

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999
Section 30U

Reasons for Decision

NORTHERN TERRITORY PLANNING SCHEME
AMENDMENT No.529

I have approved a rezoning at Part Section 7349 Hundred Of Bagot (Makagon Road, Berrimah) from Zone FD (Future Development) to Zone SC (Service Commercial).

The rezoning will facilitate a development on the site consistent with the vision expressed by the Berrimah Farm Area Plan.

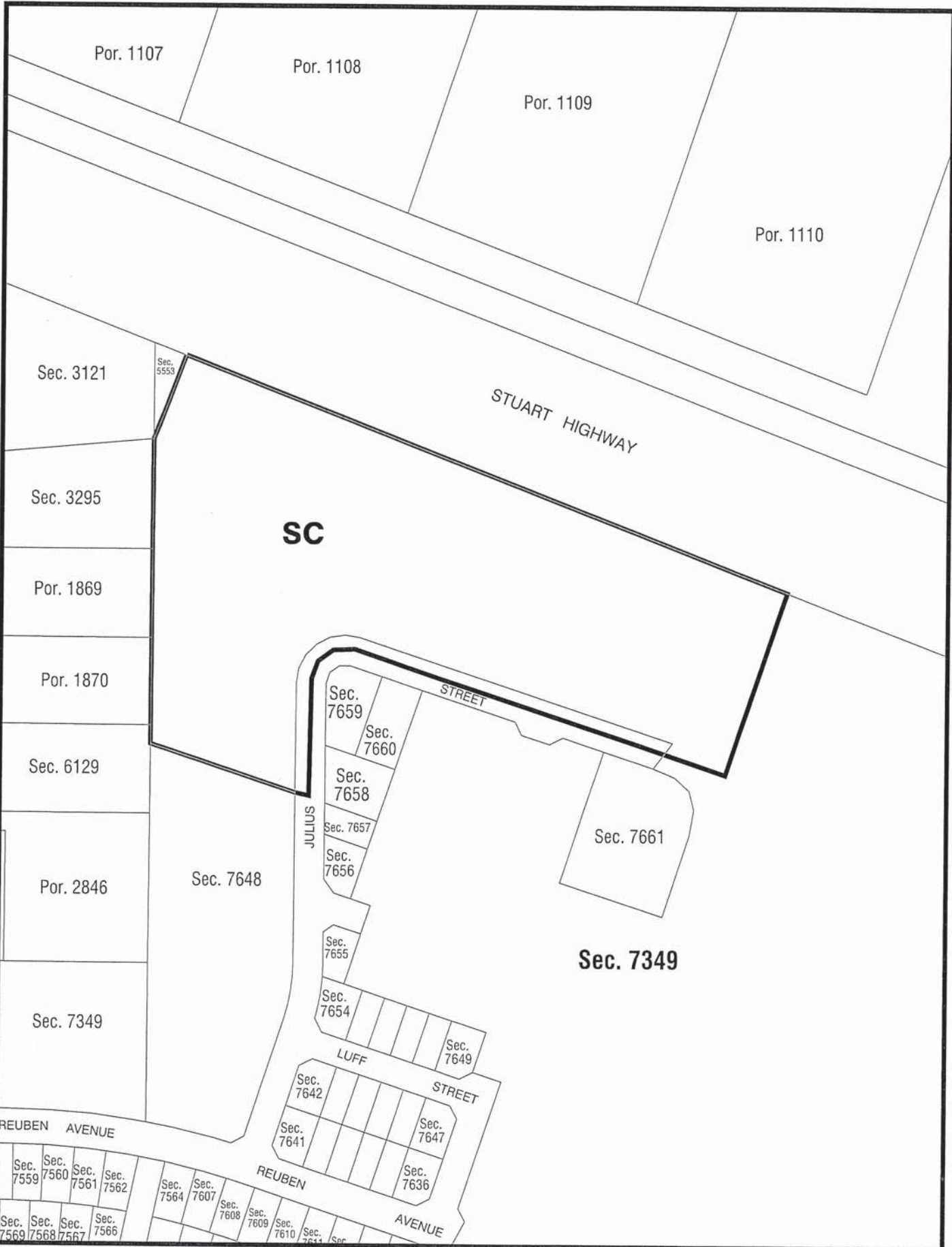
Specifically, this rezoning is suitable because:

- the proposed development for the site is consistent with the list of acceptable land uses identified in the Berrimah Farm Area Plan;
- Berrimah Farm is identified by the Darwin Regional Land Use Plan for infill development, suitable to accommodate a full range of land uses such as retail, commercial, community, recreational and residential; and
- it accords with the relevant principles within the Berrimah Farm Area Plan, which promote the facilitation of appropriate land uses within buffer areas that are able to mitigate noise impacts associated with aircraft, traffic and industrial land uses from future residents.



EVA LAWLER
Minister for Infrastructure, Planning and Logistics

21 / 8 / 2019



NT PLANNING SCHEME
 AMENDMENT No. 529
 PART SECTION 7349
 HUNDRED OF BAGOT



Department of Infrastructure, Planning and Logistics



Scale 1: 3000 @ A4



MINISTER FOR INFRASTRUCTURE, PLANNING AND LOGISTICS

Ernst Lau

Date 21/8/19

File No.: PA2019/0072
 Date: 27-Jun-19
 Drawing Name: PSA Part Sec 7349 Bagot.dgn

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999 - sections 54 and 55

DEVELOPMENT PERMIT

DP19/0224

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Section 07349
Hundred of Bagot
MAKAGON RD, BERRIMAH

APPROVED PURPOSE

To use and develop the land for the purpose of three warehouses in three single storey buildings, office in a four storey building, plus ground level car parkin, 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 1999, this permit will lapse two years from the date of issue.

Dawn Parkes

2019.09.26

D. Parkes 13:54:45

+09'30'

DAWN PARKES

Delegate

Development Consent Authority

26 September 2019

DEVELOPMENT PERMIT

DP19/0224

SCHEDULE OF CONDITIONS

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and must be generally in accordance with the plans submitted with the application but modified to show:
 - a. The inclusion of a loading bay proximate to the office component;
 - b. Elevation plans showing details of the building materials and façade treatments to buildings fronting Julius Street and Stuart Highway [the details should be similar to the 3D Visualisation plans provided with the application];
 - c. Provision of covered pedestrian access to the office building from Julius Street and adjacent car parking area;
 - d. Location of bike racks; and
 - e. Any required changes resulting from the conditions precedent requirements of this permit.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscape plan for the car parking to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be generally in accordance with the landscape concept plan and must include a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. All species selected must provide shade to the vehicles and minimise the expanses of pavement and car parking, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant shall provide approval from the Transport and Civil Services Division (TCSD) of the Department of Infrastructure, Planning and Logistics for landscaping of Julius Street road reserve, adjacent to the property, as shown on the landscape concept plan provided with the application, to the satisfaction of the consent authority. When approved, the plan will be endorsed and will then form part of the permit.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant shall provide written confirmation from the Transport and Civil Services Division (TCSD) of the Department of Infrastructure, Planning and Logistics that the kerb crossovers and swept paths proposed for the development meet the technical standards of Transport and Civil Services Division (TCSD) of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant shall provide written confirmation from the Water Services division of the Power and Water Corporation that a water and sewer service connection can be provided to the proposed development, to the satisfaction of the consent authority.

6. Prior to the commencement of works (including site preparation), a stormwater design report shall be submitted to the satisfaction of and provided with Permission to Use by the Land Development Unit. The documentation shall demonstrate that stormwater design for the proposed development is consistent with the approved Stormwater Drainage Strategy (revision 7, 15 March 2017). If there is inconsistency with the previously approved Drainage Strategy, a list of inconsistencies must be provided for the approval of the Land Development Unit, to the satisfaction of the consent authority.
7. 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 Rangelands, Department of Environment and Natural Resources. The ESCP must be developed by a suitable qualified and experienced professional in 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 the completion of works. Information regarding erosion and sediment control and ESCP content is available online at www.austieca.com.au and the NT Government website <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to developmentassessment.denr@nt.gov.au.

GENERAL CONDITIONS

8. The works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
9. All works relating to this permit are to be undertaken in accordance with the approved ESCP to the requirements of the consent authority on the advice of Rangelands, Department of Environment and Natural Resources.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunication network services to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. 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.
12. 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.
13. All works are to be constructed in accordance with the design and documentation provided with 'Permission to Use' by the Land Development Unit, excepting as varied with the approval of the Land Development Unit. All construction works to stormwater drainage are to comply with the relevant development guidelines, be certified by Chartered Professional Civil Engineer to the satisfaction of the Land Development Unit, to the satisfaction of the consent authority.
14. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Transport and Civil Services Division (TCSD) of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
15. 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 Transport and Civil Services Division (TCSD) of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.

16. Before the use or occupation of the development starts, the areas 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 consent authority.

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

17. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.

18. The loading and unloading of goods from vehicles must only be carried out on the land and within the designated loading bays, to the satisfaction of the consent authority.

19. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street and surrounding residential areas.

20. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT EPA, to the satisfaction of the consent authority.

21. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

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

23. 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 to the requirements of the Transport and Civil Services Division (TCSD) of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.

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 and from view of neighbouring or nearby developments (or developments reasonably anticipated), 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 consent authority. The use of angled louvered slats for screening purposes is acceptable however, the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle, to the satisfaction of the consent authority.

25 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 consent authority.

NOTES

1. Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
2. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from the Department of Environment and Natural Resources. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.
4. The Northern Territory Environment Protection Authority has advised that the proponent must comply with their General Environmental Duty provided by section 12 of the Waste Management and Pollution Control Act 1998. More information can be found on the Environment Protection Authority website at: <http://ntepa.nt.gov.au/waste-pollution>, by calling (08) 8924 4218 or emailing ntepa@nt.gov.au.
5. 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.
6. The site is subject to the 'Defence Areas Control Regulations (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.
7. 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.

8. The Department of Defence – Estate Division, has advised that “Organic waste and/ or storage of commercial waste bins associated with the proposed development should be managed appropriately.”
9. The development must be designed and constructed to comply with AS2021 2015 ‘Acoustics – Aircraft noise intrusion – Building siting and construction’ (AS2021).
10. This development permit does not grant building approval. You are advised to contact a NT registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
11. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>.
12. 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) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
13. Loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the Developer will be obliged to sweep and clean material off the road.
14. The Transport and Civil Services division of the Department of Infrastructure, Planning and Logistics advises that no additional access shall be permitted from the Stuart Highway road reserve or Road 1 (Spine Road).