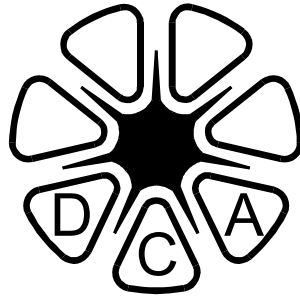




DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING NO. 312 – WEDNESDAY 19 AUGUST 2026

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

MEMBERS PRESENT: Suzanne Philip (Chair), Rick Grant, Mitch Virgin, Emma Sharp and Daisy Crawford

APOLOGIES: Rachael Wright

LEAVE OF ABSENCE: None

OFFICERS PRESENT: Margaret Macintyre (Secretary), George Maly, Eve-Marie Davie, Jack Richardson, and Drashti Chovatiya (Development Assessment Services)

COUNCIL REPRESENTATIVE: Jaimie O'Connor and Rob Taylor

Meeting opened at 11.45 am and closed at 1.30pm

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

ITEM 1

PA2026/0198

SUBDIVISION AND CONSOLIDATION TO CREATE 2 LOTS

SUBJECT SITE

SECTION 5006 AND 5183 (850 & 855) ARNHEM HIGHWAY, HUMPTY DOO, HUNDRED OF STRANGWAYS

APPLICANT

CUNNINGTON ROSSE TOWN PLANNING AND CONSULTING

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

**RESOLVED
44/26**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Section 5006 (850) and Section 5183 (855) Arnhem Highway, Humpty Doo, Hundred of Strangways for the purpose of a subdivision and consolidation to create two lots in two stages, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, approval is required for the provision access to each lot and for any works within or impacting upon the (Arnhem Highway or Trippe Road) Road reserve from the Transport and Civil Service Division of the Department of Logistics and Infrastructure (DLI) and Litchfield Council, as the case may be, to the satisfaction of the consent authority. Design documents must be prepared to the standards and specifications of DLI and submitted to the Director Corridor Management, Transport and Civil Service Division for Road Agency Approval and for a Permit to Work Within a Road Reserve.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. All new easements, and amendments to existing easements, to be vested in the relevant authority for which the easement is to be created must be shown on the survey plan, to the satisfaction of the consent authority for approval by the Surveyor General.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity to the development/each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. The kerb crossovers and driveways to the site are to meet the technical standards of the of Litchfield Council, to the satisfaction of the consent authority.
7. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/cycle corridors, and streetscaping shall be to the technical requirements and approval of Litchfield Council, with all approved

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works constructed at the developer's expense. Note: Design drawings shall be approved by Litchfield Council prior to construction of the works.

8. Prior to the issue of Part 5 clearance, the owner must, in accordance with Part 6 of the Planning Act 1999, make any contribution required in accordance with the Litchfield Council Development Contribution Plan, to the satisfaction of the consent authority.
9. The subdivision and consolidation (including staging) shall occur simultaneously in accordance with the approved plans, to the satisfaction of the consent authority.

NOTES

1. This permit will expire if one of the following circumstances applies:
 - a. the development and use is/are not started within two years of the date of this permit; or
 - b. the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. A Works Permit is required from the Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's Road network. Fees may apply.
3. Water Resources Division of the Department of Lands, Planning and Environment can be contacted on 8999 4455 for assistance with the Restriction Notice.
4. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Interim Development Control Order 33.
5. The Power and Water Corporation (PWC) advises:
 - a. Power service to Section 5006 from substation 10465 will remain unchanged for proposed Lot 2.
 - b. The Proponent shall need to apply for a Negotiated Connection application under Australian Energy Regulator (AER) compliance and be responsible for associated costs to design and installation of a basic supply of 25kVA, 3-phase power service to the newly created Lot 1 (6.3ha) under Rural Living (RL) zone in accordance with PWC's NP020 – Guidelines for Developers of Subdivisions and Electricity Infrastructure.
 - c. As all the applicable upgrade works will be designed and carried out on the existing overhead power line on Arnhem Highway, PWC shall provide a quote for payment by the Proponent.
6. The Bushfires Northern Territory Division of the Northern Territory Fire and Emergency Services advises that firebreaks along boundaries or at appropriate locations shall be provided on each created lot of this subdivision.
7. A groundwater extraction licence may be required under the *Water Act 1992* for any bore used for purposes other than rural stock and domestic water supply. For advice on water extraction licences please contact the Water Licensing and Regulation Branch of the Department of Lands, Planning and Environment.
8. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the *Heritage Act 2011*. Should any heritage or archaeological material be discovered during over the course of work, cease operation

and please phone Heritage Branch of the Department of Lands, Planning and Environment.

9. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Lands, Planning and Environment ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
10. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>. The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.
11. All land in the Northern Territory is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding declared weeds. Section 9 general duties include the requirement to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection. Should you require further weed management advice contact the weed management branch by phone on (08) 8999 4567 or by email to weedinfo@nt.gov.au.

REASONS FOR THE DECISION

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

The Northern Territory Planning Scheme 2020 applies to the land and a subdivision and consolidation, to create two (2) lots, requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(ii); therefore: the Strategic Framework (Part 2 of the Scheme, including the Darwin Regional Land Use Plan and the Litchfield Sub-Regional Land Use Plan), zone purpose and outcomes of Clause 4.7 (Zone RL (Rural Living)), and Clauses: 3.2 (Overlay CNV- Clearing of Native Vegetation); Clauses: 3.8 (Overlay LADR- Land Adjacent to a designated Road); Clauses: 6.3.2 (Lot Size and Configuration for Subdivision in Zones RL, R and H, and Unzoned Land); Clauses: 6.3.3 (Site Characteristics for Subdivision for Lots

of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land); Clauses: 6.3.4 (Infrastructure for Subdivision in Zones RL, R and Unzoned Land); Clauses: 6.3.5 (Mineral Resources and Subdivision in Zone RL) and Clauses: 6.6.2 (Consolidation), 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(s) 6.3.2 (Lot Size and Configuration for Subdivision in Zones RL, R and H, and Unzoned Land; Clauses: 6.3.3 (Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land); and Clause 6.6.2 (Consolidation).

6.3.2 Lot Size and Configuration for Subdivision in Zones RL, R and H, and Unzoned Land

Whilst the proposed Lot 1 will have an area of 6.78 hectares and complies with the minimum lot size requirement of 2 hectares within the RL zone, the proposed Lot 2 will have an area of 1.84 hectares and therefore does not comply with the minimum lot size requirement. However, the applicant has identified that 1ha of unconstrained land will be available on each proposed lot and the lots created are considered to be more regular in shape.

PowerWater (water services) have advised that no reticulated water and sewer services are available in the area and Water Resource Management (DPLE) have advised that land is located within a Restricted Water Extraction Area. It is noted that despite being located in a water extraction restriction zone and not being developed, Proposed Lot 1 retains a right to a bore whilst proposed Lot 2 (Bore No: RN035980) will retain existing commercial water licence.

In summary, a variation to the proposed lot size is supported as the proposal broadly meets the provisions of the Clause, the zone purpose and outcomes.

Clause 6.3.3 (Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land)

Advice from the Department of Lands, Planning and Environment (Land Resource Division; LRD), indicates that the proposed lot 1 contains a minimum of 1ha of land unconstrained by drainage in its northern portion. However, there is no unconstrained access from the Arnhem Highway to this area as access to Arnhem Highway is impeded by a wetland. Only Lot 2 has unconstrained access to a public road, via Trippe Road connecting to Arnhem Highway. For this reason, the proposal does not comply with this clause.

A variation to this clause for a lack of unconstrained access from a public road to the unconstrained portion of the land can be supported as this non-compliance already exists due to the land being already physically divided by the Arnhem Highway Road corridor and in consequence this constraint already exists whether the subdivision proceeds or not. Further advice from the Department of Lands, Planning and Environment (Land Resource Division) also indicates that, due to the administrative nature of the proposal and the generally low surface gradients, it had no fundamental concerns with the subdivision.

The proposal generally demonstrates that the land is capable of accommodating the proposed lots and that the intent of the unconstrained land requirements can be achieved where it is feasible to do so. The outstanding issues relate principally to the detailed design of stormwater management and access arrangements, which can be

addressed through permit conditions requiring the submission and approval of further technical information by the applicant, to the satisfaction of the relevant authorities, prior to the commencement of development. Accordingly, the variation is considered acceptable in this instance.

6.6.2 Consolidation

Proposed Lot 2 will have an area of 1.84 hectares where 2 hectares would normally be required, and therefore the proposal does not comply with the minimum lot size for Zone RL. The variation is considered acceptable in this instance as the proposal is administrative in nature, does not create any additional lots or increase development potential or residential density on the land and results in a more logical and functional land tenure arrangement with the consolidation allowing for Lot 2 to increase from 1.36 hectares to 1.84 hectares thus reducing the effective non-compliance.

Accordingly, despite the variation to the minimum lot size requirement, the proposal is considered adequate in achieving the intent of the clause and the outcomes sought for Zone RL.

The Consent Authority confirmed with the applicant that the proposed subdivision and consolidation are to be undertaken in stages so that the parcel to be sold could be created, registered and sold and then subsequently consolidated. The consent authority then resolved to include a specific condition of approval on the permit requiring the staging to occur simultaneously in accordance with the approved plans, to ensure that no additional allotment requiring access and a bore is created where a consolidation did not proceed in accordance with this approval.

The applicant, Brad Cunnington indicated that they have no concerns with the inclusion of this special condition for simultaneous staging. The applicant was further advised that the issue of a single permit is acceptable, provided that the subdivision and consolidation are completed in the manner required by the Consent Authority and in accordance with the conditions of approval.

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

Litchfield Council had raised concerns regarding the location of the unconstrained land within Lot 1 and note that the identified access constraints may limit the future development potential of Proposed Lot 1. These concerns were acknowledged. Advice received from DLI indicates that the southern portion of Section 5183 is effectively landlocked and incapable of supporting independent access. That said, it is recognised that the proposed consolidation with Section 5006 provides a practical and lawful access arrangement via the existing Trippe Road driveway and results in a more logical land tenure outcome. Importantly, the proposal does not create additional lots, increase development potential, or intensify land use beyond that currently anticipated under the Planning Scheme. Notwithstanding Council's concerns, the proposal is considered to achieve a more practical and functional land configuration and could, therefore be supported.

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

A Land Suitability Assessment and Site and Soil Evaluation Report have been submitted as part of the application. These documents and the Land Resources Division of the Department of Lands, Planning and Environment response to the application confirm that each new lot is capable of supporting the subject subdivision for rural lifestyle purposes.

The Authority invited the applicant, Brad Cunnington, to speak. The applicant argued that the stormwater Condition Precedent 2 was unnecessary as the stormwater management requirements are adequately addressed through a standard permit condition.

The Authority invited Litchfield Council representative, Jaime O'Connor, to comment. Jaime O'Connor on behalf of Litchfield Council, agreed that Condition Precedent 2 was not required noting that the proposed standard condition addressing stormwater would suffice. Accordingly, no concerns were raised regarding the deletion of Condition Precedent 2.

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

The two lots to be created as part of the subject subdivision can be provided with a grid electricity supply. Unconstrained driveway/crossover access to Arnhem Highway to engineered access for Lot 1 can be achieved, noting Lot 2 already has access to Trippe Road. To ensure these subdivision and consolidation works are completed accordingly, conditions of approval for the benefit of the relevant service authority providers for this infrastructure have been imposed on the development permit.

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

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

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

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2026/0184

CONCURRENT APPLICATION – TO INCLUDE SECTION 4625 HUNDRED OF STRANGWAYS WITHIN THE BOUNDARY OF THE COOLALINGA AND FRED'S PASS RURAL ACTIVITY CENTRE AND SUBDIVIDE TO CREATE FOUR LOTS.

SUBJECT SITE

LOT 4625 (30) HOLLY ROAD, BEES CREEK, HUNDRED OF STRANGWAYS

APPLICANT

CUNNINGTON ROSSE TOWN PLANNING AND CONSULTING

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

RESOLVED
45/26

As required by section 30P(1)(a), the consent authority must make a preliminary decision that, if the Minister were to approve the amendment proposal to rezone Section 4625 Hundred of Strangways (30 Holly Road Bees Creek) that it would be likely to determine to consent to the development under section 30W(1)(a) conditionally for the purpose of a subdivision to create four lots subject to the following conditions:

CONDITIONS PRECEDENT

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

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. Before the issue of titles the owner must, in accordance with Part 6 of the *Planning Act 1999*, pay a monetary contribution to the Litchfield Council for the upgrade of local infrastructure, in accordance with its Development Contribution Plan.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of reticulated water supply and electricity to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. All proposed and affected:
 - a. roads;
 - b. stormwater drainage;
 - c. vehicular access; and
 - d. streetscapingmust be designed and constructed at the owner's expense in accordance with the requirements of the Northern Territory Subdivision Development Guidelines and to the technical requirements of the Litchfield Council, to the satisfaction of the consent authority

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8. Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the *Bushfires NT Division of the Northern Territory Fire and Emergency Services*.

NOTES

1. This permit will expire if one of the following circumstances applies:
 - (a) the development *and use is/are* not started within *two* years of the date of this permit;
or
 - (b) the development is not completed within *four* years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. A Works Permit is required from the Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network. Fees may apply.
3. The Power and Water Corporation (PWC) power, advise the following:
 - A basic supply of 25VA, three-phase power service shall be required to each newly created lot in accordance with the current NP)@) – Guidelines for Developers of Subdivisions and Electricity Infrastructure published on the PWC website(www.powerwater.com.au).
 - The landowner shall engage a licensed electrician to:
 - submit a Negotiated Connection application under Australian Energy Regulator (AER) compliance process for PWC's assessment on subdivision power servicing connection requirements.
 - Carry out a detailed power servicing design drawing submission in consultation with PWC
 - PWC shall only carry out final connection works at applicable charge under the AER assessment process.
4. 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.
5. The Power and Water Corporation (PWC) water, advise the following:
 - Reticulated sewer services are currently unavailable in the area. The developer shall contact relevant authorities to discuss servicing requirements for the proposed development.
 - Only a single water service is permitted for each proposed individual lot. All new services are constructed by the developer, at no cost to Power and Water. The proposed lots are to be individually serviced from the water main on Holly Road.
 - The developer must ensure that;
 - a) Backflow prevention is installed at the water service in accordance with AS/NZS 3500.1 – Plumbing and Drainage - Water Services
 - b) Where applicable, the device is tested annually in accordance with AS/NZS 2845.3 field testing and maintenance of testable devices.

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

- Full lot fire coverage cannot be achieved from existing hydrants. Internal firefighting arrangements must be made to the satisfaction of NT Fire and Rescue Service. An internal break tank maybe required for firefighting, as direct pumping from PWC water mains is not permitted.
 - The existing water easement within the parent lot is still required. Structures must not be located on or over a water supply or sewerage easement, or where no easement exists such as within a road reserve without obtaining the prior written approval of Power and Water.
 - All required works mentioned above must all be at according to Power and Water's Connection Code and at the developer's expense. All standard, quoted and Water and Sewerage System Extension Policy (WASSEP) charges, as well as contribution charges may be applicable. As required, Power and Water will reassess the charges for the development.
6. Any new on-site wastewater management system is to be installed in accordance with the Code of Practice for Wastewater Management.
7. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the *Heritage Act 2011*. Should any heritage or archaeological material be discovered during the clearing operation, cease operation and please phone Heritage Branch of the Department of Lands, Planning and Environment.
8. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>.
- The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.
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. For the purposes of best practice land management and environmental protection it is recommended that:
 - (a) prior to the commencement of works an Erosion and Sediment Control Plan (ESCP) is developed;
 - (b) the ESCP is implemented throughout the construction phase including clearing and early works; and
 - (c) all disturbed soil surfaces are stabilised against erosion at completion of works.
11. Resources regarding erosion and sediment control is available on the International Erosion Control Association (IECA) website <https://austieca.com.au/home> and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Development Coordination Branch: (08) 8999 4446.

REASONS FOR THE DECISION

1. Pursuant to sections 30P(2)(a) and (b) of the *Planning Act 1999*, the consent authority must take into account any planning scheme that applies to the land to which the application relates and the amendment proposal contained within the application.

The Northern Territory Planning Scheme 2020 applies to the land and a subdivision, to create four (4) lots, requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(ii); therefore: the Strategic Framework (Part 2 of the Scheme, including the Litchfield Sub-Regional Land Use Plan (Strategic Framework), the zone purpose and outcomes of Clause 4.6 (Zone RR Rural Residential), and Clause 6.3.1(Subdivision in Zones RR) need to be considered. These clauses have been considered, and it is found that the proposal complies with all the relevant requirements of the Planning Scheme.

2. Pursuant to Section 30P(2)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to support the development proposal and the effect of the proposal on the land, and on other land, the physical characteristics of which may be affected by the proposal;

The application is supported by a Land Suitability Assessment (LSA), Site and Soil Evaluation (SSE) and a Stormwater Management Plan (SMP). In summary each lot will contain 0.4ha of unconstrained land with unconstrained access to a public road. The site does not contain any significant landforms and is not impacted by poorly drained or acid sulphate soils, dryland salinity and/or flooding. The SSE provided confirms that the soil landscape within the unconstrained site is capable of sustaining onsite wastewater management using approved treatment and disposal systems that will comply with the NT Code of Practice for Wastewater Management. Furthermore, the SMP shows that existing stormwater overland flow is across the site, in a westerly direction towards Holly Road, and this will not be disturbed, subject to the drainage requirements of the local authority, Litchfield Council.

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The land is therefore considered capable of supporting the proposed subdivision and future development consistent with the requirements of zone RR (Rural residential).

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

A Land Suitability Assessment, Stormwater Management Plan and Site and Soil Evaluation have been submitted as part of the application. Reticulated electricity and water services are available to the proposed lots. Reticulated sewerage is unavailable, however all lots are capable of accommodating an onsite wastewater management system as demonstrated in the Site & Soil evaluation. Furthermore, the Land Resources Division of the Department of Lands, Planning and Environment responses to the application confirm that each new lot is capable of supporting the proposed subdivision.

The Authority invited the applicant Gerard Rosse to speak. The applicant reiterated the lands suitability for the subdivision and was in support of the conditions.

The Authority also invited the Litchfield Council representative, Jaime O'Connor to speak and Council raised no issues, was in support of the rezoning and subdivision and was satisfied with the conditions.

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

The proposed four-lot subdivision is within an established rural lifestyle area and is unlikely to have an adverse impact on the existing and future amenity of the Bees Creek rural locality.

RESOLVED 46/26

That under section 30Q of the *Planning Act 1999*, the consent authority report to the Minister for Lands, Planning and Environment advising of the likely decision in relation to the development proposal, issues raised in the submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the amendment proposal.

RESOLVED 47/26

That, pursuant to section 86(1) of the *Planning Act 1999*, the Development Consent Authority delegates its powers to the Chair or in the absence of the Chair any member of the Litchfield Division of the Authority to:

- Determine, pursuant to Section 30W(1)(a), to consent to the development proposal contained in the concurrent application, and consent to the concurrent application after receipt of a notice under Section 30U(1) that the Minister has approved the amendment proposal contained in the application;

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- issue a development permit under section 54(1) in relation to the development proposal to Section 4625, Hundred of Strangways, (30) Holly Road Bees Creek for the purpose of a subdivision to create 4 lots; and
- issue the relevant notices under Section 30Y.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Report to the Minister

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

SUZANNE PHILIP
Chair

21 August 2026