

**DEVELOPMENT CONSENT AUTHORITY  
DARWIN DIVISION**

**NORTHERN TERRITORY PLANNING SCHEME 2007 AND NORTHERN  
TERRITORY PLANNING SCHEME 2020**

**AGENDA ITEM:** **3**      **MEETING DATE:** 08/11/2024      **FILE:** PA2023/0406

**APPLICATION:** Vehicle sales and hire with ancillary office and motor repair station, storage of containers and demountable building and clearing of native vegetation

**APPLICANT/CONTACT:** Israel – Tshupo Kgosiemang of One Planning Consult

**LAND OWNER:** Olsen, Henning Bang

**BENEFICIARY:** Demountable Sales and Hire Pty Ltd

**LOCATION:** Section 07666 Hundred of Bagot

**ZONE:** Zone RD (Restricted Development) and Specific Use Zone No. 47 (SD47)

**AREA:** 25700m<sup>2</sup>

### 1. PROPOSAL

Section 07666, Hundred of Bagot (the site) is multi-zoned comprising Zone RD (Restricted Development) and Specific Use Zone No. 47 (SD47).

Part of the site is located in Zone RD and the application seeks approval to use this part of the site for the storage of a maximum of 50 containers and demountable buildings and *clearing of native vegetation*.

Part of the site is located in Zone SD47 and the application seeks approval to use this part of the site for *vehicle sales and hire* with 55.6m<sup>2</sup> of ancillary office and 232m<sup>2</sup> of ancillary motor repairs station in a shed with a maximum building height of 6.07 metres.

The location of the site is provided at **Bookmark A** and owner's authorisation at **Bookmark B**. A copy of the application is at **Bookmark C**.

Following the exhibition period, the applicant submitted amended plans to respond to issues raised in the technical assessment. A copy of the amended plans and statement of effect is at **Bookmark D**. The applicant provided further amended plans in response to additional issues identified, a copy of the amended plans is at **Bookmark E**.

In addition, to resolve concerns raised by Power and Water (Water Services) and the Land Development Unit (LDU) of the Department of Lands, Planning and Environment (DLPE), (previously known as Department of Infrastructure, Planning and Logistics (DIPL)), regarding the provision of water and sewer services, the applicant has proposed interim measures to service the lot until LDU develops the water and sewer infrastructure in the locality in the future. A copy of the interim measures proposed is provided at **Bookmark F**.

## 2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

The site is located in 2 zones and the zones are administrated under different NT Planning Schemes.

The southern balance of the site is located in Zone RD and is to be determined under the NT Planning Scheme 2020 (NTPS 2020).

The northern corner of the site is located in Zone SD47 and is to be determined under the NT Planning Scheme 2007 (NTPS 2007), because under Schedule 4: Specific Use Zones of the NTPS 2020, it states that the Specific Use Zones listed in the Table to the Schedule (of which SD47 is one) are subject to the relevant requirements contained in the former Planning Scheme.

### NTPS 2020:

An application is required for planning consent as the proposal is *Impact Assessable*, pursuant to Clause 1.8(1)(c)(i) and 1.8(1)(c)(v) (When development consent is required) of the NTPS 2020. The development is subject to the following relevant provisions of NTPS 2020.

Zone RD (Restricted Development )					
Use	Assessment Category	Overlays	General Development Requirements	Specific Requirements	Development
Storage of containers and demountable buildings is an <i>undefined use</i>	Impact Assessable	3.2 CNV - Clearing of Native Vegetation  3.5 LPA - Land in Proximity to Airports	5.2.1 General Height Control 5.2.4 Car Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	N/A	

### NTPS 2007:

Pursuant to Zone SD47, the site is to be used with consent in accordance with the provisions of Zone LI (Light Industry). The development is subject to the following relevant provisions of NTPS 2007.

Zone SD47 in accordance with the provisions of Zone LI					
Use	Assessment Category	Overlays	General Development Requirements	Specific Requirements	Development
Vehicle sales and hire with ancillary	Permitted	N/A	Clause 6.1 General Height Control Clause 6.5.1 Parking Requirements	N/A	

office and ancillary motor repair station			Clause 9.1.1 Industrial Setbacks	
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### 3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should approve the application subject to conditions on the development permit.

### 4. BACKGROUND

The site was created through the Subdivision Permit DP15/0443, which granted approval for a subdivision to create four lots. Survey Plan for the subdivision (LTO2021/024) was approved on 11 April 2022, which reflects the lots 3 and 4 approved under DP15/0443 and its amendments. DP15/0443 and its amendments are at **Bookmark G**.

The northern corner of the site is located in Zone SD47 which seeks to *facilitate the development of the land for light industrial purposes that minimise the impacts of exposure to aircraft noise, and that does not inhibit the operation of the Darwin International Airport.*

SD47 comprises areas A and B and the site is located in area B which is to be used in accordance with the provisions of Zone LI (Light Industry) and prohibits the following uses in the area:

- animal boarding
- caretaker's residence
- community centre
- education establishment
- home occupation
- hotel
- leisure and recreation
- licenced club
- medical clinic
- office
- passenger terminal
- place of worship
- restaurant
- service station
- shop
- veterinary clinic.

The southern balance of the site is located in Zone RD which seeks to *restrict development within proximity to an airport or under a flight path to ensure unencumbered operation of an airport and the safety of people in the zone.*

### 5. PUBLIC EXHIBITION

The application was placed on public exhibition for a period of two weeks. No public submissions were received under section 49(1) of the *Planning Act 1999*.

## 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 of this determination as pursuant to Part 4 of the Planning Regulations 2000 section 14 (3)(d)(ii) states that there is no right of review when *any other type of development on land that is not in a residential zone, or for which no zone is specified, unless the land:*

- i. *is adjacent to land in a residential zone; or*
- ii. *is directly opposite land in a residential zone and is on the other side of a road with a reserve of 18 m or less in width.*

## 7. MATTERS TO BE TAKEN INTO ACCOUNT (SECTION 51 OF THE PLANNING ACT 1999)

Section 215(1) of the *Planning Act 1999* states *if requested by the applicant, a development application in relation to a specific use zone, must be determined:*

- a) *in accordance with this Act in force immediately before the commencement; and*
- b) *in relation to the elements of the planning scheme applicable immediately before the commencement.*

In relation to the SD47 portion of the site, the relevant *Planning Act 1999* is *as in force at 28 June 2020* and the relevant Planning Scheme is NTPS 2007.

In relation to the RD portion of the site, the relevant *Planning Act 1999* is *as in force at 1 August 2023* and the relevant Planning Scheme is NTPS 2020.

The key differences between Section 51 of the *Planning Act 1999* *as in force at 28 June 2020* and the *as in force at 1 August 2023*, is that the *as in force at 1 August 2023* includes the following additional clauses:

*(pa) for a proposed subdivision or consolidation of land in a Restricted Water Extraction Area – whether the subdivision or consolidation complies with the restrictions of sections 14A and 14B of the Water Act 1992 and the requirements of section 14C(1) of that Act*

*(3) When considering a development application under subsection (1), the consent authority must apply the relevant considerations to only those components of the development that triggered the requirement for consent under the planning scheme.*

### **a) any planning scheme that applies to the land to which the application relates**

As previously outlined, the site is located in 2 zones and the zones are administrated under different NT Planning Schemes.

Under NTPS 2020, as the application is *Impact Assessable* and the exercise of discretion by the consent authority that applies is Clause 1.10(4) (Exercise of Discretion by the Consent Authority) of the NTPS2020.

Clause 1.10(4) -

In considering an application for a use or development identified as *Impact Assessable* the consent authority must take into account all of the following:

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.

Under the NTPS 2007 Scheme, the proposed development requires consent pursuant to Zone SD47. Clause 2.4 of Part of the NTPS 2007 specifies that:

1. *Despite anything to the contrary in this Planning Scheme, land described in Schedule 1 (Specific Use Zones) may be used or developed as specified in the Schedule subject to any conditions specified in the Schedule and any further conditions imposed by the consent authority.*
2. *The provisions of Parts 1, 2, 4, 5, 7 and 8 apply to development described in Schedule 1 except where they conflict with any conditions specified in that Schedule.*

## **NTPS 2020:**

The NTPS2020 applies to the portion of the site in Zone RD and the undefined land use of storage of a maximum of 50 demountable structures requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clause 1.8(c)(i); therefore, the Darwin Regional Land Use Plan 2015 (DRLUP), Berrimah North Planning Principles Area Plan (BNPPAP), the zone purpose and outcomes of Clause 4.25 Zone RD (Restricted Development), Clause 3.5 LPA – Land in Proximity to Airports, Clause 3.2 CNV – Clearing of Native Vegetation and Clauses 5.2.1 General Height Control, Clause 5.2.4 Car Parking, 5.2.5 Loading Bays, 5.2.6 Landscaping, 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR, have been considered as discussed below.

## **Part 2 - Strategic Framework**

### **Berrimah North Planning Principles Area Plan (BNPPAP)**

BNPPAP identifies the site as *development restricted by constraints*. Of relevance, sub-clause 9 seeks to 'respond to land use constraints associated with proximity to Darwin International Airport by:

- a) managing exposure to aircraft noise and controlled airspace to ensure that the safe and curfew-free operation of the airport is continued;
- b) ensuring that lighting associated with development under runway approaches will not prejudice the safe operation of the airport;
- c) ensuring that the use or development of land under runway approaches will not attract birds or bats to an extent that prejudices the safe operation of the airport; and
- d) restricting land uses that would attract people into the provisional public safety zone under the runway approach'

The application responds to BNPPAP through proposing a land use that is compatible with the constraints of the Darwin International Airport and does not prejudice the future development of the area in accordance with the BNPPAP. Any approval will include a condition precedent to demonstrate how stormwater and its discharge will be appropriately managed on site and for the applicant provide advice from the Department of Defence NT that approval is granted for any external lighting and the height of the proposed structures.

## Part 3 – Overlays

### Clause 3.2 CNV – Clearing of Native Vegetation

#### Purpose

Identify areas with limits to the clearing of native vegetation and ensure that clearing in these areas does not:

- a) impact on the conservation values of land within Zone CN; or
- b) unreasonably contribute to environmental degradation of the locality

#### Administration

1. The clearing of native vegetation of more than one hectare in aggregate of land (including any area already cleared of native vegetation) within the area subject to the Clearing of Native Vegetation Overlay requires consent. This Overlay applies to land within Zones RR, RL, R, H, A, CP, CN, RD, WM and Unzoned land.
2. Notwithstanding sub-clause 1, all clearing of native vegetation in Zone CN requires consent, other than as provided for by sub-clause 4.
3. The consent authority may consent to the clearing of native vegetation that is not in accordance with subclause 5 only if it is satisfied that it is consistent with the purpose of this requirements and is appropriate in the context of the site and the locality having regard to such matters as:
  - a. the suitability of the site for the proposed use;
  - b. the values associated with the environmental characteristics (as applicable);
  - c. the significance, extent and likelihood of any potential environmental impacts; and
  - d. the measures the application proposes will be implemented to mitigate any potential impacts.
4. This Overlay does not apply if the clearing of native vegetation is required or controlled under any Act in force in the Territory, or is for the purpose of:
  - a. a firebreak as specified by the Bushfires Management Act 2016 or the Fire and Emergency Act 1996, up to 5m wide along a boundary of a lot having an area of 8ha or less, up to 10m wide on a lot having an area greater than 8ha unless otherwise specified by a Regional Fire Control Committee;
  - b. an internal fence line up to 10m wide on a lot having an area greater than 8ha;
  - c. a road to access the land or other land; or
  - d. the maintenance and repair of public infrastructure.

#### Requirements

5. The clearing of native vegetation is to:
  - a. avoid impacts on environmentally significant or sensitive vegetation;
  - b. be based on land capability and suitability for the intended use;
  - c. avoid impacts on drainage areas, wetlands and waterways;
  - d. avoid habitat fragmentation and impacts on native wildlife corridors; and
  - e. avoid impacts on highly erodible soils.
6. An application for the clearing of native vegetation is to demonstrate consideration of the following:
  - a. the Land Clearing Guidelines (as amended from time to time) by the agency responsible for natural resources and the environment;
  - b. the presence of threatened wildlife as declared under the Territory Parks and Wildlife Conservation Act 1976;
  - c. the presence of sensitive or significant vegetation communities such as rainforest, vine thicket, closed forest or riparian vegetation;
  - d. the presence of essential habitats, within the meaning of the Territory Parks and Wildlife Conservation Act 1976;
  - e. the impact of the clearing on regional biodiversity;

- f. *whether the clearing is necessary for the intended use;*
- g. *whether there is sufficient water for the intended use;*
- h. *whether the soils are suitable for the intended use;*
- i. *whether the slope is suitable for the intended use;*
- j. *the presence of permanent and seasonal water features such as billabongs and swamps;*
- k. *the retention of native vegetation adjacent to waterways, wetlands and rainforests;*
- l. *the retention of native vegetation buffers along boundaries;*
- m. *the retention of native vegetation corridors between remnant native vegetation;*
- n. *the presence of declared heritage places or archaeological sites within the meaning of the Heritage Act 2011; and*
- o. *the presence of any sacred sites within the meaning of the NT Aboriginal Sacred Sites Act 1989*

Overlay 3.2 CN – Clearing of Native Vegetation allows the clearing of up to 1ha in aggregate of native vegetation on the site. The application proposes to clear 21000m<sup>2</sup> of existing native vegetation. The Department of Environment, Parks and Water Security have not identified any concerns and have identified the presence of Gamba Grass (a grade B weed) on the site.

It is noted that:

- The statement of effect has assessed the application against the *NT Land Clearing Guidelines*.
- No essential habitats identified.
- No impacts on regional biodiversity identified.
- Clearing of native vegetation is necessary for the establishment and operation of the proposed storage of 50 containers and demountable buildings.
- Water will be sourced from the bore, the site is located outside of a water control district and therefore a bore work permit is not required.
- Correspondence from Heritage Branch was included and confirmed there are no known archaeological sites and no further work is required.
- Correspondence from Aboriginal Areas Protection Authority (AAPA) recommends that the applicant apply for an Authority Certificate in accordance with section 19B of the Northern Territory Aboriginal Sacred Sites Act 1989 (the Sacred Sites Act) prior to undertaking any development activity or other work on the site.

The application demonstrated consideration of the NT Land Clearing Guidelines and addresses the requirements of the Overlay. The proposal includes replacement landscaping, in a more suitable location as an interface between the road reserve and new development and as a means of meeting other landscaping requirements of the NTPS 2020.

Any approval will include a general condition to ensure appropriate erosion and sediment controls measures are implemented. A permit note will highlight the obligations for weed management on the site.

The NTPS 2020 allows the consent authority to consent to clearing in excess of 1ha where it is satisfied the clearing is consistent with the purpose of the clause and is appropriate in the context of the site and the locality having regard to such matters as: (a) the suitability of the site for the proposed use; (b) the value associated with the environmental characteristics (as applicable) (c) the significance, extent and likelihood of any potential environmental impacts; and (d) the measures the application proposes will be implemented to mitigate any potential impacts.

The above matters have been considered and the proposal is considered to be both consistent with the purpose of the clause (being to ensure no unreasonable environmental degradation of

the locality) and appropriate in the context of the site, its use and capacity for environmental impacts to be managed.

## Clause 3.5 LPA – Land in Proximity to Airports

### Purpose

*Identify areas which may be subject to additional amenity impacts and/or restrictions due to its proximity to an airport, and ensure that the use and development of land in these areas:*

- (a) minimises the detrimental effects of aircraft noise on people who reside or work in the vicinity of an airport;*
- (b) does not result in any new use or intensification of development on land that would prejudice the safety or efficiency of an airport;*
- (c) does not result in any new use or intensification of development that would jeopardise the curfew free operation of the Territory's airports (where applicable); and*
- (d) retains the non-urban character of the land.*

### Administration

- 1. This Overlay applies to land that is within Zones RL, R, A, CP, CN, RD, WM and FD and subject to the Australian Noise Exposure Forecast (ANEF) 20-unit value contour line or greater as defined on the ANEF maps produced by the Department of Defence.*
- 2. The use and development of land subject to this Overlay requires consent.*

### Requirements

- 3. In determining an application for the development of land the consent authority is to have regard to the 'Building Site Acceptability Based on ANEF Zones' (Table 2.1) in AS 2021 – 2000.*
- 4. Lighting associated with development on land within flight approach paths is to ensure it does not to prejudice the safe operation of an airport.*
- 5. The use and development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport.*

The site is zoned RD (Restricted Development) and is affected by the Australian Noise Exposure Forecast (ANEF) 30-unit value contour line or greater. The application has been circulated to Darwin International Airport and Department of Defence for comment.

The assessment establishes that the proposed development complies with the requirements of Clause 3.5 and it is noted:

- No issues were raised by the Darwin International Airport (DIA).
- Federal regulations and other standards (AS 2021 – 2000) are applicable to the provision of external lighting within a flight path and building design. Noting a condition precedent will require that prior to endorsement of plans, approval from the Department of Defence is granted for any external lighting, height of the structures and cranes (if any), to the satisfaction of the consent authority.
- The proposal is unlikely to naturally attract birds and bats.

## **Part 4 – Zones**

### Clause 4.25 Zone RD – Restricted Development

The purpose of Zone RD is to restrict development within proximity to an airport or under a flight path to ensure unencumbered operation of an airport and the safety of people in the zone



The proposed use located within the portion of the site identified as Zone RD is for the storage of a maximum of 50 demountable structures.

The containers and demountable buildings will be single storey, will not exceed 3.5 metres in height (exclusive of supporting structures) and will be stored only.

Subsequently, the proposal is considered to be of a suitably low intensity, being solely for the storage of structures, no staff are required to be on site and no connection to services is required, as the demountable structures will be stored only.

In addition, no concerns have been raised by Darwin International Airport or the Department of Defence. To ensure the development does not encumber the operation of the airport, a condition precedent will require that prior to endorsement of plans, approval from the Department of Defence is granted for any external lighting, height of the structures and cranes (if any), to the satisfaction of the consent authority.

## **Part 5 - Development Requirements**

It is found that the proposal complies with all relevant requirements (outlined in the technical assessment at **Bookmark H**) of NTPS 2020. Further discussion is provided below on a number of specific matters within the following clauses:

### Clause 5.2.1 General Height Control

The purpose of the clause is to *ensure that the heights of buildings and structures are appropriate to the strategic and local context of the location and meet community expectations for development in the zone*. Sub-clause 6 specifies the building height is 2 storeys to a maximum of 8.5m if the zone and use is not included in table B to this clause.

The containers and demountable buildings will be single storey, will not exceed 3.5 metres in height (exclusive of supporting structures) and will be stored only.

### Clause 5.2.4.1 Car Parking Spaces

The purpose of the clause is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of the site. Sub-clause 4 specifies that *use and development is to include the minimum number of car parking spaces specified in the table to this clause (rounded up to the next whole number)*. An undefined use requires the minimum number of car parking spaces to be determined by the consent authority.

The statement of effects advises:

*The proponent intends to use the nominated area for storage only and has no intention to manufacture the structures on site. These structures will be transported to and from the site by Tilt tray vehicle and single trailer trucks. The structures will be loaded and offloaded using a maximum 16 tons crown forklift. There will be no crane used for lifting and loading of structures... The structures will be moved in and off site on weekly basis and sometimes kept on site longer. There will be no staff required on site in association with storage of the structures.*

Forty - five car parking spaces are provided on the portion of the site located in Zone SD47, all spaces are allocated to the proposed vehicle sales and hire including 8 staff car parking spaces. The occasional staff delivering demountable buildings / structures will be able to utilise the staff car parking spaces where required.

The proposed storage of containers and demountable buildings will only require staff for the loading and un-loading of the structures and it is therefore considered there is sufficient car parking on site to accommodate the users and there is not expected to be any impact on the surrounding road network, locality or adjoining properties.

It is unclear if the forklift used to load and unload the containers and demountable buildings will be parked / stored on the site. A condition precedent will require the plans to be updated to show the location of the proposed forklift storage.

### Clause 5.2.6 Landscaping

The purpose of this clause is *to ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall amenity of the locality.*

NTPS 2020 does not provide any landscaping requirements for the area of the site in RD. Notwithstanding this, a 5 metre wide landscaped area is provided along Amy Johnson Avenue.

### NTPS 2007:

The northern corner of the site is located in Zone SD47 and is to be determined under the NTPS 2007 because under Schedule 4: Specific Use Zones of the NT Planning Scheme 2020, it states that the Specific Use Zones listed in the Table to the Schedule (of which SD47 is one) are subject to the relevant requirements contained in the former Planning Scheme.

The proposed *vehicle sales and hire* with 55.6m<sup>2</sup> of ancillary *office* and 232m<sup>2</sup> of ancillary *motor repairs station* in a shed with a maximum building height of 6.07 metres has been assessed against the requirements of Zone SD47 (Specific Use Zone No. 47) and the provisions of Zone LI (Light Industry). Zone SD47 specifies that the site is to be used with consent in accordance with the provisions of Zone LI.

The use of vehicle sales and hire and motor repair station is a permitted use in Zone LI and requires assessment against Clause 6.1, 6.5.1 and 9.1.1. The use of office is prohibited pursuant to sub-clause 4 of SD47, however clause 2.9 subclause 2 of Part 1 of NTPS 2007 specifies that where the ancillary use or development of land would be prohibited if proposed as the primary use or development, the ancillary use or development is permitted only with consent. As such, the proposed ancillary office is permitted with consent.

It is found that the proposal complies with Zone SD47 and all relevant requirements (outlined in the technical assessment at **Bookmark H**) of NTPS 2007. Further discussion is provided below on a number of specific matters within the following clauses:

### Zone SD47

The purpose of Zone SD47 is *to facilitate the development of the land for light industrial purposes that minimise the impacts of exposure to aircraft noise, and that does not inhibit the operation of the Darwin International Airport.*

The site is in Area B and complies with requirements 4 – 10 as follows:

- The use of office is prohibited pursuant to sub-clause 4 of SD47, however clause 2.9 subclause 2 of Part 1 specifies that where the ancillary use or development of land would

be prohibited if proposed as the primary use or development, the ancillary use or development is permitted only with consent.

- No subdivision is proposed as part of this application and therefore an integrated stormwater management plan is not required.
- The site does not adjoin a residential area indicated on BNPPAP and therefore a landscaping buffer is not required.
- The proposed use is not considered to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of the airport.
- A condition precedent will require the following annotations in order to demonstrate compliance with the Zone SD47 requirements:
  - Buildings will be constructed to comply with:
    - AS2021-2000 'Acoustics - Aircraft noise intrusion - Building siting and construction'; and
    - Any applicable height provisions set out in the *Defence (Areas Control) Regulations 1989*
  - The proposed development shall not cause any temporary or permanent structure to breach the defined airspaces for civil or military aviation purposes.
  - Provide further details of proposed external lighting, to the satisfaction of the consent authority, the Department of Defence - Estate Planning and Darwin International Airport.

## Clause 6.1 - General Height Control

The purpose of the clause is to ensure that the height of buildings in a zone is consistent with development provided for by that zone. Sub-clause 4 specifies the height of any part of a building is not to exceed 8.5m above the ground level.

The proposed shed will have a maximum building height of 6.07 metres and therefore complies with Clause 6.1.

## Clause 6.5.1 - Parking Requirements

The purpose of the clause is to ensure that sufficient off street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site.

Subclause 3 specifies that subject to clause 6.5.2, if a use or development specified in column 1 of the table to this clause is proposed, the number of car parking spaces (rounded up to the next whole number) required for that use or development is to be calculated in accordance with the formula specified opposite in column 2 or, if the use or development is within Zone CB in Darwin, column 3.

In addition, sub-clause 4 specifies that a car parking area is to be designed in accordance with clause 6.5.3 except where the car parking is required in association with a single dwelling and an independent unit

Table to Clause 6.5.1: Minimum number of required parking spaces	
Use or Development	Minimum Number of Car Parking Spaces Required
Motor Body Works / Motor Repair Station	6 for every 100m <sup>2</sup> of net floor area
Vehicle Sales and Hire	4 for every 100m <sup>2</sup> of net floor area of office; plus 1 for every 200m <sup>2</sup> used for vehicle display

The proposed development comprises:

- Ancillary Motor Body Works / Motor Repair Station - net floor area of 232m<sup>2</sup>.
- Vehicle Sales and Hire Office – net floor area of 55.6m<sup>2</sup>
- Vehicle Sales and Hire Display Area - area of 3694m<sup>2</sup>.

The proposed Motor Body Works / Motor Repair Station has a requirement of 13.92 spaces, the proposed Vehicle Sales and Hire Office has a requirement of 2.2 spaces and the proposed vehicle sales and hire display area has a requirement of 18.47 spaces. Therefore, the car parking requirement for the proposed development is 34.59 which rounded up is 35 car spaces.

Forty - five car parking spaces are provided on the portion of the site located in Zone SD47, all spaces are allocated to the proposed vehicle sales and hire including 8 staff car parking spaces, and the car parking spaces are designed in accordance with clause 6.5.3 and therefore complies with Clause 6.5.1.

A condition precedent will require that prior to the use or occupation of the development that the car parking spaces and access line are appropriately constructed, level, sealed, drained and line marked.

### Clause 9.1.1 – Industrial Setbacks

The purpose of the clause is *to ensure that buildings are sited to provide an adequate level of visual amenity in industrial zones.*

Subclause 2 specifies buildings in Zones LI, GI and DV are to be sited in accordance with the table to this clause, as relevant:

- Buildings having frontage to all other streets - 3m
- Minimum setback to at least one side boundary and to the rear boundary - 5m

Subclause 3 specifies *all street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m.* Subclause 4 specifies *the quality and extent of landscaping is to be maintained for the life of the development.*

The proposal complies with subclause 2 – 4 as a 3-metre landscaped setback has been provided to Flightpath Road and a 5 metre landscaped setback has been provided to Amy Johnson Drive.

In summary:

- The proposed storage of containers and demountable buildings complies with the BNPPAP through proposing a land use that is compatible with the constraints of the Darwin International Airport and does not prejudice the future development of the area in accordance with the BNPPAP. Specific measure regarding stormwater management and Department of Defence advice is reflected in the conditions of the development approval.
- The proposed storage of a maximum of 50 containers and demountable buildings responds to the purpose and requirements of Zone RD, as it is considered to a suitably low intensity use and does not encumber the operation of the airport. Specific measures recommended by the Department of Defence to mitigate potential impacts are reflected in the conditions of development approval.
- The proposed vehicle sales and hire with ancillary office and ancillary motor repairs station is permitted with consent in Zone SD47. Specific requirements contained in Zone SD47 are reflected in the conditions of development approval.

- The proposed clearing of native vegetation is necessary and directly related to the proposed storage of containers and demountable buildings on the site. The proposal is considered to be both consistent with the purpose of the clause (being to ensure no unreasonable environmental degradation of the locality) and appropriate in the context of the site, its use and capacity for environmental impacts to be managed. Advice from relevant service authorities indicates that the proposal is unlikely to result in environmental impacts, with the specific measures recommended by service authorities to mitigate potential impacts reflected in the conditions of development approval.
- The proposed development complies with the relevant development requirements under NTPS 2020 and NTPS 2007.

***b) any proposed amendments to such a planning scheme:***

- i. that have been or are on exhibition under Part 2, Division 3;*
- ii. in respect of which a decision has not been made under Part 2, Division 5; and*
- iii. that are relevant to the development proposed in the development application*

There are no proposed amendments to the NTPS 2020 which affect this proposal.

***c) an interim development control order, if any, in respect of the land to which the application relates***

There are no interim development control orders relevant to the site.

***d) an environment protection objective within the meaning of the Waste Management and Pollution Control Act that is relevant to the land to which the application relates***

There are no environmental protection objectives relevant to the site.

***e) any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application***

No public submissions were received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal.

***f) a matter that the Minister has, under section 85, directed it to consider in relation to development applications generally***

The Minister has made no direction in relation to the application.

***h) the merits of the proposed development as demonstrated in the application***

The application submits the following merits of the proposed development:

*The site was partly cleared in the past and the proposed overall clearing of land will enable the development of the land as proposed. A detailed land clearing application addressing matters under Clause 3.2 CNV (Clearing of Native Vegetation) is provided at APPENDIX C and forming part of this application. The proposed land uses are site responsive as they minimise the number of people that can work on site at any given time due to the nature uses which entails storage of demountable structures and vehicle hire. These land uses are unlikely to inhibit the operation of the operation of the Darwin International Airport and takes into account the safety of people in the zone.*

***j) 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 land is capable of supporting the proposed development noting the significant constraints of Zone RD and SD47.

Whilst the site does not have connection to reticulated sewer or water, the applicant has proposed interim measures to service the lot until the Department of Lands, Planning and Environment (DLPE) provides reticulated water and sewer infrastructure in the future. Power Water (Water) and DLPE have reviewed and have no concerns with the measures on an interim basis. This is discussed under Section 7(m) below.

Additionally, the Department of Environment, Parks and Water Security did not identify or raise any issues of concern in relation to land capability.

***k) the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer***

It is not a requirement that this development provides additional facilities or open space for public use.

***m) the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose***

The proposal was circulated to the following service authorities and agencies for comment:

City of Darwin – **Bookmark I1**

City of Darwin requested that should a development permit be issued, that the following condition precedents be placed on the permit:

- A dilapidation report covering all infrastructure (including street trees) located in the Flight Path Road, road reserve.
- Crossover approval;
- Stormwater Management Plan;
- Waste Management Plan; and
- Site Construction Management Plan

In addition, the City of Darwin provided various standard conditions relating to easements, crossover, stormwater, etc. for inclusion in any development permit issued.

Power and Water (Power) - **Bookmark I2**

Power and Water (Power) have raised the following comments:

- Currently the lot is not provided with power service from existing underground distribution network along Flightpath Road.
- The Proponent shall engage accredited electrical consultant and contractor to design and construct the electricity network extension in consultation with PWC.

- PWC shall provide approval to the electrical design and shall carry out final connection work.
- The Proponent shall engage a licensed electrician to install customer's internal electricity reticulation in accordance with PWC's regulations.

### Power and Water (Water) - Bookmark I3

Power and Water (Water) have raised the following comments:

- There are no existing reticulated water or sewer services to service Section 7666.
- A covenant in gross is in effect for Section 7666 in relation to the provision of and upgrading of power and water supply and sewerage infrastructure to the Land in connection with future development on Section 7666.
- Significant upgrades and extensions of infrastructure are required to enable reticulated water and sewer servicing to the property, including:
  - For water, an extension of the water network along Flightpath Rd is required (approx. 550m).
  - For sewer, PWC recommend the developer contact DIPL Planning should the developer express an interest for a permanent sewer servicing solution. Alternatively, on-site treatment can be explored subject to approval by Department of Health.

Power and Water (Water) also provided standard notes / conditions.

The site currently does not have reticulated water or sewer services and LDU or DLPE have advised that reticulated water and sewer infrastructure will be provided at some point in the future. The application was deferred whilst the applicant considered how to address the comments raised by Power and Water (Water).

The applicant has proposed interim measures (refer to **Bookmark F**) to service the lot until LDU of DLPE provides reticulated water and sewer infrastructure in the future. The interim measures include a septic system that can be redirected to the main sewer system in the future and the drilling of a bore on site. The interim measures were circulated to Power and Water for further comment.

Power and Water (Water) further advised (refer to **Bookmark I4**):

- The Department of Lands, Planning and Environment (DLPE) has confirmed that this development is within the parameters on which the infrastructure masterplan to support developments for the area is being progressed, and sewer and water services will be constructed to service this lot by the Department.
- A letter to PWC of unconditional guarantee to service the development with water and sewer will be required prior to issue of clearance.
- The future landowner will be required to connect to water and sewer services once constructed, within a reasonable timeframe

Power and Water (Water) also provided standard notes / conditions.

All other comments can be addressed by way of permit condition or note.

## Aboriginal Areas Protection Authority (AAPA) - Bookmark I5

AAPA advises that Mr John Tannos apply for an Authority Certificate in accordance with section 19B of the *Northern Territory Aboriginal Sacred Sites Act 1989* (the Sacred Sites Act) prior to undertaking any development activity on site.

This comment can be addressed by way of permit condition or note.

## Darwin International Airport - Bookmark I6

The Darwin International Airport advises:

- Site is under the Runway 11/29 approach and take-off surfaces of the Obstacle Limitation Surface (57m AHD) for Darwin Airport. Maximum structure height indicated on the exhibition material at 7.5m AGL or around 43m AHD will not impact. There is no effect on the PANS-OPS surfaces.
- Cranes used during construction are likely to impact however and must be the subject of a separate application to DIA. Assessments are required by Airservices Australia before any NOTAM action and may take at least six weeks.
- As the site is within 6 km of Darwin Aerodrome, the proponent must refer and comply with Section 9.21 'Lighting in the Vicinity of Aerodromes' of the CASA Manual of Standards Part 139 available at: <https://www.legislation.gov.au/Details/F2020C0079>
- There must be no site activity which would attract birds that could create a hazard for aircraft operations.
- The Joint Civil Military N70 chart shows that the site is subject to above 50 N70 events per day.

All comments can be addressed by way of permit condition or note

## Department of Environment, Parks and Water Security (DEPWS) - Bookmark I7

DEPWS Rangelands Division – Weed Management Branch advised:

- A site inspection confirmed the presence of Gamba grass a class B declared weed and recommended that any approval include the following permit notes:
  - 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 or occupiers of land regarding declared weeds. General duties described in Division 1 of the WM Act include the requirement for owners or occupiers of land 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.
  - Gamba is subject to a statutory weed management plan. Management obligations outlined in these plans are legally binding on all owners and occupiers. Management requirements and copies of the statutory weed management plans are available at <https://nt.gov.au/environment/weeds/weed-managementplanning>.



- Information regarding weed management is available at the NTG website: <https://nt.gov.au/environment/weeds>, or alternatively contact the Weed Management Branch for further advice on (08) 8999 4567.

In addition, a general condition will ensure appropriate erosion and sediment control measures are effectively implemented on site.

### Department of Defence - Bookmark I8

The Department of Defence advised that

- The said proposal is in area where all structures require a Defence Area Approval (DAA). Land Planning has performed an Obstacle Limitation Surface (OLS) assessment on the structures and the proposal does not infringe on the OLS. However, a DAA application is required for the proposed structures.
- As per the Defence aviation areas regulation webpage, you will need to email DPLR via [land.planning@defence.gov.au](mailto:land.planning@defence.gov.au) with the information requested below to commence the DAA application process.
- A DAA application is required to be submitted to Defence before construction commences if the following applies:
  - The height of a planned structure exceeds the DAA height restriction for the proposed development.
  - Proposed development will bring into, or use, a hazardous object within a DAA.
- The assessment process can take up to 2 months to allow consultation to occur with a wide range of stakeholders.
- Submit an application by emailing sufficient information for Defence to understand the possible impact on aviation safety, such as:
  - A brief description of the proposal.
  - The street address and legal description of the subject site.
  - A plan showing the proposed structure's location in relation to the property boundaries and natural ground levels.
  - Plans and elevations of the proposed structures showing the maximum height for:
    - buildings
    - electrical equipment
    - vegetation used for landscaping (include the height of vegetation at maturity where trees are proposed)
    - lights
    - antennas
    - lightning protection terminals
    - air conditioning units
    - any other service infrastructure mounted on the roof in both Australian height datum (AHD) and above ground level (AGL) formats.
  - Geographical co-ordinates (latitude and longitude) and universal transverse mercator (UTM) grid co-ordinates (easting and northing) for the development.
  - The horizontal datum for the co-ordinates, i.e. Geocentric Datum of Australia 2020 (GDA2020), Map Grid of Australia 2020 (MGA2020), or other datum.
  - If cranes are to be used, the location and height information for the crane.

In addition, a copy of the proposed interim measures to service the lot until DIPL provides reticulated water and sewer infrastructure in the future was circulated to Department of Defence for further comment. The Department of Defence confirmed it has no concerns with the sewer and water proposals as listed below and reiterated that it is vital that a DAA

application is submitted and approved before any construction takes place. Refer to **Bookmark I9**.

## Land Development Unit (LDU) - Bookmark I10.

LDU have provided comments specifically relating to interim measures for water and sewer:

- The Berrimah North Area Plan was approved in 2014, with the Department progressing the planning for the infrastructure network required to support development in accordance with the principals and intentions of the plan.
- This application is within the parameters on which the infrastructure master plan prepared to support development in accordance with the Berrimah North Area Plan, and sewer and water services will be constructed in the future to service this lot to the Berrimah North infrastructure network.
- Sewer and water services will be provided within the Flightpath Road road reserve to the shared boundary with Lot 7667 (north east corner). Services will terminate at this point, and the Department will not undertake any works within the lot to connect to the future services.
- On the basis that the future land owner will be required to connect to these services once constructed, LDU has no objections with the proposed interim measures as identified in the above plans.
- The developer will need to include provision in the development's internal servicing design to allow for the connection to the infrastructure networks within the Flightpath Road road reserve.

LDU recommends the following conditions:

- Condition precedent: Prior to the commencement of works, detailed design drawings must be provided confirming how the future connection of water and sewer services will be achieved.
- General Condition: Prior to handover of assets, surveyed as-constructed information confirming the depth and alignment of internal services must be provided that clearly identifies the connection to the future services.

### ***n) the potential impact on the existing and future amenity of the area in which the land is situated***

The proposed development is unlikely to have an adverse impact on the existing and future amenity of the area based on the following reasons:

- The location of the proposed development responds to the purpose of both Zones SD47 and RD.
- The proposed development is not a sensitive land use and reflects the significant constraints of the land, being adjacent to the airport.
- The proposal provides adequate landscaping setbacks to both filter and screen the development when viewed from the streetscape and adjoining properties.

### ***(p) the public interest, including (if relevant) how the following matters are provided for in the application:***

- (i) community safety through crime prevention principles in design;***
- (ii) water safety;***
- (iii) access for persons with disabilities***

In relation to community safety through crime prevention, the increased activation of the site will allow for continued passive surveillance of the streets. The appropriateness of the facilities for persons with disabilities will be determined during the Building Approval process. The Disability Discrimination Act (DDA) is the primary legislation in Australia addressing discrimination against people with disabilities. It is the responsibility of the developer and landowner to ensure that compliance with the DDA is achieved.

**(pa) for a proposed subdivision or consolidation of land in a Restricted Water Extraction Area – whether the subdivision or consolidation complies with the restrictions of sections 14A and 14B of the Water Act 1992 and the requirements of section 14C(1) of that Act;**

Section 51(1)(pa) of the *Planning Act 1999* only applies to the portion of the site located in Zone RD. Furthermore, it is not applicable to this application as no subdivision or consolidation is proposed.

**(q) for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building)**

Not applicable to this application.

**(r) any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the Heritage Act**

There are no known natural, social, cultural or heritage values on the site or in the immediate surrounding area.

**(s) any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the Water Act**

The following declared beneficial uses apply to the subject land for Darwin Harbour:

- Aquaculture, environment, cultural, rural stock and domestic [as per NR Maps].

It is the responsibility of the developer and land owner to ensure that land use does not result in a contravention of the *Water Act 1992*.

**(t) other matters it thinks fit**

Whilst not a planning requirement, internal firefighting requirements and location of hydrants, may necessitate alterations to current building design and layout. A general condition is recommended to ensure that the development complies with the internal firefighting requirements.

No other matters are raised for consideration by the consent authority.

**Section 51(2) of the Planning Act 1999** If a development proposal is required to be referred to the NT EPA under Part 4, Division 3 of the *Environment Protection Act 2019*, the consent authority must not make a decision under this Division in relation to a development application for the proposal unless:

- a) the NT EPA has determined that an environmental impact assessment is not required under that Act for that proposal; or

- b) if the NT EPA has determined that an environmental impact assessment is required – an environmental approval has been granted under that Act for the proposal and the decision is consistent with that approval; or
- c) the Environment Protection Act 2019 otherwise permits the making of the decision.

Comments received from DEPaws did not raise any concerns under the *Environment Protection Act 2019*.

**Section 51(3) of the *Planning Act 1999*, when considering a development application under subsection (1), the consent authority must apply the relevant considerations to only those components of the development that triggered the requirement for consent under the planning scheme.**

Section 51(3) of the *Planning Act 1999* only applies to the portion of the site located in Zone RD. Refer to assessment of Section 51(1)(a) above, which demonstrates only relevant considerations to those components of the development that triggered the requirement for consent have been considered and assessed.

## **8. RECOMMENDATION**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Section 07666 (8) Flightpath Road, Berrimah for the purpose of Vehicle sales and hire with ancillary office and motor repair station, storage of containers and / or demountable buildings and clearing of native vegetation, subject to the following conditions:

### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show the below:
  - a) Include a notation specifying that any habitable building in the development will be designed and constructed to comply with AS2021-2015 'Acoustics – Aircraft noise intrusion – Building siting and construction' (AS2021).
  - b) A lighting design plan for the development prepared by a qualified person, showing details of all external lighting. Any external lighting must comply with Section 9.21 'Lighting in Vicinity of Aerodromes' of the CASA Manual of Standards Part 139.
  - c) Storage location of equipment for loading and unloading of containers and demountable buildings.
  - d) Any changes to the proposed development as a result of conditions precedent.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to provide advice from the Department of Defence NT that approval is granted for the height of the structure, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), it must be demonstrated by a site and soil evaluation report completed by an appropriately qualified site and soil evaluator, that an on-site wastewater management system complying with the requirements of the Code of Practice for Wastewater Management can be installed for the proposed development.

4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to provide confirmation from a suitability qualified person that the bore design suits the hydrological conditions and the intended purpose.
5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the local stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of surface flow direction, downpipe direction and any connection to Council connection points.
6. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), in principle approval is required for the crossover and driveway to the site from the City of Darwin Road reserve, to the satisfaction of the consent authority.
7. Prior to the commencement of works, detailed design drawings must be provided confirming how the future connection of water and sewer services will be achieved to the requirements of the Land Development Unit, to the satisfaction of the consent authority.
8. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve of Flightpath Road to the requirements of City of Darwin.
9. Prior to the commencement of works (including site preparation), the applicant is to prepare a Site Construction Management Plan (SCMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The SCMP should specifically address the impact to Council owned public spaces and include a waste management plan for disposal of waste to Shoal Bay, traffic control for affected City of Darwin roads, haulage routes, storm water drainage & sediment control, use of City of Darwin land, and how this land will be managed during the construction phase.
10. Prior to the commencement of works (including site preparation), a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Guidelines, shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.

### **GENERAL CONDITIONS**

11. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
12. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
13. The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.
14. Before the vegetation removal starts, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.
15. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works)

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and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website [www.austieca.com.au](http://www.austieca.com.au) and the Department of Lands, Planning and Environment ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.

16. 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.
17. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
18. Before the use or occupation of the development, an unconditional guarantee to service the development with water and sewer must be provided to the Power and Water Corporation, Water Services, to the satisfaction of the consent authority.
19. Before the use or occupation of the development, certification is to be provided by an appropriately qualified person that the development is serviced by a single bore.
20. Before the use or occupation of the development, certification is to be provided by an appropriately qualified site and soil evaluator that any new on-site wastewater management system has been installed by a qualified licensed Self-Certifying Plumber and complies with the NT Code of Practice for Wastewater Management.
21. Prior to handover of assets, surveyed as-constructed information confirming the depth and alignment of internal services must be provided that clearly identifies the connection to the future services.
22. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a) constructed;
  - b) properly formed to such levels that they can be used in accordance with the plans;
  - c) surfaced with an all-weather-seal coat;
  - d) drained;
  - e) line marked to indicate each car space and all access lanes; and
  - f) clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the consent authority.Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
23. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin to the satisfaction of the consent authority.
24. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street, in accordance with the requirements of City of Darwin, to the satisfaction of the consent authority.
25. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin, to the satisfaction of the consent authority.

26. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
27. Upon completion of any works within or impacting upon existing road reserves, the infrastructure within the road reserve shall be rehabilitated to the standards and requirements of the City of Darwin and returned to the condition as documented in the dilapidation report.
28. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
29. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
30. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.
31. The development must be constructed to comply with AS2021-2015 'Acoustics – Aircraft noise intrusion – Building siting and construction' (AS2021), and a statement from a suitably qualified acoustic engineer confirming compliance with AS2021-2015 must be submitted prior to occupation of the development, to the satisfaction of the consent authority.
32. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land, roads, and on the operation of the RAAF Base Darwin and Darwin International Airport.
33. Before the use/occupation of the development starts, the applicant is to provide confirmation from suitably qualified person that full lot fire coverage can be achieved from proposed fire hydrants and firefighting arrangements have been made in the development, to the satisfaction of the consent authority.

### Notes

1. 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.

The site is subject to the 'Defence Areas Control Regulations (DACR)'. All structures, including temporary structures, higher than 15m above ground level, including, but not limited to, additional buildings, light poles, cranes used during construction, vegetation etc., require approval from the Department of Defence NT.

2. The applicant is advised that the provision of lighting at the site is required to be consistent with the CASA Manual of Standards (MOS-139) Aerodromes to minimise the potential for conflict with aircraft operations. The design of lighting is a developer responsibility and if it is later found that lights or glare endangers the safety of aircraft operations, the Department of Defence NT or the Civil Aviation Safety Authority may require the lighting to be extinguished or suitably modified.
3. Darwin International Airport (DIA) advises these must be no site activity which would attract birds and create hazard for aircraft operations.

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4. 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.
5. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 8936 4070 to determine if the proposed works are subject to the Act.
6. 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 on-site and/or surrounding infrastructure.
7. The future landowner will be required to connect to water and sewer services once constructed, within a reasonable timeframe.
8. A permit to burn is required from the Regional Fire Control Officer, NT Fire and Emergency Services, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Management Act 2016*.
9. For the purposes of best practice land management and environmental protection it is recommended that a **Type 1** Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Lands, Planning and Environment ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
10. All works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
11. In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction and at no cost to City of Darwin.
12. Any damaged or removed infrastructure located in, on or over the road reserve (inclusive of preexisting street trees), is to be repaired or replaced at either the developers or landowners' cost, to the satisfaction of City of Darwin.
13. Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
14. Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin's Policy 6310.100.E.R – Outdoor Advertising Signs Code.



15. Any new on-site wastewater management system is to be installed in accordance with the Code of Practice for Wastewater Management.
16. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an 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.
17. 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 or occupiers of land regarding declared weeds. General duties described in Division 1 of the WM Act include the requirement for owners or occupiers of land 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.

Gamba is subject to a statutory weed management plan. Management obligations outlined in these plans are legally binding on all owners and occupiers. Management requirements and copies of the statutory weed management plans are available at <https://nt.gov.au/environment/weeds/weed-managementplanning>.

### REASONS FOR THE RECOMMENDATION

1. Pursuant to section 51(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.

Section 0766 Hundred of Bagot (the site) is located in 2 zones and the zones are administrated under different NT Planning Schemes.

Part of the site is located in Zone RD and is to be determined under the NT Planning Scheme 2020 (NTPS 2020).

Part of the site is located in Zone SD47 and is to be determined under the NT Planning Scheme 2007 (NTPS 2007), because under Schedule 4: Specific Use Zones of the NTPS 2020, it states that the Specific Use Zones listed in the Table to the Schedule (of which SD47 is one) are subject to the relevant requirements contained in the former Planning Scheme.

#### NTPS 2020:

The NTPS 2020 applies to the portion of the site in Zone RD and the undefined land use of storage of a maximum of 50 containers and demountable buildings requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(c)(i); therefore, the Darwin Regional Land Use Plan 2015 (DRLUP), Berrimah North Planning Principles Area Plan (BNPPAP), the zone purpose and outcomes of Clause 4.25 Zone RD (Restricted Development), Clause 3.2 CNV – Clearing of Native Vegetation, Clause 3.5 LPA – Land in Proximity to Airports and Clauses 5.2.1 General Height Control, Clause 5.2.4 Car Parking, 5.2.5 Loading Bays, 5.2.6 Landscaping, 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR, need to be considered.

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The proposed storage of a maximum of 50 containers and demountable buildings responds to the purpose and requirements of Zone RD as it is considered to be of a suitably low intensity and does not encumber the operation of the airport. Specific measures recommended by the Department of Defence to mitigate potential impacts are reflected in the conditions of development approval.

Overlay 3.2 (CNV – Clearing of Native Vegetation) applies to the site and seeks to *identify areas with limits to the clearing of native vegetation and ensure that clearing in these areas does not: (a) impact on the conservation values of land within Zone CB; or (b) Unreasonably contribute to environmental degradation of the locality.*

The application proposes to clear 21000m<sup>2</sup> of existing native vegetation. The application demonstrated consideration of the NT Land Clearing Guidelines and addresses the requirements of the Overlay. The proposal includes replacement landscaping, in a more suitable location, as an interface between the road reserve and new development and as a means of meeting other landscaping requirements of the NTPS 2020. The NTPS 2020 allows the consent authority to consent to clearing in excess of 1ha where it is satisfied the clearing is consistent with the purpose of the clause and is appropriate in the context of the site and the locality having regard to such matters as: (a) the suitability of the site for the proposed use; (b) the value associated with the environmental characteristics (as applicable) (c) the significance, extent and likelihood of any potential environmental impacts; and (d) the measures the application proposes will be implemented to mitigate any potential impacts.

The proposed clearing is necessary and directly related to the proposed storage of containers and demountable buildings on the site. The above matters have been considered and the proposal is considered to be both consistent with the purpose of the clause (being to ensure no unreasonable environmental degradation of the locality) and appropriate in the context of the site, its use and capacity for environmental impacts to be managed.

Advice from relevant service authorities indicates that the proposal is unlikely to result in environmental impacts, with the specific measures recommended by service authorities to mitigate potential impacts reflected in the conditions of development approval.

Overlay 3.5 (LPA – Land in Proximity to Airports) applies to the site and seeks to *identify areas which may be subject to additional amenity impacts and/or restrictions due to its proximity to an airport, and ensure that the use and development of land in these areas: (a) minimises the detrimental effects of aircraft noise on people who reside or work in the vicinity of an airport; (b) does not result in any new use or intensification of development on land that would prejudice the safety or efficiency of an airport; (c) does not result in any new use or intensification of development that would jeopardise the curfew free operation of the Territory's airports (where applicable); and (d) retains the non-urban character of the land.*

The application has been circulated to Darwin International Airport and Department of Defence for comment. No issues were raised by the Darwin International Airport (DIA) and federal regulations and other standards (AS 2021 – 2000) are applicable to the provision of external lighting within a flight path and building design. Noting a condition precedent will require that prior to endorsement of plans, approval from the Department of Defence is granted for any external lighting, height of the structures and cranes (if any), to the satisfaction of the consent authority.

In addition, the proposed complies with all the relevant development requirements of NTPS 2020.

### NTPS 2007:

The site is located in Zone SD47, with the purpose to *facilitate the development of the land for light industrial purposes that minimise the impacts of exposure to aircraft noise, and that does not inhibit the operation of the Darwin International Airport*. The proposed vehicle sales and hire with ancillary office and ancillary motor repairs station is permitted with consent in Zone SD47. Specific requirements contained in Zone SD47 are reflected in the conditions of development approval.

Furthermore, Zone SD47 provides that development can occur with consent in accordance with the development requirements of Zone LI, Clauses 6.1, 6.5.1 and 9.1.1.

The proposed vehicle sales and hire with ancillary office and ancillary motor repairs station is not considered to detrimentally affect adjoining or nearby land, therefore complying with Zone LI. In addition, the proposed complies with Clauses 6.1, 6.5.1 and 9.1.1.

2. Pursuant to section 51(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 land is capable of supporting the proposed development noting the significant constraints of Zone RD and SD47.

Whilst the site does not have connection to reticulated sewer or water, the applicant has proposed interim measures to service the lot until the Land Development Unit (LDU) of the Department of Lands, Planning and Environment (DLPE) provides reticulated water and sewer infrastructure in the future. Power Water (Water) and LDU of DLPE have reviewed and have no concerns with the measures on an interim basis.

Additionally, the Department of Environment, Parks and Water Security did not identify or raise any issues of concern in relation to land capability.

- 3. Pursuant to section 51(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

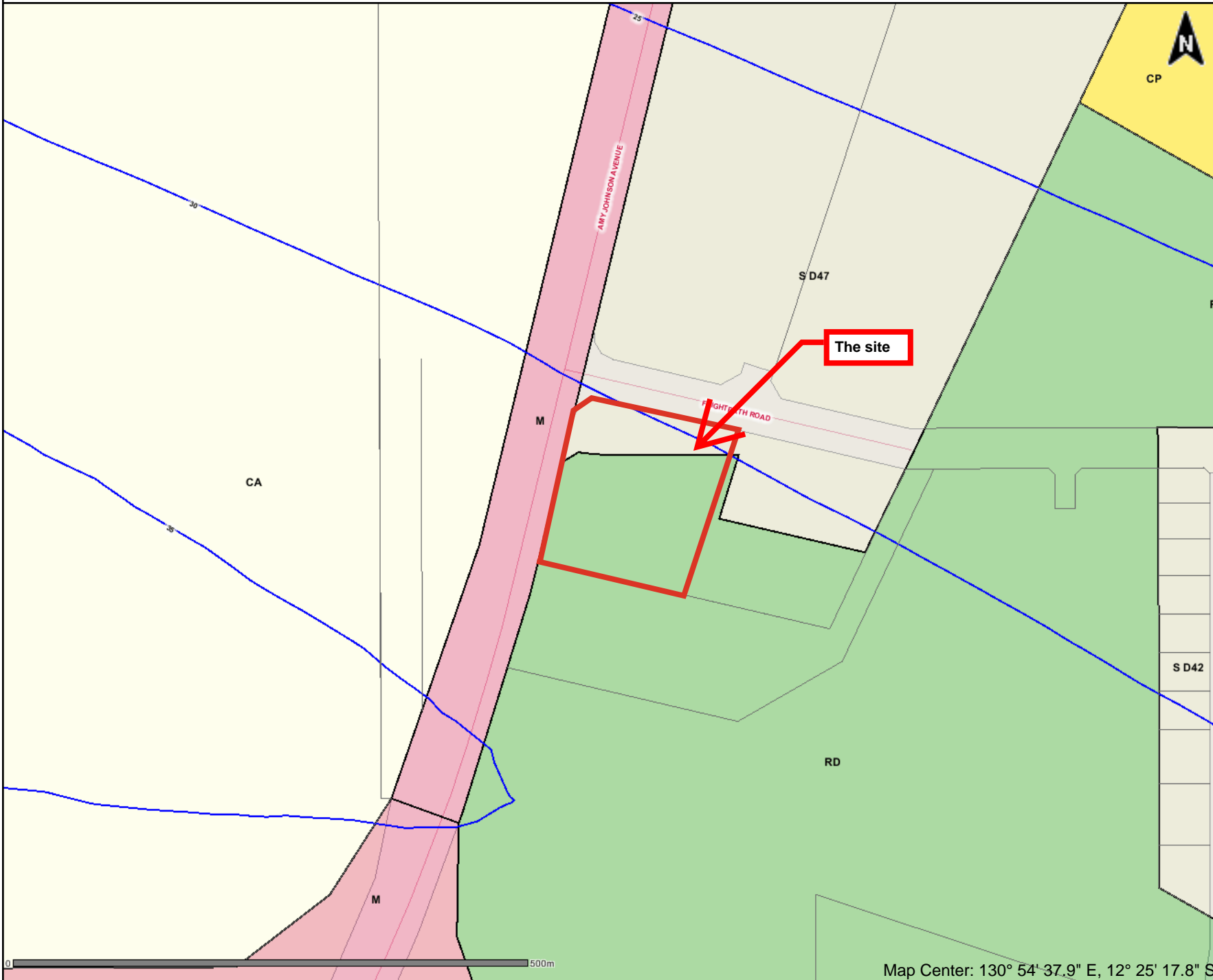
The proposed development would be unlikely to have an adverse impact on the existing and future amenity of the area based on the following reasons:

- The location of the proposed development responds to the purpose of both Zones SD47 and RD.
- The proposed development is not a sensitive land use and reflects the significant constraints of the land, being adjacent to the airport.
- The proposal provides adequate landscaping setbacks to both filter and screen the development when viewed from the streetscape and adjoining properties.

*M. Harvey*

**AUTHORISED:**

.....  
**SENIOR PLANNER - DARWIN  
 DEVELOPMENT ASSESSMENT SERVICES**



- General Lines
  - Lot Boundaries
  - ANEF Darwin 2043
  - 2043
  - Town Planning Zones**
  - A - Agriculture
  - CV - Caravan Park
  - CB - Central Business
  - C - Commercial
  - CL - Community Living
  - CP - Community Purpose
  - CN - Conservation
  - DV - Development
  - RR - Rural Residential
  - GI - General Industry
  - HT - Heritage
  - HR - High Density Residential
  - H - Horticulture
  - LI - Light Industry
  - M - Main Road
  - MR - Medium Density Residential
  - LMR - Low-Medium Density Residential
  - CA - No Planning Scheme Controls
  - OR - Organised Recreation
  - PM - Proposed Main Road
  - PS - Public Open Space
  - RW - Railway
  - RD - Restricted Development
  - R - Rural
  - RL - Rural Living
  - SC - Service Commercial
  - LR - Low Density Residential
  - S - Specific Use
  - TC - Tourist Commercial
  - U - Utilities
  - WM - Water Management
  - FD - Future Development
  - RJ - Residential Jabiru
  - PS - Public Open Space Jabiru
  - OR - Organised Recreation Jabiru
- Created by NHWH
- Bottom Left: 130° 54' 18" E, 12° 25' 29" S  
 Top Right: 130° 54' 57" E, 12° 25' 06" S  
 Approximate Scale: 1:5,100  
 CPJ - Community Purpose Jabiru  
 Datum: GDA 1994  
 Data for information purposes only  
 accuracy not guaranteed  
 N.T. Land Information System  
 Copyright Northern Territory of Australia
- Road Centrelines

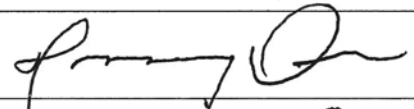


Map Center: 130° 54' 37.9" E, 12° 25' 17.8" S

# Land owner/s authorisation to lodge a development application under the Planning Act 1999

*\*\*signatures from ALL landowners registered on the land title must be provided\*\**

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 (please print)	Israel One Planning Consult.	
Contact number:	Ph:	Mob: 0417787473
to lodge a development application under the <i>Planning Act 1999</i> over the property described as:		
LOT/ NT PORTION:	sec 7666	
LOCATION/TOWN	Hd of Bagot	
STREET ADDRESS:	8 Flight path road	
PROPOSED DEVELOPMENT:	Land clearing, vehicle sales and hire, and demountable structures	

OWNER'S SIGNATURE:		
FULL NAME: (please print)	Henning Bang Olseth	
TITLE: (ie. company director/secretary)		
COMPANY NAME:		
Contact number:	Ph: 89472324	Mob: 0483009866
DATE:	20-10-2023	

OWNER'S SIGNATURE:		
FULL NAME: (please print)		
TITLE: (ie. company director/secretary)		
COMPANY NAME:		
Contact number:	Ph:	Mob:
DATE:		

# **DEVELOPMENT APPLICATION**

## **SECTION 46 PLANNING ACT**

### **LAND CLEARING, VEHICLE SALES AND HIRE, AND STORAGE OF DEMOUNTABLE STRUCTURES**

**LOT 7666 (8) FLIGHTPATH ROAD  
HUNDRED OF BAGOT**

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**Appendix A - Drawings**

**APPENDIX B – Title Search Certificate**

**APPENDIX C – Land Clearing Application**



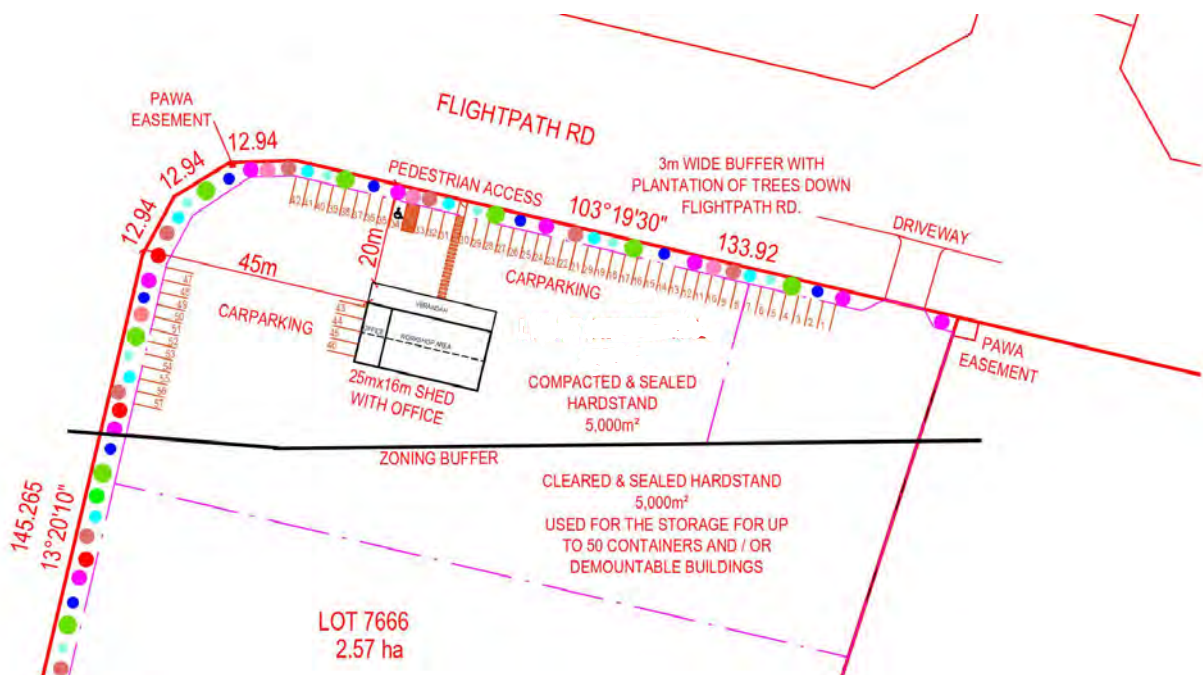
# 1. Preliminary

## 1.1 Introduction Summary

One Planning Consult has been directly engaged by the proponents to prepare a report to accompany an application for the purpose of land clearing, vehicle sales and hire and storage of demountable structures over the subject site. The land is 25700m<sup>2</sup> in area and comprises mixed land zoning:

- SD47 (Specific Use- Darwin), approximately 7000m<sup>2</sup>
- RD (Restricted Development), approximately 18700m<sup>2</sup>

**Image 1** below demonstrates the zoning boundaries in relation to the proposed development.



SD47 was introduced through NTPS 2007 under Schedule 1, schedule to clause 2.4 specific uses of the NT Planning Scheme 2007. The portion of land zoned SD47 within the subject site can therefore be developed pursuant to sub-clause 4 (Area B) of Specific Use Zone SD47 (Specific Use Darwin) of the NT Planning Scheme 2007. Area B is to be used with consent in accordance with the provisions of Zone LI (Light Industry). The remaining portion of the site zoned RD can be developed in accordance with Part 4 (Zones and Assessment) of the NT Planning Scheme 2020.

The proposed land uses are consistent with the land zonings and ordinarily aligned with the purpose and outcome(s) of the land zonings. The proposed uses will add to land use mixture and choice within the locality characterised by various industrial activities. The relevant clauses of the NT Planning Scheme 2020 and NT Planning Scheme 2007 applicable for the proposed uses as noted under the relevant Assessment Tables are:

## **NT Planning Scheme 2020**

### 3.2 Clearing of Native Vegetation

#### 5.2.1 General Height Control

#### 5.2.4 Car Parking

#### 5.2.5 Loading Bays

#### 5.2.6 Landscaping

#### 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR

#### 5.8.7 Demountable Structures

## **NT Planning Scheme 2007**

SD47 (Specific Use- Darwin) – applicable clauses of LI under NT Planning scheme 2007

### 6.1 General Height Control

#### 6.5.1 Parking Requirements

#### 9.1.1 Industrial Setbacks

### 10.3 Clearing of Native Vegetation

## **1.2 Lan Landowner(s) – Section 46 (aa)**

Applicant:	One Planning Consult
Landowner:	Henning Bang Olsen
Beneficiary:	John Tannos

Refer to Search Certificate at **APPENDIX B** obtained at the time of preparing this application report.

## **1.3 Nature of the Application**

Pursuant to section 46 (1) of *the Planning Act*, the application seeks planning approval for the purpose of land clearing, vehicle sales and hire, and demountable structures.

The proposed vehicle sales and hire located on land zoned SD47 requires planning consent pursuant to sub-clause 4 (a) of Specific Use Zone SD47 (Specific Use Darwin) of the NT Planning Scheme 2007. The use is contained within part of the site zoned SD47.

The proposed demountable structures are located on part of the land zoned RD under NT Planning Scheme 2020 are merit assessable under clause 1.8(1)(b)(i) of the NT Planning Scheme 2020 and therefore requires planning consent. Merit Assessable development requires the exercise of discretion

by the consent authority to ensure the development can be established in a way that does not impact on the amenity of the area and accords with the relevant zone purposes and outcomes.

The proposed land clearing exceeds 1Ha and as such requires planning consent under Clause 3.1 (Planning Scheme Overlays) of the NT Planning Scheme 2020. The clearing of native vegetation of more than one hectare in aggregate of land (including any area already cleared of native vegetation) within the area subject to the Clearing of Native Vegetation Overlay requires consent. This Overlay applies to land within Zones RR, RL, R, H, A, CP, CN, RD, WM and Unzoned land.

The purpose of SD47 is to facilitate the development of the land for light industrial purposes that minimise the impacts of exposure to aircraft noise, and that does not inhibit the operation of the Darwin International Airport.

The purpose of RD (Restricted Development) is to restrict development within proximity to an airport or under a flight path to ensure unencumbered operation of an airport and the safety of people in the zone. Amongst other zoning outcomes under the land zoning to the subject site, the proposal is aligned with the following outcomes:

**Outcome 1**, Limited development that:

*(a) does not prejudice the ongoing safety and efficiency of an airport, including provision for future expansion;*

The proposed development on RD zone comprises single storey demountable structures below 8.5m in height that are considered unlikely to prejudice the ongoing safety and efficiency of an airport, including provision for future expansion.

*(b) retains the non-urban character of the land; and*

The proposed hard stand is compacted road base gravel that maintains natural look and facilitate onsite drainage and infiltration to minimise risk of flooding.

*(c) limits the number of people who reside, recreate or work in the area.*

The part of the site zoned RD will be limited only to placement of demountable structures for storage, and thereby limiting the number of people that work in the area. Similarly, a car hire facility has limited number of staff working at any given time.

**Outcome 4**, *Development is to be of a nature that will not attract birds or fruit bats, or emit soot, dust, smoke or lights that may adversely impact on airport operations.*

The proposed demountable structures located on the portion of the land zoned RD are unlikely to attract birds or fruit bats, or emit soot, dust, smoke or lights that may adversely impact on airport operations.

**Outcome 5,** Development is low rise and complements the low density character of the zone.

The proposed development located on the portion of the land zoned RD comprises single storey structures which complements the low density character of the zone

**Outcome 6,** *Development avoids any adverse impacts on ecologically important areas through location, design, operation and management.*

The site is located within an industrial enclave with various industrial activities. The proposed uses on the portion land zoned RD are less intense and consistent with the character of the site.

**Outcome 7,** Development does not impose unsustainable demands on surface water and groundwater.

The proposed development will be connected to reticulated water services in the locality.

## 1.4 Overlays

The overlay applicable to the site is clause 3.2 Clearing of Native Vegetation (CNV) as the land clearing to the site exceeds 1 ha in area. Further discussion is noted below in this report.

## 2. Proposal

---

The proposed development comprises the following land uses:

- Land clearing
- Vehicle sales and hire
- Up to 50 demountable structures with 3 design types

### Vehicle Sales and Hire

The proposed vehicle sales and hire comprise the hire of small to medium vehicles (general domestic cars) for short-term rentals. The use requires planning consent under clause 4 of SD47 of NT Planning Scheme 2007. There will be 60 vehicles accommodated on site and available for hire. The operation of the facility will require 4 staff members during the normal working hours (7am to 530pm) and 1 on call staff member outside the regular hours. The building used for the operation of the business contains office/reception and a workshop for car detailing and hire accessories. It is noted that the use is located wholly within the SD47 portion of the land and does not have any relation with the proposed use on the portion of land zoned RD in terms of land use although owned by the same Director.

### Demountable structures

The proposed use of land zoned RD to store more than one (1) demountable structure on the land is merit assessable under zoning table to clause 4.1 of the NT Planning Schemen2020. The proponent intends to use the nominated area for storage only and has no intention to manufacture the

structures on site. The structures will be transported to and from the site by Tilt tray vehicle and single trailer trucks. The structures will be loaded and offloaded using a maximum 16 tons crown forklift. There will be no crane used for lifting and loading of structures. The plans provided at APPENDIX A demonstrate the turning circle in and out of the site.

The structures will be moved in and off site on weekly basis and sometimes kept on site longer. There will be no staff required on site in association with storage of the structures. The maximum height of the proposed

The drawings associated with development application are provided at **APPENDIX A** attached.

### 3. Site and Locational Attributes

#### 3.1 Land Description

The subject site is Lot 7666 (8) Flightpath Road, Berimmah. The site has an area of 25700m<sup>2</sup> and contained within mixed zones, SD47 and RD with street frontages to Amy Johnson Avenue and Flight Path Road. Access to the site is gained from Flightpath Road. The nearby land zones to the site comprises:

- To the north and across Flightpath Road is land zoned SD47(Specific Use-Darwin)
- To the south is land zoned RD (Restricted development),
- To the east is mixed zones (SD47 & RD)
- To west and across the Amy Johnson Avenue is land zoned CA (Commonwealth Australia).

**Image 2 – Zoning of Locality**



Image 3 – Aerial image of locality – Extract, Google Earth maps



### 3.2 Locational Attributes

The site is a corner lot located adjacent to Amy Johnson Avenue which is a busy arterial road and thereby giving visibility and accessibility to the development. The subject site is of adequate size to accommodate the mix of proposed uses and proposes vegetation along the side and front boundaries for softening and passive screening of development where appropriate. The development will offer employment opportunities in the locality due to its proximity to residential developments.

## 4.0 Statutory Planning Consideration

### Section 46 of the Planning Act

#### 46(3)(a) Relevant Clauses of the NT Planning Scheme 2007 and 2020 applicable to the land

The following assessment is made based on the relevant clauses for the proposed land uses under NT Planning Scheme 2007 and NT Planning Scheme 2020 applicable to the land.

#### NT Planning Scheme 2007

#### **SD 47 (Specific Use Darwin) - Part Section 4440 Hundred of Bagot (10 Boulter Road, Berrimah).**

*The purpose of this zone is to facilitate the development of the land for light industrial purposes that minimise the impacts of exposure to aircraft noise, and that does not inhibit the operation of the Darwin International Airport.*

*The parts of Section 4440 that are subject to this clause are the two areas of land that are bounded by a thick black line and marked as areas A and B on the diagram to this clause.*

4. Area B is to be:

*(a) used with consent in accordance with the provisions of Zone LI (Light Industry); and*

*(b) notwithstanding the above, the following uses are prohibited within this area:*

- |                                     |                                     |
|-------------------------------------|-------------------------------------|
| <i>i. animal boarding;</i>          | <i>ii. caretaker's residence;</i>   |
| <i>iii. community centre;</i>       | <i>iv. education establishment;</i> |
| <i>v. home occupation;</i>          | <i>vi. hotel;</i>                   |
| <i>vii. leisure and recreation;</i> | <i>viii. licenced club;</i>         |
| <i>ix. medical clinic;</i>          | <i>x. office;</i>                   |
| <i>xi. passenger terminal;</i>      | <i>xii. place of worship;</i>       |
| <i>xiii. restaurant;</i>            | <i>xiv. service station;</i>        |
| <i>xv. shop; and</i>                | <i>xvi. veterinary clinic.</i>      |

*5. Prior to any future subdivision, an integrated stormwater management plan covering all of the land within this zone is to be prepared in accordance with the strategic drainage framework of the Berrimah North Drainage Study and to the satisfaction of the relevant service authority;*

N/A

*6. A densely planted landscaping buffer to a depth of 3m shall be provided to the eastern boundary where land within this zone directly adjoins a residential area indicated on the Berrimah North Area Plan. The landscaping buffer is to mitigate noise and visual impacts from light industrial development on adjacent residential land;*

The subject site is does not share boundary with residential area.

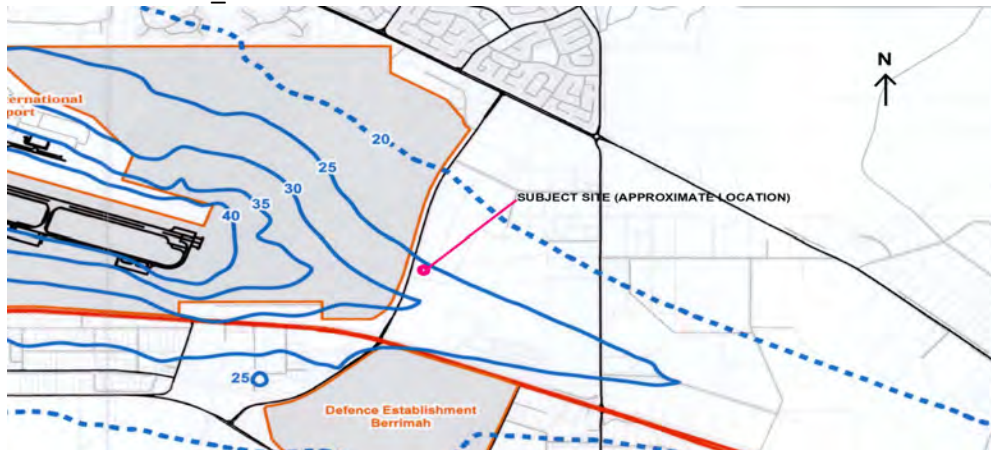
*7. Buildings are to demonstrate that they can be constructed to comply with:*

- (a) AS2021-2000 'Acoustics – Aircraft noise intrusion – Building siting and construction'; and*  
*(b) Any applicable height provisions set out in the Defence (Areas Control) Regulations 1989.*

The proposed development (land clearing and vehicle sales) on the portion of the land zoned SD47 requires planning consent in accordance with the provisions of the NT Planning Scheme 2007 and zone LI (Light Industry). Any proposed building is subject to the requirements of AS2021-2015 'Acoustics – Aircraft noise intrusion – Building siting and construction. The development plans associated with the building demonstrate the type of building material used to address requirements of AS2021-2015 'Acoustics – Aircraft noise intrusion – Building siting and construction.

The subject land is located within the 25-30ANEF contour range identified in the Darwin International Airport Master Plan 2017 and ANEF Darwin Endorsed (JOINT CIVIL-MILITARY ANEF 2042). AS2021-2015 Building Site Acceptability table identifies light industry buildings below 30 ANEF as "acceptable". In consideration of these requirements, the design of office part to the building incorporates construction materials that address AS2021-2015 for the proposed development.

**IMAGE 3:** Extract\_ ANEF Darwin Endorsed - 2042



The proposed development is less than 7.5m in height. It is expected that the proposal will be circulated to Department of Defence - Estate Planning and Darwin International Airport for comment as the proposal is located close to Darwin Airport and within the height-controlled area.

*8. Development within the zone shall not cause any temporary or permanent structure to breach the defined airspaces for civil or military aviation purposes.*

The proposal is seeking development consent through appropriate planning process and all proposed structures will be formalised not to breach the defined airspaces for civil or military aviation purpose.

*9. Lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport.*

All light associated with the proposal will not to prejudice the safe operation of an airport.

*10. Use or development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport.*

The proposed development is of nature that attracts birds or bats to an extent that prejudices the safe operation of an airport

*11. Subject to clause 12, the consent authority must not consent to an application that is not in accordance with the clauses of this zone.*

The proposal is generally in accordance with this zone except where variation to Part 4 of the NT Planning Scheme 2007 is sought pursuant to clause 12 below.

*12. Despite clause 11, the consent authority may consent to a variation of the requirements of Part 4 of the Planning Scheme if it is satisfied that special circumstances justify the giving of consent.*

The proposal entails a variation to the number of demountable structures on site. The reasons for seeking the variation are discussed in detail below in this report.



## 6.1 General Height Control

*The purpose of this clause is to ensure that the height of buildings in a zone is consistent with development provided for by that zone. The height of any building is not to exceed 8.5m above the ground.*

The proposed demountable building structure located on SD47 land zone is approximately 6m in height (8.5m permitted).

### 6.5.1 Parking Requirements

*The purpose of this clause is to ensure that sufficient off-street carparking, constructed to a standard and conveniently located, is provided to service the proposed use of a site. The proposed car parking spaces meet the parking demands generated by the proposed uses and are summarized as follows:*

**Vehicle sales and hire** requires 4 car parking bays for every 100m<sup>2</sup> of net floor area of office Plus 1 for every 200m<sup>2</sup> used for vehicle display.

Use	Net floor area (m <sup>2</sup> )	Parking generated
Vehicle sales and hire	287.6	11.5
Outdoor vehicle display/storage	5000	25
<b>Total</b>		<b>36.5(37)</b>

The development requires 37 car parking bays on site. The proposal provides 57 car parks on site.

### 6.5.3 Parking Layout

*The purpose of this clause is to ensure that a **car parking area** is appropriately designed, constructed and maintained for its intended purpose. The NT Planning Scheme defines “**car parking area**” as an area set aside or designated for the parking of three or more motor vehicles.*

There is only one access point proposed for the site with a minimum width of 6m for two-way traffic flow. The proposed car parking facility is constructed with sealed and well drained surface.

## 6.6 Loading Bays

*The purpose of this clause is to provide for the loading and unloading of vehicles associated with the use of land.*

The development has adequate turning areas for loading and unloading on site.

### 9.1.1 Industrial Setbacks

The purpose of this clause is to ensure that buildings are sited to provide an adequate level of visual amenity in industrial zones. All street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m. All buildings on the site are to be setback 5m from the rear boundary and at least one side boundary.

The nominated primary street frontage to the site is Amy Johnson. Flightpath Road is nominated as the secondary street frontage. The proposed vehicle sales and hire is located on part of the land zoned Specific Use Zone SD47 (Specific Use Darwin) of the NT Planning Scheme 2007. The use and development is to be carried out in accordance with the provisions of Zone LI (Light Industry) under SD47.

The following setbacks are proposed:

Setback Assessment under Table to LI applicable to SD47

<b>BOUNDARY</b>	<b>REQUIRED SETBACK</b> <b>Building Envelope</b>	<b>PROPOSED SETBACK</b>	<b>COMPLIANCE</b> <b>Building Envelope</b>
<b>Primary Street (Amy Johnson)</b>			
Building	3m	45m	Complies
<b>Secondary Street (Flightpath)</b>			
Building	3m	24m	Complies
Verandah	3m	20m	Complies
<b>Side (rear)</b>			
Building	5m	134m	Complies
<b>Side (eastern)</b>			
Building	0m	75m	Complies

### 10.3 Clearing of Native Vegetation

1. *The purpose of this clause is to specify the matters to be taken into account in assessing an application for the clearing of native vegetation.*
2. *An application for the clearing of native vegetation is to demonstrate consideration of the following:*
  - (a) *the Land Clearing Guidelines (as amended from time to time) by the Department of Natural*

*Resources, Environment and the Arts;*

- (b) the presence of threatened wildlife as declared under the Territory Parks and Wildlife Conservation Act;*
- (d) the presence of sensitive or significant vegetation communities such as rainforest, vine thicket, closed forest or riparian vegetation;*
- (e) the presence of essential habitats, within the meaning of the Territory Parks and Wildlife Conservation Act;*
- (e) the impact of the clearing on regional biodiversity;*
- (f) whether the clearing is necessary for the intended use;*
- (g) whether there is sufficient water for the intended use;*
- (h) whether the soils are suitable for the intended use;*
- (i) whether the slope is suitable for the intended use;*
- (j) the presence of permanent and seasonal water features such as billabongs and swamps;*
- (k) the retention of native vegetation adjacent to waterways, wetlands and rainforests;*
- (l) the retention of native vegetation buffers along boundaries;*
- (m) the retention of native vegetation corridors between remnant native vegetation;*
- (n) the presence of declared heritage places or archaeological sites within the meaning of the Heritage Act; and*
- (o) the presence of any sacred sites within the meaning of the NT Aboriginal Sacred Sites Act.*

The above performance criteria is similar to subclause 6 of Clause 3.2, Over Lay CNV (Clearing of Native Vegetation under NT Planning Scheme 2020. The performance criteria are fully addressed under **APPENDIX C** to Clause 3.2 of NT Planning Scheme 2020 in this report.

## **NT Planning Scheme 2020**

### **3.2 Over Lay CNV (Clearing of Native Vegetation)**

An overlay applicable to the subject land is Clearing of Native Vegetation (**CNV**) under Clause 3.1.4(c) of the NT Planning Scheme 2020.

*The purpose of this clause is to identify areas with limits to the clearing of native vegetation and ensure that clearing in these areas does not:*

- (a) impact on the conservation values of land within Zone CN; or*
- (b) unreasonably contribute to environmental degradation of the locality*

The proposed development entails clearing of native vegetation. The proposal is accompanied by a detailed application (**APPENDIX C**) for land clearing which addresses performance criteria for clearing of land.

### **Requirements (Clause 5-6)**

5. *The clearing of native vegetation is to:*

- (a) avoid impacts on environmentally significant or sensitive vegetation;*
- (b) be based on land capability and suitability for the intended use;*
- (c) avoid impacts on drainage areas, wetlands and waterways;*
- (d) avoid habitat fragmentation and impacts on native wildlife corridors; and*
- (e) avoid impacts on highly erodible soils.*

6. *An application for the clearing of native vegetation is to demonstrate consideration of the following:*

- (a) the Land Clearing Guidelines (as amended from time to time) by the agency responsible for natural resources and the environment;*
- (b) the presence of threatened wildlife as declared under the Territory Parks and Wildlife Conservation Act 1976;*
- (c) the presence of sensitive or significant vegetation communities such as rainforest, vine thicket, closed forest or riparian vegetation;*
- (d) the presence of essential habitats, within the meaning of the Territory Parks and Wildlife Conservation Act 1976;*
- (e) the impact of the clearing on regional biodiversity;*
- (f) whether the clearing is necessary for the intended use;*
- (g) whether there is sufficient water for the intended use;*
- (h) whether the soils are suitable for the intended use;*
- (i) whether the slope is suitable for the intended use;*
- (j) the presence of permanent and seasonal water features such as billabongs and swamps;*
- (k) the retention of native vegetation adjacent to waterways, wetlands and rainforests;*

- (l) the retention of native vegetation buffers along boundaries;*
- (m) the retention of native vegetation corridors between remnant native vegetation;*
- (n) the presence of declared heritage places or archaeological sites within the meaning of the Heritage Act 2011; and N/A*
- (o) the presence of any sacred sites within the meaning of the NT Aboriginal Sacred Sites Act 1989.*

A detailed application for clearing of native vegetation addressing the above matters is provided at **APPENDIX C** of the development proposal documents attached.

### **5.2.1 General Height Controls**

*The purpose of this clause is to ensure that the height of buildings in a zone is consistent with development provided for by that zone.*

*The height of any part of a building is not to exceed 8.5m above the ground level, unless it is:*

- (a) a flag pole, aerial or antenna; or*
- (b) for the housing of equipment relating to the operation of a lift; or*
- (c) a telecommunications facility.*

The proposed building is approximately 6m in height (8.5m permitted). The demountable structures proposed for storage will be less than 8.5m in height.

#### **5.2.4.1 Car Parking Spaces**

*The purpose of this clause is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site.*

##### **Administration**

1. This clause does not apply where alternative car parking space requirements are established under clause 5.9 (Location specific development requirements).
2. The consent authority may consent to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of car parking spaces is appropriate with regard to:
  - (a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;
  - (b) the provision of car parking spaces in the vicinity of the land;
  - (c) the availability of public transport in the vicinity of the land; and

- (d) the potential impact on the surrounding road network and the amenity of the locality and adjoining property; or if the use or development relates to a heritage place and the Minister responsible for the administration of the Heritage Act 2011 supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place.
3. The consent authority may require the provision of car parking spaces for any ancillary use or development in addition to that specified for the primary use or development in the table to this clause.

### **Requirements**

4. Use and development is to include the minimum number of car parking spaces specified in the table to this clause (rounded up to the next whole number).

The outdoor storage car park for demountable structures is calculated at ration 1 car park per 250m<sup>2</sup> as there is no clear guidance under the Scheme for this type of use only.

**Table 2 - Parking Requirements**

Use	Net floor area (m <sup>2</sup> )	Parking generated
Demountable storage area	5000	20
<b>Total Required</b>		20

The proposed development requires 20 car parks for outdoor storage located within RD zone portion of land on site. The proposal provides 57 car parks on site. It is noted that 37 of the 57 car parks on site are allocated to motor vehicle sales and hire located on SD47 portion of land on site.

### **5.2.4.4 Layout of Car Parking Areas**

*The purpose of this clause is to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.*

#### **Administration**

1. *This clause does not apply to a car parking area where the car parking is required in association with a dwelling-single, dwelling-independent or a home-based business.*

Not applicable

2. *A car parking area may be used for the purpose of a market if:*
- (a) a market is Permitted in the zone; and*
  - (b) the market operates outside of the operating hours of the use for which the car parking area is established.*

Not applicable

3. *The consent authority may consent to a car parking area that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the amenity of the surrounding locality.*
4. *The consent authority may consent to a car parking area that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development.*

No variation to sub-clauses 7 and 8 sought.

5. *The consent authority may consent to a car parking area that is not in accordance with sub-clause 9 if it is satisfied that the non-compliance will not result in adverse impacts on the local road network or internal functionality of the car parking area.*

There is no variation sought to sub-clauses 9.

### **Requirements**

6. *A car parking area is to:*
  - (a) *be not less than 3m from any lot boundary abutting a road; and*
  - (b) *provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the car parking area when viewed from the road.*

The development proposes 3m-5m buffer of vegetation between the car parking and the street front boundaries.

7. *A car parking area is to be constructed and maintained to be:*
  - (a) *of a suitable gradient for safe and convenient parking; and*
  - (b) *sealed and well drained in urban areas, or dust suppressed in nonurban areas.*

The proposed car parking facility is constructed with sealed and well drained surface.

8. *The layout of a car parking area is to:*
  - (a) *be functional and provide separate access to every car parking space;*
  - (b) *allow a vehicle to enter from and exit to a road in a forward gear;*
  - (c) *be in accordance with the dimensions set out in the diagram to this clause; and*
  - (d) *ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.*

The proposed layout satisfies the above requirements.

9. *The number of access points to the road is to be limited, and access points to car parking areas are to:*
  - (a) *have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and*
  - (b) *maximise sight lines for drivers entering or exiting the car parking area.*

There is only one access point proposed for the site with a minimum width of 6m for two-way traffic flow.

### 5.2.5 Loading Bays

*The purpose of this clause is to provide for the loading and unloading of vehicles associated with the use of land. A warehouse use or development on a site must provide areas wholly within the site for loading and unloading of vehicles at the ratio of :*

- (a) if for an office, restaurant or shop use or development, 1 loading bay for every 2 000m<sup>2</sup> of the total net floor area.*

The development has adequate turning areas for loading and unloading on site.

### 5.2.6 Landscaping

*The purpose of this clause is to ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall amenity of the locality.*

*Where landscaping is required by this Scheme it should be designed so that:*

- (a) planting is focused on the area within the street frontage setbacks side setbacks, communal open space areas and uncovered car parking areas;*
- (b) it maximises efficient use of water and is appropriate to the local climate;*
- (c) it takes into account the existing streetscape, or any landscape strategy in relation to the area;*
- (d) significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained;*
- (e) energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;*
- (f) the layout and choice of plants permits surveillance of public and communal areas; and*
- (g) it facilitates on-site infiltration of stormwater run-off.*

The proposal provides 3m-5m landscaping buffer along the street frontages. The significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained during the clearing of land.

### 5.8.7 Demountable Structures

The purpose of this clause is to ensure that demountable structures do not detract from the visual amenity of an area.

#### **Administration**

1. *Placement of a demountable structure on:*
  - (a) zoned land other than land in Zone GI and DV requires consent; and*



- (b) and in Zone CL, SC, TC, LI, PS, OR, H, A, RL, R and CP does not require consent if there are no more than two demountable structures on the land.
2. The consent authority may consent to a demountable structure that is not in accordance with sub-clause 4 if it is satisfied that the proposed use and location of the demountable structure make compliance unnecessary.
  3. The consent authority may consent to a demountable structure that is not in accordance with the table to this clause if it is satisfied that the reduced setback is consistent with the purpose of this clause, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

The proposed demountable structures located on land zoned RD require planning consent. It is also noted that the demountable structures are merit assessable under the assessment table to zone RD. The land is zoned RD and therefore any placement of demountable structures on site require planning consent. This clause does not specify the number of structures that can be placed on land zoned RD. The structures are not for any particular use other than for being stored and move regularly on site.

The proposal is for storage of up to 50 demountable structures on the part of the development site zoned RD. The plans provided at **APPENDIX A** demonstrate the capacity of the proposed storage area to accommodate up to 50 structures. The proposal entails 3 types of demountable structures to be stored on the nominated area on RD land zone. It is noted that the use is for storage of demountable structures on site only and thereby limiting the number of people who work in the area.

### **Requirements**

#### *4. The placement of a demountable structure is to:*

- (a) include landscaping or architectural embellishments to the demountable structure that will enhance the appearance of the structure; and
- (b) be visually consistent with adjoining or nearby development.

The proposed development entails provision of 3m to 5m landscaping buffer along the front boundaries and the southern side boundaries for screening of development. The selection of materials and colours used are consistent with nearby developments.

#### *5. Demountable structures in:*

- (a) zones other than Zones LI, GI and DV are to be set back from lot boundaries in accordance with the table to this clause; and
- (b) zones LI, GI and DV are to be set back from lot boundaries in accordance with the Table to Clause 5.6.1.

The proposed setbacks are assessed under the Table to clause 5.6.1 (Setbacks and Building Design Requirements in Zones LI, GI and DV) of NT Planning Scheme 2020.

The following setbacks are proposed:

Setback Assessment under Table to LI applicable to SD47

<b>BOUNDARY</b>	<b>REQUIRED SETBACK</b> Building Envelope	<b>PROPOSED SETBACK</b>	<b>COMPLIANCE</b> Building Envelope
<b>Primary Street (Amy Johnson)</b>	3m	5m	Complies
<b>Secondary Street (Flightpath)</b>	3m	38m	Complies
<b>Side (rear)</b>	5m	99,5m	Complies
<b>Side (eastern)</b> Building	0m	3m	Complies

### **46(3)(b) - Interim Development Control Orders**

There are no interim development control orders applicable to the site or development.

### **46(3)(c) - Environmental Reports**

The development does not require the preparation of any environmental reports or impact statements under the Environmental Assessment Act.

### **46(3)(d) – Merits**

The site was partly cleared in the past and the proposed overall clearing of land will enable the development of the land as proposed. A detailed land clearing application addressing matters under Clause 3.2 CNV (Clearing of Native Vegetation) is provided at APPENDIX C and forming part of this application. The proposed land uses are site responsive as they minimise the number of people that can work on site at any given time due to the nature uses which entails storage of demountable structures and vehicle hire. These land uses are unlikely to inhibit the operation of the operation of the Darwin International Airport and takes into account the safety of people in the zone.

### **46(3)(e) - Land Capability**

The site is considered capable of supporting the proposed development as the proposal does not affect the existing terrain. The impact of the development is not beyond what would be normally

expected of this type of development. Appropriate measures will be taken to ensure all stormwater is directed into Council's established drainage system.

#### **46(3)(f) - Public Facilities and Public Open Space**

The land is nominated for zone SD47 and RD land zonings. The land is developed consistent with the land zonings and therefore not expected to create an additional need for public facilities or public open space as the needs are catered for within the requirements of the locality.

#### **46(3)(g) - Public Utilities and Infrastructure**

The site is located close to reticulated power, water and sewer services in the locality.

#### **46(3)(h) – Amenity**

The NT Planning Scheme defines amenity, in relation to a locality or building, as any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable. The proposed development aims to promote the intent and purpose of the Scheme in relation to amenity by promoting the land use that operates in manner that respects amenity of developments within the locality.

#### **46(3)(j) - Public Interest**

The proposed development is considered consistent with the public's expectation of the land use in the area.

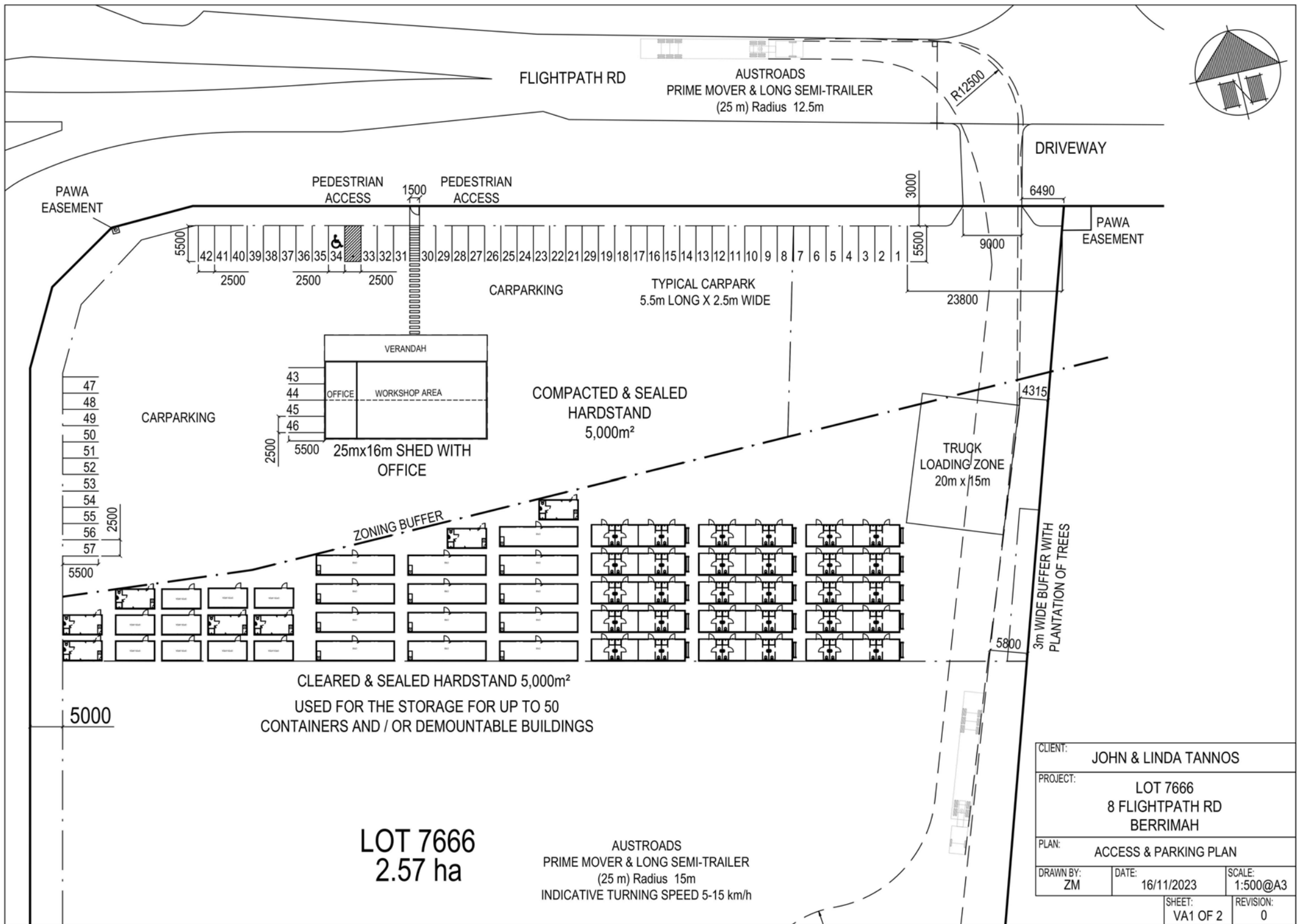
#### **46(3)(k) - Building Act Compliance**

The proposed building works are subject to regulatory controls under the *Building Act*.

## **6.0 Conclusion**

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Overall, the proposal seeks to use the land in a manner that does not negatively impact on the operation of the Darwin International Airport or prejudice the ongoing safety and efficiency of an airport, including provision for future expansion as outlined in the outcomes of the land zonings. The proposed development is generally consistent with the requirements of the NT Planning Scheme 2007 and 2020.



FLIGHTPATH RD  
 AUSTRADS  
 PRIME MOVER & LONG SEMI-TRAILER  
 (25 m) Radius 12.5m

DRIVEWAY

PAWA EASEMENT

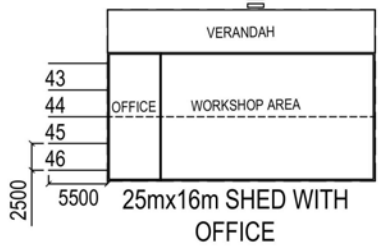
PEDESTRIAN ACCESS

PAWA EASEMENT

42 41 40 39 38 37 36 35 34 33 32 31 30 29 28 27 26 25 24 23 22 21 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

CARPARKING  
 TYPICAL CARPARK  
 5.5m LONG X 2.5m WIDE

CARPARKING



COMPACTED & SEALED  
 HARDSTAND  
 5,000m<sup>2</sup>

TRUCK  
 LOADING ZONE  
 20m x 15m

ZONING BUFFER

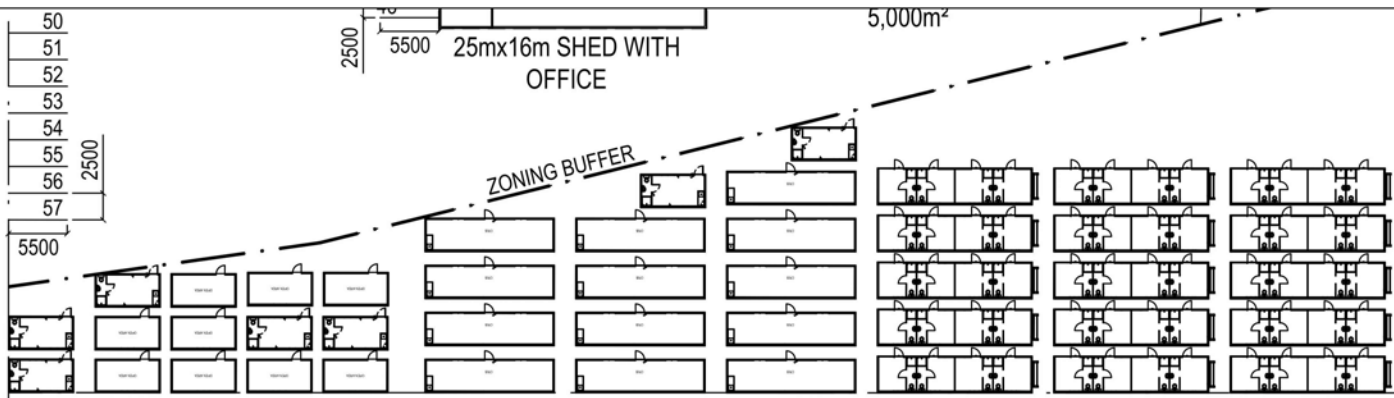
3m WIDE BUFFER WITH  
 PLANTATION OF TREES

CLEARED & SEALED HARDSTAND 5,000m<sup>2</sup>  
 USED FOR THE STORAGE FOR UP TO 50  
 CONTAINERS AND / OR DEMOUNTABLE BUILDINGS

LOT 7666  
 2.57 ha

AUSTRADS  
 PRIME MOVER & LONG SEMI-TRAILER  
 (25 m) Radius 15m  
 INDICATIVE TURNING SPEED 5-15 km/h

CLIENT:			JOHN & LINDA TANNOS		
PROJECT:			LOT 7666 8 FLIGHTPATH RD BERRIMAH		
PLAN:			ACCESS & PARKING PLAN		
DRAWN BY:	DATE:	SCALE:			
ZM	16/11/2023	1:500@A3			
SHEET:			REVISION:		
VA1 OF 2			0		



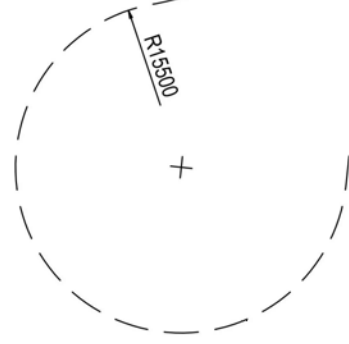
CLEARED & SEALED HARDSTAND 5,000m<sup>2</sup>  
 USED FOR THE STORAGE FOR UP TO 50  
 CONTAINERS AND / OR DEMOUNTABLE BUILDINGS

5000

**LOT 7666**  
 2.57 ha

AUSTROADS  
 PRIME MOVER & LONG SEMI-TRAILER  
 (25 m) Radius 15m  
 INDICATIVE TURNING SPEED 5-15 km/h

CLEARED OF EXISTING  
 VEGETATION  
 13,746m<sup>2</sup>



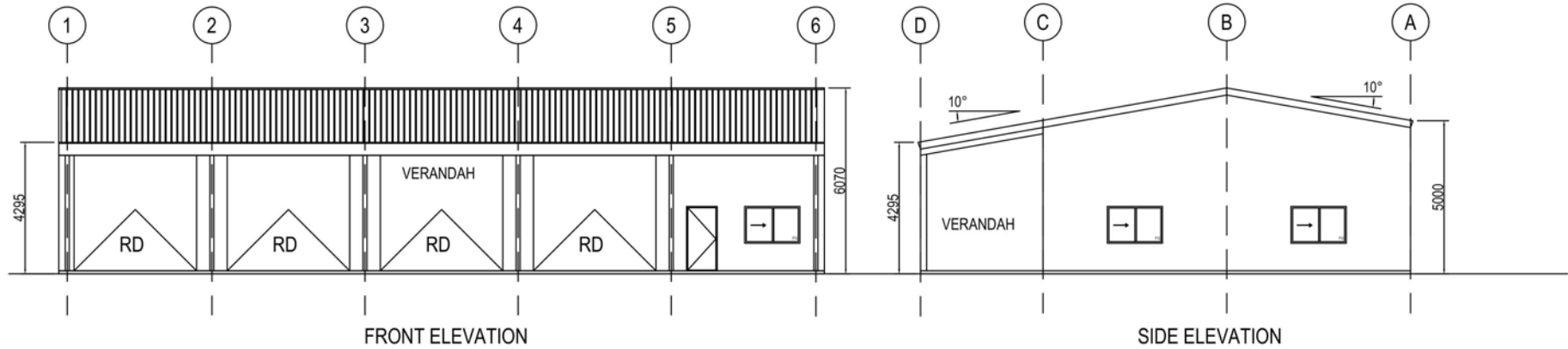
5800

3m WIDE BUFFER WITH  
 PLANTATION OF TREES

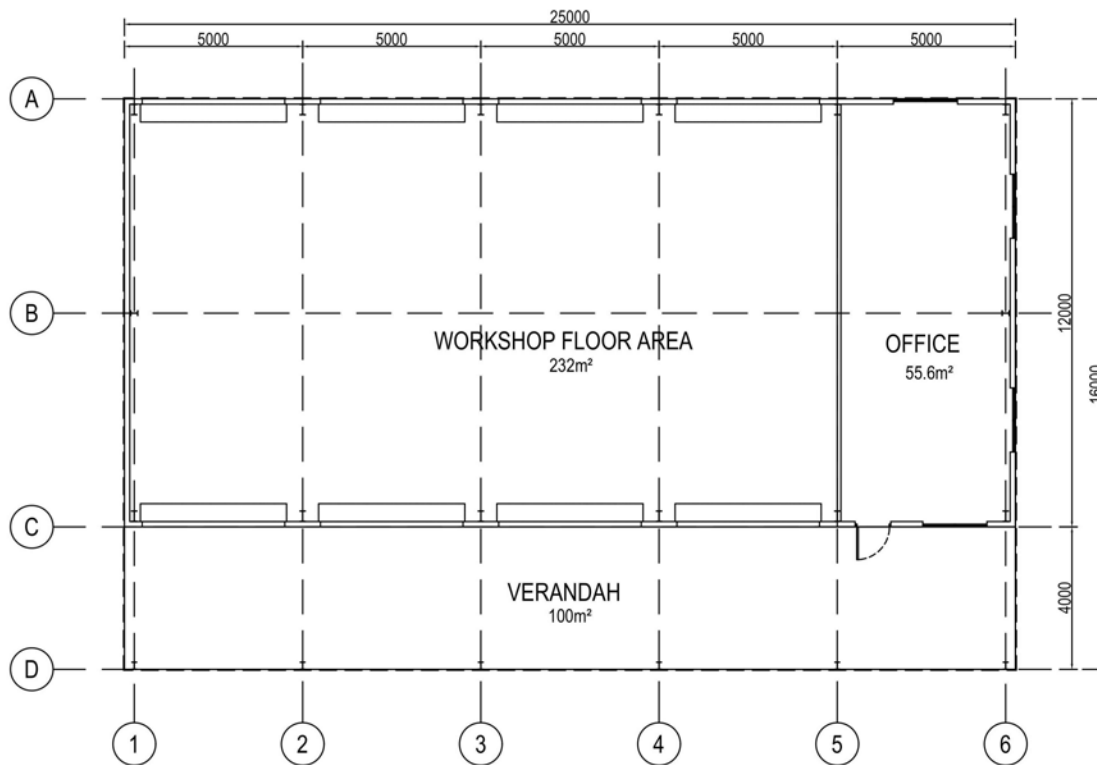
**LOT 7667**

5m WIDE BUFFER WITH PLANTATION OF  
 TREES DOWN AMY JOHNSON AND REAR OF  
 PROPERTY

CLIENT:			JOHN & LINDA TANNOS		
PROJECT:			LOT 7666 8 FLIGHTPATH RD BERRIMAH		
PLAN:			ACCESS & PARKING PLAN		
DRAWN BY:	DATE:	SCALE:			
ZM	16/11/2023	1:500@A3			
SHEET:		REVISION:			
VA2 OF 2		0			



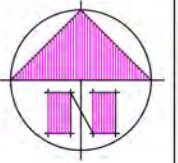
**PROPOSED SHED**  
 STEEL FRAMED  
 WALLS - TRIMDECK  
 ROOF - TRIMDECK



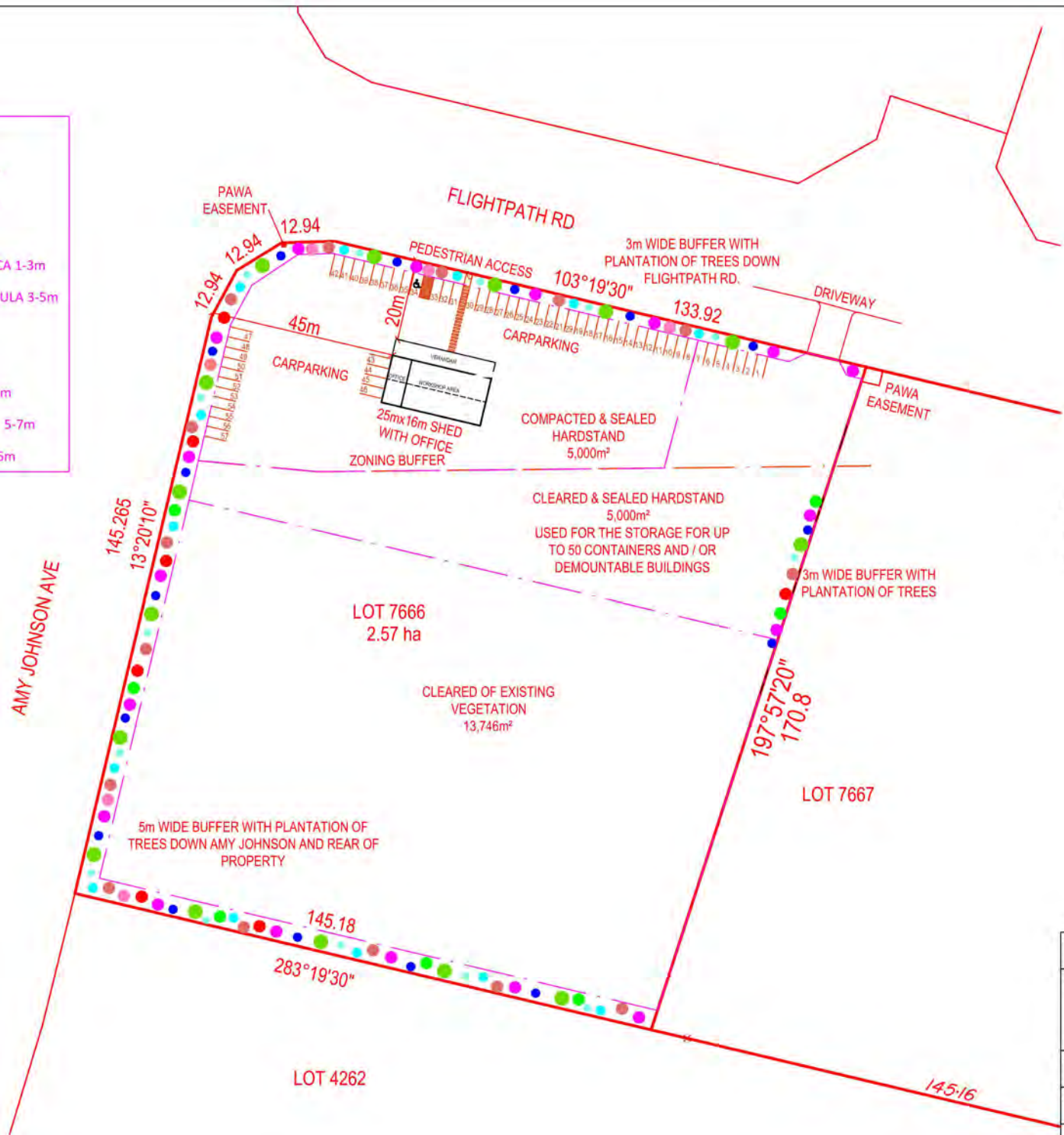
**PROPOSED USE**

- VEHICLE HIRE OR SALES 5000m2
- DEMOUNTABLES 5000m2

CLIENT:			JOHN & LINDA TANNOS		
PROJECT:			LOT 7666 8 FLIGHTPATH RD BERRIMAH		
PLAN: PROPOSED SHED PLAN & ELEVATIONS					
DRAWN BY:	DATE:	SCALE:			
ZM	9/08/2023	1:150@A3			
SHEET:			REVISION:		
2			1		



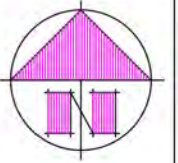
PLANTING LEGEND	
●	ATALAYA VARIFOLIA 3-6m
●	ACACIA ALLENIONA 2-5m
●	ACACIA DUNNI 4-7m
●	ASTEROMYITUS MAGNIFICA 1-3m
●	BARRINGTONIA ACUTANGULA 3-5m
●	COLLISTENON 4m
●	CORYMBIA 4-7m
●	GREVILLEA DECURREN 2-4m
●	GREVILLEA HELIOSPERMA 5-7m
●	GREVILLEA PARALLELA 3-6m



**PROPOSED USE**

- VEHICLE HIRE OR SALES 5000m<sup>2</sup>
- DEMOUNTABLES 5000m<sup>2</sup>

CLIENT:			JOHN & LINDA TANNOS		
PROJECT:			LOT 7666 8 FLIGHTPATH RD BERRIMAH		
PLAN:			PROPOSED PLANTING PLAN		
DRAWN BY:	DATE:	SCALE:			
ZM	3/11/2023	1:1000@A3			
		SHEET:	REVISION:		
		3	0		



**PLANTING LEGEND**

- ATALAYA VARIFOLIA 3-6m
- ACACIA ALLENIONA 2-5m
- ACACIA DUNNI 4-7m
- ASTEROMYITUS MAGNIFICA 1-3m
- BARRINGTONIA ACUTANGULA 3-5m
- COLLISTENON 4m
- CORYMBIA 4-7m
- GREVILLEA DECURREN 2-4m
- GREVILLEA HELIOSPERMA 5-7m
- GREVILLEA PARALLELA 3-6m

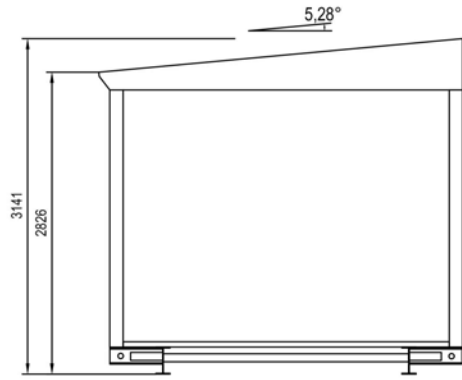


**PROPOSED USE**

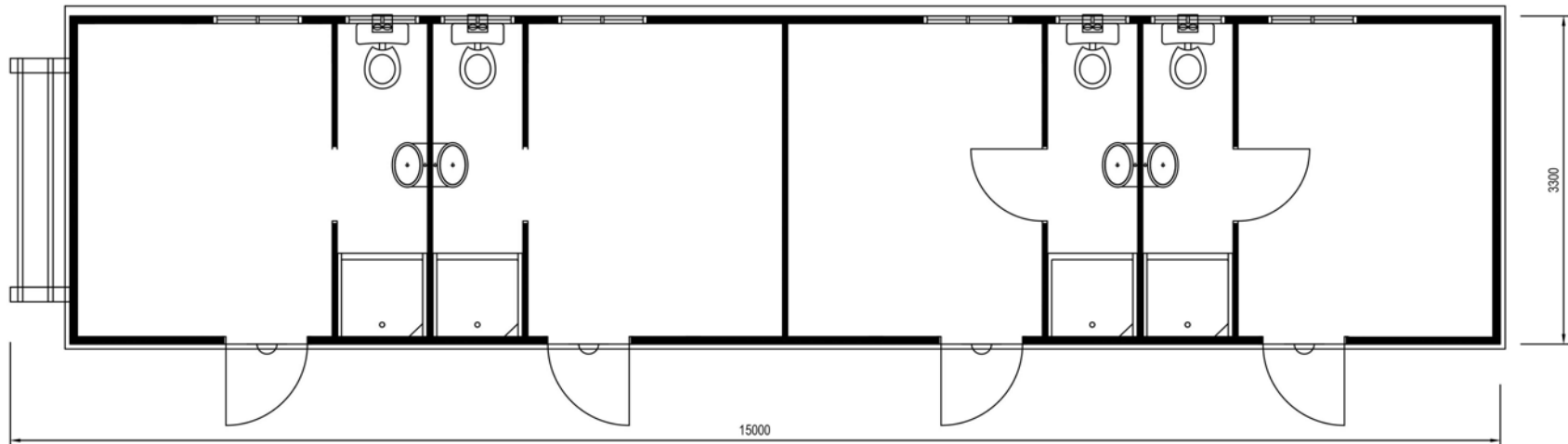
- VEHICLE HIRE OR SALES 5000m<sup>2</sup>
- DEMOUNTABLES 5000m<sup>2</sup>

CLIENT: JOHN & LINDA TANNOS			
PROJECT: LOT 7666 8 FLIGHTPATH RD BERRIMAH			
PLAN: PROPOSED 50 DEMOUNTABLE PLAN			
DRAWN BY: ZM	DATE: 3/11/2023	SCALE: 1:1000@A3	
	SHEET: 4	REVISION: 0	

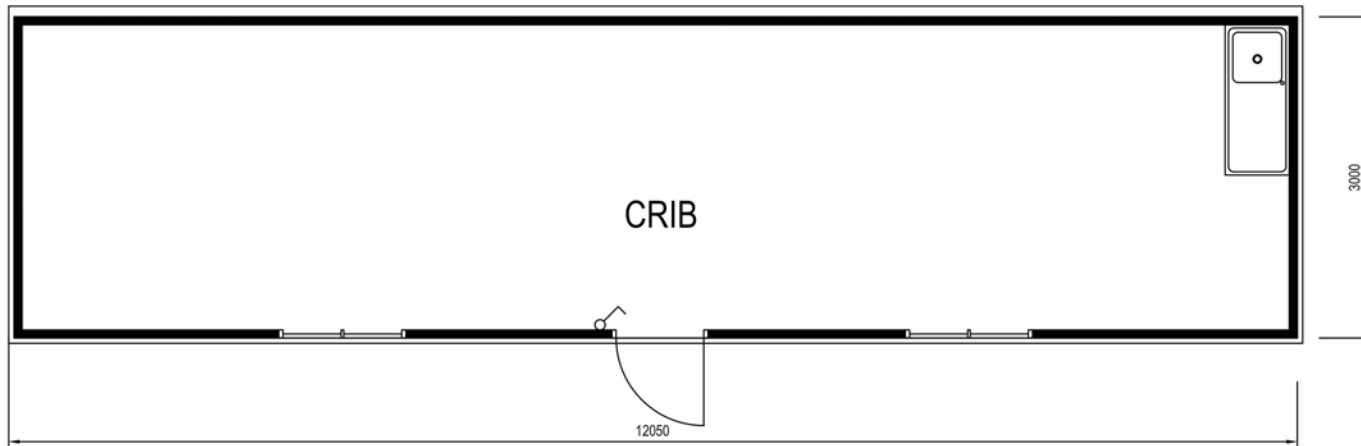
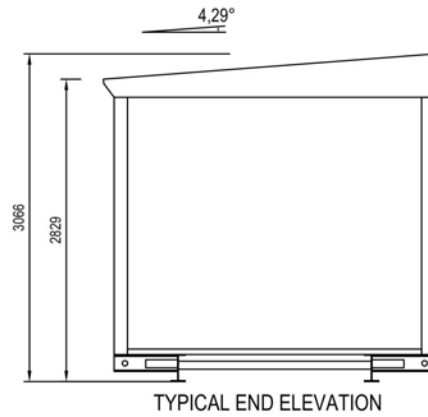




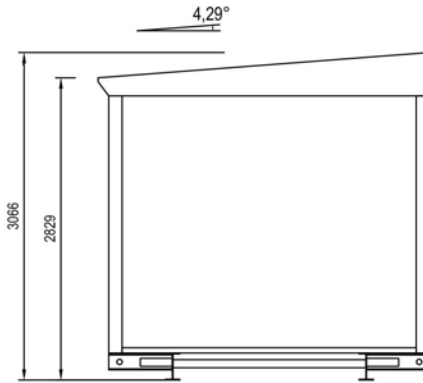
TYPICAL END ELEVATION



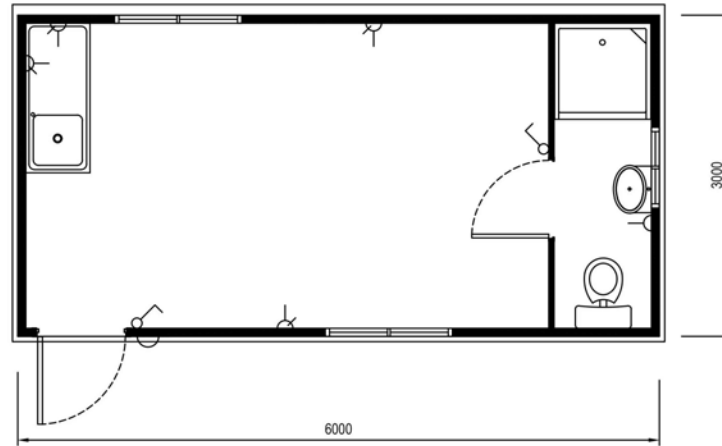
CLIENT:				JOHN & LINDA TANNOS	
PROJECT:				LOT 7666 8 FLIGHTPATH RD BERRIMAH	
PLAN:				TYPICAL 14.4x3.3 BUNKHOUSE	
DRAWN BY:		DATE:		SCALE:	
ZM		3/11/2023		1:50@A3	
SHEET:			REVISION:		
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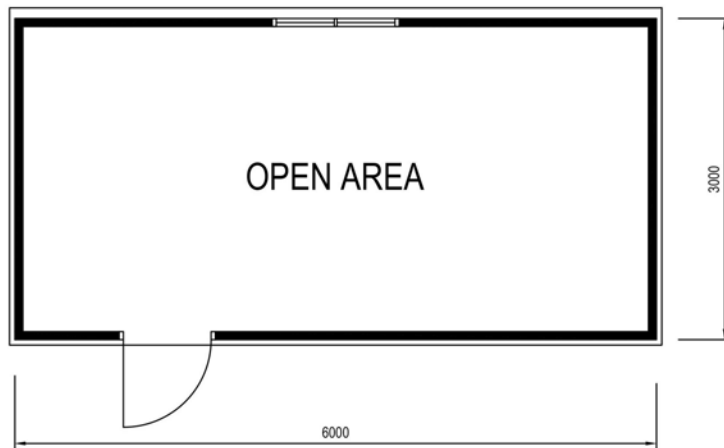
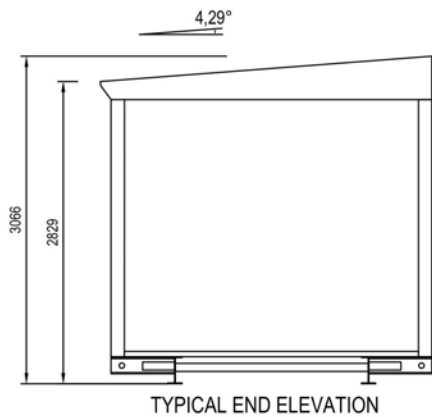
CLIENT:				JOHN & LINDA TANNOS	
PROJECT:				LOT 7666 8 FLIGHTPATH RD BERRIMAH	
PLAN:				TYPICAL 12.0x3.0 CRIB ROOM	
DRAWN BY:		DATE:		SCALE:	
ZM		3/11/2023		1:50@A3	
SHEET:			REVISION:		
4.2			0		



TYPICAL END ELEVATION



CLIENT:				JOHN & LINDA TANNOS	
PROJECT:				LOT 7666 8 FLIGHTPATH RD BERRIMAH	
PLAN:				TYPICAL 6.0x3.0 LIVING UNIT	
DRAWN BY:		DATE:		SCALE:	
ZM		3/11/2023		1:50@A3	
SHEET:			REVISION:		
4.3			0		



CLIENT:				JOHN & LINDA TANNOS	
PROJECT:				LOT 7666 8 FLIGHTPATH RD BERRIMAH	
PLAN:				TYPICAL 6.0x3.0 OPEN AREA	
DRAWN BY:		DATE:		SCALE:	
ZM		3/11/2023		1:50@A3	
SHEET:			REVISION:		
4.4			0		

**Date Registered:** 29/03/2023

**Volume 870 Folio 335**

**Duplicate Certificate as to Title issued?** No

**SEARCH CERTIFICATE**

Section 7666 Hundred of Bagot from plan(s) LTO2021/024

Area under title is 2 hectares 5700 square metres

**Owner:**

Henning Bang Olsen

of PO Box 38491, Winnellie NT 0821

<b>Registered Date</b>	<b>Dealing Number</b>	<b>Description</b>
13/03/2019	915537	Previous title is <b>Volume 858 Folio 667</b> Covenant in Gross Power and Water Corporation
End of Dealings		



NORTHERN TERRITORY OF AUSTRALIA

## Record of Administrative Interests and Information

### Record of Administrative Interests and Information

The information contained in this record of Administrative Interests only relates to the below parcel reference.

**Parcel Reference:** Section 07666 Hundred of Bagot plan(s) LTO2021/024

(See section 38 of the Land Title Act)

Note: The Record of Administrative Interests and Information is not part of the Land Register and is not guaranteed by the Northern Territory of Australia, and the NT Government accepts no Liability for any omission, misstatement or inaccuracy contained in this statement.

Registrar General

### Government Land Register

(none found)

### Custodian - Registrar General (+61 8 8999 6252)

#### Current Title

CUFT 870 335 (order 1)

#### Tenure Type

ESTATE IN FEE SIMPLE

#### Tenure Status

Current

#### Area Under Title

2 hectares 5700 square metres

#### Owners

Henning Bang Olsen  
PO Box 38491, Winnellie NT 0821

#### Easements

(none found)

#### Scheme Name

(none found)

#### Scheme Body Corporate Name

(none found)

#### Reserved Name(s)

(none found)

#### Unit Entitlements

(none found)

**Transfers**

29/03/2023 for \$900,000 (Nil GST)

**Tenure Comments**

(none found)

**Historic Titles**

CUFT 858 667 (order 1)

Visit the website [http://www.nt.gov.au/justice/bdm/land\\_title\\_office/](http://www.nt.gov.au/justice/bdm/land_title_office/)

**Custodian - Surveyor General (+61 8 8995 5354)****Address**

8 FLIGHTPATH RD, BERRIMAH

**Survey Plan**

LTO2021/024

**Survey Status**

Approved

**Parcel Status**

CURRENT

**Parcel Area**

2 hectares, 5700 square metres

**Map Reference**

(none found)

**Parent Parcels**

Section 07665 Hundred of Bagot plan(s) LTO2017/050

**Parcel Comments**

(none found)

**Survey Comments**

SECTIONS 7666 AND 7667, SUBDIVISION OF SECTION 7665, HUNDRED OF BAGOT

**Proposed Easements**

Electricity supply to Power and Water Corporation

**Local Government Area**

DARWIN MUNICIPALITY

**Region**

DARWIN

**Custodian - Valuer General (+61 8 8995 5375)****Owner's Last Known Address**

MR H B OLSEN, PO BOX 38491, WINNELLIE NT 0821

**Parcels in Valuation**

Section 07666 Hundred of Bagot

**Unimproved Capital Value**

\$1,150,000 on 01/07/2023

\$1,150,000 on 01/07/2020

**Custodian - Property Purchasing (+61 8 8999 6886)**

**Acquisitions**  
(none found)

**Custodian - Building Advisory Service (+61 8 8999 8965)**

**Building Control Areas**

BBDAR001 - Building Control Area                      DARWIN BUILDING AREA

**Building Permits**  
(none found)

Visit the website <http://www.nt.gov.au/building/>

**Custodian - Town Planning and Development Assessment Services (+61 8 8999 6046)**

**Planning Scheme Zone**  
MZ (Multi Zone)

**Overlays:** The following overlays may apply to your land

- LPA - Land in Proximity to Airports
- CNV - Clearing of Native Vegetation

Refer to the NT Planning Scheme 2020 for more information.

**Strategic Frameworks:** The following strategic frameworks may apply to your land

Regional Plans:

- Darwin Regional Land Use Plan

Sub Regional Plans:

- Litchfield Subregional Land Use Plan

Area Plans:

- Berrimah North Area Plan

**Interim Development Control Orders**  
(none found)

**Planning Notes**  
(none found)

**Planning Applications**  
(none found)

**Custodian - Pastoral Estate - Vegetation Assessment Unit (+61 8 8999 4454)**  
(none found)

Visit the website for information on Pastoral land permits.

**Custodian - Power and Water Corporation (1800 245 092)**

**Meters on Parcel**

Power Water - Electricity                      (none found)  
Power Water - Water                              (none found)

For Account balances, contact the Power and Water Corporation.



**Custodian - Pool Fencing Unit (+61 8 8924 3641)****Swimming Pool/Spa Status**

(none found)

For more information, contact the Pool Fencing Unit (+61 8 8924 3641).

**Custodian - Department of Industry, Tourism and Trade (+61 8 8999 5263)****Mineral Titles**

Title ID	Status	Title Type	Expiry Date	Legislation
RL390	Granted	Reserve Land		Mineral Titles Act 2010

For additional information contact the Mineral Titles Team on +61 8 8999 5322

**Energy Titles**

Title ID	Status	Title Type	Expiry Date	Legislation
GRO1	Granted	Geothermal Reserved from Occupation		Geothermal Energy Act 2009

For additional information contact the Petroleum Tenure Team on +61 8 8999 5263

**Land Access Agreements**

(none found)

For additional information contact the Land Access Team on +61 8 8999 6442

For further information contact as above or visit the website <https://strike.nt.gov.au>

**Custodian - NT Environment Protection Authority (+61 8 8924 4218)****Results of site contamination assessment**

(none found)

For further information contact Environment Protection Authority or visit the website <https://ntepa.nt.gov.au/your-business/public-registers/contaminated-land-audits>

**Custodian - Heritage Branch (+61 8 8999 5039)****Heritage Listing:**

(none found)

For further information on heritage places contact Heritage Branch or visit the website <https://nt.gov.au/property/land/heritage-register-search-for-places-or-objects>

**Other Interests**

For Account balances, contact Darwin City Council

Locality Diagram



# Clearing application – performance criteria

## Land Details

<b>Lot identification (Lot, Portion, Hundred)</b>	Section 7666, Hundred of Bagot
<b>Zone</b>	MZ – multizone (Figure 2) RD – Restricted development S – Specific use D47
<b>Tenure</b>	Freehold
<b>Property Name</b>	n/a
<b>Parcel size (ha)</b>	2.68ha
<b>Total existing clearing (ha)</b>	1.12ha
<b>Current land use(s)</b>	undeveloped

## 46 Development applications

**(1) The owner of land, or a person authorised in writing by the owner, may apply to the consent authority for consent to carry out a development on the land.**

**(2) An application under subsection (1) is to be in the approved form and accompanied by the prescribed fee.**

**(2A) An application under subsection (1) may be made by electronic transmission in the prescribed manner but must not be considered by the consent authority until the prescribed fee is paid.**

### **(3) A development application is to contain the following:**

**(a) an assessment demonstrating how the proposed development will comply with any planning scheme that applies to the land;**

As shown in the maps from NT Atlas:

- Figure 1 - the southern portion of Section 7666, Hundred of Bagot, is subject to the Overlay – Clearing of Native Vegetation
- Figure 2 – shows the Clearing overlay reflects the Zoning whereby the southern portion of Section 7666, Hd of Bagot is zoned RD – Restricted development, whilst the northern portion is zoned S – Specific use D47
- An application to clear land on Section 7666 is included with this development application.

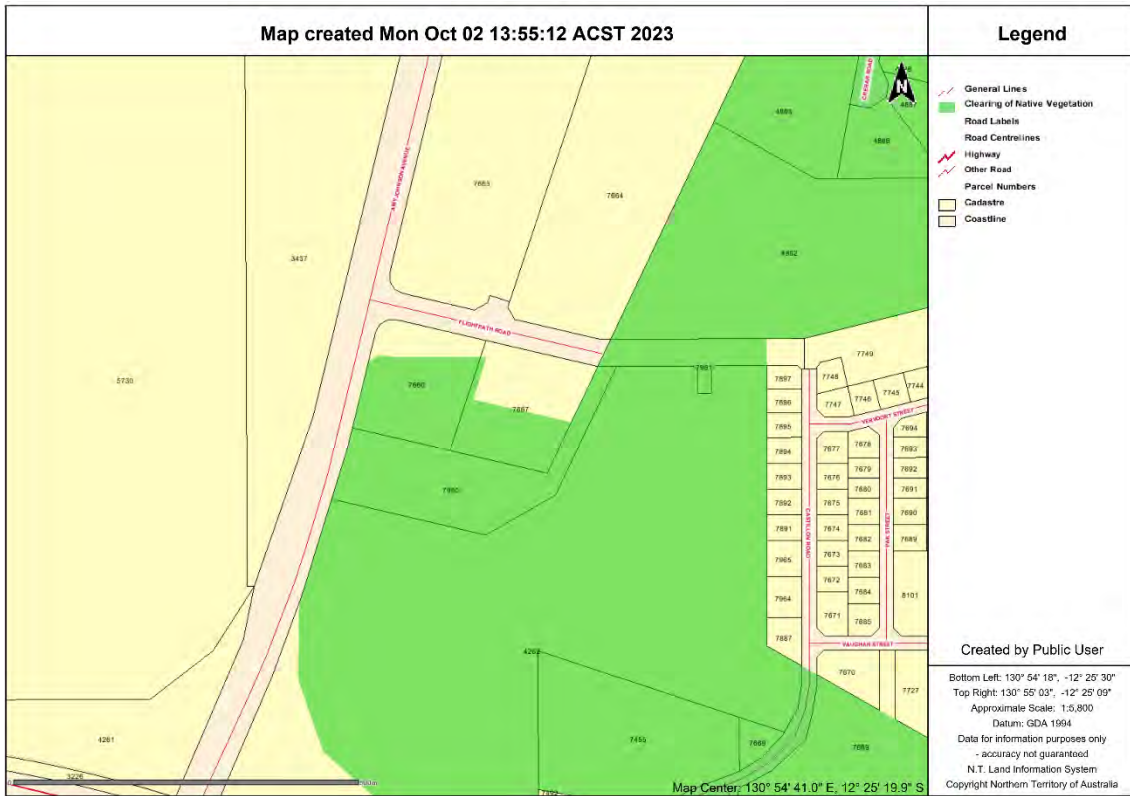


Figure 1 – Land clearing overlay for Section 7666

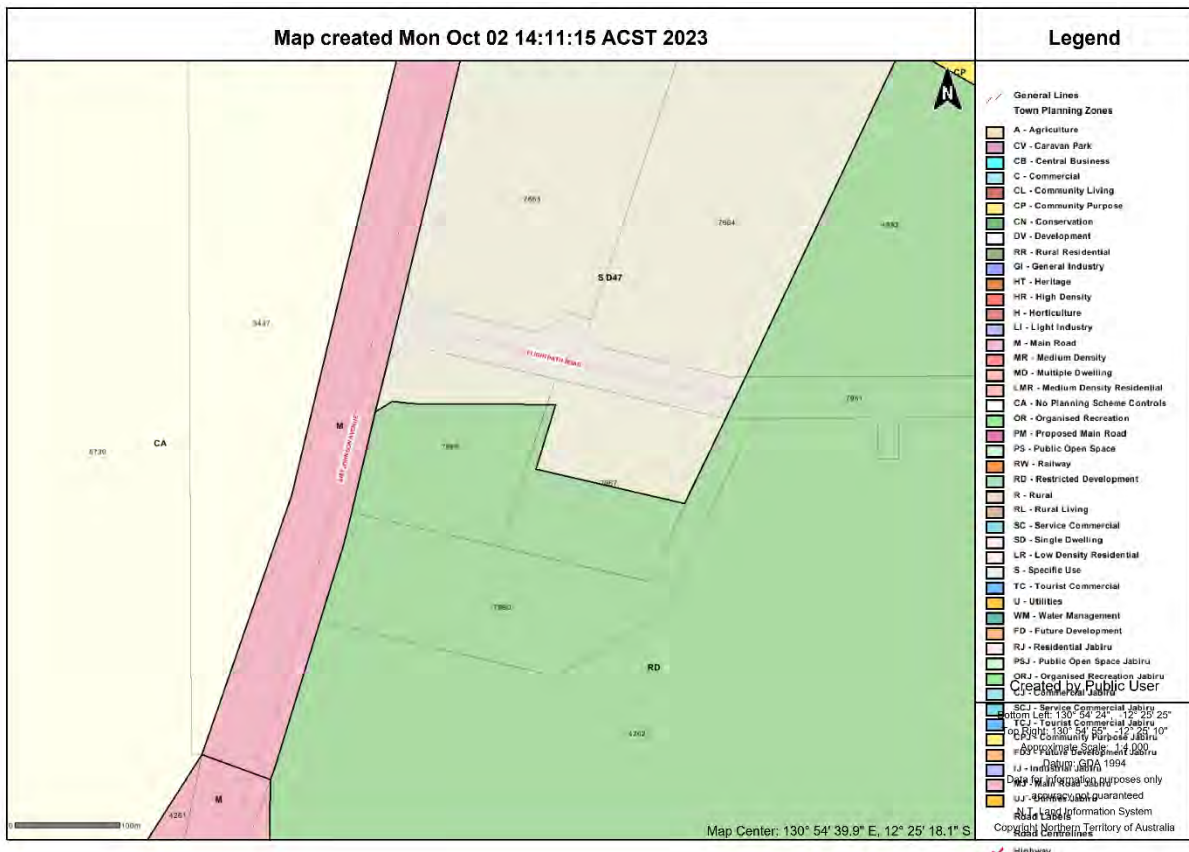


Figure 2 Town planning zones for Section 7666

**(b) an assessment demonstrating how the proposed development will comply with an interim development control order, if any, applying to the land;**

Not applicable

**(c) a statement specifying:**

- (i) whether the proposed development is required to be referred to the NT EPA under Part 4, Division 3 of the Environment Protection Act 2019; and
- (ii) whether the proposed development has been referred to the NT EPA under Part 4, Division 3 of the Environment Protection Act 2019;

**Note: refer to NT EPA documents A guide for proponents and referral agencies and Environmental Factors and Objectives**

The proposed clearing represents <2ha of an isolated and modified woodland. The site does not represent significant habitat for threatened species. There no likelihood of significant environmental harm arising from the proposed clearing.

**(d) an assessment demonstrating the merits of the proposed development;**

The proposed clearing is being undertaken to facilitate the proposed development on the block. This is consistent with the zoning and existing developments on other land within the vicinity of his block.

**(e) a description of the physical characteristics of the land and a detailed assessment demonstrating the land's suitability for the purposes of the proposed development and the effect of development on that land and other land;**

The subject land comprises a modified woodland community over shallow, well drained, gravelly brown Kandosols and moderately deep, well drained red Kandosols on low slopes  $\leq 0.5\%$  slope.

Section 7666 is bounded by Flightpath Road to the north and Amy Johnson Avenue to the west. Both Sections 7667 (east) and 7960 (drainage easement to the south) have been completely cleared and modified through earthworks. As such, clearing and development of Section 7666 will not affect adjoining lots.

The subject land comprises two land types (Figure 3):

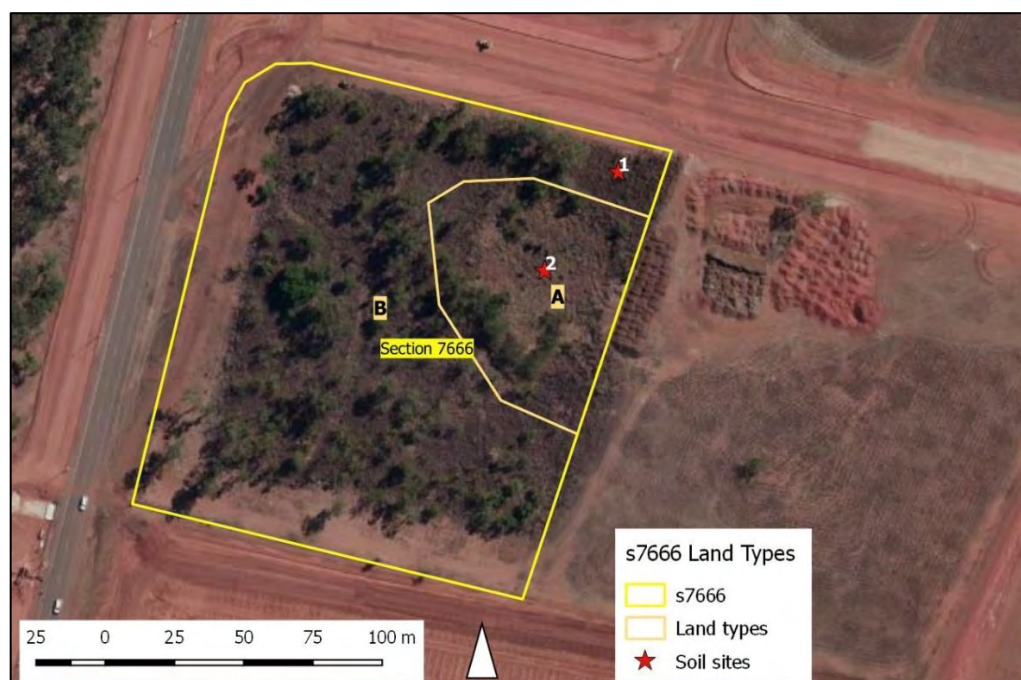


Figure 3 Land types and soil site locations

Land Type A - Open woodland, *Eucalyptus tetrodonta / miniata*, *Corymbia sp*, *Alstonia actinophylla* over *Acacia sp*, *Erythrophleum chlorostachys*, *Cycas armstrongii*, Scattered *Grevillea pteridifolia*, *Buchanania obovata* with Gamba grass, *Sorghum sp*  
Moderately deep, well drained red Kandosol on slopes  $\leq 0.5\%$



Figure 4 Land Type A Soil - Moderately deep, well drained red Kandosol



Figure 5 Land Type A vegetation



*Figure 6 Land Type A vegetation*

Land type B - Previously cleared and modified, low grassland, scattered patches of introduced *Leucaena*

Shallow to very shallow, well drained gravelly brown Kandosol on slopes  $\leq 0.5\%$



*Figure 7 Land type B Soil - Shallow (0.3m), moderately well drained, gravelly brown Kandosol*



*Figure 8 Land type B vegetation*

- (f) a statement specifying the public facilities or public open space available in the area in which the land is situated, whether land for public facilities or public open space is to be provided by the developer and whether it is proposed that facilities or open space be developed by the developer;**

Section 7666 is part of established subdivision development area and no public facilities or public open spaces will be provided.

- (g) a statement specifying the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and whether public utilities or infrastructure are to be provided by the developer or land is to be provided by the developer for the provision of public utilities or infrastructure;**

Existing public facilities/services in the area include roads, power, reticulated water supply and reticulated sewer network. These will be connected to the subject land.

- (h) an assessment of the potential impact on the existing and future amenity of the area in which the land is situated;**

The area is being developed as part of an industrial estate and the proposed clearing is to allow Section 7666 to be similarly developed. The development of Section 7666 will not impact the existing or future amenity of the local area.

- (j) an assessment of the benefit or detriment to the public interest of the development;**

The proposed land clearing is to allow Section 7666 to be developed.



### Proposed clearing – Figure 9

Area (polygon) name / ID	Intended use (e.g specify crops or pasture species to be planted. Will pastures be grazed or used for hay production?)	Area (ha)
A	Vehicle sales and hire, and demountable storage	2.1
	<b>Total</b>	2.1

### Clearing Plan:

- map datum (e.g. GDA94)
- map projection and zone (where applicable)
- north arrow
- suitable background (e.g. cadastre showing property boundaries, satellite/aerial imagery or topographic map)



Figure 9 Proposed clearing

### Staging plan

Year	Area (polygon) ID/name	Area (ha)
2024	A	2.1

### Existing clearing – Figure 10

Area (polygon) name / ID	Area (ha)	Purpose	Details (year cleared, permit? maintained? regrowth age/height?)
Existing	0.58	Firebreak	Unknown
Previously cleared	0.54	Gravel pit	Unknown
<b>Total</b>	<b>1.15</b>		<b>ha</b>



Figure 10 Existing clearing

Activity	Timing (month/year)	Methods/Details (Prompts are included to assist but other information can be included where relevant)
<b>Demolition of vegetation</b>	2024	Bulldozer or excavator
<b>Removal of debris</b>	2024	Debris will be windrowed and burnt (burn permit if required)
<b>Site preparation</b>	2024	Following clearing, earthworks will likely be undertaken to ensure site meets engineering and geotechnical specifications.
<b>Weed management</b>	Ongoing if required	Spray if required. Methods, timings and chemicals as per <i>Weed Management Handbook</i>
<b>Regrowth management</b>	n/a	As site will be further modified to meet engineering and geotechnical specifications, regrowth is considered unlikely

# NTPS (2020) Part 3

## Clause 3.2

### Purpose

Identify areas with limits to the **clearing of native vegetation** and ensure that clearing in these areas does not:

- (a) impact on the conservation values of land within Zone CN; or
- (b) unreasonably contribute to environmental degradation of the locality.

### Administration

1. The **clearing of native vegetation** of more than one hectare in aggregate of land (including any area already cleared of native vegetation) within the area subject to the Clearing of Native Vegetation Overlay requires **consent**. This includes all land within Zones RR, RL, R, H, A, CP, CN, RD, WM and Unzoned land.
2. Notwithstanding sub-clause 1, all **clearing of native vegetation** in Zone CN requires consent, other than as provided for by sub-clause 4.
3. The consent authority may consent to the clearing of native vegetation that is not in accordance with subclause 5 only if it is satisfied that it is consistent with the purpose of this requirements and is appropriate in the context of the site and the locality having regard to such matters as:
  - a) the suitability of the site for the proposed use;

The subject land comprises shallow, well drained, gravelly brown Kandosols and moderately deep, well drained red Kandosols on low slopes  $\leq 0.5\%$  slope. The site is suitable for the proposed development.
  - b) the values associated with the environmental characteristics (as applicable);

The proposed clearing represents <2ha of an isolated and modified woodland and the site does not represent significant habitat for threatened species. The site has been modified by earthworks and gravel extraction with large patches of invasive gamba grass and woody *Leucaena* described across the site. Compared to the woodlands on airport land across Amy Johnson Drive, the woodland on the subject land is comparatively degraded.
  - c) the significance, extent and likelihood of any potential environmental impacts; and

The proposed clearing represents <2ha of an isolated and modified woodland. The site does not represent significant habitat for threatened species. There no likelihood of significant environmental harm arising from the proposed clearing.
  - d) the measures the application proposes will be implemented to mitigate any potential impacts.
4. This Overlay does not apply if the **clearing of native vegetation** is required or controlled under any Act in force in the Territory, or is for the purpose of:
  - (a) a firebreak specified by the Bushfires Management Act 2016;
  - (b) an internal fence line up to 10m wide on a lot having an area greater than 8ha;
  - (c) a road to **access** the land or other land; or
  - (d) the maintenance and repair of public infrastructure

**Editor's note: examples of legislation that may have effect under subclause 4 may include *Territory Parks and Wildlife Conservation Act 1976*, the *Mining Management Act 2001*, the *Pastoral Land Act 1992*, and the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.**

## **Requirements**

5. The **clearing of native vegetation** is to:

**(a) avoid impacts on environmentally significant or sensitive vegetation;**

The proposed land clearing does not impact environmentally significant or sensitive vegetation.

**(b) be based on land capability and suitability for the intended use;**

The subject land comprises moderately well to well drained Kandosols on low slopes. Therefore, the subject land is capable of supporting the intended industrial land use.

**(c) avoid impacts on drainage areas, wetlands and waterways;**

There are no (natural) drainage areas, wetlands and waterways on this or adjoining blocks.

**(d) avoid habitat fragmentation and impacts on native wildlife corridors; and**

The small area of previously uncleared land (<2 ha) is isolated from other native vegetation by cleared land on the northern, southern and eastern boundaries. The nearest remnant vegetation is > 50m west of subject land across Amy Johnson Drive. Proposed clearing will not lead to habitat fragmentation nor impact wildlife corridors.

**(e) avoid impacts on highly erodible soils**

The soils described on the subject land are not dispersive and are not highly erodible.

6. An application for the **clearing of native vegetation** is to demonstrate consideration of the following:

**(a) the Land Clearing Guidelines (as amended from time to time) by the agency responsible for natural resources and the environment;**

The responses to the remaining provisions of Clause 6 confirms the proposed clearing demonstrates consideration of the NT Land Clearing Guidelines. Responses to Clause 6 (b) to (o), where appropriate, reflect consideration of the relevant section(s) within the Land clearing Guidelines. Summarising what is written in the following sections:

- The clearing does not include sensitive or significant vegetation communities, essential habitats, natural water features, does not include boundary buffers (nor is there any remnant vegetation on adjoining properties), nor will it impact on regional biodiversity.
- The clearing is necessary, and the slope is suitable for the proposed use and the land can support the intended use.
- The clearing does not affect declared heritage places, archaeological sites or Aboriginal sacred sites.

**(b) the presence of threatened wildlife as declared under the Territory Parks and Wildlife Conservation Act 1976;**

There are no records of threatened species within the proposed clearing.

**(c) the presence of sensitive or significant vegetation communities such as rainforest, vine thicket, closed forest or riparian vegetation;**

No sensitive or significant vegetation types were described on subject land

**(d) the presence of essential habitats, within the meaning of the Territory Parks and Wildlife Conservation Act 1976;**

No essential habitats were described on subject land.

**(e) the impact of the clearing on regional biodiversity;**

The proposed clearing represents 2.1ha comprising an isolated and modified woodland with no connectivity to other remnant vegetation (Figure 9, above). The potential impact on regional biodiversity is considered to be very low.

**(f) whether the clearing is necessary for the intended use;**

As this block is to be used as per the proposed development, clearing is necessary for the intended uses,

**(g) whether there is sufficient water for the intended use;**

The block is connected to a reticulated mains water supply which will provide adequate water supply for proposed development.

**(h) whether the soils are suitable for the intended use;**

Figure 3 shows the location of both soil sample sites. The site comprises moderately well to well drained red (Figure 11) and brown (Figure 12) Kandosols that are suitable for the intended use. Following clearing, earthworks will likely be undertaken to ensure site meets engineering and geotechnical specifications.



*Figure 11 Land Type A Soil - Moderately deep, well drained red Kandosol*



Figure 12 Land type B Soil - Shallow (0.3m), moderately well drained, gravelly brown Kandosol

**(i) whether the slope is suitable for the intended use;**

Recorded slope  $\leq 0.5\%$  and is suitable for development of industrial uses

**(j) the presence of permanent and seasonal water features such as billabongs and swamps;**

No permanent or seasonal water features were described on subject land. A constructed drainage reserve is located on Section 7960 immediately south of subject land.

**(k) the retention of *native vegetation* adjacent to waterways, wetlands and rainforests;**

No waterways, wetlands and rainforests were described on subject land or on adjacent land. No native vegetation is retained on adjoining Sections 767 & 7960.

**(l) the retention of *native vegetation* buffers along boundaries;**

As shown below (Figure 13), there is no remnant native vegetation retained on adjoining land Sections 7667 and 7690 nor within the adjoining road reserves along Flightpath Road and Amy Johnson Drive. The site is being developed as per the proposed uses and no vegetation buffers will be retained.



Figure 13 Remnant vegetation on adjoining lots

**(m) the retention of *native vegetation* corridors between remnant *native vegetation*;**

As there is no remnant native vegetation on adjoining lots (See Figure 13, above), no vegetation corridors are proposed. Furthermore, the proposed clearing is well below the size that would trigger recommendations for wildlife corridors in the Land Clearing Guidelines.

**(n) the presence of declared *heritage places* or archaeological *sites* within the meaning of the Heritage Act 2011; and**

Advice from Heritage Branch provided below provided on 13 October 2023

**From:** Fiona Earl <Fiona.Earl@nt.gov.au> **On Behalf Of** Heritage Branch  
**Sent:** Friday, 13 October 2023 16:09  
**To:** vpsland@iinet.net.au  
**Subject:** RE: Land clearing - Section 7666, Hundred of Bagot, 8 Flightpath Rd, Berrimah

Hi Graeme,

This initial advice is provided following a request for information from the Heritage Branch.  
For requests related to sacred sites, contact the Aboriginal Areas Protection Authority <https://www.aapant.org.au>.

#### Work details

Name of proponent (company or department)	VPS Land Assessment and Planning
Contact person (name and title)	Graeme Owen
Date enquiry received	4 October 2023
Location of work	8 Flightpath Road, Berrimah (Section 7666)
Brief description of work as provided	Land Clearing
Date of Heritage Branch response	13 October 2023
Our reference	HCD2023/00236

#### The context of Heritage Branch advice

The Northern Territory Government's Heritage Branch administers the *Heritage Act 2011* and provides authoritative advice about obligations under the *Heritage Act 2011*, including steps to take to manage the impact of proposed work on [Aboriginal and Macassan archaeological places and objects](#).  
It is important that advice given by the Heritage Branch is followed. A failure to follow advice received from the Heritage Branch may be considered as evidence in an investigation if damage occurs to an Aboriginal or Macassan archaeological place or object.

#### Relevant parts of the Northern Territory's *Heritage Act 2011*

Under the Northern Territory's *Heritage Act 2011* (the Act):

1. All provisionally declared and declared heritage places and objects are protected under the Act;
2. All Aboriginal or Macassan archaeological places and objects are automatically protected - this includes places and objects not previously recorded;
3. Places and objects include an artefact or thing given shape by a person - examples include stone tools, stone arrangements, fish traps, rock art, modified trees, and shell middens;
4. Ancestral remains are also protected;
5. Underwater Cultural Heritage is protected, up to three nautical miles from the coast;
6. There is an obligation to notify of the discovery of Aboriginal or Macassan archaeological places or objects

#### Conditions of advice

1. This advice is based on the description of the work provided to the Heritage Branch. If the work expands or changes significantly seek further advice.
2. In preparing this advice, the Heritage Branch has referred to an archaeological database which includes information about Aboriginal and Macassan archaeological places and objects in the Northern Territory. However the database only includes information about known archaeological places. The fact that there are no known archaeological places recorded may be because no archaeological surveys have been conducted in that particular area, and is not necessarily an indication they do not exist.

#### Actions

The following actions have been taken in relation to the enquiry.

- A search of the Northern Territory Heritage Register;
- A search for known archaeological places located within the subject site on the Heritage Branch archaeological database;
- A search for known archaeological places located within the proximity of the subject site on the Heritage Branch archaeological database;

- The extent of pre-existing ground disturbance;
- The scale and nature of the work proposed (major, moderate or minor);
- Areas identified as being excluded from the work footprint e.g. riparian buffers; and
- An assessment of the likelihood of unrecorded archaeological places existing within the subject site, based on landscape features, known archaeological places in the vicinity, and other predictive tools.

#### **Advice**

The search has found that there are no known Aboriginal or Macassan archaeological places within the subject site. The likelihood of possible unrecorded Aboriginal or Macassan archaeological places has been assessed as *possible*. The extent of pre-existing disturbance and the nature of the work itself has also been considered. If archaeological places are discovered over the course of the work, establish an exclusion zone around the site and contact the Heritage Branch immediately.

#### **Declared Heritage Advice**

The search has found that there are no nominated, provisionally declared or declared heritage places or objects within the subject area.

#### **Further comments**

Further information can also be found on our website:

<https://nt.gov.au/property/building/heritage-properties/heritage-properties-building-works-and-development>  
[Aboriginal heritage information | NT.GOV.AU](#)

Thanks,

Fi

#### **Dr Fiona Earl**

Heritage Officer  
Heritage Branch  
Community Participation and Inclusion  
Territory Families, Housing and Communities

Level 1 Building JHV2,  
Jape Homemaker Village, 356 Bagot Road Millner  
PO Box 37037, Winnellie, NT 0821

t. 08 8999 5051

w. [tfhc.nt.gov.au](http://tfhc.nt.gov.au)

I acknowledge Aboriginal people as the Traditional Owners of the country I work on, and their connection to land and community. I pay my respect to all Traditional Owners, and to the Elders both past and present.



**TERRITORY FAMILIES,  
HOUSING AND COMMUNITIES**

Use or transmittal of the information in this email other than for authorised NT Government business purposes may constitute misconduct under the NT Public Sector Code of Conduct and could potentially be an offence under the NT Criminal Code. If you are not the intended recipient, any use, disclosure or copying of this message or any attachments is unauthorised. If you have received this document in error, please advise the sender and delete the email. No representation is given that attached files are free from viruses or other defects. Scanning for viruses is recommended.



**(o) the presence of any sacred sites within the meaning of the NT Aboriginal Sacred Sites Act 1989.**

The following disclaimer is required by AAPA

**Disclaimer**

*This Abstract of Records has been provided by the Aboriginal Areas Protection Authority to Demountable Sales and Hire and VPS Land Assessment and Planning for the sole purpose of inclusion in this land clearing application to the Pastoral Land Board pursuant to the Pastoral Land Act. If the Pastoral Board is required by law to publish the application then the Authority consents to the publication as required. It is an offence under s 38 of the Northern Territory Aboriginal Sacred Sites Act 1989 (NT) to permit further access to this information without the prior written consent of the Authority. For the identified subject land, the Abstract of Records identifies:*

- *Any registered or recorded sacred sites known to the Authority; and*
- *Any Restricted Work Areas (RWAs) established by the Authority in previously issued Authority Certificate(s).*

*The Abstract may show no sacred sites in the subject land, or part thereof, but this may be a function of the fact that the Authority has not yet undertaken work in the region, or that the work required to register a sacred site has not yet been completed. It does not mean there are no sites in the area. Where RWAs have been identified in the Abstract, Demountable Sales and Hire and VPS Land Assessment and Planning cannot rely on this information as it only applies to those prior works and prior proponent to which the relevant Authority Certificate was issued.*

*Accordingly, the Abstract of Records is **not** evidence of whether or not a sacred site exists in the subject land and whether they are protected. Given this significant limitation, the Abstract may be used for information purposes only and not as a basis for proceeding with works or use. Further, an Abstract does not provide a defence against prosecution under the Sacred Sites Act, only an Authority Certificate issued by the Authority can do these things.*

See AAPA abstract of Records.

## **NTPS (2020) Schedule Two - Definitions**

**clearing of native vegetation** means the removal or destruction, by any means, of **native vegetation** on an area of land, other than:

- (a) the removal or destruction of a declared weed within the meaning of the Weeds Management Act or of a plant removed under the Plant Health Act 2008;
- (b) the lopping of a tree;
- (c) incidentally through the grazing of livestock;
- (d) the harvesting of **native vegetation** planted for harvest;
- (e) in the course of Aboriginal traditional use, including the gathering of food or the production of cultural artefacts;
- (f) by fire;
- (g) the removal or destruction of **native vegetation** occurring on a **site** previously cleared in accordance with a permit issued under the Act; or
- (h) incidentally through mowing an area previously cleared of **native vegetation**; and includes the selective removal of a species of plant, a group of species of plants, a **storey** or group of **storeys** in whole or in part;

# **DEVELOPMENT APPLICATION**

## **SECTION 46 PLANNING ACT**

### **LAND CLEARING, VEHICLE SALES AND HIRE, AND STORAGE OF DEMOUNTABLE STRUCTURES**

**LOT 7666 (8) FLIGHTPATH ROAD  
HUNDRED OF BAGOT**

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**Appendix A - Drawings**

**APPENDIX B – Title Search Certificate**

**APPENDIX C – Land Clearing Application**

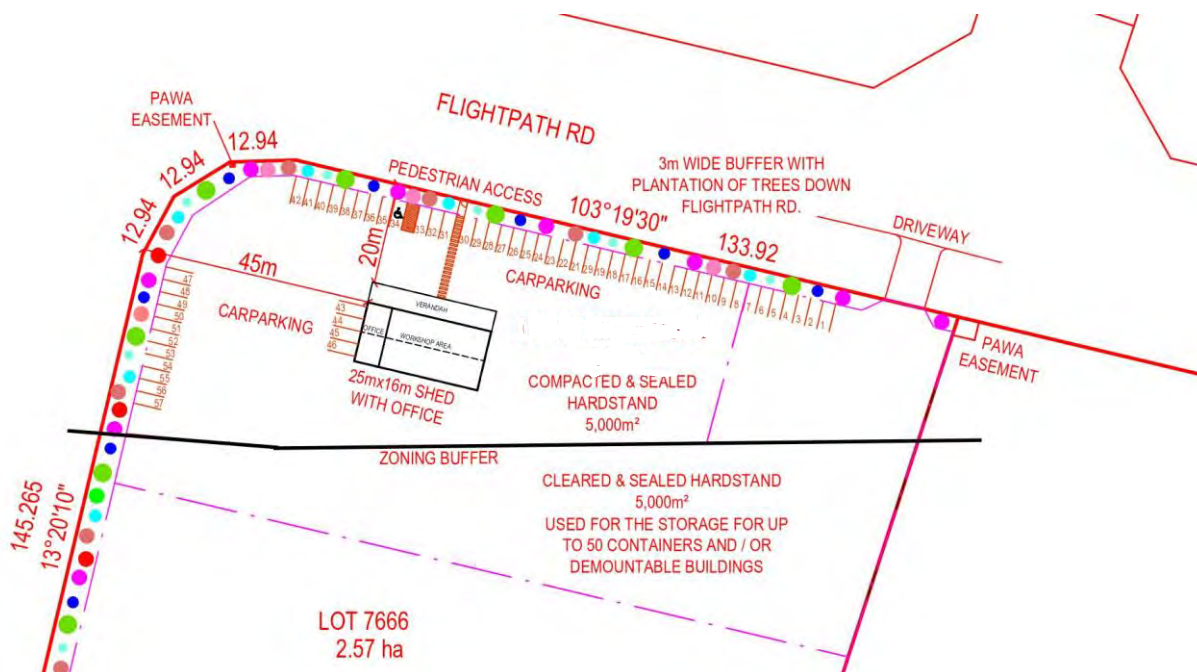
# 1. Preliminary

## 1.1 Introduction Summary

One Planning Consult has been directly engaged by the proponents to prepare a report to accompany an application for the purpose of land clearing, vehicle sales and hire and storage of demountable structures over the subject site. The land is 25700m<sup>2</sup> in area and comprises mixed land zoning:

- SD47 (Specific Use- Darwin), approximately 7000m<sup>2</sup>
- RD (Restricted Development), approximately 18700m<sup>2</sup>

Image 1 below demonstrates the zoning boundaries in relation to the proposed development.



SD47 was introduced through NTPS 2007 under Schedule 1, schedule to clause 2.4 specific uses of the NT Planning Scheme 2007. The portion of land zoned SD47 within the subject site can therefore be developed pursuant to sub-clause 4 (Area B) of Specific Use Zone SD47 (Specific Use Darwin) of the NT Planning Scheme 2007. Area B is to be used with consent in accordance with the provisions of Zone LI (Light Industry). The remaining portion of the site zoned RD can be developed in accordance with Part 4 (Zones and Assessment) of the NT Planning Scheme 2020.

The proposed land uses are consistent with the land zonings and ordinarily aligned with the purpose and outcome(s) of the land zonings. The proposed uses will add to land use mixture and choice within the locality characterised by various industrial activities. The relevant clauses of the NT Planning Scheme 2020 and NT Planning Scheme 2007 applicable for the proposed uses as noted under the relevant Assessment Tables are:

## **NT Planning Scheme 2020**

### 3.2 Clearing of Native Vegetation

#### 5.2.1 General Height Control

#### 5.2.4 Car Parking

#### 5.2.5 Loading Bays

#### 5.2.6 Landscaping

#### 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR

#### 5.8.7 Demountable Structures

## **NT Planning Scheme 2007**

SD47 (Specific Use- Darwin) – applicable clauses of LI under NT Planning scheme 2007

### 6.1 General Height Control

#### 6.5.1 Parking Requirements

#### 9.1.1 Industrial Setbacks

### 10.3 Clearing of Native Vegetation

## **1.2 Lan Landowner(s) – Section 46 (aa)**

Applicant:	One Planning Consult
Landowner:	Henning Bang Olsen
Beneficiary:	John Tannos

Refer to Search Certificate at **APPENDIX B** obtained at the time of preparing this application report.

## **1.3 Nature of the Application**

Pursuant to section 46 (1) of *the Planning Act*, the application seeks planning approval for the purpose of land clearing, vehicle sales and hire, and demountable structures.

The proposed vehicle sales and hire located on land zoned SD47 requires planning consent pursuant to sub-clause 4 (a) of Specific Use Zone SD47 (Specific Use Darwin) of the NT Planning Scheme 2007. The use is contained within part of the site zoned SD47.

The proposed demountable structures are located on part of the land zoned RD under NT Planning Scheme 2020 are merit assessable under clause 1.8(1)(b)(i) of the NT Planning Scheme 2020 and therefore requires planning consent. Merit Assessable development requires the exercise of discretion

by the consent authority to ensure the development can be established in a way that does not impact on the amenity of the area and accords with the relevant zone purposes and outcomes.

The proposed land clearing exceeds 1Ha and as such requires planning consent under Clause 3.1 (Planning Scheme Overlays) of the NT Planning Scheme 2020. The clearing of native vegetation of more than one hectare in aggregate of land (including any area already cleared of native vegetation) within the area subject to the Clearing of Native Vegetation Overlay requires consent. This Overlay applies to land within Zones RR, RL, R, H, A, CP, CN, RD, WM and Unzoned land.

The purpose of SD47 is to facilitate the development of the land for light industrial purposes that minimise the impacts of exposure to aircraft noise, and that does not inhibit the operation of the Darwin International Airport.

The purpose of RD (Restricted Development) is to restrict development within proximity to an airport or under a flight path to ensure unencumbered operation of an airport and the safety of people in the zone. Amongst other zoning outcomes under the land zoning to the subject site, the proposal is aligned with the following outcomes:

**Outcome 1**, Limited development that:

*(a) does not prejudice the ongoing safety and efficiency of an airport, including provision for future expansion;*

The proposed development on RD zone comprises single storey demountable structures below 8.5m in height that are considered unlikely to prejudice the ongoing safety and efficiency of an airport, including provision for future expansion.

*(b) retains the non-urban character of the land; and*

The proposed hard stand is compacted road base gravel that maintains natural look and facilitate onsite drainage and infiltration to minimise risk of flooding.

*(c) limits the number of people who reside, recreate or work in the area.*

The part of the site zoned RD will be limited only to placement of demountable structures for storage, and thereby limiting the number of people that work in the area. Similarly, a car hire facility has limited number of staff working at any given time.

**Outcome 4**, *Development is to be of a nature that will not attract birds or fruit bats, or emit soot, dust, smoke or lights that may adversely impact on airport operations.*

The proposed demountable structures located on the portion of the land zoned RD are unlikely to attract birds or fruit bats, or emit soot, dust, smoke or lights that may adversely impact on airport operations.

**Outcome 5,** Development is low rise and complements the low density character of the zone.

The proposed development located on the portion of the land zoned RD comprises single storey structures which complements the low density character of the zone

**Outcome 6,** *Development avoids any adverse impacts on ecologically important areas through location, design, operation and management.*

The site is located within an industrial enclave with various industrial activities. The proposed uses on the portion land zoned RD are less intense and consistent with the character of the site.

**Outcome 7,** Development does not impose unsustainable demands on surface water and groundwater.

The proposed development will be connected to reticulated water services in the locality.

## 1.4 Overlays

The overlay applicable to the site is clause 3.2 Clearing of Native Vegetation (CNV) as the land clearing to the site exceeds 1 ha in area. Further discussion is noted below in this report.

## 2. Proposal

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The proposed development comprises the following land uses:

- Land clearing
- Vehicle sales and hire
- Up to 50 demountable structures with 3 design types

### Vehicle Sales and Hire

The proposed vehicle sales and hire comprise the hire of small to medium vehicles (general domestic cars) for short-term rentals. The use requires planning consent under clause 4 of SD47 of NT Planning Scheme 2007. There will be 60 vehicles accommodated on site and available for hire. The operation of the facility will require 4 staff members during the normal working hours (7am to 530pm) and 1 on call staff member outside the regular hours. The building used for the operation of the business contains office/reception and a workshop for car detailing and hire accessories. It is noted that the use is located wholly within the SD47 portion of the land and does not have any relation with the proposed use on the portion of land zoned RD in terms of land use although owned by the same Director.

### Demountable structures

The proposed use of land zoned RD to store more than one (1) demountable structure on the land is merit assessable under zoning table to clause 4.1 of the NT Planning Schemen2020. The proponent intends to use the nominated area for storage only and has no intention to manufacture the

structures on site. The structures will be transported to and from the site by Tilt tray vehicle and single trailer trucks. The structures will be loaded and offloaded using a maximum 16 tons crown forklift. There will be no crane used for lifting and loading of structures. The plans provided at APPENDIX A demonstrate the turning circle in and out of the site.

The structures will be moved in and off site on weekly basis and sometimes kept on site longer. There will be no staff required on site in association with storage of the structures. The maximum height of the proposed

The drawings associated with development application are provided at **APPENDIX A** attached.

## 3. Site and Locational Attributes

### 3.1 Land Description

The subject site is Lot 7666 (8) Flightpath Road, Berimmah. The site has an area of 25700m<sup>2</sup> and contained within mixed zones, SD47 and RD with street frontages to Amy Johnson Avenue and Flight Path Road. Access to the site is gained from Flightpath Road. The nearby land zones to the site comprises:

- To the north and across Flightpath Road is land zoned SD47(Specific Use-Darwin)
- To the south is land zoned RD (Restricted development),
- To the east is mixed zones (SD47 & RD)
- To west and across the Amy Johnson Avenue is land zoned CA (Commonwealth Australia).

**Image 2 – Zoning of Locality**





Image 3 – Aerial image of locality – Extract, Google Earth maps



### 3.2 Locational Attributes

The site is a corner lot located adjacent to Amy Johnson Avenue which is a busy arterial road and thereby giving visibility and accessibility to the development. The subject site is of adequate size to accommodate the mix of proposed uses and proposes vegetation along the side and front boundaries for softening and passive screening of development where appropriate. The development will offer employment opportunities in the locality due to its proximity to residential developments.

## 4.0 Statutory Planning Consideration

### Section 46 of the Planning Act

#### 46(3)(a) Relevant Clauses of the NT Planning Scheme 2007 and 2020 applicable to the land

The following assessment is made based on the relevant clauses for the proposed land uses under NT Planning Scheme 2007 and NT Planning Scheme 2020 applicable to the land.

#### NT Planning Scheme 2007

#### **SD 47 (Specific Use Darwin) - Part Section 4440 Hundred of Bagot (10 Boulter Road, Berrimah).**

*The purpose of this zone is to facilitate the development of the land for light industrial purposes that minimise the impacts of exposure to aircraft noise, and that does not inhibit the operation of the Darwin International Airport.*

*The parts of Section 4440 that are subject to this clause are the two areas of land that are bounded by a thick black line and marked as areas A and B on the diagram to this clause.*

4. Area B is to be:

*(a) used with consent in accordance with the provisions of Zone LI (Light Industry); and*

*(b) notwithstanding the above, the following uses are prohibited within this area:*

- |                                     |                                     |
|-------------------------------------|-------------------------------------|
| <i>i. animal boarding;</i>          | <i>ii. caretaker's residence;</i>   |
| <i>iii. community centre;</i>       | <i>iv. education establishment;</i> |
| <i>v. home occupation;</i>          | <i>vi. hotel;</i>                   |
| <i>vii. leisure and recreation;</i> | <i>viii. licenced club;</i>         |
| <i>ix. medical clinic;</i>          | <i>x. office;</i>                   |
| <i>xi. passenger terminal;</i>      | <i>xii. place of worship;</i>       |
| <i>xiii. restaurant;</i>            | <i>xiv. service station;</i>        |
| <i>xv. shop; and</i>                | <i>xvi. veterinary clinic.</i>      |

*5. Prior to any future subdivision, an integrated stormwater management plan covering all of the land within this zone is to be prepared in accordance with the strategic drainage framework of the Berrimah North Drainage Study and to the satisfaction of the relevant service authority;*

N/A

*6. A densely planted landscaping buffer to a depth of 3m shall be provided to the eastern boundary where land within this zone directly adjoins a residential area indicated on the Berrimah North Area Plan. The landscaping buffer is to mitigate noise and visual impacts from light industrial development on adjacent residential land;*

The subject site is does not share boundary with residential area.

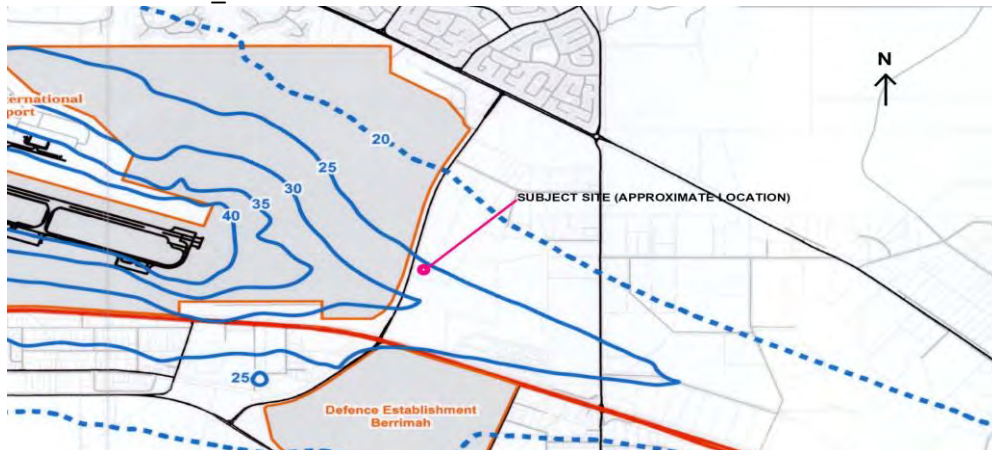
*7. Buildings are to demonstrate that they can be constructed to comply with:*

- (a) AS2021-2000 'Acoustics – Aircraft noise intrusion – Building siting and construction'; and*  
*(b) Any applicable height provisions set out in the Defence (Areas Control) Regulations 1989.*

The proposed development (land clearing and vehicle sales) on the portion of the land zoned SD47 requires planning consent in accordance with the provisions of the NT Planning Scheme 2007 and zone LI (Light Industry). Any proposed building is subject to the requirements of AS2021-2015 'Acoustics – Aircraft noise intrusion – Building siting and construction. The development plans associated with the building demonstrate the type of building material used to address requirements of AS2021-2015 'Acoustics – Aircraft noise intrusion – Building siting and construction.

The subject land is located within the 25-30ANEF contour range identified in the Darwin International Airport Master Plan 2017 and ANEF Darwin Endorsed (JOINT CIVIL-MILITARY ANEF 2042). AS2021-2015 Building Site Acceptability table identifies light industry buildings below 30 ANEF as "acceptable". In consideration of these requirements, the design of office part to the building incorporates construction materials that address AS2021-2015 for the proposed development.

IMAGE 3: Extract\_ ANEF Darwin Endorsed - 2042



The proposed development is less than 7.5m in height. It is expected that the proposal will be circulated to Department of Defence - Estate Planning and Darwin International Airport for comment as the proposal is located close to Darwin Airport and within the height-controlled area.

*8. Development within the zone shall not cause any temporary or permanent structure to breach the defined airspaces for civil or military aviation purposes.*

The proposal is seeking development consent through appropriate planning process and all proposed structures will be formalised not to breach the defined airspaces for civil or military aviation purpose.

*9. Lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport.*

All light associated with the proposal will not to prejudice the safe operation of an airport.

*10. Use or development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport.*

The proposed development is of nature that attracts birds or bats to an extent that prejudices the safe operation of an airport

*11. Subject to clause 12, the consent authority must not consent to an application that is not in accordance with the clauses of this zone.*

The proposal is generally in accordance with this zone except where variation to Part 4 of the NT Planning Scheme 2007 is sought pursuant to clause 12 below.

*12. Despite clause 11, the consent authority may consent to a variation of the requirements of Part 4 of the Planning Scheme if it is satisfied that special circumstances justify the giving of consent.*

The proposal entails a variation to the number of demountable structures on site. The reasons for seeking the variation are discussed in detail below in this report.

## 6.1 General Height Control

*The purpose of this clause is to ensure that the height of buildings in a zone is consistent with development provided for by that zone. The height of any building is not to exceed 8.5m above the ground.*

The proposed demountable building structure located on SD47 land zone is approximately 6m in height (8.5m permitted).

### 6.5.1 Parking Requirements

*The purpose of this clause is to ensure that sufficient off-street carparking, constructed to a standard and conveniently located, is provided to service the proposed use of a site. The proposed car parking spaces meet the parking demands generated by the proposed uses and are summarized as follows:*

**Vehicle sales and hire** requires 4 car parking bays for every 100m<sup>2</sup> of net floor area of office Plus 1 for every 200m<sup>2</sup> used for vehicle display.

Use	Net floor area (m <sup>2</sup> )	Parking generated
Vehicle sales and hire	287.6	11.5
Outdoor vehicle display/storage	5000	25
<b>Total</b>		<b>36.5(37)</b>

The development requires 37 car parking bays on site. The proposal provides 57 car parks on site.

### 6.5.3 Parking Layout

*The purpose of this clause is to ensure that a **car parking area** is appropriately designed, constructed and maintained for its intended purpose. The NT Planning Scheme defines “**car parking area**” as an area set aside or designated for the parking of three or more motor vehicles.*

There is only one access point proposed for the site with a minimum width of 6m for two-way traffic flow. The proposed car parking facility is constructed with sealed and well drained surface.

## 6.6 Loading Bays

*The purpose of this clause is to provide for the loading and unloading of vehicles associated with the use of land.*

The development has adequate turning areas for loading and unloading on site.

### 9.1.1 Industrial Setbacks

The purpose of this clause is to ensure that buildings are sited to provide an adequate level of visual amenity in industrial zones. All street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m. All buildings on the site are to be setback 5m from the rear boundary and at least one side boundary.

The nominated primary street frontage to the site is Amy Johnson. Flightpath Road is nominated as the secondary street frontage. The proposed vehicle sales and hire is located on part of the land zoned Specific Use Zone SD47 (Specific Use Darwin) of the NT Planning Scheme 2007. The use and development is to be carried out in accordance with the provisions of Zone LI (Light Industry) under SD47.

The following setbacks are proposed:

Setback Assessment under Table to LI applicable to SD47

<b>BOUNDARY</b>	<b>REQUIRED SETBACK</b> <b>Building Envelope</b>	<b>PROPOSED SETBACK</b>	<b>COMPLIANCE</b> <b>Building Envelope</b>
<b>Primary Street (Amy Johnson)</b> Building	3m	45m	Complies
<b>Secondary Street (Flightpath)</b> Building Verandah	3m 3m	24m 20m	Complies Complies
<b>Side (rear)</b> Building	5m	134m	Complies
<b>Side (eastern)</b> Building	0m	75m	Complies

### 10.3 Clearing of Native Vegetation

1. *The purpose of this clause is to specify the matters to be taken into account in assessing an application for the clearing of native vegetation.*
2. *An application for the clearing of native vegetation is to demonstrate consideration of the following:*
  - (a) *the Land Clearing Guidelines (as amended from time to time) by the Department of Natural*

*Resources, Environment and the Arts;*

- (b) the presence of threatened wildlife as declared under the Territory Parks and Wildlife Conservation Act;*
- (d) the presence of sensitive or significant vegetation communities such as rainforest, vine thicket, closed forest or riparian vegetation;*
- (e) the presence of essential habitats, within the meaning of the Territory Parks and Wildlife Conservation Act;*
- (e) the impact of the clearing on regional biodiversity;*
- (f) whether the clearing is necessary for the intended use;*
- (g) whether there is sufficient water for the intended use;*
- (h) whether the soils are suitable for the intended use;*
- (i) whether the slope is suitable for the intended use;*
- (j) the presence of permanent and seasonal water features such as billabongs and swamps;*
- (k) the retention of native vegetation adjacent to waterways, wetlands and rainforests;*
- (l) the retention of native vegetation buffers along boundaries;*
- (m) the retention of native vegetation corridors between remnant native vegetation;*
- (n) the presence of declared heritage places or archaeological sites within the meaning of the Heritage Act; and*
- (o) the presence of any sacred sites within the meaning of the NT Aboriginal Sacred Sites Act.*

The above performance criteria is similar to subclause 6 of Clause 3.2, Over Lay CNV (Clearing of Native Vegetation under NT Planning Scheme 2020. The performance criteria are fully addressed under **APPENDIX C** to Clause 3.2 of NT Planning Scheme 2020 in this report.

## **NT Planning Scheme 2020**

### **3.2 Over Lay CNV (Clearing of Native Vegetation)**

An overlay applicable to the subject land is Clearing of Native Vegetation (**CNV**) under Clause 3.1.4(c) of the NT Planning Scheme 2020.

*The purpose of this clause is to identify areas with limits to the clearing of native vegetation and ensure that clearing in these areas does not:*

- (a) impact on the conservation values of land within Zone CN; or*
- (b) unreasonably contribute to environmental degradation of the locality*

The proposed development entails clearing of native vegetation. The proposal is accompanied by a detailed application (**APPENDIX C**) for land clearing which addresses performance criteria for clearing of land.

### **Requirements (Clause 5-6)**

5. *The clearing of native vegetation is to:*

- (a) avoid impacts on environmentally significant or sensitive vegetation;*
- (b) be based on land capability and suitability for the intended use;*
- (c) avoid impacts on drainage areas, wetlands and waterways;*
- (d) avoid habitat fragmentation and impacts on native wildlife corridors; and*
- (e) avoid impacts on highly erodible soils.*

6. *An application for the clearing of native vegetation is to demonstrate consideration of the following:*

- (a) the Land Clearing Guidelines (as amended from time to time) by the agency responsible for natural resources and the environment;*
- (b) the presence of threatened wildlife as declared under the Territory Parks and Wildlife Conservation Act 1976;*
- (c) the presence of sensitive or significant vegetation communities such as rainforest, vine thicket, closed forest or riparian vegetation;*
- (d) the presence of essential habitats, within the meaning of the Territory Parks and Wildlife Conservation Act 1976;*
- (e) the impact of the clearing on regional biodiversity;*
- (f) whether the clearing is necessary for the intended use;*
- (g) whether there is sufficient water for the intended use;*
- (h) whether the soils are suitable for the intended use;*
- (i) whether the slope is suitable for the intended use;*
- (j) the presence of permanent and seasonal water features such as billabongs and swamps;*
- (k) the retention of native vegetation adjacent to waterways, wetlands and rainforests;*

- (l) the retention of native vegetation buffers along boundaries;*
- (m) the retention of native vegetation corridors between remnant native vegetation;*
- (n) the presence of declared heritage places or archaeological sites within the meaning of the Heritage Act 2011; and N/A*
- (o) the presence of any sacred sites within the meaning of the NT Aboriginal Sacred Sites Act 1989.*

A detailed application for clearing of native vegetation addressing the above matters is provided at **APPENDIX C** of the development proposal documents attached.

### **5.2.1 General Height Controls**

*The purpose of this clause is to ensure that the height of buildings in a zone is consistent with development provided for by that zone.*

*The height of any part of a building is not to exceed 8.5m above the ground level, unless it is:*

- (a) a flag pole, aerial or antenna; or*
- (b) for the housing of equipment relating to the operation of a lift; or*
- (c) a telecommunications facility.*

The proposed building is approximately 6m in height (8.5m permitted). The demountable structures proposed for storage will be less than 8.5m in height.

#### **5.2.4.1 Car Parking Spaces**

*The purpose of this clause is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site.*

##### **Administration**

1. This clause does not apply where alternative car parking space requirements are established under clause 5.9 (Location specific development requirements).
2. The consent authority may consent to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of car parking spaces is appropriate with regard to:
  - (a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;
  - (b) the provision of car parking spaces in the vicinity of the land;
  - (c) the availability of public transport in the vicinity of the land; and



- (d) the potential impact on the surrounding road network and the amenity of the locality and adjoining property; or if the use or development relates to a heritage place and the Minister responsible for the administration of the Heritage Act 2011 supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place.
3. The consent authority may require the provision of car parking spaces for any ancillary use or development in addition to that specified for the primary use or development in the table to this clause.

### Requirements

4. Use and development is to include the minimum number of car parking spaces specified in the table to this clause (rounded up to the next whole number).

The outdoor storage car park for demountable structures is calculated at ration 1 car park per 250m<sup>2</sup> as there is no clear guidance under the Scheme for this type of use only.

**Table 2 - Parking Requirements**

Use	Net floor area (m <sup>2</sup> )	Parking generated
Demountable storage area	5000	20
<b>Total Required</b>		20

The proposed development requires 20 car parks for outdoor storage located within RD zone portion of land on site. The proposal provides 57 car parks on site. It is noted that 37 of the 57 car parks on site are allocated to motor vehicle sales and hire located on SD47 portion of land on site.

### 5.2.4.4 Layout of Car Parking Areas

*The purpose of this clause is to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.*

#### Administration

1. *This clause does not apply to a car parking area where the car parking is required in association with a dwelling-single, dwelling-independent or a home-based business.*

Not applicable

2. *A car parking area may be used for the purpose of a market if:*  
 (a) *a market is Permitted in the zone; and*  
 (b) *the market operates outside of the operating hours of the use for which the car parking area is established.*

Not applicable

3. *The consent authority may consent to a car parking area that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the amenity of the surrounding locality.*
4. *The consent authority may consent to a car parking area that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development.*

No variation to sub-clauses 7 and 8 sought.

5. *The consent authority may consent to a car parking area that is not in accordance with sub-clause 9 if it is satisfied that the non-compliance will not result in adverse impacts on the local road network or internal functionality of the car parking area.*

There is no variation sought to sub-clauses 9.

### **Requirements**

6. *A car parking area is to:*
  - (a) *be not less than 3m from any lot boundary abutting a road; and*
  - (b) *provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the car parking area when viewed from the road.*

The development proposes 3m-5m buffer of vegetation between the car parking and the street front boundaries.

7. *A car parking area is to be constructed and maintained to be:*
  - (a) *of a suitable gradient for safe and convenient parking; and*
  - (b) *sealed and well drained in urban areas, or dust suppressed in nonurban areas.*

The proposed car parking facility is constructed with sealed and well drained surface.

8. *The layout of a car parking area is to:*
  - (a) *be functional and provide separate access to every car parking space;*
  - (b) *allow a vehicle to enter from and exit to a road in a forward gear;*
  - (c) *be in accordance with the dimensions set out in the diagram to this clause; and*
  - (d) *ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.*

The proposed layout satisfies the above requirements.

9. *The number of access points to the road is to be limited, and access points to car parking areas are to:*
  - (a) *have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and*
  - (b) *maximise sight lines for drivers entering or exiting the car parking area.*

There is only one access point proposed for the site with a minimum width of 6m for two-way traffic flow.

### 5.2.5 Loading Bays

*The purpose of this clause is to provide for the loading and unloading of vehicles associated with the use of land. A warehouse use or development on a site must provide areas wholly within the site for loading and unloading of vehicles at the ratio of :*

- (a) if for an office, restaurant or shop use or development, 1 loading bay for every 2 000m<sup>2</sup> of the total net floor area.*

The development has adequate turning areas for loading and unloading on site.

### 5.2.6 Landscaping

*The purpose of this clause is to ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall amenity of the locality.*

*Where landscaping is required by this Scheme it should be designed so that:*

- (a) planting is focused on the area within the street frontage setbacks side setbacks, communal open space areas and uncovered car parking areas;*
- (b) it maximises efficient use of water and is appropriate to the local climate;*
- (c) it takes into account the existing streetscape, or any landscape strategy in relation to the area;*
- (d) significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained;*
- (e) energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;*
- (f) the layout and choice of plants permits surveillance of public and communal areas; and*
- (g) it facilitates on-site infiltration of stormwater run-off.*

The proposal provides 3m-5m landscaping buffer along the street frontages. The significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained during the clearing of land.

### 5.8.7 Demountable Structures

The purpose of this clause is to ensure that demountable structures do not detract from the visual amenity of an area.

#### **Administration**

1. *Placement of a demountable structure on:*
  - (a) zoned land other than land in Zone G1 and DV requires consent; and*

- (b) and in Zone CL, SC, TC, LI, PS, OR, H, A, RL, R and CP does not require consent if there are no more than two demountable structures on the land.*
- 2. The consent authority may consent to a demountable structure that is not in accordance with sub-clause 4 if it is satisfied that the proposed use and location of the demountable structure make compliance unnecessary.*
  - 3. The consent authority may consent to a demountable structure that is not in accordance with the table to this clause if it is satisfied that the reduced setback is consistent with the purpose of this clause, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.*

The proposed demountable structures located on land zoned RD require planning consent. It is also noted that the demountable structures are merit assessable under the assessment table to zone RD. The land is zoned RD and therefore any placement of demountable structures on site require planning consent. This clause does not specify the number of structures that can be placed on land zoned RD. The structures are not for any particular use other than for being stored and move regularly on site.

The proposal is for storage of up to 50 demountable structures on the part of the development site zoned RD. The plans provided at **APPENDIX A** demonstrate the capacity of the proposed storage area to accommodate up to 50 structures. The proposal entails 3 types of demountable structures to be stored on the nominated area on RD land zone. It is noted that the use is for storage of demountable structures on site only and thereby limiting the number of people who work in the area.

### **Requirements**

#### *4. The placement of a demountable structure is to:*

- (a) include landscaping or architectural embellishments to the demountable structure that will enhance the appearance of the structure; and*
- (b) be visually consistent with adjoining or nearby development.*

The proposed development entails provision of 3m to 5m landscaping buffer along the front boundaries and the southern side boundaries for screening of development. The selection of materials and colours used are consistent with nearby developments.

#### *5. Demountable structures in:*

- (a) zones other than Zones LI, GI and DV are to be set back from lot boundaries in accordance with the table to this clause; and*
- (b) zones LI, GI and DV are to be set back from lot boundaries in accordance with the Table to Clause 5.6.1.*

The proposed setbacks are assessed under the Table to clause 5.6.1 (Setbacks and Building Design Requirements in Zones LI, GI and DV) of NT Planning Scheme 2020.

The following setbacks are proposed:

Setback Assessment under Table to LI applicable to SD47

<b>BOUNDARY</b>	<b>REQUIRED SETBACK</b> Building Envelope	<b>PROPOSED SETBACK</b>	<b>COMPLIANCE</b> Building Envelope
<b>Primary Street (Amy Johnson)</b>	3m	5m	Complies
<b>Secondary Street (Flightpath)</b>	3m	38m	Complies
<b>Side (rear)</b>	5m	99,5m	Complies
<b>Side (eastern)</b> Building	0m	3m	Complies

### **46(3)(b) - Interim Development Control Orders**

There are no interim development control orders applicable to the site or development.

### **46(3)(c) - Environmental Reports**

The development does not require the preparation of any environmental reports or impact statements under the Environmental Assessment Act.

### **46(3)(d) – Merits**

The site was partly cleared in the past and the proposed overall clearing of land will enable the development of the land as proposed. A detailed land clearing application addressing matters under Clause 3.2 CNV (Clearing of Native Vegetation) is provided at APPENDIX C and forming part of this application. The proposed land uses are site responsive as they minimise the number of people that can work on site at any given time due to the nature uses which entails storage of demountable structures and vehicle hire. These land uses are unlikely to inhibit the operation of the operation of the Darwin International Airport and takes into account the safety of people in the zone.

### **46(3)(e) - Land Capability**

The site is considered capable of supporting the proposed development as the proposal does not affect the existing terrain. The impact of the development is not beyond what would be normally

expected of this type of development. Appropriate measures will be taken to ensure all stormwater is directed into Council's established drainage system.

#### **46(3)(f) - Public Facilities and Public Open Space**

The land is nominated for zone SD47 and RD land zonings. The land is developed consistent with the land zonings and therefore not expected to create an additional need for public facilities or public open space as the needs are catered for within the requirements of the locality.

#### **46(3)(g) - Public Utilities and Infrastructure**

The site is located close to reticulated power, water and sewer services in the locality.

#### **46(3)(h) – Amenity**

The NT Planning Scheme defines amenity, in relation to a locality or building, as any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable. The proposed development aims to promote the intent and purpose of the Scheme in relation to amenity by promoting the land use that operates in manner that respects amenity of developments within the locality.

#### **46(3)(j) - Public Interest**

The proposed development is considered consistent with the public's expectation of the land use in the area.

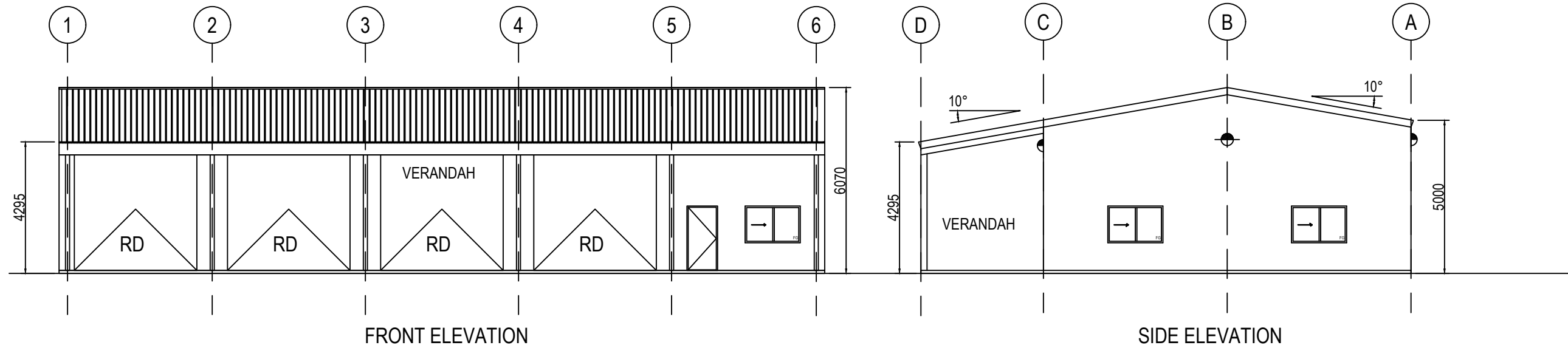
#### **46(3)(k) - Building Act Compliance**

The proposed building works are subject to regulatory controls under the *Building Act*.

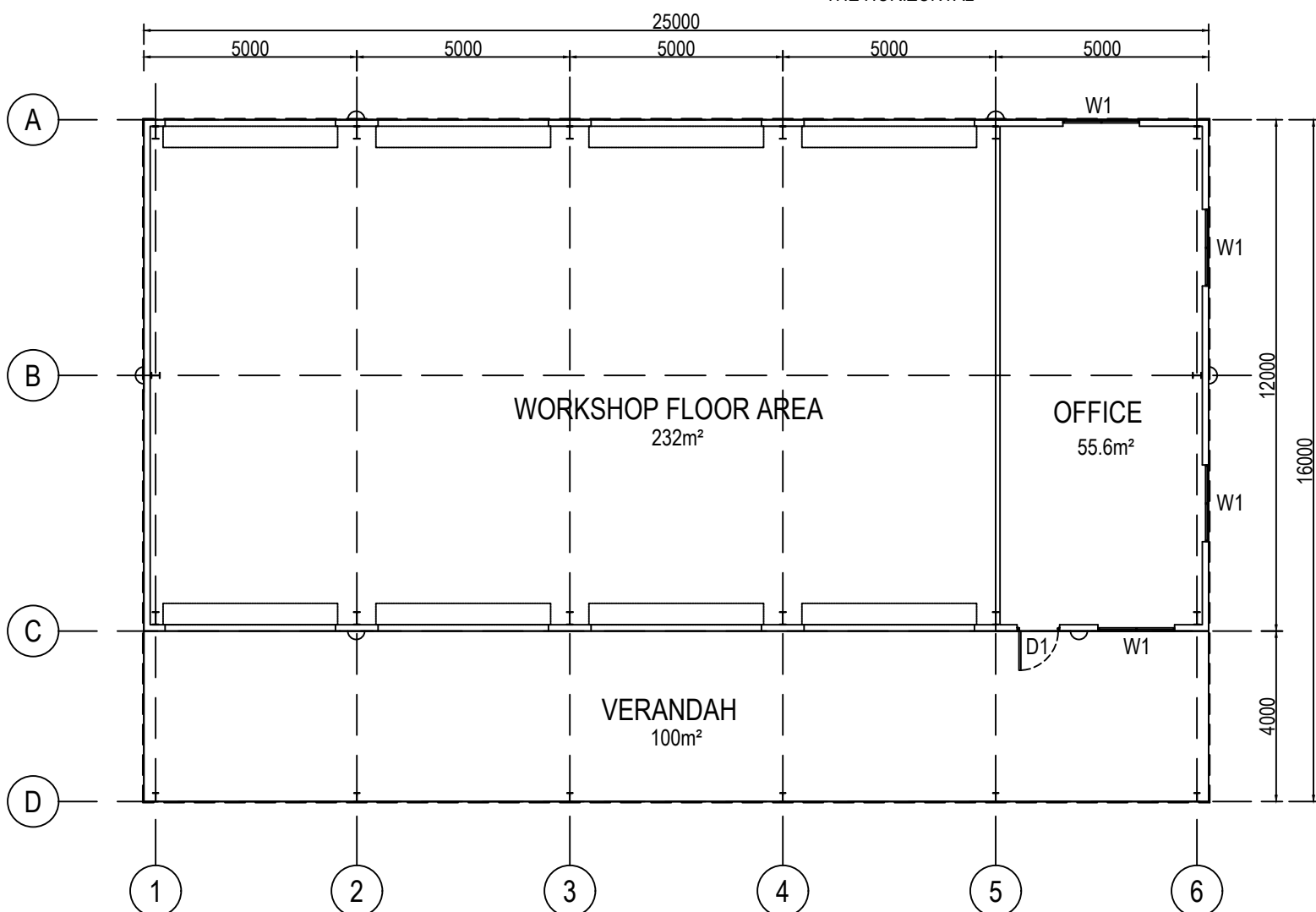
## **6.0 Conclusion**

---

Overall, the proposal seeks to use the land in a manner that does not negatively impact on the operation of the Darwin International Airport or prejudice the ongoing safety and efficiency of an airport, including provision for future expansion as outlined in the outcomes of the land zonings. The proposed development is generally consistent with the requirements of the NT Planning Scheme 2007 and 2020.



NOTE - ALL EXTERNAL LIGHT FITTING TO INCORPORATE SCREENING TO LIMIT THE LIGHT EMISSION TO ZERO ABOVE THE HORIZONTAL



ACOUSTIC TREATMENT SCHEDULE AS PER AS2021			
COMPONENT	REFERENCE	MIN. ACOUSTIC RATING	RECOMMENDED TREATMENT
WINDOWS	W1	RW38	MIN 14.38 THK LAMINATED GLASS WITH FULL PERIMETER ACOUSTIC RATED SEALS
DOOR	D1	RW33	45mm SOLID CORE, STEEL CLAD, PAINT FINISH, LEVER SET, FULL PERIMETER INCLUDING BOTTOM ACOUSTIC DOOR SEALS, POWDER COAT STEEL DOOR FRAME, MINIMUM 10mm OVERLAP.
EXTERNAL WALL		RW50	13mm PLASTERBOARD, 75mm STEEL STUD FRAME WALL, R2.0 FLETCHERS SOUND BREAK BATTS, 13mm ENVIROBOARD, 0.42 TRIMDEK EXTERNAL WALL CLADDING
CEILING		RW43	16mm PLASTERBOARD, R3.0 GLASSWOOL ISULATION IN CAVITY

- PROPOSED USE**
- VEHICLE HIRE OR SALES 5000m2
  - DEMOUNTABLES 5000m2

CLIENT: JOHN & LINDA TANNOS

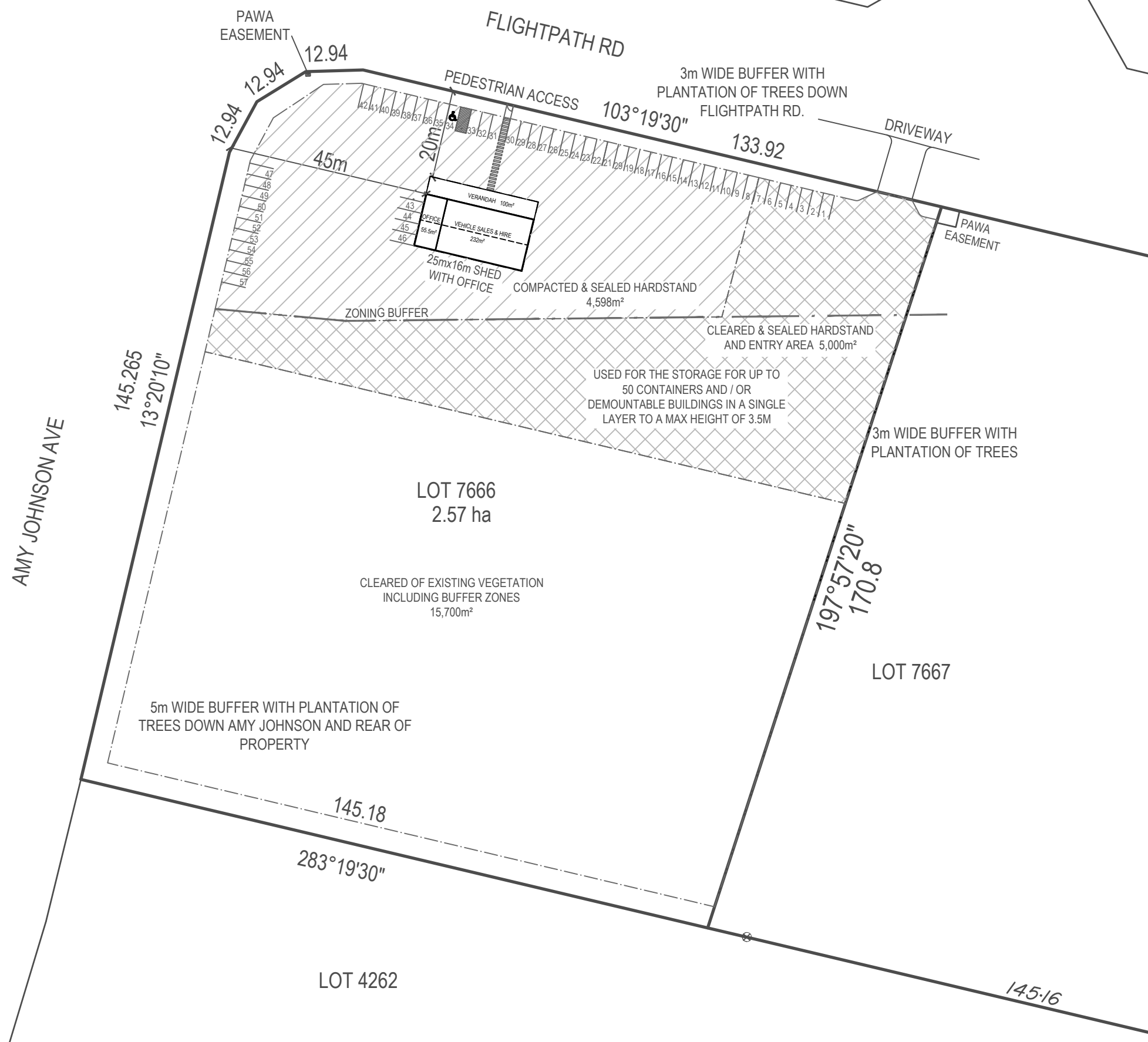
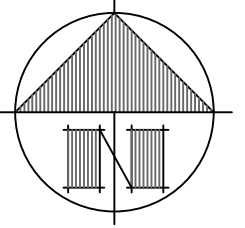
PROJECT: LOT 7666  
8 FLIGHTPATH RD  
BERRIMAH

PLAN: PROPOSED SHED PLAN & ELEVATIONS

DRAWN BY: ZM      DATE: 9/08/2023      SCALE: 1:150@A3

SHEET: 2      REVISION: 2

**PROPOSED SHED**  
STEEL FRAMED  
WALLS - TRIMDECK  
ROOF - TRIMDECK

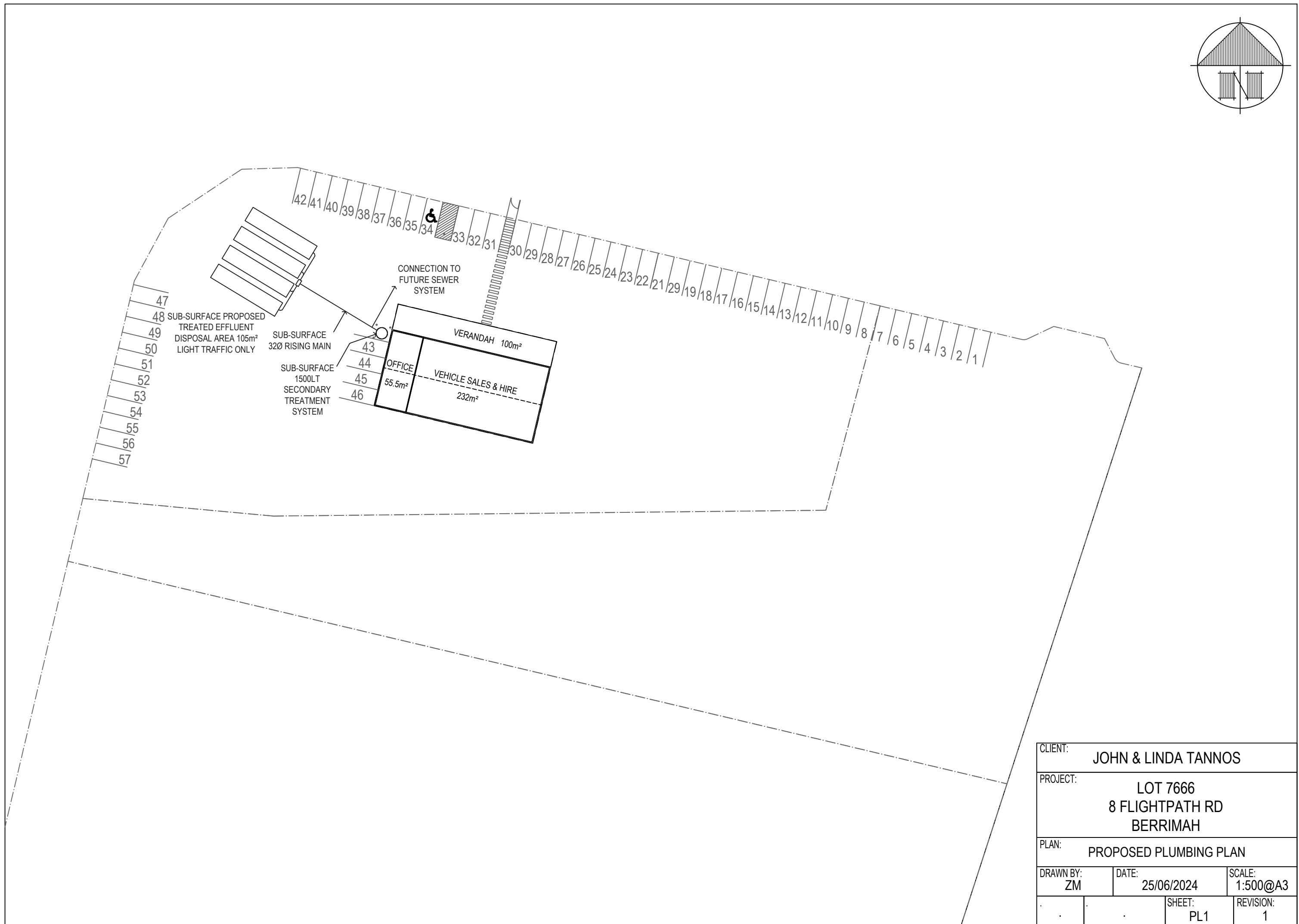
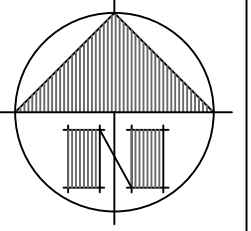


**PROPOSED USE**

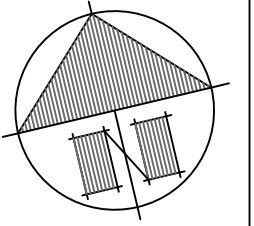
- VEHICLE HIRE OR SALES 5000m2
- DEMOUNTABLES 5000m2

CLIENT:			JOHN & LINDA TANNOS		
PROJECT:			LOT 7666 8 FLIGHTPATH RD BERRIMAH		
PLAN:			SITE PLAN		
DRAWN BY:	DATE:	SCALE:			
ZM	2/11/2023	1:1000@A3			
SHEET:		REVISION:			
1		1			





CLIENT:	JOHN & LINDA TANNOS		
PROJECT:	LOT 7666 8 FLIGHTPATH RD BERRIMAH		
PLAN:	PROPOSED PLUMBING PLAN		
DRAWN BY:	DATE:	SCALE:	
ZM	25/06/2024	1:500@A3	
	SHEET:	REVISION:	
	PL1	1	



FLIGHTPATH RD

AUSTROADS  
PRIME MOVER & LONG SEMI-TRAILER  
(25 m) Radius 12.5m

DRIVEWAY

PAWA  
EASEMENT

PEDESTRIAN  
ACCESS

PEDESTRIAN  
ACCESS

PAWA  
EASEMENT

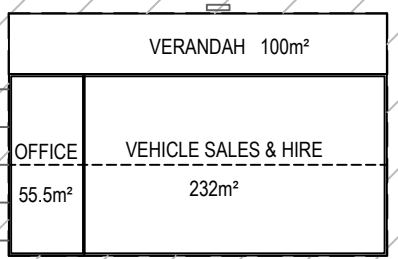
42 41 40 39 38 37 36 35 34 33 32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

VISITORS CAR PARKING

DISPLAY CAR PARKING  
TYPICAL CARPARK  
5.5m LONG X 2.5m WIDE

STAFF CAR  
PARKING

43  
44  
45  
46



25mx16m SHED  
WITH OFFICE

COMPACTED & SEALED  
HARDSTAND  
4,598m²

CLEARED & SEALED HARDSTAND 5,000m²

TRUCK  
LOADING ZONE  
20m x 15m

47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
DISPLAY CAR PARKING

ZONING BUFFER

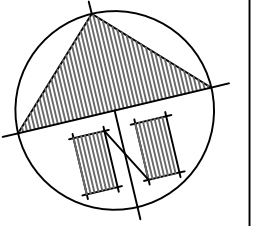
3m WIDE BUFFER WITH  
PLANTATION OF TREES

USED FOR THE STORAGE FOR UP TO 50  
CONTAINERS AND / OR DEMOUNTABLE BUILDINGS  
IN A SINGLE LAYER TO A MAX HEIGHT OF 3.5M

LOT 7666  
2.57 ha

AUSTROADS  
PRIME MOVER & LONG SEMI-TRAILER  
(25 m) Radius 15m  
INDICATIVE TURNING SPEED 5-15 km/h

CLIENT:			JOHN & LINDA TANNOS		
PROJECT:			LOT 7666 8 FLIGHTPATH RD BERRIMAH		
PLAN:			ACCESS & PARKING PLAN		
DRAWN BY:	DATE:	SCALE:			
ZM	16/11/2023	1:500@A3			
SHEET:		REVISION:			
VA1 OF 2		1			



50  
51  
52  
53  
54  
55  
56  
57  
5500  
DISPLAY CAR PARK

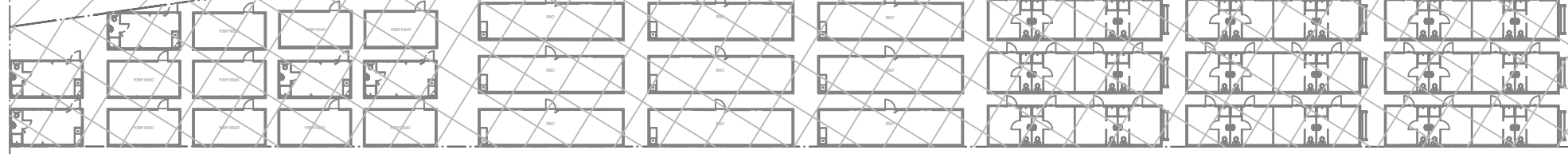
25m x 16m SHED  
WITH OFFICE

TRUCK  
LOADING ZONE  
20m x 15m

CLEARED & SEALED HARDSTAND 5,000m<sup>2</sup>

ZONING BUFFER

3m WIDE BUFFER WITH  
PLANTATION OF TREES



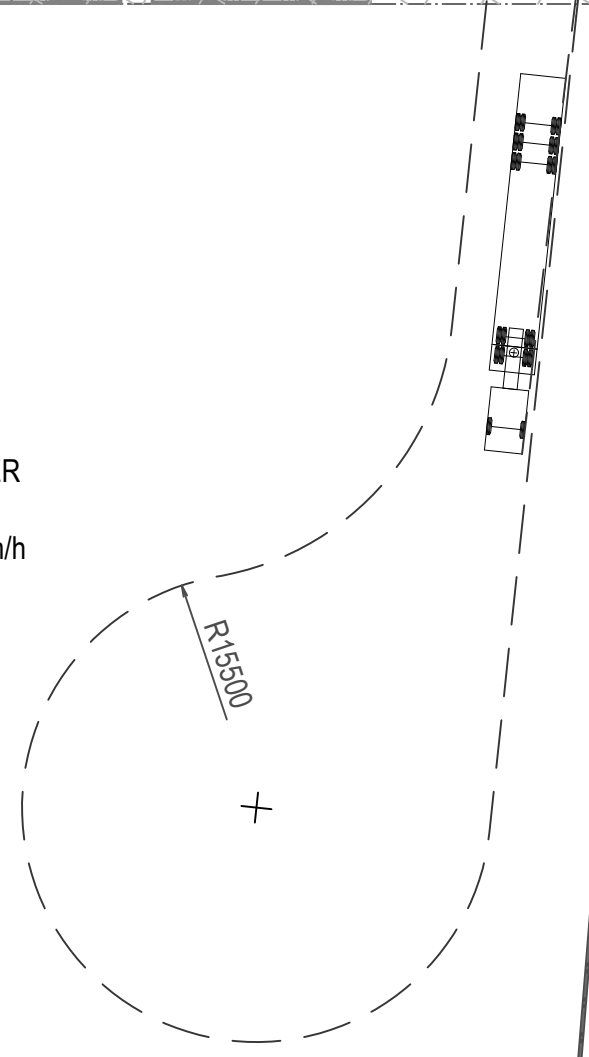
USED FOR THE STORAGE FOR UP TO 50  
CONTAINERS AND / OR DEMOUNTABLE BUILDINGS  
IN A SINGLE LAYER TO A MAX HEIGHT OF 3.5M

5000

LOT 7666  
2.57 ha

AUSTROADS  
PRIME MOVER & LONG SEMI-TRAILER  
(25 m) Radius 15m  
INDICATIVE TURNING SPEED 5-15 km/h

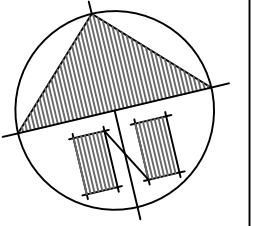
CLEARED OF EXISTING VEGETATION  
INCLUDING BUFFER ZONES  
15,700M<sup>2</sup>



LOT 7667

5m WIDE BUFFER WITH PLANTATION OF  
TREES DOWN AMY JOHNSON AND REAR OF  
PROPERTY

CLIENT: JOHN & LINDA TANNOS		
PROJECT: LOT 7666 8 FLIGHTPATH RD BERRIMAH		
PLAN: ACCESS & PARKING PLAN		
DRAWN BY: ZM	DATE: 16/11/2023	SCALE: 1:500@A3
SHEET: VA2 OF 2		REVISION: 2



FLIGHTPATH RD

AUSTROADS  
PRIME MOVER & LONG SEMI-TRAILER  
(25 m) Radius 12.5m

DRIVEWAY

PAWA  
EASEMENT

PEDESTRIAN  
ACCESS

PEDESTRIAN  
ACCESS

PAWA  
EASEMENT

42 41 40 39 38 37 36 35 34 33 32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

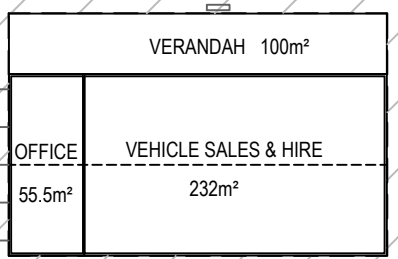
VISITORS CAR PARKING

DISPLAY CAR PARKING  
TYPICAL CARPARK  
5.5m LONG X 2.5m WIDE

23800

STAFF CAR  
PARKING

43  
44  
45  
46



25mx16m SHED  
WITH OFFICE

COMPACTED & SEALED  
HARDSTAND  
4,598m²

CLEARED & SEALED HARDSTAND 5,000m²

TRUCK  
LOADING ZONE  
20m x 15m

47  
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55  
56  
57  
DISPLAY CAR PARKING

ZONING BUFFER

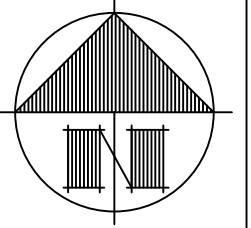
3m WIDE BUFFER WITH  
PLANTATION OF TREES

USED FOR THE STORAGE FOR UP TO 50  
CONTAINERS AND / OR DEMOUNTABLE BUILDINGS  
IN A SINGLE LAYER TO A MAX HEIGHT OF 3.5M

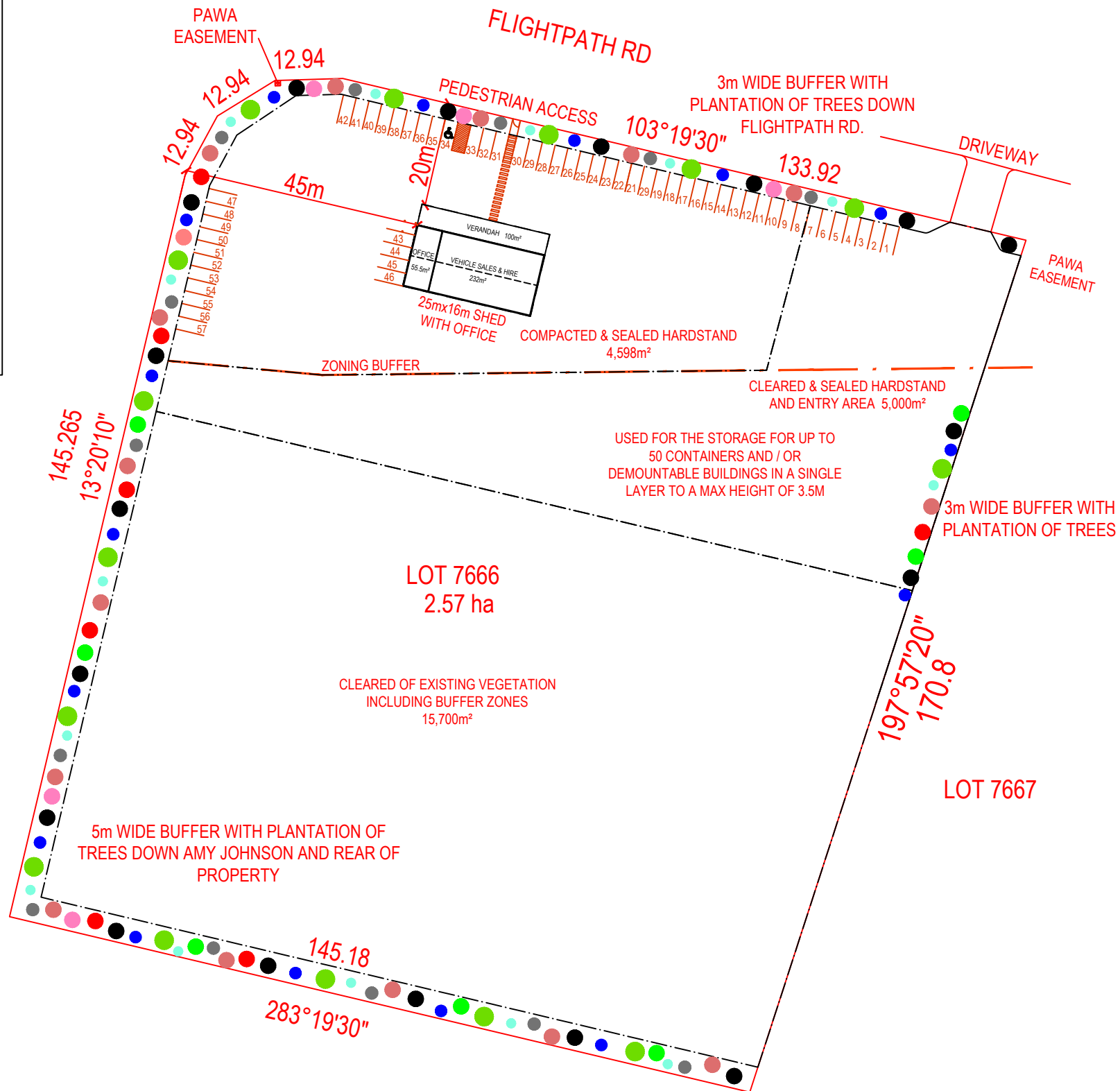
LOT 7666  
2.57 ha

AUSTROADS  
PRIME MOVER & LONG SEMI-TRAILER  
(25 m) Radius 15m  
INDICATIVE TURNING SPEED 5-15 km/h

CLIENT:			JOHN & LINDA TANNOS		
PROJECT:			LOT 7666 8 FLIGHTPATH RD BERRIMAH		
PLAN:			ACCESS & PARKING PLAN		
DRAWN BY:	DATE:	SCALE:			
ZM	16/11/2023	1:500@A3			
SHEET:		REVISION:			
VA1 OF 2		1			



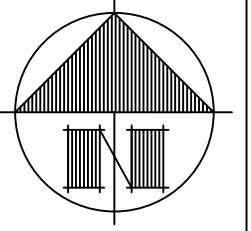
PLANTING LEGEND	
●	ATALAYA VARIFOLIA 3-6m
●	ACACIA ALLENIONA 2-5m
●	ACACIA DUNNI 4-7m
●	ASTEROMYITUS MAGNIFICA 1-3m
●	BARRINGTONIA ACUTANGULA 3-5m
●	COLLISTENON 4m
●	CORYMBIA 4-7m
●	GREVILLEA DECURREN 2-4m
●	GREVILLEA HELIOSPERMA 5-7m
●	GREVILLEA PARALLELA 3-6m



### PROPOSED USE

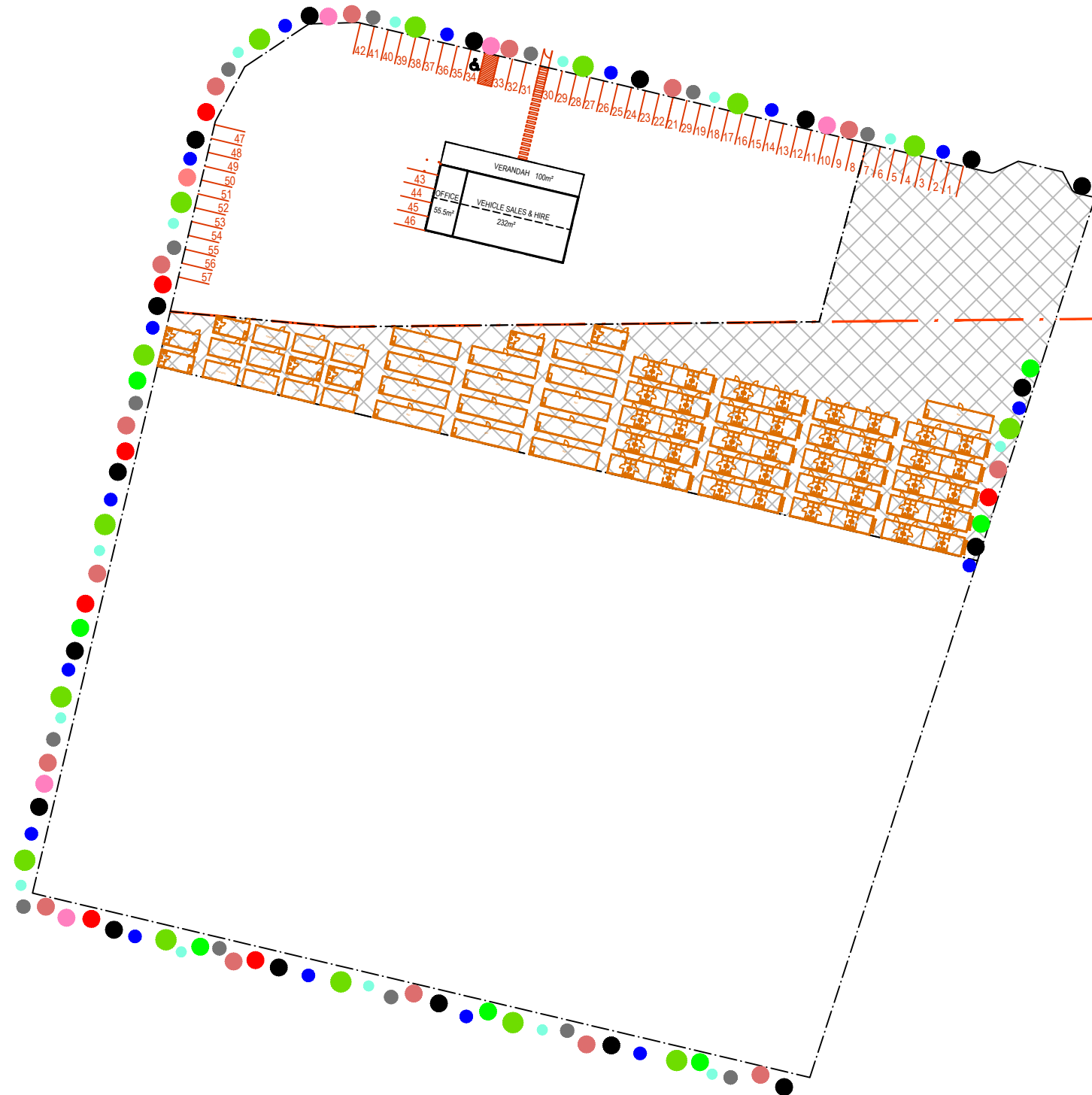
- VEHICLE HIRE OR SALES 5000m<sup>2</sup>
- DEMOUNTABLES 5000m<sup>2</sup>

CLIENT:			JOHN & LINDA TANNOS		
PROJECT:			LOT 7666 8 FLIGHTPATH RD BERRIMAH		
PLAN:			PROPOSED PLANTING PLAN		
DRAWN BY:	DATE:	SCALE:			
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		SHEET:	REVISION:		
		3	1		



**PLANTING LEGEND**

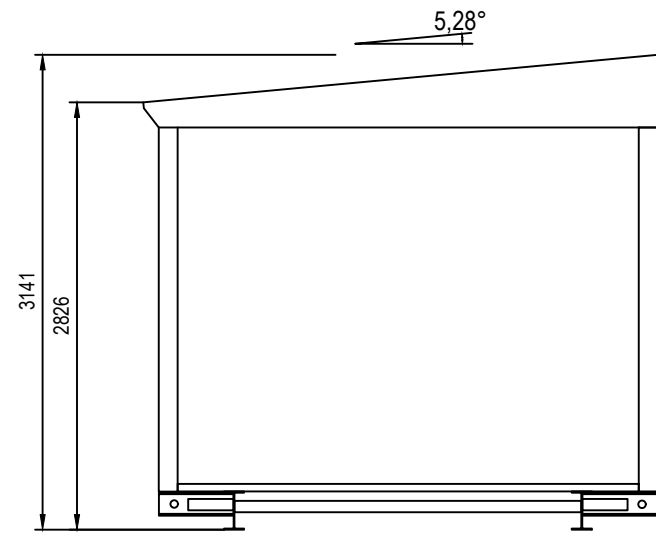
- ATALAYA VARIFOLIA 3-6m
- ACACIA ALLENIONA 2-5m
- ACACIA DUNNI 4-7m
- ASTEROMYITUS MAGNIFICA 1-3m
- BARRINGTONIA ACUTANGULA 3-5m
- COLLISTENON 4m
- CORYMBIA 4-7m
- GREVILLEA DECURREN 2-4m
- GREVILLEA HELIOSPERMA 5-7m
- GREVILLEA PARALLELA 3-6m



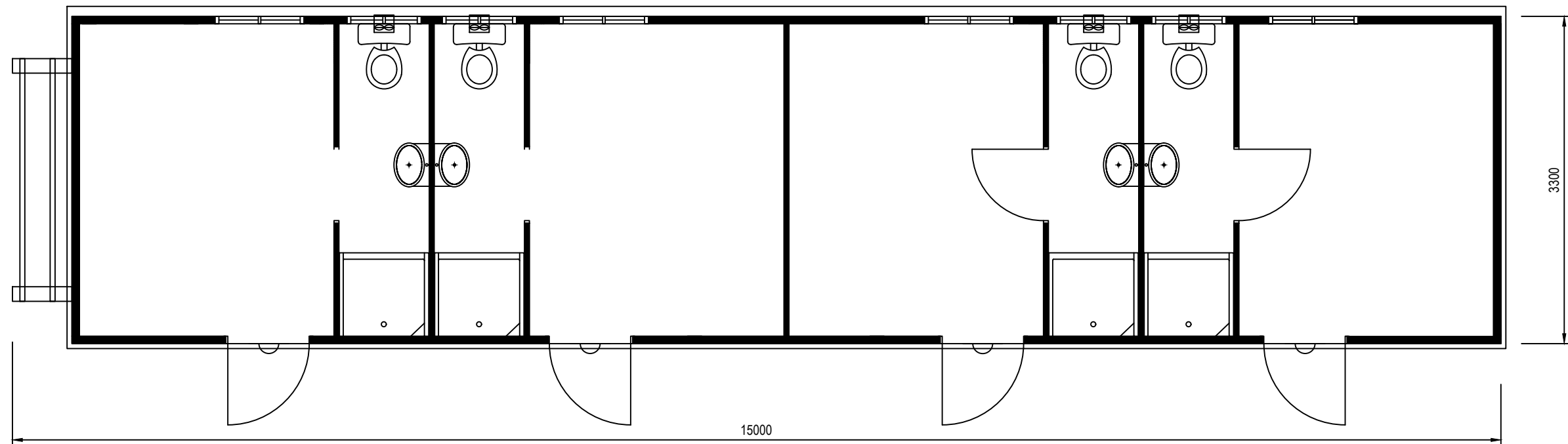
**PROPOSED USE**

- VEHICLE HIRE OR SALES 5000m2
- DEMOUNTABLES 5000m2

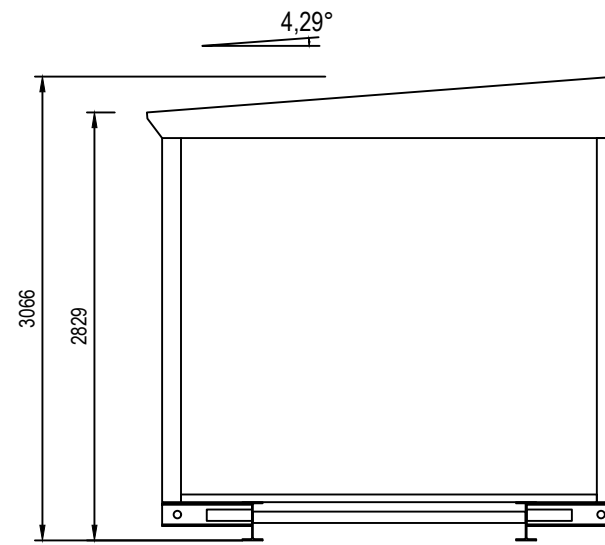
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PROJECT:			LOT 7666 8 FLIGHTPATH RD BERRIMAH		
PLAN:			PROPOSED 50 DEMOUNTABLE PLAN		
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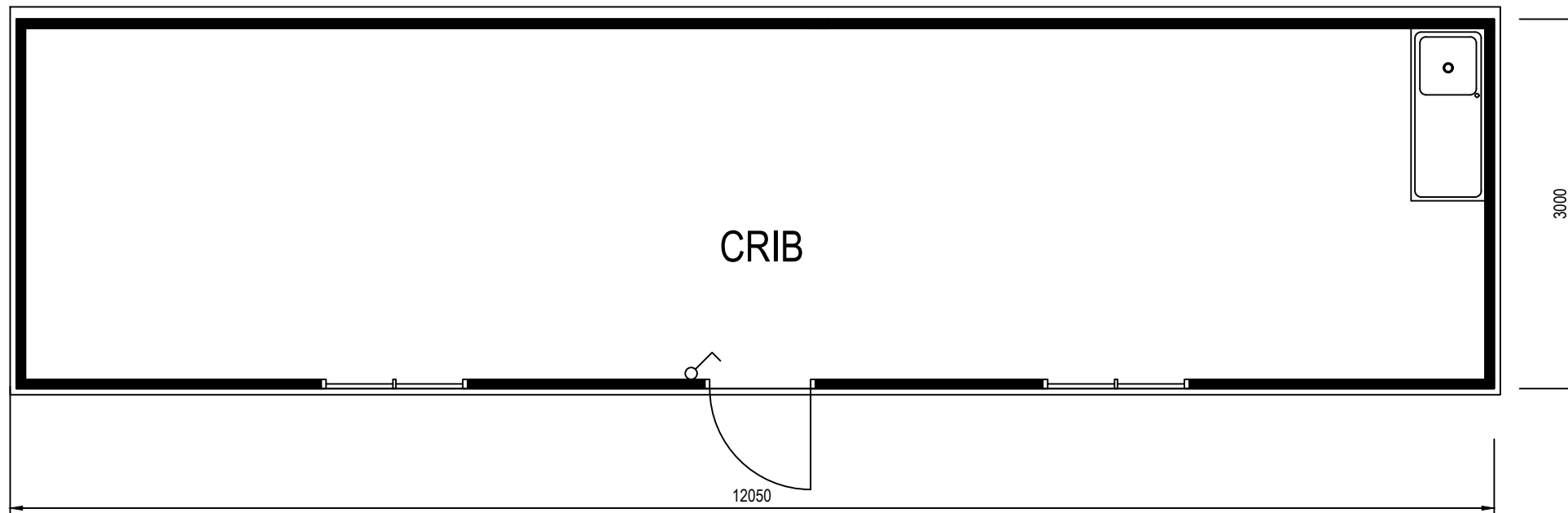
TYPICAL END ELEVATION



CLIENT:			JOHN & LINDA TANNOS		
PROJECT:			LOT 7666 8 FLIGHTPATH RD BERRIMAH		
PLAN:			TYPICAL 14.4x3.3 BUNKHOUSE		
DRAWN BY:	DATE:	SCALE:			
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		SHEET:	REVISION:		
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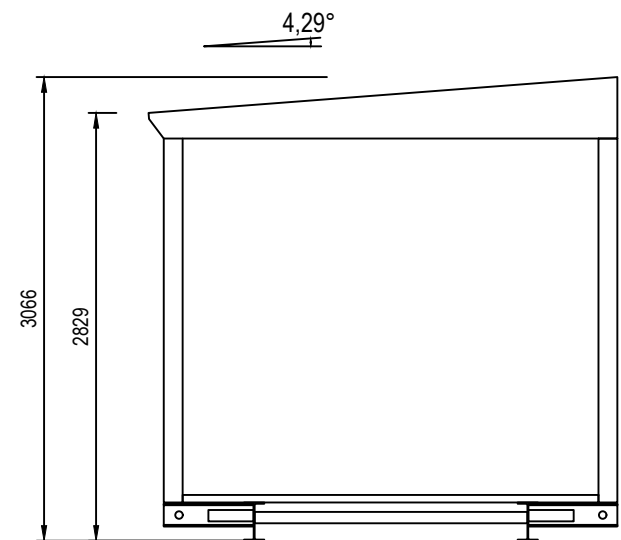


TYPICAL END ELEVATION

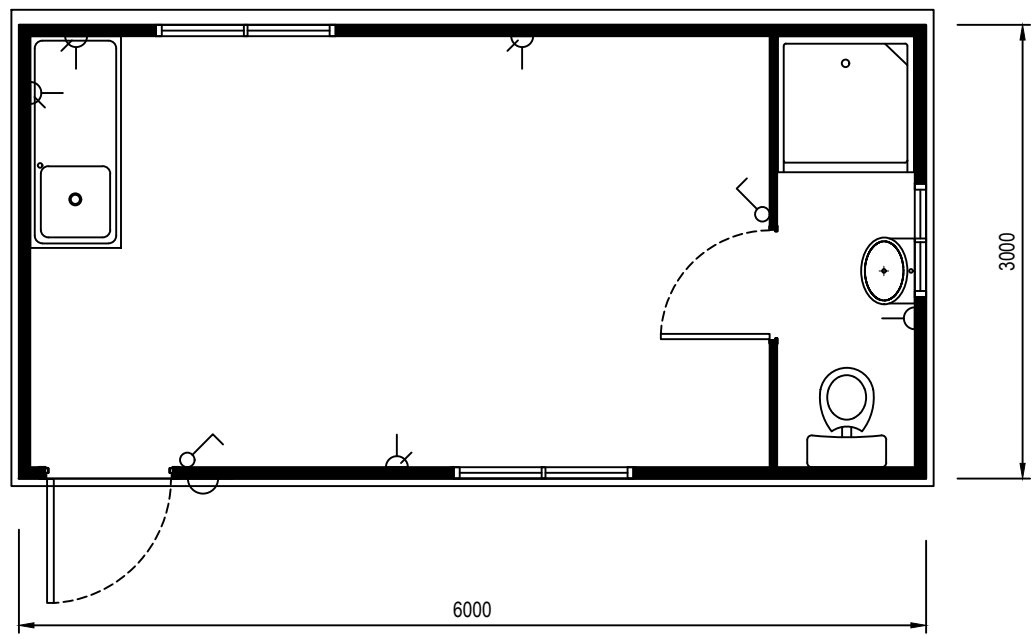


CLIENT:			JOHN & LINDA TANNOS		
PROJECT:			LOT 7666 8 FLIGHTPATH RD BERRIMAH		
PLAN:			TYPICAL 12.0x3.0 CRIB ROOM		
DRAWN BY:	DATE:	SCALE:			
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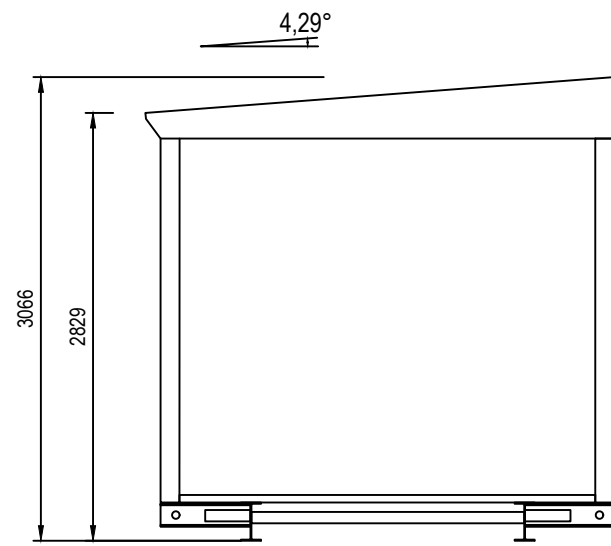




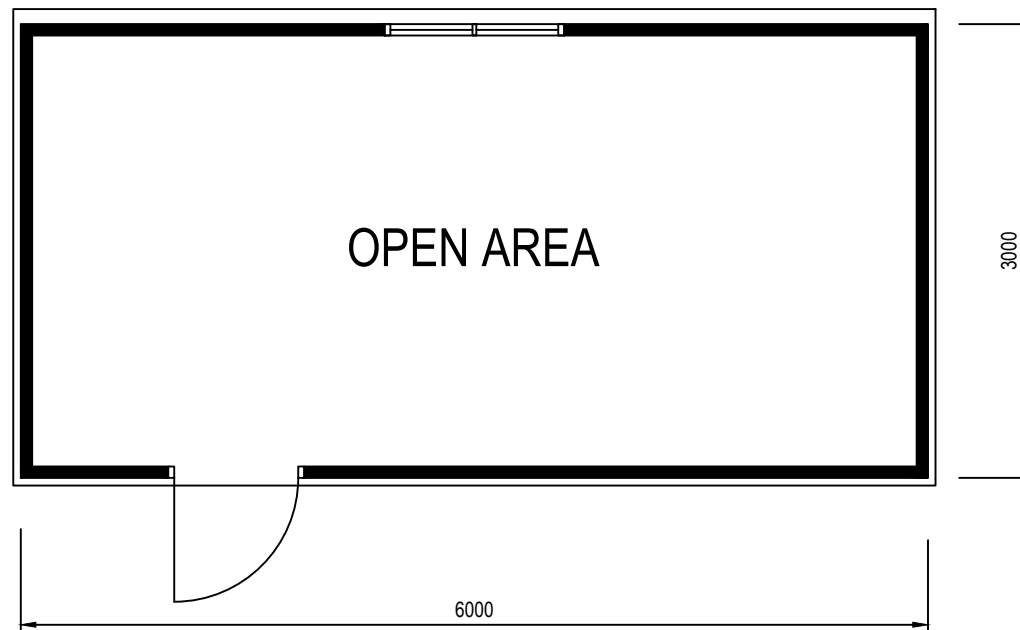
TYPICAL END ELEVATION



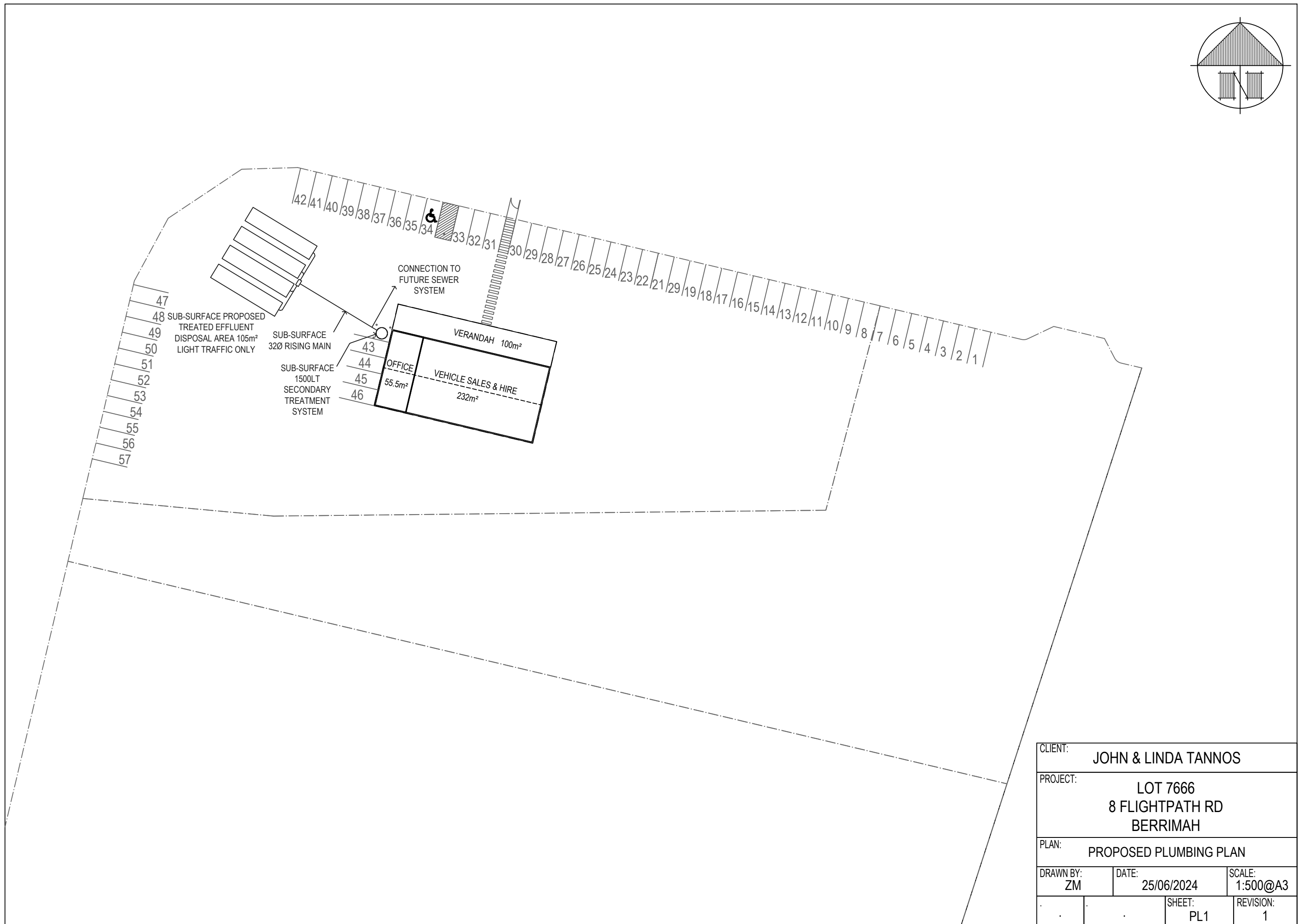
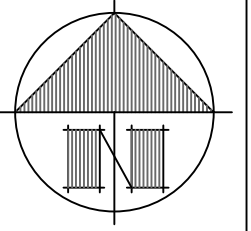
CLIENT:				JOHN & LINDA TANNOS	
PROJECT:				LOT 7666 8 FLIGHTPATH RD BERRIMAH	
PLAN:				TYPICAL 6.0x3.0 LIVING UNIT	
DRAWN BY: ZM		DATE: 3/11/2023		SCALE: 1:50@A3	
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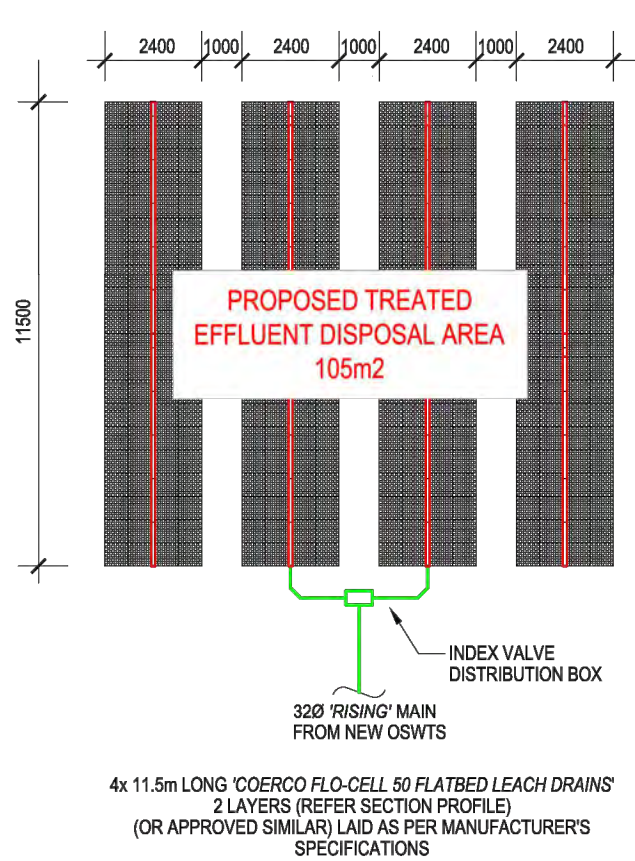
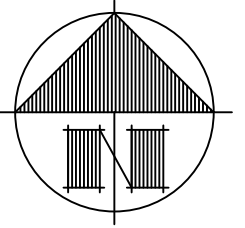
TYPICAL END ELEVATION



CLIENT:			JOHN & LINDA TANNOS		
PROJECT:			LOT 7666 8 FLIGHTPATH RD BERRIMAH		
PLAN:			TYPICAL 6.0x3.0 OPEN AREA		
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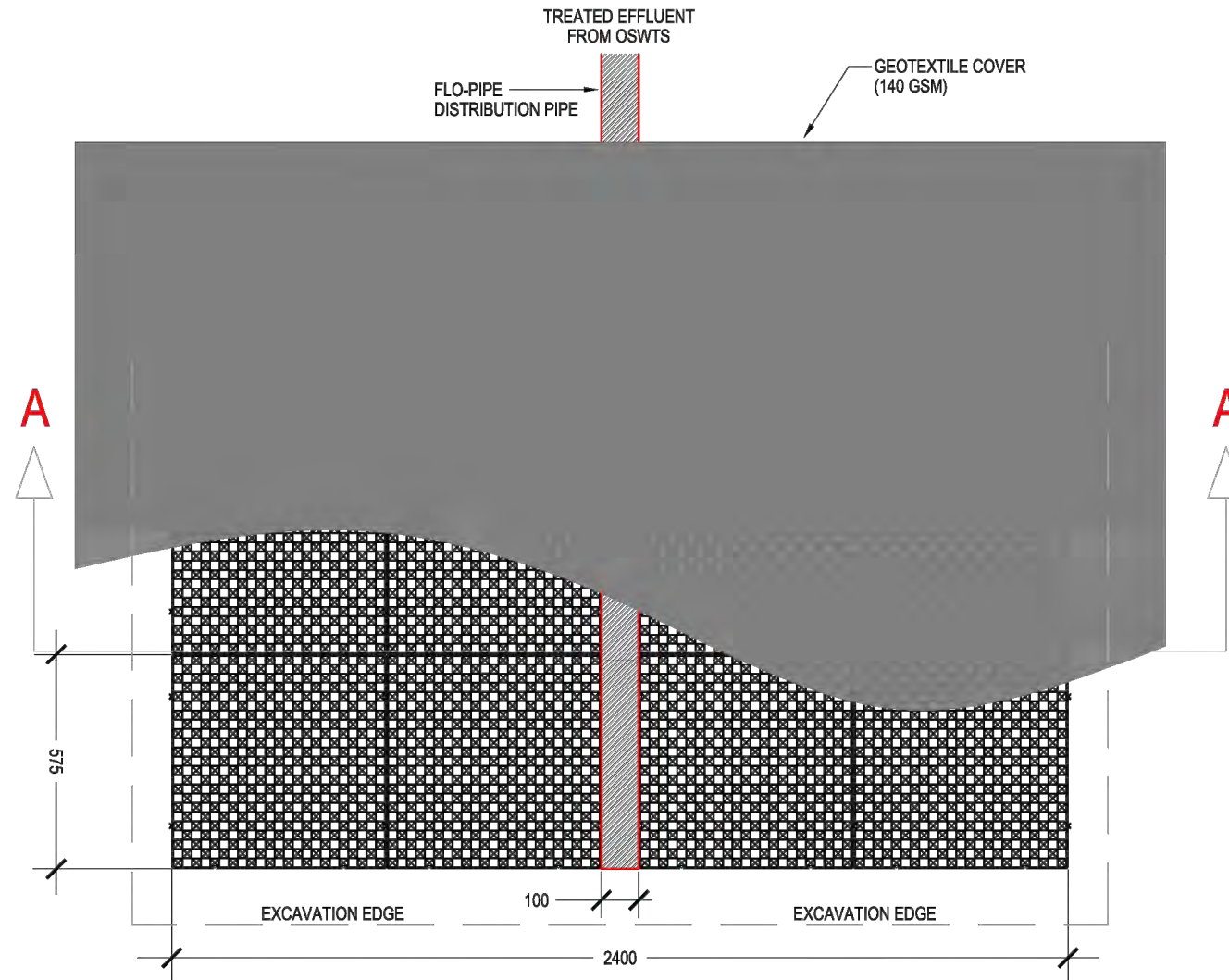
CLIENT:	JOHN & LINDA TANNOS		
PROJECT:	LOT 7666 8 FLIGHTPATH RD BERRIMAH		
PLAN:	PROPOSED PLUMBING PLAN		
DRAWN BY:	DATE:	SCALE:	
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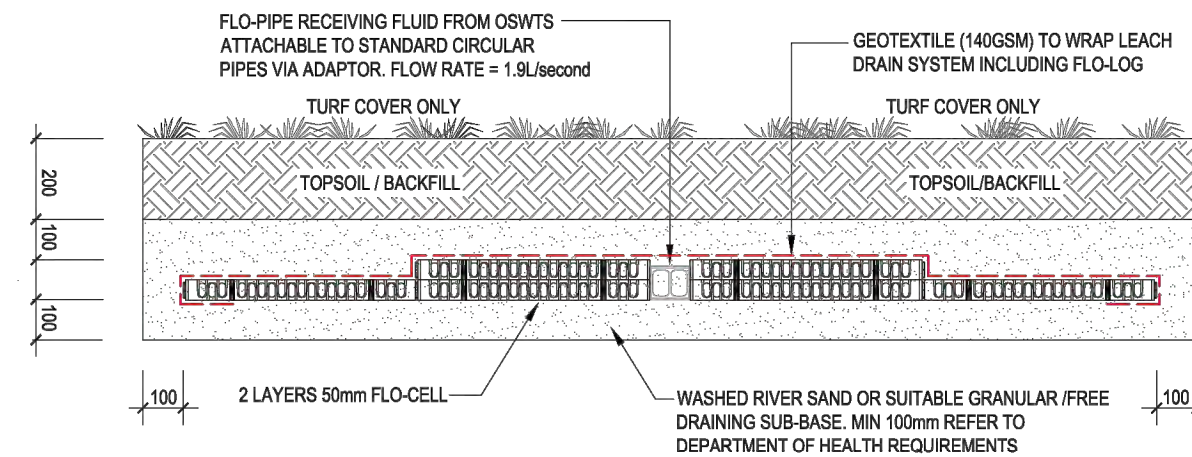
**PROPOSED 'COERCO FLATBED' LEACH DRAINS HD - PLAN VIEW**  
SCALE: 1:100

COERCO FLAT BED LEACH DRAIN CALCULATOR		
Daily Flow Rate	1,050 L/day	
DLR (Design Load Rating)*	10 mm/day	
Infiltration Area Required	105.0 m <sup>2</sup>	
Infiltrative Area per meter length (m <sup>2</sup> /m)	2.30 m <sup>2</sup> /m	
Number of leach drain beds	4	
Setback between beds	1.000 m	
Required Length per Bed	11.500 lm	
Total Infiltration Area Provided**	105.80 m <sup>2</sup>	
Leach Drain Footprint	Total Width	12.600 m
	Total Length	11.500 m

**'COERCO FLATBED' LEACH DRAINS CALCULATOR**  
SCALE: NOT TO SCALE



**PLAN VIEW**



**SECTION A**

NOTE: COERCO FLATBED LEACH DRAINS PROVIDE INFILTRATIVE AREA OF 2.3m<sup>2</sup>/LM WITH A 2.4m TOTAL WIDTH AND COME IN 0.575m INCREMENTS OF LENGTH

**PROPOSED 'COERCO FLATBED' LEACH DRAINS HD - SECTION**  
SCALE: 1:10

CLIENT:	JOHN & LINDA TANNOS		
PROJECT:	LOT 7666 8 FLIGHTPATH RD BERRIMAH		
PLAN:	PROPOSED PLUMBING PLAN		
DRAWN BY:	DATE:	SCALE:	
ZM	25/06/2024	NTS@A3	
	SHEET:	REVISION:	
	PL2	0	

## Madison Harvey

---

**From:** Toni N Thomson <ToniN.Thomson@nt.gov.au> on behalf of Water Licensing <Water.Licensing@nt.gov.au>  
**Sent:** Friday, 14 June 2024 3:49 PM  
**To:** 'israel.k@oneplanningconsult.com.au'  
**Subject:** RE: LOT 7666 (8) FLIGHTPATH ROAD - Application for Bore

Good afternoon Israel,

Please note that property 8 Flightpath Road is located outside of a water control district and a bore work permit is not required.

Kind regards,

**Toni Thomson**

Water Licensing Officer  
Water Resources Division  
Department of Environment, Parks and Water Security  
Northern Territory Government

Floor 3, Goyder Centre,  
25 Chung Way Tce, Palmerston 0830  
PO Box 496, Palmerston NT 0831

P: +61 8 8999 3690  
E: [tonin.thomson@nt.gov.au](mailto:tonin.thomson@nt.gov.au)



Stay up to date and connect with Environment, Parks and Water Security



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Please consider the environment before printing this email

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**From:** israel.k@oneplanningconsult.com.au <israel.k@oneplanningconsult.com.au>  
**Sent:** Thursday, 13 June 2024 6:09 PM  
**To:** Water Licensing <Water.Licensing@nt.gov.au>

Cc: 'John @ Demountable Sales & Hire' <john@dshnt.au>  
Subject: LOT 7666 (8) FLIGHTPATH ROAD - Application for Bore

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi,

Please note the attached application and supporting documents for the proposed bore at the subject property.

Feel free to contact us for any clarification.

Kind regards,



ISRAEL T KGOSIEMANG  
BSc URP MPIA

0417 787 473  
israel.k@oneplanningconsult.com.au  
P.O.Box 42279, Casuarina NT 0811

Facebook, Twitter, LinkedIn, Instagram icons

One Planning CONSULT

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# NORTHERN TERRITORY OF AUSTRALIA

*Planning Act - sections 54 and 55*

## DEVELOPMENT PERMIT

DP15/0443

### DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Section 04440  
Hundred of Bagot  
10 BOULTER RD, BERRIMAH

### APPROVED PURPOSE

To use and develop the land for the purpose of a subdivision to create 4 lots, in accordance with the attached schedule of conditions and the endorsed plans.

### VARIATIONS GRANTED

Clause 11.1.1 (Minimum Lot Sizes and Requirements) 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.



Sally Cunningham  
2015.07.23  
16:58:03 +09'30'

**SALLY CUNNINGHAM**  
Delegate  
Development Consent Authority

23/07/2015

## **DEVELOPMENT PERMIT**

DP15/0443

### **SCHEDULE OF CONDITIONS**

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plan submitted with the application but modified to show:  
(a) Staging (2 stages) of the development to enable proposed lots 1 and 2 to be titled independently of proposed lots 3 and 4.
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

#### **GENERAL CONDITIONS**

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. 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.
5. 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.
6. 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.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. Engineering design and specifications for the proposed and affected roads, stormwater drainage, 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.
9. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.



10. Before issue of titles for Lots 3 and 4, the east-west connector road from Amy Johnson Avenue must be established and access to each lot must be to the satisfaction of City of Darwin.
11. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

## **NOTES**

1. A "Permit to Work Within a Road Reserve" may be required from the Department of Transport and/or the City of Darwin before commencement of any work within the road reserve.
2. 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 Department of Land Resource Management.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 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.

**NORTHERN TERRITORY OF AUSTRALIA**

*Planning Act - Section 57(3)*

**VARIATION OF CONDITIONS**

DP15/0443A

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

Section 04440  
Hundred of Bagot  
10 BOULTER RD, BERRIMAH

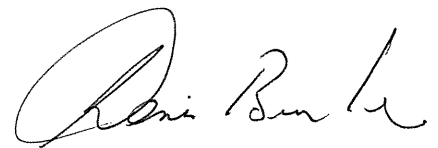
**VARIATION**

Consent is granted to delete Condition 1 and vary Condition 3 of Development Permit DP15/0443 for the purpose of minor changes to the layout and for the subdivision to occur in 3 stages, in accordance with the drawings endorsed as forming part of this permit.

In all other respects Development Permit DP15/0443 remains unchanged.

**BASE PERIOD OF THE PERMIT**

This permit does not extend the base period of the original permit



**DENIS BURKE**  
Delegate  
Development Consent Authority

21/10/2016

## **SCHEDULE OF CONDITIONS**

### **DEVELOPMENT PERMIT**

DP15/0443A

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

#### **GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings numbered 2015/0441/A and 2015/0411/A1 as forming part of this permit.
3. 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
4. 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.
5. 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.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. Engineering design and specifications for the proposed and affected roads, stormwater drainage, 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.
8. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
9. Before issue of titles for Lots 3 and 4, the east-west connector road from Amy Johnson Avenue must be established and access to each lot must be to the satisfaction of City of Darwin.
10. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

## NOTES

1. A "Permit to Work Within a Road Reserve" may be required from the Department of Transport and/or the City of Darwin before commencement of any work within the road reserve.
2. 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 Department of Land Resource Management.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 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.



This document contains drawing numbers:  
 2015/0411/01A  
 Referred to in Permit No: DP15/0443A  
 Issued by the consent authority on: 22/10/2016

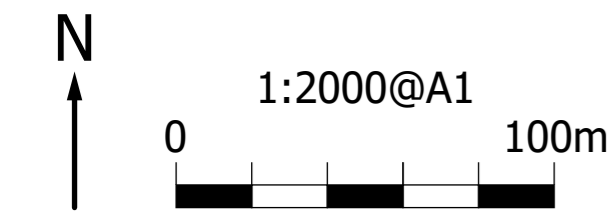
*All drawings contained within this document have been authorised by the delegate of the consent authority.*

\_\_\_\_\_  
 Delegate

PROPOSED LAND DIVISION WITH STAGING

LOT 4440  
 HUNDRED OF BAGOT  
 (Plan Amended 03 July 2017)

- STAGE ONE
- STAGE TWO
- STAGE THREE



Northern Planning Consultants  
 Darwin Corporate Park, Unit 6, T212  
 631 Stuart Highway  
 BERRIMAH

Northern Planning Consultants  
 PO Box 36004  
 WINNELLIE NT 0821

Mobile: 0427 796 140  
 Email: brad.cunnington@northernplanning.net  
 www.facebook.com/northernplanning

Note: All areas and dimensions are approximate.  
 For planning purposes only. Subject to survey.



**NORTHERN TERRITORY OF AUSTRALIA**

*Planning Act - section 59*

**EXTENSION OF PERIOD OF PERMIT**

DP15/0443B

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

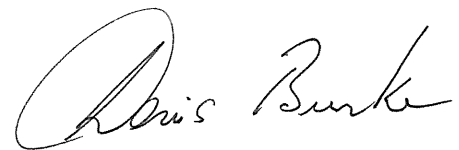
Section 04440  
Hundred of Bagot  
10 BOULTER RD, BERRIMAH

**PERIOD OF EXTENSION**

The Development Consent Authority has determined to extend the period of Development Permit DP15/0443 and DP15/0443A by a period of two years.

Development Permit DP15/0443 and DP15/0443A will now lapse on **23 JULY 2019**.

In all other respects DP15/0443 and DP15/0443A remains unchanged.



**DENIS BURKE**  
Delegate  
Development Consent Authority

27 / 07 / 2017

# NORTHERN TERRITORY OF AUSTRALIA

*Planning Act 1999 - section 59*

## EXTENSION OF PERIOD OF PERMIT

DP15/0443C

## DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Section 04440  
Hundred of Bagot  
10 BOULTER RD, BERRIMAH

## PERIOD OF EXTENSION

The Development Consent Authority has determined to extend the period of Development Permit DP15/0443B by a period of two years.

Development Permit DP15/0443B will now lapse on **23 July 2023**.

In all other respects DP15/0443 and DP15/0443A remains unchanged.

**Suzanne Philip**  
Delegate  
Development Consent Authority  
30 August 2021

Rear boundary (common boundary with Lot 7819)	17m
Blake Street	5.75m
3. Shops, restaurants and offices are to be located at the intersection of Blake Street and Gardens Hill Crescent and setback no more than 1m of these site boundaries.	
4. Minimum distance between residential towers on the site. The minimum distance between residential buildings on the site is to be 9m.	
For the purposes of this table: “ground level” means the highest point on the site boundary; “podium” means the part of a residential building situated between ground level and 5m above ground level; and “tower” means the part of a residential building situated above a height of 5m, above ground level.  Building setback is measured from site boundaries to: <ul style="list-style-type: none"> <li>• the wall of a residential building;</li> <li>• the outer surface of the railings of a balcony or a verandah of a dwelling; and</li> <li>• the outer surface of any support column of a ground level verandah of a dwelling.</li> </ul> No part of the roof structure, including gutters and eaves, is to encroach more than 0.9m into the minimum building setback from the lot boundaries.	
13. Unless provided for specifically in this zone, the provisions of the NT Planning Scheme applicable to Zone HR (High Density Residential) apply to development in this zone.	

## SD47

Amendment No. 443 published in the NT News on 22.07.2016 introduces SD47

Part Section 4440 Hundred of Bagot (10 Boulter Road, Berrimah).	
1. The purpose of this zone is to facilitate the development of the land for light industrial purposes that minimise the impacts of exposure to aircraft noise, and that does not inhibit the operation of the Darwin International Airport.	
2. The parts of Section 4440 that are subject to this clause are the two areas of land that are bounded by a thick black line and marked as areas A and B on the diagram to this clause.	
3. Area A is to be: <ul style="list-style-type: none"> <li>(a) used with consent in accordance with the provisions of Zone LI (Light Industry); and</li> <li>(b) notwithstanding the above, the following uses are prohibited within this area:: <ul style="list-style-type: none"> <li>i. <b>caretaker’s residence;</b></li> <li>ii. <b>education establishment;</b></li> <li>iii. <b>home occupation;</b></li> <li>iv. <b>medical clinic; and</b></li> <li>v. <b>place of worship.</b></li> </ul> </li> </ul>	



4. Area B is to be:

(a) used with consent in accordance with the provisions of Zone LI (Light Industry); and

(c) notwithstanding the above, the following uses are prohibited within this area:

- |                                     |                                |
|-------------------------------------|--------------------------------|
| i. <b>animal boarding;</b>          | ix. <b>medical clinic;</b>     |
| ii. <b>caretaker's residence;</b>   | x. <b>office;</b>              |
| iii. <b>community centre;</b>       | xi. <b>passenger terminal;</b> |
| iv. <b>education establishment;</b> | xii. <b>place of worship;</b>  |
| v. <b>home occupation;</b>          | xiii. <b>restaurant;</b>       |
| vi. <b>hotel;</b>                   | xiv. <b>service station;</b>   |
| vii. <b>leisure and recreation;</b> | xv. <b>shop; and</b>           |
| viii. <b>licenced club;</b>         | xvi. <b>veterinary clinic.</b> |

5. Prior to any future subdivision, an integrated stormwater management plan covering all of the land within this zone is to be prepared in accordance with the strategic drainage framework of the *Berrimah North Drainage Study* and to the satisfaction of the relevant service authority;

6. A densely planted landscaping buffer to a depth of 3m shall be provided to the eastern boundary where land within this zone directly adjoins a residential area indicated on the Berrimah North Area Plan. The landscaping buffer is to mitigate noise and visual impacts from light industrial development on adjacent residential land;

7. Buildings are to demonstrate that they can be constructed to comply with:

(a) AS2021-2000 '*Acoustics – Aircraft noise intrusion – Building siting and construction*'; and

(b) Any applicable height provisions set out in the *Defence (Areas Control) Regulations 1989*.

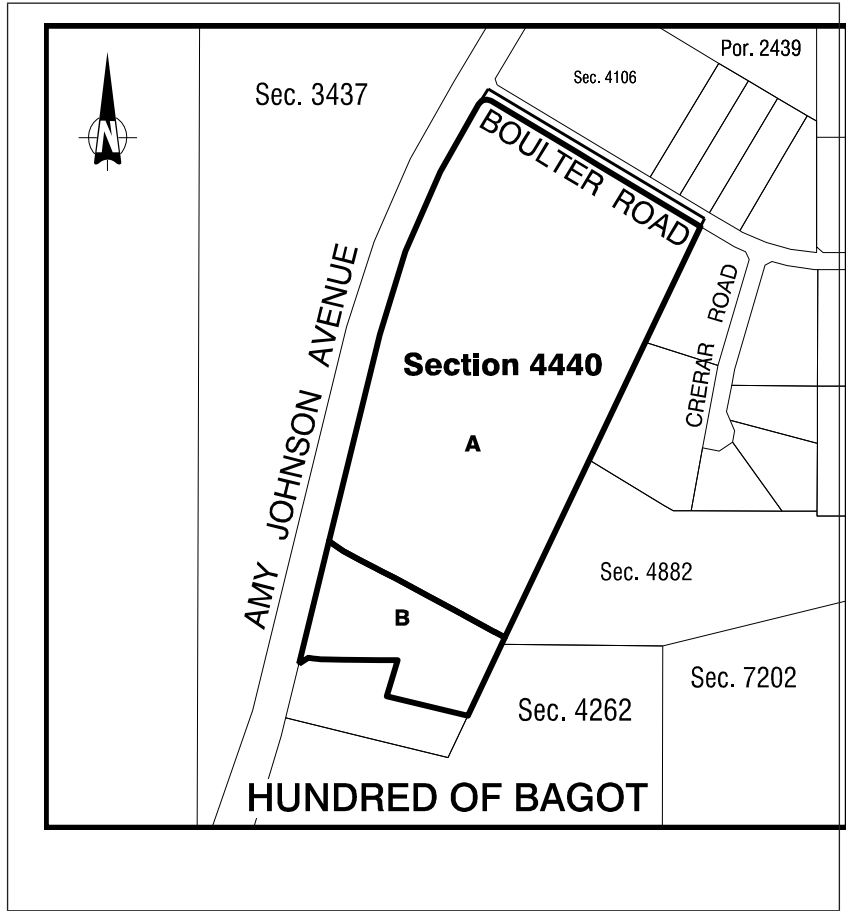
8. Development within the zone shall not cause any temporary or permanent structure to breach the defined airspaces for civil or military aviation purposes.

9. Lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport.

10. Use or development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport.

11. Subject to clause 12, the consent authority must not consent to an application that is not in accordance with the clauses of this zone.

12. Despite clause 11, the consent authority may consent to a variation of the requirements of Part 4 of the Planning Scheme if it is satisfied that special circumstances justify the giving of consent.



# Technical Assessment PA2023/0406

## TECHNICAL ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST RELEVANT PROVISIONS OF THE NORTHERN TERRITORY PLANNING SCHEME 2007 and 2020

Application No: PA2023/0406

Lot number: 07666

Town/Hundred: Bagot

Zone: Part Section 07666 Hundred of Bagot (8 Flightpath Road, Berrimah) - SD47 (Specific Use Zone) Northern Territory Planning Scheme 2007 (NTPS 2007)

Part Section 07666 Hundred of Bagot (8 Flightpath Road, Berrimah) - RD (Restricted Development) Northern Territory Planning Scheme 2020 (NTPS 2020)

Site Area: 25700m<sup>2</sup>

Proposal: The application seeks approval to:

- Use part of Section 07666 Hundred of Bagot that is located in Zone RD (NTPS 2020) for the storage of a maximum of 50 containers and demountable buildings and *clearing of native vegetation*.

Schedule 2 of the NTPS 2020 provides the following relevant definitions:

***clearing of native vegetation*** means the removal or destruction, by any means, of native vegetation on an area of land, other than:

- a) the removal or destruction of a declared weed within the meaning of the Weeds Management Act or of a plant removed under the Plant Health Act 2008;
  - b) the lopping of a tree;
  - c) incidentally through the grazing of livestock;
  - d) the harvesting of native vegetation planted for harvest;
  - e) in the course of Aboriginal traditional use, including the gathering of food or the production of cultural artefacts;
  - f) by fire;
  - g) the removal or destruction of native vegetation occurring on a site previously cleared in accordance with a permit issued under the Act; or
  - h) incidentally through mowing an area previously cleared of native vegetation;
- and includes the selective removal of a species of plant, a group of species of plants, a storey or group of storeys in whole or in part;

**warehouse** means premises used for the bulk storage of goods, or the display and sale of goods by wholesale, and may include where ancillary an office

The storage of a maximum of 50 demountable structures does not meet any of the definitions at Schedule 2 of the NTPS 2020 and is therefore considered an undefined use.

- Use part of Section 07666 Hundred of Bagot that is located in Zone SD47 for 'vehicle sales and hire' with 55.6m<sup>2</sup> of ancillary office and 232m<sup>2</sup> of ancillary workshop in a shed with a maximum building height of 6.07 metres.

Part 1 of the NTPS 2007 provides the following relevant definitions:

**vehicle sales and hire** means premises used wholly or principally for the display for sale by retail or for rental of motor vehicles, caravans, trailers, farm machinery or boats but does not include motor body works, motor repair station, a shop or showroom sales

**motor repair station** means premises used for carrying out repairs to motor vehicles but does not include a motor body works or a transport terminal

**office** means a building or part of a building used for the conduct of administration whether public or otherwise, the practice of a profession, or the carrying on of mercantile, banking, insurance, legal, clerical or similar services, but does not include a home occupation

Plans used for assessment: Site plan, proposed plumbing plan, access & parking plan VA1 – VA2, proposed planting plan sheets 3 – 4 and typical demountable structures floor plans and elevations.

Date assessment finalised: 12/11/2024

**NTPS 2020:**

To use part of Section 07666 Hundred of Bagot that is located in Zone RD (NTPS 2020) for the storage of a maximum of 50 containers and / or demountable buildings and *clearing of native vegetation*, requires consent under the NTPS 2020, as described in the below table:

Zone RD (Restricted Development)				
Use	Assessment Category	Overlays	General Development Requirements	Location and/or Specific Development Requirements
Undefined use: Storage of containers and / or demountable buildings	Impact assessable	3.2 CNV – Clearing of native vegetation  3.5 LPA – Land in Proximity to Airports	5.2.1 General Height Control  5.2.4 Car Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR	N/A

**Clause 1.8(1)(c)(i)**

- c) *Impact Assessable – use and development that requires the exercise of discretion by the consent authority to determine if it is appropriate given the location of the site and the potential impacts on surrounding uses, and if it accords with the Strategic Framework.*

*Use and development of land requires consent and is Impact Assessable when any of the following apply:*

- i. *it is shown as Impact Assessable on the relevant assessment table in Part 4.*
- ...
- v. *a provision of this Planning Scheme expressly requires assessment as Impact Assessable.*

**Clause 1.10 Exercise of Discretion by the Consent Authority**

- 4. *In considering an application for a use or development identified as Impact Assessable the consent authority must take into account all of the following:*
  - a. *any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;*
  - b. *any Overlays and associated requirements in Part 3 that apply to the land;*
  - c. *The guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and*
  - d. *Any component of the Strategic Framework relevant to the land as set out in Part 2.*

## NTPS 2007

Part of Section 07666 Hundred of Bagot that is located in Zone SD47 is to be determined under the NT Planning Scheme 2007 (NTPS 2007), because under Schedule 4: Specific Use Zones of the NTPS 2020, it states that the Specific Use Zones listed in the Table to the Schedule (of which SD47 is one) are subject to the relevant requirements contained in the former Planning Scheme

Pursuant to Zone SD47, the site is to be used with consent in accordance with the provisions of Zone LI (Light Industry). As such, the proposal is subject to the following clauses:

- Schedule to Zone SD47 (Specific Use Darwin No. 47) and by extension;
- Clause 5.11 Zone LI – Light Industry
- Clause 6.1 General Height Control
- Clause 6.5.1 Parking Requirements
- Clause 9.1.1 Industrial Setbacks

*This is a technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme 2020 (NTPS2020) and Northern Territory Planning Scheme 2007 (NTPS 2007) is no indication of whether or not approval will be given by the consent authority.*

## NTPS2020 and NTPS2007

### 2.0 Strategic Framework

The following is relevant to the site:

#### Darwin Regional Land Use Plan 2015 (DRLUP)

DRLUP identifies the site as ‘open space / natural area’.

Key open space objectives include:

- Retain the region’s natural landscapes, vegetation and habitats where compatibility with appropriate urban and rural development can be maintained.
- Minimise the impact of development on the natural environment during the construction phase and ongoing use.
- Recognise and promote Darwin Harbour as the region’s most valuable natural asset, minimising detrimental impacts from development in the harbour catchment and on its foreshore.
- Provide appropriate open space reserves for the conservation of natural environment and heritage features, and for resident and visitor recreation in active and passive activities.
- Recognise the role of remnant vegetation corridors in providing interconnectivity of open space and protecting amenity.
- Recognise the role of urban green space in reducing urban heat impacts and providing community amenity.

DRLUP further identifies there is limited capacity for reticulated water supply at the site and there is no sewerage existing.

#### Berrimah North Planning Principles Area Plan (BNPPAP)

BNPPAP identifies the site as ‘development restricted by constraints’.

Clause 1 – 4 and 8 – 9 of the BNPPAP are relevant to the proposed development. An assessment against the clauses is provided below.

Principle	Assessment
<p>1. Demonstrate a designed response to the landform, land units and natural drainage by:</p> <p style="padding-left: 20px;">a. providing local roads, urban drainage and open space that respond to the landform and natural drainage pattern, and incorporate stormwater management that accords with the strategic drainage framework of the</p>	<p>The proposed development does not prejudice the existing local roads, urban drainage and open space.</p> <p>A condition precedent will be required on any approval to demonstrate how stormwater and its discharge will be appropriately managed on site.</p> <p><b>COMPLIES WITH CONDITIONS</b></p>

<p>Berrimah North Drainage Study;</p> <ul style="list-style-type: none"> <li>b. applying Australian best practice standards to the quality of stormwater run-off into the natural drainage system; and</li> <li>c. maintaining overland flow and managing stormwater discharge with detention structures and the like, to mitigate nutrient rich runoff into the receiving environment, while minimising the potential for biting insects to breed in such infrastructure.</li> </ul>	
<p>2. Minimise the off-site impacts of concentrated stormwater on both private property and the receiving environment by:</p> <ul style="list-style-type: none"> <li>a. managing the magnitude and duration of sediment-transporting stormwater flows to minimise erosion;</li> <li>b. preparing and complying with an erosion and sediment control plan in order to control erosion during construction; and</li> <li>c. managing concentrated stormwater on-site such that post-development flows are not greater than pre-development flows onto adjacent land.</li> </ul>	<p>A condition precedent will be required on any approval to demonstrate how stormwater and its discharge will be appropriately managed on site.</p> <p><b>COMPLIES WITH CONDITIONS</b></p>



<p>3. Manage exposure to aircraft noise and controlled airspace by:</p> <ul style="list-style-type: none"> <li>a. ensuring that development within contour 20 of the Australian Noise Exposure Forecast (ANEF) is acceptable or can comply with the noise attenuation guidelines of AS2021-2015;</li> <li>b. ensuring that building heights comply with Defence (Area Control) Regulations; and</li> <li>c. ensuring that neither permanent nor temporary structures breach controlled civil airspace</li> </ul>	<p>A condition precedent will be required on any approval to provide advice from the Department of Defence NT that approval is granted for the height of the structure, to the satisfaction of the consent authority.</p> <p><b>COMPLIES WITH CONDITIONS</b></p>
<p>4. Manage local traffic and impacts on the arterial transport network by:</p> <ul style="list-style-type: none"> <li>a. connecting local roads to the arterial network in accordance with the strategic framework indicated in the Area Plan and providing viable access for public transport;</li> <li>b. providing access intersections at the shown locations in accordance with the requirements of the Department of Transport; and interconnecting local roads to distribute rather than concentrate local traffic, support a pedestrian / cycle network and provide</li> </ul>	<p>The proposed development does not prejudice the existing access intersections and local roads.</p> <p><b>COMPLIES</b></p>

<p>convenient access to public transport stops.</p>	
<p>8. Provide an interconnected local road system that is viable and amenable for all users, and consistent with the Area Plan by:</p> <ul style="list-style-type: none"> <li>a. ensuring that all development supports route choice and convenient access from the arterial road network including the proposed collector road linking Amy Johnson and Vanderlin Drive;</li> <li>b. ensuring that each development includes interconnected local roads consistent with the Area Plan and provides for local road connections to adjacent land; and</li> <li>c. providing efficient access for public transport and a practical pedestrian/cycleway network, including a cycleway between Amy Johnson Avenue and Vanderlin Drive, consistent with the Area Plan and viable at each development stage.</li> </ul>	<p>The proposed development does not prejudice the existing arterial road network, local road connections or access to public transport and pedestrian / cycleway network.</p> <p><b>COMPLIES</b></p>
<p>9. Respond to land use constraints associated with proximity to Darwin International Airport by:</p> <ul style="list-style-type: none"> <li>a. managing exposure to aircraft noise and controlled airspace to ensure that the safe and</li> </ul>	<p>The proposed storage of containers and /or demountable buildings does not require any staff to be present on the site, except for loading and unloading of these structures. As such, the proposed land use is not attracting people into the public safety zone.</p> <p>The proposed vehicle sales and hire with ancillary office and motor repair station will have visitors to the site, however, it</p>

<p>curfew-free operation of the airport is continued;</p> <p>b. ensuring that lighting associated with development under runway approaches will not prejudice the safe operation of the airport;</p> <p>c. ensuring that the use or development of land under runway approaches will not attract birds or bats to an extent that prejudices the safe operation of the airport; and</p> <p>d. restricting land uses that would attract people into the provisional public safety zone under the runway approach</p>	<p>is understood that the public safety zone does not extend to the portion of the site zoned SD47.</p> <p>A condition precedent will be required on any approval to provide advice from the Department of Defence NT that approval is granted for the height of the structure, to the satisfaction of the consent authority. This ensures that the proposed development does not prejudice the safe operation of the airport.</p> <p>In addition, a copy of the proposed interim measures to service the lot until the Department of Lands, Planning and Environment (DLPE) provides reticulated water and sewer infrastructure in the future was circulated to Department of Defence for further comment. The Department of Defence confirmed it has no concerns with the sewer and water proposals as listed below and reiterated that it is vital that a DAA application is submitted and approved before any construction takes place.</p> <p><b>COMPLIES WITH CONDITIONS</b></p>
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The application responds to DRLUP and the BNPPAP through proposing a land use that is compatible with the constraints of the Darwin International Airport and does not prejudice the future development of the area in accordance with the BNPPAP. Any approval will include a condition precedent to demonstrate how stormwater and its discharge will be appropriately managed on site and for the applicant provide advice from the Department of Defence NT that approval is granted for the height of the proposed structures.

**COMPLIES**

## NTPS2020

### 3.2 Overlay – CNV – Clearing of Native Vegetation

#### Purpose

Identify areas with limits to the clearing of native vegetation and ensure that clearing in these areas does not:

- (a) Impact on the conservation values of land within Zone CN; or
- (b) Unreasonably contribute to environmental degradation of the locality.

#### Administration

1. The clearing of native vegetation of more than one hectare in aggregate of land (including any area already cleared of native vegetation) within the area subject to the Clearing of Native Vegetation Overlay requires consent. This Overlay applies to land within Zones RR, RL, R, H, A, CP, CN, RD, WM and Unzoned land.
2. Notwithstanding sub-clause 1, all clearing of native vegetation in Zone CP requires consent, other than as provided for by sub-clause 4.
3. The consent authority may consent to the clearing of native vegetation that is not in accordance with subclause 5 only if it is satisfied that it is consistent with the purpose of this (clause) and is appropriate in the context of the site and the locality having regard to such matters as:
  - (a) The suitability of the site for the proposed use;
  - (b) The values associated with the environmental characteristics (as applicable);
  - (c) The significance, extent and likelihood of any potential environmental impacts; and
  - (d) The measures the application proposes will be implemented to mitigate and potential impacts.
4. This Overlay does not apply if the clearing of native vegetation is required or controlled under any Act in force in the Territory, or is of the purpose of:
  - (a) A firebreak as specified by Bushfire Management Act 2016 or the Fire and Emergency Act 1996, up to 5m wide along of a boundary of a lot having an area of 8ha or less, up to 10m wide on a lot having an area greater than 8ha unless otherwise specified by a Regional Fire Control Committee.;
  - (b) An internal fence line up to 10m wide on a lot having an area greater than 8ha;
  - (c) A road to access the land or other land; or
  - (d) The maintenance and repair of public infrastructure.

#### Requirements

5. The clearing of native vegetation is to:
  - (a) Avoid impacts on environmentally significant or sensitive vegetation;
  - (b) Be based on land capability and sustainability for the intended use;
  - (c) Avoid impacts on drainage areas, wetlands and waterways;
  - (d) Avoid habitat fragmentation and impacts on native wildlife corridors; and
  - (e) Avoid impacts on highly erodible soils.
6. An application for the clearing of native vegetation is to demonstrate consideration of the following:
  - (a) The land Clearing Guidelines (as amended from time to time) by the agency responsible for natural resources and the environment;
  - (b) The presence of threatened wildlife as declared under the Territory Parks and Wildlife Conservation Act 1976;
  - (c) The presence of sensitive or significant vegetation communities such as rainforest, vine thicket, closed forest or riparian vegetation;
  - (d) The presence of essential habitats, within the meaning of the Territory Parks and Wildlife Conservation Act 1976;
  - (e) The impact of the clearing on regional biodiversity;

- (f) *Whether the clearing is necessary for the intended use;*
- (g) *Whether there is sufficient water for the intended use;*
- (h) *Whether the soils are suitable for the intended use;*
- (i) *The presence of permanent and seasonal water features such as billabongs and swamps;*
- (j) *The retention of native vegetation adjacent to waterways, wetlands and rainforests;*
- (k) *The retention of native vegetation buffers along boundaries;*
- (l) *The retention of native vegetation corridors between remnant native vegetation;*
- (m) *The presence of declared heritage places or archaeological sites within the meaning of the Heritage Act 2011; and the presence of any sacred site within the meaning of the NT Aboriginal Sacred Sites Act 1989.*

Overlay 3.2 CN – Clearing of Native Vegetation allows the clearing of up to 1ha in aggregate of native vegetation on the site. The application proposes to clear 21000m<sup>2</sup> of existing native vegetation. The Department of Environment, Parks and Water Security have not identified any concerns and have identified the presence of Gamba Grass (a grade B weed) on the site.

It is noted that:

- The statement of effect has assessed the application against the *NT Land Clearing Guidelines*.
- No essential habitats identified.
- No impacts on regional biodiversity identified.
- Clearing of native vegetation is necessary for the establishment and operation of the proposed storage of 50 demountable structures.
- Water will be sourced from the bore, the site is located outside of a water control district and therefore a bore work permit is not required.
- Correspondence from Heritage Branch was included and confirmed there are no known archaeological sites and no further work is required.
- Correspondence from Aboriginal Areas Protection Authority (AAPA) recommends that the applicant apply for an Authority Certificate in accordance with section 19B of the Northern Territory Aboriginal Sacred Sites Act 1989 (the Sacred Sites Act) prior to undertaking any development activity or other work on the site.

The application demonstrated consideration of the NT Land Clearing Guidelines and addresses the requirements of the Overlay. The application provides a 'clearing application – performance criteria' that states that the clearing of native vegetation:

- Does not exceed 2 hectares.
- Is on land which does not contain a slope greater than or equal to 0.5%.
- Is on land with moderately deep, well drained red Kandosol (soil) and shallow to very shallow, well drained gravelly brown Kandoso.
- Has some history of previous clearing.

Further, the application summarises that:

- *The clearing does not include sensitive or significant vegetation communities, essential habitats, natural water features, does not include boundary buffers (nor is there any remnant vegetation on adjoining properties), nor will it impact on regional biodiversity.*
- *The clearing is necessary, and the slope is suitable for the proposed use and the land can support the intended use.*

- The clearing does not affect declared heritage places, archaeological sites or Aboriginal sacred sites.

## TO BE DETERMINED

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### 3.5 Overlay – LPA – Land in Proximity to Airports

#### Purpose

Identify areas which may be subject to additional amenity impacts and/or restrictions due to its proximity to an airport, and ensure that the use and development of land in these areas:

- minimises the detrimental effects of aircraft noise on people who reside or work in the vicinity of an airport;
- does not result in any new use or intensification of development on land that would prejudice the safety or efficiency of an airport;
- does not result in any new use or intensification of development that would jeopardise the curfew free operation of the Territory's airports (where applicable); and
- retains the non-urban character of the land.

#### Administration

- This Overlay applies to land that is within Zones RL, R, A, CP, CN, RD, WM and FD and subject to the Australian Noise Exposure Forecast (ANEF) 20-unit value contour line or greater as defined on the ANEF maps produced by the Department of Defence.
- The use and development of land subject to this Overlay requires consent.

#### Requirements

- In determining an application for the development of land the consent authority is to have regard to the 'Building Site Acceptability Based on ANEF Zones' (Table 2.1) in AS 2021 – 2000.
- Lighting associated with development on land within flight approach paths is to ensure it does not prejudice the safe operation of an airport.
- The use and development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport.

The site is zoned RD (Restricted Development) and is affected by the Australian Noise Exposure Forecast (ANEF) 30-unit value contour line or greater. The application has been circulated to Darwin International Airport and Department of Defence for comment.

The proposed development complies with the requirements of Clause 3.5 and it is noted:

- No issues were raised by the Darwin International Airport (DIA).
- Federal regulations and other standards (AS 2021 – 2000) are applicable to the provision of external lighting within a flight path and building design.
- The proposal is unlikely to naturally attract birds and bats.

## TO BE DETERMINED

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### 4.25 Zone RD – Restricted Development

#### Zone Purpose

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*Restrict development within proximity to an airport or under a flight path to ensure unencumbered operation of an airport and the safety of people in the zone.*

Zone Outcome

1. *Limited development that:*
  - (a) *does not prejudice the ongoing safety and efficiency of an airport, including provision for future expansion;*
  - (b) *retains the non-urban character of the land; and*
  - (c) *limits the number of people who reside, recreate or work in the area.*
2. *Agriculture, horticulture and stables, where the scale, intensity and nature of the activity is compatible with the character and amenity of the surrounding locality and the land is capable of supporting the development.*
3. *Residential development is limited to dwelling-caretakeers.*
4. *Development is to be of a nature that will not attract birds or fruit bats, or emit soot, dust, smoke or lights that may adversely impact on airport operations.*
5. *Development is low rise and complements the low density character of the zone.*
6. *Development avoids any adverse impacts on ecologically important areas through location, design, operation and management.*
7. *Development does not impose unsustainable demands on surface water and groundwater.*
8. *Subdivision design is informed by land suitability assessment to confirm the land is able to support the intended future development.*
9. *Development is provided with an appropriate level of services and infrastructure. If reticulated sewerage is unavailable, lots are suitable for the on-site disposal of effluent in a manner that does not pollute ground or surface waters.*
10. *Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.*

The proposed use located within the portion of the site identified as Zone RD is for the storage of a maximum of 50 containers and / or demountable buildings. The storage of containers and / or demountable buildings is an undefined use (refer to discussion of land use at section 2 of this report) and subsequently Impact Assessable.

The containers and demountable buildings will be single storey, will not exceed 3.5 metres in height (exclusive of supporting structures) and will be stored only.

Subsequently, the proposal is considered to be of a suitably low intensity, being solely for the storage of structures. No connection to services is required, as the demountable structures will be 'stored only.'

**COMPLIES**

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**5.2.1 General Height Control**

Purpose

*Ensure that the heights of buildings and structures are appropriate to the strategic and local context of the location and meet community expectations for development in the zone.*

Administration

1. *This clause does not apply if:*
    - a. *The development is for the purpose of:*
-

- i. a telecommunications facility;
    - ii. a chimney, flag pole, aerial, antenna or lightning rod; or
    - iii. the housing of equipment relating to the operation of a lift; or
  - b. an alternative height control is specified in clause 5.9 (Location specific development requirements).
2. The consent authority must not consent to a development in Alice Springs that is not in accordance with sub-clause 5.
  3. The consent authority must not consent to a development on land in Zone MR abutting land in Zone LR that is not in accordance with sub-clause 6.
  4. Except as set out in sub-clause 3, the consent authority may consent to a development that is not in accordance with sub-clause 6 if it is satisfied the building height is consistent with the intended character and amenity of the area, having regard to:
    - a. the heights of other buildings in the immediate vicinity; and
    - b. measures taken to mitigate potential impacts (such as unreasonable overshadowing, or overlooking of dwellings and private open space) on abutting properties.

### Requirements

5. The building height of a development in the Municipality of Alice Springs is not to exceed:
  - a. the maximum building height for the zone and use as specified in table A to this clause; or
  - b. two storeys to a maximum of 8.5m if the zone and use is not included in table A to this clause.
6. The building height in all other areas is not to exceed:
  - a. the maximum building height for the zone and use as specified in table B to this clause; or
  - b. two storeys to a maximum of 8.5m if the zone and use is not included in table B to this clause.

The Zone RD and the proposed undefined use are not listed in table 2 and therefore the building height is not to exceed two storeys to a maximum of 8.5m. The containers and demountable buildings will be single storey, will not exceed 3.5 metres in height (exclusive of supporting structures) and will be stored only.

## TO BE DETERMINED

## 5.2.4 Car Parking

### 5.2.4.1 Car Parking Spaces

#### Purpose

Ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of the site.

#### Administration

1. This clause does not apply where alternative car parking space requirements are established under clause 4.9 (Location specific development requirements).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of **car parking spaces** is appropriate with regard to:
  - a) The zoning of the land, the use of development or proposed use or development of the land;
  - b) The provision of **car parking spaces** in the vicinity of the land; and
  - c) The potential impact on the surrounding road network and the **amenity** of the locality and adjoining property;



Or if the use or development relates to a **heritage place** and the Minister responsible for the administration of the Heritage Act 2011 supports the reduced provision of **car parking spaces** in the interest of preserving the significance of the **heritage place**.

3. The consent authority may require the provision of **car parking spaces** for any **ancillary** use or development in addition to that specified for the **primary use** or development in the table to this clause.

Requirements

4. Use and development is to include the minimum number of car parking spaces specified in the table to this clause (rounded up to the next whole number).

<b>Table to clause 5.2.4.1: Minimum number of required parking spaces</b>			
<b>Use or Development</b>	<b>Minimum number of Car Parking Spaces Required</b>	<b>Required Car Parking Spaces</b>	<b>Provided</b>
Undefined Use	Minimum number of car parking spaces to be determined by the consent authority.	NA	NA

Forty - five car parking spaces are provided on the portion of the site located in Zone SD47, all spaces are allocated to the proposed vehicle sales and hire including 8 staff car parking spaces, the occasional staff delivering demountable buildings / structures able to utilise the staff car parking spaces where required.

The proposed storage of containers and / or demountable buildings will only require staff for the loading and un-loading of the structures and it is therefore considered there is sufficient car parking on site to accommodate the users and there is not expected to be any impact on the surrounding road network, locality or adjoining properties.

**COMPLIES**

### 5.2.5 Loading Bay

Purpose

Provide for the loading and unloading of vehicles associated with the use of land.

Administration

1. The consent authority may consent to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:
  - (a) the scale of the use and development on the site;
  - (a) any potential adverse impacts on the local road network; and
  - (b) any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or secondary street.
2. For the purposes of this clause, where an exhibition centre, food premises (fast food outlet and restaurant), office, place of assembly, shop or shopping centre are part of an integrated development, the minimum number of loading bays is to be calculated based on the combined net floor area of the integrated uses.

Requirements

3. Use and development is to include provision of a minimum number of loading bays in accordance with the table to this clause (rounded up to the next whole number).
4. A loading bay is to:
  - (a) provide areas wholly within the site for loading and unloading of vehicles;
  - (a) be at least 7.5m by 3.5m;
  - (b) have a clearance of at least 4m; and
  - (c) have access that is adequate for its purpose.

Sub-clause 3 specifies that undefined land use does not require any loading bays. Notwithstanding, a truck loading zone with access to a turning circle is proposed. The loading zone complies with the size requirements of sub-clause 4.

**COMPLIES**

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## 5.2.6 Landscaping

### 5.2.6.1 Landscaping in Zones other than Zone CB

Purpose

Ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall amenity of the locality.

Administration

1. Landscaping may include provision of paved areas and areas for entertainment and recreational activities.
2. The consent authority may consent to landscaping that is not in accordance with sub-clauses 5, 6 and 7 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and is appropriate to the site having regard to the amenity of the streetscape, and the potential impact on the amenity of the locality and adjoining property.

Requirements

3. Where landscaping is required by this Scheme it should be designed so that:
    - (a) planting is focused on the area within the street frontage setbacks side setbacks, communal open space areas and uncovered car parking areas;
    - (a) it maximises efficient use of water and is appropriate to the local climate;
    - (b) it takes into account the existing streetscape, or any landscape strategy in relation to the area;
    - (c) significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained;
    - (d) energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;
    - (e) the layout and choice of plants permits surveillance of public and communal areas; and
    - (f) it facilitates on-site infiltration of stormwater run-off.
  4. The quality and extent of the landscaping consented to must be maintained for the life of the development.
  5. Other than in Zones CB, C and TC, not less than 30% (which may include communal open space) of a site that is used for rooming accommodation, dwellings-group, dwellings-multiple and residential care facility is to be landscaped.
  6. In Zones LI, GI and DV all street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m.
-

7. *In Zones MR and HR, side and rear setbacks are to include planting to the length of the setback of no less than 2m deep, except for areas that are used for private open space.*

NTPS 2020 does not provide any landscaping requirements for the area of the site in RD. Notwithstanding, a 5 metre wide landscaped area is provided along Amy Johnson Avenue.

**NOT APPLICABLE**

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### 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR, or HR

The site does not abut land in Zones LR, LMR, MR or HR and therefore this clause is not relevant.

**NOT APPLICABLE**

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### NTPS2007

#### Zone SD47 (Specific Use Zone No.47)

The proposed use located within the proportion of the site identified as SD47, referring to:

*Part Section 4440 Hundred of Bagot (10 Boulter Road, Berrimah).*

1. *The purpose of this zone is to facilitate the development of the land for light industrial purposes that minimise the impacts of exposure to aircraft noise, and that does not inhibit the operation of the Darwin International Airport.*
2. *The parts of Section 4440 that are subject to this clause are the two areas of land that are bounded by a thick black line and marked as areas A and B on the diagram to this clause.*

The site is located within Area B on the Diagram. The following sub-clauses apply:

4. Area B is to be:
- (a) used with consent in accordance with the provisions of Zone LI (Light Industry); and
  - (c) notwithstanding the above, the following uses are prohibited within this area:
 

<ul style="list-style-type: none"> <li>i. <b>animal boarding;</b></li> <li>ii. <b>caretaker's residence;</b></li> <li>iii. <b>community centre;</b></li> <li>iv. <b>education establishment;</b></li> <li>v. <b>home occupation;</b></li> <li>vi. <b>hotel;</b></li> <li>vii. <b>leisure and recreation;</b></li> <li>viii. <b>licenced club;</b></li> </ul>	<ul style="list-style-type: none"> <li>ix. <b>medical clinic;</b></li> <li>x. <b>office;</b></li> <li>xi. <b>passenger terminal;</b></li> <li>xii. <b>place of worship;</b></li> <li>xiii. <b>restaurant;</b></li> <li>xiv. <b>service station;</b></li> <li>xv. <b>shop; and</b></li> <li>xvi. <b>veterinary clinic.</b></li> </ul>
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5. Prior to any future subdivision, an integrated stormwater management plan covering all of the land within this zone is to be prepared in accordance with the strategic drainage framework of the *Berrimah North Drainage Study* and to the satisfaction of the relevant service authority;
6. A densely planted landscaping buffer to a depth of 3m shall be provided to the eastern boundary where land within this zone directly adjoins a residential area indicated on the Berrimah North Area Plan. The landscaping buffer is to mitigate noise and visual impacts from light industrial development on adjacent residential land;
7. Buildings are to demonstrate that they can be constructed to comply with:
- (a) AS2021-2000 'Acoustics – Aircraft noise intrusion – Building siting and construction'; and
  - (b) Any applicable height provisions set out in the *Defence (Areas Control) Regulations 1989*.
8. Development within the zone shall not cause any temporary or permanent structure to breach the defined airspaces for civil or military aviation purposes.
9. Lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport.
10. Use or development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport.
11. Subject to clause 12, the consent authority must not consent to an application that is not in accordance with the clauses of this zone.
12. Despite clause 11, the consent authority may consent to a variation of the requirements of Part 4 of the Planning Scheme if it is satisfied that special circumstances justify the giving of consent.

The site is in Area B and complies with requirements 4 – 10 as follows:

- The use of office is prohibited pursuant to sub-clause 4 of SD47, however clause 2.9 subclause 2 of Part 1 specifies that where the ancillary use or development of land would be prohibited if proposed as the primary use or development, the ancillary use or development is permitted only with consent. As such, the proposed ancillary land use is permitted with consent.
- No subdivision is proposed as part of this application and therefore an integrated stormwater management plan is not required.
- The site does not adjoin a residential area indicated on BNPPAP and therefore a landscaping buffer is not required.
- The proposed use is not considered to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of the airport.
- A condition precedent will require the following annotations in order to demonstrate compliance with the Zone SD47 requirements:
  - Buildings will be constructed to comply with:
    - AS2021-2000 'Acoustics – Aircraft noise intrusion – Building siting and construction'; and

- Any applicable height provisions set out in the Defence (Areas Control) Regulations 1989
- The proposed development shall not cause any temporary or permanent structure to breach the defined airspaces for civil or military aviation purposes.
- Provide further details of proposed lighting, to the satisfaction of the consent authority, the Department of Defence – Estate Planning and Darwin International Airport.

**COMPLIES**

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**Clause 6.1 – General Height Control**

1. *The purpose of this clause is to ensure that the height of buildings in a zone is consistent with development provided for by that zone.*
2. *This clause does not apply within Zones CB or DV or TC or to education establishments or hospitals within zones CL or CP or, subject to clause 7.1, Zone C*
3. *The height of any point of a building is to be measured from ground level vertically below that point and includes the height of a mound specifically provided or made to elevate the building.*
4. *Unless expressly provided by this Planning Scheme, the height of any part of a building is not to exceed 8.5m above the ground level, unless it is:*
  - a. *a flag pole, aerial or antenna; or*
  - b. *for the housing of equipment relating to the operation of a lift*

The proposed shed will have a maximum building height of 6.07 metres and therefore complies with clause 6.1.

**COMPLIES**

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**Clause 6.5.1 – Parking Requirements**

1. The purpose of this clause is to ensure that sufficient off street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site.
2. Subject to clause 6.5.2, if a use or development specified in column 1 of the table to this clause is proposed, the number of car parking spaces (rounded up to the next whole number) required for that use or development is to be calculated in accordance with the formula specified opposite in column 2 or, if the use or development is within Zone CB in Darwin, column 3.
3. If a proposed use or development which is not listed in the table to this clause requires consent, the number of car parking spaces required for that use or development is to be determined by the consent authority.
4. A car parking area is to be designed in accordance with clause 6.5.3 except where the car parking is required in association with a single dwelling and an independent unit.

Table to Clause 6.5.1: Minimum number of required parking spaces	
Use or Development	Minimum Number of Car Parking Spaces Required
Motor Body Works / Motor Repair Station	6 for every 100m <sup>2</sup> of net floor area
Vehicle Sales and Hire	4 for every 100m <sup>2</sup> of net floor area of office Plus 1 for every 200m <sup>2</sup> used for vehicle display

The proposed development comprises:

- Motor Body Works / Motor Repair Station - net floor area of 232m<sup>2</sup>.
- Vehicle Sales and Hire Office – net floor area of 55.6m<sup>2</sup>
- Vehicle Sales and Hire Display Area - area of 3694m<sup>2</sup>.

The proposed Motor Body Works / Motor Repair Station has a requirement of 13.92 spaces, the proposed Vehicle Sales and Hire Office has a requirement of 2.2 spaces and the proposed vehicle sales and hire display area has a requirement of 18.47 spaces. Therefore, the car parking requirement for the proposed development is 34.59 which rounded up is 35 car spaces.

Forty - five car parking spaces are provided on the portion of the site located in Zone SD47, all spaces are allocated to the proposed vehicle sales and hire including 8 staff car parking spaces and the car parking spaces are designed in accordance with clause 6.5.3 and therefore complies with Clause 6.5.1.

**COMPLIES**

### Clause 9.1.1 Industrial Setbacks

1. *The purpose of this clause is to ensure that buildings are sited to provide an adequate level of visual amenity in industrial zones.*
2. *Buildings in Zones LI, GI and DV are to be sited in accordance with the table to this clause.*

<b>TABLE TO CLAUSE 9.1.1</b>	
<b>Location/ Boundary</b>	<b>Minimum Building Setback</b>
Municipality of Alice Springs: Buildings with frontage to Stuart Highway, Smith Street or Larapinta Drive	9m
Municipality of Darwin: Buildings with frontage to Stuart Highway, Bagot Road or Dick Ward Drive	9m
Buildings having frontage to all other streets	3m
Minimum setback to at least one side boundary and to the rear boundary	5m

3. *All street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m.*
4. *The quality and extent of landscaping is to be maintained for the life of the development.*

The proposal complies with subclause 2 – 4 as a 3 metre landscaped setback has been provided to Flightpath Road and a 5 metre landscaped setback has been provided to Amy Johnson Drive.

**COMPLIES**

Mrs Sally Graetz  
Manager Urban Planning  
Department of Infrastructure, Planning & Logistics  
GPO Box 1680  
DARWIN NT 0801

Please Quote: PA2023/0406 BS

Dear Mrs Graetz

**Parcel Description:**                      **Section 7666 Hundred of Bagot  
8 Flightpath Rd Berrimah**

**Proposed Development:**              **Vehicle sales and hire, demountable structures (up to  
50) and clearing of native vegetation**

Thank you for the development application referred to this office 1 December 2023, concerning the above.

The following issues are raised for consideration by the Development Consent Authority (Authority):

- i). **City of Darwin requests that should a development permit be issued, that the following be provided as conditions precedent:**
  - a). A dilapidation report covering all infrastructure (including street trees) located in the Flight Path Road, road reserve is to be submitted to the satisfaction of City of Darwin.
  - b). Access to the site shall meet City of Darwin requirements, particularly the number of and width/s of the proposed crossover/s.
  - c). **Stormwater**

City of Darwin requests that the Authority require an engineered plan completed by a suitably qualified civil engineer. The plan is to demonstrate the on-site collection of stormwater, surface levels and its discharge into the local underground stormwater drainage system be submitted to, and be approved by City of Darwin, prior to the stormwater condition precedent being cleared.

The plan shall include details of site levels, Council's stormwater drain connection point/s and connection details.





d). **Waste**

The applicant's plans fail to demonstrate adequate waste management, City of Darwin requests that the Authority require a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Guidelines.

Further information is located within City of Darwin's Waste Management Guidelines, which can be viewed on City of Darwin's website or by contacting City of Darwin.

e). **Site Construction Management Plan**

City of Darwin requests that a Site Construction Management Plan (SCMP) be required.

The SCMP should specifically address the impact to Council owned land and infrastructure, including the following:

- waste management plan for disposal of waste to Shoal Bay,
- traffic control for affected City of Darwin roads,
- haulage routes,
- storm water drainage & sediment control,
- use of City of Darwin land, and
- how this land will be managed during the construction phase,

all to the satisfaction of City of Darwin.

**Note:** Sediment control measures are to be established and maintained, to prevent silt and sediment escaping the site or causing erosion.

Building rubbish or debris must not be placed, or be permitted to be placed, on any adjoining public reserve, footpath or road, without first obtaining approval from City of Darwin.

ii). **Should the above issues be adequately addressed, City of Darwin offers the following comments:**

City of Darwin comments on issues for which it is the sole responsible authority, under the Local Government Act and associated By-Laws:-

a). **Works within City of Darwin Road Reserve**

The proposal includes works within the City of Darwin road reserve.

All works are required to be undertaken in accordance with City of Darwin policies and/or guidelines and are subject to a separate assessment/approval from City of Darwin. City of Darwin requests that the applicant first seek all required approvals from City of Darwin for the works within the road reserve.



b). **Building Identification**

In accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction and at no cost to City of Darwin.

Should this application be approved, the following conditions pursuant to the *Planning Act* and City of Darwin's responsibilities under the *Local Government Act* are also recommended for inclusion in the development permit issued by the Development Consent Authority.

- Any damaged or removed infrastructure located in, on or over the road reserve (inclusive of preexisting street trees), is to be repaired or replaced at either the developers or landowners' cost, to the satisfaction of City of Darwin.
- Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of City of Darwin.
- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and shared paths shall be provided, stormwater shall be collected and discharged into City of Darwin's drainage network, all of which is to be provided at the applicant's expense, to the requirements and satisfaction of City of Darwin.
- Sight lines shall be provided at crossovers to public streets, to the satisfaction of, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.
- Waste bin enclosures, storage and pick-up shall be provided in accordance with City of Darwin's Waste Management Guidelines.
- Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin's Policy 6310.100.E.R – Outdoor Advertising Signs Code.
- All works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
- Any proposed stormwater connections to City of Darwin stormwater system shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.



If you require any further information in relation to this application, please feel free to contact the City of Darwin's Innovation Team on 8930 0300 or [darwin@darwin.nt.gov.au](mailto:darwin@darwin.nt.gov.au)

Yours faithfully

Signed by:



30297C4F92DF219E

**ALICE PERCY**  
**GENERAL MANAGER INNOVATION**

20/12/2023



Phone 1800 245 092

Web powerwater.com.au

Record number: D2023/492360

Container number: NE055/7666

Your ref: PA2023/0406

David Burrow  
Development Assessment Services  
GPO Box 1680  
Darwin NT 0801

Dear David

**Re: Section 7666 (8) Flightpath Road Berrimah Hundred of Bagot**

In response to your letter of the above proposal for the purpose of vehicle sales and hire, demountable structures (up to 50) and clearing of native vegetation, Power and Water (PWC) advises the following with reference to electricity enquiries:

1. Currently the lot is not provided with power service from existing underground distribution network along Flightpath Road.
2. If power supply is required, the Proponent shall engage accredited electrical consultant and contractor (only with relevant fields of experience from the attached recommendation list) to design and construct the electricity network extension in consultation with PWC.
3. PWC shall check and approve the electrical design drawings for construction and carries out final connection work under Australian Energy Regulator (AER) assessment compliance process.
4. The Proponent shall engage a licensed electrician to install customer's internal electricity reticulation in accordance with PWC's current NP007-Service Rules, NP003-Installation Rules and NP010-Meter Manual.

If you have any further queries, please contact the undersigned on 8924 5729.

Yours sincerely



Thanh Tang  
**Manager Distribution Development**  
11 Dec 2023

# Accredited Electrical Contractors and Design Consultants

## Developer works – Gifted assets

This document provides a list of PWC-accredited external Electrical contractors and designers/consultants who may be able to perform a range of services associated with the installation of the electrical infrastructure.

### Overhead Electrical Contractors

	Company name	Contact person	Phone No.	Email
1.	AA Electrical Services (NT)	Shelley Gray	0448 298 158	accounts@aaelectrical.com.au
2.	Coplink (NT)	Graham Copley	0409 842 598	coplink@bigpond.net.au
3.	Cowell Electric Supply (SA)	Aaron Jones	(08) 8629 2136	admin@cowellelectric.com.au
4.	Dec Installations (NT)	Robert Grahl	(08) 8947 7650	robert.grahl@dec.net.au
5.	Enerven (SA) - Company of SA Power Networks	Rod Mitchell	0427 580 219	rod.mitchell@enerven.com.au
6.	Espec (NT)	Peter Badkin	0491 148 543	info@espec.com.au
7.	Duits Electrical (NT)	Denham Hussies	0447 187 032	duits.electrical@outlook.com
8.	Mecnt Electrical Contractors (NT)	Sam Molloy	0427 055 165	sam@mecnt.com.au
9.	Mg Electrical Services (NT)	Euan Buntine	0427 271 424	euan.buntine@mgelectrical.com.au
10.	Nightcliff Electrical (NT)	Richard Johnston	0457 733 456	admin@nightcliffelectrical.com.au
11.	Norgroup (NT)	Damien Ridley	0427 040 078	damian@norgroup.com.au
12.	Northern Power Services (NT)	Gordon Jabour	(08) 8983 3388	admin@nps1.com.au
13.	NT Electrical Group (NT)	Brad Fullwood	(08) 8947 5500	admin@nteg.com.au
14.	NT Power Lines And Electrical (NT)	Robert Timms	0429 780 388	manager@ntpowerlines.com.au
15.	Aus Projects (NT) - Previous Power Project	Andrew Harvey	(08) 8972 2211	andrew@auspnt.com.au

## Undergrounds Electrical Contractors

	Company name	Contact person	Phone No.	Email
1.	AA Electrical Services (NT)	Shelley Gray	0448 298 158	accounts@aaelectrical.com.au
2.	ABR Group (NT)	Adam Rykers	0414 863 874	adam.rykers@abrgroupnt.com.au
3.	Alenco (NT)	Nathan Drummond	0423 681 753	nathan@alencont.com.au
4.	Ampcontrol NT	Gareth Kruger	08 8947 5702	NTAdmin@ampcontrolgroup.com
5.	Centre Electrical Services (NT)	Steve Baskerville	0427 976 952	centreelectrical@bigpond.com
6.	Combined Electrical (NT)	Jeff Rees	(08) 8924 9700	Administration@combinedelectricalnt.com.au
7.	Coplink (NT)	Graham Copley	0409 842 598	coplink@bigpond.net.au
8.	Cowell Electric Supply (SA)	Aaron Jones	(08) 8629 2136	admin@cowellelectric.com.au
9.	Dec Installations (NT)	Robert Grahl	(08) 8947 7650	robert.grahl@dec.net.au
10.	Delta Electrics (NT)	Andrew Boller	(08) 8984 4033	reception@deltaelectrics.com.au
11.	Dice (Aust) NT	Terry Dent	(08) 8932 1109	info@diceaust.com.au
12.	Duits Electrical (NT)	Denham Hussies	0447 187 032	duits.electrical@outlook.com
13.	Enerven (SA) - Company Of Sa Power Networks	Rod Mitchell	0427 580 219	rod.mitchell@enerven.com.au
14.	Espec (NT)	Peter Badkin	0491 148 543	info@espec.com.au
15.	Kellyco Electrical Services (NT)	Don Kelly	0429 897 630	don@kellyco.net.au
16.	Kennelly Constructions (NT)	Shane Kennelly	0409 411 658	shane.kennelly@kennelly.com.au
17.	Mecnt Electrical Contractors (NT)	Sam Molloy	0427 055 165	sam@mecnt.com.au
18.	MG Electrical Services (NT)	Euan Buntine	0427 271 424	euan.buntine@mgelectrical.com.au
19.	Nightcliff Electrical (NT)	Richard Johnston	0457 733 456	admin@nightcliffelectrical.com.au
20.	Nilsen (NT)	Russell Cahill	(08) 8947 1134	nedarwin@nilsen.com.au
21.	Norgroup (NT)	Damien Ridley	0427 040 078	damian@norgroup.com.au
22.	Northern Power Services (NT)	Gordon Jabour	(08) 8983 3388	admin@nps1.com.au
23.	NRG Services (QLD)	Tim O'Neill	0498 989 048	tim.oneill@nrgservicesqld.com.au
24.	NT Electrical Group (NT)	Brad Fullwood	(08) 8947 5500	admin@nteg.com.au
25.	NT Power Lines And Electrical (NT)	Robert Timms	0429 780 388	manager@ntpowlines.com.au
26.	Aus Projects (NT) - Previous Power Project	Andrew Harvey	(08) 8972 2211	andrew@auspnt.com.au
27.	Top End Race (NT)	Jason Kleefsman	(08) 8946 5400	admin@topendrace.com.au

**Disclaimer:**

Power and Water disclaims all liability for any damage or financial loss arising from the use or reliance upon the above consultant and contractor credentials.

The Developer must carry out actual project checks from contractors' competency claims of specific fields of expertise prior to making appropriate decision for engagements. Specific fields of construction expertise are: overhead reticulation (up to 22kV), underground reticulation (up to 22kV), 11kV/22kV indoor ground level substation, 11kV/22kV indoor upper level substation, street lighting.

## Electrical Design Consultants

	Company name	Contact person	Phone No.	Email
1.	AECOM Australia (NT)	James Jentz	0409 665 088	james.jentz@aecom.com
2.	AGA Consulting Engineers (NT)	Alek Gangur	0411 262 714	alekg@agaeng.com.au
3.	APD Engineering (NT)	Thomas King	0458 095 989	admin.nt@apdeng.com.au
4.	Ashburner Francis (NT)	Graham Heaslip	(08) 8942 0585	GrahamH@ashburnerfrancis.com.au
5.	Aurecon Australia (NT)	Clint Tevlin	0408 653 469	clint.tevlin@aurecongroup.com
6.	BCA Engineers (NT)	Scott Gill	0419 036 533	scottgill@bcaengineers.com
7.	BCEC (NT)	Bill Chin	0400 177 637	bill.chin@tpg.com.au
8.	Bestec (SA)	Claire Barber	(08) 8629 2136	cbarber@bestec.com.au
9.	Cell Engineering (NT)	Nathan Ting	0428 110 999	nathan.ting@celleng.com.au
10.	Clarence Consultants (NSW)	Matthew Karpik	(02) 6642 7239	matt@clarenceconsultants.com.au
11.	Enerven (SA) (Part of SA Power Networks)	Rod Mitchell	0427 580 219	rod.mitchell@enerven.com.au
12.	ERDS (QLD)	Shay Quinn	(07) 3518 3100	admin@erds.com.au
13.	GHD (NT)	Andrew Saxelby	(08) 8982 0150	andrew.saxelby@ghd.com
14.	GPA Engineering (SA)	Brian Bennett	(08) 8299 8300	Brian.Bennett@gpaeng.com.au
15.	HK Solutions (NT)	Richard Oppusunggu	0431 662 275	richard.oppusunggu@hksolutions.com.au
16.	Jacobs Group Australia (NT)	Andrew Brummitt	0403 839 439	andrew.brummitt@jacobs.com
17.	JDSI Consulting Engineers (WA)	Norman Mckendry	0438 638 222	norman.mckendry@jdsi.com.au
18.	Peracon Group (QLD) - Previously Lectel	Charlie Vella	0412 021 651	cvella@peracon.com.au
19.	Lucid (NT)	Sree Gavini	0414 041 985	sree.gavini@lucidconsulting.com.au
20.	MDA Consulting (Qld)	Maurice Duffill	(07) 3252 9560	info@mdaengineers.com.au
21.	NTBS Consulting Engineers (NT)	Karl Foran	(08) 8981 9888	karl@ntbsconsulting.com
22.	PCE (Power Control Engineers) (NSW)	Byrce Parker	0448 281 754	byrce.parker@pceng.com.au
23.	SMEC (Qld)	Terry McCauley	0457 821 034	Terry.McCauley@smec.com
24.	Trinamic Consultants (Sa)	David Wilson	(08) 8232 3737	davidw@trinamic.com.au
25.	Wallbridge Gilbert Aztec, WGA (NT)	Andrew Mcleod	(08) 8941 1678	AMcLeod@wga.com.au
26.	WSP (NT)	Firouzeh Amanpoor	(08) 8980 5900	Firouzeh.Amanpoor@wsp.com

**Disclaimer:**

Power and Water disclaims all liability for any damage or financial loss arising from the use or reliance upon the above consultant credentials.

The Developer must carry out actual project checks from consultants' competency claims of specific fields of expertise prior to making appropriate decision for engagements. Specific fields of design expertise are: overhead 11kV/22kV subdivision, underground 11kV/22kV subdivision, overhead 11kV/22kV servicing development, underground 11kV/22kV servicing development, 11kV/22kV indoor ground level substation, 11kV/22kV indoor upper level substation, overhead 66kV and above transmission lines, underground 66kV and above transmission lines.



Container No: LD055/7666

DIPL - Development Assessment Services  
GPO Box 1680  
Darwin NT 0801

Dear David,

**RE: Revised Comments - PA2023/0406 - Section 7666 Hundred of Bagot - 8 Flightpath Road Berrimah  
– Land clearing, vehicle sales and hire and storage of demountable structures**

In response to your letter of the above proposal for development application purpose, Power and Water Corporation Water Services advises the following with reference to water and sewer enquiries:

1. There are no existing reticulated water or sewer services to service Section 7666.
2. A covenant in gross is in effect for Section 7666 in relation to the provision of and upgrading of power and water supply and sewerage infrastructure to the Land in connection with future development on Section 7666.
3. Significant upgrades and extensions of infrastructure are required to enable reticulated water and sewer servicing to the property, including:
  - For water, an extension of the water network along Flightpath Rd is required (approx. 550m).
  - For sewer, PWC recommend the developer contact DIPL Planning should the developer express an interest for a permanent sewer servicing solution. Alternatively, on-site treatment can be explored subject to approval by Department of Health.
4. The developer must ensure that;
  - a) Backflow prevention is installed at the water service in accordance with AS/NZS 3500.1 – Plumbing and Drainage - Water Services
  - b) Where applicable, the device is tested annually in accordance with AS/NZS 2845.3 field testing and maintenance of testable devices.

Our database shows a device is **not** installed.

Visit <https://www.powerwater.com.au/developers/water-development/backflow-prevention> or contact [BackflowPrevention.PWC@powerwater.com.au](mailto:BackflowPrevention.PWC@powerwater.com.au) for all backflow prevention enquiries.

5. Full lot fire coverage may not be achieved from existing hydrants. Internal firefighting arrangements must be made to the satisfaction of NT Fire and Rescue Service. PWC recommends that the developers' hydraulic consultant confirm internal firefighting requirements with PWC prior to the development, so that flow capability can be adequately assessed.



6. The developer must ensure that;
  - a) Prior to construction Trade Waste approval or exclusion is obtained – to discuss requirements for the proposed development contact [TradeWasteDept.PWC@powerwater.com.au](mailto:TradeWasteDept.PWC@powerwater.com.au)
  - b) Before seeking clearance the owner/customer has obtained a License to discharge Trade Waste by applying here <https://www.powerwater.com.au/developers/water-development/trade-waste>
  
7. Power and Water 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)) must be contacted via email a minimum of 1 month prior to construction works commencing.

If you have any further queries, please contact the undersigned on 8995 5884, or email [waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)

Yours sincerely,



Louise Galey

**Services Development**

30<sup>th</sup> January 2024

cc: Israel-Tshepo Kgosiemang

email: [Israel.k@oneplanningconsult.com.au](mailto:Israel.k@oneplanningconsult.com.au)



Container No: LD055/7666

Development Assessment Services  
Department of Lands, Planning and Environment  
GPO Box 1680  
Darwin NT 0801

Dear Amit,

**RE: Revised Comments - PA2023/0406 - Section 7666 Hundred of Bagot - 8 Flightpath Road Berrimah – Land clearing, vehicle sales and hire and storage of demountable structures**

In response to your letter of the above proposal for development application purpose, Power and Water Corporation Water Services advises the following with reference to water and sewer enquiries:

1. Reticulated water and sewer services are currently unavailable in the area. The developer must contact relevant authorities to discuss servicing requirements for the proposed development.
2. A covenant in gross is in effect for Section 7666 in relation to the provision of and upgrading of power and water supply and sewerage infrastructure to the Land in connection with future development on Section 7666.
3. Significant upgrades and extensions of infrastructure are required to enable reticulated water and sewer servicing to the property.
4. The Department of Lands, Planning and Environment (DLPE) has confirmed that this development is within the parameters on which the infrastructure masterplan to support developments for the area is being progressed, and sewer and water services will be constructed to service this lot by the Department.
5. A letter to PWC of unconditional guarantee to service the development with water and sewer will be required prior to issue of clearance.
6. The future landowner will be required to connect to water and sewer services once constructed, within a reasonable timeframe
7. On-site plumbing works must be installed to cater for any future connection to water and sewer mains if the option to connect becomes available.
8. If construction water is required please contact our Customer Services Centre on 1800 245092 or to apply for access to one of our filling stations please follow the link below:  
<https://www.powerwater.com.au/customers/water-and-wastewater/water-filling-stations>
9. Full lot fire coverage cannot be achieved from existing hydrants. Internal firefighting arrangements must be made to the satisfaction of NT Fire and Rescue Service.

10. Power and Water 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)) must be contacted via email a minimum of 1 month prior to construction works commencing.

If you have any further queries, please email [waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)

Yours sincerely



Sarah Hemopo

**Development Services Officer**

27<sup>th</sup> September 2024

cc: Israel-Tshepo Kgosiemang

email: [israel.k@oneplanning.com.au](mailto:israel.k@oneplanning.com.au)



Dear Development Assessment Services,

**Re: PA2023/0406 Section 07666 Hundred of Bagot – vehicle sales and hire, demountable structures (up to 50) and clearing of native vegetation**

We refer to the above application for a development permit.

### Recommendation

The Aboriginal Areas Protection Authority (AAPA) **recommends that Mr John Tannos apply for an Authority Certificate** in accordance with section 19B of the *Northern Territory Aboriginal Sacred Sites Act 1989* (the Sacred Sites Act) prior to undertaking any development activity or other work in NT Portion 07666. There is information on the AAPA homepage on how to apply for an [Authority Certificate](#).

The Abstract of Records issued by AAPA to Mr John Tannos (RI202311607) on 11 October 2023 is not a conclusive statement about the extent of sacred sites in the subject land. The Abstract of Records is for general information purposes only and should not be relied upon by persons undertaking development activity.

AAPA's knowledge of sacred sites in NT Portion 07666 is inconclusive because the majority of this area has not been fully surveyed. An Authority Certificate issued under the Sacred Sites Act will, however, ensure the protection of sacred sites located on the land, providing both certainty and legal protection when conducting any development activity.

In the absence of an Authority Certificate, a body corporate or an individual who undertakes work on a sacred site will be committing an offence against the Sacred Sites Act and may be subject to penalties of up to 400 penalty units or imprisonment for 2 years (or 2000 penalty units in the case of a body corporate). Additional offences under the Sacred Sites Act may also apply.

### Background Information

AAPA is a statutory authority responsible for overseeing the protection of Aboriginal sacred sites on land and sea across the Northern Territory.

The protection of sacred sites is recognised by the Northern Territory Government and the broader Territory community as an important element in the preservation of the Territory's cultural heritage, for the benefit of all Territorians. AAPA seeks to strike a balance between the protection of sacred sites and development in the Northern Territory.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Anna Kwan', with a small flourish at the end.

Anna Kwan  
Senior Executive Officer  
18 December 2023

cc: Mr Israel Tshepo-Kgosiemang – E: [Israel.k@oneplanningconsult.com.au](mailto:Israel.k@oneplanningconsult.com.au)

15 December 2023

Development Assessment Services  
Department of Infrastructure, Planning and Logistics  
GPO Box 1680  
DARWIN NT 0811

Dear DAS

**Re: Proposed Development Application  
Vehicle sales and hire, demountable structures (up to 50) and clearing of  
native vegetation.  
Section 7666, Hundred of Bagot (8 Flightpath Rd, Berrimah).**

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Your Reference: PA 2023/ 0406

Thank you for your email of 01 December 2023, reference to on-line exhibition material and the opportunity to comment.

The following comments are made by DIA for DAS consideration.

**1. Safeguarding Airspace**

Airspace around leased Federal airports such as Darwin is protected under the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*. As Darwin is a Joint User Airport the *Defence (Aviation Areas) Regulations* also apply.

The *Airports Act 1996* defines any activity resulting in an intrusion into an airport's protected airspace to be a "controlled activity" and requires that controlled activities cannot be conducted without approval.

The Regulations provide for the Department of Infrastructure, Regional Development and Cities or the airport operator to approve applications to conduct controlled activities, and to impose conditions on an approval.

Conducting a controlled activity without approval is an offence under Section 183 of the *Airports Act 1996* and is punishable by a fine of up to 250 penalty units. It is an offence under Section 185 of the Act to contravene any conditions imposed on an approval. Under Section 186 of the Act, it is an offence not to give information to the airport operator that is relevant to a proposed controlled activity.

DIA has assessed this proposal against the Obstacle Limitation Surfaces (OLS) and Procedures for Air Navigation - Operations (PANS-OPS) surfaces for Darwin Airport.

Site is under the Runway 11/29 approach and take-off surfaces of the Obstacle Limitation Surface (57m AHD) for Darwin Airport. Maximum structure height indicated on the exhibition material at 7.5m AGL or around 43m AHD will not impact. There is no effect on the PANS-OPS surfaces.

Cranes used during construction are likely to impact however and must be the subject of a separate application to DIA. Assessments are required by Airservices Australia before any NOTAM action and may take at least six weeks.

## **2. Lighting**

As the site is within 6 km of Darwin Aerodrome, the proponent must refer and comply with Section 9.21 'Lighting in the Vicinity of Aerodromes' of the CASA Manual of Standards Part 139 available at:

<https://www.legislation.gov.au/Details/F2020C00797>

## **3. Bird Hazard**

There must be no site activity which would attract birds that could create a hazard for aircraft operations.

## **4. Aircraft Noise**

Darwin International Airport is a joint-user operation with the Department of Defence. The development site is 1700 metres east of the Runway 29 threshold and only 200 metres north of the extended centreline and will be subject to aircraft noise.

Site is between two ANEF Zones 30 to 35. AS 2021-2015 (*Acoustics-Aircraft noise intrusion-Building siting and construction*) states that siting of light industrial buildings in ANEF Zone 30 to 40 is conditionally acceptable.

The Australian Noise Exposure Forecast (ANEF) is used to inform strategic land use planning. It is a set of contours showing future forecasted levels of exposure to aircraft noise for building control purposes. As Darwin International Airport is a joint-user airport, it is required to have a joint civil-military ANEF.

The endorsed joint-civil military 2043 ANEF and associated noise metrics were prepared to inform the Draft Darwin International Airport 2023 Master Plan, currently out to public consultation. ANEF inputs include aircraft movement forecasts, runway and flight path usage, time of day, aircraft fleet mix, local topography and climate conditions. The ANEF for Darwin International Airport assumes that there are to be no major changes to the airfield layout, any runway extensions or changes to the current flight patterns within the 20-year planning period of the Master Plan. The military traffic scenario chosen by Defence as the basis for the 2043 ANEF and associated noise metrics is military aircraft traffic throughout the year excluding peak military exercise periods (e.g. the biennial Exercise Pitch Black).

The 2043 joint civil-military N70 chart is a complementary aircraft noise metric that shows the potential number of aircraft noise events above 70 dB(A) that are forecast to occur in a typical day. It is more explanatory than the ANEF system as it shows noise in a way that a person perceives it, as a number of single aircraft movement events per day above a certain noise level. The 70 decibel (N70) measure has been used because a 70 decibel outside noise will generally be experienced as a 60 decibel event inside a residence with the windows open. 60 decibels is the sound level that will disturb a normal conversation or activities such as watching television.

The Joint Civil Military N70 chart shows that the site is subject to above 50 N70 events per day.

This should also be considered when assessing this development application.

Yours sincerely

*Robert Calaby*

**Robert Calaby**

Aerodrome Safety and Standards Manager

cc: District Aerodrome Inspector CASA – Slavica Despotovic  
RAAF Base Darwin –  
WGCDR Lauren Guest SADFO  
SQNLDR Andrew Miller ABXO RAAF DAR  
SQNLDR Jay Murray BASO  
FLGOFF Pat Tanner BAEO  
SQNLDR James Lee Flight Commander 452SQN DAR FLT  
Assistant Secretary Estate Planning Branch,  
Department of Defence BP26-1-A052 Canberra ACT  
Department of Infrastructure, Regional Development and Communications –  
Rowan McKeever  
CEO Darwin International Airport – Tony Edmondstone



Mr David Burrows  
Department of Infrastructure, Planning and Logistics  
GPO Box 1680  
DARWIN NT 0801

Dear Mr Burrows

**Re: PA2023/0406 Vehicle sales and hire - demountable structures (up to 50) and clearing of native vegetation**

The Department of Environment, Parks and Water Security (DEPWS) has assessed the information contained in the above application and provides the following comments:

### Rangelands Division

#### **Weed Management Branch**

On 13 December 2023 a site inspection was conducted in relation to this application. This inspection confirmed the presence of the following declared weeds on the site:

Common Name	Botanical Name	Declared
Gamba grass	<i>Andropogon gayanus</i>	Class B

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 all persons, owners and occupiers, of land regarding declared and potential weeds. General duties described in Division 1 of the WM Act include the requirement for owners or occupiers of land to take all reasonable measures to prevent land being infested with a declared weed, and to prevent a declared weed from spreading.

There are four types of classifications for a declared or potential weed under the WM Act: Class A (to be eradicated); Class B (growth and spread to be controlled); Class C (not to be introduced into the Territory or part of the Territory); and Class D (prevent the spread by actions of persons).

Gamba grass is well established across much of the proposed site. Gamba is subject to a statutory weed management plan. Management obligations outlined in this plan must be adhered to by all land holders.

'Preventing Weed Spread is Everybody's Business' is a document highlighting the areas of risk for all activities associated with weed spread. The document available online<sup>1</sup>, details the pathways through, which weeds are spread and provides actions to reduce weed spread. Proponents seeking to develop land for any purpose should address these actions.

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<sup>1</sup> [https://denr.nt.gov.au/\\_data/assets/pdf\\_file/0011/257987/preventing-weed-spread.pdf](https://denr.nt.gov.au/_data/assets/pdf_file/0011/257987/preventing-weed-spread.pdf)

The proponent must ensure that all vehicles and machinery are free of weeds, weed seeds, soil and vegetative material prior to entering or exiting the site. Vehicles must avoid driving through weeds already present on-site to prevent further spread. Vehicles and machinery exhibiting such material must be thoroughly washed down before entering/departing.

Any works that cause disturbance to vegetation and soils will create conditions favourable for the growth of weed species, and weed control will be required following disturbance. Weed control prior to seed set should be carried out in all areas affected by these works.

Further information as to management requirements and the Weed Management Plan for gamba are available online<sup>2</sup> or alternatively contact the Weed Management Branch for further advice on (08) 8999 4567.

Should this development application receive consent the Weed Management Branch recommends the following:

Permit note:

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 or occupiers of land regarding declared weeds. General duties described in Division 1 of the WM Act include the requirement for owners or occupiers of land 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.

Gamba is subject to a statutory weed management plan. Management obligations outlined in these plans are legally binding on all owners and occupiers. Management requirements and copies of the statutory weed management plans are available at <https://nt.gov.au/environment/weeds/weed-management-planning>.

Information regarding weed management is available at the NTG website: <https://nt.gov.au/environment/weeds>, or alternatively contact the Weed Management Branch for further advice on (08) 8999 4567.

Should you have any further queries regarding these comments, please contact the Development Coordination Branch by email [DevelopmentAssessment.DEPWS@nt.gov.au](mailto:DevelopmentAssessment.DEPWS@nt.gov.au) or phone (08) 8999 4446.

Yours sincerely



Maria Wauchope  
Executive Director Rangelands  
19 December 2023

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<sup>2</sup> <http://www.nt.gov.au/environment/weeds>

From: [Eponine Richardson](#) on behalf of [Das NTG](#)  
To: [David Burrow](#)  
Subject: FW: "PA2023/0406 Section 07666 Hundred of Bagot" - New Application Submitted [SEC=OFFICIAL]  
Date: Tuesday, 16 January 2024 3:35:58 PM

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Hi David,

FYI, please see below in regards to one of your applications.  
The email has been saved in TRM.

Kind Regards

**Eponine Richardson**

Planner, Development Assessment Services  
Department of Infrastructure, Planning and Logistics  
(Tuesday-Friday, every second Monday)

Level 1, Energy House, 18-20 Cavenagh Street, Darwin  
GPO Box 1680, Darwin, NT 0800

t. 08 8999 6046

**Please note that I work on a part time basis and am in the office during regular hours Tuesday-Friday and every second Monday. For any urgent matters please contact Development Assessment Services on 8999 6046.**

**Please note:**

The last advertisement of development applications for 2023 will be published online on Friday 1 December 2023.

For planning scheme amendments, rezonings, concurrent applications and designated developments (prescribed by section 7 of the Planning Regulations 2000), the last advertisement for 2023 will be published online on Friday 17 November 2023 (as a 28 day exhibition period is required).

The first advertisement for all applications for 2024 will be published online Friday 26 January 2024. Development application lodgements need to be received 10 days prior to make the above final/first advertising dates.



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**From:** Williams, Matt MR 7 <matt.williams7@defence.gov.au>  
**Sent:** Tuesday, 16 January 2024 1:51 PM  
**To:** Das NTG <Das.NTG@nt.gov.au>

**Subject:** RE: 'PA2023/0406 Section 07666 Hundred of Bagot' - New Application Submitted  
[SEC=OFFICIAL]

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

## OFFICIAL

Good afternoon,

Thank you for your email regarding PA2023/0406.

The said proposal is in area where all structures require a Defence Area Approval (DAA). Land Planning has performed an Obstacle Limitation Surface (OLS) assessment on the structures and the proposal does not infringe on the OLS. However, a DAA application is required for the proposed structures.

As per the [Defence aviation areas regulation](#) webpage, you will need to email DPLR via [land.planning@defence.gov.au](mailto:land.planning@defence.gov.au) with the information requested below to commence the DAA application process.

*A DAA application is required to be submitted to Defence before construction commences if the following applies:*

- *The height of a planned structure exceeds the DAA height restriction for the proposed development.*
- *Proposed development will bring into, or use, a hazardous object within a DAA.*

*The assessment process can take up to 2 months to allow consultation to occur with a wide range of stakeholders.*

*Submit an application by emailing sufficient information for Defence to understand the possible impact on aviation safety, such as:*

- *A brief description of the proposal.*
- *The street address and legal description of the subject site.*
- *A plan showing the proposed structure's location in relation to the property boundaries and natural ground levels.*
- *Plans and elevations of the proposed structures showing the maximum height for:*
  - *buildings*
  - *electrical equipment*
  - *vegetation used for landscaping (include the height of vegetation at maturity where trees are proposed)*
  - *lights*
  - *antennas*
  - *lightning protection terminals*
  - *air conditioning units*
  - *any other service infrastructure mounted on the roof in both Australian height datum (AHD) and above ground level (AGL) formats.*
- *Geographical co-ordinates (latitude and longitude) and universal transverse mercator (UTM) grid co-ordinates (easting and northing) for the development.*
- *The horizontal datum for the co-ordinates, i.e. Geocentric Datum of Australia 2020 (GDA2020), Map Grid of Australia 2020 (MGA2020), or other datum.*
- *If cranes are to be used, the location and height information for the crane.*

Thank you for your patience and understanding.

**Matthew Williams**

Acting Estate Strategic Planner

Land Planning and Regulation

Estate Planning Branch

Security & Estate Group

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**Department of Defence**

BP3-01-A005 | 26 Brindabella Cct, Brindabella Business Park ACT 2609

T: (02) 5109 8818 E: [matt.williams7@defence.gov.au](mailto:matt.williams7@defence.gov.au)

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## Madison Harvey

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**From:** Williams, Matt MR 7 <matt.williams7@defence.gov.au>  
**Sent:** Monday, 28 October 2024 1:29 PM  
**To:** Madison Harvey  
**Subject:** RE: PA2023/0406 - Section 7666 Hundred of Bagot - 8 Flightpath Road Berrimah - Request for further comments [SEC=OFFICIAL]

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

### OFFICIAL

Hi Madison,

Thank you for your email. The Department of Defence has no concerns with the sewer and water proposals as listed below.

It is vital that a DAA applica. on is submitted and approved before any construction takes place.

Kind regards,

#### Matthew Williams

Acting Estate Strategic Planner

Land Planning and Regulation  
Estate Planning Branch  
Security & Estate Group

---



#### Department of Defence

BP3-01-A005 | 26 Brindabella Cct, Brindabella Business Park ACT 2609  
E: [matt.williams7@defence.gov.au](mailto:matt.williams7@defence.gov.au)

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**From:** Madison Harvey <Madison.Harvey@nt.gov.au>  
**Sent:** Monday, 28 October 2024 2:06 PM  
**To:** Williams, Matt MR 7 <matt.williams7@defence.gov.au>  
**Cc:** Amit Magotra <Amit.Magotra@nt.gov.au>  
**Subject:** PA2023/0406 - Section 7666 Hundred of Bagot - 8 Flightpath Road Berrimah - Request for further comments

 **EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe. 

Good Afternoon Matthew

We refer to the above mentioned development application and note that the Department of Defence provided the attached submission. Since that time, to resolve concerns raised by Power and Water and the Department of Infrastructure, Planning and Logistics (DIPL) regarding the provision of water and sewer services, the applicant has proposed interim measures to service the lot until DIPL provides reticulated water and sewer infrastructure in the future. No other changes have been proposed.

These interim measures include:

- Sewer - Providing a septic system that can be redirected to the main sewer system in the future. The system will have the capacity to serve 6- 10 people as expected for the proposed development.
- Water—The proponent proposes to engage a licenced bore driller to facilitate drilling on site. Once the service main is made available, connection to reticulated water service will be undertaken.

Can you please review the attached interim measures and advise if you have any further submissions / comments on the development application by 4 October 2024?

Happy to discuss if required, please let me or Amit know if you have any queries.

Regards,

**Madison Harvey**

Senior Planner  
Development Assessment Services  
Department of Lands, Planning and Environment  
Northern Territory Government

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 Please consider the environment before printing this email

Mr Amit Magotra  
Development Assessment Services  
GPO Box 1680  
DARWIN NT 0801

**LAND DEVELOPMENT**  
Level 5 Energy House  
18-20 Cavenagh Street  
DARWIN NT 0800

**Postal Address**  
GPO Box 1680  
DARWIN NT 0800

T 08 8924 7361  
F 08 8924 7044  
E [graeme.finch@nt.gov.au](mailto:graeme.finch@nt.gov.au)

Dear Mr Magotra

Trim Ref: 20240008-05-002~0001

**RE: SERVICING 8 FLIGHTPATH ROAD (SECTION 7666) - PA2023/0406**

The Land Development Unit (LDU) has reviewed the following PA2023/0406 documents relating to interim measures specifically for water and sewer, including:

- Lot 7666 Flightpath Road – Plumbing 1,
- Lot 7666 Flightpath Road – Plumbing 2,
- Email correspondence from Water Resources Division relating to a bore permit.

The Berrimah North Area Plan was approved in 2014, with the Department progressing the planning for the infrastructure network required to support development in accordance with the principals and intentions of the plan.

This application is within the parameters on which the infrastructure master plan prepared to support development in accordance with the Berrimah North Area Plan, and sewer and water services will be constructed in the future to service this lot to the Berrimah North infrastructure network.

Sewer and water services will be provided within the Flightpath Road road reserve to the shared boundary with Lot 7667 (north east corner). Services will terminate at this point, and the Department will not undertake any works within the lot to connect to the future services.

On the basis that the future land owner will be required to connect to these services once constructed, LDU has no objections with the proposed interim measures as identified in the above plans.

The developer will need to include provision in the development's internal servicing design to allow for the connection to the infrastructure networks within the Flightpath Road road reserve.

Conditions:

Condition Precedent 1 – Prior to the commencement of works, detailed design drawings must be provided confirming how the future connection of water and sewer services will be achieved.

General Condition 1 – Prior to handover of assets, surveyed as-constructed information confirming the depth and alignment of internal services must be provided that clearly identifies the connection to the future services.

Should you have any further queries please contact Rohan Langworthy on telephone 8924 7204.

Yours sincerely



Graeme Finch  
Senior Director Land Development Unit

17 September 2024