Gerry Wood, Independent Member for Nelson, says he is totally dumfounded that the Minister for Lands and Planning has decided to use Section 85 of the Planning Act so that he can make a decision over the proposed subdivision of a 2ha block of land at 145 Stow Road, Howard Springs, instead of using the independent Development Consent Authority. (To be heard tomorrow at Whitewood Hall Howard Springs at 12.30pm)

This is the fourth time the owner of the land has attempted to subdivide this property below the minimum lot size for land in that zone – RL Rural Living.

Gerry says this application was rejected twice previously and for very good reasons by the Development Consent Authority.

Below is a self-explanatory email I have sent to the Minister for Lands and Planning and the Chief Minister highlighting that application if you believe in good governance.

Dear Minister
I notice an application to subdivide land on 145 Stow Road, Howard Springs was advertised for the fourth time. It was rejected twice previously for very good reasons by the Development Consent Authority. The owner of the land obviously didn’t accept that decision when he requested Minister Chandler to remove the decision making process from the DCA and hear the application under

**PLANNING ACT - SECT 85**
**Minister may direct Authority**

(1) The Minister may direct the Development Consent Authority generally or in respect of a particular matter other than:

(a) the determination of a particular development application; or

(b) the contents of any report or recommendation the Authority is required to provide under this Act.

(2) The Development Consent Authority, in the performance of its functions and the exercise of its powers, is subject to a direction of the Minister under subsection (1).

(3) At any time before the Development Consent Authority has served a notice under section 53A, 53B or 53C in respect of a particular development application made to it, the Minister may direct the Development Consent Authority that the Minister is the consent authority in relation to the development application.
(4) If the Minister directs the Development Consent Authority under subsection (3), the Development Consent Authority must, as soon as practicable, forward to the Minister the particular development application and all submissions and other documents in relation to the application.

The Minister did not go ahead with this application after I raised a potential conflict of interest plus the question as to why a subdivision application should be taken out of the hands of the DCA who have rejected this application twice.

It appears now that this fourth application is to be heard by the DCA under your direction using Section 85 of the Planning Scheme. It is concerning that when this was advertised in the NT News there was no mention this application was on behalf of the Minister. I am also concerned that a minor matter for a subdivision requires the Minister to use a rarely used section of the Act to override the DCA. I also believe this again will be perceived as a potential conflict of interest and if approved will be seen as favouritism. Many other land owners could argue the same as the owner of this block and it will be seen for what it is.

If the Government thinks there are opportunities for subdivisions in this area, which by the way are not recognised in the new Litchfield Plans or the older plan, then it could look at rezoning a large section of land, subject to a detailed study and community input, and if the rezoning went ahead then everything would be on a level playing field.

I will strongly oppose this application because

- The DCA is being overridden – it already has rejected this application twice.
- By removing the decision from the DCA, the Minister shows contempt for the decisions of the independent DCA
- There is a potential conflict of interest – conflict of interest is avoided by having a DCA making the decisions not the Minister
- It will be seen as favouritism if approved
- It is a misuse of section 85 of the Planning Act
- If approved it will break the rules regarding 1ha blocks – there must be a 2ha buffer
- It is spot planning and poor planning and disregards the rules set out in the NT Planning Scheme – minimum lot size for land in RL zone is 2ha.

I urge the Minister not to proceed with this application.

Regards

Gerry


Gerry says this is not about the applicant, that person has a right to use the planning processes available. This is about the Minister not understanding that he and the applicant are both members of the same political party and to avoid any perceived or potential conflict of interest or favouritism we have a Development Consent Authority whose role is to decide on these matters.

Gerry says a 1ha block of land in the Howard Springs area is worth between $450,000 to $500,000.

From the Stella Maris inquiry there was recommendation that an Integrity Commissioner be appointed. This was rejected by the Government. Is this why we didn’t get one?