



## **DEVELOPMENT CONSENT AUTHORITY**

### **DARWIN DIVISION**

### **MINUTES**

**MEETING NO. 458 – FRIDAY 19 JUNE 2026**

**AGORA ROOM, HUDSON BERRIMAH  
4 BERRIMAH ROAD  
BERRIMAH**

**MEMBERS PRESENT:** Suzanne Philip, Marion Guppy, Rod Applegate, Peter Pangquee and Jimmy Bouhoris

**APOLOGIES:** None

**LEAVE OF ABSENCE:** Mick Palmer

**OFFICERS PRESENT:** Elya Sugg (A/Secretary), Madison Harvey, Samay Chandhiok and Amber Roth (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Apology

**Meeting opened at 9:47 am and closed at 9:54 am**

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

**ITEM 1 SUBDIVISION TO CREATE 13 LOTS (NORTHCREST STAGE 7F)**

**PA2026/0148**

**APPLICANT**

**SECTION 7349 MAKAGON ROAD, BERRIMAH, HUNDRED OF BAGOT  
CUNNINGTON ROSSE TOWN PLANNING AND CONSULTING**

Applicant: Rory Mackay (Cunnington Rosse Town Planning and Consulting) attended.

**RESOLVED  
36/26**

That the Development Consent Authority (the Authority) pursuant to Section 53(a) of the *Planning Act 1999*, consent to the application to develop Part Section 7349, Hundred of Bagot for the purpose of subdivision to create 11 lots subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation works), 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 with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
  - a. proposed lots 414A, 414B and 414C combined as one single lot.
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation works), updated standalone Subdivision Masterplan documentation must be prepared in accordance with the Berrimah Farm Subdivision Development Guidelines and submitted to and approved by the Land Development Unit (LDU), to the satisfaction of the consent authority. The updated documentation must reflect the current Stage 7F lot layout and relevant adjoining stages, and must confirm the interconnection of infrastructure between stages. The documentation must include, where relevant:
  - a) Streets and Pathways Masterplan, including current pathway connections between stages;
  - b) Stormwater Management Plan, including the connection of existing and proposed stages to the stormwater detention system and updated detention basin/flood extent information
  - c) Public Open Space Masterplan
  - d) Street and Public Lighting Masterplan
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation works), a Traffic Impact Assessment (TIA) must be prepared in accordance with the Berrimah Farm Subdivision Development

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Guidelines and submitted to and approved by the relevant road authority, to the satisfaction of the consent authority.

4. Prior to the commencement of works (including site preparation works), a Dilapidation Report must be prepared for all existing public infrastructure that may be affected by the development works, in accordance with the Berrimah Farm Subdivision Development Guidelines, and submitted to and approved by the LDU, DLPE, to the satisfaction of the consent authority.
5. Prior to the commencement of works (including site preparation works), a Construction Traffic Management Plan (CTPM) must be prepared and submitted to and approved by the LDU (DLPE) and Transport and Civil Infrastructure (TCI) of the Department of Logistics and Infrastructure (DLI), to the satisfaction of the consent authority.
6. Prior to the commencement of construction works (including site preparation works), the developer must obtain Permission to Use for all detailed design documentation, including engineering design drawings, reports and specifications for all proposed works, from the relevant authority to the satisfaction of the consent authority.
7. Prior to the commencement of works (including site preparation works), a Type 2 Erosion and Sediment Control Plan (ESCP) must be developed in accordance with the Department of Lands, Planning and Environment Erosion and Sediment Control Plan (ESCP) procedures. The ESCP must be certified by a Certified Professional in Erosion and Sediment Control (CPESC). The ESCP must be submitted for acceptance prior to the commencement of any earth disturbing activities (including clearing and early works) to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au). Please refer to notation 1 for further information.

### GENERAL CONDITIONS

8. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
  9. The works carried out under this permit shall be in accordance with the Construction Traffic Management Plan (CTMP).
  10. 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.
- Please refer to notations 1, 3 and 4 for further information.
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.

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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 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.
14. All proposed and affected roads, streetlights, stormwater drainage, pedestrian corridors, access crossovers/ driveways and streetscaping must be designed and constructed in accordance with the Berrimah Farm Subdivision Guidelines to the technical requirements of the LDU, DLPE, and to the satisfaction of the consent authority. All approved works constructed are at the developer's expense.
15. Any disturbance to existing Public Infrastructure is to be rehabilitated to the technical requirements of the LDU, DLPE, to the satisfaction of the consent authority.
16. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of LDU, DLPE, to the satisfaction of the consent authority.
17. 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.
18. Should the certified Type 2 ESCP require amendment, the revised ESCP must be certified by a suitably qualified and experienced professional and submitted to Development Assessment Services (via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au)).
19. All works relating to this permit must be undertaken in accordance with the certified Type 2 ESCP.
20. At completion of works, certification must be provided by a suitably qualified and experienced professional regarding satisfactory implementation of permanent erosion and sediment control measures and site stabilisation. This certification must be submitted to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au). Permit Notes: [nt.gov.au](http://nt.gov.au)
21. Prior to the issue of Part 5 clearance, a Stage 3 and 4 Road Safety Audit is to be prepared by a suitably qualified traffic engineer in accordance with the Austroads Document Guide to Traffic Management Part 12: Traffic Impacts of Developments shall be submitted to and approved by LDU, DLPE, to the satisfaction of the consent authority.
22. Surface stormwater run off from the development site onto the Stuart Highway road is not permitted. Accordingly, stormwater shall be wholly contained within the site and discharged into the stormwater drainage system to the standards and approval of the TLI (DLI) (where it impacts on

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the NTG controlled road reserves), the Crown Land Management Division (where it impacts on Crown land or a drainage easement in favour of the Territory), to the satisfaction of the consent authority. Stormwater design plans submitted for approval shall provide details of site levels and existing downstream drainage infrastructure.

### NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@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 onsite and/or surrounding infrastructure. Any damaged or removed infrastructure located in, on or over the road reserve (inclusive of pre-existing street trees), is to be repaired or replaced at either the developers or landowners' cost, to the satisfaction of City of Darwin. 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.
2. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind)
3. 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/newdevelopments/builders-designers.html>
4. A "Permit to Work Within a Road Reserve" will be required from LDU before the commencement of any works within the road reserve.
5. Upon completion of any works within or impacting upon existing or proposed road reserves, the road reserves shall be rehabilitated to the technical requirements of LDU (or relevant council) and returned to its original condition as documented in the dilapidation report.
6. The Department of Defence has advised that the subject site is constrained by building height controls that protect airspace near RAAF Base Darwin to ensure the safety of aircraft on approach, departure and low-flying man. Any

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structures higher than 15 metres or 45 metres above ground level (AGL) require approval under the Defence (Aviation Area) (DAA) Regulations.

7. Any organic waste and/or storage of commercial bins must be handled appropriately to minimise bird activities.
8. Transport and Civil Infrastructure (TCI) of the Department of Logistics and Infrastructure (DLI) advise that :
  - i. All proposed work (including the provision or connection of services) within, or impacting upon the Stuart Highway road reserve shall be designed, supervised and certified on completion by a practising and registered civil engineer, and shall be in accordance with the standards and specifications of TCI, DLI, to the satisfaction of the consent authority.

Design documents must be submitted to TCI for road agency approval, irrespective of approvals granted by other authorities e.g. Power & Water Corporation (PWC). No works within, or impacting upon the NTG road reserves are to commence prior to gaining road agency approval.

Note that a development permit issued under the Planning Act is not an approval for access onto a Territory Road. Approval for access to be taken from, or constructed within the NTG controlled road reserve rests solely with TCI, DLI as the approving road authority. The developer its contractor or service provider is required to obtain a "Permit to Work within the NTG

- ii. The clearing and future use of the land, including any noise attenuation measures, shall not be detrimental to the drainage of the Stuart Highway road reserve through the blocking of offset drains, natural drainage channels or overland flow.
- iii. Any new road reserves (distributor, collector or local roads) created via this subdivision shall be vested with the relevant local authority and shall be noted on the survey plan as such.
- iv. Where unfenced, the Stuart Highway frontage is to be appropriately fenced in accordance with the Departments standards and requirements to deter unauthorised vehicular and/or pedestrian movement. Gates are not to be provided in the fencing.
- v. The installation of any services or service connections within the Start Highway road reserve is subject to TCI, DLI approval. All service related works are to be contained within the appropriate nominal service corridor (refer standard drawing CS-3001).
- vi. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant

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display (i.e. not flashing or of variable message). The sign shall be positioned:

- a. so as not to create sun or headlight reflection to motorists; and
  - b. be located entirely (including foundations and aerially) within the subject Lot.
- vii. Advertising signage including temporary or permanent, e.g. 'A' frame, vehicle or trailer mounted, etc. shall not be erected or located within the Stuart Highway road reserve.
- viii. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.
- ix. The developer, its contractor or service provider is required to obtain a "Permit to Work within the NTG Road Reserves" prior to the commencement of any works within the Stuart Highway road reserve.
- x. Direct access shall not be permitted to the subject subdivision from the Stuart Highway road reserve. All access arrangements shall be via the internal local road network.
- xi. No temporary access for construction purposes shall be permitted from the Stuart Highway road reserve. Construction and delivery vehicles shall not be parked on the Start Highway road reserve.
- xii. The 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.

The use of shaker screens/ rubble pads to remove loose material from trucks prior to entering the road network is a requirement. 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.

- xiii. The developer shall consider the Department's Policy "Road Traffic Noise on NTG controlled roads" and have carried out, in accordance with AS3671 Road Traffic Noise Intrusion – Building Siting and Construction, an assessment by a suitably qualified person of the development's present and predicted future exposure to road traffic noise levels. Where required, the developer shall provide appropriate noise attenuation measures to the satisfaction of the Chairman, Development Consent Authority. All noise attenuation works deemed necessary, e.g. building materials and design, lot layout or noise barriers, shall be wholly contained within the subject Lot (including foundations) and carried out and maintained at full cost to the developer.

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9. The Department of Lands, Planning and Environment Erosion and Sediment Control Plan (ESCP) procedures as updated available at: <https://depws.nt.gov.au/landmanagement>
10. Darwin International Airport advises that separate requests for assessment and approval must be submitted to Darwin International Airport and the department of Defence NT 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.
11. A suitably qualified and experienced professional in erosion and sediment control as defined by the International Erosion Control Association (IECA) Australasia - <https://austieca.com.au/esc-certification/suitably-qualified-professional>.
12. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at <https://austieca.com.au/home> and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Development Coordination Branch: (08) 8999 4446.
13. All land in the Northern Territory is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding declared weeds. Section 9 general duties include the requirement to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection. Should you require further weed management advice contact the weed management branch on (08) 8999 4567 or [weedinfo@nt.gov.au](mailto:weedinfo@nt.gov.au).
14. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division, DLPE may take

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enforcement action or issue statutory instruments should there be noncompliance with the Act.

15. The Aboriginal Areas Protection Authority recommends that the permit holder obtain a new Authority Certificate to indemnify against prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
16. 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.
17. 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.
18. All new roads, including alterations and extensions to existing roads, are required to be named under the *Place Names Act 1967*. You should immediately make an 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). Further information can be found at [www.placenames.nt.gov.au](http://www.placenames.nt.gov.au).

### REASONS FOR THE DECISION

1. The application sought consent for subdivision to create 13 lots at Part Section 7349, Hundred of Bagot (the site), the proposed development is located on part of the site (herein referred to as the development site) and is also known as Northcrest Stage 7F. The development site is located in Zone FD (Future Development) pursuant to the NT Planning Scheme 2020 and has an area of 5.04ha.

The development site has frontage to Stuart Highway and is intended to be accessed from the existing road network via Hereford Court. The proposed subdivision comprised 3 lots intended to remain in Zone FD as part of the future Secondary Activity Centre (Precinct 1A), 2 lots intended for future Zone MR, 5 lots intended for future Zone LMR and 3 public open space lots.

At the meeting, Mr Rory Mackay (the applicant) explained recent amendments to the Berrimah Farm Planning Principles and Area Plan (BFPPAP), including the removal of the retirement living development previously identified within the estate, had resulted in amendments to the proposed subdivision layout. These amendments included the removal of lots previously intended for medium density residential development associated with the former retirement living component and the addition of a public

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open space lot to provide a buffer between the future Secondary Activity Centre and adjoining residential development (stage 4F) to the east.

Mr Mackay advised that the principal matter for consideration was the proposed subdivision of the land associated with the future Secondary Activity Centre into Lots 414A, 414B and 414C. Mr Mackay advised that it was now their preference to retain the land as a single allotment to facilitate the integrated future development of the Secondary Activity Centre. Accordingly, Mr Mackay requested that a condition precedent be imposed requiring amended plans to show the proposed lots 414A, 414B and 414C as a single lot.

The Authority notes that the requested condition precedent will result in the creation of 11 lots, rather than the 13 proposed in the application.

Ms Suzanne Philip (Chair of the Authority) sought clarification regarding the future development intent of the Secondary Activity Centre (SAC) and the urban public space located within SAC identified in the BFPPAP.

Mr Mackay advised that concept planning for the future Secondary Activity Centre was currently being undertaken and that the urban public space identified in the BFPPAP would be incorporated into the future development of the centre.

2. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The Northern Territory Planning Scheme 2020 (NTPS 2020) applies to the land and subdivision to create 11 lots (Northcrest Stage 7F) requires consent under clause 1.8 (When development consent is required). It is identified as Impact Assessable under clause 1.8(1)(c)(ii); therefore, the Strategic Framework (Berrimah Farm Planning Principles and Area Plan), overlay clause 3.5 (LPA – Land in Proximity to Airports), the zone purpose and outcomes of clauses 4.17 Zone PS (Public Open Space) and 4.27 Zone FD (Future Development), and clauses 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR), 6.2.2 (Lots Less Than 600m<sup>2</sup> for Dwellings-Single), 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR), 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR) and 6.5.1 (Subdivision in Zone FD), need to be considered.

The Authority notes that the application has been assessed against the above-mentioned provisions of the NTPS 2020 and that the proposal complies with the relevant requirements.

Clause 1.10(4) of the NTPS 2020 states that “in considering an application for a use or development identified as Impact Assessable the consent authority must take into account all of the following:

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1. *any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;*
2. *any Overlays and associated requirements in Part 3 that apply to the land;*
3. *the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and*
4. *any component of the Strategic Framework relevant to the land as set out in Part 2.”*

An assessment of Clause 1.10(4) is provided below.

### Part 2 – Strategic Framework

#### I. Berrimah Farm Planning Principles and Area Plan (BFPPAP):

The Authority notes that, as identified in the Berrimah Farm Planning Principles and Area Plan (BFPPAP), the development site is earmarked for a future Secondary Activity Centre (Precinct 1A) with a maximum building height of 10 storeys, and adjoining Medium Density Residential (MR) development with a maximum building height of 6 storeys.

The assessment establishes that the subdivision complies with the key applicable planning principles, as assessed in detail below:

- Principle 1(a) requires that *development should minimise the off-site impacts of concentrated stormwater by managing the magnitude, quality and duration of stormwater runoff to ensure that the capacity of downstream infrastructure is not exceeded and that the quality of stormwater does not unreasonably impact the receiving environment.* The application responds to this through an Engineering Design Report prepared by ADG Engineers, which confirms that stormwater from Stage 7F will be managed through underground drainage infrastructure and overland flow paths integrated with the wider Northcrest stormwater network and regional detention basin system.

Land Development Unit (LDU) of the Department of Lands, Planning and Environment (DLPE) has requested the inclusion of a condition precedent requiring the preparation of an updated Stormwater Management Plan confirming the connection of existing and proposed stages to the regional stormwater detention system and updated detention basin information. In addition, LDU also requested a general condition that stormwater drainage infrastructure be designed and constructed in accordance with the Berrimah Farm Subdivision Development Guidelines.

In addition to above, the Land Management Unit of the Department of Lands, Planning and Environment (DLPE) also requested a condition precedent requiring the preparation and implementation of an Erosion and Sediment Control Plan.

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The above principle is addressed by application of the abovementioned conditions to the development permit.

- Principle 1(b) requires that development *accords with the Defence (Areas Control) Regulations 1989*. The development site is subject to the Defence (Areas Control) Regulations 1989, under which structures exceeding 45m in height require approval. The proposal is for subdivision only and does not include any building works. The application was circulated to the Department of Defence and no concerns were raised. Any future development of the lots will be subject to separate assessment and will be required to comply with the applicable requirements at that time.
- Principle 1(e) requires the creation of a *safe and diverse urban residential environment*. The proposed subdivision includes a single lot proposed to remain within Zone FD and comprise the land identified as the future Secondary Activity Centre (Precinct 1A) under the BFPPAP. The subdivision also provides land intended for future MR and LMR zoning immediately south of the future SAC, consistent with the density hierarchy envisaged by the BFPPAP. The proposal creates a variety of lot sizes ranging from approximately 836m<sup>2</sup> to 13,500m<sup>2</sup> and includes public open space lots integrated with the broader Northcrest open space network. Access to the subdivision is provided via Hereford Court, which connects to Panquee Boulevard and the broader Northcrest road network.
- Principle 1(f) requires the *provision of an interconnected pedestrian and cyclist network*. The proposed subdivision incorporates an interconnected road network that integrates with the broader Northcrest Estate road system. The subdivision includes public open space lots and land identified for the future Secondary Activity Centre (SAC), facilitating future connections between residential areas, public open spaces and the future SAC.

The Land Development Unit (LDU) has requested updated subdivision masterplan documentation, including a Streets and Pathways Masterplan confirming pathway connections between stages, to ensure the subdivision integrates with the broader Northcrest estate. The LDU has also recommended conditions requiring pedestrian corridors and associated infrastructure to be designed and constructed in accordance with the Berrimah Farm Subdivision Guidelines.

The above principle is addressed by application of above mentioned conditions to the development permit.

- Planning Principles 1(g) and 1(h) relates to the design and development of a Secondary Activity Centre and seeks to ensure that the Secondary Activity Centre is developed as an integrated, community-focused and pedestrian-friendly centre that provides

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coordinated public spaces, connectivity, urban design outcomes and a mix of land uses to serve the surrounding community.

At the request of the applicant, condition precedent 1 is applied to the permit, requiring proposed lots 414A, 414B and 414C to be one single lot. This single lot is the land identified as the future Secondary Activity Centre (Precinct 1A) under the BFPPAP. The lot is proposed to remain within Zone FD (Future Development), and the application does not include built form development of the Secondary Activity Centre.

As the lot is to remain in Zone FD, this ensures the requirements of the BFPPAP remain applicable to the design of the future public open space lot and the design of the secondary activity centre. A future application will be required to re-zone the land to an appropriate zone for a secondary activity centre (i.e Zone CB or Specific Use Zone) and also subdivide the land to provide an open space lot in the Secondary Activity Centre.

### **Part 3 – Overlays**

#### **Clause 3.5 LPA – Land in Proximity to Airports (LPA Overlay)**

The development site is affected by the LPA Overlay and is located within the ANEF 20–25 contour on the Darwin 2043 ANEF map.

The Authority notes that the assessment establishes the proposal complies with the requirements of the overlay as follows:

- No issues were raised by the Darwin International Airport (DIA) or the Department of Defence.
- Advice from the Airport Development Group (ADG) confirms that siting of residential buildings in ANEF 20–25 contour is conditionally acceptable and future development within the site will be subject to aircraft noise and should be designed in accordance with AS 2021 – Acoustics, Aircraft Noise Intrusion, Building Siting and Construction.
- Federal regulations and other standards (AS 2021 – 2000) are applicable to the provision of external lighting within a flight path and building design.
- The proposed subdivision is unlikely to naturally attract birds and bats.

### **Part 4 – Zones**

#### **Clause 4.27 Zone FD – Future Development**

The purpose of Zone FD is to identify an area that is intended for future rezoning and development in accordance with the Strategic Framework.

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Development is limited to a level that will not prejudice future development or is compatible with planned future purposes.

The proposed subdivision creates 7 residentially zoned lots capable for accommodating low to medium density residential development, 1 future development zoned lot intended to accommodate a future Secondary Activity Centre and 3 open space lots.

The Authority notes that the inclusion of condition precedent 1, requiring the land associated with the future Secondary Activity Centre to be retained as a single lot (to be retained in Zone FD), will not prejudice the future development of the site and is compatible with the planned future purpose of the land.

The requirements of Zone MR, LMR, PS and FD are considered in Part 6 below.

### **Part 6 – Subdivision and Consolidation Requirements**

Pursuant to the editor's note to Clause 6.1. (Preliminary) states *"Editor's note: Refer to the Northern Territory Subdivision Development Guidelines (NTSDG) in Schedule 5 for best practice engineering design and construction standards for important Public Infrastructure such as streets and pathways, public open space and landscaping, stormwater drainage, and utility services. The NTSDG set out the minimum design standards required by Relevant Authorities to facilitate clearance of conditions imposed on any Development Permit issued under the Planning Act 1999, and should therefore be used as a point of reference as part of a land subdivision"*

Relevant Authority is defined under the NTSDG as *"Means, for a component of Public Infrastructure constructed as part of the Development Works, any governmental, semigovernmental, public, statutory body, statutory corporation or government owned corporation, entity, department or authority that is intended to accept handover of, own and maintain that Public Infrastructure after Practical Completion. Includes Service Authority and Local Authority as applicable."*

The NTSDG have been used as a point of reference as part of the proposed subdivision application, noting the application has been circulated to relevant service authorities and the local government council, and no conditions or notes in relation to the NTSDG were raised. Although at the time of exhibition (and circulation of the application to service authorities and the local government council) the editor's note did not form part of the NTPS 2020.

In addition, Zone PS is not mentioned within Part 6 (Subdivision Requirements) of the NTPS2020, and pursuant to the editors to clause 6.1 (Preliminary), any subdivision application should instead respond to the relevant zone purpose and outcomes of Zone OR (Organised Recreation) and Strategic Framework (BFPPAP).

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### Clause 4.17 Zone PS – Public Open Space

The purpose of clause is to *“Retain and enrich open space areas for public use and enjoyment, and the enhancement of public amenity.”*

The Authority notes that the proposed open spaces (3 lots) will enrich the amenity of the surrounding area and primarily cater for the informal recreation needs of the community. The proposed subdivision seeks to facilitate the future development of residential lots, which will rely on the provision of open spaces within the immediate locality.

Part 6 of the NTPS2020 has been considered and it is found that the proposal complies with the relevant requirements, an assessment is provided below:

### Clause 6.5.1 Subdivision in Zone FD

The purpose of this clause is to *“provide for the subdivision of land in Zone FD in a manner that will not prejudice the intended ultimate subdivision and future development of the land envisaged in the strategic framework”*.

The proposal does not comply with subclause 6.5.1(3), as the minimum lot size of 50ha is not achieved, however, subclause 6.5.1(4) states *“despite sub-clause 3, subdivision may create lots consistent with the intended future zoning if it:*

- a) complies with the relevant subdivision requirements of the intended future zone;*
- b) is generally in accordance with an area plan or other relevant component of the strategic framework; and*
- c) services are, or can be, made available to that land.”*

The Authority notes that the requirements of subclause 4 are met, and therefore no variation is required to either subclause 3 or 4, for the following reasons:

- In response to subclause 4(a), the proposed subdivision is considered to comply with the relevant subdivision requirements of the intended future zones as assessed below.
- In response to subclause 4(b), the proposed subdivision creates 7 lots intended for future residential development, 3 public open space lots and 1 FD zoned lot for the future Secondary Activity Centre. Retaining the Secondary Activity Centre land as a single Zone FD lot will facilitate its integrated future development and ensure the requirements of the BFPPAP remain applicable to the future planning and design of the Secondary Activity Centre and associated urban public space. Accordingly, the subdivision is consistent with the relevant strategic framework provisions.
- In response to subclause 4(c), service authority comments indicate that the proposed subdivision is able to be adequately serviced, subject to application of relevant permit conditions.

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### Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR)

The Authority notes that the proposed subdivision complies with the requirements of Clause 6.2.1, for the following reasons:

- The proposed LMR lots range from 985m<sup>2</sup> to 1,597m<sup>2</sup> and exceed the minimum 300m<sup>2</sup> lot size. The proposed MR lots are 3,243m<sup>2</sup> and 6,431m<sup>2</sup> and exceed the minimum 800m<sup>2</sup> lot size.
- All proposed LMR and MR lots are greater than 600m<sup>2</sup> and are capable of accommodating the required 17m x 17m building envelope.
- The proposed MR and LMR lots have sufficient area and dimensions to accommodate the intended future residential density, including vehicle access, parking and ancillary structures.
- No battle-axe lots are proposed. All lots have direct frontage to a public road.
- The lot configuration and road frontage allow future dwellings to be designed to respond to environmental conditions.
- All lots will be connected to reticulated water and sewer infrastructure.
- The proposed subdivision is part of the Berrimah Farm 'Northcrest' residential development and no potential land use conflicts are expected.
- The proposed MR and LMR lots are located in close proximity to public open space lots (Lots 411 and 404) and the public open space adjoining Lot 414C. The lots are also adjacent to the future Secondary Activity Centre, which is intended to provide community facilities and services. The lots are integrated with the Northcrest road network and are not located within a cul-de-sac.

In relation to Clause 6.2.2 (Lots Less Than 600m<sup>2</sup> for Dwellings-Single) there are no lots proposed to be less than 600m<sup>2</sup> in area and therefore the requirements of this clause are not relevant to the proposed development.

### Clause 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR)

The Authority notes that the proposed subdivision complies with the requirements of Clause 6.2.3, for the following reasons:

- The Engineering Design Report confirms that the earthworks strategy follows the natural contours of the land, with allotments graded to fall towards the road reserve at a minimum 1% fall. Stormwater is to be managed in accordance with the broader Northcrest drainage network, and no unsuitable land has been identified for subdivision.

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- No residential lots less than 600m<sup>2</sup> are proposed and therefore subclause 3 is not applicable.
- No significant natural and cultural features have been identified, noting the identified WWII Heritage Site is located outside of the development site area. The Aboriginal Areas Protection Authority has advised that a Section 24B application is currently under assessment. This matter is addressed through the standard condition applied on permit.
- No part of the subdivision is identified as being affected by a 1% AEP flood or storm surge event.
- No natural drainage lines or significant vegetation requiring retention within the subdivision have been identified.

### Clause 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR)

The Authority notes that the proposed subdivision complies with the requirements of Clause 6.2.4, for the following reasons:

- The proposed roads provide both pedestrian and cyclist connections throughout the site and connect to the Secondary Activity Centre and public open spaces.
  - The proposed subdivision provides links to schools, commercial facilities and public transport.
  - All dwellings are within 400m walking distance of open space.
  - All lots will be connected to reticulated services.
  - The proposed subdivision comprises an area of 15,439m<sup>2</sup> that is proposed to be MR and LMR and proposes 4069m<sup>2</sup> of public open space. Therefore, public open space makes up 26.4% of the proposed residential subdivision area.
2. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The proposed subdivision comprises 11 lots on a 5.4ha part of the site. The subdivision will be serviced by reticulated water, sewer, stormwater, road and power infrastructure, with stormwater from the site managed through the broader Northcrest stormwater network and regional detention system.

The BFPPAP identifies the northern portion of the development site as the future Secondary Activity Centre (Precinct 1A), with adjoining land identified for medium density residential development and associated public open space. The proposed subdivision is generally consistent with intended future zoning and is considered capable of supporting the future development.

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Further, no concerns have been raised by the Development Coordination, Land Resource Division of the Department of Lands, Planning and Environment (DLPE) in relation to land capability and has also not identified any constraint to subdivision.

3. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The Authority notes that the proposal generally accords with the zoning depicted within the BFPPAP and is considered unlikely to adversely impact the area or alter community expectations for the development site. The proposed subdivision is considered to achieve appropriate levels of mixed-use amenity.

**FOR: 5**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:** Notice of Consent and Development Permit

**RATIFIED AS A RECORD OF ATTENDANCE AND DETERMINATIONS MADE AT THE MEETING**

**SUZANNE PHILIP**  
Chair

22 June 2026