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PLan NEWSLETTER. DECEMBER, 2008

CONVENERS MESSAGE

To me one of the many pleasures of living in the NT is sitting quietly with the Weekend Australian on a Sunday morning while the wildlife goes about its business in my garden.

An article caught my eye which dealt with reformist politicians – particularly those of the planning nature. The first example was a Dutch Prime Minister whose agenda was to bulldoze the 17th century city architecture of Amsterdam to create a motorway. The second example was a mayor of Paris who sought to bring skyscrapers to the city of Paris to ease the crowding.

Over my years of membership with PLan you might have heard me say that there is no agenda for Darwin and the Territory. I suppose I always thought that is some way we were lucky that we did not have a reformist politician of the ilk mentioned above. But, in my humble opinion, with no agenda we have ended up with as much of a disaster as could have been created if someone had set out to do the deed.

To explain, many Queensland cities show a pattern of develop where you can, take the precinct of Cairns near the working harbour, pretty rough looking opportunist buildings. Or look at Townsville, one jewel that survived to this day is the railway station in the centre of town, they have closed the railway station and built a new one further out of town and now of course there is this unused building in this prime building site ...

I could propose that Darwin has been developed using the Queensland model with some small elements of restraint.

I suspect that the one agenda that we (as in the activist members of the Darwin community) did not grapple with early enough was the agenda to industrialise Darwin Harbour. It is now clear that this was what was going to happen and that is was planned. I don't say this as some sort of apology or to seek forgiveness for inaction, as if a bunch of Territory citizens are to blame because they couldn't raise enough of a fuss over an impending environmental and planning disaster. I say it as matter of record it was coming and there was a chance of preventing that occurrence.

Fixed term elections will bring a mixed bag, lame duck governments will exist way past the use by date, the positive I believe is that genuine people who care about

the Territory may be able to position themselves to make a difference by being prepared to take on the responsibility of holding government to task.

I take heart in talking with some politicians, I know the dedication of Territorians at work and play, but I have consistently wondered at the lack of common sense in what is being inflicted on us and our children. My father says beware the armchair expert and I see the point, but Blind Freddy could have seen it coming.

Nicholas Kirlew
Convener

INTRODUCTION

Planning in the NT is chaos. It threatens to be mentally deranging for those who try to understand it, because of its irrational dissonance.

A review of decision making processes, particularly in the Development Consent Authority (DCA) is well overdue. The community well realises this, because the physical outcomes of the last fifteen years tell the story of bad planning. Buildings were better twenty years ago.

During the last two years, the NT Government has made some effort, involving technical experts, some stakeholders, and departmental staff to improve the look of the CBD, starting with the CBD Forum in April, 2007. To the community, however, the recorded outcomes of the forum were seriously skewed, with this flowing through to future directions.

PLan's Community Survey on Planning Issues, 2007, covering over 400 people, and handled impartially, showed a different picture, particularly about tall buildings, public open spaces and foreshores. However, the results of this survey, although supplied to NT Government, and the planning bureaucracy have been ignored.

In spite of promises from Paul Henderson, after the cliffhanger results of the last election, to listen to the people from now on, the community continues to be left out of the consultation round about the mainstream future strategic planning in Darwin. Government roadshows target the business sector, seeing it as a generator of commercial activity, and thus important. Bureaucrats continue to see the community as the unimportant and irrelevant orphan.

As a result, the government misses out on the wisdom of the community, alienates those who live here, particularly the long term core of the population, and breaks its own promises. Some major players treat the community with derision. It is best to consult sooner than later. The community has a long memory. Too much spin and not enough reality angers people.

This year Planning Minister Lawrie moved to stop the loophole of 'merit' allowing taller buildings than normally permitted such as on the old Koala site. A move to enforce Section 51 of the Planning Act is long overdue. In the meantime, some developers continue to use the system to their advantage, as in the case of major buildings without proper vehicle entrances.

Darwin City Council has recently led the way with public consultation with its Environmental Management Plan, its streetscape studies, and now by having ward aldermen roadshow the 'Evolving Darwin' draft, currently on its website. Compared with councils interstate, Darwin City Council has a very restricted role, decision making only on traffic, parking and traffic. This needs to be changed before statehood to be achieved.

Darwin elected a open-minded leader in Lord Mayor Graeme Sawyer, with a group of pro-active aldermen, to act for good planning. It is time for an end to sniping at Council, and time for a stronger productive partnership between the NT Government and Darwin City Council. This could be a bright light on the horizon.

TOWER BLOCK WITH NO PUBLIC ENTRANCE

A old Chinese proverb tells of an Emperor showing citizens a picture of a deer, and saying it was a horse. They agreed it was a horse. Perhaps this fable suits planning decision making in the NT. This is a democracy. say what you see ! Don't be fooled by the spin.

An NT News story tells us the huge Mantra /Pandanus building has no guest entrance. Instead it cribs on the street, near a corner, causing traffic bungles. Whose fault ? ... Not mine ! not mine ! No one is accepting responsibility for workable planning, and the public is left 'holding the baby once again'. No wonder we feel uncomfortable about those in authority.

Two other buildings now seek approval without adequate entrances (Lot 664, The Esplanade and 31 Woods Street.) Both are potential footpath/street problems. Will the DCA take the initiative, and work to solve the problem.

Does 'no storeys of parking above ground in a building' mean that, or does it mean, putting lattices and/ or colour patches on buildings to hide above ground parking ? Are daunted Indian mast trees in a solid concrete footpath, or even in pots in the dark under the first floor, really landscaping ? Are pot plants on balconies landscaping ? Are plants on a pediment really landscaping ? Does an 'interface' ground floor on a dominant building mean making action human space visible, instead of the blank wall at Woolworths, by setting back, or by narrowing the street instead ?

The DCA's has failed to respond to well reasoned and documented submissions by our members about such matters. It MUST stop ignoring Section 51 of the Planning Act. It should assert its status as a board, rather than acting as a bureaucratic rubber stamp. Where there are functional problems, it should maturely take responsibility for picking them up and troubleshooting them, rather than leaving the onus on the public. Time and again, the public is left to wear it.

BUILDING HEIGHTS IN THE CBD

The fiasco with the approval of building to the height of about 24 storeys on the old

Koala Motel site (cnr Daly and the Esplanade) left both the public, and other developers, flabbergasted. Height guidelines are such that buildings over 10 storeys are not permitted in the Esplanade Precinct.

The public and other developers knew and respected this. They did not apply. We did not object to the application, because we knew the DCA should not approve it. The building was approved at more than twice the height, because splitting it into two towers was said to give 'merit', because there was less mass.

The old Darwin Town Plan provided basically for buildings up to the eight storeys. It provided that with 'merit' a building could go a little higher. It appears that this concept was mistakenly applied, and the result is nonsense.

We congratulate Minister Lawrie for stepping in with Interim Development Control Order, no.18, dated 4 May, 2008. This prohibits construction over 90 metres in the CDB, and up to 36 areas in peripheral areas bounded by a black line. This order stands for only 6 months, and now urgently needs renewing, to prevent chaos.

STELLA MARIS SITE

Road access to this site is now locked off. PPlan asked the Minister, Land Management, and Darwin Centre to mark this land to be used for a community purposes. Recent high rise developments in the CDB and the Waterfront project have left a comparative shortage of CDB non-commercial public facilities, useable by young people, families, and the general community. Balance is needed for the Mitchell Street nightclub scene.

Travellers Walk is still open to pedestrians. However, construction workers annoyingly keep placing (moveable) portable fencing across the exit when this is outside the Waterfront Precinct's area.

DUNDEE BEACH AND DUNDEE DOWNS

Still no all weather road to Dundee. Did this cue the sale of the Lodge of Dundee, when things could have moved ahead ? What about the Wet Season health and safety of working and recreational residents ?

DEPARTMENT OF PLANNING AND INFRASTRUCTURE CEO

PPlan has been disturbed by the matter raised by Independent Member Gerry Wood about background in Victoria of the relatively recently appointed Department of Planning and Infrastructure CEO, and another employee. We are amongst those who would feel more confident and comfortable with a full clarification.

SAVE DARWIN HARBOUR AND INPEX

Most concerning of all this year is the NT Government's handling of a possible Inpex gas plant on the Middle Arm Peninsular at Blaydin Point. Inpex is a major

gas company operating off the Western Australian coast with huge resources. It plans to supply LNG to the Tokyo power system, and to produce LPG and condensates at the site.

When the ConocoPhillips LNG came to Wickham Point at the end of the Middle Arm in about 2001, the NT Government promised that there would be now more gas plants or downstream industries on Middle Arm. This was enshrined in Section 9.1.2 of the new NT Planning Scheme. It also promised that the ConocoPhillips plant would not be visible from Stokes Hill Wharf. Both these promises have been broken.

Instead, the NT Government in August 2008, held an election 'to give certainty to Inpex', which it nearly lost, showing the attitude of Territory people. Whilst the WA Government continued its scheduled assessment of their potential sites for gas processing, including a gas hub, the NT Government leapt in and promised Inpex 'unconditionally' that it could operate a plant at Blaydin Point. Planning Minister Delia Lawrie opened the way by expunging Clause 9.1.2 from the NT Planning Scheme, and removing Middle Arm from the Litchfield division of DCA. Not only would the Inpex gas plant be welcomed, but downstream processing industries would be welcomed there as well, completing the broken promises.

These actions remind us of a small Pacific island nation making commitments without knowing the full consequences, or of Indians 'sharing' the prairies at first contact with 'white man', for beads and blankets. This is with a huge multinational, one third owned by the Japanese Government. Remember McArthur River !

This 'rush' situation regarding industrial development is due to lack of ALP Government strategic planning in the seven years since 2001. The government rejected Glyde Point/Gunn Point as the site for a new port and industrial area. This would have put industrial focus away from Darwin Harbour, and our population centres. As there is space on Gunn Point apart from the Glyde Point 'environmental conservation' area, it appears that this decision could have been more about avoiding a new port than protecting Glyde Point.

Government media stresses multiplier and employment benefits from the Inpex plant, but this needs quantifying in terms of specific benefits to the local community, and balanced against establishment and ongoing costs. Nine large tanks for LNG, LPG and condensates, close to Palmerston are planned. The health risk to the Darwin population, young and old, is of air and water pollution, which would be cumulative, and of fire and explosion which would be sudden, and disastrous.

The 'land' at Middle Arm is half tidal mangroves, with some dispersed hard ground. Inpex has approval for exploratory work at the offered Blaydin Point site, and along the pipeline route crossing Middle Arm. Roads laid across mangroves will link patches of solid land, and the outside world. In an area subject to tidal surge inundation, disaster relief and evacuation would be problematic. Approval was given for this 'exploration', on the grounds that little damage would be done to the environment. Obviously, this would not be the case if the full project follows,

as intended. What would be the grounds for approval cited then ? Our experience with ConocoPhillips is illustration enough of the destruction.

Bringing Inpex gas to Darwin needs a pipeline over 800 kilometres long, as against 400 metres long to WA. It is a tragedy if Inpex is attracted to the NT because we have no functional EPA, less codified and less effective environmental law processes, and inadequate ongoing practical safeguards. On a low lying marginal tropical coastline, subject to cyclones, with wet season and tidal inundation, close to a growing population depending on tourism employment, with boating, and harbour fishing for recreation, how could any government give 'certainty' whilst inviting the operation of this huge plant ? The environmental assessment can be nothing but a 'charade', a time-consuming 'tick the boxes' exercise when the obvious unsuitability of the site stares us in the face.

We are advised that, by the time the Inpex plant is operating, about 420 gas container vessels, will be needed to operate up and down Darwin Harbour each year. The vessels are among the largest in the world. Being hazardous, they require 500 metre exclusion zones each side, and a 1000 metres at the bow. Darwin Harbour has big tidal variations, and a narrow channel. Both this, plus East Arm, and the Point Charles reef approaches would require major dredging.

New downstream industries, like Arafura Rare Earths which would bring ore from Central Australia, to use Top End water supplies for processing, would bring more shipping to the port. Whilst there are live cattle export and are now iron ore vessels, mineral exporters, including BHP Billiton, are planning to export huge amounts of bulk copper oxide (containing uranium) from Olympic Dam in South Australia, adding to the traffic in the narrow harbour channel.

A 300 metre jetty is planned across the mouths of the two huge tidal mangrove creeks, and a turning area near East Arm. Realistically, how would Inpex vessels squeeze safely through past East Arm to the Elizabeth River. How will this affect recreational use of the Elizabeth River ? What about the cyclone haven ?

The East Arm Port had its origins in an 1967 report - Future Port Development in the Darwin Area (an NTA Special Branch report) . How small it looks, and inadequate, in spite of all that dredging, even now, surrounded by all these new industrial areas. It is time to be planning a new port outside Darwin Harbour, perhaps at Point Margaret, or Gunn Point to solve these problems.

On 1st December, 2008, NT Parliament signed a preliminary agreement with Inpex which intends to make a final investment decision (FID) in late 2009, for a 40 year project. PPlan members have worked hard for months with the Save Darwin Harbour Group to inform Darwin people about this risk to our precious harbour.

The Chairman (John Bailey) and several representative members of the NT Government's Darwin Harbour Advisory Committee have angrily resigned. Using Blaydin Point is contrary to its Darwin Harbour Management Plan. A proposal for a statutory Darwin Harbour Management Authority, was also rejected. The nascent EPA will play no direct role in the assessment of the Inpex proposal.

RAILWAY DAM

With some developers moving ahead to fill in the Frances Bay sites, PPlan would like to see guarantees for the long neglected families of the Railway Dam enclave.

LARRAKIA NATION

PPlan supports Larrakia Nation as the formal Aboriginal land custodians to be consulted in planning matters. The Larrakia Land Corporation is a Land Development Company, without the same authority to speak for the people.

NEW SUBURBS FOR GREATER DARWIN

In the face of serious housing shortages, the government is now establishing Bellamack at Palmerston. Using Berrimah Farm for housing, instead of having a green belt, as in Canberra is controversial.

Lyons being built by the Lyons Development Corporation (LDC) within its specific use (SD 17), draws public comment about small lots, crowding and non tropical designs. LDC uses advertising hype. Defence families have the smaller lots.

The LDC applied to DCA to change the use of multiple use (Cluster dwellings) in the SD 17, to single dwelling lots. In each stage, it is also applying for reduced setbacks. At a recent DCA hearing, the LDC manager threatened the DCA that unless it dealt with the latter in bulk, instead of individually, it might see them in court. In spite of our objection to 'double dipping', the DCA complied.

Across Lee Point Road, a new SD(proposed SD23) is being established for Muirhead. Here -'horror of horrors'- the basic single dwelling lot size is proposed as 500 sm, with a range of 500-700sm. How can the Department of Planning and Infrastructure accept such an application when the minimum standard size for single dwelling lots in Darwin is 800sm ? Why is it our responsibility when minimum standards are already defined in the NT Planning Scheme. This has more to do with land exploitation than really affordable housing.

Interstate (?) suburb designers, plan a 'dog leg' in Lee Point Road, so that drivers must drive through Muirhead, perhaps dragging a boat trailer, adding to traffic problems and road danger. Muirhead verges on the east with Leanyer Swamp. On this side rural lots are planned. PPlan has asked the DCA to substitute a public conservation reserve buffer there, to join up with a new area of Casuarina Coastal Reserve from Lee Point as far as Bullocky Point Road.

Bigger reserves are needed for the greater populations and for a proper environmental link between the Casuarina Coastal Reserve and Buffalo Creek Management Area. Government action is needed now, before this space is lost.

AFFORDABLE HOUSING

Because of landlords increasing rents, ordinary people, young and old, are being put out of their homes in Darwin. With interest rates falling, this cannot be justified? Some rents increased by landlords are being investigated, whilst the real estate industry trumpets high returns.

PLan wants to see more cluster dwellings built. These provide a choice for older people, young people and couples with small children starting out. In Darwin's tropical climate, they are an option to high rise living which many do not favour.

HERITAGE AND SOUTHPORT

Since 2001, a wonderful new draft of the Heritage Conservation Act has been languishing in a political 'Never Never'. For the last three years Ministers have assured us it is with 'Parliamentary Council' for a final discussion draft. Looks like its too late again for this year. In the meantime, heritage goes down all around.

Now a distress call from the little township of Southport, established in about 1870 by Surveyor George W Goyder. A key section of its historic foreshore has been sold and fenced off, where the original jetty was. Apart from the heritage aspect, this is the town's foreshore, and should be a recreational reserve. The local member, Rod Knight, Litchfield Shire Council and the Department of Planning and Infrastructure should take this in hand, as it is essential part of a functional township.

DEFENCE OF DARWIN MUSEUM/WAR MEMORIAL MUSEUM

For three or four years, PLan has worked to an international standard World War II Museum for Darwin. This is an idea supported by many, for its value to the community, and its worth as a tourist drawcard. It began with a plea from an elderly returning serviceman. Audrey Grace led the landslide public campaign for the Museum at East Point, with its emotive gun emplacements.

This week, PLan was invited to join the steering committee.

OLD HOSPITAL SITE PARKLANDS

The NT Government after an 'online public survey'(2005) decided that the Old Hospital site remain mainly parkland. This followed a much earlier demolition of Darwin Hospital, and related buildings which had been re-used as the University College, for a failed attempt at tourist development. The site remains vacant.

Recently a consultant's draft design for the site, with 20% residential and 80% park use was issued. Dr Mickey Dewar was commissioned to collate public opinion on how the site should be used. Opinion has been against 60 apartment units 'to pay' the costs, and maintenance of an elaborate design. Hopes are for a simpler design to reduce or eliminate theses residences. People want a simple park,

shade trees, and open space, family and children's facilities, historical interpretation of Kahlin Compound, the Old Darwin Hospital, and the NT University, with promenades through to Cullen Bay and the new Myilly Point parks.

SMITH STREET EXTENSION TOWARDS WATERFRONT PROJECT

Strong adverse public response to initial designs through the NT News and DCC, resulted in reconsideration of the design, by the Department of Planning and Infrastructure staff. The Minister has promised public consultation in early December, involving at least DCC, PPlan and the National Trust. Contact us if you are interested.

FLAGSTAFF POINT

This the fine landmark headland at the end of Myilly Point, is a natural finger into Darwin Harbour. Some of you will remember working to save Flagstaff Park for Darwin families when it was zoned for tourism. The people's fight for this park, was supported by Clare Martin. In 2001 when the ALP took government, the promise was kept. It came to us, and was zoned as people's parkland.

The government has a paid consultant's draft plan for the Headland area (mid Myilly Point), and Flagstaff Park. We are working urgently with the Minister's office so that our own Flagstaff Park, is specifically for families, and retains its special historical associations. That is what we fought for, not commercial use. Most of all no restaurants in our Flagstaff Park, after we have waited patiently for six years.

GREATER DARWIN TRANSPORT AND LIGHT RAIL

Often mentioned, but not publicly addressed by government are traffic problems, and the possibility of light rail. It does not fit with commercial interests. Building encroachment on the precious old rail corridor near the Daly Street is a risk. Is the Department's Land Management alert to such needs ?

Now a young supporter has put together with a plan for light rail routes throughout Greater Darwin. Email us if you are interested.

SETBACKS, GARAGES, SHEDS, AND SEA CONTAINERS

Since the new NT Planning Scheme came in, the Planning Notices each Friday seem full of applications for reduced setbacks, so that buildings can be closer to boundaries, and each other. Sea containers may be approved on residential lots. Lyons developers are serially obtaining reduced setbacks, as its stages progress, in spite of already having a SU agreement.

This will obviously have a cumulative effect on Darwin living.

A Proposed NT Planning Scheme Amendment (PSA2007/0273) now deals with complex residential setbacks, both domestic and commercial, in 28 pages. It is not clear, without close reading, how much change is involved. The barest details

are in the Planning Notices.

In fact, this is an ideal case for public consultation. The PSA is for comment from 21/11/2008 -13/2/2009 before it is finalised. PAn can mail interested members a copy. If you want explanatory information, the relevant officer is Ann Stephens, DP&I Project Manager, 89997189.

PALMERSTON PAn

We are hopeful of rejuvenating PAn in Palmerston, particularly as there is so much building in the area. If you are interested, please email us.

CLIMATE CHANGE AND SEA LEVEL RISE

The Commonwealth Parliamentary Committee investigating the impact of climate change, on Australian coastal communities, visited Darwin this year for hearings. It initiated questioning on the impact of storm surge on mapped low lying areas around Darwin Harbour, including the Waterfront Project, and the use of mangrove areas on Middle Arm Peninsular for further gas development (Inpex) and downstream industries. Having spent time at a specialist meeting at the Convention Centre, the Committee was aware of climate change issues, and particularly new estimates of sea level rise, and increased storm intensities.

Its concerns contrasted with the reaction of the NT Government which continues to initiate building in susceptible areas.

ENVIRONMENTAL HUB

The Environmental Hub in the Rapid Creek Business Centre, Trower Road, is a boon as shop front, and for working with groups. We have lots of useful information. However, we need more people willing to be rostered for opening.

CONCLUSIONS

This has again been a busy, hard year with lots of sudden and complex issues. We need more members as active supporters. After fifteen years, PAn's reputation is very high for accuracy and integrity, but we need more sharing and momentum.

In 2009, using a grant, we plan a major public event, with an interstate speaker.

Join up and be involved - at the front, or backstage. Your skills can help.

Thank you to all those who helped PAn's work in 2007/2008.

M A CLINCH, 4.December, 2008.

Memberships and Renewals

**PLan is an incorporated voluntary community organization
working towards a better living environment.**

We need more members,

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