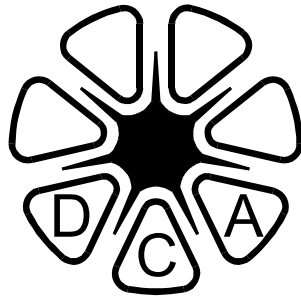




DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES – SESSION 2

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, Drashti Chovatiya and Kaleb Thomas (Development Assessment Services), Suzane Becker and Anita Gajski (Lands Planning)

COUNCIL REPRESENTATIVE: Rob Taylor

Meeting opened at 1:00 pm and closed at 3:11 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 5
PA2026/0117

SUBDIVISION TO CREATE THREE LOTS

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

APPLICANT

CUNNINGTON ROSSE TOWN PLANNING AND CONSULTING

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

Litchfield Council: Rob Taylor

RESOLVED
32/26

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

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a crossover/access driveway plan shall be designed for the proposed subdivision in accordance with the Litchfield Council's requirements to be submitted to the Litchfield Council for approval, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater, and its discharge into Litchfield Council's stormwater drainage system, shall be submitted to and approved by Litchfield Council.

GENERAL CONDITIONS

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

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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.
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:
 - (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).
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:
 - (a) The current overhead power service to proposed Section 5537 on Bees Creek Road shall become the power supply to the proposed Lot C (4.28ha, with existing residence).
 - (b) Establishment of a new point of basic power service (25kVA, 3-phase) to each of the newly created Lot A and Lot B. As all the applicable upgrade works will be on the existing
 - (c) The proponent's engaged consultant will need to submit a Negotiated Connection application under the Australian Energy Regulator (AER)

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- compliance process for PWC's assessment on the required power servicing and design for Lot A and Lot B.
- (d) The existing 31m wide electricity easement on current Section 5537 along the western boundary shall be retained and registered on the new lot A and Lot B titles by the current Landowner at no cost to PWC.
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 Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.
 - 11.

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.

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

The proposal complies with all relevant requirements of the Northern Territory Planning Scheme 2020.

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

One public objection from Litchfield Council was received under Section 49(1) of the *Planning Act 1999*, raising concern that the proposed subdivision would create Lot A with an overall area of 4.1 ha, including approximately 1.03 ha of unconstrained land. However, this land is fragmented into two separate portions due, in part, to an existing stormwater drainage corridor located centrally to the site. Council considered the fragmented nature of the unconstrained land would limit the practicality, accessibility, and future development potential of the lot.

Concerns were also raised regarding unsafe access arrangements due to restricted sight distances, the potential for multiple access points, and whether the proposal satisfies the intent of Clause 6.3.3 of the NT Planning Scheme 2020. Council also raised concerns that the Site and Soil Evaluation

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does not clearly demonstrate an integrated and practical development outcome in relation to wastewater disposal, dwelling location, bore setbacks, and site access.

Litchfield Council representative Rob Taylor attended the meeting and spoke about the access issue, reinforcing that Litchfield Council would approve only one access point for Lot A.

The Authority acknowledged Council's requirement for a single crossover and access. Litchfield Council representative agreed to the inclusion of a condition precedent requiring the preparation of a crossover/access driveway plan for the proposed subdivision in accordance Litchfield Council's requirements, to be submitted to Litchfield Council for approval.

The Authority acknowledges that the unconstrained land is divided into two by existing topography and stormwater drainage infrastructure, but recognises that the lot is still suitable for the residential purpose. Both areas of unconstrained land are considered capable of accommodating residential development, with each portion providing approximately 0.5 hectares (5,000m²) of developable land.

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

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 consent authority noted that a Land Suitability Assessment, Stormwater Management Plan and Site and Soil Evaluation was 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 a rural lifestyle use.

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 Authority noted that all three lots to be created as part of the proposed subdivision can be provided with grid electricity supply and unconstrained driveway/crossover access to Lowther Road and Bees Creek Road. Conditions of approval have been imposed to ensure the subdivision works

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and associated infrastructure are completed to the satisfaction of the relevant service authorities.

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

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

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Development Permit and Notice of Consent

**ITEM 6
PA2026/0049**

**CONCURRENT APPLICATION -
REZONING OF SECTION 5544, HUNDRED OF STRANGWAYS FROM SL23
(SPECIAL USE ZONE LITCHFIELD) TO ZONE GI (GENERAL INDUSTRY)
SUBDIVISION TO CREATE 105 LOTS
LOT 5544 (2658) STUART HIGHWAY , LIVINGSTONE, HUNDRED OF
STRANGWAYS
APPLICANT EARL JAMES & ASSOCIATES**

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

The following interested parties attended: Adrian Brown (Director, Bilba Capital Pty Ltd) and Paul Brandis (Consultant, Byrne Consultants).

**RESOLVED
33/26**

As required by section 30P(1)(a), the consent authority determined that, if the Minister were to approve the amendment proposal to rezone Section 5544 (2658) Stuart Highway, Livingstone, Hundred of Strangways, it would be likely to consent to the development for the purpose of a subdivision to create 105 lots, under section 30W(1)(a), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to provide evidence that water servicing will be made available to each of the lots, to the requirements of the Power and Water Corporation and/or Water Resources of the Department of Lands, Planning and Environment, to the satisfaction of the consent authority.

Please refer to note 1 for further information.

2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent

authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:

- (a) A 25 metre three chord truncation shall be provided to the property boundaries at each corner of the intersection of the proposed subdivision road with the Stuart Highway, to the requirements of Transport and Civil Infrastructure of the Department of Logistics and Infrastructure.
 - (b) Any other changes required as a result of other conditions precedent on this permit.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a stormwater management plan demonstrating the on-site collection of stormwater and its discharge offsite, shall be submitted to, and approved by Litchfield Council, Crown Land Estate of the Department of Lands, Planning and Environment, and Transport and Civil Infrastructure of the Department of Logistics and Infrastructure, to the satisfaction of the consent authority. The plan shall clarify the ownership of stormwater drainage infrastructure and include hydraulic capacity assessments of the receiving open unlined drains and any downstream associated structures for the proposed post-development during 5% and 1% annual event probability (AEP) flows, demonstrating that water levels and velocities are not intensified downstream. The Plan should also demonstrate how stormwater quality objectives will be achieved in downstream environments, including identification and sizing of suitable treatment measures (at source and/or end-of-line) for the relevant design events and pollutant loads.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer. The report must detail the subdivision's traffic generation, trip distribution, traffic operation impact, the nature and timing of impacts, and recommend measures required to accommodate and/or mitigate the traffic impacts of the subdivision, including construction traffic. Any proposed new intersection with Stuart Highway and the relocation of the impacted property accesses identified by the report shall be carried out by the developer in consultation with the affected parties, at the developer's cost.

All road sections and/or intersections where traffic generated by the subdivision increases the existing traffic, existing proportion of heavy vehicle traffic or equivalent standard axles (ESAs) by 5% or more, must be included in the assessment. The impacts of the subdivision on public transport facilities, pedestrian and cycle facilities shall also be considered. Swept path diagrams for the design vehicle shall be provided with the detail design drawings submitted for road agency approval to demonstrate the suitability of any intersection design geometry.

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The report shall be prepared to the requirements of Litchfield Council and Transport and Civil Infrastructure of the Department of Logistics and Infrastructure, to the satisfaction of the consent authority.

5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), it must be demonstrated by a site and soil evaluation report and associated plan completed by an appropriately qualified site and soil evaluator, that an on-site wastewater management system complying with the requirements of the Code of Practice for Wastewater Management can be installed for each lot.
6. Prior to the endorsement of plans, engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be submitted to and approved by Litchfield Council, to the satisfaction of the consent authority.
7. Prior to the commencement of works (including site preparation), the applicant is to prepare a site construction management plan (SCMP) to the requirements of Litchfield Council and Transport and Civil Infrastructure of the Department of Logistics and Infrastructure, to the satisfaction of the consent authority. The SCMP should specifically all appropriate site management measures, including construction access, proposed haulage routes, vehicle types, protection of existing assets, protection of public access and a risk assessment.
8. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the Stuart Highway road reserves to the requirements of Transport and Civil Infrastructure of the Department of Logistics and Infrastructure, to the satisfaction of the consent authority.
9. Prior to the commencement of works (including site preparation), a Type 2 Erosion and Sediment Control Plan (ESCP) must be developed in accordance with the Department of Lands, Planning and Environment (DLPE) ESCP Procedures. The ESCP must be certified by a suitably qualified and experienced professional and must be submitted to Development Assessment Services (via email: das.ntg@nt.gov.au).

Please refer to notes 2, 3 and 4 for further information.

10. Prior to the commencement of works (including site preparation), the applicant is to prepare an unexpected finds protocol to the requirements of the Heritage Branch of the Department of Lands, Planning and Environment, to the satisfaction of the consent authority.

GENERAL CONDITIONS

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

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12. The permit will expire if one of the following circumstances applies:

- a. The development is not substantially commenced within two years of the date of the permit; or
- b. The development is not completed within 10 years of the date of the permit.

13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, and 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 notes 5, 6 and 7 for further information.

14. 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.

15. 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.

16. 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.

17. The proposed cul-de-sac terminating at the site's southern boundary must be fenced to prevent unauthorised connections through to Section 5543 Hundred of Strangways, in accordance with Litchfield Council standards and requirements, to the satisfaction of the consent authority.

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

19. A monetary contribution is required to be paid to Litchfield Council in accordance with its development contribution plan.

20. All works recommended by the traffic impact assessment are to be completed to the requirements of Litchfield Council and Transport and Civil Infrastructure of the Department of Logistics and Infrastructure, to the satisfaction of the consent authority.

21. Prior to finalisation of engineering design and specifications for the proposed and affected roads, a road safety audit shall be prepared by a suitability certified traffic auditor to the satisfaction of Litchfield Council and Transport

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and Civil Infrastructure of the Department of Logistics and Infrastructure, to the satisfaction of the consent authority.

22. The proposed new intersection with Stuart Highway shall be designed and constructed to include protected turn lanes to meet current standards in accordance with the Austroads 'Guide to Traffic Management', 'Guide to Road Design', relevant Australian Standards and the requirements of Transport and Civil Infrastructure of the Department of Logistics and Infrastructure. The geometry of the intersection shall be suitable for the expected levels of traffic impact and accommodate the turning paths of all vehicles utilising the intersection. Street lighting shall be provided at the intersection in accordance with the current version of AS/NZS 1158 Lighting for roads and public spaces (all parts) and DLI's technical specifications.
23. Where unfenced, the Stuart Highway frontage is to be appropriately fenced in accordance with the Transport and Civil Infrastructure of the Department of Logistics and Infrastructure's standards and requirements to deter unauthorised vehicular and/or pedestrian movement, to the satisfaction of the consent authority. Gates are not to be provided in the Stuart Highway fencing.
24. The existing accesses, where made redundant, shall be scarified, and the verge and fencing reinstated in accordance with the standards and requirements of Transport and Civil Infrastructure of the Department of Logistics and Infrastructure, to the satisfaction of the consent authority.
25. Upon completion of any works within or impacting upon the Stuart Highway road reserve, the road reserve shall be rehabilitated to the standards and requirements of Transport and Civil Infrastructure of the Department of Logistics and Infrastructure, to the satisfaction of the consent authority.
26. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
27. 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 streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. The use of shaker screens/rubble pads to remove loose material from trucks prior to entering the road network is a requirement. Where tracked material on the road pavement becomes a potential safety issue, the developer will be obliged to sweep and clean material off the road.
28. Before issue of titles and pursuant to section 34 of the Land Title Act 2000, a Caution Notice shall be lodged with the Registrar-General on the parent parcel to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state: 'A reticulated sewerage service is not available to the lot. As such, an on-site sewage system will be required with separation distances in accordance with the Northern Territory Code of practice for Wastewater Management (as amended)'.

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Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

NOTES

1. 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.
2. The DLPE ESCP Procedures factsheet is available at: <https://environment.nt.gov.au/rangelands/technical-notes-and-fact-sheets/landmanagement-technical-notes-and-fact-sheets>.
3. A suitably qualified and experienced professional in erosion and sediment control as defined by the International Erosion Control Association (IECA) Australasia at <https://www.austieca.com.au/rsp-esc/suitably-qualified-professional>.
4. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at www.austieca.com.au and Land Management Factsheets available at <https://nt.gov.au/environment/soiland-vegetation>. For further advice, contact the Development Coordination Branch: (08) 8999 4446.
5. The Power and Water Corporation advises that the Water and Sewer Services Development Section (developer.concierge@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 onsite and/or surrounding infrastructure.
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. 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 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.
8. 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 <http://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

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telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/newdevelopments/builders-designers.html>.

9. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on (08) 8936 4070 to determine if the proposed works are subject to the Act.
10. Litchfield Council's current Fees and Charges may apply to the certain conditions. Additional information can be found at www.litchfield.nt.gov.au.
11. 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.
12. Litchfield Council advise that as the development is proposed within an industrial zone (General Industry), the NT Subdivision and Development Guidelines requirement is for Category A (Set 1) infrastructure. Litchfield Council refers to the NT Subdivision and Development Guidelines for all references and standards unless expressly advised otherwise.
13. The developer, its contractor or service provider is required to obtain a 'Permit to Work within the NTG Road Reserves' prior to the commencement of any works within the Stuart Highway road reserve.
14. The installation of any services or service connections within the Stuart Highway road reserve are subject to Transport and Civil Infrastructure of the Department of Logistics and Infrastructure approval. All service-related works are to be contained within the appropriate nominal service corridor (refer standard drawing CS-3001).
15. All proposed work (including the provision or connection of services) within, or impacting upon the Stuart Highway road reserve shall be designed, supervised and certified on completion by a practising and registered civil engineer, and shall be in accordance with the standards and specifications of Transport and Civil Infrastructure of the Department of Logistics and Infrastructure. Design documents must be submitted to TCI for road agency approval, irrespective of approvals granted by other authorities, e.g. Power & Water Corporation (PWC). No works within, or impacting upon the NTG road reserves are to commence prior to gaining road agency approval. Note that a development permit issued under the *Planning Act 1999* is not an approval for access onto a Territory Road. Approval for access to be taken from, or constructed within the NTG controlled road reserve rests solely with TCI, DLI as the approving road authority.
16. All landscaping and setback requirements under the Northern Territory Planning Scheme shall be contained within the development area boundaries. Any landscaping proposed by the developer additional to planning

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requirements and within the Stuart Highway road reserve shall be to the standards and approval of TCI, DLI.

17. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aurally) within the subject lot.
18. Advertising signage, either permanent or temporary, e.g. 'A' frame, vehicle or trailer mounted shall not be erected or located within the Stuart Highway road reserve.
19. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.
20. All landscaping and setback requirements under the Northern Territory Planning Scheme shall be contained within the Lot boundaries. Any landscaping proposed by the developer additional to planning requirements and within the Stuart Highway road reserve shall be to the standards and approval of TCI, DLI.
21. 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. Information regarding weed management is available on the Department of Lands, Planning and Environment (DLPE) website: <https://nt.gov.au/environment/weeds>, or alternatively contact the Weed Management Branch for further advice on (08) 8999 4567.
22. 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

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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.

23. 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 the clearing operation, cease operation and please contact the Heritage Branch of the Department of Lands, Planning and Environment.
24. The Heritage Branch advises that the site is located within close proximity of the former Livingstone Military Airfield, which was in use during the Second World War. There is a risk that unexploded ordnance (UXO) may still be present within the subdivision footprint. Please find further details at the following website: <https://uxomap.defence.gov.au/>.
25. There should be no discharge of stormwater into adjoining land held under Crown Lease Term by the Australasia Railway Corporation without its approval.
26. Any new on-site wastewater management system is to be installed in accordance with the Code of Practice for Wastewater Management.
27. Reticulated sewerage service is not available to the lot. As such, an on-site sewage system will be required with separation distances in accordance with the Northern Territory Code of Practice for Wastewater Management (as amended) from the adjoining open stormwater drainage channels.

REASONS FOR THE DECISION

1. The application proposes a subdivision, to create 105 lots in 2 stages at Section 5544 (2658) Stuart Highway, Livingstone, Hundred of Cavenagh. Concurrent to this application, the Minister is considering an amendment to the Northern Territory Planning Scheme 2020 to rezone the site from Zone SL23 (Specific Use Zone 23 – Litchfield, established under the NTPS2007) to Zone GI (General Industry).

The 90.51 ha site is bounded by a live export facility (Santavan Export Facility) to the north, Stuart Highway to the east, an access road to the AACo Abattoir to the south, and the AustralAsia Railway corridor to the west.

Stage 1 of the proposed subdivision will create 56 lots, of which one lot will then be further subdivided in Stage 2 to create an additional 50 lots. A variety of lot sizes are proposed, ranging from 1940 m² to 5.032 ha. The subdivision will be serviced by one external connection to the Stuart Highway, proposed to be located in the north-east of the site. Through the amendment proposal, the lots would then be developed for land uses in accordance with Zone GI (General Industry) of the NT Planning Scheme 2020.

The meeting was attended by Mr Kevin Dodd (Earl James and Associates, the applicant), Adrian Brown (Director at Bilba Capital Pty Ltd, landowner), and

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Paul Brandis (Byrne Consultants, consultant). Mr Dodd provided an overview of the application and spoke to the pre-application history of consultation that took place between the landowner and services authorities.

Mr Dodd advised that access to the subdivision would take place through a connection to the Stuart Highway at the north-eastern corner of the site. Mr Dodd further advised that the Department of Logistics and Infrastructure had provided an in-principle support for the this connection. Mr Dodd further advised that discussions had taken place with the landowner of the Section 4048 Hundred of Strangways (Santavan Export Facility), and that the intention was that that site would be provided an access to the proposed subdivision layout, to improve safety for traffic on the Stuart Highway.

2. Pursuant to section 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 application proposes to subdivide to create 105 lots which 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 Litchfield subregional land use plan (being the most detailed strategic framework document), the zone purpose and outcomes of Zone GI (General Industry), and clauses 6.4.1 (Lot Size and Configuration for Subdivision in Zones LI, GI and DV), 6.4.2 (Site Characteristics for Subdivision in Zones LI, GI and DV), and 6.4.3 (Infrastructure for Subdivision in Zones LI, GI and DV), need to be considered.

The Authority notes the assessment completed by Development Assessment Services (DAS) which found that the proposal complies with the relevant requirements of the NTPS2020 except in relation to the Litchfield subregional land use plan, and clause 6.4.3 (Infrastructure for Subdivision in Zones LI, GI and DV), which are discussed further below.

Part 2 – Strategic framework

Litchfield Subregional Land Use Plan 2016

The Litchfield subregional land use plan (LSLUP) is the most detailed and relevant Strategic Framework document and identifies the site and surrounds as broadly 'rural', where residential, horticultural, agricultural and other rural activities are expected. The LSLUP advocates for management of land uses to maintain the quality and amenity of the natural environment and rural lifestyles/activities. Specific priorities include the protection of land and water resources, conservation of significant vegetation communities and wildlife habitats and the maintenance of publicly accessible reserves.

Of note, the statement of policy for the rural area (#13) intends that these areas "*Maintain rural amenity and lifestyle choice*", with an associated principal stating "*Continue to support the subdivision of suitable land outside rural activity centres into 2 ha lots in Zone RL (Rural Living) and into 8 ha lots in Zone R (Rural)*".

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The proposed rezoning and subsequent subdivision to facilitate the use of the land for primarily industrial purposes, in accordance with Zone GI, is therefore inconsistent with the strategic identification of the immediate locality.

The LSLUP also identifies the need to provide adequate buffers to mitigate adverse impacts on sensitive land uses and minimise land use conflicts. Rural land uses are sensitive to industrial activities (such as from the generation of dust, odours or machinery noise) and benefit from appropriate separation. The proposed rezoning does not specifically consider any form of separation or buffering between the proposed and surrounding zones and would allow for industrial development at a greater intensity than can currently occur at neighbouring properties under Zone R. As such, this application is considered to be contrary to the LSLUP (strategic framework).

Under Section 30W(3) of the *Planning Act 1999* (the Act), the Development Consent Authority (DCA) cannot determine an application for development that is inconsistent with the applicable planning scheme without first notifying the Minister under section 30W(3). Section 30W(6) of the Act allows the DCA to make a determination, provided that the Minister is notified of this prior to and raises no objection with the DCA considering the proposal.

The Chair of the DCA wrote to the Minister on 30 April 2026 and the Minister responded on 3 June 2026 granting the DCA the power to determine the development proposal pursuant to section 30W(6).

The Authority considers that the departure from the strategic framework is acceptable for the following reasons:

- A 30 m wide road corridor is proposed along 900 m (69%) of the northern site boundary, with only one lot to continue to have a shared boundary with Section 4048 Hundred of Strangways. On this basis, it is expected that any future development of Section 4048 for urban land uses would be able to account for its proximity to industrial subdivision.
- The immediate locality is comprised of cleared, rural acreage with limited existing residential development. In addition, it is noted that the site is bounded by the North Australian Railway to the south and west (over which is the AACo abattoir), Stuart Highway to the east, and intensive animal husbandry to the north. These land uses already provide a reasonable limitation to the future intensification of residential development or potential development of sensitive uses in the immediate locality.

Part 3 – Overlays

The site is not affected by any overlays.

Part 4 – Zoning

Clause 4.15 (Zone GI – General Industry)

The Authority notes that the purpose of this zone is to *“Ensure that lots within industrial subdivisions are appropriately provided, connected and integrated with the required infrastructure”*.

While the application is generally consistent with the relevant zone outcomes, the Authority considers that outcomes 7 and 8 warrant particular attention.

Zone outcome 7 intends that *“Development does not impose unsustainable demands on surface water and groundwater, and where zone outcome 8 intends that Appropriate urban services including, roads, reticulated electricity, water, sewerage, stormwater drainage and telecommunication infrastructure are available. If lots are unsewered, provision for the disposal of effluent must be made on-site so that the effluent does not pollute ground or surface waters”*.

The application was circulated to the service authorities responsible for roads, reticulated electricity, water, sewerage, stormwater drainage and telecommunication infrastructure. Conditions requiring this infrastructure be the requirement of the relevant service authority have been included on the permit.

Part 6 – Subdivision and consolidation requirements

Pursuant to clause 1.10 (Exercise of Discretion by the Consent Authority), subclause (5), of the NTPS2020, *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 Authority notes the assessment completed by DAS which found the subdivision is not in accordance with clause 6.4.3(3), because the proposed road hierarchy includes one permanent and two temporary cul-de-sacs where this clause requires that a subdivision *“provides a simple layout with a clear hierarchy of roads, avoiding culs-de-sac, battle-axe lots and sharp curves, and discouraging unrelated through traffic”*.

Administratively, subclause 1 states *The consent authority may consent to a subdivision that is not in accordance with sub-clauses 2-8, only if it is satisfied the subdivision is consistent with the purpose of this clause, where the purpose of this clause is to “Ensure that lots within industrial subdivisions are appropriately provided, connected and integrated with the required infrastructure”*.

The Authority considers that a variation to this clause is acceptable in this instance for the following reasons:

- The triangular shape of the site limits the potential for a lot layout which maximises the development potential of the site for industrial purposes and which maintains a continuous/regular road network.

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- It is reasonably considered that the single permanent instance of a cul-de-sac will not prevent the efficient movement of vehicles at the development.
 - o A permit condition requiring the preparation of a traffic impact assessment will consider the functionality of this permanent cul-de-sac, to confirm its suitability.
 - The interim presence of 2 cul-de-sacs in Stage 1 are not reasonably expected to adversely impact the functionality of the subdivision, with no concerns raised by the Litchfield Council.
3. 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 application is supported by a land suitability assessment, stormwater management plan and a site soil wastewater disposal evaluation (albeit in relation to a previously proposed live export facility). These documents note the land has the capacity to support the proposed subdivision. This conclusion has been generally confirmed through comments from relevant service authorities.

Notwithstanding the Litchfield Council advised that the stormwater management plan will need to consider the capacity of the existing stormwater drains to take post development flows from each lot and additional flows coming from the outside of the site. The Crown Land Estate of the Department of Lands, Planning and Environment also advised that any development which increases stormwater flow within the railway corridor will require the consent of the AustralAsia Railway Corporation (ARC).

The Authority notes that while the application did not include a subdivision specific site and soil evaluation report, the application states that previous investigations found the land capable of supporting on-site wastewater treatment, and that compliant septic systems can be installed on each proposed lot. This claim cannot be supported given that Power and Water (Water Services) advised that there is insufficient water supply to service the subdivision, suggesting the developer is proposing to source water from the groundwater supply. The Water Resources division of the Department of Lands, Planning and Environment advises, on the other hand, that the applicant must confirm proposed water use/servicing and submit an application for a Ground Water Extraction Licence.

At the meeting, Mr Dodd spoke to challenges in confirming the that adequate water supply can made available to the lots. Mr Dodd concluded that discussions with the Power and Water Corporation have indicated that a local reticulated network to the standards of the Power and Water Corporation may be achievable. Mr Dodd advised that this could be through a local reticulated network connecting to water tanks connected to either the local

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Power and Water Corporation network, or a single water extraction point, may be possible.

To address this matter, a condition precedent requiring the applicant to provide evidence that water servicing will be made available to the lots to the requirements of the Power and Water Corporation and/or Water Resources of the Department of Lands, Planning and Environment has been included on the permit.

Ms Emma Sharp, a member of the Authority, queried Mr Dodd on where the any water tank infrastructure would be located.

Mr Dodd advised that the location of water tank infrastructure was not yet known, but that this would be confirmed following more detailed design regarding water infrastructure, and that a variation to the proposed lot layout may be sought to accommodate this.

Once the source of water supply is determined, the adequacy of the site and soil evaluation report can be confirmed and an appropriate separation distances between septic discharge points and any bores can be evaluated and final subdivision design confirmed.

To address this matter, a condition precedent requiring the provision of a bespoke site and soil evaluation by a suitably qualified person be required prior to the endorsement of plans has been included on the permit. In addition, condition requiring a Caution Notice be included on the titles of newly created lots stating that 'Reticulated sewerage service is not available to the lot. As such, an on-site sewage system will be required with separation distances in accordance with the Northern Territory Code of Practice for Wastewater Management (as amended) from the adjoining open stormwater drainage channels' has been included.

The Authority considers that the above permit conditions will suitably demonstrate that the land can be made capable of accommodating the proposed subdivision.

4. Pursuant to Section 30P(2)(l) of the *Planning Act 1999*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated and any requirement for:
 - i. public facilities and services to be connected to the land; and
 - ii. facilities, infrastructure or land to be provided by the applicant;

The Authority notes that service authority comments were provided from Litchfield Council, the Power and Water Corporation, the Department of Lands, Planning and Environment, and the Department of Logistics and Infrastructure.

Notwithstanding the above, Mr Dodd clarified several elements of the application, including:

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- That access to Section 5543, Hundred of Strangways can be removed in consultation with the Litchfield Council.
- Public infrastructure will be developed to Category A (Set 1) standards.
- Stormwater detention basins will likely be managed as easements in favour of Litchfield Council over private freehold land, however, this will be confirmed pending detailed investigation into stormwater management.
- Raised concerns around any requirement for upgrades along the Stuart Highway, such as that in relation to the Hughes Airfield and Power and Water Corporation booster station access. Mr Dodd emphasised that consideration of access to other NT Government assets should not fall under the remit of this application.

The Authority notes Mr Dodd's concerns, and have included a series of conditions precedent, general conditions, and permit notes to address his concerns and the comments raised by these authorities. In noting requirements for the design and construction of the access intersection with Stuart Highway to include consideration of existing access points to other sites as part of required works, consent authority noted it has no powers of determination for road or access construction and for purposes of this application took guidance from the relevant authority responsible for the management of Stuart Highway Road corridor.

5. Pursuant to Section 30P(2)(m) of the *Planning Act 1999*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated.

The Authority notes that amenity is defined in the *Planning Act 1999* as in relation to a locality or building, any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.

The Authority considers that the proposed subdivision to create 105 lots to facilitate industrial development reasonably mitigates its adverse amenity impacts within the locality for the following reasons:

- The site is located between an existing and functioning railway corridor and the Stuart Highway
- The area to the south-west is generally developed as an abattoir (currently un-used)
- The area to the north of the site is currently developed for live export purposes
- The subdivision will have direct access to the Stuart Highway, which will be built to the standards and requirements of the Transport and Civil Infrastructure of the Department of Logistics and Infrastructure.
- The provision of 4 stormwater detention basins will reasonably reduce the potential for adverse impacts in relation to the increase of stormwater run off from impermeable surfaces.

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**RESOLVED
34/26**

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
35/26**

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 Chair any member of the Litchfield Division of the Authority to:

- 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;
- issue a development permit under section 54(1) in relation to the development proposal to develop Section 5544 (2658) Stuart Highway, Livingstone, Hundred of Strangways for the purpose of a subdivision to create 105 lots; and
- issue the relevant notices under Section 30Y.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Report to the Minister

**ITEM 7
PA2026/0080**

**CONCURRENT APPLICATION – FROM ZONE RL (RURAL LIVING) TO ZONE LMR (LOW-MEDIUM DENSITY RESIDENTIAL)
DWELLING-GROUP (32 X 2 BEDROOM AND 28 X 3 BEDROOM) IN 60
SINGLE STOREY BUILDINGS (RETIREMENT LIVING) AND COMMUNITY
CENTRE
LOT 5111 (79) FRED'S PASS ROAD , HUMPTY DOO, HUNDRED OF
STRANGWAYS
APPLICANT
ROSSE PTY LTD**

Applicant: Gerard Rosse attended.

Submitters in attendance: Gerry Wood, Viki Kane and Christine Simpson.

**RESOLVED
36/26**

That, pursuant to section 30P(3), the consent authority defer consideration of the application to develop (79) Fred's Pass Road, Humpty Doo, for the purpose of a dwelling-group (32 x 2 bedroom and 28 x 3 bedroom) in 60 single storey buildings and Community Centre, to be used for purposes of retirement living, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

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- Amended Plans which demonstrate the following:
 - Dwelling designs which support breeze penetration and natural light and shade; and where possible units to overlook the Central Park Space.
 - Amended access to the site demonstrating a separation of pedestrian and vehicle traffic.
 - Minor amendments to the design of the Community Centre carparking layout to include:
 - A turnaround area located at the end of the Community Centre carpark demonstrating through a swept path analysis for Austroads Class TB2 (two-axle bus/truck, 5.5-14.5m) or larger, that, when all carparks are full, vehicles can enter and exit the site in a forward gear;
 - A pedestrian access/pathway within the Community Centre carpark with signage directing vehicle and pedestrian traffic in and around the carpark.
 - A Landscaping Plan which demonstrates compliance with Clause 5.2.6.1 Landscaping in Zones other than Zone CB Screening to all parking areas from public spaces.
 - Fencing or landscaping which demonstrates compliance and Clause 5.4.6.1 Private Open Space for Dwellings-single, Dwellings -independent and Dwellings-group, and specifically demonstrating:
 - how Private Open Space requirements will be achieved through landscaping or fencing.
 - Screening of Private Open Space from surrounding land and adjoining units.
 - Appropriate landscaping in the Central Park Area including pedestrian footpaths, shade trees and street furniture.
 - Minor amendments to the design of the parking area outside of the proposed outbuilding to include adequate manoeuvring area through a swept path analysis for Austroads Class TB2 (two axle bus/truck, 5.5-14.5m) or larger that vehicles can safely enter and move through the site in a forward gear;
 - Wayfinding signage throughout the site if and where considered necessary.
- A Traffic Impact Assessment prepared by a suitably qualified traffic engineer which will consider access to the site, identify all necessary upgrades to the surrounding road network and respond to Litchfield Council's requirements for access to the road corridor.
- A Waste Management Plan addressing the Litchfield Council's Waste Management Guidelines prepared, to the requirements of the Litchfield Council, and to the satisfaction of the consent authority.

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- 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.

REASONS FOR THE DECISION

1. This concurrent application seeks to rezone land at Section 05111 Hundred of Strangways (79 Fred's Pass Rd Humpty Doo) from zone Rural Living (RL) to Low Medium Residential (LMR) and to obtain consent for a dwelling-group (32 x 2 bedroom and 28 x 3 bedroom) in 60 single storey buildings (Retirement Living) and a Community Centre. The consent authority must make a preliminary decision under section 30P of the Planning Act 1999 that, if the Minister were to approve the amendment proposal, the authority would be likely to consent or refuse to consent to the development proposal. Under Section 30P(3) the Authority, if it considers additional information is necessary to enable it to make such preliminary decision, can require the applicant to provide that information. The consent authority, having considered the material in the Report, the applicant's presentation and the matters raised by submitters and Litchfield Council, both in written submissions and at the hearing, has determined that further information, as indicated above is required.
2. The site is 24600 m² in area and is characterised by flat pastureland that has been cleared of native vegetation. It is vacant and, for the purposes of the Northern Territory Planning Scheme 2020 (NTPS2020), its strategic designation under the HDRACAP is 'Urban Residential'. It is located within the 'Rural Activity Centre (RAC) Core Area and the predominant zoning of the locality is currently RL (Rural Living) with land in zones Low Residential (LR) and Low Medium Residential (LMR) located within 100m to the southwest of the site. The Authority notes that the application seeks consent to a dwelling-group consisting of 60 dwellings. Although the application refers to "Retirement Living", there is no such use identified in NTPS 2020, nor is there a definition of "Retirement Living" in Schedule 2 of the Scheme. The consent authority considers that the proposal should be assessed as a dwelling-group with ancillary Outbuilding and a Community Centre.
3. Pursuant to section 30P(2) 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.

If the land is rezoned to Zone LMR, a dwelling-group (3+), requires consent under Clause 1.8 (When development consent is required). Dwelling-group (3+) is identified as Merit Assessable under clause 1.8(1)(b)(i). As per clause 1.8, sub-clause 1(b) of the NTPS2020, Merit Assessable is – 'use and development that requires the exercise of discretion by the consent authority

to ensure it can be established and operated in a way that does not impact on the amenity of the area and accords with the relevant zone purposes and outcomes.’ Furthermore, the exercise of discretion by the Authority that applies is clause 1.10(3) (Exercise of Discretion by the Consent Authority) of the NTPS2020 which states that – ‘In considering an application for a use or development identified as Merit Assessable, the consent authority must take into account all of the following: a) the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6; b) any Overlays and associated requirements in Part 3 that apply to the land; and c) the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6.’ Therefore, the following elements of the NTPS2020 need to be considered by the Authority in determining the application:

Part 4: Zone Purpose and Outcomes of Clause 4.3 – Zone LMR (Low Medium Density Residential) relevant to a variation of requirements in Parts 5 or 6.

Part 5 requirements, including the purpose of the requirements, as follows:

- o 5.2.1 General Height Control.
- o 5.2.4 Car Parking.
- o 5.2.5 Loading Bays.
- o 5.2.6 Landscaping.
- o 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR.
- o 5.4.1 Residential Density.
- o 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structure.
- o 5.4.4 Extensions and Structures Ancillary to a Dwelling-Group or Dwelling-Multiple Development.
- o 5.4.6 Private Open Space.
- o 5.4.8 Residential Building Design.
- o 5.4.17 Building Articulation.

The Authority notes the DAS assessment that the proposed group-dwellings (60), comply with Clause 5.2.1 General Height Control, Clause 5.2.4 Car Parking, Clause 5.4.1 Residential Density, Clause 5.4.1.7 Building Articulation and Clause 5.4.3 Building Setbacks for Residential Buildings and Ancillary Structures but is inconsistent with the Strategic Framework for development in Zone LMR and does not comply with Clause 3.8 LADR (Land Adjacent to a Designated Road), 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, and 5.4.8.1 Building Design for Dwelling-group, Rooming Accommodation and Residential care facility.

In respect of the Community Centre aspect of the application the consent authority notes that the use is impact assessable and the exercise of discretion by the Authority is set out Clause 1.10.4 which states - In considering an application for a use or development identified as Impact Assessable the consent authority must take into account all of the following: (a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6; (b) any Overlays and associated requirements in Part 3 that apply to the land; (c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1

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Specific Use Zones; and (d) any component of the Strategic Framework relevant to the land as set out in Part 2.

The Authority notes the DAS assessment that the Community Centre can comply with all applicable clauses, with the exception of Clause 3.8 LADR (Land Adjacent to a Designated Road) and Clause 5.4.1.7 Building Articulation and Clause 5.2.2.4 Layout of Car Parking Spaces.

In relation to the areas of non-compliance noted above, the Authority considers that it requires further information in order to properly identify the extent of non-compliance and exercise its discretion accordingly.

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

A total of 5 public submissions were received during the exhibition period, two in support and three objections.

Andrew Makay MLA, Member for Goyder, wrote in support for increased housing diversity that supports older rural residents/ retirees and which allows older residents to downsize and still stay within their communities.

Sue Shearer CEO of COTA NT also wrote in support of the application advocating in support of senior citizens of NT.

Mr Makay and Ms Shearer did not attend the meeting.

Three submissions were also received, generally in support of the proposed use but objecting to the application due 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 management of an over 55s retirement village.
- Concerns about the impact on infrastructure and services.
- Unsustainable dwelling design which will rely on air-conditioning and artificial lighting.
- Traffic assessment does not consider local traffic impacts.
- Safety issues with access for pedestrians and car parking in the whole site, no turnarounds in the Community Centre Carparking area.
- No density transition and reduced setbacks to boundaries will impact rural area, potential reverse amenity impacts.

Gerry Wood attended the meeting and spoke to his submission and noted that:

- A rural retirement village is a good idea - it is needed

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- 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.
- The proposal must retain a rural character - not a copy of Holtze or Northcrest – 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.

Viki Kane also attended the meeting objecting to the rezoning proposal due to:

- The inability of local sewage and road systems to support the increased demand that 60 dwellings would place on services.
- Future financial impost on rate payers for local council and government agencies asked to provide safe access and transport routes and sewage upgrades for the future private enterprise development.
- The ensuing disruption of road and sewage works on a busy road system.
- The clash of land use with a low-medium density placed in the middle of rural blocks running agricultural, horticultural and small rural enterprises.

Ms Kane also raised the following objections to the development proposal:

- 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 attended the meeting and raised issues with:

- 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.

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- The need for a pedestrian crossing across Freds Pass Road to connect with the pedestrian pathway.
 - Community Centre Car Park- 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.
5. Litchfield Council also made a formal submission under Section 30M, detailing a number of concerns and objections to the proposal. In particular, Council requested further information of the proposed operation and management of the development in order to fully understand the implications on the surrounding essential infrastructure. Additionally, Council has concerns regarding aspects such as animal ownership, ongoing maintenance of stormwater drains, refuse and rubbish storage and collection, fire and emergency services access and impacts to their current operations. Council requested updated and additional documentation including a Traffic Impact Assessment (TIA) and technical engineering report addressing road upgrades and comprehensive traffic modelling considering existing uses of the core area; updated design concept that considers the maximum dwelling density permitted under the area plan and subsequent updated stormwater plan; an essential infrastructure servicing plan to align with the area plan planning principles; an operational plan advising the use of the 'community centre' and potential ancillary uses (discussing whether aspects are available for the broader community); a general plan for the management of the retirement living complex and details of the public consultation and feedback as described in the Statement of Effect. The Council Representative attended the meeting and confirmed Council's submission and concerns in regard to the proposal.
6. 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. Amenity is defined in the Planning Act 1999 as, in relation to a locality or building, any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable. The Authority notes that amenity should be considered in the context of the site and its surrounds, along with the applicable planning controls. Whilst the site, if rezoned, will be located in Zone LMR (Low-Medium Density Residential), which anticipates medium density developments on a range of lot sizes, the Authority highlights that the proposed development comprises 60 residences with a mix of two and three bedroom dwellings. It potentially introduces in excess of 120 residents and 60 plus vehicles to the site and is, therefore, of a considerable scale and density. In this context, the Authority does not consider that it has sufficient information to determine if the proposed development adequately

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provides for the future amenity of the area and occupants and has deferred the application as outlined above.

The Authority noted the matters raised by the submitters, noting that Ms Kane's comments are for Minister's consideration, while other matters raised can be considered further, through amended plans and other supporting information.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Deferral

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

SUZANNE PHILIP
Chair

29 June 2026