



**DEVELOPMENT CONSENT AUTHORITY**

**LITCHFIELD DIVISION**

**MINUTES**

**MEETING No. 220 – FRIDAY 16 FEBRUARY 2018**

**WHITEWOOD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Keith Aitken and Wendy Smith

**APOLOGIES:** Bob Shewring and Christine Simpson

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Anthony Brennan, Ann-Marie Dooley, Fiona Ray and Roxanne Willing (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Apology

**Meeting opened at 1.30 pm and closed at 3.00 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**                      **SUBDIVISION TO CREATE TWO LOTS**  
**PA2017/0528**              **NT PORTION 2626 (3820) GUNN POINT ROAD, KOOLPINYAH**  
**APPLICANT**              **JUNE D'ROZARIO & ASSOCIATES PTY LTD**

DAS tabled the following documents:- Seafarms response to the DCA deferral for the subdivision, a letter from the Northern Territory Land Corporation, additional comments from Litchfield Council and additional submissions from PAn: the Planning Action Network, Mr Laurence Ah Toy, Ms Diana Rickard and Mr Greg Chapman.

Ms June D'Rozario (June D'Rozario & Associates) and Mr Chris Mitchell (Managing Director, Seafarms) attended.

Submitter Mr Laurence Ah Toy sent his apologies.

Submitters in attendance: Mr Gerry Wood MLA, Ms Shar Molloy and Ms Grusha Leeman.

Interested Parties in attendance: Mr Douglas Lesh, Ms Del Batton, Ms Sharon Jones (DIPL) and Ms Anne Tan (DBTI).

**RESOLVED**              That, pursuant to section 53(a) of the *Planning Act*, the Development Consent  
**19/18**                      Authority consent to the application to develop NT Portion 2626 (3820) Gunn Point  
Rd, Koolpinyah conditionally, for the purpose of a subdivision to create two lots,  
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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. a revised lot boundary layout that excludes land in the south western portion of NT Portion 2626 zoned CN (Conservation); and
  - b. the extension of Murrumujuk Drive to be dedicated to the Northern Territory Government on any plans of subdivision.
  
2. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP) must be developed in accordance with the Key Principals of erosion and sediment control as specified in the IECA Best Practice Erosion and Sediment Control Guidelines 2008 (or higher standard) by a Certified Professional in Erosion and Sediment Control (CPESC) and subsequently reviewed and approved by a suitably qualified and experienced CPESC third party auditor, to the satisfaction of the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR). The ESCP should be emailed for review to:  
[DevelopmentAssessment.DENR@nt.gov.au](mailto:DevelopmentAssessment.DENR@nt.gov.au)

## GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. All works relating to this permit are to be undertaken in accordance with the approved Construction Environmental Management Plan to the requirements of the Consent Authority on the advice of the NT EPA as the case may be.
5. Implementation of the approved Erosion and Sediment Control Plan (ESCP) must be regularly monitored and reported on by the CPSEC third party auditor, to the satisfaction of the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR), to ensure erosion and sediment control management is in accordance with the approved ESCP and is effective. The auditor must provide regular written reports documenting that the associated management and monitoring procedures and remedial actions (if required) were undertaken in accordance with the approved ESCP and include details of any monitoring, sampling, site locations, laboratory results and actions undertaken by the developer. Reports should be emailed for review to [DevelopmentAssessment.DENR@nt.gov.au](mailto:DevelopmentAssessment.DENR@nt.gov.au).
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity services and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. 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.
8. 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.
9. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics be to the satisfaction of the consent authority.
10. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, and street scaping are to be to the technical requirements of the Transport and Civil Services Division of the 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. A monetary contribution is required to be paid to Litchfield Council in accordance with its development contribution plan for the upgrade of roads and drainage infrastructure as a result of this development. The contribution payable is in accordance with that for Catchment Area 7, in which the site

falls within the Council's Developer Contributions Plan for Roads and Drainage.

12. Access to Lot 1 from the proposed 100m wide Murrumujuk Drive road reserve shall be provided to the standards and approval of the Transport and Civil Services Division, of the Department of Infrastructure, Planning and Logistics. upon development of the lot.
13. Any proposed work (including the provision or connection of services) within, or impacting upon the proposed 100 metre wide Murrumujuk Drive road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to approval.
14. Upon completion of any works within the Murrumujuk Drive road reserve the road reserve shall be rehabilitated to the standards and requirements of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics.
15. Appropriate measures must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways to the satisfaction of the consent authority.

**NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure
2. It is an offence to interfere with or cause damage to sacred sites identified in accordance with the *Northern Territory Aboriginal Sacred Sites Act* and as such the developer should obtain an 'Authority Certificate' from the Aboriginal Areas Protection Authority prior to the commencement of any works.
3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. A "Permit to Work Within a Road Reserve" may be required from the Litchfield Council and/or the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics before commencement of any work within the Gunn Point road reserve.
5. The clearing, future use of the land and construction of site access shall not be detrimental to the drainage, flood immunity or safety of the Murrumujuk

Drive road reserve through the blocking of off-let drains, natural drainage channels or overland flow.

6. 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.
7. 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 Environment and Natural Resources.

## REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into account any planning scheme that applies to the land to which the proposed development relates.

The application was assessed against the relevant clauses of the Northern Territory Planning Scheme (NTPS) including Clause 5.22 (Zone CN – Conservation), Clause 5.26 (Zone FD - Future Development); Clause 11.1.1 (Minimum Lot Sizes and Requirements) and Clause 11.1.3 (Subdivision of Land Zoned FD). Overall, the subdivision proposal complies with the requirements of the NTPS.

The subject site, comprising 103.52ha is located within NT Portion 2626 Hundred of Bagot and is predominantly Zone FD (Future Development) but also contains a 1.9ha parcel of land in Zone CN (Conservation).

Zone FD is an interim zone identifying an area that is intended for future rezoning and development in accordance with an Area Plan (where applicable) and its purpose is to limit uses and development within the zone to a level that will not prejudice the future development; and provide for development in accordance with the Area Plan (where applicable) once services are (or can be) made available to the land. The purpose of the zone is also to ensure subdivision does not prejudice the intended ultimate subdivision and future use or development of the land.

There is no current area plan; however, the land is included in the overarching policy documents the Darwin Regional Land Use Plan and Litchfield Subregional Land Use Plan. The proposal will utilise approximately 130ha of land broadly earmarked for future urban and peri urban uses, however, the suitability of the subject site for urban uses is likely to be limited given the site location adjacent to salt marsh and mangroves within the Tree Point Conservation Reserve.

Revised plans require a small portion of land (1.9ha) in the south-western corner of the site located within a Priority Environmental Management (PEM) area and zoned CN (Conservation) to be excluded from the subdivision to minimise any adverse impact on the PEM area.

2. Pursuant to section 51(d) of the *Planning Act*, the consent authority must take into account environment protection objective within the meaning of the *Waste Management and Pollution Control Act* that is relevant to the land to which the application relates

The NT EPA has advised that the prawn farm development will require assessment and approvals under the *Waste Management and Pollution Control Act* and *Water Act* (the Act) to ensure the potential environmental impacts associated with the proposed action are effectively managed. The subdivision proposal is not expected to have any implications under the Act.

3. Pursuant to section 51(g) of the *Planning Act*, the consent authority must take into account if a public environmental report, or an environmental impact statement, has been prepared or is required under the *Environmental Assessment Act* in relation to the proposed development – the report or statement and the results of any assessment of the report or statement under that Act by the Minister administering that Act.

The NT EPA considers that that the environmental impacts and risks associated with the project are not significant and that the proposal does not require assessment under the *Environment Assessment Act*. It is considered that the impacts identified by advisory bodies can be appropriately managed through conditions of any development permit issued in relation to the future development of the site.

4. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account 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.

An Erosion and Sediment Control Plan and a Construction Environmental Management Plan are required as conditions precedent of development. Otherwise, the proposal has considered the capability of the land and a wide range environmental factors through the Notice of Intent. The land is considered capable of supporting the proposed development and the Department of Environment and Natural Resources have not raised any major concerns with the overall land capability.

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

Five public submissions were received in relation to the subdivision proposal. Submissions mostly raised concerns about the impact on the amenity of the informal recreation area and the impacts on biodiversity.

In regards to impacts on the existing informal recreation areas, the Authority received written advice from the landowner, the Northern Territory Land Corporation (NTLC), advising that Gunn Point Beach currently provides camping opportunities over more than 10 Kilometres of beach front, and that the alignment of the proposed boundary is not

expected to adversely impact on recreational opportunities. NTLC further advised that it is investigating opportunities to provide formalised recreational facilities, and similarly, there is not expected to be any adverse impact with the proposed alignment. It is therefore considered that the proposal is sufficiently setback from current and proposed recreational areas such that there is not expected to be any adverse impacts on the amenity of the adjoining and nearby land.

The biodiversity values of the area have been thoroughly considered through the applicant's Notice of Intent (NOI), by the Department of Environment and Natural Resources (DENR) and the Northern Territory Environmental Protection Authority (NT EPA). The NT EPA considers that the environmental impacts and risks associated with the project are not significant and that the proposal does not require assessment under the *Environment Assessment Act*. It is considered that the impacts identified by advisory bodies can be appropriately managed through conditions of any development permit issued in relation to the future development of the site.

6. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account 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.

Litchfield Council raised concerns about the associated formalisation of Murrumujuk Drive requiring that the plans explicitly propose the road be vested with the NT Government (NTG). The Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics confirmed that the road shall be vested with the NTG. A condition precedent has been included in the recommended conditions requiring the amended plans to reflect the proposed vesting of the road reserve.

7. Pursuant to section 51(r) of the *Planning Act*, the consent authority must take into account any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act*.

Heritage Branch reviewed the Notice of Intent (NOI) and confirmed to the NT EPA that all heritage and archaeological issues have been adequately addressed. The subdivision proposal is not expected to have any implications under the Act.

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



**ITEM 2**  
**PA2017/0529**  
**APPLICANT**

**INTENSIVE ANIMAL HUSBANDRY (PRAWN HATCHERY) INCLUDING 2 X 3  
BEDROOM SINGLE DWELLINGS IN 2 X SINGLE STOREY BUILDINGS  
NT PORTION 2626 (3820) GUNN POINT ROAD, KOOLPINYAH  
JUNE D'ROZARIO & ASSOCIATES PTY LTD**

DAS tabled the following documents:- Seafarms response to the DCA deferral for the development, a letter from the Northern Territory Land Corporation, additional comments from Litchfield Council and additional submissions from PAn: the Planning Action Network, Mr Laurence Ah Toy, Ms Diana Rickard and Mr Greg Chapman.

Ms June D'Rozario (June D'Rozario & Associates) and Mr Chris Mitchell (Managing Director, Seafarms) attended.

Submitter Mr Laurence Ah Toy sent his apologies.

Submitters in attendance: Mr Gerry Wood MLA, Ms Shar Molloy and Ms Grusha Leeman.

Interested Parties in attendance: Mr Douglas Lesh, Ms Del Batton, Ms Sharon Jones (DIPL) and Ms Anne Tan (DBTI).

**RESOLVED**  
**20/18**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop part NT Portion 2626 conditionally for the purpose of Intensive Animal Husbandry (prawn hatchery) including 2 x 3 bedroom dwellings in 2 single storey buildings, 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. Details of the proposed power station, waste transfer, and incinerator including elevations; and
  - b. If intake and discharge pipelines will be constructed by horizontal directional drilling (HDD), the location and design of intake and discharge pipeline should be specified, and approved by the NT EPA. If HDD is not used, further approval is required from the NT EPA for any alternative solution.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is required to undertake detailed benthic habitat mapping identifying all zones of seagrass, algae, coral communities and marine in-fauna. The mapping sampling protocols will be approved by the Department of Environment and Natural Resources. The mapping will inform the Construction Environmental Management Plan (CEMP) and Operational Environmental Management Plan (OEMP).
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to undertake a targeted Wet season survey for the presence/absence of the plant *Typhonium*



*praetermissum* based on a survey design approved by the Department of Environment and Natural Resources. If the plant is present the habitat value should be identified and advice on whether mitigation measures are required shall be determined by the Department of Environment and Natural Resources, and all mitigation measures required shall be completed to the requirements of the Department of Environment and Natural Resources, to the satisfaction of the consent authority.

4. Prior to the commencement of works (including site preparation), a Construction Environmental Management Plan (CEMP) for the construction stage of the development and all of its components must be submitted to and approved by the consent authority upon the advice of the Department of Environment and Natural Resources and/or NT EPA as the case may be. When approved, the CEMP 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 which must include:
  - a. a Horizontal Directional Drilling Spoil Management Plan detailing the containment, treatment and disposal of cuttings and drilling fluids,
  - b. a Marine Megafauna Construction Mitigation and Management Plan – detailing mitigation measures (for dolphins, dugongs and turtles) for underwater noise and construction lighting including implementation of vessel speeds in the construction zone, marine megafauna observation and exclusion zones, and construction light spill,
  - c. a Land Clearing Management Plan detailing the proposed fencing infrastructure and associated firebreaks, the proposed management of weeds and the proposed management of any impacts to the wetlands,
  - d. a Construction Waste Management Plan,
  - e. a Dust Management Plan; and
  - f. a Noise Management Plan.
5. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP) must be developed in accordance with the Key Principles of erosion and sediment control as specified in the IECA Best Practice Erosion and Sediment Control Guidelines 2008 (or higher standard) by a Certified Professional in Erosion and Sediment Control (CPESC) and subsequently reviewed and approved by a suitably qualified and experienced CPESC third party auditor, to the satisfaction of the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR). The ESCP should be emailed for review to: DevelopmentAssessment.DENR@nt.gov.au.

#### **GENERAL CONDITIONS**

6. Before the use starts, an Operational Environmental Management Plan (OEMP) for the management of all facets of the intensive animal husbandry operation must be submitted to and approved by the consent authority on the advice of the NT EPA. 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 OEMP must be consistent with all other relevant Plans and must include:
  - a) measures to prevent direct and indirect impacts on wetlands including sedimentation and weeds,

- b) an Operational Waste Management Plan that identifies the volumes and composition of wastes and describes measures to manage the various waste streams. The management plan must incorporate conceptual site modelling and risk assessments for all waste handling processes;
  - c) an appropriate Wastewater Discharge Monitoring Program to monitor potential impacts to biotic (including benthic communities and habitat) and abiotic (physical and chemical) indicators from the discharge of wastewater. The monitoring program should include appropriate reference sites, and adhere to appropriate sampling protocols. The detail and extent of the monitoring program should be informed by detailed benthic habitat mapping identifying all zones of seagrass, algae, coral communities and marine in-fauna. The monitoring program should include the development of Project and site specific trigger values; and
  - d) all environmental management and monitoring plans should be prepared to the satisfaction of the NT EPA on the advice of relevant government agencies and these, plus the results from implementation of such plans, should be publicly available.
7. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
  8. All works relating to this permit are to be undertaken in accordance with the approved Construction Environmental Management Plan to the requirements of the Consent Authority on the advice of the Department of Environment and Natural Resources and/or NT EPA as the case may be.
  9. Under the provisions of clause 14A of the Administrative Procedures of the *Environmental Assessment Act*, the proponent is obliged to advise the Northern Territory Environment Protection Authority of any changes to the proposal for determination of whether or not further assessment is required.
  10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
  11. 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.
  12. All proposed works (including the provision or connection of services) within, or impacting on the proposed 100 m wide Murrumujuk Drive road reserve shall be in accordance with the standards and specifications of the Department of Infrastructure Planning and Logistics, at the developers cost. Design documents must be submitted to the Director Corridor Management, the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, for Road Agency Approval and no works are to commence prior to approval.
  13. Before the use or occupation of the development starts, the areas 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;

- d. line-marked to indicate each car space and all access lanes; and
  - e. clearly marked to show the direction of traffic along access lanes and driveways,  
to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
14. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their (visitors/clients).
  15. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided to the requirements and satisfaction of the consent authority.
  16. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
  17. 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.
  18. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or to any watercourse.
  19. The permit holder is to ensure water supply infrastructure and appropriate facilities established on the site are adequate for firefighting purposes on the advice of the Power and Water Corporation and the Northern Territory Fire and Rescue Service to the satisfaction of the consent authority. Built water tanks nominated for fire management are to be adequately filled at all times.
  20. Before the use or occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
  21. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
  22. 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/or the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics as the case may be, and to the satisfaction of the consent authority.
  23. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, and street scaping are to be to the technical requirements of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

24. Swept path diagrams for the design vehicle shall be provided with the detail design drawings submitted to the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics for Road Agency Approval to demonstrate the suitability of the access design geometry.
25. Upon completion of any works within the Murrumujuk Drive road reserve the road reserve shall be rehabilitated to the standards and requirements of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics.
26. Appropriate measures must be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways to the satisfaction of the consent authority.

**NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure
2. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Aboriginal Sacred Sites Act*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. A "Permit to Work Within a Road Reserve" may be required from the Litchfield Council and/or the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Litchfield Council's road network.
5. The clearing, future use of the land and construction of site access shall not be detrimental to the drainage, flood immunity or safety of the Murrumujuk Drive road reserve through the blocking of off-let drains, natural drainage channels or overland flow.
6. 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.

7. 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).
8. A groundwater extraction licence may be required under the *Water Act* for any bore used for purposes other than rural stock and domestic water supply. For advice on water extraction licences please contact the Policy and Planning Branch of the Department of Environment and Natural Resources.
9. 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 Environment and Natural Resources.
10. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Clause 6.7 of the NT Planning Scheme.
11. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act*. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or [ntepa@nt.gov.au](mailto:ntepa@nt.gov.au).

#### **REASONS FOR THE DECISION**

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into account any planning scheme that applies to the land to which the proposed development relates.

Zone FD (Future Development) is an interim zone identifying an area that is intended for future rezoning and development in accordance with an Area Plan (where applicable). Its purpose is to limit uses and development within the zone to a level that will not prejudice the future development and to provide for development when services become available. Subdivision is not to prejudice the intended ultimate subdivision and future use or development of the land. The proposal for a prawn hatchery is consistent with the definition of intensive animal husbandry which is a discretionary land use in Zone FD (Future Development) subject to compliance with the relevant clauses of the NTPS.

Supporting documents prepared by the applicant demonstrate that the proposal has given consideration with regards to planning and management of the establishment of the prawn hatchery including the proposed location of the incinerator. Provided the proposal is established and operated in accordance with the conditions of the permit (which include the incorporation of recommendations from the Northern Territory Environment Protection Authority and Department of Environment and Natural Resources) the development is considered to respond to the purpose and requirements of Zone FD (Future Development).

The application does not include elevation drawings in relation to the incinerator, power facility and water tanks, however the statement of effect identifies that the proposed height of all structures are under 8.5m as required by Clause 6.1 (General Height Control). Subject to additional plans being provided it is considered that the application will meet the requirements of Clause 6.1.

The Litchfield Subregional Land Use Plan 2016, is a policy document within the Northern Territory Planning Scheme (Clause 2.7) which informs interpretation of the Scheme and determinations of the consent authority. Notwithstanding the potential for conflict between the proposed prawn hatchery and the range of uses that might anticipated in the adjacent Urban/Peri Urban, neither the Litchfield Subregional Land Use Plan 2016 or the Northern Territory Planning Scheme identify an exclusion or any additional requirements for an intensive animal husbandry use. It is therefore considered that the proposal can only reasonably be assessed with advice from the relevant agencies and against the current adjoining land uses being Zone CN (Conservation), Zone R (Rural) and Zone) RL (Rural Living). On the basis of advice received and given its compliance with the relevant clauses of the Scheme it is considered to comply when assessed as a whole.

The Northern Territory Environment Protection Authority (NTEPA) advises that the project has potential to impact flora and fauna, terrestrial environmental quality, marine flora and fauna and water quality, however it is satisfied that potential impacts will be mitigated through standard environmental management procedures and specific site management and monitoring programs.

2. Pursuant to section 51(d) of the *Planning Act*, the consent authority must take into account an environment protection objective within the meaning of the *Waste Management and Pollution Control Act* that is relevant to the land to which the application relates. On the advice of the NT EPA the application will require assessment and approvals under *the Waste Management and Pollution Control Act and Water Act* to ensure the potential environmental impacts associated with the proposed action are effectively managed.
3. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

The proposal attracted 10 public submissions in accordance with Section 49 of the *Planning Act* which the consent authority must take into account.

A number of queries were raised with regard to managing the impact of increased visitation and that further information is required to confirm the level of waste discharge and nutrient into the sea. These matters were also raised by other submitters and have been considered by the response provided by NT EPA.



A number of concerns were raised in relation to the natural values of the land, sea environment and that the operation of the prawn hatchery will have extensive and long term, negative impacts on the environment and biodiversity. A number of submissions requested that the Government require the preparation of an independent and wide ranging environmental impact assessment. Advice was sought from the NT EPA with regard to environment assessment and has been advised that further assessment is not required under *the Environmental Assessment Act*.

Concerns relating to groundwater use were raised in several submissions. Advice provided by Department of Environment and Natural Resources and PowerWater Corporation (PWC) advises that water will be sourced via reticulated infrastructure from the PWC bore. The use will be limited to the dwellings and offices. Additional water required for the construction stage will be sourced externally from a licensed provider and any increase above the initial agreement will require further review.

4. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account 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 and Natural Resources has identified that a number of sites within the subject parcel are steeply sloping and will pose a high risk of erosion. Detailed consideration will need to be given to utilising appropriate construction methods and committing to ongoing erosion and sediment control. Conditions Precedent and General Conditions are included in the permit to address erosion and sediment control.

Whilst further assessment has not been required, the NT EPA has advised that it is satisfied that potential impacts and risks to terrestrial and marine flora and fauna communities will be mitigated through standard environmental management measures and site specific monitoring. In support of this the NT EPA has provided a number of permit Conditions requiring baseline and ongoing data collection, survey, monitoring and the preparation of management plans for clearing, construction and operations, that will be in place prior to and throughout the operation of the hatchery to identify and mitigate potential impacts. NT EPA and DENR advice has been included in the Development Permit.



5. Pursuant to section 51(r) of the *Planning Act*, the consent authority must take into account any potential impact on natural, social, cultural or heritage values, including for example, the heritage significance of a heritage place or object under the Heritage Act.

Advice provided by the NT EPA identifies that the potential impacts on the natural environment will require mitigation and management that will be addressed with the inclusion of relevant conditions.

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

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

**SUZANNE PHILIP**  
Chair

20 February 2018