



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 175 – THURSDAY 23 MAY 2019

OUT OF SESSION

MEMBERS:

Suzanne Philip (Chair), John King, Peter Gazey and Fay Miller

ITEM 1
PA2019/0087
APPLICANT

RECONSIDERATION – SUBDIVISION TO CREATE TWO LOTS
NT PORTION 6606 (187) LANSDOWNE ROAD & 7154 (180) QUARRY ROAD,
LANSDOWNE
EARL JAMES & ASSOCIATES

RESOLVED
38/19

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop NT Portion 7154 (180) Quarry Road, Lansdowne and NT Portion 6606 (187) Lansdowne Road, Lansdowne for the purpose of subdivision to create two lots, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with drawing numbered 2019/0087/01 endorsed as forming part of this permit.
2. 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.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to each lot shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.
4. Appropriate erosion and sediment control measures should be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.
5. Before the use 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).

NOTE:

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

- i. the development is not started within two years of the date of this permit; or
- ii. the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The Northern Territory Planning Scheme applies to the land to which the application relates. The application was assessed against Part 5 Subdivision of the Northern Territory Planning Scheme, specifically,

Clause 11.1 (Minimum Lot Sizes and Requirements), Clause 11.4.1 (Site Characteristics in Subdivision of Rural Land or Unzoned Land for Lots of 1ha or Greater), Clause 11.4.2 (Infrastructure in Subdivision of Rural and Unzoned Land) and Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land). The proposal complies with the clauses in Part 5 of the Northern Territory Planning Scheme.

Clause 5.17 (Zone A - Agriculture) specifies the primary purpose of Zone A is to provide suitable land for agriculture and that lot sizes will depend on the capability of the land for commercially viable agriculture. The Northern Territory Planning Scheme defines the meaning of agriculture "*as a commercial enterprise: (a) the growing of crops, pasture, timber trees and the like, but does not include a plant nursery or horticulture; and (b) the keeping and breeding of livestock; but does not include intensive animal husbandry or stables*".

Proposed Lot A has an area of approximately 11ha and the ability of this parcel to support commercially viable agriculture has not been demonstrated. The reasons to support the application to create two lots in this instance are:

- Lot B has an area of 390ha and of this, in excess of 150ha is within Zone A, which is considered to be a sufficient area to support commercially viable agriculture;
- the lot size and configuration of Lot A is generally consistent with adjacent lots on Lansdowne Road; and
- the existing use of Lot A is for the purpose of a rural industry, which is permitted in Zone A, and the lot size and configuration of Lot A provides additional land to support future expansion of this use.

2. Pursuant to section 51(j) of the *Planning Act 1999*, 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.

A land suitability assessment prepared by KSI Land and Water Planning was submitted with the application, which confirmed that each lot has suitable areas of unconstrained land for domestic purposes. Each lot has existing access, electricity, bores and on-site waste water treatment systems.

The Department of Environment and Natural Resources advised the gradient of the land along which the new boundary is proposed has slopes varying from between 1 – 2% and recommend the implementation of controls to minimise the risk of erosion. A condition of the approval requires that appropriate erosion and sediment control measures are implemented to the satisfaction of the consent authority.

3. The Department of Environment and Natural Resources recommended that prior to the endorsement of plans, a qualified person, experienced in the investigation and assessment of contaminated land, must provide a report in relation to site contamination from burial of waste in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999. In this instance, the inclusion of a condition is not supported as the subdivision does not increase the number of separate parcels that are capable of being occupied for residential purposes and the requirement relates to an ongoing compliance matter under the *Waste Management and Pollution Control Act 1998*.

ACTION: Notice of Consent and Development Permit

RATIFIED AS A RECORD OF DETERMINATION MADE

SUZANNE PHILIP
Chair

29 May 2019