DEVELOPMENT CONSENT AUTHORITY
LITCHFIELD DIVISION

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: 4 **MEETING DATE:** 18/11/2026 **FILE:** PA2025/0474

APPLICATION PURPOSE:	Excavation and fill
SUBJECT SITE:	Section 7824 (17) Kerr Court, Knuckey Lagoon, Hundred of Bagot
ZONE:	RL (Rural Living)
SITE AREA:	2ha
APPLICANT	Upside Planning Pty Ltd – Director, Cameron Judson
PERSONS ON WHOSE BEHALF THE APPLICATION IS MADE	Landowner
LANDOWNER	Peter John Fulton
ANY PERSON WITH AN AGREEMENT TO ACQUIRE AN INTEREST IN THE LAND	None

1. PROPOSAL

The application is for excavation and fill at Section 7824 (17) Kerr Court, Knuckey Lagoon, Hundred of Bagot. The 2ha lot is located in Zone (RL) Rural Living of the Northern Territory Planning Scheme 2020 (NTPS 2020). A location plan is included at **Bookmark A.**

The application was submitted by Cameron Judson of Upside Planning on behalf of the landowner, Peter Fulton.

The development application, included at **Bookmark B**, proposes excavation and fill, including a creek through the centre of the site, grading of the site to create stormwater flows, and removal of stockpiles.

The documentation submitted with the application lacks detail, however, shows that there is excavation up to 0.6m in depth and fill of up to 1.2m in depth.

The application states that the proposed work is required to resolve stormwater flow and flooding issues.

2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

The proposal is to be assessed at an Impact Assessable level, as prescribed by Clause 1.8(1)(c)(i) of the NTPS 2020 as the use is shown as Impact Assessable on the relevant assessment table of the Rural Living zone in Part 4 of the NTPS 2020.

The proposal has been assessed against the NTPS 2020 at **Bookmark C** and complies with all applicable clauses listed in the following table.

Zoning and Level of Assessment on Assessment Table	Part 3 Overlay	Consent required by virtue of Overlay Requirement	Part 5 – General and Specific Development Requirements	Level of Assessment
Zone RL (Rural Living)	3.2 CNV – Clearing of Native Vegetation 3.5 LPA – Land in Proximity to Airports	Yes – 3.5 LPA	5.2.1 General Height Control 5.2.4 Car Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR 5.8.9 Excavation and Fill	Impact Assessable

The exercise of discretion by the consent authority that applies is clause 1.10(4):
In considering an application for a use or development identified as Impact Assessable the consent authority must take into account all of the following:
(a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
(b) any Overlays and associated requirements in Part 3 that apply to the land;
(c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and
(d) any component of the Strategic Framework relevant to the land as set out in Part 2.

These matters are presented below for the consent authority's consideration.

3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should refuse to consent to the application.

4. BACKGROUND

The subject development application is the result of compliance action taken by Development Assessment Services against the landowner for the bulk earthworks development commencing without a relevant development permit for such. To date, the site behaves largely as an overland stormwater flow catchment, with water moving across surface gradients before reaching the eastern (rear) boundary.

The property has contained a dwelling-single and associated outbuilding since 2022, following creation of the land parcel from an eight-lot subdivision in 2017 (DP17/0179). The parent parcel of this subdivision was previously used as a turf farm, hence the flat topography of the site and adjoining Kerr Court parcels. It is noted that this subdivision (DP17/0179) had a Litchfield Council approved stormwater management plan implemented at that time, but changes made on each lot have altered the overland flow of stormwater across the immediate locality.

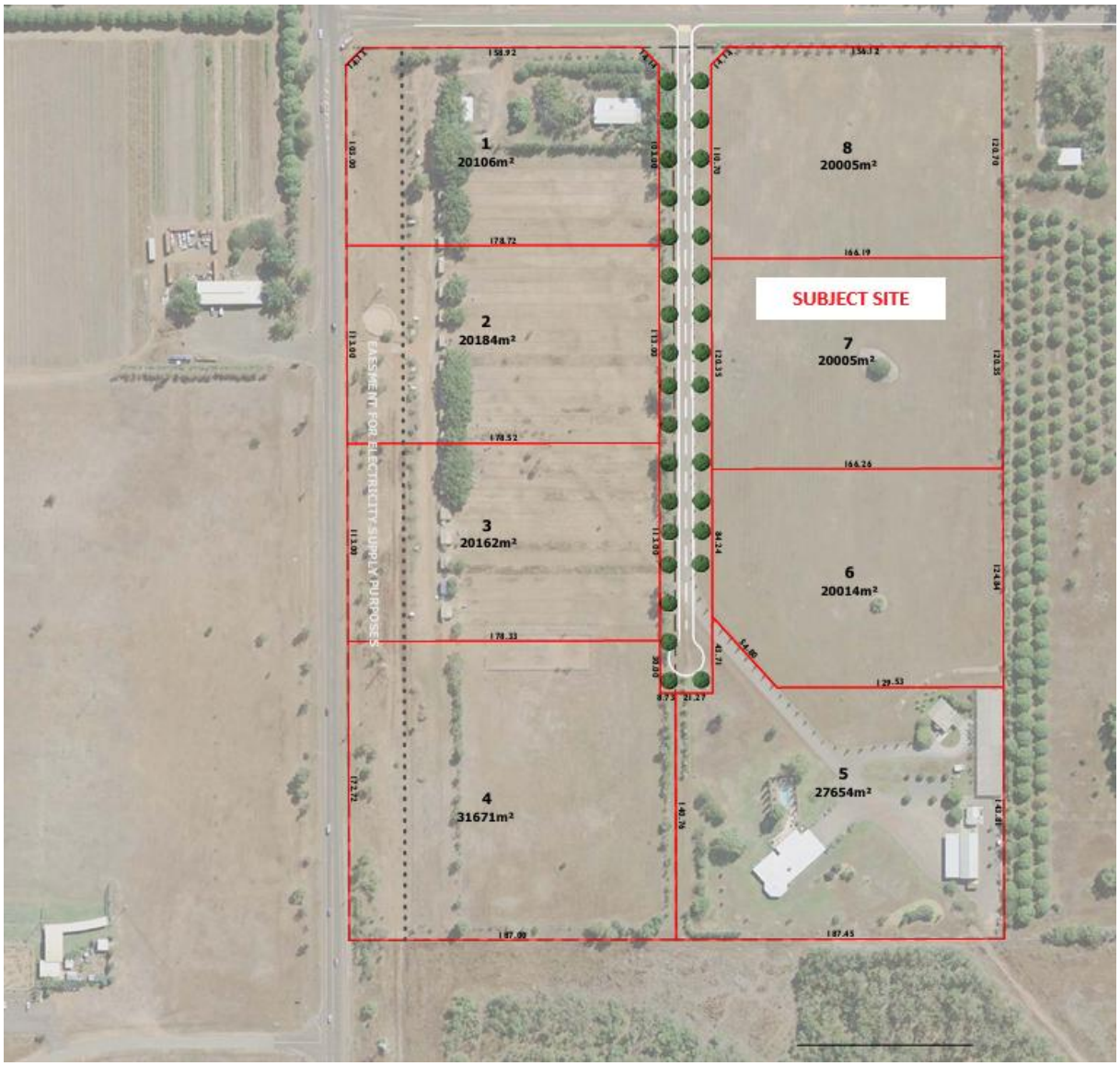


Figure 1: Subject Site & Remaining Lots Approved by Development Permit DP17/0179

5. PUBLIC EXHIBITION

The application was placed on public exhibition for a period of four weeks (16/01/2026 – 13/02/2026). Two public submissions were received under section 49(1) of the *Planning Act 1999*.

6. MATTERS TO BE TAKEN INTO ACCOUNT (SECTION 51 OF THE *PLANNING ACT 1999)*

Pursuant to Section 51(1) of the *Planning Act 1999*, a consent authority must, in considering a development application, take into account any of the following relevant to the development:

(a) any planning scheme that applies to the land to which the application relates

The proposal has been assessed against the NTPS 2020 at **Bookmark C.**

The proposed excavation and fill is consistent with the Strategic Framework at Part 2 of the NTPS.

Based on the level of information and detail provided with the application, it cannot be determined whether the proposal complies with the purpose and outcomes of Zone RL – Rural Living, or Clause 5.8.9 – Excavation and Fill. In particular, a hydrological assessment and plans showing the finished site levels of the proposed works, have not been provided to allow for an assessment to be completed.

The application was deferred several times, to allow the applicant to provide additional information, required to complete a full assessment of the application.

Most recently, on 6 August 2026, DAS requested that rather than a suitably qualified individual undertaking a hydrological study of the site or the area, instead, such a person could simply confirm that the works are appropriate and do not result in issues on other adjoining properties. The applicant did not provide this information.

On 10 September 2026 DAS once again requested a detailed hydrological assessment of proposed works from a suitably qualified person confirming whether the proposed works and introduced drainage channels will contain the existing overland stormwater flow within the subject property and whether the works will maintain pre-development flows of stormwater to adjacent properties downstream. This request had a time limit of 30 days (Bookmark B11). The application was deferred until 12 October 2026 to allow the applicant to provide this information, however it was not provided. The applicants email response on 29 October 2026 is at Bookmark B9.

(b) any proposed amendments to such a planning scheme:
- ***(i) that have been or are on exhibition under Part 2, Division 3;***
- ***(ii) in respect of which a decision has not been made under Part 2, Division 5; and***
- ***(iii) that are relevant to the development proposed in the development application***

There are no relevant proposed amendments to the NTPS 2020 which affect this proposal.

(c) an interim development control order, if any, in respect of the land to which the application relates

Interim Development Order No. 34 (IDO34) is not explicitly applicable for this assessment as no domestic stock is present nor proposed on this site. Nonetheless, it is noted IDO34

introduces planning controls to regulate domestic livestock in the Northern Territory to minimise adverse environmental and amenity impacts where a local government council does not have equivalent local bylaws in place.
For the subject Rural Living zoned property an area of 1ha per domestic livestock (hoofed) animal, unencumbered by any other use, is required and is to be kept maintained with ground cover.

(d) an environment protection objective within the meaning of the Waste Management and Pollution Control Act 1998 that is relevant to the land to which the application relates

There are no environment protection objectives relevant to the land. Additionally, the Lands Resources Division of this Department did not identify any requirements.

(e) any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application

Two public submissions were received during the exhibition period (16/01/2026 – 13/02/2026) under Section 49 of the *Planning Act 1999* with respect to the proposal. The submissions are summarised as followed:

Connie Jape, 29 Kerr Court, Knuckey Lagoon (**Bookmark E1**).

- Concerns were raised regarding the proposal to extend a man-made creek towards the submitter's property, as this may significantly alter the existing and natural flow of water towards this neighbouring property.
- This could increase the risk of flooding and associated damage to the neighbouring property.
- The application does not include sufficient information to show that these risks will be mitigated.

Kye and Louise Tagell, 42 Secrett Road Knuckey Lagoon (**Bookmark E2**).

- Concerns were raised that the application proposes groundwater management that will direct groundwater, which may be contaminated onto the submitter's neighbouring property.
- This limits the ability to develop the neighbouring property for the purposes of a family home and gravel driveway.
- Groundwater from the site will affect the neighbouring property, including through; diminishing property value, flooding/waterlogging, soil contamination and erosion, loss or damage of garden beds, loss or damage of fencing, driveway, pathway and landscaping along the boundary, water ingress risks including increase termite activity, timber rot and corrosion of fixtures, health risks, blocked stormwater drainage infrastructure, and ongoing maintenance burden.
- The site also has a history of unauthorised works and conduct.

DAS Response: The two submissions predominately raise concerns with the amenity impacts and risk of damage to their properties, caused by the proposal.

It is also noted that stormwater runoff and overland flow between private properties are generally considered a civil matter. The consent authority typically has limited powers to intervene in disputes between neighbours regarding how water flows from one private lot to another, other than restricting development like proposed excavation and fill on a particular property.

(f) a matter that the Minister has, under section 85, directed it to consider in relation to development applications generally

The Minister has made no direction in relation to the application.

(h) the merits of the proposed development as demonstrated in the application

The Applicant states that the proposal has the following merits:
The proposed earthworks seek to create unconstrained land as required by Part 6 of the NTPS 2020 and in accordance with the objective of the zone and the Strategic Framework.

(j) 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

It cannot be determined whether the land is capable of supporting the proposed excavation and fill, based on a lack of a hydrological assessment and finished site levels for the proposed works.

DLPE's Land Management Unit provided a submission which recommends that preparation and implementation of an Erosion and Sediment Control Plan (ESCP) be included as a condition on any permit issued for the following reasons:

- the significant volume of fill proposed to be used,
- the large volume of fill already stockpiled on the site,
- the stockpiled fill being of mixed and unknown origin with no demonstration of it meeting a recognised suitable standard such as Virgin Excavated Natural Material (VENM),
- the proposal to excavate and construct drainage lines, and
- a clearly demonstrated existing surface flow and inundation.

(k) the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer

There is no requirement for the provision of public facilities or open space as part of the proposed development.

(m) the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose

The following authorities provided comment on the proposal:

Power and Water Corporation (Power Services) – **Bookmarks D1**
No objection or requirements in relation to the proposal.

Power and Water Corporation (Water Services) – **Bookmarks D2**
This service authority had no objection to the proposal and outlined the following:

- Reticulated sewer services are currently unavailable in the area. The developer must contact relevant authorities to discuss servicing requirements for the proposed development.
- The developer may need to upgrade the existing water and sewer service and should contact Services Development prior to start of construction.
- The developer must ensure that;

    - Backflow prevention is installed at the water service in accordance with AS/NZS 3500.1 – Plumbing and Drainage - Water Services
    - Where applicable, the device is tested annually in accordance with AS/NZS 2845.3 field testing and maintenance of testable devices.
- 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.
- PWC recommends that the developers' hydraulic consultant confirm internal firefighting requirements with PWC prior to the development, so that flow capability can be adequately assessed.

Department of Logistics & Infrastructure – **Bookmark D3**
Had no objection or comments in relation to the proposal.

Northern Territory Fire & Emergency Services – **Bookmark D4**
Had no objections or requirements for the proposal.

NT Health Medical Entomology – **Bookmark D5**
- There are no Medical Entomology objections to the proposal to reduce wet season ponding within Section 7824.
- There is the potential for channelled stormwater to impact downstream properties, although from a mosquito perspective, downstream stormwater discharge impacts concerning increased mosquito breeding are more likely to be an issue in urban catchments or large rural catchments. Water would need to pond for 7 days or longer to cause a mosquito breeding issue. Despite what appears to be a minimal risk of causing increased downstream mosquito breeding, it would be prudent for the applicant to liaise with downstream landowners to ensure that there is no increase in residual ponding on their land.
- The land title should be updated to reflect the purpose of the internal drainage system and associated erosion and sediment control systems, to ensure potential future owners are aware of the management requirements.

DAS Response: A standard condition of development approval for avoiding mosquito breeding during construction works is recommended to be imposed on any permit issued. This would run with the land, meaning, current and future landowners would be required to comply with the development permit requirements in perpetuity.

Department of Land, Planning and Environment – **Bookmark D6**

Land Management Unit:

It is recommended that preparation and implementation of an Erosion and Sediment Control Plan (ESCP) be included as a condition on the Development Permit for the following reasons: the significant volume of fill proposed to be used,
- the large volume of fill already stockpiled on the site,
- the stockpiled fill being of mixed and unknown origin with no demonstration of it meeting a recognised suitable standard such as Virgin Excavated Natural Material (VENM),
- the proposal to excavate and construct drainage lines, and
- a clearly demonstrated existing surface flow and inundation.

DAS Response: Standard Precedent Conditions, General Conditions and Notes would be included on any permit issued to address these comments.

Heritage Branch:

A search has found that there are no recorded Aboriginal or Macassan archaeological places and objects within the subject site, and the likelihood of unrecorded Aboriginal or Macassan archaeological places existing has been assessed as unlikely. This advice is based on the description of the works provided to the Heritage Branch. If the work expands or changes significantly seek further advice.

Water Resources Division:

There are no issues of concern requiring comment within the responsibilities of the Water Resources Division associated with the proposed excavation and fill work.

Litchfield Council – **Bookmark D7**

Council raised no objection to the proposal or granting of a Development Permit, as the necessity for the excavation and fill permit is to alleviate concentrated stormwater flow into the neighbouring properties as well as ensuring there is no ponding of water within the property.

Support was given provided that the following issues are adequately addressed:

- Whilst the applicant has provided a site stabilisation plan, this will need to be reviewed to ensure that stormwater flow is not collected and concentrated into neighbouring properties (particularly to the South East corner).
- Additionally, Council would like to understand the timeline for the stabilisation works to occur.

Litchfield Council provided the following comment:

'It is understood that these properties, zoned RL (Rural Living), will be developed in accordance with the zoning, which should ensure that site layout and development remain sympathetic to the existing streetscape, scale, and character of surrounding development. Any development should also consider stormwater direction and flow to maintain sheet flow drainage across the property. Development must not increase the rate, depth, or concentration of stormwater runoff onto neighbouring properties. In establishing infrastructure on this property, the owner has unfortunately contributed to the current stormwater issues through the following actions:

- *Stockpiles and rows of fill left in place for some time following fence installation have likely contributed to the problems evident in the application photos.*
- *The shed roof, with an area of approximately 860 m^2, creates a large impervious surface that concentrates and channels stormwater onto the property.*
- *Additional impacts arise from stockpiles of hardened concrete, likely resulting from waste washout from the concreting business, which further creates impervious surfaces and concentrates stormwater flow.*
- *Online images depicting various stages of development show stockpiling of fill and building materials in several locations on the property.*

It is unfortunate that the property owner did not approach Council when stormwater issues first arose, as these could have been investigated and addressed at the time. Moving forward, Council supports the application for Excavation and Fill; however, all works must be guided by a stormwater

management plan and an erosion and sediment control plan to ensure stormwater is managed in accordance with the NT Subdivision and Development Guidelines.'

Council request Conditions Precedent, general conditions and notes to be included in any development permit issued.

DAS Response: The conditions and notes requested by Council should be included in any Development Permit issued for the proposal. However, the concerns raised by Council highlight amenity issues that previous activity on the site has caused, which may be exacerbated by the proposed excavation and fill, in particular through stormwater flows and flooding.

(n) the potential impact on the existing and future amenity of the area in which the land is situated

The impact on amenity should be considered in the context of the site and its surrounds. The subject site is surrounded by Rural Living zoned land parcels. Excavation and fill on an individual property could be appropriate, subject to it not impacting upon neighbouring properties, including through stormwater flows and flooding.

Due to a lack of information and documentation submitted to show that the proposal will not cause an increase in stormwater flows and flooding to neighbouring properties, DAS cannot confirm whether the proposal will impact on the existing and future amenity of the area.

The two submissions received for the application raise significant concerns regarding the impact the proposed excavation and fill will have on neighbouring properties.

(p) the public interest, including (if relevant) how the following matters are provided for in the application:

(i) community safety through crime prevention principles in design;
(ii) water safety;
(iii) access for persons with disabilities

The application lacks information from a suitably qualified professional, such as a hydrological assessment and plans showing the finished site levels of the proposed works, to confirm that the public interest regarding water safety won't be impacted upon.

(pa) for a proposed subdivision or consolidation of land in a Restricted Water Extraction Area – whether the subdivision or consolidation complies with the restrictions of sections 14A and 14B of the Water Act 1992 and the requirements of section 14C(1) of that Act;

Subdivision is not proposed as part of this application.

(q) for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building)

Not applicable to this application.

(r) any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the Heritage Act 2011

There are no known natural, social, cultural or heritage values on the site or in the immediate surrounding area.

(s) any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the Water Act 1992

The following declared beneficial uses apply to the subject land:

- Darwin Harbour Region (Surface Water) – Aquaculture, environment, cultural, rural stock and domestic.
- Darwin Rural Water Control District - Agriculture, aquaculture, public water supply, environment, cultural, industry, rural stock and domestic, mining activity and petroleum activity.

It is the responsibility of the developer and landowner to ensure that land use does not result in a contravention of the *Water Act 1992*.

(t) other matters it thinks fit

No other matters are raised for consideration by the consent authority.
Section 51(2) of the *Planning Act 1999*

If a development proposal is required to be referred to the NT EPA under Part 4, Division 3 of the Environment Protection Act 2019, the consent authority must not make a decision under this Division in relation to a development application for the proposal unless:
(a) the NT EPA has determined that an environmental impact assessment is not required under that Act for that proposal; or
(b) if the NT EPA has determined that an environmental impact assessment is required – an environmental approval has been granted under that Act for the proposal and the decision is consistent with that approval; or
(c) the Environment Protection Act 2019 otherwise permits the making of the decision.

The proposed development does not require the preparation of any environmental reports or impact statements under the Environmental Protection Act 2019.

7. RECOMMENDATION

That, pursuant to section 53(c) of the *Planning Act 1999*, the Development Consent Authority refuse to consent to the application to develop Section 7824 (17) Kerr Court, Knuckey Lagoon, Hundred of Bagot for the purpose of excavation and fill.

8. REASONS FOR THE RECOMMENDATION

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 excavation and fill requires consent under Clause 1.8 (When development consent is required). It is identified as Merit Assessable under Clause 4.7 (Zone RL – Rural Living), therefore the strategic framework (Part 2 of the Scheme, including the Darwin Regional Land Use Plan and Litchfield Subregional Land Use Plan), zone purpose and outcomes of Clause 4.7 (Zone RL – Rural Living), and Clause 5.8.9 (Excavation and Fill) need to be considered.

These clauses have been considered and it is found that based on the level of information provided in the application, the proposal may comply with Clause 4.7 (Zone RL – Rural Living) and Clause 5.8.9 (Excavation and Fill).

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
   (a) The purpose and administration clauses of the requirement; and
   (b) The considerations listed under Clause 1.10(3) or 1.10(4).

   Based on the level of information provided with the application, it cannot be confirmed whether the proposal is in accordance with Clause 5.8.9 (Excavation and Fill).

   A hydrological assessment is required to enable assessment of this clause to be accurately completed. Development Assessment Services requested a hydrological assessment and amended plans to accurately show the finished levels of the proposed works, however, these have not been submitted.

3. 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.

   It cannot be determined whether the land is capable of supporting the proposed excavation and fill, based on a lack of a hydrological assessment and finished site levels for the proposed works.

   DLPE's Land Management Unit provided a submission which recommends that preparation and implementation of an Erosion and Sediment Control Plan (ESCP) be included as a condition on the Development Permit for the following reasons:
   - the significant volume of fill proposed to be used,
   - the large volume of fill already stockpiled on the site,
   - the stockpiled fill being of mixed and unknown origin with no demonstration of it meeting a recognised suitable standard such as Virgin Excavated Natural Material (VENM),
   - the proposal to excavate and construct drainage lines, and
   - a clearly demonstrated existing surface flow and inundation.

4. 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

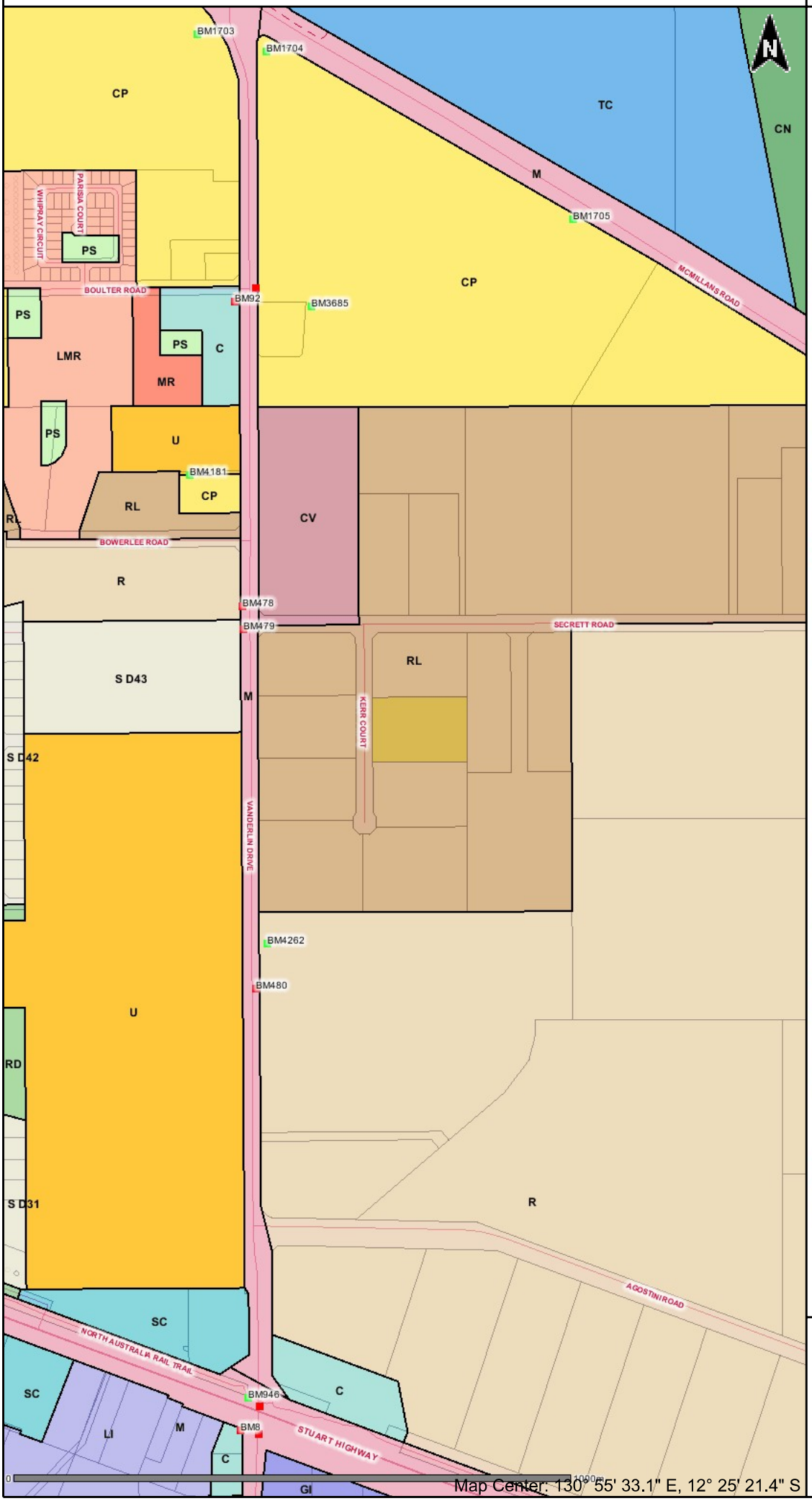
   The impact on amenity should be considered in the context of the site and its surrounds. The subject site is surrounded by Rural Living zoned land parcels. Excavation and fill on an individual property could be appropriate, subject to it not impacting upon neighbouring properties, including through stormwater flows and flooding.

   Due to a lack of information and documentation submitted to show that the proposal will not cause an increase in stormwater flows and flooding to neighbouring properties, DAS cannot confirm whether the proposal will impact on the existing and future amenity of the area.

The two submissions received for the application raise significant concerns regarding the impact the proposed excavation and fill will have on neighbouring properties.

AUTHORISED: .....
SENIOR PLANNER
DEVELOPMENT ASSESSMENT SERVICES

Map created Fri Nov 06 14:04:35 ACST 2026



Legend

Survey Bench Marks

- Proposed
- Lodged
- Approved
- Adopted
- Disturbed
- Gone

General Lines

Town Planning Zones

- A - Agriculture
- CV - Caravan Park
- CB - Central Business
- C - Commercial
- CL - Community Living
- CP - Community Purpose
- CN - Conservation
- DV - Development
- RR - Rural Residential
- GI - General Industry
- HT - Heritage
- HR - High Density Residential
- H - Horticulture
- LI - Light Industry
- M - Main Road
- MR - Medium Density Residential
- LMR - Low-Medium Density Residential
- CA - No Planning Scheme Controls
- OR - Organised Recreation
- PM - Proposed Main Road
- PS - Public Open Space
- RW - Railway
- RD - Restricted Development
- R - Rural
- RL - Rural Living
- SC - Service Commercial
- LR - Low Density Residential
- S - Specific Use
- TC - Tourist Commercial
- U - Utilities
- WM - Water Management
- FD - Future Development
- RJ - Residential Jabiru
- PSJ - Public Open Space Jabiru
- ORJ - Organised Recreation Jabiru
- CJ - Commercial Jabiru
- SCJ - Service Commercial Jabiru
- TCJ - Tourist Commercial Jabiru
- CPJ - Community Purpose Jabiru
- FDJ - Future Development Jabiru
- IJ - Industrial Jabiru
- MJ - Main Road Jabiru
- UJ - Utilities Jabiru

Road Labels

Road Centrelines

- Highway
- Other Road

Cadastre

Coastline

Created by CAJCR

Bottom Left: 130° 55' 09", -12° 25' 33"
Top Right: 130° 55' 57", -12° 25' 08"
Approximate Scale: 1:9,900
Datum: GDA 1994
Data for information purposes only
- accuracy not guaranteed
N.T. Land Information System
Copyright Northern Territory of Australia

Land owner/s authorisation to lodge a development application

The Planning Act 1999

Before you fill in the form

Signatures from ALL landowners registered on the land title must be provided.
The authorisation must be dated within six months of the submission of the application.

Fields marked with an asterisk (*) are required. Fields marked with a carat (^) are required if applicable.			
Applicant In accordance with Section 46(3)(aa)(i) of the *Planning Act 1999*, a development application is to contain the name and contact details of the **applicant** ALL **any person on whose behalf the application is made.**			
Name of Applicant/Consultant or Acting agent	Upside Planning Pty Ltd		
Address	20 First Street, Katherine		
Phone	0476829517	**Email**	cameron.judson@upsideplanning.com.au
Persons on whose behalf the application is made:			
Person/s on whose behalf the application is made:	Peter Fulton		
Address	17 Kerr Court, Knuckey Lagoon		
Phone	0407 476 408	**Email**	peter.fulton112@outlook.com
The applicant is hereby authorised to lodge a development application over the subject land described as:			
***Lot/NT portion**	8724		
***Location/town/hundred**	Hundred of Bagot		
***Street address**	17 Kerr Court, Knuckey Lagoon		

NORTHERN TERRITORY GOVERNMENT

The application is for the purpose of:	
***Proposed development** *Brief description of proposed development*	Excavation and Fill

Landowner/s signature

In accordance with Section 46(3)(aa)(ii) of the *Planning Act 1999*, a development application is to contain the **name and contact details of the owner of the land** to which the application relates.

Written authorisation from each:

- **Individual owner**: Each person listed on the title must provide written authorisation for the application.
- **Companies**: For each company listed on the title, written authorisation must be obtained from the **director** or **authorised representative** of the company. This authorisation confirms that the company is giving consent for the application and that the person signing on behalf of the company has the legal authority to do so.

***Full name**	John Peter Fulton		
^Company name	n/a		
^Title *(e.g. director/authorised representative)*			
Phone	0407 476 408	**Email**	peter.fulton112@outlook.com
***Signature**			
***Date**	4/12/2025		

Landowner signature

***Full name**			
^Company name			
^Title *(e.g. director/authorised representative)*			
Phone		**Email**	
***Signature**			
***Date**			

Any Persons with an interest in the land *(as applicable)* In accordance with section 46(3)(aa)(iii) and (iv) of the *Planning Act 1999*, a development application is to contain the name and contact details of **any person who entered into an agreement** with the applicant and/or landowner, **to acquire an estate or interest in the land to which the application relates**; and **any person with an interest** prescribed by regulation.			
^Full name			
^Company name			
^Title *(e.g. director/authorised representative)*			
^Signature			
Phone		**Email**	
^Full name			
^Company name			
^Title *(e.g. director/authorised representative)*			
^Signature			
Phone		**Email**	

Privacy Note

The Department of Lands, Planning and Environment, on behalf of the Minister, is authorised under the *Planning Act 1999* to collect the information on this form, or otherwise provided by you, to consider a proposal to grant a Development Permit or to amend a planning scheme. Failure to provide the information in full may result in delays in processing of the application.

Some of the personal information provided by you on this application may be publicly available, as part of a public exhibition process. The information is also regularly provided to other Northern Territory Government agencies, the Australian Valuation Office, local governments and Commonwealth Government Departments and agencies, as required by law.

Collection of personal information on this form is done in accordance with the privacy legislation within the Northern Territory *Information Act 2002*. For more information, please refer to the Northern Territory Government's privacy statement located at https://nt.gov.au/copyright-disclaimer-and-privacy
Any personal information provided can be subsequently accessed by you on request.

Proposed Excavation and Fill

Statement of Effect

17 (Lot 7824) Kerr Court, Knuckey Lagoon

Prepared for
Peter Fulton

Prepared by
Cameron Judson

Date
5 December 2025
V1.1

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Document Control		
Revision	**Revision Date**	**Report Details**
V1.0	2 December 2024	Draft for client
V1.1	5 December	Development Application

1. Introduction

This statement of effect has been prepared to support a development application for earth moving and the importation of fill at 17 (Lot 7824) Kerr Court, Knuckey Lagoon.

Significant earthmoving has already been undertaken. This earthwork seeks to address serious drainage issues that adversely affect the site and adjacent lots.

The development application follows enforcement action by the Development Consent Authority (DCA). The landowner has instructed Upside Planning to work with him to respond to the DCA and address the matter to its satisfaction.

The proposed development is submitted with regard to section 46(3) of the Planning Act 1999.

The use is permissible in the zone and consent is required through the Impact Assessable pathway of the Northern Territory Planning Scheme (NTPS 2020) and Clause 3.5(2) 'LPA – Land in Proximity to Airports' which states that "*the use and development of land subject to this Overlay requires consent".*

In preparing this statement, Upside Planning visited the application site, reviewed the planning history, and assessed the proposal against the objectives and relevant sections of the Planning Act 1999, the strategic framework, and the NTPS 2020.

2. Application Site

Site Description

The application site is located within a rural lifestyle suburb of Knuckey Lagoon, about 18 kilometres east of the Darwin CBD.

The application site is 2ha in area. It has a depth of 169 metres and a width of 119 metres.

The site is flat, though there is a slight fall (5 cm) from the front to the southeast corner.

A dwelling and a 680m^2 shed have been constructed on the site, together with a compacted gravel driveway, a water tank and a wastewater system.

Figure 1 below provides a site location plan.



Figure 1: Site location plan

3. Planning History

The site's planning history is directly relevant to the proposal.

The application site was created within a 2018 subdivision of a former turf farm (A copy of the Survey Plan is provided in Appendix 1). The Development Consent Authority granted consent on 19 May 2017. A copy of the Development Permit (DP17/0179) is provided in Appendix 2.

In granting consent, a Stormwater Management Plan was included as a condition precedent to ensure the subdivision is managed accordingly and will not impact the surrounding land.

The condition stated that:

> *"Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by the Litchfield Council to the satisfaction of the consent authority."*

A copy of the approved stormwater plan is provided in Appendix 3.

Given its historic land use, the application site and wider subdivision are cleared.

4. The Proposed Development

Context

The proposed development is for excavation and fill to address the serious shortcomings of the subdivision, including its suitability and the resulting approved stormwater plan.

The site is almost flat and therefore poorly drained. The approved stormwater plan has not addressed this constraint. In particular, it did not consider that the land would be developed in accordance with the zoning.

The development of the subdivision, including dwellings, buildings, driveways, and other features, compounded the problem and demonstrated that the approved stormwater plan does not meet the requirements of NTPS 2020. For example, the construction of a simple driveway on the lot to the south, which sits above natural ground level (to ensure dry access), has obstructed stormwater flow and generated serious consequences, including ponding and local flooding.

Appendix 4 comprises photos taken during the previous Wet Season.

Solution

To address this problem, the landowner has undertaken excavation and fill and proposes further fill to direct water off his land to the lot's southeast corner. The work seeks to create unconstrained land in accordance with the requirements of Part 6 of the NTPS 2020.

The work subject to this development application is shown on the plans submitted with it. The plans comprise:

- Detailed Survey prepared by Earl James and Associates dated 13 July 2017
- Detailed Survey prepared by Earl Jones and Associated dated 26 November 2025
- A comparison plan (2017 – 2025) prepared by Earl Jones and Associated dated 26 November 2025
- A plan showing further work dated xx

This statement should be read in conjunction with these plans.

5. Section 46(3) of the Planning Act 1999

4.1 Compliance with the Northern Territory Planning Scheme

Part 1 Guidance

Part 1 of the NTPS 2020 sets out the guidance on its administration.

Clause 1.8, 'when development consent is required,' refers to Part 4 of the NTPS regarding whether the development is 'Permitted', 'Merit Assessable', 'Impact Assessable', or 'Prohibited'.

By reason of clause 1.8(1)(c)(i), the proposal is Impact Assessable. This pathway *requires the exercise of discretion by the consent authority to determine if it is appropriate given the location of the site and the potential impacts on surrounding uses, and if it accords with the Strategic Framework. "*

Pursuant to Clause 1.10(3), in considering an application for consent for a use or development identified as Impact Assessable, the consent authority must take into account all of the following:

(a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
(b) any Overlays and associated requirements in Part 3 that apply to the land;
(c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and
(d) any component of the Strategic Framework relevant to the land as set out in Part 2.

Part 2 Strategic Framework

Part 2 of the NTPS 2020 provides the strategic framework, comprising Regional Land Use Plans, Subregional Land Use Plans and Area Plans.

Darwin Regional Land Use Plan

The Darwin Regional Land Use Plan (DRLUP) designates the site and locality as 'Rural Lifestyle'.

The proposed excavation and fill are consistent with the land use structure under DRLUP. The proposed earthworks support the intended land use structure of 'Rural Lifestyle.' The key objectives for the 'Rural Lifestyle' land use structure are as follows:

- Identify opportunities for rural lifestyle development to meet market demand.
- Encourage opportunities for a choice of lifestyle in terms of lot size and access to services.
- Provide appropriate buffers between different residential localities to maintain and enhance the amenity of established areas and protect the natural environment.

The scope of this application for excavation and fill is considered to support the intent of this principle, as it provides an opportunity for a rural lifestyle, resolves amenity issues, and, with suitable measures, protects the natural environment.

The proposal supports the site's primary residential use.

The proposal supports the above DRLUP objectives for the Rural Lifestyle area.

The proposal is consistent with the Strategic Framework.

Litchfield Subregional Land Use Plan

The Litchfield Subregional Land Use Plan (LSLUP) designates the general works area as a 'Rural Area.'

The retrospective and proposed earthwork are consistent with the land use structure under LSLUP. The proposed use does not impinge on the intended land use structure of 'Rural Area.'

The Subregional Plan seeks to preserve the existing amenity of the rural area, identified as 'Rural Lifestyle' in the Darwin Regional Land Use Plan.

The application site is zoned RL (Rural Living) and meets the minimum lot size of 2ha. The relevant "Statements of Policy" in the LSLUP for the 'Rural Area' are as follows:

- Maintain rural amenity and lifestyle choice.

- Require a reliable water supply adequate for residential use
- Require stormwater drainage for new residential development to not adversely impact on the receiving environment; and

In respect of the above, regarding rural amenity, the application site is 2ha and is consistent with the minimum lot size of 2ha for RL (Rural Living). The earthworks seek to deliver unconstrained land in accordance with the NTPS 2020.

Part 3 Overlays

Part 3 of the NTPS 2020 identifies the overlays and associated requirements that apply to the land. The site is within the following Overlays:

- CNV – Clearing of Native Vegetation; therefore, clause 3.2 applies.
- LPA – Land in Proximity to Airports, therefore clause 3.5 applies.

Clause 3.2 CNV – Clearing of Native Vegetation

The application site sits on a former turf farm. There is no native vegetation. The proposal complies with Clause 3.2 (Clearing of Native Vegetation), and it does not unreasonably contribute to environmental degradation of the locality."

Clause 3.5 LPA – Land in Proximity to Airports

The purpose of the clause is to "identify areas which may be subject to additional amenity impacts and/or restrictions due to its proximity to an airport, and ensure that the use and development of land in these areas:

> *(a) minimises the detrimental effects of aircraft noise on people who reside or work in the vicinity of an airport;*
> *(b) does not result in any new use or intensification of development on land that would prejudice the safety or efficiency of an airport;*
> *(c) does not result in any new use or intensification of development that would jeopardise the curfew free operation of the Territory's airports (where applicable); and*
> *(d) retains the non-urban character of the land.*

The requirements comprise:

- *"In determining an application for the development of land the consent authority is to have regard to the 'Building Site Acceptability Based on ANEF Zones' (Table 2.1) in AS 2021 – 2000."*
- *"Lighting associated with development on land within flight approach paths is to ensure it does not to prejudice the safe operation of an airport."*
- *"The use and development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport."*

The proposal would not attract birds or bats. It aims to reduce water ponding, which would otherwise attract birds.

Part 4 Zones and Assessment Tables

Part 4 of the NTPS 2020 outlines the zone's purposes and outcomes and provides the related assessment tables. The subject site is located on land zoned RL (Rural Living).

The purpose of the zone is to "*provide for a range of rural lifestyle choices and rural activities, in areas where access to reticulated water and sewerage may not be available."*

The 'Zone Outcomes' advises that "*Subdivision design is informed by land suitability assessment to confirm the land is able to support residential development."*

The subdivision design failed. It was not informed by a sound land suitability assessment and stormwater plan.

The landowner has inherited the consequences of this failure. The proposal seeks to create unconstrained land as required by Part 6 of the NTPS 2020 and enable the land to be developed in accordance with the zone's purpose.

The proposal, therefore, aligns with the zone's purpose.

Part 5 Development Requirements

Part 5 of the NTPS outlines the specific development requirements relevant to the proposed development.

Clause 5.8.9 Excavation and Fill

The purpose of the clause is to "*ensure that the excavation or filling of land does not adversely affect adjacent land or waters, or the quality of adjacent waterways, and associated riparian areas and is suited to the intended future use of the site."*

The clause has four requirements, which comprise:

- Demonstrate the suitability of the site for the proposed future use.
- Provide a hydrological assessment of potential upstream and downstream impacts of the excavation or filling.
- Provide a plan of management to control erosion and sedimentation, particularly of creeks and riparian areas.
- Identify measures to prevent the creation of mosquito breeding areas.

Suitability

The site has been developed in accordance with the zoning. The proposed earthwork seeks to create unconstrained land suitable for rural lifestyle development.

Hydrology

Darwin's monsoonal environment drives very high wet-season runoff from the site. The flat terrain and propensity for waterlogging generate land suitability issues.

The primary objectives of the proposal are to manage successfully:

- rapid runoff accumulation
- ponding and local flooding
- slow infiltration in the wettest months
- sediment movement & erosion during peak flows

The comparison plan shows detailed 0.05 m minor contour intervals and colour-coded elevation changes. Low points supported by higher areas (stockpiles will be redistributed). Swales direct water away from the dwelling.

The site behaves largely as an overland-flow catchment, with water moving across surface gradients before reaching the eastern boundary.

Even in sandy Tenosols at Knuckey Lagoon, the wet-season high water table reduces infiltration, leading to more runoff and ponding.

The site is not part of the Knuckey Lagoon depression itself. Local inundation patterns typical of Knuckey Lagoon may temporarily connect runoff pathways to external drainage lines in flood events.

In summary, the completed earthworks have improved and defined drainage lines. In monsoon conditions, the site experiences surface runoff, localised flooding, and limited infiltration. Potential erosion is managed through stabilised swales and sediment control measures.

Further work will enhance the current situation, remove stockpiles, and add to erosion and sediment control plan (ESCP) measures.

Erosion and sediment control measures

The objectives of the measures are to:

- Minimise disturbed area and exposure time of bare soil, especially entering the wet season.
- Control runoff velocity and prevent erosion of drainage lines and batters.
- Capture and retain sediment on-site so it does not exit the site or downstream waterways.
- Progressively stabilise disturbed areas with grass, vegetation and boulders to achieve a stable post-construction landform free from active erosion.

A concept Erosion and Sediment Control Plan forms part of the development application.

Prevention of mosquito breeding areas

The proposal seeks to eliminate ponding. Low points adjacent to stockpiles will be removed.

4.2 Interim Development Control Order

There are no interim Development Control Orders that apply to the site.

4.3 Referral to the NT EPA

The proposed development is not required to be referred to the NT EPA under the Environmental Protection Act 2019.

4.4 Merits of the Proposed Development

The proposed earthworks seek to create unconstrained land as required by Part 6 of the NTPS 2020 and in accordance with the objectives of the zone and the Strategic Framework.

4.5 Suitability for Development and Impact on Locality

The proposed development enhances the site suitability.

Erosion and sediment control measures can mitigate adverse impacts.

4.6 The Public Facilities or Public Open Space Available in the Area

The proposal will not increase demand for community infrastructure.

4.7 The Public Utilities or Infrastructure Provided in the Area

The site is connected to power. The application will be provided to Power and Water and the Council for comment. The statutory requirements of the Council and Power and Water can be accommodated.

4.8 Impact on Amenity

The proposed development meets the purpose of the zone and aligns with the Strategic Framework. The site's development is in line with a use supported by the zone's purpose and outcomes.

The proposal would not have an impact on the amenity of the locality.

4.9 The Public Interest

The proposal supports the creation of unconstrained land to the benefit of the local economy.

6. Conclusion

The NTPS 2020 applies to the land. Excavation and fill require consent under Clause 1.8.

It is identified as Impact Assessable; therefore, the zone's purpose and outcomes are relevant to the proposal.

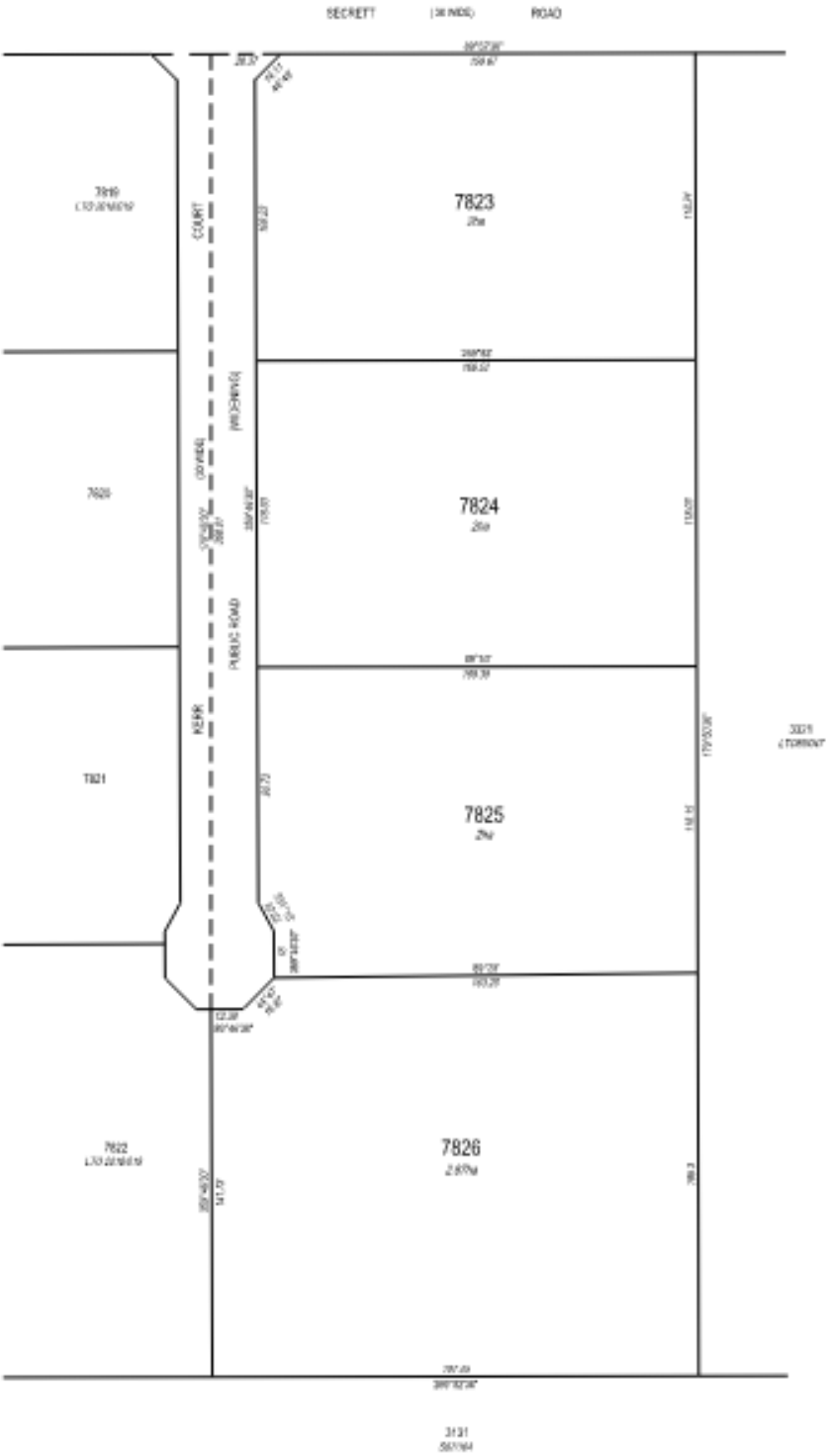
The proposal seeks to create unconstrained land in line with the requirements of the NTPS 2020.

The relevant clauses have been considered and addressed. The proposal complies with the NTPS 2020.

Appendix 1

Survey Plan

Supersedes Part of LTO89/047



20 0 20 40 60 80 100
metres

SURVEYOR'S CERTIFICATE

I, Richard Denis Purnell

L.T.O. REGISTRATION

Lodged by

Instrument Number

Registered

Plan No.

Registrar-General

Note

Public Road Widening(s) vested in Litchfield Council

Version 1 - survey plan as lodged

SURVEY APPROVAL

Delegate for Surveyor-General

4 March 2019

Date

Plan To
Earl James & Associates
(10333) 08/11/2018

Plan Checked by
Earl James & Associates
5/11/2018

Map Reference

AZIMUTH

Bearings from

Meridian for

SECTIONS 7823 TO 7826

SUBDIVISION OF SECTION 3320
HUNDRED OF BAGOT

SCALE 1:1000 (A4)

LTO 2018/020

Appendix 2

Development Permit (DP17/0179)

NORTHERN TERRITORY OF AUSTRALIA

Planning Act - sections 54 and 55

DEVELOPMENT PERMIT

DP17/0179

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Section 03319
Section 03320
Hundred of Bagot
10 SECRETT RD, KNUCKEY LAGOON
30 SECRETT RD, KNUCKEY LAGOON

APPROVED PURPOSE

To use and develop the land for the purpose of a subdivision to create eight lots, in accordance with the attached schedule of conditions and the endorsed plans.

VARIATIONS GRANTED

Nil.

BASE PERIOD OF THE PERMIT

Subject to the provisions of sections 58, 59 and 59A of the Planning Act, this permit will lapse two years from the date of issue.

D. Parkes

Dawn Parkes
2017.05.19
08:37:19
+09'30'

DAWN PARKES
Delegate
Development Consent Authority
19 May 2017

DEVELOPMENT PERMIT

DP17/0179

SCHEDULE OF CONDITIONS

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by the Litchfield Council to the satisfaction of the consent authority.

2. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of the Department of Environment and Natural Resources (DENR). All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority on the advice of DENR. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning, and the IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be reference as a guide to the type of information, detail and data that should be included in the ESCP. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding ESCP content is available at www.austieca.com.au and the NTG website http://nt.gov.au/environment/soil-land-vegetation.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.

4. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Environment and Natural Resources.

5. Any development 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. 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.

7. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.

8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage and electricity facilities and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council, to the satisfaction of the consent authority.

10. 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 Litchfield Council, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

11. Where unfenced, the Vanderlin Drive Road frontage is to be appropriately fenced in accordance with Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics standards and requirements to the satisfaction to the consent authority.

12. The existing unapproved access to proposed Lot 2 from Vanderlin Drive shall be removed and the road reserve rehabilitated and grassed to the standards and requirements of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics to the satisfaction to the consent authority.

13. Any proposed work (including the provision or connection of services) within, or impacting upon the Vanderlin Drive road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. 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".

14. Before issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT (Department of Environment and Natural Resources).

15. Before the issue of titles, the owner must, in accordance with Part 6 of the Planning Act, pay a monetary contribution to the Litchfield Council for the upgrade of local infrastructure, in accordance with its Development Contribution Plan.

16. Before the issue of titles, a statement from a building certifier must be provided confirming that the existing horse stables have been demolished and that the subdivision does not result in any non-compliance with the Building Act.

17. Before issue of titles and pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar General on the parent parcel to reflect the constraints identified by the Department of Health in regards to the land being affected by seasonal mosquito problems. The wording for the notice must be submitted to and approved by the consent authority on the advice of the Department of Health (Medical Entomology branch). Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

18. Before issue of titles and pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar General on the parent parcel to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: "This allotment may be located within the Australian Noise Exposure Forecast (ANEF) Zone. AS2021:2015 (Acoustics – Aircraft noise intrusion – Building siting and Construction) provides guidance on the siting and construction of buildings in the vicinity of airports to minimise aircraft noise intrusion." Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

Notes

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

2. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council and the Transport Infrastructure Division of the Department of Infrastructure, Planning and Logistics before commencement of any work within the road reserve.

3. The Transport Infrastructure Division of the Department of Infrastructure, Planning and Logistics advises that no access to any of the lots shall be permitted from the Vanderlin Drive road reserve.

4. Professional advice regarding the implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources

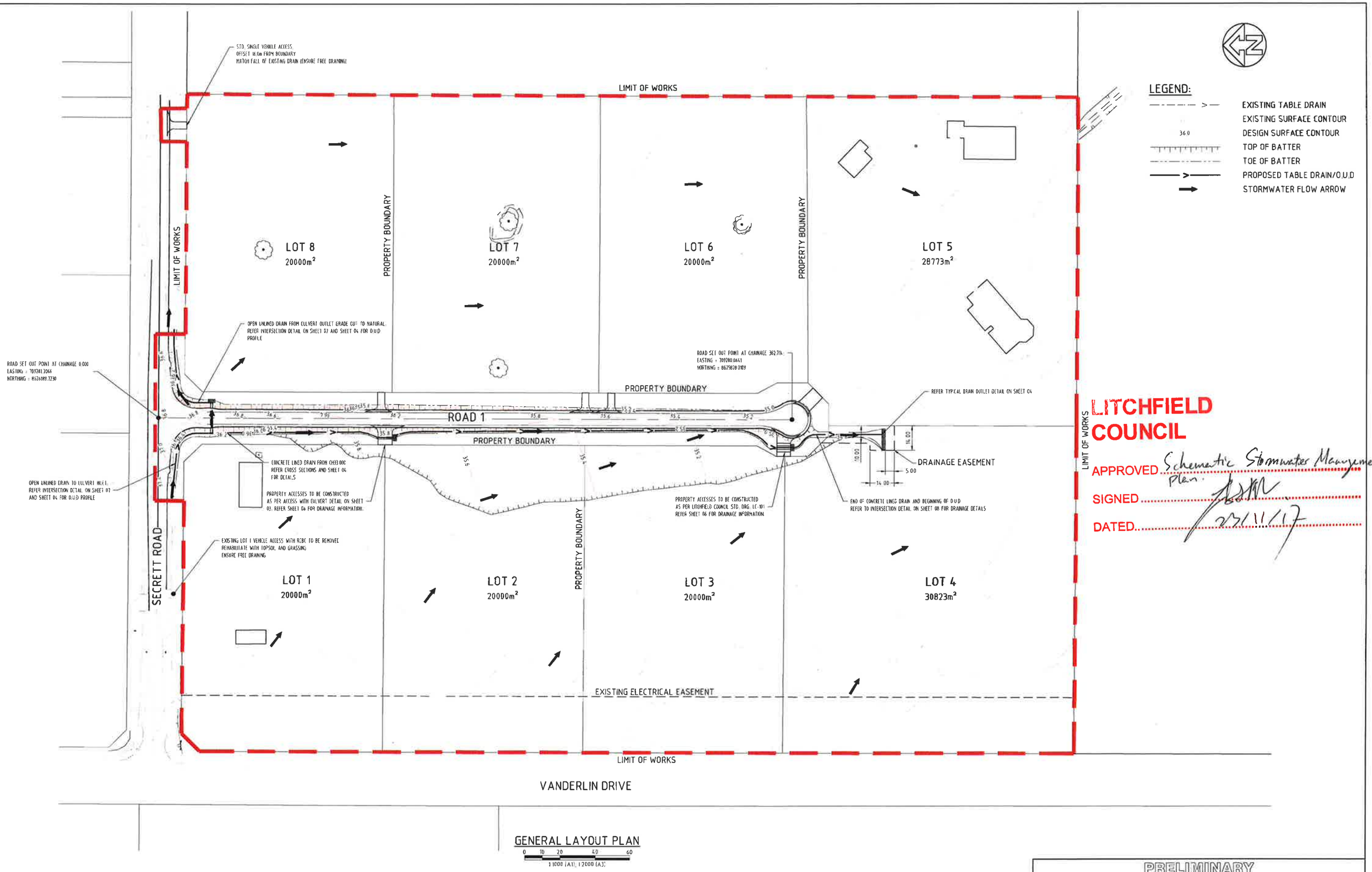
5. Professional advice regarding the implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources.

6. 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 5354. The numbers shown on the plans are indicative only and are not for addressing purposes.

7. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act

Appendix 3

Approved Stormwater Management Plan (DP17/0179)



GENERAL LAYOUT PLAN

0 10 20 40 60

1:1000 (A1); 1:2000 (A3)

LITCHFIELD COUNCIL

APPROVED Schematic Stormwater Management plan

SIGNED

DATED 23/11/17

PRELIMINARY

REV	AMENDMENT / REASON FOR ISSUE	DATE	DES.	DWN.	DWGCHK.	VERIFIED	APPROVED
B	ISSUED FOR APPROVAL	30.10.17	KF	KF	JO		
A	ISSUED FOR COMMENT	27.07.17	KF	KF	JO		

PUBLIC UTILITIES:
THE SERVICES SHOWN ARE DERIVED FROM PLANS OBTAINED FROM THE RELEVANT SERVICE AUTHORITIES. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ARRANGE WITH THE RELEVANT SERVICE AUTHORITIES FOR CONFIRMATION OF SERVICES AND THEIR LOCATION BEFORE EXCAVATION WORK COMMENCES

100mm ON ORIGINAL DRAWING - DO NOT SCALE DRAWING

Tonkin CONSULTING
www.tonkin.com.au

SHEET SIZE A1
SCALE:
ORIGINAL SURVEY BY EJA SURVEY
SURVEY DATE: 13.07.17
COORDS & DATUM COORDINATES TO MGA94 ZONE 52 ALL LEVELS TO A.H.D.

TROY & KATIE DAVID AND JULIE DAVIS & HENNING OLSEN

SEC. 3319-3320 SECRETT ROAD, KNUCKEY LAGOON, NT 0828
8 LOT RESIDENTIAL SUBDIVISION
GENERAL LAYOUT PLAN

FILENAME: T:\2017\20170873_05-06_GEN LAYOUT_PLAN & LONG SECT DWG

JOB NUMBER	SHEET NUMBER	REVISION
20170873	05	B

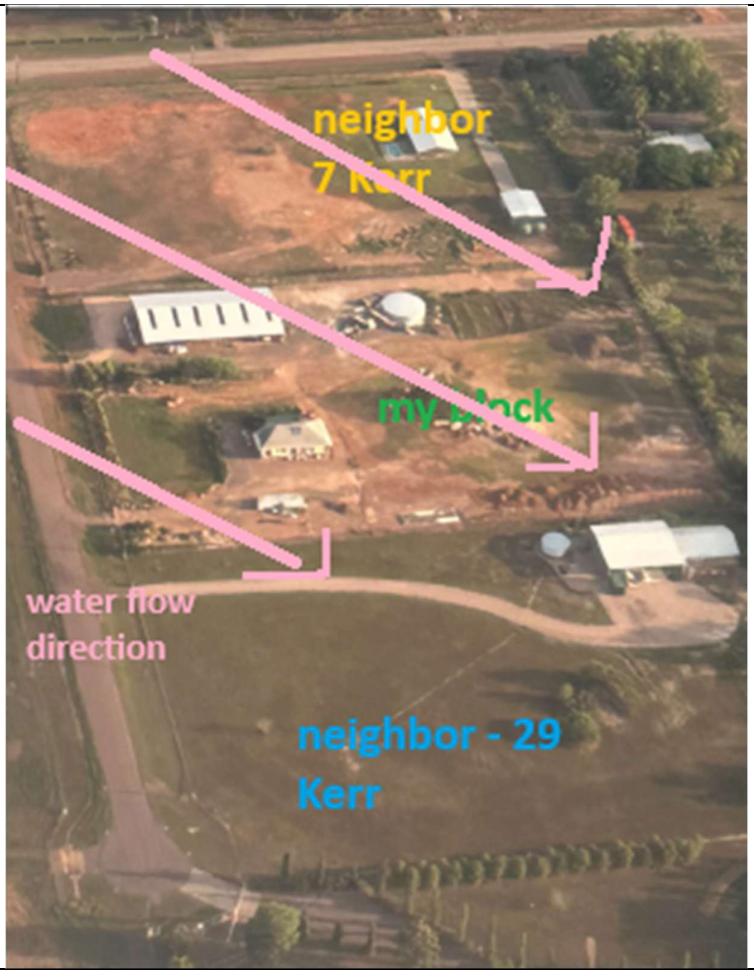
© TONKIN CONSULTING

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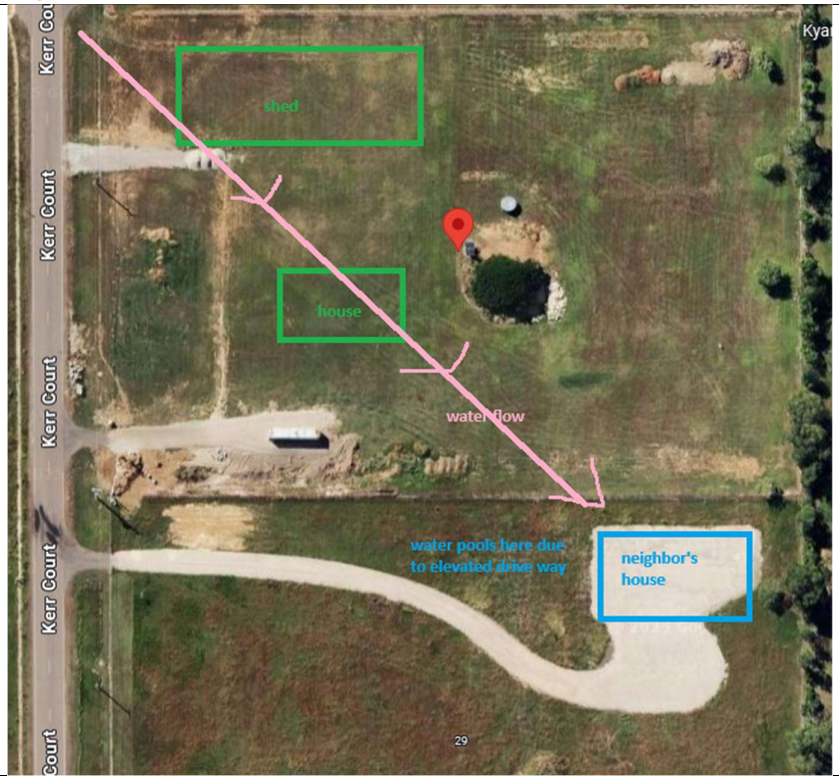
Appendix 4

Wet Season photos

Birds eye view of the start of Kerr Crt



Birds eye view of my block



View of my block (17) and neighbor (29)



Looking toward cnr Kerr Crt & Secrett Rd



Pooling of water on my block due to height of neighbor's driveway (29)



Shed pad before construction



At my shed looking across my block towards neighbor (29)



Shallow drain created to alleviate flooding around house



Erosion & Sediment Control Plan (ESCP) and Site Stabilisation Plan

17 Kerr Court, Knuckey Lagoon

1. Site Stabilisation Objectives

- Create a stable final landform with no depressions.
- Achieve continuous vegetative cover resilient to wet season rainfall.
- Install erosion-resistant channels and swales.
- Implement permanent buffers and sediment interception systems.

2. Ground Surface Preparation

- Remove remaining loose materials and debris.
- Regrade to natural contours to direct flow into swale/creek.
- Rip or scarify soil 100–150 mm to promote root penetration.
- Apply 50–100 mm topsoil where available.

3. Broad Area Stabilisation

Rhodes Grass Hydromulching:

- Apply Rhodes Grass hydromulch to all broad areas.
- Full and even coverage with no bare patches.

Native Grass Orientation:

- Plant native grasses intentionally facing south-eastern flow direction.

4. Swale Construction & Planting

- Construct a vegetated swale with a 1:10 grade.
- Interplant Lomandra longifolia and Juncus usitatus at 50–70 cm spacing.

5. Existing Creek Line Treatment

- Extend creek line.
- Line with 100–200 mm rock.
- Creek to be concreted and rock-lined.

6. Junction Between Swale & Creek

- Dense planting of Lomandra and Juncus.

- Additional small rock where flow concentrates.

7. Rear Boundary Stabilisation

- 6 m deep vegetative buffer zone.

- Melaleuca viridiflora shrubs with Themeda triandra and grasses.

- Silt fencing: 15 m each side in rear corner.

8. Sediment Control Systems

- Grass filter strips with Lomandra and Juncus.

- Shrub–grass barriers using Melaleuca viridiflora and Themeda triandra.

- 25 m silt fence along back and side boundary.

9. Boundary Landscaping

Side Fence:

- Hibiscus trees + natives + grasses.

Front Fence:

- Enhance existing beds using native cuttings.

10. Wet Season Preparation

- All measures installed before December.

- No bare soil remaining.

11. Completion Criteria

- >70% vegetation cover, >80% on slopes.

- No rilling or sediment discharge.

- Withstand two >20 mm rainfall events.

12. Ongoing Maintenance

- Quarterly inspections.

- Replace plants and repair erosion as needed.

- Maintain silt fence until vegetation stabilises.



LEGEND

COMMUNICATIONS
- Cables underground
- Junction box pit

DRAINAGE
- Open unlined drain
- Pipe underground
- Square headwall
- Stone pitching

ELECTRICITY
- Cable marker
- Cables underground
- HV cables underground
- Overhead powerlines
- Pillar
- Power pole
- SB Switchboard

PROPERTY
- Boundary
- Easement

ROAD
- Bitumen
- Crown
- Kerb and gutter
- Shoulder
- Track / unsealed road

SEWERAGE
- ST Septic tank

STRUCTURE
- Building
- Concrete
- Fence
- Gate
- Guy wire
- Shed
- Sign
- Wall

SURVEY
- Control station
- Coordinated reference mark

TOPOGRAPHY
- Bottom of embankment
- Top of embankment

VEGETATION
- Garden bed
- Tree

WATER SUPPLY
- B Bore / well
- H Hydrant
- IC Irrigation control
- WM Meter
- Pipe below ground
- T Tap
- Stop valve

Note
No dimension should be scaled from this plan or extracted from the digital data to an accuracy better than the original data capture. Should dimensions to particular features be required to better accuracy a specific request should be made.

The location of visible services has been surveyed where possible. Underground services alignments and depths have been determined by ground penetrating radar and are approximate. If precise location of underground services are required, excavation or potholing will be required.

Cadastral boundaries shown hereon have been created from the original survey plan of subdivision and are not the result of a thorough reinstatement.

A reinstatement survey is recommended if the location of cadastral boundaries is critical

Date of Survey JULY 2017

Contour interval = 0.2 metres
This is a simplified view of the survey
Levels and other information are contained in the digital file
Easements should be confirmed with the current Certificate of Title

SURVEY CONTROL
HORIZONTAL DATUM: MGA94 - ZONE 52
VERTICAL DATUM: AHD

STN	EASTING	NORTHING	RL	DESCRIPTION
CRM S97185081	709 088.73	8 626 345.20	38.29	BRASS PLAQUE
CRM S97185082	709 086.10	8 626 214.27	37.74	BRASS PLAQUE
CRM S12248001	709 063.70	8 625 671.29	35.13	BRASS PLAQUE
10323-EJA-001	709 222.69	8 626 179.70	36.96	SPIKE
10323-EJA-002	709 443.84	8 626 175.93	35.52	SPIKE
10323-EJA-003	709 279.10	8 625 863.74	35.05	SPIKE

JOINS 10323/1B

10 0 10 20 30 40 50
metres

SURVEY & PLANNING CONSULTANTS
10 HARVEY STREET
DARWIN NT 0801
PH. (08) 89812494
FAX. (08) 89815205
darwin@eja.com.au
earl james & associates

LOTS 3319 AND 3320
HUNDRED OF BAGOT

TOPOGRAPHIC SURVEY

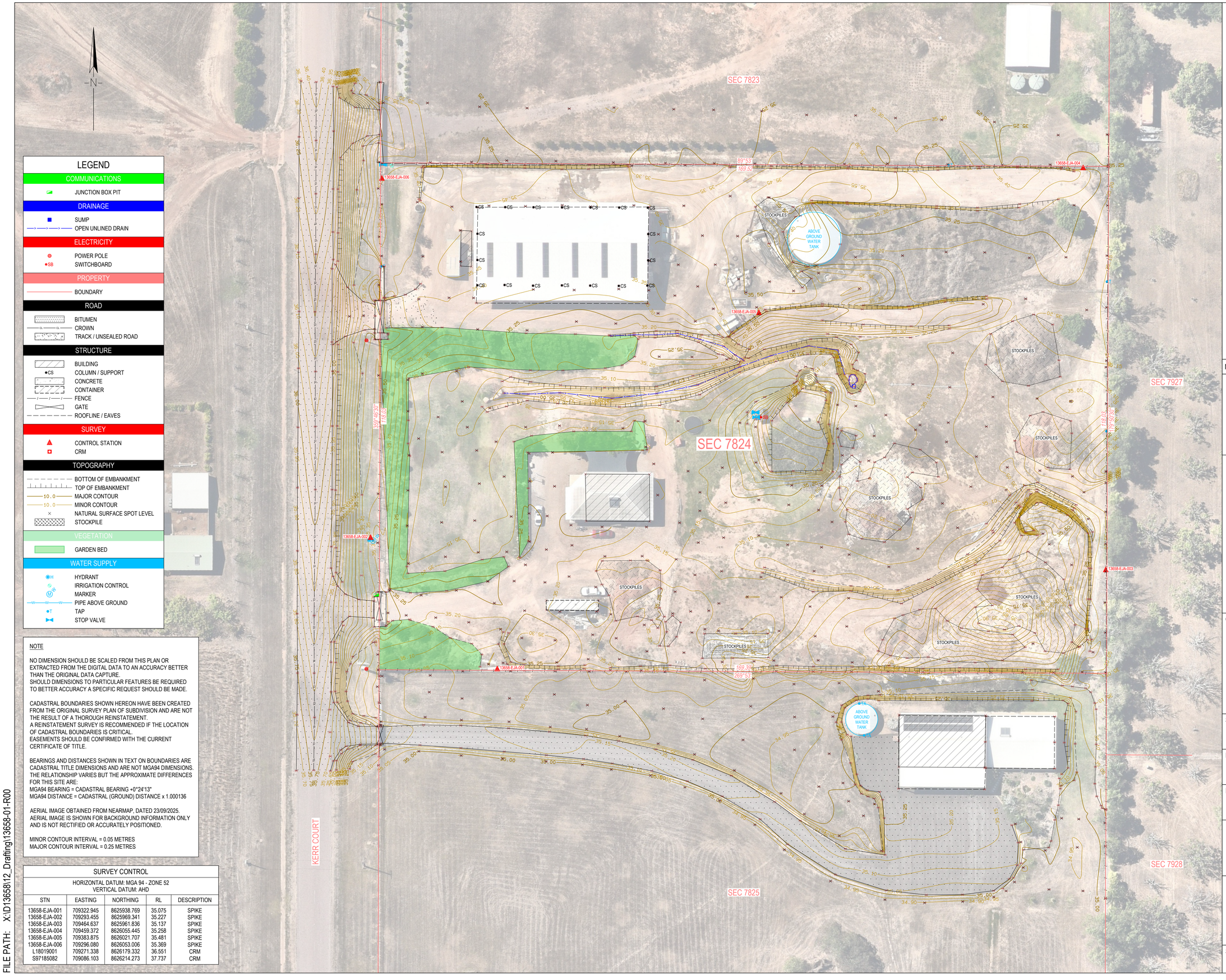
Client **PROJECT LANDSCAPING PTY LTD**

Licensed Surveyor: .....
Date: .....

Drawn by: MSN
Date: 13.07.17
Cad Dwg: 10323-1.DWG

Scale: 1:500 (A0)
Datum: MGA94 - ZONE 52 AHD

Drawing No:
17/10323/1A
SHEET 1 OF 2



LEGEND

COMMUNICATIONS
- JUNCTION BOX PIT

DRAINAGE
- SUMP
- OPEN UNLINED DRAIN

ELECTRICITY
- POWER POLE
- SB SWITCHBOARD

PROPERTY
- BOUNDARY

ROAD
- BITUMEN
- CROWN
- TRACK / UNSEALED ROAD

STRUCTURE
- BUILDING
- CS COLUMN / SUPPORT
- CONCRETE
- CONTAINER
- FENCE
- GATE
- ROOFLINE / EAVES

SURVEY
- CONTROL STATION
- CRM

TOPOGRAPHY
- BOTTOM OF EMBANKMENT
- TOP OF EMBANKMENT
- 10.0 MAJOR CONTOUR
- 10.0 MINOR CONTOUR
- NATURAL SURFACE SPOT LEVEL
- STOCKPILE

VEGETATION
- GARDEN BED

WATER SUPPLY
- H HYDRANT
- IRRIGATION CONTROL
- M MARKER
- PIPE ABOVE GROUND
- T TAP
- STOP VALVE

NOTE

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MGA94 DISTANCE = CADASTRAL (GROUND) DISTANCE x 1.000136

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MINOR CONTOUR INTERVAL = 0.05 METRES
MAJOR CONTOUR INTERVAL = 0.25 METRES

SURVEY CONTROL

HORIZONTAL DATUM: MGA 94 - ZONE 52
VERTICAL DATUM: AHD

STN	EASTING	NORTHING	RL	DESCRIPTION
13658-EJA-001	709322.945	8625938.769	35.075	SPIKE
13658-EJA-002	709293.455	8625969.341	35.227	SPIKE
13658-EJA-003	709464.637	8625961.836	35.137	SPIKE
13658-EJA-004	709459.372	8626055.445	35.258	SPIKE
13658-EJA-005	709383.875	8626021.707	35.481	SPIKE
13658-EJA-006	709296.080	8626053.006	35.369	SPIKE
L18019001	709271.338	8626179.332	36.551	CRM
S97185082	709086.103	8626214.273	37.737	CRM

No.	REVISION DETAILS	CHK	DATE
00	PREPARED FOR INFORMATION	NK	26/11/2025

earl james & associates

SURVEY & PLANNING CONSULTANTS
10 HARVEY STREET
DARWIN NT 0801
www.eja.com.au
PH. (08) 8981 2494
FAX. (08) 8981 5205
darwin@eja.com.au

CLIENT
PETER FULTON

SURVEYOR	DATE OF SURVEY
NK	25/11/2025
DRAFTER	DATE DRAWN
AW	26/11/2025
HORIZONTAL DATUM	VERTICAL DATUM
MGA 94 - ZONE 52	AHD

10 0 10m
SCALE 1 : 400

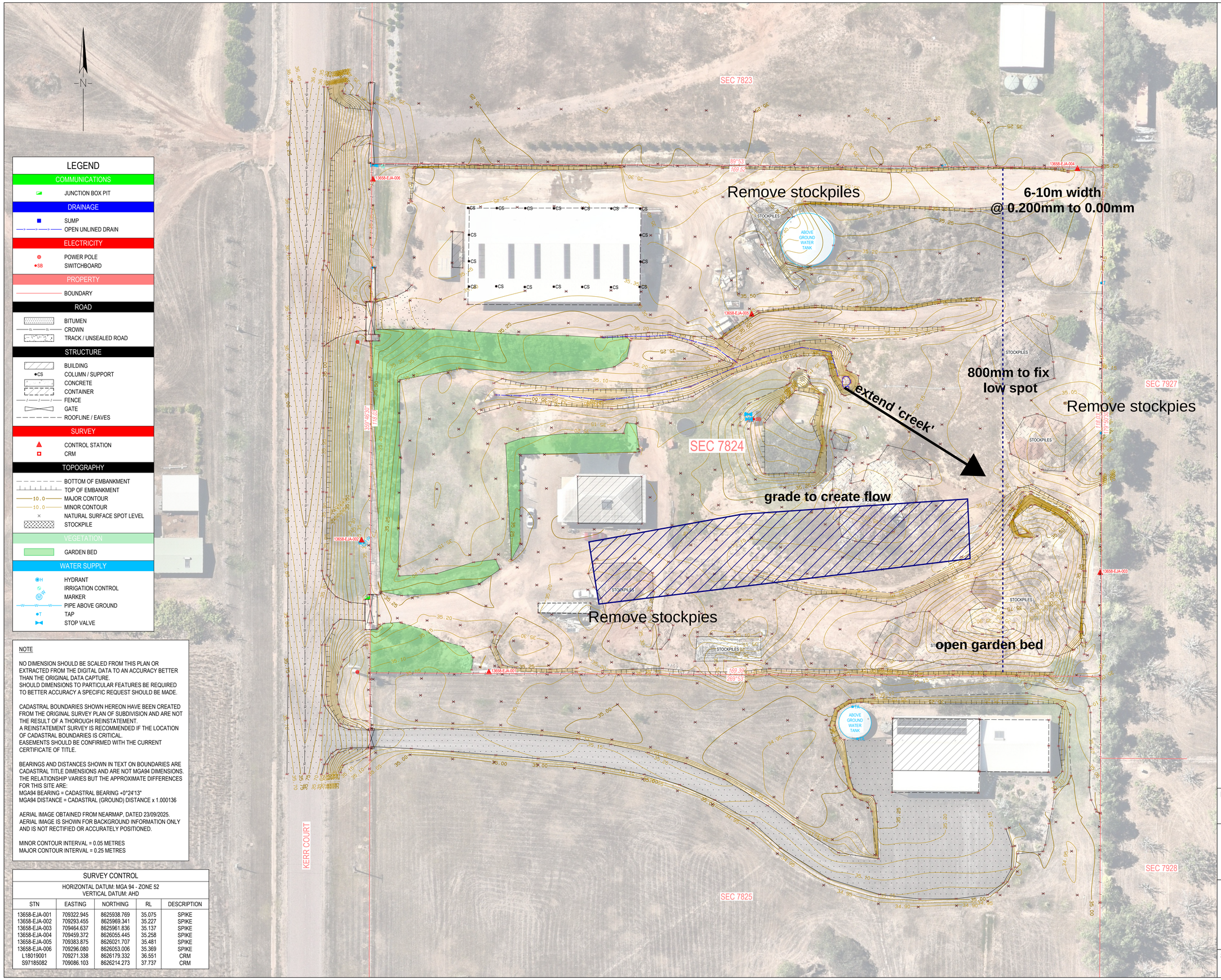
SECTION 7824, HUNDRED OF BAGOT
17 KERR COURT, KNUCKEY LAGOON

TOPOGRAPHIC SURVEY

SHEET	DRAWING	REV
1 OF 1	13658-01-R00	00

FILE PATH: X:\D13658\12_Drafting\13658-01-R00

ISO A1 594mm x 841mm



LEGEND

COMMUNICATIONS
- JUNCTION BOX PIT

DRAINAGE
- SUMP
- OPEN UNLINED DRAIN

ELECTRICITY
- POWER POLE
- SB SWITCHBOARD

PROPERTY
- BOUNDARY

ROAD
- BITUMEN
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STRUCTURE
- BUILDING
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SURVEY
- CONTROL STATION
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- NATURAL SURFACE SPOT LEVEL
- STOCKPILE

VEGETATION
- GARDEN BED

WATER SUPPLY
- H HYDRANT
- IRRIGATION CONTROL
- M MARKER
- PIPE ABOVE GROUND
- T TAP
- STOP VALVE

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MINOR CONTOUR INTERVAL = 0.05 METRES
MAJOR CONTOUR INTERVAL = 0.25 METRES

SURVEY CONTROL

HORIZONTAL DATUM: MGA 94 - ZONE 52
VERTICAL DATUM: AHD

STN	EASTING	NORTHING	RL	DESCRIPTION
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13658-EJA-003	709464.637	8625961.836	35.137	SPIKE
13658-EJA-004	709459.372	8626055.445	35.258	SPIKE
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13658-EJA-006	709296.080	8626053.006	35.369	SPIKE
L18019001	709271.338	8626179.332	36.551	CRM
S97185082	709086.103	8626214.273	37.737	CRM

HORIZONTAL DATUM	VERTICAL DATUM
MGA 94 - ZONE 52	AHD

10 0 10m

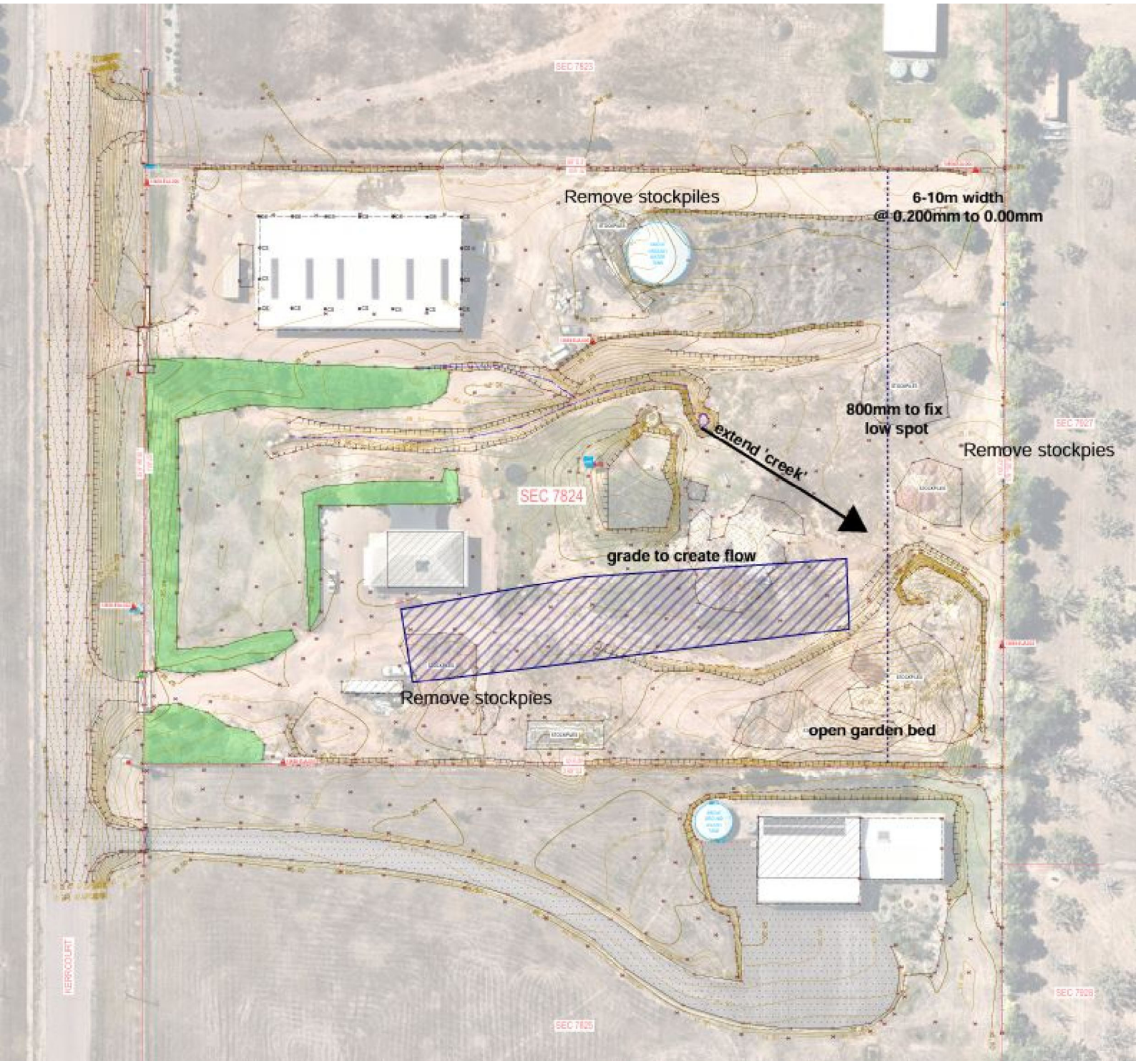
SCALE 1 : 400

SECTION 7824, HUNDRED OF BAGOT
17 KERR COURT, KNUCKEY LAGOON

TOPOGRAPHIC SURVEY

SHEET	DRAWING	REV
1 OF 1	13658-01-R00	00

ISO A1 594mm x 841mm


Remove stockpiles
6-10m width
@ 0.200mm to 0.00mm
800mm to fix
low spot
extend 'creek'
Remove stockpies
SEC 7824
grade to create flow
Remove stockpies
open garden bed
HERRODUFF

EJA TOPOGRAPHICAL SURVEY NOVEMBER 2025
VS EJA TOPOGRAPHICAL SURVEY JULY 2017

-0.600m to	-0.400m
-0.400m to	-0.200m
-0.200m to	0.000m
0.000m to	0.200m
0.200m to	0.400m
0.400m to	0.600m
0.600m to	0.800m
0.800m to	1.000m
1.000m to	1.200m

NOTE:

2025 TOPOGRAPHICAL SURVEY SHOWN IN GREY FROM EJA DRAWING, *13658-01-R00.dwg.*

No.	REVISION DETAILS	CHK	DATE
00	PREPARED FOR INFORMATION	NK	26/11/2025

earl james & associates

SURVEY & PLANNING CONSULTANTS

10 HARVEY STREET
DARWIN NT 0801
www.eja.com.au

PH. (08) 8981 2494
FAX. (08) 8981 5205
darwin@eja.com.au

CLIENT
PETER FULTON

SURVEYOR	DATE OF SURVEY
NK	25/11/2025
DRAFTER	DATE DRAWN
AW	26/11/2025
HORIZONTAL DATUM	VERTICAL DATUM
MGA 94 - ZONE 52	AHD

10 0 10m

SCALE 1 : 400

SECTION 7824, HUNDRED OF BAGOT
17 KERR COURT, KNUCKEY LAGOON
SURFACE COMPARISION
NOVEMBER 2025 VS JULY 2017

SHEET	DRAWING	REV
1 OF 1	13658-02-R00	00

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S97185082	709086.103	8626214.273	37.737	CRM

FILE PATH: X:\D13658\12_Drafting\13658-02-R00

ISO A1 594mm x 841mm

From:	Cameron Judson
To:	Eve-Marie Davie
Cc:	Jack Richardson
Subject:	Re: URGENT: 17 Kerr Court Knuckey Lagoon PA2025/0474
Date:	Thursday, 29 October 2026 8:02:54 AM
Attachments:	image001.png image.png PA20250474 - proposed excavation and fill works for 17 Kerr Court Knuckey Lagoon request for Further Information.msg

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Hi Eve-Marie,

Further to your email of 20 October, I have discussed the matter with Peter and Brodie and set out their position below.

As raised in my previous correspondence with the Department (see attached for reference), the applicant has made considerable efforts to address the Department's concerns and progress this application, including engaging professional planning and surveying consultants at substantial cost.

As outlined in the Statement of Effect, the drainage issues affecting the property are not isolated to the subject land. They arise in the context of the original subdivision stormwater arrangements, compounded by subsequent development and works undertaken on neighbouring properties which have altered, or have the potential to alter, existing overland flows.

The purpose of the excavation and fill works has been to improve drainage conditions and mitigate existing stormwater issues, rather than create additional impacts on adjoining properties.

We acknowledge the Department's obligation to assess potential upstream and downstream impacts. However, the applicant has significant concerns regarding the scope, cost and practical limitations of the detailed hydrological assessment now requested.

This is consistent with the position I previously put to the Department. In April I questioned whether a detailed hydraulic/stormwater assessment was necessary or proportionate given the existing drainage circumstances and the nature of the proposed works.

Importantly, George's subsequent correspondence of 6 August appeared to provide a practical way forward. That email acknowledged that stormwater already moves across property boundaries, that works occurring on neighbouring lots have some bearing on pre-development flows, and that it is difficult to determine precisely how levels and flows have changed since the subdivision.

George then advised that, rather than undertaking a hydrological study of the site or locality, a suitably qualified person could review the existing survey information and proposed works and confirm that the works would not exacerbate existing overland flows or create additional problems for adjoining properties.

The applicant is therefore concerned by the subsequent requirement for a detailed hydrological assessment, particularly given the considerable time and professional expense already committed to the application and the Department's earlier advice that a

more limited assessment could be sufficient.

A comprehensive assessment confined to 17 Kerr Court also cannot, in isolation, resolve the broader drainage circumstances or reliably account for past, ongoing or future changes on adjoining land. This is particularly relevant given the Department's own acknowledgement that works across the Kerr Court subdivision have affected the drainage environment and make the pre-development position difficult to reconstruct.

The applicant remains committed to ensuring that the proposed works do not adversely affect neighbouring properties and has sought to demonstrate this through the planning documentation, detailed surveys and proposed site stabilisation measures already provided.

Peter and Brodie have also made genuine attempts to engage with neighbouring landowners to identify a coordinated approach to managing stormwater across the affected properties. While initial discussions suggested that a collaborative solution may be achievable, these efforts have unfortunately not resulted in an agreed outcome. This further demonstrates the practical difficulty of developing a broader drainage solution where contributing factors extend beyond the subject property and depend upon the cooperation and actions of third parties.

In light of the above, we request that the Department confirm whether the more limited professional assessment described in George's email of 6 August remains an acceptable pathway.

If the Department's position is that a comprehensive hydrological assessment is now required and the application will otherwise proceed to determination, please ensure that this correspondence, together with the existing application material and the Department's previous correspondence concerning the drainage circumstances, is included in the material presented to the DCA for its consideration at the 18 November meeting.

The applicant is not proposing to commission a broader hydrological study of the locality. However, if the more limited professional review previously identified by George remains acceptable, we are prepared to explore that option.

Please let me know if you would like to discuss.

Thanks,

Cameron

UPSIDE Planning

Cameron Judson
Director

+61(0)476 829 517
cameron.judson@upsideplanning.com.au
www.upsideplanning.com.au

From: Eve-Marie Davie <Eve-Marie.Davie@nt.gov.au>
Sent: Tuesday, 20 October 2026 3:01 PM
To: Cameron Judson <cameron.judson@upsideplanning.com.au>
Cc: Jack Richardson <Jack.Richardson@nt.gov.au>
Subject: URGENT: 17 Kerr Court Knuckey Lagoon PA2025/0474

Hi Cameron

This application for Excavation and Fill PA2025/0474 has been on deferral pending further information in the form of a Hydrological Report by a suitably qualified professional.
The deferral date finished on the 12th of October. Unfortunately, you have failed to provide the Hydrological Report.

I am advising you that if you do not provide the required further information in the next 7 days, by COB October 28th, the matter will be decided at the next Litchfield DCA Meeting which is to be held on November 18th 2026.
I also need to advise you that without supporting material in the form of a Hydrological Report, it is likely to be refused.
If you have any questions, I am happy to discuss.

Kind Regards

Eve-Marie Davie
A/ Manager
Planning Rural and Katherine
Development Assessment Services
Department of Lands, Planning and Environment
Northern Territory Government

Floor 1, 18-20 Cavenagh Street, Darwin NT 0800
GPO Box 1680 Darwin, NT 0800

P. 08 8999 7937
E: **eve-marie.davie@nt.gov.au**

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The NT Government acknowledges the Aboriginal people and cultures of the land and country on which we work and live. We acknowledge the ongoing connection to culture, land, sea and community and pay our respects to Elders past and present and to emerging leaders.

From:	George Maly
To:	Cameron Judson
Cc:	Rohan Langworthy; Eve-Marie Davie; Jack Richardson
Subject:	RE: 17 Kerr Excavation and Fill - Planning Application"s Deferral Lapses within 24 hours
Date:	Thursday, 6 August 2026 3:00:39 PM
Attachments:	image001.png

Hello Cameron,

I note your email below where Peter and Brodie are attempting to arrange a meeting with neighbours to progress the stormwater management through their excavation and fill application. I appreciate their efforts and your patience. I also wish to thank you for giving me the opportunity to review the application and consider various options for a solution.

I have had a chance to review your application, to discuss its recommendations with relevant suitably qualified individuals and I also had the chance to meet with other residents in the street. I have now come to a view that:

Stormwater already flows back and forth across common boundaries with Sections 7927 and 7928 (Hundred of Bagot). This is a natural flow which varies with weather and due to other reasons, including as a result of activities on the neighbouring blocks. We also know that stormwater flows across side boundaries of all lots fronting the eastern side of Kerr Court and that works continue occurring on all of the lots which have some bearing on the pre-development flows considered at the subdivision stage of the application.

It is also noted that there are claims that 17 Kerr had also been filled and as a result other properties in Kerr Court are having a stormwater flow back up issues.

Looking at this wholistically, it is really difficult to work out exactly what has happened to site levels and resultant flows since the finalisation of the subdivision of the parent parcel. With this in mind, it is really difficult for DAS to make a recommendation and DCA to make a well informed decision on the excavation and fill proposal. Having a suitably qualified person confirming that the works will not exacerbate existing overland flows would address that and give your client some certainty that the works are appropriately designed, executed and therefore defendable.

I note you have undertaken a site survey, and a survey plan has also been prepared for the original subdivision application. I do think it would be appropriate to engage a suitably qualified individual to, rather than undertake hydrological study, simply review the site levels and confirm that proposed works outlined in the application will not result in excess stormwater flows to other properties. DCA will accept such an advice over and above DAS staff's recommendations.

So to clarify, I am not recommending that a suitably qualified individual will need to undertake a hydrological study of the site or the area, instead, such a person can confirm that the works are appropriate and do not result in issues on other adjoining properties.

Should you need any further information or clarification, don't hesitate to call me.

Kind Regards

G.

From: Cameron Judson <cameron.judson@upsideplanning.com.au>
Sent: Tuesday, 9 June 2026 2:40 PM
To: Das NTG <Das.NTG@nt.gov.au>
Cc: George Maly <George.Maly@nt.gov.au>
Subject: Re: 17 Kerr Excavation and Fill - Planning Application's Deferral Lapses within 24 hours

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Hi George,

In short, all the neighbours are getting together to find a solution, albeit within the limits of the Kerr Court subdivision and finances.

See below. Further time is required. A month is a good start.

"*Hi Cameron*

We have spoken, or Raphael has spoken, to each neighbour on our side of the street

The consensus is that we all need to meet up and work out a plan

Pete and I will now contact all neighbours in joint email, include Raphael as an independent party/contractor, proposing a meeting to discuss the proposed works and come up with a plan that is suitable for all parties

There are multiple schedules to try and align to get this meeting to happen so I would estimate 14 days to do that at least

Then, I don't really know the timeframe between hosting the meeting and then agreeing on works, commencing and completing... all depends on the outcome and the neighbours willingness to participate, financially contribute, etc

Regards
Brodie"

Cameron Judson
Director

+61(0)476 829 517
cameron.judson@upsideplanning.com.au
www.upsideplanning.com.au

From: das.ntg@nt.gov.au <das.ntg@nt.gov.au>
Sent: Tuesday, 9 June 2026 1:12 AM
To: Cameron Judson <cameron.judson@upsideplanning.com.au>
Subject: 17 Kerr Excavation and Fill - Planning Application's Deferral Lapses within 24 hours

Dear Cameron,

The deferral period for PA2025/0474 lapses within 24 hours. Please contact the project officer for this application for further information.

If you have any enquiries, please feel free to contact Development Assessment Services Darwin on 8999 8963.

Kind Regards,
Development Assessment Services

From: George Maly
To: Jack Richardson
Subject: Deferral under delegation s46(4)(b) - email to applicant
Date: Thursday, 10 September 2026 3:34:35 PM

Hello Cameron,

I refer to your application PA2025/0474 for an excavation and fill at 17 Kerr Ct, Knuckey Lagoon NT.

We are unable to provide a recommendation to the DCA on the subject proposal as we are unable to confirm without a detailed hydrological assessment from a suitably qualified person whether the proposed works and introduced drainage channels will contain the existing overland stormwater flow within the subject property and whether the works will maintain pre-development flows of stormwater to adjacent properties down stream. This information is required by the Scheme to confirm that the proposed works will not result in an adverse offsite impacts to adjacent land.

Please be advised that the application has been deferred pursuant to s46(4)(b) of the *Planning Act* to allow you to provide the following additional information that the consent authority considers necessary in order to enable proper consideration of the application:

- a detailed hydrological assessment of proposed works from a suitably qualified person confirming whether the proposed works and introduced drainage channels will contain the existing overland stormwater flow within the subject property and whether the works will maintain pre-development flows of stormwater to adjacent properties down stream.

Pursuant to s46(6) of the *Planning Act 1999*, the information required is to be provided within 30 days of receipt of this correspondence. You may request the consent authority extend the time to provide the additional information. A request must be made before the expiry of the period referred to in section 46(6) (i.e. within 30 days of receipt of this email) and it must be made in writing by reply email, or to das.ntg@nt.gov.au.

Please contact me if you have any queries.

George Maly

Manager
Rural, Regional (Katherine and Big Rivers) and Remote Areas Planning
Development Assessment Services
Department of Lands, Planning and Environment
Northern Territory Government

Level 1, Energy House, 18 – 20 Cavenagh Street, Darwin
GPO Box 1680, Darwin NT 0801

p... (08) 8999 6223
m... 0409 613 050
e… george.maly@nt.gov.au
w… www.nt.gov.au/dlpe

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Technical Assessment PA2025/0474

TECHNICAL ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST RELEVANT PROVISIONS OF THE NORTHERN TERRITORY PLANNING SCHEME 2020

Application No:	PA2025/0474
Lot number:	Section 7824 (17) Kerr Court, Knuckey Lagoon
Town/Hundred:	Hundred of Bagot
Zone:	RL (Rural Living)
Site Area:	2ha
Proposal:	Excavation and fill
Plans used for assessment:	Earl James & Associates Feature Surveys (4 Sheets – Existing, Retrospective, Proposed, Comparison)
Date assessment finalised:	6 November 2026

The proposed development requires consent under the Northern Territory Planning Scheme 2020 (NTPS) as described in the below table:

Zone RL (Rural Living)				
Use	**Assessment Category**	**Overlays**	**General Development Requirements**	**Specific Development Requirements**
Excavation and Fill	Impact Assessable	3.2 CNV – Clearing of Native Vegetation 3.5 LPA - Land in Proximity to Airports	5.2.1 General Height Control 5.2.4 Car Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR	5.8.9 Excavation and Fill

The proposed development requires consent under the NTPS as outlined below.

The proposed land use of an 'excavation and fill' is defined by the NTPS as follows:
means the removal or importation of material to, from or within a site that will change the level of the land, but does not include that normally required in association with the construction of a building, swimming pool, ornamental pond or the like.

This land use is listed in the relevant table of Part 4 of the NTPS as being *Impact assessable* in the Rural Living zone.

Clause 1.8(1)(c)(i) *Impact Assessable – use and development that requires the exercise of discretion by the consent authority to determine if it is appropriate given the location of the site and the potential impacts on surrounding uses, and if it accords with the Strategic Framework.*
Use and development of land requires consent and is Impact Assessable when any of the following apply:
i. it is shown as Impact Assessable on the relevant assessment table in Part 4;

NORTHERN TERRITORY GOVERNMENT

Clause 1.10(4) Exercise of Discretion by the Consent Authority
In considering an application for a use or development identified as Impact Assessable the consent authority must take into account all of the following:
(a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
(b) any Overlays and associated requirements in Part 3 that apply to the land;
(c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and
(d) any component of the Strategic Framework relevant to the land as set out in Part 2.

This is a technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme 2020 (NTPS2020) and is no indication of whether or not approval will be given by the consent authority.

2.0 Strategic Framework

In accordance with subclause 2.2 (4) of NTPS 2020, the Strategic Framework guides the interpretation of all Parts of the NTPS 2020:
Where there is inconsistency between the components of the Strategic Framework, Area Plans, providing the most detailed level of guidance, prevail over higher-order Land Use Plans and Strategic Planning Policies to the extent of any inconsistencies.

Subregional Land Use Plans, Regional Land Use Plans and Strategic Planning Policies will guide interpretation of the Planning Scheme when:
(a) there is no applicable Area Plan;
(b) the Area Plan does not provide guidance on a particular issue;
(c) a use or development does not accord with an Area Plan; or
(d) a new Area Plan is being created or a change is proposed to an existing Area Plan.

The Darwin Regional Land Use Plan and the Litchfield Subregional Land Use Plan (LSRLUP) are applicable to the subject site and identifies the land for 'Rural Lifestyle' and 'Rural Area' development respectively. The LSRLUP which provides the most detailed level of guidance, in this instance, outlines the following objectives for such identification:

- Maintain rural amenity and lifestyle choice.
- Provide opportunity for residential land uses in the Rural Area to meet market demand.

It is considered the proposed excavation and fill in the Knuckey Lagoon locality is generally consistent with these objectives.

CONSISTENT

3.2 Overlay – CNV (Clearing of Native Vegetation)

Purpose
Identify areas with limits to the clearing of native vegetation and ensure that clearing in these areas does not:
(a) impact on the conservation values of land within Zone CN; or
(b) unreasonably contribute to environmental degradation of the locality.

Administration
1. The clearing of native vegetation of more than one hectare in aggregate of land (including any area already cleared of native vegetation) within the area subject to the Clearing of Native Vegetation Overlay requires consent. This Overlay applies to land within Zones RR, RL, R, H, A, CP, CN, RD, WM and Unzoned land.
2. Notwithstanding sub-clause 1, all clearing of native vegetation in Zone CN requires consent, other than as provided for by sub-clause 4.

3. The consent authority may consent to the clearing of native vegetation that is not in accordance with subclause 5 only if it is satisfied that it is consistent with the purpose of this requirements and is appropriate in the context of the site and the locality having regard to such matters as:

(a) the suitability of the site for the proposed use;

(b) the values associated with the environmental characteristics (as applicable);

(c) the significance, extent and likelihood of any potential environmental impacts; and

(d) the measures the application proposes will be implemented to mitigate any potential impacts.

4. This Overlay does not apply if the clearing of native vegetation is required or controlled under any Act in force in the Territory, or is for the purpose of:

(a) a firebreak as specified by the Bushfires Management Act 2016 or the Fire and Emergency Act 1996, up to 5m wide along a boundary of a lot having an area of 8ha or less, up to 10m wide on a lot having an area greater than 8ha unless otherwise specified by a Regional Fire Control Committee;

(b) an internal fence line up to 10m wide on a lot having an area greater than 8ha;

(c) a road to access the land or other land; or

(d) the maintenance and repair of public infrastructure.

Requirements

5. The clearing of native vegetation is to:

(a) avoid impacts on environmentally significant or sensitive vegetation;

(b) be based on land capability and suitability for the intended use;

(c) avoid impacts on drainage areas, wetlands and waterways;

(d) avoid habitat fragmentation and impacts on native wildlife corridors; and

(e) avoid impacts on highly erodible soils.

The development does not require or result in the aggregate native vegetation clearing of the subject property exceeding the 1ha threshold allowance of this clause.

NOT APPLICABLE

3.5 Overlay - LPA (Land in Proximity to Airports)

Purpose

Identify areas which may be subject to additional amenity impacts and/or restrictions due to its proximity to an airport, and ensure that the use and development of land in these areas:

(a) minimises the detrimental effects of aircraft noise on people who reside or work in the vicinity of an airport;

(b) does not result in any new use or intensification of development on land that would prejudice the safety or efficiency of an airport;

(c) does not result in any new use or intensification of development that would jeopardise the curfew free operation of the Territory's airports (where applicable); and

(d) retains the non-urban character of the land.

Administration

1. This Overlay applies to land that is within Zones RL, R, A, CP, CN, RD, WM and FD and subject to the Australian Noise Exposure Forecast (ANEF) 20-unit value contour line or greater as defined on the ANEF maps produced by the Department of Defence.

2. The use and development of land subject to this Overlay requires consent.

Requirements

3. In determining an application for the development of land the consent authority is to have regard to the 'Building Site Acceptability Based on ANEF Zones' (Table 2.1) in AS 2021 – 2000.

4. Lighting associated with development on land within flight approach paths is to ensure it does not to prejudice the safe operation of an airport.
5. The use and development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport.

This overlay impacts the whole subject site. The nature of the existing land use and the subject proposal are not considered to be adverse to the Darwin International Airport operations in the context of the above requirements.

COMPLIES

4.7 Zone RL – Rural Living

Zone Purpose
Provide for a range of rural lifestyle choices and rural activities, in areas where access to reticulated water and sewerage may not be available.

Zone Outcomes
1. *Predominantly dwellings-single and dwellings-independent within a rural lifestyle setting.*
2. *Home based businesses and dwellings-community residence are of a scale, intensity and nature that is compatible with the character and amenity of the surrounding locality.*
3. *Residential development, such as residential care facilities, does not interfere with the character and amenity of the zone.*
4. *Rural activities, such as agriculture, animal boarding, horticulture, intensive animal husbandry, plant nursery, industry-primary, stables, and veterinary clinic where the scale, intensity and nature of the activity is compatible with the character and amenity of the surrounding locality and the land is capable of supporting the development.*
5. *Development for residential purposes does not interfere with the existing or ongoing use of rural land for productive agricultural or horticultural purposes.*
6. *Community focused activities, such as community centre, child care centre, and emergency management facility:*
    a. *are of a scale and intensity compatible with the character and amenity of the area;*
    b. *wherever possible, are co-located with other non-residential activities in the locality;*
    c. *avoid adverse impacts on the surrounding road network; and*
    d. *are managed to minimise unreasonable impacts on the amenity of surrounding residents.*
7. *The design and site layout of all development are sympathetic to the existing streetscape, scale and character of surrounding development.*
8. *Development does not impose unsustainable demands on surface water and groundwater.*
9. *Subdivision design is informed by land suitability assessment to confirm the land is able to support residential development.*
10. *Development is provided with an appropriate level of services and infrastructure, and minimises impacts on sensitive environments.*
11. *Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.*

The application lacks sufficient detail to confirm whether the proposal will impose unsustainable demands on surface water and groundwater, or how it might be managed with appropriate erosion and sediment control measures.

MIGHT COMPLY

5.2.1 General Height Control

Purpose
Ensure that the heights of buildings and structures are appropriate to the strategic and local context of the location and meet community expectations for development in the zone.

Administration
4. Except as set out in sub-clause 3, the consent authority may consent to a development that is not in accordance with sub-clause 6 if it is satisfied the building height is consistent with the intended character and amenity of the area, having regard to:
(a) the heights of other buildings in the immediate vicinity; and
(b) measures taken to mitigate potential impacts (such as unreasonable overshadowing, or overlooking of dwellings and private open space) on abutting properties.

Requirements
6. The building height in all other areas is not to exceed:
(b) two storeys to a maximum of 8.5m if the zone and use is not included in table B to this clause.

No physical building structure is proposed by the subject development application; therefore, this clause is not applicable for this assessment.

NOT APPLICABLE

5.2.4.1 Car Parking Spaces

Purpose
Ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of a site.

Administration
1. This clause does not apply where alternative car parking space requirements are established under clause 5.9 (Location specific development requirements).
2. The consent authority may consent to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of car parking spaces is appropriate with regard to:
(a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;
(b) the provision of car parking spaces in the vicinity of the land;
(c) the availability of public transport in the vicinity of the land; and
(d) the potential impact on the surrounding road network and the amenity of the locality and adjoining property; or if the use or development relates to a heritage place and the Minister responsible for the administration of the Heritage Act 2011 supports the Northern Territory Planning Scheme 2020 Part 5-5
reduced provision of car parking spaces in the interest of preserving the significance of the heritage place.
3. The consent authority may require the provision of car parking spaces for any ancillary use or development in addition to that specified for the primary use or development in the table to this clause.

Requirements
4. Use and development is to include the minimum number of car parking spaces specified in the table to this clause (rounded up to the next whole number).

No physical building structure is proposed by the subject development application; therefore, this clause is not applicable for this assessment.

NOT APPLICABLE

5.2.4.4 Layout of Car Parking Areas

Purpose
Ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.

Administration
1. This clause does not apply to a car parking area where the car parking is required in association with a dwelling-single, dwelling-independent or a home based business.
2. A car parking area may be used for the purpose of a market if:
(a) a market is Permitted in the zone; and
(b) the market operates outside of the operating hours of the use for which the car parking area is established.
3. The consent authority may consent to a car parking area that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the amenity of the surrounding locality.
4. The consent authority may consent to a car parking area that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development.
5. The consent authority may consent to a car parking area that is not in accordance with sub-clause 9 if it is satisfied that the non-compliance will not result in adverse impacts on the local road network or internal functionality of the car parking area.

Requirements
6. A car parking area is to:
(a) be not less than 3m from any lot boundary abutting a road; and
(b) provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the car parking area when viewed from the road.
7. A car parking area is to be constructed and maintained to be:
(a) of a suitable gradient for safe and convenient parking; and
(b) sealed and well drained in urban areas, or dust supressed in non-urban areas.
8. The layout of a car parking area is to:
(a) be functional and provide separate access to every car parking space;
(b) allow a vehicle to enter from and exit to a road in a forward gear;
(c) be in accordance with the dimensions set out in the diagram to this clause; and
(d) ensure parking spaces at the end of and perpendicular to a driveway are 3.5m wide or so that the driveway projects 1m beyond the last parking space.
9. The number of access points to the road is to be limited, and access points to car parking areas are to:
(a) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and
(b) maximise sight lines for drivers entering or exiting the car parking area.

No physical building structure is proposed by the subject development application; therefore, this clause is not applicable for this assessment.

NOT APPLICABLE

5.2.5 Loading Bays

Purpose
Provide for the loading and unloading of vehicles associated with the use of land.

Administration
1. The consent authority may consent to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:

(a) the scale of the use and development on the site;
(b) any potential adverse impacts on the local road network; and
(c) any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or secondary street.
2. For the purposes of this clause, where an exhibition centre, food premises (fast food outlet and restaurant), office, place of assembly, shop or shopping centre are part of an integrated development, the minimum number of loading bays is to be calculated based on the combined net floor area of the integrated uses.

Requirements
3. Use and development is to include provision of a minimum number of loading bays in accordance with the table to this clause (rounded up to the next whole number).
4. A loading bay is to:
(a) provide areas wholly within the site for loading and unloading of vehicles;
(b) be at least 7.5m by 3.5m;
(c) have a clearance of at least 4m; and
(d) have access that is adequate for its purpose.

No physical building structure is proposed by the subject development application; therefore, this clause is not applicable for this assessment.

NOT APPLICABLE

5.2.6.1 Landscaping in Zones other than Zone CB

Purpose
Encourage landscaping that enhances local amenity by:
(a) contributing to safe and attractive public spaces and places;
(b) responding to the local climate and soil characteristics;
(c) supporting cooler internal and outdoor areas; and
(d) recognising the value of retaining existing plants and trees.

Administration
1. *Landscaping may include, where subordinate to areas for the planting and growing of plants, impervious and unplanted areas for;*
   (a) pedestrian access,
   (b) outdoor recreation, or
   (c) natural or ornamental features and the like.

2. *The consent authority may consent to landscaping that is not in accordance with sub-clauses 5, 6 and 7 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and is appropriate to the site having regard to the amenity of the streetscape, and the potential impact on the amenity of the locality and adjoining property.*

Requirements
3. *Where landscaping is required by this Scheme it should be designed so that:*
   (a) planting is focused on the area within the street frontage setbacks, side setbacks, communal open space areas and uncovered car parking areas;
   (b) it maximises efficient use of water and is appropriate to the local climate
   (c) it takes into account the existing streetscape, or any landscape strategy in relation to the area;
   (d) significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained;

(e) energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;
(f) the layout and choice of plants permits surveillance of public and communal areas; and
(g) it facilitates on-site infiltration of stormwater run-off.

4. *The quality and extent of the landscaping consented to must be maintained for the life of the development.*

5. *Other than in Zones CB, C and TC, not less than 30% (which may include communal open space) of a site that is used for rooming accommodation, dwellings-group, dwellings-multiple and residential care facility is to be landscaped.*

6. *In Zones LI, GI and DV all street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m.*

7. *In Zones MR and HR, side and rear setbacks are to include planting to the length of the setback of no less than 2m deep, except for areas that are used for private open space.*

This clause does not require any landscaping for the proposed development on the Rural Living zoned property.

NOT APPLICABLE

5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR

Purpose
Protect the visual and acoustic amenity of residential buildings where they are adjacent to non-residential development.

Administration

1. *The consent authority may consent to a development that is not in accordance with sub-clause 3 and/or 4, if:*
(a) the development is covered by an area plan listed as a Major Remote Town in Part 2 of the Planning Scheme, if the service authority responsible for distribution of electricity, water and sewerage services provides advice that compliance would be impractical or prohibited; or
(b) the development is for the establishment of, or change in, use of an existing lawfully established building that has an existing encroachment into the setback required by this clause; or
(c) the consent authority is satisfied that the development provides adequate setbacks and landscaping consistent with the purpose of this clause.

Requirements

2. *A use or development or a proposed use or development that is:*
(a) not a residential building;
(b) on land that is in a zone other than Zones LR, LMR, MR or HR; and
(c) abuts land in any of those zones;
must provide a setback to the boundary that abuts any of those zones of not less than 5m.

3. *The setback described in sub-clause 2 is to be landscaped to provide a visual screen to the adjacent land Zoned LR, LMR, MR or HR for a minimum depth of 3m.*

4. *The development should provide a solid screen fence of a minimum height of 1.8m at the boundary with land in Zones LR, LMR, MR or HR.*

The subject site does not adjoin land zoned other than Zone RL.

NOT APPLICABLE

5.8.9 Excavation and Fill

Purpose
Ensure that the excavation or filling of land does not adversely affect adjacent land or waters, or the quality of adjacent waterways, and associated riparian areas and is suited to the intended future use of the site.

Administration
1. The consent authority may consent to a use or development that is not in accordance with sub-clauses 2-5, only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate the site.

Requirements
2. Demonstrate the suitability of the site for the proposed future use.
3. Provide a hydrological assessment of potential upstream and downstream impacts of the excavation or filling.
4. Provide a plan of management to control erosion and sedimentation, particularly of creeks and riparian areas.
5. Identify measures to prevent the creation of mosquito breeding areas.

The application has not been submitted with a hydrological assessment, to enable assessment of this clause to be accurately completed. Development Assessment Services requested a hydrological assessment and amended plans to accurately show finished levels of the proposed works; however, these have not been submitted.

TO BE DETERMINED

PowerWater

Phone 1800 245 092
Web powerwater.com.au

Record No: D2025/451502
Container No: NE055/7824
Your Ref: PA2025/0474

Rory Mackay
Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Rory

Re: Section 7824 (17) Kerr Court Knuckey Lagoon Hundred of Bagot

In response to your letter of the above proposal for the purpose of excavation and fill to create unconstrained land, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. PWC has no objection or requirement to the above excavation and fill proposal.

If you have any further queries, please contact the undersigned on 8924 5729 or email: PowerDevelopment@powerwater.com.au

Yours sincerely

Thanh Tang
Manager Distribution Development
18 December 2025

PowerWater

Phone 1800 245 092
Web powerwater.com.au

Container No: LD055/7824

DLPE - Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Rory Mackay,

RE: PA2025/0474 - Section 07824 Hundred of Bagot - 17 Kerr Ct, Knuckey Lagoon NT - Excavation and fill

In response to your letter of the above proposal for development application purpose, Power and Water Corporation Water Services advises the following with reference to water and sewer enquiries:

1. Reticulated sewer services are currently unavailable in the area. The developer must contact relevant authorities to discuss servicing requirements for the proposed development.

2. The developer may need to upgrade the existing water and sewer service and should contact Services Development prior to start of construction.

3. PWC are working towards a water efficient future, through the implementation of water saving practices that provide potential financial savings to our customers. PWC strongly encourages you to visit the Living Water Smart website https://www.livingwatersmart.com.au/ to find out more on how to improve your developments landscaping and irrigation.

4. The developer must ensure that;

    a. Backflow prevention is installed at the water service in accordance with AS/NZS 3500.1 – Plumbing and Drainage - Water Services

    b. Where applicable, the device is tested annually in accordance with AS/NZS 2845.3 field testing and maintenance of testable devices.

    Our database shows a device **is not** installed.

    Visit https://www.powerwater.com.au/developers/water-development/backflow-prevention or contact BackflowPrevention.PWC@powerwater.com.au for all backflow prevention enquires.

5. 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.

    PWC recommends that the developers' hydraulic consultant confirm internal firefighting requirements with PWC prior to the development, so that flow capability can be adequately assessed.

6. Power and Water advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) must be contacted via email a minimum of 1 month prior to construction works commencing.

If you have any further queries, please contact the undersigned on 08 9463 2089, or email waterdevelopment@powerwater.com.au

Yours sincerely

Craig Thomas

Craig Thomas

06 February 2026

cc: Cameron Judson
email: cameron.judson@upsideplanning.com.au

From: Ayush Zinjurde <Ayush.Zinjurde@nt.gov.au> **On Behalf Of** DevRoads NTG
Sent: Thursday, 18 December 2025 4:33 PM
To: Das NTG <Das.NTG@nt.gov.au>; DevRoads NTG <DevRoads.NTG@nt.gov.au>
Subject: RE: 'PA2025/0474 Section 07824 Hundred of Bagot' - New Application Submitted

Hi DAS

I refer to the Development Assessment Services correspondence of 15/12/2025 regarding Section 07824 Hundred of Bagot, 17 Kerr Ct, Knuckey Lagoon NT.

I am pleased to advise that Transport and Civil Infrastructure (TCI), Department of Logistics and Infrastructure (DLI), has no objection or comments in principle as the above-mentioned development, does not require haulage and is not adjoining a Northern Territory Government (NTG)-controlled road.

Thank you.
Kind regards
Ayush Zinjurde
Technical Assessment Officer
Corridor Management and Design – Transport Planning
Department of Logistics and Infrastructure

Floor 3, Highway House, 14 Palmerston Circuit, Palmerston
GPO Box 61, Palmerston, NT 0831

t. 08 8999 4412
e. Ayush.Zinjurde@nt.gov.au

NORTHERN TERRITORY GOVERNMENT

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The NT Government acknowledges the Aboriginal people and cultures of the land and country on which we work and live. We acknowledge the ongoing connection to culture, land, sea and community and pay our respects to Elders past and present and to emerging leaders



NT FIRE & EMERGENCY SERVICES

Level 5 NAB House
71 Smith Street Darwin NT 0800

PO Box 37171
Winnellie NT 0821

E NTFES.StrategicServices@pfes.nt.gov.au

T 08 8948 9130

Our reference - 04-D26-659

Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
Darwin NT 0801

Dear Development Assessment Services

Re: PA2025/0474 Section 07824 Hundred of Bagot - New Application Submitted

The Northern Territory Fire and Emergency Services has assessed the information contained the new application for PA2025/0474 Section 07824 Hundred of Bagot and advises there are no objections to the application.

If you have any questions or require further information, please contact the Fire Safety Command, NT Fire and Rescue Service via email: fire.safety@pfes.nt.gov.au.

Yours sincerely

Todd Sinclair
A/Director Strategic Services
Northern Territory Fire and Emergency Services

05 January 2026

NT HEALTH

Building 19 Royal Darwin Hospital 105 Rocklands Drive Tiwi NT 0810

Postal address
Medical Entomology NT Health PO Box 413266
Casuarina NT 0811

E medicalentomology.rdh.ths@nt.gov.au

T 08 89228337

10 February 2026

File reference
EFILE 2025/17387

Senior Project Officer
Development Assessment Services
Department of Infrastructure, Planning and Logistics
Floor 1, Energy House, 18-20 Cavenagh Street,
Darwin GPO Box 1680, Darwin, NT 0801

Dear Assessment Officer

Re: PA2025/0474 Section 7824, 17 Kerr Court Knuckey Lagoon. Excavation and Fill.

Thank you for the opportunity to comment on the above Development Application. Medical Entomology comments are as follows.

1. There are no Medical Entomology objections to the proposal to reduce wet season ponding within Section 7824.
2. There is the potential for channelled stormwater to impact downstream properties, although from a mosquito perspective, downstream stormwater discharge impacts concerning increased mosquito breeding are more likely to be an issue in urban catchments or large rural catchments. Water would need to pond for 7 days or longer to cause a mosquito breeding issue. Despite what appears to be a minimal risk of causing increased downstream mosquito breeding, it would be prudent for the applicant to liaise with downstream landowners to ensure that there is no increase in residual ponding on their land.
3. The land title should be updated to reflect the purpose of the internal drainage system and associated erosion and sediment control systems, to ensure potential future owners are aware of the management requirements.

Recommended Development conditions

Nil

Please contact me if there are any queries with this letter.

Yours sincerely

Allan Warchot
Advice and Control Officer

NORTHERN TERRITORY GOVERNMENT
Department of **LANDS, PLANNING AND ENVIRONMENT**

Level 1
Goyder Centre
25 Chung Wah Terrace

Postal address
PO Box 496
Palmerston NT 0831

E DevelopmentAssessment.DLPE@nt.gov.au

T 08 8999 4446

27 February 2026

Mr Rory Mackay
Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Our Ref: DLPE2026/0062
Your Ref: PA2025/0474

Dear Mr Mackay

Re: PA2025/0474 Excavation and Fill

The above application has been assessed by the relevant environmental divisions within the department, and the following comments are provided:

Land Resources Division

Land Management Unit

Based on a desktop assessment, the Land Management Unit provides the following advice.

It is recommended that preparation and implementation of an Erosion and Sediment Control Plan (ESCP) be included as a condition on the Development Permit for the following reasons:

- the significant volume of fill proposed to be used,
- the large volume of fill already stockpiled on the site,
- the stockpiled fill being of mixed and unknown origin with no demonstration of it meeting a recognised suitable standard such as Virgin Excavated Natural Material (VENM),
- the proposal to excavate and construct drainage lines, and
- a clearly demonstrated existing surface flow and inundation.

Conditions are recommended in accordance with the wording below:

Condition Precedent:

1. Prior to the commencement of works, a Type 2 Erosion and Sediment Control Plan (ESCP) must be developed in accordance with the Department of Lands, Planning and Environment (DLPE) Erosion and Sediment Control Plan (ESCP) Procedures (Note 1).

   The ESCP must be certified by a suitably qualified and experienced professional (Note 2) and must be submitted to Development Assessment Services (via email: das.ntg@nt.gov.au).

General Condition:

1. Should the certified Type 2 ESCP require amendment, the revised ESCP must be certified by a suitably qualified and experienced professional and submitted to Development Assessment Services (via email: das.ntg@nt.gov.au).

2. All works relating to this permit must be undertaken in accordance with the certified Type 2 ESCP.

3. At completion of works, certification must be provided by a suitably qualified and experienced professional regarding satisfactory implementation of permanent erosion and sediment control measures and site stabilisation. This certification must be submitted to Development Assessment Services via email: das.ntg@nt.gov.au.

Permit Notes:

1. The DLPE Erosion and Sediment Control Plan (ESCP) Procedures factsheet is available at: https://environment.nt.gov.au/rangelands/technical-notes-and-fact-sheets/land-management-technical-notes-and-fact-sheets.

2. A suitably qualified and experienced professional in erosion and sediment control as defined by the International Erosion Control Association (IECA) Australasia – https://austieca.com.au/esc-certification/suitably-qualified-professional.

3. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at https://austieca.com.au/home and Land Management Factsheets available at https://nt.gov.au/environment/soil-land-vegetation. For further advice, contact the Development Coordination Branch: (08) 8999 4446.

Environment and Heritage Division

Heritage Branch

A search has found that there are no recorded Aboriginal or Macassan archaeological places and objects within the subject site, and the likelihood of unrecorded Aboriginal or Macassan archaeological places existing has been assessed as unlikely. No physical survey work is required for this proposed impact. If archaeological places are discovered over the course of the work, establish an exclusion zone around the site and contact the Heritage Branch immediately.

The search has found that there are no nominated, provisionally declared or declared heritage places or objects within the subject site.

Context of Heritage Branch Advice

The Northern Territory (NT) Government's Heritage Branch administers the *Heritage Act 2011* and provides authoritative advice about obligations under the *Heritage Act 2011*, including steps to take to manage the impact of proposed work on Aboriginal and Macassan archaeological places and objects.

It is important that advice given by the Heritage Branch is followed. A failure to follow advice received from the Heritage Branch may be considered as evidence in an investigation if damage occurs to a declared heritage place, an Aboriginal or Macassan archaeological place or object.

Relevant parts of the NT *Heritage Act 2011*

1. All provisionally declared and declared heritage places and objects are protected under the *Heritage Act 2011*;

2. All Aboriginal or Macassan archaeological places and objects are automatically protected - this includes places and objects not previously recorded;

3. Places and objects include an artefact or thing given shape by a person - examples include stone tools, stone arrangements, fish traps, rock art, modified trees, and shell middens;
4. Ancestral remains are also protected;
5. Underwater Cultural Heritage is protected, up to three nautical miles from the coast; and
6. There is an obligation to notify of the discovery of Aboriginal or Macassan archaeological places or objects.

Conditions of advice

This advice is based on the description of the works provided to the Heritage Branch. If the work expands or changes significantly seek further advice.

In preparing this advice, the Heritage Branch has referred to the NT Heritage Register and the Heritage Branch archaeological database which includes information about Aboriginal and Macassan archaeological places and objects in the NT. However, the database only includes information about known archaeological places. The fact that there are no known archaeological places recorded may be because no archaeological surveys have been conducted in that particular area and is not necessarily an indication they do not exist.

Water Resources Division

There are no issues of concern requiring comment within the responsibilities of the Water Resources Division associated with the proposed excavation and fill work.

Should you have any further queries regarding these comments, please contact the Development Coordination Branch by email DevelopmentAssessment.DLPE@nt.gov.au or phone (08) 8999 4446.

Yours sincerely

Maria Wauchope
Executive Director Land Resources

13 February 2026

Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
Darwin NT 0801

RE: Letter of Comment Development Application

PA2025/0474
Hun: 055 P: 07824 17 Kerr Court KNUCKEY LAGOON, Hundred of Bagot
Excavation and Fill

Thank you for the Development Application referred to this office on 15/12/2025, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council does not object to the granting of a Development Permit for the following reasons:

a) The necessity for the excavation and fill permit is to alleviate concentrated stormwater flow into the neighbouring properties as well as ensuring there is no ponding of water within the property.

The noted support is only given provided the following issues are adequately addressed:

a) Whilst the applicant has provided a site stabilisation plan, this will need to be reviewed to ensure that stormwater flow is not collected and concentrated into neighbouring properties (particularly to the South East corner).

b) Additionally, Council would like to understand the timeline for the stabilisation works to occur.

Council can provide the following comments in relation to the application:

The statement of effect notes that the subdivision should likely never have been approved due to the constrained nature of the land and that the original Land Suitability Assessment was not thorough enough. Whilst this issue has been identified in other subdivisions, Council notes that

the engineering design for road and drainage (including stormwater flow) is taken to be true and correct based on the certification provided by the developer's appointed engineer.

It is understood that these properties, zoned RL – Rural Living, will be developed in accordance with the zoning, which should ensure that site layout and development remain sympathetic to the existing streetscape, scale, and character of surrounding development. Any development should also consider stormwater direction and flow to maintain sheet flow drainage across the property. Development must not increase the rate, depth, or concentration of stormwater runoff onto neighbouring properties. In establishing infrastructure on this property, the owner has unfortunately contributed to the current stormwater issues through the following actions:

- Stockpiles and rows of fill left in place for some time following fence installation have likely contributed to the problems evident in the application photos.
- The shed roof, with an area of approximately 860 m², creates a large impervious surface that concentrates and channels stormwater onto the property.
- Additional impacts arise from stockpiles of hardened concrete, likely resulting from waste washout from the concreting business, which further creates impervious surfaces and concentrates stormwater flow.
- Online images depicting various stages of development show stockpiling of fill and building materials in several locations on the property.

It is unfortunate that the property owner did not approach Council when stormwater issues first arose, as these could have been investigated and addressed at the time. Moving forward, Council supports the application for Excavation and Fill; however, all works must be guided by a stormwater management plan and an erosion and sediment control plan to ensure stormwater is managed in accordance with the *NT Subdivision and Development Guidelines*.

Should the application be approved, the Council requests the following condition(s) be included as Condition(s) Precedent in any Development Permit issued by the consent authority:

a) The crossover and driveway shall meet Litchfield Council's requirements, and be in accordance with the NT Subdivision and Development Guidelines

b) Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into Litchfield Council's stormwater drainage system shall be submitted to and approved by Litchfield Council.

c) An Operational Environmental Management Plan (OEMP) that addresses the day to day waste management requirements for the use shall be prepared to the satisfaction of Litchfield Council. The use must at all times be conducted in accordance with the plan.

d) A Traffic Management Plan for the construction phase of the development shall be submitted to and approved by Litchfield Council. The plan must address traffic control and haulage routes proposed for the development.

Should the application be approved, the following condition(s) pursuant to the *Planning Act* and Council's responsibility under the *Local Government Act* are also recommended for inclusion in any Development Permit issued by the consent authority:

a) The owner shall collect stormwater and discharge it to the drainage network, to the technical requirements and satisfaction of Litchfield Council, at no cost to Litchfield Council.

b) No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and public street, to the satisfaction of Litchfield Council.

c) Any developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of Litchfield Council.

Should the application be approved, the following notes are recommended for inclusion in any Development Permit issued by the consent authority:

a) Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at www.litchfield.nt.gov.au.

b) A *Works Permit* is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.

If you require any further discussion in relation to this application, please contact Litchfield Council on 08 8983 0600.

Kind Regards,



Jaimie O'Connor
Planning and Development Program Leader

Connie Jape
29 Kerr Court Knuckey Lagoon NT 0828
connie.jape@jape.com.au
0417823228

6th Feb 2026

To:
Development Consent Authority

Subject: concern to Development Application PA2025/0474

Dear Sir/Madam,

I am writing to voice my concern to **Development Application PA2025/0474 17 Kerr Court Knuckey Lagoon NT 0828**

Request for clarification on water drainage impact

I do not object to the application to address the water drainage issue; however, I have serious concerns regarding the proposal to extend the creek toward my property, particularly given that the creek is man-made.

I am concerned that the proposed works may significantly alter the existing and natural flow of water to my block. Without appropriate safeguards, these changes have the potential to increase the risk of flooding and associated damage to my property. At this stage, I have not been provided with sufficient information to be assured that this risk has been adequately assessed or mitigated.

Accordingly, I formally request that a detailed impact assessment be prepared by a suitably qualified engineer. This report should clearly outline the potential impacts of the proposed works on surrounding properties, including my own, and demonstrate how any increased flooding risk will be prevented should the works proceed.

Thank you for considering my submission. I request that I be kept informed of any future stages, decisions, or hearings related to this application.

Yours faithfully,
Connie Jape JP

Subject: Submission opposing development application PA2025/0474

Date: 10 February 2026

Respondents: Kye and Louise Tagell, 42 Secrett Road Knuckey Lagoon

We lodge this formal submission opposing Development Application PA2025/0474 for Section 7824 Hundred of Bagot (17 Kerr Court, Knuckey Lagoon).

Grounds for opposition

1. Groundwater diversion onto our property

The application proposes groundwater management that will direct (potentially contaminated) groundwater onto our land. This is unacceptable. We have intentions to construct a family home and gravel driveway in the area proposed to receive runoff; diverted groundwater would directly and adversely affect those plans and our property use and enjoyment.

2. Adverse impacts

Groundwater from the subject site is likely to cause:

- Diminution of property value.
- Flooding, ponding and waterlogging on our land.
- Soil contamination and erosion.
- Loss or damage to established garden beds adjacent to the affected boundary (these have been established and maintained by our family for decades).
- Loss or damage to fencing, driveway, path and other landscaping along the affected boundary.
- Water ingress risks including increased termite activity (risking our existing home structure), timber rot and corrosion of fixtures.
- Health risks (mould, mosquitoes) and contamination transfer via runoff.
- Blocked drains, increased maintenance costs, reduced usable land and potential insurance and remediation costs.
- Ongoing maintenance burden.

3. History of unauthorised works and conduct on the subject site

- Sections of our boundary fence have been removed by the owner of the subject site on two occasions without prior discussion nor permission. On the first occasion, we asked the owner of the subject site that he communicate with us in advance of any future works affecting our property, to which he agreed. The owner of the subject site went on to remove another section of fence just days later and subsequently discharged water from his property onto our land without our consent multiple times (see dot point below).

- On at least two occasions the owner of the subject site has discharged water from his property onto ours by running a PVC pipe through the boundary fence without prior discussion or consent. The pipe was hidden behind plantings on the boundary line and was set up without our knowledge. When we noticed the pipe running onto our property the first time, we advised the owner of the subject site directly that this activity was prohibited, and the pipe was subsequently removed. He responded to say he would do it again anyway, which he did surreptitiously and despite being advised directly by us that this was prohibited.
- We have observed significant filling of the subject site – including the delivery of close to ten semi-trailer loads of landfill in a single weekend – to raise ground levels, apparently without appropriate development consent. We are not sure of the origin nor quality of the fill that has been transported to the subject site, including whether it is contaminated and if any contaminants have spread to our land.
- We have observed the owner of the subject site operating a commercial concreting business from his residential property without appropriate consent. In addition to excessive traffic, noise and dust, this has involved the high-pressure water cleaning of concrete trucks, at times very late into the night. We are unsure of the water/liquid source used for cleaning the trucks or if any chemicals are/were used to clean the trucks, and how wastewater is/was managed. Our concern is the wastewater from the commercial business operations was discharged onto our property without our knowledge or permission (note points above). We are furthermore concerned the cleaning of concrete trucks will continue alongside the subject of this application – discharge of groundwater onto our land – leading to flow of potentially contaminated excess groundwater, sediment and materials onto our land, causing environmental and property damage.

4. Previous absence of drainage problems

Prior to the subdivision that created Kerr Court and SECs 7823, 7824 and 7825, and prior to the conduct described above, our property did not experience drainage, flooding or water pooling issues. Any change in water movement onto our land directly correlates with the original subdivision works and unapproved alterations at the subject site.

There are erroneous claims of a preexisting natural creek at the back corner of our block. This is simply untrue. At most, water has pooled there on very rare occasions for a couple hours at most following a significant and prolonged monsoonal downpour. Maybe once in the past decade at most.

Request / relief sought

- **Recommended:** Refusal of Development Application PA2025/0474 in its current form on the grounds that it permits groundwater to be directed onto adjoining

properties and because of the applicant's history of unauthorised works and adverse impacts on adjoining properties.

- Consideration be made by the applicant to develop alternative plans for public exhibition/consultation and DCA approval to direct groundwater flows towards Kerr Court or Secrett Road, in such a manner that adjoining properties are not negatively impacted and that any negative impacts are especially not borne by landowners who were not party to the subdivision.
- If the application is to be approved, imposition of strict conditions that:
    a) Prohibit any diversion of groundwater onto adjoining properties not party to the original subdivision;
    b) Require a certified groundwater/drainage design prepared by a qualified engineer demonstrating on-site detention, retention or discharge to an approved, existing system, and showing no increase in runoff to adjoining properties not party to the original subdivision;
    c) Require that any previous unauthorised fill, discharges or other works be inspected and remedied to the satisfaction of the consent authority prior to any new development approval, including testing for contamination, and that adjoining properties receiving contaminated groundwater prior to the approval of works are appropriately remediated and compensated;
    d) Require an enforceable bond or security to ensure remediation of any damage to adjoining properties resulting from works or future activities on the subject site; and
    e) Require quarterly compliance inspections and an ongoing monitoring/reporting regime for drainage and site works.

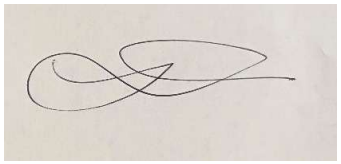
Conclusion
For the reasons set out above — the proposed diversion of groundwater onto our land, the significant risk of property, environmental, health and financial impacts, and the applicant's track record of unauthorised site works affecting adjoining properties — we strongly oppose PA2025/0474.

We have lived peacefully in the area for more than a decade and never had neighbourhood troubles, nor issues with groundwater flow or water ponding, flooding or pooling on our land. We were not involved in the subdivision project that created SECs 7823, 7824 and 7825 and Kerr Court, so it is fundamentally unjust that we would be the most negatively impacted by groundwater and associated issues created by the subdivision and subsequent site works (including unapproved siteworks) undertaken by the owner of the subject site.

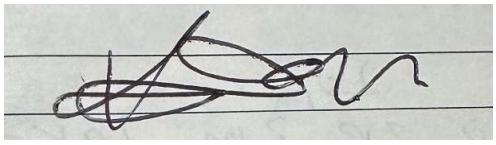
If the Development Consent Authority is inclined to approve the application, strict conditions should be imposed to protect adjoining properties.

We wish to attend the public hearing on 18 February 2026 at 2:00 pm NT time via video link. Please send the link to louise.tagell@gmail.com.

Signed,



Louise Tagell
11 February 2026



Kye Tagell
11 February 2026