



**DEVELOPMENT CONSENT AUTHORITY**

**LITCHFIELD DIVISION**

**MINUTES**

**MEETING No. 219 – FRIDAY 9 FEBRUARY 2018**

**WHITEWOOD HALL  
325 WHITEWOOD ROAD  
HOWARD SPRINGS**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Keith Aitken, Bob Shewring, Wendy Smith and Christine Simpson

**APOLOGIES:** Nil

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

**COUNCIL REPRESENTATIVE:** Edward Li

**Meeting opened at 10.00 am and closed at 2.30 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 INTENSIVE ANIMAL HUSBANDRY (CROCODILE FARM) IN FOUR STAGES**  
**PA2017/0543 LOT 21 (35) WARREN ROAD, HUNDRED OF GUY**  
**APPLICANT BOAZ PROPERTY**

Mr Craig Anspach and Ms Charlene O'Sullivan (Boaz Property) and Mrs Hanna Steevens (Elton Consulting) attended.

Submitters in attendance: Ms Mara Bergs and Mr Jim Patton.

**RESOLVED** That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent  
**15/18** Authority defer consideration to the application to develop Lot 21 (35) Warren Road, Hundred of Guy for the purpose of intensive animal husbandry (crocodile farm) in four stages to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. A groundwater extraction licence for the proposed use.
2. A land clearing plan prepared by a registered professional that avoids clearing within the wetland and includes a 200m buffer of native vegetation as required by 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 consideration the planning scheme that applies to the land to which the application relates.

The application does not adequately respond to a number of clauses in the NT Planning Scheme that apply to the land. Pursuant to Clause 2.7 of the NT Planning Scheme it does not demonstrate that there is access to sufficient water for the proposed use or that the use can be managed to avoid environmental impact.

Pursuant to Clauses 10.2 and 10.3 the application does not avoid impact on drainage areas and wetlands or consider the Land Clearing Guidelines in the preparation of a clearing plan for the site to address slope or retention of native vegetation adjacent to wetlands. This is of particular concern given that the site is within a Priority Environmental Management area. A portion of the site is a seasonal wetland, that the Department of Environment and Natural Resources advises, drains into the Fogg Dam Conservation Reserve.

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.

Access to sufficient water for the use is critical to the assessment of land capability. Advice from the Department of Environment and Natural Resources that it is unlikely a groundwater extraction licence will be issued for new uses indicates the site is not appropriate for a use of this scale.

3. 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.

Potential impacts on the existing and future amenity of the area are dependent upon the applicant undertaking the requested detailed design and ongoing responsible management. Further information is required.

**ACTION:** Notice of Deferral

**ITEM 2  
PA2017/0189  
APPLICANT**

**RECONSIDERATION - SUBDIVISION TO CREATE SIX LOTS  
SECTION 2866 (2180) COX PENINSULA ROAD, HUNDRED OF CAVENAGH  
PETER PATSALOU**

Mr Peter Patsalou attended.

Submitter in attendance: Mr Gerry Wood MLA.

**RESOLVED  
16/18**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 2866 (2180) Cox Peninsula Road, Hundred of Cavenagh for the purpose of subdivision to create four lots 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 Litchfield Council's stormwater drainage system shall be submitted to and approved by Litchfield Council. The plan shall include details of site levels and Council's stormwater drainage connection point(s).
  - i. the plan shall demonstrate that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate connection.
  - ii. Litchfield Council stormwater discharge guidelines do not allow concentrated discharge of stormwater from rural lots to adjoining properties or the road reserve. All stormwater is to be channelled, piped or dispersed via sheet flow to the road reserve.
  - iii. the plan shall demonstrate that the drainage system is designed to cater for both initial storm events (Q5) and major storm events (Q100).
  - iv. the applicant's plans shall demonstrate that no contaminated water shall enter any waterway or Litchfield Council's drainage system.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a land capability assessment demonstrating that the soils are suitable for the on-site absorption of effluent without detriment to the environment shall be submitted.

If the land capability assessment is unable to demonstrate that the soils are suitable for the on-site absorption of effluent a caution notice will need to be lodged on the parent parcel as per general condition 11.

3. Prior to the commencement of works, a pumped water sample for laboratory analysis of the groundwater (to include arsenic in the heavy metal analysis) from the subdivision area underlain by the Burrell Creek Formation aquifer system is to be collected. The sample is to be analysed by an accredited laboratory and the report to be provided to the Department of Environment and Natural Resources (DENR) to demonstrate that the groundwater is potable for human consumption to the satisfaction of the consent authority.

If the pumped water sample analyses show that arsenic levels exceed the National Health and Medical Research Council 2011 Guideline values, a caution notice will need to be lodged on the parent parcel as per general condition 12.

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). The ESCP must be developed by a suitably qualified and experienced professional in erosion and sediment control planning and in accordance with the Key Principals of erosion and sediment control as specified in the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The ESCP should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilized against erosion at completion of works. Information regarding erosion and sediment control and ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au) and the NTG website: <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to: [DevelopmentAssessment.DENR@nt.gov.au](mailto:DevelopmentAssessment.DENR@nt.gov.au).

## **GENERAL CONDITIONS**

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. All works relating to this permit are to be undertaken in accordance with the approved Erosion and Sediment Control Plan (ESCP) to the requirements of the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR).
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.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, sewerage, electricity facilities and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, 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.

10. Before 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).
11. Subject to the outcome of the land capability assessment required through condition precedent 2, 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 the parent parcel to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: "A non-standard septic system may be required on this allotment". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
12. Subject to the results of the pumped water sample required through condition precedent 3, 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 the parent parcel advising that the groundwater contains levels of arsenic that exceed the National Health and Medical Research Council 2011 Guideline value. The wording for the notice must be submitted to and approved by the consent authority. Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.
13. Before the issue of titles, the owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to the Litchfield Council for the upgrade of local infrastructure, in accordance with its Development Contribution Plan.

**NOTES:**

1. The Power and Water Corporation advises that the Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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. 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.
3. 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 [surveyandrecords@nt.gov.au](mailto:surveyandrecords@nt.gov.au) 08 8995 5354. The numbers shown on the plans are indicative only and are not for addressing purposes.
4. 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.

5. 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).
6. 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.
7. The Department to Health advises that there is no biting insect monitoring or control program in Litchfield Shire and that works should be conducted in accordance with the Guidelines for preventing mosquito problems for new rural residential Developments or Subdivisions in the Top End of the NT.

### **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.

Clause 11.1.1 (Minimum Lot Sizes and Requirements) requires that lots in Zone R (Rural) be a minimum size of 8ha with a minimum 1ha of unconstrained land. The Authority considers that the revised maps, specifically figure 4, together with the Land Suitability Assessment report, illustrates the extent of the unconstrained land within each of the proposed lots which meets the minimum requirements outlined by the clause.

In accordance with sub-clause (3) of Clause 11.4.1 (Site characteristics of subdivisions of rural and unzoned land for lots greater than 1ha), the Authority considers that the subdivision design addresses the constraints as identified in the land suitability assessment in relation to the location of lot boundaries and the identified 1ha of unconstrained land and that comments received from the Department of Environment and Natural Resources failed to provide adequate evidence contrary to this.

In accordance with sub-clause (8) of Clause 11.4.1 (Site characteristics of subdivisions of rural and unzoned land for lots greater than 1ha), the Authority considers that the subdivision design, together with the Land Suitability Assessment report, does not adversely affect the environmental values as identified in the Land Suitability Assessment report.

In accordance with sub-clause (2)(c) of Clause 11.4.2 (Infrastructure in subdivisions of rural and unzoned land), the Authority considers that the requirement of a land capability assessment will ascertain whether the soils are suitable for the on-site absorption of effluent without detriment to the environment; and that alternatively, if the land capability assessment is unable to demonstrate that the soils are

suitable, the requirement of a caution notice to be registered on the parent parcel will ensure no detriment to the environment occurs, in particular to ground and surface waters.

In accordance with sub-clause (2)(d) of Clause 11.4.2 (Infrastructure in subdivisions of rural and unzoned land), the Authority considers that the requirement of a pumped water sample for laboratory analysis of the groundwater to be submitted to the Department of Environment and Natural Resources for approval will identify if the groundwater is potable for human consumption and that alternatively, if the pumped water sample analyses show that arsenic levels exceed the National Health and Medical Research Council 2011 Guideline values, the requirement of a caution notice to be registered on the parent parcel will ensure prospective buyers are informed of the water quality.

In accordance with sub-clause (2)(b) of Clause 11.4.3 (Lot size and configuration in subdivision of rural and unzoned land), the Authority considers that the subdivision design, together with the Land Suitability Assessment report indicates a minimum of 1ha of unconstrained land is available within each of the proposed; that access to that land from a public road is similarly unconstrained and that comments received from the Department of Environment and Natural Resources failed to provide adequate evidence contrary to this.

2. 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.

Three public submissions were received outlining concerns relating to the existing culvert associated with Stockwell Road, the requirement to seal the affected roads including Stockwell Road and Lawton Road, storm water, impacts on existing aquifer and bores and the location of septic systems.

Litchfield Council notes that Stockwell Road and Lawton Road, which provide access to the subject site, are both currently unsealed and that it will not be upgrading the access to this site to a sealed road as a result of this subdivision.

A stormwater management to the satisfaction of Litchfield Council will ensure any runoff from the additional lot is discharged appropriately.

The plan submitted as part of the application illustrates the indicative location of nominal bores and septic's. Any new on-site wastewater system is required to 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).

3. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development 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 Authority considers that the Land Suitability Assessment report demonstrates that all lots meet the minimum size for R(Rural) zoned land of 8ha and a minimum of 1ha of unconstrained land is available within each of the lots proposed. It further considers that the Land Suitability Assessment report demonstrates that each lot has access to that land from a public road is similarly unconstrained that comments received from the Department of Environment and Natural Resources failed to provide adequate evidence contrary to this.

A number of conditions relating to the servicing of the subject land have been applied to the development permit and require that appropriate measures are undertaken to ensure that the land is capable of supporting its intended use(s).

The requirement for a land capability assessment to be submitted to will ascertain whether the soils are suitable for the on-site absorption of effluent without detriment to the environment. Alternatively, if the land capability assessment is unable to demonstrate that the soils are suitable, a caution notice is required to be registered on the parent.

The requirement for a pumped water sample for laboratory analysis of the groundwater to be submitted to the Department of Environment and Natural Resources for approval will identify if the groundwater is potable for human consumption. Alternatively, if the pumped water sample determines the arsenic is present, a caution notice is required is required to be registered on the parent parcel.

The requirement of a stormwater management plan to be submitted to the Litchfield Council will to ensure that stormwater drainage is managed appropriately.

The requirement for an Erosion and Sediment Control Plan (ESCP) to be submitted to the Department of Environment and Natural Resources for approval will ensure suitable erosion and sediment control measures are put in place to minimize erosion.

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 number of conditions relating to the servicing of the subject land have been applied to the development permit and require that appropriate measures are undertaken to ensure the potential impact on the existing and future amenity of the area in which the land is situated is minimized.

The requirement for a land capability assessment to be submitted to will ascertain whether the soils are suitable for the on-site absorption of effluent without detriment to the environment. Alternatively, if the land capability assessment is unable to demonstrate that the soils are suitable, a caution notice is required to be registered on the parent.

The requirement for a pumped water sample for laboratory analysis of the groundwater to be submitted to the Department of Environment and Natural Resources for approval will identify if the groundwater is



potable for human consumption. Alternatively, if the pumped water sample determines the arsenic is present, a caution notice is required is required to be registered on the parent parcel.

The requirement of a stormwater management plan to be submitted to the Litchfield Council will to ensure that stormwater drainage is managed appropriately.

The requirement for an Erosion and Sediment Control Plan (ESCP) to be submitted to the Department of Environment and Natural Resources for approval will ensure suitable erosion and sediment control measures are put in place to minimize erosion.

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

**ITEM 3  
PA2017/0528  
APPLICANT**

**SUBDIVISION TO CREATE TWO LOTS  
NT PORTION 2626 (3820) GUNN POINT ROAD, KOOLPINYAH  
JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario (June D'Rozario & Associates) and Ms Kate McBean (CO2 Australia) attended.

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

Interested Parties in attendance: Ms Lisa Bradley and Ms Jennie Risler (NT EPA), Mr Anthony Brennan and Mr Kris Boyce (DIPL), Ms Maria Duchateau (DTBI) and Ms Liz Howells.

**RESOLVED  
17/18**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop part NT Portion 2626 (3820) Gunn Point Rd, Koolpinyah, for the purpose of a subdivision to create two lots, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Clarification as to why the alignment of the western boundary is required in its current location and cannot be moved further east, and demonstration that the alignment's proximity to the beach and adjacent camping area does not unreasonably impact on the existing and future amenity of the area; and
- Any amendments required to the application resulting from the above request.

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

1. Pursuant to Section 46(4)(b) of the *Planning Act*, the consent authority may defer consideration of a proposal to allow the applicant to provide additional information it considers necessary to enable the proper consideration of the proposal.

The Authority considered that the application did not adequately clarify why the alignment of the western boundary is required in its current location, nor address the proposal's potential impact on the existing and future amenity of the area including the beach and adjacent camping area.

**ACTION:** Notice of Deferral

**ITEM 4** **INTENSIVE ANIMAL HUSBANDRY (PRAWN FARM) INCLUDING 2 X 3**  
**PA2017/0529** **BEDROOM SINGLE DWELLINGS IN 2 X SINGLE STOREY BUILDINGS**  
**APPLICANT** **NT PORTION 2626 (3820) GUNN POINT ROAD, KOOLPINYAH**  
**JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario (June D'Rozario & Associates) and Ms Kate McBean (CO2 Australia) attended.

Ms D'Rozario tabled a response to issues raised by the submitters in relation to decision by the EPA.

Submitters in attendance: Mr Gerry Wood MLA, Ms Shar Molloy, Ms Grusha Leeman, Mr Lloyd Beck and Mr Laurence Ah Toy.

Interested Parties in attendance: Ms Lisa Bradley and Ms Jennie Risler (NT EPA), Mr Anthony Brennan and Mr Kris Boyce (DIPL), Ms Maria Duchateau (DTBI) and Ms Liz Howells.

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

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop part NT Portion 2626 (3820) Gunn Point Road, Koolpinyah for the purpose of Intensive Animal Husbandry (prawn farm) including 2 x 3 bedroom dwellings in 2 single storey buildings, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Demonstration that the location of the incinerator is appropriately sited to respond to the future development of Murrumujuk as identified in the Litchfield Subregional Area Plan; and
- Any amendments required as a result of this information request or as a result of additional information received in relation to development application PA2017/0528.

**REASONS FOR THE DECISION**

1. Pursuant to Section 46(4)(b) of the *Planning Act*, the consent authority may defer consideration of a proposal to allow the applicant to provide additional information it considers necessary to enable the proper consideration of the proposal.

The Authority considered that the application did not adequately address whether the location of the incinerator was appropriately sited to respond to the future development of Murrumjuck as identified in the Litchfield Subregional Area Plan.

**ACTION:** Notice of Deferral

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

**SUZANNE PHILIP**  
Chair

13 February 2018