



**DEVELOPMENT CONSENT AUTHORITY**

**KATHERINE DIVISION**

**MINUTES**

**MEETING No. 190 – WEDNESDAY 4 NOVEMBER 2020**

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

**MEMBERS PRESENT** Suzanne Philip (Chair), John King and John Zellej

**APOLOGIES:** Marg Chamberlain, Fay Miller and Peter Gazey

**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Alana Mackay (via videoconference) and Cameron Judson  
(Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 11.30 am and closed at 12:30 pm**

**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**

**PA2019/0286**

**EXCAVATION AND FILL**

**LOT 1867 (162) VICTORIA HIGHWAY, KATHERINE SOUTH, TOWN OF KATHERINE**

**APPLICANT**

Earl James and Associates

Kevin Dodd (Earl James and Associates) and Ian Lancaster (KSI Land and Water Planning) attended via videoconference.

Business owners of T.Downes Nominees Pty Ltd (Landowners) Terry Downes Danny Downes and Christina Downes where present.

**RESOLVED  
96/20**

That, pursuant to section 46(4) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 1867 (162) Victoria Highway, Katherine South, Town of Katherine for the purpose of excavation and fill, to allow the provision of additional information that the authority considers necessary in order to enable the proper consideration of the application.

The additional information required is:

- a) A plan which sets out the finished form of the proposed development, including landscaping and stabilisation measures.
- b) A preliminary site investigation prepared by a suitably qualified person, as described in the *Northern Territory Environment Protection Authority Northern Territory Contaminated Site Guidelines*.

On completion of the preliminary site investigation, certification from a suitably qualified person that the site is suitable for its current and future intended uses is required.

Guidance document can be found at:

[https://ntepa.nt.gov.au/\\_data/assets/pdf\\_file/0020/434540/guideline\\_contaminated\\_land.pdf](https://ntepa.nt.gov.au/_data/assets/pdf_file/0020/434540/guideline_contaminated_land.pdf)

**REASONS FOR THE DECISION**

The Authority visited the land subject to the application between 10.15 and 10.45 on the day of the Authority meeting. At the visit, the Authority observed the fill location and some of the fill area stabilised by grasses.

The Authority considered after visiting the land and the evidence presented at the meeting that additional time to allow the applicant to undertake appropriate testing of the fill material is required. The testing should be at an intensity and scale to appropriately characterise the fill material and may require core samples to be collected and analysed. However, the Authority acknowledged that it did not hold the expertise in this field and recognised the need for the testing is to be undertaken in accordance with the standards and requirements as recommended by the Northern Territory

Environment Protection Authority for site characterisation. The Authority expects that the methodology for testing would be appropriate to characterise materials placed overtime (i.e. fill that pre-dates planning controls is not subject to this application) and can identify the volume of material subject to this application and its characteristics.

The Authority understood that additional fill is proposed to be placed on the land as part of the proposal. A plan which sets out the finished form of the proposed development, including landscaping and stabilisation measures, is important to understand the long term stability of the fill area, given its proximity to the Katherine River.

Following the provision of the above-mentioned information the Authority considers it will be in a better position to understand whether the fill material and stabilisation measures are suitable for the filling of the land.

**FOR: 3**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:**

Notice of Deferral

**RESOLVED  
97/20**

That pursuant to section 86 of the *Planning Act 1999*, the Authority delegates to the Chair, the power under section 53 of the Act, to determine the application to develop Lot 1867 (162) Victoria Highway, Katherine South, Town of Katherine for the purpose of excavation and fill in a defined flood area subject to the provision of:

- a) A plan which sets out the finish form of the proposed development, including landscaping and stabilisation measures.
- b) A preliminary site investigation prepared by a suitably qualified person, as described in the *Northern Territory Environment Protection Authority Northern Territory Contaminated Site Guidelines*.

On completion of the preliminary site investigation, certification from a suitably qualified person that the site is suitable for its current and future intended uses is required.

- c) Comments from the Department of Environment, Parks and Water Security on the adequacy of information provided under a) and b).

And further subject to conditions as determined by the delegate.

**FOR: 3**

**AGAINST: 0**

**ABSTAIN: 0**

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

**SUZANNE PHILIP**  
**Chair**  
09 November 2020