

# **NORTHERN TERRITORY OF AUSTRALIA**

*Planning Act - sections 54 and 55*

## **DEVELOPMENT PERMIT**

DP19/0050

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

Lot 09370  
Town of Nightcliff  
544 LEE POINT RD, LEE POINT

### **APPROVED PURPOSE**

To use and develop the land for the purpose of a subdivision to create 282 in 5 stages, in accordance with the attached schedule of conditions and the endorsed plans.

### **VARIATIONS GRANTED**

Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) of the Northern Territory Planning Scheme.

### **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.

**DAWN PARKES**  
Delegate  
Development Consent Authority

27 February 2019

## DEVELOPMENT PERMIT

DP19/0050

### SCHEDULE OF CONDITIONS

#### CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), amended plans are to be submitted showing:
  - (a) A full set of amended detailed subdivision plans and other supporting reports and plans, reflecting the design changes made during assessment of the application, including the demonstration of compliant building envelopes where a variation to Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) has not been granted.The above is to be completed to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the proponent is to prepare a Construction and Environmental Management Plan. The Plan is to address waste management, traffic control, haulage routes, stormwater drainage, and how Council land will be managed during construction, to the requirements of the City of Darwin.

The Plan is also to address dust, noise and vibration impacts, and waste management, and include processes for:

  - communicating anticipated impacts of construction to stakeholders;
  - the reporting of, and responding to complaints; and
  - identifying when there are unexpected and unacceptable impacts to stakeholders and amending construction practices as appropriate,on the advice of the Environment division, Department of Environment and Natural Resources. The Plan must demonstrate compliance with NT EPA Noise Guidelines for Development Sites, and the NT EPA Noise Management Framework Guideline, and is also to include scope for regular review and updates and include the schedule for construction stages. The above is to be completed 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 design and specifications of the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system or another acceptable location shall be submitted to and approved by the City of Darwin, Medical Entomology, Department of Health and Crown Land, to the satisfaction of the consent authority. The stormwater design should be completely free draining to avoid the potential for mosquito breeding during low flow periods. All discharge drains must be fitted with concrete low flow inverts that terminate at a free draining tidal area. Access to, and maintenance of the end of point discharge drains must be clarified and accepted by all relevant parties. The design of the stormwater infrastructure must consider the sub-staging of the development to manage the quality of stormwater.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the developer is to prepare a water quality monitoring plan for Buffalo Creek, including baseline monitoring and monitoring of any additional pollutant loads from the subdivision, with any mitigation measures identified, on the advice of Water Resources, Department of Environment and Natural Resources, 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 developer is to prepare a weed management plan to address ongoing weed management, on the advice of Weed Management Branch, Department of Environment and Natural Resources, to the satisfaction of the consent authority.
6. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscape plan is to be prepared and must be generally in accordance with the landscape concept submitted, and is to address landscaping details for all proposed road reserves and public areas, to the approval of the City of Darwin, to the satisfaction of the consent authority. The plans are to demonstrate as little clearing as possible.
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 Certified Professional in Erosion and Sediment Control (CPESC) and should detail methods and treatments for minimising erosion and sediment loss from the site during both the clearing and establishment phases of the development. The ESCP should also:
  - be cross-referenced with other relevant environmental management plans to ensure consistency;
  - include details of both temporary and permanent erosion and sediment control measures including for all stages of the development (pre, during and post works);
  - comprise an over-arching strategic document outlining the principals, practices and methods to be implemented, as well as site-specific dimensional plans identifying the location of works and prescribed controls, and be accompanied by standard drawings and construction notes;
  - include information regarding the proposed timing and stage of works, site manager contact details, maintenance and monitoring requirements, and reporting procedures; and
  - have the implementation regularly monitored by a suitably qualified third party auditor.Information regarding erosion and sediment control and ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au) and the NTG 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).
8. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a site earthworks plan indicating finished levels of all proposed lots is to be submitted to and approved by the City of Darwin to the satisfaction of the consent authority. All cut and fill works are to be designed to eliminate the need for excessive cut/fill/retaining wall works for the proposed lots.
9. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the traffic impact assessment report submitted with the application is to be revised to address intersection priority and minimum collector street carriageway widths, to the requirements of the City of Darwin, to the satisfaction of the consent authority.
10. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), public transport details including bus stop locations and designs, and a route that considers the staging of the development are to be provided to the requirements of Transport and Civil Services, Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.

11. Prior to the commencement of works, the developer is to submit an updated water and sewer infrastructure master plan to Water Services, Power and Water Corporation, to the satisfaction of the consent authority. The master plan is to address the development together with the related subdivision of Lot 4873, Town of Nightcliff to the west of Lee Point Road.
12. Prior to the commencement of works, a proposed zoning plan must be submitted to and approved by the consent authority. The zoning plan must be consistent with the description given in the application and is to address the whole of the subdivision including the proposed zoning for the end of point discharge drains.

## **GENERAL CONDITIONS**

13. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
14. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
15. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity services and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
16. 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 on the plan of subdivision submitted for approval by the Surveyor General.
17. 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.
18. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
19. The Construction and Environmental Management Plan is to be implemented on the advice of the City of Darwin, and Environment, Department of Environment and Natural Resources, to the satisfaction of the consent authority. The Plan is also to remain publically available for the duration of construction.
20. 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.
21. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to the City of Darwin for the upgrade of local infrastructure, in accordance with its Lee Point Road Roadwork Contribution Plan, to the satisfaction of the consent authority.
22. Stormwater is to be collected and discharged into the drainage network to the technical standards of the City of Darwin, Medical Entomology, Department of Health, and Crown Land, to the satisfaction of the consent authority.

23. The applicant is to demonstrate all discharge drains, including the end of point of the drains, include suitable access to allow for maintenance on the advice of Medical Entomology, Department of Health, to the satisfaction of the consent authority.
24. The landscaping works shown on the endorsed plans must be carried out and completed to the requirements of the City of Darwin, and Medical Entomology, Department of Health, to the satisfaction of the consent authority.
25. All works relating to this permit are to be undertaken in accordance with the approved Erosion and Sediment Control Plan to the requirements of the consent authority on the advice of Rangelands, Department of Environment and Natural Resources.
26. The water quality monitoring plan for Buffalo Creek is to be implemented on the advice of Water Resources, Department of Environment and Natural Resources, to the satisfaction of the consent authority.
27. The weed management plan is to be implemented on the advice of Weed Management Branch, Department of Environment and Natural Resources, to the satisfaction of the consent authority.
28. Any offset or offset management plan required by the Australian Government with respect to the significant residual impact to the black-footed tree-rat (*Mesembriomys gouldii gouldii*) is to be completed, on the advice of Flora and Fauna, Department of Environment and Natural Resources, to the satisfaction of the consent authority.
29. A qualified person, under section 68 of the *Waste Management and Pollution Control Act*, must provide certification that the site is suitable for the intended use on the advice of Environment, Department of Environment and Natural Resources, to the satisfaction of the consent authority.
30. The proponent must ensure that only clean fill (virgin excavated natural material) is accepted and that the fill has been adequately assessed as being suitable for its intended use, on the advice of Environment, Department of Environment and Natural Resource, to the satisfaction of the consent authority.
31. Before the issue of titles, the developer is to provide written confirmation from a suitably qualified person that the rural residential lots are entirely unconstrained and free draining, and suitable for their intended purpose, to the satisfaction of the consent authority.
32. Before the issue of titles, the developer is to provide written confirmation (in the form of plans or drawings) demonstrating that all lots less than 600m<sup>2</sup> for single dwellings allow for future vehicle access via a single driveway unrestricted by street infrastructure (including any power, water, sewer, or stormwater infrastructure) which demonstrates that a 3.5m driveway can be located on each lot whilst ensuring that each lot's street frontage has a minimum continuous length of 6.5m, to the satisfaction of the consent authority.
33. Pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar General on the parent parcel to include the following advice on all proposed lots indicated on the endorsed drawings to be located within the 1.7km odour buffer from the Leanyer Sanderson Wastewater Treatment Plant.

The Caution Notice is to state that:

“This lot:

- occurs within the identified odour buffer for the Leanyer Sanderson Wastewater Treatment Plant; and
- may be subject to occasional odours associated with the operation of the Leanyer Sanderson Wastewater Treatment Plant.”

Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

34. Pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar General on the parent parcel to include the following advice on all proposed lots indicated on the endorsed drawings to be located within the biting insect buffer.

The Caution Notice is to state that:

“This lot:

- occurs within the biting insect buffer; and
- that the lot is subject to seasonal mosquito and biting midge pest problems arising from the adjacent mangroves of Buffalo Creek and tidal marshes and mangroves in Leanyer Swamp.”

Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

## 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 one month prior to construction works commencing to determine the Corporation’s servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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>.
3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the 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.
4. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act* 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 89364070 to determine if the proposed works are subject to the Act.

5. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records [surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au) 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
6. All new roads, including alterations and extensions to existing roads, are required to be named under the *Place Names Act*. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 08 8995 5333 or [place.names@nt.gov.au](mailto:place.names@nt.gov.au).
7. The Northern Territory Environment and Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act*.
8. 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 Rangelands division, Department of Environment and Natural Resources.
9. The City of Darwin provides advice regarding the provision of street trees to be planted within Council's proposed road reserve, including the provision of a planting schedule, specification for quality tree stock, species selection, and the maintenance and establishment periods. Please contact the City of Darwin for advice on street trees.
10. Passenger Transport Planning, Department of Infrastructure, Planning and Logistics request that the developer remain in regular contact with the division and to confirm details of the location and design of bus stops as the development progresses.