DEVELOPMENT CONSENT AUTHORITY
LITCHFIELD DIVISION

NORTHERN TERRITORY PLANNING SCHEME 2020

AGENDA ITEM: **MEETING DATE**: 18/11/2026 **FILE**: PA2026/0070

APPLICATION PURPOSE:	Home based business (storage of material and vehicles) exceeding usage area of 200m^2 and keeping of more than three (3) vehicles
SUBJECT SITE:	Section 4962 (25) Cornelius Circuit, Girraween, Hundred of Bagot
ZONE:	RL (Rural Living)
SITE AREA:	2.02 ha
APPLICANT	Upside Planning Pty Ltd – Director, Cameron Judson
PERSONS ON WHOSE BEHALF THE APPLICATION IS MADE	Landowner
LANDOWNER	Luke Austerberry & Jenna Singleton
ANY PERSON WITH AN AGREEMENT TO ACQUIRE AN INTEREST IN THE LAND	None

1. PROPOSAL

The application is for a home-based business (storage of material and vehicles) at Section 4962 (25) Cornelius Circuit, Girraween, Hundred of Bagot. The 2.02ha lot is located in Zone RL (Rural Living) of the Northern Territory Planning Scheme 2020 (NTPS). A location plan is included at **Bookmark A**.

The application was submitted by Cameron Judson of Upside Planning on behalf of the landowners, Luke Austerberry and Jenna Singleton. It was lodged on 9th March 2026 for a home-based business activity for the storage of vehicles and machinery associated with a drilling business, run by the resident landowner, which exceeded the maximum 200m^2 usage area (734m^2 proposed), and the 3 business vehicle limitation (15 vehicles proposed to be kept overnight on the premises). The industrial business had not been formally established on the site on Cornelius Circuit which is a local road within a rural residential area.

An amended application was provided on the 27th July 2026. An amended proposal was provided as the owner and the applicant realised that the original proposal with an area of 734m^2 was not ancillary and would likely not be supported by the Authority. The amended application proposes a home-based business activity for the storage of vehicles and machinery associated with a drilling business which exceeds the maximum 200m^2 usage area (218.75m^2 proposed).

A copy of the original, exhibited application is included at **Bookmark B1** and the Amended Plans and updated Statement of Effect at **Bookmark B2**.

2. REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

The proposed land use of a 'home based business' is defined by the NTPS as:
A home based business means use of a dwelling or the site of a dwelling by a person who resides in the dwelling for a business activity which is subordinate to the primary residential use including;
(a) family day care for no more than 7 children;
(b) storage of materials and vehicles;
(c) carrying out of an occupation or profession; and
(d) provision of temporary accommodation on a commercial basis within the dwelling.

The proposed development requires consent at the Merit Assessable level of assessment in accordance with Clause 1.8(1)(b)(ii)(2) of the NTPS as follows:
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 requires consent and is Merit Assessable when any of the following apply:
ii. it is shown as Permitted on the relevant assessment table in Part 4 but:

(2) does not comply with the relevant development requirements set out in Part 5.
The consent authority has the following discretion in relation to this development application in accordance with Clause 1.10(2) of the NTPS:
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.

The proposal has been assessed against the NTPS at **Bookmark C** and complies with all applicable clauses listed in the following table, except for Clause 5.4.10 Home Based Businesses.

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
Zone RL (Rural Living)	3.2 CNV – Clearing of Native Vegetation 3.5 LPA - Land in Proximity to Airports	No	5.2.1 General Height Control 5.2.4 Car Parking Spaces 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent 5.4.10 Home Based Businesses	Merit Assessable

The exercise of discretion by the consent authority that applies is clause 1.10(2.

3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should approve the application subject to conditions on the development permit as detailed in section 9 of this report.

4. BACKGROUND

A dwelling-single and associated outbuilding has been constructed on the site since 2000, following creation of the land parcel from an eight-lot subdivision in 1997. The current landowners have owned the property since January 2022.

No development permit had been issued for a use of the site. The subject development application was lodged in response to an enforcement action taken by Development Assessment Services against the landowner for the home-based business activity exceeding allowable footprint and vehicles associated with the business in the Rural Living zone of the NTPS 2020.

The original lodged proposal was for the existing activity on site which was at an industrial level. The applicant has recognised that this was not ancillary and the owners have now begun to shift the industry to a new location in Humpty Doo which is suitable to the industrial use.

The applicant has provided amended plans and as the proposal was considered to be a reduction in amenity impacts it was not re-exhibited.

5. PUBLIC EXHIBITION

The application was placed on public exhibition for a period of two weeks. No public submissions were received under section 49(1) of the *Planning Act 1999*

Whilst no submissions were received during the exhibition this is not an indicator that neighbours are not concerned but reflects that they feel the need to keep anonymity. It is recognised that 5 complainants have lodged complaints over the course of 6 months through DAS Compliance in response to amenity impacts of the industrial activities happening on the site.

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 proposal has been assessed against the NTPS 2020 at **Bookmark C** and complies with all applicable clauses, except for Clause 5.4.10 Home Based Businesses.

5.4.10 Home Based Businesses

Subclause *5 lists the applicable requirements for the proposed home-based business as:*

(b) the storage of materials and vehicles as part of a home-based business is acceptable in Zones RL, R, H, A or FD where:

i. the total area of the site that is used (including areas used temporarily) does not exceed 200m^2;
ii. no goods or equipment are visible from outside the site; and
iii. not more than three vehicles kept on the site are associated with the home-based business;

iv. it does not involve any materials or equipment that cause nuisance or emissions that adversely impact on the amenity of the locality;

The proposed home-based business for the storage of vehicles and machinery associated with a drilling business run by the resident landowner has been found not to be in accordance with the requirements of subclauses 5(b) because the proposal is for 218.75m^2 area to be used for the home-based business where 200m^2 limit is prescribed by the Scheme. Three business vehicles are proposed to be kept on the premises and three are allowed under this clause. It should also be noted that additional parking for two employee car spaces is proposed to be provided as part of the 218.75m^2 area.

The clause 5.4.10 remains unclear on employee vehicles and if they should be included in the vehicles proposed to be associated with the business. The term 'kept on site' in 5b(iii) infers vehicles that remain overnight and belong to that address not vehicles that are there during the work hours.
Clarity was sought from the applicant regarding the employees activities and they have indicated that the two employees drive to the site, park their vehicles there during the day, then use the business vehicles to attend work which is all offsite. For these reasons the employee vehicles have not been included as business vehicles within the calculation but the car spaces have been included in the business area calculation.

(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

No public submissions were received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal.

(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 application states that the amended proposal has the following merits:

- limits the business to a defined portion of the existing building & parking areas
- limits business vehicles kept onsite to three
- prevents external business storage or standing outside the nominated areas
- maintains the dwelling as the primary use of the land
- separates domestic areas and household parking from the business operation

(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 RL (Rural Living) zoned land of 2.02ha is capable of supporting the proposed home-based business with no adverse impacts to the subject land and surrounding land anticipated, subject to precedent conditions on the permit.

(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 not a requirement for public open space.

(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 original proposal was circulated to service authorities and local government for comment. As the proposal was considered to be a significant reduction in size and impact to the original it was not recirculated to all service authorities but was provided to Litchfield Council for comment.

Power and Water Corporation – **Bookmarks D1 (Power) & D2 (Water)**
This service authority had no objection or requirements to the original proposal, with only the following raised for consideration by the applicant:

- The Proponent shall engage a licensed electrician to carry out audit and applicable rectification work on customer's internal electrical installation in accordance with NP018 Service and Installation Rules 2024 and NP0lO-Meter Manual when seeking power clearance letter.
- Reticulated sewer services are currently unavailable in the area.
  The developer may need to upgrade the existing water service and should contact Services Development prior to start of construction.
- The developer must ensure that backflow prevention is installed at the water service in accordance with AS/NZS 3500.1 – Plumbing and Drainage - Water Services; and where applicable, the device is tested annually in accordance with AS/NZS 2845.3 field testing and maintenance of testable devices
- 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.
- These comments can be addressed through standard development conditions and permit notations.

Litchfield Council – **Bookmark D3**
Council did not support the original proposal on the basis of intensity of use and adverse amenity impacts, potential impacts on ground water and storage and management of waste on site. At the time Council requested the following conditions a number of conditions including standard conditions addressing crossover, specific conditions in relation to stormwater, operational management and traffic impact and swept paths for vehicles entering the site.

Litchfield Council provided a response to the amended proposal and indicated remaining concerns around:

- parking on site,
- the current residential shared driveway which is shared with the business use, and concerns around illegal manoeuvring over the verge to enter this driveway.

Initially Council indicated support for the amended proposal on the basis that their concerns are addressed through two precedent conditions, one for a schematic stormwater plan and the other for amended plans which demonstrate a new (second) standard vehicle access for non-residential use that clearly demonstrates the ability for vehicles to correctly manoeuvre into and out of the site. Council clarified further indicating that if the business were to only have approval for a period of no more than 18 months, and vehicle types where restricted to LR, Council may not need an additional driveway to be constructed.

Further discussions ensued between Council and the applicant. Restricting the proposal to 18 months is an onerous condition and may not be practical. The applicant discussed with the Council the application of a condition on the permit which restricted the use of the existing accessway preventing the use by large vehicles (**Bookmark D3**).

A condition which restricts the use of the access way by preventing the use by heavy vehicles is recommended and included as a standard condition and this is as follows: *The existing crossover and accessway onto the site not to be used by Heavy Vehicles Class 3 or greater associated with the homebased business use.*

The amended proposal is a significant reduction in size and a consolidation of the area to be utilised for the homebased business. A precedent condition that addresses access concerns and standard conditions of approval and notations are included to address the matters raised by this authority.

Department of Lands, Planning & Environment – **Bookmark D4**
Building Advisory Services:

- A building permit for this work is to be obtained prior to the commencement of construction. As the proposed structure will be utilised for the storage of work materials and equipment, with attendance by staff members who are not residents of the site, the buildings classification should be carefully considered. The proposed use is commercial in nature and deviates from being a simple residential style storage shed.

Environment Regulation Division:

- Provided standard advice under the Waste Management and Pollution Control Act 1998,

Can be addressed through standard development permit notations.
Water Resources Division: There were no issues of concern requiring comment within.

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

Currently the use of the site for a drilling company is of an industrial scale that is not compatible with the locality, as reiterated by the neighbouring landowners through formal land use

complaints made against the subject property. For this use to be considered a home-based business activity it requires reduction to comply with the 200m^2 usage area and the 3 business vehicles limitation requirement of the NTPS 2020.

The amended proposal is for a homebased business with a significantly reduced usage area of 218.75m^2 and 3 business vehicles (proposed to be kept overnight on the premises). Whilst the amended proposal is still above 200m^2 it can be considered to be ancillary to the residential use. The proposal confines the proposed business activity to a clearly identified portion of the site.
The floor area and parking of vehicles is located to the front of the 2.02ha site, setback 16m behind established and additional new landscaping. The shed and parking area are setback more than 25m from the side boundaries. The total nominated area is 218.75m^2 with 150m^2 of enclosed area within the existing shed.
In summary the following operational controls are proposed:

- no more than three vehicles associated with the home-based business are to be kept on the site at any one time;
- two employee parking spaces are provided for private commuter vehicles that arrive and depart with employees and are not stored on the land as business vehicles;
- business storage is confined to the 150m^2 enclosed business area;
- no business storage, loading, unloading or vehicle standing occurs outside the marked business area and designated parking spaces;
- no semi-trailers, drilling rigs, machinery floats or dispersed external equipment storage form part of the amended proposal;
- no retail activity or routine customer visitation occurs from the site;
- no signage proposed;
- no fabrication, industrial processing, washdown or refuelling is proposed as part of the amended home-based business;
- business activity operating window of approximately 6am to 5pm; and
- existing and additional landscaping is retained to screen the shed and business area from Cornelius Circuit.

It is noted in the SoE that all large vehicles and machinery associated with the drilling industrial use are proposed to be shifted off site to a new location on industrial zoned land in Humpty Doo. The potential impact of the proposal in its current much reduced form, on the existing and future amenity of the land would be much reduced as the homebased business would be ancillary to the dwelling. The reduced smaller scale operation would protect the amenity of adjoining premises with a reduced and compacted physical presence, and a reduction in the type and intensity of traffic. Specific and standard conditions could ensure the amended proposal scope of operations.

(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

Not applicable to this application.

(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 to this application.

(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 to this application.

(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 (Surface Water) – Aquaculture, environment, cultural, rural stock and domestic.
- Darwin Rural Water Control District - Agriculture, aquaculture, public water supply, environment, cultural, industry, rural stock and domestic, mining activity and petroleum activity.

It is the responsibility of the developer and landowner to ensure that land use does not result in a contravention of the Water Act 1992.

(t) other matters it thinks fit

No other matters are raised for consideration by the consent authority.

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 5.4.10 (Home Based Businesses) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Section 4962 (25) Cornelius Circuit, Girraween, Hundred of Bagot for the purpose of a home-based business (storage of material and vehicles) exceeding a usage area of 200m^2, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Litchfield Council stormwater drainage system shall be submitted to and approved by Litchfield Council to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with 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 kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council, to the satisfaction of the consent authority.

5. The existing crossover and accessway into the site not to be used by Heavy Vehicles Class 3 or greater, associated with the homebased business use.

6. No goods or equipment associated with the home-based business are to be visible from outside of the site, to the satisfaction of the consent authority

7. The home-based business use may operate only between the hours of 6am and 5pm, 7 days a week.

8. The home-based business operation shall provide for a maximum of 3 business vehicles (overnight vehicles) and two employee vehicles (day only) to be parked in the homebased business carparking area on site.

9. The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the consent authority, through the:
   a) transport of materials, goods or commodities to or from the land;
   b) appearance of any building, works or materials
   c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil; or
   d) presence of vermin.

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. 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.

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

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. 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.

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

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

8. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the *Heritage Act 2011*. Should any heritage or archaeological material be discovered during over the course of work, cease operation and please phone Heritage Branch of the Department of Lands, Planning and Environment.

9. All land in the Northern Territory is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding declared weeds. Section 9 general duties include the requirement to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection. Should you require further weed management advice contact the weed management branch by phone on (08) 8999 4567 or by email to weedinfo@nt.gov.au.

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

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 NT Planning Scheme 2020 applies to the land and Home based business (storage of material and vehicles)exceeding a usage area of 200m^2 requires consent under Clause 1.8 (When development consent is required). It is identified as Merit Assessable under Clause 1.8 (b)ii.(2) therefore Clause 4.7 (Zone RL), Clause 3.2 (CNV (Clearing of Native Vegetation)); Clause 5.2.1 (General Height Control); Clause 5.2.4 (Car Parking); Clause 5.2.5 (Loading Bays); Clause 5.2.6 (Landscaping); Clause 5.4.3 (Building Setbacks for Residential Buildings and Ancillary Structures); and Clause 5.4.10 (Home Based Businesses) need to be considered.

   These clauses have been considered, and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clause 5.4.10 Home Based Businesses.

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

   <u>Clause 5.4.10 Home Based Businesses</u>

   The proposal has been found not to be in accordance with Clause 5.4.10, because the proposal will result in a floor area proposed to be used for the home-based business greater than 200m^2. The revised proposal seeks a single variation to the 200m² area requirement of Clause 5.4.10.1. The proposed area of 218.75m² represents an exceedance of approximately 9.4%.

   The consent authority may consent to a home-based business that is not in accordance with subclauses 4 and 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, nature, scale and impact on surrounding amenity. The purpose of this clause is as follows:

   Ensure that a home-based business facilitates small scale business activities, while remaining ancillary to the dwelling on the site, that are compatible with and conducted in a manner that:

   a) is appropriate to the amenity of the locality and the primary purpose of the zone in which the home based business is established;
   The proposal is for a much-reduced use with 218m^2 of floor area and the compliant 3 vehicle (overnight vehicles).

   b) protects the amenity of adjoining premises;
   With the reduction to 218m^2 and reduction in overnight vehicles to 3, the removal of all heavy machinery offsite, consolidation of the uses within the part of the shed and carparking which is screened by existing old and new landscaping, it is anticipated that the proposal will have a negligible impact on the amenity of adjoining premises.

c) can be supported by the existing utilities infrastructure provided in the locality; and
The proposal would place no burden on the relative servicing infrastructure of the Girraween locality. A precedent condition for a schematic stormwater plan should address Litchfield Council's concerns.

d) limits the traffic impacts to that which might reasonably be expected in the locality.
The proposal in its reduced form is not anticipated to burden the type and frequency of local traffic expected in the rural locality of Girraween. A precedent condition for amended plans with a second access (business vehicles only) which indicates achievable manoeuvrability will further reduce any impacts on the road and traffic.

A variation to these requirements is therefore supported. It should also be noted that considerations listed under Clause 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)(e) of the Planning Act 1999, the consent authority, must take into consideration any submission made under Section 4, and any evidence or information received under Section 50, in relation to the development application.

   No public submissions were received under section 49(1) of the *Planning Act 1999*.

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

   The RL (Rural Living) zoned land of 2.02 ha is capable of supporting an ancillary home-based business use associated with the existing residential use, provided it is low intensity, compact, and clearly ancillary. With this achieved there would be no adverse impacts to the subject land and surrounding land anticipated, including no imposition of unsustainable demands on surface water and groundwater.

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.

   At the time of exhibition for the original proposal Litchfield Council provided comment and raised concern with the use of large and relatively heavy vehicles which had already impacted on the local road and necessitated maintenance.
   Council support the amended proposal as they recognise it is a much-reduced proposal and that the greater part of the use is being shifted off site. They provide support on the proviso that a precedent condition addresses concerns around stormwater, and a standard condition which restrict the access of heavy vehicles (Class 3 or more) associated with the home-based business onto the site.

6. 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 impact on amenity should be considered in the context of the site and its surrounds.

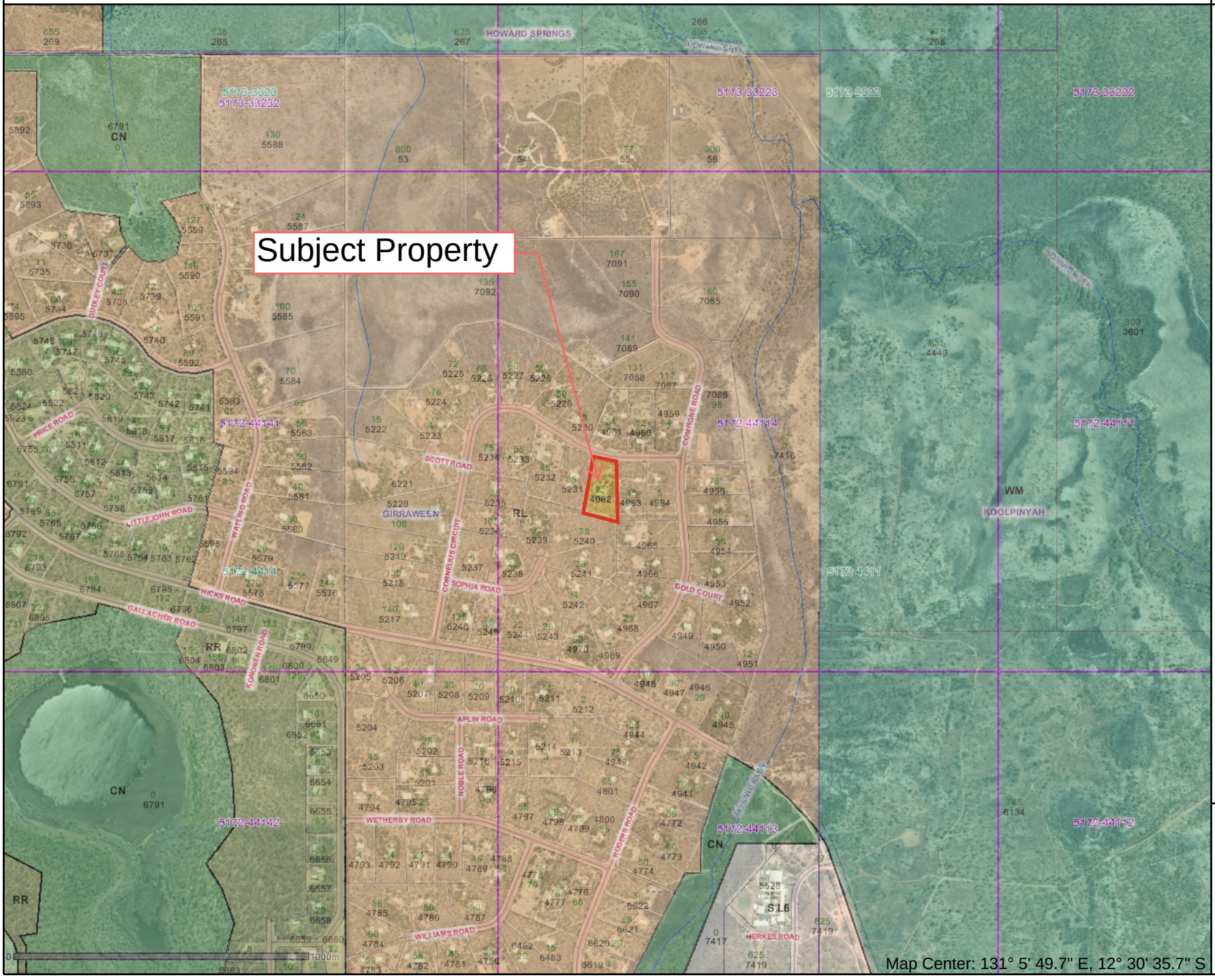
The subject site is surrounded by Rural Living zoned land and the wider Girraween locality is used for rural living lifestyle uses. The area of operations is consolidated and located behind landscaping. Heavy industrial machinery and vehicles are not proposed to be on site. Business vehicles are limited to 3 overnight vehicles.

The proposed reduced scale and reduced intensity of the home-based business is suitable to the Rural Living Zone. It is consistent with the rural living residential character of the locality which is for residential living but allows for ancillary home-based businesses that are of a scale, intensity and nature that is compatible with the character and amenity of the surrounding locality.



Senior Planner LITCHFIELD
DEVELOPMENT ASSESSMENT SERVICES

Locality Map



Legend

- Rivers Lakes
- General Lines
- Topo Index 5000
- Topo Index 2500
- Lot Boundaries
- Town Boundaries
- Localities
- 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
  - NT Parks and Reserves
- Road Labels
- Road Centrelines
  - Highway
  - Other Road
- Street Numbers
- Parcel Numbers
- Cadastre
- Coastline

Department of Lands Planning and Environment
Development Assessment Services

By email Planning.Complaints@nt.gov.au

11 August 2026

PA2026/0070 – 25 Cornelius Circuit, Girraween
Amended Home-Based Business Proposal

Dear Eve-Marie,

We act for Jenna Singleton and Luke Austerberry in relation to the above development application.

Further to recent correspondence with Development Assessment Services and the Development Consent Authority, the applicants wish to submit a substantially amended proposal for assessment.

Please find attached the amended site plan prepared by Razorbak Building Designers dated 11 August 2026.

The amended plan is intended to replace the earlier site layout submitted with the application. The original Statement of Effect should be read subject to this letter and the amended site plan. To the extent that the earlier material is inconsistent with the amended proposal, the amended site plan and this letter are to prevail.

Amended proposal

The application now seeks approval for a substantially reduced and clearly defined home-based business.

The amended plan identifies:

- 150m² of the existing enclosed building for business use
- three designated business vehicle spaces
- two employee vehicle spaces
- a total nominated home-based business area of 218.75m²
- the balance of the enclosed building and home store for domestic use only

- the resident's household vehicle separately from the business parking arrangements. The revised proposal therefore seeks a variation to the 200m² area requirement of Clause 5.4.10.1. The proposed area of 218.75m² represents an exceedance of approximately 9.4%.

No variation is sought to the maximum number of business vehicles kept on the site. The amended proposal provides for no more than three vehicles associated with the home-based business to be kept on-site at any one time.

The two employee parking spaces are for private vehicles used by employees travelling to and from the site. Those vehicles are not proposed to be stored or kept on the land as part of the business operation.

Similarly, the vehicle located adjacent to the dwelling is the resident's household vehicle and forms part of the residential use of the property.

Defined extent of business activity

The amended plan has deliberately confined the proposed business activity to a clearly identified portion of the site.

The remaining parts of the shed and the existing home store are identified for domestic use only. The plan also expressly provides that there is to be no business storage, loading, unloading or vehicle standing outside the marked business area and designated parking spaces.

The existing driveway remains a shared access serving the dwelling and shed. It is not proposed to be used for business storage, vehicle standing, loading or unloading.

This provides a clear physical and operational distinction between the primary residential use of the site and the limited home-based business now proposed.

Nature of the amended application

Importantly, the amended application does not seek approval for the broader extent of business activity that has historically occurred on the land.

The proposal now before the consent authority is the substantially reduced use shown on the amended plan.

Larger-scale and higher-intensity elements of the broader Austar operation do not form part of this amended proposal and are being progressively relocated to the applicants' industrial land at Humpty Doo.

The amended application should therefore be assessed on the basis of the use now proposed, including its reduced area, vehicle numbers, contained storage arrangements and relationship with the residential use of the property.

The applicants acknowledge that the proposed 218.75m² area exceeds the 200m² numerical requirement. However, the variation is relatively modest, and the amended proposal has otherwise been deliberately structured to closely align with the home-based business provisions.

In particular, the proposal:

- limits the business to a defined portion of the existing building and designated parking areas
- limits business vehicles kept onsite to three
- prevents external business storage or standing outside the nominated areas
- maintains the dwelling as the primary use of the land
- separates domestic areas and household parking from the business operation
- materially reduces the scale and intensity of the activity previously associated with the site.

The applicants consider that the amended proposal provides an appropriate basis for the application to now proceed to assessment and determination.

We therefore request that the application be progressed on the basis of the attached amended site plan and this supplementary information.

Please contact me if any further information is required to enable the amended application to proceed.

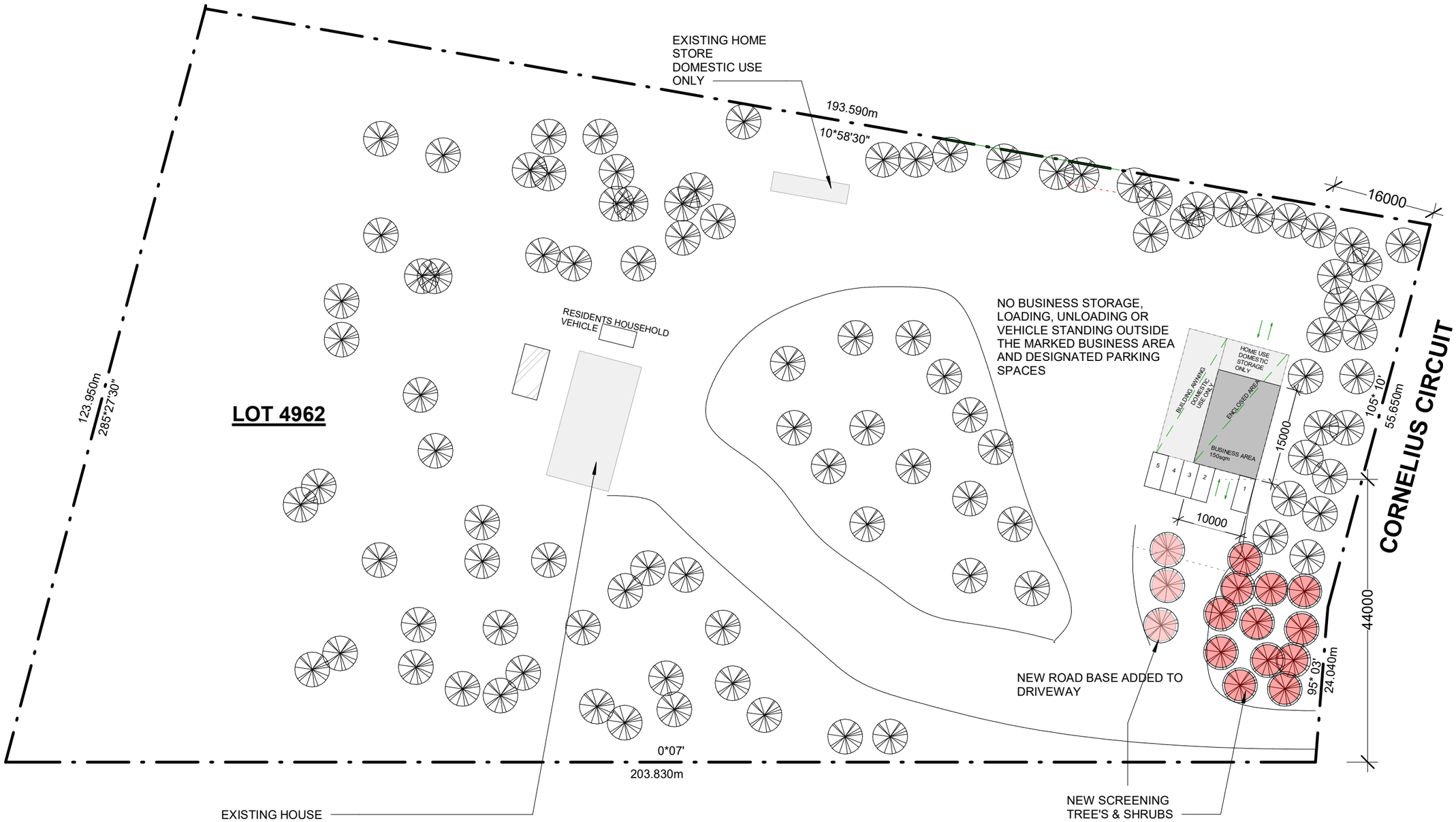
We would welcome the opportunity to discuss the staged plan with the Department.

Yours sincerely,



Cameron Judson

Director
MPIA MRTPI



AREA SCHEDULE

1) ENCLOSED BUILDING = 150sqm
2) EMPLOYEE VEHICLE = 27.5sqm
3) BUSINESS VEHICLE = 41.25sqm

Total 218.75sqm

PARKING SCHEDULE

1) BUSINESS VEHICLE
2) BUSINESS VEHICLE
3) BUSINESS VEHICLE
4) EMPLOYEE VEHICLE
5) EMPLOYEE VEHICLE

SITE PLAN

SCALE 1: 650

11/08/2026
8:04:17 AM

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RAZORBAK
BUILDING DESIGNERS

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PO BOX 233 DARWIN RIVER 0841
razorbakdesigner@bigpond.com

CLIENT
Jenna Singleton & Luke Austerberry

PROJECT
PROPOSED HOME-BASED BUSINESS LOT 4962 No 25
CORNELIUS CIRCUIT GIRRAWEEN

AMENDED SITE PLAN

DATE	DRAWN	SCALE	SHEET	DRAWING No
11 - 8 - 2026	M.G	1 : 650	1 OF 1	No 924 - A3

Development Consent Authority
Northern Territory

GPO BOX 1680
DARWIN NT 0801

Telephone No: (08) 8999 6285
Email: Planning.Complaints@nt.gov.au

In reply please quote: **LUPD2025/0011-0022**

Jenna Elizabeth Singleton & Luke Shayne Austerberry
25 Cornelius Circuit
Girraween NT 0836

Email: admin@austarnt.com.au

Re: Further information in relation to Section 4962 (25) Cornelius Circuit – Girraween, Hundred of Bagot

As you are aware, the Litchfield Division of Development Consent Authority (DCA) has issued two Show Cause Notices to you in relation to your continuing breach of the Planning Act 1999 at 25 Cornelius Circuit, Girraween. In both cases, the Notices relate to your conduct of a purported Home Based Business that does not comply with the Northern Territory Planning Scheme 2020 requirements. Despite those Notices, various correspondence with the DCA, and the lodgement and subsequent deferral of a Development Application, you continue to conduct this business in breach of the Act and Scheme. Further, you have failed to provide the requested detailed, staged plan outlining how you will achieve compliance with the Northern Territory Planning Scheme 2020.

As previously advised, the DCA requires a detailed staged plan on how this will be achieved by providing the following information.

- How you will undertake immediate remedial action to reduce the impact on amenities
- Detailed plan outlining how each applicable requirement of Home-based Business Clause 5.4.10 will be met in accordance with the NT Planning Scheme 2020;
- A clear detailed relocation plan identifying what elements of the business will remain on site and how these will comply with the Northern Territory Planning Scheme 2020.
- Completion date for relocating the business to 4 Bungaree Road Humpty Doo, including a clear timeframe for the reduction of activities, storage of equipment, number and type of vehicles, and any other associated infrastructure.
- You are required to provide this detailed staged plan by **30 June 2026.**

Further to the above, the DCA have determined the business **must** be relocated by no later than **Wednesday, 30 September 2026.** Failure to comply with these requirements within the time frames above, will result in the DCA undertaking further compliance action.

If you would like to discuss the above, please contact the Compliance and Enforcement Team, Development Assessment Services, on (08) 8999 6285 or via email Planning.Complaints@nt.gov.au.

Yours sincerely

Amber Sayers-Hunt
Manager Compliance and Enforcement
Delegate - Development Consent Authority

19 June 2026



AREA SCHEDULE

1)	ENCLOSED BUILDING	= 200sqm
2)	BUILDING AWNING	= 00
3)	SEMI-TRALIER'S	= 80sqm
4)	VAC TRUCKS	= 27sqm
5)	U/GROUND DRILL	= 00
6)	WORK UTES	= 55sqm
7)	EMPLOYEE	= 138sqm
8)	VISITORS PARK	= 28sqm

Total 528sqm

PARKING SCHEDULE

1) VISITORS
2) VISITORS
3) EMPLOYEE
4) EMPLOYEE
5) EMPLOYEE
6) EMPLOYEE
7) EMPLOYEE
8) EMPLOYEE
9) EMPLOTEE
10) EMPLOYEE
11) EMPLOYEE
12) EMPLOYEE
13) WORK UTE
14) WORK UTE
15) WORK UTE
16) WORK UTE
17) -
18) -
19) -
20) VAC TRUCK
21) VAC TRUCK
22) -
23) -
24) -
25) SEMI- TRAILER
26) SEMI-TRALIER
27) FORK LIFT / HOME USE
28) SMALL DIGGER / HOME USE
29) CAR TRAILER / HOME USE

SITE PLAN REDUCTION - 1

SCALE 1: 650

13/05/2026
9:44:34 AM

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razorbakdesigner@bigpond.com

CLIENT

Jenna Singleton & Luke Austerberry

PROJECT

PROPOSED STAGED REDUCTION TO EXISTING HOME
BUSINESS LOT 4962 No 25 CORNELIUS CIRCUIT GIRRAWEEN

SITE PLAN REDUCTION STAGE - 1

DATE	DRAWN	SCALE	SHEET	DRAWING No
12 - 5 - 2026	M.G	1 : 650	1 OF 2	No 924 - A3

Land owner/s authorisation to lodge a development application

The Planning Act 1999

Before you fill in the form

Signatures from ALL landowners registered on the land title must be provided.
The authorisation must be dated within six months of the submission of the application.

Fields marked with an asterisk (*) are required.
Fields marked with a carat (^) are required if applicable.

Applicant In accordance with Section 46(3)(aa)(i) of the *Planning Act 1999*, a development application is to contain the name and contact details of the **applicant** AND **any person on whose behalf the application is made.**			
Name of Applicant/Consultant or Acting agent	Upside Planning Pty Ltd		
Address	PO Box 278 Katherine 0851		
Phone	0476829517	**Email**	cameron.judson@upsideplanning.com.au
Persons on whose behalf the application is made:			
Person/s on whose behalf the application is made:	Luke Austerberry and Gemma Singleton		
Address	25 Cornelius Circuit Girraween		
Phone		**Email**	
The applicant is hereby authorised to lodge a development application over the subject land described as:			
***Lot/NT portion**	Section 4962		
***Location/town/hundred**	Girraween		
***Street address**	25 Cornelius Circuit, Girraween, NT		

NORTHERN TERRITORY GOVERNMENT

The application is for the purpose of:			
***Proposed development** *Brief description of proposed development*	Continued Use dof a Home Based Business		
Landowner/s signature In accordance with Section 46(3)(aa)(ii) of the *Planning Act 1999*, a development application is to contain the **name and contact details of the owner of the land** to which the application relates. Written authorisation from each: • **Individual owner**: Each person listed on the title must provide written authorisation for the application. • **Companies**: For each company listed on the title, written authorisation must be obtained from the **director** or **authorised representative** of the company. This authorisation confirms that the company is giving consent for the application and that the person signing on behalf of the company has the legal authority to do so.			
***Full name**	Luke Austerberry		
^Company name			
^Title *(e.g. director/authorised representative)*			
Phone	0412751552	**Email**	admin@austarnt.com.au
***Signature**			
***Date**	12/2/2026		
Landowner signature			
***Full name**	Jenna Singelton		
^Company name			
^Title *(e.g. director/authorised representative)*			
Phone	0412751552	**Email**	admin@austarnt.com.au
***Signature**			
***Date**	12/2/2026		

Any Persons with an interest in the land *(as applicable)* In accordance with section 46(3)(aa)(iii) and (iv) of the *Planning Act 1999*, a development application is to contain the name and contact details of **any person who entered into an agreement** with the applicant and/or landowner, **to acquire an estate or interest in the land to which the application relates**; and **any person with an interest** prescribed by regulation.			
^Full name			
^Company name			
^Title *(e.g. director/authorised representative)*			
^Signature			
Phone		**Email**	
^Full name			
^Company name			
^Title *(e.g. director/authorised representative)*			
^Signature			
Phone		**Email**	

Privacy Note

The Department of Lands, Planning and Environment, on behalf of the Minister, is authorised under the *Planning Act 1999* to collect the information on this form, or otherwise provided by you, to consider a proposal to grant a Development Permit or to amend a planning scheme. Failure to provide the information in full may result in delays in processing of the application.

Some of the personal information provided by you on this application may be publicly available, as part of a public exhibition process. The information is also regularly provided to other Northern Territory Government agencies, the Australian Valuation Office, local governments and Commonwealth Government Departments and agencies, as required by law.

Collection of personal information on this form is done in accordance with the privacy legislation within the Northern Territory *Information Act 2002*. For more information, please refer to the Northern Territory Government's privacy statement located at https://nt.gov.au/copyright-disclaimer-and-privacy
Any personal information provided can be subsequently accessed by you on request.

PROPOSED HOME BUSINESS LOT 4962 No 25 CORNELIUS CIRCUIT GIRRAWEEN

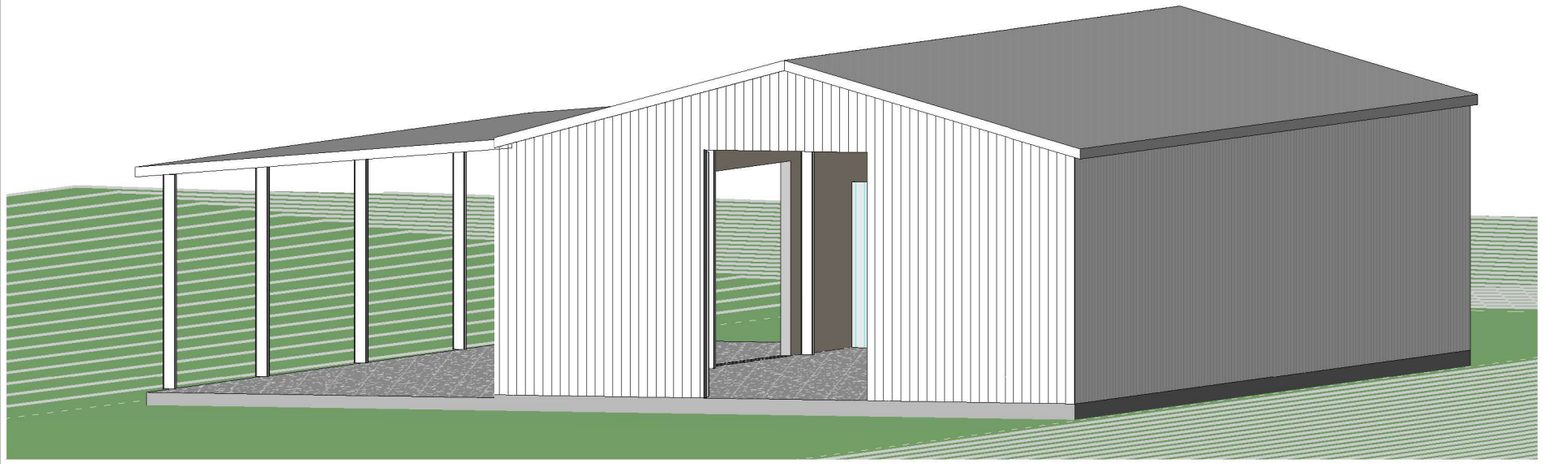
SHEET SCHEDULE

01 COVER & PERSPECTIVE

02 FLOOR PLAN

03 ELEVATIONS

04 SITE PLAN





25/02/2026 3:56:52 PM

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BUILDING DESIGNERS

MICK GORHAM
MO 0404468866
PO BOX 233 DARWIN RIVER 0841
razorbakdesigner@bigpond.com

CLIENT

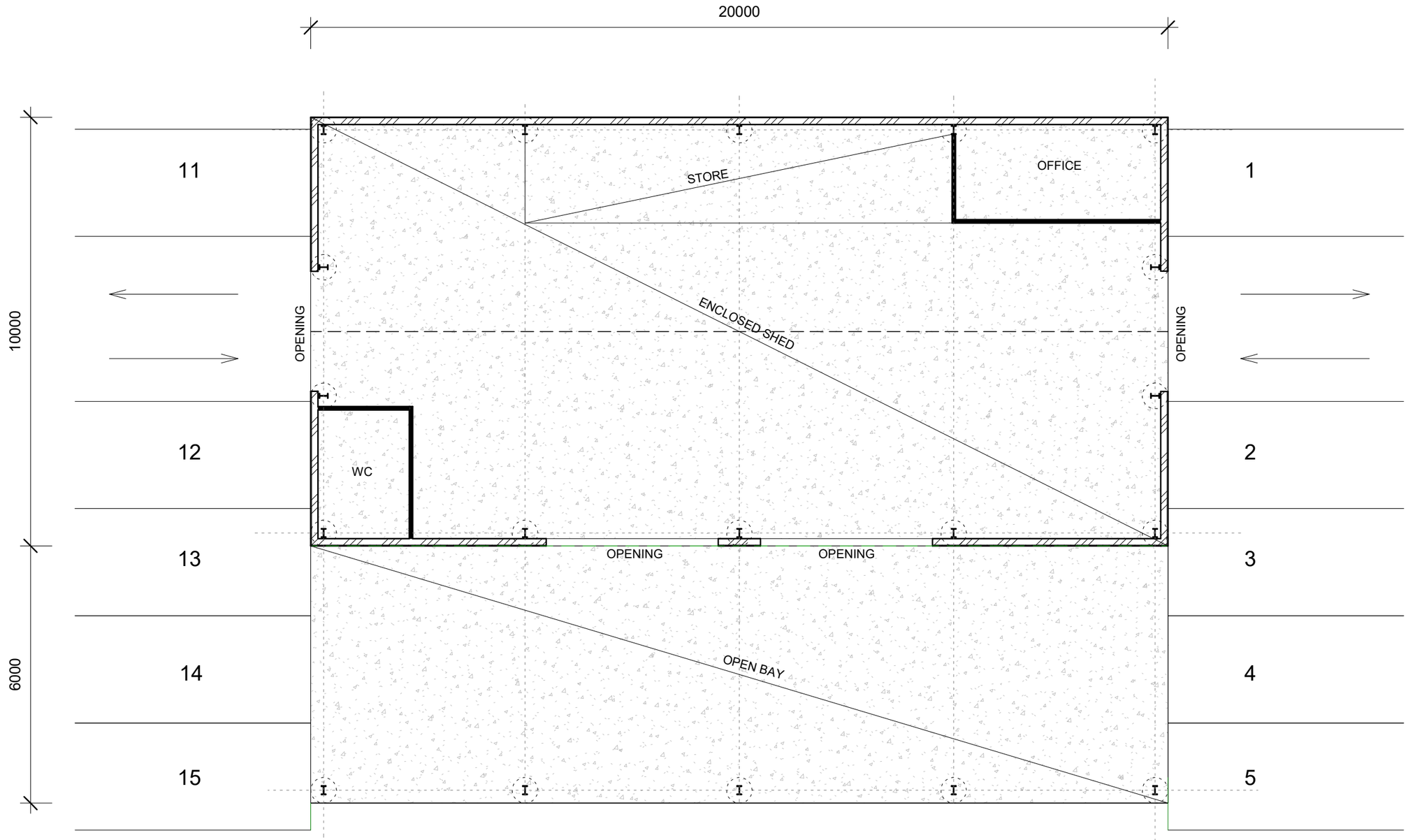
Jenna Singleton & Luke Austerberry

PROJECT

PROPOSED EXISTING HOME BUSINESS LOT 4962 No 25 CORNELIUS CIRCUIT GIRRAWEEN

COVER & PERSPECTIVE

DATE	DRAWN	SCALE	SHEET	DRAWING No
25 - 2 - 2026	M.G		1 OF 4	No 924 - A3



EXISTING FLOOR PLAN

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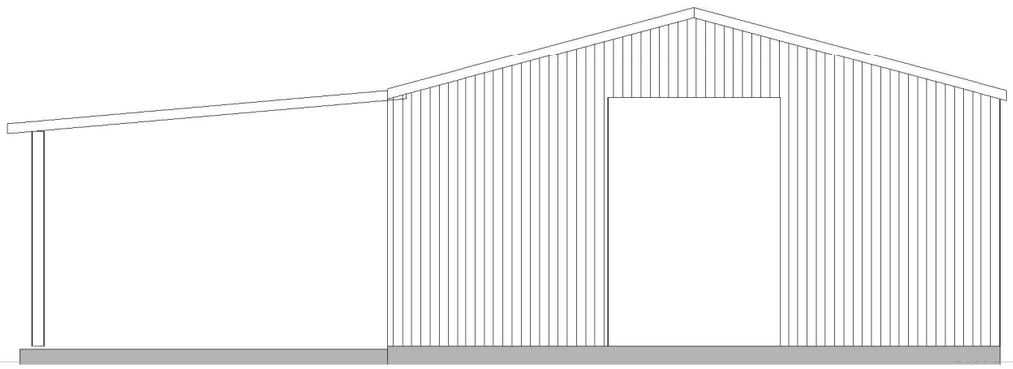
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CLIENT
Jenna Singleton & Luke Austerberry

PROJECT
PROPOSED EXISTING HOME BUSINESS LOT 4962 No 25 CORNELIUS CIRCUIT GIRRAWEEN

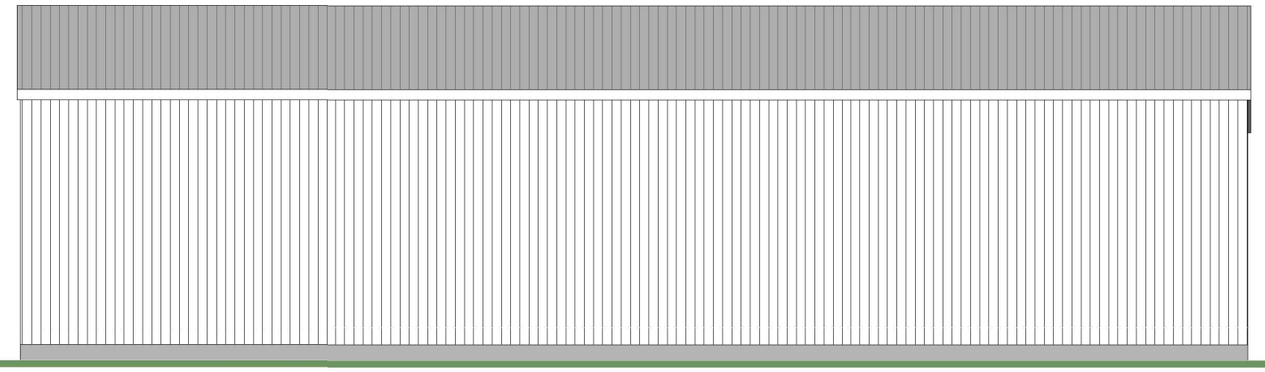
SHED PLAN

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25 - 2 - 2026	M.G	AS SHOWN	2 OF 4	No 924 - A3



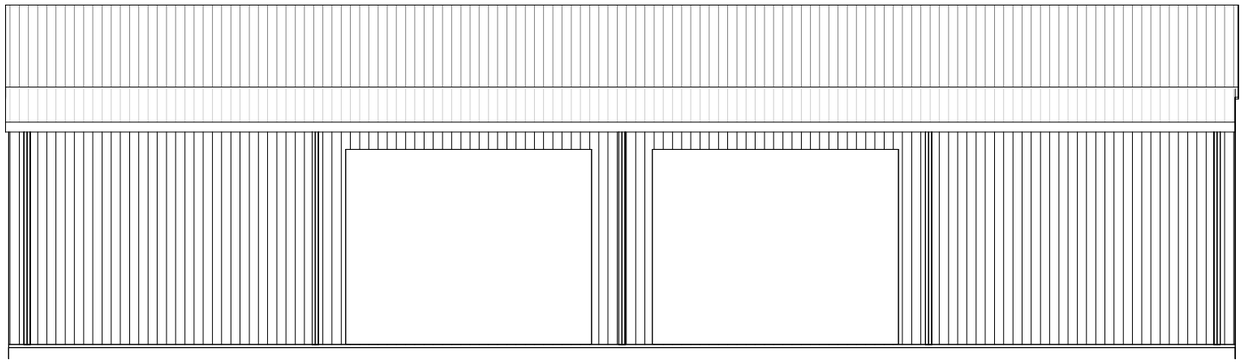
ELEVATION- 2

SCALE 1: 50



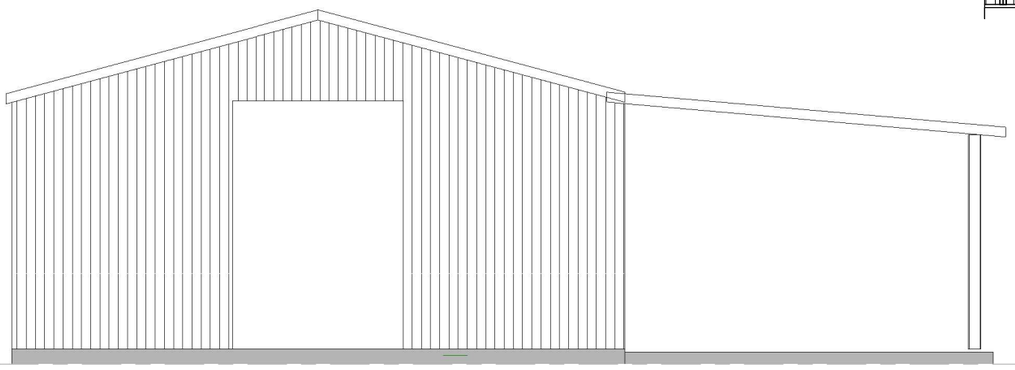
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SCALE 1:100



ELEVATION- 3

SCALE 1:100



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ELEVATION- 4

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CLIENT

Jenna Singleton & Luke Austerberry

PROJECT

PROPOSED EXISTING HOME BUSINESS LOT 4962 No 25 CORNELIUS CIRCUIT GIRRAWEEN

ELEVATIONS

DATE	DRAWN	SCALE	SHEET	DRAWING No
25 - 2 - 2026	M.G	1 : 100	3 OF 4	No 924 - A3



AREA SCHEDULE

1)	ENCLOSED BUILDING	= 200sqm
2)	BUILDING AWNING	= 120sqm
3)	SEMI-TRALIER'S	= 80sqm
4)	VAC TRUCKS	= 69sqm
5)	U/GROUND DRILL	= 42sqm
6)	WORK UTES	= 55sqm
7)	EMPLOYEE	= 138sqm
8)	VISITORS PARK	= 28sqm
9)	HOME USE	= 42sqm

Total 734sqm

PARKING SCHEDULE

1) VISITORS
2) VISITORS
3) EMPLOYEE
4) EMPLOYEE
5) EMPLOYEE
6) EMPLOYEE
7) EMPLOYEE
8) EMPLOYEE
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16) WORK UTE
17) U/GROUND DRILL
18) U/GROUND DRILL
19) U/GROUND DRILL
20) VAC TRUCK
21) VAC TRUCK
22) VAC TRUCK
23) VAC TRUCK
24) VAC TRUCK
25) SEMI- TRAILER
26) SEMI-TRALIER
27) FORK LIFT / HOME USE
28) SMALL DIGGER / HOME USE
29) CAR TRAILER / HOME USE

SITE PLAN

SCALE 1: 650

25/02/2026
3:56:54 PM

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CLIENT
Jenna Singleton & Luke Austerberry

PROJECT
PROPOSED EXISTING HOME BUSINESS LOT 4962 No 25 CORNELIUS CIRCUIT GIRRAWEEN

SITE PLAN

DATE	DRAWN	SCALE	SHEET	DRAWING No
25 - 2 - 2026	M.G	1 : 650	4 OF 4	No 924 - A3

Continued use of a Home Based Business

Statement of Effect

25 (Section 4962) Cornelius Circuit, Girraween

Prepared for
Jenna Singleton and Luke Austerberry

Date
24 February 2026
V1.0

Prepared by
Cameron Judson

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Appendix 1: Letter of support

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The information provided in this report is valid only at the time of its final issuance, as legislation and/or mapping may change at any time thereafter.

Document Control		
Revision	**Revision Date**	**Report Details**
V1.0	12 February 2026	Draft for client
V1.1	24 February 2026	Development Application

1. Introduction

This statement of effect has been prepared to support a development application for the continued use of part of the application site for a Home-Based Business, which currently operates from 25 (Sec 7926) Cornelius Circuit, Girraween.

The proposal relates to the use of the site for the storage of vehicles and machinery associated with a drilling business run by the landowner and resident.

The development application follows enforcement action by the Development Consent Authority.

The intent of this application is to:

- Regularise the existing use
- Consolidate and clearly define the operational footprint
- Demonstrate consistency with the objectives of Clause 5.4.10; and
- Provide a framework for enforceable conditions where necessary.

Importantly, this application does not seek to expand the business. Rather, it seeks to formalise and appropriately condition an existing use that remains ancillary to the dwelling and compatible with the locality.

The proposed development is submitted with regard to section 46(3) of the *Planning Act 1999.*

In preparing this statement, Upside Planning visited the application site, gained an understanding of how the business operates and assessed the proposal against the objectives and relevant sections of the Planning Act 1999, the strategic framework, and the NTPS 2020.

2. Application Site

Context

The subject land at 25 Cornelius Circuit, Girraween is located within the rural residential locality of Girraween in the Litchfield Municipality, approximately 30 kilometres south-east of the Darwin CBD. Girraween forms part of the broader Darwin rural area, characterised by large-lot development, a semi-rural lifestyle, and a mix of residential, small-scale agricultural and home-based economic activities.

The locality is defined by spacious allotments, generally accessed via local road networks such as Girraween Road and the Stuart Highway, which provide direct connectivity to the greater Darwin region. While maintaining a distinctly rural character, the area benefits from proximity to the urban services and employment opportunities of Palmerston and Darwin. As such, Girraween accommodates a range of home occupations and rural enterprises that support the Darwin economy.

Cornelius Circuit is a local road within an established rural residential setting. Development in the immediate vicinity comprises detached dwellings, ancillary sheds and outbuildings, and various low-intensity rural or home-based activities. The scale and configuration of lots in the area are generally

capable of accommodating home-based business activities without detriment to residential amenity, provided that such uses are appropriately managed.

Site Description

The subject land is legally described as Lot 4962, Cornelius Circuit, Girraween, Hundred of Bagot.

The site is an irregularly shaped rural allotment with substantial frontage to Cornelius Circuit. The lot. The configuration and boundary geometry are typical of rural residential parcels in the locality.

The land area is consistent with large rural residential holdings in Girraween and is of sufficient size to accommodate a dwelling, ancillary structures and a home-based business component while maintaining generous setbacks and separation from adjoining properties.

The site is developed with:

- an existing dwelling located toward the central portion of the application site.
- An existing home business building/shed, positioned toward the eastern side of the lot, closer to Cornelius Circuit
- An existing shed linked to the dwelling and associated outbuildings
- A truck parking area located internally to the site and separated from the dwelling and boundaries by vegetation.

Vehicle access is currently provided for both a dwelling and a business from Cornelius Circuit via a driveway. The site layout allows for internal manoeuvring and truck parking within the property boundaries, thereby avoiding on-street parking or obstructing the public road. Vehicles can enter and exit in a forward direction.

Figure 1 below provides a site location plan.



Figure 1: Site location plan

3. The Proposed Development

The proposed development is for the continued use of part of the site for a Home-Based Business.

The business is operated by the landowners who reside in the dwelling on the site. The use comprises storage of business-related vehicles, equipment and materials within the existing shed and designated areas.

The proposal does not involve new building works. It relates solely to the ongoing use of existing structures and hardstand areas.

Scale

The total area used for the home-based business exceeds 200m² and therefore requires consent under Clause 5.4.10 of the NTPS 2020. This exceedance arises primarily from:

- The physical dimensions of large business vehicles; and
- The generous size of the existing shed.

The use:

- Remains wholly within the boundaries of the site. It does not rely on off-site car parking.
- Is physically separated from adjoining properties by distance and vegetation.
- Is visually screened by existing landscaping; and
- Remains clearly subordinate to the primary residential use.

Operations

The business operates from 6 am to 5 pm and has the following characteristics:

- The business is operated by the resident landowners.
- Staff attendance is limited and generally confined to vehicle collection and return.
- No retail component is conducted from the site.
- No customer visits occur as part of day-to-day operations.
- No signage is proposed.
- Lighting is limited to the shed and consistent with rural residential character.
- All materials and equipment are stored within the shed or screened areas.

Vehicle movements are consistent with a rural residential setting and are accommodated entirely within the site.

Hours of operation respond to the needs of the construction industry. Work typically commences at ‘first light.’

The business has 11 vehicles. The facility would be used to park two trucks and four utes, and to store machinery associated with an underground drilling business.

The proposal differs from how the business operated in the past. The footprint has been reduced; in particular, storage areas are to be consolidated, and landscaping is proposed.

This is shown on the plans that form part of the development application.

Proposed Continued Use

Access

The proposal would utilise an existing access from Cornelius Circuit.

Internal access and manoeuvring space will be renewed with compacted road base suitable for heavy vehicles.

Extent

The proposal, excluding access, occupies approximately 734 m². This includes a 320m^2 shed. It also includes employee car parking.

The vehicles and machinery proposed to be kept on site comprise:

- Two semi-trailers to float drilling machines
- Four Utes
- Five hydro excavation trucks
- 42m^2 metres of outdoor machinery storage
- Up to 10 employee cars

The scale of the proposal is within the limits of the definition as prescribed by the NTPS 2020. It states that a:

"home based business means use of a dwelling or the site of a dwelling by a person who resides in the dwelling for a business activity which is subordinate to the primary residential use, including…storage of materials and vehicles" and "*carrying out of an occupation or profession"*

The existing driveway and manoeuvring space will be renewed with compacted gravel to ensure all-weather access, reduce dust, and prevent tyres from carrying mud off the site during the Wet Season.

Other Activities

In addition to parking trucks, utes and storing machinery, the following is undertaken on-site as part of the business:

- The loading and unloading of tools and machinery
- Calibration and basic maintenance of machinery

It is expected that a condition of approval will prescribe the maximum number of trucks that can be stored on site.

Lighting

The business activity on site typically operates during daylight hours, and as such, lighting is limited to the shed. No floodlighting of the yard is proposed.

Landscaping

Tree planting is proposed along the front boundary to obscure the view of the yard and shed, with the view to softening the visual impact.

The proposal includes further landscaping along the front and northern boundary. These improvements are shown on the site plan.

Temporary Consent

The proponent aims to grow the business to meet demand. Commercially, it is not viable to operate from two locations.

The business's growth will require additional trucks. This will mean that the business would "outgrow" this location, and, to this end, an 18-month consent is sought.

The time limit does not indicate that the use is unacceptable in principle. Rather, it allows the Authority to review the operation once impacts are observed under a reduced, conditioned footprint.

4. Section 46(3) of the Planning Act 1999

4.1 Compliance with the Northern Territory Planning Scheme

Part 1 Guidance

Part 1 of the NTPS 2020 sets out the guidance on its administration.

Clause 1.8, 'when development consent is required,' refers to Part 4 of the NTPS regarding whether the development is 'Permitted', 'Merit Assessable', 'Impact Assessable', or 'Prohibited'.

By reason of clause 1.8(1)(b), the proposal is Merit Assessable. This pathway *"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."*

Within this context, Clause 5.4.10(1) expressly provides discretion. The key planning question is not whether the 200m² guideline is exceeded, but whether the use:

- Remains ancillary to the dwelling;
- Protects the amenity of adjoining premises;
- Is compatible with the zone purpose; and
- Generates traffic consistent with the locality.

Pursuant to Clause 1.10(3), in considering an application for consent for a use or development identified as Merit Assessable, the consent authority must take into account all of the following:

> *"(a) the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;*

(b) any Overlays and associated requirements in Part 3 that apply to the land; and
(c) the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6."

Part 2 Strategic Framework

Part 2 of the NTPS 2020 provides the strategic framework, comprising Regional Land Use Plans, Subregional Land Use Plans and Area Plans.

Darwin Regional Land Use Plan

The Darwin Regional Land Use Plan (DRLUP) designates the site and locality as 'Rural Lifestyle'.

The proposed Home-Based Business use is consistent with the land use structure under DRLUP. The proposed use does not impinge on the intended land use structure of 'Rural Lifestyle.' The key objectives for the 'Rural Lifestyle' land use structure are as follows:

- Identify opportunities for rural lifestyle development to meet market demand.
- Encourage opportunities for a choice of lifestyle in terms of lot size and access to services.
- Provide appropriate buffers between different residential localities to maintain and enhance the amenity of established areas and protect the natural environment.

The scope of this application, for the continued use of Home-Based Business, is not considered to contravene the intent of this principle regarding appropriate buffers, the amenity of established areas, and the protection of the natural environment.

The proposal does not affect the site's primary residential use. The scale and nature of the proposal are consistent with the expected form of development in the locality.

The proposal does not contravene any of the above DRLUP objectives for the Rural Lifestyle area.

Litchfield Subregional Land Use Plan

The Litchfield Subregional Land Use Plan (LSLUP) designates the Girraween area as a 'Rural Lifestyle Area.'

The continued use of the site for a home-based business is consistent with the land use structure under LSLUP. The proposed use does not impinge on the intended land use structure of 'Rural Area.'

The Subregional Plan seeks to preserve the existing amenity of the rural area, identified as 'Rural Lifestyle' in the Darwin Regional Land Use Plan. Outside identified rural activity centres, the amenity of established areas will continue to be supported by no changes to the current minimum lot sizes in Zone RL (Rural Living) and Zone R (Rural).

The application site is zoned RL (Rural Living) and is consistent with the minimum lot size of 2ha. The relevant "Statements of Policy" in the LSLUP for the 'Rural Area' are as follows:

- Maintain rural amenity and lifestyle choice.
- Require a reliable water supply adequate for residential use
- Require stormwater drainage for new residential development to not adversely impact on the

receiving environment; and

In respect of the above, regarding rural amenity, the application site is 2.02ha and is consistent with the minimum lot size of 2ha for RL (Rural Living) zoned land. Sheds, including large sheds, are an expected form of development on land zoned RL (Rural Living).

The proposal is unlikely to impinge on any existing water supply for future primary residential use on site, nor is the scale of the business likely to significantly increase demand for water. The proposal is for the continued use of part of the site for Home-Based Business, with the site's primary residential purpose maintained.

The proposal, in part, occupies an existing shed. The washing of pumps does not generate sufficient volumes to run off the gravel wash area. To this end, it will not adversely affect the receiving environment from stormwater drainage associated with the site's use.

The proposal is consistent with the Strategic Framework.

Part 3 Overlays

Part 3 of the NTPS 2020 identifies the overlays and associated requirements that apply to the land. The site is within the following Overlays:

- CNV – Clearing of Native Vegetation; therefore, clause 3.2 applies.

Clause 3.2 CNV – Clearing of Native Vegetation

The purpose of Clause 3.2 is to ensure that clearing:

- Minimises environmental degradation;
- Avoids unnecessary loss of native vegetation;
- Protects biodiversity values; and
- Is appropriately assessed, having regard to the scale and context of the land.

The application site was created through a subdivision in the late 90s.

Existing Clearing

The subject land (2.02ha) is partially cleared. Clearing has historically occurred on the site for:

- The dwelling;
- The existing shed;
- Access tracks and manoeuvring areas; and
- Areas used in association with the home-based business.

It is acknowledged that some clearing has taken place to facilitate operational space for the home-based business.

Current Application

Importantly, this Development Application:

- Does not seek approval for additional clearing;
- Does not propose expansion of the cleared footprint;
- Does not involve subdivision or intensification of land use.

The application is for the continued use of part of the land that is already cleared and developed. The proposal includes landscaping, which seeks to improve visual screening from Cornelious Circuit.

Part 4 Zones and Assessment Tables

Part 4 of the NTPS 2020 outlines the zone's purposes and outcomes and provides the related assessment tables. The subject site is located on land zoned RL (Rural Living).

The purpose of the zone is to "*provide for a range of rural lifestyle choices and rural activities, in areas where access to reticulated water and sewerage may not be available."*

The 'Zone Outcomes' advises that "*home based businesses and dwellings-community residence are of a scale, intensity and nature that is compatible with the character and amenity of the surrounding locality."*

Figure 4 below shows the zoning of the application site and the wider area.



Figure 4: Zoning

In terms of amenity, the Zone Outcome identify a range of other rural activities. These comprise *"agriculture, animal boarding, horticulture, intensive animal husbandry, plant nursery, industry-primary, stables, and veterinary clinic."*

The proposal is not an expected land use in the locality. The extent of the operations has been consolidated to reflect the locality's role and function, including the purpose and outcomes of this zone, as well as the location, nature, scale, and intensity of the development.

The proposed use is of lesser intensity than many of the abovementioned activities, in terms of vehicle movements, development footprint and visual impact.

The proposal aligns with the zone's purpose.

Part 5 Development Requirements

Part 5 of the NTPS outlines the specific development requirements relevant to the proposed development.

Clause 5.2.1 (General Height Control)

The purpose of Clause 5.2.1 (General Height Control) is to ensure that the height of buildings in a zone is consistent with development. Subclause 4 stipulates that any part of a building should not exceed 8.5 metres.

The proposal does not include the erection of buildings or development.

Clause 5.2.4.1 (Vehicle Parking)

The purpose of Clause 5.2.4.1 (Vehicle Parking) is to ensure "*that sufficient off-street car parking, constructed and to a standard and conveniently located, is provided to service the proposed use of a site.*"

This clause prescribes no rate for the proposed use.

The proposal creates a need for vehicle storage and parking. This matter is addressed in accordance with the requirements of Home-Based Business (Clause 5.4.10).

Clause 5.2.6.1 Landscaping in Zones other than Zone CB

The purpose of the clause is to "*ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall amenity of the locality.*"

The requirements of the clause relate to development. The issues related to the proposal are addressed in clause 5.4.10 below.

Clause 5.4.10 Home Based Business

The purpose of the clause is to "*ensure that a home based business facilitates small scale business activities, while remaining ancillary to the dwelling on the site, that are compatible with and conducted in a manner that:*

> *(a) is appropriate to the amenity of the locality and the primary purpose of the zone in which the home-based business is established;*

(b) protects the amenity of adjoining premises;
(c) can be supported by the existing utilities infrastructure provided in the locality; and
(d) limits the traffic impacts to that which might reasonably be expected in the locality."

Clause 5.4.10(1) provides that consent may be granted where a home-based business exceeds prescriptive standards, provided the objectives of the clause are met.

Clause 5.4.10(5)(b) – Quantitative Controls

The key quantitative prescription is set out at subclause 5(b). It states that:

"The storage of materials and vehicles as part of a home-based business is acceptable in Zones RL, R, H, A or FD where:

i. the total area of the site that is used (including areas used temporarily) does not exceed 200m2
ii. no goods or equipment are visible from outside the site; and
iii. not more than three vehicles kept on the site are associated with the home-based business.
iv. it does not involve any materials or equipment that cause nuisance or emissions that adversely impact on the amenity of the locality"

The proposal exceeds the 200m² guideline.

However:

- The exceedance arises from the physical dimensions of work vehicles and storage requirements, not the intensity of the use.
- The large shed is an existing rural outbuilding consistent with the locality.
- The footprint is being reduced and consolidated, not expanded.

The proposed site plan demonstrates that

- 40ft containers are to be removed
- Equipment currently stored on the left side of the site will be removed
- Trucks will be parked in a defined, consolidated area
- The operation will be pulled back from its previously more dispersed configuration.

In terms of visibility from Cornelius Circuit the revised configuration ensures:

- Equipment is stored within the shed or designated internalised areas;
- The removal of the container reduces bulk and visual clutter.
- Existing and proposed landscaping provide screening.

In summary, the 200m² threshold is a proxy for intensity. In functional terms, the operation remains ancillary and small-scale relative to a 2.02ha allotment.

Table 2 below addresses the proposal's compliance with the other relevant requirements.

Table 2: Compliance with clause 5.4.10

Requirement	Proposed	Compliance
It is carried out by a person residing in the dwelling.	The resident and landowner carry out the Home-Based Business.	Yes
It operates in a manner that is ancillary to the use of the dwelling as a private residence.	The dwelling is the primary use. The business would not be there without the dwelling. The scale of the proposal means that it is considered to operate in a manner ancillary to the site's primary residential use.	Subject to qualitative assessment.
It is compatible with the character of the local area and does not unreasonably impact upon the amenity of adjoining or nearby residential uses;	Sheds and small businesses are an expected form of development in the area. The proposal is one of many businesses in the locality. Landscaping is proposed to mitigate visual impact.	Yes
No greater demand or load is imposed on the existing reticulated services than that which is ordinarily required in the locality;	There is no greater demand or load imposed on the reticulated services (being power only) for the site or area. The Home-Based Business is for the storage of machinery and vehicles.	Yes
If reticulated services are not available: i. Development does not impose unsustainable demands on surface water and groundwater; and ii. The land is suitable for the on-site disposal of effluent in a manner that does not pollute ground or surface waters.	The proposal does not increase the demand of on-site disposal of effluent. Employees are only on site for a short period of the day as they collect and return trucks and machinery.	Yes
No more than one sign is erected on the site of a home-based business, and it is not more than 0.5m2 in area; and	No signage is proposed.	Yes
It demonstrates that the surrounding road network can accommodate the additional traffic generated without adverse impacts.	The proposal generates about 16 vehicle movements a day. The local road network can accommodate this demand. The junction of Hicks Road has good visibility and can accommodate trucks.	Yes

4.2 Interim Development Control Order

There are no interim Development Control Orders that apply to the site.

4.3 Referral to the NT EPA

The proposed development is not required to be referred to the NT EPA under the Environmental Protection Act 2019.

4.4 Merits of the Proposed Development

The proposal meets the definition of a home-based business as set out in the NTPS 2020. The proposal would be "*Permitted*" if its equipment was modest in scale and the business had one less vehicle.

The proposed development will benefit the regional construction industry, support a small business, and ensure ongoing employment for its staff.

4.5 Suitability for Development and Impact on Locality

The site has a suitable topography for the proposed development. The scale and nature of the proposal are expected uses in the locality.

The proposed landscaping and other works will mitigate significant impacts.

4.6 The Public Facilities or Public Open Space Available in the Area

The proposal will not increase demand for community infrastructure.

4.7 The Public Utilities or Infrastructure Provided in the Area

The site is connected to power and water. The application will be provided to Power and Water and the Council for comment. The statutory requirements of the Council and Power and Water can be accommodated.

4.8 Impact on Amenity

The operation does not involve:

- Mechanical servicing;
- Fabrication;
- Industrial processing;
- Hazardous material storage.

Girraween's rural living zone accommodates:

- Large sheds;
- Machinery storage;
- Rural-scale vehicles;
- Home occupations.

The proposal utilises an existing shed consistent with the locality. The proposed consolidation and landscaping do not alter the rural residential character.

A neighbouring landowner has provided written support confirming that the business has operated respectfully and without adverse amenity impacts. This independent evidence is a material planning consideration.

4.9 The Public Interest

It is in the public interest to support development, which is essential to the regional economy's function and growth. The proposal would enable the business to serve the region and provide a foundation for growth (and relocation within a period of less than 18 months).

5. Conclusion

The proposal seeks consent for the continued use of part of the application site for a Home-Based Business.

While the proposal exceeds the 200m² area guideline and the three-vehicle threshold under Clause 5.4.10, the non-compliance is quantitative rather than qualitative.

The proposal:

- Remains ancillary to the dwelling;
- Has been materially consolidated and reduced in footprint;
- Is supported by a neighbouring landowner;
- Does not generate demonstrated unreasonable amenity impacts;
- Is capable of being effectively controlled by enforceable conditions;
- Aligns with the purpose and outcomes of the RL (Rural Living) zone.

The Authority is assessing the proposal now, a spatially defined and conditioned operation, not past practices.

In the context of a 2.02ha Rural Living allotment, and having regard to the objectives of Clause 5.4.10, the exercise of discretion is warranted.

An 18-month time-limited consent provides a balanced and proportionate planning outcome, allowing the business to transition while ensuring continued oversight.

For these reasons, the proposal merits approval through the Merit Assessable pathway.

Appendix 1

Letter of support

8 January 2026

To Whom It May Concern,

RE: Support for Austar Underground Services – 25 Cornelius Circuit, Girraween NT

I am writing in support of Austar Underground Services, currently operating from 25 Cornelius Circuit, Girraween NT.

I am a local resident, business owner (operating North Australia Bushfire Solutions from 55 Cornelius Circuit, Girraween) and personal friends with Luke and Jenna Austerberry. I am familiar with both the area and the manner in which Austar Underground Services conducts its operations.

Austar Underground Services has operated in a respectful and considerate manner with regard to neighbouring properties. There have been no ongoing issues relating to noise, hours of operation, traffic movements, or the use of vehicles and equipment. Activities associated with the business have been conducted in an orderly and unobtrusive way.

I would also like to highlight that the proprietors of Austar Underground Services are regarded positively within the local community. They have demonstrated good character and a willingness to assist neighbours when required, including providing practical help during storm events and other situations where assistance was needed.

I acknowledge and respect that planning and zoning requirements exist and must be complied with. I also understand that the business has experienced growth and is actively seeking alternative premises more appropriately zoned for its operations. Given that the business has not caused disruption or adverse impacts to neighbouring properties, I believe it is reasonable and appropriate that consideration be given to allowing a fair and reasonable period of time for relocation.

Providing this time would enable the business owners to secure suitable premises and make informed decisions that support their ongoing livelihood and contribution to the Northern Territory economy.

Small local businesses play an important role in our community, and where they operate responsibly and with consideration for others, they should be supported wherever possible.

This letter is provided in support of granting Austar Underground Services reasonable time to transition their operations in an orderly and compliant manner.

Kind regards,



Brett Stephens
Director

Email:brett@nabushfire.com.au
Phone: 0427 604 253
PO Box 2008
Coolalinga NT 0839

www.northaustraliabushfiresolutions.com.au

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NOTICE OF PROPOSED DEVELOPMENT

SUBMISSIONS CLOSE: MIDNIGHT, 27/03/2026

APPLICATION REF: PA2026/0070

APPLICANT: Upside Planning Pty Ltd

ADDRESS: Section 4962 Hundred of Bagot (25 Cornelius Circuit, Girraween)

ZONE(S): RL (Rural Living)

PROPOSAL: Home based business (storage of materials and vehicles) occupying a site area exceeding 200m² and including storage of more than three vehicles



Indicative image only

VIEW THE APPLICATION AND LODGE A SUBMISSION:

ONLINE: www.ntlis.nt.gov.au/planning

EMAIL: .ntg@nt.gov.au

DARWIN

PHONE: 8999 6046

POST: GPO Box 1680
Darwin NT 0801

Technical Assessment PA2026/0070

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

Application No:	PA2026/0070
Lot number:	Section 4962 (25) Cornelius Circuit, Girraween
Town/Hundred:	Hundred of Bagot
Zone:	RL (Rural Living)
Site Area:	2.02ha
Proposal:	Home based business (storage of material and vehicles) exceeding a usage area of 200m^2 .
Plans used for assessment:	Amended Plans Razorback Building Drawings (4 Sheets)
Date assessment finalised:	21 August 2026

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

Zone RL (Rural Living)				
Use	**Assessment Category**	**Overlays**	**General Development Requirements**	**Specific Development Requirements**
Home Based Business	Merit Assessable	3.2 CNV – Clearing of Native Vegetation	5.2.1 General Height Control 5.2.4 Car Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR	5.4.10 Home Based Businesses

The proposed land use of an 'home based business' is defined by the NTPS as follows:
home based business means use of a dwelling or the site of a dwelling by a person who resides in the dwelling for a business activity which is subordinate to the primary residential use including;
(a) family day care for no more than 7 children;
(b) storage of materials and vehicles;
(c) carrying out of an occupation or profession; and
(d) provision of temporary accommodation on a commercial basis within the dwelling;

The proposed development requires consent at the *Merit Assessable* level of assessment in accordance with Clause 1.8(1)(b)(ii)(2) of the NTPS as follows:
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.

NORTHERN TERRITORY GOVERNMENT

Use and development of land requires consent and is Merit Assessable when any of the following apply:
ii. it is shown as Permitted on the relevant assessment table in Part 4 but:
(2) does not comply with the relevant development requirements set out in Part 5.

The consent authority has the following discretion in relation to this development application in accordance with Clause 1.10(2) of the NTPS:
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 Overlay – 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 development does not require or result in the aggregate native vegetation clearing of the subject property exceeding the 1ha threshold allowance of this clause.

NOT APPLICABLE

4.7 Zone RL – Rural Living

Zone Purpose
Provide for a range of rural lifestyle choices and rural activities, in areas where access to reticulated water and sewerage may not be available.

Zone Outcome
1. Predominantly dwellings-single and dwellings-independent within a rural lifestyle setting.
2. Home based businesses and dwellings-community residence are of a scale, intensity and nature that is compatible with the character and amenity of the surrounding locality.
3. Residential development, such as residential care facilities, does not interfere with the character and amenity of the zone.
4. Rural activities, such as agriculture, animal boarding, horticulture, intensive animal husbandry, plant nursery, industry-primary, stables, and veterinary clinic where the scale, intensity and nature of the activity is compatible with the character and amenity of the surrounding locality and the land is capable of supporting the development.
5. Development for residential purposes does not interfere with the existing or ongoing use of rural land for productive agricultural or horticultural purposes.
6. Community focused activities, such as community centre, child care centre, and emergency management facility:
(a) are of a scale and intensity compatible with the character and amenity of the area;
(b) wherever possible, are co-located with other non-residential activities in the locality;
(c) avoid adverse impacts on the surrounding road network; and
(d) are managed to minimise unreasonable impacts on the amenity of surrounding residents.
7. The design and site layout of all development are sympathetic to the existing streetscape, scale and character of surrounding development.
8. Development does not impose unsustainable demands on surface water and groundwater.
9. Subdivision design is informed by land suitability assessment to confirm the land is able to support residential development.
10. Development is provided with an appropriate level of services and infrastructure, and minimises impacts on sensitive environments.
11. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

As the subject proposal has become merit assessable under Clause 1.8(1)(b)(ii)(2) of the NTPS due to noncompliance with specific home-based business requirements as set out further within this assessment, the Rural Living zone purpose and outcomes is not required to be assessed. However, it is noted that the specific zone purpose and outcomes may form part of wider considerations by the Development Consent Authority under section 51 of the *Planning Act 1999* in making a determination on this development application.

TO BE DETERMINED

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.

The structures to be utilised for the home-based business have a single storey height of no more than 5.7m below the maximum height threshold of this clause of 8.5m.

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 Northern Territory Planning Scheme 2020 Part 5-5

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).

In accordance with the table to this clause a home-based business does not require any car parking spaces. However, it is noted that the plans of the application denote a total of 3 designated vehicle spaces and two employee vehicle spaces.

NOT APPLICABLE

5.2.5 Loading Bays

Purpose
Provide for the loading and unloading of vehicles associated with the use of land.

Administration
1. The consent authority may consent to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:
(a) the scale of the use and development on the site;
(b) any potential adverse impacts on the local road network; and
(c) any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or secondary street.
2. For the purposes of this clause, where an exhibition centre, food premises (fast food outlet and restaurant), office, place of assembly, shop or shopping centre are part of an integrated development, the minimum number of loading bays is to be calculated based on the combined net floor area of the integrated uses.

Requirements
3. Use and development is to include provision of a minimum number of loading bays in accordance with the table to this clause (rounded up to the next whole number).
4. A loading bay is to:
(a) provide areas wholly within the site for loading and unloading of vehicles;
(b) be at least 7.5m by 3.5m;
(c) have a clearance of at least 4m; and
(d) have access that is adequate for its purpose.

The table to this clause does not require a loading bay for the proposed home-based business.
NOT APPLICABLE

5.2.6.1 Landscaping in Zones other than Zone CB

Purpose
Ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall amenity of the locality.

Administration
1. Landscaping may include provision of paved areas and areas for entertainment and recreational activities.
2. The consent authority may consent to landscaping that is not in accordance with sub-clauses 5, 6 and 7 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and is appropriate to the site having regard to the amenity of the streetscape, and the potential impact on the amenity of the locality and adjoining property.

Requirements
3. Where landscaping is required by this Scheme it should be designed so that:
(a) planting is focused on the area within the street frontage setbacks side setbacks, communal open space areas and uncovered car parking areas;
(b) it maximises efficient use of water and is appropriate to the local climate;
(c) it takes into account the existing streetscape, or any landscape strategy in relation to the area;
(d) significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained;

(e) energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;
(f) the layout and choice of plants permits surveillance of public and communal areas; and
(g) it facilitates on-site infiltration of stormwater run-off.
4. The quality and extent of the landscaping consented to must be maintained for the life of the development.

The NTPS does not explicitly require landscaping for the home-based business land use of the Rural Living zoned property.
Nonetheless, existing and proposed landscaping of the front setback area should be retained/planted to partly screen the home-based business activity area from the Cornelius Circuit public road frontage.
The proposed amended plans show new landscaping in the front setback of the property.

NOT APPLICABLE

5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR

Purpose
Protect the visual and acoustic amenity of residential buildings where they are adjacent to non-residential development.

Administration
1. The consent authority must not consent to a development that is not in accordance with sub-clause 3, except where:
(a) the development is covered by an area plan listed in Part 2 (Major Remote Towns) of the Planning Scheme, in which case the consent authority may consent to a development that is not in accordance with sub-clause 3 if the service authority responsible for distribution of electricity, water and sewerage services points to compliance being impractical or prohibited; or
(b) the development is for the purpose of a child care centre.

Requirements
2. A use or development or a proposed use or development that is:
(a) not a residential building;
(b) on land that is in a zone other than Zones LR, LMR, MR or HR; and
(c) abuts land in any of those zones;
must provide a setback to the boundary that abuts any of those zones of not less than 5m.
3. The setback described in sub-clause 2 is to be landscaped to provide a visual screen to the adjacent land Zoned LR, LMR, MR or HR for a minimum depth of 3m.
4. The development should provide a solid screen fence of a minimum height of 1.8m at the boundary with land in Zones LR, LMR, MR or HR.

The Girraween development site does not adjoin any urban residential zoned properties.

NOT APPLICABLE

5.4.10.1 Home Based Businesses

Purpose
Ensure that a home based business facilitates small scale business activities, while remaining ancillary to the dwelling on the site, that are compatible with and conducted in a manner that:

(a) is appropriate to the amenity of the locality and the primary purpose of the zone in which the home based business is established;
(b) protects the amenity of adjoining premises;
(c) can be supported by the existing utilities infrastructure provided in the locality; and
(d) limits the traffic impacts to that which might reasonably be expected in the locality.

Administration
1. The consent authority may consent to a home based business that is not in accordance with sub-clauses 4 and 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, nature, scale and impact on surrounding amenity.
2. Notwithstanding sub-clause 1, the consent authority must not consent to a home based business (temporary visitor accommodation) where the combined total number of residents and guests exceeds twelve people.
3. More than one home based business may operate on a site provided that individually and collectively the home based businesses accord with sub-clauses 4 and 5, and provided that there will not be more than one home based business of each category operating on the site.

Requirements
4. A home based business will comply with the purpose of this clause if:
(a) it is carried out by a person residing in the dwelling;
(b) it operates in a manner that is ancillary to the use of the dwelling as a private residence at all times;
(c) it is compatible with the character of the local area and does not unreasonably impact upon the amenity of adjoining or nearby residential uses;
(d) no greater demand or load is imposed on the existing reticulated services than that which is ordinarily required in the locality;
(e) if reticulated services are not available:
i. development does not impose unsustainable demands on surface water and groundwater; and
ii. the land is suitable for the on-site disposal of effluent in a manner that does not pollute ground or surface waters;
(f) no more than 1 sign is erected on the site of a home based business, and is not more than 0.5m2 in area; and
(g) it demonstrates that the surrounding road network is capable of accommodating the additional traffic generated without adverse impacts.
5. The requirements applicable for each category of home based business are as follows:
(a) family day care for no more than 7 children may be established where the operation and use of the dwelling is approved by Quality Education and Care NT (QECNT) under the National Quality Framework for early childhood education and care, and it is conducted in a way to minimise potential conflict with surrounding residential development;
(b) the storage of materials and vehicles as part of a home based business is acceptable in Zones RL, R, H, A or FD where:
- ***i. the total area of the site that is used (including areas used temporarily) does not exceed 200m2;***
- ***ii. no goods or equipment are visible from outside the site; and***
- ***iii. not more than three vehicles kept on the site are associated with the home based business;***
- ***iv. it does not involve any materials or equipment that cause nuisance or emissions that adversely impact on the amenity of the locality;***

(c) the storage of materials and vehicles is acceptable in any other zone where:
- *i. the total area of the site that is used (including areas used temporarily) does not exceed 30m2;*
- *ii. no goods or equipment are visible from outside the site; and*
- *iii. not more than one vehicle kept on the site is associated with the home based business.*
- *iv. it does not involve any materials or equipment that cause nuisance or emissions that adversely impact on the amenity of the locality;*

(d) a dwelling may be used for the purpose of an occupation or profession where:
i. the total of the floor area of the dwelling plus the other areas of the site that are used (including areas used temporarily) does not exceed 30m2;
ii. no more than 2 customers or clients are present at any one time;
iii. it does not involve more than 1 person who is a non-resident of the dwelling;
iv. it does not involve any materials, equipment or processes that cause nuisance or emissions that adversely impact on the amenity of the locality;
v. a maximum of one vehicle associated with the occupation or profession is kept on the site;
vi. the public display of goods from the premises does not occur outside of a building, and is not visible from the street or another public place;
vii. commercial deliveries or collections are limited to a vehicle no larger than a Light Rigid vehicle up to 8 tonnes, and no more than 2 deliveries or collections per day;
viii. loading or unloading activity is undertaken entirely within the site; and
ix. sufficient car parking for each occupation is provided for, on or off street, in a manner that does not unreasonably impact the safe operation of the local road network or the residential amenity of the locality;
(e) temporary visitor accommodation (bed and breakfast type accommodation) is acceptable where:
i. the number of guests at any time on the premises does not exceed 6
ii. the driveway to the accommodation does not gain access from a road that is in Zone M (Main Road) unless consent is obtained from the responsible authority;
iii. the premises to be used is not a dwelling-multiple or dwelling-group;
iv. it is located on a lot with an area of at least 600m2; and
v. one car parking space is provided for each guest room, in addition to the car parking spaces required for the dwelling.

Original Submission
The proposed home-based business for the storage of vehicles and machinery associated with a drilling business run by the resident landowner does not comply with the above requirements of this clause as:

- The 734m^2 area of the site to be used for the home-based business activity exceeds 200m$^{2;}$
- equipment and goods are visible from the road frontage and neighbouring properties as the home-based business area is adjacent the northern front and the western side boundaries;
- 15 vehicles are proposed to be kept on the site overnight in lieu of three vehicles;
- given the area and the intensity of the home-based business activity, it is not considered the land use will operate in a manner that is ancillary to the use of the dwelling as a private residence, nor is compatible with the character of the local area to not unreasonably impact upon the amenity of adjoining or nearby residential uses, including by way of noise, light and emissions; and
- it is not demonstrated that the surrounding local road network is capable of accommodating the additional traffic generated by the proposed home-based business without adverse impacts.

The applicant submitted the following justification for this variation:

- the home-based business area variation arises from the physical dimensions of the commercial vehicles and machinery to be stored, not the intensity of the use;
- the outbuilding to be used for the home-based business is an existing and consistent with the rural lifestyle locality;
- employees are only on site for a short period of the day as they collect and return trucks and machinery;
- the local road network can accommodate the vehicle movements associated with the home-based vehicle;
- a time limited consent of 18-months is sought, upon cessation of this period the land use will cease and be relocated to an alternative site; and
- the land use aligns with the purpose of the Rural Living zone.

Amended Proposal

- 218m^2 site area still exceeds 200m^2 limit
- 3 cars to be stored overnight and 2 additional employee cars
- Goods and equipment can be screened to prevent visibility from outside the site.
- The proposed significant reduction in the intensity of the home-based business activity is more compatible with an ancillary use to the dwelling as a private residence, it is also more compatible with the character of the local area reducing impact upon the amenity of adjoining or nearby residential uses, including by way of noise, light and emissions ; and
- the surrounding local road network would be less impacted than before.

DOES NOT COMPLY – Variation for Clause 5.4.10.1 5(b) (i)

Technical Assessment PA2026/0070

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

Application No:	PA2026/0070
Lot number:	Section 4962 (25) Cornelius Circuit, Girraween
Town/Hundred:	Hundred of Bagot
Zone:	RL (Rural Living)
Site Area:	2.02ha
Proposal:	Home based business (storage of material and vehicles) exceeding a usage area of 200m^2 and the keeping of more than three (3) vehicles
Plans used for assessment:	Razorback Building Drawings (4 Sheets)
Date assessment finalised:	19 March 2026

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

Zone RL (Rural Living)				
Use	**Assessment Category**	**Overlays**	**General Development Requirements**	**Specific Development Requirements**
Home Based Business	Merit Assessable	3.2 CNV – Clearing of Native Vegetation	5.2.1 General Height Control 5.2.4 Car Parking 5.2.5 Loading Bays 5.2.6 Landscaping 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR	5.4.10 Home Based Businesses

The proposed land use of an 'home based business' is defined by the NTPS as follows:
home based business means use of a dwelling or the site of a dwelling by a person who resides in the dwelling for a business activity which is subordinate to the primary residential use including;
(a) family day care for no more than 7 children;
(b) storage of materials and vehicles;
(c) carrying out of an occupation or profession; and
(d) provision of temporary accommodation on a commercial basis within the dwelling;

The proposed development requires consent at the *Merit Assessable* level of assessment in accordance with Clause 1.8(1)(b)(ii)(2) of the NTPS as follows:
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.

NORTHERN TERRITORY GOVERNMENT

Use and development of land requires consent and is Merit Assessable when any of the following apply:
ii. it is shown as Permitted on the relevant assessment table in Part 4 but:
(2) does not comply with the relevant development requirements set out in Part 5.

The consent authority has the following discretion in relation to this development application in accordance with Clause 1.10(2) of the NTPS:
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 Overlay – 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 development does not require or result in the aggregate native vegetation clearing of the subject property exceeding the 1ha threshold allowance of this clause.

NOT APPLICABLE

4.7 Zone RL – Rural Living

Zone Purpose
Provide for a range of rural lifestyle choices and rural activities, in areas where access to reticulated water and sewerage may not be available.

Zone Outcome
1. Predominantly dwellings-single and dwellings-independent within a rural lifestyle setting.
2. Home based businesses and dwellings-community residence are of a scale, intensity and nature that is compatible with the character and amenity of the surrounding locality.
3. Residential development, such as residential care facilities, does not interfere with the character and amenity of the zone.
4. Rural activities, such as agriculture, animal boarding, horticulture, intensive animal husbandry, plant nursery, industry-primary, stables, and veterinary clinic where the scale, intensity and nature of the activity is compatible with the character and amenity of the surrounding locality and the land is capable of supporting the development.
5. Development for residential purposes does not interfere with the existing or ongoing use of rural land for productive agricultural or horticultural purposes.
6. Community focused activities, such as community centre, child care centre, and emergency management facility:
(a) are of a scale and intensity compatible with the character and amenity of the area;
(b) wherever possible, are co-located with other non-residential activities in the locality;
(c) avoid adverse impacts on the surrounding road network; and
(d) are managed to minimise unreasonable impacts on the amenity of surrounding residents.
7. The design and site layout of all development are sympathetic to the existing streetscape, scale and character of surrounding development.
8. Development does not impose unsustainable demands on surface water and groundwater.
9. Subdivision design is informed by land suitability assessment to confirm the land is able to support residential development.
10. Development is provided with an appropriate level of services and infrastructure, and minimises impacts on sensitive environments.
11. Development that is not defined in Schedule 2 (Definitions) may occur only when assessment has determined that the development is appropriate in the zone, having regard to the purpose and outcomes of this zone and such matters as the location, nature, scale and intensity of the development.

As the subject proposal has become merit assessable under Clause 1.8(1)(b)(ii)(2) of the NTPS due to noncompliance with specific home-based business requirements as set out further within this assessment, the Rural Living zone purpose and outcomes is not required to be assessed. However, it is noted that the specific zone purpose and outcomes may form part of wider considerations by the Development Consent Authority under section 51 of the *Planning Act 1999* in making a determination on this development application.

TO BE DETERMINED

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.

The structures to be utilised for the home-based business have a single storey height of no more than 5.7m which is below the maximum height threshold of this clause of 8.5m.

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 Northern Territory Planning Scheme 2020 Part 5-5

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).

In accordance with the table to this clause a home-based business does not require any car parking spaces. However, it is noted that the plans of the application denote a total of 27 light and heavy vehicle parking spaces on the site for the home-based business activity.

NOT APPLICABLE

5.2.5 Loading Bays

Purpose
Provide for the loading and unloading of vehicles associated with the use of land.

Administration
1. The consent authority may consent to a use or development that is not in accordance with sub-clauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:
(a) the scale of the use and development on the site;
(b) any potential adverse impacts on the local road network; and
(c) any agreements for off-site loading and unloading of vehicles, such shared loading areas or approval to carry out loading activities in a laneway or secondary street.
2. For the purposes of this clause, where an exhibition centre, food premises (fast food outlet and restaurant), office, place of assembly, shop or shopping centre are part of an integrated development, the minimum number of loading bays is to be calculated based on the combined net floor area of the integrated uses.

Requirements
3. Use and development is to include provision of a minimum number of loading bays in accordance with the table to this clause (rounded up to the next whole number).
4. A loading bay is to:
(a) provide areas wholly within the site for loading and unloading of vehicles;
(b) be at least 7.5m by 3.5m;
(c) have a clearance of at least 4m; and
(d) have access that is adequate for its purpose.

The table to this clause does not require a loading bay for the proposed home-based business. However, it is noted that the plans of the application denote two heavy vehicle parking spaces for the loading and unloading of materials and vehicles associated with the home-based vehicle activity.

NOT APPLICABLE

5.2.6.1 Landscaping in Zones other than Zone CB

Purpose
Ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall amenity of the locality.

Administration
1. Landscaping may include provision of paved areas and areas for entertainment and recreational activities.
2. The consent authority may consent to landscaping that is not in accordance with sub-clauses 5, 6 and 7 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and is appropriate to the site having regard to the amenity of the streetscape, and the potential impact on the amenity of the locality and adjoining property.

Requirements
3. Where landscaping is required by this Scheme it should be designed so that:
(a) planting is focused on the area within the street frontage setbacks side setbacks, communal open space areas and uncovered car parking areas;
(b) it maximises efficient use of water and is appropriate to the local climate;
(c) it takes into account the existing streetscape, or any landscape strategy in relation to the area;

(d) significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained;
(e) energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;
(f) the layout and choice of plants permits surveillance of public and communal areas; and
(g) it facilitates on-site infiltration of stormwater run-off.
4. The quality and extent of the landscaping consented to must be maintained for the life of the development.

The NTPS does not explicitly require landscaping for the home-based business land use of the Rural Living zoned property. Nonetheless, existing and proposed landscaping of the front setback area will be retained/planted to partly screen the home-based business activity area from the Cornelius Circuit public road frontage.

NOT APPLICABLE

5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR

Purpose
Protect the visual and acoustic amenity of residential buildings where they are adjacent to non-residential development.

Administration
1. The consent authority must not consent to a development that is not in accordance with sub-clause 3, except where:
(a) the development is covered by an area plan listed in Part 2 (Major Remote Towns) of the Planning Scheme, in which case the consent authority may consent to a development that is not in accordance with sub-clause 3 if the service authority responsible for distribution of electricity, water and sewerage services points to compliance being impractical or prohibited; or
(b) the development is for the purpose of a child care centre.

Requirements
2. A use or development or a proposed use or development that is:
(a) not a residential building;
(b) on land that is in a zone other than Zones LR, LMR, MR or HR; and
(c) abuts land in any of those zones;
must provide a setback to the boundary that abuts any of those zones of not less than 5m.
3. The setback described in sub-clause 2 is to be landscaped to provide a visual screen to the adjacent land Zoned LR, LMR, MR or HR for a minimum depth of 3m.
4. The development should provide a solid screen fence of a minimum height of 1.8m at the boundary with land in Zones LR, LMR, MR or HR.

The Girraween development site does not adjoin any urban residential zoned properties.

NOT APPLICABLE

5.4.10.1 Home Based Businesses

Purpose
Ensure that a home based business facilitates small scale business activities, while remaining ancillary to the dwelling on the site, that are compatible with and conducted in a manner that:

(a) is appropriate to the amenity of the locality and the primary purpose of the zone in which the home based business is established;
(b) protects the amenity of adjoining premises;
(c) can be supported by the existing utilities infrastructure provided in the locality; and
(d) limits the traffic impacts to that which might reasonably be expected in the locality.

Administration
1. The consent authority may consent to a home based business that is not in accordance with sub-clauses 4 and 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, nature, scale and impact on surrounding amenity.
2. Notwithstanding sub-clause 1, the consent authority must not consent to a home based business (temporary visitor accommodation) where the combined total number of residents and guests exceeds twelve people.
3. More than one home based business may operate on a site provided that individually and collectively the home based businesses accord with sub-clauses 4 and 5, and provided that there will not be more than one home based business of each category operating on the site.

Requirements
4. A home based business will comply with the purpose of this clause if:
(a) it is carried out by a person residing in the dwelling;
(b) it operates in a manner that is ancillary to the use of the dwelling as a private residence at all times;
(c) it is compatible with the character of the local area and does not unreasonably impact upon the amenity of adjoining or nearby residential uses;
(d) no greater demand or load is imposed on the existing reticulated services than that which is ordinarily required in the locality;
(e) if reticulated services are not available:
i. development does not impose unsustainable demands on surface water and groundwater; and
ii. the land is suitable for the on-site disposal of effluent in a manner that does not pollute ground or surface waters;
(f) no more than 1 sign is erected on the site of a home based business, and is not more than 0.5m2 in area; and
(g) it demonstrates that the surrounding road network is capable of accommodating the additional traffic generated without adverse impacts.
5. The requirements applicable for each category of home based business are as follows:
(a) family day care for no more than 7 children may be established where the operation and use of the dwelling is approved by Quality Education and Care NT (QECNT) under the National Quality Framework for early childhood education and care, and it is conducted in a way to minimise potential conflict with surrounding residential development;
(b) the storage of materials and vehicles as part of a home based business is acceptable in Zones RL, R, H, A or FD where:
i. the total area of the site that is used (including areas used temporarily) does not exceed 200m2;
ii. no goods or equipment are visible from outside the site; and
iii. not more than three vehicles kept on the site are associated with the home based business;
iv. it does not involve any materials or equipment that cause nuisance or emissions that adversely impact on the amenity of the locality;
(c) the storage of materials and vehicles is acceptable in any other zone where:
i. the total area of the site that is used (including areas used temporarily) does not exceed 30m2;
ii. no goods or equipment are visible from outside the site; and
iii. not more than one vehicle kept on the site is associated with the home based business.
iv. it does not involve any materials or equipment that cause nuisance or emissions that adversely impact on the amenity of the locality;

(d) a dwelling may be used for the purpose of an occupation or profession where:
i. the total of the floor area of the dwelling plus the other areas of the site that are used (including areas used temporarily) does not exceed 30m2;
ii. no more than 2 customers or clients are present at any one time;
iii. it does not involve more than 1 person who is a non-resident of the dwelling;
iv. it does not involve any materials, equipment or processes that cause nuisance or emissions that adversely impact on the amenity of the locality;
v. a maximum of one vehicle associated with the occupation or profession is kept on the site;
vi. the public display of goods from the premises does not occur outside of a building, and is not visible from the street or another public place;
vii. commercial deliveries or collections are limited to a vehicle no larger than a Light Rigid vehicle up to 8 tonnes, and no more than 2 deliveries or collections per day;
viii. loading or unloading activity is undertaken entirely within the site; and
ix. sufficient car parking for each occupation is provided for, on or off street, in a manner that does not unreasonably impact the safe operation of the local road network or the residential amenity of the locality;
(e) temporary visitor accommodation (bed and breakfast type accommodation) is acceptable where:
i. the number of guests at any time on the premises does not exceed 6
ii. the driveway to the accommodation does not gain access from a road that is in Zone M (Main Road) unless consent is obtained from the responsible authority;
iii. the premises to be used is not a dwelling-multiple or dwelling-group;
iv. it is located on a lot with an area of at least 600m2; and
v. one car parking space is provided for each guest room, in addition to the car parking spaces required for the dwelling.

The proposed home-based business for the storage of vehicles and machinery associated with a drilling business run by the resident landowner does not comply with the above requirements of this clause as:

- The 734m^2 area of the site to be used for the home-based business activity exceeds 200m$^{2;}$
- equipment and goods are visible from the road frontage and neighbouring properties as the home-based business area is adjacent the northern front and the western side boundaries;
- 15 vehicles are proposed to be kept on the site overnight in lieu of three vehicles;
- given the area and the intensity of the home-based business activity, it is not considered the land use will operate in a manner that is ancillary to the use of the dwelling as a private residence, nor is compatible with the character of the local area to not unreasonably impact upon the amenity of adjoining or nearby residential uses, including by way of noise, light and emissions; and
- it is not demonstrated that the surrounding local road network is capable of accommodating the additional traffic generated by the proposed home-based business without adverse impacts.

The applicant submits the following justification for this variation:

- the home-based business area variation arises from the physical dimensions of the commercial vehicles and machinery to be stored, not the intensity of the use;
- the outbuilding to be used for the home-based business is an existing and consistent with the rural lifestyle locality;
- employees are only on site for a short period of the day as they collect and return trucks and machinery;
- the local road network can accommodate the vehicle movements associated with the home-based vehicle;
- a time limited consent of 18-months is sought, upon cessation of this period the land use will cease and be relocated to an alternative site; and
- the land use aligns with the purpose of the Rural Living zone.

DOES NOT COMPLY

PowerWater

Phone 1800 245 092
Web powerwater.com.au

Record number: D2026/86796
Container number: NE055/4962

Your Ref: PA2026/0070

Rory Mackay
Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Rory

Re: Part Section 4962 (25) Cornelius Circuit Girraween Hundred of Bagot

In response to your letter of the above proposal for the purpose of Home-Based Business (storage of materials and vehicles) occupying a site area exceeding 200m² and including storage of more than three vehicles, Power and Water Corporation (PWC) advises the following with reference to electricity enquiries:

1. PWC has no objection to the Development application to formalise the existing use of part of the Section 4962 for a Home-Based Business.

2. The Proponent shall engage a licensed electrician to carry out audit and applicable rectification work on customer's internal electrical installation in accordance with NP018 Service and Installation Rules 2024 and NP010-Meter Manual when seeking power clearance letter.

If you have any further queries, please contact Robyn Gless, Customer Connections Officer on 8924 5702.

Yours sincerely

Thanh Tang
Manager Distribution Development

23 March 2026

PowerWater

Phone 1800 245 092
Web powerwater.com.au

Container No: LD055/4962

DLPE - Development Assessment Services
GPO Box 1680
Darwin NT 0801

Dear Rory Mackay

RE: PA2026/0070 - Section 04962 Hundred of Bagot - 25 Cornelius Circuit, Girraween - Home based business (storage of materials and vehicles) occupying a site area exceeding 200m2 and including storage of more than three vehicles

In response to the above proposal for development application purposes, Power and Water Corporation (Water Services) advise the following with reference to water and sewer enquiries:

1. 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.

2. Power and Water have no objections or requirements for the proposed development.

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

Yours sincerely

Craig Thomas

Craig Thomas
Services Development

07 April 2026

cc: Cameron Judson
email: cameron.judson@upsideplanning.com.au

From: Eve-Marie Davie
To: Cameron Judson; Rob Taylor
Cc: Jaimie O"Connor
Subject: RE: Subject: PA2026/0070 – 25 Cornelius Circuit – Council access comments
Date: Tuesday, 10 November 2026 12:27:00 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.jpg

Hi Cameron and Rob

Ive not heard back from Council, so Ive worded the following condition to be included in the potential permit conditions:

5. The existing crossover and accessway into the site not to be used by Heavy Vehicles Class 3 or greater, associated with the homebased business use.

Ive finalised the report now as it needs to be completed prior to the meeting but the wording of this condition could be changed at the meeting so its not set in stone.
Kind Regards

Eve-Marie Davie
A/ Manager
Planning Rural and Katherine
Development Assessment Services
Department of Lands, Planning and Environment
Northern Territory Government

Floor 1, 18-20 Cavenagh Street, Darwin NT 0800
GPO Box 1680 Darwin, NT 0800

P. 08 8999 7937
E: **eve-marie.davie@nt.gov.au**

ntg primary colour rgb

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The NT Government acknowledges the Aboriginal people and cultures of the land and country on which we work and live. We acknowledge the ongoing connection to culture, land, sea and community and pay our respects to Elders past and present and to emerging leaders.

From: Cameron Judson <cameron.judson@upsideplanning.com.au>
Sent: Tuesday, 3 November 2026 2:40 PM
To: Eve-Marie Davie <Eve-Marie.Davie@nt.gov.au>; Rob Taylor <robert.taylor@litchfield.nt.gov.au>
Cc: Jenna Singleton | Administration Austar Underground Services <admin@austarnt.com.au>; Abby Allen <abby.allen@litchfield.nt.gov.au>; Jaimie O'Connor <jaimie.oconnor@litchfield.nt.gov.au>
Subject: Re: Subject: PA2026/0070 – 25 Cornelius Circuit – Council access comments

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Hi Eve-Marie and Rob,

Thanks. I think this provides a sensible way forward.

In principle, the applicants are comfortable with the access issue being addressed by a condition limiting the vehicles associated with the approved home-based business, rather than requiring construction of a new non-residential driveway.

That is consistent with the amended proposal. The larger trucks and higher-intensity vehicle movements are being relocated to Humpty Doo, while the Cornelius Circuit proposal is limited to the substantially reduced operation described in the amended application, including the three nominated business vehicles.

I would, however, like to see the proposed wording before confirming agreement to the condition. Ideally, the condition should be directed specifically at excluding the larger vehicles that gave rise to the manoeuvring and access concerns, without unnecessarily restricting ordinary vehicles associated with the approved home-based business.

Rob, if the Council can suggest wording that it would find acceptable, we can review that promptly and hopefully settle the issue ahead of the DCA meeting.

Thanks,

Cameron



Cameron Judson
Director

+61(0)476 829 517
cameron.judson@upsideplanning.com.au
www.upsideplanning.com.au

From: Eve-Marie Davie <Eve-Marie.Davie@nt.gov.au>
Sent: Tuesday, 3 November 2026 12:02 PM
To: Rob Taylor <robert.taylor@litchfield.nt.gov.au>; Cameron Judson <cameron.judson@upsideplanning.com.au>
Cc: Jenna Singleton | Administration Austar Underground Services <admin@austarnt.com.au>; Abby Allen <abby.allen@litchfield.nt.gov.au>; Jaimie O'Connor <jaimie.oconnor@litchfield.nt.gov.au>

Subject: RE: Subject: PA2026/0070 – 25 Cornelius Circuit – Council access comments

Hi Rob

Yes that might work. It would be need to be decided at the DCA of course.
What kind of wording would you suggest or Council would find acceptable?
Let me know.

E-M

Eve-Marie Davie
A/ Manager
Planning Rural and Katherine
Development Assessment Services
Department of Lands, Planning and Environment
Northern Territory Government

Floor 1, 18-20 Cavenagh Street, Darwin NT 0800
GPO Box 1680 Darwin, NT 0800

P. 08 8999 7937
E: eve-marie.davie@nt.gov.au



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From: Rob Taylor <robert.taylor@litchfield.nt.gov.au>
Sent: Thursday, 15 October 2026 8:38 AM
To: Cameron Judson <cameron.judson@upsideplanning.com.au>
Cc: Eve-Marie Davie <Eve-Marie.Davie@nt.gov.au>; Jenna Singleton | Administration Austar Underground Services <admin@austarnt.com.au>; Abby Allen <abby.allen@litchfield.nt.gov.au>; Jaimie O'Connor <jaimie.oconnor@litchfield.nt.gov.au>
Subject: RE: Subject: PA2026/0070 – 25 Cornelius Circuit – Council access comments

Hi Cameron,

Thank you for your email.

Council would be satisfied that the need for the new non-residential driveway would not be required only on the basis that any approval issued by DCA specifically limited the

types of vehicles to access the home-based business.

Kind regards,

Rob Taylor
Development Engineer
T: 08 8983 0600
E: robert.taylor@litchfield.nt.gov.au
7 Bees Creek Road, Freds Pass NT 0822 | PO Box 446 Humpty Doo NT 0836

sig-1.jpg

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Litchfield Council acknowledges the Traditional Owners of the land we work on and recognises their continuing connection to land, water and communities. We pay our respects to all Traditional Owners and to the Elders past, present and emerging.

From: Cameron Judson <cameron.judson@upsideplanning.com.au>
Sent: Thursday, 15 October 2026 8:30 AM
To: Rob Taylor <robert.taylor@litchfield.nt.gov.au>
Cc: Eve-Marie Davie <eve-marie.davie@nt.gov.au>; Jenna Singleton | Administration Austar Underground Services <admin@austarnt.com.au>
Subject: Subject: PA2026/0070 – 25 Cornelius Circuit – Council access comments

Hi Rob,

I am acting for the applicants in relation to the amended home-based business application at 25 Cornelius Circuit.

DAS (Eve-Marie who is copied in) has provided Council's comments on the amended proposal. The DCA has now deferred consideration of the application to the November meeting to allow some time for us to work through the access and vehicle movement issues directly with the Council.

The amended proposal is materially different from the operation that has historically occurred from the property. In particular, the larger trucks and other higher-intensity components of the business are being relocated to the Humpty Doo site. The home-based business proposed to remain at Cornelius Circuit is limited to three business vehicles, together with up to two employees attending in their private vehicles before travelling to off-site work locations.

I think that distinction is important to the Council's concern regarding vehicle manoeuvring within the road reserve. The movements across the opposite verge

shown in the Council's screenshot are associated with the larger vehicles operating from the site which are to be relocated. Those vehicles will not form part of the amended home-based business. With the larger vehicles removed, the vehicles associated with the proposed HBB should be able to enter and leave using the existing access without the manoeuvres across the opposite verge that Council has identified.

On that basis, we would also like the Council to reconsider the requirement for a new separate non-residential access. The proposed HBB will generate ordinary light-vehicle movements and the existing access is capable of accommodating those movements. In our view, requiring a second access constructed to the non-residential standard would be disproportionate to the scale and nature of the amended use, particularly where the access issue arising from the former operation is effectively addressed by removing the larger vehicles from Cornelius Circuit.

The amended plan already provides separate spaces for the three business vehicles and two employee vehicles, so the Council's concern regarding employee parking can also be accommodated within the site.

Would the Council be prepared to accept the existing access for the amended HBB, on the basis that the larger trucks/heavy vehicles do not form part of the approved use and that vehicles associated with the HBB are not to undertake manoeuvres over the opposite verge?

If useful, I am happy to discuss this by phone. We are trying to settle the outstanding matters sufficiently ahead of the November DCA meeting so that DAS can incorporate the Council's final position into its assessment.

Thanks,

Cameron

From:	Cameron Judson
To:	Eve-Marie Davie; Rob Taylor
Cc:	Jenna Singleton | Administration Austar Underground Services; Abby Allen; Jaimie O"Connor
Subject:	Re: Subject: PA2026/0070 – 25 Cornelius Circuit – Council access comments
Date:	Tuesday, 3 November 2026 2:40:48 PM
Attachments:	image004.png image005.png image006.png image007.jpg image.png

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Hi Eve-Marie and Rob,

Thanks. I think this provides a sensible way forward.

In principle, the applicants are comfortable with the access issue being addressed by a condition limiting the vehicles associated with the approved home-based business, rather than requiring construction of a new non-residential driveway.

That is consistent with the amended proposal. The larger trucks and higher-intensity vehicle movements are being relocated to Humpty Doo, while the Cornelius Circuit proposal is limited to the substantially reduced operation described in the amended application, including the three nominated business vehicles.

I would, however, like to see the proposed wording before confirming agreement to the condition. Ideally, the condition should be directed specifically at excluding the larger vehicles that gave rise to the manoeuvring and access concerns, without unnecessarily restricting ordinary vehicles associated with the approved home-based business.

Rob, if the Council can suggest wording that it would find acceptable, we can review that promptly and hopefully settle the issue ahead of the DCA meeting.

Thanks,

Cameron

Cameron Judson
Director

+61(0)476 829 517
cameron.judson@upsideplanning.com.au
www.upsideplanning.com.au

From: Eve-Marie Davie <Eve-Marie.Davie@nt.gov.au>
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To: Rob Taylor <robert.taylor@litchfield.nt.gov.au>; Cameron Judson <cameron.judson@upsideplanning.com.au>
Cc: Jenna Singleton | Administration Austar Underground Services <admin@austarnt.com.au>; Abby Allen <abby.allen@litchfield.nt.gov.au>; Jaimie O'Connor <jaimie.oconnor@litchfield.nt.gov.au>

Subject: RE: Subject: PA2026/0070 – 25 Cornelius Circuit – Council access comments

Hi Rob

Yes that might work. It would be need to be decided at the DCA of course.
What kind of wording would you suggest or Council would find acceptable?
Let me know.

E-M

Eve-Marie Davie
A/ Manager
Planning Rural and Katherine
Development Assessment Services
Department of Lands, Planning and Environment
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Floor 1, 18-20 Cavenagh Street, Darwin NT 0800
GPO Box 1680 Darwin, NT 0800

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Subject: RE: Subject: PA2026/0070 – 25 Cornelius Circuit – Council access comments

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Kind regards,

Rob Taylor
Development Engineer
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7 Bees Creek Road, Freds Pass NT 0822 | PO Box 446 Humpty Doo NT 0836

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Subject: Subject: PA2026/0070 – 25 Cornelius Circuit – Council access comments

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manoeuvring within the road reserve. The movements across the opposite verge shown in the Council's screenshot are associated with the larger vehicles operating from the site which are to be relocated. Those vehicles will not form part of the amended home-based business. With the larger vehicles removed, the vehicles associated with the proposed HBB should be able to enter and leave using the existing access without the manoeuvres across the opposite verge that Council has identified.

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Would the Council be prepared to accept the existing access for the amended HBB, on the basis that the larger trucks/heavy vehicles do not form part of the approved use and that vehicles associated with the HBB are not to undertake manoeuvres over the opposite verge?

If useful, I am happy to discuss this by phone. We are trying to settle the outstanding matters sufficiently ahead of the November DCA meeting so that DAS can incorporate the Council's final position into its assessment.

Thanks,

Cameron

From:	Rob Taylor
To:	Eve-Marie Davie
Cc:	Jaimie O"Connor; Abby Allen
Subject:	RE: URGENT: FW: PA2026/0070 – 25 Cornelius Circuit – amended proposal- Comments sought
Date:	Thursday, 24 September 2026 10:17:43 AM
Attachments:	image001.png image003.png image004.jpg image005.png image006.png image007.png image008.png

---

HI Eve-Marie,

For the third dot point, Council would need any proposed access designs to include a engineering swept path drawing to confirm the movements of all proposed types of vehicles accessing the Lot.

Please see conditions that could be included should a DP be approved.

Conditions Precedent

a. The crossover and driveway shall meet Litchfield Council's requirements, and be in accordance with the most current NT Subdivision and Development Guidelines.
b. 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

a. The kerb crossovers and/or driveways to the site are to meet the technical standards of Litchfield Council. The owner shall remove disused crossovers; provide footpaths/cycleways, as required by Litchfield Council; collect stormwater and discharge it to the drainage network; and undertake reinstatement works; all to the technical requirements and satisfaction of Litchfield Council, at no cost to Litchfield Council.

Notes

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.

d) Note that a development permit issued under the Planning Act is not an approval for access onto a Litchfield Council road. Approval for access to be taken from, or constructed within the Council controlled road reserve rests solely with

Council as the approving authority

Kind regards,

Rob Taylor
Development Engineer
T: 08 8983 0600
E: robert.taylor@litchfield.nt.gov.au
7 Bees Creek Road, Freds Pass NT 0822 | PO Box 446 Humpty Doo NT 0836

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From: Eve-Marie Davie <Eve-Marie.Davie@nt.gov.au>
Sent: Tuesday, 22 September 2026 12:30 PM
To: Rob Taylor <robert.taylor@litchfield.nt.gov.au>
Cc: Jaimie O'Connor <jaimie.oconnor@litchfield.nt.gov.au>; Abby Allen <abby.allen@litchfield.nt.gov.au>
Subject: RE: URGENT: FW: PA2026/0070 – 25 Cornelius Circuit – amended proposal- Comments sought

Hi Rob
Thank you for your comments in relation to the amended plans provided by the applicant. These are all noted.
Is my understanding correct that Council requests a second access for the proposed homebased business? Do you have standard conditions that you would like such as road opening?
With the third dot point what kind of condition do you suggest? Turning circles demonstrating access which does not impede on the road reserve?
Kind Regards

Eve-Marie Davie
A/ Manager
Rural, Regional (Katherine and Big Rivers) and Remote Areas Planning
Development Assessment Services
Department of Lands, Planning and Environment

Northern Territory Government

Floor 1, 18-20 Cavenagh Street, Darwin NT 0800
GPO Box 1680 Darwin, NT 0800

P. 08 8999 7937
E: eve-marie.davie@nt.gov.au

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From: Rob Taylor <robert.taylor@litchfield.nt.gov.au>
Sent: Monday, 21 September 2026 11:56 AM
To: Eve-Marie Davie <Eve-Marie.Davie@nt.gov.au>
Cc: Abby Allen <abby.allen@litchfield.nt.gov.au>; Jaimie O'Connor <jaimie.oconnor@litchfield.nt.gov.au>
Subject: RE: URGENT: FW: PA2026/0070 – 25 Cornelius Circuit – amended proposal- Comments sought

Hi Eve-Marie,

Thank you for providing the opportunity to provide comment.

In the interests of ensuring a response within the short timeframes, please accept this response as Council's official comments in response to the amending proposal;

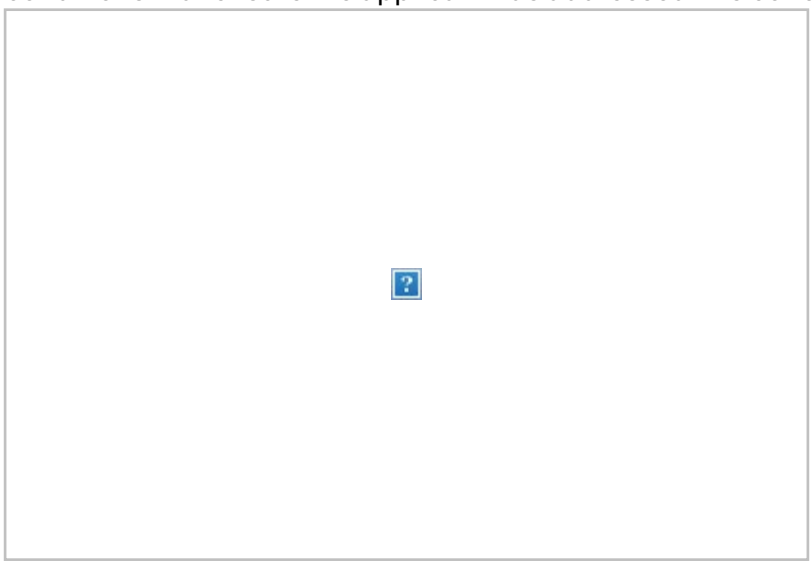
- Any requirements for parking should consider employee vehicles as part of this as, while not owned by the business, these vehicles are still related to the operations of the business and as such should be factored into any relevant parking requirements.

- The proposal to utilise a current residential shared driveway is not supported and, should DCA approve the amended proposal, any amended plans should show a new standard vehicle access non-residential (single) driveway in line with NTG Standard Drawing SS1008 designed.
  This aspect needs to consider the neighbouring property into the future, should that property be sold.

- The amended proposal should address how vehicles currently associated with

this business will navigate the current road reserve without illegal manoeuvring over the verge (refer screenshot below).

Should the DCA approve the amended proposal, Council would require conditions that ensure the applicant has addressed this concern.



- Council acknowledges that the business is developing a Lot at the Humpty Doo Industrial Estate for the purpose of the business and may support a time limitation of 18-months, as per the original application, on the home-based business to allow them to transfer the full business to the new site from the residential address.

On the condition that the above matters can be addressed through suitable conditions should the DCA approve the amended proposal, Council would not object to a development permit being issued.

Kind regards,

Rob Taylor
Development Engineer
T: 08 8983 0600
E: robert.taylor@litchfield.nt.gov.au
7 Bees Creek Road, Freds Pass NT 0822 | PO Box 446 Humpty Doo NT 0836

sig-1.jpg



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From: Eve-Marie Davie <Eve-Marie.Davie@nt.gov.au>
Sent: Monday, 21 September 2026 08:59:04
To: Jaimie O'Connor <jaimie.oconnor@litchfield.nt.gov.au>
Subject: URGENT: FW: PA2026/0070 – 25 Cornelius Circuit – amended proposal- Comments sought

Hi Jaime
I am seeking Councils urgent comment on this amended proposal for 25 Cornelius Circuit.
This will go back to the DCA next month.
Please let me know your comments.

Kind Regards,

Eve-Marie Davie
Senior Planner
Development Assessment Services
Department of Lands, Planning and Environment
Northern Territory Government

Floor 1, 18-20 Cavenagh Street, Darwin NT 0800
GPO Box 1680 Darwin NT 0800

P: **+61 8 8999 7937**
E: eve-marie.davie@nt.gov.au

From: Cameron Judson <cameron.judson@upsideplanning.com.au>
Sent: Friday, 14 August 2026 8:36 AM
To: Eve-Marie Davie <Eve-Marie.Davie@nt.gov.au>
Cc: George Maly <George.Maly@nt.gov.au>; Planning Complaints <Planning.Complaints@nt.gov.au>
Subject: PA2026/0070 – 25 Cornelius Circuit – amended proposal

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Eve-Marie,

Further to our recent correspondence regarding PA2026/0070, please find attached a letter and amended site plan for 25 Cornelius Circuit, Girraween.

The revised plan materially reduces and more clearly defines the proposed home-based business. In particular, it identifies a total business area of 218.75m², limits the proposal to three designated business vehicles, separates the residential and business components of the site, and confines business activity to the nominated area.

The attached letter explains the amendments and should be read together with the amended site plan and the existing Statement of Effect.

Please let me know if DAS requires anything further at this stage.

Thanks,

Cameron



Cameron Judson
Director

+61(0)476 829 517
cameron.judson@upsideplanning.com.au
www.upsideplanning.com.au

26 March 2026

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

RE: Letter of Comment Development Application

PA2026/0070
Hun: 055 P: 04962 25 Cornelius Circuit HOWARD SPRINGS, Hundred of Bagot
Home based business (storage of materials and vehicles) occupying a site area exceeding 200m2 and including storage of more than three vehicles

---

Thank you for the Development Application referred to this office on 20/03/2026, 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 proposal does not conform with the Northern Territory Planning Scheme requirements for a home based business. The area used for the business exceeds the allowable floor-area limit by approximately 500m², intensifying the use and increasing the likelihood of adverse impacts on the surrounding road network and neighbourhood amenity.

b) It is also unclear whether the operation will have additional impacts on groundwater, including potential effects arising from the filling of hydro-vac truck vehicles and from the care and maintenance of these vehicles, such as sediment and waste runoff. Further, it is unclear whether any fuel is stored on site and, if so, in what form or quantity, or whether any of the hydro-vac trucks are storing or discarding waste materials (including soil, slurry, or liquid waste) on the site.

Council can provide the following comments in relation to the application:

a) Council acknowledges that a number of home based businesses already operate in the rural area in a manner comparable to this proposal. However, Council's ongoing strategic intent is to support and facilitate the development of appropriately zoned

industrial and commercial areas that are better suited to these types of operations, and that can more effectively manage amenity impacts through the application of town planning best practice.

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) The crossover and driveway shall meet Litchfield Council's requirements, and be designed in accordance with the NT Subdivision and Development Guidelines (in consideration of a commercial operation).

b) 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.

c) An Operational Environmental Management Plan (OEMP) that addresses the day to day waste management requirements for the use shall be prepared to the satisfaction of Litchfield Council. The use must at all times be conducted in accordance with the plan.

d) A Traffic Impact Assessment, prepared by a suitably qualified traffic engineer in accordance with the AustRoads Document Guide to Traffic Management Part 12: Traffic Impacts of Developments. The Traffic Impact Assessment should include swept paths for vehicles entering and exiting the site.

   The report should identify any necessary upgrades to the surrounding street network as a result of the implications of the development to the requirements of Litchfield Council. The developer will be required to institute all required upgrade measures at no cost to 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 kerb crossovers and/or driveways to the site are to meet the technical standards of Litchfield Council. The owner shall remove disused crossovers; provide footpaths/cycleways, as required by Litchfield Council; collect stormwater and discharge it to the drainage network; and undertake reinstatement works; all 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 33.

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

Kind Regards,



Jaimie O'Connor
Planning and Development Program Leader

NORTHERN TERRITORY GOVERNMENT
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2 April 2026

Mr Rory Mackay
Development Assessment Services
Department of Lands, Planning and Environment
GPO Box 1680
DARWIN NT 0801

Our Ref: DLPE2026/0094
Your Ref: PA2026/0070

Dear Mr Mackay

Re: PA2026/0070 Home based business (storage of materials and vehicles) occupying a site area exceeding 200m^2 and including storage of more than three vehicles

The information provided for the above application has been assessed by the relevant divisions within the department, and the following comment is provided:

Lands and Planning Division

Building Advisory Services

A building permit for this work is to be obtained prior to the commencement of construction.

As the proposed structure will be utilised for the storage of work materials and equipment, with attendance by staff members who are not residents of the site, the buildings classification should be carefully considered. The proposed use is commercial in nature and deviates from being a simple residential style storage shed.

Environment Regulation Division

Under the *Waste Management and Pollution Control Act 1998* (NT) (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].

[1] https://ntepa.nt.gov.au/publications-and-advice/environmental-management

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 airborne particles are not discharged or emitted beyond the boundaries of the premises.
2. **Noise**: The proponent must ensure that the noise levels from the proposed premises comply with 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 should 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] and Keeping Our Stormwater Clean[6].
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 should store liquids only in secure bunded areas in accordance with VIC EPA Publication 1698: Liquid storage and handling guidelines[7]. Where these guidelines are not relevant, the storage should 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 contaminated, a contaminated land assessment is 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[8], and the NT Contaminated Land Guidelines[9].
6. **Waste Management - Import and Export of Fill**: The proponent must ensure all fill imported or exported as part of the activity is certified virgin excavated natural material (VENM) in accordance with the NSW EPA guidelines[10].

   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

[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://ntepa.nt.gov.au/__data/assets/pdf_file/0006/284676/guideline_keeping_stormwater_clean_builders_guide.pdf
[7] https://www.epa.vic.gov.au/about-epa/publications/1698
[8] https://ntepa.nt.gov.au/your-environment/contaminated-land/investigating-contaminated-land
[9] https://ntepa.nt.gov.au/__data/assets/pdf_file/0020/434540/guideline_contaminated_land.pdf
[10] https://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/virgin-excavated-natural-material/

officers upon request. The proponent should also consider the following NT EPA fact sheet: Illegal Dumping - What You Need to Know[11].

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[12].

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[13].

   If the 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[14].

Water Resources Division

There are no issues of concern requiring comment within the responsibilities of the Water Resources Division.

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

Yours sincerely



Maria Wauchope
Executive Director Land Resources

[11] https://ntepa.nt.gov.au/__data/assets/pdf_file/0008/285740/factsheet_illegal_dumping_what_you_need_know.pdf
[12] https://ntepa.nt.gov.au/__data/assets/pdf_file/0006/453192/guideline_recommended_land_separation_distances_oct.pdf
[13] https://ntepa.nt.gov.au/_media/waste-and-pollution/pdf/guidelines/guideline_prevent_pollution_building_sites.pdf
[14] https://nt.gov.au/__data/assets/pdf_file/0016/1131073/waste-discharge-licensing-guidelines.pdf