



DEVELOPMENT CONSENT AUTHORITY

LITCHFIELD DIVISION

MINUTES

MEETING No. 175 – FRIDAY 16 MAY 2014

**WHITEWOOD HALL
325 WHITEWOOD ROAD
HOWARD SPRINGS**

MEMBERS PRESENT: Peter McQueen (Chairman), Keith Aitken, Bob Shewring, Michael Bowman and Allan McKay

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Steven Kubasiewicz, Allison Hooper and Julie Bennett (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 11.40 am and closed at 12.45 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 **TEMPORARY WORKERS ACCOMMODATION ANCILLARY TO THE PRIMARY USE**
PA2014/0181 **OF THE LAND**
APPLICANT **LOT 4 (810) REEDBEDS ROAD, HUNDRED OF CAVENAGH**
RAZORBAK BUILDING DESIGNERS

Mr Michael Gorham (Razorback Building Designers) and Mr Steve Beatty (owners) attended the meeting.

Submitter Mr Wayne Johnson attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
117/14 Authority consent to the application to develop Lot 4 (810) Reedbeds Road, Hundred
of Cavanagh for the purpose of temporary workers accommodation (hostel) ancillary
to the primary use of the land, subject to the following conditions:

1. Works carried out under this permit shall be in accordance with the drawings numbered 2014/0181/1 through 2014/0181/3 inclusive, endorsed as forming part of this permit.
2. 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.
3. The developer must enter into agreements with the relevant authorities for the provision of electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT (Department of Land Resource Management).
5. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
6. The accommodation is only to be occupied by workers engaged to work on the Lot 4 Hundred of Cavanagh.
7. The accommodation is only to be occupied from August to November each year.
8. Before the 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.

9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority.
10. 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.
11. An approved effluent disposal system to the requirements of the Department of Health and to the satisfaction of the consent authority must be installed concurrently with the erection of the accommodation, and all waste must be disposed of within the curtilage of the property.
12. The finished floor levels of the temporary workers accommodation must be elevated above the last known flood height, upon the advice of the Litchfield Council, and 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
4. A groundwater extraction license is required under the *Water Act* for any bore equipped to supply over 15 litres per second. For advice on water extraction licenses please contact the Water Management branch of the Department of Land Resource Management.

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 proposal for a residential building for use as temporary workers accommodation for up to six mango pickers is considered ancillary to the primary use of the land for horticultural activities. The accommodation facility is being provided only for those employees who work on the subject land. Additionally, the buildings will only be occupied between

August to November. These factors demonstrate that the accommodation is ancillary to the primary use of the land and can therefore be considered as a consent use.

2. 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 relates to support the proposed development.

The land has been cleared previously under a permit and the Department of Land Resource Management has not raised any land capability issues with the application.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2014/0151
APPLICANT

**ADDITIONS AND ALTERATIONS TO EXISTING CROCODILE FARM AND
CLEARING OF NATIVE VEGETATION
SECTION 1547 (63) ANZAC PARADE, HUNDRED OF GUY
NORTHERN PLANNING CONSULTANTS**

Mr Brad Cunnington (Northern Planning Consultants), Mr Mick Burns (part owner), and Mr Chris Brady (EcOz – Environmental Services) attended.

Mr Cunnington tabled an erosion and sediment control plan for the crocodile farm – 3 pages.

RESOLVED
118/14

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

CONDITIONS PRECEDENT

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2014/0151/01 through 2014/0151/05 inclusive endorsed as forming part of this permit.
3. 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.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the development shown on the

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

5. 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. All works are to be to the technical requirements of and at no cost to the Litchfield Council to the satisfaction of the consent authority.
6. All proposed works impacting on Anzac Parade are to 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 Litchfield Council. Drawings must be submitted to the Litchfield Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
7. An approved effluent disposal system to the requirements of the Department of Health and to the satisfaction of the consent authority must be installed concurrently with the erection of the multi-use building and all waste must be disposed of within the curtilage of the property.
8. 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.
9. 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.
10. 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; and
 - (d) presence of vermin.
11. The proprietors must have in place at all times and adhere to an environmental management plan for the management and operation of the approved use. The EMP is to be prepared to the requirements of an independent suitably qualified professional to the satisfaction of the consent authority. The EMP 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; and
 - (f) a Biting Insect Management Plan.

12. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Litchfield Council drains or to any watercourse.
13. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as "Permitted Clearing". All remaining native vegetation is to be maintained to the satisfaction of the consent authority.
14. The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.
15. Before the use commences firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from Bushfires NT (Department of Land Resource Management).
16. The accommodation is only to be occupied by workers engaged to work on Section 1547 Hundred of Guy.

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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. A permit to burn is required from the Regional Fire Control Officer, Department of Land Resource Management, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Act*.
3. 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.
4. A groundwater extraction licence is required under the *Water Act* for any bore equipped to supply over 15 litres per second. For advice on water extraction licences please contact the Water Management branch of the Department of Land Resource Management.
5. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the building/s comply with the *Building Act* and associated Regulations.
6. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.

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 generally complies with the provisions of the NT Planning Scheme as they relate to intensive animal husbandry and the clearing of native vegetation. Additional environmental studies have been submitted with the application to demonstrate that the proposed additions, alterations and clearing of native vegetation will not have any detrimental impact on the surrounding environment.

A condition requiring the proprietor to have in place and adhere to at all times an Environmental Management Plan will ensure compliance in the long term with the relevant environmental objectives for the locality.

2. 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 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 subject site is immediately west of the Harrison Dam conservation area, which is zoned CN (Conservation) and identified as a Priority Environmental Management area. A 140m wide native vegetation buffer is provided to this boundary. A 50m wide buffer along the northern boundary adjacent to continuing remnant vegetation on the neighbouring property is also provided.

The proposed clearing includes removal of Northern Territory significant vegetation; however, the Department of Land Resource Management has no concerns, provided appropriate erosion and sediment control measures are implemented.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2014/0152
APPLICANT

ADDITIONS AND ALTERATIONS TO EXISTING CROCODILE FARM
PORTIONS 1098 (125) LAGOON ROAD, HUNDRED OF BAGOT
NORTHERN PLANNING CONSULTANTS

Mr Brad Cunnington (Northern Planning Consultants), Mr Mick Burns (part owner), Mr Craig Moore (Manager Lagoon Crocodile Farm) and Mr Chris Brady (EcOz – Environmental Services) attended

RESOLVED
119/14

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Portion 1098 (125) Lagoon Road, Hundred of Bagot, for the purpose of additions and alterations to an existing crocodile farm, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings numbered 2014/0152/01 through 2014/0152/04 inclusive endorsed as forming part of this permit.
2. 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.
3. 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 shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. 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. All works are to be to the technical requirements of and at no cost to the Litchfield Council to the satisfaction of the consent authority.
5. All proposed works impacting on Lagoon Road are to 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 Litchfield Council. Drawings must be submitted to the Litchfield Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
6. 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.
7. 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.
8. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
9. 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; and
 - (d) presence of vermin.
10. The proprietors must have in place at all times and adhere to an environmental management plan for the management and operation of the approved use. The EMP is to be prepared to the requirements of an independent suitably qualified professional to the satisfaction of the consent authority. The EMP 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; and
 - (f) a Biting Insect Management Plan.
11. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Litchfield Council drains or to any watercourse.

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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. A groundwater extraction licence is required under the *Water Act* for any bore equipped to supply over 15 litres per second. For advice on water extraction licences please contact the Water Management branch of the Department of Land Resource Management.
3. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the building/s comply with the *Building Act* and associated Regulations.
4. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.

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 generally complies with the provisions of the NT Planning Scheme as they relate to intensive animal husbandry. Additional environmental studies have been submitted with the application to demonstrate that the proposed additions, alterations will not have any detrimental impact on the surrounding environment.

A condition requiring the proprietor to have in place and adhere to at all times an Environmental Management Plan will ensure compliance in the long term with the relevant environmental objectives for the locality.

2. Pursuant to section 51(e) of the *Planning Act*, 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.

Two public submissions were received; one supporting and one opposing the proposed development. The comments opposing the proposed development related to the ongoing work of the NT Planning Commission, the creation of large volumes of wastewater, and impact on the amenity of the locality. The applicant responded to these concerns, noting that amenity issues relating to odour have previously been addressed through changed management practices and continues to be addressed through the Environmental Management Plan. Recent studies by the NT Planning Commission recognised the existing use of the land for a crocodile farm; however it has no statutory standing in relation to the assessment of development applications.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2014/0214
APPLICANT

SUBDIVISION TO CREATE 8 LOTS
SECTION 5395 (98) COMPIGNE ROAD, HUNDRED OF BAGOT
EMUNAH INVESTMENT GROUP PTY LTD

Mr Ty Johnson and Mr Alex Springer (Emunah Investment Group Pty Ltd) attended.

Submitters in attendance:- Mr Eberhard Radeker, Ms Jeanette Smith and Mr Mark Trewartha.

Mr Johnson tabled an advertisement for two lots.

RESOLVED
120/14

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 5395 (98) Compigne Road, Hundred of Bagot for the purpose of a subdivision to create 8 lots, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawing numbered 2014/0214/01 endorsed as forming part of this permit.
3. Engineering design and specifications for the affected road, stormwater drainage and vehicular accesses are to be to the technical requirements of

Litchfield Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

4. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, electricity facilities and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Before the issue of titles, firebreaks shall be provided to the satisfaction of the consent authority on advice from the Bushfires Council NT (Department of Land Resource Management).
7. Before issue of titles and pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar-General on Lots A, B and F to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: "*Parts of this allotment may be subject to extended periods of waterlogging and inundation*". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development is 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. A "Permit to Work Within a Road Reserve" may be required from Litchfield Council before commencement of any work within the road reserve.
3. 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.
4. 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
5. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management at <http://lrm.nt.gov.au/soil/management/factsheets>.

6. You are advised to contact the relevant service provider prior to construction works to determine any relevant telecommunication network servicing requirements for the development.
7. The extension of the power supply from the reticulated service to future development on lot F may result in significant costs to a future land owner.

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.

This application predominantly complies with the NT Planning Scheme, in particular Clause 5.19 (Zone RL – Rural Living) and Clause 11.1.1 (Minimum Lot Sizes and Requirements).

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account the capability of the land to support the proposed development.

The Department of Land Resource Management notes that the proposal has been based on field verified mapping to determine the location and extent of unconstrained land. The report submitted by the proponent has determined that each lot incorporates the minimum of 1ha of unconstrained land. The Department does however recommend the incorporation of erosion and sediment control measures that details methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. This has been reflected by a condition precedent and notation on the development permit.

3. Pursuant to section 51(m) of the *Planning Act*, 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.

Consideration has been given to the public submissions received noting that all parcels in the immediate area will have access from a public road and all proposed lots comply with the minimum lot size for Zone RL.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

23/5/14