

F– Copy of Approval PA2014/0410 - Filling of the Land

Development Consent Authority

Northern Territory



GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6044
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In reply, please quote PA2014/0410
AD LC

Planit Consulting Pty Ltd
74 Marina Boulevard
CULLEN BAY NT 0820

Dear Sir / Madam

NOTICE OF DETERMINATION (SECTION 53A OF THE PLANNING ACT)

LOT 5182 (213) DICK WARD DRIVE, TOWN OF DARWIN & LOT 8630 (95) DICK WARD DRIVE,
TOWN OF NIGHTCLIFF

The Development Consent Authority, in accordance with Section 53(a) of the *Planning Act*, has determined to grant consent to use and develop the abovementioned land for filling of land (SD44) for future development subject to the conditions specified below.

NOTE: This is not a Development Permit. No use of the land or development works in accordance with this Notice of Determination may be carried out until such time as a Development Permit has been issued.

Conditions Precedent

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how the development will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management, stormwater management, use of City of Darwin land and how this land will be managed during the development phase.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning, and in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. Erosion and sediment control information can also be sourced from the DLRM website at <http://lrm.nt.gov.au/soil/management>.

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. Appropriate protection shall be provided to contain potential spills of waste and protect contaminants from entering adjacent properties, roadways, and the stormwater drainage system.
6. The proponent must ensure that only clean fill (virgin excavated natural material) or inert fill is accepted and that the inert fill has been adequately assessed as being suitable for its intended use or uses.
7. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked/dropped material on the road pavement becomes a potential safety issue, the developer will be obliged to clean material off the road in an environmentally responsible manner.
8. The developer is to ensure that all development work is undertaken in a manner that prevents the creation of a public health nuisance from dust or other particulate matter.
9. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
10. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
11. Should any marine sediments be excavated and exposed an Acid Sulphate Soils Management Plan (ASSMP), including details of the volumes and depths of proposed excavations and potential length of time acid sulphate soil material may be exposed, is to be submitted to and approved by the consent authority on the advice of a suitably qualified professional, and an endorsed copy of the Plan will form part of this permit.

Notes:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 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.
2. Any proposed stormwater connections to the City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

3. works within the drainage easements will require approval from the Department, and the applicant must ensure compliance with the *Crown Lands Act* and the *Associations Act* in relation to any works on the land.
4. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.

Reasons for the Determination

1. The filling of land is consistent with the purpose of zone SD44 which is to provide for light industrial development that addresses the effects of primary storm surge and preserves the safety and maintains the curfew free operation of the Darwin International Airport.
2. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposal is generally in accordance with the requirements of the SD44 Specific Use Zoning subject to the preparation of a revised Erosion Sediment Control Plan (ESCP) which is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management.
3. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49. Seven submissions were received raising concerns with the proposal. Appropriate responses to the matters raised, as reflected by the conditions and notes given on the development permit, should ensure that all issues are addressed appropriately within the context of the approved zoning of the land.
4. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account 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. In addition, pursuant to section 51(j) of the *Planning Act*, the consent authority must also take into account 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. Precedent and general conditions on the development permit require an environmental construction management plan and an erosion and sediment control plan, as well the requirement for dust control and the use of clean or inert fill only. It is anticipated that these measures, combined with standard conditions relating to the treatment of easements, are expected to ensure that the land is developed in accordance with its physical capabilities; address concerns raised by service authorities; and, ensure utility and infrastructure requirements are appropriately addressed.
5. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the future and exiting amenity of the area in which the land is situated. The existing and future amenity of the area largely been addressed through the SD44 Zoning which has been created to provide for a light industrial development. Consideration has been given to surrounding land uses, and provided all works are undertaken in accordance with the precedent and general conditions, it is not anticipated the development would impact on amenity.

Rights of Appeal

Applicants are advised that a right of appeal to the Appeals Tribunal exists under Part 9 of the *Planning Act*. An appeal under section 114 against a determination of development application must be made within 28 days of the service of this notice.

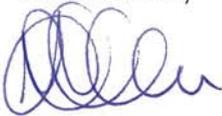
Persons or a local authority who made submissions in accordance with section 49 of the Act, in relation to the development application are advised that a right of appeal to the Appeals Tribunal exists under Part 9 of the Act. An appeal under section 117 by a third party in respect of a development application must be made within 14 days of the service of this notice.

The Registrar of the Appeals Tribunal can provide information regarding the Notice of Appeal form and fees payable. The address for lodgement of a Notice of Appeal is: The Registrar, Appeals Tribunal, GPO Box 1281, DARWIN NT 0801 or Department of Justice, Level 3 Office of the Coroner, Nichols Place, Corner of Bennett and Cavenagh Street DARWIN NT 0801 (Telephone: 08 8999 5001 or Facsimile 08 8999 5005).

If within fourteen (14) days of this notice, no appeal is lodged with the Registrar, Appeals Tribunal, a Development Permit will be issued in accordance with the conditions shown on the attached schedule.

If you have any queries in relation to this Notice of Determination, please contact Anthony Brennan on telephone (08) 8999 7416.

Yours faithfully



Hanna Stevenson
Delegate

15/12/2014

Cc City of Darwin
Lands and Mining Tribunal
Plan: The Planning Action Network
William B Day
Tibby Quall
Gail Warman
Donna Jackson
Diana Rickard & Greg Chapman
Christine Power