DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING NO. 314 – WEDNESDAY 21 OCTOBER 2026

AGORA ROOM, HUDSON BERRIMAH, 4 BERRIMAH ROAD, BERRIMAH

MEMBERS PRESENT: Suzanne Philip, Rick Grant, Mitch Virgin, Daisy Crawford and Emma Sharp (not present for item 2)

APOLOGIES: Rachael Wright
LEAVE OF ABSENCE: None

OFFICERS PRESENT: Eve-Marie Davie, Jack Richardson, Drashti Chovatiya, Wayne Vowles and present for item 3, Anita Gajski (Lands Planning)

COUNCIL REPRESENTATIVES: Jaimie O'Connor and Rob Taylor

Meeting opened at 10.15 am and closed at 1.50 pm

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

ITEM 1 **CHANGES TO DP2022/0166 TO ALLOW NO MORE THAN 10 FLIGHTS PER**
PA2026/0286 **WEEK (CONDITION 4) AND DELETION OF CONDITION 9**

LOT 34 (600) STRANGWAYS ROAD, HUMPTY DOO, HUNDRED OF STRANGWAYS

APPLICANT **TATAM PLANNING CO.**

Applicant: Catriona Tatam attended via telephone
Owner in attendance: Gregory Murray
Submitters in attendance: Todd Waters and Mallory Waters

RESOLVED 58/26

That, pursuant to section 53(b) of the *Planning Act 1999*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered at Section 34 (600) Strangways Road, Humpty Doo, Hundred of Strangways for the purpose of private airstrip, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2026/0286/01-2026/0286/02 endorsed as forming part of this permit.

2. A maximum of two (2) fixed wing light aircraft may be kept on site, piloted and operated from the site. The aircraft must be registered with Recreational Aviation Australia (RAA), and must fit within the Light Sports aircraft (LSA) or Ultra-Light Aircraft (ULA) classifications.

3. Appropriate facilities are provided for the storage and handling of fuel, including:

    i. locating fuel storage units on hard stand, sealed areas; and

    ii. providing appropriate firefighting equipment and spill management kits within close proximity of the storage area.

4. The private airstrip must not be used for commercial purposes and no more 3 flights per day, up to 18 flights per month are permitted.

5. The private airstrip must only operate during daylight hours and flights do not take place before 7am or after sunset on a weekday or before 8am or after sunset on a weekend.

6. Take off shall be permitted as per the 'Southern Preferred Approach' plan 2026/0286/02 endorsed as forming part of this permit.

7. No further development associated with aviation activities is to be undertaken on the subject site, without further consent.

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8. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost Litchfield Council, to the satisfaction of the consent authority.

9. The use approved by this permit shall cease four (4) years from the date this permit was issued.

NOTES

1. Aviation Operators should comply with the standard procedures for operating into non towered locations described in Civil Aviation Advisory Publication CAAP 166-01 v4.2 'Operations in the vicinity of non-controlled aerodromes' - https://www.casa.gov.au/airspace/standard-page/operations-non-controlled-aerodromes

2. The proponent must comply with Air Traffic Control flight pattern procedures within the RAAF Darwin airspace. The proponent is to liaise with The Royal Australian Air Force (RAAF) in relation to airspace issues. The RAAF point of contact in relation to this matter is can be emailed at 452SQNDAR.FLTCDR@defence.gov.au

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

4. 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.

5. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Interim Development Control Order 33.

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

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

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REASONS FOR THE DETERMINATION

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 use of the subject site, as a private airstrip is an 'undefined use' and requires consent under Clause 1.8 (When development consent is required). An undefined use is I*mpact Assessable* under Clause 1.8(1)(c), therefore the strategic framework (Part 2 of the Scheme, Litchfield Subregional Land Use Plan, which is the most relevant to this application) needs to be considered as well as the purpose and outcomes of Zone RL (Rural Living).

   The continued use of the land as a private airstrip by the resident is not considered to conflict with the primary use of the land for rural living purposes, nor impact on the land capability of site and will not prejudice the future use or development of the land in accordance with the regional and subregional land use policies.

   The permit which allows the use requires specific conditions limiting the use of private airstrip by the current landowner only, the hours of operation, the number of flights, the number of aircraft to be garaged on site and the restrictive periods of operation, as well as a specific condition that ensures monitoring of the effects to ensure impacts on the surrounding land uses can be minimised and evaluated over time.

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

   The application was placed on public exhibition for a period of two weeks between 28/08/2026 through to 11/09/2026. Two (2) public submissions were received under section 49 of the *Planning Act 1999* in opposition to the application.

   The submitters raised concerns regarding the impacts the proposal could have on the surrounding community, residential amenity, safety, privacy and environment. They had concerns with the airstrip which they believe would be incompatible with the existing residential character of the area and will have unacceptable long-term impacts on neighbouring properties and residents.

   Todd Waters (public submitter) and his partner Mallory Waters spoke at the meeting and raised the following concerns:
   - Amenity impacts of the airstrip, including noise and overlooking of the flightpath.
   - Noise impacts of the planes taxiing.
   - How the setbacks to neighbouring dwellings shown on the application documentation was calculated.

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- That the number of flights sought will continue to be increased overtime, increasing amenity impacts.
- The proposed increase in the number of flights will restrict the ability for their property to be developed in the future.

Cat Tatum spoke at the meeting, to explain the application and answer questions from DCA, as well as respond to concerns raised from the submitters. The key points can be summarised as:

- The application proposes the continuation of a private airstrip, varying two previous conditions of the previous Development Permit.
- Response to Development Assessment Service's assessment and use of Clause 5.4.16 (Helicopter Landing Sites).
- The land use pattern has not changed since the previous approval.
- Reiterated that the airstrip and the operation of two aircraft is for recreational purposes only.
- One aircraft has recently had a motor upgrade and is now quieter than previously.
- Some motorbikes and ATV's have a higher number of CC, and therefore generate greater noise, than the two operational aircraft.

The owner Greg Murray also spoke at the meeting and discussed why he was seeking more flights. The reasoning was to allow flexibility for the number of flights per week, as this would allow visiting family and friends a chance to go on a flight, when they visit. This is rare, and therefore the intention is not to seek an increased number of flights every week.

The Chair recognised that the amenity impacts were not just noise but include privacy issues as well. For example, at the take-off and landing stage, issues such as overlooking into neighbours' properties may occur. The Authority noted that, whilst it was positive that over the course of the last 4 years there were no formal complaints, this did not necessarily indicate that all neighbours were happy with the use or would be happy with an intensification of the use or that there were no amenity impacts on neighbouring properties.

The Chair recognised that the submitters and the owner were keen to find a solution which would suit both parties and suggested that the condition 4 could be amended to recognise a certain number of flights per month and that this would allow flexibility for the owner to accommodate family gatherings and more flights in a single week with fewer over the rest of a month.

A condition of approval limiting the flights to eighteen (18) flights a month, with a maximum of three (3) per day, is a 50% increase per month. Additionally the conditions of approval limiting the use of the airstrip to a 4 year period, as was included in the previous Development Permit DP22/0166, has been included on the permit to provide the submitters with an opportunity to observe any impacts of the increase in the number of flights each week, the suitability of the site for the proposed use in the longer term, and the Authority with an opportunity to consider any changes to the

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land use pattern in the locality over time, noting that Mr and Mrs Murray stated their intent to develop a neighbouring block for a residential use that would be directly impacted by the proposal.

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 subject site remains capable of accommodating the continued use of a private airstrip, and the proposed change in conditions will not affect the physical characteristics of the land or surrounding land.

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.

   The proposal was circulated to the Litchfield Council and service authorities. Service authorities provided support and standard conditions and notes would address their requirements. Litchfield Council indicated that they would support an increase in flights through amending Condition 4, however they requested that Condition 9 be retained with an extension for a further four years to allow surveillance of the increased number of flights. Litchfield Council raised the uncertainty that exists for residents in determining how, and with which authority, to raise concerns relating to this type of land use.

   Litchfield Council representative Jaime OConnor spoke at the meeting and provided support for an increase in the number of flights (Condition 4) but reiterated their position in relation to Condition 9 which should remain as a way of monitoring the potential amenity impact. Jaime O'Connor clarified that no formal complaints had been received in the 4 years prior but also emphasised that this was not a true barometer of neighbourhood amenity impact as the process of making complaints was not easy.

   As a result, Condition 4 will limit the number of flights allowed per month, including a daily restriction, and Condition 9 be retained which will provide a further 4 years of operation of the private airstrip.

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

   Public submissions received in relation to the proposed development raise concerns that the proposed use may impact on adjoining landowners either through noise or by a perception of overlooking. Submitters queried the calculations included in the application relating to the distance of the airstrip from neighbouring dwellings and raised concerns with the impacts of the

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flightpaths of the two planes, particularly with an increase in the number of flights per week.

The existing airstrip, previously approved through DP22/0166, has demonstrated it has taken all reasonable measures to minimise impacts on the surrounding locality by locating the airstrip away from residential development, providing additional landscaped buffers to property boundaries, limiting the number of flights, take-off and landing approaches planned over uninhabited land and to avoid impacts on neighbouring properties, and assessment and consideration of the known noise impacts.

The conditions imposed on any permit would restrict the use of the airstrip to the current landowner, limit activity to daylight hours and a limit for the number of flights to minimise the impacts on the locality. The previous restriction to use of the airstrip for a maximum of three flights per week during daylight hours was considered through planning application PA2022/0146 as unlikely to significantly impact on adjoining land through noise or overlooking, given the potential for the land to be used for other rural activities with similar noise outputs.

A significant increase in flights may have amenity impacts in the RL Zone, and therefore a condition 4 restriction of 18 flights per month, with a maximum of 3 flights per day, will minimise impacts on neighbouring property owners and occupiers, and residents of the surrounding area. It will also provide the owner and operator of the airstrip, who flies their planes solely for recreational purposes, flexibility in the number of times and when they fly.

The existing condition 9 on DP22/0166 is retained, restricting the duration of the approval to four (4) years, which will require the applicant to request the condition be removed if they wish to continue operation in the future. In determining such a proposal in the future, the Development Consent Authority will have the opportunity to consider whether an actual impact on the amenity has occurred and whether any changes to the land use pattern in the locality have taken place over the four-year period. This consideration may include whether any complaints have been received by Development Assessment Services, Litchfield Council or the NT EPA, during the lifespan of the permit.

FOR: 5 **AGAINST: 0** **ABSTAIN: 0**

ACTION: Notice of Consent and Development Permit

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ITEM 2 PA2026/0274 **DWELLING-INDEPENDENT WITH A REDUCED SETBACK TO THE SIDE BOUNDARY**
SECTION 7905 (40) SMYTH RD, HOWARD SPRINGS, HUNDRED OF BAGOT

APPLICANT **BILLY AND SHILO BARRY**

Pursuant to section 97 of the Planning Act 1999, Emma Sharp, Community Member of the Litchfield Division of the Development Consent Authority, disclosed an interest and was not present during, contributed to or took part in the deliberation or decision of the Division in relation to Item 2.

Applicant: Mr. Billy Barry attended the meeting via Telephone

Submitter/s: none

RESOLVED 59/26

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 2020, and pursuant to Section 53(a) of the *Planning Act 1999*, consent to the application to develop Section 7905 (40 Smyth Road, Howard Springs NT), Hundred of Bagot, for the purpose of a Dwelling – Independent with a reduced building setback to the southern side boundary, subject to the following conditions:

CONDITIONS PRECEDENT

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

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

3. 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.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notation 3, 4 & 5 for further information.

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.

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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. Power and Water advises that the Water and Sewer Services Development Section (developer.concierge@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) must be contacted via email a minimum of 1 month prior to construction works commencing.

3. The Power and Water Corporation advises that:
   a) The property is currently provided with a limited capacity of three-phase power supply from the overhead distribution network on Smyth Road.
   b) The landowner shall engage a licensed electrician to prepare a revised overall AS-300 maximum power demand calculation for both the existing dwelling and the new dwelling-independent and apply for a Negotiated Connection application under the Australian Energy Regulator (AER) compliance process for PWC's assessment on power supply capacity upgrade requirements.
   c) The engaged licensed electrician shall carry out the customer's internal electricity reticulation upgrade works in accordance with the PWC's current NP018-Service and Installation Rules 2024 and NP010-Meter Manual.

4. 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.

5. The developer must ensure that;
   a) Backflow prevention is installed at the water service in accordance with AS/NZS 3500.1 – Plumbing and Drainage - Water Services
   b) Where applicable, the device is tested annually in accordance with AS/NZS 2845.3 field testing and maintenance of testable devices. Visit https://www.powerwater.com.au/developers/water-development/backflow prevention or contact BackflowPrevention.PWC@powerwater.com.au for all backflow prevention enquires.

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

7. 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.

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

9. Any new on-site wastewater management system is to be installed in accordance with the Code of Practice for Wastewater Management.

10. 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.

11. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines. The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

12. 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 as per endorse plan. NTFES reserves the right to review firebreak requirements where circumstances change, and it is determined that firebreaks are required to ensure that the fire safety and operational capability is maintained. NTFES is not liable for any costs associated in meeting revised firebreak requirements should the circumstances change from the original decision. 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.

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 (NTPS2020) applies to the subject land. The proposal for a Dwelling-Independent with a reduced building setback to the southern side boundary requires consent under

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Clause 1.8 (When development consent is required), as It is identified as *Merit Assessable* under Clause 1.8(1)(b)(ii)(2); therefore, zone purpose and outcomes of Clauses 4.6 Zone RR (Rural Residential), 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.6 (Landscaping), 5.4.1 (Residential Density), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 5.4.6 (Private Open Space) and 5.4.13 (Dwelling-Independent) of the NTPS2020. The Technical Assessment is available at **Bookmark C.**

These clauses have been considered, and it is found that the proposal complies with all 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), sub-clause 5, of the Northern Territory 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) of the Northern Territory Planning Scheme 2020, which requires a minimum side boundary setback of 5 metres for a dwelling-independent in Zone RR (Rural Residential). The proposed dwelling-independent is setback approximately 3 metres from the southern side boundary, resulting in a variation of 2 metres.

   Administratively, the consent authority may vary the provisions of this clause 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.

   The purpose of this clause is to ensure that residential buildings and ancillary structures are located in a manner that is compatible with the streetscape and surrounding development, including the existing dwelling-single; minimises adverse effects of building massing when viewed from adjoining land and the street; avoids undue overlooking of adjoining properties; and facilitates breeze penetration through and between buildings.

   It is considered that a variation to this clause is appropriate 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) because**:**

   The proposed dwelling-independent has a floor area of approximately 70 m^2 and remains clearly subordinate to the existing 240 m^2 dwelling-single. Existing vegetation provides screening to the frontage, and the applicant has indicated a willingness to install boundary fencing in consultation with the adjoining owner. These measures further minimise any potential overlooking or visual impacts associated with the proposed dwelling-independent.

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It is further noted that no submissions were received which objected to the proposal and a statutory declaration from the neighbour sharing the boundary with the proposed short setback was in full support.

Whilst the dwelling-independent is located in an unusual location on the site, it is still considered acceptable to the streetscape as it is compact and minimal in size and screened. It is not expected to adversely affect adjoining properties or the rural residential character of the locality. Accordingly, the variation is considered consistent with the purpose of Clause 5.4.3 and is supported.

(b) The considerations listed under Clauses 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.

   With a lot size of 4010 m^2, the subject land has the capacity to allow for a dwelling independent, provided it meets the purpose and requirements of the zone and relevant clauses of the Scheme. The subject land is rectangular shaped, relatively flat and contains some vegetation. The land is developed with an existing dwelling-single with a shed and carport. Existing access from Smyth Road would be retained. The dwelling independent proposes to share the existing wastewater treatment system and bore.

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

   The reduced setback to the northern boundary does not adversely affect adjoining properties, as the neighbouring landowner has provided written support confirming no objection to the proposed location.

   The proposed dwelling-independent is modest in scale would be visually compatible with the surrounding rural-residential character, with a low building profile and able to blend with the existing landscaping to make it unobtrusive from the street. Whilst the proposed siting of the structure is somewhat unusual it does have adequate separation from other boundaries, minimises building dominance, and preserves the privacy and visual amenity of neighbouring lots.

   Therefore, the proposal is not expected to have any undue impact on the existing or future amenity of nearby properties or the broader locality and is considered consistent with the purpose and outcomes of Zone RR (Rural Residential).

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5. 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.

   The proposal received support from relevant service authorities, including Power and Water Corporation (PWC), Northern Territory Fire and Emergency Services (NTFES), and the Land Resources Division. NTFES advised that a 3-metre firebreak would remain effective and that adequate emergency vehicle access is available to the site.

   Litchfield Council did not support the proposed variation to Clause 5.4.3, citing concerns regarding the location of the dwelling-Independent and potential stormwater management implications. Council noted that the subject site contains sufficient unconstrained land to accommodate the dwelling-Independent in an alternative location that would comply with the required setback provisions. Council also raised concerns that, while adjoining landowners may currently support the proposal, neighbouring ownership and occupancy may change over time. In addition, Council identified an easement affecting the site and noted that any future driveway arrangement may need to traverse that easement area.

   Mr Billy Barry, the applicant, spoke at the meeting and responded to concerns regarding the location of the proposed dwelling-independent. The applicant advised that the proposed location provides a better outlook to the existing dwelling and maintains separation from the children's play area. The applicant also mentioned that adjoining landowners are supportive of the proposed location. In response to concerns regarding stormwater runoff, the applicant advised that gutters will be installed on the roof to ensure runoff is appropriately managed and does not adversely affect adjoining properties and that the carparking would be alongside the dwelling -Independent and would use the existing driveway and road access.

   Council advised that, as the property is located within a rural area that is not serviced by an underground stormwater system, stormwater management is assessed in the context of maintaining natural sheet flow and ensuring runoff does not adversely affect adjacent swale drains. Council considered that the reduced setback could make the management of overland stormwater flows more difficult.

   The Authority carefully considered Council's concerns but resolved to retain the dwelling-Independent in its proposed location for the following reasons:

   - The dwelling-Independent is modest in scale and remains below the maximum floor area permitted under the NTPS2020;
   - The development is serviced by existing access and infrastructure and has no objections from adjoining landowners;
   - Gutters will be installed to collect and direct stormwater away from the side boundary; and

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- The inclusion on the permit for a condition precedent requiring a schematic plan Stormwater Management Plan demonstrating the on-site collection of stormwater to the satisfaction of Litchfield Council.
- NTFES did not raise any objection to the location

These matters have been carefully considered by the consent authority. On balance, the Authority was satisfied that the proposal would not result in unacceptable impacts and determined that the dwelling-Independent in the proposed location is supported.

Any concerns regarding stormwater management and crossover can be satisfactorily addressed through permit conditions requiring stormwater to be appropriately collected, managed and disposed of wholly within the site. While the location of the dwelling-Independent within the front portion of the allotment is unusual, the building is modest in scale, screened from the street, and appropriately integrated with the existing development through shared access and wastewater infrastructure. The proposed location is not expected to result in unreasonable impacts on adjoining properties or adversely affect the character or amenity of the locality. Accordingly, the proposed variation to Clause 5.4.3 is considered reasonable and is supported.

FOR: 4 **AGAINST: 0** **ABSTAIN:**

ACTION: Notice of Consent and Development Permit

ITEM 3 **CONCURRENT APPLICATION – FROM ZONE RL (RURAL LIVING) TO ZONE**
PA2026/0080 **LMR (LOW-MEDIUM DENSITY RESIDENTIAL) AND DWELLING-GROUP (31 X 2 BEDROOM AND 27 X 3 BEDROOM) IN 58 SINGLE STOREY BUILDINGS (RETIREMENT LIVING) AND COMMUNITY CENTRE**
SECTION 5111 (79 FREDS PASS ROAD HUMPTY DOO), HUNDRED OF STRANGWAYS
APPLICANT **ROSSE PTY LTD – DIRECTORS: GERARD AND ALANA ROSSE**

Applicant in attendance: Gerard Rosse
Traffic Engineer from ARCCOS advising the applicant: Brydon Smith
Submitters in attendance: Gerry Wood and Christine Simpson

RESOLVED 60/26

As required by section 30P(1)(a), the consent authority made a preliminary decision that, if the Minister were to approve the amendment proposal to rezone Section 5111 Hundred of Strangways (79 Fred's Pass Road Humpty Doo) that it would be likely to determine to consent to the development under section 30W(1)(a) conditionally for the purpose of a dwelling group (31 x 2 Bedroom and 27 x 3 Bedroom) in 58 single storey buildings (Retirement living) and Community Centre subject to the following conditions:

PRECEDENT CONDITIONS

1. Amended Plans which demonstrate the following:
   a) Dwelling designs which clearly demonstrate breeze penetration and natural light and shade;

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b) Units within the Central Park Space to overlook the Central Park Space; and
c. Type 02C units within the Central Park Space to achieve building articulation in accordance with Clause 5.4.17.

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 the Litchfield Council's stormwater drainage system shall be submitted to and approved by the Litchfield Council, to the satisfaction of the consent authority.

3. Prior to the commencement of works, a Construction Environmental Management Plan (CEMP) for the management and operation of the use must be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority upon the advice of Litchfield Council. When approved, the CEMP will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The CEMP must include:
   a) overall environmental objectives for the operation of the use and techniques for their achievement;
   b) procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
   c) proposed monitoring systems;
   d) identification of possible risks of operational failure and response measures to be implemented; and
   e) day to day management requirements for the use.

4. Prior to the endorsement of plans and prior to the commencement of works, a Traffic Impact Assessment report is to be prepared by a suitably qualified traffic engineer and submitted to and approved by the Litchfield Council, to the satisfaction of the consent authority. This will identify all necessary upgrades to the surrounding road network to Litchfield Council standards, funded entirely by the developer at no cost to Council. All footpath/road upgrades must comply with NT Subdivision and Development Guidelines and undergo Stage 3 Road Safety Audit (design stage).

5. Prior to the commencement of works, a Waste Management Plan addressing the Litchfield Council's Waste Management Guidelines must be prepared, to the requirements of the Litchfield Council, to the satisfaction of the consent authority.

6. Before the development starts, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions, and two copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan AL2559 CD.005 prepared by (Ashford Lamaya Architects, except that the plan must show:
   a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
   b) details of surface finishes of pathways and driveways;

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c) wayfaring signage throughout the site;
d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
e) landscaping and planting within all open areas of the site;
f) At least 32 canopy shade trees (minimum two metres tall when planted) in the following areas: Park and connecting open spaces, Community Centre open areas, Residential areas; and provision of an in-ground irrigation system to all landscaped areas.
g) All species selected must be to the satisfaction of the consent authority.

7. Prior to the endorsement of plans the applicant shall lodge with Power Water Corporation:
   a) A Sewer Servicing and Network Augmentation Plan that demonstrates and implements an approved sewer servicing solution capable of accommodating the proposed development.
   b) A Wastewater Treatment Capacity Plan that demonstrates that sufficient wastewater treatment capacity can be made available to service the proposed development.
   c) A Hydraulic Modelling and Servicing Strategy in the form of a detailed servicing report;
   to the satisfaction of the Consent Authority.

8. Prior to the commencement of use, the applicant shall lodge an Operational Management Plan demonstrating the form of site tenure and operational management of the site including regards to the intended uses of the site, detailed design and wayfinding signage, to the satisfaction of the Consent Authority.

GENERAL CONDITIONS

9. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

10. 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.

11. 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.

12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 3,4,6 and 13 for further information.

13. All proposed and affected:
    a) roads;

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b) stormwater drainage;
c) vehicular access; and
d) streetscaping

must 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 Litchfield Council, to the satisfaction of the consent authority.

14. All works recommended by the traffic impact assessment are to be completed to the requirements of the Litchfield Council, to the satisfaction of the consent authority.

15. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
    a) constructed;
    b) properly formed to such levels that they can be used in accordance with the plans;
    c) surfaced with an all-weather-seal coat;
    d) drained;
    e) line marked to indicate each car space and all access lanes; and
    f) clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the consent authority.

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

17. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street, in accordance with the requirements of Litchfield Council, to the satisfaction of the consent authority.

18. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto the public road network. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the public road network. Entry/exit controls must be implemented in accordance with the approved Erosion and Sediment Control Plan. Where material has been dropped or tracked on the public road network, the Developer must sweep and clean material off the road.

19. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council, to the satisfaction of the consent authority.

20. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Litchfield Council's drains or to any watercourse.

NOTES

1. This permit will expire if one of the following circumstances applies:

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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. The Power and Water Corporation advises that the Water and Sewer Services Development Section (**waterdevelopment@powerwater.com.au**) and Power Network Engineering Section (**powerdevelopment@powerwater.com.au**) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

4. The developer must ensure that:
   a) Backflow prevention is installed at the water service in accordance with AS/NZS 3500.1 – Plumbing and Drainage (Water Services); and
   b) Where applicable, devices are tested annually in accordance with AS/NZS 2845.3.

   Further information is available at:
   https://www.powerwater.com.au/developers/waterdevelopment/backflow-prevention or via email:
   BackflowPrevention.PWC@powerwater.com.au

5. The developer must ensure that: Trade Waste approval or exclusion is obtained prior to construction; and A Licence to Discharge Trade Waste is obtained prior to seeking clearance, where required. Enquiries and applications can be made via: **TradeWasteDept.PWC@powerwater.com.au** **https://www.powerwater.com.au/developers/water-development/trade-waste**

6. PWC has essential infrastructure within the adjacent road reserve. The developer must take all necessary precautions to ensure PWC assets are not damaged or undermined during construction. The developer will be liable for any damage to PWC infrastructure. All works must comply with PWC's Connection Code and will be undertaken at the developer's expense. Charges are valid for six (6) months from the date of issue and may be reassessed thereafter. The developer must contact Development Services (**Developer.concierge@powerwater.com.au**) a minimum of one (1) month prior to the commencement of construction works.

7. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre ready pit and pipe in

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their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind

If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via **https://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html** once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure must be built to nbn guidelines found at https://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/designbuild-install

13. PWC advises that Section 5111 is a vacant lot and does not have power service. Underground 22kV cable extension and establishment of a suitable package substation for the development shall be complied with by the developer.

14. 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.

15. 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. 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 works, cease operation and please phone Heritage Branch of the Department of Lands, Planning and Environment.

16. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Interim Development Control Order 33.

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

18. Full lot fire coverage cannot be achieved from existing hydrants. Internal firefighting arrangements must be made to the satisfaction of NT Fire and Rescue Service. An internal break tank maybe required for firefighting, as direct pumping from PWC water mains is not permitted. PWC recommends that the developers' hydraulic consultant confirm internal firefighting requirements with PWC prior to the development, so that flow capability can be adequately assessed.

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19. 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.

20. Resources regarding erosion and sediment control is available on the IECA website www.austieca.com.au 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.

21. 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 noncompliance with the Act.

22. 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**.

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REASONS FOR RECOMMENDATION

1. Pursuant to sections 30P(2)(a) and (b) of the Planning Act 1999, the consent authority must take into account any planning scheme that applies to the land to which the application relates and the amendment proposal contained within the application.

   The Group-dwellings (58), comply with Clause 5.2.1 General Height Control, Clause 5.2.4 Car Parking, Clause 5.4.1 Residential Density, and Clause 5.4.3 Building Setbacks for Residential Buildings and Ancillary Structures, Clause 4.3 LMR (Low-Medium Density Residential), Clause 5.2.2.4 Layout of Car Parking Spaces, Clause 5.2.6.1 Landscaping in Zones other than Zone CB, Clause 5.4.6.1 Private Open Space for Dwellings-single, Dwellings - independent and Dwellings -group, 5.4.17 Building Articulation, and 5.4.8.1 Building Design for Dwelling-group, Rooming Accommodation and Residential care facility but are inconsistent with the Strategic Framework for development in Zone LMR and do not comply with Clause 5.4.17 Building Articulation. The Community Centre complies with all applicable clauses.

   The applicant's deferral response has been assessed against the relevant provisions of the NTPS 2020 and was found to be non-compliant with Clause 5.4.17 Building Articulation.

   The Purpose of Clause 5.4.17 is to -
   Ensure that residential buildings mitigate the perception of building mass and bulking when viewed from adjoining properties and the street, and provide opportunities for cross-ventilation within building design.
   This is to be achieved by 5.4.17.4 which requires a step *or recess to the building line of no less than 1m by 1m is required for every 15m of building length, or part thereof*. Further, pursuant to 5.4.17.2 the Authority may only vary this requirement *if it is satisfied it is consistent with the purpose of this clause.*

   The proposed development proposes two non-compliant buildings – Type 01C and Type 02C. These units have unarticulated rear walls of between 43 and 51m in length.

   The massing impact of the Type 01C 5 conjoined units is unlikely to have much impact as the unarticulated rear wall faces the screened garden area of the Community Centre and is approximately 15m away from the Community Centre. Some breeze circulation may be achieved. This wall is unlikely to have a significant visual impact at these distances particularly as the rear POS for the units will be fenced and landscaping is proposed as part of the Community Centre rear area.

   The massing impact of the Type 02C, 6 conjoined units will have a significant impact as the rear unarticulated approximately 51m wall will face the Central Park, the main pedestrian walkway is alongside. Breeze penetration will also be compromised. The opportunity to reposition and redesign these units to address the park and thereby achieve building articulation, improved breeze penetration and a good character response has not been taken. Deferral point

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1 has not been responded to. It is therefore recommended that a Condition Precedent encapsulating the deferral requirements be included through the following wording:

'Amended Plans which demonstrate the following:

a. Dwelling designs which clearly demonstrate breeze penetration and natural light and shade;
b. Units within the Central Open Space to overlook the Central Park Space; and
c. Type 02C units within the central space to achieve building articulation in accordance with Clause 5.4.17.'

In the meeting Gerard Rosse requested that the condition be amended to remove (b) and (c) arguing that as they were internal to the site and so massing should not be considered.

The Authority does not accept Mr Rosse's interpretation of Clause 5.4.17, noting that the purpose is concerned with the impact on adjoining properties, not sites or lots. The Authority considers that the term properties can encompass other buildings or developments on the site and therefore, the impact of the perception of building mass and bulking on other units on the site can be considered.

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

   The application was placed on public exhibition for a period of 28 days in accordance with the requirements of the *Planning Act 1999*, from 20 March 2026 to 17 April 2026. Five public submissions were received under section 49 of the *Planning Act 1999*, two in support and three in opposition to the application.

   The application was deferred at the on 17th June 2026 Litchfield DCA Meeting. Two amended deferral proposals were provided and both were circulated to Litchfield Council and all previous submitters. The three submitters that objected provided further submissions objecting to the proposal.

   Two submissions were received in support of the application (original submissions):

   Andrew Mackay, Member for Goyder, provided support for the proposal on the basis that it will provide accommodation for long-term rural residents to downsize.

   Sue Shearer CEO of COTA NT provided support explaining that it would provide an opportunity for rural residents to downsize and that this frees up housing stock for the next generation.

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Three submitters objected (multiple submissions), raising concerns regarding the impacts the proposal could have on the residents and surrounding community, residential amenity, pedestrian safety, privacy and traffic impacts. They all had concerns with the density of the proposal which they believe would be incompatible with the existing residential character of the Humpty Doo area.

Vicki Kane raised the following concerns in her submissions (2):

- The placement of this development outside the infrastructure of walkways, on the wrong side of a busy road suggests the current proposal does not have elderly retired people in mind and is focussed on profit.
- The plan proposes crowding 60 fenced duplex style dwellings with miniscule gardens and green spaces.
- These dwellings lack sustainable design. Residents will be forced to rely on air conditioning.
- The duplex nature of the dwellings also means there are few windows and residents will be relying on artificial lighting and ventilation in many rooms.
- The proposal appears dependent on council /local government redesigning the road and installing a pathway system to link residents safely with the local community.
- This proposal ignores the rural 'character' and the design is not sympathetic nor bound to its suggested purpose.

Christine Simpson raised the following concerns in her submissions (3):

- Amenity impacts due to no transition proposed to adjoining lots- outside boundary
- Management and operations of the retirement village- ownership, waste collection including hard waste,
- Single lane internal loop road poses safety concerns for pedestrians in particular older people that may be deaf and mobility impaired, require mobility scooters.
- The internal loop road is not wide enough for 4WD vehicles/ refuse collection, furniture removalists vans and could have a serious impact when ambulances and emergency vehicles need to access the site.
- The need for a pedestrian crossing across Freds Pass Road to connect with the pedestrian pathway.
- Community Centre Car Park- a turnaround required
- Solar power should be provided
- Concerns around how the infrastructure (Power, water, sewer) will work and how each dwelling will be metered and managed
- Freds Pass Road Traffic consideration from future road upgrades which are not reflected in Litchfield Council data. Traffic from Redcliff Rd, Lloyd Rd, Beaumont Rd and Challoner Circuit,
- A future bus service and the location of a future bus stop near an access way and a drain
- Climate conscious housing with louvres for air flow is required

Christine Simpson spoke at the meeting explaining that she remained opposed to the amended design on the basis that it would be too dense for the rural nature of Humpty Doo and she did not support the rezoning

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proposed. She was also concerned that in the amended design the Park area had been reduced in size and was no longer a 'useable' space.

Gerry Woods raised the following concerns in his submissions (3):

- There are too many tiny lots – reduce the number of blocks by increasing the size to 600-800sqm
- Details on operation and management of the village need to be made public and discussed before any approvals are granted.
- It must retain a rural character - not a copy of Holtze or Norcrest – because it is for rural people and that must clearly be seen in the design and Humpty Doo Village Centre is an intrinsic part of the rural area.

Gerry Wood spoke at the meeting and remained opposed on the basis that he believed that the zoning would be more appropriate as SUZ (Special Use Zone) or LR (Low Density Residential) because it would suit the greater space requirements of rural people used to living on larger lots with storage requirements, caravans and trailers. Gerry Wood also spoke about the design of the units and the reduction in the storage sheds from 9 to 5.
Gerry Woods raised safety concerns around the lack of footpaths and potential safety hazards of a shared car and pedestrian driveway to access units siting the Work Health Safety Act.

The Chair reiterated that the DCA cannot enforce other legislation. She explained that with concurrent application such as this one the DCA's role was to determine that, if the Minister were to rezone the site, whether or not the proposed development was acceptable or not acceptable. In the NT Planning Scheme 2020 the development is recognised as a dwelling group. The Chair noted that, as a dwelling group, it is now fairly compliant.

2. Pursuant to Section 30P(2)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to support the development proposal and the effect of the proposal on the land, and on other land, the physical characteristics of which may be affected by the proposal.

   The site is relatively flat with sparse to vegetation. A Stormwater Report was provided, and this indicates that the site is separated into two catchments. Catchment 1 sheet flows to the east of the site through the adjacent development at Lot 5110 and ultimately discharges to the table drain on Fred's Pass Road. Catchment 2 sheet flows to the west of the site through the adjacent development at Lot 5112 and similarly discharges to the table drain on Fred's Pass Road.

   The updated Stormwater Management Plan proposes boundary swales and a water retention basin in the northeastern corner of the site. The proposal indicates that all stormwater from the site would discharge from the designated lot connections to the proposed Lawful Point of Discharge which would include stormwater treatment devices and detention tanks to ensure there are no adverse impacts of the development.

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It is noted that the development does not propose onsite sewer treatment but proposes a sewer main extension from the existing main on Beaumont Road and Stormwater and Sewer Report recommends that an onsite sewer pump station would be required to ensure that the sewer can discharge to the main on Beaumont Road. PWC have advised that the site is currently constrained by significant limitations in the existing water and sewer infrastructure but have provided support to the application with conditions on the permit.

3. Pursuant to Section 30(2) (l) 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 and any requirement for: public facilities and services to be connected to the land; and facilities, infrastructure or land to be provided by the applicant.

   Litchfield Council initially requested a Traffic Impact Assessment (TIA) and technical engineering report addressing road upgrades and comprehensive traffic modelling considering existing uses of the core area. In the deferral response the applicant has provided an addendum to the Traffic Impact Assessment. Litchfield Council do not accept that the addendum to the TIA does consider surrounding development, and they requested a turning lane and upgrades to the pedestrian access to the site.

   Jaime O'Connor of Litchfield Council, spoke at the meeting and explained that whilst the addendum to the Traffic Impact Statement (TIS) shows that that the traffic numbers do not warrant turning lanes, the assessment looks at minimum requirements and locals know that it's a very busy area and the sensitive nature of the locality with schools in the area requires further consideration.

   Gerard Rosse requested that, as they had already provided an addendum to the TIS, the precedent condition for a TIA be removed and instead include a condition for a footpath.

   Brydon Smith (Traffic Engineer of ARCOSS) discussed Litchfield Council's concerns in relation to the addendum to the TIS explaining that Freds Pass Road is not a high-speed road and this indicated that there was no measurable safety impact that would require a turning lane. However, Brydon Smith did agree with Litchfield Council that a Traffic Condition that required a Stage 3 Road Safety Audit was valuable.

   This has been addressed through an amended TIA precedent condition which includes a Stage 3 Road Safety Audit.

   Litchfield Council also requested an updated Design Concept Plan that considered the maximum dwelling density permitted under the Humpty Doo Area Plan and subsequent updated Stormwater Management Plan. The Deferral Plans were provided which showed a slight reduction in density and were accompanied by a Stormwater Management Plan which provided setbacks for drainage swales and a retention basin to the rear addressing initial concerns. The amended comments from Litchfield Council to the

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applicant's deferral response reiterated their concerns about density but accepted the more detailed amended Stormwater Management Plan. It is noted that the residential density proposed is within the requirements of the zone LMR (Low-Medium Density).

Litchfield Council had initially requested an essential Infrastructure Servicing Plan, an Operational Management Plan (OMP) advising the use of the Community Centre and potential ancillary uses including uses available for the broader community, and general management plans for management of the retirement living complex. It is noted that these were not requested with the DCA Deferral Request as they were not considered to be essential to the decision.

A Waste Management Plan (WMP) was requested by Litchfield Council. The applicant has provided a response from a private waste management operator indicating that it is possible to service the site. Swept path analysis of turnaround for a private waste management truck were provided in the deferral response. A Precedent Condition for a Waste Management Plan is still required and would be applied to any permit issued.

Jaime O'Connor of Litchfield Council spoke at the meeting and requested two additional conditions: a precedent condition for a Construction Environmental Management Plan (CEMP) and a standard condition to ensure sightlines are not obscured. These have been included with the conditions that would be applied to any permit issued.

The Authority considers that an updated TIA to Councils requirements, a WMP, an OMP and a CEMP included precedent conditions on the permit will ensure access and services can be achieved, and the construction and ultimate operation of the site is managed.

Power and Water Corporation (PWC) advised that the proposed development is currently constrained by significant limitations in the existing water and sewer infrastructure servicing the Humpty Doo locality. PWC indicated that prior to the commencement of works, the developer must satisfy PWC and provide the following reports as shown in precedent conditions:

- Sewer Servicing and Network Augmentation- The developer must demonstrate and implement an approved sewer servicing solution capable of accommodating the proposed development.
- Wastewater Treatment Capacity The developer must demonstrate that sufficient wastewater treatment capacity can be made available to service the proposed development.
- Provide a Hydraulic Modelling and Servicing Strategy in the form of a detailed servicing report

PWC (water) clarified that the ability for water and sewer servicing to be achieved for the site would need to be demonstrated and whilst the precedent conditional requirements are significant, they are not exhaustive and they are specific providing guidance to the developer to achieve capability.

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PWC (Power) had no objection to the original proposal. The lot is vacant and has no power service. PWC (Power) provided a response to the amended plans confirming that their previous comments remain unchanged. NT Fire & Emergency (NTFES) and Department of Lands Planning and Environment (DLPE), Department of Health- Environmental Health provided a response to the original plans but not to the deferral response. Advisory notes can address all requirements.

4. Pursuant to Section 30P(2)(m) 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.

   A number of concerns were raised by the public submitters regarding the impact on amenity of the area. The issues raised related to:

   - Density and lack of private open space
   - Loss of rural character
   - Lack of design consideration for older residents- shared access, emergency vehicles, carparking, refuse collection vehicles and pedestrians all on the single access road.
   - Concerns about the impact on infrastructure and services in the local area – water, reticulated sewer, roads and traffic
   - Unsustainable dwelling design which will rely on air-conditioning and artificial lighting
   - Traffic assessment that does not consider local traffic impacts or provide safe pedestrian solutions
   - Safety issues with access and car parking in the whole site, no turnarounds in the Community Centre Carparking area.
   - Transition to adjoining lots and reduced setbacks to boundaries and potential impact on the rural character and potential reverse amenity impacts

   The amended plans provide a reduction from 60 to 58 units, show increased setbacks from the boundaries for swale drains and demonstrate an improved response to car parking, vehicle and pedestrian access, vehicle turn arounds, landscaping, POS requirements and provide a better transition to the surrounding sites. Also provided in response to the deferral response were a number of reports including an addendum to the Traffic Impact Statement and a Stormwater Management Plan.

   Whilst the deferral response was not a full response to all the requirements The Authority considers that the remaining issues could be effectively addressed through precedent conditions that require the following:

   - Amended Plans to address dwelling design and breeze penetration and the articulation and orientation of Type 02C units
   - A Waste Management Plan, noting that a full understanding of how waste would be managed is required.
   - A Detailed Landscape Plan, noting that a Landscape Plan was provided but greater detail is required.
   - PWC Conditions for sewer, wastewater and hydraulic modelling.

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- A Traffic Impact Management Plan to the satisfaction of Litchfield Council
- An updated SWMP which reflects design changes and PWC requirements.
- A Construction Environmental Management Plan (CEMP)
- An Operational Management Plan (OMP)

It is considered that amenity impacts have been reduced with the provided Deferral Response Amended Plans and would be further minimised with the precedent conditions, standard conditions and notes.

The Chair emphasised that the Report to the Minister must recognise all of the concerns raised- the concerns of the public submitters and Litchfield Council's concerns around density and zoning.

5. Pursuant to Section 30P(2)(r) of the Planning Act 1999, the consent authority must take into consideration the other matters the consent authority considers relevant.

   The proposal is for group dwellings, an ancillary outbuilding and a Community Centre to be used as a Retirement Village. Retirement Village is not a use recognised in the NT Planning Scheme 2020 but it is a use supported by Clause 4.3 of the Humpty Doo Rural Activity Centre Area Plan, which seeks to facilitate retirement living within the Rural Activity Centre Core and provide greater housing diversity for residents at different life stages.

   The proposed retirement village is intended to house residents aged 55 years and over and it would support the need for housing for ageing members of the rural community seeking lower maintenance living options that would enable long-term rural residents to downsize while remaining connected to their established community. It is also noted that support has been provided through two submissions who recognised the need for retirement living in the Humpty Doo area.

   It is proposed to be a land lease style retirement living community and the site would remain under single ownership and management, with communal facilities retained in private ownership, and occupancy directed toward the over-55s demographic.

The applicant has provided further information responding to the DCA Deferral Request. The Authority considers that precedent conditions requiring amended plans to address unresolved design issues and for management plans that explain and guide the tenure, occupancy, ownership and internal and physical management of the Retirement Village will address the relevant issues.

RESOLVED 61/26 That under section 30Q of the *Planning Act 1999*, the consent authority report to the Minister for Lands, Planning and Environment advising of the likely decision in relation to the development proposal, issues raised in the submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the amendment proposal.

RESOLVED 62/26 That, pursuant to section 86(1) of the *Planning Act 1999*, the Development Consent Authority delegates its powers to the Chair, or in the absence of the

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Chair, any member of the Litchfield Division of the Development Consent Authority to:

1. determine pursuant to Section 30W(1)(a) to consent to the development proposal contained in the concurrent application and consent to the concurrent application after receipt of a notice under Section 30U(1) that the Minister has approved the amendment proposal contained in the application;
2. issue a conditional development permit under section 54(1), in relation to the development proposal, to develop Section 5111, 79 Freds Pass Road Humpty Doo, Hundred of Strangways for the purpose of dwelling-group (31 x 2 bedroom and 27 x 3 bedroom) in 58 single storey buildings (retirement living) and community centre; and
3. issue the relevant notices under Section 30Y.

FOR: 5 **AGAINST: 0** **ABSTAIN: 0**

ACTION: Notice of Consent and Development Permit

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



Suzanne Philip
2026.11.03
14:18:33 +09'30'

SUZANNE PHILIP
Chair

03 November 2026

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