

Convener's Message, May 2005

PLan: the Planning Action Network is an apolitical group aiming at balanced, sustainable planning for the future of the Northern Territory.

For this reason, we welcomed the incoming ALP government almost four years ago, after being sneered at by the CLP in some of our efforts.

We looked forward to the change, knowing that the ALP, particularly Chief Minister Clare Martin, had, in Opposition, supported residents in our work for the wider community. She knew the issues: using land-use objectives, keeping public foreshores, preserving the Green Escarpment, managing the environment, having public parks, ensuring good amenity, allowing third-party appeals, improving heritage conservation after the Hotel Darwin tragedy, and having genuine community consultation. Promises of open, accountable, representative government instead of executive rule were made and natural justice anticipated.

We would like to say nice things, but to do so would be blatantly untrue. The report card shows an estimated 90% failure by the ALP on current planning issues.

We thoughtfully stood back on planning issues, whilst the new government got acquainted with business, but from then on, the community was out in the cold, and the object of broken promises. From time to time, intense and important efforts were made by the Planning Minister's Office, but these efforts, particularly on the Review of the *Planning Act*, 1999 could not match the other voices. The government is secretly succumbing to a single NT planning scheme, which is more about facilitating development than balanced, sustainable planning in the interests of all. The DCA is compromised by pressure from the government's attitude of 'development at all costs'.

No promised EPA, Darwin Harbour relegated by Clare Martin as a working harbour, rather than our greatest asset, to be managed for multi-use and conservation. Twenty years on and we still have no management structure.

What has happened to all the environment management plans to which we made our contribution? The ALP Government okayed Bayview Stage II for Henry Walker Elton (HWE), based on a prior commitment, when a Sadgroves Creek mangrove ecology could have been saved.

The public is being betrayed over the Waterfront Project. National consultant SOCOM was employed to assess community attitude. The Executive Summary told government that Territory people would not support the Waterfront Project if it did not preserve the Green Escarpment and the views from it.

Instead, the Planning Minister changed legal height limits, adding ten metres, breaching (illegally, we believe), the existing *Central Darwin Planning Concepts and Land Use Objectives*. At the same time, the government listened to other voices living in Bridgport, lowering a proposed development to save their view. This is particularly ironic when the builders of Bridgport had already robbed the community of its harbour views from the Esplanade, and destroyed the historic Travellers Walk.

Whatever happened to the independent social assessment by Sinclair, Knight, Merz to which the community responded?

Changes to the *Planning Act* took us back beyond 1990. The review got seriously out of hand, in the end, after two ministerial workshops for residents were ignored. The bottom line seems to have been to make it simpler for departmental planning staff and developers. The community was cruelly treated in the process, and needlessly insulted in the outcomes, by being dealt with like peasants.

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COMING EVENTS

Lyons Consultation

A public meeting will be held on 29 May 2005 at Dripstone High for input to Canberra Investment Corporation (CIC) who are planning the new Lyons suburb at Lee Point, for the Defence Housing Association. Check the newspapers for the time. The main problems at present are a lack of public facilities, and house lots less than 800 sq. m.

Garden Spectacular, August

See you at our **PLan** Stall in the George Brown Botanic Gardens.

Consultation on Darwin Mall

Darwin City Council has commissioned a consultancy by Hassell on the Mall. Dont sigh! This one looks like it could have possibilities, through consulting potential users. Have your say on the proposals in the Mall on 3 June, 2005, and at Casuarina Village on 4 June, 2005. This planning process continues until September, 2005.

ISSUES

NT Election

The biggest coming event is, of course the coming Territory election. Make sure you do not waste your vote.

Find out which of your candidates will give good planning. Concern for planning is a good indicator of awareness of the wider population. Sustainable planning, environmentally, socially, culturally and economically, builds more confident, and happier functional communities. It saves public money in the longer future. A well-planned community, displaying its own values, will attract tourists, and encourage the present population to stay on. This is what we need.

Margaret Clinch

Central Darwin is languishing through competitive developments, and no-one is taking overarching planning responsibility. Two well-attended Darwin City Council forums on putting Darwin on the map as a capital city offered hope, but the City Charter document currently being distributed by DIPE is thin and superficial. It has failed to embrace the guidelines established by the forums, including one of ongoing community involvement.

We ask Darwin City Council to dedicate itself to more parks, not less, and to keep its network of walkways open, encouraging residents to move through neighbourhoods, discouraging crime. The best approach is a focus on individual problems as they occur. Many residents are concerned about Council's treatment of trees in recent years. We welcome the promising Hassel Consultation on the Darwin Mall. More shade is needed, allowing alfresco eating. The unique aspects of the Mall need highlighting, but the last thing we need is opening the Mall to traffic. It could be a mature-age equivalent to Mitchell Street, if it is marketed that way.

PLan's message is for you to participate in planning. Your needs and experiences are an important basis for good planning. Watch our website at www.plan-inc.org, and subscribe to PLan for \$10 per year.

Be prepared to act yourself, rather than relying on us to do it. Talk to friends and politicians, write letters to DIPE, DCA, ministers, politicians and newspapers, and call in to radio on issues that move you. Watch the Friday *NT News* for development notices, under the heading Planning Notices, attend DCA meetings, and see what really happens. We can help you get started, and provide information, but it's easy after the first time.

The more that people speak up about the importance of environmental, social, cultural and economic sustainability in planning, to balance the current development imperative, the more chance we have of better planning outcomes. It is time to have a variety of approaches to sustaining employment opportunities. Then we will not be so reliant on short-term employment on development projects.

The bottom line is not only to attract more people to come and live here, but to keep our own people happy, so that they stay.

Good Planning!

M. A. CLINCH, PLan Convener

Environmental Protection Authority

We are still waiting for an independent authority whilst going ahead with the huge LNG plant, the pipeline to Gove, and the Waterfront Project. Where are the priorities?

Enclosures

Residents have pointed out that the fencing of the Tracy Village Sporting and Social Club ovals prevents casual public use. The Club has just received the land from the government. We hear children are warned off the Dripstone Oval. PLan is concerned about this casual privatisation of public land which forms an important part of community life. PLan also strongly recommends that heritage areas in the Waterfront area be retained as public space and not turned over to developer ownership.

Foelsche Street/Woods Street Demolition

Earlier this year, a resident nominated the last remaining block of tropically-designed, self-ventilating Commonwealth flats at the corner of Woods Street and Foelsche Streets, Darwin for heritage listing. The Heritage Advisory Council recognised their significance, and recommended the listing to Minister Scrymgeour, and there was an advertisement for final comments.

A local resident warned PLan of a likelihood that the building was to be demolished by Mr Fernando Augusto, a developer with interests nearby. PLan urgently contacted the Minister's office. However, the building was demolished on the day before comments were due to close. The resulting devastation is shown on the PLan website (www.plan-inc.org). The Minister imposed no penalty. So much for due process and government responsibility.

Lake Bennett Saga

This saga of conflict in landholders' rights has been a headache for many years. Longstanding landowners are in conflict with shoreside resort-type developer Mr Milatos about rights of access to Lake Bennett itself. There has been a dispute about the meaning of registered titles.

After costly legal process the landowners' position was upheld in the Supreme Court by Justice Sally Thomas, and payments made. Relief was short-lived however, for then we understand that, due to the bankruptcy of the resort company, moneys due were redirected to liquidator's funds.

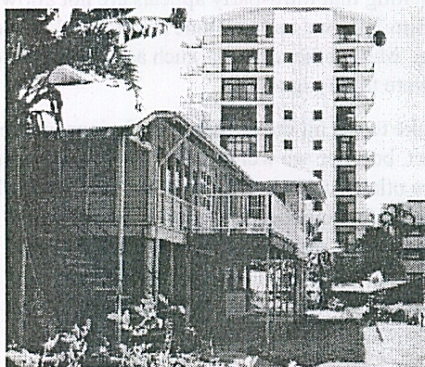
We think it is about time the government accepted some responsibility to resolve this matter to set hearts and minds at rest.

Suburban Shopping Centres

Two shopping centres in the Casuarina electorate have received government funding for upgrading. The unoccupied Nakara shops are being considered for better use by the community. PLan supports these moves, but suggests that the spending of government money should be linked to supplying facilities for youth, so they are not forced to the streets and supermarkets to relieve their boredom. To exclude youth from benefits would be unwise.



(Above): Old Admiralty House, May 2004.
(Below & right): May 2005: note razored gardens, & dwarfing by high-rise.

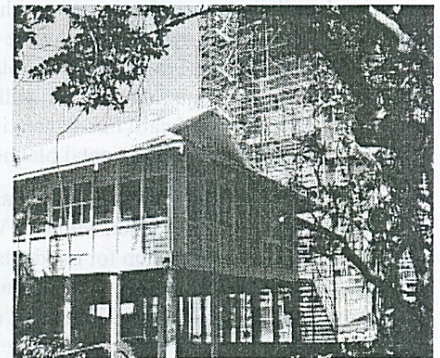


Old Admiralty House

It takes a strong stomach for a Darwin resident to look upon what is happening at the heritage-listed house and garden site of Old Admiralty House on the Esplanade. Despite Minister Burns' very direct promise that Admiralty House would not be harmed, the image of this house and garden is changing for the worse from something that is unique and of heritage significance to Darwin.

The Development Consent Authority (DCA) has seen the Master Plan for the site, but refuses to show the public. This is very odd since the site is Crown land, and the Esplanade is Darwin's front street. Unbeknown to most of the public, Jalouse P/L has planned to build a multi-storey hotel on the site in Knuckey Street, between La Grande and the back of Old Admiralty House. We question some of construction activity that has been going on already in that area, when, as far as **PLan** knows, no development application has been approved for the hotel. Is there assumption by the DCA that it will be approved anyway? How many times has this been/will this be the case?

PLan Convenor Margaret Clinch says: 'Talking to people at the Freds Pass Show indicates a vast majority of ordinary people already understand the government's very poor track record in planning during the last four years. They are horrified also at the situation of Old Admiralty House. People also feel that community issues have been neglected in contrast with business interests. This reflects very strongly in planning outcomes. Ordinary people very clearly understand the difference between development and planning. They want more responsible planning by government, rather than the unplanned approval of individual developments. They know there are other ways of providing employment than short-term construction jobs.'



Review of the Heritage Conservation Act

For many years, the Heritage Conservation Act has been under review. This is an even-handed, very professional review, featuring options, and resting on advice from interstate experts and local consultations. This review is overdue, considering the Hotel Darwin and Alice Springs Gaol debacle in CLP days. In this current pre-election scene, Minister Scrymgeour reminded us last week that it is on its way. But where has it been all this time?

Despite the Minister's encouraging statement, heritage has not been an ALP priority, in the developers' paradise of recent years. This is in spite of the recognition given to the value of heritage in life, and strong bi-partisan support in Parliament for a much more effective act. Has the Old Ad-

miralty House progressive mess stood in the way of the ALP government's passing of this revised act?

It was recently reported that heritage applications as old as fourteen years still await approval. Any further delay, and there will be nothing left to save for the community, and nothing unique for tourists to see.

PLan wants to see the improved act pass in the life of the ALP government. The government's own self-respect dictates this must happen.

We are hearing, again, promises on many matters, but it is long past the time for promises.

Planning Act Review

One of the greatest tragedies for the community has been how the ALP government has handled the review of the *Planning Act*. The community is now very vulnerable, with balance in planning even harder to achieve than before. There is no excuse for this. Chief Minister Martin had previously rehearsed many planning issues with residents in her electorate with the Parap Residents Association. We have a right to expect a better treatment of community by her government.

A key Parap/Fannie Bay issue has long been the importance of land-use objectives in maintaining the local character of residents' choice, and preserving investment values in family homes. The government has abolished land-use objectives from the *Planning Act*, out of hand. This is in spite of direct and repeated promises to the community from the Planning Minister's office that the proposed new planning scheme was separate from the review of the Act, and would not be dealt with until the *Planning Act* review was complete.

This is an in-your-face, broken promise to the community. Did Minister Burns drop the bundle, or did Cabinet roll over him because of 'development at all costs'?

Whilst the redrafting of the *Heritage Conservation Act* is being handled most professionally, with up-to-date input from a national expert, systematic genuine consultation using the wide experience of different stakeholders, and options canvassed with the community, the handling of the *Planning Act* was different. We heard that legislative drafters returned the drafting to senior departmental planners to handle.

The review of the *Planning Act* began early with the usual public submissions. Later, Minister Vatskalis provided an intense planning workshop for residents and planners with two facilitators. Representatives from many Darwin residents' groups attended, and gave it their all on prioritised issues. Some time later, departmental planners (John Gronow, Jim O'Neill, and Ann Stephens) rejected community input, claiming, quite wrongly, in a signed document, that residents were not sufficiently in agreement. They put forward their own new information.

Some correspondence to the Minister, and a year later, a second residents' workshop was held with Minister Burns participating. The same issues were canvassed, with the same amount of agreement. Land-use objectives were roundly supported, but we were intensely pressured by the impartial facilitator on them. We made it clear again that public discussion of the proposed new *NT Planning Scheme*, being promoted by departmental planners, would have to await the finished review of the *Planning Act*.

Two other areas of community concern in the Act were amenity, and third-party appeals.

In the matter of the building of four-storey flats at Tiwi, next to one-storey residences, the importance of amenity was at last accepted by the Minister. It was then that June d'Rosario, against local residents, and on behalf of developers, declared to the DCA that it was impossible to tell the im-

pact of amenity until the building was built. When a similar case arose at Ottermann Street, Coconut Grove, it was accepted that the DCA must consider amenity as required in Section 51 of the *Planning Act*. The amenity issue is about how a new development will affect the pleasantness of an area.

John Gronow, as senior departmental planner, had long ago agreed that the problem in the Act was its legal definition. **PLan** proposed to him that it be defined as it already is in the Darwin Town Plan, or as in the Macquarie Dictionary. Instead, we have a mangled definition which indicates the input of developers.

In the matter of third-party appeals sought out of natural justice, another mangled part of the new Act treats the public as peasants, by stating that third-party appeals are not allowed in the CBD. Similarly we must assume developers' influence in the drafting. Many other matters, such as exceptional developments, were totally ignored.

PLan would like to see all the written submissions on the review of the Act, because we were told by a senior planner that there were other voices to be listed too. As far as balanced planning is concerned, this Act takes us back pre-1990. It makes it very easy for departmental planners to work with developers, through the simple NT Planning Scheme that senior planners have been promoting for so long.

Whatever happened to genuine consultation, representative government, and ministerial responsibility?

Construction Safety

The *NT News* on 2 May featured photographs of dangerous safety practices on construction sites, mainly on smaller sites. We understand there are bad practices on some larger sites, and we are concerned about crane maintenance.

PLan contacted WorkSafe about the danger for technicians servicing air-conditioning units placed on the outside walls of tall new buildings. We also wrote about the dangerous and dusty worksite in Bayview stage 2 adjoining O'Ferrals Drive. The response was unsatisfactory.

Story of Lyons—the new Defence Housing Authority site on the way to Lee Point.

A new Darwin suburb is to be built near Lee Point by the Defence Housing Authority (DHA). The DHA is a Commonwealth body established to provide housing and relocation solutions for all members of the Australian Defence Forces.

The new suburb, to be named Lyons, after a modern Larrakia figure, is on former RAAF land, no longer needed for Defence, between Lee Point Road and the hospital. Expenditure of \$41 million is authorised. About 800-900 lots will become available over 5 years. About 200 dwellings are for Defence personnel families. Overall, most dwellings will be houses, but there will be some units.

Since 2004, the public has been concerned that the lot size for houses would be less than 800 sq. m., which is the minimum prescribed, standard size in the *Darwin Town Plan* for detached dwellings (R1). Darwin residents know that lots smaller than this are not suitable for tropical living. This strong feeling was made clear by residents visiting our stall at the Garden Spectacular last year. A petition was gathered on those two days, but was ignored by the government.

It seems the DHA favoured smaller lots like those at Palmerston, which has a different town plan. Planning Minister Burns caved in to the developers, breaching the *Darwin Town Plan*. The site plan is for the lots to range from 600-850 sq. m., with the average at 700 sq. m. Smaller lots are crowded more densely, so do not allow natural cooling by breeze and shade trees. Pictures of returning Defence personnel in the *NT News* show young families. These houses give less room for children to play, and less space for adults to let off steam.

The Canberra Investment Corporation (CIC), the designer of the suburb for sales, is in Darwin consulting with business and community at present. **PLan** is working closely with CIC, providing local input to improve sustainable living in the suburb. We attended their community-focus information meeting in late April, and held a community feedback on the draft plan at a meeting at Dripstone Cliffs on 1 May.

Most lots are well-oriented, and the internal street pattern focuses traffic away from most living areas. There are several parks, but no central public facilities have been provided at all. There is no school, so children will go outside the suburb. There is an unreal reliance on Tracy Village Sports and Social Club, Casuarina Square and other institutions, to make up the shortfall. **PLan** stresses that DHA needs its own commitment which will allow CIC to turn this from a cold subdivision, into a living, sustainable suburb.

Commonwealth Public Works Committee (PWC), overseeing DHA, visited Darwin for public hearings (www.aph.gov.au/house/committees/pwc) in mid-2004. **PLan** made submissions. Two of the PWC's recommendations to Commonwealth Parliament late in 2004 are:

- Recomm. 2: ... that the DHA explore the possibility of including a purpose-built community centre within the proposed Lee Point development, and
- Recomm. 6: ... that the DHA undertake a comprehensive program of community consultation through which members of the public may have input into the Lee Point housing development proposal.

Despite this, the Draft Master Plan shows only a central building, which the developers want to use for the first five years as a sales office. **PLan** has passed on to them public feedback from the meeting of 1 May, but we have seen nothing to show that the developers are prepared to put a real investment into building a sustainable social community, beyond what is currently shown in the Master Plan.

PLan supports a central core with a shared community centre, preschool, junior primary, small shop, gym, childcare facility, and/or youth centre. DHA should be prepared to set aside funds for land, construction costs, and ongoing management of these, instead of maximising profits. Its first responsibility is to the wellbeing of Defence families.

Shame on our representative NT Government, its ministers and departmental staff, for not enforcing the legal standards of the *Darwin Town Plan* for house-lot sizes, and not insisting on basic suburban facilities and services for the people of Lyons! If it is not laziness, incompetence, or capitulation to developers, what is the reason?

So much for the Year of the Built Environment, and environmental, social, cultural and economic sustainability for planning good communities.

Arafura Bowls Club

In Parap, residents in the Chief Minister's electorate are uncertain how the government will develop the new open space at the old Arafura Bowls Club as an entrance statement to Parap, commemorating Darwin's Aviation history.

Waterfront Project

PLan has contributed to the Waterfront Project from the outset. A series of public consultations led by the team looked genuine. Two major confidence-builders were the consultation by national consultancy firm SOCOM on issues for the community, held early in 2004, and repeated assurances by Larry Bannister of a bottom line in which the DCA would deal with Waterfront applications in the normal way.

SOCOM, in its Executive Report, lists parameters required by Territorians for the acceptance of the project (SOCOM, Darwin City Waterfront Report, January, 2004, p. 3.)

It also states, in relation to Darwin's most prized natural Green Escarpment:

The people of (the) Territory will be disappointed and will not be drawn to the site if:

- The view from the top of the escarpment is a building or a rooftop rather than the waterfront
- The view from the bottom masks any views of the escarpment.

The community was betrayed in these aspects by the Chief Minister.

The DCA, in dealing now with development applications from the Cove Consortium, is being asked to approve unfinished concept plans. Development plans are normally assessed when they are ready for final endorsement. There appears to be no finished master plan. Variations are being asked on earlier permits, to allow a new design for the main retaining wall (without a lock), changes to environmental management, and to reduce liability for damaged roads during 15 months of heavy construction. Thus the DCA is expected to change its processes under the pressure of a government rush.

Minister Burns approved a planning scheme amendment *Darwin Waterfront Planning Concepts*, which changes height limits in front of the escarpment from 15 to 25 metres. Since it contains no land-use objectives, and contradicted the then-existing *Central Darwin Planning Concepts and Land Use Objectives*, PLan believes it may not be legal.

So the community has been betrayed by government promises. We are disturbed that the winner was not chosen on the basis of the best design. We feel that a local finalist may have been disadvantaged by respecting Territorian's parameters, more than the final winner did.

Like others, including the Darwin City Council, which has been sidelined, we are concerned about roads and access and about clashes with navy needs. We want public ownership of the land to be retained, and are worried about escalating costs. More openness in the long run would be wiser. The Government may find it has a tiger by the tail.

Parks and Public Places in Central Darwin

The accelerated approval of large residential buildings in Central Darwin signals the need for more parks. Section 51 of the *Planning Act*, 1999, under which these developments were approved, requires the DCA to consider the necessary recreation space for increased numbers of residents, and to consider the social implications. However, no outcomes show the DCA having done this.

Children need parks to run and grow, and adults need them for relaxation, exercise, to socialise, and to let off steam. Just take a look at the buildings on the Woods Street, Bennett Street, McMinn Street wedge lot. What do you think about this crowding? What will be future of these buildings socially?

The DCA has not accepted responsibility to do anything more than approve individual developments in isolation. This accentuates the growing gap between development outcomes and planning outcomes. No-one is accepting responsibility for the long-term, big picture, so we are accumulating a haphazard city, where the devil takes the hindmost. There has been little development in the actual core CBD, but we are ringed by tall buildings built on cheaper ex-public lands which block the view of the harbour.

The government has not protected the Civic Precinct, and has saved very few heritage buildings from damage or destruction. It has not built any boulevards, new streets, nor public spaces as set out in the *Central Darwin Planning Concepts and Land Use Objectives*, 1999.

Parks, Walkways and Darwin City Council Parks

Darwin City Council has been reluctant to take on new parks, cautious about new expenditure, and apparently not accepting the benefits to residents. An example of this is Flagstaff Park on Myilly Point, given back to the people by the ALP nearly four years ago.

Sometimes Council is justified in its actions, where developers have provided very small parks and narrow, extended landscaping used for marketing estates, leaving Council to take on costly maintenance. At Bayview, the canals were even zoned as open, public recreational space, robbing people of actually useable recreational space.

Council now uses 3,200 square metres as the minimum size for new parks. It is putting an emphasis on regional parks, but people also need parks they can walk to, and throw a ball about.

It is regrettable to see Council's survey of walkways in 2004, wrongly identifying so many walkways as not necessary. Fortunately experimental nightly closing of troublesome walkways near shopping centres has focussed community co-operation and solved some behaviour problems. The police must play their part here.

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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Street:.....

Phone:
(Home):.....(Work):.....

Fax:.....

E-mail:.....

Special planning interests:
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I can help with:
.....
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DONATIONS, however small, are always welcome!!

ENCLOSED IS: \$..... for **PLan**

Please send to:
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For more information, contact 08 8927 1999, or e-mail margaret.clinch@bigpond.com.au,
or visit www.plan-inc.org

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PLAN NEWSLETTER (ISSUE 58)

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