

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999 – section 41

REASONS FOR DECISION EXCEPTIONAL DEVELOPMENT PERMIT EDP2026/0024

The decision to grant an Exceptional Development Permit for Section 3942 (430) Stuart Highway, Winnellie, Hundred of Bagot, for the purpose of dwelling-multiple (72 x 1 bedroom and 8 x 2 bedroom serviced apartments) in 1 x 5 storey building with 1 level of basement car parking, 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* (the Act), the Minister must not grant an exceptional development permit, unless satisfied it is preferable to issue the permit than to amend the relevant planning scheme. The site is included in Zone SC (Service Commercial), wherein dwelling-multiple (serviced apartments) are prohibited under the NT Planning Scheme 2020 (NTPS 2020). An amendment to the NTPS 2020 to rezone the site to other potential zones to facilitate the proposed development, is not preferable given the nature of uses that become merit assessable, or encouraged, and incompatible with surrounding service commercial and industrial uses. An Exceptional Development Permit is preferable as it provides ability to provide relevant conditions of approval, specific to the proposed land use, without changing the underlying zoning of the site.
2. The decision to grant an Exceptional Development Permit was based on cumulative consideration of reports referred to in section 24 of the Act, as well as matters listed in section 42 of the Act, including the following pertinent sections.
3. By virtue of sections 42(1), 51(1)(j) and (p) of the Act, the Minister must take into account, the capability of the land to which the proposed development relates to support the proposed development, and public interest.

The site is not located within an area identified as subject to flooding or storm surge and is connected to power, water and sewage.

The site's capability to support the proposed development is however, affected by site constraints including, its proximity to RAAF Base Darwin co-located with Darwin International Airport and location within an area strategically identified as being suitable for industrial development under the NTPS 2020.

The Department of Defence confirms it has no safety related design requirements for the proposed development and has no concerns with overlooking opportunities, confirming security risk from overlooking of RAAF Base Darwin can be managed through operational security measures.

Further, reasonable conditions of approval are able to mitigate site constraints, specifically:

- a) Operational viability of RAAF Base Darwin and Darwin International Airport (having regard to building generated windshear and turbulence), is protected via a condition precedent, requiring the applicant to provide advice from the Department of Defence and Airport Development Group, confirming approval is granted for the height of all buildings and structures associated with the development (including cranes and other structures used during construction).
- b) Operational viability of RAAF Base Darwin and Darwin International Airport, (having regard to the site's location within Bird Strike Group A and Light Control Zone D under the National Airports Safeguarding Framework (NASF)), is protected via standard conditions and notes applied to the permit, with additional conditions requiring the provision of vermin proof waste bins in proximity to the outdoor BBQ recreation area.
- c) Reverse impact of the dwelling-multiple (serviced apartments) on Airport operations and surrounding Industry designated land under the NTPS 2020, is collectively mitigated via conditions that require the building's design and construction to comply with AS/NZ2107:2000 Acoustics - Recommended Design Sound Levels for Building Interiors, having regard to:
 - I. existing and predicted road traffic noise on the Stuart Highway;
 - II. aircraft Noise Intrusion, noting under the NASF, the site lies within the 10-20 events contour of the 2043 civil night N60chart, indicating the site will be subject to between 10 and 20 events above 60dB(A) on an average night, between 11pm and 6am in 2043; and
 - III. intrusive noise sources from adjoining and nearby industrial land uses.
4. Pursuant to sections 42(1) and 51(1)(n) of the Act, the Minister must take into account the potential impact on the existing and future amenity of the area in which the land is situated. Amenity is defined under the Act as *"in relation to a locality or building, any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable"*.

Given acoustics generated by service commercial and industrial uses in the area are likely to be the contributing factor of potential land use conflict, conditions of approval ensure the building is designed and constructed in a manner that protects the internal acoustic amenity of future occupants within the building.

The internal configuration of units and design of balconies are appropriate in the context of the development being serviced apartments. The temporary accommodation nature of serviced apartments is likely to be of a lesser sensitivity, than if the dwelling-multiple were for permanent residential occupation. Further, land uses akin to the proposed development (hotel/motel), are not required to provide private open space under the NTPS 2020.

The building's height variations, colour scheme and artistic treatments present attractively to the site's Stuart Highway frontage, with landscaping softening the appearance of the development.

5. Pursuant to sections 42(1) and 51(1)(m) of the Act, the Minister must take into account 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.
6. Standard conditions and notations on the permit require the applicant to enter into agreements with relevant authorities for the provision of necessary services and infrastructure in accordance with their requirements and relevant legislation.



JOSHUA ROLAND BURGOYNE
Minister for Lands, Planning and Environment

19 / 10 / 2026

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999

NOTICE OF DECISION EXCEPTIONAL DEVELOPMENT PERMIT EDP2026/0024

I, JOSHUA ROLAND BURGOYNE, the Minister for Lands, Planning and Environment, 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 Section 3942 (430) Stuart Highway, Winnellie, Hundred of Bagot;
- (b) the Exceptional Development Permit has been granted for the purpose of dwelling-multiple (72 x 1 bedroom and 8 x 2 bedroom serviced apartments) in 1 x 5 storey building with 1 level of basement car parking;
- (c) the land is within Zone SC (Service Commercial) of the NT Planning Scheme 2020, and the development proposes dwelling-multiple (serviced apartments), which would otherwise be prohibited; and
- (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>.



JOSHUA ROLAND BURGOYNE
Minister for Lands, Planning and Environment

PA / 10/2026