



## **DEVELOPMENT CONSENT AUTHORITY**

### **LITCHFIELD DIVISION**

### **MINUTES**

**MEETING No. 239 – FRIDAY 11 OCTOBER 2019**

**HOWARD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

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

**APOLOGIES:** Keith Aitken

**OFFICERS PRESENT:** Breanna Lusty (A/Secretary), Ann-Marie Reynolds, Fiona Ray & Ben Wollinski (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Rodney Jessup

**Meeting opened at 11.00 am and closed at 1.35pm**

**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                    ALTERATIONS AND ADDITIONS TO AN EXISTING CROCODILE FARM  
PA2019/0320            SECTION 1547 (630) ANZAC PARADE, HUNDRED OF GUY  
APPLICANT              NORTHERN PLANNING CONSULTANTS**

Brad Cunnington (Northern Planning Consultants) attended.  
Michael Burns (Landowner) & Ray Hall & Emma Lewis (ECOZ) attended.

**RESOLVED**            That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent  
**162/19**                    Authority consent to the application to develop Section 1547, (630) Anzac Parade,  
Hundred of Guy for the purpose of alteration and additions to an existing crocodile  
farm in two stages and clearing of native vegetation, subject to the following  
conditions:

**CONDITIONS PRECEDENT**

1. Prior to the commencement of stage 1 works, a revised Masterplan is to be prepared to the satisfaction of the consent authority to show the extent of the 2.37ha of cleared land, the extent of existing native vegetation buffers and to detail infrastructure that is either proposed to be constructed or is completed, in accordance with the staging of those works.
2. Prior to the commencement of stage 2 works, an updated 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 on the advice of the of the Department of Environment and Natural Resources (DENR), Water Resources Division, the Department of Health (Medical Entomology) and the Litchfield Council. 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. management measures to avoid and mitigate the creation of mosquito breeding sites; and
  - f. day to day management requirements for the use (including waste management).
3. Prior to the commencement of stage 2 works, a schematic plan demonstrating the onsite 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.

## 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. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
6. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity facilities to the development on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. 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.
9. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
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. 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 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.
12. The use must at all times be operating in accordance with the approved Environmental Management Plan (EMP) for the development.
13. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawings as "permitted clearing". All remaining native vegetation is to be maintained to the satisfaction of the consent authority.
14. Appropriate erosion and sediment control measures must be effectively implemented and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the Consent Authority. Information resources are available on the IECA website [www.austieca.com.au](http://www.austieca.com.au) and the Department of Environment and Natural Resources 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.

## Notes

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

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

2. There are statutory obligations under the Waste Management and Pollution Control Act 1998 (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under section 12 of the Act. There is 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 (NT EPA) website at <http://ntepa.nt.gov.au/waste-pollution/guidelines/guidelines>.

The proponent is advised to take notice of the Schedule of Environmental Considerations provided by the Department of Environment and Natural Resources.

The Act, administered by the NT EPA, is separate to and not reduced or affected in any way by other legislation administered by other departments or authorities. The Environmental Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

3. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment and Natural Resources ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should identify how all disturbed surfaces are to be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land

## REASONS FOR THE DECISION

1. Pursuant to section 51(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 application is for alterations and additions to an existing crocodile farm in two stages at Section 1547 (630) Anzac Parade, Hundred of Guy. A crocodile farm is considered to fit with the defined land use of 'intensive animal husbandry' of the Northern Territory Planning Scheme (NTPS). The land is identified as being within Zone H (Horticulture) of the NTPS where intensive animal husbandry is discretionary and therefore requires development consent.

The proposal has been assessed against the requirements of the NTPS including Clauses 5.16 (Zone H – Horticulture), 6.1 (General Height Control), 10.1 (Animal Related Use and Development) and 10.2 (Clearing of Native Vegetation in Zones H, A, RR, RL, R, CP, CN, RD and WM and on Unzoned Land) and was found to comply with the

requirements of Clauses 5.16 (Zone H – Horticulture) and 6.1 (General Height Control).

The recommended conditions of approval include a requirement to update the Environmental Management Plan for the site to ensure requirements of service authorities are addressed and ongoing compliance with the requirements of Clause 10.1 (Animal Related Use and Development) of the NTPS.

The proposal has the potential to impact both surface and groundwater quality. The Environmental Management Plan lodged with the application states that the wastewater treatment process is currently under review as part of an application for an Environmental Protection Licence regulated by the Environmental Protection agency. The review would furnish detailed information with regard to water and nutrient balances and the process of release into the receiving environment. As this information was not available with regard to the assessment of this application the Department of Environment and Natural Resources (DENR), Water Resources Division was unable to make a complete assessment of the development. A condition precedent has been included that requires a revised Environmental Management Plan to be submitted in order for the risks to surface and groundwater be thoroughly identified and managed appropriately.

In relation to Clause 10.2 (Clearing of Native Vegetation in Zones H, A, RR, RL, R, CP, CN, RD and WM and on Unzoned Land), the initial assessment of the application indicated that while retrospective approval was sought for the land clearing undertaken to expand the Sandalwood plantation; the use was not considered ancillary to the crocodile farm and any permit issued should not provide retrospective approval for land clearing.

However, the applicant furnished a compelling and well-founded argument to justify granting retrospective consent for the clearing of 2.37ha of native vegetation adjacent to the existing dwellings and sheds and suitable evidence that the sandalwood plantation is an integral part of the crocodile farm was presented at the meeting.

The Authority is satisfied that that the sandalwood plantation is ancillary to the crocodile farm and that the applicant understands that retrospective consent is limited to the 2.37ha area previously cleared and that no further clearing is to take place without consent.

A revised masterplan is required to accurately identify the 2.37ha previously cleared and the location and detail of the infrastructure both proposed to be constructed or completed.

2. Pursuant to section 51(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 Authority notes that no public submissions were received during the exhibition period under section 49 or any evidence or information

received under section 50 of the *Planning Act 1999* with respect to the proposal.

3. Pursuant to section 51(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 DENR has identified that further monitoring is required to assess the impact of the development on ground and surface waters. The Environmental Management Plan lodged with the application also identifies that in the absence of regular monitoring and appropriate management and risk mitigation, the operations could pose a high risk of contamination of the receiving environment. Responsible management and licensing is critical to ensuring there are no off-site impacts. The matter has been addressed through the requirement of an updated the Environmental Management Plan for the site.

The Authority is satisfied that the sandalwood plantation is ancillary to the crocodile farm and an integral component of the wastewater processing stream.

4. Pursuant to section 51(n) and (t) 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 and other matters it thinks fit.

The Environmental Management Plan lodged indicated that further opportunities for irrigation were identified in the eastern portion of the site, approximately nine hectares of an existing 140m native vegetation buffer identified on development permit DP14/0410, issued for the crocodile farm.

In consideration of the existing and future amenity of the surrounding area, it is relevant to consider the Harrison Dam Conservation Reserve. The previous permit issued retained a native vegetation buffer as a measure to protect the environment and maintain the recreation values of the Reserve for the wider community. The Authority is satisfied that the applicant recognizes that further clearing of native vegetation in Zone H (Horticulture) requires consent.

Whilst not the subject of this application, the Authority notes that the wastewater treatment process is currently under review as part of an application for an Environmental Protection Licence regulated by the Environmental Protection agency in accordance with the *Waste Management and Pollution Control Act 1998*.

Furthermore, the DENR, Water Resources Division identified that the Janamba Crocodile Farm had applied to increase the water extraction licence currently in force. The contribution of the crocodile farm to the local economy is recognised and appreciated however it is timely to note that any further changes to the revised plan may require development consent and that the extent of the clearing undertaken as well as existing buffers are to be clearly depicted on the revised Masterplan.

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

**ITEM 2 WITHDRAWN PRIOR TO MEETING**

**ITEM 3 SUBDIVISION TO CREATE 6 LOTS**  
**PA2019/0315 SECTION 5662, 2934, 3996 LOT 1-2, 10-15, HUNDRED OF STRANGWAYS**  
**240 MORGAN ROAD, 220 BROOKING CIRCUIT, 610, 630, 640A-E, 660**  
**LOWTHER ROAD, VIRGINIA**  
**APPLICANT EARL JAMES AND ASSOCIATES**

Kevin Dodd (Earl James and Associates) & Roslyn Kirby (Landowner) attended.  
Stephen & Kerry Thomas, Richard Bryson & Gerry Wood (Submitters) attended.

**RESOLVED** That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development  
**163/19** Consent Authority defer consideration of the application to develop Sections 5662,  
2934, 3996 and Lots 1, 2, 10, 11, 12, 13, 14, 15, Hundred of Strangways for the  
purpose of subdivision to create 65 lots, to enable the proper consideration of the  
application by:

- Providing submitters with a copy of the Development Assessment Services report to the consent authority and allowing five business days for submitters to provide further written comment; and
- Further consideration by the members of the Authority of any additional matters raised by submitters over and above those already considered in relation to the written submissions and oral presentations at the meeting.

**RESOLVED** Subject to the additional submissions received, that, pursuant to section 86 of the  
**164/19** *Planning Act 1999*, the Authority delegates to the Chair, or in the Chair's absence any one of the other members of the Litchfield Division the power under section 53 of the Act, to determine the application to develop Sections 5662, 2934, 3996 and Lots 1, 2, 10, 11, 12, 13, 14, 15, Hundred of Strangways for the purpose of subdivision to create 65 lots.

### **REASONS FOR THE DECISION**

Pursuant to section 51(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.

15 public submissions were received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal. It became apparent during the Meeting that, due to technical difficulties, the public agenda containing the DAS Report and Recommendations was not available online. The Authority noted that Mr Richard Bryson stated that he did not receive a copy of the DAS report to the DCA as it was not available, nor could he obtain a copy prior to the meeting and therefore did not have an opportunity to review the recommendation. The inability to access the DAS Report arose through no fault on the part of the Applicant or submitters.

In the interests of ensuring natural justice for the submitters, the Authority resolved that the application should be deferred to allow circulation of the DAS Report and Recommendation to submitters for further comment. The Authority noted that such material would ordinarily be available 48 hours before the meeting but to ensure procedural fairness, the Authority would allow 5 working days from the date of circulation of the Report for any further written comment from the submitters. Any further comments are then to be provided to the members for further consideration. Provided that the members are satisfied that no further matters requiring public consideration are raised by submitters over and above those already considered by the Authority arising from both the original written submissions and oral submissions made at the Meeting, the members delegate to the Chair the power to determine the Application.

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

**SUZANNE PHILIP**  
Chair  
18 October 2019