

NT PLANNING COMMISSION HEARING

PROPOSED NT PLANNING SCHEME AMENDMENT PA2021/0055

Rezone Lots 1841, 1842 and 1843 Hundred of Bagot (440, 450 and 460 McMillans Rd, Marrara)
Zone CV (Caravan Park) to Zone LMR (Low-Medium Density Residential) and PS (Public
Open Space)

Agenda Item Number: **1**

Meeting Date: 7 June 2021

Attachment A – Exhibition Material

Attachment B – Submissions Received



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George Maly

Project Manager
Lands Planning

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.

1. GENERAL INFORMATION

ADDRESS:	Lots 1841, 1842 and 1843 Hundred of Bagot (440, 450 and 460 McMillans Rd, Marrara)
AREA:	Lot 1841 Hundred of Bagot is 3.35 hectares Lot 1842 Hundred of Bagot is 3.36 hectares Lot 1843 Hundred of Bagot is 4.93 hectares
CURRENT ZONE:	Zone CV (Caravan Park)
PROPOSED ZONE:	Zone LMR (Low-Medium Density Residential) and PS (Public Open Space)
PROPOSED LAND USE:	Residential estate
APPLICANT:	June D'Rozario & Associates Pty Ltd
LAND OWNER:	Marrara Gardens Pty Ltd

2. LEGISLATIVE REQUIREMENTS

The Minister for Infrastructure, Planning and Logistics is responsible for determining proposals to amend the NT Planning Scheme, including the rezoning of land. The *Planning Act 1999* establishes requirements relating to the exhibition, consultation and reporting of proposed amendments to the NT Planning Scheme.

Under section 22(6), the Planning Commission 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.

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

3. PROPOSAL

The proposal seeks to rezone Lots 1841, 1842 and 1843 Hundred of Bagot (440, 450 and 460 McMillans Rd, Marrara) from zone CV (Caravan Park) to zone LMR (Low-Medium Density Residential) and PS (Public Open Space).

The application states that the amendment seeks to facilitate the development of a new residential estate comprising approximately 158 individual dwelling sites, with a number of duplex sites, and local parks. The Master Plan shows 158 lots, including 10 duplex sites. This gives a dwelling yield of 168 dwellings.

In recognition of long-term residents of the caravan parks, future development will be staged. To allow time for residents to transition to alternative housing. Stage 1 will cover the land in Portions 1841 and 1842, and will include the main open space park.

One of the caravan parks will continue in operation on Portion 1843 until the site is required for development. This is likely to be at least two years from the commencement of any development works undertaken as part of subdivision under the proposed zoning. Rezoning the land, as requested by this application, will not prevent the caravan park on Portion 1843 from operating, as the existing development provisions of the Planning Act will protect the use indefinitely.

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

4. SITE AND LOCALITY CONTEXT

The subject site, comprising of three allotments, is located on the southern side of McMillans Road opposite the suburb of Malak, bordering the Darwin Golf Club to the west, RAAF land to the south and a small portion of Section 04445 Hundred of Bagot to the east.

The land has been cleared of native vegetation since 1974, when it was developed for caravan parks. It is relatively flat draining from north to south with drainage easements traversing each allotment. A large open stormwater drain spanning along the entire length of the site's southern boundary collects stormwater from the site. The drain, located on the airport land discharges into an arm of Rapid Creek south of the Marrara golf course. The land is not subject to flooding or storm surge.

Access to the site, which has a combined area of 11.65 ha, is via two entry points from McMillans Road, which has a boundary to McMillans Road of approximately 580m. One access on the western side of the McMillan's Road frontage services the Malak caravan park developed over Portion's 1841 and 1842. The Park is positioned on a 67,139m² allotment and comprises of some 192 powered ensuite sites interconnected by an internal network of sealed roads and grassed, landscaped grounds. The other access is to KOA Caravan Park is positioned on Section 1843, a 49,321m² allotment comprising of 136 powered ensuite sites interconnected by an internal network of sealed roads and grassed, landscaped grounds.

The two parks are not connected internally for vehicular traffic though a portion of the KOA Park is located within Section 1842. The two access points are located approximately 250 m apart, and each has been configured with slip lanes that permit both left and right turns into the existing caravan parks. Both parks are occupied by permanent residents with a significant seasonal growth in tourist numbers through the April September (Dry Season) period.

An acoustic fence is proposed along the McMillans Road boundary to address potential traffic noise from McMillans Road while no noise attenuation is proposed along the boundary with the airport land as the site is sufficiently far away from the 20 ANEF noise contour beyond which a plane noise mitigation measures would normally be required. Current zoning is shown at Map 1 below.

Map 1: Showing Site, Surrounds and Zoning



5. EXHIBITION OF PROPOSAL

On 7 April 2021, the Minister for Infrastructure, Planning and Logistics determined under section 13(3)(a) 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, in accordance with the requirements of the *Planning Act 1999*, and was advertised on the Development Assessment Online Website on 16 April 2021. The exhibition closing date was 14 May 2021.

6. SUBMISSIONS

Below is a summary of the matters raised in the submissions, refer Attachments **B1 – B18**.

Public Submissions

18 submissions were received from the public regarding this proposal. A summary of the submissions is below. A small number of these submissions were a similar template like letters.

Submitter	Discussion Points
Lynn Archibald (Attachment B1)	<ul style="list-style-type: none"> A long-term resident in the park objecting to the rezoning, questioning the need to close the park and expressing concern about eviction of elderly residents who do not have the means to find alternative accommodation. The submission also points out that the rezoning sign was too small and that it was placed in a hard to access location, which meant that it took the submitter a week before she noticed it. In consequence, the notification

	<p>period was too short and rushed and as such, inappropriate for the elderly people and those who stay at the park and work during the dry season, as these residents have not arrived yet. The submitter also questioned the reasons for the park's closure at a time when high tourist numbers are needed and tourism to the NT is being promoted.</p>
<p>Brian Archibald (Attachment B2)</p>	<ul style="list-style-type: none"> • A long-term resident in the park objecting to the rezoning, questioning the need to close the park and expressing concern about eviction of elderly residents who do not have the means to find alternative accommodation. The submission also highlights concerns for those who stay at the park while, working during the dry season, as these residents have not arrived yet, and are not aware of the park's closure.
<p>Raquel Timney (Attachment B3)</p>	<ul style="list-style-type: none"> • Would like to be informed on the progress of the application due to concerns about new public housing being included on the subject land. The submitter argues that there is already a high proportion of low socio-economic households in the locality with related levels of anti-social behaviour.
<p>Doreen Dyer (Attachment B4)</p>	<ul style="list-style-type: none"> • Objects to the proposal due to a lack of time and a lack of meaningful consultation by the developer on a number of topics ranging from public housing provision, lot sizes, traffic congestion and pedestrian mobility to the potential impact on Marrara wetlands and other items of cultural or heritage significance. • Overall, the submitter supports and agrees with comments made by the Karama and Malak Community Voice group.
<p>Hemali Seneviratne (Attachment B5)</p>	<ul style="list-style-type: none"> • A long-term resident of Karama objecting due to an insufficient level of consultation and notification about the proposal. The submitter did not have sufficient information on the types of dwellings to be built or what market will housing be aimed at to address concerns about the standard of housing and the socio-economic status of future residents at the site. • The submission notes that Malak and Karama have the highest proportion of public housing and this has caused problems such as antisocial behaviour and crime. The submission expresses concern that if the development of the site is not better managed, existing problems will continue and new problems relating to traffic congestion, public safety and impacts on environmental values of surrounding land will increase.

	<ul style="list-style-type: none"> • The submission suggests the land be better developed for sporting facilities, recreational space or lower density housing with suburban shops and services. • The submission also suggests a public forum be established for a meaningful consultation with the community on the proposed development.
Andrew Brown (Attachment B6)	<ul style="list-style-type: none"> • Local resident in the park notes that closure of the parks is occurring at a time NT Government is focussing on tourism promotion and the 300 or so caravan sites being taken off the market may disappoint tourists intending to stay at the park in the future. • The submitter also questions what will happen to him and other elderly permanent residents who have invested significant amounts of money to establish permanent homes on their sites and what responsibility does the owner/developer has in relation to this issue.
Warwick Smith (Attachment B7)	<ul style="list-style-type: none"> • A long-term resident of the park questioning what will happen to the 50 or so permanent residents in the park like him who have retired and do not have money to move. The submitter who is also a retiree has “lost everything” during Cyclone Marcus and had to spend his finances on rebuilding a new home at the park. • The submission also notes that the park is popular with grey nomads who appreciate the park’s relatively close proximity to shops and services and who have money to spend in the locality. The submitter requests the park be retained for tourism rather than more housing, the buying or renting of which is becoming more unaffordable for people like him.
Debra and Michael Ferguon (Attachment B8)	<ul style="list-style-type: none"> • Long-term visitors to Darwin (9 years) who have been staying at their permanent site at the Malak Caravan Park. The site they are staying at has a permanent structure (a canopy) which cannot be removed or sold to another resident. The submitters note that there are other permanent residents in the park who have no options to sell their vans and structures, wondering how much notice they will get to vacate the park.
Pauline Schober (Attachment B9)	<ul style="list-style-type: none"> • Submission was lodged on behalf of the Malak Karama Community Voice Group, which opposes the proposed rezoning and development of the site due to their potential impact on the surrounding neighbourhoods, residents, property, community and environment in general. • The submission recommends the area stay zoned as originally planned for the long-term benefit of the whole

	<p>community, as the proposal does not make an overall positive community contribution to its locality.</p> <ul style="list-style-type: none"> • The submission also states, among other things, that it had not been able to confirm exactly what the final proposed development contains in terms of expected proportion of public housing, noise abatement strategies, expected traffic volumes and impacts and related control measures, pedestrian crossings as well as an environmental, cultural and heritage impact assessment. • The submission requests the proposed zoning to not be approved due to fears that the recreational, leisure and community benefits associated with the current zoning of the land will be lost forever.
<p>Chris and Laura Mackie (Attachment B10)</p>	<ul style="list-style-type: none"> • Writing as permanent residents in the park for the last four years, the submitters advise that they invested \$25,000 conducting extensive work on their site, increasing its value. • The submitters strongly object to the application raising concerns that changes to the use of the park would not be in the best interest of long-term residents of the park and that once developed, additional 160 houses would put strain on social and physical infrastructure in the locality. • The submission also notes that the change of use of the site would impact on the tourism industry and local businesses especially during the dry season when the park is constantly booked out.
<p>Carolyn Gray (Attachment B11)</p>	<p>A permanent resident of the park objecting to the proposal due to:</p> <ul style="list-style-type: none"> • forced relocation of permanent residents into the Darwin market which has a shortage of accommodation; • Permanent residents are old or disabled and not had sufficient time to apply for public housing and this creates stress, anxiety and fear for the future in addition to the challenging issues confronting senior members in our society; • Conflicting intentions between encouragement of tourism and closure of caravan parks; • Detrimental impact on wildlife and bird population that inhabit the park; • There being sufficient land being developed for future growth elsewhere in the locality; and

	<ul style="list-style-type: none"> • The proposal appears to be a “done deal” given that the owner had purchased the property and invested time and effort into preparing plans for its development without seeking approval first.
<p>Michael McIlroy (Attachment B12)</p>	<ul style="list-style-type: none"> • An 81-year-old long-term resident of the park objecting to the proposal due to having invested time and money into a permanent residency offered to him when he came to the park 25 years ago. • The submitter notes that rentals are out of reach for him and most of the other permanent residents who cannot move or take the improvements they have made to their sites with them. • The submitter also notes the area is practical for shopping as the shops are within walking distance and that the park should be retained for tourist use.
<p>M.Davis (Attachment B13)</p>	<ul style="list-style-type: none"> • Former resident and frequent visitor to the park since 2005, the submitter objects to the proposed rezoning believing that if managed correctly, the park would be an asset for Darwin and NT in attracting many tourists to the NT. The submission describes the park and the manner it was run in the past suggesting it be retained for those with caravans who visit Darwin during the dry season every year.
<p>Glenda Brown (Attachment B14)</p>	<ul style="list-style-type: none"> • A pensioner and a permanent long-term resident (19 years) of the park objecting to the proposal due to having to move. Mrs Brown has permanent injuries and has had to purchase the site and make improvements to accommodate for those injuries. These investments cannot be recovered and moving will therefore be stressful, unsettling and unaffordable. • The objection notes that there is merit in keeping the caravan park going for the growing tourism market particularly now that domestic market is expanding due to restriction to international travels. • The submitter considered the merits of the application and understands the rights of the owner to change the use of the site but feels that the benefits of retaining the park outweigh the costs of developing the site into a residential estate. • The submission notes a number of merits relating to the caravan park and its location RAAF and points out that the activities on the adjoining RAAF Air Base are noisy and potentially dangerous.

<p>David De Silva (Attachment B15)</p>	<ul style="list-style-type: none"> • Writing on behalf of the adjoining golf course located along the site's western boundary. The submission does not object to the rezoning but provides information to ensure that the proponent understands the complex issues that flow to properties adjacent to golf course. The submission highlights risk of stray golf balls to housing and as a potential personal injury particularly those adjacent to the Course's sixth hole. • The submission states that the Darwin Golf Club (the Club) has constructed defensive fencing along the boundary between the properties along the sixth fairway to mitigate any risk to health and property however, this still cannot ensure that stray balls will not enter private properties. • The submission also points out that the use and maintenance of the course such as large group of golfers having loud conversations, mowing or application of fertilisers or other horticultural products can potentially impact on the residential amenity of the locality. • The submission also requests that no access is to be provided from properties adjoining the Club land as that constitutes a trespass and contributes to the risk of injury and complicates aforementioned management issues for the golf course. • The submission does not wish to present obstructionist issues to the proposal and has instead approached the developer's consultant, Ms D'Rozario to address the above issues outside of this process.
<p>Peter O'Hagan (Attachment B16)</p>	<ul style="list-style-type: none"> • Writes on behalf of the Rapid Creek Landcare Group which has concerns over potential changes to hydrological flows, both in terms of quantity and quality as a result of the proposed change of use of the subject land. The submission recommends that stormwater management should be reconciled prior to any change of use proposals to determine how will stormwater flows be managed in the future as downstream flooding and stormwater quality had been an issue in the past. • The submission also notes that the report lodged as part of the proposal declares that engineered erosion and drainage solutions will be implemented to maintain ecological processes. Noting this the submission requests that further information be provided now to indicate how will the Creek's hydrology be impacted by the proposed development, how will any solutions align with the Berrimah North Plan and what mitigation measures will be employed to address any potential impacts.

<p>Halyna Schan (Attachment B17)</p>	<ul style="list-style-type: none"> • A retired pensioner and a long-term resident who invested their superannuation money to purchase their site and now cannot afford to move. The submission notes the investments made into their site cannot be recouped and would be lost if her and her partner had to move. The objection points to other 50 or so permanent residents noting that Dept. of Housing would be overwhelmed if all of the permanent residents requested public housing at the same time. • The submission notes a number of inherent merits associated with the caravan park and questions whether the rezoning is contrary to the government's objectives to have a caravan park close to the airport. • The submission points to there being a lot of wildlife flora and fauna at the park and questions the need for more housing on an existing caravan park, which is popular with visitors.
<p>John Court (Attachment B18)</p>	<ul style="list-style-type: none"> • A retired pensioner and long-term resident who resides at the same site as Halyna Schan raising same issues.

Service Authority Submissions (Attachments B19 to B22)

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

Service Authority	Comments
<p>Power and Water Corp. - <i>Water</i> (Attachment B19)</p>	<ul style="list-style-type: none"> • Does not raise any issues or objections and requests that existing easements on the site are still required.
<p>Power and Water Corp. - <i>Power</i> (Attachment B20)</p>	<ul style="list-style-type: none"> • Does not raise any issues or objections advising that the developer will be responsible for electrical headworks and power upgrades for any development on the rezoned lots.
<p>Dept. of Health Medical Entomology (Attachment B21)</p>	<ul style="list-style-type: none"> • Does not raise any issues or objections advising that the subject lots back onto a large open stormwater drain that discharges into an arm of Rapid Creek. The submission provides some suggestions to be considered in order to minimise generation of habitat for mosquito breeding as a result of any potential irrigation run-off.
<p>DIPL - Transport and Civil Services Division. (Attachment B22)</p>	<ul style="list-style-type: none"> • Does not raise any issues or objections advising that a Traffic Impact Report and access analysis will be required to inform an application for the subdivision of the site to assess risk and improve safety.

Local Authority Submissions

City of Darwin Council	Comments
(Attachment B23)	<ul style="list-style-type: none"> • Notes that there is no area plan relating to the site, other than the Darwin Regional Land Use Plan (2015) which does not preclude the proposal. • The submission also notes that internal road widths in the subdivision master plan submitted with this application do not conform to the NT Subdivision Guidelines and will need to be re-designed and this may potentially result in a reduced number of lots. • The submission also refers to requirements of the Subdivision Guidelines for open space provision and stormwater flows noting that off street parking, shared paths, solid fencing, playground equipment and other park related infrastructure will be required as part of an open space master plan which is to be lodged as part of future subdivision proposal. • The Subdivision Guidelines also require pre-development stormwater flows out of the site to be retained and any intensified flows will need to be retained on the site.

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.