

ENCL: YES

DARWIN CITY COUNCIL

DATE: 12/01/2010

REPORT

TO: TOWN PLANNING COMMITTEE
MEETING OPEN B

APPROVED: PL

FROM: GENERAL MANAGER
INFRASTRUCTURE

APPROVED: DL

REPORT NO: 10TS0002 RB:sv

APPROVED LC

COMMON NO: 1719149

SUBJECT: LOT 4303 (680) VANDERLIN DRIVE, BERRIMAH
PROPOSAL TO AMEND NT PLANNING SCHEME PA2009/0922 -
CHANGE ZONING FROM R (RURAL) TO LI (LIGHT INDUSTRY)
TO FACILITATE THE DEVELOPMENT OF THE SITE FOR
APPROPRIATE LIGHT INDUSTRIAL USES.

ITEM NO:

SYNOPSIS:

A Development Application for Lot Number 4303 Hundred of Bagot (680 Vanderlin Drive, Berrimah) has been referred to Council for comment pursuant to Section 48 of the Planning Act. The following report addresses relevant Council issues and recommends that Council endorse comments provided to the Development Consent Authority by staff.

GENERAL:

Applicant: Elton Consulting

Zone: Zone R - Rural **Area:** 8 Hectares

Proposal: Change zoning from R (Rural) to LI (Light Industry) to facilitate the development of the site for appropriate light industrial uses.

History:

A development permit for a market garden (melon farm), visitors centre and agricultural purposes was approved on 29th January 1989 by the Development Consent Authority. The visitors centre was not developed.

On the 23rd October 2000, a development application was lodged for a Melon farm and use of existing building for a caretakers residence, farm shed and retail agricultural stall. The application was approved by the Development Consent but the development was not undertaken.

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On the 22nd March 2001, a development application was lodged for a change of use for a nursery (from a melon farm). It was decided at the Development Consent Authority meeting held on the 1st May 2001 to approved the application.

On the 17th of September 2004, an application for an exceptional development permit was lodged for a farmers market, secure storage complex with ancillary office and caretakers flat. It was decided at the Development Consent Authority meeting held on the 16th May 2005 to refuse the application.

Site and Surrounds

The site is located at 680 Vanderlin Drive, Berrimah and has a total area of 8 hectares. The site is rectangular in shape with a northern boundary of 390 metres and a eastern boundary of 205 metres, orientated to Vanderlin Drive. The site is currently used for agricultural purposes (melon farming).

Within the locality of the site are a variety of uses. Immediately abutting the site to the north is an orchard with a permanently occupied dwelling, to the west and south are pastoral lands, and to the east over Vanderlin Drive are Horse Stables.

Beyond this extent but within the extent of the locality are rural living allotments, the police barracks, a landscaping supplies business, a Power and Water treatment site, childcare centre and an archery range.

The Australian Noise Exposure Forecast (ANEF) 20 boundary intersects the site, with only a small portion in the north eastern corner not subject to the aircraft noise impact. ANEF contours range from 20 to 40 in 5 step increments to define the areas susceptible to aircraft noise. The higher the ANEF number, the greater the impact of aircraft noise. Australian Standard 'Acoustics – Aircraft noise intrusion – Building siting and construction' (AS 2021-2000) stipulates in Table 2.1 that light industrial land uses should be located in areas less than 30 ANEF, with areas within 30-40 ANEF deemed conditionally acceptable.

The application is proposing that the land be zoned for light industrial use in an area less than the ANEF 30 contour and with recommendations provided by AS 2021-2000, the possible uses will not be unreasonably impacted upon by aircraft noise should the subject application be granted approval.

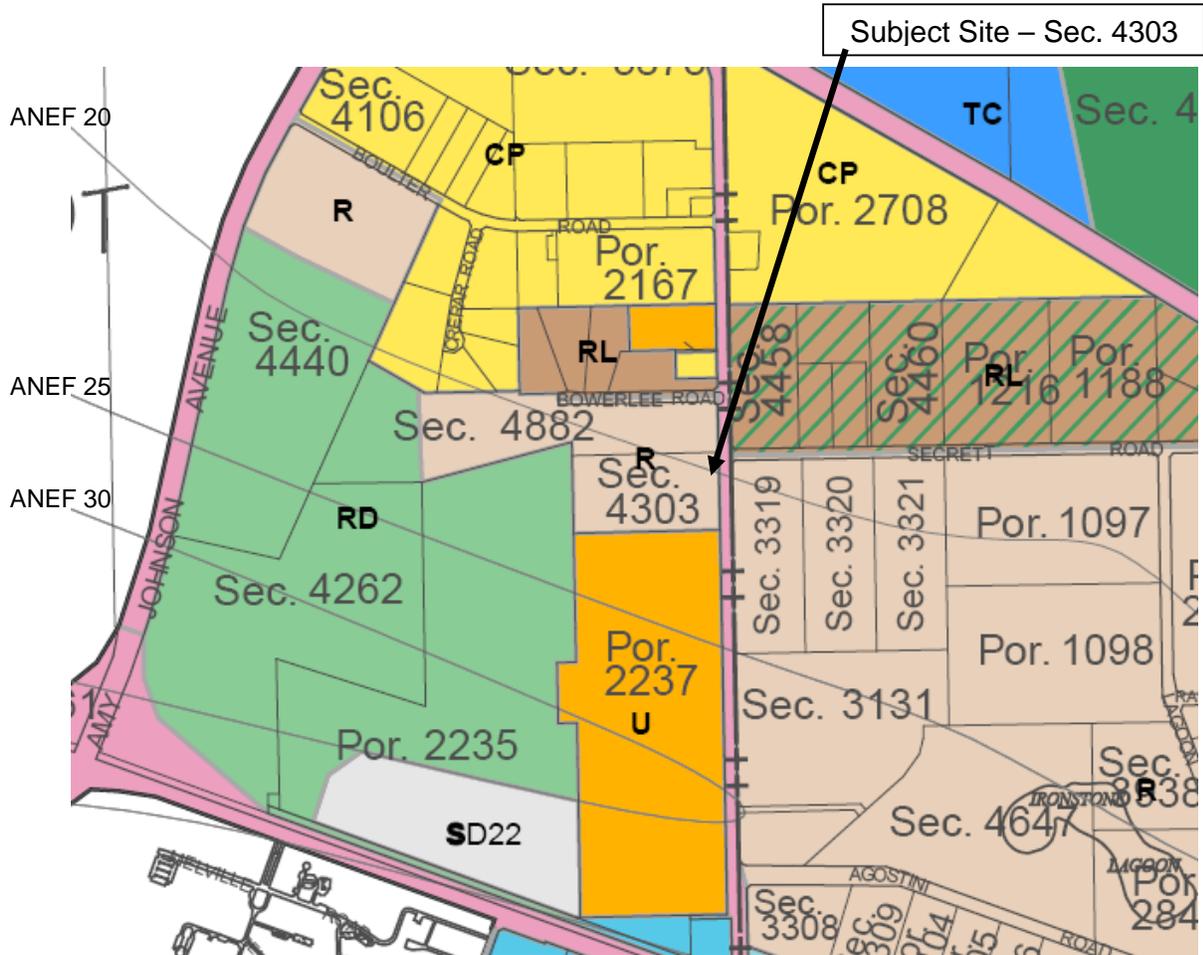


Figure 1 – Subject Site – Northern Territory Planning Scheme Zoning – Darwin Region

Northern Territory Planning Scheme:

The proposed development is in the Rural (R) Zone, and requires consent.

A comparison of the Zoning Table for Zone R and Zone LI shows that there is a variety of uses with the potential to change the nature of the area. It will be dependant on the proposed use as to the degree of that change and the impacts that may occur as a result.

The Northern Territory Planning Scheme shows in the Darwin Region Land Use Framework (Figure 2, Page 4) the intended pattern of development for the region. The Darwin Region Land Use Framework shows that the subject site is intended for Urban uses which includes light industry and residential uses.

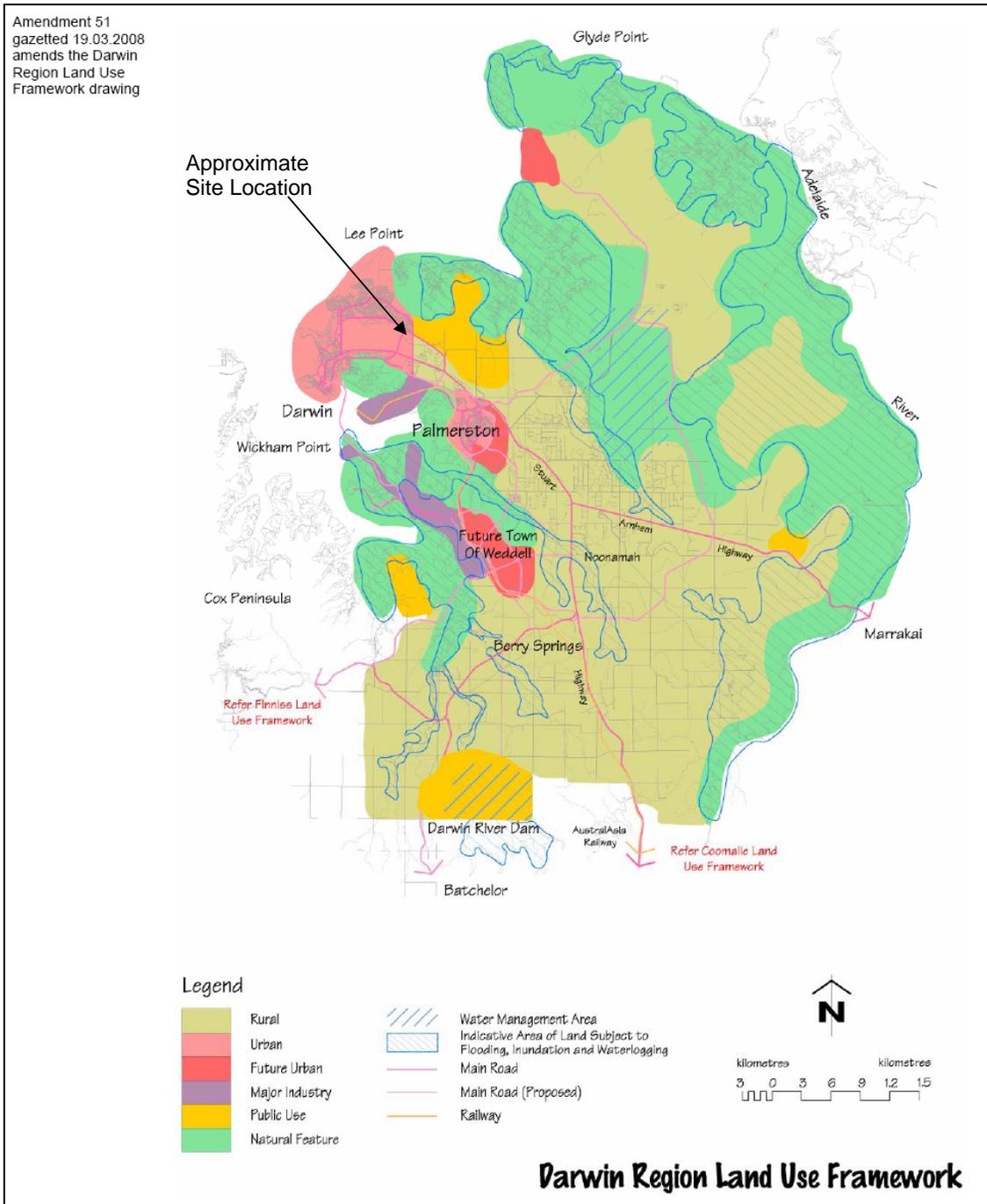


Figure 2 – Extract from the Northern Territory Planning Scheme.

Table 1 – Zoning Table comparing Zones LI and R
 ZONING TABLE

Use	Light Industry Zone	Rural Zone
abattoir	x	x
agriculture	x	P
animal boarding	D	D
bed and breakfast accommodation	x	D
business sign	P	P
caravan park	x	x
caretaker's residence	P	x
car park	P	x
child care centre	x	D
community centre	D	D
dependant unit	x	P
domestic livestock	x	P
education establishment	D	D
fuel depot	x	x
general industry	x	x
group home x	x	P
home based child care centre	x	P
home based contracting	x	P
home occupation	P	P
horticulture	x	P
hospital	x	x
hostel	x	x
hotel	D	x
intensive animal husbandry	x	D
leisure and recreation	D	x
licensed club	D	x
light industry	P	x
medical clinic	P	x
medical consulting rooms	x	P
motel	x	x
motor body works	P	x
motor repair station	P	x
multiple dwellings	x	x
office	D	x
passenger terminal	D	x
place of worship	D	D
plant nursery	P	P
promotion sign	D	x
recycling depot	D	x
restaurant	D	D
retail agricultural stall	x	P
rural industry	D	D
service station	D	x
shop	D	x
showroom sales	P	x
single dwelling	x	P
stables	x	D
supporting accommodation	x	D
transport terminal	P	D
vehicle sales and hire	P	x
veterinary clinic	D	D
warehouse	P	x

P = Permitted D = Discretionary x = Prohibited

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The NT Planning Scheme defines “light industry” as follows:

“**light industry**” means an **industry** in which the process carried on, the machinery used and the goods and commodities carried to and from the premises on which the **industry** is sited are not of such a kind as are likely to adversely affect the **amenity** of the surrounding locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;

Conclusion

The Northern Territory Planning Scheme indicates the preferred future use of land in this locality is for urban purposes. The subject planning scheme amendment does not provide details of the proposed use and the associated impacts. The proposed zoning however is in accordance with the recommendations of AS 2021-2000, and is therefore suitable for light industrial uses to be located in this area.

While there is no other land in the locality zoned Light Industry, it is not considered unreasonable to have light industry uses at the proposed location. It is not anticipated that the impacts of the likely uses of the Light Industry Zone will affect the existing uses of the locality.

Disability Discrimination Legislation:

Disability Discrimination Act issues are addressed under the Building Act requirements. Council places a statement of support for equal opportunity on all responses.

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC PLAN IMPLICATIONS:

The issues addressed in this Report are in accordance with the following Goals/Strategies of the Darwin City Council 2008 – 2012 as outlined in the ‘Evolving Darwin Strategic Directions: Towards 2020 and Beyond’:-

Goal 1: Achieve Effective Partnerships and Engage in Collaborative Relationships

Outcome

1.1 Improve relations with all levels of Government

Key Strategies

1.1.4 Play a strategic role in the planning and developmental processes that impact Darwin

1.1.5 Influence Government and developers to develop sustainable projects which reflect Darwin’s lifestyle

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Outcome

1.2 Effectively engage with Community

Key Strategies

1.2.1 Increase involvement of the Business Community for developing solutions to local issues

Goal 2: Enhance Darwin's Active, Positive and Flexible Lifestyle

Outcome

2.1 Improve urban enhancement around Darwin

Key Strategies

2.1.1 Manage and maintain the municipal landscaping and infrastructure to a standard that meets community needs
2.1.4 Provide a clean and liveable municipality

Goal 3: Assist Individuals and the Community Stay Connected with the Darwin Region

Outcome

3.1 Promote the use of public spaces

Key Strategies

3.1.1 Enhance public spaces and encourage greater use by the community

Outcome

3.2 Enhance transport

Key Strategies

3.2.1 Review transport and parking needs systems
3.2.4 Provide parking facilities and management systems which meet the needs of the community.

Goal 4: Create and Maintain an Environmentally Sustainable City

Outcome

4.2 Improve water conservation

Key Strategies

4.2.2 Manage and maintain Council's storm water management system.

LEGAL IMPLICATIONS:

This item is not considered "Confidential".

PUBLIC RELATIONS IMPLICATIONS:

Not Assessed.

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COMMUNITY SAFETY IMPLICATIONS:

Nil.

DELEGATION:

To the Chief Executive Officer to provide standard Development Permit conditions as appropriate.

CONSULTATION:

Through the Development Application statutory process.

PROPOSED PUBLIC CONSULTATION PROCESS:

Nil

APPROPRIATE SIGNAGE:

Not Applicable.

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RECOMMENDATIONS:

THAT the Committee resolve under delegated authority:-

- A. THAT Report Number 10TS0002 RB:sv entitled Lot 4303 (680) Vanderlin Drive, Berrimah Proposal to amend NT Planning Scheme PA2009/0922 – change zoning from R (Rural) to LI (Light Industry) to facilitate the development of the site for appropriate Light Industrial uses, be received and noted.
- B. THAT the letter to the Development Consent Authority in **Attachment A** to Report Number 10TS0002 RB:sv be endorsed.

DROSSO LELEKIS
MANAGER
DESIGN PLANNING & PROJECTS

LUCCIO CERCARELLI
GENERAL MANAGER INFRASTRUCTURE

Any queries on this report can be directed to Peter Lindwall on 8930 0528 or email p.lindwall@darwin.nt.gov.au