



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING NO. 217 – WEDNESDAY 1 JULY 2026

**BIG RIVERS ROOM
LEVEL 1
5 FIRST STREET
KATHERINE**

MEMBERS PRESENT: Suzanne Philip, Annabel McLarty, Rodney Applegate, Kathryn Whitehouse and Jim King

APOLOGIES: None

LEAVE OF ABSENCE: None

OFFICERS PRESENT: George Maly (Development Assessment Services) and Allison Hooper (Lands and Planning), Eve-Marie Davie and Drashti Chovatiya (Development Assessment Services) via Teams Link

COUNCIL REPRESENTATIVE: Kimberly Worrigal

Meeting opened at 10.00 am and closed at 11.45 am

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 VARIATION TO CONDITION 1 (PART AS APPLICABLE) AND CONDITION 3
PA2023/0110 OF DEVELOPMENT PERMIT DP23/0257
NT PORTION 6100 (135) FLORINA ROAD, COSSACK
APPLICANT UPSIDE PLANNING PTY LTD

Applicant: Cameron Judson (Upside Planning Pty Ltd) attended.

Landowner: Sam Chisholm, Director, Jakamara Pty Ltd ATF Chisholm Holding Trust attended via Teams Link.

Submitters: None

RESOLVED
5/26

That, pursuant to section 57(3) of the *Planning Act 1999*, the Development Consent Authority vary the Development Permit DP23/0257 for the purpose of an extension of the period of operation of the use to ten (10) years, remove Conditions 1, 3, 9 and 11 and include the following new conditions on any permit granted:

'This permit shall expire ten (10) years from the date of its issue.'

'The hours of operation of the use (including helicopter engine warm up and cool down periods, take-offs and landings and helicopter servicing) be limited to 7am-6pm on weekdays and 8am-6pm on weekends, with the exception of flights made for emergency purposes.'

'The location and total capacity of flammable liquids storage for the purposes of the approved use is not to exceed 10,000 litres meeting all relevant Australian Standards and indicating the storage area will be outside of land affected by a Q100 flood event.'

All other conditions are to remain.

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings numbered 2023/0110/01 through to 2023/0110/06, endorsed as forming part of this permit.
2. This permit shall expire ten (10) years from the date of its issue.
3. The total capacity of flammable liquids storage for the purposes of the approved use is not to exceed 10,000 litres meeting all relevant Australian Standards and the location of the storage area will be outside of land affected by a Q100 flood event.
4. The hours of operation of the use (including helicopter engine warm up and cool down periods, take-offs and landings and helicopter servicing) be limited to 7am-6pm on weekdays and 8am-6pm on weekends, with the exception of flights made for emergency purposes.

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5. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

Please refer to notations 1 for further information. 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.

6. Vehicular access to the site is to meet the technical standards of the Katherine Town Council, to the satisfaction of the consent authority.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Katherine Town Council, to the satisfaction of the consent authority.
8. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) transport of materials, goods or commodities to or from the land
 - (b) appearance of any building, works or materials
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - (d) presence of vermin.
9. Appropriate erosion and sediment control measures (dust minimisation) must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website <https://austieca.com.au/home> and the Department of Environment, Parks and Water Security SCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>
For further advice, contact the Land Development Coordination Branch: (08) 8999 4446. No discharge of contaminated water to groundwater or surface waters.
10. The flight path plan, forming part of the endorsed plans, shall be adhered to at all times for the duration of the permit, to the satisfaction of the consent authority.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section waterdevelopment@powerwater.com.au and Power Network Engineering Section powerdevelopment@powerwater.com.au should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

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2. An open 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.
3. Katherine Town Council's current Fees and Charges may apply to the conditions. Additional information can be found at www.katherine.nt.gov.au.
4. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
5. 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.
6. Noise levels from the premises must comply with the latest version of the NT EPA Northern Territory Noise Management Framework Guideline available online.
7. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>. The proponent is advised to take notice of the schedule of environmental considerations provided by DEPWS in their comments dated 12 May 2023.
8. Defence recommends that the proponent liaise with the Royal Australian Air Force (RAAF) in relation to airspace issues. The RAAF point of contact in relation to this matter is contactable via email at 452SQNtdlflt@defence.gov.au

REASONS FOR THE DECISION

1. Development Permit DP23/0257 was issued on 23rd April 2024 to develop and use the site for the purpose of helicopter servicing, scenic tours, agricultural support services, ancillary office and rooming accommodation within land subject to flooding. The base period of the permit was 2 years from the date of issue and Condition 3 of the permit provided that it would expire two years from the date of the permit issue. The Authority notes that the application for variation is accompanied by a second application for an extension of time, which is included as item 2 of these minutes.
2. Pursuant to section 57(3) of the Planning Act 1999, the consent authority may, in writing, vary a condition of a development permit if:
 - a) *the proposed variation will not alter a measurable aspect of the development by a margin greater than 5% and, in the opinion of the consent authority, will not materially affect the amenity of adjoining or nearby land or premises; or*
 - b) *in the opinion of the consent authority, the alteration resulting from the proposed variation is not conveniently measurable and the proposed variation will not materially affect the amenity of adjoining or nearby land or premises.*
3. The consent authority has discretionary powers to grant consent of the proposed variation provided that the proposal satisfies sections 57(3)&(4).
4. For the purpose of establishing what a measurable aspect is for the purposes of section 57(3)(a), the relevant provisions of the NTPS needed to be considered. Planning application PA2023/0110 was assessed against the relevant provisions of the NTPS2020. Under NTPS2020, the relevant provisions for assessment of Helicopter servicing, scenic tours, agricultural support services, ancillary office and rooming accommodation within land subject to flooding include the following clauses: 3.2, 3.6, 5.2.1, 5.2.4.1, 5.2.5, 5.2.7, 5.4.3, 5.4.8, 5.4.7, 5.4.17 and 5.4.16.
5. The proposed variation does not alter the approved use, built form or operational characteristics of the development. The application seeks to remove the time limitation and streamline the conditions associated with a trial monitoring framework. Importantly it retains the key operational controls over hours of operation and flight frequency.
6. The permit DP23/0257 sets out below the conditions pertinent to the variation requested:

Condition 1

Prior to the commencement of the use, an operational management plan (OMP) shall be prepared, to the satisfaction of the consent authority, covering the full extent of the proposed use. When approved, the OMP will be endorsed and will then form part of the permit. The OMP must be generally in accordance with the plans submitted with the application and include the following information:

- a) *A copy of the permit and endorsed plans;*

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b) Hours of operation of the use (including helicopter engine warm up and cool down periods, take-offs and landings and helicopter servicing) limited to 7am-6pm on weekdays and 8am-6pm on weekends, with the exception of flights made for emergency purposes.

c) The location and total capacity of flammable liquids storage for the purposes of the approved use is not to exceed 10,000 litres meeting all relevant Australian Standards and indicating the storage area will be outside of land affected by a Q100 flood event.

d) A flight log showing relevant flight categories, including but not limited to, scenic, agricultural and emergency flights, which will demonstrate that, with the exception of emergency flights, the frequency of flights will not exceed 4 flights per day (being 8 movements in total – not average over a period of time). The flight log should include a brief methodology of how this commitment will be achieved over the two-year period taking into account seasonal variation of demand for services.

e) A 'Community Engagement Strategy' (CES), prepared to the satisfaction of the consent authority. The CES will:

• Provide sufficient detail of the operational aspects of the proposal approved by this permit including, but not limited to:

(a) Approved Flightpaths

(b) Approved Hours of operation

(c) Proposed storage of fuel and its management including refuelling procedures.

• Set out the form of community consultation and an ongoing engagement with the potentially affected land owners in the locality with respect to the use, in connection with the ongoing operation of the development;

• Set out the process for the reporting of, and responding to complaints, providing an opportunity for a regular ongoing feedback from the surrounding land owners, during the operation of the helicopter tours; and

• Conclude the consultation process through the preparation of a final summary report which may be lodged with an application for an extension to the duration of the permit and include:

• A summary of consultation activities undertaken prior to commencement and during the two year period of the permit;

• Consultation participation levels;

• Summary of key themes arising from the ongoing engagement;

• Any issues of concern or that require further consideration by DAS.

Condition 3

The permit shall expire two years from the date this permit is issued.

Condition 9

The use shall operate in accordance with the operational management plan (OMP) at all times for the duration of the permit.

Condition 11

The proponent is to implement the 'Community Engagement Strategy', prior to the commencement of the use to the satisfaction of the consent authority.

Condition 1 was imposed to facilitate a trial period and to provide an evidence base for potential operational impacts. The Authority acknowledges that the trial period has concluded and that there is evidence that there have been no amenity impacts in the last two years, and it concludes that Condition 1 (a) (d) and (e) of the permit DP24/0257 have been achieved and are no longer required and can therefore be removed from the permit. Removal of these conditions *will not alter a measurable aspect of the development by a margin greater than 5% and, in the opinion of the consent authority, will not materially affect the amenity of adjoining or nearby land or premises.*

7. Section 57(3) further requires that the proposed variation will not materially affect the amenity of adjoining or nearby land or premises. The subject site is NT Portion 6100 (135) Florina Road, Cossack and is located in Zone R (Rural) abutting Zone RL (Rural Living).

The Authority notes that when the application for Development Permit DP23/0257 was heard on the 4th October 2023, 17 objections had been received during the exhibition period. Further, a number of submitters and other interested parties attended the meeting and spoke in opposition to the proposal, voicing their to their concerns. Concerns included potential noise and overlooking arising from the proposed use. A two-year limitation was imposed on the Permit duration to enable a trial operation period to assess amenity impacts, particularly noise in relation to the approved use of the land for helicopter use. The trial enabled the commencement of the use, as, at that time, no noise assessment specialist was available to undertake a noise impact assessment of the use located in Zone R on residential uses (and objector's residences) in Zone RL nearby. Conditions of approval included the following requirements to be met:

- limits on hours of operation and flight frequency;
- implementation of an Operational Management Plan; and
- Community Engagement Strategy, including monitoring and reporting.

Precedent Condition 1 controls were imposed to manage potential impacts and to provide an evidence base to inform any future variation to the permit. The purpose of the current application is to vary the permit conditions having regard to the demonstrated performance of the development and the use over the trial period.

The Authority acknowledges that the requirement of Condition 1 for an Operational Management Plan (CES) and Final Consultation Summary Report have been met through the documentation provided with the request for a variation to the permit. The Consultation Summary Report documents consultation activities undertaken during the approved two-year operational period.

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It summarises the community engagement carried out prior to commencement and throughout the duration of the permit, including participation levels, key themes arising from engagement, and any issues of concern requiring further consideration by Development Assessment Services (DAS) following the two-year trial period. The combination of notification, an accessible online feedback system, and ongoing publication of operational data demonstrates that the consultation framework was fully implemented in accordance with the approved Community Engagement Strategy. The results highlighted the following:

- Participation in the consultation process was limited. A small number of submissions were received via the online feedback portal established as part of the Community Engagement Strategy. No complaints or objections were recorded through any of the available engagement channels, including the feedback form, email contact or direct telephone contact.
- Key themes which emerged from the consultation were support for operational performance, the regional emergency services and it is notable that there were no amenity concerns raised with no complaints received.
- Additionally, the operational data demonstrates that the use has been conducted at a low, controlled level within the key parameters established by Development Permit DP23/0257. No exceedance of the daily movement cap has been identified, and flight activity has generally occurred within the approved hours of operation. A small number of minor timing deviations were identified; however, these were limited in number, occurred within a narrow margin of the approved hours, and were not associated with any recorded amenity impacts.

The Authority acknowledges that the trial period has concluded and that there is evidence that there have been no, or limited, amenity impacts in the last two years. Based on this evidence it concludes that Condition 1 (a) (d) and (e) of the permit DP24/0257 have been achieved and are no longer required and can therefore be removed from the permit.

The Authority recognises that the location of the operation, on the edge of a Rural zone but alongside a Rural Living zone, means that the operations will require ongoing management to ensure that there are no amenity impacts on the adjoining rural residential uses. Whilst there have been no significant amenity impacts recorded to date during the two-year trial period, the consent authority formed a view that an imposition of a 10 year limit on the permit will ensure an opportunity to review the amenity impacts of the use on the surrounding residential uses without compromising its tenure and operational certainty. Therefore, the consent authority requires that Condition 3 be amended to provide a ten-year time limit on the permit. This approach is generally consistent with other determinations relating to commercially operated airstrips and helipads on private properties near residential areas.

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8. The Authority acknowledges that whilst the Operational Management Plan (OMP) achieved the requirements of Condition 1 through the preparations and implementation of the Community Engagement Strategy and related information, other components of the OMP such as the hours of operation and flammable liquids storage restrictions should be retained as conditions of approval. Other requirements related to the OMP at Conditions 9 and 11 have also been removed from the permit.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent, Development Permit and endorse plans

**ITEM 2
PA2023/0110**

EXTEND BASE PERIOD OF DP23/0257 BY ONE YEAR

**NT PORTION 6100 (135) FLORINA ROAD, COSSACK
UPSIDE PLANNING PTY LTD**

APPLICANT

Applicant: Cameron Judson (Upside Planning Pty Ltd) attended.

Landowner: Sam Chisholm, Director, Jakamara Pty Ltd ATF Chisholm Holding Trust attended via Teams Link.

Submitters: None

Kimberly Worrigal of Katherine Council attended.

**RESOLVED
6/26**

That, pursuant to section 59(3)(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to extend the period of Development Permit DP23/0257, issued for the purpose of helicopter servicing, scenic tours, agricultural support services, ancillary office and rooming accommodation within land subject to flooding), for a period of one year.

REASONS FOR THE DECISION

The Act does not provide specific matters to be taken into account to extend the period of a permit. Case law provides guidance for the assessment of an application to extend a period of a permit (prior to commencement of works), generally referred to as the 'Kantor test'. The responses to the Kantor test requirements are below:

- (a) Whether there has been a change of planning policy;

It is noted that no relevant changes have been made to the NTPS 2020 or the Katherine Area Plan in the period between issuance of the Development permit DP23/0257 and the request for an extension of time.

- (b) Whether the land owner is seeking to warehouse the permit;

This extension of time had been made alongside a Variation application to remove condition 3 from the permit to allow the use to continue. Condition 3 allowed the use to operate for two years which, at the time, was considered sufficient period to determine a pattern of impact of this use, if any, on the amenity of the surrounding area.

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The extension of time for 1 year will allow sufficient time for the Permit Variation to be considered and determination formally issued. No indication has been made to suggest that warehousing of the permit is intended.

- (c) Any intervening circumstances which bear upon the grant or refusal of the extension request;
The applicant has abided by the conditions on the permit that required monitoring of amenity impact. They now request a variation to remove conditions associated with this. The extension of time is just for 1 year.

The extension of 1 year will provide time to prepare and lodge a separate application to amend the permit, including consideration by the Development Consent Authority, the Department and stakeholders; and maintain continuity of a lawfully approved use and ensure the ongoing implementation of the approved Operational Management Plan and Community Engagement Strategy during that period.

- (d) The lapse of time between the permit and the request;
The first application for an extension of time was received on the 22nd of April 2026 one day prior to the base period of DP23/0257 expiring on 23rd April 2026.
- (e) Whether the time limit imposed was adequate;
The time limit was adequate as conditions on the permit required that amenity impacts be measured for a period of two years after which, if amenity impact was seen to be low or non existent the applicant could seek a variation to remove the particular imposed conditions.
- (f) The economic burden imposed on the landowner by the permit;
There are no perceived economic burdens.
- (g) The probability of a permit issuing should a fresh application be made;
In brief, the extension is sought under section 59 to allow additional time to prepare an application to vary the permit under section 57, while ensuring continuity of the approved use and continued compliance with existing conditions.

The Authority considers that the application to extend the base period of the permit by one year satisfies the considerations listed within the Kantor Test.

This extension of time application was considered prior to Item 1 Variation Resolution 5/26.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Extension of Time Permit for a period of one year.

**ITEM 3
PA2026/0159**

**SUBDIVISION TO CREATE SEVEN LOTS
NT PORTION 5412 (39) GILLARD CRESCENT, COSSACK
APPLICANT UPSIDE PLANNING PTY LTD**

Applicant: Cameron Judson, Upside Planning Pty Ltd attended.

Kate Elliott (co-owner) on behalf of Hardt Transport attended.

Kimberly Worrigal of Katherine Council attended.

**RESOLVED
7/26**

That, the Development Consent Authority vary the requirements of Clause 3.6 (Overlay LSF Land Subject to Flooding); Clause 6.4.2 (Site Characteristics for Subdivision in Zones LI, GI and DV) and Clause 6.4.3 (Infrastructure for Subdivision in Zones LI, GI and DV) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(b) of the *Planning Act 1999*, alter the proposed development and consent to the proposed development as altered, to develop NT Portion 5412 (39) Gillard Crescent, Cossack for the purpose of a subdivision, to create six lots, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, a revised subdivision plan must be prepared to the satisfaction of the consent authority showing:
 - (a) Consolidation of lots 5 and 6; and
 - (b) The road network engineered so that large multi axle vehicles can manoeuvre to use the road in a forward gear;

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
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. 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.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Katherine Town Council, to the satisfaction of the consent authority.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, electricity supply and telecommunications infrastructure to each lot shown on the endorsed plans in accordance with the authority's requirements and relevant legislation at the time, to the satisfaction of Katherine Council.

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7. No access is permitted to the subject land from the Stuart Highway road reserve. All access arrangements shall be via the Gillard Crescent local road network to the standards and approval of the Katherine Town Council.
8. Where unfenced, the Stuart Highway lot boundaries are to be appropriately fenced in accordance with Transport and Civil Services Division of the Department of Logistics and Infrastructure, standards and requirements to the satisfaction of the consent authority.
9. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of the Katherine Town Council, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
10. All proposed works impacting on Gillard Crescent are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Katherine Town Council. Drawings must be submitted to the Katherine Town Council, for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
11. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the Katherine Town Council.
12. The owner shall remove disused vehicle crossovers and undertake reinstatement works to the technical requirements of and at no cost to the Katherine Town Council, to the satisfaction of the consent authority.
13. Before issue of titles and pursuant to section 34 of the Land Title Act 2000, a Caution Notice shall be lodged with the Registrar General on the balance parcel to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: "This allotment is subject to prolonged periods of waterlogging and inundation". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

NOTES

1. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/are not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

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2. Any proposed work (including the provision or connection of services) within or impacting upon Stuart Highway road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division of the Department of Logistics and Infrastructure. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
3. The Katherine Town Council advises that:
 - (a) An 'Open A Road Permit' is required before commencement of any work within any Katherine Town Council's controlled road reserves, which would include creation of any new driveway crossover or footpath connecting to Katherine Town Council's road network. Fees may apply.
 - (b) All waste removal and charges associated with any commercial business will be solely the responsibility of the applicant.
4. The Power and Water Corporation (PWC) advises:
 - a) The landowner is responsible for the costs to design and install a new point of 75kVA, 3-phase basic power service or specific known maximum demand power service to each new lot in accordance with PWC's NP020 – Guidelines for Developers of Subdivision and Electricity Infrastructure.
 - b) The landowner shall submit a Negotiated Connection application and AS-3000 maximum demand calculations under the Australian Energy Regulator (AER) compliance process for PWC's assessment on the required load connections.
 - c) As all the applicable upgrade works will be carried out on the existing overhead power line on Gillard Crescent, PWC shall provide a quote for payment by the landowner under the AER assessment process and carry out the design and construction.
 - d) Reticulated sewer services are currently unavailable in the area.
 - e) Reticulated water services are available in the area however the parent parcel is not currently serviced. The developer will be required to upgrade at the developer's expense and to the satisfaction of PWC, at no cost to PWC, approximately 450m of the existing DN200 water main to minimum DN225 to the end of the proposed cul-de-sac. A BS750 hydrant shall be installed at the end of the extended water main to allowing for flushing.
 - f) Future development controls and cautionary notifications on land within Power and Water buffer zones shall be provided to the satisfaction of Power and Water, at no cost to Power and Water.
5. The Department of Logistics and Infrastructure advises that:
 - a) Direct access shall not be permitted to the proposed subdivision from Stuart Highway. All access arrangements shall be via the local road network to the standards and approval of the Katherine Town Council.
 - b) Where unfenced, the Stuart Highway frontage is to be appropriately fenced in accordance with the Department's standards and requirements to deter unauthorised vehicular and/or pedestrian movement. Gates are not to be provided in the Stuart Highway fencing.

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- c) Stormwater drainage shall be wholly contained within the subdivisional area and appropriately discharged into a local underground stormwater system to the standards and approval of the Katherine Town Council.
 - d) All proposed lots fronting Stuart Highway shall be graded such that the stormwater runoff from the properties is away from Stuart Highway and is able to be collected within the subdivision area and local stormwater system.
 - e) All works within the proposed new subdivision road reserves, including the extension of Gillard Crescent, shall be to the standards and requirements of the Katherine Town council.
 - f) Any new road reserves (distributor, collector or local roads) created via this subdivision shall be vested with the relevant local authority and shall be noted on the survey plan as such. The NTG will not accept new distributor, collector or local roads in existing local government areas.
6. Full lot fire coverage cannot be achieved from existing hydrants. Internal firefighting arrangements must be made to the satisfaction of NT Fire and Rescue Service. An internal break tank maybe required for firefighting, as direct pumping from PWC water mains is not permitted.
7. The development must comply with the technical standards of the Northern Territory Subdivision Development Guidelines (Dated July, 2026) 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/>
8. 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 Lands, Planning and Environment.
9. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the Heritage Act 2011. Should any heritage or archaeological material be discovered during over the course of work, cease operation and please phone Heritage Branch of the Department of Lands, Planning and Environment.
10. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Lands, Planning and Environment ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>.

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The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.

11. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

12. 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 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

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 a subdivision to create six lots.

The Northern Territory Planning Scheme 2020 applies to the land and a subdivision, to create six 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 2024), the zone purpose and outcomes of Clause 3.2 (CNV – Clearing of Native Vegetation), Clause 3.6 (LSF Land

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Subject to Flooding), Clause 3.8 (LADR – Land Adjacent to Designated Roads, Clause 4.15 (Zone GI (General Industry)), and Clauses: 6.4.1 (Lot Size and Configuration for Subdivision in Zones LI, GI and DV), 6.4.2 (Site Characteristics for Subdivision in Zones LI, GI and DV); and 6.4.3 (Infrastructure for Subdivision in Zones LI, GI and DV) 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 except for the Clauses: 3.6 Land Subject to Flooding, 6.4.2 Site Characteristics for Subdivision in Zones LI, GI and DV; and 6.4.3 Infrastructure for Subdivision in Zones LI, GI and DV.

Clause 3.6 (Land Subject to Flooding)

The purpose of this clause is to: Identify areas with a known risk of inundation from riverine flooding and ensure that development in these areas demonstrates adequate measure to minimise the associated risk to people, damage to property and costs to the general community;

The subdivision application seeks to rationalise the existing industrial land uses to date, onto separate individual parcels to the northeast. It seeks to create two additional lots and two access roads to the southeast for additional industrial development. The proposal does not fully comply with the requirements of this clause as these would be located in a 1% AEP with a maximum depth of 4.64m in a flood event.

The consent authority noted recommendations in the report prepared by Development Assessment Services (DAS) that the proposed road extension be relocated further north to the relatively shallower portion of the Defined Flood Area in which the property is located to better address the risk of the road flooding so as to meet the provisions and objectives of the Overlay.

The applicant, Mr Cameron Judson spoke at the meeting and requested the requirement for the road to be moved be omitted to allow flexibility in road design and construction. The applicant further advised that retaining the road in the proposed location would provide Lots 1-4 greater depth and the longer lots would allow for more options with industrial uses.

The consent authority requested a response from Katherine Town Council (KTC) as to whether the road would be accepted by the Council in the proposed location as part of its infrastructure asset. Council representative advised that the Council will accept the road and related infrastructure subject to standard requirements relating to a defect period, stormwater management and related considerations. Council had no concerns with regards to the road's location or its flood potential, provided that stormwater is suitably managed and all infrastructure is developed in accordance with NT Subdivision Guidelines.

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The consent authority noted that the land had recently been rezoned and that Council had no objections to the road's location and its future ownership and concluded that the requirements of the Overlay will be addressed when individual uses are sought to be established on each proposed lot. Given the flood overlay, such uses will require a development application.

Clause 6.4.2 (Site Characteristics for Subdivision in Zones LI, DI and DV)

The purpose of this clause is to: *Ensure that subdivision for industrial lots respond appropriately to the physical characteristics of the land; and Requirement 4. states: Avoid development of land affected by a 1% AEP flood or storm surge event.*

In this instance as the subdivision is not in accordance with the purpose of this clause in that the creation of the proposed industrial lots 5 and 6 with the proposed road access would not appropriately respond to the characteristics of the land as the lots and the internal roads proposed are also affected by the 1% AEP floodway.

The consent authority determined that a variation to the requirements of this clause could be supported provided lots 5 and 6 are consolidated into one lot. By doing so, it would create more areas of land that are outside the 4.64m depth (1% AEP) for the proposed amalgamated lot and this would provide more useable land on this parcel.

Clause 6.4.3 (Infrastructure for Subdivision in Zones LI, GI and DV)

The purpose of this clause is to: *Ensure that lots within industrial subdivisions are appropriately provided, connected and integrated with the required infrastructure.*

Requirement 3. states: *Provide a simple layout with a clear hierarchy of roads, avoiding culs-de-sac, battle-axe lots and sharp curves, and discouraging unrelated through traffic; and*

Requirement 6. states: *Provide for connection to reticulated services.*

This clause allows the consent authority to consent to a subdivision that is not in accordance with sub-clauses 2-8, only if it is satisfied the subdivision is consistent with the purpose of this clause.

A variation to subclause 3 is required for the proposed access road which terminates at Lot 7 boundary and has no manoeuvring space for industrial vehicles to turn around. This issue can be resolved through the imposition of a precedent condition requiring that the road network be engineered to ensure that large multi axle vehicles can manoeuvre to use the road in a forward gear.

The variation to subclause 6 is required because adequate water supply is not available to each lot. A site and soil evaluation confirms the land's suitability for on-site wastewater management provided wastewater tanks are sealed, given the flood risk.

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Reticulated water services are not currently connected to the parent parcel and may require extension or upgrade to service future development. The consent authority noted that this could be resolved through standard conditions of approval requiring servicing arrangements to be addressed in consultation with the relevant service authorities.

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.

The applicant, Cameron Judson spoke at the meeting and explained that whilst the land is heavily constrained by flood with half of the GI zoned land within the 1% AEP, this flooding constraint can be addressed on each site through civil and hydraulic design where environmentally hazardous industrial materials can be stored above known flood levels and wastewater disposal systems would be sealed and serviced.

The consent authority is required to consider land capability and notes the land is within a Defined Flood Area and resolved to support the proposed subdivision subject to a condition of approval requiring the applicant register a caution notice on the title to the parent parcel stating that the land is subject to prolonged inundation.

Power and Water (PWC)-had concerns regarding the provision of power and water to each lot with Power highlighting concerns over the road's locations and alignment. Power and Water did not raise objections, instead requested conditions precedent for servicing masterplans.

Katherine Town Council (KTC)-provided standard comments relating to subdivision including a requirement for a stormwater masterplan.

The applicant agreed to a Stormwater Masterplan being prepared for Council's endorsement but requested the consent authority impose relevant portions of the recommended condition precedent requested by Power and Water relating to the provision of infrastructure as standard conditions of approval.

The consent authority considered applicant's request noting that service authority requirements can be addressed via standard conditions of approval which require the applicant to enter into agreements with each relevant authority.

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- 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.

The amended subdivision layout would create additional General Industry zoned lots of a size suitable for industrial development, that is consistent with the character and land use development of the Cossack/Emungalan Industrial Areas. Therefore, the subdivision is unlikely to adversely impact on the existing and future amenity of the immediate locality.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2026/0027

CONCURRENT APPLICATION:
REZONE FROM ZONE R (RURAL) TO ZONE RL (RURAL LIVING)
SUBDIVISION TO CREATE 22 LOTS
NT PORTION 6794 (340) FLORINA ROAD, COSSACK
APPLICANT UPSIDE PLANNING PTY LTD

Applicant: Cameron Judson (Upside Planning Pty Ltd) attended.

RESOLVED
8/26

Kim Holt on behalf of Lilyponds Pty Ltd attended.

That, pursuant to section 30P(3), the consent authority defer consideration of the application to develop NT Portion 6794 (340) Florina Road, Cossack for the purpose of a subdivision to create 22 lots, to require the applicant to provide the following additional information that the consent authority considers necessary in order to enable the proper consideration of the application:

- Amended Plans which demonstrate consolidation of Lots 4, 5 and 6.

REASONS FOR THE DECISION

- This concurrent application seeks to rezone land at NT Portion 6794 (340 Florina Rd Cossack) from zone Rural (R) to zone Rural Living (RL) and to obtain consent for a subdivision to create 22 lots. The consent authority must make a preliminary decision under section 30P of the *Planning Act 1999* that, if the Minister were to approve the amendment proposal, the authority would be likely to consent or refuse to consent to the development proposal. Under Section 30P(3) the Authority, if it considers additional information is necessary to enable it to make such preliminary decision, can require the applicant to provide that information. The consent authority, having considered the material in the Report, and the applicant's presentation at the hearing, has determined that further information, as indicated above is required.

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2. 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 amendment proposal relates to rezoning part of the property to Zone RL (Rural Living) to enable the 19-lot subdivision. This level of density would not be permissible under the current Zone R (Rural) zoning which requires lots to be no less than 8ha. This amendment would result in a more efficient development of a generally unconstrained site that is serviced by reticulated power and has been found to generally comply with all relevant requirements of the Northern Territory Planning Scheme 2020.

3. Pursuant to Section 30P(2)(j) of the *Planning Act 1999*, the consent authority must take into consideration 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 proposed subdivision, as outlined within the supporting land suitability assessment and stormwater management plan, responds to the physical characteristics of the site. It provides 19 lots which all have complying areas of unconstrained land with direct access to a proposed public road and to future land use development on each lot.

All proposed lots have soil characteristics which are capable for the onsite disposal of wastewater by the absorption trench method as confirmed by a site and soil evaluation report prepared in accordance with the NT Code of Practice for Wastewater Management.

Water Resources Division of the Department of Lands, Planning and Environment have not indicated that there is not an adequate supply of groundwater available for domestic potable water purposes. Prior subdivision approval for this site included a condition for a Caution Notice advising potential purchasers that ground water accessed from the Jinduckin aquifer is not fit for human consumption and this condition of approval had been retained. Nonetheless, deeper groundwater in the Tindal aquifer is available and additional water supply can also be captured via rainwater tanks and other detention systems and as such provide a source of water for residential development.

A tributary drainage channel does impact the southern extremity of the site, noting the Katherine River is located some 1.3km from the site. However, this factor does not jeopardise future land use development of the proposed lots to be subdivided as this constrained land will be contained wholly within proposed Lot 1.

Furthermore, the existing stormwater overland flow across the site will not be disturbed, subject to the drainage requirements of the local authority, Katherine Town Council.

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4. Pursuant to Section 30P(2)(l) of the *Planning Act 1999*, the consent authority must take into consideration 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.

All lots to be created as part of the subject subdivision can be provided with reticulated electricity and an unconstrained driveway/crossover access to a new public road to be created. To ensure these subdivision works are completed accordingly, conditions of approval for the benefit of the relevant service authority providers for this infrastructure have been imposed on the development permit.

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 Land Use Conflict Assessment lodged with the application indicates that potential impact of land uses on surrounding land on the amenity of residential uses on the subject land can be managed and the Environment Regulation Division of the Department of Lands, Planning and Environment did not object to the assessment or raised concerns regarding any potential impacts of the proposal on the amenity of the locality.

The Authority notes that the subdivision is alongside a feedlot and the amenity impacts on existing and future amenity of the area must be considered. The proposed Rural Lot 4 is narrow and sensitivities could occur for residents in the RL lots, additionally reverse amenity impacts could occur potentially impacting the operations of the feedlot.

The Authority requests the redesign to make Lot 4, which abuts the Feedlot, much larger by consolidating it with lots 5 and 6, and thereby creating a deeper buffer protecting the smaller RL lots proposed. Amended plans will better respond to externalities from uses on the surrounding land.

It is noted that at the meeting the applicant Cameron Judson and the owner Kim Holtze agreed to accept the consolidation of lots 4, 5 and 6 as a Rural Zoned Lot to address the externalities from uses on surrounding land.

The Authority recognises that the Environmental Operation of DLPE has raised no concerns over the proposed subdivision.

RESOLVED 9/26

That the consent authority delegate to the chair the power to determine the application upon the receipt of the amended plans should the plans sufficiently address the DCAs requirements and then under section 30Q of the *Planning Act 1999*, report to the Minister for Lands, Planning and Environment advising of the likely decision in relation to the development proposal, issues raised in the submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the amendment proposal.

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**RESOLVED
10/26**

That, pursuant to section 86(1) of the *Planning Act 1999*, the Development Consent Authority delegates its powers to the Chair or in the absence of the Chair any member of the Katherine Division of the Authority to:

- determine pursuant to Section 30W(1)(a) to consent to the development proposal contained in the concurrent application and consent to the concurrent application after receipt of a notice under Section 30U(1) that the Minister has approved the amendment proposal contained in the application;
- issue a development permit under section 54(1) in relation to the development proposal to develop NT Portion 6794 (340) Florina Road Cossack for the purpose of a subdivision to create 22 lots, and issue the relevant notices under Section 30Y.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Letter of Deferral

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

**SUZANNE PHILIP
Chair**

23 July 2026

Pursuant to Section 48B of the Interpretations Act 1978, these minutes from the DCA meeting held on 1 July 2026 previously signed on 13 July 2026 have been amended at resolution 7/26 on page 11 to refer to the correct number of lots approved. The DCA determined at the meeting of 1 July 2026 to alter and approve the subdivision for six lots only. This is the only change to these minutes.