



**DEVELOPMENT CONSENT AUTHORITY**

**KATHERINE DIVISION**

**MINUTES**

**MEETING No. 194 – WEDNESDAY 2 JUNE 2021**

**AUDITORIUM  
BLOCK M  
19 SECOND STREET  
KATHERINE**

**MEMBERS PRESENT** Suzanne Philip (Chair) and Marion Guppy (via videoconference)  
Allan Domaschensz and Peter Gazey

**APOLOGIES:** Margaret Chamberlain

**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Wendy Smith (in person) and Fiona Ray (via videoconference)  
(Development Assessment Services)

**COUNCIL REPRESENTATIVE:** None

**Meeting opened at 11.00 am and closed at 11.45 am**

**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 TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.**

The Chair, Development Consent Authority, under section 93(1) of the *Planning Act 1999*, appointed Marion Guppy who is a member in relation to the Darwin Division, to act as a member for Margaret Chamberlain in relation to the Katherine Division from 24 May 2021 to 3 June 2021 as Margaret Chamberlain is prevented from performing her duties of office because of absence

**ITEM 1**

**PA2021/0062 INTENSIVE ANIMAL HUSBANDRY (CROCODILE FARM)  
NT PORTION 2145 (297) URALLA ROAD, URALLA**

**APPLICANT** Matthew and Allison Pfitzner

Mr Matthew & Mrs Allison Pfitzner (applicants and landowners) attended and tabled:-

- emails between them and Wildlife Operations - Department of Environment, Parks and Water Security; and
- advice from Department of Defence on monitoring groundwater results on the site.

Submitter Mrs Janice Forscutt attended with her husband Mr Jim Forscutt and their son Mr Eddie Forscutt.

**RESOLVED  
28/21**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop NT Portion 2145 (297) Uralla Road, Uralla for the purpose of intensive animal husbandry (crocodile farm) in three stages, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) traffic movement through the site to the enclosure and parking areas for vehicles engaged in the business,
  - (b) landscaping to screen the enclosure on the northern boundary, including plant species and dimensions, and
  - (c) any changes (if required) as a result of the Environmental Protection Approval.
2. Prior to the endorsement of plans and prior to commencement of works, an Environment Protection Approval (EPA) must be obtained, or a declaration that subsection 30(1) does not apply, from the Northern Territory Environment Protection Authority under the *Waste Management and Pollution Control Act 1998*.

3. Prior to the commencement of works, the applicant is to prepare a management plan that outlines monitoring and mitigation measures to reduce the risk of wildlife strikes to RAAF Base Tindal, to the requirements of the Department of Defence, to the satisfaction of the consent authority.
4. Prior to the commencement of works, the applicant is to prepare a mosquito management plan outlining measures to be implemented to prevent/minimise mosquito breeding to be prepared to the requirements of Medical Entomology, Top End Health Services, to the satisfaction of the consent authority.

### **GENERAL CONDITIONS**

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.

The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.

6. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity supply to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Katherine Town Council, to the satisfaction of the consent authority.
8. Prior to the commencement of operational use, the operator must obtain an Environment Protection Licence (EPL) from the Northern Territory Environment Protection Authority under the *Waste Management and Pollution Control Act 1998*.
9. Before the use starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority.
11. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website [www.austieca.com.au](http://www.austieca.com.au) and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 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.

## NOTES:

1. The Power and Water Corporation advises that the Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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. 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.

3. 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 Environment and Natural Resources 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.
4. 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.
5. An agreement must be signed with the Parks and Wildlife Commission and any other relevant agency for the keeping or relocation of Saltwater Crocodiles. The Parks and Wildlife Commission should be contacted on [parkplanning@nt.gov.au](mailto:parkplanning@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 NT Planning Scheme 2020 applies to the land and intensive animal husbandry (crocodile farm) requires consent under Clause 1.8

(When development consent is required). It is identified as Impact Assessable under Clause 1.8(c)(i) and therefore the strategic framework (Part 2 of the Scheme, including the Katherine Land Use Plan 2014 is relevant to this application), zone purpose and outcomes of Clause 4.21 (Zone R – Rural) and clauses 5.2.1 (General Height Control), 5.2.4 (Vehicle Parking), 5.2.6 (Landscaping) and 5.7.1 (Rural Development (Agriculture, Horticulture and Intensive Animal Husbandry) need to be considered.

These clauses have been considered and conditions precedents applied to ensure that the proposed development can meet the requirements of the NT Planning Scheme 2020, in particular Clause 5.7.1 Rural Development (Agriculture, Horticulture and Intensive Animal Husbandry). An Environmental Protection Approval (EPA) is required for construction, (unless otherwise advised by the NT EPA) and an Environment Protection Licence (EPL) must be issued to permit the crocodile farm to operate. Both approvals would be in place to ensure appropriate practices are in place to manage waste. The EPL would require monitoring of the receiving environment over a period of 24 months and ensure standards of wastewater quality are sustained. Comments from service authorities have otherwise indicated that the land is suitable for the use and the water supply is sufficient for the development.

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

The Department of Environment, Parks and Water Security (DEPWS) has identified that an Environmental Protection Approval may be required for the construction of the farm.

Confirmation of either the Environmental Protection Approval or confirmation that such is not required from NT EPA is required prior to the commencement of works on site. It was also advised that an Environment Protection Licence (EPL) under the *Waste Management and Pollution Control Act 1998* (WMPC Act) would be required for the operational use of the farm.

Additionally, the Department of Defence has noted the subject site's proximity to the RAAF Base Tindal and the potential for the development to attract wildlife that may result in wildlife strikes to aircraft. A condition has been included for a management plan to be provided to the Department of Defence which will outline proposed measures to monitor and mitigate those risks.

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

Potential adverse amenity risks, including odour, waste and the creation of mosquito breeding habitat, have been identified throughout the assessment. It is considered that these risks can be mitigated with appropriate management strategies in place.

Relevant conditions have been placed on the development permit requiring that the crocodile farm be managed in such a way as to avoid detrimentally affecting the amenity of the area.

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

One public submission was received under section 49, which raised concerns as to flooding in the local area. The submitter attended the meeting with her husband, Mr Jim Forscutt, who addressed the Authority. The submitter provided evidence that the land to the north of the subject site was significantly impacted by flooding in 1998 and 2004 and the Authority noted the concerns raised in relation to the possible impact on the flow of flood waters, resulting from works being undertaken in and around the Tindal RAAF base. However, the available flood mapping does not indicate that NT Portion 2145 is similarly affected and the Department of Environment, Parks and Water Security did not raise flooding as a matter affecting land capability.

**FOR: 4**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:**

Notice of Consent and Development Permit

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

**SUZANNE PHILIP**  
**Chair**

10 June 2021