



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 208 – WEDNESDAY 4 DECEMBER 2024

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

MEMBERS PRESENT: Suzanne Philip (Chair), attended via Teams link Annabel McLarty and Marion Guppy

APOLOGIES: Allan Domaschenz, Denis Coburn and Madeleine Bower
LEAVE OF ABSENCE None

OFFICERS PRESENT: Steven Kubasiewicz and Ann-Marie Reynolds (Development Assessment Services)

COUNCIL REPRESENTATIVE: Matt Arnott

Meeting opened at 11.00 am and closed at 11.15 am

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1
PA2024/0334 **UNDEFINED USE (COUNCIL DOG POUND)**
NT PORTION 8001 (40) NOVIS QUARRY ROAD, COSSACK
APPLICANT C.A.T Contractors P/L

Pursuant to section 97 of the *Planning Act 1999*, Denis Coburn and Madeleine Bower, Community Members of the Katherine Division of the Development Consent Authority disclosed an interest and were not present during, did not contribute to or took part in the deliberation or decision of the Division in relation to this item.

Applicant Clayton Holland (CAT Contractors P/L) and Pat Arnold (Katherine Constructions) attended.

RESOLVED
21/24

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, Cossack for the purpose of 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;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.

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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 any new on-site wastewater management system has been installed by a qualified licensed Self-Certifying Plumber and complies with the NT Code of Practice for Wastewater Management.
8. Before the use or occupation of the development, certification is to be provided by an appropriately qualified site and soil evaluator that any new on-site wastewater management system has been installed by a qualified licensed Self-Certifying Plumber and complies with the NT Code of Practice for Wastewater Management.
9. 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

1. 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.
2. 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

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

3. 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
4. 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.
5. 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.
6. 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.
7. Any new on-site wastewater management system is to be installed in accordance with the Code of Practice for Wastewater Management.

REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and a 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

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(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

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residential development within the locality and no potential impact on the existing or future amenity of the locality.

FOR: 3

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

06 December 2024