



# Development Consent Authority

Northern Territory

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In reply please quote: PA2022/0059

Mr Gerard Rosse  
Cunnington Rosse Town Planning and Consulting  
PO BOX 36004  
Winnellie, NT, 0821

Dear Mr Rosse,

## **NOTICE OF CONSENT (SECTION 53B OF THE *PLANNING ACT 1999*) LOTS 1 & 2 (45 & 55) GIRRAWEEEN 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 proposal to use and develop the abovementioned land for the purpose of a subdivision to create four lots, subject to the conditions specified on the attached Development Permit DP22/0262.

### 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), and therefore the strategic framework (Part 2 of the Scheme, including the Darwin Regional Land Use Plan, Litchfield Subregional Land Use Plan are relevant to this application), zone purpose and outcomes of Clauses 4.6 Zone RR (Rural Residential), 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 four lots complies with the relevant requirements of the NTPS 2020.

The applicant, Gerard Rosse, attended the meeting and spoke to the purpose of the application. Mr Rosse did not raise any concerns regarding the recommendation or the proposed conditions on the development permit.

The Authority noted that the subdivision proposal indicates that the structures along the access to proposed Lot 1 are to be removed and queried whether a condition could also be included which highlights requirements for the existing structure to be removed prior to the issue of a Part 5 clearance.

Mr Rosse confirmed he had no issues with the Authority including a condition on the development permit requiring that prior to Part 5 clearance being issued, the existing structures identified on the endorsed plans, along the access to Lot 1 are to be removed, to the satisfaction of consent authority.

2. Pursuant of 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.

The Land Suitability Assessment submitted with the application does not identify any land constraints occurring within the site.

The Department of Environment, Parks and Water Security (DEPWS) did not raise any adverse land capability issues associated with the proposal; however, DEPWS did advise that groundwater would not be available to support the proposed subdivision, noting over-allocation and sustainability concerns of the existing underground water resource.

The requirements of Clause 6.3.1 Subdivision in Zone RR (Rural Residential) prohibits the consent authority from consenting to a subdivision in this zone if each new lot cannot demonstrate a reliable water supply. The applicant advised and it has been confirmed that reticulated water supply is available and that each lot will be connected to reticulated water. This addresses the groundwater sustainability comments raised by DEPWS, as, without a connection to reticulated water, the subdivision cannot be approved.

3. 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.

Power and Water Corporation has confirmed that reticulated power and water services are available in the area and the developer's intention to connect to these services.

The land suitability assessment indicates that soils on the site are suitable for the on-site absorption of effluent without detriment to the environment and in particular, to ground and surface waters.

4. 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 purpose and outcomes of the zone and the development requirements of the NTPS 2020, 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](mailto: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  
Delegate of the Development Consent Authority

16 November 2022

Attachment

cc Litchfield Council