

DEVELOPMENT CONSENT AUTHORITY

KATHERINE DIVISION

MINUTES

MEETING No. 107 – WEDNESDAY 2 MAY 2012

MEMBERS PRESENT Peter McQueen (Chairman) – V/a phone, Barry Densley, Anne Shepherd (Council) and Jody Locke (Council)

APOLOGIES: Ian Palmer

OFFICERS PRESENT: Steven Kubasiewicz, Julie Bennett and Allison Hooper (Development Assessment Services)

COUNCIL REPRESENTATIVE: David Laughher

Meeting opened at 10.45 am and closed at 11.30am

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 **OUTDOOR AMPHITHEATRE TO COMMUNITY CENTRE**
PA2012/0199 **LOT 3287 (3) MALUKA ROAD, KATHERINE EAST**
APPLICANT **DEPARTMENT OF CONSTRUCTION & INFRASTRUCTURE**

DAS tabled correspondence from Department of Lands and Planning.

The Applicant Mr Gordon Atkinson (Department of Construction and Infrastructure) attended.

RESOLVED
19/12

That, pursuant to section 53(a) of the Planning Act, you consent to the application to develop Lot 3112 (3) Maluka Road, Town of Katherine for the purpose of placement of fill (grassed mound) to be used as part of the community centre, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with drawing numbered 2012/0199/1 and 2012/0199/2, 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. No works shall commence until authorisation received from Power Water Corporation to develop over an existing easement.
3. The permit holder should contact 'Dial before you Dig' on 1100 to obtain a location of the Telstra Network and arrange of any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
4. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
5. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the emission of noise, artificial light or dust.
6. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
7. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
8. The permit holder must ensure that a densely planted vegetation screen is completed and irrigated to provide a buffer between the residences within

Zone SD (Single Dwelling Residential) on Maluka Road and the development prior to the use commencing.

9. Before the use commences the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
10. 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. 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 consent authority may extend the periods referred to if a request is made in writing before the permit expires.

2. The permit holder should ensure that only uncontaminated fill is accepted and that the fill has been adequately assessed as being suitable for the intended use. Polluting a site with contaminated fill may constitute an offence under the Waste Management and Pollution Control Act.
3. The storage of fill has the potential to cause environmental nuisance, particularly dust and noise. Pursuant to Section 83(5) of the Waste Management and Pollution Control Act the permit holder must ensure that no environmental nuisance is caused.
4. The construction hours of operation should comply with the Department of Natural Resources, Environment, the Arts and Sports 'Noise Guidelines for Development Sites'.
5. The permit holder should note the Department of Natural Resources, Environment, the Arts and Sports Fact Sheet dealing with the prevention of neighbourhood noise problems.

REASONS FOR THE DECISION

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

The proposal is in accordance with the requirements of the NT Planning Scheme and it will not adversely impact on the existing or future amenity of the locality or adversely impact on adjacent land or waterways.

2. Pursuant to Section 51(h) of the Planning Act, the consent authority must take into account the merits of the proposal. The development will support the primary use of the land by contributing to the provision of landscaped outdoor area for activities for the community.

ACTION: Notice of Consent and Development Permit

ITEM 2 **50M TELECOMMUNICATION TOWER WITH ASSOCIATED ANTENNA AND**
PA2012/0192 **EQUIPMENT SHELTER**
APPLICANT **NT PORTION 3112 (41) IVANOFF ROAD, COSSACK**
TELSTRA CORPORATION LIMITED

DAS tabled correspondence from Katherine Council, Power and Water Corporation and a response from Aurecon to the submissions.

Mr Adam Pfitzner (Aurecon) attended on behalf of the applicant Telstra Corporation Limited.

RESOLVED
20/12

That, pursuant to section 53(a) of the Planning Act, you consent to the application to develop NT Portion 3112 (41) Ivanoff Road, Cossack for the purpose of a 50 metre telecommunications tower, associated antennas and an equipment shelter, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2012/0192/1 to 2012/0192/2 inclusive, endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authority for the provision of electricity services to the facility shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

NOTE

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding 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.

The purpose of Clause 13.5 (Mobile Telephone Communications Towers etc) of the Northern Territory Planning Scheme is to ensure that the erection of mobile telecommunications towers and infrastructure does not unreasonably detract from the amenity of the locality.

The location of the existing facility is within a rural area with lots having a minimum lot size of 8 ha. The site is on a local road that services 16 lots only and it set back from the collector road. These factors limit the visual impact of the upgrade such that there is minimal impact on the amenity of the locality.

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

The proposed development will have minimal potential impact on the existing and future amenity of the area as it is an upgrade of the existing facility and is consistent with the community's expectation, providing effective network coverage in the Cossack area.

The application indicates that minimal noise will be generated through the air – conditioning which will be similar to that associated with a domestic building.

ACTION: Notice of Consent and Development Permit.

ITEM 3
PA2012/0106
APPLICANT

CLEARING OF NATIVE VEGETATION
NT PORTION 2703 (925) FLORINA ROAD, COSSACK
MR DOUG MCBEAN

DAS tabled correspondence received from the Department of Natural Resources Environment, the Arts and Sports.

The Applicant Mr Doug McBean and Mr Kit Jolley attended.

RESOLVED
21/12

That, pursuant to section 53(a) of the Planning Act, you consent to the application to develop NT Portion 2703 (3) Maluka Road, Cossack for the purpose of clearing native vegetation, subject to the receipt of advice from the Department of Natural Resources, Environment the Arts and Sport and subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment and the Arts (Natural Resources Management Division); and an endorsed copy of the Plan will form part of this permit.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawing numbered 2012_0106_01 endorsed as forming part of this permit.
3. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.
4. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as 'Proposed Clearing'. All remaining native vegetation is to be maintained to the satisfaction of the consent authority.
5. 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.
6. Before the vegetation removal starts, the boundaries of all vegetation stands 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.
7. Before the use commences fire access trails along boundaries shall be provided to the satisfaction of the consent authority on advice from the Bushfires Council NT.
8. No additional clearing is to occur on this property except for the purpose of fire break maintenance.
9. The condition of vegetation buffers is to be maintained, weeds managed and erosion and sediment controls in place to the satisfaction of the consent authority.
10. The establishment of irrigated agriculture or irrigated horticulture is not permitted by this permit.

NOTES

1. All clearing operations should be done in accordance with the NT Land Clearing Guidelines (2010).
2. In accordance with the Weeds Management Act 2001, the owner and occupier of land must (a) take all reasonable measures to prevent the land being infested with a declared weed; (b) take all reasonable measures to prevent a declared weed or potential weed on the land spreading to other land.

3. It is an offence to disturb or destroy prescribed archaeological places without consent under the Heritage Conservation Act. Should any heritage or archaeological material be discovered during the clearing operation, you should cease operation immediately and phone the Department of Natural Resources, Environment, the Arts and Sports on (08) 8924 4142.
4. It is an offence to interfere with or cause damage to sacred sites identified in accordance with the Aboriginal Sacred Sites (NT) Act and as such the developer should obtain an 'Authority Certificate' from the Aboriginal Areas Protection Authority prior to the commencement of any works. All works should be in accordance with an Authority Certificate issued by the Aboriginal Areas Protection Authority.

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 land is within Zone A (Agriculture) and the primary purpose of this zone is to provide suitable land for agriculture. The parcel has an area of 78.15 ha however only a portion of this is capable of supporting agriculture. The application was found to be generally consistent with Clause 10.2 (Clearing of Native Vegetation in Zones...R... and Unzoned Land) and Clause 10.3 (Clearing of Native Vegetation – Performance Criteria) of the NT Planning Scheme in relation to land capability and suitability for the intended use. The provision of wildlife corridors consisting of 42% of the property and the implementation of erosion and sediment controls, reduces the impact of the development on significant vegetation and wetlands.

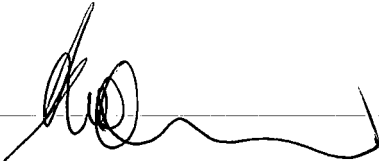
The minimum buffer of 250 metres to the riparian vegetation along the Long John Creek as recommended by the Department of Natural Resources, Environment the Arts and Sport, has not been met with a varied setback of between 35 metres and approximately 150 metres. Consideration was given to the proponent's dedication of land towards a wildlife corridor to link the minor wetland at the north of the property to the creek and the river to the south, through land that would otherwise be capable of supporting agriculture.

2. Pursuant to section 51(j) of the Planning Act, the consent authority must take into account 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 removal of native vegetation over soils that are highly erodible has the potential to impact on wetlands through erosion, however the production of hay will ensure that ground cover will be in place to protect the exposure of soils, and the selection of grasses are suitable for the soil types. The technique proposed to be undertaking to develop the land (staged ploughing and planting) will reduce the exposure of large areas of cleared land to erosion.

ACTION: Notice of Consent and Development Permit.

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



PETER MCQUEEN
Chairman

8 /5/12