



DEVELOPMENT CONSENT AUTHORITY

BATCHELOR DIVISION

MINUTES

MEETING No. 34 – MONDAY 5 FEBRUARY 2018

**CONFERENCE ROOM
LITCHFIELD MOTEL
49 RUM JUNGLE ROAD
BATCHELOR**

MEMBERS PRESENT: Suzanne Philip (Chair), Monica Baumgartner, Richard Luxton and Andrew Turner

APOLOGIES: Deborah Moyle and Christian McElwee

OFFICERS PRESENT: Ann-Marie Dooley and Sonia Barnes (Development Assessment Services)

Meeting opened at 10.30 am and closed at 11.30 am

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **PARALLEL APPLICATION – SOLAR FACILITY AND SUBDIVISION TO**
PA2017/0344 **CREATE ONE LOT FOR THE PURPOSE OF A LEASE IN EXCESS OF 12**
 YEARS
APPLICANT **SECTION 2924 (1065) BATCHELOR ROAD HUNDRED OF GOYDER**
 INFIGEN ENERGY DEVELOPMENT PTY LTD

DAS tabled an addendum.

Ms Kirsten Marmien (GHD) attended on behalf of the applicant.

Submitter Mr Mark Finocchiaro sent his apologies, Mr Brad Cunnington (Northern Planning Consultants) attended on his behalf.

RESOLVED That, pursuant to section 53(a) of the *Planning Act* the Development Consent
04/18 Authority consent to the application to develop Section 2924 (1065) Batchelor
 Road, Hundred of Goyder, for the purpose of a solar facility, subject to the
 following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics' stormwater drainage system shall be submitted to and approved by the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
2. Prior to the commencement of works, a Construction Traffic Management Plan (detailing all appropriate site management measures, including construction access, proposed haulage routes, vehicle types, protection of existing assets, protection of public access and a risk assessment) shall be submitted to the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics.
3. Prior to the commencement of works, written confirmation from an appropriately qualified professional that the aerodrome requirements have been considered and that the development/construction works will not affect the Batchelor aerodrome in any way, shall be submitted to and approved by the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
4. 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>.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
6. 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.
7. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT EPA, to the satisfaction of the consent authority.
8. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
9. The use of the land for the purpose of a solar facility must cease 40 years from the date of this permit, and all structures, vehicles and infrastructure associated with this use must be removed from the site by this date.
10. Any development 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
12. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
13. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
14. Where unfenced, the Batchelor Road frontage is to be appropriately fenced in accordance with Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics standards and requirements, to the satisfaction to the consent authority.

15. Any proposed work (including the provision or connection of services) within, or impacting upon the Batchelor Road road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics.

Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

16. Before the use commences 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 Environment and Natural Resources).
17. One year prior to the commencement of decommissioning works, a Rehabilitation Plan is to be submitted to and approved by the consent authority on the advice of the Department of Environment and Natural Resources (DENR). The Rehabilitation Plan must be developed by a suitably qualified professional and should cover the rehabilitation (including but not limited to revegetation, erosion and sediment control and weed management) and stabilisation of all disturbed areas; and is to address the following:
 - A map delineating the rehabilitation site and its components (e.g. the existing location of earthworks and / or planting, etc.), natural features (e.g. existing native vegetation, slope, waterways, etc.), exclusion areas (including fencing) and the location of specific management practices (e.g. erosion and sediment controls);
 - methods, timing and staging of works, including management practices;
 - methods, timing and schedules for monitoring and maintenance; and
 - clearly defined goals and outcomes which are: specific, measureable, achievable, realistic and time-bound.

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. Professional advice regarding the implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources.
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. 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.
5. 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.
6. A permit to burn is required from the Regional Fire Control Officer, Department of Environment and Natural Resources, 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*.
7. The permit holder is advised that the proposal may have assessment implications under the Commonwealth *Environment Protection and Biodiversity Conservation Act*, contact the Commonwealth Department of Environment, Water, Heritage and the Arts on (02) 6274 1111
8. 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).
9. 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.
10. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aerially) within the subject lot.
11. Upon completion of any works within the Batchelor Road 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.
12. 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.
13. The access driveway to Section 2937 shall remain clear and provide unrestricted access to Section 2937 at all times. Access to Section 2937 for any purpose, including construction, infrastructure or servicing, shall only occur with the consent of the landowner.

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 application relates.

The land is within Zone FD (Future Development) where the purpose of the zone is to *limit uses and development within the zone to a level that will not prejudice the future development*. A solar facility is an undefined use within the NT Planning Scheme and therefore requires the consent of the authority. Given the nature of the use and its temporary nature the proposal is considered to be in accordance with the purpose of the zone.

A solar facility is an undefined use in the planning scheme and therefore the car parking requirement is at the discretion of the authority.

The statement of effect describes a need for only three spaces for maintenance officers to park from time to time. This number may be an appropriate amount given the lack of site office and maintenance warehouse and consequent lack of activity. Notwithstanding this, the proposal currently includes six car parking spaces to meet the technical requirement of five spaces required for the 'outdoor storage' that consists of 33 shipping containers.

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 applicant has considered the capability of the land in the proposal however the requirement for submission of an Erosion and Sediment Control Plan and Stormwater Management Plan has been included as a condition precedent to further ensure the development is managed accordingly and will not impact on surrounding land. A number of standard conditions relating to the servicing of the subject land have been applied to the development permit and will help ensure that the land is capable of supporting its intended use.

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

One public submission was received by the adjoining land owner outlining concerns regarding an electricity easement entering his property to connect to the substation at his property due to the potential to limit access to his property. The applicant has since revised the plan where the easement will be underground and enter the substation by the Batchelor Road road reserve.

It is noted that the proposed development is limited to Section 2924 and does not include any development of Section 2937 and therefore no works should be taking place or impacting upon Section 2937.

To address the submitter's concerns a notation to reflect the proposed wording is included in the recommendation to ensure that the potential issue is highlighted to the landowner/developer.

4. Pursuant to section 51(n) of the *Planning Act*, 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.

A condition precedent for the applicant to submit a Construction Traffic Management Plan will ensure the construction process does not detriment the existing and future amenity of the area. For the longer term, a time limit is recommended as a condition of development to ensure the use remains temporary and would require further approval after the 40 years of the lease. A number of other standard conditions have been applied to the development permit to ensure that the amenity of the area is not adversely impacted during construction or as a result of servicing requirements.

ACTION: Notice of Consent and Development Permit

**RESOLVED
05/18**

That, the Development Consent Authority vary the requirements of Clause 11.1.1 (Minimum Lot Size Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 2924 (1065) Batchelor Road, Hundred of Goyder for the purpose of a subdivision to create one lot for the purpose of a lease in excess of 12 years, subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered 2017/0344/01 endorsed as forming part of this permit.
2. Any development 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. 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.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage and electricity facilities to each lot 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 the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
6. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of the Transport and Civil Services Division, Department of

Infrastructure, Planning and Logistics, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

7. Where unfenced, the Batchelor Road frontage is to be appropriately fenced in accordance with Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics standards and requirements to the satisfaction to the consent authority.
8. Any proposed work (including the provision or connection of services) within, or impacting upon the Batchelor Road road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
9. Before the issue of titles, 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 Environment and Natural Resources).
10. Soil erosion control and dust control measures must be employed throughout the construction stage of the development 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. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans are indicative only and are not for addressing purposes.
3. Professional advice regarding the implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources.
4. 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.
5. A permit to burn is required from the Regional Fire Control Officer, Department of Environment and Natural Resources, 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*.

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 application relates.

A variation to Clause 11.1.1 (Minimum Lot Size Requirements) can be granted as per Clause 2.5 (Exercise Discretion by the Consent Authority) as special circumstances apply. In 2010, Section 2924 Hundred of Goyder was rezoned to incorporate a number of different town planning zones including LI (Light Industry), PS (Public Open Space), RR (Rural Residential), SD (Single Dwelling) and FD (Future Development). The lot size of 47ha simply reflects the portion of land previously identified as Zone FD (Future Development) within Section 2924.

2. 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.

Transport and Civil Services Division (DIPL) have advised that access to the property from the western side can be acceptable provided the cross over is in accordance with TCSD requirements. A condition to this effect and standard conditions relating to TCSD requirements have been included in the recommended conditions. Otherwise, service authorities did not raise any issues with the subdivision component of the proposal.

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

08 February 2018