

MESSAGE FROM THE CONVENER

Welcome to our bumper **PLan 2003/2004 Newsletter** for May 2004. No issue last year, because we were working so hard for better planning. There is always space for workers on the team. This issue should bring you up-to-date. Thank you to our new editor for the wonderful effort. Watch the website too for news of our regular meetings, special public meetings, and PLan at the Garden Spectacular. Our Fourth Annual Forum is in August.

With ongoing issues and new ones, we would love to hear from you. We are active every day, so please have your own say on better planning. Use the democratic systems in your electorate and Parliament. These are the accountability response lifelines in our democratic system of government.

— **Margaret Clinch**

ONGOING ISSUES, 2003/2004

- **Review of the Planning Act**
- **Wickham Point LNG Plant**
- **Role of DIPE in EIS**
- **Lee Point 73 ha. development**
- **Old Admiralty House**
- **Woods Street developments**
- **Waterfront/Convention Centre**
- **Bayview Stage 2**
- **Gardiner Street 33-storey building**
- **Tiwi 4-storey buildings**
- **Ostermann Street R3 zoning**

UPCOMING EVENTS:

4pm on 30th May: PLan's monthly committee meeting at Paul Henderson's electoral office at Hibiscus Shopping Mall. All members are invited. Come and join in.

Special Events

8-9 August, 2004: Garden Spectacular at the Botanic Gardens. Each year we also meet people at our stall to make sure we are in touch with public opinion. Always displays, handouts and sometimes petitions, straw polls and campaigns you can join, according to events of the day.

Mid to late August, 2004 PLan 4th Annual Forum (Sunday, half day) at location still to be finalised. This will be family friendly!

June 2 & 3, 2004: Creative Tropical City, Charles Darwin University Symposium Series (Mal Nairn Auditorium).

What is a creative city? Is it, as Richard Florida suggests, a city where creative people want to live? Or, as Charles Landry claims, is it a city where the ingenuity of all citizens is utilised to come up with creative solutions to urban management problems? Perhaps it is a combination of the two?

This symposium explores the connection between the creative arts and city life, ways in which the creative arts can enhance the city's liveability and make it both an attractive place to live and a great place to visit. It will examine issues like the built environment, urban planning, architecture, cultural policy and planning, but also arts festivals and intellectual property rights. It will set the agenda for arts policy debate in the NT.

Keynote Speakers: Prof. David Birch (Deakin University); Prof. Mark Lyons (UTS); Prof. Brendon Gleeson (Griffith University); Prof. Leon Van Schaik (RMIT). For more information please visit www.cdu.edu.au and follow the links or email cdss@cdu.edu.au

PLANNING ACT REVIEW

We appreciated the work of previous Planning Minister Vatskalis, particularly his commitment to public consultation, problem solving, and the proper review of the Planning Act. From contacts to date, PLan has confidence that the new Minister, Dr Chris Burns, also has the potential to improve planning.

As at April 2004, we have no knowledge of the current status of the review, or of the response to our submissions.

The review of the *Planning Act* has been formally in place since early in 2003. Written submissions have been made to make the Act work in a more balanced way. PLan and various residents groups have also participated in two facilitated workshops arranged by Minister Vatskalis' office. There was a huge amount of agreement in this. PLan has also asked the Minister's office to have regard to the Combined Community Submission prepared for the 1999 review. This came from ten groups working together, but resulted in only one clause being added to the *Planning Act* (51(r)).

Important aspects of the review are to have a preamble setting out its purpose; to have planning open and non political; to enshrine balanced decision-making; based on quality (performance) as well as quantity (prescription) as dictated by the *Planning Act* 1990; the formal definition of amenity (*see p.3 below*), and the provision of an appeals process available to the community. Essential to the Act is the involvement of the community in planning through the land use objectives, and in the Development Consent Authority process.

The whole Planning Act Review is being interfered with by departmental planning staff (John Gronow, Ann Stephens, and Jim O'Neill) wishing to promote a new planning scheme for the Northern Territory, in spite of the Planning Minister making it very clear that the review of the *Planning Act* is to be completed first.

In a report dated 31 October 2003, following the workshops, the staff rejected almost all of the issues raised by the community. Their report was named 'Report on the Outcomes of Workshops on the Reviews of the Planning Act and the NT Planning Scheme'. The fact is that, although Jim O'Neill imposed a session on his draft planning scheme into the workshops, the community has not addressed its issues, since the Planning Minister has made it clear that the Review of the Planning Act comes first.

The essence of the draft planning scheme is that it is to be one volume covering the whole of the NT. Its efforts towards uniformity diminishes standards such as the 800-metre house lot throughout Darwin, produces a lowest-common-denominator effect, and undermines local character, at a time when it is being recognised throughout Australia as a very important factor in community planning. Most significantly it would eliminate the legal status of the land use objectives, and promote denser living in our tropical environment, in a very big NT. In other words, it would favour exploitation of land.

In presenting the draft planning scheme, Jim O'Neill 'kicked over' a box of planning guidelines and other documents, the outcome of addressing years of issues, in favour of a one-volume summary scheme in which much of this

wisdom would be lost.

The concept of such a uniform planning was part of the terms of reference of the Earl James Report. His report shows that people had little interest in it. It would seem that the planners themselves would benefit by having to refer to only one document. This sounds like a case for clerks, and not professional planners.

These delays, comments and remarks in the document of October, 2004 alerted us to the fact that the actual Planning Act Review process was ill-defined, and did not provide for a draft being placed before the public by the Minister's office before committing to Parliament. The document also showed that the intelligence, knowledge, experience and stake-holding position of the community is being seriously under-rated.

These delays have been drawn to the attention of new Planning Minister Burns. We stressed the need for a more open process, similar to that adopted for the review of the Heritage Conservation Act, which has involved genuine consultation, progressive feedback, and interstate expert advice. Land use objectives and genuine public consultation are essential elements of good planning.

Four-Square Developmental Sustainability

Any new development must be measured against its economic, environmental, social, and cultural implications. This will take care of the future. PLan was concerned when the Chair of the DCA, at a hearing last year, told an affected neighbour and objector Ken Wu, that social impact was not the concern of the DCA, and could not be considered by it. Section 51(r) of the current Act states "any potential impact on natural, social, cultural or heritage values" are matters to be considered.

Amenity

Central to good planning is the concept of amenity, defined by the Macquarie Dictionary as "the quality of being pleasant or agreeable in situation, prospect, disposition, etc." Section 51 (n) of the *Planning Act* states "the potential impact on the existing and future amenity of the area" must also be taken into account by the DCA.

By long experience of this aspect of planning, so vital to living environments and streetscapes, PLan has observed the local character of precincts apparently being neglected by the DCA. One excuse given is that it is difficult to define, and attempts to do so in the Planning Act may lead to legal difficulties. Strangely, it is already defined in the Darwin Town Plan, but has not been adequately applied.

Following incidents at Trower Road, Tiwi, and Ostermann Street, Coconut Grove (*see below*), the importance of amenity has been recognised and the need to consider it has been publicly stated.

Landscaping

Recent experiences at Tiwi demonstrated the need to upgrade landscaping standards.

Planning Versus Development

Overall planning means that development is integrated into a functional whole. Public infrastructure, such as roads, civic places and buildings, community service centres, in-

cluding schools, must be properly located; transport, parklands, promenades, commercial centres and viewing points must be properly planned. The DCA does not do this. It only approves individual applications as they come forward from developers.

Development Consent Authority (DCA)

Members of **PLan: The Planning Action Network** have been involved with the DCA for almost ten years. Our experience convinces us that DCA decisions in Darwin are repeatedly based almost entirely on quantifiable aspects of the Darwin Town Plan, not giving sufficient regard to qualitative aspects of Section 51 of the *Planning Act*. This means that the balance of qualitative and quantitative aspects, legally required since the 1990 *Planning Act*, cannot be achieved, even though the Act requires that the DCA consider both aspects.

This situation seems to be derived partly by a development imperative for quantity which is overriding balanced planning considerations, but more particularly the appeals process, now through the Lands and Mining Tribunal knocking out DCA decisions based on anything other than quantifiable schedules. This denies the role of the DCA, and the purpose of Section 51 of the Planning Act, which does require decisions to be made on non-quantifiable matters as well.

WICKHAM POINT LNG PLANT

Darwin Harbour will never be the same. Some feel that it's as if there has been a death in the Darwin family.



Highly visible LNG plant viewed from across the harbour.

Despite many statements that the plant will present a low visual profile, the huge storage tank being built at the site, which will be virtually equal in height above ground-level to NT House (on the corner of Mitchell and Bennett Streets), is already visible from our popular Stokes Hill Wharf family eating area. Significantly, there is no height data in the EIS or PER. Originally two smaller tanks were envisaged, and Peak Hill, now partially demolished, was to hide the storage.

At the beginning of this wet season, considerable damage to the plant's access road was evident, and heavy soil run-off was clearly damaging mangroves adjacent to the road. \$18.4 million was allocated to infrastructure needs in the project. Why was this done for the second-fastest growing company in the US? Our Dundee residents have been lobbying for an all-weather road and services infrastructure for years.

Following strong community representations, the possibility of further damage was addressed. However, during the

2003/'4 wet, huge stands of weed grasses have established around a heavy equipment park on the road (*see pic below*). These have clearly been brought in by work on the access road, as surrounding bushland is so far free of them; sadly, exactly the same problem has sprung up along the new rail corridor in the vicinity.

PLan members are concerned too that there is no real understanding of the implications of a super-tanker travelling every second day slowly through the harbour. These vessels are roughly the length of Stokes Hill Wharf and about as high as a 14-storey building. Other harbour users have yet to find out how this will affect entry and exit by harbour traffic given Darwin's extreme tidal variations and, for example, safety regulations for vessels of this size that require a very wide zone excluding approach by other ships and to jetties. How will this affect tourism and fishing?

It is unclear how potential gas leakage from either the plant, storage tank, or tanker vessels—very difficult to detect—will be monitored. Although risk of exposure is said to be 'minimal', witness recent events at Ranger, where 'operator errors' saw use of pipe connections resulting in water contamination. There has been a spate of appalling fires at fuel processing plants in recent years, where subsequent inquiries demonstrate that simple trust in expertise and responsibility of operators can fail to prevent potentially catastrophic danger.

On 17 August 2001, an earth tremor resulted in a gas leak at Channel Island; and the Tennant Creek tremors some years ago caused considerable damage to the overland pipeline. Whether this plant is sufficiently protected from tremors remains to be seen.

In the current global climate, there is also very real potential for the giant, slow-moving tanker vessels and the plant to be targeted by terrorists, and this danger seems to have been ignored. In the event of leakage, whether accidental or resulting from an attack, it is possible that the nearby sea would freeze, and a gas plume could travel far enough to reach the NORCOM headquarters approximately 1.2 km away, seriously impacting on the capacity to respond to a terrorist event.

PLan members will be interested that in March 2004, the US Federal Energy Regulatory Commission (FERC) asserted exclusive jurisdiction for liquefied natural gas facilities. This is aimed to prevent local people vetoing an LNG plant or tanks in their community.



Heavy equipment dwarfed by weed grasses, Wickham Pt.

ENVIRONMENTAL IMPACT STATEMENT (EIS) GLYDE POINT

The first steps in compiling an Environmental Impact Statement on a proposed industrial and related development at **Glyde Point**, have begun. The community is strongly against the EIS being done by the environmental half of Department of Infrastructure and Planning (DIPE) for the developmental half of the very same department which is initiating the proposal. There could only be a truly transparent and neutral EIS by using an independent body, such as a statutory EPA, with clearly defined responsibilities. The outcomes must be public.

It will be recalled that PPlan, working with the Darwin harbour group, collected 6,500 local signatures on the basis of having a gas plant, but not in the harbour. At that time, a clear call went out through the petition for an independent assessment of all possible sites.

Glyde Point is a recreational area, tides are big and currents strong. A low jetty will be required to deep water. Parts of the site would be better used for Darwin's own residential expansion. Environmentalists are concerned about plant and animal life on land, and sea dwellers such as dugongs.

Here is a case, again, for looking at a number of other sites, including Point Margaret, before deciding on Glyde Point.

A very large area is selected for industrial use, to be dealt with apart from the normal consulting planning system. This land should remain leasehold, rather than becoming freehold.

LEE POINT DEVELOPMENT

Before 73 hectares of land were released by the Defence Housing Authority at Lee Point near the Tracy Village Club, for a joint development of a new mini-suburb, former Lands Minister Kon Vatskalis promised to consult PPlan about the way this bush land would be cleared and laid out. A memorandum of understanding was signed on-site before Christmas, but the promise to consult PPlan has so far come to nothing. Land use objectives based on departmental expertise and community consultation are needed before this big development goes ahead.

Local residents want careful clearing to protect catchments, flood plains, the Casuarina coastal reserve, and special plants and animals. PPlan is concerned about whether good planning principles will be followed, with sufficient infrastructure, transport, parks and open space. Possibly a new primary school and oval will be necessary, since the Tiwi school was closed some years ago.

Clearly, population densities should be appropriate for Darwin, especially as these affect law and order issues, of deep concern to so many Darwin residents these days. Lot sizes should at least cover the standard 800 sq. metres for houses, and not be small, as at Fairway Waters and City Valley. Many residents will have boats and trailers. Houses should be suited to tropical living, coolly oriented, conserving power in any way possible, and have gardens. The Casuarina Association of Residents needs these issues discussed at a public meeting in the area. A promise is a promise.

OLD ADMIRALTY HOUSE



New multi-storey building begins around Old Admiralty House (left) already dwarfed by earlier development (background)

This beautiful and (now very rare) old tropical building, of high heritage value, is endangered by a development planned for part of the double block on which it is situated. While the developer seems to have changed his plans from time to time, work on the surrounding building site has commenced by Jalouise P/L (Andrew Liveris) excavating for a fourteen-storey building (c.f. the nearby Mitchell Centre), already seriously affecting the garden. Both house and garden are heritage listed, and were previously leased to commercial and non-government groups.

Some residents picture themselves weeping over this site, as they did over the Hotel Darwin, but some are fighting on. They cannot see the reality in Minister Burns' assurance that the building is not being damaged. It all started in the 1990s when part of the garden was paced off, as 'non-heritage', in spite of Heritage Unit advice and recommendation that the house and all of the garden had significant values, and that the whole site was essential to the listing.

A report to the public by Peter Forrest, on 22 April 2004, showed that Old Admiralty House was second in significance only to Government House in entertaining visitors and local VIPs. Thus it was made clear that the now-excavated tennis court was of heritage significance.

This arbitrary division of the land led to an 'expression of interest' advertisement on this crown land and government-owned property. Although it is located on The Esplanade, if the proposed work is completed, both the house and land will be lost to the people. A restaurant is planned downstairs, with glass walls and every second column removed, with excavations and buildings added at the rear. The garden will be much reduced.

PPlan would like to know whether all crown lease and expressions of interest conditions have been strictly met. We would also like to know, why, given the general public concern, a new permit was issued, with but a few days to go on the DCA development permit, with virtually no start made

except some tree cutting. Recently, a felled tree landed in the heritage part of the site. PPlan has asked Environment and Heritage, through Marion Scrymgour, for practical safeguards to prevent damage to the house, but there is no on-site supervision. Meanwhile, the developer has lodged an application to establish the restaurant. The public has not yet seen the conservation management plan, which is required of him.

This is a case of the development imperative getting out of hand, and destroying what the people love as heritage.



Old Admiralty House (Knuckey Street side)



Old Admiralty House (viewed from The Esplanade)

WOODS / MCMINN / BENNETT STREETS DEVELOPMENT (Auleth)

PPlan is concerned at the loss of amenity, and inappropriate planning at the Bennett Street end of Woods Street. The general height of buildings and number of dwellings in the space available reminds us of big cities. These population densities and living situations are completely inappropriate for tropical Darwin.

So far, two towers are built, two more approved, with one lot to go. the DCA has refused to consider the social implications of such density, as required by section 51(r) of the *Planning Act*. Although the developer has a master plan, the chairman says it will not show it to the public. PPlan has asked for open green space for recreation, as there is nowhere for children to run and grow.

Several metres of public land edging McMinn Street were added to the developer's land, thus preventing the possibility of widening roadways or footpaths for the inevitable increase in traffic, or for a pleasant streetscape to match the landscaping opposite, in front of the site of the *NT News*.

WATERFRONT CONVENTION CENTRE

In the latter part of 2003 the NT Government decided to put \$100 million into a \$600 million project to build a Convention and Exhibition Centre at the old port. Bids for projects were to be sought from interstate consortiums. PPlan quickly formed a history/ heritage reference group to document for the government the need to protect history/heritage sites in the port, for their value to the community, and for tourism. As buildings were being demolished, this was an appropriate time to act.

We worked closely with the project team in the Chief Minister's office, and, before Christmas, provided a basis for conservation, with relevant documentation, the most important being the first settlement site (Goyder's Camp of 1869/ 1870) below Government House.

There is also both a need and an opportunity to build the equivalent of a Darwin Hall of Heroism, similar to an Outback Hall of Fame, to serve as a focus for World War II commemoration. As well as being important to the psyche of our own community, this would be a unique Darwin tourist destination of national and international significance. There is a wave of interest in such spiritual travel destinations.

Now the NT Government is refusing to release the final three designs, when they become available, to involve the community in judging the suitability of any of them. There is a suspicion now that the government will insist only on the Convention/Exhibition Centre, and on some public art, and not the recognition of our authentic heritage. The EIS does not properly protect our heritage.

PPlan calls on the government to guarantee our history/ heritage sites, and for the use of this opportunity for a Darwin Hall of Heroism remembering the courage of local civilians and service people alike.

BAYVIEW STAGE 2 (Austcorp / Henry Walker Elton)

Bayview is a canal estate on Sadgroves Creek, which flows into Darwin Harbour. New canal estates are banned in NSW, because of the environmental destruction caused usually to mangroves, well-known as marine nurseries. PPlan has watched the devastation of the Bayview I, in spite of its EIS. The estate sold so slowly that the developers have had to beg special concessions from the DCA. Even its mixed SU (Specific Use) Zone fails to provide service infrastructure, particularly a school, even though one was originally planned. It 'cheats' on open space provision, by counting the canals as O1 (open recreational space).

An area outside Stage I, on the Winnellie side, was used for dumping, hidden by construction security. Questions asked of the Environment section of DIPE were never satisfactorily answered. PPlan wanted to protect this area, because of the impact of its degradation on mangrove communities, and harbour pollution. Like similar low-lying tropical places worldwide, Bayview is subject to health-threatening biting midges, and its suitability for development is questionable.

Unfortunately, during 2003, the government handed Bayview Stage II over to the same developers, as a crown

lease, saying that the first EIS could be used. This was a 'prior commitment'. How many of these commitments exist that the public does not know about? Will the ALP government automatically approve them all?

GARDINER STREET, 33-STOUREY BUILDING (Sunbuild)

Early this year, the public was shocked at an application for a 33-storey building on four house lots bounded by Gardiner, McMinn and Knuckey Streets, including 108 flats and ground floor offices, in a building about 120 metres high. The tallest existing building in Darwin is 13 storeys high. The planned entrance is into Gardiner Street, which is only 8 metres wide. There is no landscaping at ground level. This site is not in the core of the Darwin CBD.

Such a building is out of proportion with the size of Darwin. Jeff Kennett, whilst visiting Darwin recently, questioned the wisdom of building such a tower now. Is such a density wise when it is unnecessary, and is it suitable for tropical living? Would it spoil Darwin's image? Many people think it would. How much power will it draw for airconditioning? Would infrastructure cope? How would services in a city of 100,000 people cope with a fire in the building with shut-down lifts? Our Darwin Town Plan really only covers buildings up to 8 storeys.

PLan's Straw Poll, 2004, No.1, begun at this time, shows, from a sample of almost 300 public responses:

- The public wants a tropical city that is properly planned—89%
- The public want the CBD to have building height restrictions—94%
- Very few people think that the DCA is doing a good job—6%

FOUR-STOUREY TIWI DEVELOPMENT

Darwin has problem areas where archaic R3 zones (up to four storeys) adjoin R1 (single dwellings up to two storeys). Tiwi and Nightcliff have recently experienced this problem.

A four-storey block of units in Trower Road Tiwi is now complete, after being approved by the DCA, without due consideration of the impact on the amenity of this area, or effect on traffic and infrastructure.

When Tiwi residents applied for a rezoning from R3 to R2 (limiting heights to two storeys) to prevent a repeat planning travesty, the Property Council and the local real estate industry went into panic mode, seriously misrepresenting the situation. Business lawyers made Freedom of Information requests for PLan correspondence to the Planning Minister. Public attacks on residents from developers and the Property Council claimed they were "damaging interstate investment confidence". The *NT News* branded residents with clear interest in local amenity as mere "bystanders". Opposition Leader Terry Mills and Shadow Planning Minister Peter Maley both strongly hammered local member Kon Vatskalis in Parliament, accusing him of improper conduct.

Land Use Objectives for Casuarina have long been of concern to PLan members—in 1998, then local member Peter Adamson was asked to start them, with no result. If he

acted then, we would not have the problems we have today. PLan has recently written to Minister Chris Burns, repeating the Tiwi residents' sound reasons for the re-zoning.

Recently, a development application was made to vary the design approved by the DCA, including change to internal layouts and parking spaces, possibly resulting in three bedroom units in buildings originally planned for two. This has direct implications for levels of impact by people and traffic through the area, and raises again issues objected to by local residents.



Are ground-level residents next-door to high-rise mere "bystanders" as branded by the NT News?

COMMUNITY WINS RECOGNITION OF AMENITY, OSTERMANN STREET, NIGHTCLIFF.

In January, in a similar situation at Coconut Grove, the DCA refused an application for a four-storey building in the archaic R3 zone there. The developer is reported to have said that, without setback exemptions, the building would look like a ghetto. DCA Chairman John Pinney asked for a redesign on grounds of amenity.

As an outcome of the situations in Tiwi and Nightcliff, Planning Minister Chris Burns placed a two-year interim order over a hundred R3 blocks throughout Darwin, preventing buildings over three storeys. This period will allow proper consideration of how to treat R3 lots adjacent to R1 zones.

MEMBERSHIPS & RENEWALS

PLan is an incorporated voluntary community organisation working towards a better living environment. We know we have thousands of supporters because people tell us. We make sure of the facts, lobby governments, work with media, write letters, facilitate campaigns, support residential and special purpose groups and individuals, work with allied groups, do surveys, run a website, and arrange public meetings and annual forums. It is fun and you meet people and learn a lot.

We need more members. It's only **\$10 per year**. You can join any time. Renewals are automatically due at the date of the AGM in Nov/Dec each year. We run on a shoestring. Subscriptions help us with hall and stall hire, legal searches, postage, displays, photocopying, advertisements, annual forums, etc. as these are costs that cannot be avoided. Help in kind is welcome too.

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DONATIONS, however small, are always welcome!!

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