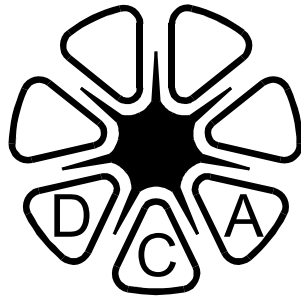




DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING NO. 311 – WEDNESDAY 15 JULY 2026

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

MEMBERS PRESENT: Suzanne Philip, Rick Grant, Mitch Virgin and Emma Sharp

APOLOGIES: Rachael Wright

LEAVE OF ABSENCE: None

OFFICERS PRESENT: Eve-Marie Davie, Drashti Chovatiya and Wayne Vowles
(Development Assessment Services)

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 10.30 am and closed at 11.00 am

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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 A FLOOR AREA EXCEEDING 100M² WITH**
PA2026/0160 **A SEPARATE EFFLUENT DISPOSAL SYSTEM**
LOT 44 (65) LONDON ROAD, VIRGINIA, HUNDRED OF STRANGWAYS
APPLICANT **TATAM PLANNING CO.**

Applicant: Cat Tatam (Tatam Planning Co) attended via Teams.

Submitters: None

RESOLVED That, pursuant to section 53(a) of the Planning Act 1999, the Development
40/26 Consent Authority consent to the application to develop Section 44 (65) London Road, Virginia, Hundred of Strangways for the purpose of dwelling-single with ancillary dwelling-independent with a floor area in excess of 100m², subject to the following conditions:

GENERAL CONDITIONS:

1. The works carried out under this permit shall be in accordance with the drawings numbered 2026/0160/01 to 2026/0160/02 endorsed as forming part of this permit.
2. 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.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage and electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
Please refer to notation 3 for further information.
4. 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. The owner shall:
 - (a) Remove disused vehicle and/or pedestrian crossovers;
 - (b) Provide footpaths/cycleways;
 - (c) Collect stormwater and discharge it to the drainage network; and
 - (d) Undertake reinstatement works;all to the technical requirements of and at no cost to Litchfield Council, to the satisfaction of the consent authority.
5. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street, in accordance with the requirements of Litchfield Council, to the satisfaction of the consent authority.

NOTES:

1. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory Building Act 1993 before commencing any demolition or construction works. All building works are to comply with the Building Act 1993, Building Regulations 1993, and the National Construction Code.
2. The Power and Water Corporation advises that:
 - (a) Multiple phase power service may be required for the proposed development.
 - (b) The landowner shall engage a licensed electrician to submit a maximum power demand calculation for both the existing dwelling and the new dwelling on Lot 44 to PWC for assessment on applicable power supply capacity upgrade requirements in accordance with the current Australian Energy Regulator (AER) process.
 - (c) The engaged licensed electrician shall carry out the customer's internal electricity reticulation upgrade works including multiphase metering panel for the proposed dwelling-independent and the new dwelling-single in accordance with the PWC's current NP018-Service and Installation Rules 2024 and NP010-Meter Manual.
3. Reticulated water and sewer services are currently unavailable in the area. The developer must contact relevant authorities to discuss servicing requirements for the proposed development.
4. 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.
5. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Interim Development Control Order 29.
6. A groundwater extraction licence may be required under the Water Act 1992 for any bore used for purposes other than rural stock and domestic water supply. For advice on water extraction licences please contact the Water Licensing and Regulation Branch of the Department of Lands, Planning and Environment.
7. There are statutory obligations under the Waste Management and Pollution Control Act 1998 (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act.

There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.

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

REASONS FOR THE RECOMMENDATION

1. Pursuant to section 51(1)(a) of the Planning Act 1999, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The NT Planning Scheme 2020 applies to the land and a Dwelling-Independent with floor area in exceeding 100m² requires consent under Clause 1.8 (When development consent is required).

It is 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).

Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:

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

The proposal has been found not to be in accordance with Clause 5.4.13 (Dwelling-independent), because the proposal will result in the dwelling-independent having a floor area exceeding 100m².

The purpose of Clause 5.4.13 is to ensure a dwelling-independent provides for increase housing choice while remaining ancillary to the dwelling-single on a site and is developed in a matter that avoids significant impact on the amenity of adjoining and nearby property; does not detrimentally impact on the natural environment and does not adversely impact on the local road network.

Administratively, the Consent Authority may consent to a dwelling independent that is not in accordance with sub-clause 5 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on the surrounding amenity.

The Consent Authority discussed the recent amendment to Clause 5.4.13 which increased the floor area size from 80m² to 100m² and removed requirements associated with wastewater treatment. Sub-clause 5 of Clause 5.4.13 states that the maximum floor area of the dwelling independent in Zone RL (Rural Living) shall not exceed 100m². The floor area of the proposed dwelling-independent is 117m².

The Authority recognised the DAS report which argues that the variation to Clause 5.4.13 may be acceptable in this instance because the floor area of the proposed dwelling-independent only exceeds the maximum floor area allowed in Zone RL by 17%. With a floor area of 117m² the dwelling independent is somewhat greater than the requirement.

It was further noted by the Authority that the dwelling-independent would exceed the new dwelling single in size as the new single dwelling would have a floor area of 112m². The Consent Authority asked the Applicant why the proposal was to convert the original dwelling into a dwelling independent rather than construct a new dwelling-independent.

The applicant, Catriona Tatum, discussed the proposal and explained that the family member intending to live in the dwelling -independent was the elderly father of the landowner, Mr Bruce Neave, who had confirmed that he would be the single occupant and that two spare bedrooms would be used for storage. The intention was that he would continue to reside in the dwelling, which he had lived in for many years, and it was an opportunity to age in place in familiar surroundings. His son and his son's young family would be living in the new single dwelling, and they would be able to provide support for his day-to-day needs including provide transport when required.

Catriona Tatum understood that the Consent authority has the discretion to vary the requirements with due regard to locality, scale and the ancillary nature of the proposed dwelling-independent. Ms Tatum emphasised that inter-generational living was becoming more common, that the site was large, sufficient separation was proposed, setbacks were excellent, and that no concerns had been raised by neighbours.

The Consent Authority recognised that whilst both dwellings would be of a similar size, the ancillary nature of the dwelling-independent would require it to remain small and any increase in size would require a variation to the planning permit and would require consent. The development would result in two comparably sized dwellings on the site, but this may not remain so in the future as the dwelling single could increase in size as the young family grows.

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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.

With a lot size of 2 hectares, the subject land has the capacity to allow for a dwelling independent, provided it meets the purpose and requirements of the zone and relevant clauses of the Scheme. The subject land is rectangular shaped, relatively flat and contains some vegetation. The land is developed with an existing dwelling and a shed. Existing access from London Road would be retained and shared. The land has capability to support the proposal.

3. 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.

No impacts on the existing local amenity are foreseen as a result of this specific development. Nor is approval of a dwelling-independent of this size, which is being converted from an existing dwelling single, likely to have long term impacts on the wider amenity of the rural residential locality.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent, Development Permit and endorse plans

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

SUZANNE PHILIP

Chair

17 July 2026