

DARWIN CITY COUNCIL

ENC: YES

DATE: 04/09/09

REPORT

TO: TOWN PLANNING MEETING /OPEN B **APPROVED:** CT
FROM: GENERAL MANAGER INFRASTRUCTURE **APPROVED:** PL
REPORT NUMBER: 09TS0140 PL:sv **APPROVED:** LC
COMMON NO: 1632073

SUBJECT: PROPOSAL TO AMEND NT PLANNING SCHEME PA2009/1080 TO REZONE PART PORTION 2235, STUART HIGHWAY, HUNDRED OF BAGOT FROM SD22 (SPECIFIC USES DARWIN) TO ZONE SD31 (SPECIFIC USES DARWIN) TO FACILITATE DEVELOPMENT OF COMMERCIAL USES WHICH RESPOND TO EXPOSURE TO AIRCRAFT NOISE.

ITEM NO: 10.6

Applicant: The Minister for Planning and Lands

TP Zone: SD22 (Specific Uses Darwin)

SYNOPSIS

The Minister for Planning and Lands is proposing to amend the Northern Territory Planning Scheme, to rezone part Portion 2235, Stuart Highway, Hundred of Bagot from SD22 (Specific Uses Darwin) to Zone SD31 (Specific Uses Darwin) to facilitate development of commercial uses which respond to exposure to aircraft noise. The site is within the Australian Noise Exposure Forecast (ANEF) 25 contour.

The exhibition period is from Friday 7 August 2009 to Friday 4 September 2009.

PREVIOUS DECISION

At its meeting of 11 March 2008, Council made the following decision on relation to the original proposal to rezone this lot from Zone RD (Restricted Development) to Zone C (Commercial):

8.3.1 Planning Scheme Amendment PA2007/0791 – Part Portion 2235 (651) Stuart Highway, Hundred of Bagot – from Zone RD (Restricted Development) to Zone C (Commercial)

Report No.08TS0015 (06/02/08) Common No.1320876

- A. THAT Report Number 08TS0015 Planning Scheme Amendment PA2007/0791 – Portion 2235 (651) Stuart Highway, Hundred of Bagot – from Zone RD (Restricted Development) to Zone C (Commercial), be received and noted.

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- B. THAT Council advise that it raises no objections to the proposed rezoning, however, notes the conflict with the existing NT Planning Scheme and recommends that a review of the whole Zone Restricted Development be undertaken as well as the impact on Councils stormwater drainage system.

DECISION NO.19\5838

(11/03/08)

Carried

Recommendation: *Support rezoning to Zone SD31 (Specific Uses Darwin).*

Attachment A

- The Notice of Exhibition under section 17 of the *Planning Act*.
- Extract from the NT Planning Scheme relating to Zone SD22 (Specific Uses Darwin).
- The proposed Zone SD31 (Specific Uses Darwin).
- A locality map.

GENERAL

The proposal is to create a new Specific Use zone for part Portion 2235, Stuart Highway, Hundred of Bagot, which is based upon the existing Specific Use Zone SD22 for the site. The existing Specific Use Zone SD22 was gazetted on 1 October 2008. The changes proposed to the existing SD22 zone are to;

- remove the reference to 'Harbour Town';
- remove the requirement to incorporate drawings showing building envelopes for each lot;
- include a requirement to prepare a master plan for the site;
- vary the zone to allow most rather than all non-residential uses common to zone C (Commercial) to be included noting that;
 - a stand alone child care centre with outdoor play space, or a community centre are not included, but that these may be considered as ancillary facilities within a shopping complex, and
 - a warehouse is included within the list of uses.

Proposed Zone SD31 (Specific Use Darwin) Wording

The wording of gazetted Zone SD22 (Specific Uses Darwin) is set out below, with the proposed changes to create zone SD31 (Specific Uses Darwin), marked **in red**.

Part Portion 2235 Stuart Highway, Hundred of Bagot

1. The purpose of this zone is to facilitate the ~~use and~~ development of the ~~land in the style of a 'harbourtown' retail complex on land exposed~~ **site for commercial purposes which respond to exposure** to aircraft noise.
2. This zone applies to the part of Section 2235, Hundred of Bagot identified on the plan included with this zone.
3. With consent, and subject to paragraphs 4 to 9, the land may be developed for the purpose of:

SD22

~~business sign and promotion sign~~
indoor leisure and recreation
restaurant
shop
showroom sales
temporary sales or construction office
vehicle sales and hire
warehouse

SD31

car park
hotel with no residential component
indoor leisure and recreation
licensed club
medical clinic
motor repair station
office
place of worship
plant nursery
restaurant
service station
shop
showroom sales
temporary sales or construction office
vehicle sales and hire
warehouse
veterinary clinic

4. The land may be developed for the purpose of the zone if development complies with all requirements of the Planning Scheme as if the land were in Zone C; and if all proposed development can be constructed in compliance with AS2021-2000 '*Acoustics – Aircraft noise intrusion – Building siting and construction*' (AS2021).
5. The land may be developed for the purpose of a subdivision if the application to subdivide the land is accompanied by a ~~drawing indicating the proposed land use of each lot and that the drawing forms part of any development permit issued for the subdivision~~ **master plan**.
6. The purpose of this paragraph is to ensure that subdivisions in this zone provide infrastructure and facilities which ensure appropriate levels of amenity.

The subdivision design should:

- (a) include pedestrian links through the site and connecting to the Stuart Highway;

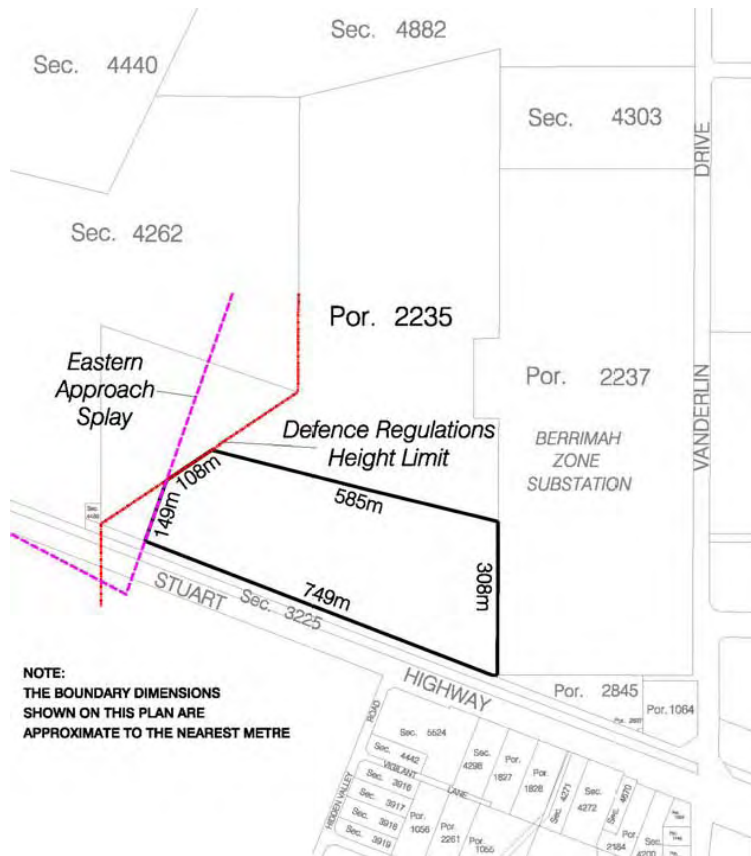
- (b) integrate parking areas and public open spaces with the pedestrian network within the site;
 - (c) include a road network design that fosters a low speed environment with priority given to a safe pedestrian environment and access by public transport services; and
 - (d) minimise the impact of traffic and movements on the Stuart Highway by providing a service lane and an appropriately located and designed intersection with the Stuart Highway.
7. The purpose of this paragraph is to ensure that subdivisions in this zone provide lots of a size and configuration suitable for the zone purpose.

Land within this zone may be subdivided if the minimum lot size is at least 1250m² and the average lot size for the area being subdivided is at least 2000m².

The subdivision design should:

- (a) provide lots that are located and oriented to minimise exposure to aircraft noise such that compliance with AS2021 is possible with reasonable measures; and
 - (b) ~~incorporate drawings showing the building envelopes for each existing and proposed lot within the zone~~ **demonstrate how buildings will be accommodated within each lot.**
8. Development within the zone shall not cause any temporary or permanent structure to breach the defined airspaces for civil or military aviation purposes.
- 9. Lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport.**
10. The consent authority must not consent to an application that is not in accordance with the clauses of this zone.

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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

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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

LEGAL IMPLICATIONS:

This item is not considered "Confidential".

PUBLIC RELATIONS IMPLICATIONS:

Not assessed.

COMMUNITY SAFETY IMPLICATIONS:

Not assessed.

DELEGATION:

Not required.

CONSULTATION:

Planning Scheme Amendment public exhibition.

PROPOSED PUBLIC CONSULTATION PROCESS:

Nil

APPROPRIATE SIGNAGE:

Not Applicable.

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RECOMMENDATIONS

THAT it be a recommendation of the Council:-

- A. THAT Report Number 09TS/0140PL regarding proposed Planning Scheme Amendment PA2009/1080 to rezone part Portion 2235, Stuart Highway, Hundred of Bagot from Zone SD22 (Specific Uses Darwin) to Zone SD31 (Specific Uses Darwin) be received and noted and:
- B. THAT Council endorse the letter to the Development Consent Authority at **Attachment B**.

PETER LINDWALL
STRATEGIC TOWN PLANNER

DROSSO LELEKIS
A/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