

Item 15.01 PA2019 0185
Planning Scheme Amendment
Attachments

18 July 2019



Lands Planning
Department of Infrastructure, Planning and Logistics
GPO Box 1680
Darwin NT 0801

RE: Letter of Comment Planning Scheme Amendment Application

PA2019/0185
Lot 4, Lot 5, and Lot 11 (1340, 1370, and 1366) Stuart Highway,
Bees Creek, Hundred of Strangways
Rezone from Zone TC (Tourist Commercial) to Zone RL (Rural Living)

Thank you for the Planning Scheme Amendment Application referred to this office on 27/06/2019, concerning the above. This letter may be tabled at Litchfield Council's next Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council supports the granting of a Planning Scheme Amendment for the following reasons:

- a) The proposal to rezone the subject sites is considered suitable to bring the existing use of the sites into compliance with the zone.
- b) The existing use on the site is consistent with uses that would be considered appropriate for the lots surrounding the subject sites.
- c) The rezoning would make the zoning of the subject sites consistent with the zoning of the surrounding sites and therefore the potential uses on the subject sites would be less likely to conflict with or have amenity concerns for the surrounding lots.

There are a number of land uses that are discretionary under Zone TC (Tourism Commercial), such as shop, restaurant, education establishment, licensed club, and caravan park, that could currently be applied for on the subject site under the existing zoning that would become prohibited uses under the proposed new zone, Zone RL (Rural Living). It is considered appropriate to remove these potential uses from the site by changing the zoning, as these uses would likely not be compatible with the existing surroundings uses on the surrounding properties in Zone RL (Rural Living).

If you require any further discussion in relation to this application, please contact **Litchfield Council's Planning and Development division** on 08 8983 0600 and you will be directed to the appropriate officer to address your query.

Yours faithfully

Wendy Smith
Planning and Development Manager

NORTHERN TERRITORY OF AUSTRALIA

**PROPOSAL TO AMEND NT PLANNING SCHEME
PA2019/0185**

The Minister for Infrastructure, Planning and Logistics has accepted an application to amend the NT Planning Scheme made by Northern Planning Consultants Pty Ltd for exhibition. The application seeks to rezone Lots 4 and 5, LTO 76/011 and Lot 11, LTO 82/009 Hundred of Strangways (1340, 1370 and 1366 Stuart Highway) from Zone TC (Tourist Commercial) to Zone RL (Rural Living).

The purpose of the rezoning is to reflect the change in operation of the Crocodile Farm from tourism to intensive animal husbandry.

Attached are:

- a locality map
- extracts from the NT Planning Scheme relating to Zone TC (Tourist Commercial);
- extracts from the NT Planning Scheme relating to Zone RL (Rural Living); and
- a copy of the application.

Period of Exhibition and Lodging a Submission

The exhibition period is from Friday 28 June 2019 to Friday 26 July 2019.

The suitability of the subject sites for uses in accordance with the proposed zone is the primary consideration in the assessment of proposals to amend the NT Planning Scheme. Written submissions about the proposed planning scheme amendment are to be received by 11.59pm on 26 July 2019 and addressed to:

NT Planning Commission
GPO Box 1680
DARWIN NT 0801; or

Email: planning.ntg@nt.gov.au; or

Fax: (08) 8999 7189; or

Hand delivered to First Floor, Energy House, 18-20 Cavenagh Street, Darwin City

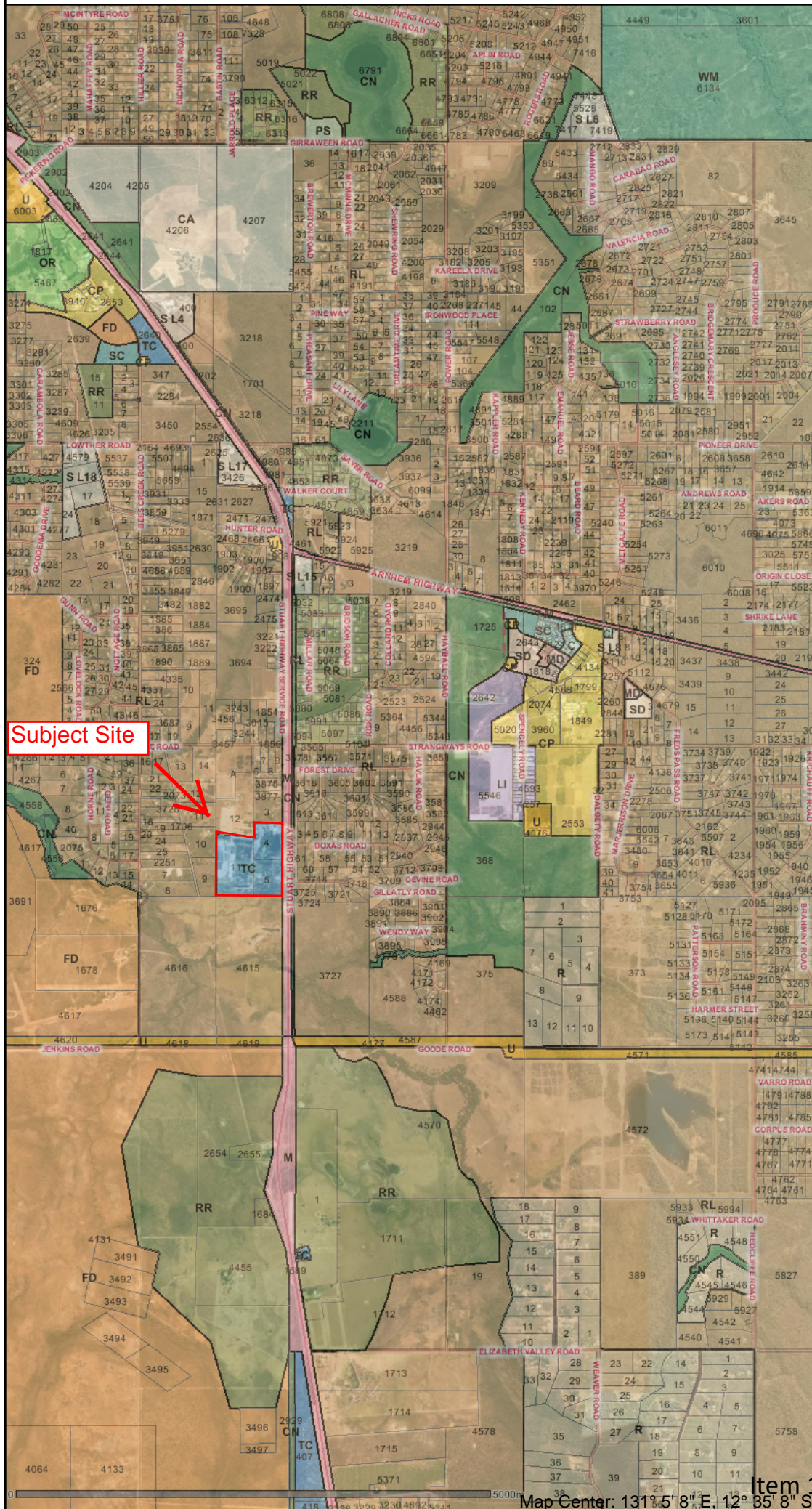
For more information please contact Tom Barker, Lands Planning on telephone (08) 8924 7591

NORTHERN TERRITORY OF AUSTRALIA

**PROPOSAL TO AMEND NT PLANNING SCHEME
PA2019/0185**

Locality Plan

Legend



- General Lines
- Lot Boundaries
- Town Planning Zones
- A - Agriculture
- CV - Caravan Park
- CB - Central Business
- C - Commercial
- CL - Community Living
- CP - Community Purpose
- CN - Conservation
- DV - Development
- RR - Rural Residential
- GI - General Industry
- HT - Heritage
- HR - High Density
- H - Horticulture
- LI - Light Industry
- M - Main Road
- MR - Medium Density
- MD - Multiple Dwelling
- CA - No Planning Scheme Controls
- OR - Organised Recreation
- PM - Proposed Main Road
- PS - Public Open Space
- RW - Railway
- RD - Restricted Development
- R - Rural
- RL - Rural Living
- SC - Service Commercial
- SD - Single Dwelling
- S - Specific Use
- TC - Tourist Commercial
- U - Utilities
- WM - Water Management
- FD - Future Development
- JABTC - Town Centre
- JABRES - Residential
- JABSF - Service Facilities
- JABI1 - Industry
- JABREC - Recreation
- JABO - Open Space
- JABSP - Special Purpose
- JABFU - Future Use
- Road Labels
- Road Centrelines
- Highway
- Other Road
- Parcel Numbers
- Cadastre
- Coastline

Created by TBARK

Bottom Left: 131° 02' 45", -12° 36' 20"
 Top Right: 131° 07' 29", -12° 33' 55"
 Approximate Scale: 1:59,000
 Datum: GDA 1994
 Data for information purposes only
 - accuracy not guaranteed
 N.T. Land Information System
 Copyright Northern Territory of Australia

5.10 ZONE TC – TOURIST COMMERCIAL

1. The primary purpose of Zone TC is to provide for uses or development servicing tourism, including commercial and residential activities.
2. Development should be of a scale and character compatible with uses or development nearby.

Clause 1.3 refers to Sheds.

Clause 6.8 refers to **Demountable Structures**.

Clause 6.2 limits the height of buildings within the Municipality of Alice Springs.

Clause 6.14 refers to land subject to flooding and storm surge.

Clause 8.1 describes standards for commercial development.

Clause 13.2 controls access to **main roads**.

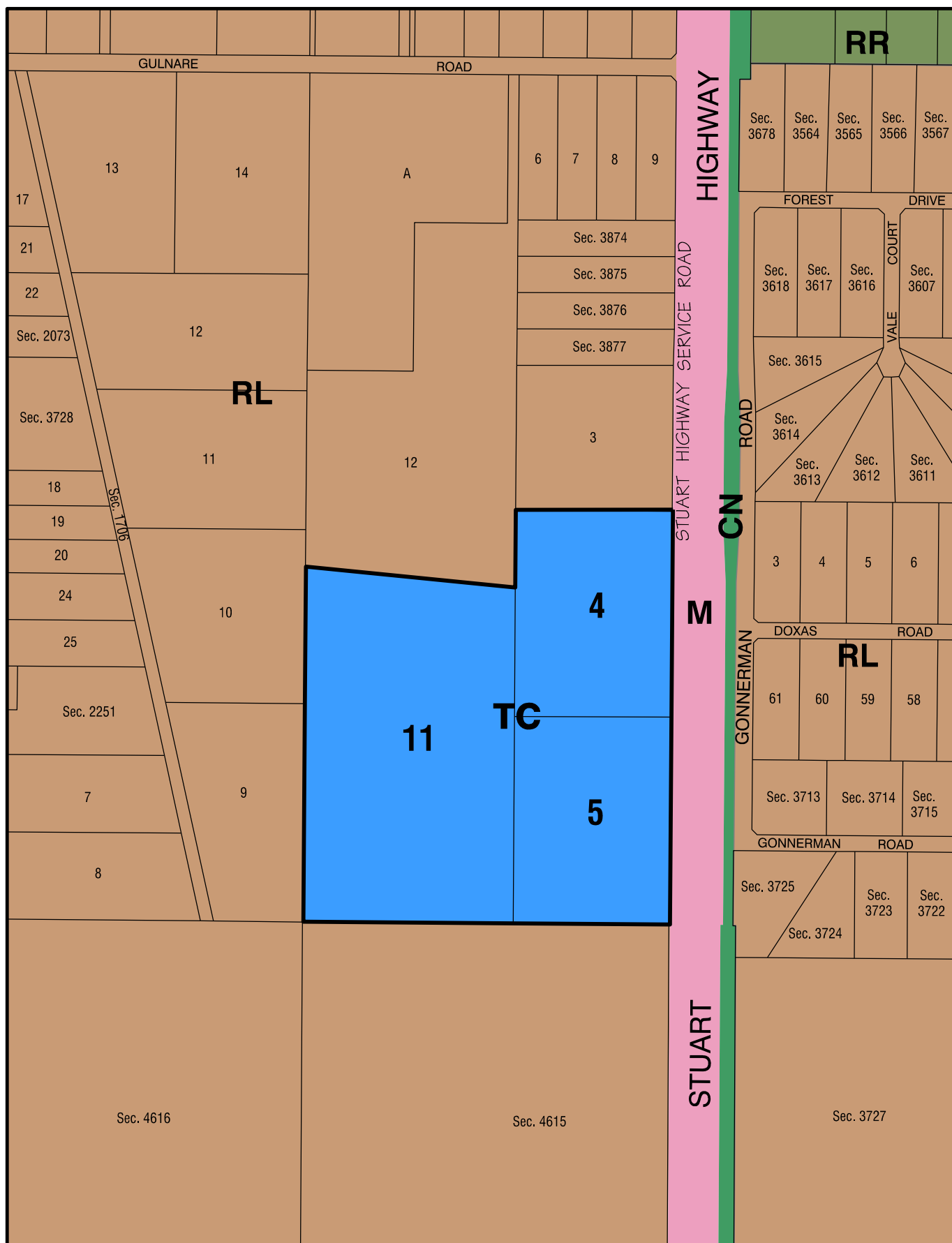
Clause 13.5 refers to the development of telecommunications towers.

Amendment No. 22
gazetted 11.7.2007
removes reference to
clause 7.1

ZONING TABLE – ZONE TC

abattoir	x	
agriculture	x	
animal boarding	x	
business sign	P	6.7
caravan park	D	6.4, 6.5.1
caretaker's residence	P	6.5.1, 7.1, 7.3, 7.10.3
car park	D	6.4, 6.5.3
child care centre	D	6.4, 6.5.1, 8.1.5, 8.2
community centre	D	6.4, 6.5.1, 8.2
domestic livestock	x	
education establishment	D	6.4, 6.5.1, 8.2
fuel depot	x	
general industry	x	
group home	x	
home based child care centre	D	6.5.1, 7.10.6
home based contracting	P	7.10.8
home based visitor accommodation	S	7.10.1
home occupation	P	7.10.7
horticulture	x	
hospital	x	
hostel	D	6.4, 6.5.1, 7.1, 7.3, 7.6, 7.8, 8.2
hotel	D	6.4, 6.5.1, 6.6, 7.1, 8.2
independent unit	D	6.5.1, 7.1, 7.3, 7.5, 7.10.4
intensive animal husbandry	x	
leisure and recreation	D	6.4, 6.5.1, 8.2
licensed club	D	6.4, 6.5.1, 6.6, 8.2
light industry	x	
medical clinic	D	6.4, 6.5.1, 8.2
medical consulting rooms	D	6.5.1, 7.10.9
motel	D	6.5.1, 6.6, 7.1, 7.3, 8.2
motor body works	x	
motor repair station	x	
multiple dwellings	D	6.5.1, 7.1, 7.3, 7.5, 7.6, 7.8,
office	D	6.4, 6.5.1, 6.6, 8.2
passenger terminal	D	6.4, 6.5.1, 8.2
place of worship	D	6.4, 6.5.1, 8.2
plant nursery	D	6.4, 6.5.1
promotion sign	D	6.7
recycling depot	x	
restaurant	D	6.4, 6.5.1, 6.6, 8.2
retail agricultural stall	x	
rural industry	x	
service station	D	6.4, 6.5.1, 8.1.4
shop	D	6.4, 6.5.1, 6.6, 8.2
showroom sales	x	
single dwelling	D	6.5.1, 7.1, 7.3, 7.5
stables	x	
supporting accommodation	x	
transport terminal	x	
vehicle sales and hire	D	6.4, 6.5.1, 8.2
veterinary clinic	x	
warehouse	x	

P = Permitted **S** = Self Assessable **D** = Discretionary **x** = Prohibited



EXISTING ZONING PLAN
NT PLANNING SCHEME
AMENDMENT PA2019/0185
REZONE LOTS 4, 5 & 11, LTO 76/011 & LTO 82/009
HUNDRED OF STRANGWAYS
From Zone TC (TOURIST COMMERCIAL)
to Zone RL (RURAL LIVING)



Department of Infrastructure, Planning and Logistics



Scale 1: 10000 @ A4



File No.: PA2019/0185

Date: 26-Jun-19

Drawing Name: PA2019_0185 Hd of Strangways.dgn

5.19 ZONE RL – RURAL LIVING

1. The primary purpose of Zone RL is to provide for low-density rural living and a range of rural land uses including **agriculture** and **horticulture**.
2. If lots are unsewered, provision for the disposal of effluent must be made on-site so that the effluent does not pollute ground or surface waters.

Clause 6.8 refers to **Demountable Structures**.

Clause 6.2 limits the height of buildings within the Municipality of Alice Springs.

Clause 6.9 controls the use and development of land within the ANEF 20 unit value contour adjacent to airports.

Clause 6.14 refers to land subject to flooding and storm surge.

Clause 7.10.2 refers to **caravans**.

Clause 10.2 refers to the **clearing of native vegetation**.

Clause 11.1.1 refers to subdivision lot sizes and clause 11.4 to subdivision standards.

Clause 13.5 refers to the erection of mobile telephone communications towers.

Areas potentially of environmental significance within the Shire of Litchfield are identified on the map "Priority Environmental Management Areas – Litchfield Shire" produced by the former Department of Infrastructure, Planning and Environment, see clause 2.8.

ZONING TABLE – ZONE RL

abattoir	x	
agriculture	D	6.1, 10.1, 10.2
animal boarding	D	6.1, 6.5.1, 10.1, 10.2
business sign	P	6.7
caravan park	x	
caretaker's residence	x	
car park	x	
child care centre	D	6.1, 6.5.1, 8.1.5, 10.2
community centre	D	6.1, 6.5.1, 10.2
domestic livestock	P	6.1, 10.1, 10.2
education establishment	x	
fuel depot	x	
general industry	x	
group home	P	7.1, 7.3, 7.10.5
home based child care centre	P	6.5.1, 7.10.6
home based contracting	P	7.10.8, 10.2
home based visitor accommodation	S	7.10.1
home occupation	P	7.10.7
horticulture	D	10.2
hospital	x	
hostel	x	
hotel	x	
independent unit	P	6.5.1, 7.1, 7.3, 7.5, 7.10.4
intensive animal husbandry	D	6.1, 10.1, 10.2
leisure and recreation	x	
licensed club	x	
light industry	x	
medical clinic	x	
medical consulting rooms	P	6.5.1, 7.10.9
motel	x	
motor body works	x	
motor repair station	x	
multiple dwellings	x	
office	x	
passenger terminal	x	
place of worship	x	
plant nursery	D	6.1, 6.5.1, 10.2
promotion sign	x	
recycling depot	x	
restaurant	x	
retail agricultural stall	P	6.1, 10.2
rural industry	D	6.1, 6.5.1, 10.2, 10.6
service station	x	
shop	x	
showroom sales	x	
single dwelling	P	6.5.1, 7.1, 7.3
stables	D	6.1, 6.5.1, 10.1, 10.2
supporting accommodation	D	6.5.1, 7.1, 7.3, 7.5, 7.6, 7.7, 7.8, 10.2
transport terminal	x	
vehicle sales and hire	x	
veterinary clinic	D	6.1, 6.5.1, 10.2
warehouse	x	

P = Permitted **S** = Self Assessable **D** = Discretionary **x** = Prohibited



PLANNING SCHEME AMENDMENT – LOTS 4, 5 AND 11 HUNDRED OF STRANGWAYS

1. Introduction

This report accompanies a submission to amend the Northern Territory Planning Scheme pursuant to **Section 13(1)** of the Northern Territory Planning Act to rezone the subject land, comprising the abovementioned allotments, from TC (Tourist Commercial) to RL (Rural Living). The proposed Planning Scheme Amendment will better reflect the established use of the subject land (including the above lots and lot 12 Hundred of Strangways, currently zoned RL) for the purpose of a crocodile farm, will 'normalise' the planning process for ongoing alterations and additions to the existing crocodile farm, and will enable zoning consistent with the surrounding locality.

The report describes the nature of the subject land and locality and provides justification for the proposed amendment in relation to Northern Territory strategic planning policy and direction. In preparing this submission, consultation has been undertaken with a number of Northern Territory and local government agencies and service providers.

The proposal intends to amend the Northern Territory Planning Scheme from TC (Tourist Commercial) in accordance with **Clause 5.10** of the Northern Territory Planning Scheme, to Zone RL (Rural Living) in accordance with **Clause 5.19** of the Scheme. The existing TC Zone is a legacy of historic tourism activity within the crocodile farm, activity which has not occurred for a number of years. The existing TC Zone is not appropriate for the ongoing operation of the crocodile farm as *intensive animal husbandry* and associated activities, including an abattoir. The rezoning will appropriately align the established use with the Northern Territory Planning Scheme, along with the zoning of adjoining and surrounding land.

This report (and submission) is to be read in conjunction with the following attachments:

- Attachment A:** Title Documents
- Attachment B:** DP14/0007 and Endorsed Plans
- Attachment C:** DP14/0007A and Endorsed Plans
- Attachment D:** DP14/0007B and Endorsed Plans
- Attachment E:** DP18/0108 and Endorsed Plans

2. Subject Land

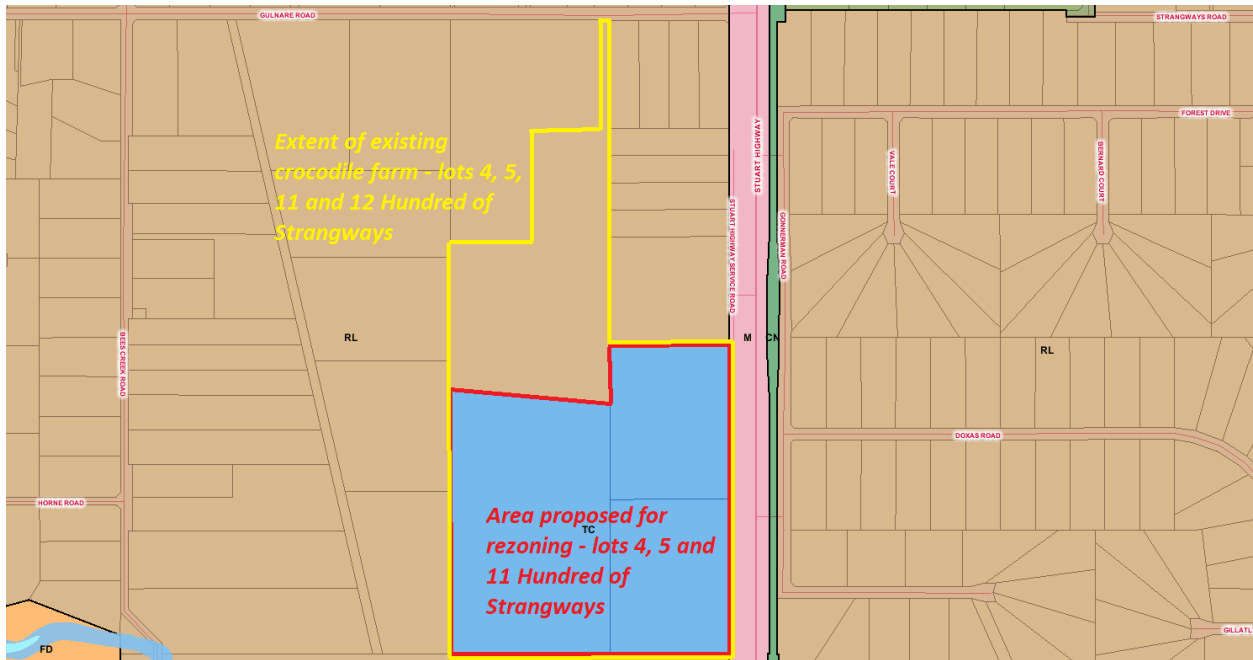


Figure 1: Lots 4, 5 and 11 Hundred of Strangways (1340, 1370 and 1366 Stuart Highway, Bees Creek)

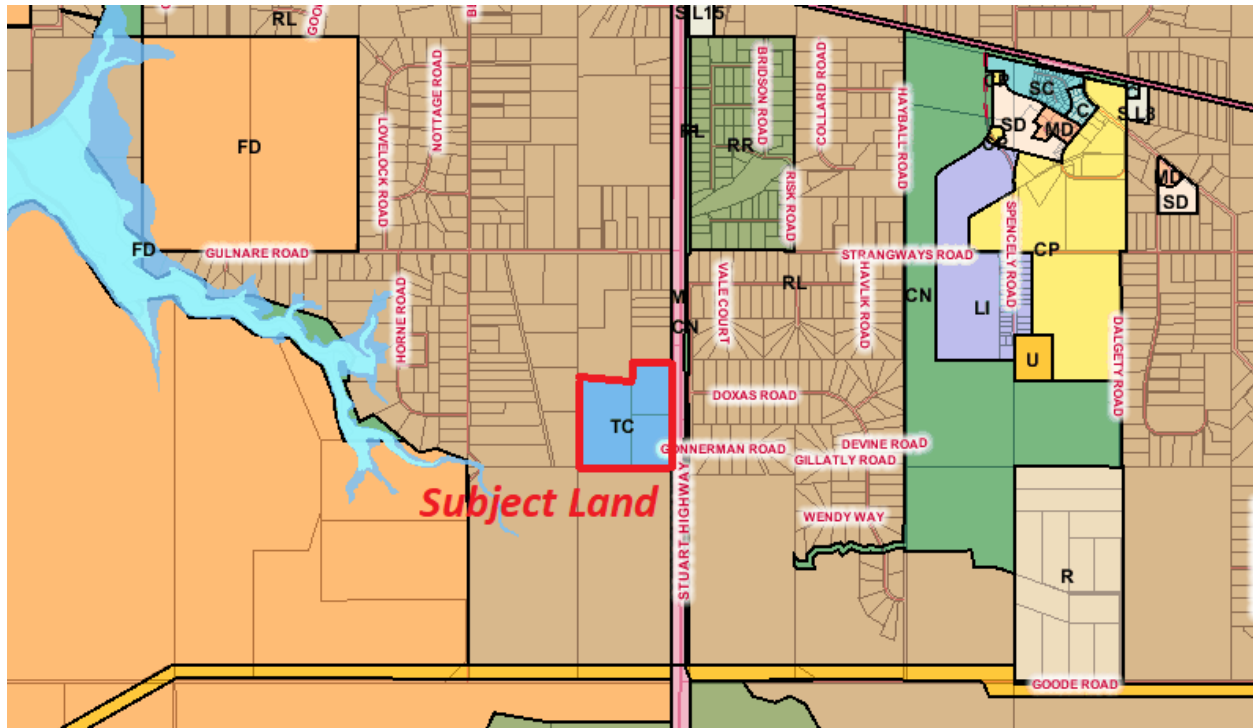


Figure 2: Subject land and broader locality

<i>Address:</i>	<p>Lot 4 Hundred of Strangways (1340 Stuart Highway, Bees Creek)</p> <p>Lot 5 Hundred of Strangways (1370 Stuart Highway, Bees Creek)</p> <p>Lot 11 Hundred of Strangways (1366 Stuart Highway, Bees Creek)</p>
<i>Landowner:</i>	Primary Resources Investments Pty Ltd
<i>Land Area:</i>	49.28 hectares
<i>Easements:</i>	<p>Right of Way over lot 4 to lot 11</p> <p>Electricity Supply Easement to Power and Water Corporation</p>
<i>Zone:</i>	TC (Tourist Commercial)
<i>Relevant Planning History:</i>	<p>EDP14/0007 – To use and develop the land for the purpose of additions to an existing crocodile farm and abattoir.</p> <p>EDP14/0007A – to vary condition 1 of Exceptional Development Permit EDP14/0007 for the purpose of an increase in the net amount of finishing pens by 1,400.</p> <p>EDP14/0007B – to vary condition 1 of Exceptional Development Permit EDP14/0007 to amend the location of the new abattoir (to replace the existing abattoir).</p> <p>EDP14/0007C – to vary condition 3 of Exceptional Development Permit EDP14/0007 for the purpose of solar shade structure additions to existing crocodile farm.</p> <p>DP18/0108 – To use and develop the land for the purpose of consolidation to create one lot (consolidation of lots 4, 5, 11 and 12).</p>

The subject land comprises the Darwin Crocodile farm, owned and operated by Primary Resources Investments Pty Ltd, and situated adjacent the western side of the Stuart Highway in the locality of Bees Creek. The farm is situated across four titles – lots 4, 5, 11 and 12 Hundred of Strangways (1340, 1366 and 1370 Stuart Highway, and 39 Gulnare Road), with a total land area of 70.9 hectares. A new crocodile processing facility (abattoir) has recently been completed, located on lot 4 (1340 Stuart Highway), with frontage to the Stuart Highway and access from Gulnare Road through lot 12. Lots 4, 5 and 11 are zoned TC (Tourist Commercial), whilst lot 12 is zoned RL (Rural Living). The extent of the land subject to this submission (lots 4, 5 and 11) is shown in red on **figure 1**, with the existing farm (the aforementioned lots and lot 12) is shown in yellow.

The Darwin Crocodile Farm comprises a large intensive animal husbandry operation for the breeding, hatching and farming of saltwater crocodiles and for the production of skin and meat products for local and international markets. The farm includes a number of large breeding ponds and smaller breeding pens, housing mature male and female crocodiles and areas for nesting and laying, holding and growing pens, hatchling pens, single animal finishing pens, storage, maintenance and implement areas, farm manager's residence and caretaker's residence, office and abattoir.

Vehicle access is provided via an existing axe-handle driveway from Gulnare Road and abattoir access from the Stuart Highway via an existing service road. Lot 11 does not have a direct road frontage and relies on an access easement over lot 4, however functionally lot 11 is accessed from Gulnare Road via the internal farm driveway network. In April 2018 the Litchfield Division of the Development Consent Authority issued a development permit approving the consolidation of all four allotments. Land survey and the title registration process is nearing completion.

3. Locality

Figures 1 and 2 in section 2 of this report demonstrates the zoning layout in immediate proximity of the site. The surrounding locality comprises a mix of rural living, agricultural, rural industry and intensive animal husbandry uses. Rural living areas generally occur to the north, east and west of the site, whilst land to the south generally comprises larger landholdings, creeks and drainage areas. Rural industries and intensive animal husbandry uses occur within the immediate locality north of the Darwin Crocodile Farm, including at 1300 Stuart Highway and 75 Gulnare Road. Commercial facilities are located at the Noonamah Tavern, approximately 4.25 kilometres south of the site, and in the Humpty Doo Centre, approximately 3.65 kilometres to the north-east (directly).

4. Proposal

This submission proposes an amendment to the Northern Territory Planning Scheme to rezone the subject land from TC (Tourist Commercial) to RL (Rural Living), aligning the existing use with a more suitable zone within the NT Planning Scheme, and ensuring consistency of the land zoning with the surrounding areas.

The existing crocodile farm was established in 1981 and previously included a tourism component, with tours, crocodile feeding, a gift shop and café. The park has been closed to visitors for well over 10 years, and now operates as a crocodile breeding, farming and processing facility for the production of crocodile skins and meat. Since 2014 the farm has undergone a period of significant expansion, including the construction of additional crocodile finishing pens, the new abattoir and improvements to farm operations, including the disposal of solid and liquid wastes. As the existing use does not include any tourism or visitor-related component, recent approvals have required an application for Exceptional Development Permit (or variation thereto) pursuant to **Section 38** of the Northern Territory Planning Act. As such, this application seeks to rezone the land to RL to better reflect the nature of the existing use (including the recent approvals), and enable future alterations and additions to be dealt with by way of a development permit under **Part 5, Division 1** of the Act.

The proposed Planning Scheme Amendment will not trigger any specific development, and is intended to enable consistency between the existing use and the zoning. Future development within the life of the farm will likely comprise alterations and additions to the existing farm.

Given the proposal will not alter the extent of development or use of the site, land constraints and access to / impact on natural resources will likewise not be altered relative to that previously approved, and as such have not been considered further. It is noted that the site currently operates under an Environmental Management Procedures Report, conditioned under EDP14/0007 and associated variations, and has a groundwater extraction licence for 700ML per annum. The farm also employs a number of water reuse and recycling initiatives, including mechanical water treatment systems and pond recirculation.

5. Strategic Analysis

5.1 Darwin Regional Land Use Framework

Clause 4.2 of the northern Territory Planning Scheme provides a Regional Land Use Framework for the Darwin Region, including principles for the administration of the Planning Scheme in relation to the Darwin Region. The subject land is located within the area identified as *Rural* on the Regional Land Use Framework, evident in **Figure 3** below.

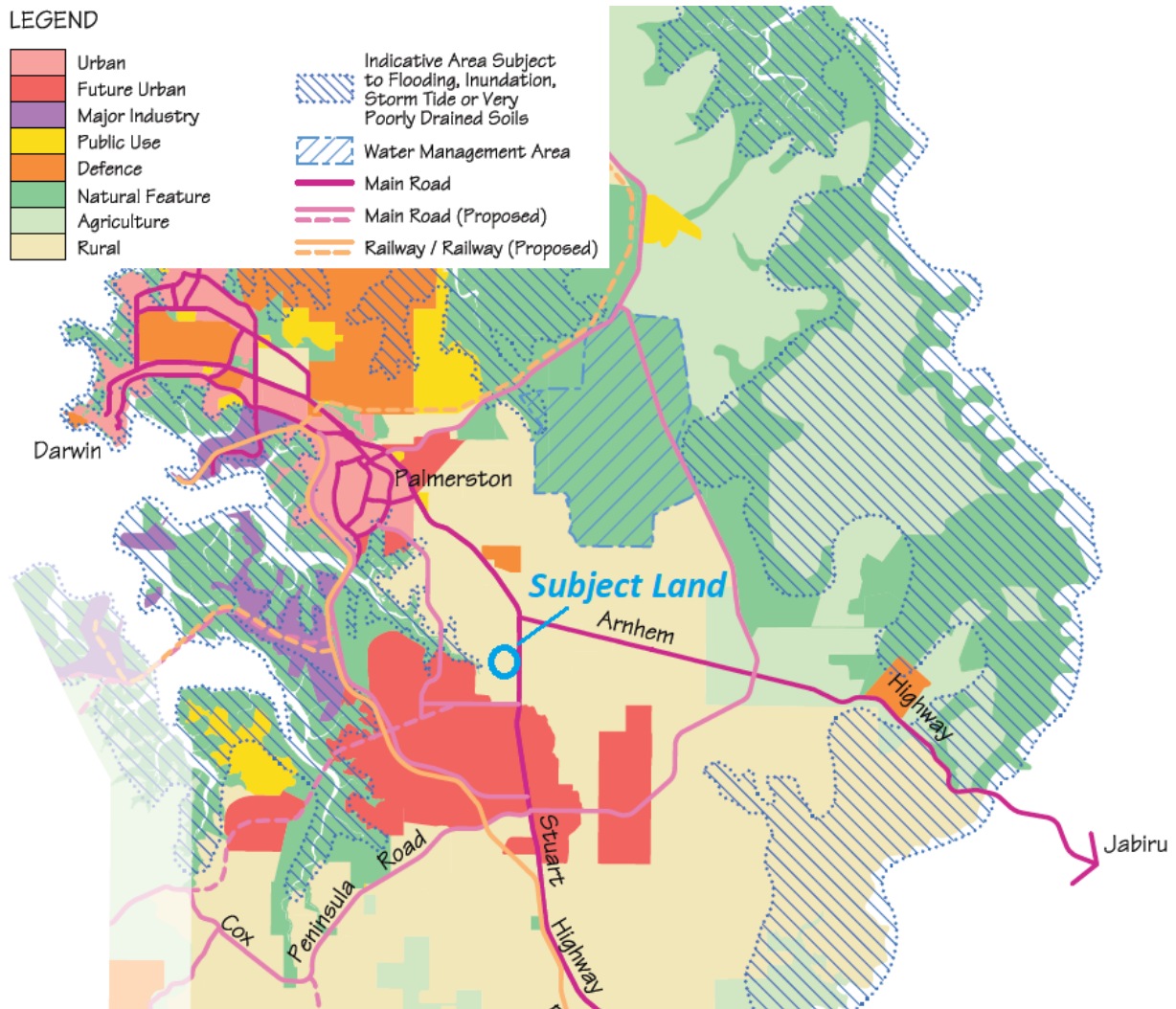


Figure 3: Excerpt from the Darwin Regional Land Use Framework, **Clause 4.2** of the Northern Territory Planning Scheme

In accordance with the Land Use Framework, the proposed rezoning will enable the orderly and appropriate distribution of planning zones cognisant of the established use within the subject land, and the use / zoning of adjoining and surrounding areas. The proposed rezoning will does not affect land identified for future urban development or greenfield development sites, and both the zoning and the established land uses are consistent with the definition of the land for *rural* use. Finally, the proposal will not compromise existing rural lifestyle areas, and ensures any future development is consistent with that anticipated in rural and rural lifestyle areas.

In relation to the broader Northern Territory Planning Principles and Framework in **Clause 4.1** of the Scheme, the proposal seeks to amend the Planning Scheme in a manner that ensures an orderly and efficient planning system, and ensures consistency with surrounding land. The rezoning will facilitate the supply of sufficient and suitably zoned land for primary production purposes, in a manner that will not unreasonably intrude on or compromise the privacy of surrounding residential uses.

5.2 Darwin Regional Land Use Plan

Clause 2.7 of the NT Planning Scheme provides requirements regarding reference to policy documents in development applications. **Clause 2.7** provides:

1. *The interpretation of this Planning Scheme and the determinations of a consent authority must have regard to the policies and planning concepts expressed in those documents appearing in Part 8 or Schedule 2 and ensure that a use or development or proposed use or development is consistent with them.*
2. *Where there is an inconsistency between any applicable policy and this Planning Scheme, the provisions of the Planning Scheme will prevail*

Schedule 2 of the Planning Scheme makes reference to eleven policy documents, including, as relevant to the current proposal, the *Darwin Regional Land Use Plan*. The *Darwin Regional Land Use Plan* was prepared by the NT Planning Commission and incorporated into **Schedule 2** of the Planning Scheme in 2015. The plan provides a vision, goals and intended outcomes for development of the Darwin Region, identifies regional opportunities and the intention for development into the medium and long term. The Land Use Structure on Page 13 of the Plan identifies the subject land as *Rural Lifestyle*. Page 19 of the Regional Land Use Plan deals with the use and development of rural lifestyle areas, and provides three key objectives:

- *Identify opportunities for rural lifestyle development to meet market demand.*
- *Encourage opportunities for a choice of lifestyle in terms of lot size and access to services.*
- *Provide appropriate buffers between different residential localities to maintain and enhance the amenity of established areas and protect the natural environment.*

Further commentary regarding rural lifestyle area focuses on the retention of rural living land despite anticipated urban development within the Litchfield Council area (for example Weddell), and the retention and protection of the positive character and amenity traits of rural lifestyle areas. Based on the distribution of uses within the land use structure plan, the determination of *rural lifestyle areas* is clearly dominated by land in Zones R and RL, and consequently lots of 8 and 2 hectares.

Commentary around the development of rural lifestyle areas is however somewhat limited. In relation to Primary Industry, and particularly Agriculture and Horticulture on page 26, the plan seeks to *identify and protect areas with potential for horticulture and agriculture*, including increasing regional and Territory self-sufficiency and expanding and diversifying regional economies. Whilst the site is not specifically identified as an area with agricultural potential, the established and successful nature of the existing operations is testament to the suitability of the site. The commentary around Rural Lifestyle areas on page 19 acknowledges the significant contribution rural areas can make to the NT economy.

Ultimately, whilst the direct application of the Regional Land Use Plan in relation to *intensive animal husbandry* within Rural Lifestyle areas is limited, the Plan provides indirect support to the proposal, in addition to the identification of *intensive animal husbandry* as a suitable form of development within Zone RL per **Clause 5.19** of the Planning Scheme (refer **section 5.4**).

5.3 Litchfield Subregional Land Use Plan

The Litchfield Subregional Land Use Plan (LSRLUP) was released in 2016 and provides a more detailed level of planning (furthering the Darwin Regional Land Use Plan) as well as land use concept plans to guide the development of area plans (namely for the identified rural activity centres). The LSRLUP furthers the identification of *rural lifestyle areas* from the Regional land Use Plan as “*rural area*”, and seeks to protect the established amenity by ensuring “*no changes to the current minimum lot sizes in Zone RL and Zone R.*”

Although the existing crocodile farm is located in an area that includes rural lifestyle lots at RL (Rural Living) densities, the range of agricultural and rural industry uses, as well as rural lifestyle properties, must be taken into account. The proposed rezoning will not alter the distribution of land uses, the intensity farm operations or the demand on services. The proposal is considered to be consistent with the broader objectives of both plans, and does not compromise specific outcomes.

The Subregional Land Use Plan includes *Statements of Policy*, which provide the following for land identified as *Rural Area* (statement 5):

5. Maintain rural amenity and lifestyle choice

- *Continue to support the subdivision of suitable land outside rural activity centres into 2 ha lots in Zone RL (Rural Living) and into 8 ha lots in Zone R (Rural);*
- *Require reliable water supply adequate for residential use;*
- *Require stormwater drainage for new residential development to not adversely impact on the receiving environment; and*
- *Require residential subdivision to provide roads and infrastructure to the requirements of the responsible authorities.*

Whilst the above primarily deals with rural living and rural lifestyle areas within land identified as *Rural*, statement 11 deals with the management of land use conflict between residential and agricultural land, and provides:

11. *Minimise land use conflict between adjacent agricultural and residential land.*

- *Require proposals to demonstrate an adequate water source to sustain the development at maturity; and*
- *Require proposals to include adequate buffers to protect the amenity and function of adjacent land uses.*

Although the proposed rezoning will not alter the nature or extent of the existing land use, by virtue of the minimum lot sizes for subdivision and development in Zone RL, and the range of agricultural and associated activities possible within Zone RL, the proposed zone is consistent with the surrounding areas and ensures ongoing separation to mitigate issues arising from land use conflict. In addition, the site currently operates under an Environmental Management Procedures Report approved through the recent Exceptional Development Permits. The existing farm will retain the water licence and continue operating in accordance with the conditions thereof. Accordingly, the

The plan further acknowledges the potential for land use conflicts between incompatible uses, although refers only to horticulture and rural lifestyle in the above instance. Further clarification is provided in relation to *intensive animal industries* on page 8:

Cattle holding facilities and other intensive animal industries require locations that are both suitable for purpose and not in conflict with adjacent land uses. Other considerations include proximity to arterial roads and port.

The commentary in the plan resembles, to some extent, the objectives of **Clause 10.1** of the Planning Scheme. The plan goes further to provide key statements of policy for a range of uses, including *cattle holding facilities* in Policy Statement 12:

12. *Minimise the impacts of cattle holding facilities and intensive animal industries.*

- *Locate cattle holding facilities with sufficient separation from sensitive land uses to avoid adverse impacts on the amenity of adjacent land;*
- *Require effective buffers or barriers to protect the amenity of adjacent land and roads from any off-site impacts of cattle holding facilities.*
- *Require waste disposal facilities to avoid adverse impacts on water resources; and*
- *Locate cattle holding facilities with convenient access to arterial roads and within a viable distance of port.*

Although the existing crocodile farm is located in an area that includes rural lifestyle lots at RL (Rural Living) densities, the range of agricultural and rural industry uses, as well as rural lifestyle properties, must be taken into account. Further, the recent replacement of outdated infrastructure with more modern and efficient facilities, including the new abattoir and wastewater treatment and recycling measures, improves and increases the ability of operators to ensure amenity and environmental impacts are mitigated through appropriate management.

Accordingly, with the implementation of the EMPR as it relates to the new abattoir, the proposed rezoning will ensure adverse amenity impacts continue to be minimised.

5.4 Northern Territory Planning Scheme

Rezoning from TC to RL will enable future development in accordance with **Clause 5.19** of the Northern Territory Planning Scheme. Future development at this stage is anticipated as alterations and additions to the existing *intensive animal husbandry* in accordance with the definition in **Clause 3.0** of the Scheme. **Clause 5.19** provides two objectives for development in Zone RL:

1. *The primary purpose of Zone RL is to provide for low-density rural living and a range of rural land uses including **agriculture** and **horticulture**.*
2. *If lots are unsewered, provision for the disposal of effluent must be made on-site so that the effluent does not pollute ground or surface waters.*

The existing farm is consistent with *a range of rural land uses including agriculture and horticulture* (which, by extension, logically includes *intensive animal husbandry* subject to approval, particularly as *intensive animal husbandry* is a *Discretionary* use in Zone RL). **Figure 4** below identifies the land use / and development differences between Zones TC and RL.

Evident in the below table, the proposed rezoning will enable consideration of *agriculture, animal boarding, domestic livestock, group home, horticulture, intensive animal husbandry, retail agricultural stall, rural industry stables, supporting accommodation and veterinary clinic* that otherwise cannot be approved under the existing zoning (without an application for Exceptional Development Permit). Conversely, the proposed rezoning will prohibit the development of a *caravan park, caretaker's residence, car park, education establishment, hostel, hotel, leisure and recreation, licensed club, medical clinic, motel, multiple dwellings, office, passenger terminal, place of worship, promotion sign, restaurant, service station, shop and vehicle sales and hire* that can occur (with or without approval) under the current zone. The proposed rezoning will enable *domestic livestock, group home, home based child care, independent unit, medical consulting rooms, retail agricultural stall and single dwelling* to become *Permitted* uses, in addition to the *Permitted* uses that won't change (*business sign, home based contracting and home occupation*).

The subject land currently contains a *caretaker's residence* and *abattoir*, both *Prohibited* uses under Zone RL. An *abattoir* is a *Prohibited* use in all zones with the exception of Zone DV (Development) and Zone A (Agriculture). Zone DV is directly related to the operation of the Darwin Port, and is not appropriate for the subject land given its distance to the Port and the potential for conflict with the surrounding RL Zones. Zone A would facilitate both the *abattoir* and *intensive animal husbandry*, however raises the potential for conflict with adjoining RL areas (particularly in the absence of adjacent R (Rural) zoned land acting as a buffer). Furthermore, as the *abattoir* is effectively ancillary to the *intensive animal husbandry* component, Zone RL adequately accommodates the existing use. The use of the *abattoir* is protected under **Section 33(2)** of the Northern Territory Planning Act:

"Also, a use of land as an existing use for this Part of it is permitted only in accordance with an exceptional development permit."

Future development within the subject land will need to consider the general provisions of the Northern Territory Planning Scheme, particularly (in the case of *intensive animal husbandry*) **Clause 10.1** relating to *Animal Related Use and Development*.

Clause 10.1 requires consideration of pollution prevention, erosion and sediment control, the control of odour, noise, dust, flies and vermin, and the risk of infectious diseases. The existing farm operation and management procedures addresses all relevant components of **Clause 10.1**.

6. Conclusion

This submission accompanies a proposal to amend the Northern Territory Planning Scheme to rezone the subject land from TC (Tourist Commercial) to RL (Rural Living) in order to 'regularise' the existing zoning with both the established land use and the surrounding area. The proposed rezoning will not trigger specific development works, rather will enable future alterations and additions to the existing crocodile farm to be considered in accordance with the Northern Territory Planning Scheme. The proposal is consistent with the Darwin Regional Land Use Plan, the Litchfield Subregional Land Use Plan and the strategic provisions of the Northern Territory Planning Scheme, and will not cause land use conflict with adjoining and surrounding zones.



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19 March 2019