DEVELOPMENT CONSENT AUTHORITY
LITCHFIELD DIVISION

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: 2 **MEETING DATE:** 21/10/2026 **FILE:** PA2026/0274

APPLICATION PURPOSE:	Dwelling-Independent with a reduced building setback to the side boundary
SUBJECT SITE:	Section 7905 (40 Smyth Road, Howard Springs) Hundred of Bagot
ZONE:	RR (Rural Residential)
SITE AREA:	4010 m^2
APPLICANT	Billy David Barry and Shilo Maxine Barry
PERSONS ON WHOSE BEHALF THE APPLICATION IS MADE	N/A
LANDOWNER	Billy David Barry and Shilo Maxine Barry
ANY PERSON WITH AN AGREEMENT TO ACQUIRE AN INTEREST IN THE LAND	None

1. PROPOSAL

The application is for a dwelling – independent which with a reduced setback to the northern boundary. A 3 m setback is proposed along the northern boundary where a 5 m setback is required under Clause 5.4.3 of the Northern Territory Planning Scheme 2020.

The subject site has an area of 4,010 m^2 and is accessed via a single crossover from Smyth Road along the eastern frontage. The proposed dwelling-independent is located to the south-east, forward of the existing dwelling-single, which is located generally central to the allotment. An ancillary storage shed is located to the rear within the north-west portion of the site. The dwelling -independent shares the same access, water supply and wastewater treatment system. Refer to Figure 1 below.

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

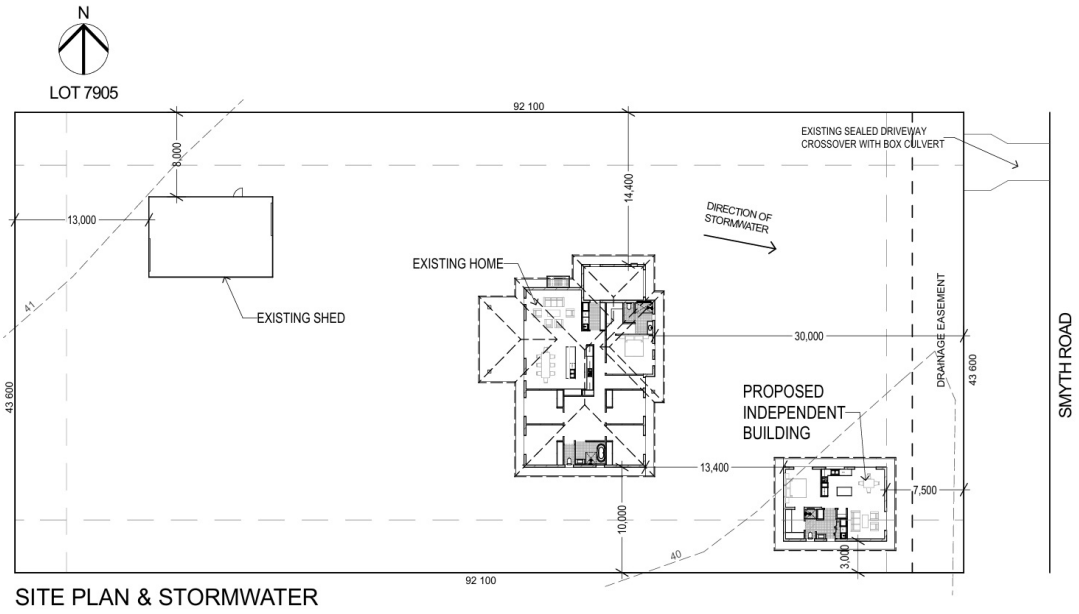


Figure 1 Proposed Dwelling-independent Site Plan and photos from the road of the existing dwelling





2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

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

Zoning and Level of Assessment-on-Assessment Table	Part 3 Overlay	Consent required by virtue of Overlay Requirement	Part 5 – General and Specific Development Requirements	Level of Assessment
RR (Rural Residential)	3.2 CNV – Clearing of Native Vegetation	No	5.2.1 General Height Control 5.2.4 Car Parking 5.2.6 Landscaping 5.4.1 Residential Density 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures 5.4.6 Private Open Space 5.4.13 Dwelling-independent	Merit Assessable

A dwelling-independent is usually a permitted development as per the zone assessment table; however, where non-compliant, pursuant to 1.8(1)(b)(ii)(2), a dwelling-independent becomes Merit Assessable because it does not comply with the relevant development requirements set out in Part 5. The exercise of discretion by the consent authority that applies is Clause 1.10 (1)(c).

3. ASSESSMENT SYNOPSIS

This report concludes that the authority should vary the requirements of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme 2020 and approve the application for a dwelling – independent with a reduced building setback to the southern side boundary, subject to conditions on the development permit.

4. BACKGROUND

There is no planning permit history for the subject land.

5. PUBLIC EXHIBITION

The application was referred to the adjoining owners of Section 07905 Hundred of Bagot (40 Smyth Road, Howard Springs NT) for a period of one week. No public submission was received under section 49 of the *Planning Act 1999*.

It is noted that as part of the lodgement the applicant provided a Statutory Declaration from the owner of the adjoining property to the south, Section 7904, 44 Smyth Road, John Henry Ahnfeldt (neighbour) in support of the proposal. Matters relating to the submission are discussed below under section 6(e) of this report.

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

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

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

The Northern Territory Planning Scheme 2020 (NTPS2020) applies to the subject land. The proposal for a Dwelling-Independent with a reduced building setback to the southern side boundary requires consent under Clause 1.8 (When development consent is required), as It is identified as *Merit Assessable* under Clause 1.8(1)(b)(ii)(2); therefore, zone purpose and outcomes of Clauses 4.6 Zone RR (Rural Residential), 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.6 (Landscaping), 5.4.1 (Residential Density), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 5.4.6 (Private Open Space) and 5.4.13 (Dwelling-Independent) of the NTPS2020. The Technical Assessment is available at **Bookmark C.**

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

5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)

The proposal does not comply with Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme 2020, as a dwelling-independent in Zone RR (Rural Residential) is required to be setback a minimum of 5 metres from a side boundary. The proposed dwelling-independent is located 3 metres from the southern side boundary, resulting in a variation of 2 metres.

Administratively, the consent authority may vary the provisions of this clause only if it is satisfied that the reduced setback is consistent with the purpose of this clause, and it is

appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

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

It is considered that a variation to this clause is appropriate in this instance because:

The proposed dwelling-independent has a floor area of approximately 70 m^2, significantly smaller than the existing dwelling-single, which has a floor area of approximately 240 m^2. As a result, the dwelling-independent will remain clearly subordinate to the principal dwelling and will not alter the established character of the site. The significant difference in scale, will ensure that the main dwelling continues to clearly read as the primary residence and focal point of the property.

Existing vegetation along the frontage would provide screening, and the applicant has indicated a willingness to install a Colorbond fence along the shared boundary, subject to consultation and agreement with the adjoining property owner. These measures further minimise any potential overlooking or visual impacts associated with the proposed dwelling-independent.

The owner of the adjoining property to the south (Section 7904) provided a statutory declaration which confirmed that he has no objection to the proposed dwelling-independent's Location and proposed short setback was in full support.

The application was referred to the NT Fire and Emergency Services (NTFES) to determine whether a reduced setback would compromise the firebreak requirements. NTFES advised that a 3-metre-wide firebreak would remain effective in slowing or stopping the spread of fire, provided it is maintained clear of vegetation and garden beds. NTFES further noted that:

- there are sufficient access points for firefighting vehicles to enter the property;
- vegetation on the site is limited and well maintained; and
- adequate clearance exists around infrastructure to enable fire service access and operations.

Accordingly, the reduced setback is not considered to create unacceptable bushfire risk or compromise emergency access arrangements.

While the proposal does not comply with the 5 m side setback requirement of Clause 5.4.3, the variation is considered consistent with the intent of the clause. The dwelling-independent is modest in scale, subordinate to the primary dwelling, and appropriately sited within the existing developed area of the allotment. The proposed location responds to existing site constraints, including established vegetation, the bore and wastewater system, without resulting in adverse impacts on adjoining properties or the rural residential character of the locality.

In view of the above considerations, a variation to Clause 5.4.3 is considered reasonable and is supported.

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

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

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

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

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

There are no environmental protection objectives relevant to the land.

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

There were no public submissions received. The Council response is taken to be a local Government Council submission and is discussed in detail under section (m). A statutory declaration in support of the proposal from the adjoining land owner was lodged with the application.

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

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

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

The applicant indicates that the proposal will allow for an elderly family member to live on site and they also argue that the location to the front of the site will allow for monitoring of the elderly relative from the dwelling to ensure they are safe.

(j) the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development

The subject land is rectangular shaped, relatively flat and is cleared of native vegetation. There do not appear to be any physical impediments on the land and on this basis, it is considered capable of supporting the development as proposed. The application indicates the development will be serviced by existing on-site infrastructure, including:

- Bore water
- On-site wastewater treatment
- Electricity

The applicant has indicated that the proposed location of the dwelling-independent has been selected having regard to the existing site infrastructure, including the Taylex wastewater treatment system, which is capable of servicing both dwellings without requiring relocation or significant modification. The siting promotes the efficient use of existing infrastructure, maintains an appropriate relationship between the dwelling-single and dwelling-independent.

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

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

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

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

The proposal was circulated to the following authorities for comment:

Local Authority:

Litchfield Council– **Bookmark E1**

Council did not support the proposed variation to Clause 5.4.3, for the following reasons:
- the availability of alternative compliant building locations on the site,
- potential stormwater management impacts associated with the reduced setback, and
- the view that building alignment alone does not justify a variation to the prescribed setback requirements.

In response, the applicant advised that the proposed siting responds to existing site constraints, utilises existing access and wastewater infrastructure, minimises site disturbance, and retains established vegetation. The applicant further submitted that any stormwater impacts can be adequately managed through permit conditions.

Following consideration of the applicant's response, Council maintained its objection, noting that impacts on private open space do not warrant a departure from the setback requirements and that the additional dwelling should be designed and located in a manner that achieves compliance without requiring a variation.

DAS response: it is noted that the NTPS 2020 does not require a dwelling-independent to be located in a specific position on a site. Rather, Clause 5.4.3 requires residential buildings and ancillary structures to be sited in a manner that is compatible with the streetscape and surrounding development, minimises adverse visual impacts and building massing, avoids undue overlooking of adjoining properties, and facilitates breeze penetration through and between buildings. The proposed dwelling-independent satisfies these outcomes. The reduced setback will not result in unreasonable impacts on adjoining properties, and the siting has been selected having regard to existing site constraints, established vegetation, existing access arrangements, and the location of on-site infrastructure. While alternative compliant locations may exist, the Planning Scheme does not require development to be positioned in the only compliant location available on a site.

In relation to stormwater management, any potential impacts associated with the reduced setback can be appropriately addressed through permit conditions requiring the submission and approval of a stormwater management plan prior to the commencement of works.

Further, the request for the variation is not based solely on maintaining alignment with the existing dwelling. Rather, the proposed siting represents a practical response to the site's characteristics and existing development pattern while continuing to achieve the intent and outcomes of Clause 5.4.3. On balance, the proposal is considered to meet the objectives and

outcomes of the relevant Planning Scheme provisions, and the variation is considered appropriate in the circumstances.

Service Authority:

Power Networks Network Engineering - Power & Water Registry– **Bookmark E2**

PWC provided a standard response indicating a limited capacity of single-phase power supply in the location. Standard conditions and advice notes would respond to these requirements.

Water Services Land Development - Power and Water Corp. - **Bookmark E3**

PWC provided a standard response indicating that reticulated water and sewer services were unavailable.

Northern Territory Fire and Emergency Services- **Bookmark E4**
NTFES advised that a 3-metre-wide firebreak would remain effective in slowing or stopping the spread of fire, provided it is maintained clear of vegetation and garden beds. NTFES further noted that:

- there are sufficient access points for firefighting vehicles to enter the property;
- vegetation on the site is limited and well maintained; and
- adequate clearance exists around infrastructure to enable fire service access and operations.

Accordingly, the reduced setback is not considered to create unacceptable bushfire risk or compromise emergency access arrangements. Standard conditions and advice notes would respond to NTFES requirements.

Development Coordination, Land Resource Division-DLPE - **Bookmark E5**

DLPE provided a standard response. Standard conditions and advice notes would respond to DLPE requirements.

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

The proposed dwelling-independent has a floor area of approximately 70 m² and is not expected to adversely affect the amenity of the locality. While the proposal includes a 2 m variation to the side boundary setback requirement under Clause 5.4.3, the application is supported by a statutory declaration from the owner of the adjoining southern property, Section 7904, 44 Smyth Road, confirming no objection to the proposed development and support for its location (**Bookmark D**). Although the declaration refers to 42 Smyth Road, Survey Plan LTO2019/026 identifies the property as 44 Smyth Road, and the declaration is considered to relate to that adjoining owner. Appropriate weight has therefore been afforded to this support.

The development will utilise the existing on-site wastewater treatment system, which is capable of servicing both the existing dwelling-single and the proposed dwelling-independent without modification. The proposed siting maintains appropriate separation between buildings and adjoining properties and is not expected to result in any unreasonable impacts on the existing or future amenity of the area.

(p) the public interest, including (if relevant) how the following matters are provided for in the application:
(i) community safety through crime prevention principles in design;

(ii) water safety;
(iii) access for persons with disabilities

The proposed development will not impact on the public interest.

(pa) for a proposed subdivision or consolidation of land in a Restricted Water Extraction Area – whether the subdivision or consolidation complies with the restrictions of sections 14A and 14B of the Water Act 1992 and the requirements of section 14C(1) of that Act;

Not applicable for this proposal

(q) for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building)
Not applicable for this proposal

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

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

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

The following declared beneficial uses apply to the subject land:
- Darwin Harbour Region
- Darwin Rural Water Control District

It is the responsibility of the developer and land owner to ensure that land use does not result in a contravention of the *Water Act 1992*.There is no declared beneficial use relevant to the subject site.

(t) other matters it thinks fit

No other matters have been identified as warranting consideration.

Section 51(2) of the *Planning Act 1999*

If a development proposal is required to be referred to the NT EPA under Part 4, Division 3 of the Environment Protection Act 2019, the consent authority must not make a decision under this Division in relation to a development application for the proposal unless:
(a) the NT EPA has determined that an environmental impact assessment is not required under that Act for that proposal; or
(b) if the NT EPA has determined that an environmental impact assessment is required – an environmental approval has been granted under that Act for the proposal and the decision is consistent with that approval; or
(c) the Environment Protection Act 2019 otherwise permits the making of the decision.

The proposed development does not require the preparation of any environmental reports or impact statements under the Environmental Protection Act 2019.

7. RECOMMENDATION

That, the Development Consent Authority vary the requirements of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme 2020, and pursuant to Section 53(a) of the Planning Act 1999, consent to the application to develop Section 7905 (40 Smyth Road, Howard Springs NT), Hundred of Bagot, for the purpose of a Dwelling – Independent with a reduced building setback to the southern side boundary, subject to the following conditions:

CONDITIONS PRECEDENT

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

GENERAL CONDITIONS

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

3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

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

5. The owner shall collect stormwater and discharge it to the drainage network, to the technical requirements and satisfaction of Litchfield Council, at no cost to Litchfield Council.

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

NOTES:

1. This permit will expire if one of the following circumstances applies:
   a) the development *and use is/are* not started within *two* years of the date of this permit; or
   b) the development is not completed within *four* years of the date of this permit.
   The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

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

3. The Power and Water Corporation advises that:
   a) The property is currently provided with a limited capacity of three-phase power supply from the overhead distribution network on Smyth Road.
   b) The landowner shall engage a licensed electrician to prepare a revised overall AS-300 maximum power demand calculation for both the existing dwelling and the new

dwelling-independent and apply for a Negotiated Connection application under the Australian Energy Regulator (AER) compliance process for PWC's assessment on power supply capacity upgrade requirements.

c) The engaged licensed electrician shall carry out the customer's internal electricity reticulation upgrade works in accordance with the PWC's current NP018-Service and Installation Rules 2024 and NP010-Meter Manual.

4. Reticulated water and sewer services are currently unavailable in the area. The developer must contact relevant authorities to discuss servicing requirements for the proposed development.

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

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

7. A Works Permit is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.

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

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

10. A groundwater extraction licence may be required under the Water Act 1992 for any bore used for purposes other than rural stock and domestic water supply. For advice on water extraction licences please contact the Water Licensing and Regulation Branch of the Department of Lands, Planning and Environment.

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

12. The Bushfires Northern Territory Division of the Northern Territory Fire and Emergency Services advises that firebreaks along boundaries or at appropriate locations shall be provided as per endorse plan. NTFES reserves the right to review firebreak requirements where circumstances change, and it is determined that firebreaks are required to ensure that the fire safety and operational capability is maintained. NTFES is not liable for any costs associated in meeting revised firebreak requirements should the circumstances change from the original decision. If you have any questions or require further information, please contact the Fire Safety Command, NT Fire and Rescue Service via email: fire.safety@pfes.nt.gov.au.

8. REASONS FOR THE RECOMMENDATION

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

   The Northern Territory Planning Scheme 2020 (NTPS2020) applies to the subject land. The proposal for a Dwelling-Independent with a reduced building setback to the southern side boundary requires consent under Clause 1.8 (When development consent is required), as It is identified as *Merit Assessable* under Clause 1.8(1)(b)(ii)(2); therefore, zone purpose and outcomes of Clauses 4.6 Zone RR (Rural Residential), 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.6 (Landscaping), 5.4.1 (Residential Density), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 5.4.6 (Private Open Space) and 5.4.13 (Dwelling-Independent) of the NTPS2020. The Technical Assessment is available at **Bookmark C.**

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

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

   The proposal has been found not to be in accordance with Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme 2020, which requires a minimum side boundary setback of 5 metres for a dwelling-independent in Zone RR (Rural Residential). The proposed dwelling-independent is setback approximately 3 metres from the southern side boundary, resulting in a variation of 2 metres.

   Administratively, the consent authority may vary the provisions of this clause only if it is satisfied that the reduced setback is consistent with the purpose of this clause, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

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

   It is considered that a variation to this clause is appropriate in this instance because:

(a) The proposal is consistent with the purpose of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) because:

The proposed dwelling-independent has a floor area of approximately 70 m² and remains clearly subordinate to the existing 240 m² dwelling-single. Existing vegetation provides screening to the frontage, and the applicant has indicated a willingness to install boundary fencing in consultation with the adjoining owner. These measures further minimise any potential overlooking or visual impacts associated with the proposed dwelling-independent.

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

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

(b) The considerations listed under Clauses 1.10(3) or 1.10(4) do not apply to this application because the application became Merit Assessable under Clause 1.8(1)(b)(ii)(2), and under Clause 1.10(2), the consent authority only must consider the requirements in Part 5 that are not complied with for such applications.

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

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

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

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

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

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

5. Pursuant to section 51(1)(*m*) of the Planning Act 1999, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

   The proposal received support from service authorities-PWC, NTFES and Land Resources Division. However, NTFES advised that a 3-metre firebreak would remain effective and that adequate emergency access is available to the site.

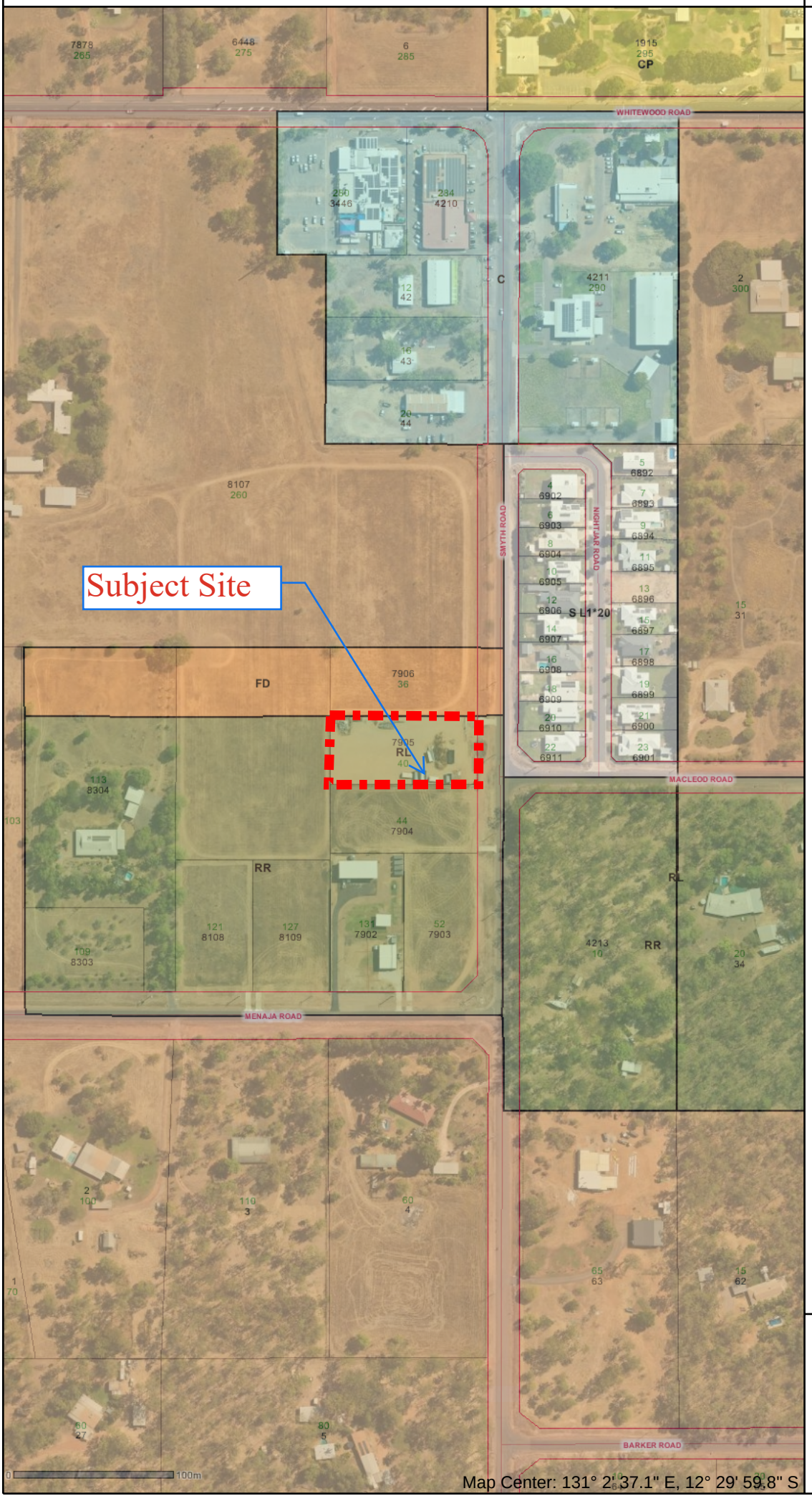
   Litchfield Council did not support the proposed variation to Clause 5.4.3, citing the location as well as potential stormwater implications. These matters have been carefully considered. Concerns in regard to stormwater management can be satisfactorily addressed through permit conditions requiring stormwater to be appropriately collected and disposed of within the site. Whilst the location of the dwelling- independent in the front portion of the site is unusual, the proposed unit would be modest in scale, screened, and appropriately integrated with the existing development through shared access and wastewater infrastructure and location is not expected to result in unreasonable impacts on adjoining properties or the character and amenity of the locality. The variation is therefore considered reasonable and is supported.



AUTHORISED:

DRASHTI CHOVATIYA
PLANNER
DEVELOPMENT ASSESSMENT SERVICES

40 Smyth Road, Howard Springs



Map Center: 131° 2' 37.1" E, 12° 29' 59.8" S

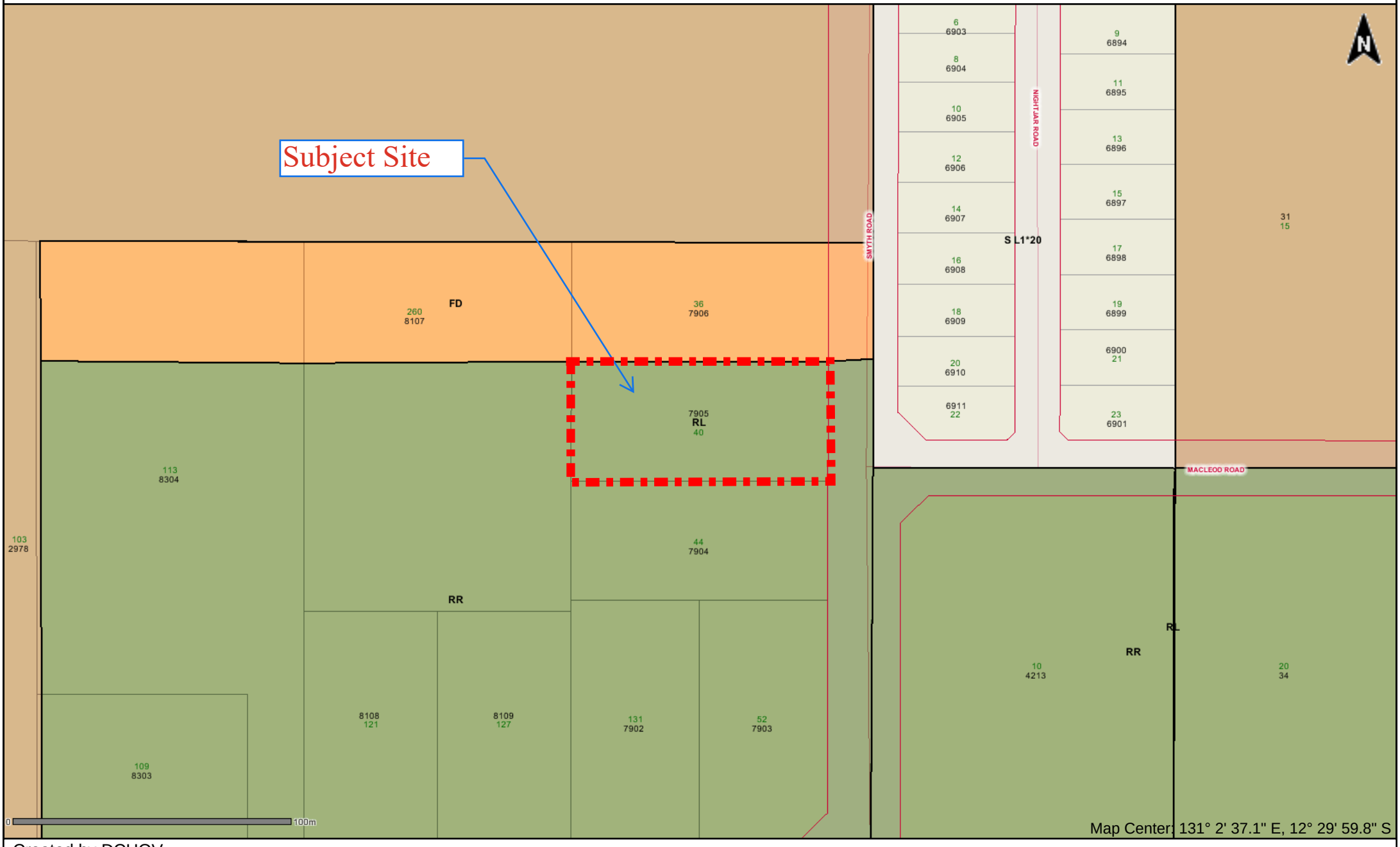
Legend

- General Lines
- Road Boundaries
- Town Planning Zones
  - A - Agriculture
  - CV - Caravan Park
  - CB - Central Business
  - C - Commercial
  - CL - Community Living
  - CP - Community Purpose
  - CN - Conservation
  - DV - Development
  - RR - Rural Residential
  - GI - General Industry
  - HT - Heritage
  - HR - High Density Residential
  - H - Horticulture
  - LI - Light Industry
  - M - Main Road
  - MR - Medium Density Residential
  - LMR - Low-Medium Density Residential
  - CA - No Planning Scheme Controls
  - OR - Organised Recreation
  - PM - Proposed Main Road
  - PS - Public Open Space
  - RW - Railway
  - RD - Restricted Development
  - R - Rural
  - RL - Rural Living
  - SC - Service Commercial
  - LR - Low Density Residential
  - S - Specific Use
  - TC - Tourist Commercial
  - U - Utilities
  - WM - Water Management
  - FD - Future Development
  - RJ - Residential Jabiru
  - PSJ - Public Open Space Jabiru
  - ORJ - Organised Recreation Jabiru
  - CJ - Commercial Jabiru
  - SCJ - Service Commercial Jabiru
  - TCJ - Tourist Commercial Jabiru
  - CPJ - Community Purpose Jabiru
  - FDJ - Future Development Jabiru
  - IJ - Industrial Jabiru
  - MJ - Main Road Jabiru
  - UJ - Utilities Jabiru
- Road Labels
- Road Centrelines
  - Highway
  - Other Road
- Street Numbers
- Parcel Numbers
- Cadastre
- Coastline

Created by DCHOV

Bottom Left: 131° 02' 28", -12° 30' 04"
Top Right: 131° 02' 45", -12° 29' 55"
Approximate Scale: 1:3,400
Datum: GDA 1994
Data for information purposes only
- accuracy not guaranteed
N.T. Land Information System
Copyright Northern Territory of Australia

40 Smyth Road, Howard Springs



Created by DCHOV

Bottom Left: -12° 30' 04", 131° 02' 28" Top Right: -12° 29' 55", 131° 02' 45" Approximate Scale: 1:1,700 Datum: GDA 1994

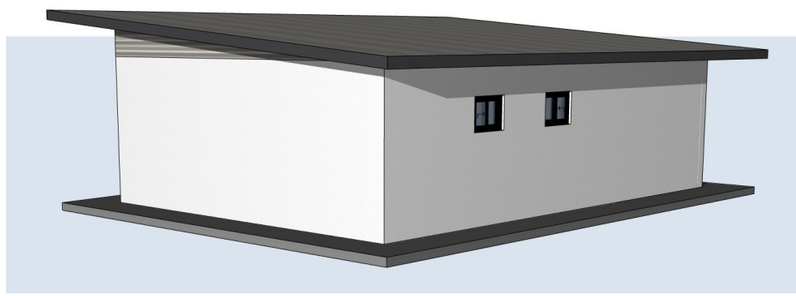
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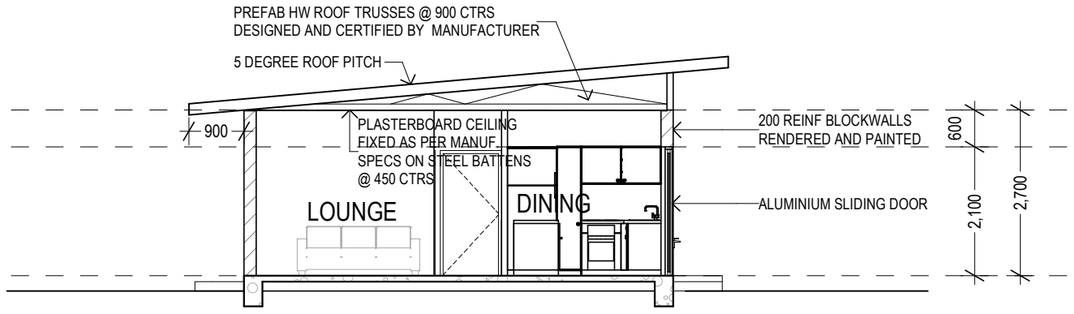
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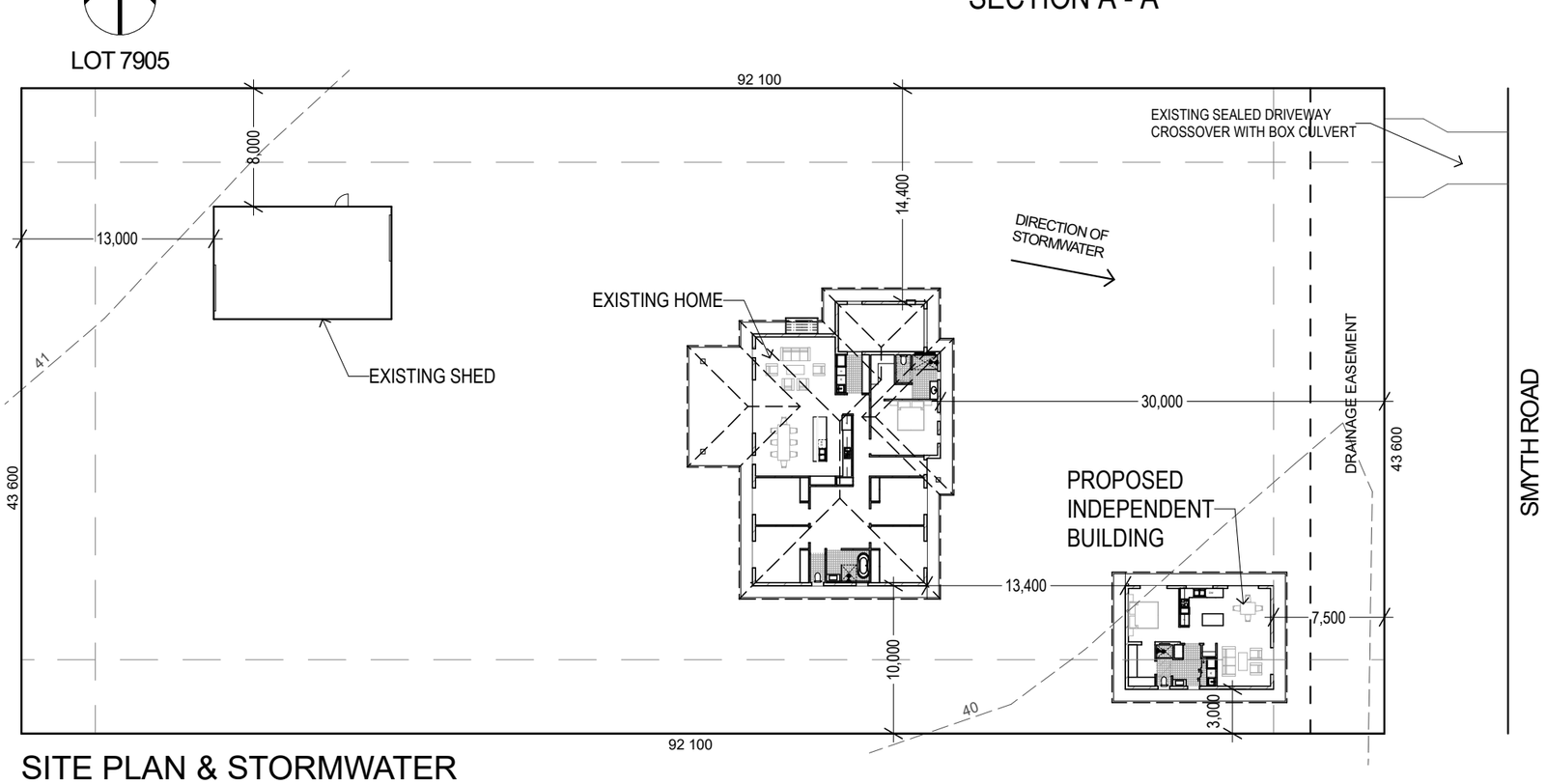
DISCLAIMER: COLOURS DISPLAYED IN 3D ARE INDICATIVE ONLY. ACTUAL COLOUR & TILES WILL BE DIFFERENT







SECTION A - A



SITE PLAN & STORMWATER

BUILDING NOTES

- VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY ON SITE WORKS OR FABRICATION

- FLOOR WASTE LEVELS TO BE MIN 250mm ABOVE NATURAL SURFACE

- ALL WORKMANSHIP TO BE IN ACCORDANCE WITH ANY RELEVANT AUSTRALIAN STANDARDS PREPARED BY THE STANDARDS AUSTRALIA AND THE NATIONAL CONSTRUCTION CODE

- WHERE DTC STANDARDS AS SHOWN, THESE REFER TO DEEMED TO COMPLY STANDARDS AS PREPARED BY THE NT BUILDING ADVISORY SERVICES BRANCH

- THE BUILDER SHALL BE RESPONSIBLE FOR THE STRUCTURE DURING ERECTION AND SHALL PROVIDE ADEQUATE PROPPING AND SUPPORT

- PROPRIETORY ITEMS AND NON STRUCTURAL MATERIALS WITH UNSPECIFIED FIXING SHALL BE CONSTRUCTED AS PER MANUFACTURES SPECIFICATION FOR THIS REGION

- TERMITE PROTECTION TO AS3660-1

- ALL WINDOWS AND SLIDING DOORS FRAMES, GLAZING, FIXINGS AND INSTALLATION TO BE DESIGNED AND CERTIFIED BY THE MANUFACTURER AS COMPLYING WITH AS1288, AS2047 & AS 2048. WATER PENETRATION RESISTANCE PRESSURE 300pa.
DESIGN WIND PRESSURES AS SPECIFIED ON DRAWINGS.

- WALLS AND FLOOR TO WET AREAS TO HAVE SMOOTH FINISH IMPERVIOUS TO MOISTURE (300 SPLASHBACK TO SINKS, BASINS ETC, 1800 TO SHOWER RECESS) - COMPLIANCE TO AS3740 AND PART 3.8.1 OF NATIONAL CONSTRUCTION CODE

- SHOWER SCREEN TO BE DESIGNED TO AS1288

- SMOKE ALARMS (COMPLY WITH AS3786) ARE TO BE INSTALLED WHERE SHOWN ON PLAN IN ACCORDANCE WITH NCC PART 3.7.2. PHOTOELECTRIC TYPES ARE TO BE FITTED ON CEILING AND IN HALLWAYS BETWEEN BEDROOMS AND OTHER HABITABLE AREAS (AS APPLICABLE)

GLAZING NOTES:
- WATER PENETRATION RESISTANCE PRESSURE 300pa.

- ULTIMATE DESIGN PRESSURE FOR GLAZING (Kpa)
LOCATION IN BUILDING (DISTANCE FROM EXTERNAL CORNER TO CENTRE OF GLASS PANEL)

0-1.0m	ELSEWHERE
3.8kPa	3.3 kPa

WIND LOADING TO AS1170.2
TERRAIN CATEGORY 2.5
REGION C

REV	DATE	REVISION

PROJECT: INDEPENDENT BUILDING

VICKI COULTHARD
LOT 7905 (STREET No 40)
SMYTH ROAD
HOWARD SPRINGS

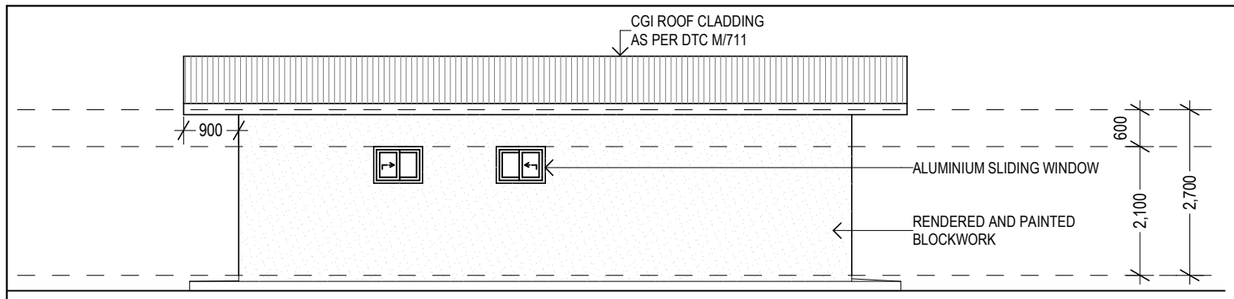
Carol's Drafting Service
PO Box 1723
Humpty Doo 0836
Ph 0412 720 530
ABN 31 614 921 514
Email: carol@carolsdrafting.com.au

DATE - 24.4.26

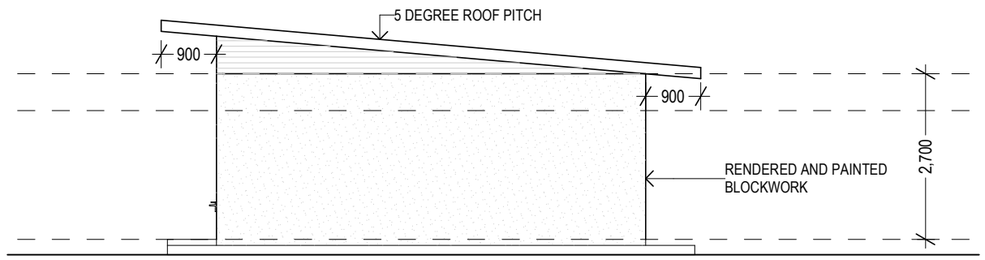
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DWN BY
C.RALPH _ CD270

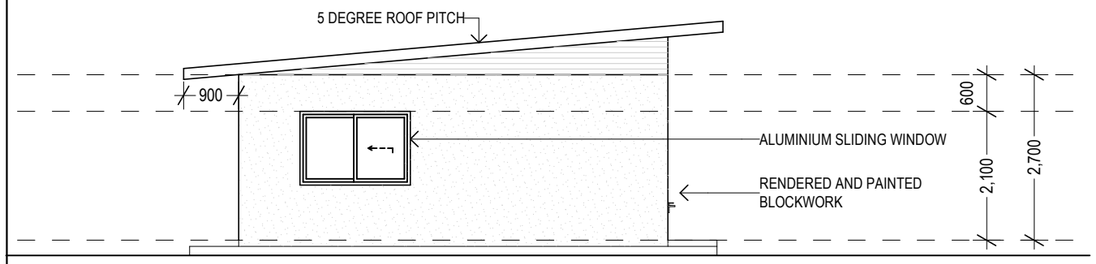
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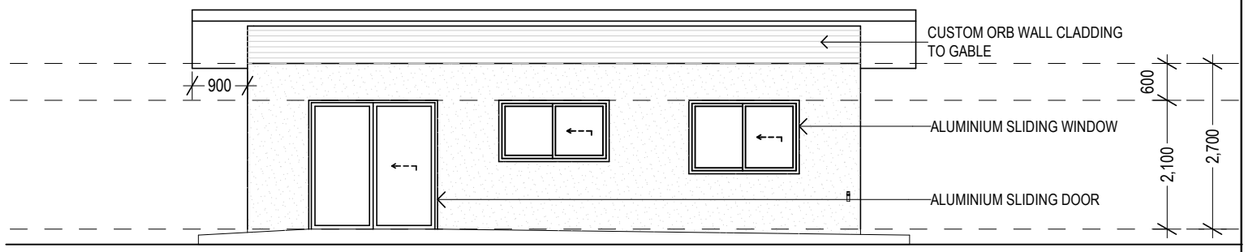
ELEVATION 1



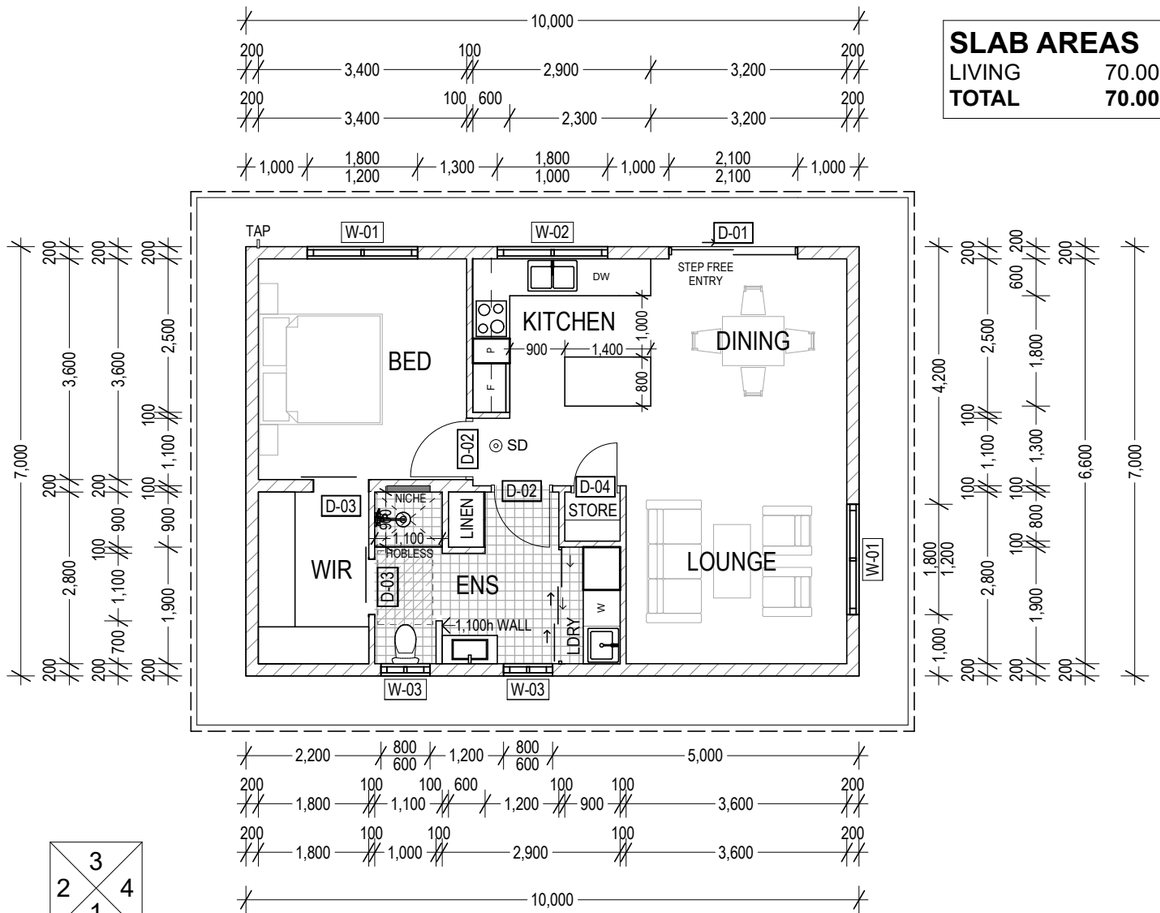
ELEVATION 2



ELEVATION 4



ELEVATION 3



GROUND FLOOR PLAN

ELEVATION KEY

SLAB AREAS

LIVING	70.00m²
TOTAL	**70.00m²**

WINDOW SCHEDULE		
ID	**W x H**	**TYPE**
W-01	1,800×1,200	ALUMINIUM SLIDING WINDOW
W-02	1,800×1,000	ALUMINIUM SLIDING WINDOW
W-03	800×600	ALUMINIUM SLIDING WINDOW

DOOR SCHEDULE		
ID	**W x H**	**TYPE**
D-01	2,100×2,100	ALUMINIUM SLIDING DOOR
D-02	1,000×2,040	INTERNAL 920 DOOR
D-03	900×2,100	INTERNAL FACE SLIDING DOOR
D-04	800×2,040	INTERNAL 720 DORR

SECURITY SCREENS TO ALL SLIDING WINDOWS AND GLASS SLIDING DOORS

REV	DATE	REVISION

PROJECT: INDEPENDENT BUILDING

VICKI COULTHARD
LOT 7905 (STREET No 40)
SMYTH ROAD
HOWARD SPRINGS

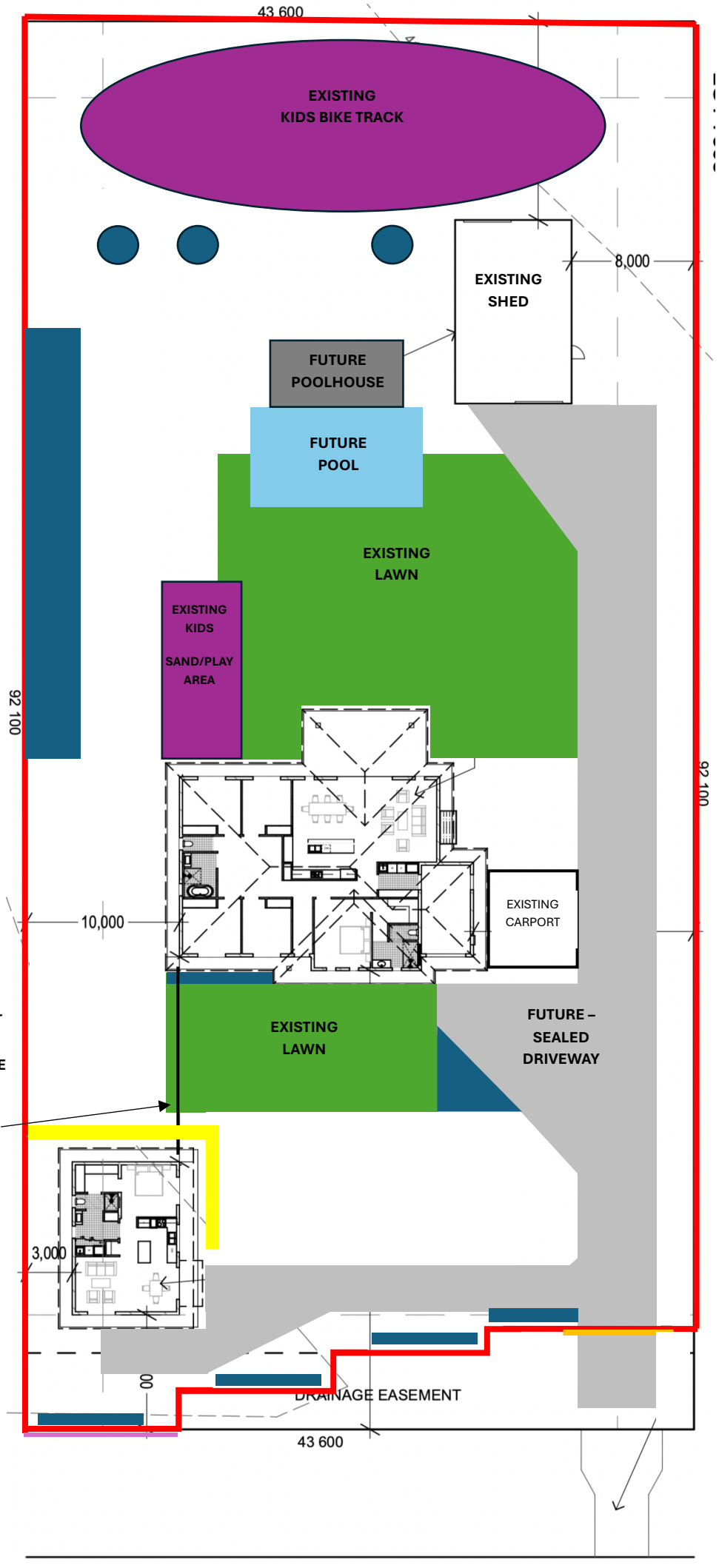
Carol's Drafting Service
PO Box 1723
Humpty Doo 0836
Email: carol@carolsdrafting.com.au
Ph 0412 720 530
ABN 31 614 921 514

DATE - 24.4.26

SCALE - 1:100

DWN BY
C.RALPH _ CD270

DWG NO 2 / SHEET 2



WITH THE 3M SET BACK ON THE SECOND INDEPENDENT DWELLING, IT WILL BE IN LINE WITH THE EXISTING PROPERTY

NOT SITTING INFRONT OF THE EXISTING PROPERTY.

- -Existing chain mesh fencing
- -Existing gate
- -Existing garden bed
- -Future garden beds - hedging
- -Future fencing colour bond
- White space to be filled with lawn in the furture

SR02

Photos of existing infrastructure

Main Dwelling from road



Main dwelling from entrance gate



SR02

Photos of existing infrastructure

Front yard looking from main dwelling



Front yard looking from main dwelling



SR02

Photos of existing infrastructure

Front yard looking from main dwelling



Proposed new Independent dwelling site



SR02

Photos of existing infrastructure

Back yard looking from main dwelling



Back yard looking from main dwelling



SR02

Photos of existing infrastructure

Back yard looking from main dwelling



Kids bike track





SR02

Photos of existing infrastructure

PA-2026/0274

40 Smyth Road, Howard Springs
Development application – Independent dwelling

To whom it my concern,

We are seeking approval to build an independent dwelling70sqm) on our 1achre Block at 40 Smyth Road hoard springs.

The block currently contains a Main Dwelling (240sqm) positioned in the middle of the block, and a Shed (108sqm) in the back right hand corner.

The granny flat is being used to house our elderly mother, and will not be under finance.

We are seeking approval for a variation to the required 5-metre side boundary setback, to allow the proposed independent dwelling to be positioned 3 metres from the left boundary.

We believe the proposed 3-metre setback is appropriate for the site and provides a more functional and suitable overall layout, while maintaining appropriate separation between the existing main dwelling, the proposed independent dwelling and the adjoining property.

Our reasons for requesting the variation are outlined below:

1. Improved independent access and functionality

Positioning the independent dwelling toward the front of the block allows it to function as a genuinely independent residence, with direct access from the entrance gate to the independent dwelling.

This arrangement avoids the need for the occupant of the independent dwelling to drive through or around the private yard of the existing main dwelling. It also preserves the rear portion of the property for the primary residence, which is intended to provide a functional family backyard, including children's play areas and future pool facilities.

Locating the independent dwelling toward the front therefore provides a clear separation between the two residences and allows both dwellings to operate independently without unnecessarily impacting the private open space of the main dwelling.

2. Existing Taylex wastewater system has been appropriately positioned

The existing Taylex wastewater system has been positioned in a location that allows it to service and remain functional for both dwellings.

The proposed location of the independent dwelling works in conjunction with the existing wastewater infrastructure and avoids the need to relocate or substantially get a new system.

Maintaining the proposed layout therefore provides a practical and efficient use of the existing site infrastructure while allowing both dwellings to operate appropriately.

3. The proposed setback maintains an appropriate relationship between the two dwellings

The existing main dwelling is positioned approximately 10 metres from the left boundary.

The proposed independent dwelling is approximately 7 metres wide. With the dwelling positioned toward the front of the property and with a 3meter side set back, it allows the boundary walls of both properties to be inline.

This arrangement minimises the visual impact of the proposed dwelling when viewed from the existing main residence and maintains a reasonable sense of openness across the site.

4. Maintaining the existing dwelling as the primary focus of the property

The proposed location of the independent dwelling has been carefully considered in conjunction with the future landscaping design for the property.

A 5-metre setback would require the independent dwelling to be positioned further into the property, resulting in greater encroachment into the space surrounding the main dwelling and potentially reducing the open landscaped area that contributes to the presentation and prominence of the existing residence. It would also obstruct the view of the main dwelling to and from the road.

The proposed independent dwelling is approximately **70 m^2**, compared with the existing main dwelling of approximately **240 m^2**. The significant difference in scale, together with the proposed landscaping and screening, will ensure that the main dwelling continues to clearly read as the primary residence and focal point of the property.

By allowing the independent dwelling to remain closer to the left boundary at 3 metres, it can be positioned toward the front of the site without unnecessarily encroaching into the space surrounding the main dwelling. This allows the proposed landscaping to provide screening and privacy to the independent dwelling while framing and highlighting the existing 240 m^2 dwelling from the road.

In our view, the 3-metre setback therefore provides a better visual outcome for the site than the 5-metre setback, as it allows the smaller independent dwelling to remain visually secondary while preserving the prominence and presentation of the existing main dwelling.

5. A practical and site-responsive outcome

We believe the requested variation provides a sensible, site-responsive outcome that makes better use of the available block while maintaining separation, privacy and functionality for both residences.

The proposed arrangement allows the independent dwelling to have its own access and functional living environment, works with the existing wastewater infrastructure, and preserves the existing backyard and amenity of the main dwelling.

We have gained support from our left side neighbours who have plans in the future to do a similar independent dwelling mirroring ours, this would make for a uniformed look across the 2 properties.

Importantly, the proposed positioning also allows the future landscaping to reinforce the existing main dwelling as the primary residence and visual focus of the property.

For these reasons, we respectfully request that consideration be given to reducing the required side boundary setback from 5 metres to 3 metres for the proposed independent dwelling.

PA-2026/0274

40 Smyth Road, Howard Springs
Development application – Independent dwelling

We believe the proposed variation achieves a practical and appropriate outcome for the site without compromising the functionality or amenity of the existing dwelling or the surrounding property.

Attached as appendix SR01 is a landscaping concept.

Attached as appendix SR02 is photos of the existing infrastructure.

Thank you for considering our request.
Kind regards,

Billy and Shilo BARRY

DATE 07/08/2026

Department of Lands and Planning
Development Consent Authority
GPO Box 1680
Darwin NT 0801

Dear Sir/Madam,

RE: Section 46 Application for a Development Permit for a dwelling-independent at Lot 3905 Smyth Road, Howard Springs

We wish to apply for a new Development Permit for a dwelling-independent at the above-mentioned address. The parcel of land is zoned Rural Residential and is 4,015 m2 in area. Planning Scheme clauses relevant to this application in an RR zone are 5.2.1, 5.2.4, 5.4.1, 5.4.2, 5.4.3 and 5.4.6. There are no overlays relevant to this parcel or proposal.

A left side variation is only required to 3m, all other setbacks meet NT Planning Scheme requirements.

Clause 5.2.1 – General Height Control

The proposed single dwelling has a maximum height of 3.2m, which is well under the maximum allowable height of 8.5m for buildings in this area.

Complies

Clause 5.2.4 – Vehicle Parking

The residence has room for 2 car parking spaces in-front of proposed dwelling. The residence does not have a proposed carpark or garage. The residence has access to the existing carport on the property less then 50m away.

Complies

Clause 5.4.1 – Residential Density

Two dwellings are proposed on the allotment which is in accordance with the RR Zoning. One existing dwelling-single and the second dwelling- independent.

The proposed dwelling-independent complies with 5.4.13 with a maximum floor area not exceeding 75sqm. Both dwellings to be serviced by a single water supply.

Complies

Clause 5.4.3 Building Setbacks of Residential Building and Ancillary Structures

In accordance with the purpose of this Clause, the Dwelling design has been sited to best meet the requirements of the Scheme and the needs of the client.

The front of the Dwelling-independent from the road is a 7.5 setback.

The left side of the dwelling-independent is proposed to sit 3m from the property's left fence line. With written approval of the left side neighbours at 42 Smyth Road.

The 3m is proposed to allow no site overhang of the dwelling-single and the dwelling-independent and still sits approx 15m from the dwelling-single on the neighbouring left side property.

Does not comply

Clause 5.4.6 – Private Open Space

Private open space to the allotment required is 50m2 open to the sky (with no dimension less than 1.5m) as well as 36m2 including a 6m dimension.

Complies

Section 46(3) of the Planning Act

(a) The above assessment has demonstrated how the proposal will comply with the NT Planning Scheme. The proposal complies with all relevant clauses except for Clause 5.4.3 – Building Setbacks.

(b) There is no interim control orders on this land, so this clause is not applicable.

(c) No environmental report or impact statement is required or has been prepared for this project.

(d) The merits of the development are such that the owner of the property will be provided with a completed new Residence dwelling-independent for a grandparent to live in, and longer term will be an asset to the property and area in general.

(e) The design of the Dwelling (single storey) has taken into account the physical characteristics of the land. The dwelling has been designed as the best layout for the block of land.

(f) There are existing public facilities in the vicinity of the land however no public facilities are proposed to be provided by the developer as part of these works.

(g) No public utilities or infrastructure are proposed or required as part of these works.

(h) The potential impact on the amenity of the area from the proposal is both minimal and positive.

(j) There is minimal public interest in this development.

I hope you find the application favourable and please feel free to contact me if you have any concerns regarding the proposed works.

Yours sincerely,

Billy and Shilo Barry

Technical Assessment PA2026/0274

TECHNICAL ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST RELEVANT PROVISIONS OF THE NORTHERN TERRITORY PLANNING SCHEME 2020

Application No:	PA2026/0274
Lot number:	Section 7905 (40) Smyth Road, Howard Springs
Town/Hundred:	Hundred of Bagot
Zone:	RR (Rural Residential)
Site Area:	4010m^2
Proposal:	Dwelling-independent with a reduced setback to the side boundary
Plans used for assessment:	Site and stormwater Plan, Indicative Floor Plan, Elevation Plan
Date assessment finalised:	02/09/2026

The proposed development requires consent under the Northern Territory Planning Scheme 2020 as described in the below table:

ZONE RR – RURAL RESIDENTIAL				
Use	**Assessment Category**	**Overlays**	**General Development Requirements**	**Specific Development Requirements**
Dwelling-independent	Merit Assessable (Permitted use with variation)	3.2 CNV - Clearing of Native Vegetation	5.2.1General Height Control 5.2.4 Car Parking	5.4.1 Residential Density 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures 5.4.6 Private Open Space 5.4.13 Dwelling-independent

An assessment of the relevant clauses are summarised in the table below.

Part 3 Clauses (Overlay)	**Compliance**		
	Yes	**No**	**N/A**
3.2 CNV - Clearing of Native Vegetation			
Part 5 Clauses (General Development Requirements)	**Compliance**		
	Yes	**No**	**N/A**
5.2.1 General Height Control			
5.2.4 Car Parking			
Part 5 Clauses (Specific Development Requirements)	**Compliance**		
	Yes	**No**	**N/A**
5.4.1 Residential Density			
5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures			
5.4.6 Private Open Space			
5.4.13 Dwelling-independent			

This is a technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme 2020 (NTPS2020) and is no indication of whether or not approval will be given by the consent authority.

NORTHERN TERRITORY GOVERNMENT

Clause 1.8(1)(b)

(b) *Merit Assessable* – 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.

Use and development of land require ***consent*** and is *Merit Assessable* when any of the following apply:

i. it is shown as *Merit Assessable* on the relevant assessment table in Part 4;
ii. it is shown as *Permitted* on the relevant assessment table in Part 4 but:
    1) requires ***consent*** by virtue of an Overlay as set out in Part 3; or
    2) does not comply with the relevant development requirements set out in Part 5;

Clause 1.10 Exercise of Discretion by the Consent Authority

2. In considering an application for consent for a use or development that has become Merit Assessable under Clause 1.8(1)(b)(ii)(2), the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.

3.2 CNV – Clearing of Native Vegetation

Purpose

Identify areas with limits to the **clearing of native vegetation** and ensure that clearing in these areas does not:

(a) impact on the conservation values of land within Zone CN; or
(b) unreasonably contribute to environmental degradation of the locality.

Administration

1. The **clearing of native vegetation** of more than one hectare in aggregate of land (including any area already cleared of native vegetation) within the area subject to the *Clearing of Native Vegetation Overlay* requires ***consent***. This Overlay applies to land within Zones RR, RL, R, H, A, CP, CN, RD, WM and Unzoned land.

2. Notwithstanding sub-clause 1, all **clearing of native vegetation** in Zone CN requires ***consent***, other than as provided for by sub-clause 4.

3. The consent authority may ***consent*** to the **clearing of native vegetation** that is not in accordance with subclause 5 only if it is satisfied that it is consistent with the purpose of this requirements and is appropriate in the context of the ***site*** and the locality having regard to such matters as:
    (a) the suitability of the site for the proposed use;
    (b) the values associated with the environmental characteristics (as applicable);
    (c) the significance, extent and likelihood of any potential environmental impacts; and
    (d) the measures the application proposes will be implemented to mitigate any potential impacts.

4. This Overlay does not apply if the **clearing of native vegetation** is required or controlled under any Act in force in the Territory, or is for the purpose of:
    (a) a firebreak as specified by the *Bushfires Management Act 2016* or the *Fire and Emergency Act 1996*, up to 5m wide along a boundary of a lot having an area of 8ha or less, up to 10m wide on a lot having an area greater than 8ha unless otherwise specified by a Regional Fire Control Committee;
    (b) an internal fence line up to 10m wide on a lot having an area greater than 8ha;
    (c) a road to ***access*** the land or other land; or
    (d) the maintenance and repair of public infrastructure.

Requirements

5. The **clearing of native vegetation** is to:
   (a) avoid impacts on environmentally significant or sensitive vegetation;
   (b) be based on land capability and suitability for the intended use;
   (c) avoid impacts on drainage areas, wetlands and waterways;
   (d) avoid habitat fragmentation and impacts on native wildlife corridors; and
   (e) avoid impacts on highly erodible soils.

The proposed site for the *Dwelling Independent* will not require clearing of native vegetation; however, the total area already been cleared.

COMPLIES

4.6 Zone RR – Rural Residential

Zone Purpose

Provide residential lots with a semi-rural character in areas where reticulated water is available that may:
a) cater for a range of lifestyle choices and semi-rural activities; or
b) support the growth and viability of rural activity centres; or
c) provide a transition between existing rural living areas and rural activity centres; or
d) provide a buffer between urban residential uses and constrained land.

CONSISTENT WITH ZONE REQUIREMENT

5.2.1 General Height Control

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

Administration
4. Except as set out in sub-clause 3, the consent authority may **consent** to a development that is not in accordance with sub-clause 6 if it is satisfied the **building height** is consistent with the intended character and **amenity** of the area, having regard to:
a) the heights of other buildings in the immediate vicinity; and
b) measures taken to mitigate potential impacts (such as unreasonable overshadowing or overlooking of dwellings and private open space) on abutting properties.

Requirements
6. The **building height** in all other areas is not to exceed:
   (b) two **storeys** to a maximum of 8.5m if the zone and use is not included in table B to this clause.

In accordance with Sub-clause 6(b), Table B does not specify an alternative height limit for the Rural Residential (RR) Zone. The proposed development is single storey, with the proposed Dwelling Independent having a floor-to-ceiling height of 2.7 metres and an overall building height of approximately 3.6 metres, including the roof. Accordingly, the development complies with the general height control requirement of 8.5 metres.

COMPLIES

5.2.4.1 Car Parking Spaces

Purpose

Ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of a ***site***.

Administration

1. This clause does not apply where alternative car parking space requirements are established under clause 5.9 (Location specific development requirements).
2. The consent authority may ***consent*** to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of ***car parking spaces*** is appropriate with regard to:

(a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;
(b) the provision of ***car parking spaces*** in the vicinity of the land;
(c) the availability of public transport in the vicinity of the land; and
(d) the potential impact on the surrounding road network and the ***amenity*** of the locality and adjoining property;
or if the use or development relates to a ***heritage place*** and the Minister responsible for the administration of the *Heritage Act 2011* supports the reduced provision of *car* ***parking spaces*** in the interest of preserving the significance of the ***heritage place***.

3. The consent authority may require the provision of ***car parking spaces*** for any ***ancillary*** use or development in addition to that specified for the ***primary use*** or development in the table to this clause.

Requirements

4. Use and development is to include the minimum number of ***car parking spaces*** specified in the table to this clause (rounded up to the next whole number).

Editor's Note: Clause 5.2.4.4 provides for the design and layout of a *car parking area*.

Table to Clause 5.2.4.1: Minimum number of required parking spaces	
Use or Development	Minimum Number of Car Parking Spaces Required
Dwelling-independent	1 per bedroom to a maximum of 2

The dwelling independent has one bedroom; therefore, the minimum requirement is 2 spaces, applicant state that in statement of effect that Sufficient vehicle parking spaces will be available onsite for residents of the 'Dwelling Independent'. Parking will be in proximity to the 'Dwelling Independent'.

Although the site area is large, and it is reasonable to assume that sufficient space exists to accommodate the required parking for the Dwelling-Independent, no designated car parking spaces are shown on the submitted plans.

COMPLIES

5.2.4.4 Layout of Car Parking Areas

Purpose

Ensure that a **car parking area** is appropriately designed, constructed and maintained for its intended purpose.

Schedule 2 of the NTPS2020 defines a car parking area as:

Car parking area means an area set aside or designated for the parking of three or more motor vehicles;

2 car parks are required per dwelling but there is no car parking area with three or more vehicles shown on the site plan.

NOT APPLICABLE.

5.4.1 Residential Density

Purpose

Ensure that the development of **residential buildings**:
(a) is of a density compatible with adjoining or nearby existing development or development reasonably anticipated;
(b) is of a density compatible with the existing or planned provision of reticulated services and community facilities which will service the area; and
(c) is consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations.

The Dwelling-single on the site is already established. Under the NT Planning Scheme 2020, Independent dwellings are not listed in any table for this clause.

NOT APPLICABLE

5.4.3 Building Setbacks for Residential Buildings and Ancillary Structures

Purpose

Ensure that **residential buildings** and **ancillary** structures are located in a manner that:
a) is compatible with the streetscape and surrounding development including **residential buildings** on the same **site**;
b) minimises adverse effects of building massing when viewed from adjoining land and the street;
c) avoids undue overlooking of adjoining properties; and
d) facilitates breeze penetration through and between buildings.

Administration

1. This clause does not apply in Zones CB, LI, GI and DV.
2. In this clause:
   a) an **ancillary** structure includes an **outbuilding** (excluding shade sails), balcony, portico and the like, which may or may not include external walls; and
   b) for all developments except **dwellings-multiple** in Zone MR or HR, where a lot has a boundary with a public street from which vehicular **access** to the lot is restricted by the controlling Agency or local government council, this boundary shall be considered a side or rear lot boundary for the purpose of calculation of the **building setback**.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the **site** having regard to such matters as its location, scale and impact on adjoining and nearby property.

4. If a building setback plan in Schedule 9 does not establish a specific setback to a nominated boundary, **residential buildings** and **ancillary** structures are to be set back from that boundary in accordance with sub-clause 6(a) or clause 5.4.3.3 as appropriate.

5. Despite sub-clause 6 sheds in Zones other than H, A, RR, RL and R may have a nil setback to the side and rear boundaries provided it is

(a) 6m or more from the **primary street** and 2.5m or more from a **secondary street** when measured to the wall of the shed or where there is no wall, the outer face of any column;
(b) has a cumulative **floor area** of 15m2 or less;
(c) is 2.5m or less in height;
(d) has no openings in walls that are less than 1.5m from a lot or unit title; and
(e) does not discharge rainwater on an adjacent lot or unit title.

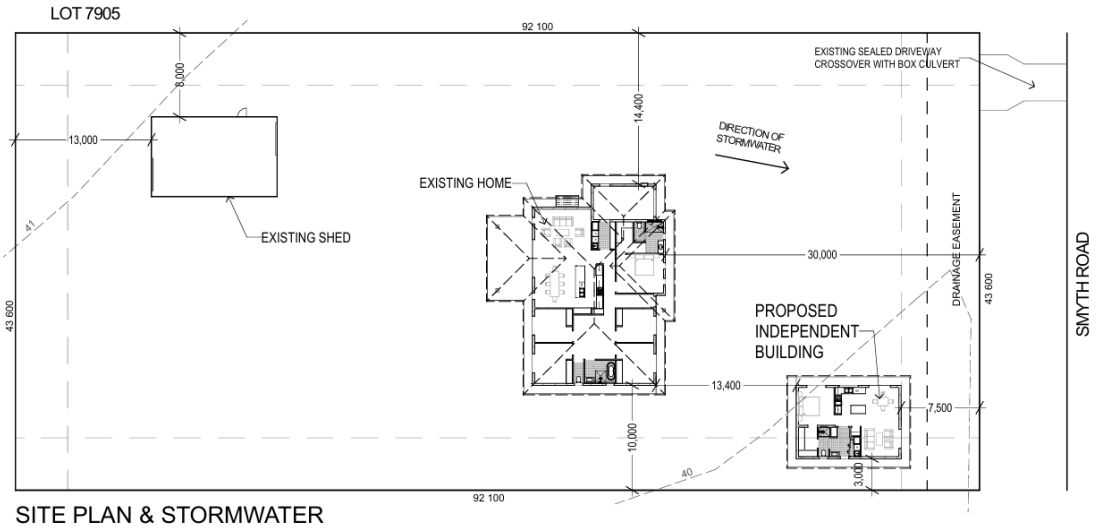
Requirements

6. Subject to clause 5.2.7, **building setbacks** of **residential buildings** and **ancillary** structures are to be set back from lot boundaries in accordance with:

(a) the relevant table to this clause; or
(b) any setbacks established in a building setback plan that is included in Schedule 9.

Table A to Clause 5.4.3: Minimum building setbacks for residential buildings and ancillary structures in zones in Zones RR, RL, R, H and A

Lot Boundary	Minimum Setback for 1 or 2 storey buildings
Primary street frontage	10m or 7.5m for lots less than 1ha in Zones RR and RL
Secondary street frontage	10m or 5m for lots less than 1ha in Zones RR and RL
Side and rear lot boundaries	10m or 5m for lots less than 1ha in Zones RR and RL



SITE PLAN & STORMWATER

The proposed dwelling-independent is setback 82.1m from the rear boundary, 33.6m from the northern side boundary, and 7.5m from the primary street frontage, all of which comply with the minimum setback requirements. However, the dwelling independent is setback 3m from the southern side boundary, which does not comply with the minimum 5m side boundary setback required by the Scheme.

DOES NOT COMPLIES

5.4.6.1 Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group

Purpose

Extend the function of a **dwelling** and enhance the residential environment by ensuring that each **dwelling** has private open space that is:

a) of an adequate size to provide for domestic purposes;
b) appropriately sited to provide outlook for the **dwelling**;
c) open to the sky and sufficiently permeable to allow stormwater infiltration and lessen runoff from the **site**; and
d) inclusive of areas for landscaping and tree planting.

Administration

1. The consent authority may **consent** to private open space that is not in accordance with sub-clauses 2 and 3 only if 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 adjoining and nearby property.

Requirements

2. Private open space should:
   a) satisfy the minimum area, dimensions and open to the sky requirements contained in the table to this clause;
   b) be directly accessible from the **dwelling** and enable an extension of the function of the **dwelling**; and
   c) be located to provide views from the **dwelling** to open space and natural features of the **site** or locality, and to reduce overlooking from neighbouring open space and **dwellings**;
   d) ensure that at least half of the private open space is permeable to allow stormwater infiltration and lessen stormwater runoff from the **site**;
   e) include at least one area of at least 5m2, with no dimension less than 1.5m, for the deep soil planting of trees and vegetation for shade or screening; and
   f) allow for landscaping at the property frontage to complement the visual **amenity** of the streetscape.
3. Where the private open space for a **dwelling-group** is at **ground level**, it should be:
   a) screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or
   b) fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting.

Table to Clause 5.4.6.1: Minimum Areas of Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group

For clarity, in this table: **Area A** is the minimum area, for each ***dwelling***, that must be open vertically to the sky and have no dimension less than 1.5m.

A least half of Area A must be permeable, and may include the $5m^2$ required for deep soil planting.

Area B is the minimum dimensioned space that extends the function of the ***dwelling*** and may be covered or open to the sky.
Any part of **Area B** that is open to the sky may form part of **Area A**.

Type of Dwelling	Private Open Space Area
Dwelling-independent in addition to the private open space requirement for the **dwelling-single**	**A.** $45m^2$, open vertically to the sky, with no dimension less than 1.5m; and **B.** $24m^2$, all or partly covered, with no dimension less than 4m.

Due to the large site area, the proposed dwelling-independent can comply with the private open space requirements of 45m^2, in addition to the private open space requirements for the dwelling-single.

COMPLIES

5.4.13 Dwellings-Independent

Purpose

Ensure a **dwelling-independent** provides for increased housing choice while remaining **ancillary** to the **dwelling-single** on a **site**, and is developed in a manner that:

a) avoids significant impact on the **amenity** of adjoining and nearby property;
b) does not detrimentally impact on the natural environment; and
c) does not adversely impact the local road network;

Administration

1. The consent authority must not **consent** to a **dwelling-independent** that is not in accordance with sub-clauses 4, 8 and 9.
2. 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 surrounding **amenity**.

Requirements

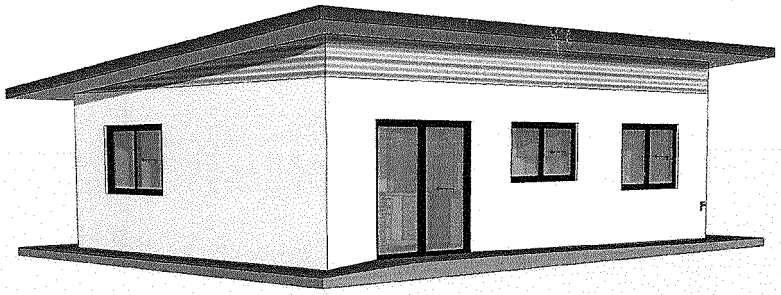
3. There will be no more than one dwelling-independent on a site.
4. The maximum **floor area** of the **dwelling-independent** in:
   a) Zones H, A, RL and R shall not exceed 100m2; and
   b) in all other zones shall not exceed 50m2.
5. There is only one shared vehicle **access** point to the road, unless the relevant authority has approved a second **access**.
6. Both **dwellings** will be serviced by either a single bore or a single connection to a reticulated water supply.
7. Both **dwellings** will be serviced by a single connection to a reticulated power supply.

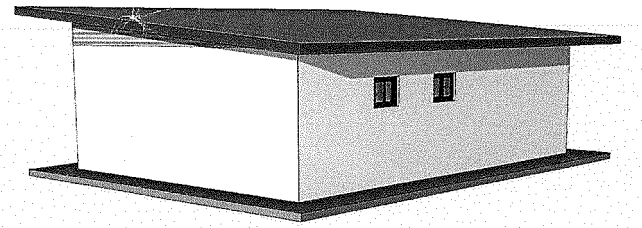
Assessment

The proposal is consistent with the requirements for a dwelling-independent. The proposal includes only one dwelling-independent on the site and provides shared vehicular access via the existing driveway located along the northern boundary. The development would have a single connection to a reticulated power supply and would be serviced by a common bore water supply and a shared effluent disposal system. In addition, the proposed dwelling-independent has a floor area of 70m^2, which complies with the floor area requirement for a dwelling-independent.

COMPLIES

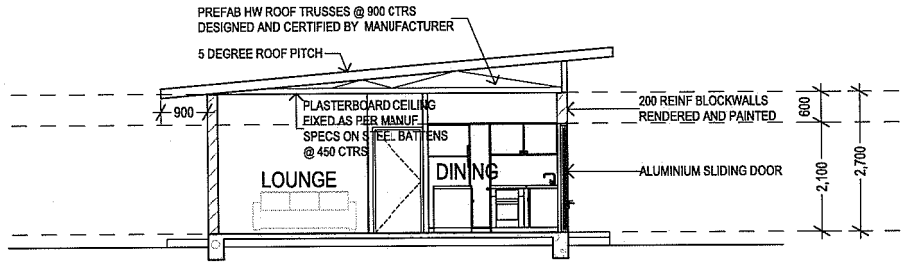
DISCLAIMER: COLOURS DISPLAYED IN 3D ARE INDICATIVE ONLY. ACTUAL COLOUR & TILES WILL BE DIFFERENT



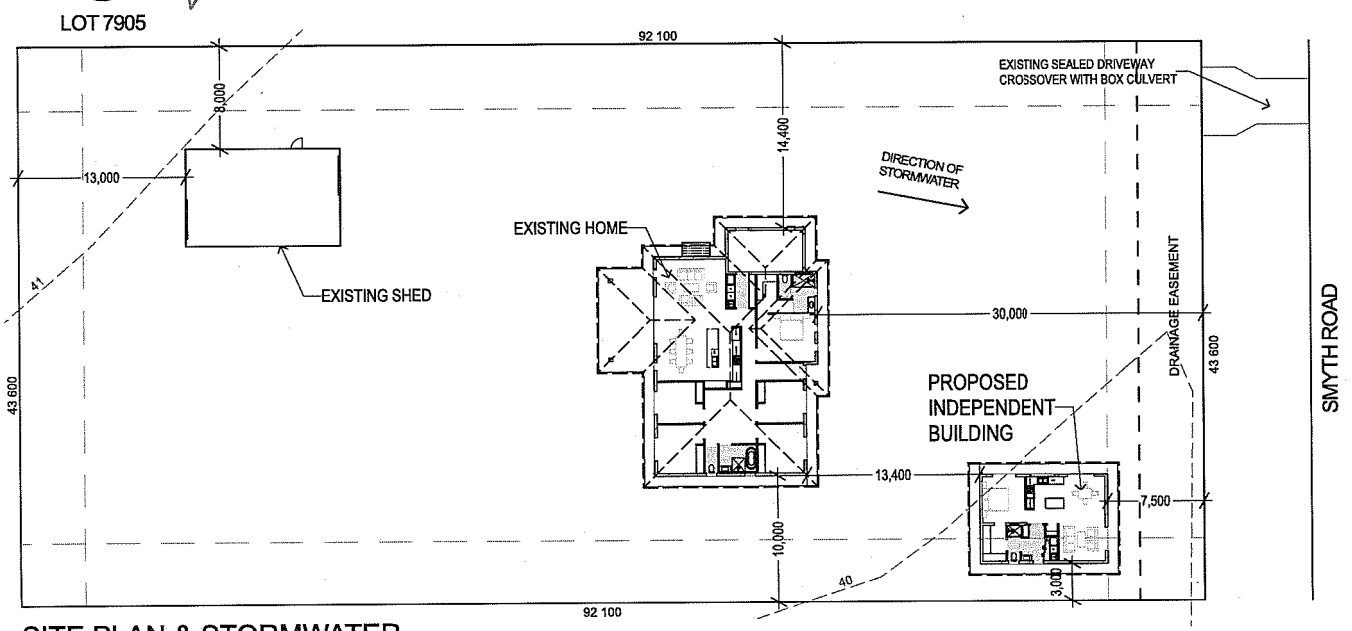


I John Ahnfeldt of 42 Smyth Road, Howard Springs, NT, 0832 give Billy and Shilo Barry of 40 Smyth Road permission to build their independent dwelling 3 metres off our adjoining block fence line. This will not affect us at 42 Smyth Road and support their reasons for the variation.

John Ahnfeldt
0459509338



SECTION A - A



SITE PLAN & STORMWATER

BUILDING NOTES

- VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY ON SITE WORKS OR FABRICATION

- FLOOR WASTE LEVELS TO BE MIN 250mm ABOVE NATURAL SURFACE

- ALL WORKMANSHIP TO BE IN ACCORDANCE WITH ANY RELEVANT AUSTRALIAN STANDARDS PREPARED BY THE STANDARDS AUSTRALIA AND THE NATIONAL CONSTRUCTION CODE

- WHERE DTC STANDARDS AS SHOWN, THESE REFER TO DEEMED TO COMPLY STANDARDS AS PREPARED BY THE NT BUILDING ADVISORY SERVICES BRANCH

- THE BUILDER SHALL BE RESPONSIBLE FOR THE STRUCTURE DURING ERECTION AND SHALL PROVIDE ADEQUATE PROPPING AND SUPPORT

- PROPRIETORY ITEMS AND NON STRUCTURAL MATERIALS WITH UNSPECIFIED FIXING SHALL BE CONSTRUCTED AS PER MANUFACTURES SPECIFICATION FOR THIS REGION

- TERMITE PROTECTION TO AS3660-1

- ALL WINDOWS AND SLIDING DOORS FRAMES, GLAZING, FIXINGS AND INSTALLATION TO BE DESIGNED AND CERTIFIED BY THE MANUFACTURER AS COMPLYING WITH AS1288, AS2047 & AS 2048. WATER PENETRATION RESISTANCE PRESSURE 300pa.
DESIGN WIND PRESSURES AS SPECIFIED ON DRAWINGS.

- WALLS AND FLOOR TO WET AREAS TO HAVE SMOOTH FINISH IMPERVIOUS TO MOISTURE (300 SPLASHBACK TO SINKS, BASINS ETC, 1800 TO SHOWER RECESS) - COMPLIANCE TO AS3740 AND PART 3.8.1 OF NATIONAL CONSTRUCTION CODE

- SHOWER SCREEN TO BE DESIGNED TO AS1288

- SMOKE ALARMS (COMPLY WITH AS3786) ARE TO BE INSTALLED WHERE SHOWN ON PLAN IN ACCORDANCE WITH NCC PART 3.7.2. PHOTOELECTRIC TYPES ARE TO BE FITTED ON CEILING AND IN HALLWAYS BETWEEN BEDROOMS AND OTHER HABITABLE AREAS (AS APPLICABLE)

GLAZING NOTES:
- WATER PENETRATION RESISTANCE PRESSURE 300pa.

- ULTIMATE DESIGN PRESSURE FOR GLAZING (Kpa) LOCATION IN BUILDING (DISTANCE FROM EXTERNAL CORNER TO CENTRE OF GLASS PANEL)

0-1.0m	ELSEWHERE
3.8kPa	3.3 kPa

WIND LOADING TO AS1170.2
TERRAIN CATEGORY 2.5
REGION C

REV	DATE	REVISION

PROJECT: INDEPENDENT BUILDING

VICKI COULTHARD
LOT 7905 (STREET No 40)
SMYTH ROAD
HOWARD SPRINGS

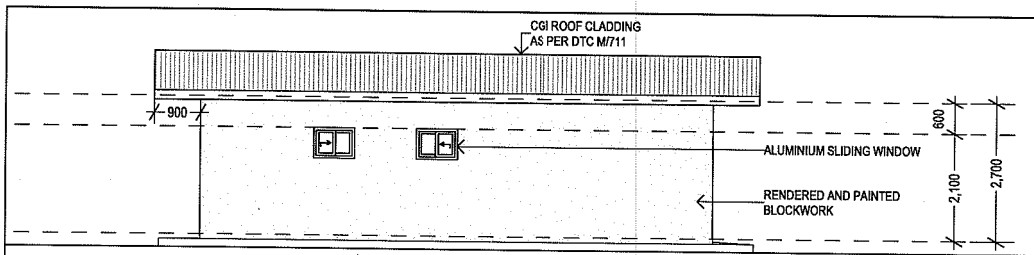
Carol's Drafting Service
PO Box 1723
Humpty Doo 0836
Email: carol@carolsdrafting.com.au
Ph 0412 720 530
ABN 31 614 921 514

DATE - 24.4.26

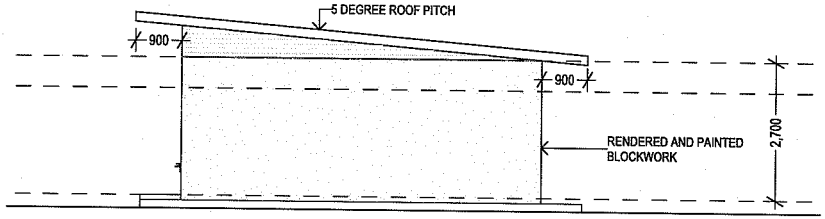
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DWN BY
C.RALPH _ CD270

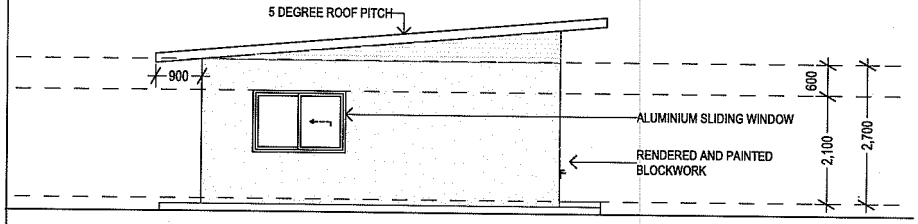
DWG NO 1 / SHEET 2



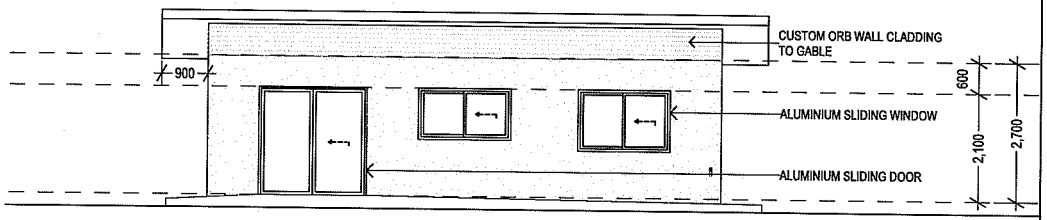
ELEVATION 1



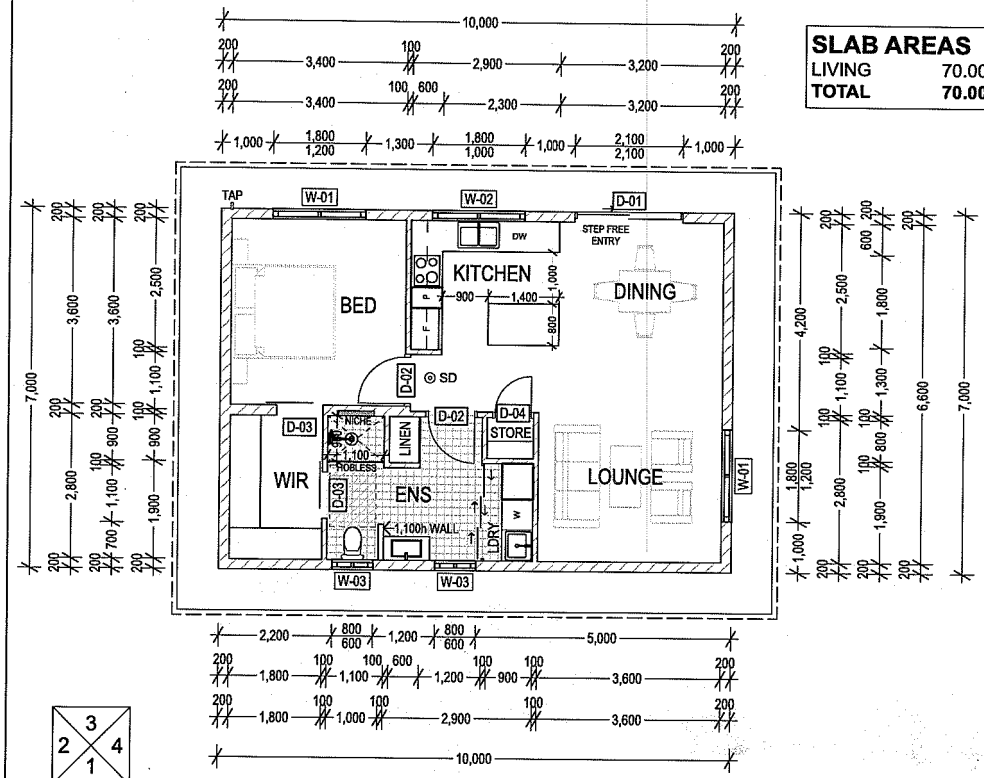
ELEVATION 2



ELEVATION 4



ELEVATION 3



GROUND FLOOR PLAN

ELEVATION KEY

SLAB AREAS

LIVING	70.00m²
TOTAL	**70.00m²**

WINDOW SCHEDULE		
ID	**W x H**	**TYPE**
W-01	1,800×1,200	ALUMINIUM SLIDING WINDOW
W-02	1,800×1,000	ALUMINIUM SLIDING WINDOW
W-03	800×600	ALUMINIUM SLIDING WINDOW

DOOR SCHEDULE		
ID	**W x H**	**TYPE**
D-01	2,100×2,100	ALUMINIUM SLIDING DOOR
D-02	1,000×2,040	INTERNAL 920 DOOR
D-03	900×2,100	INTERNAL FACE SLIDING DOOR
D-04	800×2,040	INTERNAL 720 DORR

SECURITY SCREENS TO ALL SLIDING WINDOWS AND GLASS SLIDING DOORS

REV	DATE	REVISION

PROJECT: INDEPENDENT BUILDING

VICKI COULTHARD
LOT 7905 (STREET No 40)
SMYTH ROAD
HOWARD SPRINGS

Carol's Drafting Service
PO Box 1723
Humpty Doo 0836
Email: carol@carolsdrafting.com.au
Ph 0412 720 530
ABN 31 614 921 514

DATE - 24.4.26

SCALE - 1:100

DWN BY
C.RALPH _ CD270

DWG NO 2

2 SHEET

Billy Barry

Subject: FW: Granny Flat documents

From: John Ahnfeldt <jahnfeldt121@gmail.com <mailto:jahnfeldt121@gmail.com> >
Date: Thu, 2 July 2026, 1:00 pm
Subject: Re: Granny Flat documents
To: Billy Barry <billy.barry160@gmail.com <mailto:billy.barry160@gmail.com> >
Cc: shilo diano <shilo.barry04@outlook.com <mailto:shilo.barry04@outlook.com> >

Hi Billy,

We don't have a problem with anything, carry on with your plans.
Hope it all goes well, be good to see it finished.

Cheers, John.

Kind regards,

John H Ahnfeldt
0459509338

On Thu, 2 Jul 2026 at 12:51 Billy Barry <billy.barry160@gmail.com <mailto:billy.barry160@gmail.com> > wrote:

Hey mate,

As discussed the other day see attached plans for our granny flat out the front for Shilos mum.

Honestly, any issues, questions or queries just let us know. Happy to chat about anything and want to make sure you guys are happy.

Kind regards,

Billy

---------- Forwarded message ---------
From: Billy Barry <billy.barry160@gmail.com <mailto:billy.barry160@gmail.com> >
Date: Thu, 2 July 2026, 12:44 pm
Subject: Fwd: Granny Flat documents
To: <Annette@abconsultingnt.com.au <mailto:Annette@abconsultingnt.com.au> >
Cc: shilo diano <shilo.barry04@outlook.com <mailto:shilo.barry04@outlook.com> >, Vicki Coulthard <bib_jgjesm@hotmail.com <mailto:bib_jgjesm@hotmail.com> >

Hi Annette,

Andrew Milner contacted you late last year about a granny flat we are building (owner builder) at 40 Smyth road Howards Springs <https://www.google.com/maps/search/40+Smyth+road+Howards+Springs?entry=gmail&source=g> .

Can you please quote on doing just the certification side of things and anything else thats required and i have missed. You did a quote for us last time but that was to do engineering etc as we'll but that has all been done and we're not going through Milner now to do it all.

We have changed a few things from our original plans. (See all documentation attached) If theres anything else required please let me know. Also can you send me the application stuff and I can fill out what ever is required.

Also, I'm struggling to get answers on building 3m off the side fence instead of 5m. I have got verbal approval from the neighbours that side. Do you know what's exactly required to make this happen? Lands and planning and the council have just bounced me around a bit when I have called.

Kind regards,

Billy Barry

4 September 2026

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

RE: Letter of Comment Development Application

PA2026/0274
Hun: 055 P: 07905 40 Smyth Road HOWARD SPRINGS, Hundred of Bagot
Dwelling-independent with a reduced setback to the side boundary

---

Thank you for the Development Application referred to this office on [document received], concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council <u>does not support</u> the granting of a Development Permit for the following reasons:

a) The layout within the property allows for the proposed dwelling-independent to be constructed in a location that does not require the reduction of the setback. Please refer to Attachment A - Site view @ 40 Smyth Rd, Howard Springs

b) The design of the proposed dwelling-independent may invertedly direct stormwater flows from the roof to the neighbouring property as a concentrated flow due to the lack of space available for stormwater runoff from the roof to allow for sheet flow.

c) The applicant provides a supporting aspect in the statement of effect addressing Clause 5.4.3 is to avoid no site overhang of the dwelling-single and dwelling-independent. Council appreciates that this may feel optimal for the aesthetics of the property but does not support this as a reason to support the proposed reduction of the setback.

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

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

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

a) The owner shall collect stormwater and discharge it to the drainage network, to the technical requirements and satisfaction of Litchfield Council, at no cost to Litchfield Council.

b) 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 public street, to the satisfaction of Litchfield Council.

c) Any developments on or adjacent to any easements on site in favour of Council shall be carried out to the requirements and satisfaction of Litchfield Council.

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

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

b) A *Works Permit* is required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.

c) Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Interim Development Control Order 29.

If you require any further discussion in relation to this application, please contact Litchfield Council on 08 8983 0600.

Kind Regards,

Rob Taylor
Development Engineer

Attachment A –
Site view @ 40 Smyth Rd, Howard Springs



PowerWater

Phone 1800 245 092
Web powerwater.com.au

Record No: D2026/253945
Container No: NE055/7905

Your Ref: PA2026/0274

Drashti Chovatiya
Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Drashti

Re: Section 7905 (40) Smyth Road Howard Springs Hundred of Bagot

In response to your letter of the above proposal for the purpose of a dwelling-independent with a reduced setback to the side boundary, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. This property is currently provided with a limited capacity of three-phase power supply from the overhead distribution network on Smyth Road.

2. The landowner shall engage a licensed electrician to prepare a revised overall AS-3000 maximum power demand calculation for both existing dwelling and the new dwelling-independent and apply for a Negotiated Connection application under the Australian Energy Regulator (AER) compliance process for PWC's assessment on power supply capacity upgrade requirements.

3. The engaged licensed electrician shall carry out the customer's internal electrical reticulation upgrade works in accordance with the PWC's current NP018-Service and Installation Rules 2024 and NP010-Meter Manual.

If you have any further queries, please contact Robyn Gless, Customer Connections Officer on 0417 908 689.

Yours sincerely

(Caesar Yik)
for Thanh Tang
Manager Distribution Development

25 August 2026

PowerWater

Phone 1800 245 092
Web powerwater.com.au

Container No: LD055/7905

DLPE - Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Drashti Chovatiya

RE: PA2026/0274 - Section 07905 Hundred of Bagot - 40 Smyth Rd, Howard Springs NT - Dwelling-independent with a reduced setback to the side boundary

In response to your letter of the above proposal for development application purpose, Power and Water Corporation Water Services advises the following with reference to water and sewer enquiries:

1. Reticulated sewer services are currently unavailable in the area. The developer must contact relevant authorities to discuss servicing requirements for the proposed development.

2. The developer may need to upgrade the existing water service and should contact Services Development prior to start of construction.

3. The developer must ensure that;

    a) Backflow prevention is installed at the water service in accordance with AS/NZS 3500.1 – Plumbing and Drainage - Water Services

    b) Where applicable, the device is tested annually in accordance with AS/NZS 2845.3 field testing and maintenance of testable devices.

    Visit https://www.powerwater.com.au/developers/water-development/backflow-prevention or contact BackflowPrevention.PWC@powerwater.com.au for all backflow prevention enquires.

4. Full lot fire coverage cannot be achieved from existing hydrants. Internal firefighting arrangements must be made to the satisfaction of NT Fire and Rescue Service. An internal break tank maybe required for firefighting, as direct pumping from PWC water mains is not permitted.

    PWC recommends that the developers' hydraulic consultant confirm internal firefighting requirements with PWC prior to the development, so that flow capability can be adequately assessed.

5. All required works mentioned above must all be at according to Power and Water's Connection Code and at the developer's expense. All standard, quoted and Water and Sewerage System Extension Policy (WASSEP) charges, as well as contribution charges may be applicable. As required, Power and Water will reassess the charges for the development.

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

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

Yours sincerely

Craig Thomas

Craig Thomas
Services Development

28 August 2026

cc: Billy Barry
email: billy.barry160@gmail.com

NT FIRE & EMERGENCY SERVICES

Level 5 NAB House
71 Smith Street Darwin NT 0800

PO Box 37171
Winnellie NT 0821

E NTFES.StrategicServices@pfes.nt.gov.au

T 08 8948 9130

Our reference
04-D26-112264

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

Dear Mr Chovatiya

Re: PA2026/0274 – Lot 7905 40 Smyth Road, Howard Springs NT

The Northern Territory Fire and Emergency Services (NTFES) has assessed the information contained in the development application for Lot 7905 – 40 Smyth Road, Howard Springs NT and provides the following response:

Regulation 3 of the *Northern Territory Fire and Emergency Regulations 1996* outlines the legal requirements for owners and occupiers to install and maintain firebreaks. For reference, the full text of regulation 3 is provided below:

3 Firebreaks

(1) The occupier or, if there is no occupier, the owner of land in an emergency response area must ensure a firebreak that complies with this regulation is created and maintained along the entire boundary of the land.

(2) The firebreak must:

a) be at least 4 m wide

b) consist of one or more of the following:

(i) bare earth

(ii) grass not exceeding 50 mm high

(iii) lawn or cultivated garden.

(3) However, the firebreak may contain trees if they do not:

a) restrict fire-fighting vehicles being driven along the firebreak

b) otherwise pose a direct or indirect danger by fire or other emergency to life or property.

In accordance with the NT Fire and Rescue Services Policy on Regulating Firebreak Requirements in Emergency Response Areas, an inspection of the land was conducted on 22 September 2026, and based on the details outlined below, has determined that implementing a 4 meter wide firebreak as required under Regulation 3, would be impractical and unreasonable. A 3 meter wide firebreak will not compromise fire safety.

All other requirements of regulation 3 are to be complied with. NTFES has no objections to application PA2026/0274. Upon inspection, Lot 7905 40 Smyth Road, Howard Springs:

- There are sufficient access points for firefighting vehicles to enter the property
- The type and amount of vegetation on the property is low and well maintained
- The property has ample clearance around existing infrastructure for fire service access and operations.

This determination is based on the factors observed at the time of the inspection and the information available at that time. Should any of these circumstances change, the current determination will no longer be valid. In such cases a new inspection will be required, and there is no guarantee that the previous determination regarding firebreak requirements will remain the same.

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

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

Yours sincerely



Krystel Harvey
Director Strategic Services
Northern Territory Fire and Emergency Services

25 September 2026

NORTHERN TERRITORY GOVERNMENT
Department of **LANDS, PLANNING AND ENVIRONMENT**

Level 1
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31 August 2026

Ms Drashti Chovatiya
Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Our Ref: DLPE2026/0332
Your Ref: PA2026/0274

Dear Ms Chovatiya

Re: PA2026/0274 Dwelling-independent with a reduced setback to the side boundary

The above application has been assessed by the relevant divisions within the department, and the following comments are provided:

Lands and Planning Division

Building Advisory Services

Based on the information provided, Building Advisory Services do not foresee any potential issues with the proposed development, however, it is noted that the existing dwelling is serviced by an on-site wastewater management system (WMS). If the proposed dwelling-independent is to be connected to the existing on-site WMS, the WMS must be reviewed by a certifying plumber and drainer and either:

- Be certified as complying with the Code of practice for wastewater management; or
- Upgraded to handle the increased waste load.

A building permit must be granted and in force prior to the commencement of works. All building works are to comply with the *Building Act 1993*, the Building Regulations 1993 and the National Construction Code.

Environmental Regulation Division

Based on the information provided, the proposal does not appear to trigger the licensing requirements of an Environment Protection Approval (EPA) under the *Waste Management and Pollution Control Act 1998* (WMPC Act). Activities requiring authorisation are listed in Schedule 2 of the WMPC Act.

Under the WMPC Act, all persons have statutory obligations to take all reasonable and practicable measures to prevent or minimise pollution and environmental harm, and to reduce the amount of waste generated. This is known as the General Environmental Duty, set out in section 12 of the WMPC Act. The proponent is responsible for ensuring that their activities comply with these obligations.

Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority (NT EPA) website[1].

The proponent is advised to take notice of this non-exhaustive list of environmental issues that should be considered to help satisfy General Environmental Duty:

1. **Dust**: The proponent must ensure that nuisance dust and/or nuisance airborne particles are not discharged or emitted beyond the boundaries of the premises.

2. **Noise:** The proponent must ensure that noise levels from the premises comply with the latest version of the NT EPA Northern Territory Noise Management Framework Guideline[2].

   If the proposal is situated where there are existing activities nearby that may already generate noise, please see the NT EPA advice on Recommended Land Use Separation Distances[3].

3. **Erosion and Sediment Control (ESC):** The proponent must ensure that pollution and/or environmental harm do not result from soil erosion.

   ESC measures must be employed prior to and throughout the construction stage of the development. Larger projects should plan, install and maintain ESC measures in accordance with the current International Erosion Control Association (IECA) Australasia guidelines[4].

   Where sediment basins are required by the development, the NT EPA recommends the use of at least Type B basins, unless prevented by site specific topography or other physical constraints.

   Basic advice for small development projects is provided by the NT EPA document: Guidelines to Prevent Pollution from Building Sites[5].

4. **Storage:** Where an Environmental Protection Approval or Environmental Protection Licence is required, the proponent must act in accordance with that authorisation.

   If an Environment Protection Approval or Environment Protection Licence is not required, the proponent must store liquids only in secure bunded areas in accordance with VIC EPA Publication 1698: Liquid storage and handling guidelines[6]. Where these guidelines are not relevant, the storage must be at least 110% of the total capacity of the largest vessel in the area.

5. **Site Contamination**: If the proposal relates to a change of land use or if the site is known to be contaminated, a contaminated land assessment may be required in accordance with the National Environment Protection (Assessment for Site Contamination) Measure (ASC NEPM). The proponent is encouraged to refer to the information provided on the NT EPA website[7], and the NT Contaminated Land Guidelines[8].

[1] https://ntepa.nt.gov.au/publications-and-advice/environmental-management
[2] https://ntepa.nt.gov.au/__data/assets/pdf_file/0004/566356/noise_management_framework_guideline.pdf
[3] https://ntepa.nt.gov.au/__data/assets/pdf_file/0006/453192/guideline_recommended_land_separation_distances_oct.pdf
[4] https://www.austieca.com.au/publications/best-practice-erosion-and-sediment-control-bpesc-document
[5] https://ntepa.nt.gov.au/__data/assets/pdf_file/0010/284680/guideline_prevent_pollution_building_sites.pdf
[6] https://www.epa.vic.gov.au/about-epa/publications/1698
[7] https://ntepa.nt.gov.au/your-environment/contaminated-land
[8] https://ntepa.nt.gov.au/__data/assets/pdf_file/0020/434540/guideline_contaminated_land.pdf

6. **Waste Management - Import and Export of Fill**: The proponent must ensure all fill imported or exported as part of the activity must be certified virgin excavated natural material (VENM) in accordance with the NSW EPA guidelines[9].

   All imported fill material must be accompanied by details of its nature, origin, volume, testing and transportation details. All records must be retained and made available to authorised officers upon request. The proponent should also consider the following NT EPA fact sheet: Illegal Dumping - What You Need to Know[10].

7. **Odour or Smoke**: The proponent must ensure that nuisance odours or smoke are not emitted beyond the boundaries of the premises.

   If the proposal is situated where there are existing activities nearby that may already generate odour or smoke, please see the NT EPA advice on Recommended Land Use Separation Distances[11].

8. **Water:** The proponent must ensure stormwater is not polluted, refer to water management in the NT EPA guidelines to Prevent Pollution from Building Sites[12].

   If this activity requires the discharge of waste to water or could cause water to be polluted, then a waste discharge licence under the *Water Act* 1992 (NT) may be required. Please refer to the Guidelines[13].

Should you have any further queries regarding these comments, please contact the Development Coordination Branch by email DevelopmentCoordination.DLPE@nt.gov.au or phone (08) 8999 4446.

Yours sincerely

Maria Wauchope
Executive Director Land Resources

[9] https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/virgin-excavated-natural-material
[10] https://ntepa.nt.gov.au/__data/assets/pdf_file/0008/285740/factsheet_illegal_dumping_what_you_need_know.pdf
[11] https://ntepa.nt.gov.au/__data/assets/pdf_file/0006/453192/guideline_recommended_land_separation_distances_oct.pdf
[12] https://ntepa.nt.gov.au/_media/waste-and-pollution/pdf/guidelines/guideline_prevent_pollution_building_sites.pdf
[13] https://ntepa.nt.gov.au/__data/assets/pdf_file/0005/950603/guidelines-waste-discharge-licensing.pdf