

Development Consent Authority

Northern Territory



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Gerard Rosse
Cunnington Rosse Town Planning and Consulting
PO Box 1612
Howard Springs NT 0835

Dear Mr Rosse

NOTICE OF CONSENT (SECTION 53A OF THE PLANNING ACT 1999) LOT 34, 20 MACLEOD ROAD, HOWARD SPRINGS, HUNDRED OF BAGOT

The Development Consent Authority has determined in accordance with section 30W(1)(a) of the *Planning Act 1999* to grant consent to the proposed development to use and develop the abovementioned land for the purpose of subdivision to create three lots, subject to the conditions specified on the attached Development Permit DP23/0229.

Reasons for the Determination

1. Pursuant to sections 30P(2)(a) and (b) of the *Planning Act 1999*, the consent authority must take into account any planning scheme that applies to the land to which the application relates and the amendment proposal contained within the application.

The Northern Territory Planning Scheme 2020 (NTPS 2020) applies to the land and subdivision of land 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 Howard Springs Rural Activity Centre Area Plan, which is relevant to this application), zone purpose and outcomes of Clauses 4.6 (Zone RR – Rural Residential), and Clauses 6.3.1 (Subdivision in Zone RR) and 6.3.3 (Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land), need to be considered.

These clauses have been considered and it is found that the subdivision to create three lots complies with the relevant requirements of the NTPS 2020.

2. Pursuant to section 30P(2)(f) of the *Planning Act 1999*, the consent authority must take into account any information received as a result of consultations carried out, submissions received, or evidence given at a hearing.

The application was placed on public exhibition for a period of 28 days in accordance with the requirements of the *Planning Act 1999*, and advertised online

from 21 April 2023 through to 19 May 2023. One public submission was received after the exhibition date closed on 30 May 2023. On this basis the submission was considered but the issues raised did not inform the recommendation.

The issues raised in the submissions relate to the location of the existing bore relative to the new septic system; changes to the Water Act and its impact on any new bores; and the layout of the subdivision with a preference having a shared access or a cul-de-sac.

3. Pursuant to section 30P(2)(j) of the *Planning Act 1999*, the consent authority must take into account the capability of the land to support the development proposal and the effect of the proposal on the land, and on other land, the physical characteristics of which may be affected by the proposal.

With a site area of 1.99ha, the subject land is capable of accommodating the proposed subdivision, which provides an appropriate level of services and infrastructure including connection to reticulated power and water. Each lot can also manage wastewater via an onsite wastewater management system. The Land Suitability Assessment submitted with the application does not identify any land constraints occurring within the site. Additionally, the Department of Environment, Parks and Water Security did not identify or raise any issues of concern in relation to land capability.

4. Pursuant to Section 30P(2)(l) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the public utilities or infrastructure provided in the area in which the land is situated and any requirement for public facilities and services to be connected to the land; and facilities, infrastructure or land to be provided by the applicant.

Litchfield Council objected to the granting of a planning scheme amendment and development permit as it considers the proposal to be inconsistent with the Howard Springs Rural Activity Centre Area Plan. The Area Plan identifies indicative subdivision boundaries resulting in two lots fronting Macleod Road, and a configuration that gives options for future road connection along the eastern boundary only, maximising potential for an interconnected street network. The proposed subdivision design does not adopt this future road connection configuration.

Council has requested two conditions precedent be placed on the any permit issued prior to the commencement of works, if the proposal was to be approved. These include crossover design approval and a schematic plan demonstrating the on-site collection of stormwater and its discharge into Council's drainage system. Council's request had been addressed.

Power and Water Corporation advised that they do not support the battle-axe design for Lot 2 and Lot 3 due to the much higher costs in installing the internal electrical reticulation to meet an acceptable voltage drop for appliances to properly function. They also advised that reticulated sewer services are currently unavailable in the area and that reticulated water services are available but the parent parcel is currently not serviced.

5. Pursuant to Section 30P(2)(m) 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 subdivision is consistent with the purpose and outcomes of the zone and the development requirements of the NTPS2020, in providing for appropriate lot configuration, connection to reticulated services and demonstration that the land is

capable of supporting the proposed subdivision. On this basis, the proposed subdivision is not expected to impact on the amenity of the locality.

Right of Appeal

Applicants are advised that a right of appeal to the Northern Territory Civil and Administrative Tribunal exists under Part 9 of the *Planning Act 1999*. 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 Northern Territory Civil and Administrative Tribunal can provide information regarding the Notice of Appeal form and fees payable. The address for lodgement of a Notice of Appeal is: Northern Territory Civil and Administrative Tribunal, PO Box 41860 CASUARINA NT 0810 or Level 1, The Met Building, 13 Scaturchio Street, CASUARINA NT 0810 (Telephone: 08 8944 8720 or Facsimile 08 8922 7201 or email AGD.ntcat@nt.gov.au).

There is no right of appeal by a third party under section 117 of the *Planning Act 1999* in respect of this determination as section 117(4) of the Act and regulation 14 of the Planning Regulations 2000 apply to the application.

If you have any queries in relation to this Notice of Consent or the attached Development Permit, please contact Development Assessment Services on telephone (08) 8999 6046.

Yours faithfully



Suzanne Philip
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Suzanne Philip
Delegate
10 October 2023

Attachment

cc Litchfield Council
Gerry Wood