



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES – SESSION 1

MEETING NO. 310 – WEDNESDAY 17 JUNE 2026

**AGORA ROOM, HUDSON BERRIMAH
4 BERRIMAH ROAD
BERRIMAH**

MEMBERS PRESENT: Suzanne Philip, Mitch Virgin, Rachael Wright and Emma Sharp

APOLOGIES: Rick Grant

LEAVE OF ABSENCE: None

OFFICERS PRESENT: Elya Sugg (Acting Secretary) George Maly, Eve-Marie Davie and Drashti Chovatiya (Development Assessment Services)

COUNCIL REPRESENTATIVE: Jaimie O'Connor and Rob Taylor

Meeting opened at 10:00 am and closed at 10:40 am

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

ITEM 1 DWELLING-INDEPENDENT WITH FLOOR AREA IN EXCESS OF 80SQM
PA2026/0134

SECTION 2718 (265) ANGLESEY RD, GIRRAWEEEN, HUNDRED OF
STRANGWAYS
APPLICANT SHANE DAHLHELM

Applicant: Shane Dahlhelm attended.

Submitters in attendance: none attended.

RESOLVED
28/26

That, pursuant to section 46(4)(b) of the Planning Act 1999 the Development Consent Authority resolved to defer consideration of the application to develop Section 02718 (265) Anglesey Road, Girraween, Hundred of Strangways for the purpose of a dwelling-single with ancillary dwelling independent with a floor area in excess of 80sqm, to require the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Amended Plans demonstrating compliance with the Clause 5.4.13 (Dwelling independent) through a reduction in the size of the dwelling independent and showing only one access point and driveway onto Anglesey Road.
- A Certified Plumber's Certificate supporting the capacity of the existing system to support the dwelling independent.

REASONS FOR THE DECISION

The NT Planning Scheme 2020 applies to the land and a Dwelling-Independent with floor area in excess of 80sqm requires consent under Clause 1.8 (When development consent is required). The dwelling independent was identified as Merit Assessable under Clause 1.8(1)(b)(ii)(2), therefore Zone RL (Rural Living), Clause 5.2.1 (General Height Control), Clause 5.2.4 (Vehicle Parking), Clause 5.2.4.4 (Parking Layout), Clause 5.4.2 (Residential Height Limitations), Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), Clause 5.4.6 (Private Open Space) and Clause 5.4.13 (Dwelling-independent) 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 5.4.13 (Dwelling-independent).

- Zone RL does not permit 2 dwellings on a lot. Dwelling-groups and dwelling-multiples are prohibited. The exception to this is Dwellings-independent which are defined as ancillary to a dwelling-single. Ancillary is defined as associated with, but **auxiliary** and **subordinate** to. With a floor area of 130m² the proposed dwelling-independent exceeds the intention of the Scheme to provide for an ancillary and subordinate second dwelling on a site.
- Clause 5.4.13 Dwelling-independent, provides guidance as to what is ancillary, with size being a primary indicator. The current proposal appears as two separate dwellings not a dwelling-single with ancillary structure.

The Deferral has been requested to allow a redesign to the proposed dwelling-independent to make it clearly ancillary and subordinate to the existing dwelling -single. Certified Plumber's Certificate demonstrating the capacity of the existing system to

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support the dwelling independent is required to demonstrate compliance with Clause 5.4.13 Dwelling-independent

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Letter of Deferral

ITEM 2
PA2026/0113

SUBDIVISION TO CREATE TWO LOTS

SECTION 2524 (140) COLLARD ROAD, HUMPTY DOO, HUNDRED OF STRANGWAYS

APPLICANT

CUNNINGTON ROSSE TOWN PLANNING AND CONSULTING

Applicant: Gerard Rosse (Cunnington Rosse Town Planning and Consulting) attended.

Submitters in attendance: none attended.

RESOLVED
29/26

That, the Development Consent Authority, pursuant to Section 53(a) of the Planning Act 1999, consent to the application to develop Section 2524 (140) Collard Road, Humpty Doo, Hundred of Strangways, for the purpose of a subdivision, to create two (2) lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and commencement of the use, the applicant must confirm the number of registered bores located on the site and provide amended plans of the subdivision, showing bores to be used for water supply for stock and domestic purposes and compliant septic outfall locations with any additional bores being marked as “not to be used for water supply”, to the satisfaction of the Consent Authority. When approved, the plans will be endorsed and will then form part of this permit.
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 drawing/s endorsed as forming part of this permit.
4. All new easements, and amendments to existing easements, to be vested in the relevant authority for which the easement is to be created must be shown

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on the survey plan, to the satisfaction of the consent authority for approval by the Surveyor General.

5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity to the development/each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. The kerb crossovers and driveways to the site are to meet the technical standards of the of Litchfield Council, to the satisfaction of the consent authority.
8. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/cycle corridors, and streetscaping shall be to the technical requirements and approval of Litchfield Council, with all approved works constructed at the developer's expense. Note: Design drawings shall be approved by Litchfield Council prior to construction of the works.
9. Before the completion of the subdivision, the applicant must, in accordance with Part 6 of the *Planning Act 1999*, pay a monetary contribution to the Litchfield Council for the upgrade of local infrastructure, in accordance with its Development Contribution Plan, noting that this parcel is located in Catchment 13B.

NOTES

1. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/are not started within two years of the date of this permit;
 - or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. A Works Permit is required from the Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's Road network. Fees may apply.
3. All proposed and affected infrastructure are to be designed and constructed at the owner's expense in accordance with the requirements of the Northern Territory Subdivision Development Guidelines (Dated May, 2025).

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4. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Interim Development Control Order 33.
5. The Power and Water Corporation (PWC) advises that the existing two points of power service to Section 2524 will remain unchanged for proposed Lot A and a basic power service of 25kVA, 3-phase was provided to the proposed Lot B on Collard Road by the proponent in the previous 3 lots subdivision as per Development Permit Dp09/0738.
6. The Bushfires Northern Territory Division of the Northern Territory Fire and Emergency Services advises that firebreaks along boundaries or at appropriate locations shall be provided on each created lot of this subdivision.
7. 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.
8. 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.
9. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Lands, Planning and Environment *ESCP Standard Requirements 2019* available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
10. 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

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Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

11. 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.

Gamba grass is subject to a statutory weed management plan. Management obligations outlined in this plan are legally binding on all owners and occupiers. Management requirements and copies of statutory weed management plans are available online: <https://nt.gov.au/environment/weeds/weed-management-planning>.

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.

REASONS FOR THE DECISION

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

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

2. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

A Land Suitability Assessment, Stormwater Management Plan, and Site and Soil Evaluation were submitted as part of the application. These documents, confirm that each proposed lot is capable of supporting the subdivision for rural lifestyle purposes. Amended plans showing the location of all bores to be used for water supply and potential septic outfall locations is required to confirm that water supply and waste management can be effectively provided on each lot without compromising the site and soil evaluation assessment undertaken for this proposal.

3. 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 two lots to be created as part of the subject subdivision can be provided with a grid electricity supply and unconstrained driveway/crossover access to Arnhem Highway. To ensure these subdivision works are completed accordingly, conditions of approval for the benefit of the relevant service authority providers for this infrastructure have been imposed on the development permit.

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 subdivision creates two additional Rural Living zoned lots of a size suitable to retain the existing horticulture and intended rural lifestyle use of the subject property, that is consistent with the rural character and historical land use development of the rural locality of Humpty Doo. On this basis, it is concluded that the subdivision is unlikely to adversely impact on the existing and future amenity of the Humpty Doo locality.

5. Pursuant to section 51(1) (pa) of the *Planning Act 1999*, the consent authority must take into consideration reasons for a proposed subdivision or consolidation of land in a Restricted Water Extraction Area – whether the subdivision or consolidation complies with the restrictions of sections 14A and 14B of the *Water Act 1992* and the requirements of section 14C(1) of that Act;

The subdivision has been conditioned to comply with the Howard South Restricted Water Extraction Area requirements under Section 14 of the *Water Act 1992*, ensuring that only one of the resulting lots retains unlicensed access to groundwater for domestic and stock purposes within the over-allocated groundwater area.

Advice from the Water Resources Division raises no objection to the proposal, subject to any future groundwater bore being located within the Noonamah Groundwater System to avoid additional extraction pressure on

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the Howard South Groundwater System. While groundwater availability in the wider Humpty Doo area is recognised as limited, the subject site is not wholly located within a restricted extraction area. Further advice confirms that sufficient capacity is available within the underlying Noonamah Groundwater System to support the proposed subdivision. Accordingly, the proposal is considered to satisfy Clause 6.3.4(5) of the NT Planning Scheme 2020.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Development Permit and Notice of Consent

ITEM 3
PA2025/0344

SUBDIVISION TO CREATE TWO LOTS

APPLICANT

SECTION 3987 (175) BROOKING CIRCUIT, VIRGINIA, HUNDRED OF STRANGWAYS
TERRY NIXON

Applicant: Terry Nixon was not in attendance

Submitters in attendance: none attended.

RESOLVED
30/26

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Section 03987 Hundred of Strangways, (175) Brooking Circuit, Virginia for the purpose of a subdivision to create 2 lots, subject to the following conditions:

CONDITION 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 the Litchfield Council stormwater drainage system shall be submitted to and approved by Litchfield Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection.

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.

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4. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
5. The kerb crossovers and driveways to the site are to meet the technical standards of Litchfield Council, to the satisfaction of the consent authority.
6. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/cycle corridors, and streetscaping shall be to the technical requirements and approval of Litchfield Council, with all approved works constructed at the developer's expense. Note: Design drawings shall be approved by Litchfield Council prior to construction of the works.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Litchfield Council drains or to any watercourse.
9. Before the use commences/occupation of the development/issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT Division of the Northern Territory Fire and Emergency Services.
10. Before the completion of the subdivision, the applicant must, in accordance with Part 6 of the *Planning Act 1999*, pay a monetary contribution to the Litchfield Council for the upgrade of local infrastructure, in accordance with its Development Contribution Plan.

NOTES

1. This permit will expire if one of the following circumstances applies: the development and use is/are not started within two years of the date of this permit; or 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. For the purposes of best practice land management and environmental protection it is recommended that an Erosion and Sediment Control Plan (ESCP) be developed. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. Resources to assist with the preparation of an ESCP are available on the IECA website www.austieca.com.au and Land Management Factsheets at

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<https://nt.gov.au/environment/soil-landvegetation>. For further advice, contact the Development Coordination Branch: (08) 8999 4446.

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. All proposed and affected infrastructure are to be designed and constructed at the owner's expense in accordance with the requirements of the Northern Territory Subdivision Development Guidelines (Dated May, 2025).
7. 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.
8. Only one water service is permitted for each proposed lot. All new services are constructed by the developer, at no cost to Power and Water.
9. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.
10. Before the use commences/occupation of the development/issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT Division of the Northern Territory Fire and Emergency Services.
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

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Environment Protection Authority website at <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>. The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

12. 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

REASONS FOR THE DECISION

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

The NT Planning Scheme 2020 applies to the land and Subdivision requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(ii), therefore Part 2 of the Scheme, including the Darwin Regional land Use Plan and Holtze to Elizabeth River Subregional Land Use Plan, the zone purpose and outcomes of Clause 4.7, Clause 3.2, Clause 6.3, Clause 6.3.2, Clause 6.3.3, and Clause 6.3.4, 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.

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, in considering a development application, the consent authority must take into account 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 twice for a period of two weeks. The first public exhibition between 31 October 2025 to 14 November 2025. Further information was provided by the applicant and the application was placed on a second public exhibition between 27 March 2026 to 10 April 2026. No public submissions, were received under section 49 of the *Planning Act 1999*.

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Terry Nixon, the applicant, was unable to attend the DCA Meeting and provided, prior to the meeting, a document prepared to address any pre-emptive questions or comments from the Chair or sitting members. This document has been summarised as follows:

- The proposal is impact assessable and there are no adverse impacts, no objections from the public or statutory authorities.
 - The Technical assessment indicates that the proposal complies after further remedial investigations were done.
 - The proposal has consistency with the Strategic Framework, Clause 3.2 CNV, Clause 6.3.2 Subdivision in Zone RL, Clause 6.3.3 site Characteristics, and Clause 6.3.4 Infrastructure.
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 is located within an environmentally sensitive area that forms a seepage basin to the Wells Creek. It has been demonstrated through a Land Suitability Assessment, a Soil and Drainage Report, a Soil & Erosion Plan, and a Soil Compaction Report that the land has the capability to support a two-lot subdivision and future residential development on Lot B, providing one hectare of unconstrained land for each lot and can support an additional effluent system and the removal of vegetation, and that this can be effectively managed without impacts to the site or site surrounds.

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 two lots to be created as part of the subject subdivision can be provided with a grid electricity supply. Unconstrained driveway/crossover access to Lot B can be achieved, noting Lot A already has access to Brooking Circuit. Lot B would require an effluent system. To ensure these subdivision works are completed accordingly, conditions of approval for the benefit of the relevant service authority providers for this infrastructure have been imposed on the development permit.

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.

A thorough response has been provided by the applicant, and this indicates that the site has the capacity to support the two-lot subdivision and potential future residential development on Lot B, without impacting on the existing and future amenity of the area. The subdivision creates an additional Rural

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Living zoned lot of a size suitable to retain the existing horticulture and intended rural lifestyle use of the subject property, which is consistent with the rural character and historical land use development of the rural locality. On this basis, it is concluded that the subdivision is unlikely to adversely impact on the existing and future amenity of the Virginia locality.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

**ITEM 4
PA2026/0133**

SUBDIVISION TO CREATE TWO LOTS

APPLICANT

**LOT 17 (80) PRODUCE RD, HUMPTY DOO, HUNDRED OF STRANGWAYS
EARL JAMES AND ASSOCIATES**

Applicant: Kevin Dodd (Earl James and Associates) attended.

Submitters in attendance: none attended.

**RESOLVED
31/26**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 17 (80) Produce Road Humpty Doo/ Hundred of Strangways for the purpose of a subdivision to create two lots, 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 the Litchfield Council's stormwater drainage system shall be submitted to and approved by the Litchfield Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawing/s endorsed as forming part of this permit.
3. 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.
4. 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.

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5. 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.
6. The developer must enter into agreements with the Power and Water Corporation for the provision of electricity to each lot shown on the endorsed plan with the requirements of the and relevant authority policies.
7. All proposed and affected:
 - (a) roads;
 - (b) stormwater drainage;
 - (c) vehicular access; and
 - (d) streetscapingmust be designed and constructed at the owner's expense in accordance with the requirements of the and to the technical requirements of Litchfield Council, to the satisfaction of the consent authority.
8. Prior to the issue of Part 5 clearance, the owner must, in accordance with Part 6 of the *Planning Act 1999*, make any contribution required in accordance with the Litchfield Council Development Contribution Plan, to the satisfaction of the consent authority.
9. Pursuant to section 35 of the Land Title Act 2000, a Statutory Restriction Notice must be lodged with the Registrar-General on the parent parcel. The notice must set out a requirement that, for all new lots created through subdivision approved under Development Permit DP2026/0133, a restriction is recorded on the title indicating:
 - (a) the parcel of land which retains the right to take water that is restricted in the area; and
 - (b) the parcel(s) of land (if any) of which no longer retains the right.
10. Any existing unlicensed bores on the additional land titles must be decommissioned to the requirements and satisfaction of the Water Resources Division of the Department of Lands, Planning and Environment.

NOTES

7. 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.
8. 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.
9. All proposed and affected infrastructure are to be designed and constructed at the owner's expense in accordance with the requirements of the Northern Territory Subdivision Development Guidelines (Dated May, 2025).

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10. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Interim Development Control Order 33.
11. The Power and Water Corporation (PWC) advises that the existing three points of power service to Section 5192 will remain unchanged for proposed Lots 1, 2 and 3.
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 on each created lot of this subdivision.
13. 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.
14. 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.
15. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Lands, Planning and Environment *ESCP Standard Requirements 2019* available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
16. 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.

17. 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.

REASONS FOR THE DECISION

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

The Northern Territory Planning Scheme 2020 applies to the land and a subdivision, to create two (2) lots, requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(ii); therefore: the Strategic Framework (Part 2 of the Scheme, including the Darwin Regional Land Use Plan and the Litchfield Sub-Regional Land Use Plan), zone purpose and outcomes of Clause 4.7 (Zone RL (Rural Living)), and Clauses: 3.2 (Overlay CNV (Clearing of Native Vegetation)); 6.3.2 (Lot Size and Configuration for Subdivision in Zones RL, R and H, and Unzoned Land); 6.3.3 (Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land); 6.3.4 (Infrastructure for Subdivision in Zones RL, R and Unzoned Land); and 6.3.5 (Mineral Resources and Subdivision in Zone RL), 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.

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

3. 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

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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 Authority notes that the two lots to be created as part of the subject subdivision can be provided with a grid electricity supply. Unconstrained driveway/crossover access to Origin Close for Lot B can be achieved, noting Lot A already has access to Produce Road. To ensure these subdivision works are completed accordingly, conditions of approval for the benefit of the relevant service authority providers for this infrastructure have been imposed on the development permit.

The subdivision approval has also been conditioned to comply with the requirements of the Howard South Restricted Water Extraction Area as stipulated under Section 14 of the *Water Act 1992* as recommended by the Water Resources Division of the Department of Lands, Planning and Environment. This will ensure only one of the two created lots retains unlicensed groundwater access for domestic and stock purposes in this overallocated groundwater area.

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 subdivision creates two additional Rural Living zoned lots of a size suitable to retain the existing horticulture and intended rural lifestyle use of the subject property, and that are consistent with the rural character and historical land use development of the rural locality of Humpty Doo. On this basis, it is concluded that the subdivision is unlikely to adversely impact on the existing and future amenity of the Humpty Doo locality.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

29 June 2026