

DEVELOPMENT CONSENT AUTHORITY
KATHERINE DIVISION

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: **1** **MEETING DATE:** 4/12/2024 **FILE:** PA2024/0334
APPLICATION: Council dog pound
APPLICANT/CONTACT: Mr Clayton Ross Holland
LAND OWNER: Katherine Town Council
BENEFICIARY: Katherine Town Council
LOCATION: NT Portion 8001 (40) Novis Quarry Road Cossack (**Bookmark A**)
ZONE: A (Agriculture)
AREA: 52.29ha

1. PROPOSAL

The development seeks to establish a Council dog pond on the site of Katherine Waste Management Facility.

The building to accommodate the dog pond has an area of approx. 163m² and includes 22 cages. Externally the walls are to be of metal mesh. The roof is to be weatherproof and of custom orb materials.

A copy of the application details is at **Bookmark B**.

2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

A Council dog pond is not a defined land use within Schedule 2 (Definitions) of the NTPS A2020. An application is required for planning consent as the development is Impact assessable. Assessment of an undefined land use is identified in zone A as being *Impact Assessable*.

Zone A (Agriculture)				
Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Undefined Uses: Any use not defined in Schedule 2 (Definitions) "Council dog pound"	Impact assessable	Clause 3.2 CNV (Clearing of native vegetation) Clause 3.6 (LSF (Land subject to flooding) Clause 3.8 (Land adjacent to designated roads)	5.2.1 General Height Control 5.2.4.1 Carparking spaces 5.2.4.2 Layout of carparking areas 5.2.5 Loading bays 5.2.6.1 Landscaping in zones other than zone CB	5.7.2 Animal related use (Animal boarding and stables)

The exercise of discretion that applies is clause 1.10.4 of the NTPS 2020. In considering an application for a use or development identified as Impact Assessable the consent authority must take into account 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.

3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should consent to the application subject to conditions on the development permit as detailed in section 9 of this report.

4. BACKGROUND

Previous development permits issued to the parent parcel, NT Portion 5043, includes.

- PA2002/0136 (DP 02/0049) Ablution facilities within 1%AEP flood level
- PA2002/0189 (DP 02/0083) Shade structure within 1%AEP flood level
- PA2003/0019 (DP03/0012) Waste facility
- PA2020/0182 (DP20/0220) Subdivision to create 2 lots.

5. PUBLIC EXHIBITION

The application was placed on public exhibition for a period of two weeks. No public submissions were received under section 49(1) of the *Planning Act 1999*.

6. THIRD PARTY APPEAL RIGHTS

There is no right of appeal by a third party under section 117 of the *Planning Act 1999* in respect of this determination.

7. MATTERS TO BE TAKEN INTO ACCOUNT (SECTION 51 OF THE PLANNING ACT)

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 subject land is zoned A (Agriculture). A Council dog pound is not a defined land use. Assessment is required against the relevant sections of Part 2, Part 3, Part 4, and Part 5 of the scheme. These have been identified in the table above.

In the zone “*animal boarding*” is an impact assessable form of development. It is defined as:

“animal boarding means premises used as a commercial enterprise for the accommodation of domestic animals and may include where ancillary an office, but does not include intensive animal husbandry or stables;”

The difference between the proposed development and the definition is that the use is not a commercial activity. The use of the land is the same, and accordingly an assessment has been made against the same provisions that would apply to *“animal boarding”*.

In summary the technical assessment provided at **Bookmark C** indicates that the development is broadly consistent with the relevant requirement other than the setback of the development site from the from Novis Quarry road as per Clause 5.7.2 (Animal related use). The pound is setback approx. 29m from Novis Quarry road when 50m is required.

In consideration that the use is undefined compliance with the requirement of Clause 5.7.2 is at the discretion of the consent. In consideration of the existing use of the land, the remoteness of the location relative to other development and the way the development integrates with the existing development on the land the development is consistent with the zoning and general requirements of the NTPS 2020.

- (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 proposed amendments to the Northern Territory Planning Scheme 2020 which affect this proposal.

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

There are no interim development control orders relevant to the site.

- (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 environmental protection objectives relevant to the land.

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

No public submissions were received during the exhibition period under Section 49 of the Planning Act 1999 with respect to the proposal.

- (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 proposal helps address the animal management needs of the local population. The proposal complies with the requirements of the NTPS 2020.”

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- (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*

DEPWS have not identified any land capability issues.

- (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*

It is not a requirement that this development provides additional facilities or open space for public use.

- (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 proposal was circulated to the following authorities for comment:

Local Authority:

Katherine Town Council (KTC) (Bookmark D1)

- KTC raised no issues of concern and highlighted that that the dog pound will enhance Councils animal and regulatory requirements and benefit the animals and community.

Service Authority:

Power Water (Water) (Bookmark D2)

- Reticulated sewer is not available.
- Reticulated water is available.
- Fire coverage cannot be achieved from existing hydrants. Internal firefighting arrangements are to be made to the satisfaction of the NT Fire Rescue services.

Standard conditions are recommended regarding connection to the reticulated water if required.

Power Water – (Power) (Bookmark D3)

- Limited power supply capacity.
- Landowner to provide advice of overall maximum power demand calculation for the existing and proposed development.

Standard conditions are recommended regarding connection to the reticulated power service.

Transport and Civil Services Division (DIPL) (Bookmark D4)

- No objections provided no access to the Victoria Highway.

No access is proposed to Victoria Highway. The existing access to the land from Novis Quarry road is to be utilised.

DEPWS (DLPE) (Bookmark D5)

- No issue in relation to groundwater and surface water.
- Subject to the Katherine Tindal Limestone Aquifer Water Allocation Plan.
- KTC have a water extraction license and there are six registered bores on the land.
- Provided that the license holder manages water use, there is adequate capacity for ground water to be extracted under existing license.
- Advised of responsibilities pursuant to the *Waste Management and Pollution Act 1998*.
- Search by the Heritage Branch advised that no nominated, provisionally declared or declared heritage places or objects are within the subject site.

Standard notes are recommended on the permit regarding the requirements of the *Waste Management and Pollution Act 1998* and obligations pursuant to the *Heritage Act 2011*.

No response was received from the Department of Health – Environmental Services.

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

The subject land is located on the site of the existing Katherine Waste Management Facility. The dog pound is to be located amongst the existing built form of the waste management facility. NT Portion 8001 is visually screened from adjoining land by extensive areas of native vegetation both on the subject and adjoining land. It is considered that the development will not detract from either the existing or future amenity of the area.

(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 Council has identified that the establishment of the dog pound will enhance its services regarding animal and regulatory requirements that will benefit both the animals and the community.

(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;*

The development does not involve the subdivision or consolidation of land.

(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)*

The development does not involve the subdivision or consolidation of land.

(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 for Daly Roper Beetaloo Water Control District.

- Agriculture, public water supply, 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 *Environment Protection Act 2019* otherwise permits the making of a decision by virtue that referral is not required.

8. RECOMMENDATION

That, pursuant to section 53(a) of the Planning Act 1999, the Development Consent Authority consent to the application to develop NT Portion 8001 (40) Novis Quarry Road for the purpose of development a Council dog pound (Undefined use), subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. Before the *use or occupation of the development* starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced; and
 - (d) drained;

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To the satisfaction of the consent authority.

Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.

3. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their (*visitors/ clients*).
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Internal firefighting arrangements must be made to the satisfaction of NT Fire and Rescue Service.
6. There shall be no direct access to the Victoria Highway from the subject land.
7. Before the use or occupation of the development, certification is to be provided by an appropriately qualified site and soil evaluator that the existing on-site wastewater management system is of sufficient capacity to cope with the projected increased loading.
8. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website www.austieca.com.au and the Department of Lands, Planning and Environment ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.

Notes

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

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

10. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition

or construction works. Due to provisions in the National Construction Code (NCC), the subject lots may need to be consolidated before a building permit can be issued.

11. All land in the Northern Territory is subject to the Weeds Management Act 2001 (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding declared weeds. Section 9 general duties include the requirement to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection. Should you require further weed management advice contact the weed management branch by phone on (08) 8999 4567 or by email to weedinfo@nt.gov.au
12. A groundwater extraction licence may be required under the *Water Act 1992* for any bore used for purposes other than rural stock and domestic water supply. For advice on water extraction licences please contact the Water Licensing and Regulation Branch of the Department of Lands, Planning and Environment.
13. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the *Heritage Act 2011*. Should any heritage or archaeological material be discovered during the clearing operation, cease operation and please phone Heritage Branch of the Department of Lands, Planning and Environment.
14. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.

9. 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 a Council dog pound requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clause 1.8(1)(c)(i), therefore the strategic framework (Part 2 of the Scheme, including the Katherine Land Use Plan 2014), Overlays 3.2 (Clearing of native vegetation), 3.6 LSF (Land subject to flooding) and 3.8 LADR (Land adjacent to a designated road), zone purpose and outcomes of Clause 4.20 Zone A (Agriculture), Clause 5.2.1 (General height control), Clause 5.2.4.1 (Carparking spaces), Clause 5.4.4 (Layout of carparking areas), Clause 5.2.5 (Loading bays), Clause 5.2.6.1 (Landscaping in zones other than zone CB) and clause 5.7.2 (Animal related use) (Animal boarding and stables), need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clause 5.7.2 (Animal related use) (Animal boarding and stables). The development does not comply with Clause 5.7.2 as the location of the pound does not comply with the required set back of 50m from the Novis Quarry road frontage. A setback of 29.5m is proposed.

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(4).

The proposal has been found not to be in accordance with Clause 5.7.2 (Animal related use) because the proposal will result in a setback of less than 50m to the nearest road boundary (Novis Quarry Road).

The proposed development is an undefined use.

- (a) The proposal is consistent with the purpose of Clause 5.7.2 (Animal related use) which seeks to minimize any adverse effect of animal related use on the environment and to ensure that those activities do not detract from the residential amenity of the locality. No concerns have been identified regarding the impact of the development on the environment. Further to this there is no residential development in the locality that could reasonable be impacted by the dog pound.
 - (b) The considerations listed under Clause 1.10(4) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NT Planning Scheme 2020, except for Clause 5.7.2 (Animal related use), as identified above.
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.

No land use capabilities have been identified that would impact on the subject land or adjoining land.

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 subject land is currently developed as a Waste Management Facility. The proposed dog pound is integrated within this facility. There is no residential development within the locality and no potential impact on the existing or future amenity of the locality.



AUTHORISED:

.....
**SENIOR PLANNER - KATHERINE
DEVELOPMENT ASSESSMENT SERVICES**



426

NT Por 5043

: 8001, Location: 000

Subject land

Location of pond

Victoria Highway

Novis Quarry Road

Railway Station Access



Proposed Dog Pound

Statement of Effect

40 (NT Portion 8001) Novis Quarry Road, Cossack

Prepared for
CAT Contractors

Date
14 October 2024
V1.0

Prepared by
Cameron Judson

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Document Control		
Revision	Revision Date	Report Details
V1.0	14 October 2024	For client

1. Introduction

This statement of effect has been prepared to support a development application for a proposed dog pound operated by Katherine Town Council at 40 (NT Portion 8001) Novis Quarry Road, Cossack.

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

Consent is required through the Impact Assessable pathway. This is because the land is zoned A 'Agriculture', and the use is "undefined" as a Council operated dog pound does not fit within the definition of animal boarding; therefore, under Clause 1.8(1)(c)(i), it is Impact Assessable.

In preparing this statement, Upside Planning visited the application site and assessed the proposal against the objectives and relevant sections of the *Planning Act 1999*, the strategic framework, and the Northern Territory Planning Scheme 2020 (NTPS 2020).

2. Application Site

The application site is on the same lot as the Katherine Waste Management Facility, which lies south of Katherine on land at 40 (NT Portion 8001) Novis Quarry Road, Cossack.

The proposed location is outside the main entrance, weighbridge, and the facility's active operational areas, subject to an Environment Protection Licence. The development would sit adjacent to the existing "Tip Shop".

The site is connected to reticulated electricity. Tanks and a bore provide water. Wastewater is dealt with onsite.

Figure 1 below provides a site location plan.



Figure 1: Site location plan

3. The Proposed Development

The proposed development is for a dog pound in the form of a 386m² single-storey building with a concrete apron.

The proposal also includes six car parking spaces, one of which is suitable for people with disabilities, and a wastewater system.

Animal Boarding

The proposal does not fit the definition of animal boarding prescribed by the NTPS 2020 because it would be owned and operated by the Council. It is not a “commercial enterprise”.

The definition within the NTPS 2020 states that “*animal boarding premises used as a commercial enterprise for the accommodation of domestic animals and may include where ancillary an office, but does not include intensive animal husbandry or stables*”

Aside from not being a commercial enterprise, the proposal would fit this definition.

Accordingly, the proposal would become “undefined” as set out in Clause 4.20 of the NTPS 2020.

4. 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 provides guidance on how it is administered.

Clause 1.8 ‘when development consent is required’ refers to Part 4 of the NTPS 2020 as to whether the development is ‘Permitted’, ‘Merit Assessable’, ‘Impact Assessable’ or ‘Prohibited’.

Undefined uses are Impact Assessable in Zone A (Agriculture).

The Impact Assessable 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.*”

Clause 1.10 ‘Exercise of Discretion by the Consent Authority’ advises that in considering an application for consent for a use or development that is Impact Assessable under Clause 1.8(1)(c)(i), 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

The Katherine Land Use Plan 2014 (KLUP 2014) applies to land and identifies the site for 'Agriculture'.

The NTPS 2020 defines agriculture “as a commercial enterprise:

- (a) the growing of crops, pasture, timber trees and the like, but does not include a plant nursery or horticulture; and*
- (b) the keeping and breeding of livestock.*

The use may include where ancillary an office, but does not include animal boarding, intensive animal husbandry or stables.”

The site is not used for agriculture. It accommodates the Katherine Waste Management Facility.

Section 3.6.3 of the KLUP 2014 identifies the location and essential role of the facility.

The Council's operations support the town and the rural economy, and the proposal would occupy an underutilised part of the site.

The proposal is not inconsistent with the Strategic Framework.

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
- LADR – Land adjacent to Designated Roads
- LSF – Land Subject to Flooding

No clearing is proposed.

The proposal would utilise the existing access from Novis Quarry Road. It does not impact the Victoria Highway.

As the submitted drawings show, the development would sit on the edge of the defined “floodway”. The proposal does not include habitable floor space.

Part 4 Zones and Assessment Tables

Part 4 of the NTPS 2020 outlines the zone purposes, outcomes, and related assessment tables. The subject site falls within land zoned A (Agriculture).

The purpose of the zone is to “provide and protect land with productive capability for a diverse range of agriculture.”

The site's established use, as set in the KLUP, is for waste management.

The proposal does not prejudice the use of the site for agriculture.

Part 5 Development Requirements

Part 5 of the NTPS 2020 outlines the specific development requirements relevant to the proposed development.

Clause 5.2.1 (General Height Control)

Clause 5.2.1 (General Height Control) aims to ensure that the height of buildings in a zone is consistent with development. Subclause 4 stipulates that any part of a building should not exceed 8.5 metres.

The proposed buildings are single-storey in scale and less than 8.5 metres tall. Therefore, it complies.

Clause 5.2.4.1 (Vehicle Parking)

The purpose of Clause 5.2.4.1 (Vehicle Parking) is to ensure *“that sufficient off-street car parking, constructed and to a standard and conveniently located, is provided to service the proposed use of a site.”*

For animal boarding, the prescription is one space for every employee plus four.

Six parking spaces are provided for this undefined use, which is sufficient to meet the demand for employees and visitors.

Complies.

Clause 5.2.4.4 Parking Layout

The clause seeks to ensure that car parking areas are appropriately designed, constructed, and maintained.

The proposed car parking is well setback from the front boundary and is screened by native vegetation.

The widths and dimensions of each space are compliant.

The driveway and parking area are sealed with compacted gravel.

The proposal complies.

5.2.6.1 Landscaping in Zones other than Zone CB

The purpose of the clause is to *“ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall amenity of the locality.”*

The requirements of the clause and the proposal's compliance are set out in Table 1 below.

Table 1: Compliance with clause 5.2.6.1

Requirement	Proposed	Compliance
Planting is focused on the area within the street frontage setbacks, side setbacks, communal open space areas and uncovered car parking areas;	Planting (retention of native vegetation) is focused on the area within the street frontage setbacks and along the access driveway.	Yes
It maximises efficient use of water and is appropriate to the local climate;	Where possible and suitable, existing native vegetation is retained. This is appropriate to the local climate.	Yes
It takes into account the existing streetscape, or any landscape strategy in relation to the area;	There is no landscape strategy in the area. The site provides significantly more landscaping than that found in the area.	Yes
Significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained;	The local climate does not support large trees; however, significant trees have been retained along the primary frontage and within the site.	Yes
Energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;	N/A	Yes
The layout and choice of plants permits surveillance of public and communal areas and	N/A	Yes
It facilitates on-site infiltration of stormwater run-off.	The landscaping slows and offers the infiltration of stormwater.	Yes

5.7.2 Animal Related Use (Animal Boarding and Stables)

The purpose of the clause is to “*Minimise the adverse effect of animal related use on the environment and to ensure that those activities do not detract from the amenity of the locality.*”

To demonstrate the merit of the “undefined use”, Table 2 below sets out the proposal's compliance.

Table 2: Compliance with clause 5.4.8

Requirement	Proposed	Compliance
Premises for the keeping of animals for the purposes of animal boarding and stables are to be designed, sited and operated so as not to cause any of the following: (a) create risk of pollution of ground and surface waters; (b) contribute to the erosion of the site or other land; (c) cause detriment to the amenity of the locality by reason of excessive noise, offensive odours,	The proposed pound is modest in scale and has been designed to ensure dogs' health and meet workplace requirements. Given the location, the proposed pound would have zero impact arising from noise and other amenity impacts.	Yes

excessive dust or the attraction of flies, vermin or otherwise; or (d) constitute a risk of the spread of infectious disease or another health risk.		
Any stables or structures used for animal boarding are to be setback 50m from any road frontage and 15m from any side or rear boundary.	The proposal is less than 50 metres from the front boundary. A variation is not required as the use is undefined. Nonetheless, this is appropriate for the following reasons: <ul style="list-style-type: none"> • The low intensity of the proposal • That it is otherwise compliant • The retention of trees and native vegetation (aside from fire breaks). 	No.
The minimum distance from a residential building on surrounding land to any stables or structures used for animal boarding is 100m.	The pound is kilometres metres away from the closest dwelling.	Yes
Fencing is to be provided to all property boundaries to ensure all animals are effectively contained within the site.	Boundary and internal fencing are provided.	Yes

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 proposal helps address the animal management needs of the local population.

The proposal complies with the requirements of the NTPS 2020.

4.5 Suitability for Development and Impact on Locality

The site has a suitable topography for the proposed development and is unconstrained.

The site's remote location and distances to sensitive uses mean that the proposal has no adverse impact on the locality.

The site is flood-affected; however, the Council has a flood management plan that would ensure the dogs' relocation in the case of a flood.

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 Power and Water can be accommodated.

4.8 Impact on Amenity

The proposed development meets the zone's purpose and is not inconsistent with the Strategic Framework. The site's development aligns with a use supported by the zone's purpose and outcomes. In particular, the activity is on a large lot with oversight by its managers.

The proposal would not have an impact on amenity.

4.9 The Public Interest

It is in the public interest to support a business that helps meet the demand for recreation linked to horse riding.

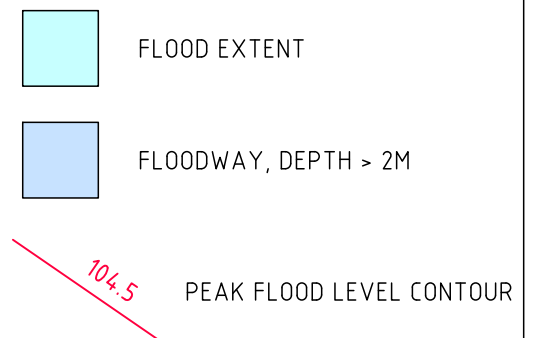
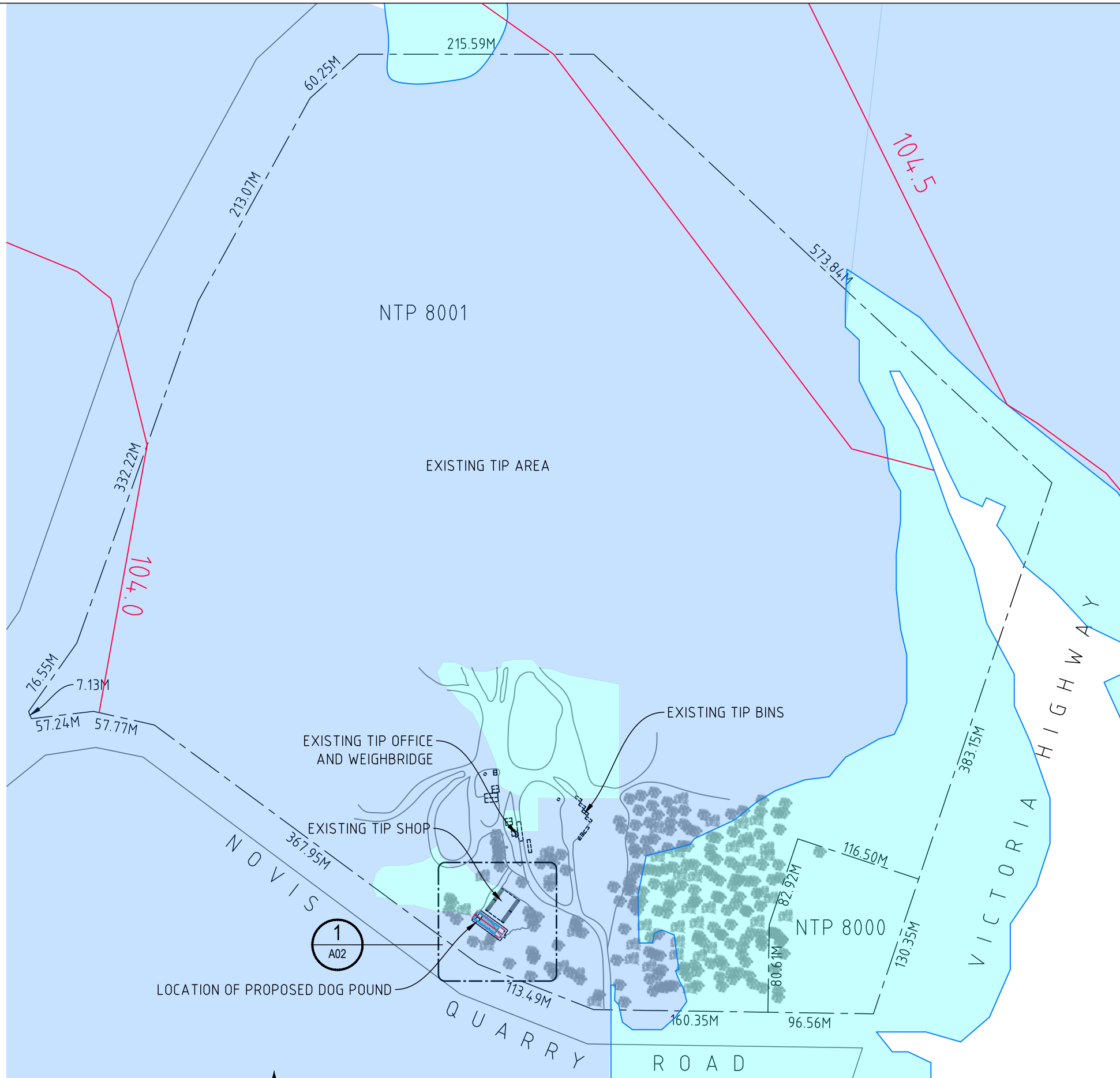
5. Conclusion

The NTPS 2020 applies to the land, and an “undefined use” requires consent under Clause 1.8 (when development consent is required).

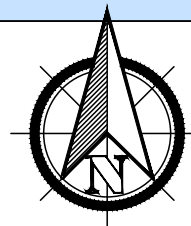
The relevant clauses have been considered and addressed together with the strategic framework. The proposal would not adversely impact amenity and is in the public interest.

It complies with the objectives of NTPS 2020.

NTP 8001 SITE PLAN



NO	DATE	AMMENDMENT	NOTES



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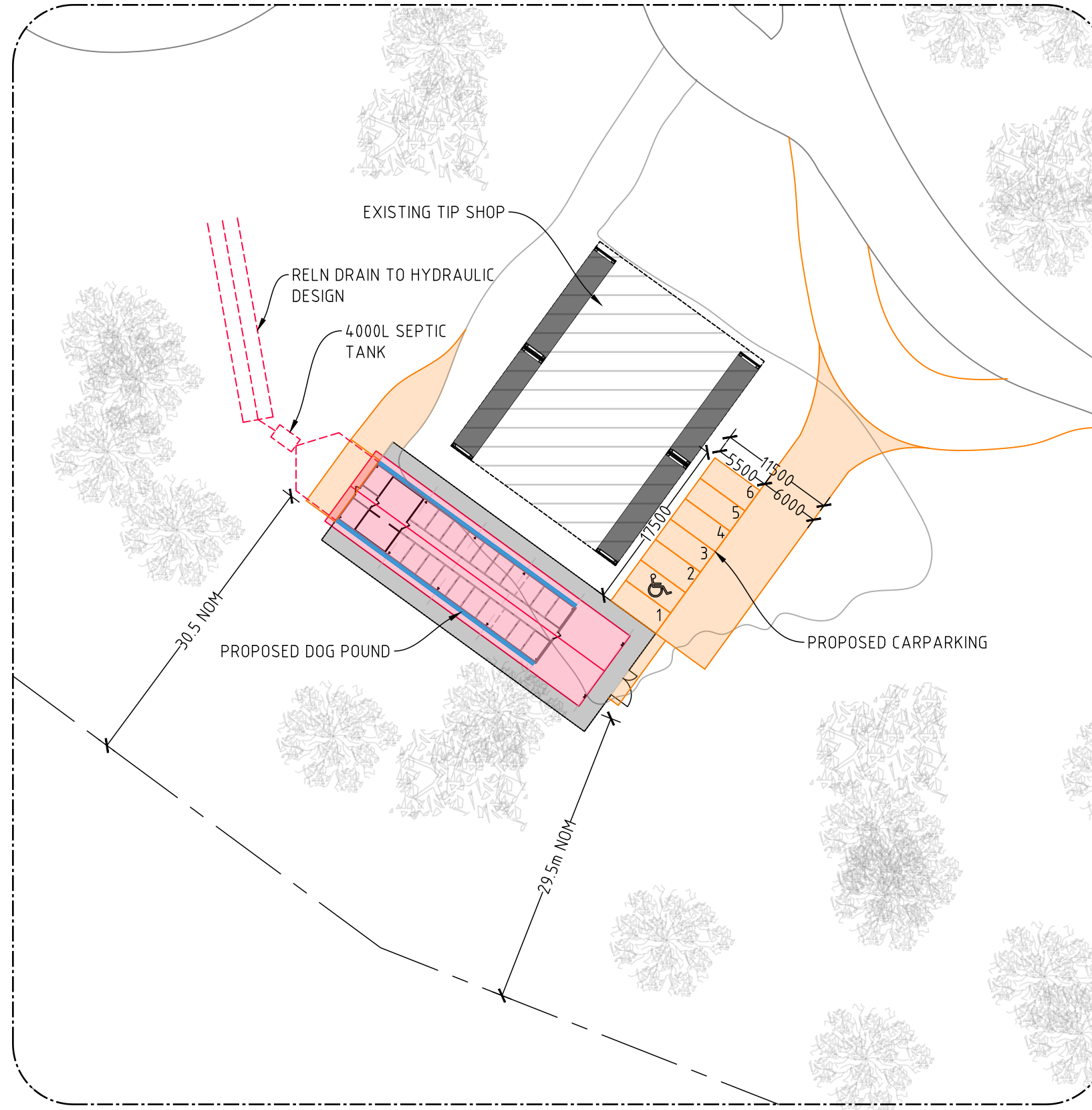
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


PROJECT DESIGN AND CONSTRUCT DOG POUND KTC NTP 8001 NOVIS QUARRY RD COSSACK NT
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DATE 10/09/2024	JOB NO 24005
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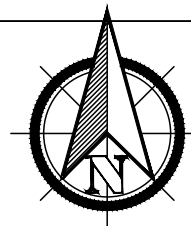
SITE ENLARGEMENT 1

SCALE 1:500



-  PROPOSED NEW DOG POUND FOOTPRINT
-  GRAVEL YARD AREA INSIDE FENCE
-  COMPACTED GRAVEL ACCESS AND CARPARKING
-  EXISTING TIP SHOP

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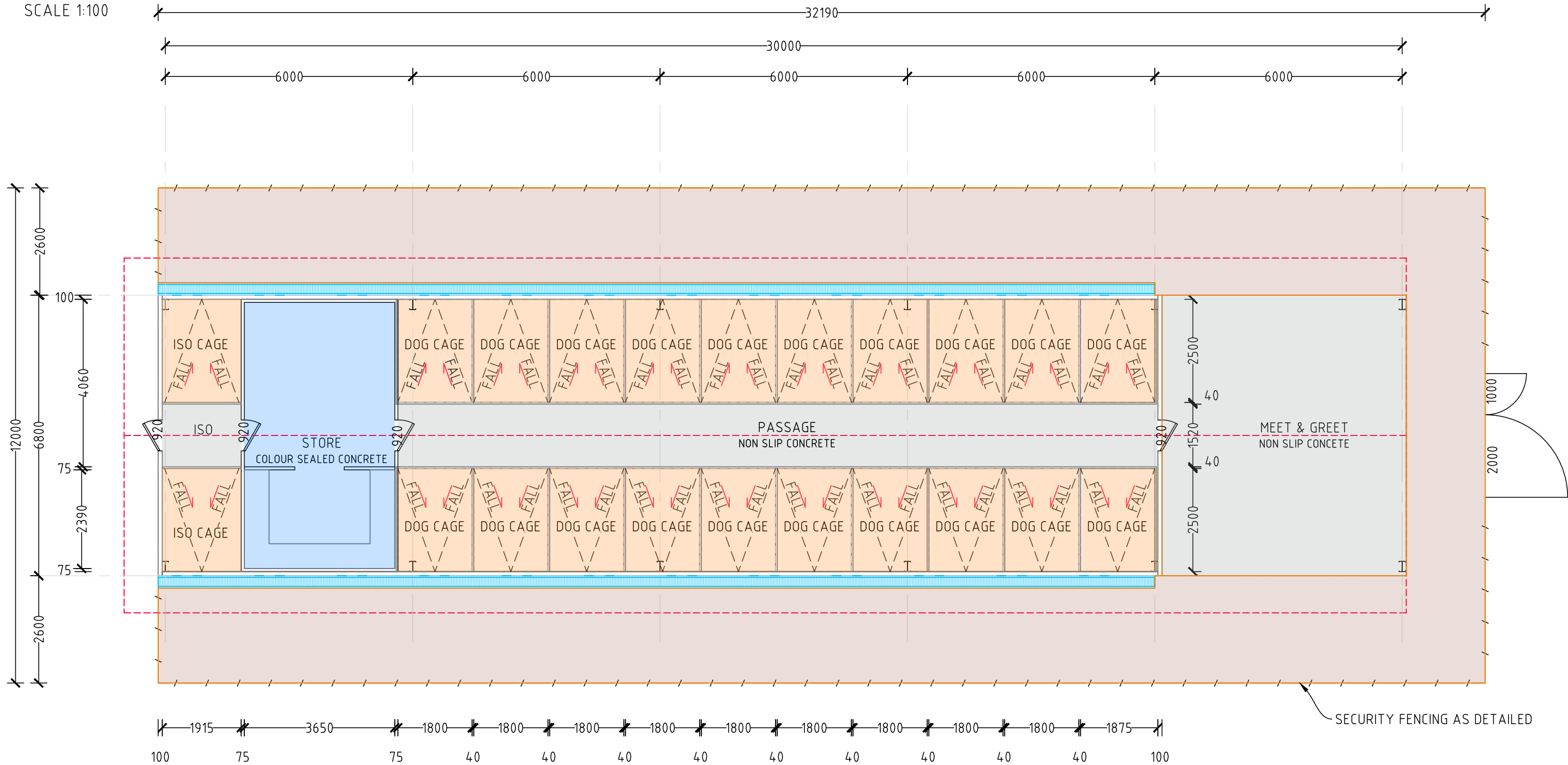
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 NTP 8001
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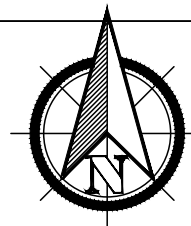
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APPROVED	CRH		

FLOOR PLAN

SCALE 1:100



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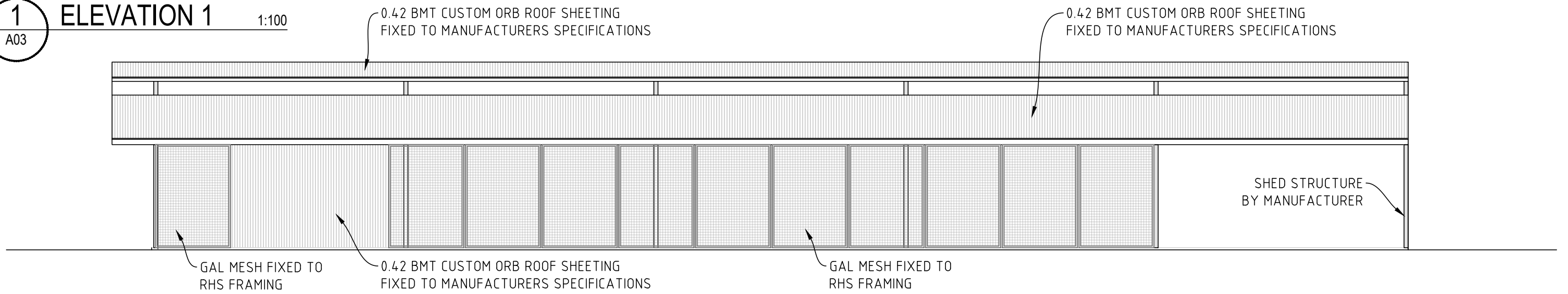
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CLIENT
 KATHERINE CONSTRUCTIONS

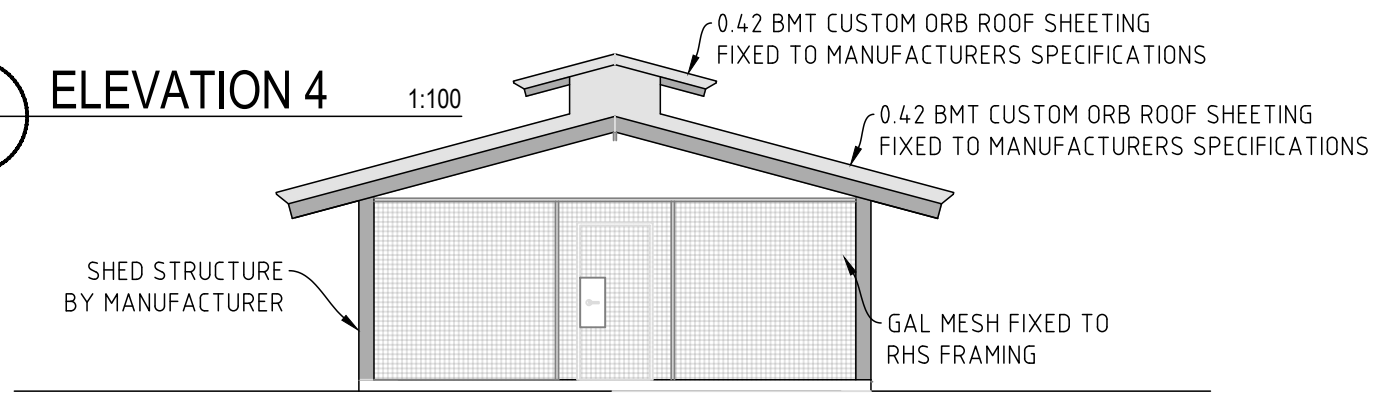
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 NTP 8001
 NOVIS QUARRY RD
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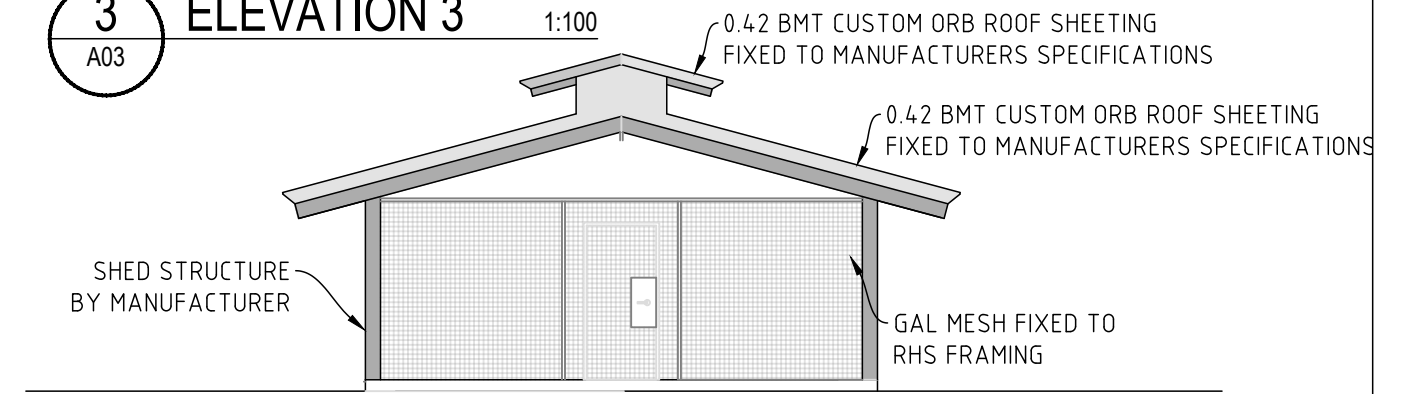
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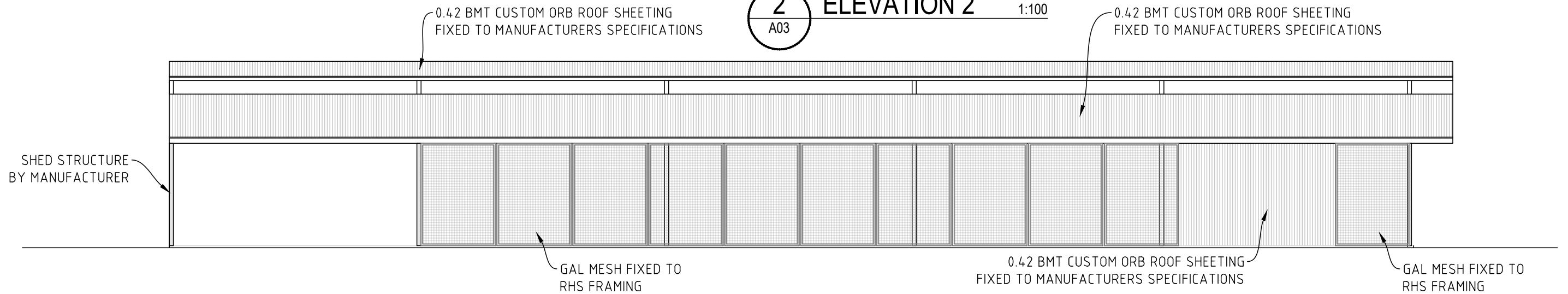
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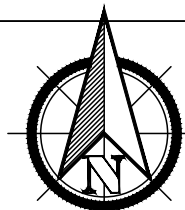
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A03 1:100



2 ELEVATION 2
A03 1:100



NO	DATE	AMMENDMENT	NOTES



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ELEVATIONS

CLIENT
KATHERINE CONSTRUCTIONS

PROJECT
DESIGN AND CONSTRUCT
DOG POUND KTC
NTP 8001
NOVIS QUARRY RD
COSSACK NT

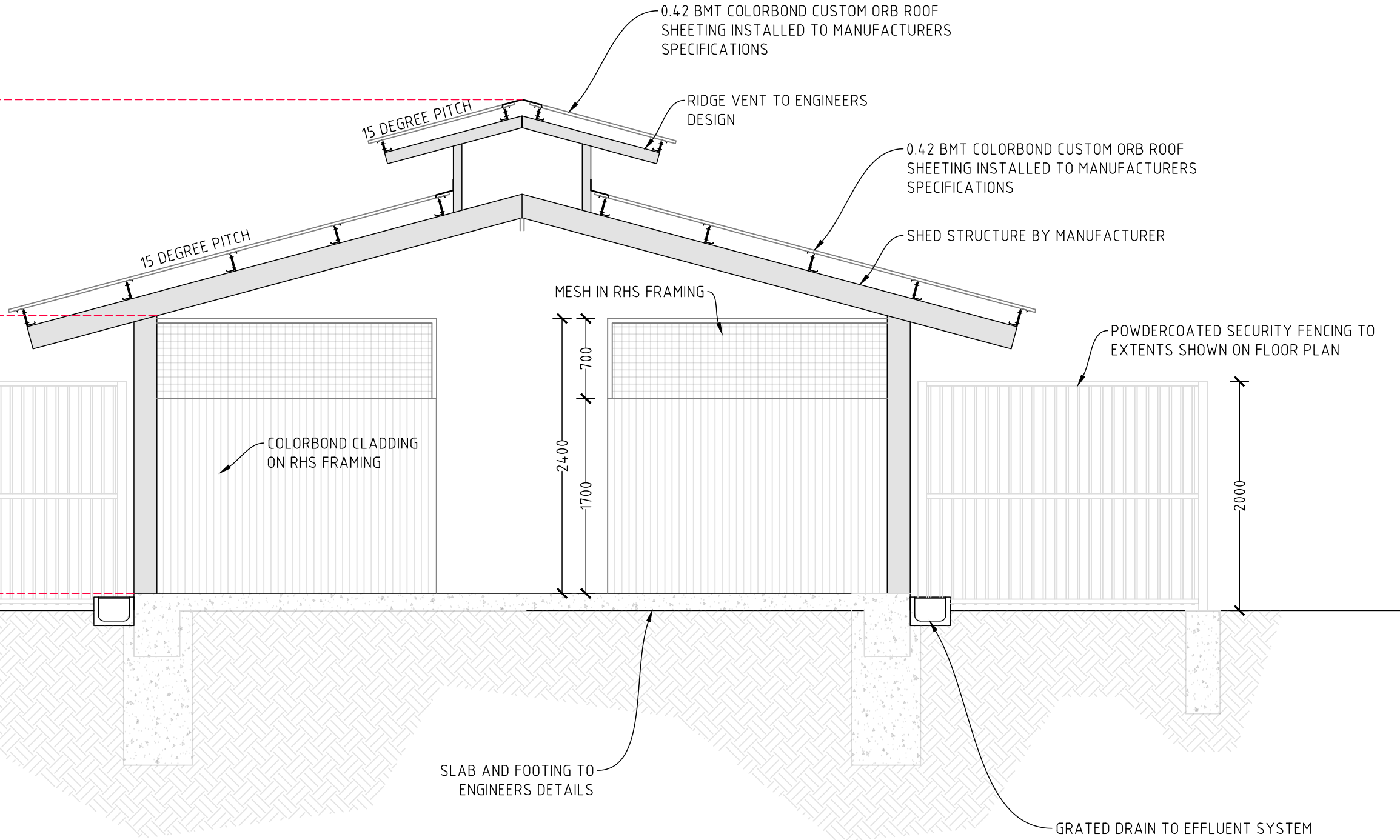
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APPROVED	CRH		

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SCALE 1:40

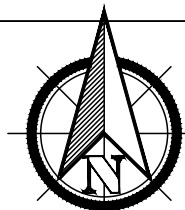
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PITCHING POINT 2.242

FFL 0.00



NO	DATE	AMMENDMENT	NOTES



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DRAWING TITLE
SECTION A-A

CLIENT
KATHERINE CONSTRUCTIONS

PROJECT
DESIGN AND CONSTRUCT
DOG POUND KTC
NTP 8001
NOVIS QUARRY RD
COSSACK NT


DATE 10/09/2024
DRAWN CRH
CHECKED CRH
APPROVED CRH

JOB NO 24005
REV A
DRAWING NO A05

Land owner/s authorisation to lodge a development application under the Planning Act 1999

****signatures from ALL landowners registered on the land title must be provided****

The owners and/or persons duly authorised as signatory on behalf of the landowner**, hereby authorise:		
NAME OF CONSULTANT OR ACTING AGENT ON BEHALF OF LANDOWNER (please print)	Clayton Holland, C.A.T. Contractors P/L	
Contact number:	Ph: 89722123	Mob: 0409491751
to lodge a development application under the <i>Planning Act 1999</i> over the property described as:		
LOT/ NT PORTION:	NTP 8001	
LOCATION/TOWN	Cossack NT	
STREET ADDRESS:	40 Novis Quarry Rd	
PROPOSED DEVELOPMENT:	Dog Pound	

OWNER'S SIGNATURE:		
FULL NAME: (please print)	INGRID STONHILL	
TITLE: (ie. company director/secretary)	CEO	
COMPANY NAME:	KATHERINE TOWN COUNCIL	
Contact number:	Ph: (08) 8972 5500	Mob:
DATE:	14/10/24	

OWNER'S SIGNATURE:		
FULL NAME: (please print)		
TITLE: (ie. company director/secretary)		
COMPANY NAME:		
Contact number:	Ph:	Mob:
DATE:		

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

Application No: PA2024/0334
 Lot number: NT Portion 8001 (40) Novis Quarry Road
 Town/Hundred: Cossack
 Zone: A (Agriculture)
 Site Area: 52.29ha
 Proposal: Dog Pound (Undefined Use)
 Plans used for assessment: AO1, AO2, A03, AO4, AO5.
 Date assessment finalised: 27 Nov 2024

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

Zone A (Agriculture)				
Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Council Dog Pound (Undefined)	Impact	Clause 3.2 CNV (Clearing of native vegetation) Clause 3.6 LSF (Land subject to flooding) Clause 3.8 (Land adjacent to designated road)	5.2.1 General Height Control 5.2.4.1 Car parking spaces 5.2.4.4 Layout of car parking areas 5.2.5 Loading bays 5.2.6.1 Landscaping in zones other than zone CB	5.7.2 Animal related use (Animal boarding and stables)

Clause 1.8(1)(c)(i)

(c) 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.

A Council dog pound is an undefined land use.

Clause 1.10 Exercise of Discretion by the Consent Authority

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.

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.

2.4 Strategic Framework

The following is relevant to the subject site.

Katherine Land Use Plan 2014 (KLUP)

The KLUP identifies the land for “Community Government” uses. The KLUP identifies the land as subject to a 1%AEP flood event. The land accommodates the Katherine Waste Management Facility. In relation to waste management Clause 3.6.3 (Waste management) recognises that the subject land is “*accessible in all weather (p29)*”.

The proposed development is to be owned and operated by the Katherine Council. Clause 3.8.5 (Community facilities) identifies Katherine as an important regional centre:

“Katherine has, and will continue to have, a role in providing a range of community facilities and services to residents and visitors to both the town and the broader region. There are a range of education, health, and community services including crisis and counselling, family and child care, housing, income support, rehabilitation and general support and welfare services (p37).”

The use of the land to provide a community facility for the purpose of a Council dog pound is generally consistent with the identified use of the land for “community government” purposes.

GENERALLY COMPLIES

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.

6. An application for the clearing of native vegetation is to demonstrate consideration of the following:

- (a) the Land Clearing Guidelines (as amended from time to time) by the agency responsible for natural resources and the environment;
- (b) the presence of threatened wildlife as declared under the Territory Parks and Wildlife Conservation Act 1976;
- (c) the presence of sensitive or significant vegetation communities such as rainforest, vine thicket, closed forest or riparian vegetation;
- (d) the presence of essential habitats, within the meaning of the Territory Parks and Wildlife Conservation Act 1976;
- (e) the impact of the clearing on regional biodiversity;
- (f) whether the clearing is necessary for the intended use;
- (g) whether there is sufficient water for the intended use;
- (h) whether the soils are suitable for the intended use;
- (i) whether the slope is suitable for the intended use;
- (j) the presence of permanent and seasonal water features such as billabongs and swamps;
- (k) the retention of native vegetation adjacent to waterways, wetlands and rainforests;
- (l) the retention of native vegetation buffers along boundaries;
- (m) the retention of native vegetation corridors between remnant native vegetation;
- (n) the presence of declared heritage places or archaeological sites within the meaning of the Heritage Act 2011; and
- (o) the presence of any sacred sites within the meaning of the NT Aboriginal Sacred Sites Act 1989.

The application details note that the site to accommodate the proposed dog pound is currently cleared. No additional clearing is proposed.

NOT APPLICABLE

3.6 Overlay – LSF (Land subject to flooding)

Purpose

Identify areas with a known risk of inundation from riverine flooding and ensure that development in these areas demonstrates adequate measure to minimise the associated risk to people, damage to property and costs to the general community.

Administration

1. Land subject to this Overlay is to be used or developed only with consent.
2. This Overlay does not apply to:
 - (a) outbuildings and extensions to existing dwellings; and
 - (b) extensions to existing commercial or industrial buildings;
 - (c) any use that complies with Clause 5.5.1 (Interchangeable Use and Development in Specific Zones); which, but for this Overlay, would not require consent; or
 - (d) unzoned land.
3. This overlay does not apply to the use and development of land for dwellings-group or dwellings-multiple when the land is subject to Overlay 3.11 RCFR (Rapid Creek Flood Response).
4. In this Overlay:
 - (a) "flood level" means the water level associated with a 1.0% AEP flood event or where that level cannot be determined, the level determined by the Controller of Water Resources within the meaning of the Water Act 1992;
 - (b) "AEP" means Annual Exceedance Probability, which is the likelihood, in percentage terms, of a flood of a given size occurring in a specified area in any one year;
 - (c) "DFE" means Defined Flood Event, which:
 - i. in an area subject to a floodplain management plan that defines a flood event, is as specified in that plan; or
 - ii. if there is no floodplain management plan that defines a flood event for an area, is the 1% AEP flood event;
 - (d) "DFA" means Defined Flood Area, which is the area that is inundated by the DFE as defined on mapping produced by the NT Government.
5. The consent authority may consent to a use or development that is not in accordance with sub-clause 6 only if it is satisfied that the application demonstrates that there is no increased risk to people and property including adjoining property, or increased cost to the community.

Requirements

6. In a DFA:
 - (a) the storage or disposal of environmentally hazardous industrial material and the development of fuel depots should be avoided;
 - (b) the minimum floor level of habitable rooms should be 300mm above the flood level for the site; and
 - (c) the use of fill to achieve required floor levels should be avoided.

The subject land is within a Defined Flood Area. No environmentally hazardous industrial materials have been identified and the development does not involve a fuel depot. No habitable rooms are proposed.

COMPLIES

3.8 Overlay – LADR (Land adjacent to a designated road)

Purpose

Ensure that access to a designated road from adjacent land does not prejudice traffic safety or the integrity and operation of the infrastructure.

Administration

1. Access to a use or development or proposed use or development from a designated road identified on this Overlay requires consent.
 2. Despite sub-clause 1, this Overlay does not apply where the agency responsible for the management of the designated road has provided written approval for the access.
-

3. The consent authority may only consent to an access to a use or development where the access complies with sub-clause 4.

Requirements

4. Any access from a designated road corridor must be in accordance with the requirements of the agency responsible for the management of the designated road, to the satisfaction of that agency.

The subject land has frontage to both Novis Quarry Road and Victorian Highway. The existing access from Novis Quarry Road is to be utilised from for the proposed development.

NOT APPLICABLE

4.20 Zone A – (Agriculture)

Zone Purpose

Provide and protect land with productive capability for a diverse range of agriculture.

Zone Outcomes

- 1. Predominantly agriculture, horticulture and plant nursery;*
- 2. Development that is complementary to and supports primary production including retail agriculture stall, industry-primary, stables, helicopter landing site and transport terminal, may also be established.*
- 3. Dwelling-group and rooming accommodation where necessary to support agriculture activities.*
- 4. Development such as caravan park, education establishment and renewable energy facility may be established where they complement agricultural activities and do not compromise the ongoing operation and viability of agriculture or the integrity of the zone.*
- 5. Development such as abattoir and intensive animal husbandry may also be established where they can be located, designed and managed to maintain the quality of the natural environment and the reasonable amenity of the locality.*
- 6. Subdivision primarily provides for lot sizes that are commercially viable for sustainable agriculture and responds to the capability of the land.*
- 7. Development avoids or minimises adverse impacts on ecologically important areas, through sensitive location, design, operation and management.*
- 8. Developments do not impose unsustainable demands on surface water and groundwater.*
- 9. Development provides for infrastructure and services that are commensurate with the locality and scale of development.*
- 10. 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 location of the proposed development is adjacent to the existing waste disposal facility. The KLUP identifies the location as having a low agricultural capability. The proposal will not prejudice the development of the land for agricultural purposes.

No ecologically sensitive areas have been identified that would be affected by the development. The location, nature, scale and intensity of the development are consistent with the zone purpose and outcomes. The location of the development will not significantly impact on the amenity of the locality.

COMPLIES

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

1. This clause does not apply if:
 - (a) The development is for the purpose of:
 - i. a telecommunications facility;
 - ii. a chimney, flag pole, aerial, antenna or lightning rod; or
 - iii. the housing of equipment relating to the operation of a lift; or
 - (b) an alternative height control is specified in clause 5.9 (Location specific development requirements).
2. The consent authority must not consent to a development in Alice Springs that is not in accordance with sub-clause 5.
3. The consent authority must not consent to a development on land in Zone MR abutting land in Zone LR that is not in accordance with sub-clause 6.
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

5. The building height of a development in the Municipality of Alice Springs is not to exceed:
 - (a) the maximum building height for the zone and use as specified in table A to this clause; or
 - (b) two storeys to a maximum of 8.5m if the zone and use is not included in table A to this clause.
6. The building height in all other areas is not to exceed:
 - (a) the maximum building height for the zone and use as specified in table B to this clause; or
 - (b) two storeys to a maximum of 8.5m if the zone and use is not included in table B to this clause.

The land is not within the Municipality of Alice Springs. Building height does not exceed 8.5m (4.31m).

COMPLIES

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 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).

The development is undefined. The NTPS defines animal boarding as:

“animal boarding means premises used as a commercial enterprise for the accommodation of domestic animals and may include where ancillary an office, but does not include intensive animal husbandry or stables;”

The nature of the proposed development is generally consistent with this land use definition other than it is not a commercial enterprise. The table to this clause requires that 1 car parking space be provided for every employee, plus 4. Six (6) carparking spaces are shown on the plans. The number of employees are not specified.

COMPIES – provided that the number of employees does not exceed 2.

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 suppressed in nonurban 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.

The proposed carparking area is more than 3 metres from any property boundary that abuts a road. No landscaping is proposed other than to retain the existing native vegetation of the land. The carparking area and associated driveway satisfy the required dimensions and are to be provided with a compacted gravel finish. The subject land is within a non-urban area.

COMPLIES

5.2.5 Loading bays

Purpose

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

Administration

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. 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

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). 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.

The land use is undefined. As detailed above the proposed development is similar to “animal boarding”. There is no requirement for loading bays for “animal boarding”.

NOT APPLICABLE

5.2.6.1 – Landscaping in zones other than zone CB.

Purpose

Ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall amenity of the locality.

Administration

1. *Landscaping may include provision of paved areas and areas for entertainment and recreational activities.*
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.*

No landscaping is proposed other than to retain the existing native vegetation to the site. No landscaping strategy is applicable to the area. In summary the application details note that by retaining existing native it is appropriate to the local climate and amenity of the locality.

COMPLIES

5.7.2 – Animal related use (Animal Boarding and stables)

Purpose

Minimise the adverse effect of animal related use on the environment and to ensure that those activities do not detract from the amenity of the locality.

Administration

- 1. The consent authority may consent to animal boarding or stables that is not in accordance with sub-clauses 3-6 only if it is satisfied it is appropriate to the site having regard to land capability and the potential impact on the amenity of the locality.*
- 2. Sub-clauses 4 and 5 do not apply in Zones SC, LI, GI and DV.*

Requirements

- 3. Premises for the keeping of animals for the purposes of animal boarding and stables are to be designed, sited and operated so as not to cause any of the following:*
 - (a) create risk of pollution of ground and surface waters;*
 - (b) contribute to the erosion of the site or other land;*
 - (c) cause detriment to the amenity of the locality by reason of excessive noise, offensive odours, excessive dust or the attraction of flies, vermin or otherwise; or*
 - (d) constitute a risk of the spread of infectious disease or other health risk.*
- 4. Any stables or structures used for animal boarding are to be setback 50m from any road frontage and 15m from any side or rear boundary.*
- 5. Minimum distance from a residential building on surrounding land to any stables or structures used for animal boarding is 100m.*
- 6. Fencing is to be provided to all property boundaries to ensure all animals are effectively contained within the site.*

The location of the dog pound is less than 50m from the closest road boundary. No residential buildings are located within 100m of the dog pound. Fencing is provided to the perimeter of the dog pound. The potential to impact on the amenity of the locality is minimal given the isolated nature of the location.

DOES NOT COMPLY – setback to adjoining road network.



KATHERINE
TOWN COUNCIL

24 Stuart Highway
PO Box 1071
Katherine NT 0851
records@ktc.nt.gov.au
Ph: 08 8972 5500
Fax: 08 8971 0305
ABN 4783 6889 865

Our Ref: NT Portion 08001, 40 Novis Quarry Road, Cossack NT
Your Ref: PA2024/0334

13 November 2024

Development Assessment Services
Department of Infrastructure, Planning and Logistics
GPO Box 1680
Darwin NT 0801

PROPOSED DEVELOPMENT APPLICATION – PA2024-0334 – NT PORTION 08001 – 40 NOVIS QUARRY ROAD – COSSACK NT

Council writes to advise the Development Assessment Services that no issues of concern have been identified with the Development Application (undefined use (council dog pound)) for NT Portion 08001, 40 Novis Quarry Road, Cossack NT.

Establishment of the dog pound is a Katherine Town Council identified project that will enhance Council essential services regarding animal and regulatory requirements and in turn will benefit the animal and community in its entirety.

As standard, Council would like to reiterate that the *Northern Territory Subdivision Development Guidelines* and *Council's Developer Contribution Plan* including vehicular access must be adhered to.

Yours sincerely

Ingrid Stonhill
CHIEF EXECUTIVE OFFICER



Container No: LD000/8001

DPLE - Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Steven,

RE: PA2024/0334 - N.T. Portion 8001 - 40 Novis Quarry Road Cossack - Council dog pound

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. Reticulated water services are available in the area. The developer will need to contact Power Water Development Services for a discussion, should a reticulated water service be required for this development.
3. 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 enquiries.

4. 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. 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.
5. 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 8995 5884, or email waterdevelopment@powerwater.com.au

Yours sincerely,

L Leyson

Louise Leyson

Services Development

15th November 2024

cc: Clayton Holland – C.A.T Contractors

email: Clayton@catcontractors.com.au

Phone 1800 245 092

Web powerwater.com.au

Record No: D2024/417456

Container No: NE000/8001

Your Ref: PA2024/0334

Steven Kubasiewicz
Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Steven

Re: NT Portion 8001 (40) Novis Quarry Road Cossack

In response to your letter of the above proposal for the purpose of council dog pound, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. This property is currently provided with limited capacity of power supply of 25kVA from overhead Substation 6521.
2. The landowner shall engage a licensed electrician to submit a revised overall maximum power demand calculation for both existing buildings and the new dog pound building on NT Portion 8001 to PWC for assessment on applicable power supply capacity upgrade requirements in accordance with the current Australian Energy Regulator (AER) process.
3. The engaged electrician shall install internal electricity reticulation for the proposed dwelling-group in accordance with PWC's current NP018 Service and Installation Rules 2024 and NP010-Meter Manual.

If you have any further queries, please contact Andrew Venhuizen, Senior Customer Connections Officer on 8924 5700.

Yours sincerely



Thanh Tang
Manager Distribution Development

5 November 2024

Steven Kubasiewicz
Development Assessment Services
GPO Box 1680
Darwin NT 0801

File reference
DDPI2010/3205-02-0038~0003
TCSD Project No: 2024-0144

Dear Steven

**Re: KATHERINE - NT PORTION 8001 - 40 NOVIS QUARRY ROAD, COSSACK - PROPOSED COUNCIL
DOG POUND - KATHERINE COUNCIL - UPSIDE PLANNING**

I refer to the Development Assessment Services' correspondence of 1 November 2024 regarding Planning Application PA2024/0334 on the proposed council dog pound.

I am pleased to advise that the Transport and Civil Services Division (TCSD), Department of Logistics and Infrastructure (DLI) has no objections in principle to the above mentioned development, subject to the following comments and requirements:

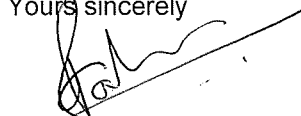
1. Victoria Highway is classified as a National Highway and direct property access shall be minimised. Accordingly, access to the development site shall not be permitted from the Victoria Highway. All access shall be provided from Novis Quarry Road to the standards and approval of the Katherine Town Council.
2. The developer, its contractor or service provider is required to obtain a "Permit to Work within the NTG Road Reserves" prior to the commencement of any works within the Victoria Highway road reserve.
3. The installation of any services or service connections within the Victoria Highway road reserve is subject to TCSD, DLI approval. All service related works are to be contained within the appropriate nominal service corridor (refer standard drawing CS-3001).
4. Upon completion of any works within the Victoria Highway road reserve, the road reserve shall be rehabilitated to the standards and requirements of the TCSD, DLI.
5. The finish of any prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or of variable message). The sign shall be positioned:
 - (i) so as not to create sun or headlight reflection to motorists; and
 - (ii) be located entirely (including foundations and aurally) within the subject Lot.

Advertising signage including temporary or permanent, e.g. 'A' frame, vehicle or trailer mounted, etc. shall not be erected or located within the Victoria Highway road reserve.

Should you wish to discuss the above mentioned further, please contact the TCSD on telephone 8999 4412.

Please quote the TCSD Project No 2024-0144 in all correspondence.

Yours sincerely



Chandan Kalase
Executive Director, Transport Planning

13/11/2024

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

Dear Mr Kubasiewicz

Re: PA2024/0334 Undefined use (council dog pound)

The above application has been assessed by the relevant environmental divisions within the department and the following comment is provided:

Water Resources Division

Groundwater & Surface water

The Groundwater and Surface Water Assessment teams have assessed the above application and have identified no issues of concern.

Licensing and Regulation

NT Portion 8001 (40 Novis Quarry Rd) lies within the Groundwater Discharge Protection Area (GDPA), of the Katherine Tindall Limestone Aquifer Water Allocation Plan 2024-2026 of the Daly Roper Beetaloo Water Control District.

NT Portion 8001 has groundwater extraction licence TLA102, held by Katherine Town Council, allowing extraction of up to 524ML/year from the Katherine Tindall Limestone Aquifer, for cultural beneficial use. TLA102 is due to expire 30 April 2029.

There are six registered bores on the land, including RN031131, which is an authorised extraction point on TLA102. NT Portion 8001 is authorised on the licence as a land on which the water can be used.

Over the previous three water years, the licence holder has reported extraction of 503 ML, 360 ML, and 358 ML. Provided the licence holder adequately manages their water use, there should be adequate capacity for groundwater to be extracted for the pound under the existing licence.

Under the Katherine Tindall Limestone Aquifer Water Allocation Plan 2024-2026, it is recommended that no new groundwater extraction licences be issued within the GDPA to protect spring-fed discharges and assist in maintaining groundwater flows. This recommendation would include any applications to increase an existing entitlement. Trading of water entitlements remains possible within the GDPA in accordance with the plan.

As the land lies within a Water Control District, a Bore Work Permit is required for investigative drilling, bore

construction and work on existing bores, and an application to amend the licence must be approved by the delegate of the Controller of Water Resources to add a new bore to the water licence. All work must be undertaken by an NT licensed driller in accordance with the Minimum Construction Requirements for Water Bores in Australia.

Further information can be obtained from the DLPE website¹ and by contacting water.licensing@nt.gov.au or call 08 8999 4455.

Environment Division

The information provided regarding the proposal does not appear to trigger licensing requirements of an Environment Protection Approval under the *Waste Management and Pollution Control Act 1998* (WMPC Act).

Should the proponent collect, transport, store, recycle or treat listed wastes on a commercial or fee for service basis as part of the premises development, then an Environment Protection Approval or Licence will be required to authorise the activity under the WMPC Act. Any listed wastes generated during the construction or operation of the facility must be transported by an appropriately licensed waste handler to an appropriately licensed facility for treatment, recycling and/or disposal.

There are statutory obligations under the WMPC Act that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the WMPC Act, including the General Environmental Duty under section 12 of the WMPC Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the WMPC Act.

Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority (NT EPA) website².

To help satisfy the General Environmental Duty, the proponent is advised to take notice of the list of environmental considerations below. The list is not exhaustive, and the proponent is responsible for ensuring their activities do not result in non-compliance with the WMPC Act.

The WMPC Act, administered by the NT EPA, is separate to and not reduced or affected in any way by other legislation administered by other departments or authorities. The NT EPA may take enforcement action or issue statutory instruments should there be non-compliance with the WMPC Act.

A non-exhaustive list of environmental issues that should be considered to help satisfy the environmental duty are listed below:

1. **Dust:** The proposed activities have the potential to generate dust, particularly during the dry season. The proponent must ensure that nuisance dust and/or nuisance airborne particles are not discharged or emitted beyond the boundaries of the premises.
2. **Noise:** The proponent is to ensure that the noise levels from the proposed premises comply with the latest version of the NT EPA Northern Territory Noise Management Framework Guideline available online³.

¹ <https://nt.gov.au/environment/water>

² <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>

³ https://ntepa.nt.gov.au/_data/assets/pdf_file/0004/566356/noise_management_framework_guideline.pdf

3. **Erosion and Sediment Control (ESC):** The proponent must ensure that pollution and/or environment harm do not result from soil erosion.

The ESC measures should be employed prior to and throughout the construction stage of the development. Larger projects should plan, install and maintain ESC measures in accordance with the current International Erosion and Sediment Control Association (IECA) Australia guidelines and specifications.

Where sediment basins are required by the development, the NT EPA recommends the use of at least Type B basins, unless prevented by site specific topography or other physical constraints.

Basic advice for small development projects is provided by the NT EPA document: Guidelines to Prevent Pollution from Building Sites⁴ and Keeping Our Stormwater Clean⁵.

4. **Water:** If this activity requires the discharge of waste to water or could cause water to be polluted then a waste discharge licence under the *Water Act 1992* (NT) may be required. Please refer to the Guidelines⁶.
5. **Storage:** If an Environment Protection Approval or Environment Protection Licence is not required, the proponent should store liquids only in secure bunded areas in accordance with VIC EPA Publication 1698: Liquid storage and handling guidelines, June 2018, as amended. Where these guidelines are not relevant, the storage should be at least 110% of the total capacity of the largest vessel in the area.

Where an Environment Protection Approval or Environment Protection Licence is required, the proponent must only accept, handle or store at the premises listed waste, including asbestos, as defined by the WMPC Act, in accordance with that authorisation.

6. **Site Contamination:** If the proposal relates to a change of land use or if the site is contaminated, including as a result from historical activities such as cyclones, a contaminated land assessment maybe required in accordance with the National Environment Protection (Assessment for Site Contamination) Measure (ASC NEPM). The proponent is encouraged to refer to the information provided on the NT EPA website⁷ and the NT Contaminated Land Guidelines⁸.
7. **Waste Management - Import and Export of Fill:** The proposed activities have the potential to generate fill and/or involve the importation of fill for use on-site. Untested fill material may already be present on the site. All fill imported or generated and exported as part of the activity must either be certified virgin excavated natural material (VENM) or be sampled and tested in line with the NSW EPA Guidelines⁹.

All imported fill material must be accompanied by details of its nature, origin, volume, testing and transportation details. All records must be retained and made available to authorised officers, upon request. The proponent should also consider the following NT EPA fact sheets: How to avoid the dangers of accepting illegal fill onto your land¹⁰, and Illegal Dumping - What You Need to Know¹¹.

⁴ https://ntepa.nt.gov.au/_data/assets/pdf_file/0010/284680/guideline_prevent_pollution_building_sites.pdf

⁵ https://ntepa.nt.gov.au/_data/assets/pdf_file/0006/284676/guideline_keeping_stormwater_clean_builders_guide.pdf

⁶ https://ntepa.nt.gov.au/_data/assets/pdf_file/0005/950603/guidelines-waste-discharge-licensing.pdf

⁷ <https://ntepa.nt.gov.au/your-environment/contaminated-land>

⁸ https://ntepa.nt.gov.au/_data/assets/pdf_file/0020/434540/guideline_contaminated_land.pdf

⁹ <https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/virgin-excavated-natural-material>

¹⁰ https://ntepa.nt.gov.au/_data/assets/pdf_file/0005/285728/factsheet_avoid_danger_accepting_illegal_fill_to_your_land.pdf

¹¹ https://ntepa.nt.gov.au/_data/assets/pdf_file/0008/285740/factsheet_illegal_dumping_what_you_need_to_know.pdf

8. **Odour or Smoke:** The proposed activities may have the potential to create odours and/or smoke. The proponent must ensure that nuisance odours or smoke are not emitted beyond the boundaries of the premises.

Heritage Branch

Context of Heritage Branch Advice

The 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 provided 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 under the Northern Territory's *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;
6. There is an obligation to notify of the discovery of Aboriginal or Macassan archaeological places or objects.

Conditions of advice

1. 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.

Actions

The following actions have been taken in relation to the enquiry.

- A search of the NT Heritage Register;
- A search for known archaeological places located within the subject site on the Heritage Branch archaeological database;
- A search for known archaeological places located within the proximity of the subject site on the Heritage Branch archaeological database;

- The extent of pre-existing ground disturbance;
- The scale and nature of the work proposed (major, moderate or minor);
- Areas identified as being excluded from the work footprint e.g. riparian buffers; and
- An assessment of the likelihood of unrecorded archaeological places existing within the subject site, based on landscape features, known archaeological places in the vicinity, and other predictive tools.

Advice

The search has found that there are no known Aboriginal or Macassan archaeological places and objects within the subject site, and the likelihood of unrecorded Aboriginal or Macassan archaeological places existing is unlikely. 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 area.

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

Yours sincerely



Jason Hill
A/Executive Director Rangelands

15 November 2024

Attachment – Copy of Water Extraction Licence TLA102

Northern Territory of Australia
LICENCE TO TAKE WATER
 Section 60 of the Water Act 1992

Licence Details

Licence Number:	TLA102	
Licence Holder:	Katherine Town Council	
Registered Address:	PO Box 1071, Katherine NT 0851	
Commencement Date:	1 May 2019	
Expiry Date:	30 April 2029	
Water Control District:	Daly Roper Beetaloo Water Control District	
Water Allocation Plan:	Katherine Tindall Limestone Water Allocation Plan 2024 - 2026	
Water Resource:	Katherine Tindall Limestone Aquifer	
Management Zone:	Groundwater Discharge Protection Area	N/A (Outside of the Groundwater Discharge Protection Area)
Extraction Point(s):	RN004881, RN020119, RN021099, RN022025, RN022026, RN022027, RN022130, RN022486, RN022661, RN022836, RN029217, RN031105, RN031131, RN031865, RN033019, RN039727, RN040407, RN041581, RN043638	RN030662
Land on which the water is used:	Lots 456, 624, 1071, 1481, 1865, 1873, 1922, 1926, 1932, 2018, 2161, 2169, 2771, 2922, 3177, 3182, 3216, 3217 Town of Katherine; and NT Portion 8001	
Licence Trading Allowed	Yes	
Beneficial use(s) for which water taken under this licence is used		
Cultural	506 ML/Year (Groundwater Discharge Protection Area) 18 ML/Year (Outside of the Groundwater Discharge Protection Area)	
Total Maximum Water Entitlement:	524 ML/Year	

These Licence Details form part of the conditions of the licence as specified below.

Preamble

Water extraction licences form part of an adaptive management framework for managing water resources in the Northern Territory.

Compliance and regulation of licences is undertaken in a transparent, timely, fair and respectful manner in accordance with natural justice principles and the Department's [Customer Service Charter](#).

Information about this licence

Notes

The Controller may amend, revoke, suspend or modify this licence at any time, in accordance with s 93 of the Act.

This licence does not guarantee that water will be available from the Water Resource specified in the Licence Details, at any given time.

This licence does not give the Licence Holder a right to access land for the purpose of extraction of water or use of water. It is the Licence Holder's responsibility to ensure they have the legal right to access the land from which water is taken and upon which water is used.

If a Water Allocation Plan applies to a Water Resource to which this licence relates, the licensed water entitlement may be traded in accordance with the requirements of that plan, the [Trading Licensed Water Entitlements Policy](#), and the trade agreement which is made between the buyer and the seller and approved by the Controller.

Renewal, amendment and surrender of this licence

To renew your licence, an [application to renew a licence form](#) must be submitted to water.regulation@nt.gov.au at least **6 months** prior to the Expiry Date specified in the Licence Details.

If no application is made to renew the licence, the licence will expire.

To amend the licence or a condition of the licence, the Licence Holder must complete an [application to amend a licence form](#) which can be submitted by email sent to water.regulation@nt.gov.au.

The Licence Holder may surrender this licence at any time by notifying the Department of its surrender by email sent to water.regulation@nt.gov.au.

Compliance

The Licence Holder must comply with the *Water Act 1992 (the Act)* the *Water Regulations 1992 (the Regulations)* and all other applicable laws. Strict penalties apply for non-compliance.

This licence to take water includes licence conditions which are outlined below. These conditions impose obligations on the Licence Holder, including the requirement to report meter readings to the department on a monthly or quarterly basis. Licence Holders must fulfil all of the duties and perform all of the obligations set out in the conditions of this licence.

Contravention of the licence conditions is an offence under the Act and may result in financial penalties and/or the suspension or revocation of this licence.

Please read the licence conditions carefully. If you have any questions, please contact the Water Resources Division by sending an email to water.regulation@nt.gov.au.

Authorised Officers

Authorised Officers have the power to enter land by appointment, or without notice if required, to ascertain whether a breach of the Act or a breach of a condition of this licence has occurred. It is an offence to obstruct or hinder an Authorised Officer acting in their official capacity under the Act.

Interpretation

Unless a contrary intention appears, words or terms used in the conditions of this licence have the same meaning as in the Act, including any regulations or policies made under the Act.

General Conditions

- GC1 All notices, reports, documents or other correspondence required to be provided as a condition of this licence must be provided in electronic form by email to water.regulation@nt.gov.au, unless otherwise agreed with an Officer, or specified as a condition of this licence.
- GC2 The Licence Holder must immediately notify the Department on becoming aware of non-compliance (or suspected non-compliance) with any condition of this licence.
- GC3 The Licence Holder must notify the Department within 10 business days of any change to the name or contact details of the Licence Holder.
- GC4 If there is to be a transfer of the ownership of Land, or an interest in the Land, to which this licence relates, the Licence Holder must inform the Department as soon as practicable, and not later than 10 business days prior to the transfer occurring.
- GC5 This licence is in force from the Commencement Date, and until the Expiry Date, as specified in the Licence Details.

Water Extraction Conditions

- WEC1 The Licence Holder must only take water from the Water Resource specified in the Licence Details.
- WEC2 The Licence Holder may only extract water under this licence for use on Land specified in the Licence Details.
- WEC3 The Licence Holder must only extract water from Extraction Point(s) specified in the Licence Details.
- WEC4 The Licence Holder must maintain any bore and backflow prevention device associated with the Extraction Point(s) specified in the Licence Details, in accordance with the [Minimum Construction Requirements for Water Bores in Australia](#).
- WEC5 The Licence Holder must maintain a contemporaneous written record of all maintenance activities undertaken on any bores and backflow prevention devices. These records must be maintained for the duration of the licence, and three years following its expiry. The records must be made available to the Controller or an Authorised Officer on request.
- WEC6 The Licence Holder must not in any year of this Licence (which year commences on 1 May and ends on 30 April) extract more than the Extraction Limit (and for any part of a year must not extract more than a pro rata amount) as shown in the Table below.

Period	Entitlement for the Groundwater Discharge Protection Area	Entitlement for outside of the Groundwater Discharge Protection Area
1 May 2024 – 30 April 2025	506 ML	18 ML
1 May 2025 – 30 April 2026	506 ML	18 ML
1 May 2026 – 30 April 2027	506 ML	18 ML
1 May 2027 – 30 April 2028	506 ML	18 ML
1 May 2028 – 30 April 2029	506 ML	18 ML

The **Extraction Limit** is the Total Maximum Water Entitlement specified in the Licence Details, or, where the Controller has determined an Annual Announced Allocation, the Total Maximum Water Entitlement multiplied by the percentage stated in the Annual Announced Allocation.

- WEC7 The Licence Holder must not extract more than 30% of the Extraction Limit in any one calendar month, without the prior written approval of the Controller.
- WEC8 The Licence Holder must extract at least 90% of the Extraction Limit in at least one year (which year commences on 1 May and ends on 30 April) of any three consecutive years for the duration of the licence.
- WEC9 If the Licence Holder does not extract the minimum required by WEC8, the Licence Holder must notify the Department the reasons why and provide a projection of water requirements for the remaining term of the licence.

Water Use Conditions

- WUC1 The Licence Holder may only use water extracted under this licence on the Land specified in the Licence Details.
- WUC2 The Licence Holder may only use water for the beneficial use(s) specified in the Licence Details.

Metering Conditions

- MC1 The Licence Holder must, at each Extraction Point specified in the Licence Details, and prior to any extraction occurring under the licence, install and maintain a meter that complies with the *Northern Territory Non-Urban Water Metering Code of Practice for Water Extraction Licences*.
- MC2 All water extracted under this licence must be measured by such a water meter.
- MC3 The Licence Holder must notify the Department of a water meter being installed or replaced within 10 business days of that occurring. The notification must contain:
- (a) photographs of the meter being replaced and the meter being installed, including a photograph of the serial number and a photograph of the replacement meter and all replacement pipework within 10 metres of the Extraction Point (which is to be photographed while visible); and,
 - (b) where a water meter has been replaced, the final meter reading and a photograph of the reading on the replaced meter.
- MC4 The Licence Holder must maintain records of the manufacturer's specifications of any water meter installed and maintained, as well as contemporaneous written records of any maintenance undertaken of a water meter. These records must be maintained for the duration of the licence, and three years following its expiry. These records must be provided to the Controller or an Authorised Officer upon their request.
- MC5 The Licence Holder must not tamper with, or permit any other person to tamper with, any installed water meter.
- MC6 The Licence Holder must ensure that each installed water meter is in a condition that it can be conveniently read or examined at any time.
- MC7 The Licence Holder must ensure that each installed water meter is safely accessible at all times, and is free from overgrown vegetation or any potential hazards.

Monitoring and Reporting Conditions

MRC1 Within 14 days following the end of each calendar month, the Licence Holder must supply the Controller with meter readings from each Extraction Point listed in the Licence Details.



Tom Boyle
Director Water Regulation
Delegate of the Controller of Water Resources Date: 27 August 2024

This licence should be interpreted in accordance with the *Interpretation Act 1978* (NT).

Term	Definition
Act	the <i>Water Act 1992</i> (NT)
Annual Announced Allocation	the percentage determined and announced by the Controller before 1 May by which the Total Maximum Water Entitlement available under a licence is reduced for the forthcoming year
Authorised Officer	a person appointed under section 21 of the Act as an Authorised Officer for the purposes of the Act
Controller	the Controller of Water Resources, appointed under section 18 of the Act, including a delegate of the Controller
Department	the Department of Environment, Parks and Water Security, or any future department or agency that has the responsibilities for administering the functions in the Act relating to the licensing and regulation of water resources
Extraction Limit	the Total Maximum Water Entitlement specified in the Licence Details, or, where the Controller has determined an Annual Announced Allocation, the Total Maximum Water Entitlement multiplied by the percentage stated in the Annual
Land	the Land from which the water is taken and on which the water is used as listed under the Licence Details
Licence Details	the information in the table on the front page of this document
Officer	a staff member of the Water Regulation Branch of the Water Regulation Division, or of any future branch or business unit that has the responsibilities for the administrative and regulatory functions of the Act
Regulations	the <i>Water Regulations 1992</i> (NT)
Quarter	means the financial year quarters: 30 September, 31 December, 31 March and 30
Water Allocation Plan	a Water Allocation Plan declared in accordance with section 22B of the <i>Water Act</i>
Water Resource	the Water Resource listed under the Licence Details