

NHULUNBUY

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PART I – PRELIMINARY

1. Application

This policy applies to the area of land as defined in Special Purposes Lease 214 (SPL 214 – Town of Nhulunbuy) and as shown bounded by thick black broken lines on the Nhulunbuy Town Development Plan.

This policy does not apply to Special Purposes Lease 250 (Industrial Estate).

2. Final Authority

Alcan Gove Pty Limited (Alcan) is the Final Authority for the purpose of this policy.

Any alteration or amendment to the Nhulunbuy Town Development Plan requires the Northern Territory Administrator's consent. The Nhulunbuy Town Development Plan can be viewed at the offices of Nhulunbuy Corporation Limited.

This policy is subject to the provisions of:

Mining (Gove Peninsula Nabalco Agreement) Ordinance 1968
Special Purposes Leases Ordinance 1953-1968
Special Purposes Lease No. 214 (SPL 214)
Special Mineral Lease 11 (SML 11)
Nhulunbuy Town Development Plan

Alcan may vary or amend the requirements of this policy at any time.

2.1 Consent Required

Any development on the land in SPL 214 requires Alcan's consent.

2.2 Prescribed Form

An application for a development shall be made by way of the prescribed form 'Application for Development Permit' as shown in Annexure 'A'.

2.3 Time Limitation

A development permit is valid for 2 years from the date of approval.

2.4 Building Approval

This policy does not negate the requirement to obtain a separate building application and building approval from the Nhulunbuy Corporation Ltd prior to construction of buildings.

2.5 Energy Efficiency Requirements

It is a requirement that all development proposals and building applications will feature energy saving devices where possible to ensure the conservation of limited power and water resources.

PART II – LAND USE

3. Arrangement of Land Uses

The land to which this policy applies is divided into land use areas shown on the Nhulunbuy Town Development Plan, which are the land uses referred to in this policy.

3.1 Permitted Developments

A use or development of land shown in the Nhulunbuy Town Development Plan shall be permitted only with the consent of Alcan.

3.2 Land Use Areas

a) Single Dwelling Residential

Single dwellings on individual allotments.

b) Medium Density Residential

A mixture of duplexes, units and hostels to a maximum height of two (2) storeys.

c) High Density Residential

Units and hostels three (3) storeys and above in height.

d) Commercial

Business uses including shops and service stations.

e) Light Industry (excludes SPL 250)

Workshop, manufacturing, catering and storage / depot uses which do not affect the amenity of the surrounding locality.

f) Community Purpose

Community uses including schools, health facilities, churches, community & social clubs, government & civic administration buildings and public utilities.

g) Organised Recreation

Areas for organised indoor and outdoor recreational activities.

h) Open Space

Areas to be retained as open space.

i) Future Development

Areas which may be suitable for future development.

PART III – PROVISIONS

MINIMUM ALLOTMENT SIZES

4 Development Controls

4.1 Subdivision of attached buildings of any kind in any land use area is prohibited.

4.2 Minimum Lot Size - Single Dwelling Residential

Objective

To ensure that allotments created for single detached dwellings will be capable of affording proper orientation of the building having regard to climatic considerations; to provide adequate setbacks to the street and adjoining allotments; to provide adequate room for on site car parking and afford opportunities to create adequate private open space.

Policy

Land within Single Dwelling Residential land use areas shall -

- a) not be subdivided into allotments having an area of less than six hundred (600) square metres; and
- b) not have a building erected higher than two (2) storeys.

4.3 Minimum Lot Size - Medium Density Residential

Objective

To enable the subdivision of land within Medium Density Residential land use areas into allotments on which duplexes, units and hostels can be built, which will be capable of affording proper orientation of buildings having regard to climatic considerations, to provide adequate setbacks to the street and adjoining allotments, to provide adequate room for on site car parking and afford opportunities to create adequate private open space.

Policy

Land within Medium Density Residential land use areas shall -

- a) not be subdivided into allotments of less than 600 square metres unless the land being subdivided has an area of greater than 2,000 square metres, in which case the minimum area of the allotment shall be 400 square metres per dwelling on the allotment;
- b) not have a building erected higher than two (2) storeys;

- c) have adequate width and depth to enable a building to be sited and oriented so as to permit –
 - i maximum advantage to be taken of cooling breezes,
 - ii suitable setbacks to adjoining allotments,
 - iii adequate private open space; and
- d) have safe and convenient vehicular access and car parking.

Subdivision of attached dwellings, units and hostels is prohibited.

4.4 Minimum Lot Size - High Density Residential

Objective

To ensure that allotments created for Residential High Density units and hostels, three (3) stories and above in height, will provide –

- a) adequate access to public open space areas;
- b) adequate width and depth to enable a building to be sited and oriented so as to permit -
 - i. maximum advantage to be taken of cooling breezes
 - ii. suitable setbacks to adjoining allotments
 - iii. adequate private open space
 - iv. privacy to and from adjoining allotments; and
- c) safe and convenient vehicular access and car parking.

Policy

Land within the Residential High Density land use area will have an area of no less than 3000 square metres.

Subdivision of attached dwellings, units and hostels is prohibited.

4.5 Minimum Lot Size - Commercial

Each application will be determined on its individual merits.

Subdivision of attached buildings is prohibited.

4.6 Minimum Lot Size – Light Industry

Objective

To ensure that Light Industry allotments are of a size and area compatible with their intended use for industrial purposes.

Policy

Land in Light Industry land use areas shall not be subdivided into allotments having an area less than 1,000 sqm.

Subdivision of attached buildings is prohibited.

4.7 Minimum Lot Size – Future Development

Objective

To ensure land identified for future development will not be used in a manner which may prejudice the proper planning and development of the area.

Policy

Each development application for land within Future Development land use areas shall be assessed on its merit at the sole discretion of Alcan.

RESIDENTIAL DEVELOPMENTS

5 Development Controls

5.1 Open Space for Medium Density Residential Duplex

Objective

To ensure that Medium Density Residential duplex dwellings are developed affording at least minimum standards of private open space to each dwelling which is effectively screened from the view of adjoining and nearby dwellings.

Policy

Each duplex dwelling shall have a contiguous private outdoor area at ground level which shall be not less than 35 square metres and four (4) metres long and four (4) metres wide and shall be screened from public view.

5.2 Landscaped Area for Medium & High Density Residential Units & Hostels

Objective

To ensure the provision of adequate communal open space areas for the enjoyment of the residents.

Policy

A building shall not be used or developed for units or as a hostel unless there is at ground level a landscaped area not less than 30% of the area of the allotment being not less than six (6) metres wide at any point.

5.3 Building Setbacks

Objective

To ensure that residential buildings are sited on an allotment so that they will not unduly overlook adjoining properties or by proximity to the allotment frontage, detract from the amenity of the streetscape, obstruct vision of

drivers of vehicles entering or leaving streets and to minimise any adverse effects of building massing when viewed from adjoining land.

Policy

No building comprising single, duplex or unit dwelling or hostel shall be located other than in accordance with the table to this clause.

TABLE TO CLAUSE 5.3
Building Setback Table - Residential Development

	Setback in Metres
<u>Minimum Setback to Street Kerb</u>	
All sites with single frontage	7.5
Corner sites – access street	7.5
Corner sites - sides without access from street	5.5
Dual Frontage – front of dwelling	7.5
<u>Minimum Setbacks to Side and Rear Boundaries</u>	
Buildings up to three (3) storeys	1.5

NOTES

1. The calculation of the minimum setback to a side or rear boundary of a wall with a window or door to a habitable room is to be measured to the point of the wall nearest to the boundary.
2. Shade Structures – The minimum setback to the street kerb from any horizontal shade structure or support shall be 4 metres.
3. The minimum setback to the kerb from any vertical shade structure shall be 7.5 metres.
4. Site plans in relation to duplexes, units and hostels are to include details of the roofline and of awnings or any other overhanging structure.
5. The roofline of a duplex, unit or hostel and any awning or other overhanging structure is to be set back 0.8 metres from the boundary of the land.

5.4 Caravans

Policy

Caravans on SPL 214 are prohibited. Nhulunbuy Corporation Limited's caravan policy applies in addition to this policy.

5.5 Home Occupations

This policy is pending.

5.6 Dwellings in Single Dwelling Residential Land Use Areas

Objective

To ensure that only one dwelling may be constructed on an allotment.

Policy

There shall not be more than one dwelling per allotment within the Single Dwelling Residential land use area.

5.7 Dwellings in Commercial Land Use Areas

Policy

Residential dwellings are prohibited in Commercial land use areas.

5.8 Dwellings in Light Industry Land Use Areas

Policy

Residential dwellings are prohibited in Light Industry land use areas.

5.9 Dwellings in Community Purpose and Organised Recreation Land Use Areas

Policy

Residential dwellings are prohibited in Community Purpose and Organised Recreational land use areas.

5.10 Dwellings in Future Development Land Use Areas

Policy

Residential dwellings are generally prohibited, however, applications will be considered in special circumstances in these land use areas.

5.11 Dwellings in Open Space Land Use Areas

Policy

Residential dwellings are prohibited in Open Space land use areas.

5.12 Caretakers Residences

Policy

Caretakers' residences are generally prohibited on SPL 214, however, applications will be considered in special circumstances. The Caretakers' Policy (SPL 214) applies in addition to this policy.

COMMERCIAL DEVELOPMENTS

6 Development Controls

Objective

To facilitate changes of use within Commercial land use areas.

In this clause, "interchangeable use" means a use of land as a restaurant, shop or office.

Policy

The land may be developed and used, with the consent of Alcan, for any interchangeable use.

6.1 Building Setbacks

Objective

To ensure that an adequate level of visual and acoustic amenity is provided and maintained in relation to land in Commercial land use areas.

Policy

Applications will be assessed on a case by case basis. The land may be developed and changed with the consent of Alcan for any interchangeable use.

LIGHT INDUSTRY DEVELOPMENTS
(excluding SPL 250)

7 Development Controls

7.1 Building Site Coverage

Objective

To ensure light industry allotments are developed in a manner, which will provide adequate building and landscape setbacks, car parking areas and loading bays.

Policy

The area of a site covered by buildings shall not exceed 60% of the site.

7.2 Building Setbacks

Objective

To ensure that an adequate level of visual amenity is provided and maintained within Light Industry land use areas.

Policy

Buildings within Light Industry land use areas shall only be located in accordance with the table to this clause.

TABLE TO CLAUSE 7.2
Building Setback Table - Light Industry Development

<u>Minimum Setback to Lot Boundary</u>	Setback in metres
Buildings with frontage to Arnhem Road	6
Buildings with frontage to Wuyal Road	6
 <u>Minimum Setback to Side & Rear Boundaries</u>	
Distance from at least one side boundary	3
Distance from rear boundary	3
Distance from boundary adjoining Residential land use	6

Three (3) metres of the minimum frontage setback required pursuant to clause 7.2 shall be landscaped with lawn, gardens, shrubs or trees and be continuously maintained to the satisfaction of the Nhulunbuy Corporation Ltd and shall not be used for any other purpose except for appropriate access driveways and footpaths.

CAR PARKING

8 Provision for Car Parking

8.1 Parking Requirements

Objective

To ensure that developments provide sufficient off-street car parking to service the proposed use.

Policy

A person shall not use or develop land for a purpose specified in Column 1 of the table to this clause unless provision is made on the land for car parking spaces, being no fewer in number than the number calculated in accordance with the formula specified opposite the purpose in Column 2.

Column 1 (purpose)	Column 2 (car parking spaces)
Single Dwelling	2
Medium & High Density Dwellings (other than hostels)	1.5
Hostel	For every 5 persons – 1 plus For every staff member – 1 plus 1 mini bus bay
Hotel and Motel	For every guest suite or bedrooms – 0.4 plus For every 100sqm of nett floor area – 3
Indoor recreation establishment	For every 100sqm of nett floor area – 3
Light Industry	For every 100sqm of nett floor area -1 plus For every 25sqm of nett floor area used as office – 1
Motor repair station	For every 100sqm of nett floor area - 3

8.2 Parking Assessment

Policy

Where a use or development is proposed that is not listed in the table to clause 8.1, then the number of car parking spaces required for that development shall be determined by Nhulunbuy Corporation Limited using the current Darwin Town Plan as a guideline.

8.3 Parking Layout

Objective

To ensure that a parking area is constructed to a standard and so located as will facilitate its convenient use.

Policy

Except with the consent of Alcan, a parking area must be sealed and well drained, and shall conform to AS 2890.1 of 1993.

BUILDING HEIGHT & PLOT RATIO

9 Development Controls

9.1 Plot Ratios in Single Dwelling Residential Land Use Area

Objective

To ensure that land in this land use area is developed in a manner which will, in terms of building massing, be compatible with adjacent and nearby development.

Policy

The plot ratio of a site shall not exceed 0.5 and building height shall not exceed two (2) storeys.

9.2 Plot Ratios in Medium Density Residential Land Use Areas

Objective

To ensure that land in this land use area is developed in a manner which will, in terms of building massing, be compatible with adjacent and nearby developments.

Policy

The plot ratio of a site shall not exceed 0.7 and building height shall not exceed two (2) storeys.

9.3 Plot Ratios in High Density Residential Land Use Areas

Objective

To ensure that land in this land use area is developed in a manner which will, in terms of building massing, be compatible with adjacent and nearby developments.

Policy

The plot ratio of a site shall not exceed 0.9.

9.4 Plot Ratios in Light Industry Land Use Areas

Objective

To ensure that land in this land use area is developed in a manner which will, in terms of building massing, be compatible with adjacent and nearby developments.

Policy

The plot ratio of a site shall not exceed 0.75.

9.5 Height Limitations in Certain Land Use Areas

Objective

To ensure that the height of buildings in the specified land use area does not impinge on the amenity of the adjoining properties.

Policy

Subject to the provisions of clauses 9.5.1 and 9.5.2, within Land Use Areas (other than High Density Residential, Commercial and Future Development), no building except a **flag pole, aerial or antenna** shall exceed a height of 7 metres from the lowest ground that abuts the building.

9.5.1 The height of any point of a building shall be measured from ground level immediately below that point but shall also include the height of a mound specifically provided or made for the purpose of elevating a building above the surrounding ground level.

9.5.2 Despite clause 9.5, a dwelling may exceed 7 metres in height, measured from the lowest ground that abuts the dwelling –

- a) if the part of the dwelling that exceeds that height does not contain any space capable of being occupied; and /or
- b) if the dwelling is a detached dwelling – if no part of the dwelling exceeds 8.5 metres in height, measured from the lowest ground that abuts the dwelling.

LOADING BAYS

10. Loading Bays

Objective

To ensure that adequate provision is made on site for the loading and unloading of vehicles associated with the use of the land.

Policy

A building or site shall not be developed for a general industry, light industry, shop, showroom sales, transport terminal or warehouse unless provision is

NHULUNBUY LAND DEVELOPMENT POLICY (SPL 214)

made wholly within the site for the accommodation of vehicles whilst being loaded or unloaded.

A loading bay required by this clause shall have minimum dimensions of 7.5 metres by 3.5 metres and a minimum height clearance of 4 metres and adequate access shall be provided.

FILE NO.	
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Nhulunbuy Land Development Policy (SPL 214) Application for Development Permit

COPIES

Proposals to SUBDIVIDE OR CONSOLIDATE: require an original and 4 copies of this form and its attachments.	Proposals to DEVELOP INCLUDING BUILDING WORKS: require an original and 4 copies of this form and its attachments.
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A separate form is required for each type of proposal.

Note: Separate Building Approval from Nhulunbuy Corporation Limited is required prior to construction commencement.

APPLICANT INFORMATION

<p>Applicant: Name: Postal Address:</p> <p>Telephone No. (business hours) Facsimile No. (business hours) E-mail:</p>	
<p>Contact person for further information (or write 'as above'): Name: Postal Address:</p> <p>Telephone No. (business hours) Facsimile No. (business hours) E-mail:</p>	<p>NOTE: Correspondence will go to the person and address indicated here.</p>

OWNER

<p>Name: For business/company provide ABN or ACN: Postal Address:</p> <p>Attach owner's consent (signed and/or sealed) if the applicant is not the owner:</p> <div style="text-align: center;"> <input type="checkbox"/> Attachment A </div>	
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APPLICANT TO SIGN AND/OR AFFIX SEAL

Application complete and all required documents attached.	
_____ Signature	____/____/____ Date

FOR OFFICE USE

Fee \$	Receipt No.	
_____ Signature		____/____/____ Date

Note: The application fee is non-refundable

This is Annexure A

LAND INFORMATION

Location of proposed development: Special Purposes Lease No. 214 Lot Number: Street Number and Name: Sublease No.	
Attach locality plan at legible scale showing outline of land affected in relation to drainage lines, other natural features, roads and surrounding properties.	<input type="checkbox"/> Attachment B
Attach current copy of the Sublease including title diagram.	<input type="checkbox"/> Attachment C

EXISTING PERMITTED LAND USE

DESCRIPTION OF DEVELOPMENT/PROPOSAL

Eg. Construct duplex dwellings; create 2 lots	Estimated value of works (excluding land): \$ <input type="text"/>
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EFFECT OF SUBDIVISION/CONSOLIDATION

Attach statement describing the effect of the proposed subdivision/consolidation	<input type="checkbox"/> Attachment D – see attached guide
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VARIATIONS SOUGHT

Eg. Nil/Vary setback requirement
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FOR SUBDIVISION/CONSOLIDATION

Site area (m ²): Number of existing lots: Number of lots to be created:	
Existing buildings on site: YES/NO If YES, attach statement outlining compliance of existing building/s with the Building Act, following subdivision/consolidation as proposed. Obtain this from a building certifier	<input type="checkbox"/> Attachment E

DIMENSIONED PLANS

Attach dimensioned plans	<input type="checkbox"/> Attachment F – see attached guide
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This is Annexure A

GUIDE TO ATTACHMENT D

Development applications for SPL 214 require the applicant to provide a statement describing the effect of a proposed development or of the proposal. This statement is referred to on this form as Attachment D. The statement should be detailed and should address, but need not be limited to, the matters listed.

Brief summaries of the requirements are listed below for guidance:

MATTERS TO BE ADDRESSED IN APPLICATION	
1	An assessment demonstrating how the proposed development will comply with the Nhulunbuy Land Development Policy (SPL 214) as it applies to the land.
2	An assessment demonstrating that the proposed development will comply with Special Purpose Lease 214.
3	If a public environmental report or an environmental statement has been prepared or is required by Alcan, a copy of the report and the results of its assessment.
4	An assessment demonstrating the merits of the proposed development.
5	The physical characteristics of the land and a detailed assessment of its suitability for the proposed development AND the effect of the proposed development on the land and other land.
6	The utilities or infrastructure provided in the area in which the land is situated, the requirement for facilities and services to be connected and how these are to be provided.
7	In the case of a proposed subdivision/consolidation of land, an assessment demonstrating that each lot will be serviced by a legal access road, constructed to the standards required by Nhulunbuy Corporation Limited.
8	An assessment of the potential impact of the development on the existing and future amenity of the area.
9	An assessment of the maximum demand calculations for power for the proposed development.
10	An assessment of how the public and Alcan's interest will be affected by the proposed development addressing detriment and benefit.

Applicants are further advised that under the Nhulunbuy Land Development Policy (SPL 214), an application may be rejected without further consideration if it does not address the matters specified above.

This is Annexure A

GUIDE TO ATTACHMENT F

Dimensioned plans are required as part of this application. Depending upon the complexity of the development application or proposal to change permitted land use, or if you are having difficulty understanding these requirements, it is in your best interests to engage a surveyor, planner, engineer or other design professional to assist you in the preparation of your application or to prepare it on your behalf.

If you consider some of the following information is unnecessary due to the nature of the particular development proposed, your proposal can be submitted incomplete. Nhulunbuy Corporation Limited will then decide whether the information is required prior to assessing the application.

PROPOSALS TO SUBDIVIDE/CONSOLIDATE:	
An original plus 4 copies each of plans showing the information indicated below are required of which 2 copies of plans and drawings must be A3 in size.	
Plans should be at a legible scale, typically between 1:500 and 1:10 000 and show the following information:	
1	The north point, area of the existing parcel and boundary dimensions.
2	Approximate area of each of the proposal parcels.
3	Existing buildings, bores and other improvements on site and on adjoining properties, in relation to lot boundaries.
4	Contours at not greater than 2 metre intervals, flood lines, seepage lines and other natural features.
5	Land units.
6	Constrained land ie, subject to waterlogging, with slope exceeding 5%, rock outcrops or pavement.
7	Areas or sites of conservation, cultural or heritage significance.
8	Existing substations, services, easements and reserves.
9	Proposed substations, services, easements and reserves.
10	Dimensions and bearings of proposed lot boundaries and roads.
11	Vehicle access routes.

PROPOSALS TO UNDERTAKE DEVELOPMENT INCLUDING BUILDING WORKS:	
An original plus 4 copies each of plans showing the information indicated below are required of which 2 copies of plans and drawings must be A3 in size.	
1	The north point, area of the existing parcel and boundary dimensions.
2	Existing and proposed buildings and their distance from lot boundaries.
3	Any easements, substations and services.
4	Vehicle access points.
5	Proposed surfacing of parking areas, driveways, vehicle turning areas and un/loading areas (locations and dimensions).
6	Landscape and open space areas including types of planting, details of screening and/or fencing (locations and descriptions).
7	The proximity of adjoining buildings and their uses.
Floor layout plans at a scale of not less than 1:200, showing:	
1	Floor plans of existing and proposed buildings showing layout, partitioning, room size, uses.
2	A schedule stating the total area of each component use in the building, the total floor area, percentage of site cover and plot ratio.
Elevations and sections at a scale not less than 1:200, showing:	
1	All elevations of buildings, indicating finished floor levels, finished ground levels and external finishes.
2	Sufficient cross-sections and longitudinal sections to show the relationship between structures and their respective heights.

FOR OFFICE USE

ATTACHMENT CHECK: PROPOSALS TO SUBDIVIDE OR CONSOLIDATE	
A	Owner's authorisation
B	Plan showing land affected by application
C	Sublease
D	Statement describing effect of development/proposal
E	Statement of Compliance with Building Act
F	Dimensioned plans

ATTACHMENT CHECK: PROPOSALS TO UNDERTAKE DEVELOPMENT INCLUDING BUILDING WORKS	
A	Owner's authorisation
B	Plan showing land affected by application
C	Sublease
D	Statement describing effect of development/proposal and maximum demand calculations
E	Statement of Compliance with Building Act
F	Dimensioned plans

APPLICATION CHECK

_____ Signature	____/____/____ Date
_____ Name (please print)	<input type="checkbox"/> FEE CHECKED

RECOMMENDATIONS/APPROVAL – OFFICE USE ONLY

Recommended NCL: _____ _____ Name (please print)	<p style="text-align: center;">APPROVED/NOT APPROVED</p> Alcan representative: _____ _____ Name (please print)
Date: ____/____/____	Date: ____/____/____

NOTES

The Nhulunbuy Land Development Policy is to provide for appropriate and orderly planning and control of the use and development of land on Special Purposes Lease 214, and for related purposes.

Commencement

The policy comes into operation on the date fixed by the Nhulunbuy Corporation Limited by notice in the Arafura Times.

Definition of some terms

"**building**" includes a structure of any kind (including a temporary structure) and part of a building or structure.

"**consolidation**" means the amalgamation of 2 or more parcels of land to form a single parcel.

"**construct**", in relation to a building, includes –

- (a) to build, re-build, erect or re-erect the building;
- (b) to make alterations to the building;
- (c) to enlarge or extend the building; and
- (d) to place or relocate the building on land.

"**development**", in relation to land, means an activity that involves –

- (a) the establishment of, or a change in, the use of the land;
- (b) the subdivision or consolidation of the land; or
- (c) the carrying out of works on or in relation to the land, including –
 - (i) excavation or land-filling;
 - (ii) the clearing of vegetation;
 - (iii) the construction of a building;
 - (iv) the construction or upgrading of roads and drains, other than
 - (A) by the Nhulunbuy Corporation Limited; or
 - (B) if the works are carried out in pursuance of a statutory responsibility
 - (v) the construction or upgrading of hardstand car parking or landscaping; and
 - (vi) any other operation that affects the physical character of the land.

This is Annexure A

“**plot ratio**” refers to the ratio of total floor area of a building over all its floors to the total area of the site. Also known as “floor space ratio”.

Meaning of "subdivision"

- (1) Subject to any separate sub-division policy "sub-division" means the division of land into parts available for separate occupation or use, by means of –
 - (a) sale, transfer or partition; or
 - (b) lease, agreement, dealing or instrument purporting to render different parts of the land available for separate disposition or separate occupation.
- (2) Despite sub-clause (1), "sub-division" does not include a sub-division required under the *Encroachment of Buildings Act*,
- (3) Land is not to be taken to be sub-divided for the purposes of this policy–
 - (a) by the grant of a lease, licence or other right to use or occupy a part of the land unless the lease, licence or other right is for a term of more than 12 years; or
 - (b) by reason only of the lease of part of a building.
- (4) For the purposes of sub-clause (3), a lease, licence or other right to use or occupy a part of land that contains –
 - (a) an option to renew the lease, licence or right for an additional term from the date of expiration of the lease, licence or right; or
 - (b) a provision for the granting of a further lease, licence or right for an additional term from the date of expiration of the lease, licence or right,

so that the aggregate of all the terms is more than 12 years is to be taken to be a lease, licence or right for a term of more than 12 years.

DETERMINATION OF APPLICATIONS

Matters to be taken into account

The Nhulunbuy Corporation Limited (NCL) must, in considering a development application, take into account the following:

- (a) the Nhulunbuy Land Development Policy and Nhulunbuy Town Development Plan as it applies to the land to which the application relates;
- (b) any proposed amendments to the Nhulunbuy Land Development Policy of which it has been notified by Alcan Gove Pty Limited, that are relevant to the development proposed in the development application;
- (c) an environment protection objective within the meaning of the *Waste Management and Pollution Control Act* that is relevant to the land to which the application relates;
- (d) a matter that Alcan Gove Pty Limited has directed it to consider in relation to development applications generally;
- (e) the merits of the proposed development as demonstrated in the application;
- (f) 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;
- (g) 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;
- (h) 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;
- (i) the potential impact on the existing and future amenity of the area in which the land is situated;
- (j) in the case of a proposed subdivision of land on which a building is situated – whether the building will cease to comply with the *Building Act* if the proposed development were to proceed;
- (k) any potential impact on natural, social, cultural or heritage values;
- (l) other matters it thinks fit.

Consent to be given only if development complies with the Nhulunbuy Land Development Policy and Nhulunbuy Town Development Plan

The NCL must **not** consent to a proposed development if–

- (a) in its opinion, the proposed development is contrary to a land use defined in the Nhulunbuy Town Development Plan; or
 - (b) the proposed development is contrary to the development objectives or provisions of the Nhulunbuy Land Development Policy.
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