

**NORTHERN TERRITORY OF AUSTRALIA**

*Planning Act 1999 - section 40*

**EXCEPTIONAL DEVELOPMENT PERMIT**

EDP2025/0413

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

Lot 01222  
Town of Nightcliff  
4 BERRY PL, MILLNER

**APPROVED PURPOSE**

To use and develop the land for the purpose of dwelling-group (6 x 2 bedroom) in 3 buildings, in accordance with the attached schedule of conditions and the endorsed plans.

**BASE PERIOD OF THE PERMIT**

This permit will expire if one of the following circumstances applies:

- (a) the development is not started within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if an application is made in the approved form before the permit expires.

**RIGHT OF APPEAL**

There is no right of appeal against a determination by the Minister in relation to the grant or variation of an Exceptional Development Permit.



**JOSHUA ROLAND BURGoyNE**  
Minister for Lands, Planning and Environment

5 / 10 / 2026

## EXCEPTIONAL DEVELOPMENT PERMIT

EDP2025/0413

### SCHEDULE OF CONDITIONS

#### CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscape plan to the satisfaction of the Minister must be submitted to and approved by Development Assessment Services of the Department of Lands, Planning and Environment. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated JUL 2026 (revision C) prepared by Clouston Associates except that the plan must show:
  - a. Planting of trees and shrubs with a minimum mature height of 1.5 – 2m within the setback areas adjoining the side boundary of Units 1 and 6.
  - b. Details of surface finishes of pathways and driveways;
  - c. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - d. Provision of an in ground irrigation system to all landscaped areas.

All species selected must be to the satisfaction of the Minister.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), in principle approval is required for the crossover and driveway to the site from the City of Darwin road reserve, to the satisfaction of the Minister.
3. Prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the Minister. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.
4. Prior to the commencement of works (including site preparation), the applicant is to prepare a Site Construction Management Plan (SCMP) to the requirements of the City of Darwin, to the satisfaction of the Minister. The SCMP should specifically address the impact to Council owned public spaces and include a waste management plan for disposal of waste to Shoal Bay, traffic control for affected City of Darwin roads, haulage routes, storm water drainage & sediment control, use of City of Darwin land, and how this land will be managed during the construction phase.
5. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of City of Darwin, to the satisfaction of the Minister.
6. Prior to the commencement of works (including site preparation), a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste

Management Guidelines, shall be submitted to and approved by the City of Darwin, to the satisfaction of the Minister.

## **GENERAL CONDITIONS**

7. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
8. The finished floor level of the dwellings must be a minimum of 9.2 Australian Height Datum (AHD) and the finished floor level of the car parking area must be a minimum of 6 to 6.5 AHD.
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 Minister.
10. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notation 1 for further information.
12. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin, to the satisfaction of the Minister.
13. 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, in accordance with the requirements of City of Darwin, to the satisfaction of the Minister.
14. All works recommended by the traffic impact assessment prepared by ARCCOS (Revision A dated 04/02/2026) are to be completed to the requirements of the City of Darwin, to the satisfaction of the Minister.
15. Upon completion of any works within or impacting upon existing road reserves, the infrastructure within the road reserve shall be rehabilitated to the standards and requirements of the City of Darwin and returned to the condition as documented in the dilapidation report.
16. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of 4.5 metres inside the property to allow vehicles to stand clear of Berry Place pavement and footpath.
17. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the Minister.
18. 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 Minister.
19. 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 Minister.

20. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- a. constructed;
- b. properly formed to such levels that they can be used in accordance with the plans;
- c. surfaced with an all-weather-seal coat;
- d. drained;
- e. line marked to indicate each car space and all access lanes; and
- f. clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the Minister.

Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.

21. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Minister.

22. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Minister, including that any dead, diseased or damaged plants are to be replaced.

23. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Minister.

24. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the Minister.

25. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the Minister.

26. A Compliance Certificate under the Swimming Pool Safety Act 2004 issued by the Swimming Pool Safety Authority is required for the swimming pool/s prior to the commencement of the use/development to the satisfaction of the Minister.

## NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([developer.concierge@powerwater.com.au](mailto:developer.concierge@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@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. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s)

and water meters (where applicable). Please provide a copy of an email addressed to both [developer.concierge@powerwater.com.au](mailto:developer.concierge@powerwater.com.au) and [powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)

3. 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.
4. In accordance with the City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction and at no cost to City of Darwin.
5. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 8936 4070 to determine if the proposed works are subject to the Act.
6. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
7. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5362 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).