

NT PLANNING COMMISSION HEARING

PROPOSED NT PLANNING SCHEME AMENDMENT PA2020/0396

Proposal to amend the NT Planning Scheme to update the
Litchfield Subregional Land Use Plan – Gunn Point

Agenda Item Number: 1

Meeting Date: 18 May 2020

Attachment A – Exhibition Material

Attachment B – Submissions Received

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Report to the 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

PROPOSAL:	To Amend the NT Planning Scheme to update the Litchfield Subregional Land Use Plan – Gunn Point
APPLICANT:	Northern Territory Planning Commission

2. LEGISLATIVE REQUIREMENTS

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

Under section 22(2) of the Act, the Planning Commission must hold a hearing if public submissions are lodged during the exhibition period.

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 any other matters the Planning Commission considers, the Minister should take into account when considering the proposal.

3. PROPOSAL

The amendment seeks to update the Litchfield Subregional Land Use Plan that is within Part 2 of the NT Planning Scheme with statements of policy and plans that relate to land use planning for the Gunn Point peninsula.

Under the *Planning Act 1999*, a consent authority is to make decisions consistent with policies contained within the NT Planning Scheme.

The update to the Litchfield Subregional Land Use Plan presents policy for a clear and effective land use framework for Gunn Point peninsula that:

- confirms the opportunity for strategic industry and a potential deep water port to be established at Glyde Point, in the long term;
- minimises the land use impacts on areas identified for priority environmental management;
- responds to cultural, historical and natural assets of the peninsula;
- provides opportunities for residential and economic growth;
- enables tourism ventures that respond to environmental, cultural and recreational opportunities;
- protects the transport and infrastructure corridors required for development on the peninsula; and
- supports detailed planning for the Murrumujuk Township at a future time.

A copy of the exhibition material is at **Attachment A**.

4. SITE AND LOCALITY CONTEXT

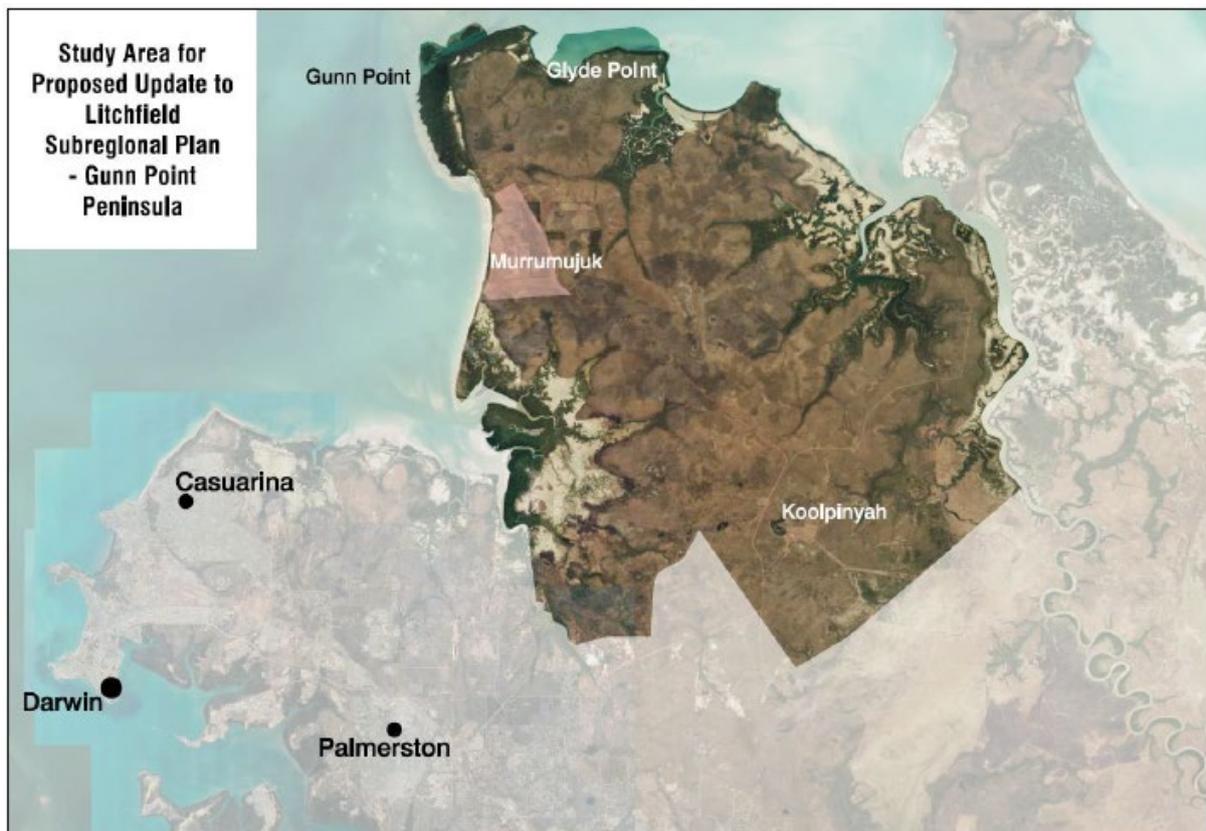
The Gunn Point peninsula encompasses an area of approximately 327 km². It is located east of Darwin, 60 km from the CBD and it is 40 km from Palmerston. The peninsula lies within the municipality of Litchfield.

There are very few permanent residents within the peninsula, however there is a high level of visitation for a range of recreational pursuits, including access to popular fishing locations.

Murrumujuk was first identified in 1984 as having potential for a rural centre providing opportunities for recreation.

The Darwin Regional Land Use Plan 2015 confirmed an opportunity for strategic industry to be established in the far-term at Glyde Point and identified strategic industry and a potential deep water port on the Darwin Region Structure Plan.

Map 1: Gunn Point Peninsula Locality Map



5. PUBLIC EXHIBITION

On 21 February 2021 the Minister for Infrastructure, Planning and Logistics determined under section 13(2)(b) 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 from 26 February 2021 and on 12 March 2021. The exhibition closing date was 26 March 2021 with late submissions received up to 14 April 2021.

Below is a summary of the matters raised in the submissions, refer Attachment B1 – B8.

Public Submissions (Attachments B1 – B2)

Two submissions were received from the public in addition to Service Authorities and the Shire of Litchfield.

Submitter	Discussion Points
<p>Louise Kean B1</p>	<ul style="list-style-type: none"> • Broaden the statement “<i>Access to extractive mineral sites must be maintained, but with greater consideration of the adverse impacts on the local road network</i>” to include greater consideration of: <ul style="list-style-type: none"> ○ adverse impacts on the environment ○ adverse impact that additional traffic volume and heavy vehicle noise will have on local residents • Clarify the statement “<i>Access to extractive mineral sites must be maintained, but with greater consideration of the adverse impacts on the local road network</i>”. Does this relate to wear and tear of physical road surface or capacity of roads to carry expected volumes? • Limit the impact of heavy transport such as extractive industry operations on residents near Gunn Point Road and built up areas. • Your discussion around traffic is geared towards industry (making transport more efficient and closer to transport hubs) and extractive operators. The impact on local residents’ peace and quiet from increased traffic volume and associated noise is not addressed.
<p>Joint Submission: Environment Centre NT; and Keep Top End Coasts Healthy B2</p>	<ul style="list-style-type: none"> • We do not support the development of industry on the Gunn Point peninsula and township of Murrumujuk. • Glyde Point’s ecosystems, including mangroves, coral reefs, rainforest and woodlands, have high conservation, tourism, fishing and cultural values. The area is a feeding ground for endangered turtles and dugong species. • The NT Government recognised this in October 2007 when, after a sustained period of broad community opposition to a similar massive land clearing and port dredging proposal, it designated Glyde Point as Public Open Space and protected it from inappropriate development. • The LSLUP policy documents continue to ignore the existing zoning and intended usages of the peninsula as Conservation (CN) and Public Open Space (PS). • Identifying Glyde Point for major industrial development ignores the intended protection of this area, the significant environmental values, the current recreational use and enjoyment of this area and underestimates the commitment of the very broad community to maintain its current zoning use. • It is recommended that DRLUP and LSLUP remove mention of a possible port and industrial area at Glyde Point and to recognise the current zoning of the land at Glyde Point as PS – Public Open Space. • It is recommended the NT Government further examine the relative merits of a range of reservation, management and sustainable economic activities such as Indigenous Protected Area/Marine Park/ recreational fishing area status and ‘ecosystem services’ benefits such as fish habitat.

	<ul style="list-style-type: none"> • It is recommended the NT Government plan for ecologically sustainable development in our existing communities and industrial areas, away from sensitive and pristine coastal environments. • The words “<i>development and</i>” should be removed from the sentence “<i>Recreational pursuits are recognised as valid uses to be balanced with development and preservation of the natural environment</i>”. • It is noted that the proposed Agriculture Use provision states that “<i>the groundwater demand of land uses to not exceed the sustainable recharge of the aquifers</i>”. This does not cater for the long-term maintenance of these permanent groundwater dependent ecosystems. • It is recommended that the first subpoint under the proposed point 18 be amended to say “require the groundwater demand of land uses: <ul style="list-style-type: none"> (a) To not exceed the sustainable recharge of the aquifers; and (b) To be set at such a level so as to not adversely impact permanent groundwater dependent ecosystems. • It is recommended that the first subpoint under proposed point 29 labelled Culture and Heritage be amended to “<i>new development protects places and sites listed on the Northern Territory Heritage Register and / or sacred sites and other places of heritage interest</i>”. • It is recommended that the proposed section labelled “<i>Gunn Point Peninsula Aboriginal Cultural Heritage Values</i>” be amended to note the likely deleterious impact of heavy industry on the Vernon Islands. • It is recommended that the proposed updates be amended to include an acknowledgement of the tourism values of the area – fishing, coastal, reefs, and other natural features – and a requirement that these values are to be protected.
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Service Authority Submissions (Attachments B3-B7)

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

Service Authority	Comments
Survey Land Records Department of Infrastructure Planning and Logistics B3	<ul style="list-style-type: none"> • Survey Land Records has no comment regarding the Planning Application PA2020/0396.

<p>Department of Industry Tourism and Trade</p> <p>B4</p>	<p>Energy Division</p> <ul style="list-style-type: none"> The area proposed for amendments to the planning scheme is covered entirely by Reserved Blocks 101 and 56 which prevents the exploration for, or production of, petroleum within the area. <p>Mines Division</p> <ul style="list-style-type: none"> Any proposed changes should not impose restrictions to the ongoing development of extractive resources within this area. <p>Agriculture Division</p> <ul style="list-style-type: none"> No objections. <p>Fisheries Division</p> <ul style="list-style-type: none"> For zoning purposes, Aquaculture should be given the same level of description or status as Horticulture and Agriculture. Aquaculture should be included into these plans as a supported land use.
<p>Aboriginal Areas Protection Authority</p> <p>B5</p>	<ul style="list-style-type: none"> AAPA has been providing comments on the plan since 2016 and these comments are captured in the proposed amendment. Attached is the pdf document with minor edits / suggestions from the AAPA that relate to titles and terminology.
<p>Department of Defence</p> <p>B6</p>	<ul style="list-style-type: none"> Defence understands that the proposed update of LSLUP includes a draft land use concept and discussion paper for the future township of Murrumujuk and draft planning principles to guide future development opportunities at Gunn Point. Defence has assessed the proposal and it is considered it will have minimal impact on Defence activities in the Darwin Region. Defence does note however, that the LSLUP has identified the need for a potential second arterial transport corridor to the east of Humpty Doo that could connect Gunn Point to the Stuart Highway. Defence recognises the need for a second access road, however Defence would seek to ensure that any future road alignments or upgrades of access roads to Gunn Point do not impact or encroach upon Defence facilities.
<p>Department of Environment, Parks and Water Security</p> <p>B7</p>	<p>Water Resources Division</p> <ul style="list-style-type: none"> The Gunn Point peninsula is contained within the Central Water Management Zone. The Murrumujuk township straddles the boundary of the Central and North Water Management Zones. It is recommended to change the terminology to be consistent with proposed water management zones terminology of the Department of Environment, Parks and Water Security. Figures 4, 9 and 10 displaying the 'Central and Northern groundwater aquifer management area boundary' outline displays the North Water Management Zone. It is recommended that Figure 12 include a label for the South Water Management Zone Area. The subject area includes land overlying the Howard Groundwater System. There is a water allocation plan being developed for this water resource.

Council Submission (Attachment B8)

Litchfield Council	Comments
Shire of Litchfield Council B8	<ul style="list-style-type: none"> • Council maintains its broad support for the proposed updates to the Litchfield Subregional Land Use Plan. • Council has concerns that a new town could be provided with expensive infrastructure before existing long-term residents are provided with reticulated infrastructure, as well as transport and community upgrades. • The preservation of the foreshore area as <i>Open Space / Natural Area</i> is positive, however further planning and community engagement is critical as plans progress for the township to reconcile the communities ability to continue to access vital active and passive recreation areas; • The inclusion of specific reference to biting insects and the need to identify and address their presence and disease implications is supported. • Council is of the opinion that the township may be better served by the integration of workforce accommodation within the overall urban development framework (potentially incorporated into the intended medium density residential areas), rather than as a stand-alone use.

6. RECOMMENDATION

That under section 24 of the *Planning Act 1999*, the 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.