

# NT PLANNING COMMISSION HEARING

## PROPOSED NT PLANNING SCHEME AMENDMENT PA2020/0420

Rezone Lot 5410 Town of Nightcliff (41 Copeland Crescent, NAKARA)  
Zone LR (Low Density Residential) to Zone LMR (Low Medium Density Residential)

**Agenda Item Number: 1**

**Meeting Date: 30 March 2021**

**Attachment A – Exhibition Material**

**Attachment B – Submissions Received**

.....David Dwight

**Project Officer**  
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

<b>ADDRESS:</b>	Lot 5410 Town of Nightcliff (41 Copeland Crescent, NAKARA)
<b>AREA:</b>	817m <sup>2</sup>
<b>CURRENT ZONE:</b>	Zone LR (Low Density Residential)
<b>PROPOSED ZONE:</b>	Zone LMR (Low Medium Density Residential)
<b>PROPOSED LAND USE:</b>	Residential
<b>APPLICANT:</b>	One Planning Consult
<b>LAND OWNER:</b>	Mr. Rodney Boyce Hass

## 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

On 19 November 2020, One Planning Consult lodged an application to rezone Lot 5410 Town of Nightcliff (41 Copeland Crescent, Nakara) from Zone LR (Low Density Residential) to Zone LMR (Low - Medium Residential) which would facilitate future development on the lot to accord with the LMR zone provisions, in particular allowing for smaller lot sizes.

The applicant has stated the intent of the rezoning is to allow the parcel to be subdivided into two lots (subject to development application approval).

The area is not covered by an area plan, and is subject to both the Darwin Regional Land Use Plan (DRLUP) and the Compact Urban Growth Policy (CUGP).

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

#### 4. SITE AND LOCALITY CONTEXT

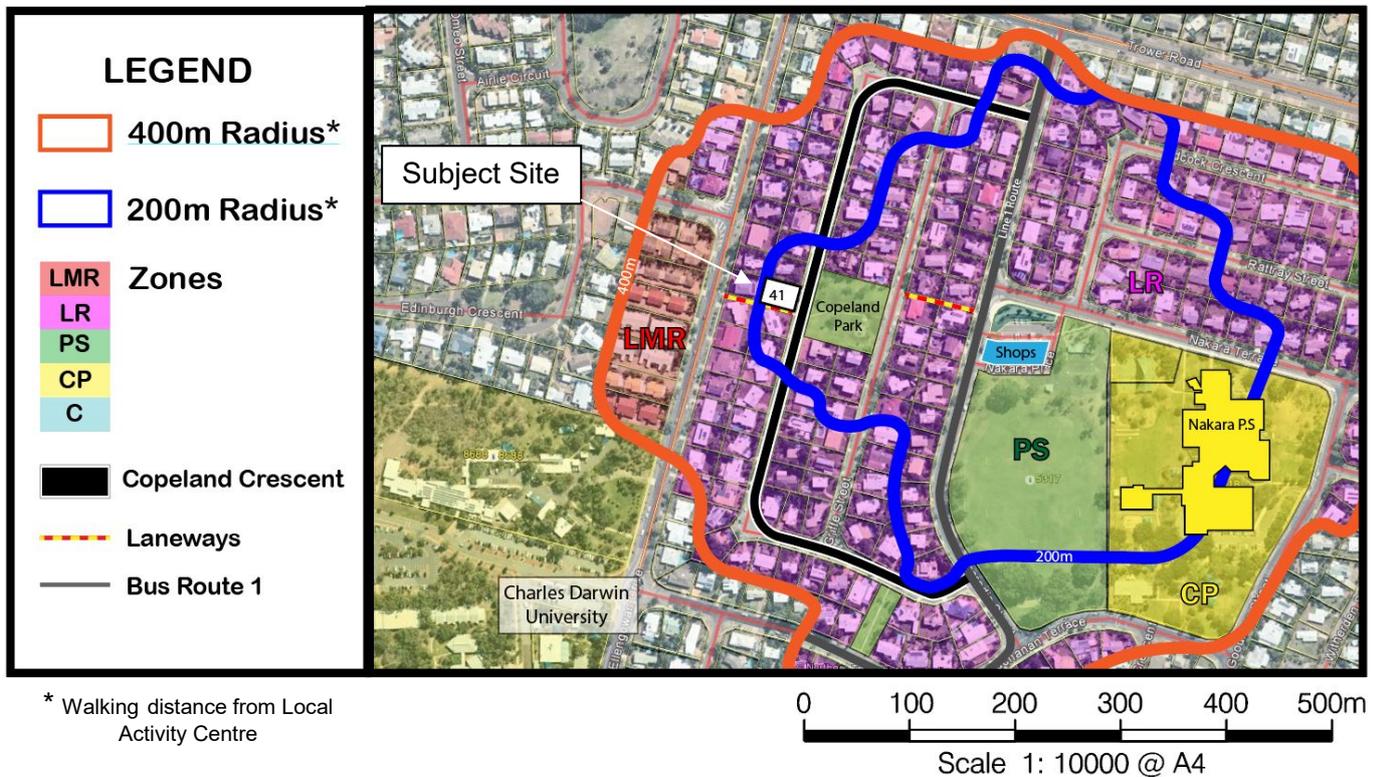
The subject site (Lot 5410 Town of Nightcliff) is situated on the western side of Copeland Crescent Street, Nakara. The 817m<sup>2</sup> lot has a rectangular configuration and accommodates a single storey masonry block dwelling surrounded by unmanaged yard, both front and rear.

Access to the primary frontage is via a single vehicular crossover adjoining Copeland Crescent; a local road with a 15m wide reserve. The lot also adjoins a laneway, which is a pedestrian link in the pedestrian network connecting to Nakara Shops (185m east) and Ellengowan Road, which leads to Charles Darwin University, some 200m southwest of the subject site.

For the purpose of context, the general character of Copeland Crescent and the immediate area within the catchment of the Nakara local activity centre, is uniformly low density residential, with lots sizes ranging from 1100m<sup>2</sup> to 800m<sup>2</sup> supporting single dwellings.

Dwelling types in the area consist of a mix of single storey masonry and elevated dwellings, with the latter the more dominant form in the immediate proximity of the subject site.

Map 1: Showing Site, Surrounds and Zoning



#### 5. EXHIBITION OF PROPOSAL

On 27 January 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 online from the 5 February 2021 to the 5 March 2021.

## 6. SUBMISSIONS

Eight submissions were received from the public regarding this proposal. All of the seven public submissions were in the form of letters, and were not in favour of the proposal. These letters predominantly raised issues in relation to the following themes:

- *Neighbourhood character & setting a precedent*
- *Community benefit and safety*
- *Traffic and infrastructure*
- *Process & transparency*
- *Loss of amenity*

Below is a summary of themes raised in the submissions, refer Attachments **B1 – B11**.

### Public Submissions

Submitter	Relevant Matters Raised
Peter Francis Toll Maree Patricia Toll <b>(Attachment B1)</b>	<ul style="list-style-type: none"> <li>• Copeland Crescent is currently zoned as LR with lot sizes around the 800m<sup>2</sup> with one dwelling per lot. Most of the residents appreciate the LR zoning as it excludes flats and units that would require rezoning to a higher density.</li> <li>• Many dwellings in the street have been upgraded, renovated and extensively landscaped to increase the aesthetics of the street, all in line with the current zoning.</li> <li>• Should the rezoning be approved, it would establish a precedent for further rezoning of older properties.</li> <li>• If future rezoning occurs then more demand will be placed on Water, Electricity and Sewerage services that may warrant upgrades to assets; and there will also be an increase in traffic demand that may lead to congestion and pedestrian safety. Currently the road caters for one through lane when vehicles are parked in the street.</li> </ul>
Ian Gallacher <b>(Attachment B2)</b>	<ul style="list-style-type: none"> <li>• Low-medium density offers no value to the surrounding community/ public spaces.</li> <li>• The proposed lot sizes will significantly deviate from the current neighbourhood property mix of 800-900m<sup>2</sup> lots with single dwellings.</li> <li>• The traffic assessment is factually incorrect.</li> <li>• The laneway is a high pedestrian traffic zone to and from the schools, universities and other places.</li> <li>• Parked cars from the proposed developments on the street adjacent to the laneway will be a safety issue.</li> <li>• The development appears to benefit the developer only.</li> </ul>

	<ul style="list-style-type: none"> <li>• If this development is allowed then on what basis will any other proposed subdivision be rejected?</li> <li>• This will set a precedent for this type of development throughout our suburb and community.</li> </ul>
<p>Isobel Cummins Joanna Stephan <b>(Attachment B3)</b></p>	<ul style="list-style-type: none"> <li>• This development is not in the public interest.</li> <li>• The rezoning does not present advantageous urban growth within the community.</li> <li>• In the traffic assessment conducted by Tonkin Consulting, the Future Traffic Generation estimation of vehicle trips per day appears incorrect and undervalued.</li> <li>• Increased street parking will make it dangerous for children crossing the road from the laneway through to the park as visibility will be dramatically decreased.</li> <li>• It has also been mentioned in the traffic assessment by Tonkin Consulting the road reserve width does not meet the desirable 17m width.</li> <li>• Homes of multiple occupancy lead to increased density within the suburbs which is likely to contribute to a breakdown in community.</li> <li>• This is likely to set a precedence for other low-medium density dwellings in the area, including duplex and apartment style developments.</li> </ul>
<p>Tamsin Cockayne <b>(Attachment B4)</b></p>	<ul style="list-style-type: none"> <li>• The 300-400sqm blocks (separate dwellings) proposed in this application does not comply with the current zoning.</li> <li>• For SD sites the “primary purpose of this zone is to provide single dwellings on the individual lots”.</li> <li>• It is not in the “public’s” benefit to rezone this land.</li> <li>• The amenity of neighbours and residents will be compromised with the units being located closer to the boundaries and multiple driveways.</li> <li>• The proposed development is not in keeping with the existing character of the neighbourhood given there are no duplex blocks anywhere near the site.</li> <li>• I invested in the area confident that my house and investment will be protected by the NT Government - I did not expect that one day the Minister might decide to allow duplexes to be built on my street.</li> <li>• The NT Government’s election promise was to make planning more transparent – rezoning a block of land for duplex in a single dwelling zoned area is not transparent.</li> <li>• The rezoning will set a precedent within the suburb.</li> </ul>

	<ul style="list-style-type: none"> <li>• There has been no community consultation nor discussion with neighbours to seek support or input.</li> <li>• A rezoning does not guarantee this with the potential impact being much greater.</li> </ul>
Purdey Butterfield <b>(Attachment B5)</b>	<ul style="list-style-type: none"> <li>• The application has been put forward on the premise that number 41 Copeland crescent is within 400 metres of a shopping precinct, which in reality is <i>“a very sleepy set of buildings where there is a quiet hairdressers and infrequently used Chinese takeaway restaurant”</i>.</li> <li>• With 300m<sup>2</sup> blocks comes greater traffic and the young children of Nakara will not be free to play out the front of their houses on busy streets.</li> <li>• Extra dwellings would increase noise in the area</li> </ul>
John Trkillis <b>(Attachment B6)</b>	<ul style="list-style-type: none"> <li>• The proposal does not integrate with the neighbourhood character.</li> <li>• In isolation, the adverse impacts of the proposal are easily defensible as principal assessments tendered with the proposal are naturally restricting given impact results are limited to the extent of the proposed modifications.</li> <li>• An endorsement of this proposal will support further rezoning applications, encouraging higher density developments; any deviation would warrant suspicion in the process's procedural integrity, promoting regulatory challenges.</li> <li>• For this reason, the decision should identify comprehensive long-term consequences and serve to maintain the zone's residential character.</li> </ul>
Erna Cripps <b>(Attachment B7)</b>	<ul style="list-style-type: none"> <li>• The proposal sets a precedent for others to follow this course of action.</li> <li>• Low density suburbs are designated thus to ensure the blocks remain a similar size as planned limiting the number of houses, structures and consequently the population and the number of vehicles using the area.</li> <li>• One purchases a block in such zoned areas to be insured against further developments which change the nature of living in such an area.</li> <li>• The Nakara shopping centre is not "an area of activity".</li> </ul>
Margaret Clinch <b>(Attachment B8)</b>	<ul style="list-style-type: none"> <li>• Confusion of what is being assessed given the proposal indicates a subdivision proposal in addition to the rezoning.</li> <li>• Limited time and exposure was provided for the exhibition period to make a submission.</li> </ul>

	<ul style="list-style-type: none"> <li>• Confusion of who the proponent/applicant is.</li> <li>• The zoning in Nakara is well established, the proposed change would be out of character for Nakara.</li> <li>• Houses in Nakara are suburban homes suitable for raising children due to the availability of outside play-space and garden, which the proposal does not provide.</li> <li>• COVID-19 has underlined the need for family space as an essential amenity for public health.</li> <li>• The proponent has incorrectly interpreted planning policy such as the Darwin Regional Land Use Plan and the Compact Urban Growth Policy.</li> <li>• There is no detailed sub-regional plan, or an Area Plan supporting this proposed rezoning or subdivision.</li> <li>• The relevant document in this instance is the new NT Planning Scheme 2020.</li> <li>• Lot sizes under 600sm proposed to be used by the proponent in Nakara, are strictly for 'urban compact' growth in the configuration of new Greenfield Residential Subdivisions Clauses at 6.2 + etc, and are not for use in established suburbs like Nightcliff and Nakara.</li> <li>• The road reserve of 15.24 metres width does not meet the required of 17 metre width of this proposal.</li> <li>• The argument of the park opposite rectifying this does not add up.</li> <li>• Disputes the term activity centre used for the Nakara Shops.</li> <li>• It is important for reasons of good planning to respect and maintain the zoning system, and not interfere with it on a random way for the sake of profit.</li> </ul>
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### Service Authority Submissions (Attachments B9 to B10)

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

Service Authority	Comments
Power and Water (Power Networks Network Engineering)  (Attachment B9)	The Power Networks Division does not object to the proposal subject to a number of technical requirements relating to reticulated power for a development application which can be addressed in the event a development application is lodged.

Power and Water (Water Services Land Development) <b>(Attachment B10)</b>	The Water Services Division does not object to the proposal subject to a number of technical requirements relating to works associated with a development application and retention of the existing sewer easement which can be addressed in the event a development application is lodged.
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### Local Authority Submissions (Attachment B11)

Relevant Council	Comments
City of Darwin <b>(Attachment B11)</b>	<p>The City of Darwin objects to the proposal on the following grounds:</p> <ul style="list-style-type: none"> <li>• There is no area plan in place to support the proposal;</li> <li>• The CUGP considers the proposal a 'spot rezoning' which is not supported in the criteria outlined in the policy;</li> <li>• Council dispute the Nakara commercial precinct as an 'activity centre' and argues Casuarina Shopping Centre as the nearest, which is approximately 1km away;</li> <li>• Council may reconsider if an area plan is in place and accompanied by suitable upgrades to infrastructure are in place.</li> </ul>

## 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.