



## **DEVELOPMENT CONSENT AUTHORITY**

### **KATHERINE DIVISION**

### **MINUTES**

**MEETING No. 192 – FRIDAY 29 JANUARY 2021**

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

**MEMBERS PRESENT** Suzanne Philip (Chair) and Peter Gazey via videoconference,  
Marg Chamberlain and John King

**APOLOGIES:** Fay Miller and John Zellely

**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary) and Wendy Smith (via  
videoconference)  
Cameron Judson (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** None

**Meeting opened at 10.00 am and closed at 10.30 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**

**PA2020/0296**

**ADDITION OF 13 CABINS TO AN EXISTING CARAVAN PARK AND FILLING OF LAND NOT ASSOCIATED WITH THE CONSTRUCTION OF A BUILDING ON LAND SUBJECT TO FLOODING**

**NT PORTION 1828 (257) GORGE ROAD, LANSDOWNE**

**APPLICANT**

Phillip and Marianne Bates

Mr Philip Bates (landowner) and Mr Jarrod Bates attended.

**RESOLVED  
08/21**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop NT Portion 1828 (257) Gorge Road, Lansdowne for the addition of 13 cabins to an existing caravan park and filling of land not associated with the construction of a building on land subject to flooding.

**CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) a site plan that is legible for the entirety of the site.
  - (b) the width and type of material used for the internal access drive through the site.
  - (c) surface treatments across the area of development area.

**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. 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.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage and electricity facilities, and telecommunication networks to the each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Katherine Town Council to the satisfaction of the consent authority.

6. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website [www.austieca.com.au](http://www.austieca.com.au), and the Department of Environment, Parks and Water Security Erosion and Sediment Control Plan Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-landvegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
7. The finished floor levels of the cabins must be minimum of 300mm above the applicable flood level for the site.
8. Before the use or occupation of the development certification is to be provided that any new on-site wastewater system has been installed by a qualified licensed Self-Certifying Plumber and complies with the NT Code of Practice for Small On-site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent (The Code).
9. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on amenity and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

#### NOTES:

1. This permit will expire if one of the following circumstances applies:
  - a) the development and use is/are 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. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
3. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under section 12 of the Act.

To satisfy the General Environmental Duty, the proponent is advised to take notice of the attached Schedule of Environmental Considerations. This Schedule is not exhaustive and the proponent is responsible for ensuring their activities do not result in non-compliance with the Act.

The Act, administered by the Northern Territory Environmental Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other departments or authorities. The Environmental Operations Branch may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

## REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The Northern Territory Planning Scheme 2020 (NTPS2020) applies to the land to which the application relates. Development of land requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clause 1.8(1)(c)(ii), and therefore the strategic framework (Part 2 of the NTPS2020, including the Katherine Land Use Plan, which is relevant to this application), zone purpose and outcomes of Clause 4.8 – Zone CV (Caravan Park), together with Clause 5.5.13 ‘Caravan Park’ and Clause 5.8.9 ‘Excavation and Fill’, need to be considered. These clauses have been considered, and it is found that the proposal complies with the relevant requirements of the NTPS2020.

2. Pursuant to section 51(j) of the *Planning Act 1999*, 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 site contains an established caravan park which has the available land capable of accommodating the proposed development. In this instance, the use of fill on the site would not have a negative impact on the site’s suitability to accommodate a caravan park; however, the use of fill is not the preferred solution. The introduction of fill is not a preferred solution and planning approval is required prior to any further introduction of fill in an identified flood affected area.

3. Pursuant to section 51(m) of the *Planning Act 1999*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The request for amended plans addresses the concerns of Katherine Town Council and the consent authority in relation to access to suit the proposed use.

Concerns from the Department of Environment, Parks and Water Security are addressed through notes on included on the Development Permit and the Schedule of Environmental Considerations attached to the Development Permit. These notes address erosion and sediment control and the suitability of the fill utilised for the embankment.

4. Pursuant to section 51(n) of the *Planning Act 1999*, 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 proposal is set within an existing caravan park. Its scale and distribution of development, together with its landscaped setting, mean that it is unlikely to impact on existing or future amenity.

5. Pursuant to section 51(t) of the *Planning Act 1999*, the consent authority must take into consideration other matters it thinks fit.

The plans submitted with the application were suitable for assessment of the new development on the subject site; however, some information that crosses the pages of the plans was illegible. The condition for amended, legible plans, will satisfy this matter. Additionally, plans need to detail surface treatments of the development area to fully document the new development on the site.

**FOR: 3**

**AGAINST: 1**

**ABSTAIN: 0**

**ACTION:**

Notice of Consent and Development Permit

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



**SUZANNE PHILIP**  
Chair

9/02/2021.