

NT PLANNING COMMISSION HEARING

PLANNING SCHEME AMENDMENT

PA2024/0013

Lot 2666 Town of Darwin (42 East Point Road, Fannie Bay)

Application to rezone from Zone LR (Low Density Residential) to Zone LMR (Low-Medium Density Residential)

Agenda Item Number: 1

Meeting Date: 6 August 2024

Attachment A – Exhibition Material

Attachment B – Submissions Received

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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:	Lot 2666 Town of Darwin (42 East Point Road, Fannie Bay)
AREA:	1,360 m ²
CURRENT ZONE:	Zone LR (Low Density Residential)
PROPOSED ZONE:	Zone LMR (Low-Medium Density Residential)
PROPOSED LAND USE:	Residential
APPLICANT:	Kevin Dodd of Earl James and Associates
LAND OWNER:	Julie Anne Lam

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 Lot 2666 Town of Darwin (42 East Point Road, Fannie Bay) from Zone LR (Low Density Residential) to Zone LMR (Low-Medium Density Residential).

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

The application states that the amendment seeks to facilitate rezoning of the site to Zone LMR in accordance with the applicable Darwin Inner Suburbs Area Plan (DISAP) to allow for the subject lot to be developed with low-medium density development such as dwelling-group or dwelling-multiple.

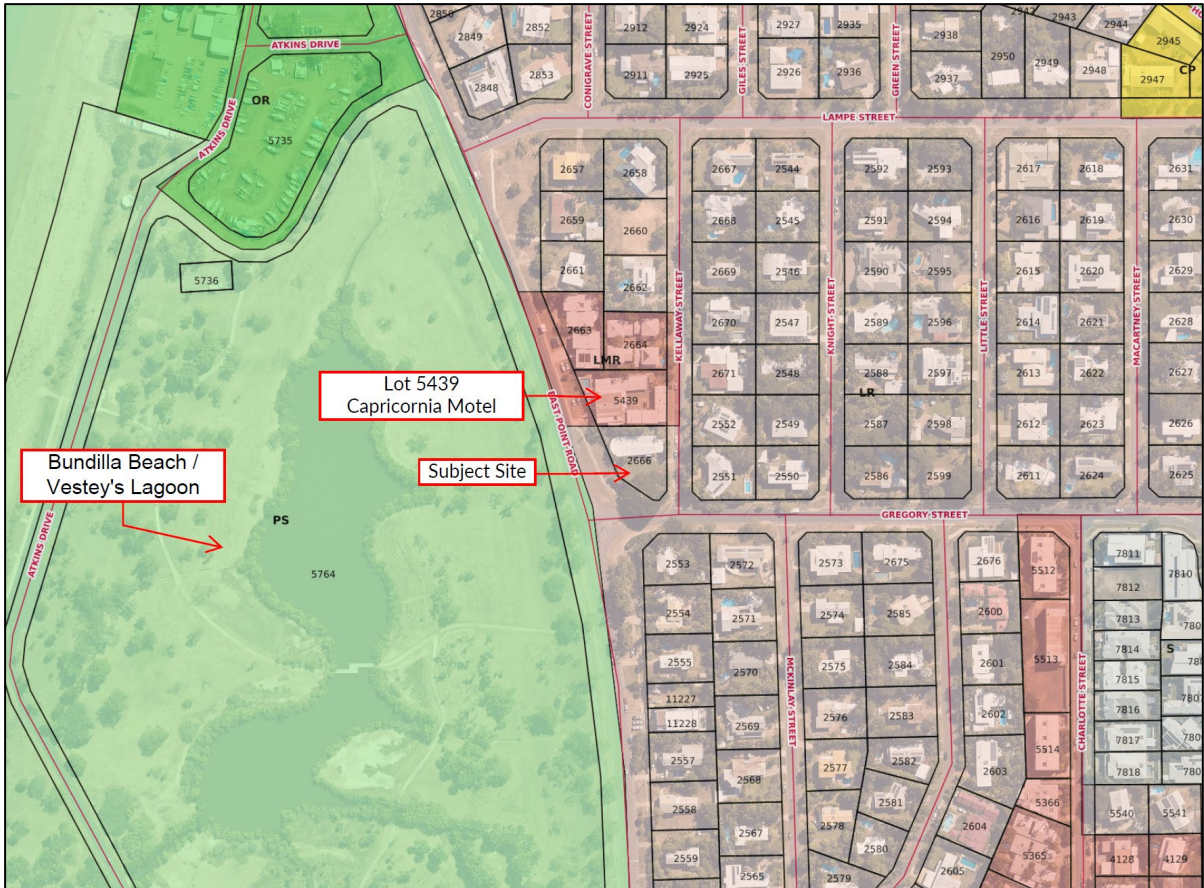
In accordance with density controls (clause 5.4.1) in the Northern Territory Planning Scheme (NTPS) 2020, the maximum dwelling density in Zone LMR is 1 dwelling per 300m². Given the size of the lot at 1,360m², up to four dwellings could be created.

4. SITE AND LOCALITY CONTEXT

4.1 Site description

Lot 2666 Town of Darwin (42 East Point Road, Fannie Bay) (the site) is currently developed with a single storey dwelling-single. The site has existing vehicle access from Kellaway Street and secondary frontage to East Point Road. The DISAP identifies East Point as a Sub-Regional/Primary Transport Corridor.

The site has access to all required service infrastructure and is relatively flat.



Map 1: Showing site, surrounds and zoning and existing and proposed Zone LMR site

4.2 Locality description

The surrounding area predominantly consists of land zoned for low density residential development. Three lots to the north of the site are Zone LMR, including the Capricornia Motel which is adjacent to the site and to the west of the site is Bundilla Beach / Vestey's Lagoon which is Zone PS (Public Open Space).

4.3 Relevant policy

Strategic Framework

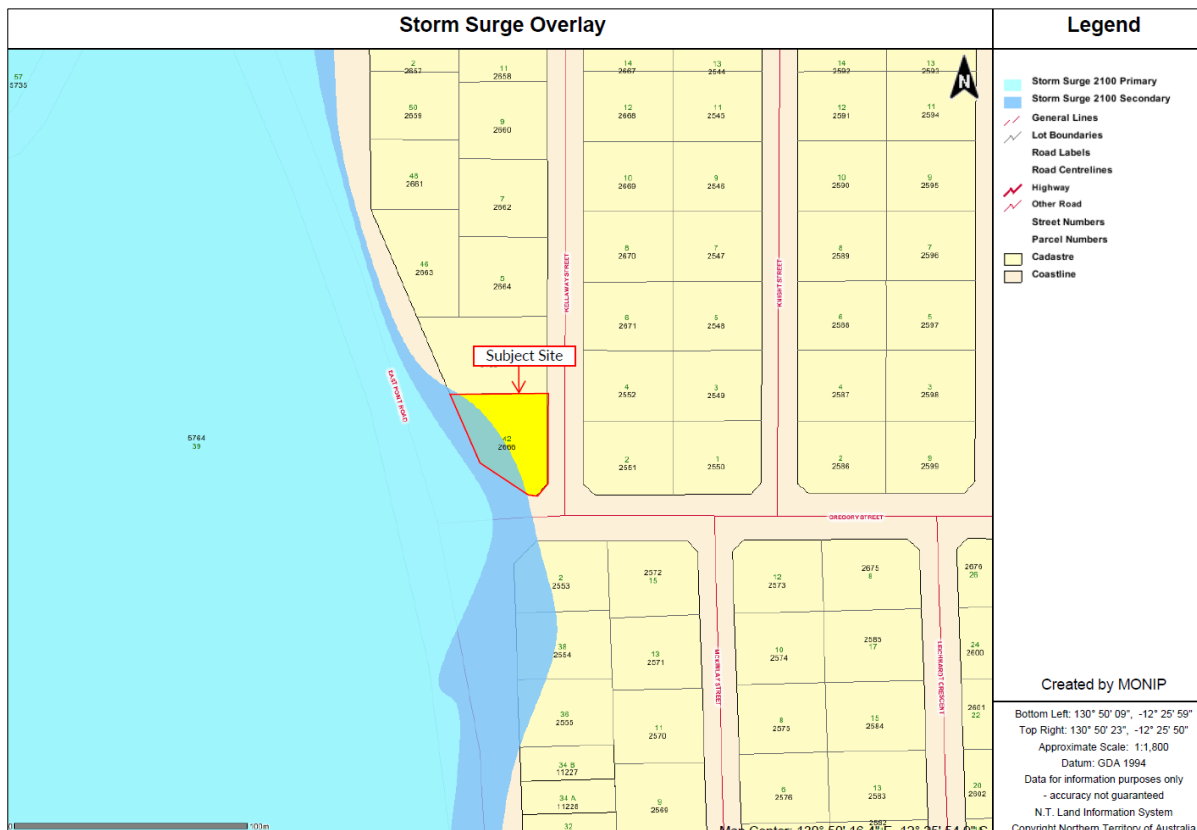
The DISAP and the Darwin Regional Land Use Plan 2015 (DRLUP) apply to the site. The DISAP was introduced in 2016 and provides the highest level of detailed planning within the NTPS Strategic Framework for the locality. The DISAP identifies the site as being a “potential area for change” to low-medium density residential development commensurate with Zone LMR.

The proposal supports the objectives of the DISAP for ‘residential areas to protect the character of established suburbs while facilitating new opportunities that reflect the diverse needs of Darwin’s population.’

The DISAP also identifies a small portion of the site as being potentially subject to secondary storm surge (approximately 10%). The provision within the DISAP for storm surge areas is that all development is to be developed in accordance with the provisions of the NTPS 2020. More detail on this requirement is provided below.

NTPS 2020 Overlay Clause 3.7 (LSSS – Land Subject to Storm Surge)

Overlay Clause 3.7 (LSSS – Land Subject to Storm Surge) applies to the site as a portion of the site is mapped within the secondary storm surge area as shown in Map 2 below.



Map 2: Secondary storm surge overlay over the site.

4.4 Relevant planning history

On 28 May 2014, prior to the introduction of the DISAP, an application to rezone the site and adjoining Lot 2662 Town of Darwin (7 Kellaway Street, Fannie Bay) from Zone LR to Zone LMR (previously referred to as Zones SD Single Dwelling Residential and MD Multiple Dwelling Residential respectively) was refused by the then Minister.

The Minister refused the application for the following reasons:

- rezoning the land would be inconsistent with the low density character of the area;
- a significant portion of Lot 2666 is covered by the secondary storm surge and clause 6.14 of the NT Planning Scheme 2007 discouraged residential uses in the secondary storm surge.

These issues have since been addressed through the introduction of the DISAP in 2016.

The potential impact of the secondary storm surge is not considered to significantly impede development potential of the site in accordance with Zone LMR. The NTPS 2020 requires development within storm surge areas to demonstrate there is no increased risk to people and property, including adjoining property. Detailed design may consider site-specific responses including the non-development of the affected area and detailed site-specific investigations may inform design responses such as higher finished floor levels, if necessary.

5. EXHIBITION OF PROPOSAL

On 21 May 2024, the Minister for Infrastructure, Planning and Logistics determined under section 13(3)(a) of the *Planning Act 1999* (the Act) to continue consideration of the proposed amendment by placing it on exhibition.

The proposal was on public exhibition for a period of 28 days from 31 May 2024 in accordance with the requirements of the Act. The exhibition closing date was 28 June 2024.

6. SUBMISSIONS

Below is a summary of the matters raised in the submissions, refer Attachments **B1 – B7**.

Public Submissions

Four submissions were received from the public regarding this proposal. One submission (Ruth Jones) was received on 1 July 2024, after the exhibition period closed.

A summary of the submissions is below.

Submitter	Discussion Points
Will and Jude Oliver (Attachment B1)	<ul style="list-style-type: none"> • Concern about changes to the aesthetics and associated lifestyle of the streetscape from proposed LMR zoning. • Concerns regarding increased on-street car parking along Kellaway Street from visitors and residents and availability of on-street car parking resulting from higher density development. Concerns regarding increase traffic volumes and traffic safety. • Impacts on supply of servicing such as power and water. • Justification for the site being a potential area for change and consultation processes in preparing the DISAP. • Reference to previous rezoning refusal for the site.
Benjamin and Sarah Mackney (Attachment B2)	<ul style="list-style-type: none"> • Concern about changes to the aesthetics and associated lifestyle of the streetscape from proposed LMR zoning. • Concerns regarding increased on-street car parking along Kellaway Street from visitors and residents and availability of on-street car parking resulting from higher density development. Concerns regarding increase traffic volumes and traffic safety. • Impacts on supply of servicing such as power and water. • Justification for the site being a potential area for change and consultation processes in preparing the DISAP. • Reference to previous rezoning refusal for the site.

<p>Timothy Gardiner (Attachment B3)</p>	<ul style="list-style-type: none"> • Justification for the site being a potential area for change. • Concerns regarding increased on-street car parking along Kellaway Street from visitors and residents. Concerns regarding increase traffic volumes and traffic safety and impact on the road quality. Availability on on-street car parking due to the proposed zoning and from other LMR zones in the area. • Potential for anti-social behaviour. • Impacts on supply of servicing such as power and water. • Consultation under the DISAP for identifying the site as a potential area for change. • Reference to previous rezoning refusal for the site.
<p>Ruth Jones (Attachment B4)</p>	<ul style="list-style-type: none"> • Concerns regarding increase traffic volumes and traffic and pedestrian safety.

Service Authority Submissions (Attachments B5 to B7)

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

Service Authority	Comments
<p>Power and Water Corporation (Power Networks) (Attachment B5)</p>	<ul style="list-style-type: none"> • Power Networks advised of no objections to the proposed rezoning provided that suitable underground power servicing is established by the landowner. • If rezoned, Power Networks also advise that the landowner must engage an accredited electrical consultant and contractor to design and construct the underground power servicing works as required by Power Networks.
<p>Power and Water Corporation (Water Services) (Attachment B6)</p>	<ul style="list-style-type: none"> • Water Services advised the developer may need to upgrade the existing water and sewer service, only a single water and sewer service is permitted for and individual lot and all new services are to be constructed by the developer. Water Services is to be contacted prior to the start of construction.

Local Authority Submissions (Attachment B7)

City of Darwin Council	Comments
<p>(Attachment B7)</p>	<ul style="list-style-type: none"> • The Darwin Inner Suburbs Area Plan (DISAP) provides the framework to guide future development within the Inner Suburbs of Darwin. As the DISAP identifies the subject site as a potential area of change, City of Darwin does not object to the proposed rezoning from LR (Low Density Residential) to LMR (Low-Medium Density Residential).

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.