERRY PLACE
 MILLNER, N.T.
 CIVIL WORKS
STORMWATER PLAN - UNIT LEVEL - SHEET 2 OF 2

SHEET 11 OF 12

SHEET SIZE A1 DRAWING No. 250924-C11 AMENDMENT B



ROOF DRAINAGE NOTES

1. FOR ALL DOWNPIPE DEFLECTIONS USE 45° BENDS.
2. FOR DOWNPIPE CONNECTIONS TO THE U/G STORMWATER SYSTEM USE 45° BENDS.

BASIS OF ROOF DRAINAGE CALCULATIONS

RAINFALL I₂₀ = 234mm/hr (t_c=5min) FOR EAVE GUTTERS

MAIN ROOF DRAINAGE CALCULATIONS

NODE	SLOPED AREA	GUTTER TYPE	DOWNPIPES	Q ₁₀₀ FLOW / DP
A	162 m ²	EAVE 150 x 100	2 x 150Ø	5.27 l/s
B	76 m ²	EAVE 150 x 100	1 x 150Ø	4.94 l/s
C	44 m ²	EAVE 150 x 100	1 x 150Ø	2.86 l/s
D	20 m ²	EAVE 150 x 100	1 x 150Ø	1.30 l/s

EAVE GUTTER SLOPE = 1:500
 EAVE GUTTER X-SECT AREA = 15,000mm² MIN.
 ADOPTED EAVE GUTTER = 150W x 100D
 ROOF STORMWATER IN ACCORDANCE WITH AS3500.3

LEGEND

- PROPOSED ROOF FALL
- PROPOSED STORMWATER PIPE
- PROPOSED DOWNPIPE & SIZE
- ROOF DRAINAGE NODE

AMENDMENTS			
No.	DESCRIPTION	DATE	INITIAL
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	SHEET 12 OF 12

LOT 1222 (4) BERRY PLACE
 MILLNER, N.T.
 CIVIL WORKS
ROOF DRAINAGE PLAN

SHEET SIZE A1 DRAWING No. 250924-C12 AMENDMENT B

Development Consent Authority

Department of Infrastructure, Planning and Logistics
GPO Box 1680
Darwin NT 0801

Re: Objection to Development Application PA2025/0413 – Exceptional Development Permit for 6 Grouped Dwellings in Zone LR at Lot 1222 (4) Berry Place, Millner

Dear Members of the Development Consent Authority,

I am writing to formally object to Development Application PA2025/0413 for an Exceptional Development Permit (EDP) to construct six grouped dwellings on Lot 1222 Berry Place, Millner. As a long-term resident of Berry Place, I am concerned about the significant impacts this proposal would have on the character, residential amenity, safety, and environmental resilience of the street and surrounding area.

While I support appropriate housing development, this application represents an overdevelopment that fails to align with the intent of the Low-Density Residential (LR) zone under the NT Planning Scheme 2020. It does not demonstrate exceptional circumstances warranting an EDP, nor does it satisfy the public interest considerations required under the Planning Act.

Even if some elements of the proposal could be regarded as beneficial in isolation, when assessed cumulatively and in the context of the Planning Scheme, those benefits are clearly outweighed by the adverse impacts on residential amenity, environmental risk, and zone integrity.

Approval of the proposed Exceptional Development Permit would prioritise private development yield over established zoning certainty, neighbourhood safety, infrastructure capacity, environmental protection, and flood risk management. The cumulative impacts identified in this submission demonstrate that the proposal would diminish residential amenity and set an undesirable precedent for increased development intensity within LR-zoned cul-de-sacs.

For these reasons, the proposal does not satisfy the public interest test required under the Planning Act for the granting of an Exceptional Development Permit.

Where relevant, I have referenced information contained within the application documents available on the DAO portal, together with relevant studies and planning provisions.

1. Inconsistency with Zone LR Purpose and Density

The proposed development does not reflect the intended low-density character of the LR Zone under the NT Planning Scheme 2020. While the buildings are low-rise, the proposed density of six dwellings represents a level of development intensity inconsistent with the low-density residential character anticipated for the zone. Compliance with building height controls does not mitigate non-compliance with density outcomes, nor does it establish exceptional circumstances for an EDP.

Zone LR is intended to maintain a low-density suburban character, generally characterised by single dwellings or very low-density development on comparatively large lots. The Planning Scheme indicates a density of approximately one dwelling per 800–1000 m². In contrast, the proposal places six dwellings on a 2,200 m² site, equating to approximately one dwelling per 367 m². (See Appendix A, Figure 1.) This density is more appropriate with Zone LMR (Low–Medium Residential), where grouped dwellings are contemplated, rather than the intended outcomes of Zone LR.

Strategic planning objectives, including compact urban growth and support for infill development, do not override statutory zoning controls. While the site's proximity to services, transport, and commercial areas is acknowledged, these factors do not justify a density outcome aligned with higher-density zones. The Darwin Mid Suburbs Area Plan encourages medium-density development near services; however, Clause 2.2 of the NT Planning Scheme makes clear that zones prevail over area plans where inconsistencies arise. Approval via EDP in this case would effectively circumvent the intent of the LR zone.

The previously approved EDP for 18 dwellings on the site lapsed in September 2020 following refusal of a further extension of time and has no ongoing legal or planning effect. A lapsed approval does not create entitlement to redevelopment at a similar or higher intensity and cannot be relied upon to demonstrate exceptional circumstances. While the applicant emphasises a reduction in intensity from the prior proposal, reducing from a previously non-compliant or lapsed approval does not, by itself, justify approval or demonstrate compliance with current planning controls.

The application does not demonstrate why such intensification is necessary on this site, nor why lower-impact alternatives (such as single or dual occupancy) would not reasonably achieve the proponent's objectives, particularly given the surrounding low-density development pattern. (See Appendix A, Figure 2.) Approval would also risk establishing an undesirable precedent for increased development intensity within LR-zoned cul-de-sacs in Millner and similar

suburbs, thereby undermining zoning clarity and long-term planning outcomes.

The application does not identify any site-specific constraint, hardship, or planning anomaly that would prevent reasonable development consistent with the Low-Density Residential (LR) zone. Reliance on proximity to services, transport links, or nearby commercial activity reflects broad strategic considerations applicable to many LR-zoned sites across Darwin and does not constitute “exceptional circumstances” within the meaning of the Planning Act.

If such generic locational attributes were sufficient to justify an Exceptional Development Permit, the integrity of the LR zone would be undermined across wide areas of the northern suburbs. The application therefore fails to meet the threshold test required for the grant of an EDP.

2. Traffic and Parking Impacts on a Constrained Cul-de-sac

The proposed development would significantly increase traffic and safety risks on a constrained cul-de-sac while also posing risks to local wildlife.

The proposal provides 13 on-site car parking spaces but no designated visitor parking bays. Given the two-bedroom configuration of each unit—which commonly generates multiple vehicles per household—this level of provision is unlikely to accommodate both resident and visitor demand, resulting in overflow parking within Berry Place.

Berry Place is a short, narrow cul-de-sac designed to serve a small number of low-density dwellings. (see Appendix A, Figures 3 and 4). Cul-de-sacs are inherently constrained environments intended to minimise traffic volumes and vehicle movements. Intensification of this nature is fundamentally incompatible with the function and design of a cul-de-sac and exacerbates safety, access, and amenity impacts beyond what would occur on a through-street.

Berry Place also experiences periodic on-street parking pressure during the established weekend Rapid Creek Markets. During these periods, informal overflow parking further constrains turning space, verge access, and sightlines within the cul-de-sac (see Appendix A, Figure 5). The introduction of six additional dwellings, without designated visitor parking, would exacerbate these peak-period constraints and increase safety risks, particularly for pedestrians, cyclists, and emergency vehicle access.

Conservatively, six dwellings could generate approximately 30–50 additional daily vehicle movements, including resident trips, visitors, deliveries, and service vehicles, based on standard residential trip generation rates commonly

relied upon in Australian traffic assessments. Despite this likely increase, the application does not include a traffic impact assessment or modelling to demonstrate how additional vehicle movements would safely operate within the constrained geometry of Berry Place, nor how peak-period demand—particularly during established weekend Rapid Creek Markets—would be managed without reliance on on-street parking.

The street verge forms part of the Rapid Creek wildlife corridor and is used by bush stone-curlews (*Burhinus grallarius*), listed as Near Threatened under the Territory Parks and Wildlife Conservation Act 2000 (see Appendix A, Figure 6). Increased vehicle movements would elevate the risk of vehicle strike, the primary cause of mortality for this species in suburban Darwin. No fauna assessment or mitigation measures are provided, and in the absence of such assessment, the risk of increased fauna mortality cannot be discounted.

The proposal may also place additional strain on existing infrastructure in this older suburb. While the EDP Report asserts no undue demand, no capacity assessments or service authority confirmations are provided, contrary to Clause 5.2.4 of the NT Planning Scheme.

3. Flooding, Stormwater and Environmental Risk

The site is located within a secondary storm surge zone and adjacent to the Rapid Creek floodplain (see Appendix A, Figures 7, 8 and 9). NT LIS mapping identifies areas within the Rapid Creek catchment subject to Q100 and Year 2100 flood extents, reinforcing the need for site-specific flood and stormwater assessment to demonstrate that development will not exacerbate flood impacts on adjoining land.

The proposal would substantially increase impervious surfaces; however, the application does not provide stormwater modelling or an assessment demonstrating that flooding on adjoining land will not be worsened, nor a management plan addressing high-intensity rainfall events.

The Rapid Creek Flood Study (2013) identifies increased impervious area within the catchment as a key contributor to sharper flood peaks and increased downstream flood risk, reinforcing the need for site-specific hydrological assessment to demonstrate flood neutrality. While the application proposes soak pits and connection to council drainage, no modelling is provided to demonstrate that post-development runoff volumes and peak flows will not exceed pre-development conditions during significant rainfall events. In the absence of this analysis, the proposal fails to demonstrate that flood risk will not be exacerbated on adjoining land or within the Rapid Creek catchment.

While environmental and sustainability measures are claimed, these outcomes are not substantiated by technical evidence. Landscaping plans indicate approximately 39% landscaped area, resulting in approximately 61% impervious coverage, representing a substantial increase from existing conditions. Civil plans reference infiltration areas but do not include hydrological modelling demonstrating performance under significant rainfall events such as those documented in the Rapid Creek Flood Study (2013) or during Cyclone Carlos (2011), or comparable recent events.

Without this information, the proposal does not demonstrate that flood risk will be adequately managed, nor that impacts will not be transferred off-site. Approval in the absence of this information would be inconsistent with a precautionary approach to development in flood-prone catchments.

4. Amenity, Privacy and Neighbourhood Character

The proposal raises significant amenity concerns due to its density, siting, clustering, and two-storey form on an irregularly shaped lot. Clause 5.4.3 of the NT Planning Scheme requires development to minimise overlooking, overshadowing, and loss of privacy, with qualitative amenity outcomes taking precedence over numerical compliance.

Although minimum setbacks may be achieved on paper, no shadow diagrams, cross-sections, or detailed analyses are provided to verify impacts on neighbouring properties. Given the two-storey form, elevated balconies, constrained site dimensions, and inclusion of communal features such as a pool, the potential for privacy loss, overshadowing, and increased noise (including from daily activities, air conditioners, and the pool area) is significant. (See Appendix A, Figure 1.) Intensified activity is also likely and inconsistent with the established low-density character of Berry Place.

5. Failure to Demonstrate Public Interest

The claimed benefits of infill efficiency, design quality, and sustainability are not substantiated by evidence and largely serve private interests. The proposal provides no affordable housing, community infrastructure, or environmental enhancements that would deliver a demonstrable public benefit. In contrast, the adverse impacts on amenity, environmental risk, and zone integrity are borne by existing residents and the broader community.

The proposal does not demonstrate exceptional circumstances, a strategic planning need, or a net public benefit sufficient to justify approval of an

Exceptional Development Permit. Weighed against the competing considerations, the proposal results in a negative public interest outcome.

Conclusion

The proposed development fails to demonstrate exceptional circumstances, conflicts with the intent and density outcomes of the Low-Density Residential zone, and gives rise to unacceptable impacts on traffic safety, environmental values, flood resilience, and residential amenity. The application relies on strategic arguments that cannot override statutory zoning controls and is unsupported by critical technical assessments.

Granting an Exceptional Development Permit in these circumstances would represent a substantive departure from the Planning Scheme rather than a genuinely exceptional response to site-specific constraints.



I respectfully request that the Development Consent Authority refuse the application. Other residents of Berry Place, who share concerns about the application, have indicated their support for this submission. Should approval nonetheless be contemplated, I request referral to a public hearing under section 49 of the Planning Act to allow affected residents to provide further evidence.




Kind Regards,

Ailsa Leibrick

A handwritten signature in black ink, appearing to read 'Ailsa Leibrick', written in a cursive style.

Appendix A – Supporting Images

Figure	Image	Caption
Figure 1	 <p>The image is a detailed architectural site plan for a residential development at 4 Berry Place, Millner. It shows four distinct residential units labeled UNIT 1, UNIT 2, UNIT 3, and UNIT 4, arranged around a central courtyard area. The plan includes parking spaces, landscaping, and site boundaries. A north arrow is located in the bottom left corner, and the title 'PROPOSED SITE LAYOUT PLAN - 4 BERRY PLACE, MILLNER' is at the bottom center. A scale of 1:50 is indicated. There is also a note in the bottom right corner: 'NOTED: SEE ABOVE SCHEDULE FOR THE SITE'.</p>	Image from Applicant’s “Site Plan”
Figure 2	 <p>This is an aerial photograph of the site area. A blue outline is drawn on the image to delineate the boundaries of the proposed development. The surrounding area includes existing residential buildings, trees, and a road. The site is located in a suburban neighborhood.</p>	Image from Applicant’s “Attachment C – Site Aerial”

<p>Figure 3</p>		<p>Looking down Berry Place with no cars present</p>
<p>Figure 4</p>		<p>The end of Berry Place with second driveway on the left showing where proposed site is located.</p>
<p>Figure 5</p>		<p>Looking down Berry Place during Rapid Creek Markets on the weekend showing 10 cars parked in the street.</p>




<p>Figure 6</p>	 A photograph showing two Curlews nesting under a frangipani tree on the street verge of Berry Place. The birds are visible on the ground near the base of the tree, which has thick, gnarled branches. A dark car is parked in the background behind a fence.	<p>2 Curlews nesting under a frangipani tree on the street verge of Berry Place.</p>
<p>Figure 7</p>	 A photograph showing a view looking out from Berry Place onto Rapid Creek Road during a flooding event. The road is completely submerged in water, and a white van is partially visible on the right side. The sky is overcast and grey.	<p>Looking out from Berry Place onto Rapid Creek Road during a flooding event.</p>
<p>Figure 8</p>	 A photograph showing a view looking down Berry Place towards Rapid Creek Road during a flooding event. The road is flooded, and a dark car is visible in the distance. Two people in high-visibility clothing are standing near the car. The scene is surrounded by trees and utility poles.	<p>Looking down Berry Place towards Rapid Creek Road during a flooding event</p>

Figure 9		Watermark on fenceline of 7 Berry Place showcasing how high the water reached during a flood.
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Authorities relied upon

Planning Act 1999 (NT)

Part 4, Division 2 (sections 38–42), governing Exceptional Development Permits, including the requirement to consider whether exceptional circumstances exist, whether a proposal is in the public interest, and whether unacceptable impacts on amenity, infrastructure, or the environment would result.

<https://legislation.nt.gov.au/Legislation/PLANNING-ACT-1999>

Northern Territory Planning Scheme 2020

Zone LR (Low Density-Residential) purpose and outcomes, together with relevant provisions including Clause 2.2 (Hierarchy of Planning Instruments), Clause 5.2.4 (Infrastructure and Services), and Clause 5.4.3 (Amenity and Privacy). These provisions establish the primacy of zoning intent, infrastructure adequacy, and qualitative amenity outcomes over numerical compliance.

<https://nt.gov.au/property/land-planning-and-development/nt-planning-scheme>

Darwin Mid Suburbs Area Plan

Strategic guidance encouraging appropriate infill development in proximity to services, subject to consistency with zoning controls, noting that under Clause 2.2 of the NT Planning Scheme, zones prevail where inconsistencies arise.

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Northern Territory Land Information System (NT LIS)

Rapid Creek Q100 and Year 2100 Flood Extent Mapping, identifying flood-prone land within the Rapid Creek catchment and informing precautionary assessment of flood and stormwater impacts.

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Rapid Creek Flood Study (2013)

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Legislative framework protecting native wildlife, including species listed as Near Threatened such as the bush stone-curlew (*Burhinus grallarius*), and requiring consideration of development-related impacts and mitigation.

<https://legislation.nt.gov.au/Legislation/TERRITORY-PARKS-AND-WILDLIFE-CONSERVATION-ACT-1976>

Exceptional Development Permit Decisions Register

Published EDP decisions demonstrating refusal where proposed development intensity conflicts with zone intent, fails to demonstrate exceptional circumstances, or does not result in a net public benefit (for example, EDP/PA2021/0380, decision dated 17 December 2024).

<https://nt.gov.au/property/land-planning-and-development/our-planning-system/exceptional-development-permit-decisions>

Development Consent Authority – Darwin Division

Recent minutes of meetings noting concerns regarding increased density, reduced lot sizes, and associated amenity impacts within Zone LR areas, reinforcing consistent application of zone intent (Minutes No. 431, dated 18 October 2024).

<https://environment.nt.gov.au/media/docs/boards-and-committees/development-consent-authority/dca-minutes/2024/darwin/mindcadar431-18-10-24.pdf>

Northern Territory Ombudsman (2012)

Investigation report into approval for development and subdivision of land, highlighting the importance of adherence to planning controls and the risks associated with approvals that inadequately address amenity, infrastructure, and Planning Scheme consistency.

<https://ombudsman.nt.gov.au/resources/documents/publications/2012/report-of-investigation-into-the-approval-for-development-and-subdivision-of-land.pdf>

Northern Territory Legislative Assembly – Estimates Committee (2015)

Parliamentary discussion reinforcing that Exceptional Development Permits must satisfy a strong public interest test and are not intended to operate as substitutes for rezoning or broader strategic planning change.

<https://parliament.nt.gov.au/committees/previous/estimates/estimates-committee-2015/2015/transcripts/ESTIMATES-DAY-1-26-MAY-2015.pdf>

Australian Broadcasting Corporation (ABC News)

Reporting on community and planning scrutiny of density increases in low-residential areas, illustrating broader public concern regarding erosion of established low-density residential character.

<https://www.abc.net.au/news/2015-10-13/subdivision-concerns-for-rural-darwin-residents/6849690>

Development Consent Authority

Department of Infrastructure, Planning and Logistics
GPO Box 1680
Darwin NT 0801

Re: Objection to Development Application PA2025/0413 – Exceptional Development Permit for 6 Grouped Dwellings in Zone LR at Lot 1222 (4) Berry Place, Millner

Dear Members of the Development Consent Authority,

I am writing to formally object to Development Application PA2025/0413 for an Exceptional Development Permit (EDP) to construct six grouped dwellings on Lot 1222 Berry Place, Millner. As a long-term resident of Berry Place, I am concerned about the significant impacts this proposal would have on the character, residential amenity, safety, and environmental resilience of the street and surrounding area.

While I support appropriate housing development, this application represents an overdevelopment that fails to align with the intent of the Low-Density Residential (LR) zone under the NT Planning Scheme 2020. It does not demonstrate exceptional circumstances warranting an EDP, nor does it satisfy the public interest considerations required under the Planning Act.

Even if some elements of the proposal could be regarded as beneficial in isolation, when assessed cumulatively and in the context of the Planning Scheme, those benefits are clearly outweighed by the adverse impacts on residential amenity, environmental risk, and zone integrity.

Approval of the proposed Exceptional Development Permit would prioritise private development yield over established zoning certainty, neighbourhood safety, infrastructure capacity, environmental protection, and flood risk management. The cumulative impacts identified in this submission demonstrate that the proposal would diminish residential amenity and set an undesirable precedent for increased development intensity within LR-zoned cul-de-sacs.

For these reasons, the proposal does not satisfy the public interest test required under the Planning Act for the granting of an Exceptional Development Permit.

Where relevant, I have referenced information contained within the application documents available on the DAO portal, together with relevant studies and planning provisions.

1. Inconsistency with Zone LR Purpose and Density

The proposed development does not reflect the intended low-density character of the LR Zone under the NT Planning Scheme 2020. While the buildings are low-rise, the proposed density of six dwellings represents a level of development intensity inconsistent with the low-density residential character anticipated for the zone. Compliance with building height controls does not mitigate non-compliance with density outcomes, nor does it establish exceptional circumstances for an EDP.

Zone LR is intended to maintain a low-density suburban character, generally characterised by single dwellings or very low-density development on comparatively large lots. The Planning Scheme indicates a density of approximately one dwelling per 800–1000 m². In contrast, the proposal places six dwellings on a 2,200 m² site, equating to approximately one dwelling per 367 m². (See Appendix A, Figure 1.) This density is more appropriate with Zone LMR (Low–Medium Residential), where grouped dwellings are contemplated, rather than the intended outcomes of Zone LR.

Strategic planning objectives, including compact urban growth and support for infill development, do not override statutory zoning controls. While the site's proximity to services, transport, and commercial areas is acknowledged, these factors do not justify a density outcome aligned with higher-density zones. The Darwin Mid Suburbs Area Plan encourages medium-density development near services; however, Clause 2.2 of the NT Planning Scheme makes clear that zones prevail over area plans where inconsistencies arise. Approval via EDP in this case would effectively circumvent the intent of the LR zone.

The previously approved EDP for 18 dwellings on the site lapsed in September 2020 following refusal of a further extension of time and has no ongoing legal or planning effect. A lapsed approval does not create entitlement to redevelopment at a similar or higher intensity and cannot be relied upon to demonstrate exceptional circumstances. While the applicant emphasises a reduction in intensity from the prior proposal, reducing from a previously non-compliant or lapsed approval does not, by itself, justify approval or demonstrate compliance with current planning controls.

The application does not demonstrate why such intensification is necessary on this site, nor why lower-impact alternatives (such as single or dual occupancy) would not reasonably achieve the proponent's objectives, particularly given the surrounding low-density development pattern. (See Appendix A, Figure 2.) Approval would also risk establishing an undesirable precedent for increased development intensity within LR-zoned cul-de-sacs in Millner and similar

suburbs, thereby undermining zoning clarity and long-term planning outcomes.

The application does not identify any site-specific constraint, hardship, or planning anomaly that would prevent reasonable development consistent with the Low-Density Residential (LR) zone. Reliance on proximity to services, transport links, or nearby commercial activity reflects broad strategic considerations applicable to many LR-zoned sites across Darwin and does not constitute “exceptional circumstances” within the meaning of the Planning Act.

If such generic locational attributes were sufficient to justify an Exceptional Development Permit, the integrity of the LR zone would be undermined across wide areas of the northern suburbs. The application therefore fails to meet the threshold test required for the grant of an EDP.

2. Traffic and Parking Impacts on a Constrained Cul-de-sac

The proposed development would significantly increase traffic and safety risks on a constrained cul-de-sac while also posing risks to local wildlife.

The proposal provides 13 on-site car parking spaces but no designated visitor parking bays. Given the two-bedroom configuration of each unit—which commonly generates multiple vehicles per household—this level of provision is unlikely to accommodate both resident and visitor demand, resulting in overflow parking within Berry Place.

Berry Place is a short, narrow cul-de-sac designed to serve a small number of low-density dwellings. (see Appendix A, Figures 3 and 4). Cul-de-sacs are inherently constrained environments intended to minimise traffic volumes and vehicle movements. Intensification of this nature is fundamentally incompatible with the function and design of a cul-de-sac and exacerbates safety, access, and amenity impacts beyond what would occur on a through-street.

Berry Place also experiences periodic on-street parking pressure during the established weekend Rapid Creek Markets. During these periods, informal overflow parking further constrains turning space, verge access, and sightlines within the cul-de-sac (see Appendix A, Figure 5). The introduction of six additional dwellings, without designated visitor parking, would exacerbate these peak-period constraints and increase safety risks, particularly for pedestrians, cyclists, and emergency vehicle access.

Conservatively, six dwellings could generate approximately 30–50 additional daily vehicle movements, including resident trips, visitors, deliveries, and service vehicles, based on standard residential trip generation rates commonly

relied upon in Australian traffic assessments. Despite this likely increase, the application does not include a traffic impact assessment or modelling to demonstrate how additional vehicle movements would safely operate within the constrained geometry of Berry Place, nor how peak-period demand—particularly during established weekend Rapid Creek Markets—would be managed without reliance on on-street parking.

The street verge forms part of the Rapid Creek wildlife corridor and is used by bush stone-curlews (*Burhinus grallarius*), listed as Near Threatened under the Territory Parks and Wildlife Conservation Act 2000 (see Appendix A, Figure 6). Increased vehicle movements would elevate the risk of vehicle strike, the primary cause of mortality for this species in suburban Darwin. No fauna assessment or mitigation measures are provided, and in the absence of such assessment, the risk of increased fauna mortality cannot be discounted.

The proposal may also place additional strain on existing infrastructure in this older suburb. While the EDP Report asserts no undue demand, no capacity assessments or service authority confirmations are provided, contrary to Clause 5.2.4 of the NT Planning Scheme.

3. Flooding, Stormwater and Environmental Risk

The site is located within a secondary storm surge zone and adjacent to the Rapid Creek floodplain (see Appendix A, Figures 7, 8 and 9). NT LIS mapping identifies areas within the Rapid Creek catchment subject to Q100 and Year 2100 flood extents, reinforcing the need for site-specific flood and stormwater assessment to demonstrate that development will not exacerbate flood impacts on adjoining land.

The proposal would substantially increase impervious surfaces; however, the application does not provide stormwater modelling or an assessment demonstrating that flooding on adjoining land will not be worsened, nor a management plan addressing high-intensity rainfall events.

The Rapid Creek Flood Study (2013) identifies increased impervious area within the catchment as a key contributor to sharper flood peaks and increased downstream flood risk, reinforcing the need for site-specific hydrological assessment to demonstrate flood neutrality. While the application proposes soak pits and connection to council drainage, no modelling is provided to demonstrate that post-development runoff volumes and peak flows will not exceed pre-development conditions during significant rainfall events. In the absence of this analysis, the proposal fails to demonstrate that flood risk will not be exacerbated on adjoining land or within the Rapid Creek catchment.

While environmental and sustainability measures are claimed, these outcomes are not substantiated by technical evidence. Landscaping plans indicate approximately 39% landscaped area, resulting in approximately 61% impervious coverage, representing a substantial increase from existing conditions. Civil plans reference infiltration areas but do not include hydrological modelling demonstrating performance under significant rainfall events such as those documented in the Rapid Creek Flood Study (2013) or during Cyclone Carlos (2011), or comparable recent events.

Without this information, the proposal does not demonstrate that flood risk will be adequately managed, nor that impacts will not be transferred off-site. Approval in the absence of this information would be inconsistent with a precautionary approach to development in flood-prone catchments.

4. Amenity, Privacy and Neighbourhood Character

The proposal raises significant amenity concerns due to its density, siting, clustering, and two-storey form on an irregularly shaped lot. Clause 5.4.3 of the NT Planning Scheme requires development to minimise overlooking, overshadowing, and loss of privacy, with qualitative amenity outcomes taking precedence over numerical compliance.

Although minimum setbacks may be achieved on paper, no shadow diagrams, cross-sections, or detailed analyses are provided to verify impacts on neighbouring properties. Given the two-storey form, elevated balconies, constrained site dimensions, and inclusion of communal features such as a pool, the potential for privacy loss, overshadowing, and increased noise (including from daily activities, air conditioners, and the pool area) is significant. (See Appendix A, Figure 1.) Intensified activity is also likely and inconsistent with the established low-density character of Berry Place.

5. Failure to Demonstrate Public Interest

The claimed benefits of infill efficiency, design quality, and sustainability are not substantiated by evidence and largely serve private interests. The proposal provides no affordable housing, community infrastructure, or environmental enhancements that would deliver a demonstrable public benefit. In contrast, the adverse impacts on amenity, environmental risk, and zone integrity are borne by existing residents and the broader community.

The proposal does not demonstrate exceptional circumstances, a strategic planning need, or a net public benefit sufficient to justify approval of an

Exceptional Development Permit. Weighed against the competing considerations, the proposal results in a negative public interest outcome.

Conclusion

The proposed development fails to demonstrate exceptional circumstances, conflicts with the intent and density outcomes of the Low-Density Residential zone, and gives rise to unacceptable impacts on traffic safety, environmental values, flood resilience, and residential amenity. The application relies on strategic arguments that cannot override statutory zoning controls and is unsupported by critical technical assessments.

Granting an Exceptional Development Permit in these circumstances would represent a substantive departure from the Planning Scheme rather than a genuinely exceptional response to site-specific constraints.



I respectfully request that the Development Consent Authority refuse the application. Other residents of Berry Place, who share concerns about the application, have indicated their support for this submission. Should approval nonetheless be contemplated, I request referral to a public hearing under section 49 of the Planning Act to allow affected residents to provide further evidence.




Kind Regards,

A handwritten signature in black ink, appearing to be 'SP' followed by a flourish.

Sarah Penney

Appendix A – Supporting Images

Figure	Image	Caption
<p>Figure 1</p>		<p>Image from Applicant’s “Site Plan”</p>
<p>Figure 2</p>		<p>Image from Applicant’s “Attachment C – Site Aerial”</p>

<p>Figure 3</p>		<p>Looking down Berry Place with no cars present</p>
<p>Figure 4</p>		<p>The end of Berry Place with second driveway on the left showing where proposed site is located.</p>
<p>Figure 5</p>		<p>Looking down Berry Place during Rapid Creek Markets on the weekend showing 10 cars parked in the street.</p>





<p>Figure 6</p>	 A photograph showing two Curlews nesting under a frangipani tree on the street verge of Berry Place. The birds are visible on the ground near the base of the tree, which has thick, gnarled branches. A dark car is parked in the background behind a chain-link fence.	<p>2 Curlews nesting under a frangipani tree on the street verge of Berry Place.</p>
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Figure 9		Watermark on fenceline of 7 Berry Place showcasing how high the water reached during a flood.
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Authorities relied upon

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Development Consent Authority

Department of Infrastructure, Planning and Logistics

GPO Box 1680

Darwin NT 0801

Re: Objection to Development Application PA2025/0413 – Exceptional Development Permit for 6 Grouped Dwellings in Zone LR at Lot 1222 (4) Berry Place, Millner

Dear Members of the Development Consent Authority,

I am writing to formally object to Development Application PA2025/0413 for an Exceptional Development Permit (EDP) to construct six grouped dwellings on Lot 1222 Berry Place, Millner. As a long-term resident of Berry Place, I am concerned about the significant impacts this proposal would have on the character, residential amenity, safety, and environmental resilience of the street and surrounding area.

While I support appropriate housing development, this application represents an overdevelopment that fails to align with the intent of the Low-Density Residential (LR) zone under the NT Planning Scheme 2020. It does not demonstrate exceptional circumstances warranting an EDP, nor does it satisfy the public interest considerations required under the Planning Act.

Even if some elements of the proposal could be regarded as beneficial in isolation, when assessed cumulatively and in the context of the Planning Scheme, those benefits are clearly outweighed by the adverse impacts on residential amenity, environmental risk, and zone integrity.

Approval of the proposed Exceptional Development Permit would prioritise private development yield over established zoning certainty, neighbourhood safety, infrastructure capacity, environmental protection, and flood risk management. The cumulative impacts identified in this submission demonstrate that the proposal would diminish residential amenity and set an undesirable precedent for increased development intensity within LR-zoned cul-de-sacs.

For these reasons, the proposal does not satisfy the public interest test required under the Planning Act for the granting of an Exceptional Development Permit.

Where relevant, I have referenced information contained within the application documents available on the DAO portal, together with relevant studies and planning provisions.

1. Inconsistency with Zone LR Purpose and Density

The proposed development does not reflect the intended low-density character of the LR Zone under the NT Planning Scheme 2020. While the buildings are low-rise, the proposed density of six dwellings represents a level of development intensity inconsistent with the low-density residential character anticipated for the zone. Compliance with building height controls does not mitigate non-compliance with density outcomes, nor does it establish exceptional circumstances for an EDP.

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Strategic planning objectives, including compact urban growth and support for infill development, do not override statutory zoning controls. While the site's proximity to services, transport, and commercial areas is acknowledged, these factors do not justify a density outcome aligned with higher-density zones. The Darwin Mid Suburbs Area Plan encourages medium-density development near services; however, Clause 2.2 of the NT Planning Scheme makes clear that zones prevail over area plans where inconsistencies arise. Approval via EDP in this case would effectively circumvent the intent of the LR zone.

The previously approved EDP for 18 dwellings on the site lapsed in September 2020 following refusal of a further extension of time and has no ongoing legal or planning effect. A lapsed approval does not create entitlement to redevelopment at a similar or higher intensity and cannot be relied upon to demonstrate exceptional circumstances. While the applicant emphasises a reduction in intensity from the prior proposal, reducing from a previously non-compliant or lapsed approval does not, by itself, justify approval or demonstrate compliance with current planning controls.

The application does not demonstrate why such intensification is necessary on this site, nor why lower-impact alternatives (such as single or dual occupancy) would not reasonably achieve the proponent's objectives, particularly given the surrounding low-density development pattern. (See Appendix A, Figure 2.) Approval would also risk establishing an undesirable precedent for increased development intensity within LR-zoned cul-de-sacs in Millner and similar

suburbs, thereby undermining zoning clarity and long-term planning outcomes.

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If such generic locational attributes were sufficient to justify an Exceptional Development Permit, the integrity of the LR zone would be undermined across wide areas of the northern suburbs. The application therefore fails to meet the threshold test required for the grant of an EDP.

2. Traffic and Parking Impacts on a Constrained Cul-de-sac

The proposed development would significantly increase traffic and safety risks on a constrained cul-de-sac while also posing risks to local wildlife.

The proposal provides 13 on-site car parking spaces but no designated visitor parking bays. Given the two-bedroom configuration of each unit—which commonly generates multiple vehicles per household—this level of provision is unlikely to accommodate both resident and visitor demand, resulting in overflow parking within Berry Place.

Berry Place is a short, narrow cul-de-sac designed to serve a small number of low-density dwellings. (see Appendix A, Figures 3 and 4). Cul-de-sacs are inherently constrained environments intended to minimise traffic volumes and vehicle movements. Intensification of this nature is fundamentally incompatible with the function and design of a cul-de-sac and exacerbates safety, access, and amenity impacts beyond what would occur on a through-street.

Berry Place also experiences periodic on-street parking pressure during the established weekend Rapid Creek Markets. During these periods, informal overflow parking further constrains turning space, verge access, and sightlines within the cul-de-sac (see Appendix A, Figure 5). The introduction of six additional dwellings, without designated visitor parking, would exacerbate these peak-period constraints and increase safety risks, particularly for pedestrians, cyclists, and emergency vehicle access.

Conservatively, six dwellings could generate approximately 30–50 additional daily vehicle movements, including resident trips, visitors, deliveries, and service vehicles, based on standard residential trip generation rates commonly

relied upon in Australian traffic assessments. Despite this likely increase, the application does not include a traffic impact assessment or modelling to demonstrate how additional vehicle movements would safely operate within the constrained geometry of Berry Place, nor how peak-period demand—particularly during established weekend Rapid Creek Markets—would be managed without reliance on on-street parking.

The street verge forms part of the Rapid Creek wildlife corridor and is used by bush stone-curlews (*Burhinus grallarius*), listed as Near Threatened under the Territory Parks and Wildlife Conservation Act 2000 (see Appendix A, Figure 6). Increased vehicle movements would elevate the risk of vehicle strike, the primary cause of mortality for this species in suburban Darwin. No fauna assessment or mitigation measures are provided, and in the absence of such assessment, the risk of increased fauna mortality cannot be discounted.

The proposal may also place additional strain on existing infrastructure in this older suburb. While the EDP Report asserts no undue demand, no capacity assessments or service authority confirmations are provided, contrary to Clause 5.2.4 of the NT Planning Scheme.

3. Flooding, Stormwater and Environmental Risk

The site is located within a secondary storm surge zone and adjacent to the Rapid Creek floodplain (see Appendix A, Figures 7, 8 and 9). NT LIS mapping identifies areas within the Rapid Creek catchment subject to Q100 and Year 2100 flood extents, reinforcing the need for site-specific flood and stormwater assessment to demonstrate that development will not exacerbate flood impacts on adjoining land.

The proposal would substantially increase impervious surfaces; however, the application does not provide stormwater modelling or an assessment demonstrating that flooding on adjoining land will not be worsened, nor a management plan addressing high-intensity rainfall events.

The Rapid Creek Flood Study (2013) identifies increased impervious area within the catchment as a key contributor to sharper flood peaks and increased downstream flood risk, reinforcing the need for site-specific hydrological assessment to demonstrate flood neutrality. While the application proposes soak pits and connection to council drainage, no modelling is provided to demonstrate that post-development runoff volumes and peak flows will not exceed pre-development conditions during significant rainfall events. In the absence of this analysis, the proposal fails to demonstrate that flood risk will not be exacerbated on adjoining land or within the Rapid Creek catchment.

While environmental and sustainability measures are claimed, these outcomes are not substantiated by technical evidence. Landscaping plans indicate approximately 39% landscaped area, resulting in approximately 61% impervious coverage, representing a substantial increase from existing conditions. Civil plans reference infiltration areas but do not include hydrological modelling demonstrating performance under significant rainfall events such as those documented in the Rapid Creek Flood Study (2013) or during Cyclone Carlos (2011), or comparable recent events.

Without this information, the proposal does not demonstrate that flood risk will be adequately managed, nor that impacts will not be transferred off-site. Approval in the absence of this information would be inconsistent with a precautionary approach to development in flood-prone catchments.

4. Amenity, Privacy and Neighbourhood Character

The proposal raises significant amenity concerns due to its density, siting, clustering, and two-storey form on an irregularly shaped lot. Clause 5.4.3 of the NT Planning Scheme requires development to minimise overlooking, overshadowing, and loss of privacy, with qualitative amenity outcomes taking precedence over numerical compliance.

Although minimum setbacks may be achieved on paper, no shadow diagrams, cross-sections, or detailed analyses are provided to verify impacts on neighbouring properties. Given the two-storey form, elevated balconies, constrained site dimensions, and inclusion of communal features such as a pool, the potential for privacy loss, overshadowing, and increased noise (including from daily activities, air conditioners, and the pool area) is significant. (See Appendix A, Figure 1.) Intensified activity is also likely and inconsistent with the established low-density character of Berry Place.

5. Failure to Demonstrate Public Interest

The claimed benefits of infill efficiency, design quality, and sustainability are not substantiated by evidence and largely serve private interests. The proposal provides no affordable housing, community infrastructure, or environmental enhancements that would deliver a demonstrable public benefit. In contrast, the adverse impacts on amenity, environmental risk, and zone integrity are borne by existing residents and the broader community.

The proposal does not demonstrate exceptional circumstances, a strategic planning need, or a net public benefit sufficient to justify approval of an

Exceptional Development Permit. Weighed against the competing considerations, the proposal results in a negative public interest outcome.

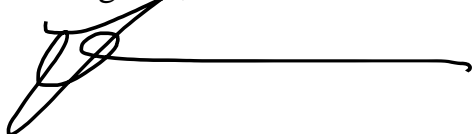
Conclusion

The proposed development fails to demonstrate exceptional circumstances, conflicts with the intent and density outcomes of the Low-Density Residential zone, and gives rise to unacceptable impacts on traffic safety, environmental values, flood resilience, and residential amenity. The application relies on strategic arguments that cannot override statutory zoning controls and is unsupported by critical technical assessments.

Granting an Exceptional Development Permit in these circumstances would represent a substantive departure from the Planning Scheme rather than a genuinely exceptional response to site-specific constraints.

I respectfully request that the Development Consent Authority refuse the application. Other residents of Berry Place, who share concerns about the application, have indicated their support for this submission. Should approval nonetheless be contemplated, I request referral to a public hearing under section 49 of the Planning Act to allow affected residents to provide further evidence.

Kind Regards,



A handwritten signature in black ink, appearing to read 'Fiona Leibrick', is written over a horizontal line that extends across the page.




Fiona Leibrick

7 Berry Place, Millner NT 0810

16 December 2025

Appendix A – Supporting Images

Figure	Image	Caption
Figure 1	 <p>The image is a detailed architectural site plan for a residential development at 4 Berry Place, Millner. It shows five distinct units (UNIT 1 to UNIT 5) arranged around a central courtyard area. The plan includes parking spaces, landscaping, and site boundaries. A north arrow is located in the bottom left corner. Text at the bottom of the plan reads: "PROPOSED SITE LAYOUT PLAN - 4 BERRY PLACE, MILLNER 1:50".</p>	Image from Applicant's "Site Plan"
Figure 2	 <p>This is an aerial photograph of the site area. A blue outline is drawn on the image to delineate the boundaries of the proposed development. The surrounding area includes residential buildings, trees, and a road. The site is situated between several existing structures and a road.</p>	Image from Applicant's "Attachment C – Site Aerial"

<p>Figure 3</p>		<p>Looking down Berry Place with no cars present</p>
<p>Figure 4</p>		<p>The end of Berry Place with second driveway on the left showing where proposed site is located.</p>
<p>Figure 5</p>		<p>Looking down Berry Place during Rapid Creek Markets on the weekend showing 10 cars parked in the street.</p>




<p>Figure 6</p>	 A photograph showing two Curlews nesting under a frangipani tree on the street verge of Berry Place. The birds are visible on the ground near the base of the tree, which has thick, gnarled branches. A dark car is parked in the background behind a chain-link fence.	<p>2 Curlews nesting under a frangipani tree on the street verge of Berry Place.</p>
<p>Figure 7</p>	 A photograph showing a view looking out from Berry Place onto Rapid Creek Road during a flooding event. The road is completely submerged in water, and a white van is partially visible on the right side. The sky is overcast and grey.	<p>Looking out from Berry Place onto Rapid Creek Road during a flooding event.</p>
<p>Figure 8</p>	 A photograph showing a view looking down Berry Place towards Rapid Creek Road during a flooding event. The road is flooded, and a dark car is visible in the distance. Two people in high-visibility clothing are standing near the car. The scene is surrounded by trees and utility poles.	<p>Looking down Berry Place towards Rapid Creek Road during a flooding event</p>

Figure 9		Watermark on fenceline of 7 Berry Place showcasing how high the water reached during a flood.
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Authorities relied upon

Planning Act 1999 (NT)

Part 4, Division 2 (sections 38–42), governing Exceptional Development Permits, including the requirement to consider whether exceptional circumstances exist, whether a proposal is in the public interest, and whether unacceptable impacts on amenity, infrastructure, or the environment would result.

<https://legislation.nt.gov.au/Legislation/PLANNING-ACT-1999>

Northern Territory Planning Scheme 2020

Zone LR (Low Density-Residential) purpose and outcomes, together with relevant provisions including Clause 2.2 (Hierarchy of Planning Instruments), Clause 5.2.4 (Infrastructure and Services), and Clause 5.4.3 (Amenity and Privacy). These provisions establish the primacy of zoning intent, infrastructure adequacy, and qualitative amenity outcomes over numerical compliance.

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Darwin Mid Suburbs Area Plan

Strategic guidance encouraging appropriate infill development in proximity to services, subject to consistency with zoning controls, noting that under Clause 2.2 of the NT Planning Scheme, zones prevail where inconsistencies arise.

<https://nt.gov.au/property/land-planning-and-development/area-plans>

Northern Territory Land Information System (NT LIS)

Rapid Creek Q100 and Year 2100 Flood Extent Mapping, identifying flood-prone land within the Rapid Creek catchment and informing precautionary assessment of flood and stormwater impacts.

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Exceptional Development Permit Decisions Register

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Development Consent Authority – Darwin Division

Recent minutes of meetings noting concerns regarding increased density, reduced lot sizes, and associated amenity impacts within Zone LR areas, reinforcing consistent application of zone intent (Minutes No. 431, dated 18 October 2024).

<https://environment.nt.gov.au/media/docs/boards-and-committees/development-consent-authority/dca-minutes/2024/darwin/mindcadar431-18-10-24.pdf>

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Investigation report into approval for development and subdivision of land, highlighting the importance of adherence to planning controls and the risks associated with approvals that inadequately address amenity, infrastructure, and Planning Scheme consistency.

https://ombudsman.nt.gov.au/_resources/documents/publications/2012/report-of-investigation-into-the-approval-for-development-and-subdivision-of-land.pdf

Northern Territory Legislative Assembly – Estimates Committee (2015)

Parliamentary discussion reinforcing that Exceptional Development Permits must satisfy a strong public interest test and are not intended to operate as substitutes for rezoning or broader strategic planning change.

<https://parliament.nt.gov.au/committees/previous/estimates/estimates-committee-2015/2015/transcripts/ESTIMATES-DAY-1-26-MAY-2015.pdf>

Australian Broadcasting Corporation (ABC News)

Reporting on community and planning scrutiny of density increases in low-residential areas, illustrating broader public concern regarding erosion of established low-density residential character.

<https://www.abc.net.au/news/2015-10-13/subdivision-concerns-for-rural-darwin-residents/6849690>

Development Consent Authority

Department of Infrastructure, Planning and Logistics
GPO Box 1680
Darwin NT 0801

Re: Objection to Development Application PA2025/0413 – Exceptional Development Permit for 6 Grouped Dwellings in Zone LR at Lot 1222 (4) Berry Place, Millner

Dear Members of the Development Consent Authority,

I am writing to formally object to Development Application PA2025/0413 for an Exceptional Development Permit (EDP) to construct six grouped dwellings on Lot 1222 Berry Place, Millner. As a long-term resident of Berry Place, I am concerned about the significant impacts this proposal would have on the character, residential amenity, safety, and environmental resilience of the street and surrounding area.

While I support appropriate housing development, this application represents an overdevelopment that fails to align with the intent of the Low-Density Residential (LR) zone under the NT Planning Scheme 2020. It does not demonstrate exceptional circumstances warranting an EDP, nor does it satisfy the public interest considerations required under the Planning Act.

Even if some elements of the proposal could be regarded as beneficial in isolation, when assessed cumulatively and in the context of the Planning Scheme, those benefits are clearly outweighed by the adverse impacts on residential amenity, environmental risk, and zone integrity.

Approval of the proposed Exceptional Development Permit would prioritise private development yield over established zoning certainty, neighbourhood safety, infrastructure capacity, environmental protection, and flood risk management. The cumulative impacts identified in this submission demonstrate that the proposal would diminish residential amenity and set an undesirable precedent for increased development intensity within LR-zoned cul-de-sacs.

For these reasons, the proposal does not satisfy the public interest test required under the Planning Act for the granting of an Exceptional Development Permit.

Where relevant, I have referenced information contained within the application documents available on the DAO portal, together with relevant studies and planning provisions.

1. Inconsistency with Zone LR Purpose and Density

The proposed development does not reflect the intended low-density character of the LR Zone under the NT Planning Scheme 2020. While the buildings are low-rise, the proposed density of six dwellings represents a level of development intensity inconsistent with the low-density residential character anticipated for the zone. Compliance with building height controls does not mitigate non-compliance with density outcomes, nor does it establish exceptional circumstances for an EDP.

Zone LR is intended to maintain a low-density suburban character, generally characterised by single dwellings or very low-density development on comparatively large lots. The Planning Scheme indicates a density of approximately one dwelling per 800–1000 m². In contrast, the proposal places six dwellings on a 2,200 m² site, equating to approximately one dwelling per 367 m². (See Appendix A, Figure 1.) This density is more appropriate with Zone LMR (Low–Medium Residential), where grouped dwellings are contemplated, rather than the intended outcomes of Zone LR.

Strategic planning objectives, including compact urban growth and support for infill development, do not override statutory zoning controls. While the site's proximity to services, transport, and commercial areas is acknowledged, these factors do not justify a density outcome aligned with higher-density zones. The Darwin Mid Suburbs Area Plan encourages medium-density development near services; however, Clause 2.2 of the NT Planning Scheme makes clear that zones prevail over area plans where inconsistencies arise. Approval via EDP in this case would effectively circumvent the intent of the LR zone.

The previously approved EDP for 18 dwellings on the site lapsed in September 2020 following refusal of a further extension of time and has no ongoing legal or planning effect. A lapsed approval does not create entitlement to redevelopment at a similar or higher intensity and cannot be relied upon to demonstrate exceptional circumstances. While the applicant emphasises a reduction in intensity from the prior proposal, reducing from a previously non-compliant or lapsed approval does not, by itself, justify approval or demonstrate compliance with current planning controls.

The application does not demonstrate why such intensification is necessary on this site, nor why lower-impact alternatives (such as single or dual occupancy) would not reasonably achieve the proponent's objectives, particularly given the surrounding low-density development pattern. (See Appendix A, Figure 2.) Approval would also risk establishing an undesirable precedent for increased development intensity within LR-zoned cul-de-sacs in Millner and similar

suburbs, thereby undermining zoning clarity and long-term planning outcomes.

The application does not identify any site-specific constraint, hardship, or planning anomaly that would prevent reasonable development consistent with the Low-Density Residential (LR) zone. Reliance on proximity to services, transport links, or nearby commercial activity reflects broad strategic considerations applicable to many LR-zoned sites across Darwin and does not constitute “exceptional circumstances” within the meaning of the Planning Act.

If such generic locational attributes were sufficient to justify an Exceptional Development Permit, the integrity of the LR zone would be undermined across wide areas of the northern suburbs. The application therefore fails to meet the threshold test required for the grant of an EDP.

2. Traffic and Parking Impacts on a Constrained Cul-de-sac

The proposed development would significantly increase traffic and safety risks on a constrained cul-de-sac while also posing risks to local wildlife.

The proposal provides 13 on-site car parking spaces but no designated visitor parking bays. Given the two-bedroom configuration of each unit—which commonly generates multiple vehicles per household—this level of provision is unlikely to accommodate both resident and visitor demand, resulting in overflow parking within Berry Place.

Berry Place is a short, narrow cul-de-sac designed to serve a small number of low-density dwellings. (see Appendix A, Figures 3 and 4). Cul-de-sacs are inherently constrained environments intended to minimise traffic volumes and vehicle movements. Intensification of this nature is fundamentally incompatible with the function and design of a cul-de-sac and exacerbates safety, access, and amenity impacts beyond what would occur on a through-street.

Berry Place also experiences periodic on-street parking pressure during the established weekend Rapid Creek Markets. During these periods, informal overflow parking further constrains turning space, verge access, and sightlines within the cul-de-sac (see Appendix A, Figure 5). The introduction of six additional dwellings, without designated visitor parking, would exacerbate these peak-period constraints and increase safety risks, particularly for pedestrians, cyclists, and emergency vehicle access.

Conservatively, six dwellings could generate approximately 30–50 additional daily vehicle movements, including resident trips, visitors, deliveries, and service vehicles, based on standard residential trip generation rates commonly

relied upon in Australian traffic assessments. Despite this likely increase, the application does not include a traffic impact assessment or modelling to demonstrate how additional vehicle movements would safely operate within the constrained geometry of Berry Place, nor how peak-period demand—particularly during established weekend Rapid Creek Markets—would be managed without reliance on on-street parking.

The street verge forms part of the Rapid Creek wildlife corridor and is used by bush stone-curlews (*Burhinus grallarius*), listed as Near Threatened under the Territory Parks and Wildlife Conservation Act 2000 (see Appendix A, Figure 6). Increased vehicle movements would elevate the risk of vehicle strike, the primary cause of mortality for this species in suburban Darwin. No fauna assessment or mitigation measures are provided, and in the absence of such assessment, the risk of increased fauna mortality cannot be discounted.

The proposal may also place additional strain on existing infrastructure in this older suburb. While the EDP Report asserts no undue demand, no capacity assessments or service authority confirmations are provided, contrary to Clause 5.2.4 of the NT Planning Scheme.

3. Flooding, Stormwater and Environmental Risk

The site is located within a secondary storm surge zone and adjacent to the Rapid Creek floodplain (see Appendix A, Figures 7, 8 and 9). NT LIS mapping identifies areas within the Rapid Creek catchment subject to Q100 and Year 2100 flood extents, reinforcing the need for site-specific flood and stormwater assessment to demonstrate that development will not exacerbate flood impacts on adjoining land.

The proposal would substantially increase impervious surfaces; however, the application does not provide stormwater modelling or an assessment demonstrating that flooding on adjoining land will not be worsened, nor a management plan addressing high-intensity rainfall events.

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While environmental and sustainability measures are claimed, these outcomes are not substantiated by technical evidence. Landscaping plans indicate approximately 39% landscaped area, resulting in approximately 61% impervious coverage, representing a substantial increase from existing conditions. Civil plans reference infiltration areas but do not include hydrological modelling demonstrating performance under significant rainfall events such as those documented in the Rapid Creek Flood Study (2013) or during Cyclone Carlos (2011), or comparable recent events.

Without this information, the proposal does not demonstrate that flood risk will be adequately managed, nor that impacts will not be transferred off-site. Approval in the absence of this information would be inconsistent with a precautionary approach to development in flood-prone catchments.

4. Amenity, Privacy and Neighbourhood Character

The proposal raises significant amenity concerns due to its density, siting, clustering, and two-storey form on an irregularly shaped lot. Clause 5.4.3 of the NT Planning Scheme requires development to minimise overlooking, overshadowing, and loss of privacy, with qualitative amenity outcomes taking precedence over numerical compliance.

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5. Failure to Demonstrate Public Interest

The claimed benefits of infill efficiency, design quality, and sustainability are not substantiated by evidence and largely serve private interests. The proposal provides no affordable housing, community infrastructure, or environmental enhancements that would deliver a demonstrable public benefit. In contrast, the adverse impacts on amenity, environmental risk, and zone integrity are borne by existing residents and the broader community.

The proposal does not demonstrate exceptional circumstances, a strategic planning need, or a net public benefit sufficient to justify approval of an

Exceptional Development Permit. Weighed against the competing considerations, the proposal results in a negative public interest outcome.

Conclusion

The proposed development fails to demonstrate exceptional circumstances, conflicts with the intent and density outcomes of the Low-Density Residential zone, and gives rise to unacceptable impacts on traffic safety, environmental values, flood resilience, and residential amenity. The application relies on strategic arguments that cannot override statutory zoning controls and is unsupported by critical technical assessments.

Granting an Exceptional Development Permit in these circumstances would represent a substantive departure from the Planning Scheme rather than a genuinely exceptional response to site-specific constraints.



I respectfully request that the Development Consent Authority refuse the application. Other residents of Berry Place, who share concerns about the application, have indicated their support for this submission. Should approval nonetheless be contemplated, I request referral to a public hearing under section 49 of the Planning Act to allow affected residents to provide further evidence.




Kind Regards,

A handwritten signature in black ink, appearing to read 'Dennis Bezzant', with a large, sweeping flourish extending upwards and to the right.

Dennis Bezzant

Appendix A – Supporting Images

Figure	Image	Caption
<p>Figure 1</p>		<p>Image from Applicant’s “Site Plan”</p>
<p>Figure 2</p>		<p>Image from Applicant’s “Attachment C – Site Aerial”</p>

<p>Figure 3</p>		<p>Looking down Berry Place with no cars present</p>
<p>Figure 4</p>		<p>The end of Berry Place with second driveway on the left showing where proposed site is located.</p>
<p>Figure 5</p>		<p>Looking down Berry Place during Rapid Creek Markets on the weekend showing 10 cars parked in the street.</p>




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Figure 9		Watermark on fenceline of 7 Berry Place showcasing how high the water reached during a flood.
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<https://www.abc.net.au/news/2015-10-13/subdivision-concerns-for-rural-darwin-residents/6849690>

Phone 1800 245 092

Web powerwater.com.au

Record No: D2025/425398

Container No: NE550/1222

Your Ref: PA2025/0413

Madison Harvey
Development Assessment Services
GPO Box 1680
Darwin NT 0810

Dear Madison

Re: Lot 1222 (4) Berry Place Millner Town of Nightcliff

In response to your letter of the above proposal for the purpose of dwelling-group (6 x 2 bedroom) in 3 buildings, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. This property is provided with limited capacity of power supply of 10KVA, single phase for a normal single residential house from pillar P077MR. Three phase power service with sufficient capacity shall be required for the proposed 6 dwellings development.
2. The landowner shall engage a licensed electrician to prepare an overall maximum power demand calculation of the proposed dwellings-group and apply for a Negotiated Connection application under Australian Energy Regulator (AER) compliance process for PWC's assessment on power supply capacity upgrade requirements.
3. The engaged electrician shall install internal electricity reticulation for the proposed dwellings-group in accordance with PWC's current NP018 Service and Installation Rules 2024 and NP010 Meter Manual.
4. The engaged electrician shall carry out suitable installation of three phase service from the low voltage Distribution Pillar P077MR to Lot 1222.

If you have any further queries, please contact Robyn Gless Customer Connections Officer on 8924 5702.

Yours sincerely



Thanh Tang
Manager Distribution Development

26 November 2025



Container No: LD550/1222

DLPE - Development Assessment Services

GPO Box 1680

Darwin NT 0801

Dear Madison Harvey

RE: PA2025/0413 Lot 01222 Town of Nightcliff - 4 Berry Pl, Millner NT - Dwelling-group (6 x 2 bedroom) in 3 buildings

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

1. The developer may need to upgrade the existing water and sewer service and should contact Services Development prior to start of construction.
2. The developer is required to install approximately 88 metres of new DN150 water main in Berry Place. The Developer is required to engage a suitably qualified hydraulic professional to confirm this design.
3. The developer must contact Power and Water to discuss alternative multi-metering water services for developments larger than 12 units or 6 units for residential and commercial respectively.
4. PWC are working towards a water efficient future, through the implementation of water saving practices that provide potential financial savings to our customers. PWC strongly encourages you to visit the Living Water Smart website <https://www.livingwatersmart.com.au/> to find out more on how to improve your developments landscaping and irrigation.
5. The developer must ensure that;
 - a) Backflow prevention is installed at the water service in accordance with AS/NZS 3500.1 – Plumbing and Drainage - Water Services
 - b) Where applicable, the device is tested annually in accordance with AS/NZS 2845.3 field testing and maintenance of testable devices.

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

Visit <https://www.powerwater.com.au/developers/water-development/backflow-prevention> or contact BackflowPrevention.PWC@powerwater.com.au for all backflow prevention enquires.

6. All required works mentioned above must all be at according to Power and Water's Connection Code and at the developer's expense. A letter has been sent to the applicant outlining the fees and charges applicable for this development. All standard and quoted charges, as well as contribution charges will be valid for a period of 6 months from date of letter issue. As required, Power and Water will reassess the charges for the development.

7. Power and Water advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) must be contacted via email a minimum of 1 month prior to construction works commencing.

If you have any further queries, please contact the undersigned on (08) 9463 2089, or email waterdevelopment@powerwater.com.au

Yours sincerely



Craig Thomas
Services Development

18 December 2025

cc: Cat Tatam
email: cat@tatamplanningco.com.au

Manager Urban Planning
Development Assessment Services
Department of Lands, Planning and Environment GPO
Box 1680
DARWIN NT 0801

Please Quote: PA2025/0413

Dear Sir/Madam

Parcel Description: **Lot 01222 Town of Nightcliff
4 Berry Place, Millner**

Proposed Development: **Exceptional Development - Dwelling-group (6 x 2 bedroom)
in 3 buildings**

Thank you for the development application referred to this office on 21 November 2025 concerning the above.

The application is inconsistent with the Place and Liveability Plan 2050's purpose to strengthen community belonging and enhance neighbourhood character, sense of place and liveability. It fails to demonstrate that rezoning the land is an unsuitable option for the proposed low-medium density residential development. It is inconsistent with the planning scheme and strategic framework and conflicts with the established character of the area.

Further, it does not provide sufficient information to fully assess the impacts on neighbourhood amenity, road safety, drainage and the environment. Accordingly, it fails to demonstrate exceptional public benefit and lacks planning merit. If approved, the EDP will erode public trust in the planning process.

The application is for an Exceptional Development Permit (EDP) for 6 dwellings on a 2,200m² lot in Zone Low Density Residential (LR). The proposed density comparable with Zone Low-Medium Density Residential Zone, which typically allows 1 dwelling per 300 m². The proposal is likely to introduce 12–18 new residents in six dwellings, generating 9–12 resident cars, supported by 13 on-site bays, with occasional demand for 1–2 visitor cars spilling onto Berry Place.



The site is at the end of the Berry Place cul-de-sac, which has been designed to accommodate eight existing single dwellings. The land is located within a large area of Zone LR. The existing pattern of residential development in the area is characterised as being low density with predominantly large single dwellings on lot sizes ranging from around 2,200m² to 900m². These residential properties are heavily vegetated, which provides urban cooling, stormwater management and a high level of amenity.

While application includes building, landscaping and civil plans, it does not include sufficient technical information to assess the proposal's cumulative impacts on social infrastructure, traffic, flooding, stormwater capacity and drainage networks.

Pursuant to Section 22 (1) of the NT Planning Act 1999 (the Act), City of Darwin submits that this application should be refused for the following reasons:

1. Despite the proposed residential development being in Zone LR, it will be developed at a much higher density, which is inconsistent with the existing pattern of development.
2. The proposal is inconsistent with the NT Compact Urban Growth Policy (CUGP) for the following reasons:
 - a. As the proposal will not transition density appropriately with surrounding lower density neighbourhood character, it conflicts with Performance Criterion: 4.2 Neighbourhood Character – Key Performance Indicator 3.
 - b. 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, which conflicts with Performance Criterion 4.4 Service Infrastructure – Key Performance Indicator 1.
 - c. As the proposal will result in a higher density of dwellings (6 instead of 1) than those in the adjacent area, the proposal is inconsistent with Performance Criterion 4.2 Neighbourhood Character – Key Performance Indicator 1(a).
 - d. As the Darwin Mid Suburbs Area Plan (DISAP) does not identify the site as being in a 'Potential area for change', the proposal is inconsistent with Performance Criterion 4.2 Neighbourhood Character – Key Performance Indicator 2.
 - e. As the proposal fails to demonstrate compliance with (CUGP) performance indicators, it is inconsistent with Performance Criterion 3.2.



4. The proposal is inconsistent with the Darwin Regional Land Use Plan 2015 (DRLUP) for the following reasons:
 - a. The application has not provided sufficient information to demonstrate that the development is compatible with the road network and traffic or land capability, flooding and drainage constraints.
 - b. The increased density is not aligned with sequencing priorities for infrastructure delivery.
5. 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 Mid Suburbs Area Plan (DMSAP), which undermines the Act's objective to promote the good design of buildings and other works that respects the amenity of the locality. Nor does it address any infrastructure costs to the broader community.
6. The application does not contain sufficient information to fully consider the requirements of the CUGP, DRLUP or DMSAP, which means through this process that residents in the area have not been provided the opportunity to consider the proposal against the planning scheme's Strategic Framework or strategic intent of the Darwin Mid Suburbs Area Plan (DMSAP). This weakness in the EDP application undermines the effectiveness of the DMSAP and conflicts with the Act's objectives to:
 - a. ensure strategic planning reflects the wishes and needs of the community.
 - b. respect and encourage fair and open decision making and public access to processes for review of planning related decisions.
7. If approved, the EDP would likely set an undesirable precedent of unplanned increased densities 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 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.
 - 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.

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

Yours sincerely

Signed by:

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ALICE PERCY
GENERAL MANAGER INNOVATION

