



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 201 – WEDNESDAY 7 JUNE 2023

**AUDITORIUM REAR MEETING ROOM
GODINYMAYIN YIJARD RIVERS ARTS & CULTURE CENTRE
LOT 3238 STUART HIGHWAY
KATHERINE**

MEMBERS PRESENT: Suzanne Philip (Chair), Allan Domaschenz, Lis Clark and Denis Coburn

APOLOGIES: Jeffrey Trembath

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: George Maly and via videolink Josh Larder and Eponine Richardson
(Development Assessment Services)

COUNCIL REPRESENTATIVE: None

Meeting opened at 11.00 am and closed at 12 40 pm

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

ITEM 1
PA2023/0030

SUBDIVISION TO CREATE TWO LOTS

APPLICANT

NT PORTION 7829 (180) QUARRY ROAD, LANSDOWNE

Earl James and Associates

Kevin Dodd (Earl James and Associates) attended via video link.

RESOLVED
6/23

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop NT Portion 7829 (180) Quarry Road, Lansdowne for the purpose of a subdivision to create two lots, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered 2023/0030/01, endorsed as forming part of this permit.
2. 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
3. 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.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, electricity and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

NOTES

1. The development must comply with the technical standards of the Northern Territory Subdivision Development Guidelines for the construction of public infrastructure as part of subdivision works to the requirements of the relevant local and service authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authorities to confirm their requirements, and any variations that may be sought to the Subdivision Development Guidelines, to ensure the works are completed to the relevant authorities' requirements. The Northern Territory Subdivision Development Guidelines can be found at: <https://www.ntlis.nt.gov.au/sdg-online/>
2. A groundwater extraction licence may be required under the *Water Act 1992* for any bore used for purposes other than rural stock and domestic water supply. For advice on water extraction licences please contact the Water Licensing and Regulation Branch of the Department of Environment, Parks and Water Security.
3. All land in the Northern Territory is subject to the Weeds Management Act 2001 (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding declared weeds. Section 9 general duties include the requirement to take all reasonable measures to prevent land being

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infested with a declared weed and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection.

Should you require further weed management advice contact the weed management branch by phone on (08) 8999 4567 or by email to weedinfo@nt.gov.au.

4. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5356. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
5. An *Open a Road Permit* is required from Katherine Town Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Katherine Town Council's road network.
6. Katherine Town Council's current fees and charges may apply to the conditions. Additional information can be found at www.katherine.nt.gov.au.

REASONS FOR THE DECISION

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

The NT Planning Scheme 2020 applies to the land and subdivision to create two lots requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(ii), therefore the strategic framework (Part 2 of the Scheme, including the Katherine Land Use Plan 2014, which is relevant to this application), zone purpose and outcomes of Clauses 4.7 (Zone RL – Rural Living), 4.20 (Zone A - Agriculture) and 4.21 (Zone R - Rural), and Clauses 6.3.2 (Lot Size and Configuration for Subdivision in Zones RL, R and H, and Unzoned Land) 6.3.3 (Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land) and 6.3.4 (Infrastructure for Subdivision in Zones RL, R and Unzoned Land) need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme.

2. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

With a lot size of 637.7 hectares, the subject land is capable of accommodating the proposed subdivision. The land is generally flat and contains vegetation scattered throughout the land. A land suitability assessment (LSA) has been undertaken to review drainage, the potential for onsite wastewater management, erosion risk, soil salinity, acid sulphate soils and the risk of flooding. The LSA has determined the land to be suitable for the proposed subdivision and demonstrates both proposed lots are suitable for the intended use.

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Initial comments provided by DEPWS advised the subject land is not capable of supporting the subdivision due to a lack of sufficient groundwater being available to support the proposed use. The direct consequence of a subdivision of land is the automatic introduction of statutory rights for each new lot owner to draw water from the groundwater system for stock and domestic purposes. When the proposed subdivision is located on top of an over-allocated groundwater system, the right to draw water then results in the likelihood of further depletion and environmental degradation of this important resource.

The applicant has challenged DEPWS recommendations and upon request by Development Assessment Services, DEPWS have revised their comments and advised, noting that there are two existing dwellings with an independent bore each, that a statutory right to access groundwater was already in place and the proposed subdivision can therefore proceed.

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

There is unlikely to be an adverse impact on the existing and future amenity of the area as a result of the proposed subdivision. The proposed subdivision meets the minimum lot sizes for each zone and complies with the NT Planning Scheme 2020.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

**ITEM 2
PA2023/0072**

**DWELLING-SINGLE WITH ANCILLARY DWELLING-INDEPENDENT WITH A FLOOR AREA IN EXCESS OF 80M2 WITH A SEPARATE EFFLUENT DISPOSAL SYSTEM
NT PORTION 7184 (140) CUMMINGS ROAD, COSSACK**

APPLICANT

Upside Planning Pty Ltd

Cameron Judson (Upside Planning), Robert Blakeney (landowner) and Gwen Blackney attended.

**RESOLVED
7/23**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop NT Portion 7184 (140) Cummings Road, Cossack for the purpose of a dwelling-single with an ancillary dwelling-independent with a floor area in excess of 80m² and with a separate effluent disposal system, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

Amended plans, demonstrating compliance with Clause 5.4.13 (Dwelling-independent) of the NTPS2020 showing, amongst any other evidence deemed necessary:

- that both the single dwelling and the dwelling independent will be serviced by either a single bore or a single connection to reticulated water supply and by a single connection to a reticulated power supply as required by sub-clause 8 and 9; and
- changes to the location of both structures or to the built form of the proposed dwelling-independent to demonstrate the dwelling-independent is ancillary to the dwelling- single.

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REASONS FOR THE DECISION

1. Lodged plans indicate that, in its current form, the dwelling-independent is not ancillary to the dwelling-single due to its proposed location on the site and its proposed reliance on separate services for effluent disposal, water and power supply.
2. The consent authority must not consent to a dwelling-independent that is not in accordance with sub-clauses 8 or 9 of Clause 5.4.13 (Dwelling- independent), which require both dwellings to be serviced by a single bore or single connection to reticulated water supply and by a single connection to a reticulated power supply.
3. The Development Consent Authority (DCA) noted that site-specific circumstances inform the proposed location of the main dwelling but were unable to support the proposal due to its non-compliance with the provisions of the NT Planning Scheme 2020. DCA has agreed to the applicant's request to revise the proposal and to undertake a site inspection should the revised proposal require consideration of the site's topography and the character of the locality.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Deferral

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

SUZANNE PHILIP
Chair

13 June 2023