

Report to the Planning Commission

This report is prepared under section 22 of the *Planning Act 1999*, and considers the submissions made in relation to the proposal.

NT PLANNING COMMISSION HEARING

EXCEPTIONAL DEVELOPMENT PERMIT APPLICATION

PA2023/0345

NT Portion 3164 (50) Lansdowne Road Lansdowne
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

Agenda Item Number: 1

Meeting Date: 11 December 2023

Attachment A – Exhibition Material

Attachment B – Submissions Received



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1. GENERAL INFORMATION

ADDRESS:	NT Portion 3164 (50) Lansdowne Road, Lansdowne.
AREA:	17.72 hectares
CURRENT ZONE:	Zone A (Agriculture)
PROPOSED LAND USE:	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
APPLICANT:	Gerard Rosse - Cunningham Rosse Town Planning and Consulting
LAND OWNER:	Margetic & Sitzler Consolidated Holdings Pty Ltd.

2. LEGISLATIVE REQUIREMENTS

The Minister for Infrastructure, Planning and Logistics is responsible for determining proposals to grant or vary an Exceptional Development Permit (EDP). The *Planning Act 1999* establishes requirements relating to the exhibition, consultation and reporting on proposed Exceptional Development Permits.

Rooming Accommodation is merit assessable in Zone A (Agriculture). The use is defined in the Northern Territory Planning Scheme (NTPS) as:

“rooming accommodation means premises such as hostels, guest houses, student and worker accommodation used for the accommodation of unrelated persons which may include:

(a) the provision of food or other services and facilities, and/or

(b) on-site management or staff and associated accommodation, and where each guest/resident:

(c) has a right to occupy one or more rooms; and

(d) does not have a right to occupy the whole of the premises in which the rooms are situated; and

(e) may have separate facilities for private use or share communal facilities or communal space with other residents

The use can include where ancillary, bar-small, food premises-café/take away, office, and shop;”

The zone purpose is to:

“Provide and protect land with productive capability for a diverse range of agriculture”.

Clause 1.8.1 (b) of the NTPS requires that the use and development of land that is Merit Assessable is required to:

“...be established and operated in a way that does not impact on the amenity of the area and accords with the relevant zone purposes and outcomes”.

The zone outcomes (subclause 4) in Zone A clarify that rooming accommodation is only allowed in the zone where necessary to support agriculture activities. The subject proposal seeks to primarily provide accommodation for construction workers rather than agricultural workers. As the proposed use is not intended for agricultural workers, it is not in accordance with the anticipated zone outcomes and is therefore not allowed and can only be considered through the Exceptional Development Permit process.

The proposed development is to primarily provide accommodation to support construction workers at the nearby RAAF Base rather than to support agriculture activities in the locality. Pursuant to Sections 38 (1) and (2) (a) of the *Planning Act 1999* (the Act):

*“(1) A person may apply to the Minister for the grant of an exceptional development permit.
(2) An exceptional development permit may permit any of the following in relation to land:
(a) a development or use of the land, although the development or use would otherwise not be lawful under the relevant planning scheme.*

After the exhibition of the proposal, the Planning Commission, under Section 22 (6) of the Act, must hold a hearing if submissions are received during the exhibition period, and the Chairperson is satisfied that a hearing would provide further useful information.

After the hearing, under section 24 of the Act, the Planning Commission must provide to the Minister for Infrastructure, Planning and Logistics, a written report that outlines the issues raised in the submissions and at the hearing and any other matters the Commission considers the Minister should take into account when considering the proposal.

3. PROPOSAL

The application describes the proposed development and use of the land as being for workers accommodation to support construction at the nearby RAAF base Tindal. The development includes:

- 50 x four room single person ensuite quarters -14.4m x 3.3m
- Interconnecting breezeway verandas
- Kitchen & dining hall
- 2 x male and female ablution blocks
- 3 x laundry blocks
- Recreation room
- Gymnasium
- Outdoor recreation areas
- 3 x chiller containers
- Reception centre
- Fire breaks
- Gated security fenced facility
- Hardstand carparking
- 10 staff on site when in operation.
- Future access to/from the Stuart Highway.

The plans in support of the application indicate that the primary means of vehicular access to the land will initially be from Lansdowne Road. Carparking spaces for 51 vehicles are provided on site along with an internal road network. A future access is proposed to the Stuart Highway.

The development is to be connected to the reticulated power supply. Water is to be supplied by both accessing available groundwater as well as from a “trucked” in source. Waste water disposal is to be managed on site.

Approximately 3.3 ha of native vegetation is to be cleared from the site to accommodate the development.

A copy of the exhibition material, including the application is at **Attachment A**.

4. SITE AND LOCALITY CONTEXT

The site is located approximately 12km from the centre of Katherine and approximately 10km to the domestic terminal at Katherine airport utilising the Stuart Highway and Tindal airport road. The closest source of community, commercial and industrial facilities are in Katherine.

In broad terms the land use in the locality is characterised by rural living and agricultural uses and areas of native vegetation. Lansdowne and Quarry Road are the only means of access to the Stuart Highway for all vehicles servicing the rural living and agricultural uses in the locality.

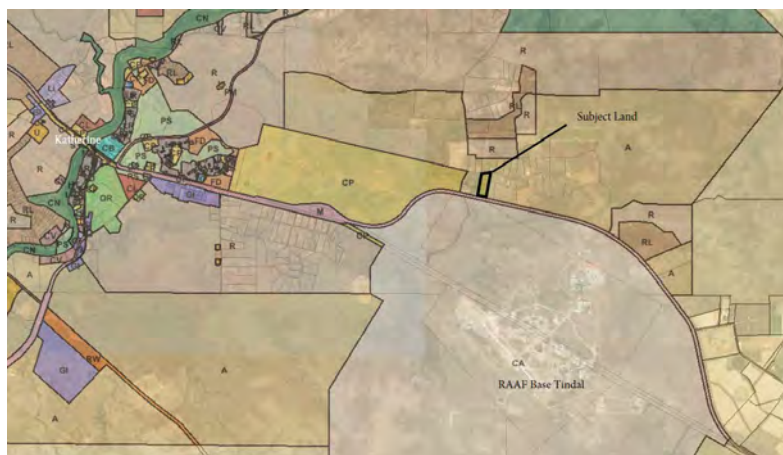
The subject land is currently developed with a single dwelling and outbuildings with access to Lansdowne Road. The dwelling is adjacent to the eastern boundary of the site. This is to be retained.

The land generally slopes from the Lansdowne Road end to the Stuart Highway with slopes not exceeding 2%. Other than the existing development the land is characterised by its areas of native vegetation.

The site of the proposed development is to the Lansdowne Road end of the land being setback approximately 35m from Lansdowne Road, 30m from the western boundary, 50m from the eastern boundary and 450m from the Stuart Highway.

In August 2023 an application (PA2023/0237) to amend Schedule 3 (Exceptions) of the Northern Territory Planning Scheme 2020 to allow for a 200 bed workers accommodation facility at NTP 3164 (50) Lansdowne Road, Lansdowne, was refused by the former Minister for Infrastructure, Planning and Logistics. There is no other planning history associated with the land.

Map 1: Showing Site, Surrounds and Zoning



5. EXHIBITION OF PROPOSAL

On 17 October 2023, the former Minister for Infrastructure, Planning and Logistics determined under section 39 of the *Planning Act 1999* to continue consideration of the proposed amendment by placing it on exhibition.

The proposal was on public exhibition for a period of 28 days and was exhibited in accordance with the requirements of the *Planning Act 1999*. The exhibition closing date was 17 November 2023.

6. SUBMISSIONS

Below is a summary of the matters raised in the submissions, refer Attachments **B1 – B22**.

Public Submissions

22 submissions were received from the public regarding this proposal. A summary of the submissions is below.

Submitter	Discussion Points
Donna Schubert Attachment B1	<ul style="list-style-type: none">• Objects to the proposal.• Resident Lansdowne Road.• Conflicts with the zoning requirements. Has no planning merit.• Impact on the Tindal Aquifer from additional water demand.• Safety concerns about an additional 200 strangers living in the locality.• Affect internet connectivity.• Concern about what happens once the use ceases.

<p>Arminio Niceforo</p> <p>Attachment B2</p>	<ul style="list-style-type: none"> • Objects to the proposed development. • Land owner along Lansdowne Road. • The land should be rezoned rather than go through the EDP process. • Personal circumstances re a similar development in the locality • Makes reference to the traffic impact assessment and the impact of the traffic movements. Notes that approx. 20 triple road trains are daily utilising Lansdowne Road. • Notes that agricultural workers are generally accommodated on the work site and are not likely to use the facility. • He is pro development and sees the need for the proposal however Lansdowne Road is not the right site. • Other sites are available including unzoned land.
<p>Lex Ford</p> <p>Attachment B3</p>	<ul style="list-style-type: none"> • Objects to the development as it will back onto their property affecting their quiet enjoyment. • Concerned about the impact of the development on water flow across the proposed site and its impact on his land. • Impact of the proposed water treatment plant irrigation area and it potential to impact on their bores. • The impact of drawing water from the aquifer to service the development.
<p>David and Eufrocina Connop</p> <p>Attachment B4</p>	<ul style="list-style-type: none"> • Resident on Lansdowne Road. • Objects to the proposal. • Stress on the water table and access to water for existing users. • Extra cars, people and noise. • Anti-social behaviour, consumption of alcohol on site. • Devalue their land. • What will happen once the current use ceases. • How will the number of occupants and access to water be managed. • Camp will ruin their lifestyle and impact their health. • Lack of consultation.

Theresa McKinnon Attachment B5	<ul style="list-style-type: none"> • Objects to the proposed development. • Proposed access road will need to be raised to provide wet weather access and will impact water flow across her block. • The use is commercial and should be more appropriately located. • Noise impact from increased traffic.
Luke Ford Attachment B6	<ul style="list-style-type: none"> • Objects to the proposed development. • Work has already commenced on site. • No exceptional circumstances and not consistent with the zoning. • Will result in greater traffic, noise pollution and environmental pollution. • Higher risk of road accidents. • Unnecessary clearing of native vegetation. • Increased stress on water resources. • Risk of pollution from fuels, refined oils and human waste. • No benefit to the community of Katherine.
Phillip Farley Attachment B7	<ul style="list-style-type: none"> • Objects to the proposed development. • Concern regain water usage on the site and the potential for PFAS affected water leaching from the RAAF base Tindal. • Existing household bore removed from site and replaced with industrial sized bore. • Light pollution and associated noise will detract from the peaceful rural setting. • Costs to rate payers in up keep of roads.
John Forrest and Deborah Lambert Attachment B8	<ul style="list-style-type: none"> • Object to the proposed development. • Not consistent with the zoning. • Not in keeping with the character of Lansdowne Road and will impact on amenity. • Concerns about the use of bore water. Notes that bores on Lansdowne Road have previously run dry. • Concerned about the traffic impact assessment and that it is not an accurate indication of traffic flows. • Quarry and Lansdowne Road would require upgrading to deal with additional traffic flows.

	<ul style="list-style-type: none"> • Recommend that access/egress should be from the Stuart Highway not from Lansdowne Road. • Acknowledge lack of accommodation in Katherine. • Includes traffic counts from Territory Asset Management Services.
<p>Daniela and Trevor Ford</p> <p>Attachment B9</p>	<ul style="list-style-type: none"> • Object to the proposed development. • Resides on Quarry Road. • Facility will be permanent. • Little contribution to local community. • Significant extra movement of trucks, water carts, coater buses and the safety and condition of roads will be impacted. • Concern about possible future use of the proposed development in an emergency including an evacuation centre. • Potential PFAS contamination. • Potential impact on the water supply. • Want to live in a rural environment. • Impact of the development of flooding, water redirection and run off on adjoining properties. • Not opposed to development but this development impacts on the integrity of the Planning Act and Northern Territory Planning Scheme.
<p>Sandra Paterson</p> <p>Attachment B10</p>	<ul style="list-style-type: none"> • Objects to the proposed development. • Lives on an adjoining property. • Is in conflict with the requirements of the Northern Territory Planning scheme. • Traffic will lead to significant congestion compromising the amenity and safety of Lansdowne Road residents • Will generate unacceptable levels of noise and light disturbance and anti-social behaviour. • Understands the need for development but it should not compromise neighbourhood amenity, safety, wellbeing and lifestyle.
<p>Craig Lambert</p> <p>Attachment B11</p>	<ul style="list-style-type: none"> • Objects to the proposed development. • States that there should not be a bias towards the big end of town.

<p>Doug and Yvonne Glasson</p> <p>Attachment B12</p>	<ul style="list-style-type: none"> • Object to the proposed development • Concerned about the impact on supply of water from the bore. • Concerned with who will monitor water use. What impact on the water supply from where the water is to be trucked from. • Impact of PFAS. • The development is not temporary. • Should be located in the Tindal base. • Potential expansion of the development. • Questions the traffic impact assessment and the anticipated number of vehicles. • Anti-social behaviour and the potential for a wet mess on site. When the current use of the land ceases who is going to manage antisocial behaviour. • Concern regarding the on-site waste water treatment plant, will waste water leach into the aquifer, what impact weather will have on its operation, will it produce odour. • Concerned that access directly to the Stuart Highway is shown on plans while other land owners are denied direct access to the highway.
<p>Mitchell Ford</p> <p>Attachment B13</p>	<ul style="list-style-type: none"> • Objects to the proposed development. • Resident of Quarry Road. • Lack of genuine consultation. • Safety concerns from increased traffic • Discrepancy in water usage claims and potential sustainability and environmental impacts. • Doubts re. contribution of the village to local community and economy. • Security issues, trespassing and anti-social behaviour. • Disruption to water flow patterns, flooding risks and impact on natural environment. Potential impact on livestock. • Concerns about potential business repercussions to submitters. • Incompatible with zoning and lack of transparency. • Supports an alternative location.

<p>Stephen Charles</p> <p>Attachment B14</p>	<ul style="list-style-type: none"> • Objects to the proposed development. • Resident of Lansdowne. • In conflict with the zoning. • Will change the character of the area, increase in noise levels. • Additional traffic. • Understand the need for a workers camp but should be where there is sufficient infrastructure such as roads and water.
<p>Carmel Whalley</p> <p>Attachment B15</p>	<ul style="list-style-type: none"> • Objects to the proposed development. • Resident in Lansdowne. • The proposal is in conflict with the zoning (Agriculture). • Change the character of the area. Peace and quiet of the residents will be affected by noise generated by the use. • Increased traffic will put additional demand on traffic and infrastructure in the area. • Supports the need for a workers camp but this is not the right location
<p>Michael and Kathryn Whitehouse</p> <p>Attachment B16</p>	<ul style="list-style-type: none"> • Resident of Lansdowne Road. • Object to the proposal • Engaged Upside Planning to prepare an objection. • Claims of improper conduct. • Claim that water is currently being extracted for commercial purposes. • Potential contamination of local water supply by PFAS from additional load placed on aquifer. • Arable part of the land being used for the development. • Reference to other unzoned land being developed for rooming accommodation purposes. • Acknowledges that the proposed development would be an asset to the community if appropriately located. • Other locations are available. • Development is not in the public interest and no exceptional circumstances apply. • Requested that details of correspondence to Minister Lawler and Minister for Defence be included as part of their submission.

<p>Ben and Dianne Scannell</p> <p>Attachment B17</p>	<ul style="list-style-type: none"> • Objects to the proposed development. • Resident of Niceforo Road. • Existing home business and accommodation is at a much smaller scale in locality. • Current challenges in water availability and access to phone and internet signal. • Little attempt to engage locals and seek feedback. • Will increase noise, substantial traffic flows with comings and goings of shift workers and potential anti-social behaviour. • Is a commercial venture that will accommodate over 200 people. • Lead to a decrease in property values. • There is an existing workers village on Victoria Highway.
<p>Luke and Katrin Woolgar</p> <p>Attachment B18</p>	<ul style="list-style-type: none"> • Concerned about the proposed development. • Resident of Allwright Court. • Concerned about negative impact on quality of life, well-being and security. • It's an agricultural area not a commercial area. • No benefit to the community or neighbourhood. • Double the population in the area impacting on roads, phone and internet access, the Tindal Aquafer and overall air quality.
<p>Emma and Kade Robertson</p> <p>Attachment B19</p>	<ul style="list-style-type: none"> • Resident of Lansdowne Road. • Permanent nature of the development and long term use of the development and potential anti-social behaviour. • Impact on the aquifer and potential PFAS contamination. • Support relocation of the camp.
<p>Laura Pace</p> <p>Attachment B20</p>	<ul style="list-style-type: none"> • Objects to the proposed development. • Owner of accommodation facilities in Katherine. • The facility could have severe effects on other providers in the locality and is likely to have significant impacts on future occupancy levels and turnover. • Does not object to a temporary permit provided applies to Sitzlers contracted employees only. • Should it be approved will erode confidence in Planning system. • Co-signed by a number of other people.

<p>Joanna Pace</p> <p>Attachment B21</p>	<ul style="list-style-type: none"> • Objects to the proposed development • Owner of accommodation facilities in the Katherine. • The facility could have severe effects on other providers in the locality and likely to have significant impacts on future occupancy levels and turnover. • Does not object to a temporary permit provided applies to Sitzlers contracted employees only • Should it be approved will erode confidence in Planning system • Co-signed by a number of other people.
<p>Upside Planning</p> <p>Attachment B22</p>	<ul style="list-style-type: none"> • Objection to the proposed development. • Planning consultant's report prepared for property owners and residents, Daniella and Trevor Ford, Deborah Lambert and John Forrest, Kathryn and John Forrest and Yvonne and Doug Glasson. • The application should be refused on the following grounds: <ul style="list-style-type: none"> • The proposal does not have any merit. • The carrying out of the development and the subsequent urban density of the proposal would have a significant adverse impact on the existing rural amenity of the locality. • The proposal would have significant adverse social, environmental, and economic impacts; in particular, the applicant has not demonstrated there is a need for the proposal and that this need cannot be accommodated on land that is preferable because of its availability and suitability. • The proposal would undermine the integrity of the Planning System and the delivery of the Planning Framework, which has provided for and seeks to enable the supply of short-term housing and accommodation. To this end, it would conflict with sections 2A(a) and 2A(b) of the <i>Planning Act 1999</i>. • Of the raft of matters to be considered under Section 42 of the <i>Planning Act 1999</i>, the application provides insufficient information and, in many cases, raises significant issues. In particular, the capability of the land, water security, traffic, stormwater, wastewater and land use conflict.

Summarising a large number of public submissions (Attachments B1 to B22)

Individual submissions are summarised thematically in the table below.

<u>Summary</u>
<ul style="list-style-type: none">• The development is inconsistent with the current zoning and should not be developed on this site.• If approved will erode confidence in the planning system.• Will impact on existing accommodation facilities in the locality.• The permanent nature of the proposal and its long term implications.• Potential impact on ground water supply affecting other land users.• Potential for PFAS contamination of the water table.• Impact on the existing amenity and character of the locality including security.• Impact on the local road network and increased traffic movement.• There is a need for workers accommodation.• Other options available including unzoned land.• Engagement with residents.• Impact of altered water flow on adjoining properties.

Service Authority Submissions (Attachments B23 to B26)

Submissions received from Service Authorities are summarised in the table below.

Service Authority	Comments
Power Water – Power and Water Attachment B23	<p>Power</p> <ul style="list-style-type: none">• Power have approved electrical design drawings.• The developer to engage PWC's accredited contractor to construct the extension.• The developer to engage a licensed electrician for installation. <p>Water</p> <ul style="list-style-type: none">• Have no objections or requirements.• Water and sewer services not available.• Full lot fire coverage cannot be achieved from existing fire hydrants. Internal firefighting arrangements must be to the satisfaction of NT Fire and Rescue.

Aboriginal Areas Protection Authority Attachment B24	<ul style="list-style-type: none"> Recommend that an Authority Certificate be applied for.
Heritage Branch Attachment B25	<ul style="list-style-type: none"> No known Aboriginal or Macassan (traders from Sulawesi in Indonesia) archaeological places on the subject site. Recommends that an archaeological survey and cultural heritage management plan be required.
Department of Environment, Parks and Water Security. Attachment 26	<ul style="list-style-type: none"> Threatened species identified in the locality. The extraction of 5ML of water per year would be compliant with the Water Act 1992. Noted the use of trucked in water. Require standard fire breaks. Does not appear to trigger licensing requirements of an Environment Protection Approval under the Waste Management and Pollution Control Act 1998. Noted concerns that PFAS contaminated ground water from the nearby Tindal base could potentially be drawn towards the development due to the proposed extraction. The risk should be appropriately mitigated. Request standard conditions regarding erosion sediment control, and notes regarding weed management.

Local Authority Submissions (Attachment B27)

Katherine Town Council (KTC)	Comments
Attachment B27	<ul style="list-style-type: none"> Traffic impact Does not assess the impact on intersection of Quarry Road/Lansdowne Road. KTC estimates daily traffic impacts are closer to 400-500 trips per day rather than the 100 to 140 trips stated in the application. Council prefer all access to come from Stuart Highway. Notes that there is sufficient width to the Stuart Highway to accommodate a service road without the need for a new intersection. Insufficient car parking with 51 provided and 60 required. Stormwater management plans not provided in support of the application. Seeking confirmation on internal driveway widths. Consideration be given to the provision of street lighting to the Quarry/Lansdowne Road intersection and the Lansdowne entrance

	<ul style="list-style-type: none"> • Construction of a sealed shared path way from Stuart Highway along Quarry /Lansdowne Road or from the highway. • Notes that there is a need for additional accommodation for workers. Without additional accommodation other visitor accommodation will be completely booked out for extended periods leading to wider impacts for Katherine based tourism operators and industry. • Recommends a range of standard conditions and notes be placed on the permit including a stormwater management plan.
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7. RECOMMENDATION

That under section 24 of the *Planning Act 1999*, the Planning Commission report to the Minister for Infrastructure, Planning and Logistics on the issues raised in submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the proposal.