



DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 170 – WEDNESDAY 7 NOVEMBER 2018

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

MEMBERS PRESENT Suzanne Philip (Chair) videoconference, Allan Domaschenz, Peter Gazey and Alan Sprigg

APOLOGIES: Fay Miller and John Zelle

OFFICERS PRESENT: Alana Mackay and Julie Bennett (Development Assessment Services)

COUNCIL REPRESENTATIVE: None

Meeting opened at 9.30 am and closed at 9.35 am

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 CLEARING OF NATIVE VEGETATION
PA2018/0376 NT PORTION 6263 (115) MCADAM ROAD, EMUNGALAN
APPLICANT HELEN GROVES

Ms Helen Groves attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
60/18 Authority consent to the application to develop NT Portion 6263 (115) McAdam
Road, Emungalan for the purpose of clearing of native vegetation, subject to the
following conditions:

1. The works carried out under this permit shall be in accordance with drawing numbered 2018/0376/01 endorsed as forming part of this permit.
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. The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.
4. Before the vegetation removal starts, the boundaries of all vegetation to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.
5. 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): retention of buffer zones where appropriate and measures to address seasonal timing of works; management of groundwater and minimisation of bare ground; crop layout and 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, fencelines and firebreaks where appropriate. Information regarding erosion and sediment control is available on the NTG website at: <https://nt.gov.au/environment/soil-land-vegetation>.

NOTE:

A permit to burn is required from the Regional Fire Control Officer, Department of Environment and Natural Resources, prior to the ignition of any felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Act*.

REASONS FOR THE DECISION

The primary purpose of the clearing of native vegetation is to use and develop part of the land for hay production, a use which is consistent with Zone R (Rural).

The property contains priority environmental management areas, streams and drainage depressions. The application ensures the land is suitable for the intended use and the proposal does not unreasonably contribute to environmental degradation of the locality due to the relatively small area of native vegetation

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2018/0027
APPLICANT

ADDITION OF FOUR LIGHT POLES TO EXISTING LEISURE AND RECREATION FACILITY (PONY CLUB) IN EXCESS OF 8.5M IN HEIGHT LOT 2226 (60) BICENTENNIAL ROAD, TOWN OF KATHERINE
JASON HILLIER

The applicant did not attend.

RESOLVED
61/18

That, the Development Consent Authority vary the requirement of Clause 6.1 (General Height Control) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 2226 (60) Bicentennial Road, Town of Katherine for the purpose of addition of four light poles to existing leisure and recreation facility (Katherine Horse and Pony Club) in excess of 8.5m in height, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2018/0027/01 to 2018/0027/04 (inclusive) endorsed as forming part of this permit.
2. 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 consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage and electricity facilities to the development shown on the endorsed plans in accordance with the authority's requirements and relevant legislation at the time.
4. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be suitably stabilised against erosion at completion of works, to the satisfaction of the Consent Authority.

NOTE:

Power and Water Corporation advise that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the

Power Network Engineering Section
(powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.

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.

Lot 2226 Town of Katherine is within Zone OR (Organised Recreation) of the Northern Territory Planning Scheme (the Scheme). The primary purpose of Zone OR is to provide areas for organised recreational activities. Development of the land is to be permitted to that which is consistent with the recreational opportunities of the land.

In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Scheme, the following design features and site conditions are considered to be sufficient special circumstances to justify the granting of a variation to Clause 6.1 (General Height Control) of the Scheme:

- The proposed development is well screened by existing established trees.
- The lighting would be directed towards the arena as the proposed lights are designed to reduce artificial sky glow, glare and intrusive light.
- The narrow profile of the poles would alleviate the interruption of the streetscape vista.
- The development would allow for the hours of operation of the existing use to be extended.
- The proposed would enable riders and attendees to enjoy the facilities of the site during cooler time periods and avoid the severe heat of the day.
- No issues were raised by submitters or service authorities.

The site is currently developed as an organised recreational facility and has operated in its current form for many years. The land falls within the 1% AEP flood affected area. However, there are no habitable building on the site and the land is not identified as habitable as per Clause 6.14 (Land Subject to Flooding and Storm Surge). The land is considered capable of supporting the use. Additionally, the Department of Environment and Natural Resources did not raise any concern in relation to the land capability.

2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The installation of four lighting poles is considered necessary to allow the ongoing use of the land for the Katherine Horse and Pony Club. It provides necessary upgrades to the lighting requirements to allow the club to safely operate competitions and extend its hours of operations

into the cooler parts of the day. The proposal is not expected to create any potential impacts on the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

08 November 2018