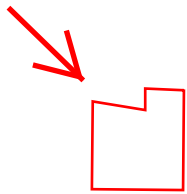


Subject Site



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."

As for the *abattoir*, the continued use of the *caretaker's residence* is protected under **Section 34** of the Planning Act:

“Subject to subsection (2) a person does not contravene a planning scheme only by continuing an existing use after the commencement of a conflicting provision.”

Notwithstanding the rezoning is not proposed to facilitate a specific development, the additional land uses and development possible under Zone RL, relative to that currently possible under Zone TC, are consistent with the range of land uses that can and/or do occur on surrounding land, and thus are unlikely to compromise the amenity of the surrounding area.

ZONING TABLE	S	M	M	H	C	C	C	S	T	L	G	D	P	O	H	A	R	R	R	R	C	C	H	R	W	F	T	
abattoir	X	X	X	X	X	X	X	X	X	X	X	D	X	X	X	P	D	X	X	X	X	X	X	X	X	X	X	
agriculture	X	X	X	X	X	P	X	X	X	X	D	X	X	X	X	P	P	X	X	X	X	X	X	D	D	D	X	
animal boarding	X	X	X	X	X	X	X	X	D	X	D	D	D	X	X	D	P	X	X	X	X	D	D	X	D	X	X	
business sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
caravan park	X	X	X	X	D	X	X	X	X	D	X	X	X	X	X	X	D	X	X	X	X	X	X	X	D	D	D	
caretaker's residence	X	X	X	X	P	P	P	P	P	P	P	P	D	D	D	X	X	X	X	X	X	P	D	D	D	D	D	
car park	X	X	X	X	X	X	X	X	X	X	P	P	D	X	X	X	X	X	X	X	X	X	X	X	X	D	D	
child care centre	X	X	X	D	X	X	D	D	X	D	X	X	X	X	D	X	X	X	X	X	D	D	P	X	D	X	X	
community centre	D	D	D	D	D	P	D	D	X	D	D	X	X	D	P	X	X	D	D	P	X	X	D	X	X	D	D	
domestic livestock	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	X	X	X	P	P	
education establishment	X	X	X	D	X	P	D	X	D	D	D	D	X	X	X	D	X	X	X	X	D	P	X	D	X	X	D	
fuel depot	X	X	X	X	X	X	X	X	X	X	X	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
general industry	X	X	X	X	X	X	X	X	X	X	P	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
group home	P	P	P	P	P	P	P	X	X	X	X	X	X	X	X	P	P	P	P	P	P	X	X	X	P	P	P	
home based child care centre	D	D	D	D	D	X	X	X	D	X	X	X	X	X	D	X	X	X	X	X	X	X	X	X	D	D	D	
home based contracting	P	P	P	P	P	P	X	X	P	X	X	X	X	X	X	P	P	P	P	P	P	X	X	D	X	X	D	
Home based visitor	S	S	S	S	S	S	S	X	S	X	X	X	X	X	S	S	S	S	S	S	S	X	S	X	S	S	S	
home occupation	P	P	P	P	P	P	P	P	P	P	P	D	P	P	P	P	P	P	P	P	P	X	P	D	X	D	P	
horticulture	X	X	X	X	X	D	X	X	X	X	X	X	X	X	X	P	P	X	X	X	D	P	X	X	X	D	X	
hospital	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	D	
hostel	X	X	X	D	D	D	D	D	D	D	X	X	D	X	X	X	D	X	X	X	X	X	X	D	X	D	D	
hotel	X	X	X	X	X	D	D	D	D	D	D	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	D	
independent unit	P	P	P	P	P	P	D	X	X	D	X	X	X	X	X	P	P	P	P	P	P	X	X	X	X	P	P	
intensive animal husbandry	X	X	X	X	X	X	X	X	X	X	X	D	X	X	X	D	D	X	X	X	D	D	X	X	X	X	D	X
leisure and recreation	X	X	X	D	D	D	D	D	D	D	D	D	D	D	X	P	X	X	X	X	X	X	X	X	X	X	D	
licensed club	X	X	X	X	X	D	D	D	D	D	D	D	D	X	X	X	X	X	X	X	X	X	X	X	X	X	D	
light industry	X	X	X	X	X	D	X	D	X	P	P	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
medical clinic	X	X	X	D	X	P	D	D	D	D	P	P	D	X	X	X	X	X	X	X	X	D	X	X	X	X	D	
medical consulting rooms	D	D	D	D	D	P	D	D	X	D	X	X	X	X	X	X	D	D	P	P	X	X	D	X	X	D	D	
motel	X	X	X	D	D	X	D	D	D	D	X	X	D	X	X	X	X	X	X	X	X	X	X	X	X	X	D	
motor body works	X	X	X	X	X	D	X	D	X	P	P	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	D	
motor repair station	X	X	X	X	X	D	D	D	X	P	P	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	D	

ZONING TABLE	S	M	M	H	C	C	C	S	T	L	G	D	P	O	H	A	R	R	R	R	R	C	C	H	R	W	F	T
multiple dwellings	D	D	D	D	X	P	D	X	D	X	X	X	X	X	X	P	P	X	X	X	X	X	X	D	X	X	D	D
office	X	X	X	X	X	D	D	D	D	D	D	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	D
passenger terminal	X	X	X	X	X	D	X	D	D	D	D	D	X	X	X	X	X	X	X	X	X	X	D	X	X	X	X	D
place of worship	X	X	X	D	D	P	D	D	D	D	D	D	X	X	X	X	D	X	X	X	X	D	P	X	D	X	X	D
plant nursery	X	X	X	X	X	D	D	D	D	D	P	D	X	X	X	P	P	D	D	D	D	X	X	X	D	D	D	D
promotion sign	X	X	X	X	D	D	D	D	D	D	D	D	D	P	X	X	X	X	X	X	X	X	X	X	D	D	D	D
recycling depot	X	X	X	X	X	X	X	X	X	D	P	D	X	X	X	X	X	X	X	X	X	X	D	X	X	X	X	D
restaurant	X	X	X	D	D	X	D	D	D	D	D	D	D	D	D	X	X	X	X	X	X	X	D	D	X	D	D	D
retail agricultural stall	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	P	X	X	X	D	X	D
rural industry	X	X	X	X	X	X	X	X	X	D	P	X	X	X	X	P	P	X	X	X	X	D	D	X	X	X	X	X
service station	X	X	X	X	X	D	D	D	D	D	D	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	D	D
shop	X	X	X	X	D	P	D	D	D	D	D	D	X	D	X	X	X	X	X	X	X	X	D	D	X	X	D	D
showroom sales	X	X	X	X	X	X	D	P	X	P	D	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	D
single dwelling	P	P	P	P	P	P	X	X	X	D	X	X	X	X	X	P	P	P	P	P	P	X	X	X	X	D	D	P
stables	X	X	X	X	X	D	X	X	X	X	X	X	X	D	D	X	X	X	X	X	X	D	D	X	X	D	X	D
supporting accommodation	D	D	D	D	X	P	D	D	X	X	X	X	X	X	X	X	X	X	X	X	X	D	P	X	X	X	X	D
transport terminal	X	X	X	X	X	X	X	X	D	X	P	P	D	X	X	D	D	X	X	X	X	D	X	X	X	X	X	D
vehicle sales and hire	X	X	X	X	X	D	D	D	D	P	P	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	D
veterinary clinic	X	X	X	X	X	D	D	D	X	D	P	X	X	X	X	X	P	X	X	X	X	D	D	X	X	X	X	D
warehouse	X	X	X	X	X	X	X	X	D	X	P	P	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	D

Figure 4: Land Use Comparison Table, Northern Territory Planning Scheme

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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