

**DEVELOPMENT CONSENT AUTHORITY
DARWIN DIVISION**

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: **2** MEETING DATE: 21/02/2025 FILE: PA2018/0436

APPLICATION PURPOSE: Extension of Time to DP19/0050 for a period of four years

SUBJECT SITE: Lot 9370 (544) Lee Point Road,
Lee Point, Town of Nightcliff (Bookmark A)

ZONE: FD (Future Development)

SITE AREA: 43.06 ha

APPLICANT Cunnington Rosse Town Planning and Consulting
Director - Brad Cunnington

PERSONS ON WHOSE
BEHALF THE
APPLICATION IS MADE LANDOWNER

LANDOWNER The Northern Territory of Australia
Lessee – Defence Housing Australia (National Manager
Developments – Peter Gurkin)

ANY PERSON WITH AN
AGREEMENT TO ACQUIRE AN INTEREST IN THE
LAND NONE

1. PROPOSAL

The proposal is for an extension to the Development Permit DP19/0050 for an additional four years. The application is lodged by Brad Cunnington of Cunnington Rosse Town Planning and Consulting on behalf of the Crown Land Lease lessee, Defence Housing Australia (via National Manager Developments – Peter Gurkin).

A copy of the application, including all its supporting documents, is provided at **Bookmark B**.

This is the second extension of time application for this development permit, and the first to propose an extension greater than 2 years. The conditions precedent of DP19/0050 have been satisfied in regards to stage 1A, however, have not been progressed for other stages.

2. REASON FOR APPLICATION

Under Section 59 of the *Planning Act 1999* (the Act), the owner of the land to which the development permit applies, or a person authorised in writing by the owner may, at any time

before the permit lapses, apply to the Development Consent Authority (Authority) for an extension of the period of the permit. The period of DP19/0050 is due to expire on 27 February 2025.

3. ASSESSMENT SYNOPSIS

This report concludes that the Authority approve an extension of the period of permit DP19/0050 (including any subsequent variations) for a further period of four years.

4. BACKGROUND

Lot 9370 is a large, irregular shaped site of 43.06 ha all located in Zone FD (Future Development). This application is over the entirety of the subject lot. Surrounding land uses include Lee Point Village Resort and Club Tropical Resort Darwin to the north; mangrove and mudflats associated with Buffalo Creek to the east; low-medium and rural residential land associated with the suburb of Muirhead to the south; and remnant vegetation to the west (associated with the 2CRU residential subdivision).

The site has limited town planning history, including Planning Scheme Amendment (PSA) and subdivision applications. An overview of the planning history relevant to the site is shown below and also discussed further below:

Planning Scheme Amendments

A PSA relevant to this application amendment 65, which was approved in October 2022, and rezoned part of Lot 9370 (the subject lot) from Zone FD to zones LR (Low-Density Residential), LMR (Low-Medium Density Residential), RR (Rural Residential), PS (Public Open Space), and Zone SD (Specific Use Darwin). In addition, this amendment introduced a building setback plan to schedule 9 of the NTPS 2020. This amendment reflected the subdivision approved and completed under Stage 1A of DP19/0050.

Subdivision approval – DP19/0050 and 1 x extension of time permit

On 27 February 2019, DP19/0050 was issued for the purpose of subdivision to create 282 lots in five stages.

The base period of DP19/0050 has been extended on one occasion – DP19/0050A. This permit was issued on 22 January 2021, and extended the permit base period to 27 February 2023.

During 2021 and 2022, the proponent commenced works with the area identified as Stage 1A, with a part 5 certificate of compliance issued on 16 November 2022.

A copy of the above-mentioned permits and document, including the subdivision plan, is provided at **Bookmark B2**.

The application is accompanied by variation application, which is included as agenda item 1. This variation application seeks to amend the proposed lot arrangements, to account for an increased provision of space dedicated to conservation.

5. PUBLIC EXHIBITION

Extension of time applications do not require public exhibition as per the requirements of the *Planning Act 1999*. Although this permit seeks an extension of time greater than that normally

applied for, it is considered that the scale of the subdivision was reasonably expected to occur over an extended timeframe. As such, it is not considered necessary for this application to be publicly exhibited.

6. THIRD PARTY APPEAL RIGHTS

There is no right of appeal by a third party under section 117 of the *Planning Act 1999* in respect to extension of time applications.

7. MATTERS TO BE TAKEN INTO ACCOUNT

The Act does not provide specific matters to be taken into account to extend the period of a permit. Case law provides guidance for the assessment of an application to extend a period of a permit (prior to commencement of works), generally referred to as the 'Kantor test', which is summarised as follows:

- (a) Whether there has been a change of planning policy;
- (b) Whether the land owner is seeking to warehouse the permit;
- (c) Any intervening circumstances which bear upon the grant or refusal of the extension request;
- (d) The lapse of time between the permit and the request;
- (e) Whether the time limit imposed was adequate;
- (f) The economic burden imposed on the land owner by the permit; and
- (g) The probability of a permit issuing should a fresh application be made;

(a) Whether there has been a change of planning policy;

In July 2020, a substantial overhaul of the planning system for the NT came into effect which involved amendments to the *NT Planning Act 1999* and the introduction of a new Northern Territory Planning Scheme 2020 (NTPS 2020) to replace the former NT Planning Scheme 2007 (NTPS 2007). The original application was assessed against the NT Planning Scheme 2007 in 2018, with a variation granted to the requirements of clause 11.1.1 (Minimum Lot Sizes and Requirements).

A review of the clause 11.2.3 (Minimum Lot Sizes and Requirements) in particular has found that the content of this clause found that the requirements of this clause carried over to the NTPS 2020.

It is reasonably considered that if a fresh application were lodged today, the recommendation is unlikely to be substantially different, as the relevant requirements of the NTPS 2007 were adopted into the NTPS 2020, albeit rebadged.

(b) Whether the land owner is seeking to warehouse the permit;

The applicant did not consider the extension of time request as an attempt by the landowner to warehouse the permit, and stated that this extension of time was required due delays caused by the sighting of endangered species in the locality, and an application for the protection of Aboriginal heritage at the subject lot.

In addition, the application states that due to the scale of the subdivision, further extensions of time are likely to be applied for.

(c) Any intervening circumstances which bear upon the grant or refusal of the extension request.

As mentioned above, the subject lot relies on three reasons to support this extension of time:

1. The proponent ceased works after the increased sighting of Gouldian Finches in the locality in 2022, to consult with the Commonwealth Department of Climate Change, Energy, the Environment, and Water (DCCEEW) on what impacts this may have on the associated EPBC permit. After the completion of site surveys, the EPBC permit was amended to increase the amount of conservation area provided at the subject lot. No works were completed during this time.
2. In 2023, an emergency application for cultural heritage protection was lodged for the Lee Point area, under the Commonwealth *Aboriginal and Torres Strait Island Heritage Protection Act 1984*. In March 2024, the Minister determined not to declare the area as a significant Aboriginal area.

The above reasons are considered to demonstrate circumstances that were outside the control of the applicant, and justify extending the base period of DP19/0050.

(d) The lapse of time between the permit and the request;

The original permit was issued in 2019, and it is likely that many residents surrounding the subject site assume the permit has already expired, or there may be new residents that are unaware of the planning history associated with the site. However, it is reasonably believed that due to the public knowledge around circumstances at the area, that members of the public would be reasonably aware that subdivision is still progressing.

(e) Whether the time limit imposed was adequate;

The applications states that this request for a four year extension is to 'enable the DP19/0050 timeframes to better align with the (revised) construction timeframes for the remainder of the Lee Point development (although noting that further extensions are likely to be sought).

The applicant's comments are noted. Noting the permit expires shortly (27 February 2025), the Authority may consider granting a four year extension, which would allow for the permit to have a 10 year validity period from the original issue date.

(f) The economic burden imposed on the landowner by the permit;

The original permit conditions are standard for the scope and scale of the proposed development, with the applicant not identifying any economic burden on the landowner as a result of these.

(g) The probability of a permit issuing should a fresh application be made.

As discussed previously, should a new application be submitted, no additional variations would occur that were not previously considered. Issues of compatibility with the surrounding areas and constraints of the land were addressed in the original development application process and are still considered relevant to the current proposal.

The original application was advertised in the NT News on 26 September 2014 and placed on public exhibition for a period of two weeks. 19 public submissions were received under section 49 of the *Planning Act 1999*. The submissions raised concerns regarding land suitability, land location within the flight path, development located within a significant cultural area, lack of

proper consultation in approving the master plan, etc. These issues were considered in the original assessment under Section 51(j), which relates to the capability of land, Section 51(n), which relates to amenity impacts on surrounding areas and Section 51(r), which relate to the potential impact on natural, social or heritage values and are addressed through various conditions included on the permit. Should a new application be submitted, no additional variations and impacts would occur as previously approved.

8. SERVICE AUTHORITY COMMENTS

Extension of time applications do not require circulation to service authorities as per the requirements of the *Planning Act 1999*. Although this permit seeks an extension of time greater than that normally applied for, it is considered that the scale of the subdivision was reasonably expected to occur over an extended timeframe. As such, it is not considered necessary for this application to be circulated to service authorities.

9. RECOMMENDATION

That, pursuant to Section 59(3)(a) of the *Planning Act 1999*, the Development Consent Authority determine to grant a four year extension to the permit, DP19/0050, taking into consideration the matters discussed in this report and material provided by the applicant.



AUTHORISED:

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**KALEB THOMAS - URBAN PLANNING
DEVELOPMENT ASSESSMENT SERVICES**

16 January 2025

Development Consent Authority
GPO Box 1680
Darwin NT 0801

Dear Chair

RE: Extension of Time – DP19/0050
Lot 09370 Town of Nightcliff (544 Lee Point Road, Lee Point)

Cunnington Rosse Town Planning and Consulting have been engaged by Defence Housing Australia (the landowner and proponent) to submit an application for an extension to DP19/0050 pursuant to **Section 59** of the Northern Territory Planning Act. DP19/0050 forms the eastern part of the Lee Point estate development, with the works approved under Development Permit DP18/0409 (on lot 4873 on the opposite side of Lee Point Road to the subject land) forming the western part. This application seeks to extend the time period/s identified in DP19/0050A by a period of 4 years to enable the continuation of development works across both lot 9370 and 4873 (across both DP18/0409 and DP19/0050). This extension is required due to a number of unforeseen circumstances that have occurred in the intervening period (i.e. since the DP19/0050A permit extension was issued).

DP19/0050 and DP18/0409 collectively form the Lee Point estate development area, with subdivision construction works undertaken sequentially (i.e. subdivision construction works under DP19/0050 are undertaken to stage completion, followed by subdivision construction works under DP18/0409 to stage completion, and so on).

1.0 Background

For the purpose of this application, the following approval history is noted:

- DP19/0050 was approved by the Darwin division of the Development Consent Authority on 27 February 2019 for the purpose of *subdivision to create 282 lots in 5 stages*. The permit included 12 precedent conditions and 22 general conditions;
- On 22 January 2021 the consent authority approved an application to extend the base period of DP19/0050A by a period of two years. The extension (DP19/0050A) noted:

- *Development Permit DP19/0050 will now lapse on 27 February 2023. Should works be substantially commenced in accordance with DP19/0050 on or before 27 February 2023, DP19/0050 will lapse on 27 February 2025;*
- In May 2021 all required amendments, reports, plans and clearances per the conditions precedent (1-12) applicable to stage 1A of the approved subdivision were submitted to the (then) Department of Infrastructure, Planning and Logistics. On 10 May 2021 the consent authority issued the endorsed plans for stage 1A, confirming the conditions precedent had been satisfied (for that stage only). Construction works commenced soon thereafter; and
- In late 2022 stage 1A construction works were completed and the consent authority issued a *Certificate of Compliance with Permit (Subdivision)*, also known as a **Part 5** clearance, certifying that the required subdivision works were carried out in accordance with the requirements of the consent authority. Titles for the 97 lots in stage 1A were issued soon thereafter, and dwelling construction on a number of the allotments is well advanced or complete.

In addition to the condition compliance and construction works undertaken on lot 9370 under DP19/0050, Defence Housing Australia have also undertaken extensive works to satisfy the conditions precedent associated with DP18/0409 (and subsequent variations) on lot 4873. These works include the preparation, submission and approval (clearance) of all conditions precedent for stages 1, 2 and 3 of DP18/0409, the commencement of vegetation clearing and preliminary earthworks associated with the DP18/0409 subdivision, and the implementation of erosion and sediment control measures on the development site.

Since the extension approved via DP19/0050A and the completion of stage 1A construction works, sightings of the protected Gouldian Finch necessitated a pause on construction works at Lee Point to facilitate consultation with the Australian Department of Climate Change, Energy, the Environment and Water (DCCEEW). The subsequent investigations regarding the projects' impact on the Gouldian Finch were completed, and construction works recommenced early July 2023. Shortly after recommencing, on 6 July 2023 construction works (at the time being undertaken on lot 4873 under DP18/0409) were temporarily halted following an *application for declarations to protect significant Aboriginal area at Lee Point* made under Sections 18, 9 and 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*. On 14 July 2023 Defence Housing Australia confirmed it would continue to voluntarily stop clearing work at Lee Point whilst the application was being considered. DHA confirmed the voluntary cessation of works would continue until at least 31 March 2024. In late March 2024 the Federal Environment Minister dismissed the application.

In May 2024 Defence Housing Australia was advised by the Development Consent Authority of complaints made against DHA alleging a 'Breach of Permit' (breach of the conditions of Development Permit), including the DCA's intention to investigate the allegations. DHA again paused construction works at Lee Point whilst the investigation was being undertaken.

Via correspondence dated 14 November 2024, the consent authority advised that it had determined the matter did not warrant taking further action. Whilst this decision enables the continuation of subdivision construction works at Lee Point, the timing of the decision (close to the 2024/25 wet season) is such that construction works cannot recommence until April 2025.

2.0 Current Application

The purpose of this application is to seek a further extension to the DP19/0050A validity period of 4 years, to enable the DP19/0050 timeframes to better align with the (revised) construction timeframes for the remainder of the Lee Point development (although noting that further extensions are likely to be sought). This application comprises the second request for extension of time to DP19/0050 (DP19/0050A being the first). DP19/0050A extended the base period of the permit to 27 February 2023. In accordance with **Section 58(2)** of the Northern Territory Planning Act, and as noted in DP19/0050A, the substantial commencement of works under the permit (stage 1A construction works) results in the permit expiring on 27 February 2025.

This application is made pursuant to **Section 59 (1)** of the Northern Territory Planning Act, which provides:

The owner of land to which a development permit applies, or a person authorised in writing by the owner, may, at any time before the permit lapses, apply to the consent authority for an extension of the period of the permit.

The standard criteria for the consideration of an application for extension of time is generally accepted to be as set out in *Kantor v Murrindindi Shire Council*, specifically:

a) Whether there has been a change of planning policy;

Since DP19/0050 was issued in 2019, the Northern Territory Planning Scheme 2020 has replaced the Planning Scheme 2007. Whilst the new Scheme provides a range of policy changes and other development considerations compared with the 2007 Scheme, there are no aspects that would otherwise prevent DP19/0050 being issued if the matter were considered under the new Scheme, specifically:

- The proposal remains consistent with the Lee Point Planning Principles and Area Plan now referred to in **Section 2** of the Planning Scheme, rather than **Clause 14**;
- The proposed development is consistent with the relevant provisions of Clauses 6.2.1, 6.2.2, 6.2.3 and 6.2.4, including those provisions of Clauses 6.2.1 and 6.2.2 that cannot be varied. Notwithstanding the existing FD (Future Development) Zoning, the application considered the relevant provisions for residential subdivision in Zones LR, LMR, MR and HR given the intended future zoning. The justification for the variation to (previous) **Clause 11.2.3** remains applicable to the consideration of Table B to **Clause 6.2.1**; and

- The proposal is consistent with the intended development outcomes for Zone FD (Future Development) detailed in **Clause 4.27**, in that the subdivision considers and responds to the strategic framework (specifically the Lee Point Planning Principles and Area Plan).

b) Whether the landowner is seeking to warehouse the permit;

The extent of works undertaken to date, including the completion of stage 1A, the commencement of construction works in accordance with DP18/0409, together with the extensive works required to clear both the DP19/0050 and DP18/0409 conditions precedent, demonstrate the landowner is not seeking to warehouse the permit.

c) Any intervening circumstances which bear upon the grant or refusal of the extension request;

The pausing of works to enable further consultation with DCCEEW in response to the Gouldian Finch sightings, and the application made under Sections 18, 9 and 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* are unforeseen intervening circumstances relevant to the application for an extension of time. Neither of these factors were reasonably foreseeable by Defence Housing Australia, and were entirely out of Defence Housing Australia's control.

d) The lapse of time between the permit and the request;

Nearly 6 years has lapsed between the permit and the request. Given the extent of works proposed, the size of the subdivision, the anticipated total development duration (likely between 8 and 10 years), the intervening circumstances and the extent of works undertaken to date, the time lapsed is not so significant as to warrant refusal of the request.

e) Whether the time limit imposed was adequate;

A base period time limit of 2 years (4 years including the extension provided via DP19/0050A) was insufficient due to:

- The nature and requirements imposed by the conditions precedent, and the time required to address (that necessitated the 2021 extension);
- the Covid19 pandemic;
- the sighting of protected species within the broader area that was otherwise not identified within the original Environmental Impact Assessment; and
- The application under the *Aboriginal and Torres Strait Islander Heritage Protection Act*.

Whilst neither the applicant or the consent authority could not have anticipated these measures when applying for or issuing the original permit, the original and subsequent time limits were nonetheless inadequate.

Accounting for the aforementioned delays, a revised development program has been presented to the Northern Territory Government within the Muirhead North (lot 9370) Crown Land Development Agreement (beyond the completed stage), as shown in the table below. It is noted that, if approved, the extension to DP19/0050A would result in a revised expiry date of 27 February 2029, well before the anticipated completion of DP19/0050 development works, and that further extensions are likely to be sought.

Milestone	Anticipated Timeframe / Completion
Stages 1-4 DP18/0409 (assuming average sales of 70 lots per annum)	April 2025 – December 2030
Transfer of titles to Northern Territory for Tourism Precinct (stage 4 2CRU – DP18/0409)	31 December 2030 (pending completion of subdivision stages on lot 4873 per DP18/0409)
Transfer of Title for proposed conservation area (expansion to Casuarina Coastal Reserve – DP18/0409) to Northern Territory	Originally anticipated as part of stage 4 DP18/0409 however now proposed to be completed as part of stage 2. Completion planned December 2026
Registration of titles for all developed lots in stage 1B (per DP19/0050), including the registration of title to Northern Territory Government for the proposed school site	31 December 2031
Registration of titles for all developed lots in stage 2 (per DP19/0050).	31 December 2032

f) The economic burden imposed on the landowner by the permit; and

Defence Housing Australia estimates that approximately \$12,922,023 has been expended on works associated with the design and development of the subdivision approved through DP19/0050 (with some works below also applicable to the subdivision approved through DP18/0409), including the following estimated totals (excluding land purchase or acquisition costs):

- Professional Fees (Town Planning / Survey / Engineering / Environmental) **\$1,122,433**
- Trunk Water Main (Furhmann Street to Aldenham Road) **\$968,309**

• Stage 1A Civil Construction	\$9,204,364
• Statutory Fees applicable to DP19/0050 and Stage 1A construction	\$689,000
• Site Maintenance (weed management / firebreaks / rubbish collection)	\$173,000
• Sales costs (Commission / legals / marketing)	\$429,255
• Environmental Impact Statement (Muirhead North component estimate)	\$335,662

g) The probability of a permit issuing should a fresh application be made;

For the abovementioned reasons, a fresh application is likely to result in a permit being issued.

In summary, the proponent fully intends to proceed with the approved development, however requests an extension to the base period of the existing permit to enable the development to be appropriately rolled out. Unforeseen circumstances have further delayed the continuation of the DP19/0050 works, and a review of planning policy changes between 2019 and now indicate no new policy that would be likely to alter the 2019 decision.

We welcome any opportunity to further discuss the matters raised in this submission and would welcome any opportunity to appear before the consent authority in relation to this matter.



Brad Cunnington

Cunnington Rosse Town Planning and Consulting

Attachments:

- A. DP19/0050
- B. DP19/0050A
- C. DP19/0050 Master Plan
- D. DP19/0050 Stage 1A Endorsed Drawings
- E. DP19/0050 Part 5 Clearance

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
2019.02.27
15:02:37 +09'30'

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 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.
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 600m² 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) and 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 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) 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 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.
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.

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999 - section 59

EXTENSION OF PERIOD OF PERMIT

DP19/0050A

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

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

PERIOD OF EXTENSION

The Development Consent Authority has determined to extend the period of Development Permit DP19/0050 by a period of two years.

Development Permit DP19/0050 will now lapse on 27 February 2023. Should works be substantially commenced in accordance with DP19/0050 on or before 27 February 2023, DP19/0050 will lapse on 27 February 2025.

In all other respects DP19/0050 remains unchanged.

Amit
Magotra



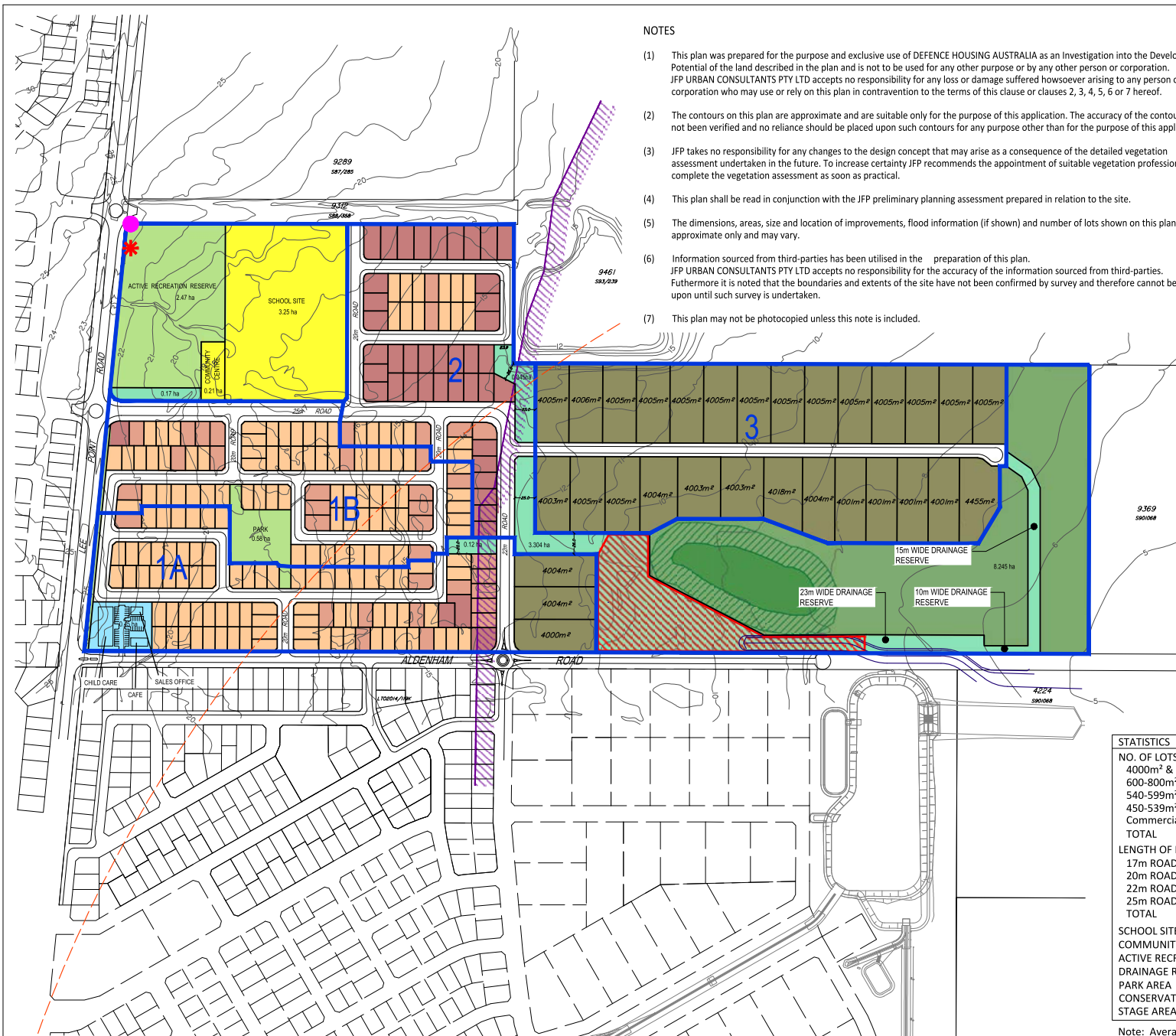
2021.01.2
2 13:50:30
+09'30'

AMIT MAGOTRA

Delegate

Development Consent Authority

22 January 2021



NOTES

- (1) This plan was prepared for the purpose and exclusive use of DEFENCE HOUSING AUSTRALIA as an Investigation into the Development Potential of the land described in the plan and is not to be used for any other purpose or by any other person or corporation. JFP URBAN CONSULTANTS PTY LTD accepts no responsibility for any loss or damage suffered however arising to any person or corporation who may use or rely on this plan in contravention to the terms of this clause or clauses 2, 3, 4, 5, 6 or 7 hereof.
- (2) The contours on this plan are approximate and are suitable only for the purpose of this application. The accuracy of the contours has not been verified and no reliance should be placed upon such contours for any purpose other than for the purpose of this application.
- (3) JFP takes no responsibility for any changes to the design concept that may arise as a consequence of the detailed vegetation assessment undertaken in the future. To increase certainty JFP recommends the appointment of suitable vegetation professionals to complete the vegetation assessment as soon as practical.
- (4) This plan shall be read in conjunction with the JFP preliminary planning assessment prepared in relation to the site.
- (5) The dimensions, areas, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.
- (6) Information sourced from third-parties has been utilised in the preparation of this plan. JFP URBAN CONSULTANTS PTY LTD accepts no responsibility for the accuracy of the information sourced from third-parties. Furthermore it is noted that the boundaries and extents of the site have not been confirmed by survey and therefore cannot be relied upon until such survey is undertaken.
- (7) This plan may not be photocopied unless this note is included.

LEGEND

- STAGING
- LOTS 4000m² & larger (40m frontage min.)
- LOTS 600-800m² (18-22m x 30-44m) & larger
- LOTS 540-599m² (17-20m x 27-35m)
- LOTS 450-539m² (15-18m x 27-35m)
- PARK/OPEN SPACE
- COMMUNITY USES
- COMMERCIAL USES
- DETENTION STORAGE (1.85ha)
- DRAINAGE RESERVE (DRAINAGE RESERVE-CONSERVATION 0.7657 ha)
- CONSERVATION
- MONSOON RAINFOREST (0.88 ha)
- 25m CONSERVATION BUFFER (1.26 ha)
- BITING INSECT BUFFER
- MILITARY HERITAGE SITE (KONFRONTASI)
- TELECOMMUNICATION TOWER
- ODOUR BUFFER LINE

PROPERTY DESCRIPTION

LOT 9370 ON S901068
TOTAL AREA 51.17 ha

STATISTICS	STAGE 1A	STAGE 1B	STAGE 2	STAGE 3	BALANCE	TOTAL
NO. OF LOTS						
4000m ² & larger	3	0	0	27	0	30 (11%)
600-800m ² & larger	3	1	39	0	0	43 (16%)
540-599m ²	13	17	6	0	0	36 (13%)
450-539m ²	77	67	19	0	0	163 (59%)
Commercial	1	0	0	0	0	1 (1%)
TOTAL	97	85	64	27	0	273 (100%)
LENGTH OF NEW						
17m ROAD	750m	750m	495m	580m	0	2575m
20m ROAD	60m	75m	195m	0	0	330m
22m ROAD	140m	0	165m	0	0	305m
25m ROAD	0	285m	210m	0	0	495m
TOTAL	950m	1110m	1065m	580m	0	3705m
SCHOOL SITE AREA	0	0	0	0	3.25ha	3.25ha
COMMUNITY CENTRE AREA	0	0	0	0	0.21ha	0.21ha
ACTIVE RECREATION RESERVE AREA	0	0	0	0	2.47ha	2.47ha
DRAINAGE RESERVE AREA	0.12ha	0	3.65ha	0	0.17ha	3.94ha
PARK AREA	0.04ha	0.54ha	0	0	0	0.58ha
CONSERVATION	0	0	8.24ha	0	0	8.24ha
STAGE AREA	8.17ha	6.89ha	18.13ha	11.87ha	6.11ha	51.17ha

Note: Average residential lot size is 529m²; Average rural lot size is 4020m²

JFOP
 URBAN CONSULTANTS
 PLANNERS
 URBAN DESIGNERS
 SURVEYORS
 ENGINEERS
 LANDSCAPE ARCHITECTS

MN OVERALL PROPOSAL PLAN AH

544 LEE POINT ROAD, LEE POINT, DARWIN
DEFENCE HOUSING AUSTRALIA

JOB NUMBER: M2737P MN_Overall Proposal AH ISSUE: NORTH

SCALE: 1:5000 @ A3

DATE: 23rd April 2021



STATISTICS	STAGE 1A	STAGE 1B	STAGE 2	STAGE 3	BALANCE	TOTAL
NO. OF LOTS						
4000m ² & larger	3	0	0	27	0	30 (11%)
600-800m ² & larger	3	1	39	0	0	43 (16%)
540-599m ²	13	17	6	0	0	36 (13%)
450-539m ²	77	67	19	0	0	163 (59%)
Commercial	1	0	0	0	0	1 (1%)
TOTAL	97	85	64	27	0	273 (100%)
LENGTH OF NEW						
17m ROAD	750m	750m	495m	580m	0	2575m
20m ROAD	60m	75m	195m	0	0	330m
22m ROAD	140m	0	165m	0	0	305m
25m ROAD	0	285m	210m	0	0	495m
TOTAL	950m	1110m	1065m	580m	0	3705m
SCHOOL SITE AREA	0	0	0	0	3.25ha	3.25ha
COMMUNITY CENTRE AREA	0	0	0	0	0.21ha	0.21ha
ACTIVE RECREATION RESERVE AREA	0	0	0	0	2.47ha	2.47ha
DRAINAGE RESERVE AREA	0.12ha	0	3.65ha	0	0.17ha	3.94ha
PARK AREA	0.04ha	0.54ha	0	0	0	0.58ha
CONSERVATION	0	0	8.24ha	0	0	8.24ha
STAGE AREA	8.17ha	6.89ha	18.13ha	11.87ha	6.11ha	51.17ha

PROPERTY DESCRIPTION
 LOT 9370 ON S901068
 TOTAL AREA 51.17 ha

NOTES

- This plan was prepared for the purpose and exclusive use of DEFENCE HOUSING AUSTRALIA to accompany an application to the DEVELOPMENT CONSENT AUTHORITY for approval to subdivide the land described in the plan and is not to be used for any other purpose or by any other person or corporation.
 JFP URBAN CONSULTANTS PTY LTD accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention to the terms of this clause or clauses 2, 3 or 4 hereof.
- The contours on this plan are approximate and are suitable only for the purpose of this application. The accuracy of the contours has not been verified and no reliance should be placed upon such contours for any purpose other than for the purpose of this application.
- The dimensions, areas, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.
- This plan may not be photocopied unless this note is included.

LEGEND

- STAGING
- MONSOON RAINFOREST (0.88 ha)
- 25m CONSERVATION BUFFER (1.26 ha)
- BITING INSECT BUFFER

Note: Average residential lot size is 529m²; Average rural lot size is 4020m²

Note: The endorsed plan relates to STAGE 1A only

This document contains drawing numbers:
 2018/0436/01

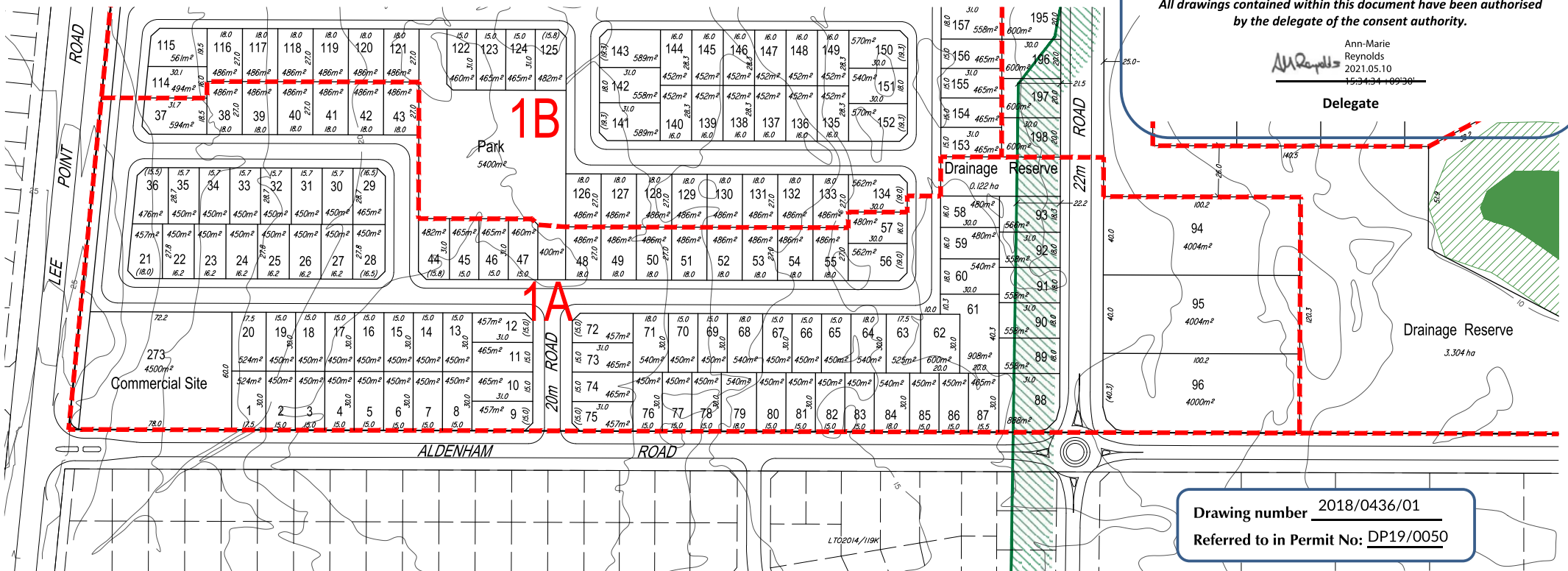
Referred to in Permit No: DP19/0050

Issued by the consent authority on: 27 February 2019

All drawings contained within this document have been authorised
 by the delegate of the consent authority.

Ann-Marie Reynolds
 2021.05.10
 152434 10930

Delegate



Drawing number 2018/0436/01
 Referred to in Permit No: DP19/0050

JFP CONSULTANTS
 BRISBANE - SUNSHINE COAST - CENTRAL QLD
 BRISBANE - JFP House
 76 Ernest Street,
 South Brisbane Qld 4101
 P 07 3844 7161 W www.jfp.com.au
 JFP URBAN CONSULTANTS PTY LTD. A.C.N. 610 434 045

PLANNERS
 URBAN DESIGNERS
 SURVEYORS
 ENGINEERS
 LANDSCAPE ARCHITECTS

NORTH:

SCALE: @ A3 1:2000
 DO NOT SCALE FROM THIS DRAWING - USE ONLY DIMENSIONS PROVIDED - IF IN DOUBT PLEASE ENQUIRE

THIS SCALE SHOWN IS ORIGINAL DRAWING SCALE - (A3 SIZE)

DESIGNED	TIM	CHECKED	AD	L.A. DARWIN CITY COUNCIL
DRAWN	RK	APPROVED	GB	COUNCIL REF

ISSUES:

ISSUE	DATE	TIM
L LAYOUT AMENDED	22-04-21	TJM
K STAGE 1A LAYOUT AMENDED	25-03-21	TJM
J STAGE 1A LAYOUT AMENDED	01-02-21	TJM
H CONSERVATION BUFFER UPDATED	03-11-20	TJM
G LAYOUT AMENDED	19-10-20	TJM
F STAGES 1A & 3 AMENDED	09-09-20	TJM
A ORIGINAL	17-05-18	RK

ISSUE: DETAILS: DATE: INIT:

TITLE:
PROPOSAL PLAN STAGES 1-3
DEFENCE HOUSING AUSTRALIA
LEE POINT ROAD, LEE POINT - DARWIN

DETAILS:
 PROJECT: M2737P MN_DA2 R1 L
 PLANT: ISSUE:
 SHEET: 2 OF 4
 FILE: M2737P MN_DA2 R1L.dwg
 DATE: 22nd April 2021

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999 - section 62

CERTIFICATION OF COMPLIANCE WITH PERMIT (SUBDIVISION)

DP19/0050A

Stage 1A


DESCRIPTION OF LAND THE SUBJECT OF THIS CERTIFICATE

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

I certify pursuant to section 62(1)(b)(i) of the *Planning Act 1999*, as a duly authorised delegate of the consent authority, that:

1. Consent under Part 5 of the *Planning Act 1999* has been given in relation to this subdivision for the purpose of subdivision to create 282 lots in five stages; and
2. The subdivision works required under Part 5 of the *Planning Act 1999* have been carried out in accordance with the requirements of the consent authority.

This clearance relates to survey reference S2021/029A, S2021/029B, S2021/029C and S2021/029D.


Ann-
Marie
Reynolds

2022.11.1
6 12:02:45
+09:30
Ann-Marie Reynolds
Delegate
Development Consent Authority
16 November 2022

Land owner/s authorisation to lodge a development application

Under the *Planning Act 1999*

Before you fill in the form

Signatures from ALL landowners registered on the land title must be provided.

Fields marked with an asterisk (*) are required. Fields marked with a caret (^) are for office use only.			
The owners and/or persons duly authorised as signatory on behalf of the landowner hereby authorise			
Name of consultant or acting agent on behalf of landowner			
<i>Brad Cunnington, Cunnington Rosse Town Planning and Consulting</i>			
Phone		Mobile	0427 796 140
to lodge a development application under the <i>Planning Act 1999</i> over the property described as			
Lot/NT portion	<i>Lot 9370 Town of Nightcliff</i>		
Location/town	<i>Town of Nightcliff</i>		
Street address	<i>544 Lee Point Road, Lee Point</i>		
Proposed development	<i>Extension of time to DP19/0050</i>		
Owner signature 1			
Full name	Peter Gurkin		
Title (e.g. company director)	National Manager Developments		
Organisation name	<i>Defence Housing Australia</i>		
Phone		Mobile	0421041129
Signature			
Date	20/01/25		

Privacy Note

The Department of Lands, Planning and Environment, on behalf of the Minister, is authorised under the *Planning Act 1999* to collect the information on this form, or otherwise provided by you, to consider a proposal to grant a Development Permit or to amend a planning scheme. Failure to provide the information in full may result in delays in processing of the application.

Some of the personal information provided by you on this application may be publicly available, as part of a public exhibition process. The information is also regularly provided to other Northern Territory Government agencies, the Australian Valuation Office, local governments and Commonwealth Government Departments and agencies, as required by law.

Collection of personal information on this form is done in accordance with the privacy legislation within the Northern Territory *Information Act 2002*. For more information, please refer to the Northern Territory Government's privacy statement located at <https://nt.gov.au/copyright-disclaimer-and-privacy>. Any personal information provided can be subsequently accessed by you on request.