



COPY

DEPUTY CHIEF MINISTER  
MINISTER FOR INFRASTRUCTURE, PLANNING AND LOGISTICS

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Mr Brad Cunnington  
NPC Pty Ltd  
PO Box 36004  
WINNELLIE NT 0821

Dear Mr Cunnington *Brad*

NOTICE OF AMENDMENT DECISION - CONCURRENT APPLICATION  
PART SECTION 4262 HUNDRED OF BAGOT (74 AMY JOHNSON AVENUE,  
BERRIMAH)

I am pleased to advise that I have decided, pursuant to Section 30R(2)(a)(i) of the *Planning Act*, to approve the amendment proposal as specified in the concurrent application to rezone part Section 4262 Hundred of Bagot (74 Amy Johnson Avenue, Berrimah) from RD (Restricted Development) to SD42 (Specific use Zone Darwin 42), amend Clause 9 of SD42, and subdivide part Section 4262 and Section 7202 to create 11 lots.

This rezoning is suitable because:

- it is consistent with the Darwin Regional Land Use Plan, which encourages a range of opportunities to accommodate diverse needs of industry with a particular focus on high quality light industrial estates and superior access to transport networks;
- the abutting zones are compatible with the proposed zone;
- it is consistent with the purpose of Zone SD42 to facilitate the development of light industrial land that does not inhibit the operation of the Darwin International Airport;
- it allows for the subdivision of part Section 4262 and Section 7202 in accordance with the policy in the Berrimah North Area Plan, which support industrial development in this location; and
- the provisions of Zone SD42 will minimise the impacts from exposure to aircraft noise and height limitations.

Please note that the amendment decision does not determine the concurrent application, and the amendment decision will take effect:

- (i) only if the consent authority consents to the development proposal under section 30W(1)(a) or (b) and, after the determination of any appeals under Part 9, issues a development permit under section 54 for the proposal; and
- (ii) if a development permit is issued - on the date on which it is issued.

Please contact the Darwin office of the Department of Infrastructure, Planning and Logistics on 8999 6634 or email [Ben.Wollinski@nt.gov.au](mailto:Ben.Wollinski@nt.gov.au) if you wish to discuss this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'N Manison', followed by a long horizontal line extending to the right.

NICOLE MANISON

18 DEC 2017

Mr Brad Cunnington  
Northern Planning Consultants Pty Ltd  
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WINNELLIE NT 0821

**Development Assessment Services**

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**File Ref:** PA2017/0178

Dear Sir

**NOTICE OF CONSENT TO CONCURRENT APPLICATION  
(SECTION 30Y OF THE *PLANNING ACT*)**

**SECTIONS 4262 (74) AMY JOHNSON AVENUE AND 7202 (56) JESSOP CRESCENT,  
HUNDRED OF BAGOT**

**Determination of development proposal**

The consent authority appointed under section 30D(9) of the *Planning Act* has determined, in accordance with section 30W(1)(a) of the Act, to grant consent to the development proposal to use and develop the abovementioned land for the purpose of a subdivision to create eleven (11) lots, subject to the conditions specified on the attached Development Permit DP18/0029.

Reasons for the Determination of Development Proposal

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

The development accords with the policy for future development of the locality as established by the DRLUP and will provide the local need for adequate industrial land to support competition in the industrial land market to avoid the unnecessary upward pressure on land prices. As well as to ensure the detailed planning for future development in the region takes account of the limited opportunities to appropriately locate strategic industrial development to minimise the potential for future land use conflict and detrimental impacts on the environment.

2. Pursuant to Section 30P(2)(i) of the *Planning Act*, the merits of the development proposal as demonstrated in the application include an increase in the range of light industrial land in a manner consistent with strategic planning, the constraints imposed by airport operations, and coexist with the provision of services and infrastructure to support the proposal. The proposal will increase the range of industrial land available within a central location. The proposed stormwater system will ensure the protection of the receiving areas.

3. Pursuant to Section 30P(2)(l) of the *Planning Act*, the consent authority must take into consideration the capability of the public utilities or infrastructure provided in the area in which the land is situated and any requirement for public facilities and services to be connected to the land; and facilities, infrastructure or land to be provided by the applicant.

The City of Darwin does not object to the granting of a Development provided that issues are adequately addressed. This includes an Environmental and Construction Management Plan to ensure that issues raised by City of Darwin are properly assessed and managed for both the constructions and operational stages of the development.

The applicant is also required to seek approval from Power and Water Corporation to locate structures within its sewer easement prior to the endorsement of plans.

### **Amendment decision (Section 30R of the *Planning Act*)**

The Minister for Lands and Planning has decided, in accordance with section 30R(2)(a)(i), to approve the amendment proposal.

In accordance with section 30R(3)(b), the amendment decision takes effect on the date on which the attached Development Permit DP18/0029 is issued.

### Reasons for the amendment decision

The rezoning is consistent with the purpose of Zone SD42 to facilitate the development of light industrial land that does not inhibit the operation of the Darwin International Airport. It will also allow the subdivision of part Section 4262 and Section 7202 in accordance with the policy in the Berrimah North Area Plan, which support industrial development in this location; and the provision of Zone SD42 will minimise the impacts from exposure to aircraft noise and height limitations.

### Review of Decision

Applicants are advised that a review of decision to the Northern Territory Civil and Administrative Tribunal exists under Part 9 of the *Planning Act*. A review of decision under section 114 against a determination of a concurrent application must be made within 28 days of the service of this notice.

The Northern Territory Civil and Administrative Tribunal can provide information regarding the review of decision and fees payable. The address for lodgement of a Review of Decision is: Northern Territory Civil and Administrative Tribunal, PO Box 41860 Casuarina NT 0810 or Level 1, The Met Building, 13 Scaturchio Street, Casuarina NT 0810 (Telephone: 08 8944 8720 or Facsimile 08 8922 7210 or email [AGD.ntcat@nt.gov.au](mailto:AGD.ntcat@nt.gov.au)).

There is no right of review by a third party under section 117 of the *Planning Act* in respect of the determination of the development proposal as the proposal was for the subdivision of land.

If you have any queries in relation to this Notice of Consent or the attached Development Permit, please contact Development Assessment Services on telephone (08) 8999 6046.

Yours faithfully

**SUZANNE PHILIP**  
Delegate  
Development Consent Authority

02 / February / 2018

cc: City of Darwin

**NORTHERN TERRITORY OF AUSTRALIA**

*Planning Act - sections 54 and 55*

**DEVELOPMENT PERMIT**

DP18/0029

**DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT**

Section 07202  
Section 04262  
Hundred of Bagot  
56 JESSOP CRES, BERRIMAH  
74 AMY JOHNSON AVE, BERRIMAH

**APPROVED PURPOSE**

To use and develop the land for the purpose of subdivision to create 11 lots, in accordance with the attached schedule of conditions and the endorsed plans.

**VARIATIONS GRANTED**

Nil.

**BASE PERIOD OF THE PERMIT**

Subject to the provisions of sections 58, 59 and 59A of the Planning Act, this permit will lapse two years from the date of issue.

**SUZANNE PHILIP**  
Delegate  
Development Consent Authority

02 / February / 2018

## **DEVELOPMENT PERMIT**

DP18/0029

### **SCHEDULE OF CONDITIONS**

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an amendment to the stormwater schematic plan as required within Condition 2 of Development Permit DP15/0813 shall be prepared and shall include any additional allotments to the satisfaction and approval of the City of Darwin.
2. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan (ECMP) to the requirements of the City of Darwin. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land during construction. The ECMP should include details of the location of the crane and any holding areas.
3. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR). The ESCP must be developed by a suitably qualified and experienced professional in erosion and sediment control planning and in accordance with the Key Principals of erosion and sediment control as specified in the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The ESCP should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works. Information regarding erosion and sediment control and ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au) and the NTP website: <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to: [DevelopmentAssessment.DENR@nt.gov.au](mailto:DevelopmentAssessment.DENR@nt.gov.au).

#### **GENERAL CONDITIONS**

4. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, gas and telecommunication networks to the development/each lot shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
6. The designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.

The owner shall:

- (a) remove disused vehicle and/or pedestrian crossovers;
  - (b) provide footpaths/cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;
- all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
8. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of City of Darwin to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
9. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
10. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
11. All works relating to this permit are to be undertaken in accordance with the approved Erosion and Sediment Control Plan (ESCP) to the requirements of the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR).

## **NOTES**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. There are statutory obligations under the Weeds Management Act to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment and Natural Resources.
3. Darwin International Airport advises that separate requests for assessment and approval must be submitted to Darwin International Airport and the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation Services – Operations (PANS-OPS) surfaces for Darwin Airport.
4. The site is subject to the 'Defence Areas Control Regulation (DACR)'. All structures, including temporary structures, higher than 15m above ground level, including, but not limited to, additional buildings, light poles, cranes used during construction, vegetation etc., require approval from the Department of Defence.
5. Darwin International Airport advises that there must be no site activity which would attract birds that would create a hazard for circuiting aircraft operations.
6. The applicant is advised that the provision of lighting at the site is required to be consistent with the CASA Manual of Standards (MOS-139) Aerodromes to minimise the potential for conflict with aircraft operations. The design of lighting is a developer responsibility and if it is later found that



lights or glare endangers the safety of aircraft operations, the Department of Defence or the Civil Aviation Safety Authority may require the lighting to be extinguished or suitably modified.

7. Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.