

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999 - section 40

EXCEPTIONAL DEVELOPMENT PERMIT

EDP23/0003

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 00002, LTO Plan 76006
Hundred of Cavenagh
335 OLD BYNOE RD, LIVINGSTONE

APPROVED PURPOSE

To use and develop the land for the purpose of a club (veterans retreat) with an ancillary caravan park, in accordance with the attached schedule of conditions and the endorsed plans.

BASE PERIOD OF THE PERMIT

This permit will expire if one of the following circumstances applies:

- (a) the development is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.
- The Minister may extend the periods referred to if an application is made in the approved form before the permit expires.

RIGHT OF APPEAL

There is no right of appeal against a determination by the Minister in relation to the grant or variation of an Exceptional Development Permit.



EVA DINA LAWLER

Minister for Infrastructure, Planning and Logistics

28/9 /2023

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SCHEDULE OF CONDITIONS

CONDITIONS PRECEDENT

1. Within three months of the date of issue of this permit, amended plans to the satisfaction of the consent authority must be submitted to and approved by the Minister. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) identification and labelling of all structures, areas of the site and facilities for the club and caravan park uses;
 - (b) identification and labelling of all structures, areas of the site and facilities exclusively for the private rural residence;
 - (c) identification of onsite manoeuvring, driveways and parking areas (including bus parking);
 - (d) location of any existing or proposed onsite waste water management systems, waste disposal areas, water tanks, bores or the like;
 - (e) internal driveways including access to individual accommodation sites to demonstrate appropriate vehicle/caravan manoeuvrability can be achieved;
 - (f) delineation of nine (9) individual accommodation sites of appropriate dimensions for a vehicle/caravan;
 - (g) areas of vegetation and/or landscaping;
 - (h) legal vehicle access point to Parkin Road;
 - (i) landscaping and fencing.
2. Within three months of the date of issue of this permit, an Operational Management Plan (OMP) for the management and operation of the use must be prepared, submitted to and approved by the Minister. When approved, the plan will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the approved OMP.

The Operational Management Plan must include (but may not be limited to):

- (a) processes showing how operators will record and keep relevant information on guest numbers and verify guests eligibility (current and ex-serving Australian Defence Force personnel and their immediate family members) to be at or staying on the site;
- (b) confirmation that the approved use is provided free of charge;
- (c) details of the how the total number of patrons (25) approved to be on the site at an one time will be managed;
- (d) details of the how use of the total number of caravan park sites (9) approved will be managed;
- (e) details of rules to manage amenity and guest behaviour including limitations on the hours of amplified music;
- (f) a site plan showing the parts of the site the club will operate on and which structures will be made available for the club's use; and
- (g) a proposed schedule of the club's operations and key events across the calendar year.

3. Within three months of the date of issue of this permit, an Onsite Waste Management Plan (OWMP) must be prepared by an independent and suitably qualified professional, submitted to and approved by the Environment Health Branch of the Department of Health, to the satisfaction of the Minister. When approved, the plan will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the approved plan.

The OWMP is to include, but is not limited to, the following details:

- (a) a summary of the existing wastewater management system providing detail on the system loading, treatment technology/type, effluent disposal system, site location including setback distances to watercourses, buildings and site boundaries;
 - (b) details of the maximum number of people expected on the site at any one time and length of stay of caravans on site to inform assessment of the capacity of the wastewater management system;
 - (c) the capacity of any existing onsite effluent disposal system and the potential increased loading to demonstrate that the site has the capacity to cater for the increased loading when nine (9) caravans/club members are staying at the site and utilising all the facilities identified for the club use. Further consideration of the management and disposal of caravan effluent collection tanks is to be addressed;
 - (d) clarification of the form of management of waste from caravans including contingencies all with respect to the closest public dump point to the site. It should be noted that any caravan collection tank will need to be designed and certified by a qualified and licence hydraulic engineer;
 - (e) individual maximum waste collection capacity of nine (9) caravans on site based on the anticipated length of stay at any one time;
 - (f) management measures for an increase of capacity during certain events i.e. Anzac Day;
 - (g) the storage and collection of garbage and other solid waste to ensure a public health nuisance is not caused;
 - (h) evidence that the identified source of potable drinking water supply meets the requirements of the National Health and Medical Research Council (NHMRC) guidelines for drinking water. This can be achieved by undertaking water testing of the ground water supply and the rainwater tank supply. As the intention of this club is to provide services to their guests, appropriate treatment to the drinking water supply is strongly recommended and the ongoing management measures of the private water supply are to be provided.
4. Within three months of the date of issue of this permit, a schematic plan demonstrating the on-site collection of stormwater and its discharge into Litchfield Council stormwater drainage system shall be submitted to and approved by Litchfield Council, to the satisfaction of the Minister.

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. No more than nine (9) caravans may be utilised for accommodation on the site at any one time. No other facilities on the site can be used for overnight accommodation associated with the club or ancillary caravan park use.
7. The use of the site as a club (veterans retreat) and ancillary caravan park is limited to current and ex-serving Australian Defence Force personnel and their immediate family members.

8. No more than 25 people are to be on the premises at any one time associated with the approved use club (veterans retreat) and ancillary caravan park, without the further consent of the Minister.
9. The use must at all times be conducted in accordance with the approved Operational Management Plan (OMP) and as shown on the endorsed plans and must not be altered without the further consent of the Minister.
10. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the Minister.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notation 1 for further information.
12. The use must at all times be conducted in accordance with the approved Operational Waste Management Plan (OWMP).
13. Where a new onsite septic system is to be installed as recommended by the OWMP within six months of the date of the permit the system is to be installed and certification is to be provided by an appropriately qualified site and soil evaluator that any existing (or new as required by the OWMP) on-site wastewater management system has been installed by a qualified licensed Self-Certifying Plumber and complies with the NT Code of Practice for Wastewater Management, to the satisfaction of the Minister.
14. Provision must be made on the land for the storage and collection of garbage and other solid waste in accordance with the Operational Waste Management Plan to the satisfaction of the Department of Health and Litchfield Council, to the satisfaction of the Minister.
15. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Litchfield Council, to the satisfaction of the Minister.
16. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
 - (d) presence of vermin.
17. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

Notes

1. The Power and Water Corporation advises that the Power Network Engineering Section (powerdevelopment@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. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works. The applicant is advised to engage a Northern Territory registered building certifier to ensure that the intended use of any existing buildings or structures is permitted by occupancy certification in accordance with the *Building Act 1993*.
3. The development and use hereby permitted must be in accordance with Northern Territory legislation including (but not limited to) the *Building Act 1993*, the *Public and Environmental Health Act 2011* and the *Food Act 2004*. Should the proposal meet the definition of 'commercial visitor accommodation' under the *Public and Environmental Health Regulations 2014* s25, the proponent shall be responsible for applying for a commercial visitor accommodation registration.
4. Access to and egress from the site for all vehicles (including waste collection vehicles) must only be from Parkin Road. No access is permitted from Old Bynoe Road.
5. Take of surface or groundwater for rural stock and domestic purposes does not require a water extraction licence. Registered bore RN035672 is currently being used to support the development. As the land falls within a water control district, a permit is required for investigative drilling, bore construction and work on an existing bore.
A groundwater extraction licence may be required under the Water Act 1992 for any bore used for purposes other than rural stock and domestic water supply. For advice on water extraction licences please contact the Water Licensing and Regulation Branch of the Department of Environment, Parks and Water Security.
Information should be sought from Water Resources regarding any licensing requirements or relevant exemption for water use. Enquiries may be made by phone (08) 8999 4455 or by email to water.licensing@nt.gov.au.
6. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>
7. Any new on-site wastewater management system is to be installed in accordance with the NT Code of Practice for Wastewater Management.
8. No further clearing of native vegetation is to be undertaken on the site. All remaining native vegetation is to be maintained. Any additional land clearing is subject to assessment against Clause 3.2 CNV-Clearing of Native Vegetation of the NT Planning Scheme 2020 and requires approval of the consent authority.
9. A permit to burn is required from the Regional Fire Control Officer, Department of Environment, Parks and Water Security, prior to the ignition of any felled vegetation on the property.

Fire prevention measures, including the provision and maintenance of firebreaks, are to be implemented in accordance with the requirements of the *Bushfires Management Act 2016*.

10A "Works Permit" may be required from Litchfield Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Council's road network.

11. Notwithstanding any approved plans, signs within Litchfield Council's municipal boundaries are subject to approval under Interim Development Control Order 31.



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