

# NORTHERN TERRITORY OF AUSTRALIA

## *Planning Act 1999*

### NOTICE OF DECISION EXCEPTIONAL DEVELOPMENT PERMIT EDP24/0005

I, JOEL FRANCIS BOWDEN, the Minister for Infrastructure, Planning and Logistics, in pursuance of section 40(6) of the *Planning Act 1999*, give notice that –

- (a) I have, in pursuance of section 40(2)(a), granted an Exceptional Development Permit for NT Portion 03164 (50) Lansdowne Road, Lansdowne;
- (b) The Exceptional Development Permit has been granted for a temporary period of seven years, for the purpose of Rooming Accommodation (Workers Village) and ancillary amenities including kitchen/dining and indoor/outdoor recreational areas for up to 256 people, primarily to facilitate ongoing construction activities at RAAF base Tindal;
- (c) The land is within Zone A (Agriculture) of the NT Planning Scheme 2020, and the development proposes Rooming Accommodation for workers other than agricultural workers, which would otherwise not be lawful under the NT Planning Scheme 2020;
- (d) Copies of the Exceptional Development Permit and the Reasons for the Decision are available online at <https://nt.gov.au/property/land-planning-and-development/our-planning-system/exceptional-development-permit-decisions>.



Minister for Infrastructure, Planning and Logistics

26 / 3 / 2024

# NORTHERN TERRITORY OF AUSTRALIA

*Planning Act 1999 - section 41*

## EXCEPTIONAL DEVELOPMENT PERMIT

EDP24/0005

### REASONS FOR THE DECISION

1. Pursuant to section 40(1) of the Act, I have concluded that it is preferable to issue an Exceptional Development Permit (EDP) than to amend the Northern Territory Planning Scheme 2020 in this instance, as rezoning of the land to accommodate the proposal as presented, would be inconsistent with the Katherine Land Use Plan (KLUP). The KLUP identifies the site as being set aside for the development of agriculture, with a key objective for agricultural land being the protection of land with high capability for agriculture and horticulture within Zone A (Agriculture) and Zone H (Horticulture), and protecting agricultural and horticultural activities from encroachment by sensitive land uses.

Further to the above, an amendment to the relevant zone outcome to allow Rooming Accommodation in Zone A (Agriculture) for workers other than those participating in agriculture, would be inconsistent with the purpose of Zone A, which is to 'provide and protect land with productive capability for a diverse range of agriculture'. By considering an application for an EDP, relevant development-specific conditions of consent can be applied to the development.

2. The decision to grant an Exceptional Development Permit was based on consideration of the reports prepared in accordance with section 24 of the *Planning Act 1999*, as well as matters to be taken into account when making a decision whether to grant an exceptional development permit listed in section 42 of the *Planning Act 1999*. The relevant matters were considered and approval was granted for the following reasons:
  - The proposed development is primarily to (but not exclusively), provide accommodation for workers involved with works occurring at or relating to the RAAF Base Tindal. A substantial workforce is required for the ongoing construction activities at RAAF Base Tindal and I have decided to approve this application as the workforce needs to be accommodated in close proximity to the Base so as to co-ordinate workers' arrival and departure to restricted areas of the Base and to address and minimise a significant pressure on the greater Katherine housing and tourist accommodation market during the 7 year construction period at RAAF Base Tindal.
  - I have decided to approve the application for only a temporary period, as I have determined following hearing the concerns of surrounding residents, that permanent use of the site for workers' accommodation to support non-agricultural activities is not appropriate considering the established character and level of amenity of the immediate area. In order to limit any long term impacts on surrounding residents (and to ensure the long term use of the land remains consistent with the outcomes of Zone A (Agriculture), I have decided to alter the



permit to limit the approval of the application to only a maximum period of seven (7) years, reflecting the construction period of the proposed works at the RAAF Base Tindal, as indicated in the application.

- In order to maintain the long term amenity of the surrounding area, I have included conditions on the permit that require rectification and remediation of the site following the 7 year construction period concluding, including that the development and all structures and access to the Stuart Highway (excluding the existing dwelling and its ancillary structures) are to be removed from the land and replaced with native vegetation, within 12 months of the date that the use ceases.
- Having heard the concerns of surrounding residents, in order to minimise impacts on the amenity of nearby properties, I have decided to alter the application to require the development to provide all access to/from the site to be via the Stuart Highway only (and for vehicle trips for workers travelling to/from RAAF Base Tindal to be in buses as far as practicable), as determined appropriate via Condition 2 of this permit. Condition 2 requires a Traffic Impact Assessment (TIA) to be prepared to the satisfaction of DIPL in order to confirm that access to/from the Stuart Highway is acceptable from a traffic safety and management perspective. Subject to confirmation being received from DIPL in this regard, the new access to/from the Stuart Highway will need to be constructed within a maximum of 12 months, at which time no further vehicular access to or from the site will be allowed via Lansdowne Road. This is being required to minimise the potential for the development to result in any adverse amenity impacts due to additional vehicle trips on Lansdowne Road.
- I have altered the development as required via Condition 1, 2, 3, 4 in order to address the concerns made in public submissions and by the Katherine Town Council regarding the permanent nature of the proposal and the impacts on the local road network and levels of amenity of the Lansdowne locality.
- Conditions 16, 21, 22, 23, 24 and 30, have also been included on this permit in order to minimise any potential amenity impacts.
- The siting of the development in the middle of the northern portion of the subject parcel provides for a significant buffer area containing existing vegetation between the development and the adjoining property boundaries, serving to assist with maintaining the current visual amenity of the adjoining residents.
- The land is capable of supporting the development.
- In relation to any potential for PFAS contamination as the result of the proposed development, the Department of Environment, Parks, and Water Security recommended that advice should be sought by a suitably qualified person to ensure this risk is able to be mitigated. In this regard, it has been confirmed in the report prepared by Australian Groundwater Consult that the potential for pumping ground water on the land is very unlikely to adversely impact on the area due to any draw on PFAS contamination from elsewhere. Confirmation of Australian Groundwater Consult's qualifications to undertake this assessment have been required via Condition 5 on this permit in order to ensure the scientific rigor of this advice.
- The Department of Environment, Parks and Water Security has advised that the development will have access to 5ML/year of water from the aquifer and that the extraction is compliant with the *Water Act 1992*.
- I have required additional car parking spaces to be provided on site, to ensure there is no adverse off-site impact due to parking overflow on the subject site.

- Conditions placed on the permit provide a framework for the management of the site in a manner that will serve to effectively minimise any potential impacts from the development on the owners/occupiers of adjoining land.



**JOEL FRANCIS BOWDEN**  
Minister for Infrastructure, Planning and Logistics

*26 / 3* / 2024