



## **DEVELOPMENT CONSENT AUTHORITY**

### **LITCHFIELD DIVISION**

### **MINUTES**

**MEETING No. 253 – FRIDAY 12 DECEMBER 2020**

**HOWARD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Keith Aitken, Adam Twomey  
Wendy Smith and Christine Simpson

**APOLOGIES:** Nil

**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary) and Alana Mackay  
Elissa Gee (Items 1 & 2 only), Nicole Ng (Items 1, 2 & 3 only)  
Fiona Ray (Items 4 & 5 only) (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Hasan Karatas

**Meeting opened at 10.00 am and closed at 3.50 pm**

**MINUTES RECORD THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE 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**

**PA2020/0382      CAMPGROUND (CARAVAN PARK)  
NT PORTION 2626 (3820) GUNN POINT ROAD, KOOLPINYAH**

**APPLICANT** Northern Planning Consultants Pty Ltd

Mr Brad Cunnington (Northern Planning Consultants Pty Ltd),  
Ms Nicole Pass and Ms Cassie Picken (both NT Land Corporation) attended.

Mr Justin Tully attended as an interested party.

**RESOLVED  
195/20**

That, the Development Consent Authority vary the requirements of Clause 5.5.13 (Caravan Park) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Part NT Portion 2626 (3820) Gunn Point Road, Koolpinyah for the purpose of a campground (caravan park), subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the 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 the location of the car parking space for the caretaker's residence.
2. 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 Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics and Litchfield Council stormwater drainage system shall be submitted to and approved by the Litchfield Council and Transport and Civil Services Division, to the satisfaction of the consent authority.
3. Prior to the commencement of use, a campground fire management plan is to be prepared by a suitably qualified professional, including specific management and mitigation measures for the risk of fire on rainforest vegetation, to the satisfaction of the consent authority.

**GENERAL CONDITIONS**

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. 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.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage and electricity facilities to the

development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Litchfield Council and Transport and Civil Services Division (DIPL) as the case may be to the satisfaction of the consent authority.
8. The owner shall:
  - a) remove disused vehicle accesses and crossovers
  - b) collect stormwater and discharge it to the drainage network
  - c) undertake reinstatement worksall to the technical requirements of and at no cost to the Transport Civil Services Division, Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
9. All proposed work (including the provision or connection of services) within, or impacting upon the road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Transport Planning, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
10. Before the use or occupation of the development, certification is to be provided that any new on-site wastewater system has been installed by a qualified licensed Self-Certifying Plumber and complies with the NT Code of Practice for Small On-site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent (The Code).
11. The operator must ensure access to water is from a source which has been verified as being potable, or appropriate signage is in place that identifies that the water is not potable.
12. The fire management plan endorsed under the permit must be adhered to.
13. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created 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. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and 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.

3. Any new on-site wastewater system to be installed must be carried out by a qualified licensed Self-Certifying Plumber and must comply with the NT Code of Practice for Small On-site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent (The Code).
4. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment, Park and Water Security.
5. Risk to the regional population of *Cycads armstrongii* (Cycads) are considered low. However, impacts to local cycad populations or individuals can be minimised through the principles outlined in Management Program for Cycads in the Northern Territory of Australia 2009-2014 (Liddle 2009). This could include conservation or salvage from the area during the development and may require appropriate permits if salvage for commercial purposes is proposed.
6. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
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 Tourism and Culture.

Part of the subject site is a declared heritage place, and no work is to be carried out within the declared heritage place without following appropriate processes under the terms of the *Heritage Act 2011*.

8. Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at [www.litchfield.nt.gov.au](http://www.litchfield.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 to which the application relates.

The proposed application to develop Part NT Portion 2626 (3820) Gunn Point Road, Koolpinyah for the purpose of Campground (caravan park) and caretaker's residence requires consent under Clause 1.8. Caravan park is identified as *Impact Assessable* under Clause 4.27 Zone FD (Future Development) and therefore the strategic framework (Part 2 of

the Scheme, including Darwin Regional Land Use Plan (DRLUP) 2015 and Update to the Litchfield Subregional Land Use Plan (LSLUP) 2020, which are relevant to this application), zone purpose and outcomes of Clause 4.27 Zone FD (Future Development) and Clauses 5.2.1 (General Height Control), 5.2.4 (Vehicle Parking), 5.2.6 (Landscaping), 5.3.4 (Development in Zone FD), 5.5.13 (Caravan Park), 5.8.7 (Demountable Structures), need to be considered.

These clauses have been considered and it was found that the proposal generally complied with the relevant requirements of the Northern Territory Planning Scheme 2020, except for Clause 5.5.13 (Caravan Park).

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

The proposal was found not to be in accordance with Clause 5.5.13 (Caravan Park) because it will not provide a short term standing area, laundry or drying facilities. Camping areas would be accessed by one of two accesses to different sections of the campground and there is no fencing (albeit the campground is not located next to a residential area). It is considered that a variation to this clause is appropriate in this instance because the proposal is in keeping with the character of the type of camping at Gunn Point and is considered an appropriate commercial use in accordance with the Strategic Framework of the Northern Territory Planning Scheme 2020.

3. Pursuant to section 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, in relation to the development application.

The application was advertised in the NT News on 30 October 2020 and placed on public exhibition for a period of two weeks. One public submission was received under section 49(1) of the *Planning Act 1999*.

The submitter acknowledged the proposal aims to regulate the existing camping activity at Gunn Point. However, as its capacity only caters for up to 20 campers at one time, the submitter considered that it will be inadequate to respond to the current demand for camping sites, and that unregulated camping will continue. The submitter suggested that the site could be expanded to include self-contained recreational vehicles for minimal extra cost.

The applicant and the Authority acknowledged the submitter's suggestions but the proposal is limited to in scope to that proposed in the development application. Any future expansion of the campgrounds by the landowner would to be considered under a separate application.

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 Department of Environment, Parks and Water Security identified that an important population of threatened herb *Typhonium Praetermissum* exists. It also identified the applicant's requirement to adopt strategies to minimise the risk of fire on rainforest vegetation. The applicant has undertaken an extensive vegetation survey and has proposed the implementation of a number of fire risk measures to mitigate fire threat to the area. A condition of consent requires that a campground fire management plan to be prepared by a suitably qualified professional, including specific management and mitigation measures for the risk of fire on rainforest vegetation.

The site currently has no development occurring on it and no existing surrounding residential, community or commercial land uses. The development is considered low impact and not expected to have any negative effect on the site. The site is capable of supporting the proposed development.

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 proposal is not expected to encroach on the draft concept plan for the expansion of Murrumujuk township, outlined in the Update to the Litchfield Subregional Land Use Plan (LSLUP) 2020. Furthermore, the development aligns with the projected usages of continued access to recreational pursuits recommended in the Darwin Regional Land Use Plan 2015.

The Authority was satisfied that the potential impact on the existing and future amenity of the area would not be impacted by the proposal.

**FOR: 5**                      **AGAINST: 0**                      **ABSTAIN: 0**

**ACTION:**                      Notice of Consent and Development Permit

**ITEM 2**

**PA2020/0280**

**INTENSIVE ANIMAL HUSBANDRY (CROCODILE FARM) WITH ANCILLARY ABATTOIR  
INDUSTRY-PRIMARY WITH ANCILLARY SHOP  
LOT 2233 (1350) OLD BYNOE ROAD, BERRY SPRINGS, HUNDRED OF  
CAVENAGH**

**APPLICANT**

Northern Planning Consultants Pty Ltd

DAS tabled two supplementary submissions from submitters Ms Kez Hall and Ms Skei Batton.

Mr Brad Cunnington (Northern Planning Consultants Pty Ltd), Mr Wayne Kinbacher, Ms Charmaine Carter (landowners) and Mr Peter Rintel (Mousellis & Sons - Waste Water Treatment Consultant) attended.

Mr Greg Chapman and Ms Diana Rickard (submitter), Ms Kez Hall (submitter), Ms Skei Batton (submitter) and Mr Jake Batton attended.

Mr Justin Tully attended as an interested party.

**RESOLVED  
196/20**

That, pursuant to section 53(b) of the *Planning Act 1999*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Section 2233 (1350) Old Bynoe Road, Berry Springs, Hundred of Cavenagh, for the purpose of intensive animal husbandry (crocodile farm) with ancillary abattoir and industry-primary with ancillary shop, subject to the following conditions:

This development permit establishes two separate uses, being:

- A. Intensive animal husbandry (crocodile farm) with ancillary abattoir; and
- B. Industry-primary (pet meat processing) with ancillary shop.

The conditions on this development permit only relate to the heading under which they are located.

The intensive animal husbandry (crocodile farm) with ancillary abattoir is approved as a staged development and must be completed in the order of the stages provided below:

- (a) Stage 1: Intensive animal husbandry (crocodile farm) with ancillary abattoir, operation limited to a maximum of 1000 crocodiles.
- (b) Stage 2: Intensive animal husbandry (crocodile farm) with ancillary abattoir, operation limited to a maximum of 2000 crocodiles.

**A: INTENSIVE ANIMAL HUSBANDRY (CROCODILE FARM) WITH ANCILLARY ABATTOIR**

**CONDITIONS PRECEDENT**

1. Prior to the 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) staging of the intensive animal husbandry use (stage 1 being the operation limited to a maximum 1000 crocodiles; stage 2 being the operation limited to a maximum of 2000 crocodiles).
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), an Environmental Protection Licence (EPL) or an Environmental Protection Approval (EPA) under the *Waste Management and Pollution Control Act 1998* must be issued, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans, 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 the 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.

4. Prior to the endorsement of plans, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and show:
  - a) landscaping and planting along the Reebeds Road boundary to screen the crocodile pens from the public realm;
  - b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and
  - c) provision of an in ground irrigation system to all landscaped areas. All species selected must be to the satisfaction of the consent authority.
5. Prior to the commencement of stage 2, a certificate of compliance must be obtained for stage 1.

#### **GENERAL CONDITIONS**

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. The staging shown on the endorsed plans must not be altered without the further consent of the consent authority.
8. The use and development must operate in accordance with an Environmental Protection Licence (EPL) or an Environmental Protection Approval (EPA) at all times.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage and electricity facilities, to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
10. 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.
11. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council, to the satisfaction of the consent authority.
12. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
13. 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.



14. Firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT.
15. Deliveries to and from the site (including waste collection) must only take place between:  
7am and 5pm Monday to Friday  
8am and 5pm Saturday
16. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council, to the satisfaction of the consent authority. The owner shall:
  - a) remove disused vehicle and/ or pedestrian crossovers;
  - b) provide footpaths/ cycleways;
  - c) collect stormwater and discharge it to the drainage network; and
  - d) undertake reinstatement works;all to the technical requirements of and at no cost to Litchfield Council, to the satisfaction of the consent authority.
17. The developer should implement necessary measures to ensure mosquito breeding does not occur throughout the life of the development, to the requirements of the Top End Health Services, to the satisfaction of the consent authority.
18. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Litchfield Council drains or to any watercourse.
19. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the consent authority.
20. The use and development must be managed so that the amenity of the area is not detrimentally affected, 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, waste water, waste products, grit or oil
  - d) presence of vermin.

## **B: INDUSTRY-PRIMARY (PET MEAT PROCESSING) WITH ANCILLARY SHOP**

### **CONDITIONS PRECEDENT**

21. Prior to the 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) the building for the industry-primary with ancillary shop relocated on the land to a location setback a minimum 100m from any public road and a minimum 50m from side and rear boundaries.

22. Prior to the endorsement of plans and prior to commencement of works (including site preparation), an Environmental Protection Licence (EPL) or an Environmental Protection Approval (EPA) under the *Waste Management and Pollution Control Act 1998* must be issued, to the satisfaction of the consent authority.
23. Prior to the endorsement of plans, 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 the 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**

24. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
25. The use and development must operate in accordance with an Environmental Protection Licence (EPL) or an Environmental Protection Approval (EPA) at all times.
26. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage and electricity facilities, to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
27. 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.
28. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council, to the satisfaction of the consent authority.
29. 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.
30. Firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT.
31. The shop use may operate only between the hours of 8am and 5pm Monday to Saturday.
32. Deliveries to and from the site (including waste collection) must only take place between:  
7am and 5pm Monday to Friday  
8am and 5pm Saturday

33. The car park and waiting bay associated with the shop must be available at all times for the exclusive use of customers and must be appropriately signposted, to the satisfaction of the consent authority.
34. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of works to the satisfaction of the consent authority.
35. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Litchfield Council, to the satisfaction of the consent authority. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;
  - (e) all to the technical requirements of and at no cost to Litchfield Council, to the satisfaction of the consent authority.
36. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Litchfield Council drains or to any watercourse.
37. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the consent authority.
38. The use and development must be managed so that the amenity of the area is not detrimentally affected, 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, waste water, waste products, grit or oil
  - (d) presence of vermin.

**NOTES:**

1. 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, Parks and Water Security 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.
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. 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.ntq.gov.au/waste-pollution/guidelines/guidelines>.

The proponent is advised to take notice of the schedule of environmental considerations provided by Department of Environment, Parks and Water Security.

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. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment, Parks and Water Security.
4. Litchfield Council's current Fees and Charges may apply to the above conditions. Additional information can be found at [www.litchfield.nt.gov.au](http://www.litchfield.nt.gov.au).
5. 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.
6. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under the NT Government's Interim Development Control Order 29.
7. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
8. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.

## 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) with ancillary abattoir and industry-primary (pet meat processing) with ancillary shop requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clauses 1.8(1)(c)(i) and 1.8(1)(c)(iii), and therefore the strategic framework (Part 2 of the Scheme, including the Darwin Regional Land Use Plan and the Litchfield Sub-Regional Land Use Plan,

which are relevant to this application), zone purpose and outcomes of Clause 4.21 (Zone R – Rural), and Clauses 5.2.4 (Vehicle Parking), 5.7.1 (Rural Development (Agriculture, Horticulture and Intensive Animal Husbandry) and 5.7.4 (Industry-Primary in Zones RL, R and H), need to be considered.

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).

These clauses have been considered and it is found that the proposal generally complies with the relevant requirements of the NT Planning Scheme 2020, except Clause 5.7.4 (Industry-Primary in Zones RL, R and H).

This is an application for two primary land uses, intensive animal husbandry (crocodile farm) and industry-primary (pet meat processing) at Section 2233 (1350) Old Bynoe Road, Berry Springs. The application includes 2 ancillary uses, an abattoir to be used in connection with the crocodile farm and a shop associated with the pet meat processing use. The subject land is zoned Rural. The Zone Purpose is to provide for residential, horticultural, agricultural and other rural activities on large lots to provide separation between potentially incompatible uses and restrict closer settlement in areas where access to reticulated water and sewerage may not be available. While residential activities are contemplated, the zone is not considered a residential zone for the purposes of the Zoning Table; nor is it included in the list of residential zones in the Planning Regulation 2020. The Zone Outcomes indicate that developments such as industry-primary and intensive animal husbandry are permissible where the scale, intensity and nature of the activity is compatible with the rural character and amenity of the surrounding locality.

The proposed uses of an abattoir and shop are prohibited in the Zone unless they can be categorised as “ancillary” to a primary land use that is permissible. “Ancillary” is defined in Schedule 2 of the NTPS as *“associated with, but auxiliary and subordinate to the primary land use”*. The applicant has indicated that the abattoir use is entirely limited to the processing of animals from the farm, is conducted for approximately 4 weeks of the year and occupies a floor area of 11.6m<sup>2</sup>. The applicant further states that the shop use comprises sale of pet meat via direct delivery to wholesalers, retail outlets and ‘direct to the public’ sales, such sales occurring on a driveway near the cold room/abattoir. Crocodile meat for human consumption is also sold directly. The total number of direct sales is estimated between 0 and 10 transactions per day, across the course of the entire day and is limited to meat produced or processed on the land. The Authority is satisfied, given the limited nature of the abattoir and shop, both in terms of size and restricted operation directly associated with the primary land uses, both uses can be categorised as ancillary. Pursuant to Clause 1.9 of the NTPS they are impact assessable.

In accordance with Clause 1.10(4) the Authority must consider the Zone purpose and outcomes in assessing the primary and ancillary uses in this case. Relevantly, the Authority was required to determine if the scale, intensity and nature of the proposed activities is compatible with the rural character and amenity of the surrounding locality. In doing so the Authority considered the extensive submissions, both oral and written, provided by the three submitters in relation to the impacts of the proposal, particularly in relation to amenity and weighed those considerations against the materials provided by the applicant including 2 letters of support from other neighbours. While the Authority considered that the uses as proposed are compatible with the zone purpose and outcomes, it had concerns about the intensity of the uses on the 8.96 hectare block. The Authority considered that the proposed uses are at the upper end of the scale of permissible intensity for the surrounding locality but that the protections afforded by the requirements of an Environment Protection Licence (EPL) would allow the uses as proposed to be undertaken. The requirement for that Licence is a condition precedent to the approval and, to ensure the impact on the locality is managed, the Authority further requires staging of the proposal to ensure that any expansion of crocodile numbers is sustainable.

The proposal has been found not to be in accordance with Clause 5.7.4 (Industry-Primary in Zones RL, R and H), because the proposal will result in the industry-primary use (pet meat processing) being set back 9m from the northern boundary and 20m from the eastern boundary where the minimum requirement is 50m. This proposal results in a reduction of the minimum side and rear setback requirement to 9m from the northern boundary and 20m from the eastern boundary.

The Authority considered that the requested 41m and 30m variations for the industry-primary structure was incompatible with the requirements and purpose of Clause 5.7.4 (Industry-Primary in Zones RL, R and H). For the industry-primary to operate without amenity impacts, the Authority considered it must be relocated to comply with the requirements of the clause.

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 Environment Protection Licence (EPL) is required for the development and that an Environmental Protection Approval (EPA) may also be required. The applicant has submitted an EPL application to DEPWS, which has been formally accepted and is currently being assessed. Any issue of an EPL and subsequent monitoring of the receiving environment would mitigate the environmental risks associated with the development. Responsible management and licensing are critical to ensuring there are no off-site impacts.



The Authority has placed a condition on the permit that requires for an Environmental Protection Licence (EPL) or an Environmental Protection Approval (EPA) under the *Waste Management and Pollution Control Act 1998* to be issued before endorsed plans or works can commence.

The site is extensively developed with multiple uses, including horticulture, intensive animal husbandry, industry-primary and two single dwellings. This assessment has concluded that the site is capable of supporting the proposed development, subject to environmental concerns being address. However, the Authority considers that, upon completion of the intensive animal husbandry expansion, the site will likely be developed to its maximum capability.

The Authority considers it necessary to stage the intensive animal husbandry (crocodile farm) component so that it can be demonstrated that the existing 1000 crocodiles can be managed appropriately before it can proceed with expanding the farm to accommodate a maximum of 2000 crocodiles under stage two. A condition precedent has been included on the development permit requiring a certificate of compliance to be issued for Stage 1 of the intensive animal husbandry (crocodile farm) component, before the proposed expansion can commence in Stage 2.

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 and waste, have been identified throughout the assessment. A condition has been included on the development permit to require an Environmental Protection Licence (EPL) or an Environmental Protection Approval (EPA) be in place for the existing operations and any future expansion. It is considered that any potential adverse amenity impacts can be mitigated with appropriate management strategies in place, demonstrated through the issue of an Environmental Protection Licence (EPL) or an Environmental Protection Approval (EPA).

A condition has also been placed on the development permit requiring that the development be managed in a way 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.

Three public submissions were received under section 49 of the *Planning Act 1999*, which raised a number of concerns relating to the environment and amenity. All submitters attended and spoke to their written submissions. The Authority carefully considered the matters raised by the submitters, particularly in the light of the Zone Outcome requirement that the scale, intensity and nature of the proposed activity is compatible with the rural character and amenity of the surrounding locality. Given that the land is zoned R and intended for a range of uses, the Authority considers that the concerns raised by submitters will be



addressed through measures including relocation of the industry-primary (pet meat processing) component of the development to comply with the minimum setback requirements of Clause 5.7.4 (Industry-Primary in Zones RL, R and H), staging of the development and the requirement of an EPL or an EPA and other permit conditions to minimise any adverse amenity impacts on the surrounding land.

Local and service authority comments were received from Litchfield Council, Department of Environment and Water Security, Power and Water Corporation, Aboriginal Areas Protection Authority, Department of Industry, Tourism and Trade and Department of Health – Medical Entomology Branch. All recommended permit conditions and notes have been included on the development permit.

**FOR: 5**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:**

Notice of Consent and Development Permit

**ITEM 3**

**PA2020/0135**

**SUBDIVISION TO CREATE 33 LOTS**

**LOTS 11 & 15 (176A & 176B) BEES CREEK ROAD, BEES CREEK, HUNDRED OF STRANGWAYS**

**APPLICANT**

Earl James and Associates

Mr Kevin Dodd (Earl James and Associates), Mr Simon Byrnes (Byrnes Consultants), Mr Des Groves, Mr Peter O’Leary and Mr Justin Groves (landowners) attended.

Mr Dodd tabled comments dated 11 December 2020 from the Department of Environment, Parks and Water Security.

Mr Gary Colliver (submitter) sent his apologies.

Ms Sandy Enniss, Mr Andrew Hall, Mr Russell Henderson, Mr Michael Baxter, Mr Gerry Wood, Mr Rick Maddox, Mrs Gail Maddox, Ms Lorraine Colliver, Ms Beverley Stott and Ms Kezia Purich provided submissions on the development application and attended.

Ms Helen Clark attended as an interested party.

**RESOLVED**

**197/20**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 11 (176A) and Lot 15 (176B) Bees Creek Road, Hundred of Strangways for the purpose of a subdivision to create 33 lots, to allow review of the additional information that the Authority considers necessary in order to enable proper consideration of the application:

- Comments from the Department of Environment, Parks and Water Security, which were tabled by the applicant at the Authority meeting.
- Revised conceptual stormwater management plan and flora and fauna assessment report, which were provided to Development Assessment Services prior to the Authority meeting.



**RESOLVED  
199/20**

That, the Development Consent Authority vary the requirements of Clauses 5.2.1 (General Height Control) and 5.2.6 (Landscaping), and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop part Lot 1905 (1000) Channel Island Road, Wickham Point, Hundred of Ayers for the purpose of a renewable energy facility (Middle Arm Battery), subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works, a stormwater management plan demonstrating the on-site collection of stormwater and its discharge into the stormwater drainage system prepared in accordance with the NT Subdivision Development Guidelines shall be submitted to and approved by Litchfield Council and the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics and Lands and Planning, Department of Infrastructure, Planning and Logistics, as the case may be, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans prior to the commencement of works, an environmental management plan for the management and operation of the use must be prepared to the requirements of an independent suitably qualified professional and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The environmental management plan must include:
  - (a) overall environmental objectives for the operation of the use and techniques for their achievement;
  - (b) procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
  - (c) proposed monitoring systems;
  - (d) identification of possible risks of operational failure and response measures to be implemented;
  - (e) day to day management requirements for the use
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an updated Traffic Impact Report is to be prepared in accordance with the Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development is required for the proposed subdivision. The Report must detail the development's traffic generation, trip distribution, traffic operation impact, the nature and timing of impacts, and recommended measures required to accommodate and/or mitigate the traffic impacts of the development, including construction traffic. All road sections and/or intersections where traffic generated by the development increases the existing traffic, existing proportion of heavy vehicle traffic or equivalent standard axles (ESAs) by 5% or more must be assessed. The report shall be submitted to and approved by Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.
4. Prior to the endorsement of plans and prior to the commencement of works, a plan showing construction and access and permanent access shall be submitted to and approved by the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. The plan will form part of the set of endorsed drawings for the development. The permanent access shall be upgraded to include auxiliary/channelized lanes and street lighting to meet current standards in accordance with the Austroads "Guide to Traffic

Management", "Guide to Road Design", relevant Australian Standards and the requirements of the Department of Infrastructure, Planning and Logistics. The intersection upgrade must accommodate the maximum vehicle configuration that is likely to utilise the intersection.

5. Prior to the commencement of works, a Construction Traffic Management Plan (detailing all appropriate site management measures, including construction access, proposed haulage routes, vehicle types, protection of existing assets, protection of public access and a risk assessment) for the proposed option 1A shall be submitted to and approved by the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics and Litchfield Council as the case may be.
6. Prior to the commencement of construction works for the following components:
  - proposed and affected roads
  - stormwater drainage
  - street lighting
  - vehicular accesses
  - pedestrian/cycle paths/ streetscaping (if required)

the Developer shall submit detailed 'For Construction' design documentation (engineering design, design report and specifications) for all such proposed works and receive 'Permission to Use' from the Lands and Planning Division, Department of Infrastructure, Planning and Logistics and the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics as the case may be. All designs that relate to the Lands and Planning Division's infrastructure are to meet Austroads standards, comply with the NT Subdivision Development Guidelines to the satisfaction of Lands and Planning Division, and must be prepared and certified by a chartered professional civil engineer.

Swept path diagrams for the design vehicle shall be provided (for both permanent and construction accesses) with the detail design drawings to demonstrate the suitability of the intersection design geometry.

7. Prior to the commencement of works, a **Type 2** Erosion and Sediment Control Plan (ESCP) must be developed in accordance with the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The ESCP should be submitted for acceptance prior to the commencement of any earth disturbing activities (including clearing and early works) to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au).

## GENERAL CONDITIONS

8. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
9. The operator of the renewable energy facility (Sun Cable Pty Ltd) shall enter into a signed Network Connection Contract Agreement for the Middle Arm

Battery with the Power Networks business unit of the Power and Water Corporation.

10. All works (proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors (if required) and streetscaping) are to be constructed in accordance with the detailed design documentation provided with 'Permission to Use' by the Lands and Planning Division, Department of Infrastructure, Planning and Logistics and the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics as the case may be, to the satisfaction of the consent authority, and all approved works constructed at the owner's expense.
11. The developer shall acknowledge and confirm that when the Channel Island Road is duplicated then the permanent access (proposed permanent access option 3 of the Sun Cable letter dated 12 October 2020) will become a Left-IN and Left-OUT access only. When this occurs, the developer may need to look at additional options for access and shall construct at its own costs to the standards and requirements of this Department or the relevant local authority.
12. Where unfenced, the Channel Island Road frontage is to be appropriately fenced in accordance with the Transport and Civil Services Division's standards and requirements to deter unauthorised vehicular movement. Any gates provided are to be fixed to open inwards only.
13. Upon completion of any works within the Channel Island Road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.
14. The clearing and future use of the land shall not be detrimental to the drainage, flood immunity or safety of the Channel Island Road reserve through the blocking of off-let drains, natural drainage channels or overland flow. Alternative proposals to cater for the above may be considered by the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.
15. 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.
16. 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.
17. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, gas and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
18. All works relating to this permit must be undertaken in accordance with the endorsed **Type 2** Erosion and Sediment Control Plan (ESCP) to the requirements of the consent authority. Should the endorsed **Type 2** Erosion and Sediment Control Plan (ESCP) need to be amended, the revised ESCP

must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CEPSC) to the satisfaction of the consent authority. The revised ESCP should be submitted for acceptance to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au).

19. All reasonable and practicable measures must be undertaken to prevent: erosion occurring onsite, sediment leaving the site, and runoff from the site causing erosion offsite. 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. For further information refer to **Note 1** below. At completion of works, clearance should be sought from the Department of Environment, Parks and Water Security regarding satisfactory implementation of permanent erosion and sediment control measures and site stabilisation. To arrange a clearance site inspection, email the Land Development Coordination Branch at: [DevelopmentAssessment.DENR@nt.gov.au](mailto:DevelopmentAssessment.DENR@nt.gov.au)

#### 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. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and 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.
3. A "Permit to Work Within a Road Reserve" is required from Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics before commencement of any work within the road reserve.
4. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at [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 Land Development Coordination Branch: (08) 8999 4446.
5. 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 proponent is advised to take notice of the SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS provided by DENR.

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.

6. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
7. The developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
8. The Northern Territory Environment Protection Authority advised that to manage potential impacts to local *Cycads armstrongii* populations, it is recommended that the activity is consistent with the principles outlined in the Management Program for Cycads in the Northern Territory of Australia 2009-2014 (Liddle 2009).

## 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 a renewable energy facility requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clause 1.8(1)(c)(i) and therefore the strategic framework (Part 2 of the Scheme, including the Darwin Regional Land Use Plan (DRLP) and Litchfield Subregional Land Use Plans LSLUP), zone purpose and outcomes of Clause 4.32 Zone U (Utilities) and Clauses 5.2.1 (General Height Control), 5.2.4.1 (Vehicle Parking), 5.2.5 (Loading Bays), 5.2.6 (Landscaping) and 5.8.8 (Renewable Energy Facility) need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the NT Planning Scheme 2020, except for Clauses 5.2.1 (General Height Control) and 5.2.6. (Landscaping).



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).

The proposal is not in accordance with Clauses 5.2.1 (General Height Control) and 5.2.6 (Landscaping) and a variation to those clauses is requested.

A number of structures in the proposed development exceed the general height control of 8.5m. These are:

- 4 x battery and inverter halls - 9.83m
- 1 x workshop – 9.57m
- 2 x fire fighting tanks – 9.3m

In consideration of the location of the land and the adjacent existing and future uses, a variation to Clause 5.2.1 (General Height Control) is appropriate in this instance. Weddell Power Station is located immediately west of the proposed development and exceeds the general height control. Adjacent land in Zone DV (Development) is not subject to height controls. It is expected that the land broadly identified for strategic industry will be developed over time in accordance with the requirements of each individual development and would likely exceed 8.5m.

There is no specific requirement for landscaping in Zone U, as such the purpose and requirements would apply to broadly ensure that appropriate landscaping is established that is attractive, water efficient and contributes to a safe environment and to enhance the streetscape and overall amenity of the locality. In Zone DV the NT Planning Scheme 2020 requires that the street frontage is landscaped to a minimum depth of 3m. With regards to a variation to landscaping, the site is setback from the Channel Island road reserve corridor by 30m. The buffer comprising native vegetation is considered to provide an appropriate level of screening. Additional landscaping of the site would not contribute to the appearance of the site from the road. It is considered that a variation to this clause is appropriate in this instance.

The Darwin Regional Land Use Plan (DRLUP) provides the strategic framework for integrated land use and development in the Region and identifies that land on the Middle Arm Peninsula is set aside for strategic industry.

The subject land is located within the products corridor, which was established to provide for the efficient transmission of utilities, gas, feedstock and product for industry. Infrastructure located in the corridor comprises high pressure gas, power transmission lines, communications lines and water mains. As the proposed development is designed to enhance and supplement the electricity network, the development is aligned with the strategic intent of the DRLUP and Zone U (Utilities).

The Litchfield Subregional Land Use Plan (LSLUP) incorporates the Land Use Structure Plan contained in the DRLUP and identifies the following key principles to guide industrial development in the municipality:

- co-locate compatible industrial activities to support industry and associated services;
- require appropriate road connections to facilitate efficient traffic movement and convenient access to arterial roads; and
- provide adequate buffers to mitigate adverse impacts on sensitive land uses.

The proposed development will be located adjacent to the Weddell Power Station with convenient access to Channel Island Road. The location of the development within the products corridor and strategic industrial area ensures separation from sensitive uses.

Balancing development and protection of the environment is a component of the LSLUP. The Department of Environment, Parks and Water Security (DEPWS) has noted that the land contains two drainage features which converge in the north eastern corner of the lot and continue to Wirraway Creek, which is in Zone CN (Conservation). The easterly drainage corridor is associated with an area of Sandsheet Heath and is subject to a Priority Environment Management (PEM) overlay. Engineering of the land would be undertaken by the landowner at subdivision. Works are to be undertaken to fill the land to the required level and ensure that modifications to the site do not impact the PEM, Wirraway Creek or Darwin Harbour.

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.

The land has access to reticulated power and water services but not reticulated sewer. The development will be required to install an on-site wastewater management system in accordance with the relevant regulations. The land is not impacted by flooding or storm surge and is assessed by the Land Development Corporation as being capable of supporting the development.

The DEPWS has identified two drainage lines on the site which will be engineered by the Land Development Corporation during as a component of the land release and subdivision. Appropriate land management plans would be implemented as a condition of the permit to ensure the development and use of the land does not affect other land.

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 Department of Infrastructure, Planning and Logistics, through Crown Land Estate (CLE), is currently responsible for the management of the natural creek waterway approximately 300 m downstream of the proposed development. The Land Development Unit (LDU) assesses developments affecting assets under the management of CLE. In its comments on the application, the Lands and Planning Division (which includes the LDU), Department of Infrastructure, Planning and Logistics requested a number of conditions that related to stormwater and detailed design.

At the Authority meeting, the applicants for this application and the subdivision to support this application requested the Authority consider the applicability of the conditions proposed by the Lands and Planning Division, Department of Infrastructure, Planning and Logistics, because the relevant road and local authorities provide clearances for the same conditions. The applicant advanced that it was an unnecessary duplication of clearances and requested that the proposed conditions be amended to remove the requirement for clearance by the Lands and Planning Division, Department of Infrastructure, Planning and Logistics.

The Authority recognises that the Lands and Planning Division, Department of Infrastructure, Planning and Logistics has a broader interest beyond the asset held by the CLE; it also plans and provides infrastructure to support the products corridor at Middle Arm, which has the potential to be impacted by stormwater from nearby land. The Authority considered that the Lands and Planning Division, Department of Infrastructure, Planning and Logistics, does not have a typical interest as an effected landholder, such as the surrounding land which owned by the Land Development Corporation or is an asset of the Transport and Civil Services Division. The Authority decided that the clearance for stormwater from the Lands and Planning Division, Department of Infrastructure, Planning and Logistics, is required for the development of the renewable energy facility (this application) but not the subdivision because in this instance the detailed stormwater planning and design are completed at the development not subdivision stage of the proposal.

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.

Development of a renewable energy facility, inclusive of a battery storage component, and co-located adjacent to the Weddell Power Station is in keeping with the development of the wider Middle Arm Industrial Precinct. The development site has been identified by the landowner as not impeding the operational function of the product corridor.

6. Pursuant to section 51(2) of the *Planning Act 1999*, the consent authority must not make a decision unless the NT EPA has determined that an environmental impact assessment is not required; if an environmental impact assessment is required and an environmental approval granted it not inconsistent with a decision by the consent authority, or the *Environment Protection Act 2019* otherwise permits the making of the decision.

An notice of intent for the proposed renewable energy facility, battery installation and operation was lodged with the Northern Territory Environment Protection Authority (NT EPA) under the *Environmental Assessment Act 1982*. The NT EPA concluded that the operation should be undertaken in accordance with an environmental management plan but noted that an ecological assessment determined that the development was unlikely to have any significant impact on terrestrial threatened species listed under the *Territory Parks and Wildlife Conservation Act 1976*. The DEPWS also confirmed that there was a low risk that the proposed action would have any significant negative impacts on biodiversity values associated with the NT EPA's environmental objective for terrestrial flora and fauna.

The NT EPA recommended three matters should an approval under the *Planning Act 1999* be granted. These included the implementation of an environmental management plan, erosion and sediment control measures and the activity is consistent with the principles outlined in the *Management Program for Cycads in the Northern Territory of Australia 2009-2014* (Liddle 2009). The NT EPA's recommendations have been included as conditions and notes on the development permit.

**FOR: 5**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:**

Notice of Consent and Development Permit

**ITEM 5**

**PA2020/0380**

**SUBDIVISION TO CREATE TWO LOTS**

**SECTION 1905 (1000) CHANNEL ISLAND ROAD, WICKHAM, HUNDRED OF AYERS**

**APPLICANT**

Earl James and Associates

DAS tabled recommended amended conditions.

Mr Kevin Dodd (Earl James and Associates) attended.

**RESOLVED  
200/20**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Section 1905 (1000) Channel Island Road, Wickham Point, Hundred of Ayers for the purpose of subdivision to create two lots, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works, a stormwater plan demonstrating the on-site collection of stormwater and its discharge into the stormwater drainage system prepared in accordance with the NT Subdivision Development Guidelines shall be submitted to and approved by the Litchfield Council and the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to the commencement of works all proposed works (including the provision or connection of services) within, or impacting upon the Channel Island Road reserve including accesses shall be

designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Transport and Civil Services Division for Road Agency Approval, irrespective of approvals granted by other Authorities e.g. Power & Water Corporation. No works within, or impacting upon Northern Territory Government road reserves are to commence prior to gaining Road Agency Approval.

3. Prior to the commencement of construction works for the following components:
  - proposed and affected roads;
  - stormwater drainage;
  - vehicular accesses;
  - pedestrian/cycle paths/ streetscaping (if required); andthe Developer shall submit detailed 'For Construction' design documentation (engineering design, design report and specifications) for all such proposed works and achieve 'Permission to Use' from the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics, as the case may be. All designs are to meet Austroads standards and comply with the NT Subdivision Development Guidelines.
4. Prior to the commencement of works, a **Type 2** Erosion and Sediment Control Plan (ESCP) must be developed in accordance with the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The ESCP should be submitted for acceptance prior to the commencement of any earth disturbing activities (including clearing and early works) to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au).

#### **GENERAL CONDITIONS**

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. 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 on the plan of subdivision submitted for approval by the Surveyor General.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage and electricity facilities, to the proposed new Lot A shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. LDC shall liaise with PWC on document requirements for the subdivision process to create Lot A.
8. The developer shall acknowledge and confirm that when the Channel Island Road is duplicated then the permanent access (proposed permanent access option 3 of the Sun Cable letter dated 12 October 2020) will become a Left-IN and Left-OUT access only. When this occurs, the developer may need to look

at additional options for access and shall construct at its own cost to the standards and requirements of Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.

9. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
10. Where unfenced, the Channel Island Road frontage to the proposed Lot A is to be appropriately fenced in accordance with the Transport and Civil Services Division's standards and requirements to deter unauthorised vehicular movement. Any gates provided are to be fixed to open inwards only.
11. All works relating to this permit must be undertaken in accordance with the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) to the requirements of the consent authority. Should the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) need to be amended, the revised ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CEPSC) to the satisfaction of the consent authority. The revised ESCP should be submitted for acceptance to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au).
12. All reasonable and practicable measures must be undertaken to prevent: erosion occurring onsite, sediment leaving the site, and runoff from the site causing erosion offsite. 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. For further information refer to Note 1 below. At completion of works, clearance should be sought from the Department of Environment, Parks and Water Security regarding satisfactory implementation of permanent erosion and sediment control measures and site stabilisation. To arrange a clearance site inspection, email the Land Development Coordination Branch at: [DevelopmentAssessment.DENR@nt.gov.au](mailto:DevelopmentAssessment.DENR@nt.gov.au).

#### 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. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and 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.



3. For Water servicing, the development is required to connect to the existing DN375 within Section 1905. The developer is required to engage an accredited Hydraulic Consultant for this design. The Lot has limited water allocation. The developer shall contact PWC to discuss service levels agreement for the site.
4. A “Permit to Work Within a Road Reserve” is required from Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics before commencement of any work within the road reserve.
5. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at [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 Land Development Coordination Branch: (08) 8999 4446.
6. The developer is required to contact “Dial Before You Dig” on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
7. The Northern Territory Environment Protection Authority advised that to manage potential impacts to local *Cycads armstrongii* populations, it is recommended that the activity is consistent with to the principles outlined in the Management Program for Cycads in the Northern Territory of Australia 2009-2014 (Liddle 2009).

## 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 subdivision of land requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clause 1.8(1)(c)(ii), and therefore the strategic framework (Part 2 of the Scheme, including the Darwin Regional Land Use Plan 2015 and Litchfield Subregional Land Use Plan which are relevant to this application), zone purpose and outcomes of Clause 4.32 – Zone U (Utilities), and Clause 6.1 (Preliminary), 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.

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.



Prior to the lodgement of the subdivision application, an notice of intent was lodged with the Northern Territory Environment Protection Authority (NT EPA), outlining the proposed renewable energy facility and battery installation and operation. The NT EPA concluded that the operation should be undertaken in accordance with an environmental management plan but noted that an ecological assessment determined that the development was unlikely to have any significant impact on terrestrial threatened species listed under the *Territory Parks and Wildlife Conservation Act 1976*. The Department of Environment, Parks and Water Security also confirmed that there was a low risk that the proposed action would have any significant negative impacts on biodiversity values associated with the NT EPA's environmental objective for terrestrial flora and fauna.

DEPWS has required the proponent to prepare a Type 2 Erosion and Sediment Control Plan to ensure that the land is managed appropriately and that sediment does not impact the downstream environment. On the basis of service authority comments, the subject land is capable of supporting the proposed subdivision and development.

3. 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 Department of Infrastructure, Planning and Logistics, through Crown Land Estate (CLE), is currently responsible for the management of the natural creek waterway approximately 300 m downstream of the proposed development. The Land Development Unit (LDU) assesses developments affecting assets under the management of CLE. In its comments on the application, the Lands and Planning Division (which includes the LDU), Department of Infrastructure, Planning and Logistics requested a number of conditions that related to stormwater and detailed design.

At the Authority meeting, the applicants for the renewable energy facility development application and the subdivision (this application) to support the facility requested the Authority consider the applicability of the conditions proposed by the Lands and Planning Division, Department of Infrastructure, Planning and Logistics, because the relevant road and local authorities provide clearances for the same conditions. The applicant advanced that it was an unnecessary duplication of clearances and requested that the proposed conditions be amended to remove the requirement for clearance by the Lands and Planning Division, Department of Infrastructure, Planning and Logistics.

The Authority recognises that the Lands and Planning Division, Department of Infrastructure, Planning and Logistics has a broader interest beyond the asset held by the CLE; it also plans and provides infrastructure to support the products corridor at Middle Arm, which has the potential to be impacted by stormwater from nearby land. The Authority considered that the Lands and Planning Division, Department

of Infrastructure, Planning and Logistics, does not have a typical interest as an effected landholder, such as the surrounding land which owned by the Land Development Corporation or is an asset of the Transport and Civil Services Division. The Authority decided that the clearance for stormwater from the Lands and Planning Division, Department of Infrastructure, Planning and Logistics, is required for the development of the renewable energy facility but not the subdivision (this application) because in this instance the detailed stormwater planning and design are completed at the development not subdivision stage of the proposal.

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

The subdivision of Section 1905 for the purpose of creating one new lot, and a balance parcel, to enable the development of a renewable energy facility, inclusive of a battery storage component, and co-located adjacent to the Weddell Power Station is in keeping with the development of the wider Middle Arm Industrial Precinct. The development site has been identified by the land owner as not impeding the operational function of the product corridor or the operation of the adjacent Weddell Power Station.

**FOR: 5**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:**

Notice of Consent and Development Permit

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

**SUZANNE PHILIP**  
Chair

18 December 2020