



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 168 – WEDNESDAY 1 AUGUST 2018

**DIPL CONFERENCE ROOM
1ST FLOOR GOVERNMENT CENTRE
5 FIRST STREET
KATHERINE**

MEMBERS PRESENT Suzanne Philip (Chair),-Alan Sprigg, Allan Domaschenz, Peter Gazey and John Zelle

APOLOGIES: Fay Miller

OFFICERS PRESENT: Julie Bennett and Ann-Marie Dooley (Development Assessment Services)

COUNCIL REPRESENTATIVE: Robert Jennings (Chief Executive) and Jamie Craven (Executive Manager Infrastructure and Environment)

Meeting opened at 10.10 am and closed at 10.40 am

ACTION: Notice of Deferral

**RESOLVED
41/18**

That, pursuant to section 86 of the *Planning Act*, the Development Consent Authority delegates to the Chairman the power under section 53 of the Act to determine the application to develop NT Portion 3980 (80) Emungalan Road, Emungalan for the purpose of clearing of native vegetation, subject to:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), an amended plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale. The plan must be generally in accordance with the plans submitted on 16/07/2018 but modified to show permitted clearing of native vegetation area limited to the hay storage area (approximately 4.3 ha).

GENERAL CONDITIONS

2. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as "Permitted Clearing". All remaining native vegetation is to be maintained to the satisfaction of the consent authority.
3. All areas excluded from the permitted clearing area should be rehabilitated, with planting and establishment of native grass species where groundcover re-establishment has not achieved greater than 70% cover (as at the time of permit issue).
4. Appropriate erosion and sediment control measures are to be employed throughout the clearing and establishment phases of the development to the satisfaction of the consent authority, including but not limited to buffer zones and measures to address timing of works, management of groundcover and minimisation of bare ground, maintenance of natural sheet flow patterns, avoidance or removal of soil windrows or other surface modifications that create concentrated flow paths for runoff, and installation of erosion controls on access tracks, fence lines and firebreaks where appropriate. Information regarding erosion and sediment control is available on the NTG website at <http://nt.gov.au/environment/soil-land-vegetation>.

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 primary purpose of the clearing of native vegetation is to use and develop part of the land for hay storage associated with a rural industry, a use which requires consent in Zone R (Rural) land for which no Development Permit has been obtained. Prior to determining the clearing application it is necessary to confirm consent for the intended land use has been provided.

The consent authority must take into account Clause 10.3 (2) (a) and (f) of the NT Planning Scheme which relates to an application demonstrating consideration of the Land Clearing Guidelines and whether the clearing is necessary for the intended use. The proposal lacks retention of native vegetation around sinkholes and boundaries in accordance with the Land Clearing Guidelines and other than for hay storage the application has not demonstrated necessity of the clearing proposed. The Land Clearing Guidelines recommend a minimum of a 25 metre wide native vegetation buffer where clearing less than 8 ha. The consent authority support exclusion of a native vegetation buffer along boundaries around the hay storage area to provide for fire hazard reduction, should consent to the hay storage area be obtained.

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

The Department of Environment and Natural Resources advised that the northern third of the property has slopes of approximately 1% and soils are typically well-drained loamy red earths Kandasol soils, which is suitable for hay storage. Considerable areas of limestone outcrop occur within the southern portion and additional constraints associated with slope, sinkholes and indistinct drainage are limitations of the capability of the land elsewhere.

ACTION: Advice to applicant

**ITEM 3
PA2018/0128
APPLICANT**

**CLEARING OF NATIVE VEGETATION
NT PORTION 4926 (1295) STUART HIGHWAY, LANSDOWNE
THE TRUSTEE FOR STEFAN HART FAMILY TRUST**

Helen Groves attended the meeting. DAS tabled additional comments from the Department of Environment and Natural Resources dated 30 July 2018.

**RESOLVED
42/18**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop NT Portion 4926 (1295) Stuart Highway, Lansdowne for the purpose of clearing of native vegetation, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), an amended plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale. The plan must be generally in accordance with the plan submitted on 13/07/2018 but modified to show permitted clearing of native vegetation areas modified to show:
 - (a) an increase to the native vegetation buffer on the eastern boundary to a minimum width of 50 m (including a 10 m firebreak); and

- (b) a minimum 100 m setback to sinkholes identified by applicant and in advice from the Department of Environment and Natural Resources advice dated 29 June 2018.

GENERAL CONDITIONS

2. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as "Permitted Clearing". All remaining native vegetation is to be maintained to the satisfaction of the consent authority.
3. Appropriate erosion and sediment control measures are to be employed throughout the clearing and establishment phases of the development to the satisfaction of the consent authority, including but not limited to buffer zones and measures to address timing of works, management of groundcover and minimisation of bare ground, crop layout, maintenance of natural sheet flow patterns, avoidance or removal of soil windrows or other surface modifications that create concentrated flow paths for runoff, and installation of erosion controls on access tracks, fence lines and firebreaks where appropriate. Information regarding erosion and sediment control is available on the NTG website at <http://nt.gov.au/environment/soil-land-vegetation>.

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 primary purpose of the clearing of native vegetation is to use and develop part of the land for hay production and improved pasture for grazing, a use which is consistent with Zone A (Agriculture).

The property contains priority environmental management areas and the proposal is inconsistent with the NT Planning Scheme Land Clearing Guidelines.

The consent authority must take into account Clause 10.3 (2) (a) of the NT Planning Scheme which relates to an application demonstrating consideration of the Land Clearing Guidelines. The proposal lacks retention of native vegetation around some identified sinkholes and boundaries in accordance with the Land Clearing Guidelines. As amended, the reduction in boundary buffer width is considered appropriate in this instance taking into account the lot configuration, the achievement of connectivity in the landscape and overall proportion of the property set aside to wildlife habitat.

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

The Department of Environment and Natural Resources advised that while well drained, shallow to moderately deep red loamy earths occur and slope is generally 0-1%, there are also extensive areas of scattered rock outcrop, sinkholes and steep slopes up to 5%. As amended the permitted clearing minimises disturbance in areas with slopes in excess of 2% with a high to very high risk of erosion in addition to rock outcrop and sinkholes.

ACTION: Notice of Consent and Development Permit

RATIFIED AS A RECORD OF ATTENDANCE AND DETERMINATIONS MADE AT THE MEETING

SUZANNE PHILIP
Chair

06 August 2018