

# NORTHERN TERRITORY OF AUSTRALIA

## *Planning Act 1999* – section 41

### REASONS FOR DECISION EXCEPTIONAL DEVELOPMENT PERMIT EDP2023/0379

The decision to grant an Exceptional Development Permit for Lot 790, Town of Borroloola, Borroloola for the purpose of a dwelling addition (1 x 4 bedroom) to existing dwellings-group within a defined flood area was made pursuant to section 40(2)(a) of the *Planning Act 1999* for the following reasons:

1. Pursuant to section 40(1) of the *Planning Act 1999*, it is considered preferable to grant consent to an Exceptional Development Permit than to amend the NT Planning Scheme 2020. The subject land and the location of the dwelling is zoned both LMR (Low medium density residential) and WM (Water management). The purpose of zone WM (Water management) is to restrict development within a water catchment area or any other area providing surface or ground water for the protection of public water supplies. The zone protects the function and integrity of adjoining Power Water assets. In the context of the locality the land should not be rezoned. Furthermore, rezoning the land to LMR (Low medium density residential) would significantly increase the development potential of the land. The issue of an Exceptional Development Permit provides assurance with regard to the extent and intensity of development on the land and the potential to impact on the adjoining Power and Water infrastructure. The Exceptional Development Permit relates to a specific set of circumstances for a specific site in a remote location (Garawa 2) Borroloola.
2. The decision to grant an Exceptional Development Permit was based on cumulative consideration of the reports referred to in section 24 of the *Planning Act 1999* as well as the matters listed in section 42 of the *Planning Act 1999*, including the following pertinent factors:
  - The proposed dwelling is currently on the land;
  - The EDP grants approval to retain an existing dwelling on the land that would otherwise be removed;
  - The support of the community and the landowners for the dwelling to be retained;
  - No public submissions were received during the exhibition period;
  - The dwelling is connected to reticulated power, water and sewer;
  - The dwelling is consistent with the existing character and amenity of the locality; and

- The subject land is located within a defined flood plain. It is understood that in the event of a flood threat, the Borroloola Local Emergency Plan will be activated, which includes evacuation when required. An emergency evacuation applies to the whole town camp and all community members are required to comply with the emergency plan.



JOANNE TOWNSEND  
Delegate of the Minister  
for Lands, Planning and Environment

10/4/2025