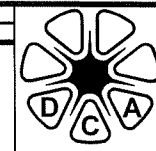


# *Development Consent Authority*

Northern Territory



GPO BOX 1680  
DARWIN NT 0801

Telephone No: (08) 8999 6044  
Facsimile No: (08) 8999 6055

In reply please quote: PA2014/0745  
AB LC

PLANIT CONSULTING PTY LTD  
[julie@planitconsulting.com.au](mailto:julie@planitconsulting.com.au)

Dear Sir / Madame

## **NOTICE OF CONSENT (SECTION 53B OF THE *PLANNING ACT*) LOT 5182 (213) DICK WARD DRIVE, TOWN OF DARWIN**

The Development Consent Authority has determined to vary the requirements of clause SD37 (Specific Use No. 37 – Darwin) and clause 11.1.1 (Minimum Lot Sizes and Requirements) of the Northern Territory Planning Scheme, and in accordance with section 53(a) of the *Planning Act*, to grant consent to the proposal to use and develop the abovementioned land for the purpose of subdivision to create 6 lots, subject to the conditions specified on the attached Permit DP14/0831.

### Reasons for the Determination

1. The subdivision is consistent with the purpose of zone SD37 which is to provide for development that preserves the amenity of the adjoining residential areas, minimises the negative impacts of being exposed to aircraft noise, and preserves the safety 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 SD37 Specific Use Zoning and consistent with the endorsed master plan. Where the proposal seeks variations to the provisions of the planning scheme it has been demonstrated that purpose of the clause has been met or can be met through the inclusion of precedent and or general conditions.
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. Nineteen 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: a schematic stormwater management plan, a traffic impact assessment report, an environmental construction management plan, an erosion and sediment control plan, and a waste management plan. It is anticipated that these measures, combined with standard conditions relating to the connection and upgrade of utility services and the provision and treatment of easements, are expected to ensure that the land is developed in accordance with 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 existing amenity of the area in which the land is situated. The future and existing amenity of the area largely been addressed through the SD37 zoning which has been created to provide for a commercial and 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.
6. Satisfaction of section 9.21 '*Lighting in the Vicinity of Aerodromes*' of the CASA Manual of Standards Part 139 is required in order to meet subclause 4 of clause 6.9 (Land in Proximity to Airports), which requires that "lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport".

### Right of Appeal

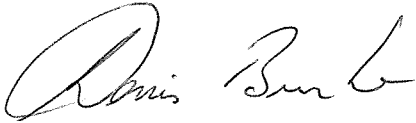
Applicants are advised that a right of appeal to the Appeals Tribunal exists under Part 9 of the *Planning Act*. An appeal under section 114 against a determination of a development application must be made within 28 days of the service of this notice.

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 Office of the Coroner, Level 3 Nichols Place, Cnr Bennett & Cavenagh Sts (Telephone: 08 8999 5001 or Facsimile 08 8999 5005).

There is no right of appeal by a third party under section 117 of the *Planning Act* in respect of this determination as section 117(4) of the Act and regulation 14 of the Planning Regulations apply to the application.

If you have any queries in relation to this Notice of Consent or the attached Development Permit, please contact Anthony Brennan on telephone (08) 8999 7416.

Yours faithfully



**DENIS BURKE**

Delegate

4 / 12 / 2014

Attachment

Cc City of Darwin  
Ann – Maree Grant  
Barbara Cummings  
Beatrice Anne Lord  
Carolyn Carttling  
Carolyn Marriott  
David Percival  
Dr William B Day  
Fiona Douglas  
Gail Haydon  
Gail Warmen  
Graham Kirby  
Heidi Jatis  
Nancy Batenburg  
Nicole Kaye  
Pamela Trotman  
Plan: The Planning Action Network  
Rob Inder – Smith  
Sab Lord  
Vanessa Kaye  
Yvette Kirk