

**DEVELOPMENT CONSENT AUTHORITY  
LITCHFIELD DIVISION**

**NORTHERN TERRITORY PLANNING SCHEME 2020**

**AGENDA ITEM: 2**      **MEETING DATE:** 18/06/2025      **FILE:** PA2025/0112

**APPLICATION PURPOSE:** Outbuilding (carport) addition to an existing dwelling-single with a reduced building setback to the side boundary

**SUBJECT SITE:** Section 3452 (106) Lagoon Road, Knuckey Lagoon,  
Hundred of Bagot

**ZONE:** R (Rural)

**SITE AREA:** 39,400m<sup>2</sup>

**APPLICANT** Developing the North (Miss Lucia Reilly)

**PERSONS ON WHOSE BEHALF THE APPLICATION IS MADE** Landowners

**LANDOWNER** Mr Gary Harte  
Mrs Dawn Harte

**ANY PERSON WITH AN AGREEMENT TO ACQUIRE AN INTEREST IN THE LAND** None

**1. PROPOSAL**

This application seeks retrospective consent for an outbuilding (carport) in the southwestern private open space area of the site. Design features of the carport are:

- Single storey steel structure
- Open sided along all elevations.
- Dimensions of 12m (l) x 8m (w) with a height of 4.2m (skillion roof tilting towards the northern boundary)

The statement of effect indicates that the carport will be used for residential vehicles.

The outbuilding has building setbacks of:

Lot Boundary	Proposed Setback	NTPS2020 Requirement
Primary Street	45.7m	10m
Rear Boundary	301m	10m
Side (southern) Boundary	9.5m (support columns) 9.3m (roof eaves)	10m (support columns) 9.1m (roof eaves & gutters)
Side (northern) Boundary	154m	10m



Location of carport on Lot 3452

A copy of the application as lodged and referred to service authorities is at **Bookmark B1 – B2**.

## 2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

The application is merit assessable under sub-clause 1(b)(ii)(2) of Clause 1.8 of the NT Planning Scheme 2020 (NTPS2020) as while the dwelling-single and (ancillary) outbuilding is usually a permitted land use in Zone R, a variation is sought to Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures).

*In considering an application for consent for a use or development that has become Merit Assessable under Clause 1.8(1)(b)(ii)(2), the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.*

## 3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should vary the requirements of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme 2020 and approve the application subject to conditions on the development permit.

## 4. BACKGROUND

The site is located within an established rural area, with adjacent and nearby land zoned R (Rural). The property is irregular in shape, with vehicle access provided via a kerb crossover along the western boundary. An electricity easement runs along the eastern boundary, and the site is subject to the Clause 3.5 overlay (Land in Proximity to Airports).

The application was initiated in response to a complaint concerning the unauthorised operation of a transport terminal on the subject site. This use has since been discontinued, and the landowner is currently undertaking actions to resolve any outstanding planning compliance matters.

The dwelling-single was privately constructed circa 1990, with subsequent additions made to the residence and associated outbuildings. The primary land use is a dwelling-single, which is permitted under zone R. Multiple structures currently exist on the site. The current owners purchased the property in 2022. No prior planning applications have been lodged for the site, and the existing carport was constructed without development approval.



Existing Carport

## 5. PUBLIC EXHIBITION

Pursuant to section 47B(1)(b) of the *Planning Act 1999* and section 8A(1)(a)(ii) of the *Planning Regulations 2000*, the application was referred via Australia Post to the owners of affected adjoining property (Section 3370 (90) Lagoon Road), for a two-week comment period. One public submission was received under section 49 of the *Planning Act 1999*. (**Bookmark E1**)

## 6. 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 relevant matters listed under that section. It is also worth noting that section 51(3) states that when considering a development application under subsection 51(1), the consent authority must apply the relevant considerations to only those components of the development that triggered the requirement for consent under the planning scheme.

In this instance, the requirement for consent is that under the NTPS2020, the proposed development/use has become 'Merit Assessable'. This is discussed further in the report.

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

The NT Planning Scheme 2020 (NTPS2020) applies to the land which is zoned R (Rural), a technical assessment of the proposal is at **Bookmark C**. The proposal is found to be compliant with the NTPS2020 except for Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), to which a variation is sought in the application.

Retrospective approval is also sought for an existing outbuilding (carport) that will have a reduced building setback to the southern side boundary of the site (9.5m setback for the support columns and 9.3m setback for the roof eaves).

Sub-clause 2 of Clause 1.10 of the NTPS2020 specifies that *in considering an application for consent for a use or development that has become Merit Assessable under Clause 1.8(1)(b)(ii)(2), the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.*

Table D to Clause 5.4.3 requires that, in Zone R, the external walls of an outbuilding or residential building are setback a minimum of 10m to side and rear boundaries (9.1m building setback for roof eaves and gutters).

The assessment notes that the proposed outbuilding will have a reduced building setback to the southern side boundary of the site (9.5m setback for the support columns and 9.3m for the roof eaves).

Therefore, in this instance, the relevant requirements, including the purpose of the requirements, as set out in Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) have been considered by the Authority as follows:

### Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)

The purpose of Clause 5.4.3 is to: *Ensure that residential buildings and ancillary structures are located in a manner that:*

- (a) is compatible with the streetscape and surrounding development including residential buildings on the same site;*
- (b) minimises adverse effects of building massing when viewed from adjoining land and the street;*
- (c) avoids undue overlooking of adjoining properties; and*
- (d) facilitates breeze penetration through and between buildings.*

Pursuant to sub-clause 3 of Clause 5.4.3 of the NTPS2020, the Development Consent Authority – *may consent to a development that is not in accordance with sub-clauses 6-8 (of Clause 5.4.3) only if it is satisfied that the reduced setback is consistent with the purpose of Clause 5.4.3 and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.*

Having regard to the purpose of the clause, the 9.5m (support columns) setback and 9.3m (roof eave) setback are considered to be appropriate in this instance because:

#### (a) Compatibility of the proposal with streetscape and surrounding development including residential buildings on the same site.

- Lagoon Road and adjacent lots have a mixed character of dwelling densities, dwelling/outbuilding designs, floor areas, building footprints and vegetation for each lot.
- Carports are a form of development expected within zone R and would be permitted if not for the setback.
- The 9.5m setback complies with section 3 of the *Fire and Emergency Act 1996* which states that there is a firebreak requirement in Emergency Response Areas (of which Lagoon Road is), to be at least 4m wide.
- The building setback is 5% (support columns) and 6.6% (roof eaves) less than the NTPS2020 minimum requirement.

#### (b) Minimises adverse effects of building massing when viewed from adjoining land and the street

- The carport is a single storey, open structure and the height and size are reasonable to what would be anticipated.
- It is located 45.7m from the primary boundary which has mature established landscaping and is not considered to be overly imposing on the streetscape and is unlikely to contribute to the detrimental effects of building mass.



(c) Avoids undue overlooking of adjoining properties

- The dense landscaping at the southern boundary of the subject site provides visual privacy to the affected neighbours boundary and is seen to reduce the impact on the amenity of the adjoining property.



Aerial photo of the site

(d) Facilitates breeze penetration through and between buildings.

- As the structure is open sided, it is not predicted to prevent breeze penetration.

Clause 3.5 (Land in Proximity to Airports)

The purpose of Clause 3.5 is to: *Identify areas which may be subject to its proximity to an airport, and ensure that the use and development of land in these areas:*

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

Sub-clause 4 states: *Lighting associated with development on land within flight approach paths is to ensure it does not to prejudice the safe operation of an airport.*

Sub-clause 5 states: *the use and development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport.*

The carport (existing) is ancillary to the dwelling-single which will not result in a new or intensified use at the site and the non-urban character of the land will be retained. No detrimental impacts on airport activities, by the way of bird/bat attractants or external lighting, or changes to aircraft noise impacts, are anticipated.

Additionally, the Department of Defence has assessed the proposal with regards to any potential impacts to its activities and operations and does not object to the proposal.

- (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. Additionally, the Department of Lands, Planning and Environment–Development Coordination, Rangelands Division did not identify any requirements.

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

The following public submission enclosed in full at **Bookmark E1** was received under Section 49 of the *Planning Act 1999*:

### **Herman Hendrik Nyhuis & Lynn Hendrika Nyhuis of 90 Lagoon Road, Knuckey Lagoon**

The complainant addresses the ongoing complaint regarding industrial use on the site which is prohibited. The complainant references several structures on the site and questions whether they are being used for private purposes or part of the 'industrial' use of the property. Questions are raised regarding the structures having building approval or be cyclone coded and seem to be illegal, unapproved structures. The complainant states the application for the carport seems to affirm the industrial use of the property.

In response to the above submission the following comments from DAS are:

- Further structures and/or building work outside of the outbuilding (carport) do not form part of the assessment of this development application and are matters to be dealt with separately by the relevant authorities.
- The ongoing complaint regarding an unapproved transport terminal has now been resolved and the use of the land is now compliant.

- (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 application submits that the proposal has the following merits:

- “The intended use of the site is compatible with surrounding areas.
- The landscaping buffer provides visual, noise & dust mitigation to the southern boundary.
- The outbuilding offers practical benefits without significantly impacting the surrounding environment.
- The structure is ancillary to a single-dwelling, serving the essential function of providing covered parking, thereby improving the liveability and convenience for the residents.
- Given its limited scale and the fact it does not interfere with the public infrastructure or neighbouring properties, the encroachment could be considered a minor deviation rather than a substantial violation.
- The outbuilding helps alleviate street parking congestion by providing off-street parking, which improves traffic flow and reduces the risk of accidents or inconveniences caused by parked cars.
- Because the carport is an ancillary structure, it is relatively low impact, which means it is unlikely to cause significant disruptions to neighbouring properties or infringe upon public spaces.”

- (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***

The subject site is within an established rural area. The location of the carport is reasonably leveled, unconstrained by underground services or easements and is considered capable of supporting the carport.

The setback of the carport meets the requirements of the *Fire and Emergency Regulations 1996* which states that there needs to be a 4m firebreak around the entire boundary of the property. Additionally, the Department of Lands, Planning and Environment–Development Coordination, Rangelands Division did not identify any requirements.

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

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

- (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:**

#### Litchfield Council – Bookmark D1

Litchfield Council has stated they support the granting of a development permit as they feel there is no perceived impact on neighboring amenity or obstruction of legislated firebreaks.

A Condition Precedent was requested regarding a schematic storm-water plan and General Conditions regarding storm-water and easements.

Council also raised the following comments for the Authority's consideration:

- To demolish the structure on the site plan in dark blue (**Bookmark D1**) as soon as possible.
- Yellow structure on the site plan (**Bookmark D1**) identified as a temporary shade structure seems to be two shipping containers joined by a dome shade structure. This structure is within the setback to the boundary fence and seems to be not temporary. This should be subject to a development application.
- Three of the structures from the site plan seem to be demountable type structures and should be addressed through a development application.
- It is evident through aerial images of the property; heavy vehicles are utilising the driveway as Council notes the use of the full road reserve width to enable a large turn movement in and out of the property. Should the property be used for a home based business, necessary approvals should be sought or otherwise cease. Any additional wear and tear on the road affronting the property may require additional maintenance at the property owner's expense.

### **DAS Comments**

Development Assessment Services (DAS) have questioned the applicant on matters raised by Litchfield Council. The applicant acknowledged Council's comments and the potential setback encroachment by the structure (shown as yellow near the boundary containing a canopy between two sea containers) and advised that the structure is movable and can be made compliant. The Authority may wish to question the applicant as to whether this can be done and/or require the applicant to provide amended plans demonstrating compliance of the structure with Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures). A condition of approval can be included in any permits granted to address this issue.

Council also noted that there may be more than two demountable structures on the site, and this had also been confirmed by DAS. The Authority may wish to question the applicant as to how many containers are currently on site and how many they wish to retain in order to confirm compliance with Clause 5.8.7 (Demountable Structures).

### Service Authority:

#### Power Networks Network Engineering – Power & Water Registry – Bookmark D2

PWC has stated that they have no objections or requirements to the proposed retrospective outbuilding (carport) addition.

#### Water Services Land Development – Power and Water Corp.

No comments were received.

#### Department of Defence – Estate Planning – Bookmark D3

Department of Defence has stated they do not object to the proposal.

#### Development Coordination, Rangelands Division – DLPE

No comments were received.

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

Outbuildings (Carports) are a common development on rural properties. The structure is not likely to be seen from the road reserve due to the location and dense vegetation. The carport is an open structure and is unlikely to prevent breeze penetration. By the nature of the design of the development, it is considered there will not be a significant adverse effect on the existing and future amenity of the locality.

**(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 carport does not affect community safety or make changes to the barrier (fence) of the swimming pool. No information is provided on the accessibility (mobility impaired persons etc.) of the outbuilding. If applicable under the Building Code, this may be scrutinised by a private building certifier as part of any building approval process (if relevant to the classification of the building).

**(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;***

Not applicable to this application (no subdivision proposed).

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

Not applicable to this application (no subdivision proposed).



- (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 subject site is located within the Darwin Rural Adelaide River Water Control District and beneficial uses have been declared with respect to Section 73 of the *Water Act 1992*. It is the responsibility of the landowner to ensure that land use does not result in a contravention of the *Water Act 1992*. The carport is not expected to conflict with these requirements (no change in approved land use and site connected to reticulated water supply).

- (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 application material and comments received from service authorities indicate the proposal does not require the preparation of any environmental reports or impact statements under the *Environment Protection Act 2019*.

## **7. RECOMMENDATION**

That, the Development Consent Authority vary the requirements of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Section 3452 (106) Lagoon Road, Knuckey Lagoon, Hundred of Bagot for the purpose of an outbuilding (carport) addition to an existing dwelling-single with a reduced building setback to the side boundary, subject to the following conditions:

### **CONDITIONS PRECEDENT**

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

## GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2025/0112/01 to 2025/0112/02 which are endorsed as forming part of this permit.
2. The development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. Stormwater is to be collected and discharged into the drainage network, to the technical standards of and at no cost to Litchfield Council, to the satisfaction of the consent authority.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of Litchfield Council, to the satisfaction of the consent authority.

## Notes

1. Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at [www.litchfield.nt.gov.au](http://www.litchfield.nt.gov.au).
2. A works permit is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.
3. 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.

## 8. REASONS FOR THE RECOMMENDATION

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

The development application sought retrospective approval for an existing outbuilding (carport) that will have a reduced building setback to the side (southern) boundary of the site.

The NT Planning Scheme 2020 applies to the land, which is zoned R (Rural), an ancillary outbuilding (carport) to a dwelling-single requires consent under Clause 1.8 (when development consent is required) as it has become Merit Assessable under Clause 1.8(1)(b)(ii)(2).

Sub-clause 2 of Clause 1.10 of the NTPS2020 specifies that *In considering an application for consent for a use or development that has become Merit Assessable under Clause 1.8(1)(b)(ii)(2), the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.*

Furthermore, section 51(3) of the *Planning Act 1999* specifies that – *when considering a development application under subsection (1) of section 51, the consent authority must apply the relevant considerations to only those components of the development that triggered the requirement for consent under the planning scheme.*

The assessment carried out by the Development Assessment Services concludes that the outbuilding (carport) complies with the relevant Part 5 (Development Requirements) of the NTPS2020, except for Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures).

The assessment notes that the outbuilding will have a reduced building setback to the southern side boundary of the site (9.5m setback for the support columns and 9.3m for the roof eave).

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 2 of the NTPS2020, the consent authority in considering an application for consent for a use or development that has become Merit Assessable under Clause 1.8(1)(b)(ii)(2), the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements. Therefore, in this instance, the relevant requirements, including the purpose of the requirements, as set out in Clause 5.4.3 (Building Setbacks of residential Buildings and Ancillary Structures) have been considered by the Authority as follows:

Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)

The purpose of Clause 5.4.3 is to: *Ensure that residential buildings and ancillary structures are located in a manner that:*

- (a) *is compatible with the streetscape and surrounding development including residential buildings on the same site;*
- (b) *minimises adverse effects of building massing when viewed from adjoining land and the street;*
- (c) *avoids undue overlooking of adjoining properties; and*
- (d) *facilitates breeze penetration through and between buildings.*

Pursuant to sub-clause 3 of Clause 5.4.3 of the NTPS2020, the Development Consent Authority – *may consent to a development that is not in accordance with sub-clauses 6-8 (of Clause 5.4.3) only if it is satisfied that the reduced setback is consistent with the purpose of Clause 5.4.3 and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.*

Having regard to the purposes of the clause, the Authority determined that the building setback proposed is appropriate in this instance because:

- (a) Compatibility of the proposal with streetscape and surrounding development including residential buildings on the same site
  - Lagoon Road and adjacent lots have a mixed character of dwelling densities, dwelling/outbuilding designs, floor areas, building footprints and vegetation for each lot.
  - Carports are a form of development expected within zone R and would be permitted if not for the setback.
  - The 9.5m setback complies with section 3 of the *Fire and Emergency Act 1996* which states that there is a firebreak requirement in Emergency Response Areas (of which Lagoon Road is), to be at least 4m wide.
  - The building setback is 5% (support columns) and 6.6% (roof eaves) less than the NTPS2020 minimum requirement.

(b) Minimises adverse effects of building massing when viewed from adjoining land and the street

- The carport is a single storey, open structure and the height and size are reasonable to what would be anticipated.
- It is located 45.7m from the primary boundary which has mature established landscaping and is not considered to be overly imposing on the streetscape and is unlikely to contribute to the detrimental effects of building mass.

(c) Avoids undue overlooking of adjoining properties

- The dense landscaping at the southern boundary of the subject site provides visual privacy to the affected neighbours boundary and is seen to reduce the impact on the amenity of the adjoining property.

(d) Facilitates breeze penetration through and between buildings.

- As the structure is open sided, it is not predicted to prevent breeze penetration.

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.

The 9.5m setback (9.3m from the roof eave) complies with section 3 of the *Fire and Emergency Act 1996*, which states there needs to be a 4m firebreak along the entire boundary of the land. The land is considered capable of supporting the development as it has been identified for Zone R (Rural) purposes and the primary (dwelling-single) land use was lawfully established. The carport is ancillary to the dwelling-single and will provide shelter for residential vehicles. Service authority requirements can be addressed by the inclusion of conditions and notes on the development permit.

4. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the Development Consent Authority must, in considering a development application, take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer.

The location of the carport will avoid conflict with the electricity easement registered on the land title (eastern boundary of site).

The conditions of approval and advisory notes are intended to assist in ensuring:

- Service authority interests are duly recognised in terms of storm water drainage and works within the road reserve.
- The NTPS2020 objectives and development performance criteria relating to the provision of services/infrastructure will be complied with.

5. Pursuant to section 51(1)(e) of the *Planning Act 1999*, A consent authority must, in considering a development application, take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One submission was received under Section 49 of the *Planning Act 1999*:

The complainant addresses the ongoing complaint regarding industrial use on the site which is prohibited. The complainant references several structures on the site and questions whether they are being used for private purposes or part of the 'industrial' use of the property. Questions are raised regarding the structures having building approval or be cyclone coded and seem to be illegal, unapproved structures. The complainant states the application for the carport seems to affirm the industrial use of the property.

The following comments are provided in response to the submission:

- Further structures and/or building work outside of the outbuilding (carport) do not form part of the assessment of this development application and are matters to be dealt with separately by the relevant authorities.
- The ongoing complaint regarding an unapproved transport terminal has now been resolved and the use of the land is now compliant.

**AUTHORISED:**



.....  
**PLANNING & DEVELOPMENT OFFICER  
DEVELOPMENT ASSESSMENT SERVICES**



Map created Wed Apr 30 13:57:10 ACST 2025

## Legend



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

Created by JEAOA

Bottom Left: 130° 56' 01", -12° 25' 47"

Top Right: 130° 56' 20", -12° 25' 35"

Approximate Scale: 1:4,000

Datum: GDA 1994

Data for information purposes only

- accuracy not guaranteed

N.T. Land Information System

Copyright Northern Territory of Australia

Map Center: 130° 56' 10.7" E, 12° 25' 41.0" S

# STATEMENT OF EFFECT

**REVISION 02**

**OUTBUILDING ANCILLIARY TO SINGLE DWELLING**

ADDRESS:

106 LAGOON ROAD, KNUCKEY LAGOON, NT

**MARCH 2025**

## 1. INTRODUCTION

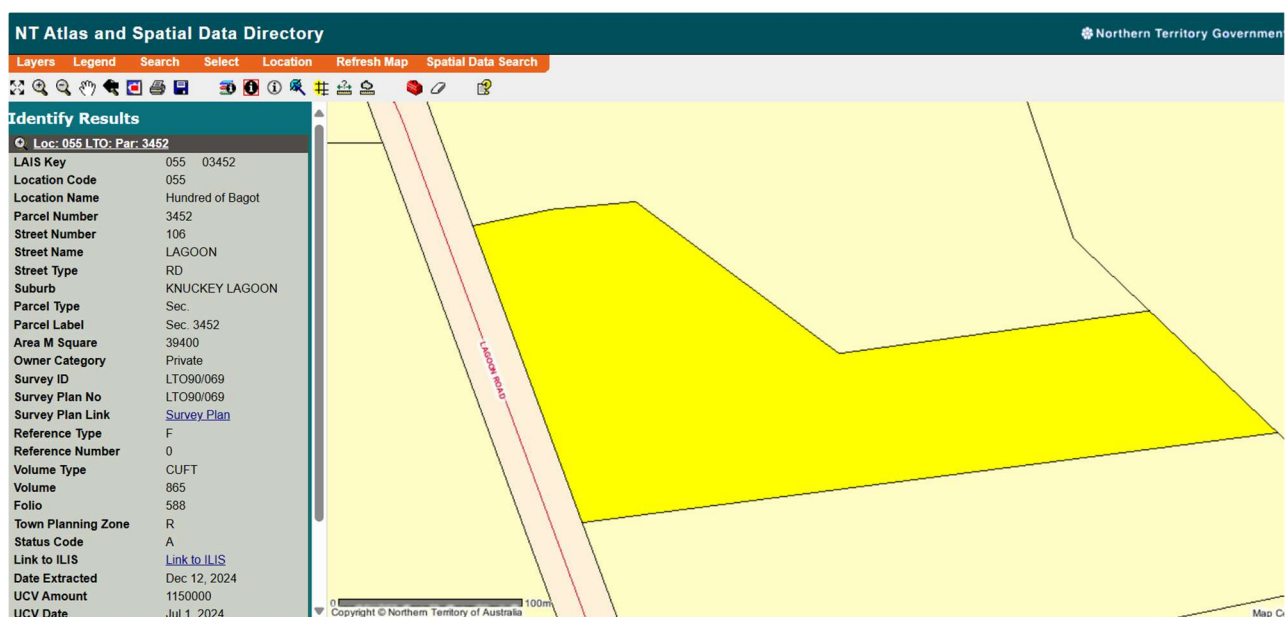
I have been engaged by D & G Investments to complete a planning application in retrospect for a reduced setback to 1 existing outbuilding ancillary to an existing single dwelling at Section 3452 (106) Lagoon Road, Knuckey Lagoon, NT. There is currently a single dwelling situated on the property, that has been previously approved & received an Occupancy Permit. Ancillary to this single dwelling are 3 shade structure outbuildings (nominated pink on the site plan) that take the form of individual roof awnings. The three outbuildings located on the lot are ancillary to serve the needs of the single dwelling for carparking & undercover boat storage. The site is zoned (R) Rural. One of these outbuildings currently encroaches into the south boundary setback requiring development consent approval.

Additionally, there is one other existing tool shed outbuilding (nominated blue on the site plan) that currently encroaches within the side setback. This outbuilding was constructed by the previous owners however & the current owner proposes to demolish this structure. This structure has therefore been excluded from this application.

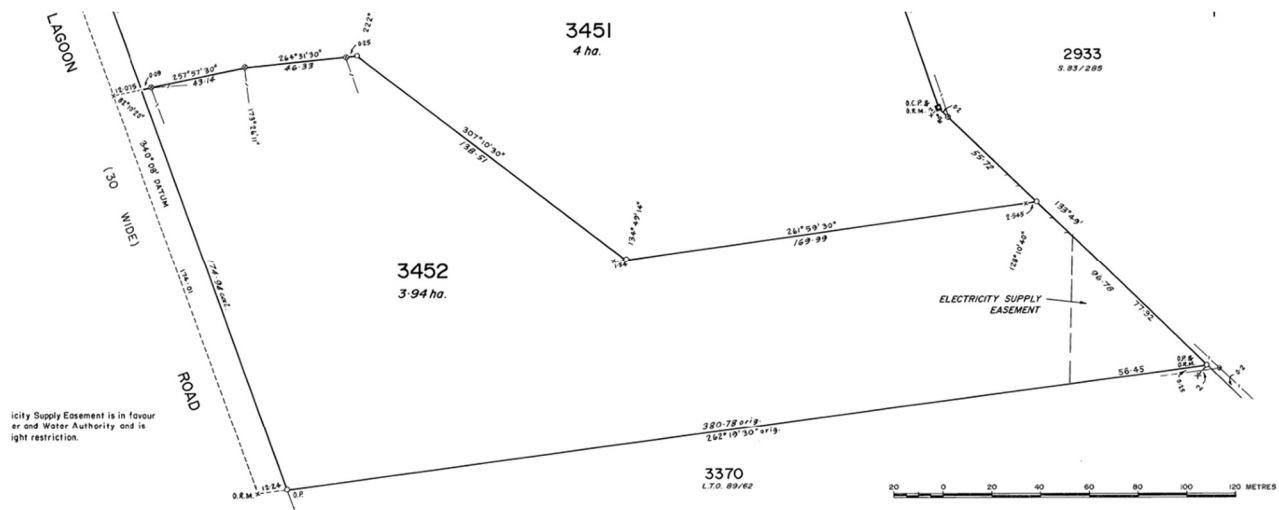
Under the NT Planning Scheme 2020 a single dwelling is considered permitted under zone R, and an **outbuilding** is defined as a non-habitable structure that is **ancillary** to the **primary use** of the land including a shed, garage, carport, pergola or shade sail.

## 2. SITE & LOCALITY

The site (Section 3452 (106) Lagoon Road, Knuckey Lagoon, NT) is primarily utilized for a single dwelling. The site measures 39,400 square meters and is zoned R – Rural with an electricity easement at the rear boundary.







### 3. OVERLAYS

The following overlays apply to this property;

- **CNV (Clearing of Native Vegetation)** - *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.*

The existing single dwelling & the 3 ancillary outbuildings referred to in this planning application do not require clearing of native vegetation of more than one hectare, presenting compliance with this overlay.

- **LPA (Land in Proximity to Airports)** - *This Overlay applies to land that is within Zones RL, R, A, CP, CN, RD, WM and FD and subject to the Australian Noise Exposure Forecast (ANEF) 20-unit value contour line or greater as defined on the ANEF maps produced by the Department of Defence. The use and development of land subject to this Overlay requires consent.*

Section 3452 is located within the 20 ANEF region on the RAAF Base Darwin ANEF Contour Map, with the use of a single dwelling being deemed permitted within this region. The previously approved & certified single dwelling nor the ancillary outbuildings do not prejudice the safe operation of an airport, and the use of the land for this nature does not attract birds or bats to an extent that prejudices the safe operation of an airport.

#### **4. STRATEGIC FRAMEWORK**

##### **Regional Plans: Darwin Regional Land Use Plan**

The Darwin regional land use plan has confirmed that Section 3452 (106) Lagoon Road, Knuckey Lagoon, NT is located within a Rural Lifestyle sector. The key objectives of Rural Lifestyle are to identify opportunities for rural lifestyle development to meet market demand, encourage opportunities for a choice of lifestyle in terms of lot size and access to services, and provide appropriate buffers between different residential localities to maintain and enhance the amenity of established areas and protect the natural environment.

The Darwin regional land use plan confirms that the increasingly diverse aspirations and demands of residents in the region has prompted consideration of opportunities to provide a wider range of lifestyle choices in localities outside the urban areas.

Section 3452 and the surrounding area is all zoned R (Rural). The 3 existing outbuildings ancillary to the single dwelling are compatible with the surrounding development and in supporting this application will enable promotion of the rural lifestyle.

##### **Sub Regional Plans: Litchfield Subregional Land Use Plan**

The Litchfield Subregional Land Use Plan was established to provide a contemporary response to planning challenges in line with the direction set by the Darwin Regional Land Use Plan 2015, including statements of policy specific to the Litchfield subregion and land use concept plans to guide the future preparation of area plans for the rural activity centers.

The subregion land use structure map identifies that Section 3452 (106) Lagoon Road, Knuckey Lagoon is located within 'Rural Area'. The statements of policy for the Rural Area include;

- Maintain rural amenity and lifestyle choice.
- Continue to support the subdivision of suitable land outside rural activity centers into 2 ha lots in Zone RL (Rural Living) and into 8 ha lots in Zone R (Rural);
- Require reliable water supply adequate for residential use;
- Require stormwater drainage for new residential development to not adversely impact on the receiving environment; and
- Require residential subdivision to provide roads and infrastructure to the requirements of the responsible authorities.
- Provide opportunity for residential land uses in the Rural Area to meet market demand.
- Provide a transition of residential density from rural land uses to rural activity centres;
- Demonstrate the capability of the land to support closer residential settlement;
- Have regard for the impact of clearing native vegetation and any adverse impacts on areas identified on the Priority Environmental Management Map (page 37); and
- Provide road reserves that connect to adjacent properties in order to allow the establishment of an interconnected local road network.



The 3 outbuildings ancillary to the existing single dwelling will not have an impact on the natural stormwater drainage system or the receiving environment. The single dwelling & 3 outbuildings provide opportunities for residential land uses in the rural areas in alliance with the subregional plan. The location of the lot & single dwelling / outbuildings maintains the connection of road reserves to adjacent properties to allow the establishment of a local road network.

The existing road corridors generally serve the greater Darwin region by connection with the national road network, railway and pipelines. The outbuilding ancillary to the single dwelling is consistent with the intended land use (rural) and if supported will have little impact on the environment or road network. The proposed outbuildings are ancillary to the single dwelling usage & will allow adequate measures for support of the property & parking via the means of a carport.

## **Zone R – Rural**

### **5. ZONE PURPOSE**

*Provide for residential, horticultural, agricultural and other rural activities on large lots to provide separation between potentially incompatible uses and restrict closer settlement in areas where access to reticulated water and sewerage may not be available.*

The residential single dwelling with ancillary outbuildings are in line with the zone purpose.

### **6. ZONE OUTCOMES**

- 1. Development for rural uses such as agriculture, horticulture, plant nursery, retail agricultural stall and stables.*
- 2. Low density rural living, in the form of dwelling-single and dwelling independent.*
- 3. Development such as animal boarding, industry-primary, intensive animal husbandry and transport terminal, where the scale, intensity and nature of the activity is compatible with the rural character and amenity of the surrounding locality.*
- 4. Development is designed and sited to sensitively respond to the physical characteristics and constraints of land such as flooding, water logging, steep land, and bushfire hazard.*
- 5. Subdivision design is informed by land suitability assessment to confirm adequate unconstrained land is available for rural development.*
- 6. Subdivision provides for infrastructure and services that is appropriate to the locality and scale of development.*
- 7. Development does not impose unsustainable demands on surface water and groundwater.*
- 8. 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 residential single dwelling & ancillary outbuildings promote the zone outcomes. A single dwelling is a permitted use in this zone, and the design of the structure & outbuildings provides interest at street level. The views to the street from the outbuildings allow passive surveillance of public spaces enhancing safety. There is 9.5m wide landscape buffer zone between the outbuildings & the southern boundary and a 14.6m landscape buffer along the west boundary of the lot contributing to an attractive environment. The awnings serve as direct support for the residential use of the site, providing carports for vehicles / boat. The existing single dwelling & associated outbuildings do not have an adverse impact on the neighboring properties. The landscape buffer provides a visual & noise barrier to the neighboring property. The awnings are intended purely to support & care for the proposed residential use of the property.

## **8. DEVELOPMENT**

The outbuildings take the form of awning roofs with a small concrete slab that will predominantly provide carport facilities to store residential vehicles / a boat to support the dwelling.

This aligns with the zone purpose & outcomes for zone (R) Rural and the surrounding area. The net floor area of the outbuildings 72m<sup>2</sup> each, totaling to 216m<sup>2</sup> for all 3 separate outbuildings. They are constructed of steel components that will contribute to a safe, attractive and legible residential environment. Our client has installed significant vegetation along the front and side boundary adjacent the outbuildings to provide dense and attractive screening. This landscaping also acts as noise buffer between neighboring properties.

The zone outcomes within (R) Rural states that developments should provide for Low density rural living, in the form of dwelling-single and dwelling independent. This existing development complies with the zone outcome.

The design & size of the outbuildings are of a scale & intensity compatible with the surrounding area, and minimizes any impact on neighbouring properties. The South Boundary measures 380 lineal metres, with the outbuildings measuring 18m in length in total for all 3 separate structures scaling to only 4.7%, of the boundary length.

The single dwelling is approved & currently certified. The 3 outbuildings in the form of awning carports have already been constructed whereby the owner did not have a clear understanding of the overlays or the minimum setback requirements, and 1 of the outbuildings therefore encroaches 0.5m within the South Boundary Setback – our clients are seeking approval for this encroachment on of this outbuilding. The other two permanent outbuildings are in compliance with the setback requirements. Please refer to the site layout plan attached to this statement.

This proposal is compliant with all other relevant clauses of the NT Planning Scheme, 2020 and will have no impact on the environment or the publics interests.

## 9. SECTION 46 (3) (A) OF THE NTPS – NT PLANNING SCHEME

This development is subject to the following specific provisions of the NT Planning Scheme.

### 5.2.1 – General Height Control:

The existing single dwelling measures 7.2m above ground level with the outbuildings measuring 5.2m above ground level which is considered compliant with clause 5.2.1 of the NT Planning Scheme specifying a maximum of 8.5m.

### 5.2.4 – Car Parking:

Clause 5.2.4 requires that the proposed site provides sufficient off-street car parking that is conveniently located and adequately services the site. Clause 5.2.4 of the NT Planning Scheme requires that each use provide the following;

SINGLE DWELLING – 2 caparks

The existing approved single dwelling & outbuildings provide 6 off-street carparks in compliance with this development requirement. The size of the carparks measure a minimum of 5.5m long x 2.5m wide, and have a sealed concrete base providing dust suppression to non-urban areas. The carparking areas provide a minimum 3m wide landscaped buffer to the boundaries and allow a vehicle to enter & leave in forward gear. The NT Planning Scheme 2020 however nominates that this clause is not applicable to carparking areas required in association with single dwellings.

### 5.2.5 – Loading Bays:

This clause is not applicable to zones (R) Rural – Single Dwellings

### 5.2.6 – Landscaping:

This clause is not applicable to zones (R) Rural – Single Dwellings.

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

The proposed allotment is not located adjacent zones LR, LMR, MR & HR. This clause is therefore not applicable.

### 5.4.1 Residential Density

The maximum number of dwellings that may be constructed on a site is to be determined in accordance with the following table;

Table A to Clause 5.4.1: Dwelling Density in Certain Zones	
Zone	Dwelling Density
LR, RR, RL, R and for a <b>dwelling-single</b> in CL, CV and T	1 <b>dwelling-single</b> per lot
LMR and for <b>dwellings-group</b> in CL and T and <b>dwellings-multiple</b> in T	1 per 300m <sup>2</sup>
A and H	2 per lot

There is only 1 single dwelling located on this allotment in compliance with this requirement. The outbuildings support the primary use of the land, being Rural, and are located a minimum of 9.5m from the adjoining Southern property with a landscaping buffer that mitigates impact on adjoining or nearby property.

#### 5.4.3 - Building Setbacks for Residential Buildings and Ancillary Structures

Subject to clause 5.2.7, building setbacks of residential buildings and ancillary structures are to be set back from lot boundaries in accordance with the following table. An ancillary structure is also defined as an outbuilding (excluding shade sails), balcony, portico and the like, which may or may not include external walls; and

Table A to Clause 5.4.3: Minimum building setbacks for residential buildings and ancillary structures in zones other than RR, RL, R, H and A		
Lot Boundary	Minimum Setback for 1 or 2 storey buildings	Minimum Setback for buildings over 2 storeys
Primary street frontage	6m for <b>residential buildings</b> , and <b>ancillary</b> structures with external walls <u>and</u> 4.5m for <b>ancillary</b> structures and balconies without external walls <u>or</u> 3m for shade sails, to a maximum height of 2.5m at the minimum setback	7.5m for <b>residential buildings</b> , and <b>ancillary</b> structures with external walls <u>and</u> 4.5m for <b>ancillary</b> structures without external walls
Secondary street frontage	2.5m for <b>residential buildings</b> <u>and</u> 1.5m for <b>ancillary</b> structures and balconies without external walls. <u>or</u> 0.9m for shade sails, to a maximum height of 2.5m at the minimum setback	2.5m for <b>residential buildings</b> and <b>ancillary</b> structures with external walls <u>and</u> 1.5m for <b>ancillary structures</b> without external walls
Side and rear lot boundaries	1.5m for <b>residential buildings</b> and <b>ancillary</b> structures <u>or</u> 1m, provided that the subject wall: <ul style="list-style-type: none"> <li>only includes openings that are either glazed in an opaque material and cannot be opened, or have a sill height of 1.6m or greater;</li> <li>does not extend beyond a maximum height of 3.5m; and</li> <li>does not extend beyond a maximum length of 9m</li> </ul> <u>except</u> shade sails which may be setback 0.9m to a maximum height of 2.5m at minimum setback	3m for <b>residential buildings</b> with <ul style="list-style-type: none"> <li><b>habitable rooms</b> <u>with</u> windows or doors facing the subject boundary; and</li> <li>verandahs and/ or balconies facing the subject boundary; and</li> <li>shade sails</li> </ul> <u>or</u> 1.5m for <b>residential buildings</b> where the subject wall only includes: <ul style="list-style-type: none"> <li>non-habitable rooms;</li> <li><b>habitable rooms</b> <u>without</u> windows and/ or doors facing the boundary; and</li> <li><b>ancillary</b> structures, whether with or without external walls excluding, verandahs, balconies or shade sails</li> </ul>

The previously approved single dwelling is setback 45.7m from the front boundary & 24m from the north boundary.

The carport outbuildings are setback as per the following;

**Outbuilding roof structure 01** – 14.62m from front boundary, 15m from the Southern side Boundary

**Outbuilding roof structure 02** – 32.3m from the front boundary, 15m from the Southern side Boundary

**Outbuilding roof structure 03** – 45.7m from the front boundary, 9.5m from the Southern side Boundary

Outbuilding 03 has 2 corner columns that encroach within the side boundary (Southern) by 0.5m. The outbuilding is a fully open structure with no walls allowing breeze to flow through & minimising visual impact on the neighboring property. The owner of the property has also planted dense landscape screening along the Southern boundary to mitigate visual impact & reduce dust & noise intrusion. The length of the Southern Boundary is 380 lineal metres, with an encroachment measuring only 6m wide.

#### **5.4.6 Private Open Space**

The allotment provides greater than 50m<sup>2</sup> of private open space, open vertically to the sky, with no dimensions less than 1.5m complying with this clause.

### **10. SECTION 46 (3) OF THE ACT – REMAINING REQUIREMENTS:**

#### **a. 46 (3)(b) – Interim Development Control Order**

An interim development control order is not applicable for this parcel of land.

#### **b. 46 (3)(c) – Refer to the NT EPA**

An environmental impact statement and report is not required or applicable for the proposed development.

#### **c. 46 (3)(d) – Merits of the Proposed Development**

The merits behind supporting the proposed development may include but are not limited to the following:

- 1) The intended use of the site is compatible with surrounding areas.
- 2) The landscaping buffer provides visual, noise & dust mitigation to the Southern Boundary.
- 3) The outbuilding offers practical benefits without significantly impacting the surrounding environment.
- 4) The structure is ancillary to a single dwelling, serving the essential function of providing covered parking, thereby improving the livability and convenience for the residents.
- 5) Given its limited scale and the fact that it does not interfere with public infrastructure or neighboring properties, the encroachment could be considered a minor deviation rather than a substantial violation.
- 6) The outbuilding helps alleviate street parking congestion by providing off-street parking, which improves traffic flow and reduces the risk of accidents or inconveniences caused by parked cars.
- 7) Finally, because the carport is an ancillary structure, it is relatively low impact, which means it

is unlikely to cause significant disruptions to neighboring properties or infringe upon public spaces.

**d. 46 (3)(e) – Suitability of Land for Development and Impacts of Development**

Outbuildings ancillary to a Single Dwelling are a permitted use within zone R (Rural) and will be compatible with surrounding development. The use is considered permitted within zone Rural however the footprint of outbuilding 3 encroaches into the Southern side boundary setback by 0.5m triggering development consent approval. The land is relatively flat and suitable for the proposed development and its intended use.

Allowing the carport to encroach within the side setback by 0.5 meters still maintains the suitability of the land for development and minimizes the impacts of the development. The encroachment is relatively minor, and given the scale and function of the carport, it does not compromise the land's capacity to accommodate the intended development. The design has been carefully planned to ensure that it does not obstruct natural light, ventilation, or privacy for neighboring properties, maintaining a harmonious relationship with the surrounding environment.

Additionally, the proposed carport's placement ensures that the primary dwelling and outdoor space retain sufficient separation and open space, preserving the overall livability of the property. This minimal encroachment is unlikely to create adverse effects on the streetscape or the character of the area, particularly as the structure is visually compatible with the existing surroundings. Therefore, the development remains suitable for the land and does not result in significant negative impacts, balancing both functional and aesthetic considerations.

**e. 46 (3)(f) – Available Public Facilities and Public Open Spaces**

Public facilities and open spaces within the surrounding area include the Defence Robertson Barracks, Knuckey's Lagoon Recreation reserve, Berrimah farm park and many more. No further public facilities or public open spaces are being proposed as a part of this application.

**f. 46 (3)(g) – Available Public Utilities / Infrastructure**

Reticulated power, water and sewer is available in the area and available on the property. No further public utilities or infrastructure is being proposed as part of this application.

**g. 46 (3)(h) – Impact on Amenity**

The outbuilding carport structure encroaching within the boundary setback does not impact amenity as it remains a modest, ancillary feature that is unlikely to interfere with the comfort, privacy, or enjoyment of neighbouring properties. The design is positioned and screened to minimize visual intrusion, ensuring it does not block light, airflow, or views for adjacent properties.

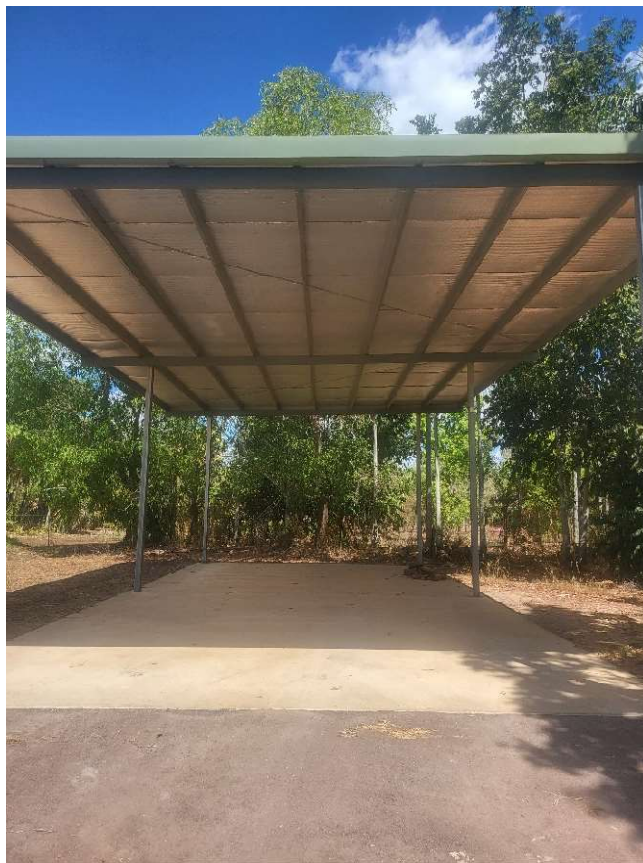
The outbuilding is typically low in height and non-intrusive, meaning it does not dominate the landscape or create any undue noise or disruption. Furthermore, its function—providing sheltered parking—does not negatively affect the surrounding environment or create additional traffic congestion. As such, the

encroachment is minimal and does not diminish the overall liveability or aesthetic quality of the area, preserving the neighbourhood's positive amenity.

**h. 46(3)(i) – Benefits or Detriments to the Public Interest.**

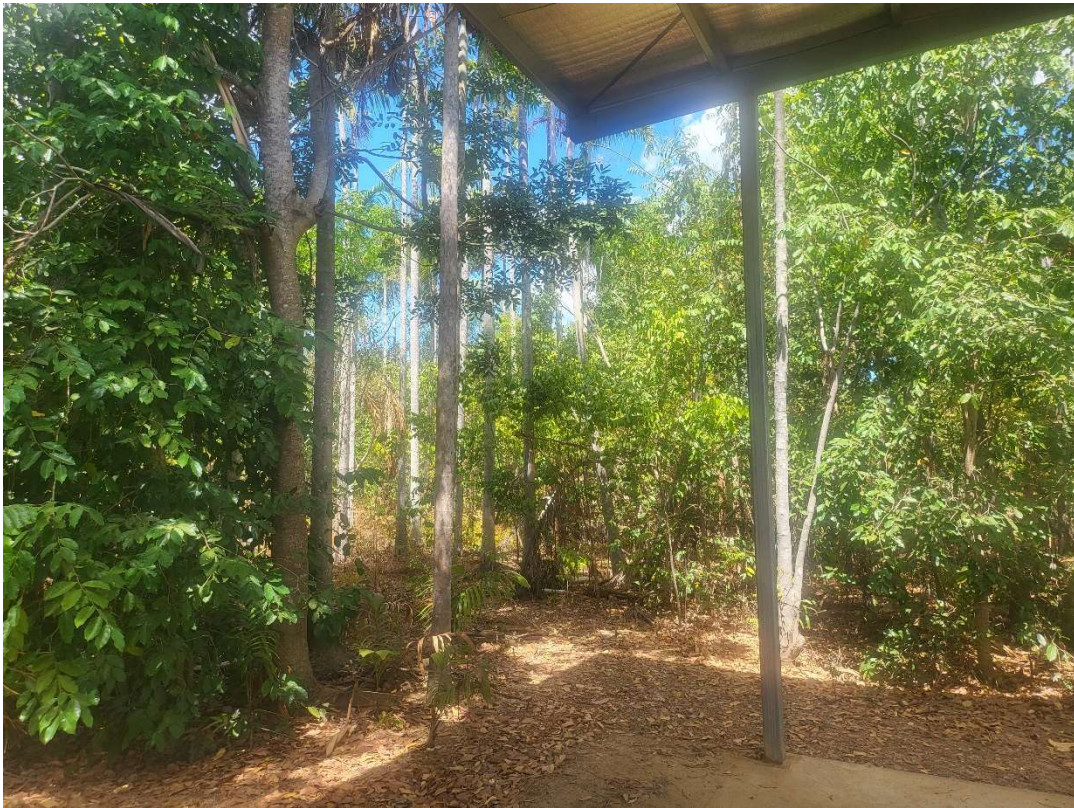
The existing outbuilding encroaching into the setback does not detriment the public's interest. The proposed encroachment is unlikely to cause any harm to the streetscape or the character of the neighborhood, particularly as the design is carefully considered and blends well with the surrounding environment. On the other hand, the detraction from the setback is minimal and does not negatively impact the broader community's quality of life, making the proposal a reasonable and balanced approach to land use.

**PHOTOS OF THE OUTBUILDING CARPORT STRUCTURES**





**PHOTOS OF THE LANDSCAPE BUFFER BETWEEN THE OUTBUILDING CARPORTS & BOUNDARIES**

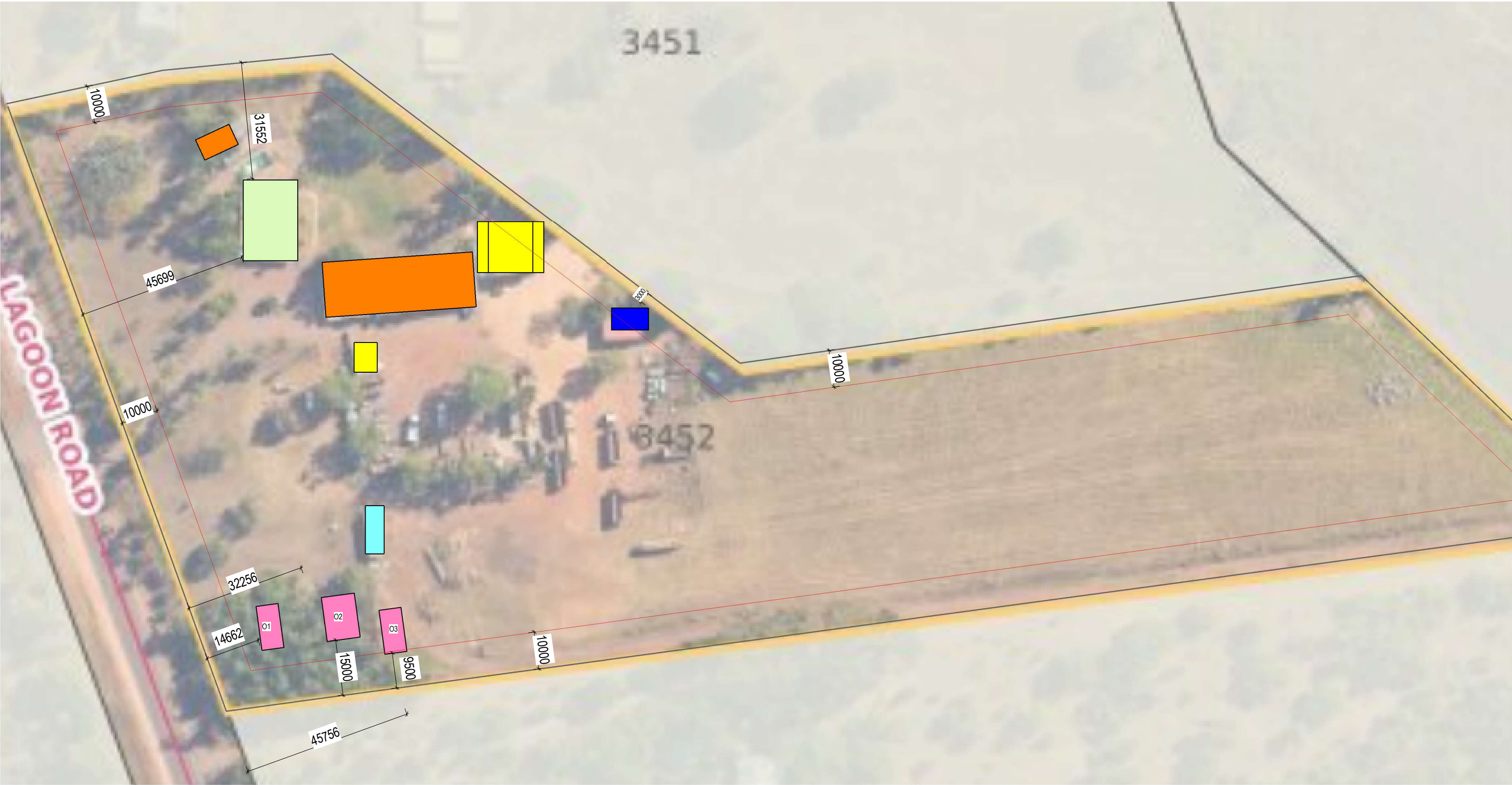


**Closing:**

I hope you find this application favourably and should you wish to discuss further or require additional information please don't hesitate to contact myself.

Kind Regards  
Lucia Reilly  
Developing the North  
0466 359 187





**SITE LAYOUT LEGEND**

- EXISTING SINGLE DWELLING
- 
- EXISTING OUTBUILDING (O1, O2, O3) - AWNING ROOF ANCILLARY TO SINGLE DWELLING - PART OF THIS APPLICATION

**ISSUED FOR REVIEW**

**EXISTING RURAL SITE LAYOUT**

106 LAGOON ROAD, KNUCKEY LAGOON, NT



DOCUMENTED BY: LUCIA REILLY

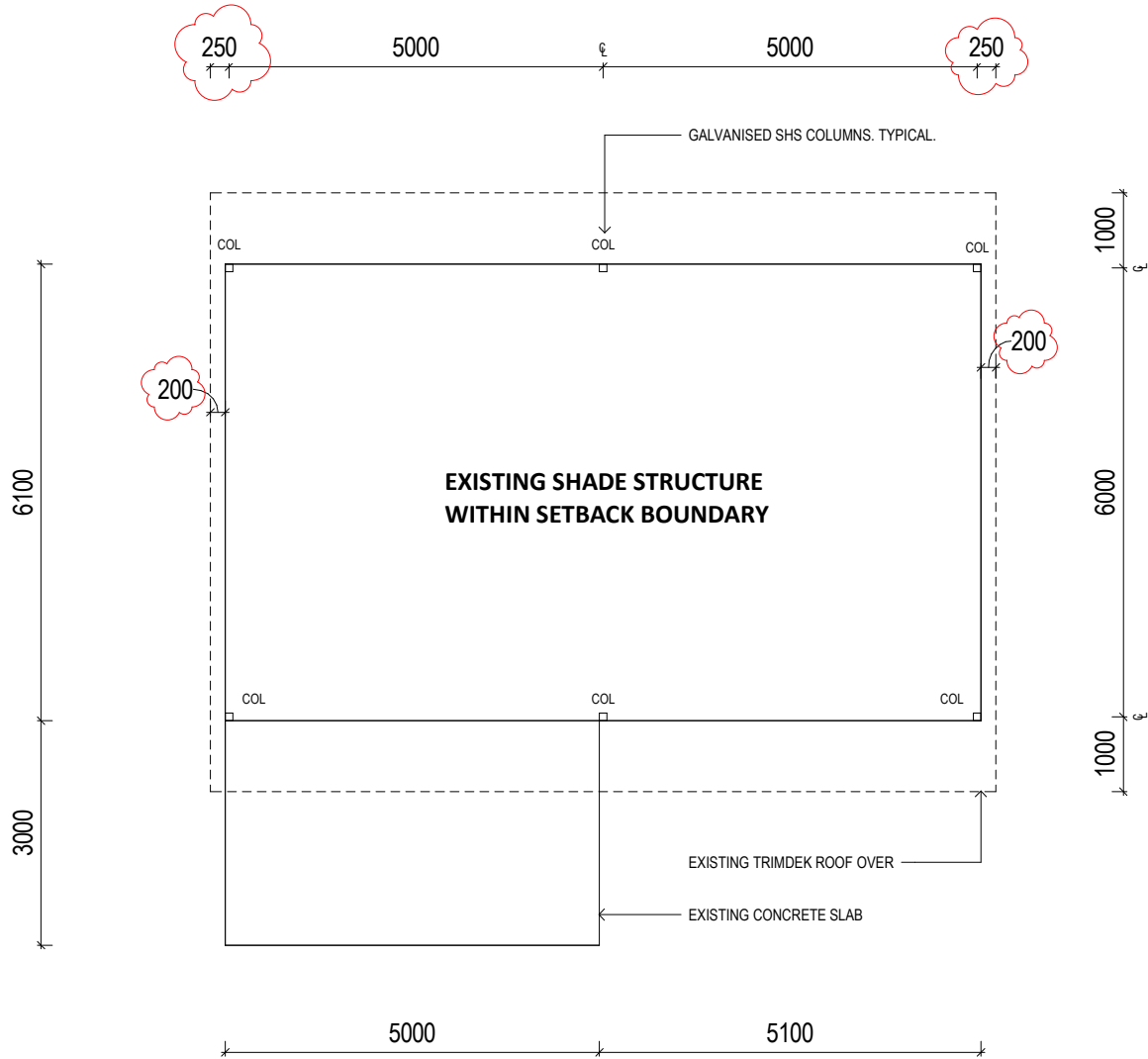
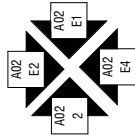
SITE LAYOUT PLAN

lucy@dtm.net.au - 0466 359 187

Date  
MAR 2025

C	ISSUE C FOR REVIEW	11.03.25
B	ISSUE B FOR REVIEW	14.12.24
A	ISSUE A FOR REVIEW	29.10.24
ISSUE	REVISION	DATE

Sheet  
No  
**A01**



**FLOOR LAYOUT PLAN**

1:5 0 @ A1, 1:1 0 0 @ A3

**EXISTING RURAL SITE LAYOUT**

106 LAGOON ROAD, KNUCKEY LAGOON, NT



B	ISSUE D FOR REVIEW	05.06.25
A	ISSUE C FOR REVIEW	11.03.25
ISSUE	REVISION	DATE

DOCUMENTED BY: LUCIA REILLY

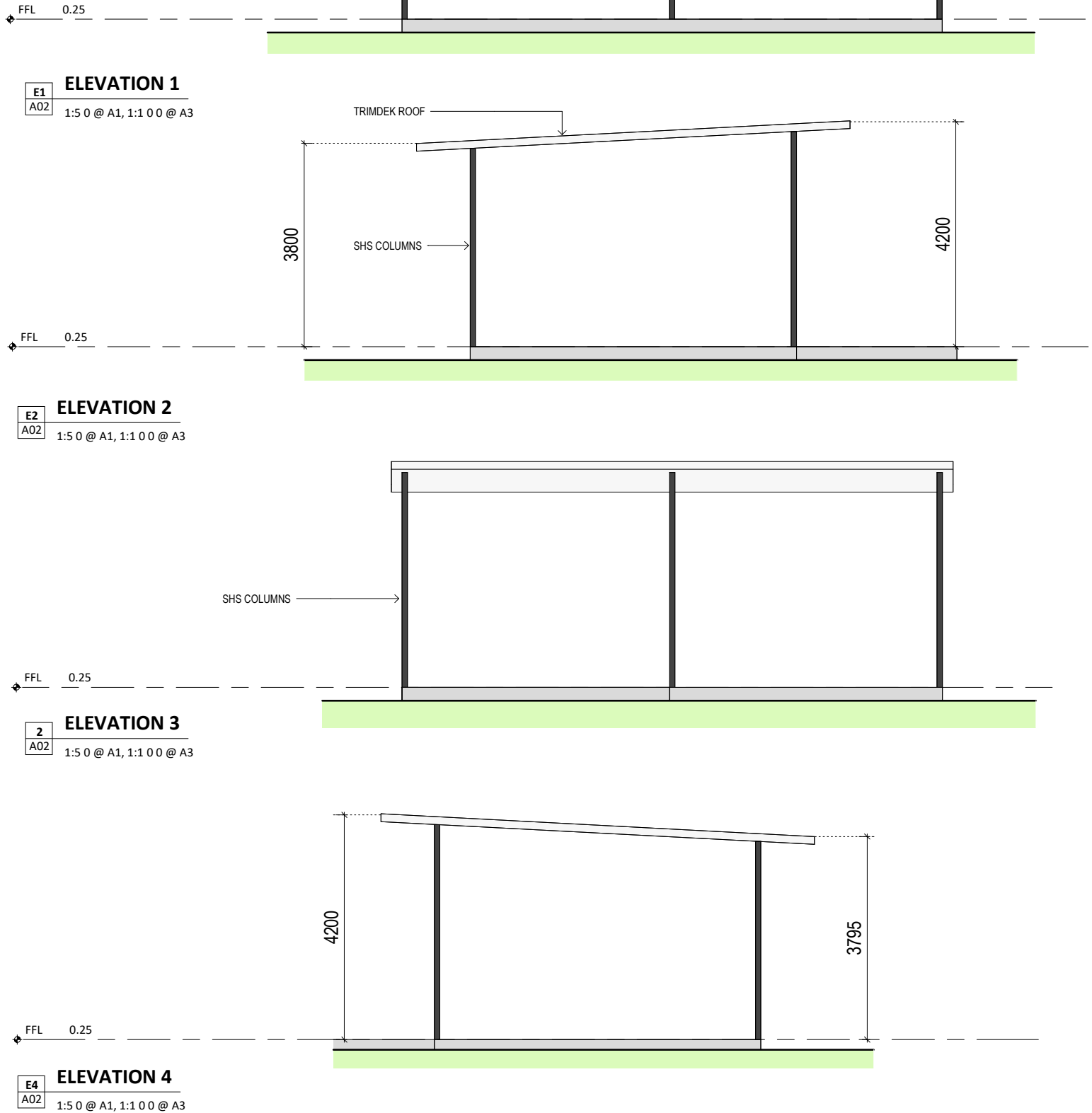
lucy@dtm.net.au - 0466 359 187

**ISSUED FOR REVIEW**

SHADE STRUCTURE PLANS

Date  
JUNE 2025

Sheet  
No  
**A02**



# Technical Assessment PA2025/0112

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

Application No: PA2025/0112

Lot number: Lot 3452 (106) Lagoon Road, Knuckey Lagoon

Town/Hundred: Hundred of Bagot

Zone: R (Rural)

Site Area: 3.94ha

Proposal: Outbuilding (carport) addition to an existing dwelling-single with a reduced building setback to the side boundary

Plans used for assessment: A01 – A02

Date assessment finalised: 1 May 2025

The existing 'primary use' of the site is a dwelling-single (permitted in Zone R). There is an existing carport addition with a reduced setback to the side (southern) boundary. The application seeks retrospective planning approval of the structure.

The proposed development requires consent under the Northern Territory Planning Scheme 2020, as it is in Zone R (Rural) and has become *Merit Assessable* under Clause 1.8(1)(b)(ii)(2) of the Planning Scheme.

The relevant clauses are assessed in the summary below with any identified non-compliances addressed overleaf.

Clause (General Requirements)	Compliance	
	Yes	No
5.2.1 (General Height Control)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.2.4 (Car Parking)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.2.5 (Loading Bays)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.2.6.1 (Landscaping in Zones other than Zone CB)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Clause (Specific Development Requirements)	Compliance	
	Yes	No
5.4.1 (Residential Density)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.4.6 (Private Open Space)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Clause (Overlays)	Applies	
	Yes	No
3.2 (CNV – Clearing of Native Vegetation)	<input type="checkbox"/>	<input type="checkbox"/>
3.5 (LPA – Land in Proximity to Airports)	<input type="checkbox"/>	<input type="checkbox"/>

*This is a technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme 2020 and is no indication of whether or not approval will be given by the consent authority. It is noted that clause 1.10(2) provides for the consent authority to exercise discretion in making a decision on a development in particular circumstances.*

#### 4.21 – ZONE R (Rural)

##### Zone Purpose

Provide for residential, horticultural, agricultural and other rural activities on large lots to provide separation between potentially incompatible uses and restrict closer settlement in areas where **access** to reticulated water and sewerage may not be available.

ZONE OUTCOMES	DAS COMMENTS
Development for rural uses such as agriculture, horticulture, plant nursery, retail agricultural stall and stables.	NOT APPLICABLE
Low density rural living, in the form of dwelling-single and dwelling-independent.	The existing 'primary use' of the site is dwelling-single
Development such as animal boarding, industry-primary, intensive animal husbandry and transport terminal, where the scale, intensity and nature of the activity is compatible with the rural character and amenity of the surrounding locality.	NOT APPLICABLE
Development such as child care centre, residential care facility, education establishment, place of worship or restaurant, where the nature of the activity does not compromise the primary use of the locality for rural activities.	NOT APPLICABLE
Development is designed and sited to sensitively respond to the physical characteristics and constraints of land such as flooding, water logging, steep land, and bushfire hazard.	<ul style="list-style-type: none"> <li>The land is relatively flat</li> <li>The land is not subject to flooding</li> <li>The carport's 9.5m to the southern setback complies with the firebreak requirements of at least 4m wide as per the Fire and Emergency Act 1996.</li> </ul>
Subdivision design is informed by land suitability assessment to confirm adequate unconstrained land is available for rural development.	NOT APPLICABLE
Subdivision provides for infrastructure and services that is appropriate to the locality and scale of the development.	NOT APPLICABLE
Development does not impose unsustainable demands on surface water and groundwater.	As the structure is open-sided and does not require water usage, it places no demand on groundwater supplies.
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.	NOT APPLICABLE

The carport is ancillary to the existing dwelling-single and complies with the zone purpose and outcomes.

##### **COMPLIES**



## OVERLAYS

### 3.2 – 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.

It is considered that no new “clearing of vegetation” will occur on the site (structure is existing / area already clear).

## COMPLIES

---



### 3.5 – LPA – LAND IN PROXIMITY TO AIRPORTS

#### Purpose

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

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

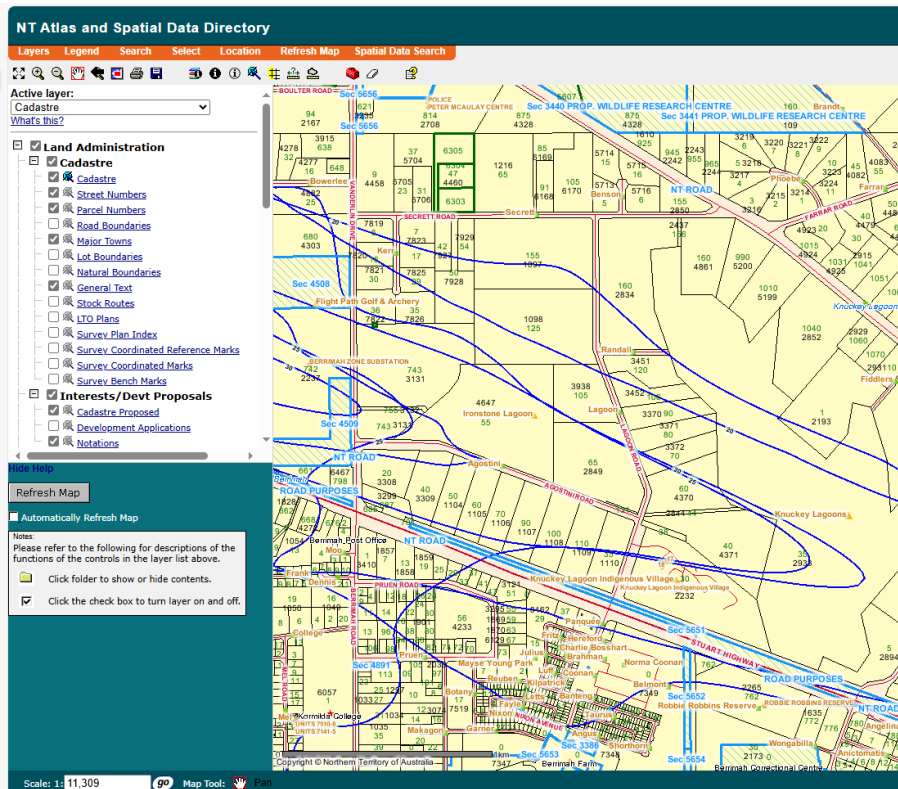
#### Administration

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

#### Requirements

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

This Overlay applies to the subject site.



The carport (existing) is ancillary to the existing dwelling-single which will not result in a new or intensified use at the site and the non-urban character of the land will be retained. No detrimental impacts on airport activities, by the way of bird/bat attractants or external lighting, or changes to aircraft noise impacts, are anticipated.

## 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.

TABLE B TO CLAUSE 5.2.1 STATES THAT THE APPLICABLE ZONES ARE:

MR, HR, C, CL and CP, CB, SC, TC and DV

The carport is single storey and has a height of approximately 4.2m, which aligns with the requirements of subclause 6(b) of Clause 5.2.1.

**COMPLIES**

---

### 5.2.4 – CAR PARKING

#### 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).

Dwelling-single	2
-----------------	---

The existing dwelling-single has sufficient car parking spaces. No further car parking is being proposed as part of this application.

**COMPLIES**

---

5.2.5 – LOADING BAYS

**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.

The carport is situated within a large lot with established significant landscaping. Additionally, there is dense landscape screening to the southern boundary of the carport.

### COMPLIES

---

### 5.2.7 – SETBACKS FOR DEVELOPMENT ADJACENT TO LAND IN ZONES LR, LMR, MR OR HR

### NOT APPLICABLE

---

#### 5.4.1 – RESIDENTIAL DENSITY

##### Purpose

Ensure that the development of **residential buildings**:

- (a) is of a density compatible with adjoining or nearby existing development or development reasonably anticipated;
- (b) is of a density compatible with the existing or planned provision of reticulated services and community facilities which will service the area; and
- (c) is consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations.

##### Administration

1. The consent authority may **consent** to a development that is not in accordance with sub-clause 2 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the **site** having regard to such matters as its location, scale and impact on adjoining and nearby property.

##### Requirements

2. The maximum number of **dwelling**s that may be constructed on a **site** is to be determined in accordance with Table A, B, C or D (as the case requires) to this clause.

Table A to Clause 5.4.1: Dwelling Density in Certain Zones	
Zone	Dwelling Density
LR, RR, RL, <b>R</b> and for a <b>dwelling-single</b> in CL, CV and T	<b>1 dwelling-single</b> per lot
LMR and for <b>dwelling</b> s-group in CL and T and <b>dwelling</b> s-multiple in T	1 per 300m <sup>2</sup>
A and H	2 per lot

The site is zoned R (Rural) and there is one dwelling-single on site.

**COMPLIES**

---

#### 5.4.3 – BUILDING SETBACKS OF RESIDENTIAL BUILDINGS AND ANCILLARY STRUCTURES

##### Purpose

Ensure that **residential buildings** and **ancillary** structures are located in a manner that:

- (a) is compatible with the streetscape and surrounding development including **residential buildings** on the same **site**;
  - (b) minimises adverse effects of building massing when viewed from adjoining land and the street;
  - (c) avoids undue overlooking of adjoining properties; and
  - (d) facilitates breeze penetration through and between buildings.
-

### Administration

1. This clause does not apply in Zones CB, LI, GI and DV.
2. In this clause:
  - (a) an **ancillary** structure includes an **outbuilding** (excluding shade sails), balcony, portico and the like, which may or may not include external walls; and
  - (b) for all developments except **dwelling-multiple** in Zone MR or HR, where a lot has a boundary with a public street from which vehicular **access** to the lot is restricted by the controlling Agency or local government council, this boundary shall be considered a side or rear lot boundary for the purpose of calculation of the **building setback**.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the **site** having regard to such matters as its location, scale and impact on adjoining and nearby property.
4. If a building setback plan in Schedule 9 does not establish a specific setback to a nominated boundary, **residential buildings** and **ancillary** structures are to be set back from that boundary in accordance with sub-clause 6(a) or clause 5.4.3.3 as appropriate.
5. Despite sub-clause 6 sheds in Zones other than H, A, RR, RL and R may have a nil setback to the side and rear boundaries provided it is
  - (a) 6m or more from the **primary street** and 2.5m or more from a **secondary street** when measured to the wall of the shed or where there is no wall, the outer face of any column;
  - (b) has a cumulative **floor area** of 15m<sup>2</sup> or less;
  - (c) is 2.5m or less in height;
  - (d) has no openings in walls that are less than 1.5m from a lot or unit title; and
  - (e) does not discharge rainwater on an adjacent lot or unit title.

### Requirements

6. Subject to clause 5.2.7, **building setbacks** of **residential buildings** and **ancillary** structures are to be set back from lot boundaries in accordance with:
  - (a) the relevant table to this clause; or
  - (b) any setbacks established in a building setback plan that is included in Schedule 9.
8. Unless detailed in a table to this clause or within a building setback plan in Schedule 9, no part of the roof structure, including gutters and eaves, is to encroach more than 0.9m into the minimum **building setbacks** (subject to the Building Code of Australia) from the lot boundaries.

The subject site is zoned R (Rural)



**Table D to Clause 5.4.3: Minimum building setbacks for residential buildings and ancillary structures in Zones RR, RL, R, H and A**

Lot Boundary	Minimum Setback
Primary street frontage	10m or 7.5m for lots less than 1ha in Zones RR and RL
Secondary street frontage	10m or 5m for lots less than 1ha in Zones RR and RL
Side and rear lot boundaries	10m or 5m for lots less than 1ha in Zones RR and RL

The carport does not comply with sub-clause 6 as summarised in the table below:

LOT BOUNDARY	NTPS 2020 REQUIREMENT (for the carport)	SETBACK	ASSESSMENT
Primary Street	10m (support columns)	45.7m	COMPLIES
Rear Boundary	9.1m (roof eaves and gutters)	301m	COMPLIES
Side (southern) Boundary		9.5m (support columns) 9.3m (roof eaves)	DOES NOT COMPLY
Side (northern) boundary		154m	COMPLIES

**DOES NOT COMPLY**

#### 5.4.6 – PRIVATE OPEN SPACE

##### Purpose

Extend the function of a **dwelling** and enhance the residential environment by ensuring that each **dwelling** has private open space that is:

- of an adequate size to provide for domestic purposes;
- appropriately sited to provide outlook for the **dwelling**;
- open to the sky and sufficiently permeable to allow stormwater infiltration and lessen runoff from the **site**; and
- inclusive of areas for landscaping and tree planting.

##### Administration

- The consent authority may **consent** to private open space that is not in accordance with sub-clauses 2 and 3 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the **site** having regard to such matters as its location, scale and impact on adjoining and nearby property.

## Requirements

2. Private open space should:
  - (a) satisfy the minimum area, dimensions and open to the sky requirements contained in the table to this clause;
  - (b) be directly accessible from the **dwelling** and enable an extension of the function of the **dwelling**; and
  - (c) be located to provide views from the **dwelling** to open space and natural features of the **site** or locality, and to reduce overlooking from neighbouring open space and **dwellings**;
  - (d) ensure that at least half of the private open space is permeable to allow stormwater infiltration and lessen stormwater runoff from the **site**;
  - (e) include at least one area of at least 5m<sup>2</sup>, with no dimension less than 1.5m, for the deep soil planting of trees and vegetation for shade or screening; and
  - (f) allow for landscaping at the property frontage to complement the visual **amenity** of the streetscape.
3. Where the private open space for a **dwelling-group** is at **ground level**, it should be:
  - (a) screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or
  - (b) fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting.

**Table to Clause 5.4.6.1: Minimum Areas of Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group**

For clarity, in this table:

**Area A** is the minimum area, for each **dwelling**, that must be open vertically to the sky and have no dimension less than 1.5m.

A least half of Area A must be permeable, and may include the 5m<sup>2</sup> required for deep soil planting.

**Area B** is the minimum dimensioned space that extends the function of the **dwelling** and may be covered or open to the sky.

Any part of **Area B** that is open to the sky may form part of **Area A**.

Type of Dwelling	Private Open Space Area
<b>Dwelling-group</b>	<b>A.</b> 45m <sup>2</sup> , open vertically to the sky, with no dimension less than 1.5m; and
<b>Dwelling-single</b> on a lot less than 450m <sup>2</sup>	
<b>Dwelling-independent</b> in addition to the private open space requirement for the <b>dwelling - single</b>	<b>B.</b> 24m <sup>2</sup> , all or partly covered, with no dimension less than 4m.
<b>Dwelling-single</b> on a lot not less than 450m <sup>2</sup>	<b>A.</b> 50m <sup>2</sup> , open vertically to the sky, with no dimension less than 1.5m; and  <b>B.</b> 36m <sup>2</sup> , all or any part covered, with no dimension less than 6m.

The site has more than 50m<sup>2</sup> of private open space with no dimension being less than 6m.

**COMPLIES**



15 May 2025

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

**RE: Letter of Comment Development Application**

**PA2025/0112**

**Hun: 055 P: 03452 106 Lagoon Road KNUCKEY LAGOON, Hundred of Bagot  
Outbuilding (carport) addition to an existing dwelling-single with a reduced building setback to the  
side boundary**

---

Thank you for the Development Application referred to this office on 24/04/2025, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

**Council supports the granting of a Development Permit for the following reasons:**

- a) It is recognised that this application is for retrospective approval and that the proposed outbuilding (carport) is already constructed. There is no perceived impact for this particular structure on neighbouring amenity or obstruction of legislated firebreaks.

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

- a) The application identifies a structure on the site plan in dark blue on the north east side of the boundary that also has a reduced setback however it is noted that the owner plans to demolish this structure. Council notes that these works should be undertaken as soon as possible.
- b) Additionally, Council has noted the structure in yellow also on the north east boundary that also is within the setback to the boundary fence however this does not appear to be addressed in the application other than to be identified as a temporary shade sail structure for personal storage.  
An aerial view shows this structure to be two (2) shipping containers joined by a dome shade structure. Council's perception of this structure is that it is not temporary and should be included in the application for a reduced side setback.

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

- a) The provided site plan indicates a total of 9 structures that are assumed to be ancillary to the single-dwelling. Three of these structures appear to be demountable type structures which Council feels should be addressed through a development application.

- b) Through assessment of this application, it was also noted on the aerial image of the property that there appear to be a number of trucks and/or heavy machinery and stockpiles of soil (of some type). It is also evident that heavy vehicles are utilising the driveway as Council notes the use of the full-road reserve width to enable a large turn movement in and out of the property. Should the property be used for a home based business, the necessary approvals should be sought to continue operations or otherwise cease.
- Any additional wear and tear on the road affronting the property may require additional maintenance at the property owners expense.

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

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

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

- a) The owner shall collect stormwater and discharge it to the drainage network, to the technical requirements and satisfaction of Litchfield Council, at no cost to Litchfield Council.
- b) Any developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of Litchfield Council.

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

- a) Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at [www.litchfield.nt.gov.au](http://www.litchfield.nt.gov.au).
- b) A *Works Permit* is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.

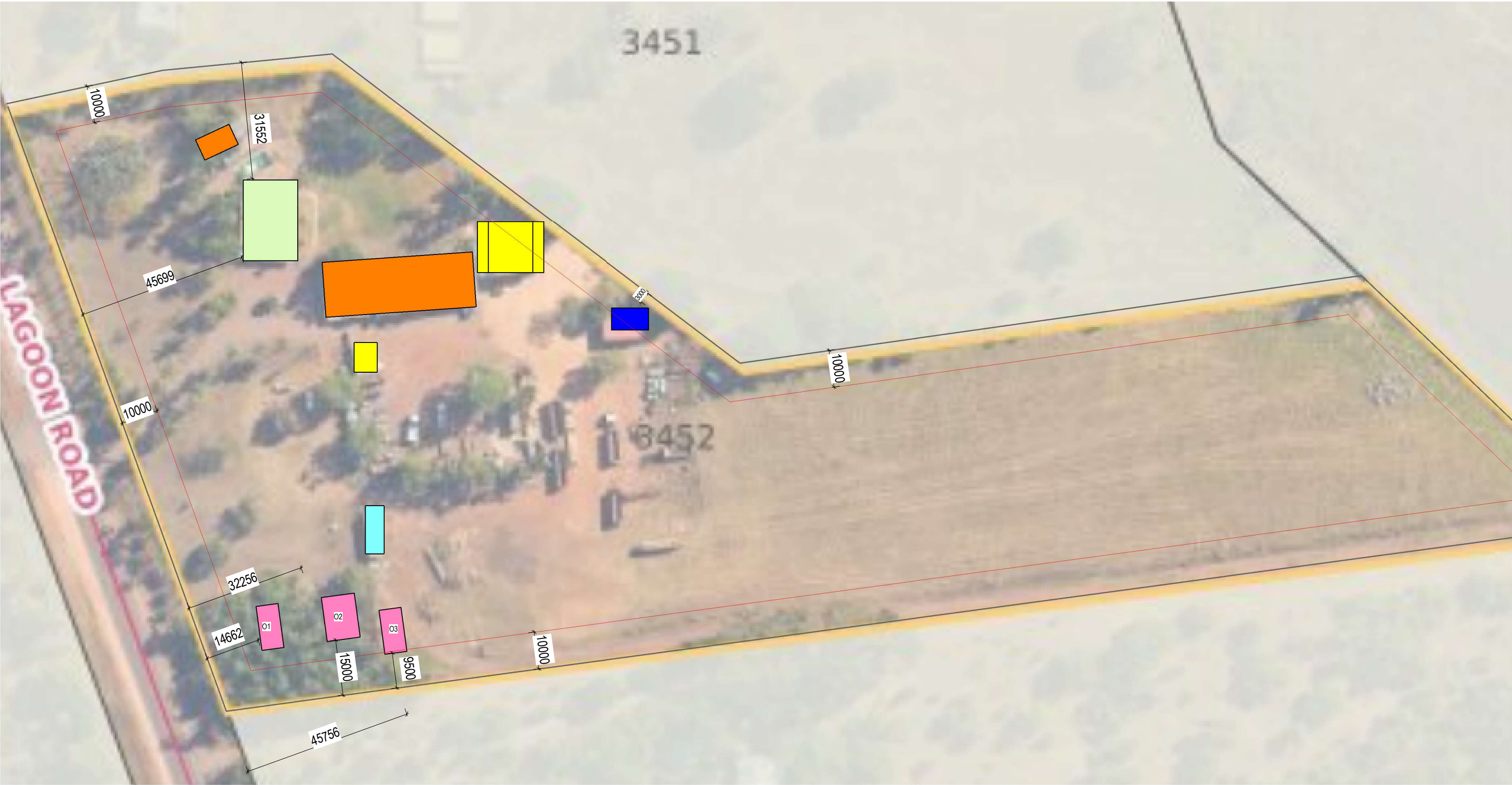
If you require any further discussion in relation to this application, please contact Litchfield Council on 08 8983 0600.

Kind Regards,



Jaimie O'Connor  
Planning and Development Program Leader





**SITE LAYOUT LEGEND**

EXISTING SINGLE DWELLING

EXISTING OUTBUILDING (O1, O2, O3) - AWNING ROOF ANCILLARY TO SINGLE DWELLING - PART OF THIS APPLICATION

TEMPORARY SHADE SAIL STRUCTURE FOR PERSONAL STORAGE ANCILLARY TO SINGLE DWELLING

EXISTING OUTBUILDING TOOL SHED - TO BE DEMOLISHED

EXISTING DEMOUNTABLE

EXISTING OUTBUILDING - PERSONAL SHED ANCILLARY TO SINGLE DWELLING

TEMPORARY SHADE SAIL STRUCTURE FOR PERSONAL STORAGE ANCILLARY TO SINGLE DWELLING

**EXISTING RURAL SITE LAYOUT**

106 LAGOON ROAD, KNUCKEY LAGOON, NT



© COPYRIGHT DEVELOPING THE NORTH PTY LTD.

**ISSUED FOR REVIEW**

DOCUMENTED BY: LUCIA REILLY

SITE LAYOUT PLAN

lucy@dtm.net.au - 0466 359 187

Date  
MAR 2025

C	ISSUE C FOR REVIEW	11.03.25
B	ISSUE B FOR REVIEW	14.12.24
A	ISSUE A FOR REVIEW	29.10.24
ISSUE	REVISION	DATE

Sheet No  
**A01**

**Phone** 1800 245 092

**Web** powerwater.com.au

Record No: D2025/171241

Container No: NE055/3452

Your Ref: PA2025/0112

Jeannette Oakley  
Development Assessment Services  
GPO Box 1680  
Darwin NT 0801

Dear Jeannette

**Re: Section 3452 (106) Lagoon Road Knuckey Lagoon Hundred of Bagot**

In response to your letter of the above proposal for the purpose of retrospect outbuilding (carport) addition to an existing dwelling-single with a reduced building setback to the side boundary, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. PWC has no objection or requirement to the proposed retrospect outbuilding (carport) addition.

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

Yours sincerely



Thanh Tang  
**Manager Distribution Development**

01 May 2025



**Australian Government**  
**Department of Defence**  
Security and Estate Group

ID-EP-DLP&R/OUT/2025/BS66950627

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

Dear Sir/Madam

**RE: PA2025/0112 - PROPOSAL FOR A RETROSPECTIVE PLANNING APPROVAL  
FOR A REDUCED SETBACK TO THREE EXISTING SHADE STRUCTURES AND  
ONE TOOL SHED AT 106 LAGOON ROAD, KNUCKEY LAGOON, NORTHERN  
TERRITORY**

Thank you for referring the abovementioned proposal to the Department of Defence (Defence) for comment. Defence understands that the application is for a retrospective planning approval for a reduced setback to three shade structures and one tool shed at 106 Lagoon Road, Knuckey Lagoon. The site is approximately 5 km east of the runway at RAAF Base Darwin.

Defence has assessed the proposal with regards to any potential impacts to its activities and operations and does not object to the proposal.

Should you wish to discuss the content of this advice further, my point of contact is Matt Williams at [land.planning@defence.gov.au](mailto:land.planning@defence.gov.au)

Yours sincerely,

Timothy Hogan  
Director Land Planning & Regulation  
Department of Defence  
(02) 5109 7933  
[Timothy.hogan2@defence.gov.au](mailto:Timothy.hogan2@defence.gov.au)

9 May 2025



**From:** [hlnyhuis@netspace.net.au](mailto:hlnyhuis@netspace.net.au)  
**To:** [Das NTG](#)  
**Subject:** Submission re Application - Section 46 of the Planning Act - Section 03452 Hundred of Bagot, 106 Lagoon Road, Knuckey Lagoon  
**Date:** Friday, 9 May 2025 8:23:51 AM

---

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Herewith the submission from Herman Hendrik NYHUIS and Lynn Hendrika NYHUIS of 90 Lagoon Road, Knuckey Lagoon, NT

On 14 July 2024 we wrote a Complaint about our neighbour's property's inappropriate use at 106 Lagoon Road, Knuckey Lagoon. The neighbours, who no longer live there, are using the Rural property for industrial use as its operational centre for its Civil Works contracting business.

The Operational centre includes:

- Its offices
- Its operational centre of trucks and large equipment
- Fuel storage
- Repair centre
- Storage of goods and materials
- At times as a training place for operators

As such these operations are not allowable as a Rural Zoned Property and we have sought to have all these activities cease.

Unfortunately we have not had any response to our complaint

We have just received a communication from the Department of Lands, Planning and Environment regarding a Notification of Application – section 46 of the Planning Act 1999 with respect to this property about which we submitted a complaint –

Section 03452 Hundred of Bagot  
106 Lagoon Road, Knuckey lagoon

It is disappointing that our Complaint still has not been addressed at all! This Notice Of Application does not address our complaint at all rather it attempts to legitimise the activities.

With respect to this Application we note the following:

A. With respect to the recently erected outbuildings:

They seem not to have approval for erection.

They appear not to be to Cyclone Coded.

They have been used as Caravan shelter when people were living there.

They have been used for storage of vehicles

We question the reason for these structures being for private purposes when there is a huge shed on the property and nobody seems to live on this property.

As they are part of the Industrial use of this property and not appropriate for Rural living they should be removed.

B. There are two Temporary shade Sails claimed to be for Personal Storage

They are used for industrial purposes storing equipment and for workshops where equipment is being repaired.

They are illegal structures not up to Cyclone standard and a potential danger to us.

They are claimed to be temporary but have been in place for years.

We would request that these structures be removed as they do not comply with Rural status.

C. The blue 'existing' demountable is not where it is depicted as it has been moved under the number 3 recently erected outbuilding, unsecured.  
A cyclone risk and should be removed.

D. There is a blue existing outbuilding listed as due for demolition.  
When will this building be demolished?

E. There are many other issues to be attended to which do not comply with Rural Use

Including:

Various Demountables

Fuel storage

Storage of trucks and equipment used by this Civil Works Company

Etc

**-The bottom line is that we do NOT agree with this application as it seems to affirm the INDUSTRIAL use of this property and the illegal, unapproved structures.**

Thank you for the opportunity to have input.

We look forward to the time when you will attend to our ten month old complaint and this property will be used for Rural activities Only.

Sincerely,

Signed            Herman NYHUIS

and

Signed            Lynn NYHUIS

90 Lagoon Road, Knuckey Lagoon

PON Box 29, Berrimah, NT, 0828

Mob 0404 898 447

9 May 2025