

# Development Consent Authority

Northern Territory



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Dear Mr Cunningham

## **LOT 9370 (544) LEE POINT ROAD, TOWN OF NIGHTCLIFF**

You are hereby advised that the Development Consent Authority, at its meeting on 7 December 2018 resolved, pursuant to section 46(4)(b) of the *Planning Act*, to defer consideration of the application to develop the above land for the purpose of subdivision to create 283 lots in five stages, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- Further information and/or amended plans to address Recommendations 9 and 15 of the EPA's Assessment Report for the development, including:
  - Whether the conceptual stormwater infrastructure shown within the 7.02ha lot labelled 'open space / drainage' requires further consideration under the Environmental Assessment Act, on the advice of the Environment Division, Department of Environment and Natural Resources. Otherwise, a conceptual stormwater design which excludes infrastructure from this area.
  - Demonstration of the 15m buffer required to the monsoon rainforest area.
- Further information and/or amended plans to address Recommendation 9 of the EPA's Assessment Report for the development, including demonstration of the intended zone for any drains to allow the drain owner to carry out expedient maintenance, on the advice of the Environment Division, Department of Environment and Natural Resources.
- Further information and/or amended plans showing the lots affected by the 1.7km odour buffer referenced by Recommendation 8 of the EPA's Assessment Report for the development.
- Further information and/or amended plans showing the location of a road connection to the northern boundary of the site to comply with the road connections included in Clause 14.1.5 (Planning Principles for the Lee Point Area Plan). The inclusion of the road connection to the northern boundary is to have regard to increasing compliance with Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) in relation to the lots proposed along the northern boundary of the subdivision.
- Further information and/or amended plans to address the interim treatment of the eastern side of the proposed subdivision to ensure that an adequate buffer is provided until such a time that the rural residential lots are developed within Stage 3, on the advice of Medical Entomology, Department of Health.

## **REASONS FOR THE DECISION**

1. Pursuant to Section 46(4)(b) of the *Planning Act*, the consent authority may defer consideration of a proposal to allow the applicant to provide additional information it considers necessary to enable the proper consideration of the proposal and its impact on the site and surrounding area. Pursuant to Section 51(g) of the *Planning Act*, the consent

authority must, in considering a development application, take into account that if a public environment report, and or environmental impact statement has been prepared or is required under the *Environmental Assessment Act*, in relation to the proposed development, the report or statement and the results of any assessment of the report or statement under the Act.

Further information is required to allow demonstration that Recommendations 9 and 15 of the Northern Territory Environment Protection Authority Assessment Report for the development will be met.

2. Pursuant to section 51(a) of the *Planning Act*, the consent authority must, in considering a development application, take into account any planning scheme that applies to the land to which the application relates.

The Northern Territory Planning Scheme includes Clause 14.1.5 (Planning Principles for the Lee Point Area Plan) and whilst the development is assessed as generally complying with this Clause, the road connection to the northern boundary of the site is not currently shown and the planning principles require the development provide for interconnected neighbourhoods, and this connection would allow for an interconnected development in the event of future changes of use or redevelopment of the land to the north. The consent authority request that the applicant review lot sizes along the northern boundary of the site as part of providing the northern road connection, with the view to increasing compliance with Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions).

3. Clause 14.15 (Planning Principles for the Lee Point Area Plan) shows an area of land within the subdivision to be developed as a rural residential buffer, which provides an open wind buffer between the uncontrolled mosquito breeding sites in Buffalo Creek and the urban residential lots. As the rural residential lots are proposed as a 3<sup>rd</sup> and final stage to the subdivision, the consent authority require further advice on the interim treatment (i.e. an open wind buffer) of this area to ensure that the urban lots contained within stages 1 and 2 are provided with an adequate buffer, until such time as the 3<sup>rd</sup> and final stage is constructed.

Should you require any further information on this matter, please telephone Development Assessment Services on 8999 6046.

Yours faithfully

**Dawn Parkes**  
Delegate

19 December 2018

cc City of Darwin  
Submitters