

**DEVELOPMENT CONSENT AUTHORITY
LITCHFIELD DIVISION**

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: 1 **MEETING DATE:** 16/09/2026 **FILE:** PA2026/0266

APPLICATION PURPOSE: Addition of outbuildings (Carport) and 2 x demountable structures (shipping containers) with a reduced side setback to a single dwelling.

SUBJECT SITE: Section 01957 (5 Benham Ct, Humpty Doo), Hundred of Strangways

ZONE: RL (Rural Living)

SITE AREA: 21900m²

APPLICANT Mr Simon Bruhn and Mrs Trudi Bruhn

PERSONS ON WHOSE BEHALF THE APPLICATION IS MADE Landowner

LANDOWNER Mr Simon Bruhn and Mrs Trudi Bruhn

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

1. PROPOSAL

The application is for a carport/shed and two 20-foot shipping containers proposed to be located along the western (side) boundary of the site.

The carport, which can be described as a metal canopy without front, side or rear walls, is 15.6 metres long x 7.6 metres wide, with a maximum height of 3.5 metres. The setback from the western side boundary to the rear support columns is 1.2 metres, however the roof is setback 0.6 metres.

The two shipping containers are located to the south of the carport/shed, with a 1.2 metre setback to the western boundary.

A location plan is included at **Bookmark A**, and a copy of the application is at **Bookmark B**.

2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

An application is required for planning permission as the proposal is Merit Assessable.

Zoning and Level of Assessment on Assessment Table	Part 3 Overlay	Consent required by virtue of Overlay Requirement	Part 5 – General and Specific Development Requirements	Level of Assessment
Zone RL (Rural Living)	CNV – Clearing of Native Vegetation	No	5.2.1 General Height Control 5.2.4 Car Parking 5.2.6 Landscaping 5.4.1 Residential Density 5.4.3 Buildings Setbacks for Residential Buildings and Ancillary Structures 5.4.6 Private Open Space	Merit Assessable

The exercise of discretion by the consent authority that applies is clause 1.10(2), (3) or (4).

3. ASSESSMENT SYNOPSIS

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

4. BACKGROUND

There is no history of development permit applications on the site.

5. PUBLIC EXHIBITION

The application was referred to the adjoining owners of Section 01958 Hundred of Strangways (15 Benham Ct, Humpty Doo NT) for a period of one week. 1 public submission was received under section 49(1) of the *Planning Act 1999*. Matters relating to the submission are discussed below under section 6(e) of this report.

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

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

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

Section 51 sub-clause 3 states that when considering a development application under subsection (1), the consent authority must apply the relevant considerations to only those

components of the development that triggered the requirement for consent under the planning scheme.

The NT Planning Scheme 2020 applies to the land and the proposed addition of outbuildings with a reduced side setback requires consent under Clause 1.8 (When development consent is required). It is identified as Merit Assessable under Clause 4.7 (Rural Living); therefore the strategic framework (Part 2 of the Scheme, including the Darwin Regional Land Use Plan and Litchfield Subregional Land Use Plan, zone purpose and outcomes of Clause 4.7 (Rural Living), and Clause 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.6 (Landscaping), 5.4.1 (Residential Density), 5.4.3 (Buildings Setbacks for Residential Buildings and Ancillary Structures) and 5.4.6 (Private Open Space), need to be considered.

These clauses have been considered and an assessment against each of these undertaken, and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures).

In relation to Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), the proposal will result in a setback to the side boundary of 1.2 metres, which encroaches 8.8 metres into the 10-metre setback requirement.

It is considered that a variation to this clause can be supported. The proposal is consistent with the purpose of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) in that outbuildings are common in the area and within the Rural Living zone and will have minimal adverse effects through building massing when viewed from external to the site. Administratively, the consent authority may consent to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property. This proposal results in a setback to the side boundary of 1.2 metres, however through conditions, amenity impacts on neighbouring properties can be minimised. These conditions include ensuring stormwater runoff from the carport roof is contained within the site, to minimise impacts to neighbouring properties, and the shipping containers relocated to reduce amenity impacts.

Further, outbuildings are a common development on rural living properties and despite their size, the proposed building's impact on the existing and future amenity of the area can be minimised, through conditions to be included in a development permit, as discussed above.

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

There are no proposed amendments to the Northern Territory Planning Scheme 2020 which affect this proposal.

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

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

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

There are no environmental protection objectives relevant to the land.

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

1 public submission was received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal. The submissions are summarised as followed:

Craig Donoghue,

Section 01958 Hundred of Strangways (5 Benham Ct, Humpty Doo NT) (**Bookmark C**):

- Structures were constructed without planning approval.
- Carport footings are too shallow, and don't meet requirements. During a cyclone event, the carport may become loose and could end up on neighbouring property as a result of its poor construction.
- During wet season, storm water from the carport roof will run into neighbouring property.
- The structures are non-compliant with the 10 metre setback requirements, affecting mental health.
- The structures are not setback as far from the boundary as suggested on the plans.

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

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

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

The application has detailed the merits of the proposal as:

- The carport/shed is close to the existing shed and house located on the property.
- The property owns are aging, meaning keeping all structures close together is beneficial.
- Since owning the property, trailers and boats have been kept in the location of the carport/shed.
- The carport/shed is not obstructing the neighbour's view.

- (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 land is relatively flat, and the subject area is cleared of native vegetation. There do not appear to be any physical impediments on the land and on this basis it is considered capable of supporting the development as proposed.

Additionally, the Land Resources Division - Department of Lands, Planning and Environment did not identify or raise any issues of concern in relation to land capability.

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

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

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

The proposal was circulated to the following authorities for comment:

Local Authority:

Litchfield Council – Bookmark D

Council raised the following comments for consideration:

- Council does not support the granting of a Development Permit, as the reduced side setback, particularly in relation to the carport/shed, has stormwater implications for the neighbouring property. This may compromise the integrity of the boundary fence and direct water flows into the neighbouring property. Further, the proposal fails to comply with the required 4 metre firebreaks and presents a fire hazard.
- The property has ample space for additional structures, therefore the outbuildings could be located elsewhere.
- Conditions have been provided, should a development permit be issued.

Service Authority:

Power Networks Network Engineering - Power & Water Registry – Bookmark E

Power and Water Corporation has no objection or requirements relating to the structures.

Water Services Land Development - Power and Water Corp. - Bookmark F

Power and Water Corporation has no objection or requirements relating to the structures. Reticulated water and sewer services are unavailable in the area.

NT Fire and Emergency Services – Bookmark G

It has been assessed that the carport will not impede firefighting operations and does not significantly increase the fuel load on the property. On the contrary, the two shipping containers create a significant obstruction within the firebreak and need to be relocated to provide a minimum 4 metre clearance from the boundary, in accordance with Regulation 3 of the Fire and Emergency Regulations 1996. This can be addressed via a condition in any development permit issued.

Development Coordination, Land Resource Division-DLPE – No response received.

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

The structures will not impact on the amenity of the wider area, due to their distance from both Benham Court and Krichauff Road, as well as neighbouring properties (with the exception of the property to the west as 15 Benham Court). The property, and its current and future owners may experience impacts to their amenity through stormwater runoff from the roof of the

carport/shed, as well as visual impacts of the structures. These potential impacts can be addressed via two precedent conditions:

- Installation of a gutter along the western edge of the carport/shed to contain water runoff on the property
- Relocation of the two shipping containers to be at least 10 metres from the western side boundary, whilst remaining compliant with all setback requirements of Clause 5.4.3 of the NTPS 2020.

(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 will not impact on 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;

Subdivision is not proposed as part of this application.

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

Subdivision is not proposed as part of this application.

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

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

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

There is no declared beneficial use relevant to the subject site.

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

(t) other matters it thinks fit

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

Section 51(2) of the Planning Act 1999

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

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

The *Environment Protection Act 2019* otherwise permits the making of the decision by virtue that referral is not required.

The Northern Territory Environment Protection Authority has determined that an environmental impact assessment is not required under *Environment Protection Act 2019* otherwise permits the making of the decision.

7. RECOMMENDATION

That, the Development Consent Authority vary the requirements of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Section 01957 (5 Benham Court, Humpty Doo), Hundred of Strangways for the purpose of addition of outbuildings (Carport, Shed) and 2 x demountable structures (shipping containers) with a reduced side setback to a single dwelling, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority;
When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with *the plans submitted with the application* but modified to show:
 - (a) Installation of a gutter along the western edge of the carport/shed to contain water runoff on the property
 - (b) Relocation of the two shipping containers to be at least 10 metres from the western side boundary, whilst remaining compliant with all setback requirements of Clause 5.4.3 of the NTPS 2020.
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. Any developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of Litchfield Council.
5. The owner shall collect stormwater and discharge it to the drainage network, to the technical requirements and satisfaction of Litchfield Council, at no cost to Litchfield Council.

6. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.

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. Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at www.litchfield.nt.gov.au.
3. 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.

8. REASONS FOR THE RECOMMENDATION

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

The NT Planning Scheme 2020 applies to the land and the proposed addition of outbuildings (Carport, Shed) and 2 x demountable structures (shipping containers) with a reduced side setback to a single dwelling requires consent under Clause 1.8 (When development consent is required). It is identified as Merit Assessable under Clause 4.7 (Rural Living); therefore the strategic framework (Part 2 of the Scheme, including the Darwin Regional Land Use Plan and Litchfield Subregional Land Use Plan, zone purpose and outcomes of Clause 4.7 (Rural Living), and Clause 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.6 (Landscaping), 5.4.1 (Residential Density), 5.4.3 (Buildings Setbacks for Residential Buildings and Ancillary Structures) and 5.4.6 (Private Open Space), need to be considered.

These clauses have been considered, and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures).

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

The proposal has been found not to be in accordance with Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), because the proposal will result in a *setback to the side boundary of 1.2 metres, which encroaches 8.8 metres into the 10-metre setback requirement.*

It is considered that a variation to this clause can be supported in this instance because:

- (a) The proposal is consistent with the purpose of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) in that outbuildings are common in the area and within the Rural Living zone, and will have minimal adverse effects through building massing when viewed from external to the site. Administratively, consent authority may consent to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property. This proposal results in a setback to the side boundary of 1.2 metres, however through conditions, amenity impacts on neighbouring properties can be minimised.
 - (b) The considerations listed under Clause 1.10(3) or 1.10(4) do not apply to this application because the application became Merit Assessable under Clause 1.8(1)(b)(ii)(2), and under Clause 1.10(2), the consent authority only must consider the requirements in Part 5 that are not complied with for such applications.
3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The land has been identified and developed for rural living purposes and is capable of supporting the development. The proposed outbuildings are in keeping with the zone purpose and zone outcomes, noting only variations to Part 5 of the NT Planning Scheme 2020 have made it 'merit assessable'. The site is located within an established neighbourhood with existing services and infrastructure. There are no significant forecasts on the land. Additionally, the Land Resource Division – Department of Lands, planning and Environment did not identify or raise any issues of concern in relation to land capability.

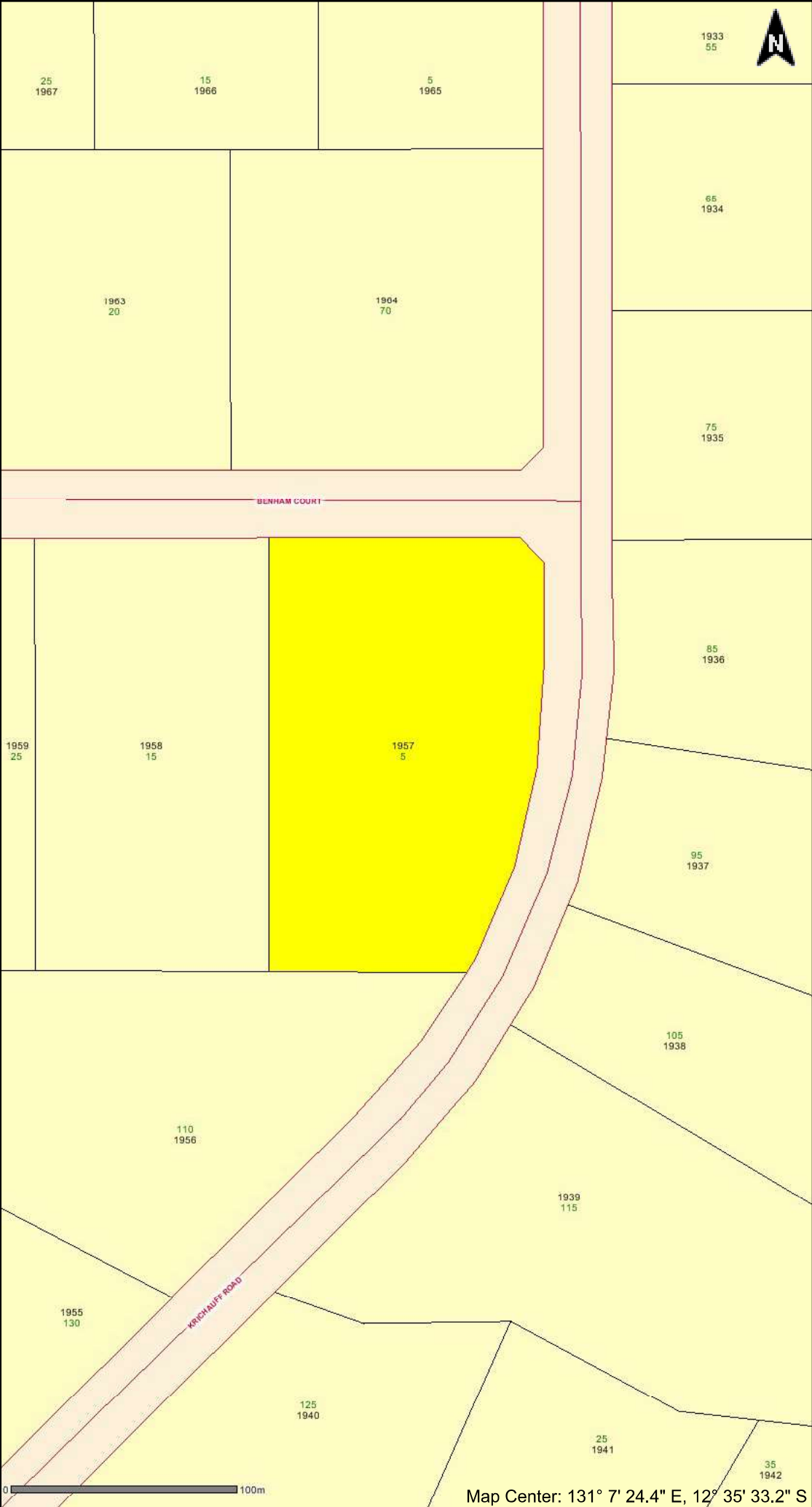
4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

Outbuildings are a common development on rural living properties and despite their size, the proposed building's impact on the existing and future amenity of the area can be minimised, through conditions to be included in a development permit.

AUTHORISED:



**JACK RICHARDSON - SENIOR PLANNER
DEVELOPMENT ASSESSMENT SERVICES**



General Lines

Road Boundaries

Rapid Creek Flood Response

Road Labels

Road Centrelines

Highway

Other Road

Street Numbers

Parcel Numbers

Cadastral

Coastline

Created by CAJCR

Bottom Left: 131° 07' 18", -12° 35' 40"

Top Right: 131° 07' 30", -12° 35' 26"

Approximate Scale: 1:2,400

Datum: GDA 1994

Data for information purposes only

- accuracy not guaranteed

N.T. Land Information System

Copyright Northern Territory of Australia

Date Registered: 25/06/1996

Duplicate Certificate as to Title issued? Yes

Volume 477 Folio 029

SEARCH CERTIFICATE

Section 1957 Hundred of Strangways from plan(s) LTO84/085

Area under title is 2 hectares 1900 square metres

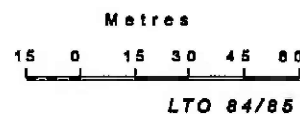
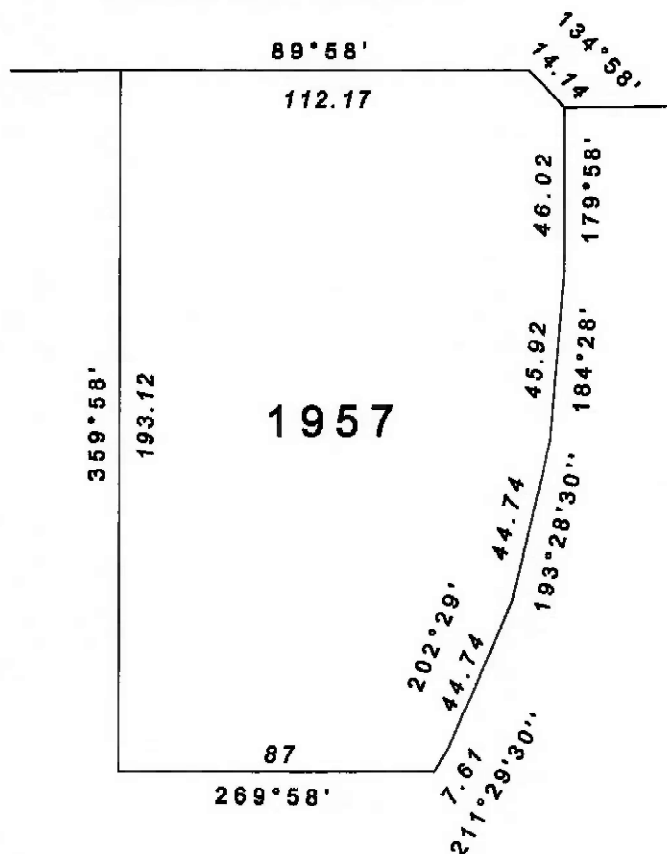
Owner:

Lida Tatarko

of 5 Benham Court, Humpty Doo NT 0836

Registered Date	Dealing Number	Description
25/06/1996	355023	Previous title is Volume 477 Folio 027
End of Dealings		Mortgage Australia and New Zealand Banking Group Limited

BENHAM COURT



The reason I am applying for a shed set-back is the location of the shed/carport. It is close to our existing shed and close to our house so we are not having to move too much of a distance as my wife and I are both getting older and not in 100% shape, so keeping it all in close proximity would be ideal.

We have been parking our trailers and boat in that place since owning our property and felt that is the ideal place and safe. We take care of our possessions, so always had in mind, upon affordability, we would build a carport to protect from the harsh environment the N.T. can bring.

We feel the position of the carport is not obstructing our neighbours view and certainly would not have put it there if it was! He has quite a bit of scrub land only getting thicker each year that blocks majority of the carport and is only partly seen/viewed from his driveway, not his house.

Regards

Simon & Trudi Bruhr

Statement of effect

Matters to be addressed in accordance with section 46 of the *Planning Act 1999*¹

Section 46(3)(a) – an assessment demonstrating how the proposed development will comply with any planning scheme that applies to the land

Address how your proposal meets or does not meet the purpose and each relevant requirement for the clause(s). Relevant clauses can be found in part 5 of the NT Planning Scheme 2020²

1 Application details

Please describe in detail what you are proposing to do. This section needs to provide enough information that a member of the public can reasonably understand what is being proposed, and what impact this may have on local amenity.

5.2.1 General Height Control

Purpose

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

Administration

1. This clause does not apply if:
 - (a) The development is for the purpose of:
 - i. a **telecommunications facility**;
 - ii. a chimney, flag pole, aerial, antenna or lightning rod; or
 - iii. the housing of equipment relating to the operation of a lift; or
 - (b) an alternative height control is specified in clause 5.9 (Location specific development requirements).
2. The consent authority must not **consent** to a development in Alice Springs that is not in accordance with sub-clause 5.
3. The consent authority must not **consent** to a development on land in Zone MR abutting land in Zone LR that is not in accordance with sub-clause 6.
4. Except as set out in sub-clause 3, the consent authority may **consent** to a development that is not in accordance with sub-clause 6 if it is satisfied the **building height** is consistent with the intended character and **amenity** of the area, having regard to:
 - (a) the heights of other buildings in the immediate vicinity; and
 - (b) measures taken to mitigate potential impacts (such as unreasonable overshadowing, or overlooking of dwellings and private open space) on abutting properties.

¹ <https://legislation.nt.gov.au/en/Legislation/PLANNING-ACT-1999>

² <https://nt.gov.au/property/land-planning-and-development/our-planning-system/nt-planning-scheme>

Requirements

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

3 MTR ON LOW SIDE
3.5 MTR ON HIGH SIDE

6. The **building height** in all other areas is not to exceed:
- the maximum **building height** for the zone and use as specified in table B to this clause; or
 - two **storeys** to a maximum of 8.5m if the zone and use is not included in table B to this clause.

N/A

Table B to clause 5.2.1: Height control outside Alice Springs

Zone	Use	Maximum building height above ground level
MR	Development on a site in zone MR abutting a site in Zone LR	3 storeys
	Development on a site that is: within the boundaries of the Darwin Inner Suburbs Area Plan or Darwin Mid Suburbs Area Plan; and has frontage to a street with a reservation width not exceeding 18m on the opposite side of which is a site in Zone LR.	3 storeys
	All other uses	4 storeys
HR	All uses	8 storeys
C	Mixed use development that consists of one or more residential buildings	4 storeys
	All other uses	No height limit
CL and CP	Education establishment or hospital	No height limit
CB, SC, TC and DV	All uses	No height limit

Editor's Notes:

- If applicable, the residential plot ratio and/or the commercial plot ratio may impact on the building height.
- Basements that protrude less than 1m from ground level are not considered as a storey for the purposes of this clause.
- Any use or development of land that intrudes into a protected airspace, such as the use of cranes, within 15km of an airport or RAAF base may have additional restrictions and approval requirements from the airport operator under the Airports Act 1996 (Cth), Airports (Protection of Airspace) Regulations 1996 (Cth), and Defence Regulation 2016 (Cth). More information is available on NT.GOV.AU.

Assessment

N/A

5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures

Purpose

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

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

Administration

1. This clause does not apply in Zones CB, LI, GI and DV.
2. In this clause:
 - (a) an **ancillary** structure includes an **outbuilding** (excluding shade sails), balcony, portico and the like, which may or may not include external walls; and
 - (b) for all developments except **dwelling-multiple** in Zone MR or HR, where a lot has a boundary with a public street from which vehicular **access** to the lot is restricted by the controlling Agency or local government council, this boundary shall be considered a side or rear lot boundary for the purpose of calculation of the **building setback**.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the **site** having regard to such matters as its location, scale and impact on adjoining and nearby property.
4. If a building setback plan in Schedule 9 does not establish a specific setback to a nominated boundary, **residential buildings** and **ancillary** structures are to be set back from that boundary in accordance with sub-clause 6(a) or clause 5.4.3.3 as appropriate.
5. Despite sub-clause 6 sheds in Zones other than H, A, RR, RL and R may have a nil setback to the side and rear boundaries provided it is
 - (a) 6m or more from the **primary street** and 2.5m or more from a **secondary street** when measured to the wall of the shed or where there is no wall, the outer face of any column;
 - (b) has a cumulative **floor area** of 15m² or less;
 - (c) is 2.5m or less in height;
 - (d) has no openings in walls that are less than 1.5m from a lot or unit title; and
 - (e) does not discharge rainwater on an adjacent lot or unit title.

Requirements

6. Subject to clause 5.2.7, **building setbacks** of **residential buildings** and **ancillary** structures are to be set back from lot boundaries in accordance with:
 - (a) the relevant table to this clause; or
 - (b) any setbacks established in a building setback plan that is included in Schedule 9.

DOES NOT COMPLY, CARPORT IS LOCATED 1.2 MTR
FROM PROPERTY BOUNDARY (0.6 METERS TO ROOF)

7. Where a zero or 300mm setback is identified on a building setback plan in Schedule 9, a zero or 300mm setback can only be established to the boundary nominated on the setback plan.

N/A

8. Unless detailed in a table to this clause or within a building setback plan in Schedule 9, no part of the roof structure, including gutters and eaves, is to encroach more than 0.9m into the minimum **building setbacks** (subject to the Building Code of Australia) from the lot boundaries.

N/A

Editor's Note: If a zero or 300mm setback identified within a building setback plan is not used, the requirements of sub-clause 6(a) apply.

Table D to Clause 5.4.3: Minimum building setbacks for residential buildings and ancillary structures in Zones RR, RL, R, H and A	
Lot Boundary	Minimum Setback
Primary street frontage	10m or 7.5m for lots less than 1ha in Zones RR and RL
Secondary street frontage	10m or 5m for lots less than 1ha in Zones RR and RL
Side and rear lot boundaries	10m or 5m for lots less than 1ha in Zones RR and RL

Editor's Notes:

- (1) Clause 5.2.7 provides specific setback requirements for Development Adjacent to Land in Zones LR, LMR, MR or HR.
- (2) Clause 5.4.3.3 provides reduced setback requirements in certain circumstances for dwellings-single.
- (3) Clause 5.8.7 Demountable Structures includes specific setback requirements.
- (4) Setbacks relate to lot boundaries and not unit title boundaries.
- (5) Refer to *Design Guidance: Setbacks in Zones MR and HR* for guidance on interpreting Table B.
- (6) Balconies and rooflines in Zone C may extend into the road reserve with approval of the relevant local government council.

Assessment

DOES NOT COMPLY

5.8.7 Demountable Structures

Purpose

Ensure that **demountable structures** do not detract from the visual **amenity** of an area.

Administration

1. Placement of a **demountable structure** on:
 - (a) zoned land other than land in Zone GI and DV requires **consent**, and
 - (b) land in Zone CL, SC, TC, LI, PS, OR, H, A, RL, R and CP does not require **consent** if there are no more than two **demountable structures** on the land.
2. The consent authority may **consent** to a **demountable structure** that is not in accordance with sub-clause 4 if it is satisfied that the proposed use and location of the **demountable structure** make compliance unnecessary.
3. The consent authority may **consent** to a **demountable structure** that is not in accordance with the table to this clause if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

Requirements

4. The placement of a **demountable structure** is to:
- include landscaping or architectural embellishments to the **demountable structure** that will enhance the appearance of the structure; and
 - be visually consistent with adjoining or nearby development.

DOES NOT COMPLY

NO LANDSCAPING PROPOSED

5. **Demountable structures** in:
- zones other than Zones LI, GI and DV are to be set back from lot boundaries in accordance with the table to this clause; and
 - zones LI, GI and DV are to be set back from lot boundaries in accordance with the Table to Clause 5.6.1.

DOES NOT COMPLY

2 DEMOUNTABLES LOCATED 1.2 MTR FROM BOUNDARY

Table to Clause 5.8.7: Demountable Structures		
Lot Boundary	Minimum Setbacks	
	In zones other than CB, C, H, A, R, RL, RR, LI, GI and DV	In zones H, A, RR, R and RL
Primary street frontage	6m	10m <u>or</u> 7.5m in Zones RR and RL for lots with areas less than 1ha
Secondary street frontage	2.5m	10m <u>or</u> 5m in Zones RR and RL for lots with areas less than 1ha
Side and rear lot boundaries	1.5m	10m <u>or</u> 5m in Zones RR and RL for lots with areas less than 1ha

Building setback is measured from all boundaries to:
The wall of a **demountable structure**; and
Where there is no wall, to the outer surface of any support column of the structure.

No part of the roof structure including gutters and eaves, is to encroach more than 0.9m into the minimum **building setbacks** from the lot boundaries described in the Table to Clause 5.4.3.

Assessment

DOES NOT APPLY - SEE ABOVE

Section 46(3)(b) – an assessment demonstrating how the proposed development will comply with an interim development control order, if any, applying to the land

Is this section applicable?

If this sub section is applicable, address below.

Section 46(3)(c) – a public environmental report or an environmental impact statement has been prepared or is required under the Environmental Assessment Act in relation to the proposed development, a copy of the report or statement and the results of any assessment of the report or statement under the Act by the minister administering that Act

Is this section applicable?

N/A

If this sub section is applicable, address below.

Section 46(3)(d) – an assessment demonstrating the merits of the proposed development

State the merits of your proposal below.

I HAVE LOCATED IN CLOSE PROXIMITY TO ANOTHER SHED FOR EASY CONVENIENCE. IT ALSO IS A GOOD SCREENING TO STOP THE NEIGHBOUR SEEING IN (~~REVERSE~~) + VICE VERSA

Section 46(3)(e) – a description of the physical characteristics of the land and a detailed assessment demonstrating the lands suitability for the purpose of the proposed development and the effect of development on that land and other land

State below any notable physical characteristics of the land on which your proposal is to be located.

FLAT - CLEARED AREA

Section 46(3)(f) – a statement specifying the public facilities or public open space available in the area in which the land is situated, whether land for public facilities or public open space is to be provided by the developer and whether it is proposed that facilities or open space be developed by the developer

Is this section applicable?

N/A

If this sub section is applicable, address below.

Section 46(3)(g) – a statement specifying 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 whether public utilities or infrastructure are to be provided by the developer or land is to be provided by the developer for the provision of public utilities or infrastructure

State below whether you intend to connect all necessary services to your proposal as required.

N/A

Section 46(3)(h) – an assessment of the potential impact on the existing and future amenity of the area in which land is situated

Provide a short statement below, addressing any potential impact on the existing or future amenity of the area.

LIMIT IMPACT DUE TO EXISTING SCREENING VEGETATION

Section 46(3)(j) – an assessment of the benefit or detriment to the public interest of the development

State below any benefit or detriment to the public interest resulting from your proposal.

N/A

If there is nothing notable, mark this box with an 'X'.

Section 46(3)(k) – in the case of a proposed subdivision of land on which a building is situated – a report from a building certifier within the meaning of the *Building Act 1993*³ as to whether the building will cease to comply with the *Building Act 1993* if the proposed development were to proceed

Not applicable to this application as it is not for a subdivision.

N/A

Section 46(3)(l) for the development of land proposed to be the scheme land of a proposed or existing scheme, or the development of existing scheme land – a plan in the approved form specifying:

- Any information about any building that is, or will be situated on the scheme land (including for example, information about the structural integrity and fire safety of the building)
- If any part of the development is subject to changes that are allowed by regulation – details about that part as required by regulation
- Any other information prescribed by regulation about the development.

Not applicable to this application as it is not for a subdivision.

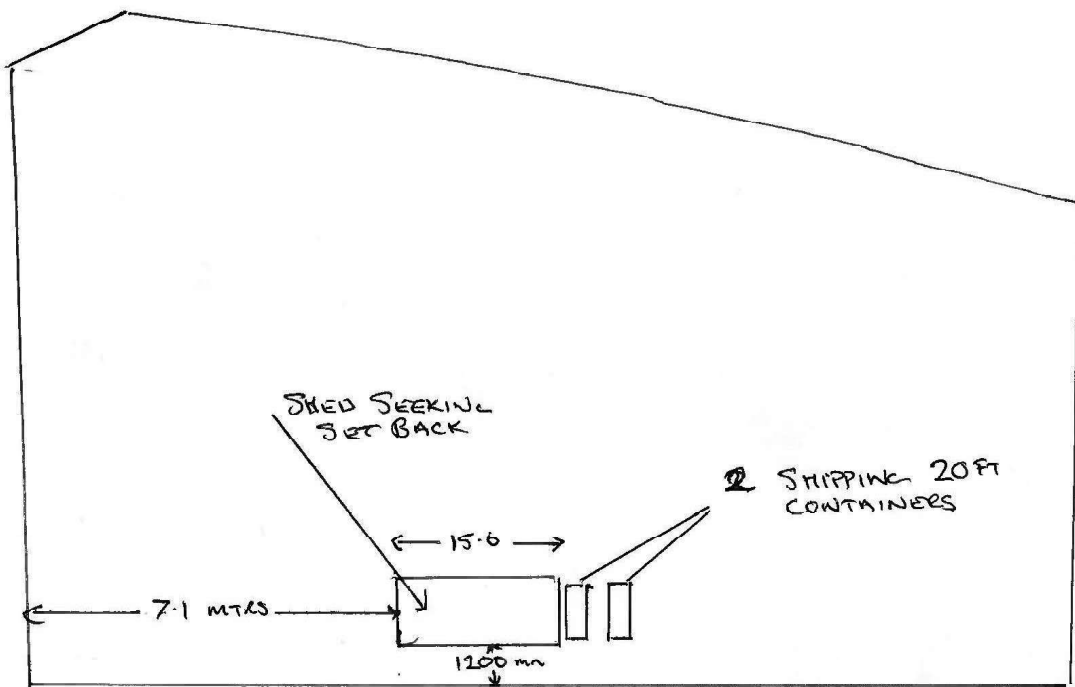
N/A

³ <https://legislation.nt.gov.au/Legislation/BUILDING-ACT-1993>

SITE PLAN
SET BACK

KRICHAUFF RO

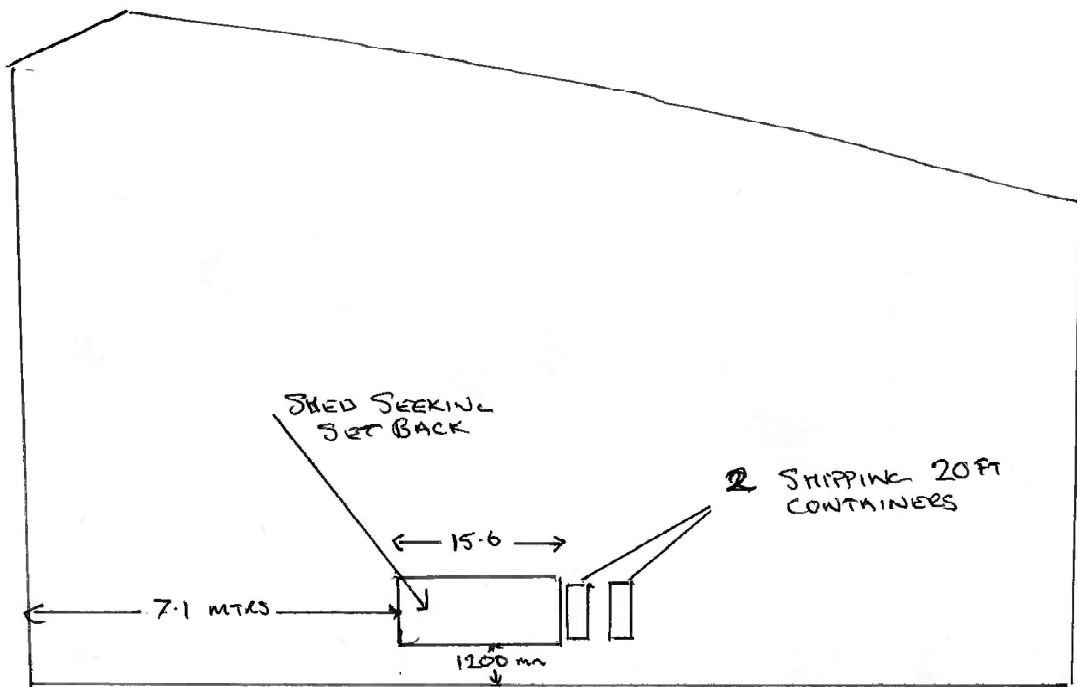
BENJAMIN CRT



SITE PLAN
SET BACK

KRICHAUFF RD

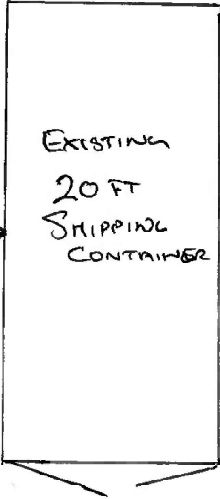
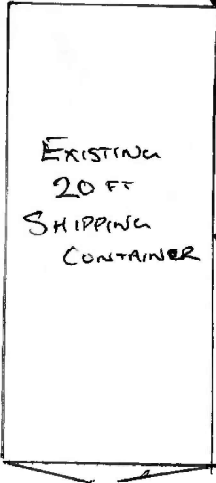
BENHART CBT



SHIPPING CONTAINER
PLAN

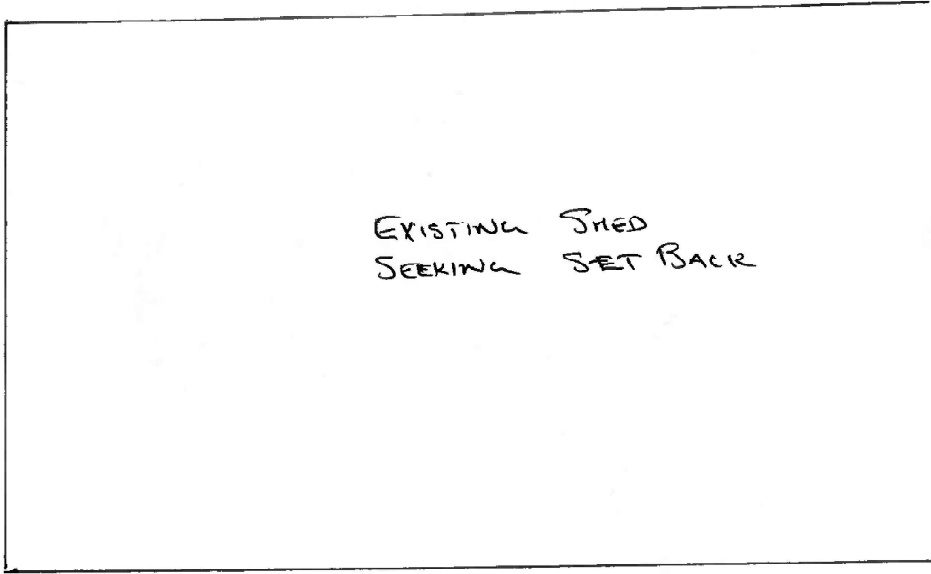
BOUNDARY FENCE

1200 OFF
BOUNDARY

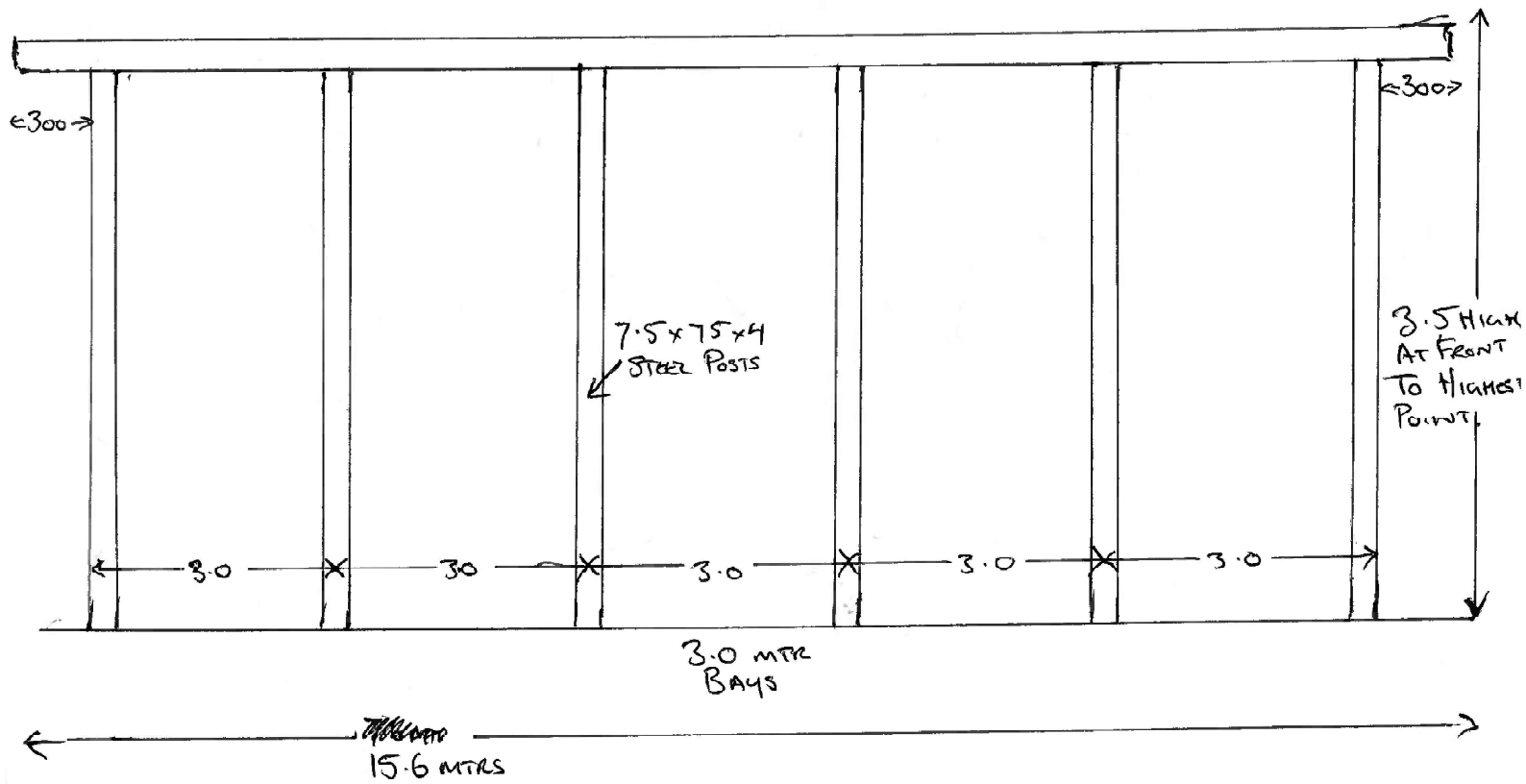


3.0

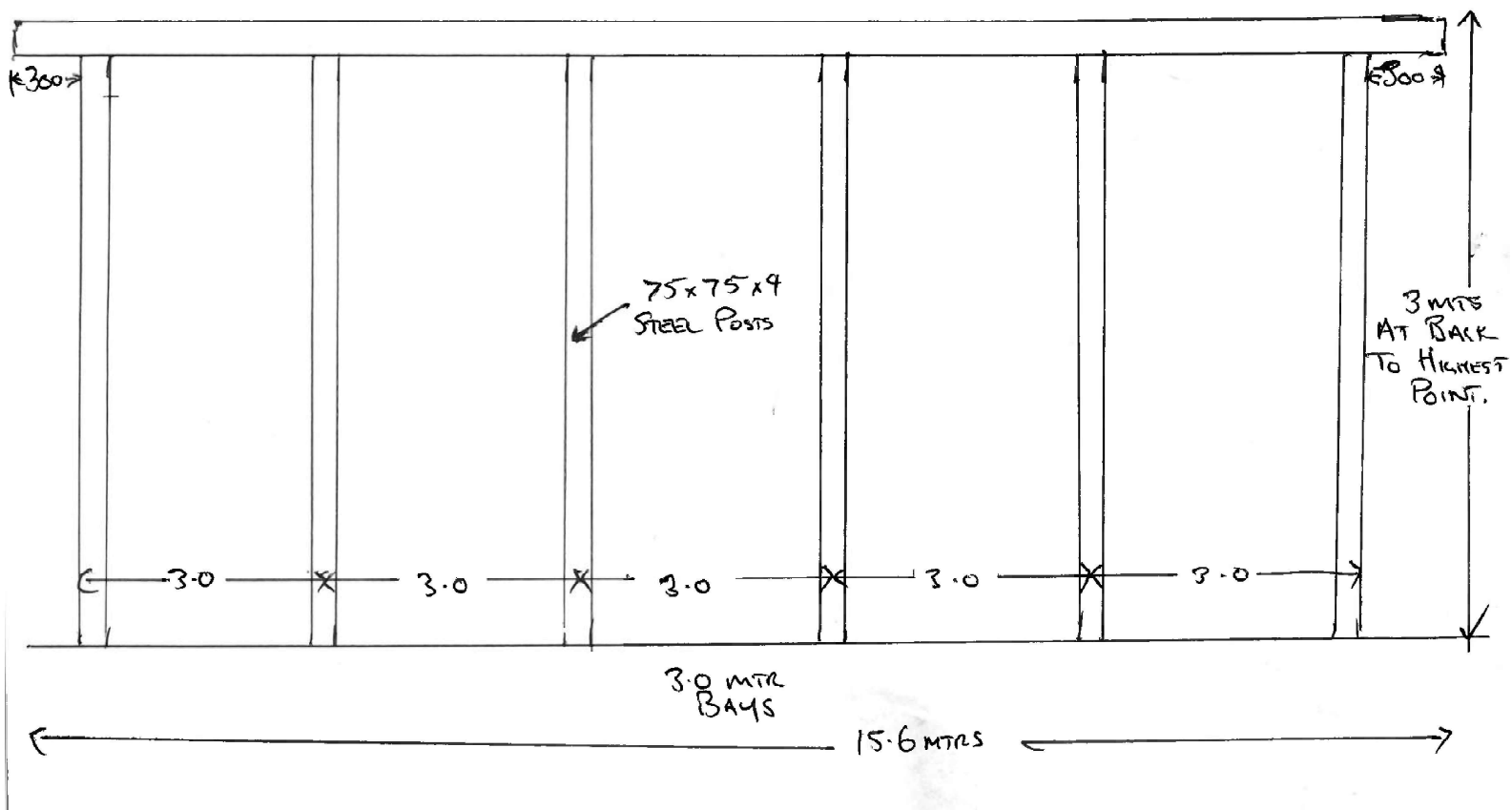
EXISTING SHED
SEEKING SET BACK



FRONT VIEW

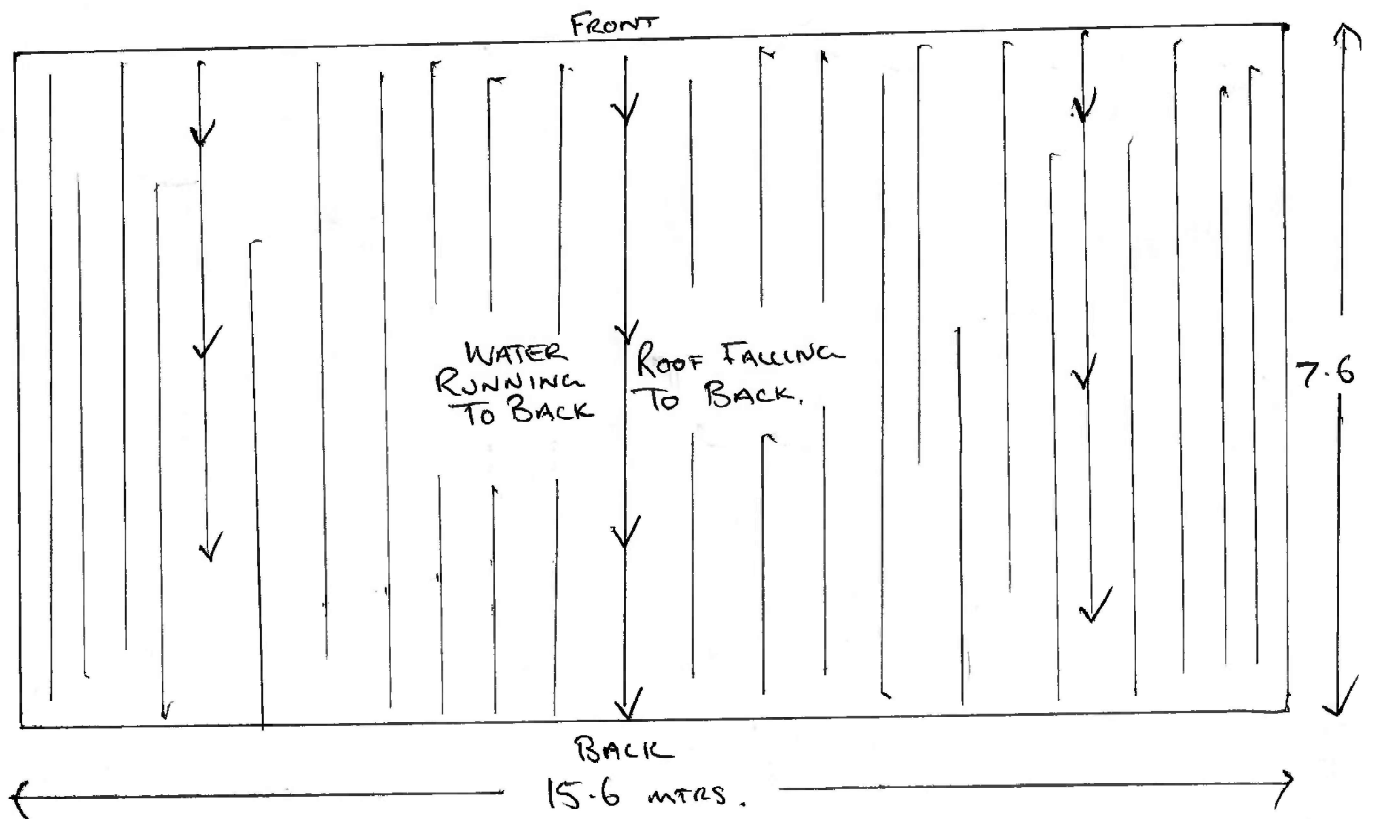


BACK VIEW



Roof View

WOODLANDS GREY
CORROGATED IRON.



WOODLANDS GREY CORRUGATED IRON ROOF 7.6 LONG.

150 x 50 x 2.5 PERLINS

150 x 50 x 4 SCILION TRUSS

75 x 75 x 4 STEEL POSTS

400mm

600mm

1mtr

300mm

650mm

5 MTRS

3 MTRS

1200mm

500mm

6 MTRS

1 MTR

7.6 MTRS

BOUNDARY FENCE

BOUNDARY
FENCE

LEWIS

Internet www.nt.gov.au/nreta/water/permits

Bole Construction

KRICHAUFF RD.

3000 Bunk

Bole Road

Bole Road

BENHAM CR.

112.17m.

112m.

116m

7m

BOLE SITE

GARDEN SHED.

PERMIT NO 695-1957-2
DATE 1 MAR 1988.

PROPOSED LOCATION
OF RESIDENCE

LOT 1957.

73m.

93.2m

41.4

115m
TO BOLE
SITE
SEPTIC

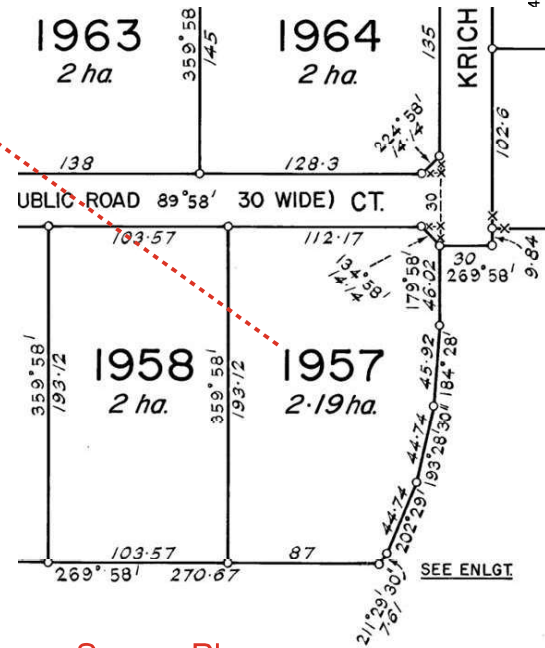
198.12m.

87m

SITE PLAN.

LOT 1957 HUMPTY DOO

SCALE 1-1000.



Survey Plan:
LTO 84/85





BOUNDARY PHOTO
VERY THICK FOLIAGE
ON NEIGHBOUR'S SIDE







Submission to Planning Dept Darwin by,
Craig Donoghue
15 Benham Cir Humpty Doo
P.O Box 1003 Humpty Doo, 0400 002854.

I wish to make a Submission in regard to the
carport & 2 shipping containers next to my fence line,
my reasons are as follows.

1. Carport was built without any Planning approval.
2. I observed the footings being dug approx Nov 2nd and were not very deep. Footings need to be 600mm x 900mm deep, these were nowhere near it when posts were put in.
3. In the event of a cyclone the carport could end up in my property as the footings are not to code and never certified.
4. In the wet season all storm water from carport roof will fall into my property causing me to deal with the storm water.

h. After 25 years in the Army I am medically retired with PTSD. The carport and shipping containers on the fence line are a eye sore and mentally effects me that he can do whatever he wants. A 10m Planning Rule to build from a fence line applies to All land owners in this area.

h. The roof of the carport is ON the fence line, not outside that Simon suggests. I moved out to Humpty Doo to get away from people and enjoy my privacy.

I hope the Planning Dept understand my situation.

Thanks.

Ray Dyf

21 Aug 26

File Ref: PA2026/0266

email: crash43.cd@gmail.com



21 August 2026

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

RE: Letter of Comment Development Application

PA2026/0266

**Hun: 695 P: 01957 5 Benham Court HUMPTY DOO, Hundred of Strangways
Addition of outbuildings (Carport, Shed) and 2 x demountable structures (shipping
containers) with a reduced side setback to a single dwelling.**

Thank you for the Development Application referred to this office on 11/08/2026, 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 does not support the granting of a Development Permit for the following reasons:

- a) The proposed reduced side setback, particularly in relation to the shed with the skillion roof, has stormwater implications for the neighbouring property. Concentrating runoff in this manner may compromise the integrity of the boundary fence and direct flows onto the neighbouring land.
- b) The proposal does not comply with the required 4 m firebreaks and, given it is intended for the storage of various materials, would present a fire hazard.

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

- a) Whilst the neighbouring property may provide support for the proposal, consideration should be given to the amenity of future residents should the neighbouring property ever change ownership.
- b) Council understand the applicant would like to keep outbuildings and ancillary structures within close proximity however, the property is 2ha with ample room for additional structures. Further, there are already three ancillary structures to the dwelling-single on the property. The 5-bay shed appears to not comply with the

setback requirements however Council understands this does not form part of this application.

- c) Additionally, Council has noted that the property has two accesses, one from Krichauff Road and the other from Benham Court. It appears both accesses have been approved by Litchfield Council at an earlier date in 2020.

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

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

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

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

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

- a) Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at www.litchfield.nt.gov.au.
- 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 No: D2026/244635

Container No: NE695/1957

Your Ref: PA2026/0266

Jack Richardson
Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Jack

Re: Section 1957 (5) Benham Court Humpty Doo Hundred of Strangways

In response to your letter of the above proposal for the purpose of addition of outbuildings (Carport, Shed) and 2 x demountable structures (shipping containers) with a reduced side setback to a single dwelling. (retrospective application), Power and Water Corporation advises the following with reference to electricity enquiries:

1. PWC has no objection or requirement to the existing carport, shed and 2 x demountable structures (shipping containers) on Section.

If you have any further queries, please contact Robyn Gless, Customer Connections Officer on 8924 5702.

Yours sincerely



Caesar Yik
(For Thanh Tang)
Manager Distribution Development
18 August 2026



Container No: LD695/1957

DLPE - Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Jack Richardson

RE: PA2026/0266 - Section 01957 Hundred of Strangways - 5 Benham Ct, Humpty Doo NT - Addition of outbuildings (Carport, Shed) and 2 x demountable structures (shipping containers) with a reduced side setback to a single dwelling

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 water and sewer services are currently unavailable in the area. The developer must contact relevant authorities to discuss servicing requirements for the proposed development.
2. Power and Water have no objections or requirements for the proposed development.

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

Yours sincerely

Craig Thomas
Services Development

20 August 2026

cc: Simon Bruhn
email: sjbruhn6@gmail.com

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

Dear Development Assessment Services

Re: PA2026/0266 Section 01957 Hundred of Strangway - New Application Submitted

The Northern Territory Fire and Emergency Services has assessed the information contained in the new application for PA2026/0266 Section 01957 Hundred of Strangway and provides the following response:

- there are concerns regarding the proposed location of the new carport and shipping containers, given the proposed placement would encroach upon the existing firebreak surrounding the property boundary and may result in non-compliance with Regulation 3 of the *Northern Territory Fire and Emergency Regulations 1996*
- Regulation 3 of the *Northern Territory Fire and Emergency Regulations 1996* outlines the legal requirements for owners and occupiers to install and maintain firebreaks. For reference, the full text of regulation 3 is provided below:

3 Firebreaks

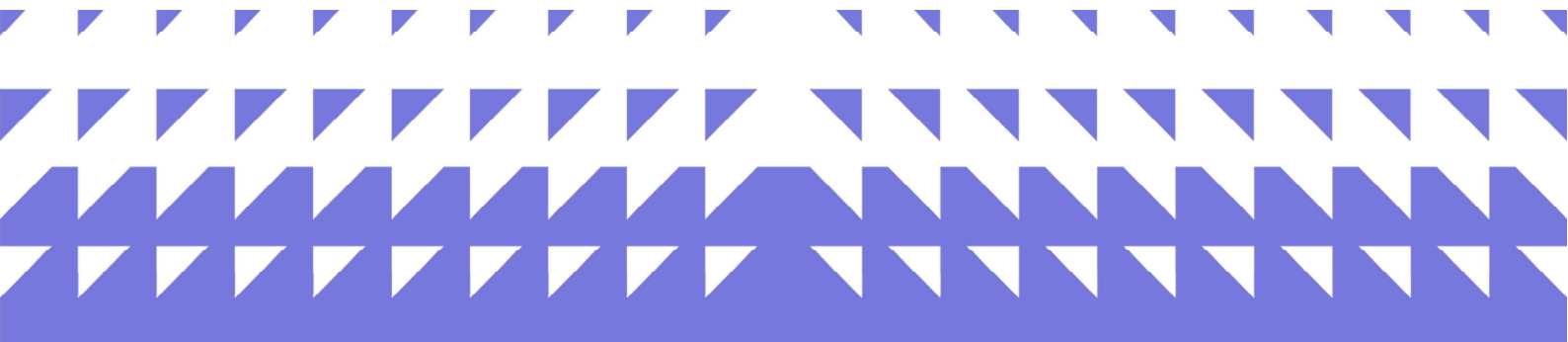
- (1) The occupier or, if there is no occupier, the owner of land in an emergency response area must ensure a firebreak that complies with this regulation is created and maintained along the entire boundary of the land.
- (2) The firebreak must:
 - a) be at least 4 m wide; and
 - b) consist of one or more of the following:
 - (i) bare earth
 - (ii) grass not exceeding 50 mm high
 - (iii) lawn or cultivated garden.
- (3) However, the firebreak may contain trees if they do not:
 - a) restrict fire-fighting vehicles being driven along the firebreak; or
 - b) otherwise pose a direct or indirect danger by fire or other emergency to life or property

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. Harvey', with a stylized, cursive script.

Krystel Harvey
Director Strategic Services
Northern Territory Fire and Emergency Services
18 August 2026



From: [NTFES Strategic Services](#)
To: [Jack Richardson](#)
Cc: [NTFES Strategic Services](#)
Subject: TRM: RESPONSE FROM NTFES: PA2026/0266 - Section 01957 Hundred of Strangway (5 Benham Court, Humpty Doo)
Date: Thursday, 27 August 2026 1:54:19 PM
Attachments: [image001.png](#)
[image009.jpg](#)
[image010.jpg](#)
[image011.jpg](#)
[image012.jpg](#)
[image013.png](#)
[image002.jpg](#)

Good afternoon Jack,

Please find below response provided by the District Officer for Fire Safety Command in relation to your enquiry:

Carport

- It has been assessed that the carport will not impede firefighting operations and does not significantly increase the fuel load on the property.

20ft Shipping Containers (x2)

- It has been assessed that both shipping containers create a significant obstruction within the firebreak.
- The containers will be required to be relocated to provide a minimum **4-metre clearance from the boundary**, in accordance with **Regulation 3 of the Fire and Emergency Regulations 1996**.

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

Taylah Rogers | Executive Support Officer

Strategic Services

NT Fire and Emergency Services

Level 5 NAB Building, 71 Smith St, Darwin City, NT

GPO Box 37171, Winnellie, NT, 0821

p (08) 8948 9130 | **e** Taylah.rogers@pfes.nt.gov.au

e NTFES.StrategicServices@pfes.nt.gov.au | www.pfes.nt.gov.au



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