

**Estimates Committee 2014**  
**Questions Taken On Notice**

( 10/06/2014 to 19/06/2014 )

Date: 12/06/2014

Output:

Sub Output:

Subject: Rezoning and Development Submissions 2014

**From:** Mr Ken Vowles to Hon Peter Chandler  
Department of Lands

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**6-14**

**Question:** Minister, how many submissions did you receive in 2014 from the DCA in your department on rezoning and development proposals, and on how many occasions did you ignore or override the recommendations?

**Answer:**

Answered On: 09/07/2014

**Estimates Committee 2014**  
**Questions Taken on Notice**  
(10/6/14 to 19/6/14)

**Date:** 12/06/2014

**Output:** Land Services

**Sub Output:** Development Assessment  
Services

**Subject:** Rezoning and Development Submissions 2014

**From:** Mr Ken Vowles MLA to Hon. Peter Chandler  
Department of Lands, Planning and the Environment

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**Number:** 6-14

**Question:** Minister, how many submissions did you receive in 2014 from the Development Consent Authority in your department on rezoning and development proposals, and on how many occasions did you ignore or override the recommendations?

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**Answered on:**

**Answer:**

As the Minister for Lands, Planning and the Environment, I received 41 applications for rezoning of land that were considered by the Development Consent Authority as Reporting Body pursuant to Section 21 of the *Planning Act*.

Of these, my decisions were consistent with the Reporting Body's advice in all but six applications, the details of these can be found at Attachment A.

As the Minister for Lands, Planning and the Environment, I received 13 applications for Exceptional Development Permits that were considered by the Development Consent Authority as Reporting Body pursuant to Section 21 of the *Planning Act*.

Of these, my decisions were consistent with the Reporting Body's advice in all but three applications, the details of these can be found at Attachment B.

**Attachments:** A: Applications for rezoning of land  
B: Applications for Exceptional Development Permits

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Applications for rezoning of land considered by the Development Consent Authority as Reporting Body pursuant to Section 21 of the *Planning Act*

No.	Subject Site	Applicant/Owner	Proposal	Reporting Body Considerations	Decision by Minister	Reasons for the Decision	Gazetted Date / Newspaper Publication
1.	Lot 2409 (79) Tamarind Road, Moulden	Land Economic Development, DLPE	Rezoning from Zone CP (Community Purposes) to Zone MR (Medium Density Residential)	Supported the proposal.	Altered the proposal and amended the NT Planning Scheme from Zone CP (Community Purposes) to Zone MD (Multiple Dwelling Residential).	<p>Lot 2409 Town of Palmerston (79 Tamarind Road, Moulden) is suitable for rezoning from Zone CP (Community Purposes) to Zone MD (Multiple Dwelling Residential) for the following reasons:</p> <ul style="list-style-type: none"> <li>the site is within walking distance of public open space, Moulden public and pre Schools and good public transport; and</li> <li>the resultant scale and character of any proposed development zoned MD (Multiple Dwelling Residential) would complement the surrounding residential areas of Moulden.</li> </ul>	02.05.2014 NT News
2.	Lot 7103 (102) Bonson terrace, Moulden	Land Economic Development, DLPE	Rezoning from Zone CP (Community Purposes) to Zone MR (Medium Density Residential)	Did not support the proposal for rezoning to Zone MR (Medium Density Residential) or Zone MD (Multiple Dwelling Residential).	Altered the proposal and amended the NT Planning Scheme from Zone CP (Community Purposes) to Zone MD (Multiple Dwelling Residential).	<p>Lot 7103 Town of Palmerston (102 Bonson Terrace, Moulden) is suitable for rezoning from Zone CP (Community Purposes) to Zone MD (Multiple Dwelling Residential) for the following reasons:</p> <ul style="list-style-type: none"> <li>the site is within walking distance of public open space, Moulden public and pre Schools and good public transport; and</li> <li>the resultant scale and character of any proposed development zoned MD (Multiple Dwelling Residential) would complement the surrounding residential areas of Moulden.</li> </ul>	02.05.2014 NT News
3.	Lot 3 (110) Freds Pass Road, Humpty Doo	Mr Brad Cunningham of MasterPlan on behalf of Tolimchlo Pty Ltd.	Rezoning from Zone RL (Rural Living) to Zone SD (Single Dwelling Residential) and Zone MD (Multiple Dwelling Residential) to facilitate the development of an integrated residential development, with 60 single dwellings and a retirement village of 46 multiple dwellings.	<p>Did not support based on the following reasons:</p> <ul style="list-style-type: none"> <li>The proposal is poorly serviced by infrastructure, out of sequence with development in Humpty Doo, out of context and poses a great threat to the existing amenity of the area; and</li> <li>There are pronounced inundation issues with the subject area during period of significant rainfall of which would be exacerbated by the proposed development.</li> </ul>	Approved as exhibited. Rezoned from Zone RL to Zones SD and MD.	<p>Lot 1 LTO 69/006 Hundred of Strangways (110 Freds Pass Road, Humpty Doo) is suitable for rezoning from Zone RL (Rural Living) to Zone SD (Single Dwelling Residential) and Zone MD (Multiple Dwelling Residential).</p> <p>This rezoning is suitable because it will contribute to a built environment supporting the diverse lifestyle and the social, cultural and economic development of the Territory promoting housing choice and therefore housing affordability targets.</p> <p>The Decision took into account the advice from the Power and Water Authority that there is sufficient water and sewerage capacity to accommodate the development.</p>	26.02.2014 Gazette G8

No.	Subject Site	Applicant/Owner Proposal	Reporting Body Considerations	Decision by Minister	Reasons for the Decision	Gazettal Date / Newspaper Publication
4.	Part Lot 8630 and 5182 (95 & 213) Dick Ward Drive, Ludmilla	Mr Adam Smith of Planit Consulting on behalf of the Gwalwa Daraniki Association	<p>Rezone from Zone CN (Conservation) to Zone LI (Light Industry)</p> <p>Did not support the proposal until such a time that a strategic plan is produced to establish a clear understanding of the intended future use of all the leased land and the benefits from such a use.</p> <p>The Reporting Body noted the significant opposition to the proposal from Government agencies, other authorities and residents and raised the following concerns that the applicant:</p> <ul style="list-style-type: none"> <li>has not provided any adequate information to justify overturning the decision made by the Minister (under the previous Government) on 30 November 2010 to refuse the proposed rezoning of the same lots from Zone CN to Zone LI.</li> <li>has failed to respond to the concerns raised by various bodies and in particular, they have not undertaken an acid sulphate investigation as recommended by DLRM (then NRETAS) in its response opposing the earlier unsuccessful application to rezone.</li> </ul> <p>Despite claims by the applicant that DLRM supports the proposal it is clear that the concerns expressed in the previous application remain.</p> <ul style="list-style-type: none"> <li>has not adequately answered the numerous points of objection raised by the City of Darwin in its response objecting to the rezoning.</li> </ul>	SD44 (Specific Use Zone Darwin No. 44)	<p>Part Lot 5182 Town of Darwin and Part Lot 8630 Town of Nightcliff (95 and 213 Dick Ward Drive, Ludmilla and Coconut Grove) is suitable for specific industrial and service commercial uses not prohibited by SD44 (Specific Uses Darwin No. 44) for the following reasons:</p> <ul style="list-style-type: none"> <li>the proposed SD44 will facilitate a zone that incorporates important measures to ensure that development on the land occurs in a manner that is consistent with Zone LI (Light Industry), however aims to address important development issues such as aircraft noise, public safety and Storm Surge; and</li> <li>the proposal is seen to contribute to a built environment supporting the economic development of the Territory promoting commercial, primary production and industrial diversity servicing community needs and export potential.</li> </ul>	26.03.2014, Gazette G12
5.	Sections 1741 and 1747 (175 & 350) Lawton Road, Blackmore	Mr Adam Smith of Planit Consulting on behalf of Mr Ernie Chirn	<p>Rezone from Zone FD (Future Development) to Zone R (Rural)</p> <p>Did not support the proposal, because of the following reasons:</p> <ul style="list-style-type: none"> <li>poor servicing of the locality; and</li> <li>issues surrounding the capability of the land to support rural living residential are major barriers for the proposed development.</li> </ul>	Approved as exhibited.	<p>Sections 1741 and 1747 Hundred of Cavanaugh (175 &amp; 350 Lawton Road, Blackmore) is suitable for rezoning from Zone FD (Future Development) to Zone RL (Rural Living) and Zone CN (Conservation) for the following reasons:</p> <ul style="list-style-type: none"> <li>the proposed Zone RL (Rural Living) is in line with the Litchfield Planning Concepts and Land Use Objectives in this location; and</li> <li>the proposed zoning intends on protecting important riparian areas by rezoning them to Zone CN (Conservation) ensuring that no development can occur upon these areas.</li> </ul>	30.10.2013, Gazette G44

No.	Subject Site	Applicant/Owner Proposal	Reporting Body Considerations	Decision by Minister	Reasons for the Decision	Gazettal Date / Newspaper Publication
6.	Lot 1338 (24) Blackmore Road, Tennant Creek	Dr Isaac Menge on behalf of K.Naks Pty Ltd (ACN 124 189 144) in Trust for Kaywan Trust	<p>Rezone from Zone SD (Single Dwelling Residential) to Zone MD (Multiple Dwelling Residential)</p>	<p>Approved as exhibited.</p>	<p>Lot 1338 Town of Tennant Creek (24 Blackmore Road Tennant Creek) is suitable for rezoning from Zone SD (Single Dwelling Residential) to Zone MD (Multiple Dwelling Residential) for the following reasons:</p> <ul style="list-style-type: none"> <li>it will allow infill development for multiple dwellings and will provide the potential for greater housing choice and type in Tennant Creek;</li> <li>multiple dwelling development of this site would be consistent with several other developments within the area; and</li> <li>it is considered to be consistent with the strategic direction provided by the NT Planning Scheme, in particular the Planning Principles for Tennant Creek, which supports maximising options for urban infill where appropriate.</li> </ul>	18.12.2013, Gazette G51

No.	Subject Site	Applicant/Owner	Proposal	Reporting Body Considerations	Decision by Minister	Reasons for the Decision	Gazettal Date / Newspaper Publication
1.	Lot 1304, 2 Boag Court, Tennant Creek	Mr Donald James Courtney	Multiple dwellings 3 x 2 bedroom units  Town Plan Zone: SD (Single Dwelling)	<p>Did not support based on the following reasons:</p> <ul style="list-style-type: none"> <li>the capacity of Boag Court, being a narrow cul-de-sac</li> <li>residential density proposed and design issues with regards to addressing: the number of car parking spaces per unit, driveway widths and areas for private open space</li> <li>potential adverse impact on the amenity of adjoining established dwellings</li> <li>the future of four other vacant lots in Boag Court</li> </ul> <p>The Reporting Body considered no more than two dwellings could be supported due to the size of the site and other multiple dwellings on nearby sites.</p>	Approved	<p>Lot 1304 (2) Boag Court, Town of Tennant Creek is suitable to develop for the purpose of multiple dwellings for the following reasons:</p> <ul style="list-style-type: none"> <li>The proposed development of the site for two multiple dwellings in accordance with an amended design to ensure adequate building setbacks, private open space and car parking for residents is not expected to adversely affect the amenity of adjoining residential properties or the streetscape, nor adversely impact on the capacity of public infrastructure serving the area.</li> <li>The site is considered beneficial for minor infill development given the proximity and nature of adjoining residential development and the provision of accessible communal facilities.</li> <li>The site is flat, serviced and is located close to community facilities including public open space, schools and sporting facilities.</li> <li>The proposed multiple dwellings will provide housing choice and stimulus for the local building industry.</li> </ul> <p>In this instance, it is preferable to issue an Exceptional Development Permit than to amend the NT Planning Scheme as Zone MD (Multiple Dwelling Residential) would allow for a greater number of dwellings on the site given the area of Lot 1304.</p>	04.09.2013 Government Gazette G36
2.	Lot 08141 (3) Neptuna Crescent, T/O Darwin	Mr William Gerhard Proft	Two lot subdivision to less than 760m <sup>2</sup> (603m <sup>2</sup> & 604m <sup>2</sup> )  Town Plan Zone: SD (Single Dwelling)	<p>Did not support based on the following reason:</p> <p>A better policy context and more thorough public consultation is required to explore densification options for Larrakeyah area, eg. through rezoning to higher residential density zones or permitting smaller lot sizes for SD zoned properties.</p>	Approved	<p>Lot 08141( 3) Neptuna Crescent, Town of Darwin is suitable to develop for the purpose of a two lot subdivision to less than 760m<sup>2</sup> (603m<sup>2</sup> and 604m<sup>2</sup>) for the following reasons:</p> <ul style="list-style-type: none"> <li>The site abuts public open space and is within walking distance of a school and has good access to public transport.</li> <li>Each of the proposed lots is capable of accommodating single dwellings with off-street parking, appropriate setbacks and landscaping, in accordance with the requirements of the NT Planning Scheme.</li> <li>The proposed lot arrangement ensures that future development of single dwellings in accordance with the NT Planning Scheme would not have adverse impact on the amenity of neighbouring properties or the Neptuna Street streetscape.</li> </ul>	11.09.2013 Government Gazette G37

No.	Subject Site	Applicant/Owner	Proposal	Reporting Body Considerations	Decision by Minister	Reasons for the Decision	Gazettal Date / Newspaper Publication
3.	Lot 5461 (26) Packard Place, Town of Darwin	Rossi Architects	2 x 4 bedroom multiple dwellings in a 2 storey building  Town Plan Zone: SD (Single Dwelling)	<p>Did not support based on the following reasons:</p> <ul style="list-style-type: none"> <li>• inadequate evidence to demonstrate there is a shortage of suitably zoned land in the locality;</li> <li>• does not demonstrate any particular characteristics or features that distinguish it from other land in Zone SD;</li> <li>• amenity impacts, traffic concerns and impacts on congestion, long term capacity and sustainability of servicing infrastructure, equity issues for developers and potential impacts on affordability, and a lack of statistical data to support the need to use SD zoned land for more dense development than the NT Planning Scheme currently allows;</li> <li>• Power and Water Corporation advised that limited capacity supplies would require upgrading of servicing infrastructure to accommodate individual development sites is not a sustainable approach to ensuring appropriate servicing for future planned densities within the community. Packard Street is an already busy and often congested street that has both urban and school public transport services and incremental and unplanned increases in dwelling density within the SD zoned area of the street have the potential to further reduce on-street parking opportunities by introducing additional crossover widths and contributing to overall heavier usage;</li> <li>• The proposed multiple dwelling adversely affects the amenity of the area by introducing a denser form of development to the locality which has the potential to establish a precedent which is beyond the current reasonably anticipated intensity of development for land in Zone SD; and</li> <li>• the proposal is not in the public interest.</li> </ul>	Altered and Approved	<p>Lot 5461 (26) Packard Street, Hundred of Bagot is suitable to develop for the purpose of 2 x 4 bedroom multiple dwellings in a 2 storey building for the following reasons:</p> <ul style="list-style-type: none"> <li>• The site is proximal to appropriate facilities and infrastructure and that the development of the site with only 2 dwellings instead of 3 dwellings (that would be possible if the land were rezoned to Zone MR) minimises potential impacts on directly adjoining neighbours by ensuring the existing properties on each side boundary interface with only one new dwelling. There is no neighbouring residential property to the rear that is affected by the additional interface of a second dwelling on this site;</li> <li>• The amenity and traffic impacts of the proposal will be minimal (proposal was amended to require full compliance with the side setback requirements that would apply if the land were in Zone MD, the requirements of the City of Darwin in relation to vehicular access and the Power and Water Corporation in relation to easements and encroachments). The site is considered unusual in that it does not share a rear boundary with other residential properties and as such the impact on adjoining residents will be no greater than if the land were developed with a single dwelling. The introduction of an additional dwelling on this site is unlikely to negatively impact on sustainability of services or have any tangible impact;</li> <li>• No submission was received from either of the immediately adjoining neighbours whose properties directly interface with the land;</li> <li>• The application demonstrates merit by ensuring the impact of the proposal on the immediately adjoining neighbours is no greater than that which would occur through its development and use as a single dwelling;</li> <li>• Amending the proposal to ensure full compliance with the setback requirements that would otherwise apply to the development under the NT Planning Scheme, will ensure that there is no inappropriate impact of the development on the physical characteristics of the land or other land;</li> <li>• Power and Water Corporation advised that limited capacity supplies would require upgrading at the developer's expense and that easements would be required, along with further consultation in relation to encroachments. City of Darwin advised that the</li> </ul>	NT News 13.06.2014

proposed access to its existing road infrastructure did not meet its requirement;

- Amending the proposal and conditioning the permit to require full compliance with service authority requirements is appropriate to ensure the development is suitable in this regard;
- The amenity of the Packard Street locality, in which the subject land is located, is characterised by a mix of single dwellings and multiple dwellings in one and two storey buildings;
- The proposed multiple dwelling use will not adversely affect the amenity of the area and the design of the proposal minimises potential impact on the amenity of immediately adjoining owners by interfacing only one dwelling along each side boundary;
- Proposal was amended to require full compliance with the side setback requirements that would otherwise apply to ensure appropriate amenity to adjoining neighbours is achieved.