DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 204 – FRIDAY 14 OCTOBER 2016

WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS

MEMBERS PRESENT: Denis Burke (Chairman), Keith Aitken, Bob Shewring, Wendy Smith and Christine Osborn

APOLOGIES: Nil

OFFICERS PRESENT: Kate Walker (Secretary), Dawn Parkes, Sonia Barnes and Ann-Marie Dooley (Development Assessment Services)

COUNCIL REPRESENTATIVE: Edward Li

Meeting opened at 10.00 am and closed at 10.30 am
MOORING FACILITY FOR TOURIST BOATS WITH ANCILLARY RECEPTION AREA
SECTION 1574 (115) WOOD LANE, HUNDRED OF GUY

NORTHERN PLANNING CONSULTANTS

Mr Brad Cunnington from Northern Planning Consultants attended with Mr Morgan Bowman, owner of Adelaide River Cruises.

Ms Kerri-Anne Tatchell from MasterPlan attended on behalf of Humpty Doo Barramundi with Ms Tracey Leo, Business Development Manager and Mr David Crosby, Commercial Business Manager from Humpty Doo Barramundi. Ms Tatchell tabled two maps and an email from NT Parks and Wildlife Commission.

RESOLVED
141/16

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Section 1574 (115) Wood Lane, Hundred of Guy, for the purpose of a Mooring facility for tourist boats with ancillary reception area, toilets and car parking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of the Department of Environment and Natural Resources (DENR). All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority on the advice of DENR. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning, and the IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be reference as a guide to the type of information, detail and data that should be included in the ESCP. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding ESCP content is available at www.austieca.com.au and the NTG website http://nt.gov.au/environment/soil-land-vegetation.

2. Prior to the commencement of works (including site preparation), a management plan is to be submitted to and approved by the Department of Health, to the satisfaction of the consent authority. The plan should detail methods for the provision of a safe drinking water supply and identify the location for disposal of effluent.

3. Prior to commencement of works (including site preparation), evidence of an access easement or other arrangement over Section 1612, Hundred of Guy, is provided to the subject site (Section 1574, Hundred of Guy) from the existing road reserve, to the satisfaction of the consent authority.
GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings numbered 2016/0515/01 and 2016/0515/02, endorsed as forming part of this permit.

5. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Environment and Natural Resources.

6. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   (a) constructed;
   (b) properly formed to such levels that they can be used in accordance with the plans;
   (c) surfaced with an all-weather-seal coat (where indicated on the endorsed drawings) or otherwise suitably dust suppressed;
   (d) drained;
which is to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

NOTES

1. A “Permit to Work Within a Road Reserve” may be required from Litchfield Council before commencement of any work within the road reserve.

2. There are statutory obligations under the Weeds Management Act to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.

3. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the Planning Act, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed development is consistent with the form of development which currently exists 80m north of the proposed site. It is also consistent the purpose of Zone CN (Conservation) to conserve and protect the flora, fauna and character of natural areas; where development is proposed, it is to be sensitive to the natural features and habitats of the zone and be so sited and operated as to have minimal impact on the environment.

The development proposes relocating an existing boat mooring facility approximately 80m south of its current location. The development is unlikely to have a negative...
impact on the environment as it proposes utilising an area previously cleared of vegetation and no further clearing is required. In addition, the mooring facility proposes access via an existing public road reserve (the same access currently used to access the existing mooring facility).

A variation to the requirements of Clause 6.5.3 (Parking Requirements) to allow the car park area to be compacted and dust suppressed and all spaces to be 2.5m in width is considered acceptable as:

- the application proposes utilising an area previously cleared of natural vegetation in order to minimise the impact of the proposal. Further land clearing would be required to achieve compliance with the clause;
- an advisory note under clause 6.5.3 of the Planning Scheme identifies that dust-suppression may be an acceptable alternative to sealed surfaces in non-urban locations;
- sealing the car parking area could adversely impact on the adjacent river and its riparian vegetation;
- the existing access road is unsealed and Litchfield Council has advised that no upgrades to the road reserve are planned for the foreseeable future; and
- the cost of sealing parking areas in isolated areas and the associated logistics are likely to be considerably higher than in urban localities.

2. Pursuant to section 51(e) of the Planning Act, in considering a development application the consent authority is required to take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Two public submissions were received in relation to the application. One submission outlined concerns regarding the potential for the development to impact on the conservation area. In relation to the second submission received, the consent authority acknowledged that the submission was not withdrawn and noted the additional information tabled at the meeting.

The consent authority noted that the proposed development is to relocate an existing mooring facility and that the nature and scale of the operation is to remain the same (passenger numbers, cruise times etc.). The consent authority recognizes that the proposed site was selected to utilise existing access and to minimise the impact on native and riparian vegetation, which by the nature of the development is unlikely to detrimentally impact on the environment.

The consent authority considers that the security and land use conflict concerns raised by the adjoining land owner are related to the current and planned operations on Sections 1703 and 1624 which could be mitigated by the inclusion of appropriate signage and a suitable buffer to the public road reserve on that land. The consent authority did not consider that the proposed development needed to provide any additional buffers or security measures but acknowledged that it could play a part in providing information to its customers regarding the activities that take place on adjacent land.

3. Pursuant to section 51(j) of the Planning Act, the consent authority must take into consideration the capability of the land to which the proposed development

These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
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.

There is no evidence to suggest that the land is not capable of supporting the proposed development. No particular concerns have been raised by service authorities in relation to land capability. Conditions requiring submission of an Erosion and Sediment Control Plan, as well as a Management Plan (for wastewater and potable water) to the requirements of the Department of Health, will ensure that there are no adverse effects on the land or other land.

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

In the absence of reticulated water and sewer services a condition precedent has been included on the development permit for the provision of a management plan to the requirements of the Department of Health, to ensure the correct disposal of all porta-loo waste and the provision of a safe drinking water supply.

5. Pursuant to section 51(t) of the Planning Act, the consent authority must take into consideration any other matters it thinks fit.

The Parks and Wildlife Commission indicate its support for the development. It advises that Section 1574 Hundred of Guy is under the care, control and management of the Commission and that this project is a result of the Parks and Wildlife Commission call for Expressions of Interest for commercial tourism development across the Parks estate.

ACTION: Notice of Consent, Development Permit and Endorsed Plans

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

DENIS BURKE
Chairman
18/10/16