



Development Consent Authority

Northern Territory

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Mr Brad Cunnington
Cunnington Rosse Town Planning and Consulting

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Dear Mr Cunnington

NOTICE OF CONSENT (SECTION 30Y OF THE *PLANNING ACT*) LOT 7880 (230) MADSEN 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 subdivision to create five lots, subject to the conditions specified on the attached Development Permit DP22/0125.

Reasons for the Determination of Development Proposal

1. Pursuant to sections 30P(2)(a) and (b) of the *Planning Act*, 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 (NTPS2020) 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 and the Howard Springs Rural Activity Centre Area Plan which are relevant to this application), zone purpose and outcomes of Clauses 4.6 Zone RR (Rural Residential) and Clause 6.3.1 Subdivision in Zone RR need to be considered.

These clauses have been considered and it is found that the subdivision to create five lots complies with the relevant requirements of the NTPS2020 and will facilitate development in accordance with the Howard Springs Rural Activity Centre Area Plan.

2. Pursuant to section 30P(2)(j) of the *Planning Act*, 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 application was accompanied by a Land Suitability Assessment that confirmed the lots are unconstrained and land unit mapping indicates soils are suitable to support onsite wastewater management systems.

The Department of Environment, Parks and Water Security (DEPWS) confirmed there are no 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.

While DEPWS provided advice on groundwater availability, Clause 6.3.1 (Subdivision Zone RR) prevents the consent authority from approving this subdivision unless the lots will be connected to reticulated water. Noting the above, the consent authority acknowledges the availability of appropriate reticulated water service in the area and the proponent's requirements to connect to such services.

3. Pursuant to section 30P(2)(l) of the Planning Act, 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 application acknowledges the lack of reticulated sewerage in the area and proposes use of on-site effluent disposal systems, which is supported by the submitted Land Suitability Assessment that confirms the soils are suitable.

Any new on-site wastewater system to be installed must be carried out by a qualified licensed Self-Certifying Plumber and must comply with the NT Code of Practice for Small On-site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent (The Code).

4. Pursuant to Section 30P(2)(m) of the Planning Act, 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 NTPS2020, in providing for appropriate lot configuration, connection to reticulated services and demonstration that the land is capable of supporting the proposed subdivision.

An extensive consultation process preceded the introduction of the Darwin Regional Land Use Plan, Litchfield Subregional Land Use Plan and the Howard Springs Rural Activity Centre Area Plan, all of which have taken the impact on amenity into account.

The current proposal is to create rural residential allotments which are specifically designed to limit the impact on existing rural living allotments by acting as a buffer between those existing rural lots and the denser urban development that will be developed in the future in accordance with the Area Plan.

Amendment Decision (Section 30R of the Planning Act 1999)

The Minister for Infrastructure, Planning and Logistics has decided, in accordance with Section 30R(2)(a)(i) of the *Planning Act 1999* to approve the amendment proposal as specified in the concurrent application.

In accordance with Section 30R(3)(b) of the *Planning Act 1999*, the amendment decision takes effect on the date on which the attached Development Permit DP22/0125 is issued.

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*. 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* 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 Development Assessment Services on telephone (08) 8999 6046.

Yours faithfully

SUZANNE PHILIP
Delegate

27 May 2022

Attachment

cc Litchfield Council