

**DEVELOPMENT CONSENT AUTHORITY
LITCHFIELD DIVISION**

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: **5** **MEETING DATE:** 17/06/2026 **FILE:** PA2026/0117

APPLICATION PURPOSE: Subdivision to create three (3) lots

SUBJECT SITE: Section 5537 (240) Bees Creek Road, Bees Creek, Hundred of Strangways

ZONE: RL (Rural Living)

SITE AREA: 10.93ha

APPLICANT Cunnington Rosse Town Planning and Consulting –
Director, Mr Gerard Joseph Rosse

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

LANDOWNER Sarah Gianna White and Thomas Nelson White

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

1. PROPOSAL

The application proposes the subdivision of the land into three lots. Lot A (4.1 ha) and Lot B (2 ha), and Lot C (4.28 ha) which would retain the existing dwelling, shed, and outbuildings, along with the established Rural residential use of the land and associated registered groundwater bores. Lot C, containing the existing residence, can be connected to reticulated power, while Lot A and Lot B will require new power connections. Lot A and Lot B will have access from Lowther Road and Lot C will retain the existing driveway access and crossover from Bees Creek Road. The proposed lots are regular in shape and generally rectangular in configuration.

A locality map is included at **Bookmark A**, and a copy of the application is at **Bookmark B**.

2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

The application is *Impact Assessable* under Clause 1.8(1)(c)(ii) of the Northern Territory Planning Scheme 2020 (NTPS 2020) as the proposal for the subdivision of land.

Clause 1.10(4) of the NTPS 2020 stipulates the following for the exercise of discretion by the Consent Authority:

In considering an application for a use or development identified as Impact Assessable the consent authority must take into account all of the following:

- (a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;*
- (b) any Overlays and associated requirements in Part 3 that apply to the land;*

(c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and

(d) any component of the Strategic Framework relevant to the land as set out in Part 2.

The table below lists all applicable NTPS 2020 clauses for assessment of the subject development application:

Use	Assessment Category	Overlays	Zones	Subdivision Requirements
Subdivision	Impact Assessable	3.2 CNV (Clearing of Native Vegetation)	4.7 RL - Rural Living	6.3.2 Lot Size and Configuration for Subdivision in Zones RL, R and H, and Unzoned Land 6.3.3 Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land 6.3.4 Infrastructure for Subdivision in Zones RL, R and Unzoned Land

3. ASSESSMENT SYNOPSIS

This report recommends that the consent authority approves the subdivision proposal subject to standard and precedent conditions as detailed in Sections 7 and 8 of this report.

4. BACKGROUND

The subject property was created by a 4-lot subdivision approved in 2012. The land has historically been cleared and developed for the existing horticulture use.

5. PUBLIC EXHIBITION

The application was placed on public exhibition for a period of two weeks from 17 April 2026 to 1st May 2026. One public submission was received under section 49(3) of the *Planning Act 1999*, as outlined further within this report.

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 any of the following relevant to the development:

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

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

(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***

No environmental protection objectives are relevant to the subject proposal.

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

One public submission was received from Litchfield Council during the exhibition period under Section 49(3) of the *Planning Act 1999*, with a revised submission received on 29 May 2026 following the exhibition period.

Council objected (**Bookmark D1**) to the proposal on the basis that Lot A contains fragmented unconstrained land separated by a drainage corridor, which Council considers limits the practicality, accessibility, and future development potential of the lot. Concerns were also raised regarding unsafe access arrangements due to restricted sight distances, the potential for multiple access points, and whether the proposal satisfies the intent of Clause 6.3.3 of the *NT Planning Scheme 2020*.

Further concerns were raised regarding the suitability of Lot A for onsite wastewater disposal, with Council submitting that the Site and Soil Evaluation does not clearly demonstrate an integrated and practical development outcome in relation to wastewater disposal, dwelling location, bore setbacks, and site access.

Council also submitted that, while the NTPS does not expressly require unconstrained land to be contiguous, fragmented unconstrained land may reduce usability and accessibility and could lead to future land use conflicts and resident complaints.

Council's concerns regarding the fragmentation of the unconstrained land are acknowledged. However, in this case, the two portions of unconstrained land can be accepted, partly because of the topography of the site which has a natural drainage swale/corridor and partly because the applicant has reduced the number of proposed lots from the previous application to better align with the requirements of the *Northern Territory Planning Scheme 2020*.

Notwithstanding this, both areas of unconstrained land are considered capable of accommodating residential development, with each portion providing approximately 0.5 hectare (5,000 m²) of developable land. The proposed subdivision scheme can also be supported subject to standard and specific conditions of approval requiring the provision of appropriate access arrangements to Council's requirements.

In response to Council's concerns regarding a waste water disposal, it should be noted that the Site and Soil Evaluation (SSE- **Bookmark-B5**) demonstrates that onsite wastewater disposal systems, compliant with *NT Code of Practice* (DOH 2020a), can be installed on each allotment.

Furthermore, the Land Resources Division of the Department of Lands, Planning and Environment raised no concern with the unconstrained land separation other than recommending that further development works in the constrained portion of the site is avoided where possible. The proponent has noted that no further clearing will take place other than to establish firebreaks and fence line boundaries as part of the subdivision works.

(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 development application.

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

The applicant has listed the merits of the application as:

- Consistent with the strategic planning objectives and principles outlined in the Darwin Regional Land Use Plan and the Litchfield Subregional Land Use Plan
- Complies with the relevant subdivision requirements of the Planning Scheme
- Demonstrates planning merit by aligning with established land use policies
- Provides additional rural lifestyle opportunities to meet current market demand

(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 proposed subdivision, as outlined in the supporting Land Suitability Assessment and Stormwater Management Plan, appropriately responds to the physical characteristics of the site. The proposal creates three lots, each providing compliant areas of unconstrained land and suitable access arrangements from Bees Creek Road and/or Lowther Road to support existing and potential future development on each lot.

The identified unconstrained land within Section 5537 is classified as S1 – Highly Suitable for Proposed Lot B and C. These areas have been previously cleared and are currently grassed or planted with mango trees, with gentle slopes of less than 1%. For Proposed Lot A, the required 1 hectare of unconstrained land is provided as two separate areas of approximately 0.5 hectares each, located around 80 metres apart. These areas are classified as S2 – Moderately Suitable due to slopes of up to 3%. Both portions collectively exceed the minimum requirement of 1 hectare and benefit from unconstrained access to Lowther Road.

The subject site will utilise the existing bore for Lot C and Lot A and B will rely on new bores via ground water for water supply. Setbacks between new and existing bores (70m), and 100m separation between bores to onsite wastewater land application areas (LAAs) have been demonstrated. Additionally, each lot either contains or can accommodate compliant on-site wastewater disposal systems.

It is acknowledged that historical horticultural activities have extended into portions of this landform without appropriate buffering. The proponent has advised that no additional clearing, other than that required for firebreaks and fence line boundaries, will occur within this area as part of the subdivision works. It is also noted that several of the proposed boundary alignments generally follow existing internal access tracks associated with previous horticultural activities.

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

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

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

The proposal was circulated to the following authorities for comment:

Local Authority:

Litchfield Council – Bookmark D1

- Supports the proposed subdivision subject to conditions regarding driveway crossover(s), stormwater drainage, development contributions and easements being to their requirements.

These requirements can be addressed by standard conditions of approval and advice notes.

Service Authority:

Power and Water Corporation (Power) – Bookmark D2

- The current overhead power service to proposed Section 5537 on Bees Creek Road shall become the power supply to the proposed Lot C (4.28ha, with existing residence).
- Establishment of a new point of basic power service (25kVA, 3-phase) to each of the newly created Lot A and Lot B. As all the applicable upgrade works will be on the existing
- The proponent's engaged consultant will need to submit a Negotiated Connection application under the Australian Energy Regulator (AER) compliance process for PWC's assessment on the required power servicing and design for Lot A and Lot B.
- The existing 31m wide electricity easement on current Section 5537 along the western boundary shall be retained and registered on the new lot A and Lot B titles by the current Landowner at no cost to PWC.
- As all applicable upgrade works will be designed and carried out on the existing overhead power line on Lowther Road, PWC shall provide a quote for payment by the proponent.

Can be addressed by a standard condition and advice note.

Power and Water Corporation (Water) – Bookmark D3

No objections or requirements and notes that reticulated water and sewer services are currently unavailable in the area.

Department of Lands, Planning and Environment (DLPE) – Bookmark D4

- The Land Assessment Branch assessed the application against Soil salinity and acid sulphate soils are not considered constraints. Lot B and C are unaffected by drainage, while Lot A contains a linear drainage feature but is otherwise largely unconstrained. Vegetation indicates the land is generally well-drained. All three proposed lots are considered to contain more than 1 hectare of land unconstrained by the assessed factors.
- An erosion and sediment control plan is not required due to the nature of the subdivision, nonetheless it is recommended that erosion and sediment control measures are employed during any development works.
- Standard heritage advice and recommended actions for the proponent in accordance with the *Heritage Act 2011*.
- Standard weed management advice and recommended actions for the proponent in accordance with the *Weeds Management Act 2001*.
- The Flora and Fauna Division considers that the site is predominantly cleared. The proposal is unlikely to impact on important habitat for threatened species or critical habitat for biodiversity.
- The Water Resources Division has reviewed the subdivision application and advises that there are no issues or concerns under the Water Act 1992.

Requirements listed have been addressed through recommendations for conditions of approval and advice notes.

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

The subdivision creates the potential for each of the lots to be developed in a manner consistent with land uses expected in the Rural Living zone. Furthermore, no impacts on the existing and future amenity of the Bees Creek rural lifestyle locality are foreseen as a result of the proposed subdivision as the intended rural lifestyle use of the overall site will remain unaltered.

(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 proposed development is generally consistent with the requirements of the NTPS 2020 and is considered to be in the public interest.

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

The subject site is not within a Restricted Water Extraction Area.

(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)*

There is a building on site, and a statement has been provided by AB Consulting (**Bookmark B**), confirming that no building will cease to comply with the Building Act 1993 if the proposed development were to proceed.

(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 nominated, provisionally declared or declared heritage places or objects within the subject land or no known natural, social, cultural or heritage values on the site or in the immediate surrounding area.

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

The following declared beneficial uses apply to the subject land for the Darwin Rural Water Control District:

- Agriculture, aquaculture, public water supply, environment, cultural, industry, rural stock and domestic, mining activity and petroleum activity.

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

(t) other matters it thinks fit

No other matters are raised for consideration by the consent authority.

Section 51(2) of the *Planning Act 1999*

If a development proposal is required to be referred to the NT EPA under Part 4, Division 3 of the Environment Protection Act 2019, the consent authority must not make a decision under this Division in relation to a development application for the proposal unless:

- a) the NT EPA has determined that an environmental impact assessment is not required under that Act for that proposal; or***
- b) if the NT EPA has determined that an environmental impact assessment is required - an environmental approval has been granted under that Act for the proposal, and the decision is consistent with that approval; or***
- c) the Environment Protection Act 2019 otherwise permits the making of the decision.***

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

7. RECOMMENDATION

That, the Development Consent Authority, pursuant to Section 53(a) of the *Planning Act 1999*, consent to the application to develop Section 5537 (240) Bees Creek Road, Bees Creek, Hundred of Strangways, for the purpose of a subdivision to create three (3) lots, subject to the following conditions:

CONDITIONS PRECEDENT:

1. Prior to the endorsement of plans and prior to the commencement of works, a crossover/access driveway plan shall be designed for the proposed subdivision in accordance with the Northern Territory Subdivision Development Guidelines and be submitted to the Litchfield Council for approval, to the satisfaction of the consent authority.
2. 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.

GENERAL CONDITIONS:

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. All new easements, and amendments to existing easements, to be vested in the relevant authority for which the easement is to be created must be shown on the survey plan, to the satisfaction of the consent authority for approval by the Surveyor General.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity to the development/each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. The kerb crossovers and driveways to the site are to meet the technical standards of the of Litchfield Council, to the satisfaction of the consent authority.
8. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/cycle corridors, and streetscaping shall be to the technical requirements and approval of Litchfield Council, with all approved works constructed at the developer's expense. Note: Design drawings shall be approved by Litchfield Council prior to construction of the works.
9. All proposed and affected:
 - a. roads;
 - b. stormwater drainage;
 - c. vehicular access; and
 - d. streetscapingmust be designed and constructed at the owner's expense in accordance with the requirements of the Northern Territory Subdivision Development Guidelines and to the technical requirements of the Department of Logistics and Infrastructure, to the satisfaction of the consent authority.
10. Before the completion of the subdivision, the applicant must, in accordance with Part 6 of the Planning Act 1999, pay a monetary contribution to the Litchfield Council for the upgrade of local infrastructure, in accordance with its Development Contribution Plan.
11. Any existing unlicensed bores on the additional land titles must be decommissioned to the requirements and satisfaction of the Water Resources Division of the Department of Lands, Planning and Environment.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - a. the development and use is/are not started within two years of the date of this permit;
or
 - b. the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. A Works Permit is required from the 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. Fees may apply.
3. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Interim Development Control Order 33.
4. The Power and Water Corporation (PWC) advises:
 - a. The current overhead power service to proposed Section 5537 on Bees Creek Road shall become the power supply to the proposed Lot C (4.28ha, with existing residence).
 - b. Establishment of a new point of basic power service (25kVA, 3-phase) to each of the newly created Lot A and Lot B. As all the applicable upgrade works will be on the existing

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- c. The proponent's engaged consultant will need to submit a Negotiated Connection application under the Australian Energy Regulator (AER) compliance process for PWC's assessment on the required power servicing and design for Lot A and Lot B.
 - d. The existing 31m wide electricity easement on current Section 5537 along the western boundary shall be retained and registered on the new lot A and Lot B titles by the current Landowner at no cost to PWC.
5. The Bushfires Northern Territory Division of the Northern Territory Fire and Emergency Services advises that firebreaks along boundaries or at appropriate locations shall be provided on each created lot of this subdivision.
 6. A groundwater extraction licence may be required under the *Water Act 1992* for any bore used for purposes other than rural stock and domestic water supply. For advice on water extraction licences please contact the Water Licensing and Regulation Branch of the Department of Lands, Planning and Environment.
 7. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the *Heritage Act 2011*. Should any heritage or archaeological material be discovered during over the course of work, cease operation and please phone Heritage Branch of the Department of Lands, Planning and Environment.
 8. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Lands, Planning and Environment *ESCP Standard Requirements 2019* available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
 9. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>. The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.
 10. All land in the Northern Territory is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding declared weeds. Section 9 general duties include the requirement to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection.

Should you require further weed management advice contact the weed management branch by phone on (08) 8999 4567 or by email to weedinfo@nt.gov.au.

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 Northern Territory Planning Scheme 2020 applies to the land and a subdivision, to create three (3) lots, requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(ii); therefore: the Strategic Framework (Part 2 of the Scheme, including the Darwin Regional Land Use Plan and the Litchfield Sub-Regional Land Use Plan), zone purpose and outcomes of Clause 4.7 (Zone RL-Rural Living), and Clauses: 3.2 (Overlay CNV (Clearing of Native Vegetation)); 6.3.2 (Lot Size and Configuration for Subdivision in Zones RL, R and H, and Unzoned Land); 6.3.3 (Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land); and 6.3.4 (Infrastructure for Subdivision in Zones RL, R and Unzoned Land), need to be considered.

These clauses have been considered, and it is found that the proposal complies with all relevant requirements of the Northern Territory Planning Scheme 2020.

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority, must take into consideration any submission made under Section 4, and any evidence or information received under Section 50, in relation to the development application.

One public submission was received under Section 49(1) of the *Planning Act 1999*, raising concern with the proposed subdivision would create Lot A with an overall area of 4.1 ha, including approximately 1.03 ha of unconstrained land. However, this land is fragmented into two separate portions due, in part, to an existing stormwater drainage corridor. which Council considers limits the practicality, accessibility, and future development potential of the lot. Concerns were also raised regarding unsafe access arrangements due to restricted sight distances, the potential for multiple access points, and whether the proposal satisfies the intent of Clause 6.3.3 of the *NT Planning Scheme 2020*. the Site and Soil Evaluation does not clearly demonstrate an integrated and practical development outcome in relation to wastewater disposal, dwelling location, bore setbacks, and site access.

These concerns are acknowledged. However, the applicant has reduced the number of proposed lots from the previous application to better align with the requirements of the *Northern Territory Planning Scheme 2020*. It is also noted that the unconstrained portions of the site are physically separated due to existing topography and stormwater drainage infrastructure.

In response to Council's concerns regarding an integrated and practical development outcome, the Site and Soil Evaluation (SSE- **Bookmark-B5**) demonstrates that onsite wastewater disposal systems can be installed using standard industry practices in accordance with the *NT Code of Practice* (DOH 2020a).

Notwithstanding this, both areas of unconstrained land are considered capable of accommodating residential development, with each portion providing approximately 0.5 hectares (5,000 m²) of developable land. Subject to the provision of appropriate access arrangements, to be determined in consultation with Council, and the inclusion of a condition precedent requiring the preparation of a crossover/access driveway plan for the proposed subdivision in accordance with the *Northern Territory Subdivision Development Guidelines*, to be submitted to Litchfield Council for approval.

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.

A Land Suitability Assessment, Stormwater Management Plan and Site and Soil Evaluation have been submitted as part of the application. These documents and the Land Resources Division of the Department of Lands, Planning and Environment response to the application confirm that each new lot is capable of supporting the subject subdivision for rural lifestyle purposes.

4. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, 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.

All three lots to be created as part of the proposed subdivision can be provided with grid electricity supply and unconstrained driveway/crossover access to Lowther Road and Bees Creek Road. Conditions of approval have been imposed to ensure the subdivision works and associated infrastructure are completed to the satisfaction of the relevant service authorities.

5. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The subdivision creates the potential for each of the lots to be developed in a manner consistent with land uses expected in the Rural zone. Furthermore, no impacts on the existing and future amenity of the Bees Creek rural lifestyle locality are foreseen as a result of the proposed subdivision as the intended rural lifestyle use of the overall site will remain unaltered.

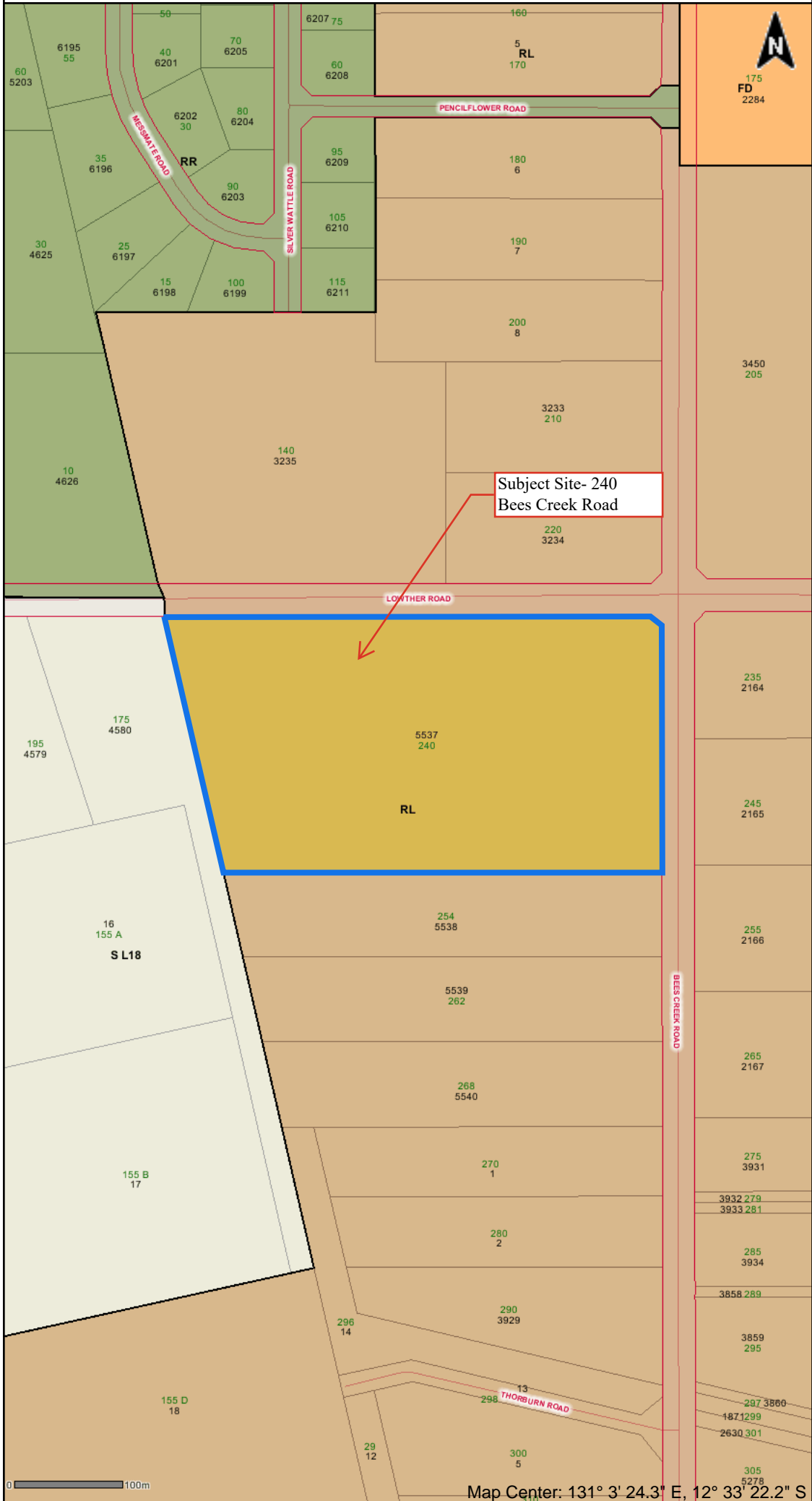
AUTHORISED:



DRASHTI CHOVIYA
RURAL, REGIONAL & REMOTE PLANNER
DEVELOPMENT ASSESSMENT SERVICES

240 Bees Creek Road, Bees Creek

Legend



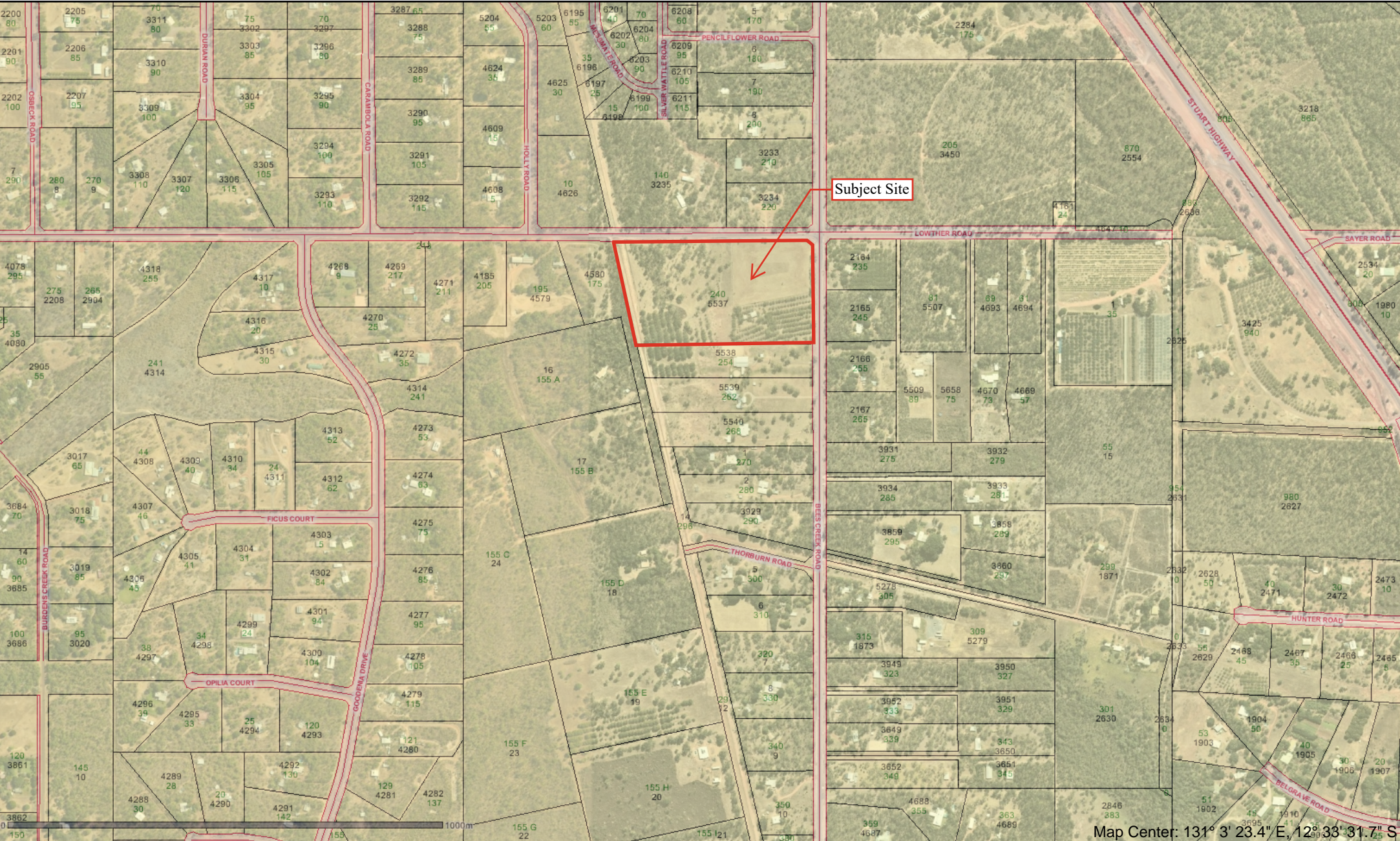
- General Lines
- Road Boundaries
- Town Planning Zones
- A - Agriculture
- CV - Caravan Park
- CB - Central Business
- C - Commercial
- CL - Community Living
- CP - Community Purpose
- CN - Conservation
- DV - Development
- RR - Rural Residential
- GI - General Industry
- HT - Heritage
- HR - High Density 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
- Street Numbers
- Parcel Numbers
- Cadastre
- Coastline

Created by IMG

Bottom Left: 131° 03' 11", -12° 33' 28"
 Top Right: 131° 03' 36", -12° 33' 15"
 Approximate Scale: 1:5,100
 Datum: GDA 1994
 Data for information purposes only
 - accuracy not guaranteed
 N.T. Land Information System
 Copyright Northern Territory of Australia

Map Center: 131° 3' 24.3" E, 12° 33' 22.2" S

240 Bees Creek Road



Subject Site

Map Center: 131° 3' 23.4" E, 12° 33' 31.7" S

Created by IMG
Bottom Left: -12° 33' 59", 131° 02' 30" Top Right: -12° 33' 03", 131° 04' 16" Approximate Scale: 1:11,000 Datum: GDA 1994
Data for information purposes only - accuracy not guaranteed
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Land owner/s authorisation to lodge a development application

The Planning Act 1999

Before you fill in the form

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

Fields marked with an asterisk (*) are required.
Fields marked with a carat (^) are required if applicable.

1. Applicant

In accordance with Section 46(3)(aa)(i) of the *Planning Act 1999*, a development application is to contain the name and contact details of the applicant AND any person on whose behalf the application is made.

Name of Applicant/Consultant or Acting agent	Cunnington Rosse Town Planning and Consulting		
Address	PO Box 36004 WINNELLIE NT 0821		
Phone	0400754842	Email	gerard@crtpc.com.au

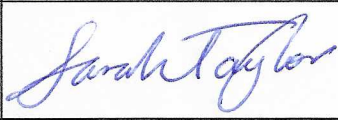
2. Persons on whose behalf the application is made:

Person/s on whose behalf the application is made:	Sarah Gianna White and Thomas Nelson White		
Address	6 Locke Crescent, East Fremantle WA 6158		
Phone	0404462425	Email	

3. The applicant is hereby authorised to lodge a development application over the subject land described as:

*Lot/NT portion	Section 5537
*Location/town/hundred	Hundred Of Strangways

Land owner/s authorisation to lodge a development application

*Street address	240 Bees Creek Road, Bees Creek		
4. The application is for the purpose of:			
*Proposed development <i>Brief description of proposed development</i>	Subdivision		
<p>5. Landowner/s signature</p> <p>In accordance with Section 46(3)(aa)(ii) of the <i>Planning Act 1999</i>, a development application is to contain the name and contact details of the owner of the land to which the application relates.</p> <p>Written authorisation from each:</p> <ul style="list-style-type: none"> • Individual owner: Each person listed on the title must provide written authorisation for the application. • Companies: For each company listed on the title, written authorisation must be obtained from the director or authorised representative of the company. This authorisation confirms that the company is giving consent for the application and that the person signing on behalf of the company has the legal authority to do so. 			
*Full name	Sarah Gianna White		
^Company name	N/A		
^Title <i>(e.g. director/authorised representative)</i>	N/A		
Phone	0404 462 425	Email	sgiannewhite@gmail.com
*Signature			
*Date	19-2-26		

Land owner/s authorisation to lodge a development application

*Full name	Thomas Nelson White
^Company name	N/A
^Title (e.g. director/authorised representative)	N/A
Phone	0457 059 922 tom.nelson.white@gmail.com
*Signature	t white
*Date	19-2-26

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6. Any Persons with an interest in the land (as applicable)

In accordance with section 46(3)(aa)(iii) and (iv) of the *Planning Act 1999*, a development application is to contain the name and contact details of **any person who entered into an agreement with the applicant and/or landowner, to acquire an estate or interest in the land to which the application relates; and any person with an interest prescribed by regulation.**

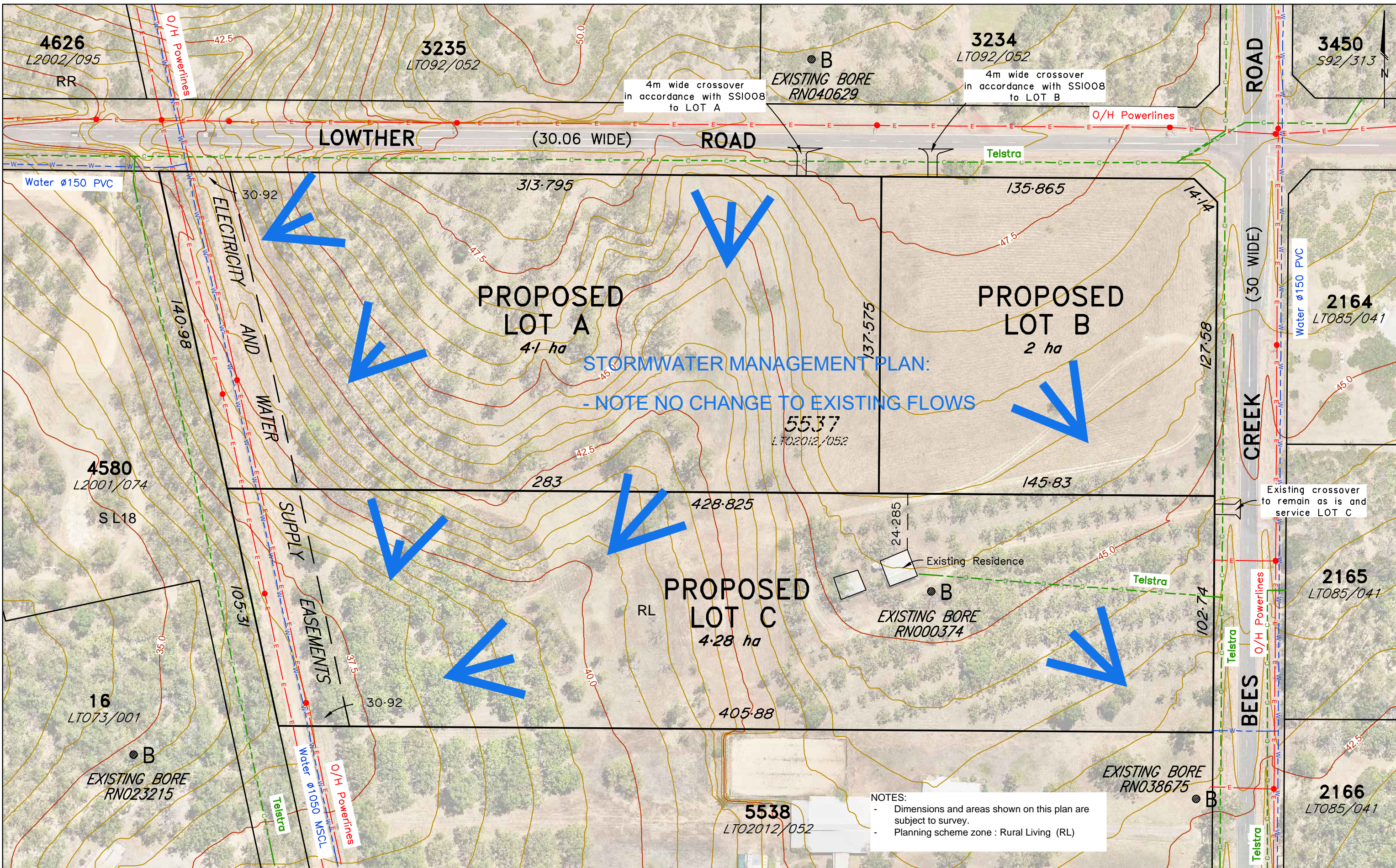
- **No Additional Persons**

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Any personal information provided can be subsequently accessed by you on request.



STORMWATER MANAGEMENT PLAN:
 - NOTE NO CHANGE TO EXISTING FLOWS

NOTES:

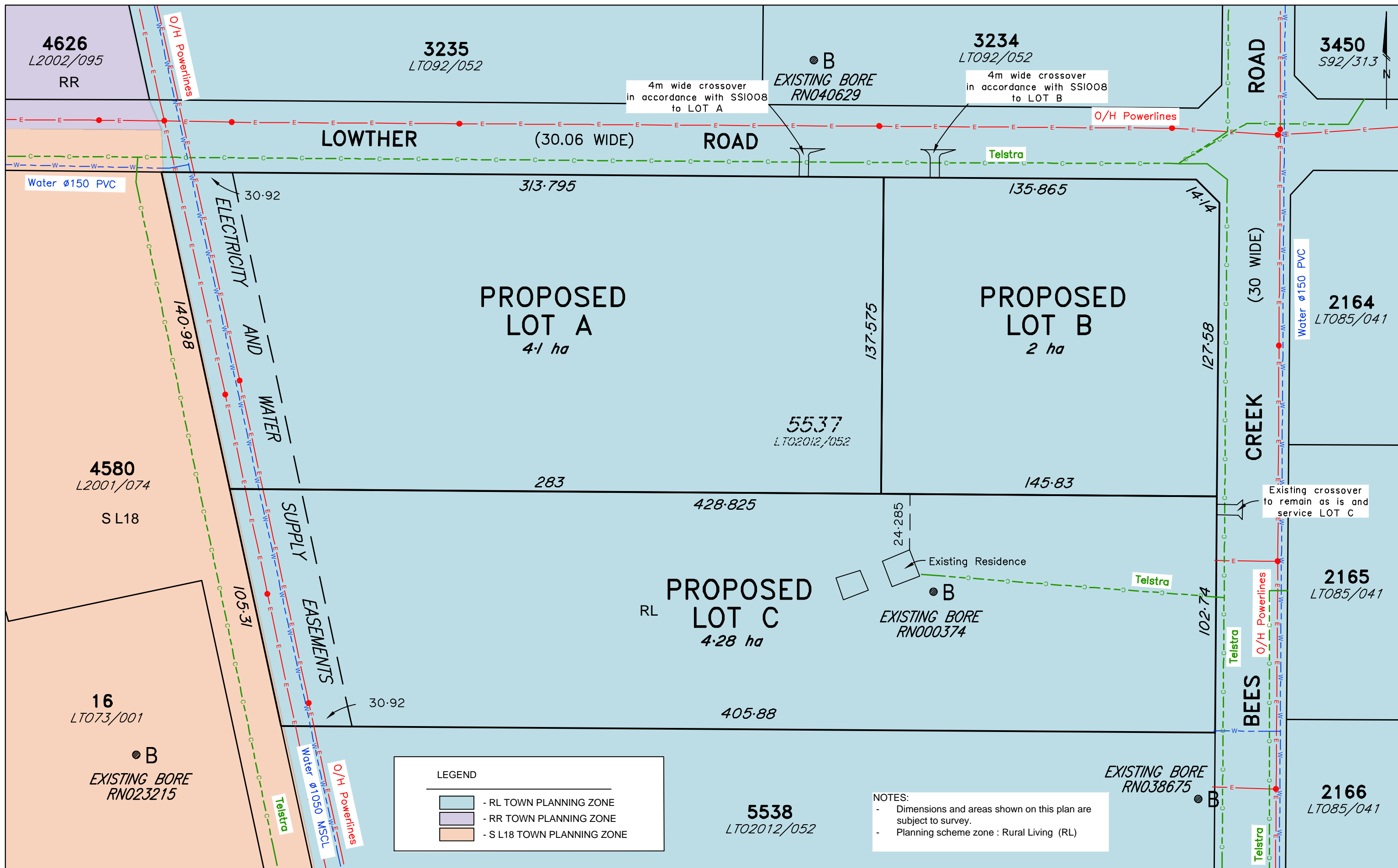
- Dimensions and areas shown on this plan are subject to survey.
- Planning scheme zone : Rural Living (RL)



Survey Plan:	LTO2012/052	SCALE:	1:1500 at A3
CUFT:	Vol 825 Fol 393	COORD. SYSTEM:	MGA 94 ZONE 52
Bearings:	TRUE	LEVEL DATUM:	AHD
Date :	22/01/2026	CONTOUR INTERVAL:	0.5 m
JOB No:	2026-0025		
APPROVED	GH		

**PROPOSED SUBDIVISION
 LOTS A, B AND C
 OVER SECTION 5537 HUNDRED OF STRANGWAYS
 240 BEES CREEK ROAD, BEES CREEK**

CLIENT: CUNNINGTON ROSSE TOWN PLANNING DRAWING No: DA-2026-0025-01 REV:A SHEET No: 1 of 2



LEGEND

	- RL TOWN PLANNING ZONE
	- RR TOWN PLANNING ZONE
	- S L18 TOWN PLANNING ZONE

NOTES:

- Dimensions and areas shown on this plan are subject to survey.
- Planning scheme zone : Rural Living (RL)



Survey Plan:	LTO2012/052	SCALE:	1:1500 at A3
CUFT:	Vol 825 Fol 393	COORD. SYSTEM:	MGA 94 ZONE 52
Bearings:	TRUE	LEVEL DATUM:	N/A
Date :	22/01/2026	CONTOUR INTERVAL:	0.5 m
JOB No:	2026-0025		
APPROVED	GH		

**PROPOSED SUBDIVISION
LOTS A, B AND C
OVER SECTION 5537 HUNDRED OF STRANGWAYS
240 BEES CREEK ROAD, BEES CREEK**

A3

CLIENT: CUNNINGTON ROSSE TOWN PLANNING	DRAWING No: DA-2026-0025-01	REV:A	SHEET No: 2 of 2
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CUNNINGTON ROSSE
Town Planning & Consulting

Statement of Effect

SUBDIVISION TO CREATE THREE (3) LOTS

240 BEES CREEK ROAD, BEES CREEK (SECTION 5537, HUNDRED OF STRANGWAYS)

March 2026

Contact

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Position	Director
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Document Control

Author	Gerard Rosse
Version	1.0
Date	March 2026

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1.0 Introduction

Cunnington Rosse Town Planning and Consulting have been engaged to prepare, lodge and manage a Development Application for a subdivision to create three (3) lots at 240 Bees Creek Road, Bees Creek.

The subject land is located within Zone RL (Rural Living) per the *Northern Territory Planning Scheme 2020* (the Scheme). In accordance with Clause 1.8(1)(c)(ii) the proposed subdivision is an Impact Assessable form of development. Pursuant to **Section 44(b)** of the *Northern Territory Planning Act 1999* (the Act) a Development Permit is required.

This report details the nature of the subject land and locality, the proposed subdivision, considers the proposal against the relevant provisions of the Scheme, and the relevant components of **Section 46(3)** of the Act. This report (and application) is to be read in conjunction with the following attachment:

Attachment A: Subdivision Plan and Stormwater Management Plan

Attachment B: Land Suitability Assessment

Attachment C: Site and Soil Evaluation

2.0 Site, Locality and Planning History

2.1 Site and Locality

The site and locality are identified and described in **Table 1** and **Figure 1** below.

Site Details	
Location	240 BEES CREEK ROAD, BEES CREEK (SECTION 5537, HUNDRED OF STRANGWAYS)
Area Under Title	10.38HA
Easements Identified on Title	Electricity and water supply easements
Planning Scheme Context	
Planning Scheme	Northern Territory Planning Scheme 2020
Existing Zone	RL (Rural Living)

Strategic Framework	Darwin Regional Land Use Plan Litchfield Subregional Land Use Plan
Overlays	CNV – Clearing of Native Vegetation
Subdivision Requirements	Clause 6.3.2 - Lot Size and Configuration for Subdivision in Zones RL, R and H, and Unzoned Land Clause 6.3.3 - Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land Clause 6.3.4 - Infrastructure for Subdivision in Zones RL, R and Unzoned Land

Table 1: Site Details

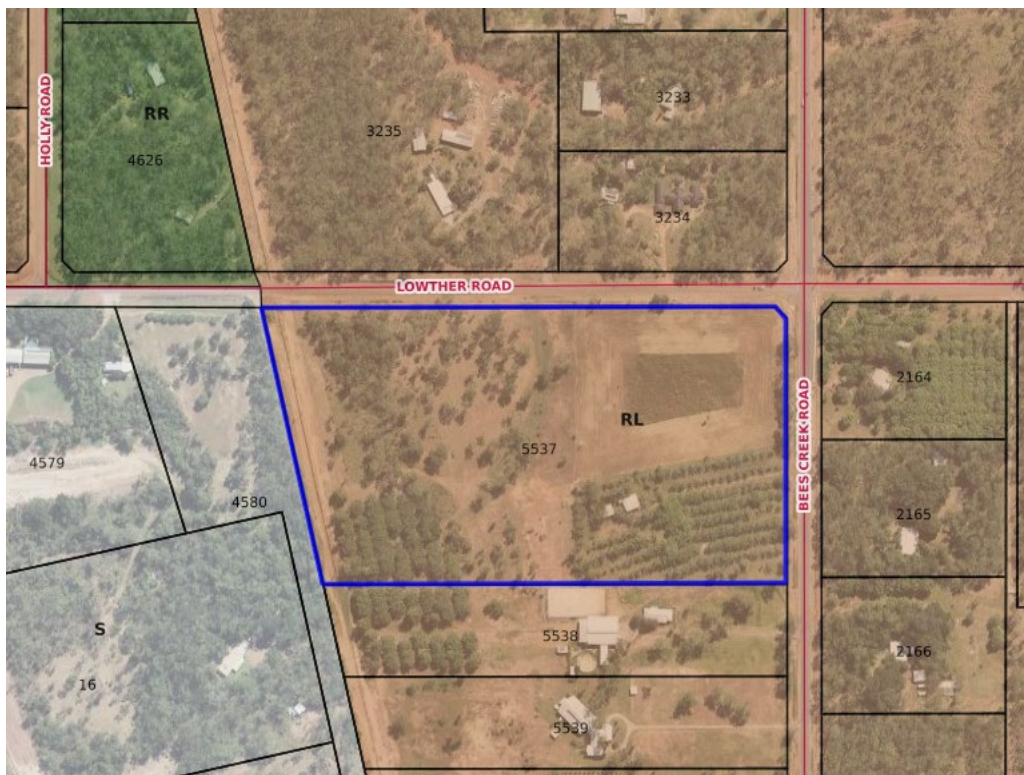


Figure 1: Locality and zoning plan

Section 5537 is an 10.38HA parcel within Zone RL (Rural Living) in the rural locality of Bees Creek. The site has frontage to both Bees Creek Road and Lowther Road and contains an existing dwelling, sheds and outbuildings. The site is

roughly 20 kilometres southeast of the Darwin CBD and 10 kilometres south of the Palmerston CBD. Land immediately abutting the site to the North, East and South is all within Zone RL. Land to the West is contained in Zone SL18.

3.0 Proposed Development

The proposal seeks consent to subdivide the land into three (3) parcels. Lot A (4.1HA) and B (2HA) will be vacant lots and Lot C (4.28HA) will retain the existing dwelling, shed and out buildings. Lots A and B will have access from Lowther Road and Lot C will retain the existing driveway access and crossover from Bees Creek Road.

A copy of the subdivision plans is provided at **Attachment A** and at **Figure 2** below.

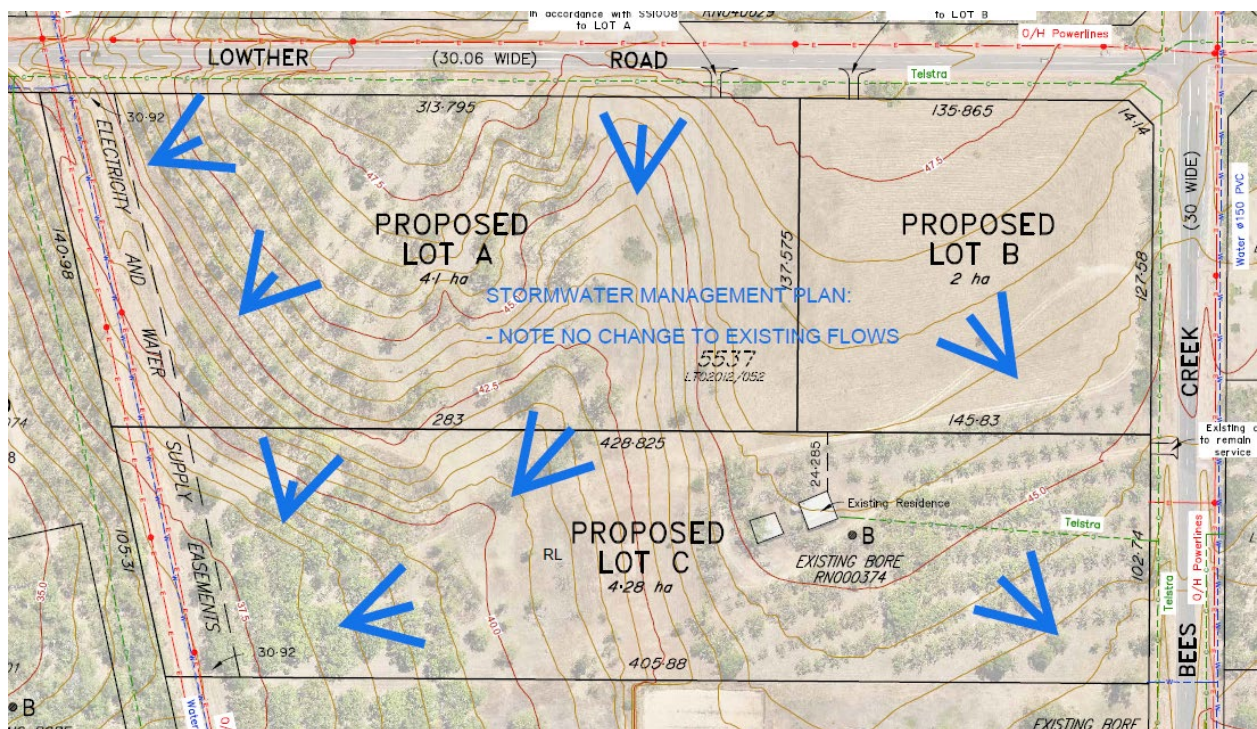


Figure 2: Proposed subdivision layout

A Land Suitability Assessment (LSA) and Site Soil Evaluation (SSE) has been completed and is available at **Attachment B and Attachment C**. It demonstrates the presence of unconstrained land and access on each proposed lot and that on site waste water treatment can be accommodated.

The **Land Suitability Assessment (LSA)** concludes that Section 5537 is well suited to the proposed three-lot rural subdivision, with approximately 4.9 ha of unconstrained land identified and each lot containing over 1 ha of suitable building area with unconstrained access, including Lot A. Lots B and C are classified as S1 (highly suitable) due to their low slopes ($\leq 1\%$), well-drained soils and minimal constraints, while Lot A is classified as S2 (moderately suitable)

due to slopes of up to 3%, with this threshold adopted as a conservative approach despite field observations indicating steeper areas may remain stable without erosion. The site is not affected by flooding, salinity or acid sulphate soils, and adequate setbacks for bores and wastewater disposal areas can be achieved, confirming the land can support residential development subject to standard design considerations.

The **Site and Soil Evaluation (SSE)** supports the LSA findings by confirming that the site can accommodate compliant on-site wastewater management systems across all proposed lots. The landform is gently undulating, with slopes $\leq 1\%$ in Lots B and C and up to 3% (locally up to 9%) in Lot A, which remain within acceptable limits for effluent disposal. Soils comprise gravelly kandosols with moderate permeability and no evidence of waterlogging, allowing for effective wastewater treatment and disposal. The assessment demonstrates that required setbacks to bores and water sources can be achieved, erosion risks are low and manageable, and typical systems such as absorption trenches can be installed within each lot, confirming the site is suitable for development from a wastewater and soil capability perspective.

4.0 Section 46(3)(a) - NT Planning Scheme

4.1 Nature of Development

Subdivision (where it is not for consolidation or for the creation of a unit title scheme) is an Impact Assessable form of development pursuant to **Clause 1.8(1)(c)** of the Scheme.

In accordance with **Clause 1.10(4)**, when considering an application for consent for a use or development identified as Impact Assessable the consent authority must take into account all of the following:

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

In accordance with **Clause 1.10(5)**, the consent authority may consent to a proposed use or development that is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:

- a) the purpose and administration clauses of the requirement; and*
- b) the considerations listed under Clause 1.10(3) or 1.10(4).*

The proposal has been assessed to comply with the relevant clauses of the Scheme.

4.2 Strategic Framework

The Darwin Regional Land Use Plan 2015 (DRLUP) and the Litchfield Subregional Land Use Plan 2016 (LSLUP) are applicable to the site.

Darwin Regional Land Use Plan

The Darwin Regional Land Use Plan was prepared by the NT Planning Commission and incorporated into the Planning Scheme in 2015. The Darwin Regional Land Use Plan identifies the essential characteristics and needs that will shape the future development in the region and presents a broad rational foundation for long term use and development of land identified in the area. The DRLUP land structure plan at page 13 identifies the site as Rural Lifestyle. The key objectives for Rural Lifestyle land use set out at Page 19 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.*
- *Provide appropriate buffers between different residential localities to maintain and enhance the amenity of established areas and protect the natural environment.*

The proposed subdivision is consistent with these objectives in providing opportunities for rural lifestyle development to meet market demand, encouraging opportunities for a choice in lifestyle, and protecting the natural environment.

Litchfield Subregional Land Use Plan

The Litchfield Subregional Land Use Plan was prepared by the NT Planning Commission and incorporated into the Planning Scheme in 2016. The Litchfield Subregional Land Use Plan provides 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.

The proposed subdivision is consistent with the relevant Statements of Policy within the plan for *Residential Land Use – Rural Area*:

14. Maintain rural amenity and lifestyle choice.

- *continue to support the subdivision of suitable land outside rural activity centres 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.*

The subdivision is consistent with the minimum lot size requirements for Zone RL, including a minimum of 1 hectare of unconstrained land.

4.3 Clause 4.21 – Zone RL (Rural Living)

Zone Purpose

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

The proposal is for the subdivision of land in Zone RL to create three (3) lots. The development will provide for a range of rural lifestyle choices and rural activities. The subject site does not have access to a reticulated water or sewage network. It therefore will rely on ground water and on-site wastewater management solutions, which can be accommodated for in the proposed subdivision.

Zone Outcomes

1. *Predominantly dwellings-single and dwellings-independent within a rural lifestyle setting.*

The subdivision enables future development for dwellings-single and dwellings-independent within a rural lifestyle setting by providing lot sizes consistent with the design requirements in Part 6 of the Scheme.

2. *Home based businesses and dwellings-community residence are of a scale, intensity and nature that is compatible with the character and amenity of the surrounding locality.*
3. *Residential development, such as residential care facilities, does not interfere with the character and amenity of the zone.*
4. *Rural activities, such as agriculture, animal boarding, horticulture, intensive animal husbandry, plant nursery, industry-primary, stables, and veterinary clinic where the scale, intensity and nature of the activity is compatible with the character and amenity of the surrounding locality and the land is capable of supporting the development.*

Subclauses 2, 3 and 4 will be a matter for consideration in the future development of the proposed lots.

5. *Development for residential purposes does not interfere with the existing or ongoing use of rural land for productive agricultural or horticultural purposes.*

Any existing productive agricultural or horticultural uses in proximity of the subject land are unlikely to be adversely impacted by future development given the retained minimum lot sizes per Part 6 of the Scheme.

6. *Community focused activities, such as community centre, child care centre, and emergency management facility:*
 - a. *are of a scale and intensity compatible with the character and amenity of the area;*

- b. wherever possible, are co-located with other non-residential activities in the locality;*
- c. avoid adverse impacts on the surrounding road network; and*
- d. are managed to minimise unreasonable impacts on the amenity of surrounding residents.*

Subclause 6 will be a matter for consideration in the future development of the proposed lots.

- 7. The design and site layout of all development are sympathetic to the existing streetscape, scale and character of surrounding development.*

The layout of the subdivision considers the existing road layout and subdivision pattern within the broader locality. The proposal respects the existing locality and development outcomes reasonably anticipated by ensuring lots are in accordance with the lot size and configuration requirements in Part 6 of the Scheme.

- 8. Development does not impose unsustainable demands on surface water and groundwater.*

The site will utilise the existing bore for lot C and Lots A and B will rely on new bores via ground water for water supply. The site is within the Darwin Rural Adelaide River Water control district which is classified as medium use and has available groundwater to support the subdivision.

- 9. Subdivision design is informed by land suitability assessment to confirm the land is able to support residential development.*

The Land Suitability Assessment confirms the land is able to support residential development, confirming the unconstrained land exceeds the minimum area requirements and is directly accessible from the adjacent road frontages. Each parcel includes unconstrained land as required and is also identified as capable of sustaining onsite wastewater management to support residential development.

- 10. Development is provided with an appropriate level of services and infrastructure, and minimises impacts on sensitive environments.*

Lots will be provided with reticulated power, access to groundwater with the land able to accommodate on-site septic systems. The location, layout and servicing arrangements for the proposed subdivision are such that adverse impacts on sensitive environments will be negligible.

- 11. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.*

Not applicable.

4.4 Overlays

4.4.1 Clause 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.*

Clearing of native vegetation is not proposed as part of this application, no native vegetation exists on the site.

4.5 Subdivision Requirements

4.5.1 Clause 6.3.2 - Lot Size and Configuration for Subdivision in Zones RL, R and H, and Unzoned Land

Purpose

Ensure subdivisions of rural and unzoned land:

- a) *have lots that are of a size and configuration suited for the intended purpose;*
- b) *have lots that are of a size consistent with the topographical constraints of the land (that may dictate that lots are of an area in excess of the specified minimum); and*
- c) *do not impose unsustainable demands on groundwater or unreasonably degrade the environment.*

Administration

1. *The consent authority may consent to a subdivision that is not in accordance with sub-clauses 5-10 if it is satisfied that:*
 - a. *the subdivision does not result in an increased lot yield; and*
 - b. *the lot size and/or configuration achieves at least one of the following:*
 - i. *an existing boundary encroachment by a building is remedied;*
 - ii. *the lots created are more regular in shape;*
 - iii. *access is provided to a lot that previously had no access or an unsuitable access;*
 - iv. *the subdivision will better meet the overall outcomes for the zone and the relevant components of the strategic framework applicable to the locality;*
 - v. *the arrangement of lots results in a significant protection of areas of environmental value;*
or
 - vi. *provides opportunity for a future local road network; and*

- c. the consent authority is satisfied that the lots created will be consistent with the purpose of this requirement and the zone purpose and outcomes*
- 2. The consent authority may consent to a subdivision on Unzoned Land that is not in accordance with the table to this clause only if it is satisfied that the lots created will be consistent with the purpose of this requirement.*
- 3. Despite sub-clause 1, the consent authority must not consent to a subdivision in Zone RL in Alice Springs and adjacent zoned areas that is not in accordance with the table to this clause.*
- 4. The unconstrained nature of the land is to be demonstrated by a land suitability assessment addressing the NT Land Suitability Guidelines, in accordance with clause 6.3.3.*

Requirements

- 5. Land is to be subdivided in accordance with the table to this clause.*

Table to Clause 6.3.2 sets out the minimum lot size and requirement in Zone RL as 2ha with a minimum of 1ha of unconstrained land. Each of the proposed lots will exceed 2ha and the LSA at **Attachment B** demonstrates each proposed lot will include more than 1ha of unconstrained land.

- 6. Lots have a depth to width ratio not exceeding 4:1.*

The lots are of irregular shape but ultimately reflective of the existing site layout, infrastructure, site features, access and shape. Notwithstanding, the lots have a depth to width ratio not exceeding 4:1.

- 7. Incorporate as far as practicable, drainage lines and drainage floors wholly within a single lot.*

Complies as far as practicable, noting no drainage lines or floors existing on the site.

- 8. Allow for 70m separation between bores, both proposed and existing.*

Complies – 70m separation between bores, both proposed and existing can be achieved.

- 9. Lot boundaries are to be:*

- a. at right angles to any watercourse;*
- b. sufficiently up slope to be outside of seepage zones where following drainage lines; and*
- c. at right angles to contours or along contours where slope is between 2.0% and 5.0% and follow ridge lines, spurs or contours where slope is above 5.0%.*

Not applicable – no watercourses exist on the site.

10. Minimise the number of watercourse crossings.

Not applicable – no watercourses exist on the site.

4.5.2 Clause 6.3.3 - Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land

Purpose

Ensure subdivision of land in Zones RR, RL, R and H, and unzoned land, responds to the physical characteristics of the land.

Administration

1. *The consent authority must not consent to a subdivision that does not include 1ha of land per lot in Zones RL, R and Unzoned Land, and 25ha in Zone H, identified as unconstrained in relation to:
 - a. *Storm tide flooding;*
 - b. *Riverine flooding;*
 - c. *Localised stormwater flooding; in accordance with the land suitability assessment and stormwater management plan.**
2. *The consent authority must not consent to a subdivision unless the relevant government agencies, local government council and service authorities provide formal comment to the consent authority in relation to the land suitability assessment and stormwater management plan and the possibility of storm tide flooding, riverine flooding and localised stormwater flooding of the identified 1ha of land.*
3. *The consent authority may consent to an application that is not in accordance with sub-clauses 4-7 if the application includes preliminary land assessment and stormwater management plans prepared by the applicant and approved by the relevant government agency and or service authority, demonstrating that 1ha of land per lot and all internal roads are unconstrained by localised stormwater flooding and by those issues addressed in the NT Land Suitability Guidelines.*

Requirements

4. *Each lot is to have unconstrained access from a public road to the identified unconstrained land.*

The LSA at **Attachment B** confirms that each proposed lot will have unconstrained access from a public road.

5. *An application to subdivide rural or unzoned land should include the following documents prepared by suitably qualified professionals:*
 - a. *a land suitability assessment addressing the NT Land Suitability Guidelines; and*
 - b. *a stormwater management plan including but not limited to; the potential impact on neighboring land, external roads, internal roads and the 1ha of land identified as unconstrained, the upstream and downstream flows and any proposed mitigation measures.*

Attachment A contains the Stormwater Management Plan and the LSA is provided at **Attachment B**.

6. *The subdivision design must address the constraints as identified in the land suitability assessment and stormwater management plan in relation to the location of internal roads, lot boundaries and the identified 1ha of unconstrained land.*

The LSA at **Attachment B** identifies the land suitability assessment and constraints on the site. The proposed subdivision layout including the location of access and lot boundaries ensures a minimum of 1ha of unconstrained land is provided on each proposed lot.

7. *An application to subdivide land on the maps “Priority Environmental Management Areas – Litchfield” and “Priority Environmental Management Areas – Katherine” as an area potentially of environmental significance should, on the advice of the relevant government agency, be accompanied by and the consent authority shall have regard to an evaluation by a suitably qualified professional of the environmental significance of the native vegetation and land form (e.g. lagoons, wetlands, rugged terrain and drainage systems).*
8. *An application described in sub-clause 7 must demonstrate that the proposed subdivision design does not adversely affect the environmental values as identified in the evaluation.*

The land is not identified as an area of environmental significance on the *Priority Environmental Management Areas – Litchfield* mapping.

9. *Subdivision design of rural and unzoned land should:*
 - a. *Retain and protect significant natural and cultural features;*
 - b. *Minimise the number of lots in, or exclude from subdivision, areas of high conservation significance and riparian zones;*
 - c. *Minimise alteration or disturbance to natural drainage systems including drainage areas, recognisable watercourses, lagoons and permanent and semi-permanent springs; and*

- d. *Minimise erosion hazard, sedimentation and pollution of watercourses.*

There are no known significant natural or cultural features on the site. The proposed subdivision will not create erosion or sediment hazards and will not disturb natural drainage systems.

5.4.3 Clause 6.3.4 - Infrastructure for Subdivision in Zones RL, R and Unzoned Land

Purpose

Ensure that subdivision of land in Zones RL, R and unzoned land, is integrated with infrastructure, community services and facilities and will not unreasonably affect the environment.

Administration

1. *The consent authority may consent to a subdivision that is not in accordance with sub-clauses 2-7, only if it is satisfied the subdivision is consistent with the purpose of this clause.*

Requirements

2. *Minimise disturbance through earthworks associated with the provision of infrastructure.*

Disturbance through the provision of new infrastructure, namely reticulated power and on-site wastewater treatment will be minimized.

3. *Provide for connection to reticulated services where practical.*

Both of the proposed lots will connect to the existing reticulated power network available.

4. *Where no reticulated sewerage is available, a site and soil evaluation report must be completed by an appropriately qualified site-and-soil evaluator demonstrating that onsite wastewater management systems can be installed on each lot in accordance with the requirements of the Code of Practice for Wastewater Management.*

Reticulated sewage is not available in the area. A Site and Soil Evaluation (SSE) is provided at **Attachment C** and demonstrated that an onsite wastewater management system can be installed on each lot in accordance with the requirements of the Code of Practice for Wastewater Management.

5. *Where no reticulated water is available, development is to demonstrate that an adequate supply of groundwater is available for domestic purposes, except where the land is:*

- (a) *Located within Zone RL or R in the Top End Region; and*

(b) Within a 'restricted water extraction area' as declared by the Minister responsible for the administration of the Water Act 1992.

The site is not located within a Restricted Water Extraction Area, including the Howard South Restricted Aquifer Area. Adequate groundwater is available to support the development for domestic purposes.

Roads should:

- a. be designed to:
 - i. interconnect with the existing road network;*
 - ii. provide for connections to potential future subdivisions of adjoining lands;*
 - iii. provide a clear hierarchy of roads; and**
- b. respond to the physical characteristics of the land by:
 - i. following ridge lines or contours where possible; and*
 - ii. where crossing watercourses be positioned at right angles to the watercourse and minimise the number of crossing points;**
- c. be sealed where lot sizes are 2ha or less;*
- d. be located above the 1.0% AEP flood line or any seepage line, whichever is the higher;*
- e. be designed with discharge drains placed to minimise erosion and associated engineering and maintenance costs;*
- f. provide direct access to lots and avoid battle-axe strips, however, where justified, battle-axe strips should be:
 - i. not less than 10m wide; and*
 - ii. less than 250m in length.**

(c) Where a road crosses a tidal arm in a rural subdivision it is expected to have a minimum elevation of RL 8m AHD and be designed to enable a discharge of at least a 5.0% AEP flood event.

No new roads are proposed as part of the subdivision. Each proposed lot will take access from the existing road network, in this case Lowther road and Bees Creek Road.

5.0 Section 46(3)(b) – Interim Development Control Order

There are no Interim Development Control Orders currently applicable to the site or proposed subdivision.

6.0 Section 46(3)(c) – Environmental Protection Act, Waste Management and Pollution Control Act

Formal consideration under the *Northern Territory Environmental Protection Act 2019* is not required and the proponent is aware of their environmental obligations under the *Waste Management and Pollution Control Act 1998*.

7.0 Section 46(3)(d) – Merits of Proposed Development

The proposed development has merit in that it is consistent with the strategic planning objectives and principles expressed in the Darwin Regional Land Use Plan and Litchfield Subregional Land Use Plan and complies with the relevant subdivision requirements of the Scheme. The proposed subdivision will provide for rural lifestyle choice to meet market demand.

8.0 Section 46(3)(e) – Subject Land, Suitability of Development and Effect on Other Land

Section 2 of this report details the subject land and its locality, and **Section 4** considers the potential impact on surrounding land. Given the nature of the subject land and surrounding locality, the proposed subdivision is considered suitable.

9.0 Section 46(3)(f) – Public Facilities and Open Space

The proposal is not required by the Scheme to provide any additional public facilities or public open space.

10.0 Section 46(3)(g) – Public Utilities and Infrastructure

The proposed lots will connect to the existing reticulated power network available in the area, will rely on the existing available groundwater and will comprise on-site wastewater treatment. The SLA and SSE provided at **Attachment B** and **C** confirm the ability for these on-site services to be provided in accordance with the relevant requirements.

11.0 Section 46(3)(h) – Impact on Amenity

Amenity is defined in **Schedule 2** of the Scheme as *any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable*. The subject site is within Zone RL and the

proposed subdivision design will support a subdivision which complies with the relevant rural living subdivision requirements. No new land use is proposed as part of this application. Accordingly, the proposal is not considered to have an impact on the amenity of the locality.

12.0 Section 46(3)(j) – Benefit/Detriment to Public Interest

Section 51 of the Act requires the consent authority to consider whether the proposal is in the public interest with specific consideration given to (where relevant) how the application addresses community safety through crime prevention principles in design, water safety, and access for persons with disabilities.

In response to these considerations, the proposed subdivision design is consistent with general CPTED principles, the proposed subdivision will not impact on water safety, and access requirements for persons with disabilities is administered through relevant building legislation.

13.0 Section 46(3)(j) – Restricted Water Extraction Areas

In accordance with section 14(c) of the Water Act, it is noted that the site is not located within the Restricted Water Extraction Area (RWEA).

14.0 Section 46(3)(k) – Compliance with the Building Act

A report demonstrating compliance with Section 46(3) (k) is attached to this application.

15.0 Section 46(3)(l) – Development of Scheme Land

The application does not propose the subdivision of land under a unit titles scheme. Accordingly, **Section 46(3)(l)** is not applicable.

16.0 Conclusion

The subject Development Application is for a proposed subdivision to create three (3) Lots at 240 Bees Creek Road, Bees Creek. The site is within Zone RL (Rural Living) of the Scheme. Pursuant to Clause 1.8(1)(c)(ii) of the Scheme, subdivision is an Impact Assessable form of development, and a Development Permit is required.

This application has been prepared in accordance with **Section 46(3)** of the Act and includes an assessment of the proposal against the Scheme. The proposal:

- is consistent with the Darwin Regional Land Use Plan and the Litchfield Subregional Land Use Plan;
- is consistent with the zone purpose and outcomes of Zone RL;
- is compliant with the relevant subdivision requirements.

For the reasons detailed above, the proposal will not impact on the amenity of the immediate and surrounding locality and will not be of detriment to the public interest.



Gerard Rosse

Cunnington Rosse Town Planning and Consulting

Land Suitability Assessment for subdivision: Section 5537, Hundred of Strangways

Compiled by

VPS Land Assessment and Planning

March 2026

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Surface and subsurface conditions are created by natural processes and anthropogenic activities. Site assessment identifies actual subsurface conditions only at those points where samples are taken and when they are taken. This Report is based on assumptions that the site conditions as revealed through selective sampling are indicative of conditions throughout the site. Data derived from literature and external data source review are interpreted to provide an opinion about overall site conditions and their likely impact on the proposed development. Natural landscapes are variable and actual subsurface conditions and soil depth may differ from those inferred to exist. The actual interface between materials may be far more gradual or abrupt than assumed based on the facts obtained.

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1. Executive Summary

VPS Land Assessment and Planning (VPS) was commissioned to conduct a Land Suitability Assessment (LSA) of Section 5537, Hundred of Strangways, to support the proposed three lot subdivision of 240 Bees Creek Road, Bees Creek. The subject lot is 10.39ha and Zoned RL – Rural Living. Review of publicly available imagery shows that around 4ha of Section 5537 was previously developed for a mango orchard and 2.5ha of cleared grassland with most of the remainder parkland cleared (mown or slashed).

The proposed subdivision of Section 5537 will create three lots, each >2ha. Final areas will be determined by a surveyor. This land suitability assessment identified 4.9 ha unconstrained land on s5537 with >1ha of in each proposed lot with similarly unconstrained access to Bees Creek or Lowther Roads.

The identified unconstrained land within Section 5537 is classed as *S1 – Highly suitable* for Lots B & C as the areas have been previously cleared and are now fully grassed or under mangos on low slopes (<1%).

The 1ha of unconstrained land within Proposed Lot A is comprised of two 0.5ha areas about 80m apart, with both areas classed as *S2 – Moderately suitable* for subdivision due to slopes up to 3%. Both portions of unconstrained land in lot A (that total above 1HA) have unconstrained access to the Lowther Road.

A slope of 3% has been adopted as a conservative assessment for the purpose of demonstrating compliance within Lot A. It was noted during field inspection that existing cleared and mown land along the eastern side of the stormwater drainage area and parkland cleared (mown) areas below the crest of the rise included slopes >5% without evidence of erosion. This suggests that some areas may have a greater extent of unconstrained land with regard to slope.

All proposed lots will use groundwater bores for potable water supply. Setbacks between new and existing bores (70m), and 100m separation between bores to onsite wastewater land application areas (LAAs) have been demonstrated.

All three lots will utilise onsite wastewater management. Field assessment confirmed the capability of the soil-landscape of the land within proposed lots to sustain onsite wastewater management using approved treatment and disposal systems that will comply with the *NT Code of Practice for Wastewater Management* (DOH 2020). Minimum separation distances between potential LAAs and other site features (eg bores) can be achieved or exceeded for all new and existing lots. See also the separate Site & Soil Evaluation (SSE) for this proposed subdivision (VPS 2026).

2. Introduction

VPS Land Assessment and Planning (VPS) was commissioned to conduct a Land Suitability Assessment (LSA) of Section 5537, Hundred of Strangways, to support the proposed subdivision of 240 Bees Creek Road, Bees Creek. This LSA was prepared to support a proposal to create three lots, each lot >2ha and each including >1ha of unconstrained land with similarly unconstrained access to Bees Creek or Lowther Roads.

This report presents the results of the LSA. It provides an assessment of the issues and opportunities of the site in the context of the NT *Land Suitability Guidelines* (NTG 2020).

The *Land Suitability Guidelines* (NTG 2020) define land suitability as:

The fitness of a given area for land utilisation type (or land use), or the degree to which it satisfies the land user.

The *Guidelines* address seven land suitability categories. These categories are:

- Drainage
- On-site wastewater management *
- Erosion risk
- Soil salinity
- Acid sulphate soils
- Storm tide flooding
- Riverine flooding.

'Unconstrained land' is land that is unconstrained with respect to all the 7 criteria listed above.

These categories are then assigned *suitability classes* as per Table 2 of the *Guidelines* following assessment of the *relevant* characteristics identified through a review of existing land information and field investigations. Suitability classes 1-2 are generally considered to be 'unconstrained', while suitability classes 3-5 are considered to varying degrees to be 'constrained'. Land classified as suitability class 3-5 may prevent development from proceeding or require additional inputs in terms of design, planning, and on-going management (NTG 2020).

* in lieu of the *Land Suitability Guidelines* (NTG 2020) criteria, the capability of the subject land is assessed against the capacity of the unconstrained land to support onsite wastewater management systems (OWMS) that would comply with the NT *Code of Practice for Wastewater Management* (DOH 2020a).

This is in accordance with the *NTPS* (2020) that states equally at Part 6.3.1.7 in relation to *Subdivision in Zone RR* and Part 6.3.4.4 in relation to *subdivision in Zones RL, R and Unzoned Land* that:

“... Where no reticulated sewerage is available, a site and soil evaluation report must be completed by an appropriately qualified site-and-soil evaluator demonstrating that onsite wastewater management systems can be installed on each lot in accordance with the requirements of the Code of Practice for Wastewater Management.” (underline by VPS)

According to DOH (2020a, Section 2.5; page 19):

“*The Code ... (DOH 2020a) ... must be read in conjunction with the AS/NZS 1547:2012 which takes a risk management approach to on-site domestic wastewater management for systems normally designed for domestic wastewater flows up to 2,000 litres/day, from a population equivalent of up to 10 persons.*”

The scope of AS/NZS 1547:2012 applies to all WMS installed in the NT.”

See separate Site & Soil Evaluation (SSE) for this proposed subdivision (VPS 2026).

3. Background

3.1. Site location

Section 5537, Hundred of Strangways (240 Bees Creek Road, Bees Creek) lies around 8kms southeast of Palmerston by road (Figure 1).

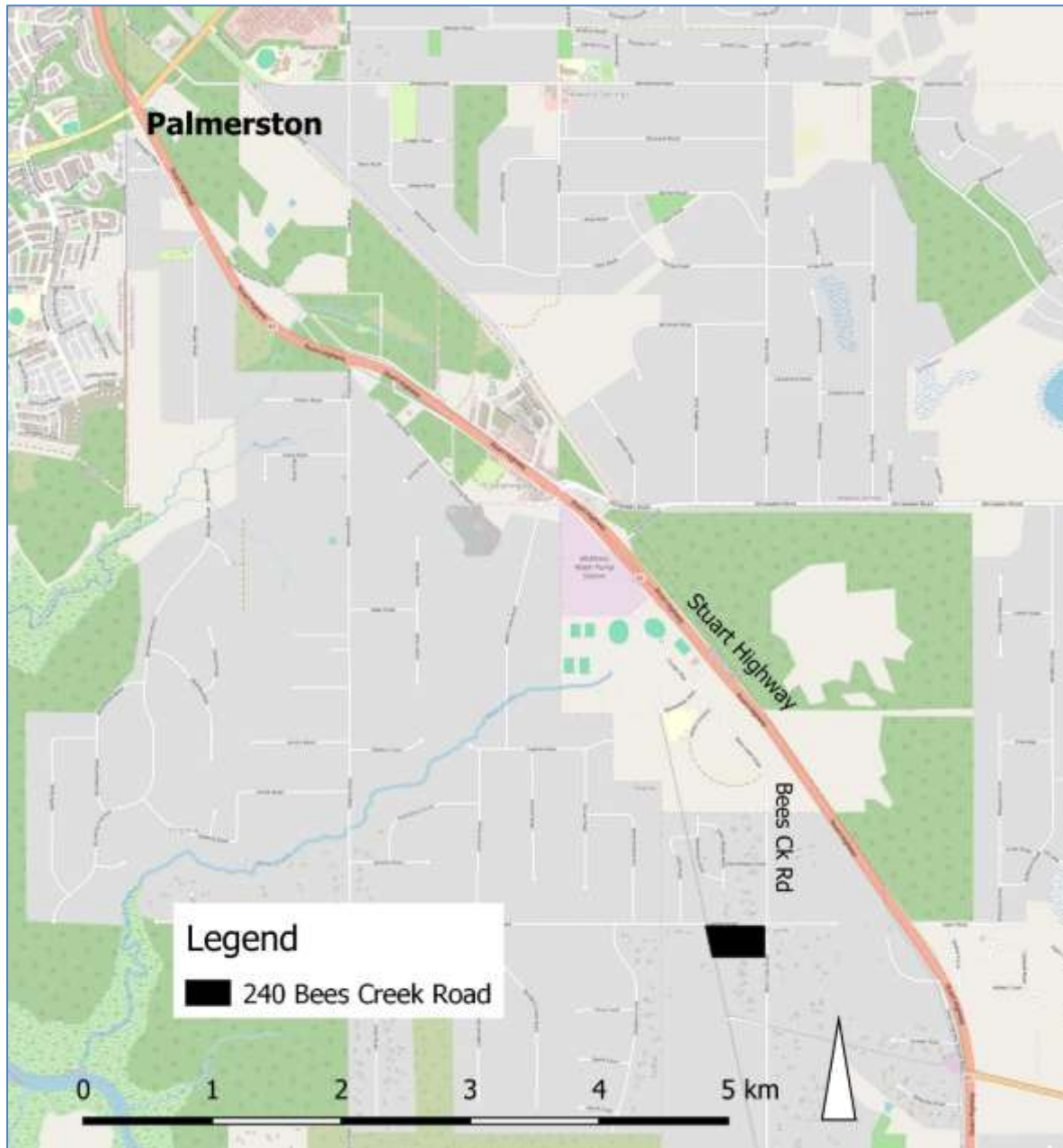


Figure 1: Location of Section 5537

3.2. Site Description and proposed subdivision

Section 5537 lot is 10.39 ha and Zoned RL – Rural Living. Review of publicly available imagery shows that around 4ha of Section 5537 was previously developed for a mango orchard, including an existing shed, 2.5ha of cleared grassland with the remainder mostly parkland cleared (Figure 2).

All three lots are ≥ 2 ha, will utilise bores for potable water supply and onsite wastewater management systems (OWMS).

4. Assessment

4.1. Overview

Field assessment of Section 5537 was undertaken on 15 March 2026. Field assessment confirmed that each proposed lot includes >1ha unconstrained land on lower slopes ($\leq 3\%$) with similarly unconstrained access to Lowther or Bees Creek Roads. According to BOM data for Collard Road Humpty Doo (Site [14226](#)) 3kms the southeast of s5537, the region experienced wet season rainfall some 650mm above average by 15 March 2026. Despite this rainfall, most of s5537 had been recently mowed / slashed.

4.2. Soil and Landscape assessment

Field assessment involved traversing Section 5537 with a handheld Garmin GPS to identify unconstrained land. Slope was assessed in the field using a hand-held clinometer. Slope recorded across the unconstrained land for proposed lots B and C is $\leq 1\%$, however slopes up to 3% were recorded within the unconstrained land within proposed lot A. Slopes up to 9% were recorded in the western half of the block around the unconstrained land (Figure 5). Moderately deep, well-drained, gravelly brown Kandosol was described within proposed lot B (site 1) whilst a shallow, gravelly, well – rapidly drained brown kandosol was described in the steeper part of proposed Lot A (Site 2) (Figure 5, Appendix 1, Table 1).

Table 1 Soil profile location*

Site	Easting	Northing
1	723620	8611180
2	723406	8611179

*Map Grid of Australia 1994, Zone 52

4.3. Site assessment

A stormwater drain under Lowther Road directs water from roadside drains into an unconfined stormwater drain on Lot A (Figure 3 & 4). The land flattens out in Lot C where the stormwater spreads out amongst the mangos (Figure 5).



Figure 3 Stormwater drain outlet under Lowther Road discharging into Lot A



Figure 4 Looking south from Lowther Road drain outlet into Lot A

Some 4.9ha unconstrained land was identified in s5537. As per NTPS 6.3.2.7, field assessment identified that each proposed lot contains >1ha unconstrained with similarly unconstrained access to Lowther or Bees creek Roads (Figure 5). The unconstrained land within lots B and C comprises moderately deep, well drained, gravelly brown kandosols on slope $\leq 1\%$. The unconstrained land within Lot A is in two parts, the eastern part (next to Lot B) comprises slopes up to 3% on moderately deep, well drained, gravelly brown kandosols whilst the western part, around 80m away, is on top of the rise with slopes 3% on a shallow, rapidly drained, gravelly brown kandosols (Figure 5). Mown areas within Lot A with slope $>5\%$ and along firebreaks show no signs of erosion indicating ground cover management successful in mitigating erosion risk.

To address Part 6.3.2.9 (NTPS 2020), and the DOH (2020a) setback requirements for onsite wastewater land application areas (LAA), the identified unconstrained land is $>200\text{m}$ from any watercourse, drain or any waterbody used for potable water supply. For treated effluent land application areas (LAAs) slopes up to 10% are generally considered unconstrained (as per AS1547:2012). Therefore, most of the steeper land across Lot A outside the 100m bore buffer and away from the stormwater area may be suitable for LAAs.

NR Maps identified several bores on and around s5537. As shown in Figure 5, a 100m LAA exclusion buffer has been applied to all existing bores used for potable water supply. The existing bore, RN 374, will be retained on Lot C and the new bores proposed for Lots A & B will meet both the 70m bore to bore and 100m bore to LAA separation distances that will satisfy both NTPS 2020 and DOH (2020a) setback requirements.

Published mapping shows that s5537 is not affected by riverine flooding (Cardno 2014), storm tide flooding (SEA 2006) nor acid sulfate soils (Hill and Edmeades 2008). Vibrant vegetation indicates that the unconstrained areas on s5537 are not affected by salinity.

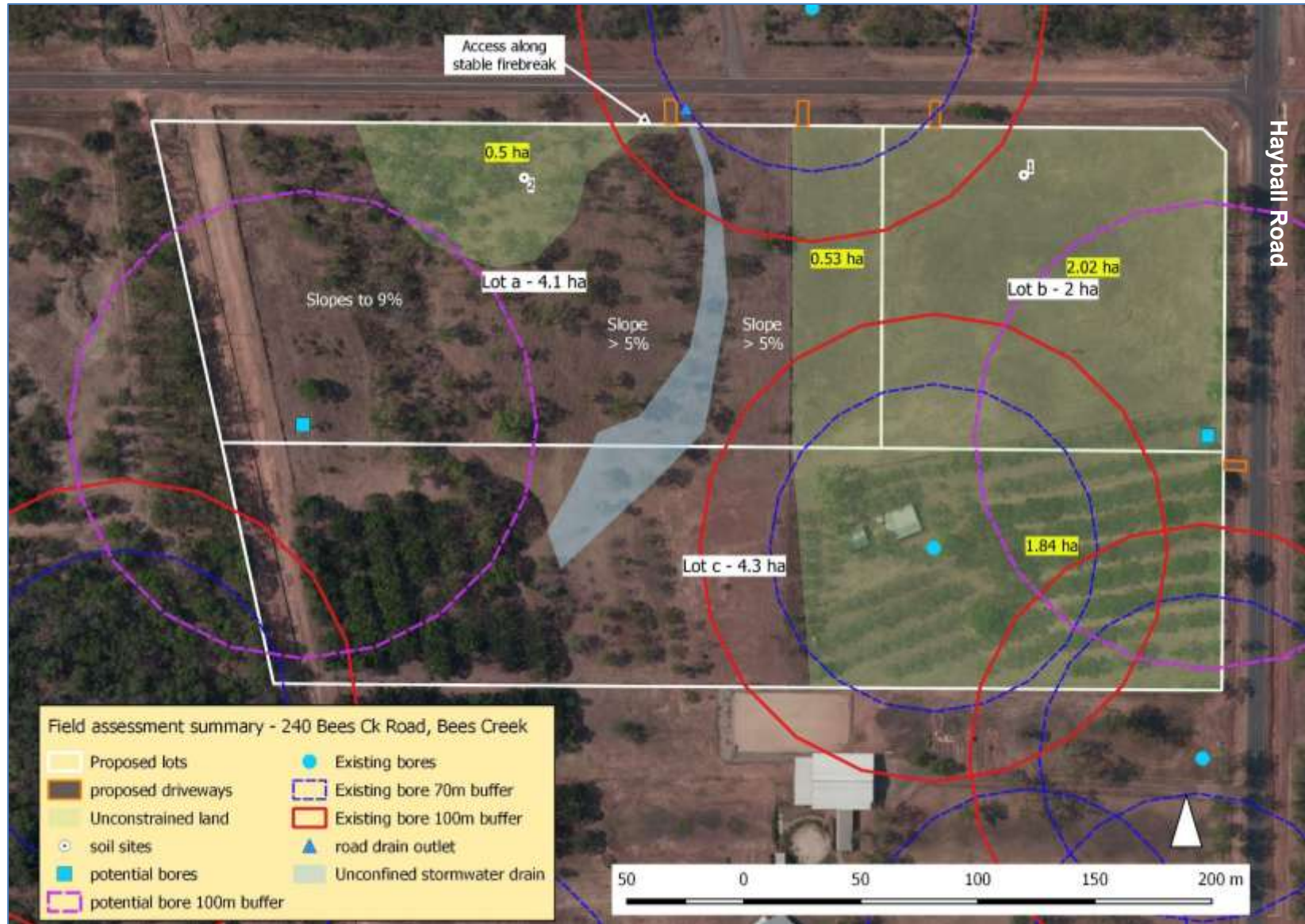


Figure 5 Field assessment summary

5. Land Suitability Assessment

An assessment of environmental constraints and administrative requirements identified through an analysis of data used for desktop review combined with field validated soil, landscape and site information was undertaken in accordance with requirements of relevant NT Government documents including:

- NT *Land Suitability Guidelines* (NTG 2020)
- NT *Planning Scheme 2020*
- DOH. 2020. *Code of Practice for Wastewater Management*. Department of Health, Northern Territory Government

Based on the findings of the desktop assessment and field investigation, an assessment of the site was undertaken to determine land suitability classes and provide a summary of the issues for the subject land. The suitability class ratings have been applied only to the land mapped as unconstrained. No 'constrained' land (eg poorly drained, steep slopes, etc) is considered in this land suitability assessment.

Suitability classes can be improved by engineering works and the application of other site management practices. As per the Land Suitability Guidelines (NTG 2020, iv) a lower land suitability rating “*does not necessarily prevent a land use from occurring, but in most situations indicates that additional inputs in terms of costs, design, planning and ongoing management could be required.*” Table 1 contains a summary of the subdivision land suitability assessment.

Table 2 Land Suitability Assessment

Land Suitability Category	Assessment	Suitability Class
Drainage	Unconstrained land within proposed lots comprises well drained brown kandosols (Lots B & C, plus eastern part of Lot A) and rapidly drained brown kandosols in western part of Lot A. Appendix 1.	S1 - Highly Suitable
Onsite Wastewater Management (OWM) Land capability assessed against the requirements of the DOH. 2020a. <i>Code of Practice for Wastewater Management</i>	Soil across site comprise gravelly kandosols (earths), See Appendix 1. Ample room available to install a suitable land application area (LAA) within unconstrained land. Lot sizes allow bores to be located within each proposed lot and achieve required setbacks (Figure 5). As per AS1547:2012, slope $\leq 10\%$ is unconstrained for all disposal systems. Within Lot A, gravelly brown kandosols on slopes up to 9% were recorded which provide further options to locate an LAA. AS1547-2012 provides guidance for disposal method selection and suggests a range of 'standard' mitigation measures to address site and/or soil limitations such as soil depth and subsoil gravel. Field assessment confirmed the capability of the unconstrained land to sustain onsite wastewater management using existing approved treatment and disposal systems that will comply with the NT <i>Code of Practice for Wastewater Management</i> (DOH 2020).	S1 - Highly Suitable
Erosion Risk	Slope across unconstrained land within proposed lots B & C $\leq 1\%$. Slope across unconstrained land within proposed Lot A $\leq 3\%$ Mown areas within Lot A with slope $>5\%$ show no signs of erosion indicating ground cover management successful in mitigating erosion risk. New fence required between Lot A and B will be through an established grassland. Fence between Lot B and Lot C will be an extension of existing fence between Lots B/C and will be installed across the slope.	Lots B/C S1 - Highly Suitable Lot A S2 – Moderately Suitable
Soil Salinity	Vegetation provides no evidence to suggest site is affected by salinity. Salinity hazard mapping by Tickell and Tyson (1994) indicates that subject land has a <i>Low Risk</i> of soil salinity.	S1 - Highly Suitable
Acid Sulphate soils (ASS)	Mapping by Hill <i>et al</i> (2008) indicates that there is no risk of acid sulphate soils within the identified unconstrained land	S1 - Highly Suitable
Storm tide flooding	Published storm surge mapping (NR Maps) indicates that no part of s5537 is affected by modelled storm tide flooding (SEA 2006).	S1 - Highly Suitable
Riverine Flooding	Published flood mapping (Cardno 2014) indicates no part of s5537 affected by flooding	S1 - Highly Suitable

6. Conclusion

The proposed subdivision of Section 5537 will create three new lots, each ≥ 2 ha with final areas to be determined by a surveyor. This land suitability assessment identified >1 ha of unconstrained land within each proposed lot with similarly unconstrained access to Bees creek or Lowther Roads. The unconstrained land with Lot A has been mapped in two parts and comprises rapidly to well drained gravelly kandosols on slopes to 3%

The identified unconstrained land within Section 5537 is classed as S1 – Highly suitable for Lots B & C as the areas have been previously cleared and are now fully grassed or under mangos on low slopes ($<1\%$). The 1ha of unconstrained land within Proposed Lot A is comprised of two 0.5ha areas about 80m apart, with both areas classed as S2 – Moderately suitable for subdivision due to slopes up to 3%.

The identified unconstrained land within Section 5537 is classed as S1 – *Highly suitable* for Lots B & C as the areas have been previously cleared and are now fully grassed or under mangos on low slopes ($<1\%$). Both portions of unconstrained land in lot A (that total above 1HA) have unconstrained access to the Lowther Road.

A slope of 3% has been adopted as a conservative assessment for the purpose of demonstrating compliance within Lot A. It was noted during field inspection that existing cleared and mown land along the eastern side of the stormwater drainage area and parkland cleared (mown) areas below the crest of the rise included slopes $>5\%$ without evidence of erosion. This suggests that some areas may have a greater extent of unconstrained land with regard to slope.

All proposed lots will use groundwater bores for potable water supply. Setbacks between new and existing bores (70m), and 100m separation between bores to onsite wastewater land application areas (LAAs) have been demonstrated in Figure 5.

Field assessment confirmed the capability of the soil-landscape of the land within both proposed lots to sustain onsite wastewater management using approved treatment and disposal systems that will comply with the NT *Code of Practice for Wastewater Management* (DOH 2020a). Minimum separation distances between potential LAAs and other site features can be achieved for all proposed lots. See also the separate Site & Soil Evaluation (SSE – VPS 2026) for this proposed subdivision.

7. References

- Australian Standard AS/NZS 1547:2012 On-site domestic-wastewater management
- Cardno. 2014. *Elizabeth and Blackmore Rivers Catchments Flood Study*
- DOH. 2020a. *Code of Practice for Wastewater Management*. Department of Health, Northern Territory Government
- 2020b. *Guidance notes for wastewater management*. Department of Health, Northern Territory Government
- DLPE. *NR Maps. Department of Lands, Planning and the Environment* digital data discovery tool
- Hill JV and Edmeades BFJ. 2008. *Acid Sulfate Soils of the Darwin Region*. Dept of Natural Resources, Environment, the Arts and Sport. Tech Report 09/2008D
- NTG. 2020. *Northern Territory Land Suitability Guidelines*. Northern Territory Government Darwin, Australia
- NTG. 2020. *Northern Territory Planning Scheme 2020*
- SEA. 2006. *Darwin Storm Tide Mapping Study 2006*. Systems Engineering Australia Pty Ltd (SEA)
- Tickell SJ and Tyson P. 1994. *Dryland Salinity Hazard Map*. NT Department of Infrastructure, Planning and Environment. 2002 Revision.
- VPS. 2026. *Subdivision Site and Soil Evaluation for Section 5537, Hundred of Strangways*

Appendix 1 - Soil and Vegetation Assessment

Rep Site 1 – well drained, moderately deep, gravelly, brown Kandosol



Slope: <1%	Stopped by: dense gravel		Drainage: well	
Erosion: nil	Surface gravel (%): 5%		Potable surface water: >100m	
Runoff: Moderate	Rock outcrop: nil		Surface: nil	
Vegetation: Grassland, mown				
Level	1	2	3	
Depth (cm)	0 – 10	10 - 30	30-60	
Field Texture	Sandy loam	Sandy clay loam	Clay loam	
Structure	Massive earthy	Massive earthy	Massive earthy	
Dominant Colour	Grayish brown	Dark yellowish brown	Strong brown	
Mottles	nil	nil	nil	
Dispersion	Non dispersive	Non dispersive	Non dispersive	
Coarse Frags (%)	5	15	20	



Rep Site 2 – rapidly - well drained, shallow, gravelly, brown Kandosol



Slope: <3%	Stopped by: dense gravel		Drainage: well - rapid	
Erosion: nil	Surface gravel (%): 15%		Potable surface water: >100m	
Runoff: Moderate	Rock outcrop: nil		Surface: nil	
Vegetation: Woodland, mown grasses				
Level	1	2		
Depth (cm)	0 – 10	10 - 30		
Field Texture	Sandy loam	Sandy clay loam		
Structure	Massive earthy	Massive earthy		
Dominant Colour	Grayish brown	Brown		
Mottles	nil	nil		
Dispersion	Non dispersive	Non dispersive		
Coarse Frags (%)	5	40		



Site and Soil Evaluation for Subdivision

Section 5537, Hundred of Strangways
240 Bees Creek Road, Bees Creek

VPS Land Assessment and Planning
30 March 2026

Site Address	240 Bees Creek Road, Bees Creek
Parcel	Section 5537, Hundred of Strangways
Lot size (m² or ha)	10.39 ha
Building Control Area	Darwin
Zone	RL – Rural Living
Date of SSE	30 March 2026, field work 15 March 2026
Existing land use	Cleared, grassland
Proposed land use and lot size(s)	Small lot subdivision, 3 proposed lots >2ha
Potable water supply	Bores for all lots
Proposed treatment and land application system	Primary and secondary treatment and disposal systems approved under NT <i>Code of Practice for Wastewater Management</i> (DOH 2020)
Distance to bores (m)	Current bore, RN 374 will be retained in Lot C. All bores on adjoining blocks buffered by 100m wastewater disposal exclusion area
Distance to surface water used for potable supply	Nil waterbodies used for potable supply within vicinity (<200m) of proposed subdivision

Discussion

This site and soil evaluation SSE prepared as per the *NTPS* (2020). Both Part 6.3.1.7 in relation to Subdivision in Zone LI and Part 6.3.4.4 in relation to subdivision in Zones RL, R and Unzoned Land require that:

“... Where no reticulated sewerage is available, a site and soil evaluation report must be completed by an appropriately qualified site-and-soil evaluator demonstrating that onsite wastewater management systems can be installed on each lot in accordance with the requirements of the *Code of Practice for Wastewater Management*.”

This SSE has been undertaken to address the requirements of the NT *Code of Practice for Wastewater Management* (DOH 2020) with reference to AS1547:2012, Appendix C *Site-And-Soil Evaluation for Planning, Rezoning, and Subdivision of Land*.

This SSE applies to the unconstrained land across Section 5537 (Figure 1) on the assumption that proposed lots will utilise onsite wastewater treatment systems approved under the NT *Code of Practice for Wastewater Management* (DOH 2020a).

As per Section 5.2.1 (AS1547:2012) the objective of the SSE is to “*Provide sufficient information for deciding whether or not a development area, subdivision, or lot is suitable for on-site system(s)*”. The SSE process identifies soil/site characteristics that may need to be addressed through modifications to the soil or the site, including the use of different technologies or management options or a combination of these, to improve site capability, if required, and ensure compliance with the NT *Code of Practice for Wastewater Management* (DOH 2020a). AS1547-2012, particularly Appendix K (Tables K1 and K2) and Appendix R, provide a range of suggestions for disposal method selection and suggest a range of mitigation measures in line with ‘*standard industry practice*’ to address soil and site limitations. Assessments in this table/matrix reflect the application of these standard mitigation measures to address the identified site-specific limitations and ensure site OWMS compliance with the NT *Code of Practice for Wastewater Management* (DOH 2020a).

Notes:

1. Under the NT *Public and Environmental Health Regulations* 2014 (in force 20 November 2020) Clause 69, the “*prescribed code for wastewater management* is the *Code of Practice for Wastewater Management*, as amended from time to time.”
2. According to DOH (2020a, Section 2.5; page 19):
“The Code ... (DOH 2020a) ... must be read in conjunction with the AS/NZS 1547:2012 which takes a risk management approach to on-site domestic wastewater management for systems normally designed for domestic wastewater flows up to 2,000 litres/day, from a population equivalent of up to 10 persons. The scope of AS/NZS 1547:2012 applies to all WMS installed in the NT.”
3. DOH (2020b) provides a range of options to reduce daily flow which may reduce the size of an LAA.

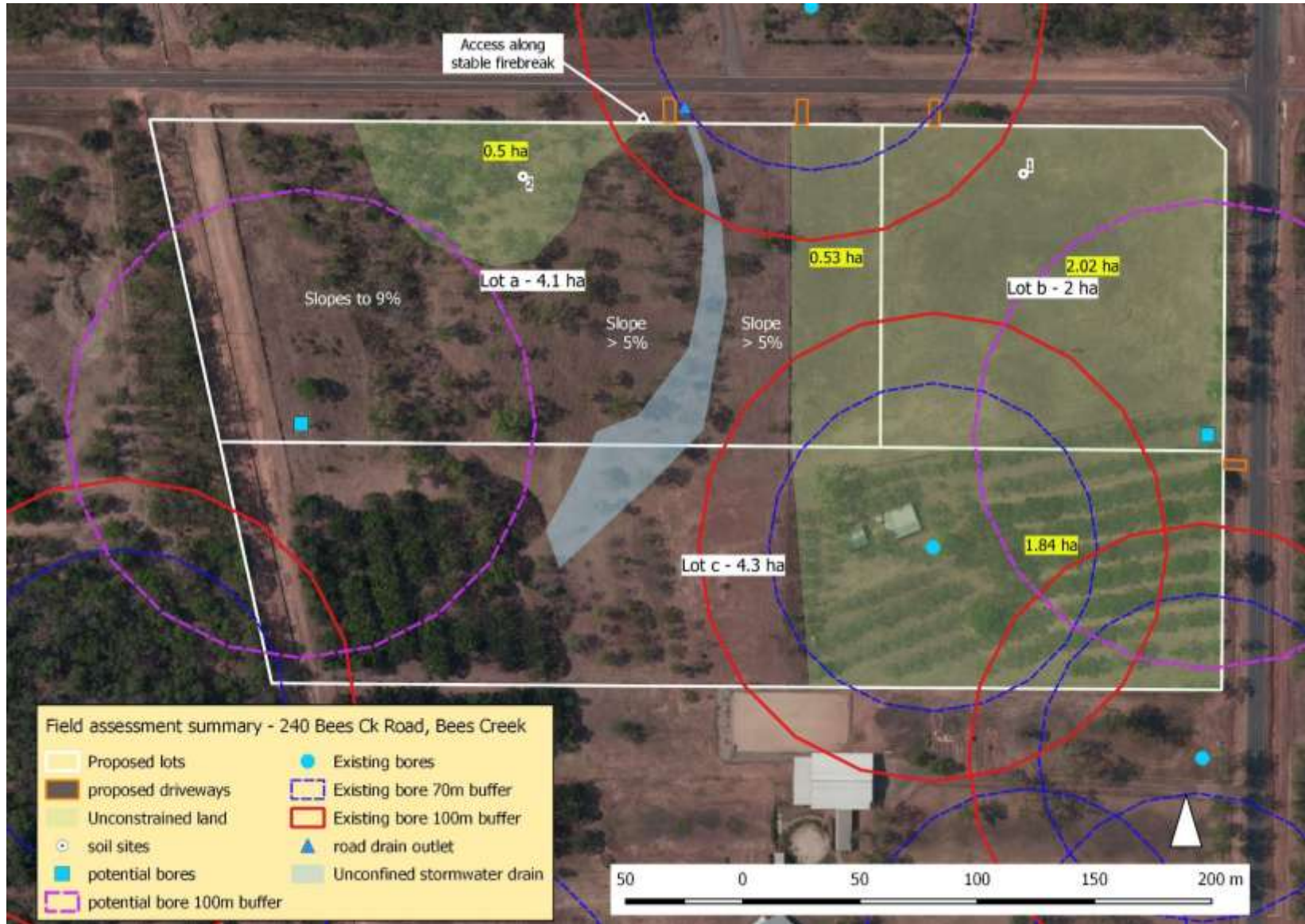


Figure 1 Summary assessment of Section 5537 (from LSA – VPS 2026)

Land Capability Assessment Matrix for On-site Wastewater Management Systems

Field investigation of Section 5537 was undertaken on 15 March 2026. Appendix 1 provides a site summary and Appendix 2 contains a summary of the soil profiles reviewed.

Site Characteristic	Assessment / considerations
Climate	Nearest rainfall data from Humpty Doo Collard Road (BOM Station Number: 014226) – Average annual rainfall ~ 1864 mm – highly seasonal with vast majority of rain falling between October to April BOM map of annual “Average pan evaporation 1975-2005” shows the Humpty Doo region lies within an area that experiences 2000-2400mm average annual evaporation (which exceeds annual rainfall).
Exposure	Site inspection found the whole site to be cleared and managed as a grassland. All proposed lots will have good exposure
Vegetation	Review of publicly available imagery shows that around 4ha of Section 5537 was previously developed for a mango orchard (Lot C), including an existing shed, 2.5ha of cleared grassland (mainly Lot B) with the remainder mostly parkland cleared (mainly Lot A). See Figure 1
Landform & Slope	Gently undulating plain to rise. Slope across unconstrained land within proposed Lot A ≤3% and lots B & C ≤1%. Within Lot A, gravelly brown kandosols on slopes up to 9% were recorded which provide further options to locate an LAA. Slope ≤10% unconstrained for all disposal systems (AS1547:2012 – Table K2,p136)
Fill	No evidence of fill.
Surface gravel & Rock outcrop	Surface gravel 5-15%. This is unlikely to affect land application areas (LAA) utilising surface irrigation Rock outcrop – scattered coffee rock within parts of Lot A
Erosion potential	Low risk Erosion risk associated with installation of effluent disposal systems can be managed through appropriate timing of soil disturbance and minimising the area of soil exposed during installation, followed by site stabilisation on completion.
Flood risk and stormwater	Field investigation confirmed that the western part of the s5537 naturally drains towards a natural stormwater drain in Lot A, whilst the eastern portion of the lot drains towards Bees Creek Road.
Proximity surface water used for potable supply	Nil waterbodies used for potable supply within vicinity (<200m) of proposed subdivision
Proximity to groundwater	Review of bore reports for bores on the property and nearby (available from NR Maps) shows local permanent water table below 15m. Adequate vertical and horizontal separation from ground water will be achieved
Protection of potable water supply	Bores on neighbouring blocks used for potable water supply. All existing bores and new bores within Lots A/B are buffered by 100m wastewater disposal exclusion area. Current bore, RN 374 will be retained on Lot C.
Code of Practice (CoP 2020) setback distances	As per Figure 1, all required setback distances can be achieved
Soil Profile Characteristic	Assessment / considerations
Soil depth	As per Appendix 2, soil depth at site 1 - 0.60m, site 2 – 0.3m Approved disposal systems include those that do not discharge treated effluent to the environment and are therefore unaffected by soil type, slope, or soil depth.
Indicative Saturated hydraulic conductivity	Maximum soil profile field texture is massive sandy clay loam (Appendix 2) See Table 5.1 AS1547:2012 for indicative permeabilities as a feature of soil category / soil texture class.

Ksat m/day	For example, the heaviest soil texture described by VPS is at Waypoint 1 and 2 (Appendix 2), a massive sandy clay loam - Soil Category 4 - indicative Ksat of 0.06 – 0.12 m/day.
Seasonal waterlogging & Depth to water table	No evidence of prolonged saturation (no redoximorphic features) in assessed soil layers. No seasonally waterlogged areas (poorly to very poorly drained) identified within unconstrained land. Review of bore reports for bores on the property and nearby (available from NR Maps) shows local permanent water table below 15m.
Risk of local area salinity & Sodicity ESP %	<i>Dryland Salinity Hazard Map</i> (Tickell and Tyson 2002) indicates that unconstrained land has a very low risk of localised salinity.
Subsurface gravels, stones, boulders	Profile generally gravelly throughout. Subsurface gravels variable to 40%.
Design	Assessment
Disposal method selection	A range of disposal systems using both primary and secondary treated effluent are approved under the NT <i>Code of Practice</i> (DoH 2020) and could be used within the development site. AS1547-2012, particularly Appendices K (Tables K1 and K2) and R, provide guidance for disposal method selection and suggest a range of mitigation measures using standard industry practices to address specific site and/or soil limitations. DOH (2020b) provides a range of options to reduce daily flow rates and thus reduce the size of the LAA. For discussion, the 'design system' to assess site capability comprises a primary effluent treatment system coupled with a conventional absorption trench.
Soil category Table E1, AS1547:2012 & Drainage Class	Relevant soil category will depend on the most limiting layer as defined by the selected method of disposal. For example, for surface and shallow subsurface irrigation systems, Table M1 Note 1 states that "For <i>Category 3 to 5 soils (loams to light clays)</i> , the drip irrigation system needs to be installed in an adequate depth of topsoil (in the order of 150 – 250 mm of in situ or imported good quality topsoil) to slow the soakage and assist with nutrient reduction." For an absorption trench typically installed at 0.6m, texture of the soil layers below 0.6m will define the Soil Category. For this discussion, assuming a conventional trench at Site 1 (Appendix 2), the maximum subsoil texture described in a soil profile is a sandy clay loam which equates to Soil Category 4. Drainage Class – Moderately well drained across all unconstrained land
Limiting site / soil feature(s)	Methods to mitigate these limitations using standard industry practices are discussed in AS1547:2012, particularly Appendices E and K. <ul style="list-style-type: none"> • Variable subsoil gravels <40% • Soil depth 0.3-0.6m
Design loading rate - DLR Table 5.2, AS1547:2012	DLR (design loading rate) or DIR (design irrigation rate) will depend on both the selected treatment system (primary or secondary), disposal method and soil texture / structure. See Appendices L-N (AS1547:2012). For discussion, the design system comprises a primary treated effluent and a conventional absorption trench in the vicinity of site 1. As per AS1547:2012 Table L1 'Recommended Design Loading Rates for Trenches and Beds' for primary treated effluent the DLR range for 'Massive, sandy clay loam' – Soil Cat 4 is 5 L/m ² /day Use of secondary treatment systems coupled with a trench / bed LAA will increase DLR to 10L/m ² /day and decrease LAA footprint
Model area required for land application areas (LAA)	Assuming a 4-bedroom home using primary treatment system and disposal via a conventional absorption trench into a massive sandy clay loam subsoil (DLR = 5, as per AS1547:2012 Table L1). Design occupancy = 6 persons as per Table 7 (DOH 2020a) DLR: 900L/day = 6 x 150L/pers/day as per Table 8 (DOH 2020a) Trench / bed LAA @ DLR 5L/m ² /day = 1800 ÷ 10 = 180m ²

	<p>There is ample room to locate a 180m² LAA within Lot B that will satisfy all requirements, including setbacks, of the <i>NT Code of Practice for Wastewater Management</i> (2020a).</p> <p>Use of secondary treated effluent with a DLR of 10L/m²/day would reduce the LAA to 90m².</p> <p>Options for reducing the volume of wastewater, thereby reducing the size of the LAA, are discussed in DOH (2020b).</p>
<p>Site and Soil Capability Assessment</p> <p>This SSE demonstrates that:</p> <ul style="list-style-type: none"> • onsite wastewater disposal systems can be installed using standard industry practices as outlined in AS1547:2012 (Appendix K) that will comply with the <i>NT Code of Practice</i> (DOH 2020a) • Erosion risk across LAA can be managed through appropriate timing of soil disturbance and minimising the area of soil exposed during installation, followed by site stabilisation on completion. • For LAA sites with subsoil gravel content >20%, sufficient land is available per lot to allow for expanding size of LAA to compensate for gravel content if required • The unconstrained land within Lots A & B allow for location of LAA to a site within the lot with deeper soils, or use of imported fill, mounds as per AS1547:2012 (Appendix K) or use of approved effluent disposal systems that do not involve discharge to the environment and are therefore independent of soil type, slope, or soil depth. • As the lot size enables development of LAAs that will treat effluent within property boundaries, the risk of impact on either groundwater and nearby surface waters from onsite wastewater management is considered low. • This assessment assumes that the setback requirements, including bores, for a primary (septic) wastewater treatment system are achievable for most proposed lots. <p>Conclusion</p> <p>This SSE for the proposed two lot subdivision of Section 5537, Hundred of Strangways, has demonstrated that onsite wastewater disposal systems can be installed using standard industry practices as outlined in Appendix K (AS1547:2012) that will comply with the <i>NT Code of Practice for Wastewater Management</i> (DOH 2020a) assuming the lots using primary effluent treatment system.</p> <p>DOH (2020b) provides a range of options to reduce daily flow rates and thus reduce the size of the LAA</p>	

References

- AS/NZS 1547:2012 *On-site domestic-wastewater management*. Standards Australia / Standards New Zealand.
- DOH. 2020a. *Code of Practice for Wastewater Management*. Department of Health, NT Government
- 2020b. *Guidance notes for wastewater management*. Department of Health, Northern Territory Government
- NT Planning Scheme 2020*
- VPS. 2026. Land Suitability Assessment – Section 5537, Hundred of Strangways
- Tickell S and Tyson P (latest version 2002). *Dryland Salinity Hazard Map*

Reliance, Uses and Limitations

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This study, report and analyses have been based on the information available to VPS Land Assessment and Planning at the time of preparation. VPS Land Assessment and Planning accepts responsibility for the report and its conclusions to the extent that the information was sufficient and accurate at the time of preparation.

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Surface and subsurface conditions are created by natural processes and anthropogenic activities. Site assessment identifies actual subsurface conditions only at those points where samples are taken and when they are taken. This Report is based on assumptions that the site conditions as revealed through selective sampling are indicative of conditions throughout the site. Data derived from literature and external data source review are interpreted to provide an opinion about overall site conditions and their likely impact on the proposed development. Natural landscapes are variable and actual subsurface conditions and soil depth may differ from those inferred to exist. The actual interface between materials may be far more gradual or abrupt than assumed based on the facts obtained.

Appendix 1 – Site assessment

1.1 Rainfall

The nearest rainfall data is available from Humpty Doo Collard Road (BOM Station Number: [014226](#)). As shown in the table below, average annual rainfall is 1864 mm with vast majority of rain falling between October and April.

According to BOM data for Collard Road Humpty Doo (Site 14226) 3kms the southeast of s5537, the region experienced wet season rainfall some 650mm above average by 15 March 2026. Despite this rainfall, most of s5537 had been recently mowed / slashed.

Statistic	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Mean	470	359	316	101	20	1	1	4	18	77	179	310	1864
Median	421	337	302	88	6	0	0	0	8	75	171	283	1844

BOM map of annual “Average pan evaporation 1975-2005” shows the Humpty Doo area lies within an area that experiences 2000-2400mm average annual evaporation (which exceeds annual rainfall).

1.2 Soil and landscape assessment

To guide the interpretation of existing soil and site data and other information, VPS assessed 2 gravelly brown kandosols, one site within each of Lots A and B (Appendix 2).

Field assessment involved traversing the unconstrained land with a handheld Garmin GPS Map65 (Map Grid of Australia 1994, Zone 52) and slope (%) was assessed using a hand-held clinometer.

Location of assessed soil profile

Site	Easting	Northing
1	723620	8611180
2	723406	8611179

* Map Grid of Australia 1994, Zone 52

Appendix 2 – VPS soil profile

Rep Site 1 – well drained, moderately deep, gravelly, brown Kandosol



Slope: <1%	Stopped by: dense gravel		Drainage: well	
Erosion: nil	Surface gravel (%): 5%		Potable surface water: >100m	
Runoff: Moderate	Rock outcrop: nil		Surface: nil	
Vegetation: Grassland, mown				
Level	1	2	3	
Depth (cm)	0 – 10	10 - 30	30-60	
Field Texture	Sandy loam	Sandy clay loam	Clay loam	
Structure	Massive earthy	Massive earthy	Massive earthy	
Dominant Colour	Grayish brown	Dark yellowish brown	Strong brown	
Mottles	nil	nil	nil	
Dispersion	Non dispersive	Non dispersive	Non dispersive	
Coarse Frags (%)	5	15	20	



Rep Site 2 – rapidly - well drained, shallow, gravelly, brown Kandosol



Slope: <3%	Stopped by: dense gravel		Drainage: well - rapid	
Erosion: nil	Surface gravel (%): 15%		Potable surface water: >100m	
Runoff: Moderate	Rock outcrop: nil		Surface: nil	
Vegetation: Woodland, mown grasses				
Level	1	2		
Depth (cm)	0 – 10	10 - 30		
Field Texture	Sandy loam	Sandy clay loam		
Structure	Massive earthy	Massive earthy		
Dominant Colour	Grayish brown	Strong brown		
Mottles	nil	nil		
Dispersion	Non dispersive	Non dispersive		
Coarse Frags (%)	20	40		





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To Whom it may concern,

RE: Statement from a Building Certifier Re: Section 46(3)(k) of the Planning Act for Proposed Subdivision of Section 5537(240) Bees Creek Road, Bees Creek, Hundred of Strangways.

In accordance with Section 46(3)(k) & (l) of the Planning Act and Drawings 'DA-2026-0025-01' Sheets 1 and 2 issued by Cross Solutions attached, I can confirm that the proposal is suitable for Subdivision and will not affect compliance with the NT Building Act or National Construction Code/Building Code of Australia.

Note, structures proposed to be retained will not affect compliance with the NT Building Act or National Construction Code/Building Code of Australia.

Yours Sincerely,

Annette Joseland

Building Certifier

Registration Number: 264433BU

02/04/2026

Documents Enclosed: 'DA-2026-0025-01' Sheets 1 and 2 issued by Cross Solutions

Technical Assessment PA2026/0117

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

Application No: PA2026/0117

Lot number: Section 5537 (240) Bees Creek Road, Bees Creek

Town/Hundred: Hundred of Strangways

Zone: RL (Rural Living)

Site Area: 10.39ha

Proposal: Subdivision to create three (3) lots

Plans used for assessment: ATT A - 240 Bees Creek Road (Dimensioned Plan), CRTPC363-26 (Statement of Effects), ATT A- Stormwater Management Plan, ATT B- Land Suitability Assessment, ATT C- Site and Soil Evaluation Report and Building certifier statement (Statement of Compliance).

Date assessment finalised: 22 May 2026

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

				4.6 Zone RR (Rural Residential)
Use	Assessment Category	Overlays	Zone	General/Specific Development Requirements
Subdivision	Impact Assessable	3.2 CNV – Clearing of Native Vegetation	4.7 Zone RL- Rural Living	6.3.2 Lot Size and Configuration for Subdivision in Zones RL, R and H, and Unzoned Land 6.3.3 Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land 6.3.4 Infrastructure for Subdivision in Zones RL, R and Unzoned Land

Clause 1.8(1)(c)(ii)

- (c) Impact Assessable – use and development that requires the exercise of discretion by the consent authority to determine if it is appropriate given the location of the site and the potential impacts on surrounding uses, and if it accords with the Strategic Framework. Use and development of land require consent and is Impact Assessable when any of the following apply:
- ii. it is for the subdivision of land other than that included at Clause 1.8(1)(b)(iii)

Clause 1.10 Exercise of Discretion by the Consent Authority

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

Part 2. Strategic Framework

2.4 Strategic Land Use Plans

Clause 1.10.4(d) of the NTPS states that considering an application for a use or development identified as Impact Assessable the consent authority must take into account any component of the Strategic Framework relevant to the land as set out in Part 2.

The Litchfield Subregional Land Use Plan (LSLUP) 2016

The Litchfield Subregional Land Use Plan (LSLUP) is a referenced document in the Northern Territory Planning Scheme and provides detailed planning specific to the Litchfield subregion and land use concept plans to guide development. The LSLUP includes land use policy that provides opportunities for urban growth in both the short and long term, whilst supporting the rural land uses and environment and respecting cultural heritage.

The LSLUP is a long-term plan that identifies the land to support growth while protecting the established rural areas. It seeks to protect the long-term sustainability of ground water resources by identifying locations for residential and rural residential lots on reticulated town water.

The protection of land and water resources contribute to the quality of and amenity of the natural environment in Litchfield. Much of Litchfield relies on groundwater as the primary source for potable water. Groundwater also sustains the natural environment and contributes to the regional water supply. Over extraction will reduce discharge to receiving environments and groundwater dependent ecosystems. In addition, proliferation of on-site effluent disposal systems can potentially compromise quality in water supply aquifers where they overly them.

The Land Use Policy for rural areas ~~is to~~ requires reliable water supply adequate for residential use.

The LSLUP identifies the site is within a 'Rural Area'. The Land Use Policy for rural areas is identified below:

RURAL AREA

- | | |
|--|--|
| <p>13. Maintain rural amenity and lifestyle choice.</p> <ul style="list-style-type: none"> • continue to support the subdivision of suitable land outside rural activity centres 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. | <p>14. Provide opportunity for residential land uses in the Rural Area to meet market demand.</p> <ul style="list-style-type: none"> • 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 42); and • provide road reserves that connect to adjacent properties in order to allow the establishment of an interconnected local road network. |
|--|--|

Assessment

The proposed three-lot subdivision within the Bees Creek locality is considered to be generally consistent with the relevant strategic objectives. The proposal facilitates the creation of three rural lots that exceed the minimum 2 hectare lot size requirement for land zoned Rural Living, and is located outside but adjoining the Bees Creek Rural Activity Centre, thereby supporting orderly and appropriate rural development.

The proposed lots will be serviced with reticulated power, access to groundwater, and are capable of accommodating on-site wastewater treatment systems. The location, subdivision layout, and servicing arrangements are such that impacts on sensitive environmental values are expected to be negligible. Lot C will utilise an existing bore, while Lots A and B will rely on new groundwater bores. The site is located within

the Darwin Rural Adelaide River Water Control District, classified as a medium-use area, where groundwater availability is considered sufficient to support the subdivision.

The submitted Land Suitability Assessment (LSA) demonstrates that:

- Proposed Lots B and C contain S1 – Highly suitable unconstrained land, comprising previously cleared areas with gentle slopes (<1%); and
- Proposed Lot A achieves the required 1 ha of unconstrained land through two separate areas of approximately 0.5 ha each, located about 80 m apart and classified as S2 – Moderately suitable (slopes up to 3%), both with unconstrained access to Lowther Road.

The LSA adopts a conservative slope threshold of 3%, noting that steeper areas (>5%) on site exhibit no evidence of erosion, indicating potential for a greater extent of suitable unconstrained land. The proposal therefore satisfies the minimum unconstrained land requirement under Part 6 of the NT Planning Scheme.

The assessment further confirms that each lot is capable of supporting an on-site wastewater treatment and disposal system, and that the land is moderately to well drained, relatively flat, and not subject to erosion or significant flooding.

Overall, the proposal is considered consistent with key policy considerations, including:

- Availability of a reliable water supply;
- Provision of existing road access and infrastructure;
- Creation of additional rural residential opportunities; and
- Integration with an existing interconnected road network.

CONSISTENT

Part 3. Overlays

3.2 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 includes all 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 sub-clause 5 only if it is satisfied that it is consistent with the purpose of this requirement 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 specified by the Bushfires Management Act 2016;
 - (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.

Editor's note: examples of legislation that may have effect under sub-clause 4 may include Territory Parks and Wildlife Conservation Act 1976, the Mining Management Act 2001, the Pastoral Land Act 1992, and the Environment Protection and Biodiversity Conservation Act 1999 (Cth).

Requirements

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

Assessment

The proposal is for a three-lot subdivision within a Rural Living zone, and it is reasonably anticipated that future dwellings will be constructed on Lot A and B. Lot A is moderately vegetated, while Lot B is generally flat with limited vegetation, primarily confined to boundary areas.

Any vegetation clearing associated with the establishment of dwellings is expected to be less than 1 hectare per lot, consistent with typical rural residential development. In consideration of the relevant requirements, the submitted Land Suitability Assessment (LSA) and Soil and Drainage Report demonstrate that the site can be appropriately managed to avoid or minimise impacts on the surrounding environment, including in relation to vegetation clearing.

COMPLIES

Part 4. Zones and Assessment

4.6 Zone RL – Rural Living

Zone Purpose

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

Zone Outcomes

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

Assessment

The proposed subdivision is considered to be generally consistent with the purpose and outcomes of the relevant zone, as it facilitates a range of rural lifestyle opportunities and associated rural activities.

The subject site does not have access to reticulated water or sewerage services. Lot C will utilise an existing bore, while Lots A and B will rely on new groundwater bores for water supply. The site is located within the Darwin Rural Adelaide River Water Control District, which is classified as a medium-use area, with groundwater availability considered sufficient to support the proposed subdivision.

The submitted Land Suitability Assessment (LSA) confirms the land is suitable for residential development, demonstrating that each proposed lot contains unconstrained land exceeding the minimum required area and with direct access to adjacent road frontages. Each lot is also identified as capable of supporting an on-site wastewater treatment and disposal system, ensuring appropriate servicing for rural residential use.

CONSISTENT

Part 6. Subdivision and Consolidation Requirements

6.3.2 Lot Size and Configuration for Subdivision in Zones RL, R and H, and Unzoned Land

Purpose

Ensure subdivisions of rural and unzoned land:

- a) have lots that are of a size and configuration suited for the intended purpose;
- b) have lots that are of a size consistent with the topographical constraints of the land (that may dictate that lots are of an area in excess of the specified minimum); and
- c) do not impose unsustainable demands on groundwater or unreasonably degrade the environment.

Administration

1. The consent authority may consent to a subdivision that is not in accordance with sub-clauses 5-10 if it is satisfied that:
 - a) the subdivision does not result in an increased lot yield; and
 - b) the lot size and/or configuration achieves at least one of the following:
 - i. an existing boundary encroachment by a building is remedied;
 - ii. the lots created are more regular in shape;
 - iii. access is provided to a lot that previously had no access or an unsuitable access;
 - iv. the subdivision will better meet the overall outcomes for the zone and the relevant components of the strategic framework applicable to the locality;
 - v. the arrangement of lots results in a significant protection of areas of environmental value; or
 - vi. provides opportunity for a future local road network; and
 - c) the consent authority is satisfied that the lots created will be consistent with the purpose of this requirement and the zone purpose and outcomes.
2. The consent authority may consent to a subdivision on Unzoned Land that is not in accordance with the table to this clause only if it is satisfied that the lots created will be consistent with the purpose of this requirement.
3. Despite sub-clause 1, the consent authority must not consent to a subdivision in Zone RL in Alice Springs and adjacent zoned areas that is not in accordance with the table to this clause.
4. The unconstrained nature of the land is to be demonstrated by a land suitability assessment addressing the NT Land Suitability Guidelines, in accordance with clause 6.3.3.

Requirements

5. Land is to be subdivided in accordance with the table to this clause.
6. Lots have a depth to width ratio not exceeding 4:1.
7. Incorporate as far as practicable, drainage lines and drainage floors wholly within a single lot.
8. Allow for 70m separation between bores, both proposed and existing.
9. Lot boundaries are to be:
 - a) at right angles to any watercourse;
 - b) sufficiently up slope to be outside of seepage zones where following drainage lines; and
 - c) at right angles to contours or along contours where slope is between 2.0% and 5.0% and follow ridge lines, spurs or contours where slope is above 5.0%.
10. Minimise the number of watercourse crossings.

Table to Clause 6.3.2: Lot Size and Configuration for Subdivision in Zones RL, R and H, and Unzoned Land	
Zone	Minimum Lot Size and Requirements
RL	2ha with a minimum of 1ha of unconstrained land
R	8ha with a minimum of 1ha of unconstrained land or 40ha in Alice Springs and Tennant Creek municipalities, with a minimum of 1ha of unconstrained land
H	25ha all unconstrained land
Unzoned Land	8ha

Assessment

The proposed subdivision to create three lots (4.1 ha, 2 ha, and 4.3 ha) from a parent parcel of 10.39 ha, with access to Bees Creek Road via the Stuart Highway and located outside the Bees Creek Rural Activity Centre, complies with the requirements of Zone RL (Rural Living). The zone requires a minimum lot size of 2 ha, with at least 1 ha of unconstrained land per lot.

The submitted Land Suitability Assessment (LSA) demonstrates that each proposed lot satisfies the minimum unconstrained land requirement of 1 ha. In addition, the proposal provides for an appropriate separation distance of 70 metres between existing and proposed bores, ensuring compliance with relevant servicing standards.

COMPLIES

6.3.3 Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land

Purpose

Ensure subdivision of land in Zones RR, RL, R and H, and unzoned land, responds to the physical characteristics of the land.

Administration

1. The consent authority must not consent to a subdivision that does not include 1ha of land per lot in Zones RL, R and Unzoned Land, and 25ha in Zone H, identified as unconstrained in relation to:
 - a) Storm tide flooding;
 - b) Riverine flooding;
 - c) Localised stormwater flooding;
 in accordance with the land suitability assessment and stormwater management plan.
2. The consent authority must not consent to a subdivision unless the relevant government agencies, local government council and service authorities provide formal comment to the consent authority in relation to the land suitability assessment and stormwater management plan and the possibility of storm tide flooding, riverine flooding and localised stormwater flooding of the identified 1ha of land.
3. The consent authority may consent to an application that is not in accordance with sub-clauses 4-7 if the application includes preliminary land assessment and stormwater management plans prepared by the applicant and approved by the relevant government agency and or service authority, demonstrating that 1ha of land per lot and all internal roads are unconstrained by localised stormwater flooding and by those issues addressed in the NT Land Suitability Guidelines.

Requirements

Requirements	Assessment
4. Each lot is to have unconstrained access from a public road to the identified unconstrained land.	Can comply- Access is available to Lot A and Lot B from Lowther Road, and to Lot C from Bees Creek Road. The Land Servicing Authority (LSA) has confirmed that each proposed lot will have unconstrained access to a public road, with the exception of Lot A.

	<p>Lot A has an overall area of 4.1 hectares, with approximately 1.03 hectares identified as unconstrained land. However, this unconstrained land is divided into two separate areas, only one of which has direct unconstrained access to Lowther Road. The separation of these areas is partly due to an existing stormwater drainage path traversing the site.</p>
<p>5. An application to subdivide rural or unzoned land should include the following documents prepared by suitably qualified professionals: (a) a land suitability assessment addressing the NT Land Suitability Guidelines; and (b) a stormwater management plan including but not limited to; the potential impact on neighbouring land, external roads, internal roads and the 1ha of land identified as unconstrained, the upstream and downstream flows and any proposed mitigation measures.</p>	<p><u>COMPLIES</u> <u>Land Suitability Assessment</u> A land suitability assessment was provided, and this adequately address the NT Land Suitability Guidelines, and it identifies the suitability class, discusses in any detail the type of soil, drainage, onsite wastewater management, erosion risk, soil salinity, acid sulphate soils, and riverine flooding. An application to subdivide rural land should include a land suitability document prepared by suitably qualified professional. The submitted Land Suitability Assessment (LSA) demonstrates that:</p> <ul style="list-style-type: none"> • Proposed Lot B and C contain S1 - Highly suitable unconstrained land, comprising previously cleared areas with gentle slopes (<1%); and • Proposed Lot A achieves the required 1 ha of unconstrained land through two separate areas of approximately 0.5 ha each, located about 80 m apart and classified as S2 - Moderately suitable (slopes up to 3%). <p>An application to subdivide rural land should include a land suitability document prepared by suitably qualified professional.</p> <p><u>Stormwater Management Plan</u> An updated stormwater management plan was provided for what is a complex site and these better addresses potential impacts. An application to subdivide rural land should include a stormwater management plan prepared by suitably qualified professional.</p>
<p>6. The subdivision design must address the constraints as identified in the land suitability assessment and stormwater management plan in relation to the location of internal roads, lot boundaries and the identified 1ha of unconstrained land.</p>	<p><u>COMPLIES</u></p>
<p>7. An application to subdivide land on the maps "Priority Environmental Management Areas - Litchfield" and "Priority Environmental Management Areas - Katherine" as an area potentially of environmental significance should, on the advice of the relevant government agency, be accompanied by</p>	<p><u>NOT APPLICABLE</u></p>

<p><i>and the consent authority shall have regard to an evaluation by a suitably qualified professional of the environmental significance of the native vegetation and land form (e.g. lagoons, wetlands, rugged terrain and drainage systems).</i></p>	
<p><i>8. An application described in sub-clause 7 must demonstrate that the proposed subdivision design does not adversely affect the environmental values as identified in the evaluation.</i></p>	<p>The proposal demonstrates that the subdivision design is a successful response and will not adversely affect the environmental values of the site. This land suitability assessment identified 4.9 ha unconstrained land on s5537 with >1ha of in each proposed lot with similarly unconstrained access to Bees Creek or Lowther Roads, the drainage plan response to the site and the surrounds and would therefore support a 3-lot subdivision.</p>
<p><i>9. Subdivision design of rural and unzoned land should:</i> <i>(a) Retain and protect significant natural and cultural features;</i> <i>(b) Minimise the number of lots in, or exclude from subdivision, areas of high conservation significance and riparian zones;</i> <i>(c) Minimise alteration or disturbance to natural drainage systems including drainage areas, recognisable watercourses, lagoons and permanent and semi-permanent springs; and</i> <i>(d) Minimise erosion hazard, sedimentation and pollution of watercourses.</i></p>	<p>COMPLIES The proposal indicates that 4.9ha of unconstrained land are now available on site allowing for a 3-lot subdivision. The reports indicate that erosion hazard, sedimentation and pollution of watercourses would not occur and will not disturb natural drainage systems.</p>

Assessment

The subdivision design is therefore considered supported to the characteristics of the site.

Comments were received from relevant agencies and authorities and are summarised above. However, Litchfield Council raised concerns regarding Proposed Lot A. Lot A has an overall area of 4.1 ha, with approximately 1.03 ha of unconstrained land identified. This unconstrained land is split into two separate areas, only one of which has direct unconstrained access to Lowther Road. The division is partly due to an existing stormwater drainage path traversing the site.

Council considers this arrangement inconsistent with Clause 6.3 of the NT Planning Scheme, which requires a minimum of 1 ha of unconstrained land per lot to be provided as a contiguous or functionally usable area, ensuring practical building envelopes and access.

Notwithstanding these concerns, the preliminary stormwater management plan is considered acceptable. The LSA demonstrates that each lot is capable of accommodating suitable unconstrained land with access to a public road, with the exception of Lot A.

COMPLIES

6.3.4 Infrastructure for Subdivision in Zones RL, R and Unzoned Land

Purpose

Ensure that subdivision of land in Zones RL, R and unzoned land, is integrated with infrastructure, community services and facilities and will not unreasonably affect the environment.

Administration

1. The consent authority may consent to a subdivision that is not in accordance with sub-clauses 2-7, only if it is satisfied the subdivision is consistent with the purpose of this clause.

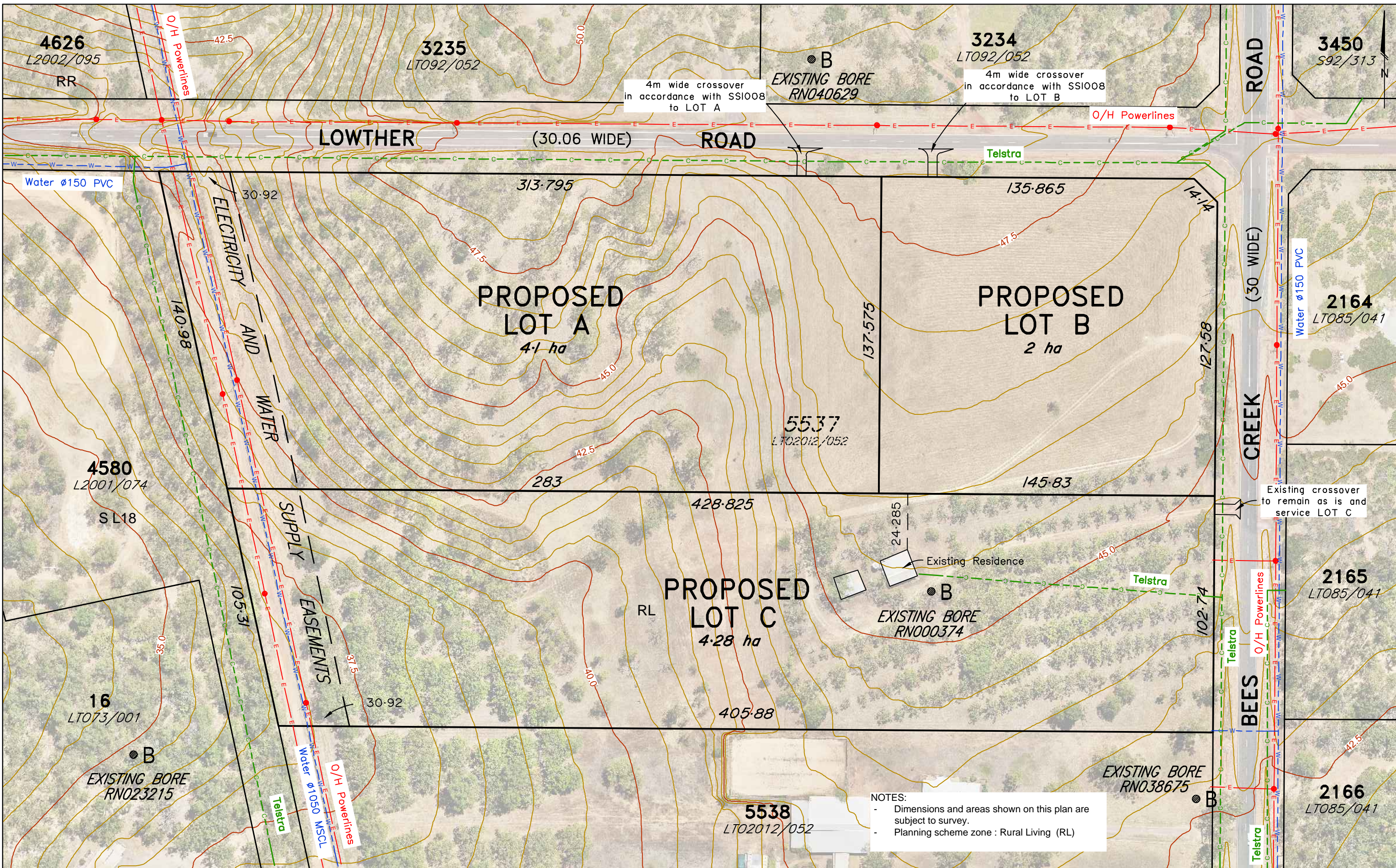
Requirements	Assessment
2. Minimise disturbance through earthworks associated with the provision of infrastructure	COMPLIES - The provision of new infrastructure, including reticulated power and on-site wastewater treatment systems, will result in minimal disturbance to the site and surrounding environment.
3. Provide for connection to reticulated services where practical.	COMPLIES- Connection to reticulated services can be provided.
4. Where no reticulated sewerage is available, a site and soil evaluation report must be completed by an appropriately qualified site-and-soil evaluator demonstrating that onsite wastewater management systems can be installed on each lot in accordance with the requirements of the Code of Practice for Wastewater Management	COMPLIES - No reticulated sewerage is available. The application has provided a Site and soil Evaluation and an LSA, these demonstrate that onsite wastewater management systems can be installed on each lot, in accordance with the requirements of the Code of Practice for Wastewater Management.
5. Where no reticulated water is available, development is to demonstrate that an adequate supply of groundwater is available for domestic purposes, except where the land is: i. Located within Zone RL or R in the Top End Region; and (b) Within a 'restricted water extraction area' as declared by the Minister responsible for the administration of the Water Act 1992.	N/A- The site is not located within a Restricted Water Extraction Area.
6. Roads should: (c) be designed to: i. interconnect with the existing road network; ii. provide for connections to potential future subdivisions of adjoining lands; iii. provide a clear hierarchy of roads; and iv. minimise individual lot access to major roads; (d) respond to the physical characteristics of the land by: i. following ridge lines or contours where possible; and ii. where crossing watercourses be positioned at right angles to the watercourse and minimise the number of crossing points; (e) be sealed where lot sizes are 2ha or less; (f) be located above the 1.0% AEP flood line or any seepage line, whichever is the higher;	COMPLIES- No new roads are proposed as part of the subdivision. Access to each proposed lot will be provided via the existing road network, being Lowther Road and Bees Creek Road.

<p>(g) <i>be designed with discharge drains placed to minimise erosion and associated engineering and maintenance costs;</i></p> <p>(h) <i>provide direct access to lots and avoid battle-axe strips, however, where justified, battle-axe strips should be:</i></p> <ul style="list-style-type: none"> <i>i. not less than 10m wide; and</i> <i>ii. less than 250m in length.</i> 	
<p>7. <i>Where a road crosses a tidal arm in a rural subdivision it is expected to have a minimum elevation of RL 8m AHD and be designed to enable a discharge of at least a 5.0% AEP flood event.</i></p>	<p>N/A</p>

Assessment

The compliance that has been achieved.

COMPLIES



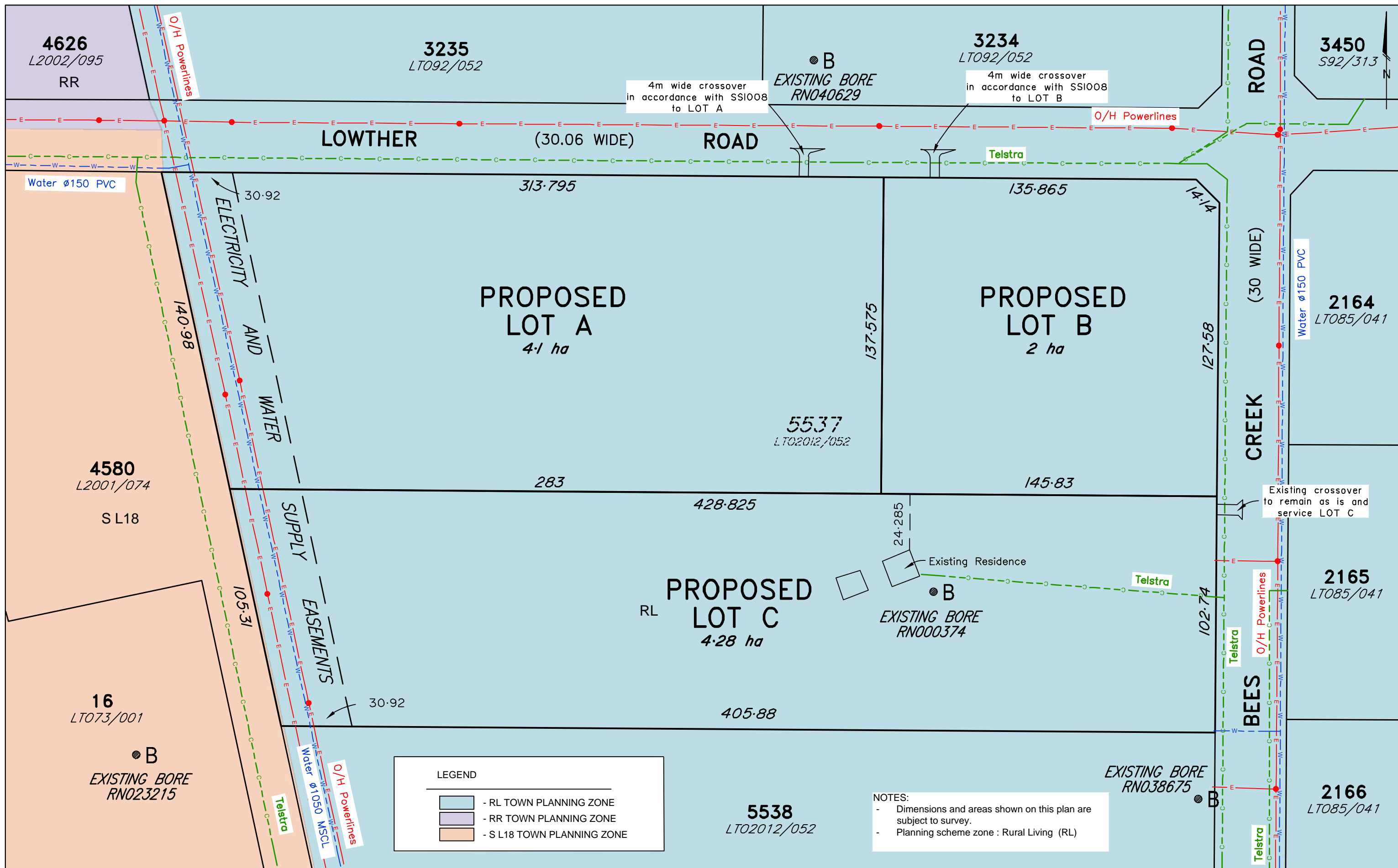
NOTES:
 - Dimensions and areas shown on this plan are subject to survey.
 - Planning scheme zone : Rural Living (RL)



Survey Plan:	LTO2012/052	SCALE:	1:1500 at A3
CUFT:	Vol 825 Fol 393	COORD. SYSTEM:	MGA 94 ZONE 52
Bearings:	TRUE	LEVEL DATUM:	AHD
Date :	22/01/2026	CONTOUR INTERVAL:	0.5 m
JOB No:	2026-0025		
APPROVED	GH		

**PROPOSED SUBDIVISION
 LOTS A, B AND C
 OVER SECTION 5537 HUNDRED OF STRANGWAYS
 240 BEES CREEK ROAD, BEES CREEK**

CLIENT: CUNNINGTON ROSSE TOWN PLANNING DRAWING No: DA-2026-0025-01 REV:A SHEET No: 1 of 2



LEGEND

- RL TOWN PLANNING ZONE
- RR TOWN PLANNING ZONE
- S L18 TOWN PLANNING ZONE

NOTES:

- Dimensions and areas shown on this plan are subject to survey.
- Planning scheme zone : Rural Living (RL)

CROSS SOLUTIONS
SURVEYORS & SPATIAL CONSULTANTS

EMAIL: quotes@cross-solutions.com.au
WEB: www.cross-solutions.com.au

Survey Plan:	LTO2012/052	SCALE:	1:1500 at A3
CUFT:	Vol 825 Fol 393	COORD. SYSTEM:	MGA 94 ZONE 52
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**PROPOSED SUBDIVISION
LOTS A, B AND C
OVER SECTION 5537 HUNDRED OF STRANGWAYS
240 BEES CREEK ROAD, BEES CREEK**

CLIENT: CUNNINGTON ROSSE TOWN PLANNING DRAWING No: DA-2026-0025-01 REV:A SHEET No: 2 of 2



24 April 2026

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

RE: Letter of Comment Development Application

PA2026/0117

**Hun: 695 P: 05537 240 Bees Creek Road BEES CREEK, Hundred of Strangways
Subdivision to create three lots**

Thank you for the Development Application referred to this office on 17/04/2026, 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 wishes to lodge the following submission under Section 49(3) of the NT *Planning Act*, in which Council objects to the granting of a Development Permit for the following reasons:

- a) The proposed subdivision results in Lot A having an overall area of 4.1ha with an unconstrained 1.03ha portion split over two parts. This fails to comply with Part 6.3 of the NT Planning Scheme, which requires "1ha of unconstrained land per lot" as a contiguous or wholly usable area within that single lot to ensure practical building envelopes and access; splitting it contravenes NT Land Suitability Guidelines by undermining per-lot viability in favour of aggregated totals, rendering the Land Suitability Assessment non-compliant.

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

- a) The crossover and driveway shall be designed in accordance with the NT Subdivision and Development Guidelines to the requirements of Litchfield Council.
- b) Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater, and its

discharge into Litchfield Council's stormwater drainage system, shall be submitted to and approved by Litchfield Council.

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) A monetary contribution is required to be paid to Litchfield Council in accordance with its development contribution plan.
- b) Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/cycle corridors, and streetscaping shall be to the technical requirements and approval of Litchfield Council, with all approved works constructed at the developer's expense.

Note: Design drawings shall be approved by Litchfield Council prior to construction of the works.

- c) Prior to finalisation of engineering design and specifications for the proposed and affected roads, a Road Safety Audit, prepared by a suitability certified traffic auditor, shall be approved by Litchfield Council.
- d) All existing or proposed easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose, shall be made available free of cost to, and in favour of, Litchfield Council and/or neighbouring property owners.

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

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

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

Kind regards,



Jaimie O'Connor
Planning and Development Program Leader



26 May 2026

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

RE: REVISED - Letter of Comment Development Application

PA2026/0117

**Hun: 695 P: 05537 240 Bees Creek Road BEES CREEK, Hundred of Strangways
Subdivision to create three lots**

Thank you for the Development Application referred to this office on 17/04/2026, concerning the above. The following is a revised letter of comment and should be taken to be Council's final submission in relation to the application. 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 wishes to lodge the following submission under Section 49(3) of the NT *Planning Act*, in which Council objects to the granting of a Development Permit for the following reasons:

The proposed subdivision results in Lot A having an overall area of 4.1ha, with an unconstrained portion of 1.03ha split across two separate areas due in part to an existing stormwater drainage path traversing the site. Under Part 6.3.3 of the *NT Planning Scheme 2020 (NTPS)*, there is a requirement for 1ha of unconstrained land per lot.

While the NTPS does not expressly require the unconstrained land to be contiguous, Council considers that the intent of clause 6.3.3 is that the unconstrained portion of a lot should be practically accessible from a public road. Although the western portion of the unconstrained land adjoins a road, Council would not support access to this area due to the crest in the road alignment, which does not provide adequate sight distance for safe vehicle access. Furthermore, Council does not support more than one access to the property, noting that the proposed subdivision plan provides access to the eastern portion of the unconstrained land and informally references an additional access in the Land Suitability Assessment.

Council is concerned that the fragmented nature of the unconstrained land, combined with the stormwater drainage corridor and surrounding constrained land, limits the practical siting of

future development within Lot A. In particular, the submitted Site and Soil Evaluation does not clearly demonstrate the suitability of Lot A for onsite wastewater disposal. While the report generally concludes that wastewater systems may be achievable across the subdivision, it relies on assumptions, mitigation measures, and alternative treatment options rather than providing a detailed Lot A specific assessment. The report identifies shallow soils, gravelly subsoils, and areas of coffee rock within Lot A, yet does not clearly identify a compliant land application area in conjunction with the proposed bore location, dwelling site, and access arrangements.

Accordingly, while the Land Suitability Assessment and Site and Soil Evaluation separately conclude that unconstrained land, wastewater disposal areas, and bore setbacks may be achievable within Lot A, the reports do not clearly demonstrate how these elements can function together within a practical and integrated development outcome.

Council can provide the following additional comments in relation to the application;

While the NTPS does not expressly require that the 1ha of unconstrained land be contiguous, Council's position is that the intent of this requirement is to ensure that land remains usable and accessible year-round.

If subdivisions were permitted to provide unconstrained land in fragmented or aggregated portions rather than as a contiguous area, it would likely result in increased complaints from residents regarding limited or impractical access to their property.

Accordingly, Council urges the Development Consent Authority to carefully consider whether the provision of aggregated unconstrained land genuinely satisfies the intent and purpose of the subdivision requirements.

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

- a) The crossover and driveway shall be designed in accordance with the NT Subdivision and Development Guidelines to the requirements of Litchfield Council.
- b) Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater, and its discharge into Litchfield Council's stormwater drainage system, shall be submitted to and approved by Litchfield Council.

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) A monetary contribution is required to be paid to Litchfield Council in accordance with its development contribution plan.
- b) Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/cycle corridors, and

streetscaping shall be to the technical requirements and approval of Litchfield Council, with all approved works constructed at the developer's expense.

Note: Design drawings shall be approved by Litchfield Council prior to construction of the works.

- c) Prior to finalisation of engineering design and specifications for the proposed and affected roads, a Road Safety Audit, prepared by a suitability certified traffic auditor, shall be approved by Litchfield Council.
- d) All existing or proposed easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose, shall be made available free of cost to, and in favour of, Litchfield Council and/or neighbouring property owners.

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

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

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

Kind regards,



Jaimie O'Connor
Planning and Development Program Leader

Phone 1800 245 092

Web powerwater.com.au

Record number: D2026/115242

Container number: NE695/5537

Your Ref: PA2026/0117

Drashti Chovatiya
Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Drashti

Re: Section 5537 (240) Bees Creek Road Bees Creek Hundred of Strangways

In response to your letter of the above proposal for the purpose of subdivision to create 3 lots (Zoned RL, Rural Living), Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. Current power service to Section 5537 on Bees Creek Road shall become the power supply to the proposed Lot C (4.28ha, with existing residence).
2. The current Landowner shall be responsible for the costs to design and installation of a new point of 25kVA, 3-phase basic power service to each of the newly created Lot A (4.1ha) and Lot B (2.0ha) in accordance with PWC's NP020 - Guidelines for Developers of Subdivision and Electricity Infrastructure.
3. The current Landowner shall need to submit a Negotiated Connection application under the Australian Energy Regulator (AER) compliance process for PWC's assessment on the required load request.
4. As all the applicable upgrade works will be on the existing power line on Lowther Road, PWC shall provide a quote for payment by the current landowner and carry out the design and construction work at applicable cost under the AER assessment process.
5. The existing 31m wide electricity easement on current Section 5537 along the western boundary shall be retained and registered on the new Lot A and Lot B titles by the current Landowner at no cost to PWC.

If you have any further queries, please contact Nabiha Nusrat, Manager Negotiated Connections and Transmission on 8924 5065 for power quote on electricity supply upgrade requirements.

Yours sincerely



Caesar Yik
A/Manager Distribution Development

21 April 2026



Container No: LD695/5537

DLPE - Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Drashti Chovatiya

RE: PA2026/0117 - Section 05537 Hundred of Strangways - 240 Bees Creek Rd, Bees Creek NT - Subdivision to create three lots

In response to the above proposal for development application purposes, Power and Water Corporation (Water Services) advise the following with reference to water and sewer enquiries:

1. Reticulated sewer services are currently unavailable in the area. The developer must contact relevant authorities to discuss servicing requirements for the proposed development.
2. Noting the SOE and previous correspondence between the landowner and Power and Water, the owner elected to rely on groundwater considering the cost effectiveness of connecting to the reticulated water network. Noting a connection is available for Proposed Lot C from the existing DN150 water main in Bees Creek Road.
3. Power and Water have no objections to the proposed subdivision, provided that
 - a. DAS and Water Resources are satisfied that groundwater supply is adequate and sustainable.
 - b. The developer should acknowledge that if reticulated water is required in the future, the cost of network augmentations will remain the responsibility of the landowners/developers.

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

Yours sincerely

Craig Thomas

Craig Thomas
Services Development

05 May 2026

cc: Gerard Joseph Rosse
email: gerard@crtpc.com.au

1 May 2026

Ms Drashti Chovatiya
Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

E DevelopmentAssessment.DLPE@nt.gov.au

T 08 8999 4446

Our Ref: DLPE2026/0126

Your Ref: PA2023/0117

Dear Ms Chovatiya

Re: PA2026/0117 Subdivision to create three lots

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

Land Resources Division

Land Assessment Branch

The Land Assessment Branch assessed the development application against the Northern Territory Land Suitability Guidelines. The assessment was made on 3 of the 7 categories used to assess land suitability in the Northern Territory (NT) being drainage, soil salinity and acid sulfate soils.

Soil salinity and acid sulfate soils are not considered to be an issue for the proposed subdivision. Lot B and Lot C appear unconstrained by drainage. Lot A contains one linear drainage feature flowing through the lot from the roadside storm water drain; however the majority of the lot appears unconstrained by drainage. The proposed subdivision will occur on land that appears to have once contained now cleared woodland of *Eucalyptus miniata* and *Eucalyptus tetradonta*, species indicative of land not constrained by drainage.

Each of the three proposed lots resulting from the subdivision are deemed to contain more than 1ha of land that is unconstrained by drainage, soil salinity or acid sulfate soils.

Land Management Unit

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

Due to the application being for subdivision only, the Land Management Unit does not require an Erosion and Sediment Control Plan (ESCP) condition on the Development Permit. However, potential erosion issues may occur during any soil disturbing activities such as the installation of fencelines and fire breaks, and future clearing and construction for housing and infrastructure. Slopes of up to 10% occur onsite, particularly within the proposed Lot A, with much of Lot A being above 2% slope (the recommended limit of slope if clearing vegetation as per the NT Planning Scheme Land Clearing Guidelines). With the exception of the 0.5ha component of the

Lot A unconstrained land, the majority of the identified unconstrained land across Lot A, B and C, is currently cleared, or has been cleared previously, and is currently utilised as a mango orchard.

It is important that erosion and sediment control measures are employed throughout the development stage in accordance with the recommended Permit Note below.

Permit Notes:

1. For the purposes of best practice land management and environmental protection, it is recommended that:
 - (a) prior to the commencement of works an Erosion and Sediment Control Plan (ESCP) is developed;
 - (b) the ESCP is implemented throughout the construction phase including clearing and early works; and
 - (c) all disturbed soil surfaces are stabilised against erosion at completion of works.
2. Resources regarding erosion and sediment control is available on the International Erosion Control Association (IECA) website <https://austieca.com.au/home> and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Development Coordination Branch: (08) 8999 4446.

Weed Management Branch

A desktop assessment of the NT Weeds Database for the application area, surrounding parcels and roads has revealed current and or previous data records of the following:

Common Name	Botanical Name	Declared
Gamba grass	<i>Andropogon gayanus</i>	Class A
Perennial mission grass	<i>Cenchrus polystachios</i>	Class B
Hyptis	<i>Mesosphaerum suaveolens</i>	Class B

All land in the NT is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to all persons, owners and occupiers of land regarding declared and potential weeds. General duties described in Division 1 of the WM Act include the requirement for owners or occupiers of land to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading.

Gamba grass is subject to a statutory weed management plan. Management obligations outlined in this plan are legally binding on all owners and occupiers. Management requirements and copies of the statutory weed management plans are available online¹.

Gamba grass and perennial mission grass are declared weeds, Class B and are listed in the Darwin Regional Weeds Strategy 2021-2026 as Category 2 – priority weeds for strategic control.

Guidelines for the prevention of weed spread are outlined in '*Preventing Weed Spread is Everybody's Business*²', which highlights the areas of risk for all activities associated with weed spread. The document details the pathways through which weeds are spread and provides

¹ <https://nt.gov.au/environment/weeds/weed-management-planning>

² https://denr.nt.gov.au/_data/assets/pdf_file/0011/257987/preventing-weed-spread.pdf

actions to reduce weed spread. Proponents seeking to develop land for any purpose should address these actions.

Further information regarding weed management requirements is available online³, or alternatively contact the Weed Management Branch for further advice on (08) 8999 4567.

Should this application be approved, the Weed Management Branch recommends the following note be included on the development permit:

Permit note:

All land in the Northern Territory is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding declared weeds. Division 1 general duties include the requirement to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection.

Gamba grass is subject to a statutory weed management plan. Management obligations outlined in this plan are legally binding on all owners and occupiers. Management requirements and copies of the statutory weed management plans are available online:

<https://nt.gov.au/environment/weeds/weed-management-planning>.

Information regarding weed management is available on the Department of Lands, Planning and Environment (DLPE) website: <https://nt.gov.au/environment/weeds>, or alternatively contact the Weed Management Branch for further advice on (08) 8999 4567.

Environment and Heritage Division

Heritage Branch

A search has found that there are no nominated, provisionally declared or declared heritage places or objects within the subdivision area.

The search has also found that there are no recorded Aboriginal or Macassan archaeological places and objects within the subject site, and the likelihood of unrecorded Aboriginal or Macassan archaeological places existing has been assessed as possible.

It is recommended that an unexpected finds protocol and site inductions for heritage are developed and implemented for this project. If archaeological places are discovered over the course of the work, establish an exclusion zone around the site and contact the Heritage Branch immediately.

Context of Heritage Branch Advice

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

³ <http://www.nt.gov.au/environment/weeds>

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

Relevant parts of the NT's *Heritage Act 2011*

1. All provisionally declared and declared heritage places and objects are protected under the *Heritage Act 2011*;
2. All Aboriginal or Macassan archaeological places and objects are automatically protected - this includes places and objects not previously recorded;
3. Places and objects include an artefact or thing given shape by a person - examples include stone tools, stone arrangements, fish traps, rock art, modified trees, and shell middens;
4. Ancestral remains are also protected;
5. Underwater Cultural Heritage is protected, up to three nautical miles from the coast; and
6. There is an obligation to notify of the discovery of Aboriginal or Macassan archaeological places or objects.

Conditions of advice

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

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

Flora and Fauna Division

The site is predominantly cleared and/or modified. The proposal is unlikely to impact on important habitat for threatened species or critical habitat for biodiversity.

Water Resources Division

The Water Resources Division has reviewed the subdivision application and advises that there are no issues or concerns under the *Water Act 1992*.

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

Yours sincerely



Maria Wauchope
Executive Director Land Resources