

**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 m<sup>2</sup>. In contrast, the proposal places six dwellings on a 2,200 m<sup>2</sup> site, equating to approximately one dwelling per 367 m<sup>2</sup>. (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




## Appendix A – Supporting Images

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

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<p><b>Figure 6</b></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><b>2 Curlews nesting under a frangipani tree on the street verge of Berry Place.</b></p>
<p><b>Figure 7</b></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><b>Looking out from Berry Place onto Rapid Creek Road during a flooding event.</b></p>
<p><b>Figure 8</b></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><b>Looking down Berry Place towards Rapid Creek Road during a flooding event</b></p>

<b>Figure 9</b>		<b>Watermark on fenceline of 7 Berry Place showcasing how high the water reached during a flood.</b>
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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.

[https://www.ntlis.nt.gov.au/mpds/get\\_file?file\\_id=5902](https://www.ntlis.nt.gov.au/mpds/get_file?file_id=5902)

### Rapid Creek Flood Study (2013)

Assessment of flood behaviour, storm surge risk, and drainage capacity within the Rapid Creek catchment, supporting the need for site-specific flood and stormwater assessment where impervious surfaces increase.

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### **Territory Parks and Wildlife Conservation Act 2000 (NT)**

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>

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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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## **Conclusion**

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Kind Regards,




A handwritten signature in black ink, appearing to read 'SP', with a long, sweeping underline that extends to the right.


Sarah Penney

## Appendix A – Supporting Images

Figure	Image	Caption
<p><b>Figure 1</b></p>		<p><b>Image from Applicant’s “Site Plan”</b></p>
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<b>Figure 9</b>		<b>Watermark on fenceline of 7 Berry Place showcasing how high the water reached during a flood.</b>
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## Authorities relied upon

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### **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 m<sup>2</sup>. In contrast, the proposal places six dwellings on a 2,200 m<sup>2</sup> site, equating to approximately one dwelling per 367 m<sup>2</sup>. (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.

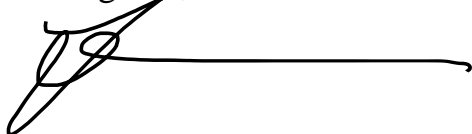
## Conclusion

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 'Fiona Leibrick', written over a horizontal line.




Fiona Leibrick




7 Berry Place, Millner NT 0810


16 December 2025

## Appendix A – Supporting Images

Figure	Image	Caption
<b>Figure 1</b>	 <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>	<b>Image from Applicant's "Site Plan"</b>
<b>Figure 2</b>	 <p>This is an aerial photograph of the site area. A blue outline highlights the irregular shape of the proposed development footprint. The surrounding area includes residential buildings, trees, and a road. The image provides a real-world context for the site plan shown in Figure 1.</p>	<b>Image from Applicant's "Attachment C – Site Aerial"</b>

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

<p><b>Figure 6</b></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><b>2 Curlews nesting under a frangipani tree on the street verge of Berry Place.</b></p>
<p><b>Figure 7</b></p>	 A photograph showing a view of 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><b>Looking out from Berry Place onto Rapid Creek Road during a flooding event.</b></p>
<p><b>Figure 8</b></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><b>Looking down Berry Place towards Rapid Creek Road during a flooding event</b></p>

<b>Figure 9</b>		<b>Watermark on fenceline of 7 Berry Place showcasing how high the water reached during a flood.</b>
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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.

<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.

[https://www.ntlis.nt.gov.au/mpds/get\\_file?file\\_id=5902](https://www.ntlis.nt.gov.au/mpds/get_file?file_id=5902)

### Rapid Creek Flood Study (2013)

Assessment of flood behaviour, storm surge risk, and drainage capacity within the Rapid Creek catchment, supporting the need for site-specific flood and stormwater assessment where impervious surfaces increase.

<http://www.rapidcreek.org.au/documents/docUploads/RapidCreekFloodStudy2013.pdf>

### **Territory Parks and Wildlife Conservation Act 2000 (NT)**

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).

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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,

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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.

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## **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.

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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.

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

<p><b>Figure 3</b></p>		<p><b>Looking down Berry Place with no cars present</b></p>
<p><b>Figure 4</b></p>		<p><b>The end of Berry Place with second driveway on the left showing where proposed site is located.</b></p>
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<b>Figure 9</b>		<b>Watermark on fenceline of 7 Berry Place showcasing how high the water reached during a flood.</b>
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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.

<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.

[https://www.ntlis.nt.gov.au/mpds/get\\_file?file\\_id=5902](https://www.ntlis.nt.gov.au/mpds/get_file?file_id=5902)

### Rapid Creek Flood Study (2013)

Assessment of flood behaviour, storm surge risk, and drainage capacity within the Rapid Creek catchment, supporting the need for site-specific flood and stormwater assessment where impervious surfaces increase.

<http://www.rapidcreek.org.au/documents/docUploads/RapidCreekFloodStudy2013.pdf>

### **Territory Parks and Wildlife Conservation Act 2000 (NT)**

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>

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](mailto: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](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) must be contacted via email a minimum of 1 month prior to construction works commencing.

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

Yours sincerely



Craig Thomas  
**Services Development**

18 December 2025

cc: Cat Tatam  
email: [cat@tatamplanningco.com.au](mailto: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 2,200m<sup>2</sup> 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 m<sup>2</sup>. 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 2,200m<sup>2</sup> to 900m<sup>2</sup>. 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](mailto:darwin@darwin.nt.gov.au)

Yours sincerely

Signed by:  
  
5A8AC558A1A19D92

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

