

SUBMISSION TO THE NORTHERN TERRITORY PLANNING COMMISSION

Proposed Planning Scheme Amendment: Infill Development and Subdivision in Zone LR

Submitted by: PPlan: the Planning Action Network Inc.

PPlan: the Planning Action Network Inc. submits this submission regarding the Proposed Planning Scheme Amendment for Infill Development and Subdivision in Zone LR. A blanket Territory-wide amendment ignores vital precinct dynamics, risks severe infrastructure overloading, and threatens established tropical neighbourhood amenity.

Section 1: Precinct & Infrastructure Breakdown

Applying uniform zoning relaxations across distinct municipalities and precincts fails to account for critical variations in infrastructure capacity, site geometries, and local environmental constraints.

Precinct / Locality	Constraint & Mapping Reality	Strategic Planning Impact
Darwin Inner & Northern Suburbs (Nightcliff, Sanderson)	High concentration of Zone LR lots $\geq 900 \text{ m}^2$. Water and power networks are aging, nearing end-of-life, and lacking headworks capacity. Sewerage mains frequently run through private rear easements.	Uncoordinated infill risks network bottlenecks or shifts major upgrade costs onto councils and utilities without proactive headworks planning.
Palmerston (Driver, Moulden, Woodroffe)	Specific clusters of eligible $\geq 900 \text{ m}^2$ lots.	Applying blanket density rules without precinct plans risks eroding established streetscapes while greenfield land supply remains accessible nearby.
Regional Towns (Tennant Creek, Katherine, Alice Springs)	Fewer than 1,000 eligible lots spread across regional centres, each facing distinct soil, drainage, and servicing profiles.	Uniform frontage (12 m) and lot size reductions (450 m^2) fail to reflect regional housing delivery

Precinct / Locality	Constraint & Mapping Reality	Strategic Planning Impact
		economics or lifestyle expectations.
Litchfield Municipality	Rural/semi-rural lifestyle context without reticulated deep sewerage in many LR pockets.	Litchfield Council explicitly requested exclusion, proving that local precinct governance must dictate infill applicability.

Core Arguments

- **Infrastructure Hard Limits:** Power and Water Corporation (PWC) feedback explicitly warns that older suburban networks cannot absorb uncoordinated density without costly, unplanned upgrades. An ad-hoc "first-come, first-served" merit assessment pathway creates inequitable upgrade burdens and service degradation.
- **Streetscape & Canopy Loss:** Reducing frontages to 12 m while maintaining a 6.5 m continuous kerb requirement restricts off-street parking, increases hardstand coverage, and severely degrades urban tree canopy and deep-soil permeable areas.
- **Discretionary Erosion:** The proposed 10% variation allowance (reducing minimum lot size to 405 m² and density to 1 per 405 m²) systematically undercuts the stated 450 m² standard across established suburbs.
- **Spatial Precedent in Hazard Zones:** The explicit exclusion of infill on Clause 3.6 (Flooding) and Clause 3.7 (Storm Surge) overlay land proves that spatial precinct constraints are valid criteria for excluding or restricting infill.

Section 2: Detailed Clause-by-Clause Counter-Proposals

The table below outlines statutory counter-proposals to the draft Northern Territory Planning Scheme (NTPS) amendment, establishing strict guardrails against uncoordinated infill.

NTPS Clause	Draft Scheme Amendment Proposal	PLan Counter-Proposal	Planning & Environmental Justification
Clause 4.2 <i>(Zone LR Purpose & Assessment)</i>	Makes Dwelling-group and Dwelling-multiple Merit Assessable across all Zone LR.	Reclassify Dwelling-multiple as Prohibited in Zone LR unless specified under an approved Precinct Infill Area Plan.	Prevents ad-hoc densification across unprepared suburbs lacking headworks capacity. Ensures higher density aligns with strategic place-based planning.
Clause 5.4.1 <i>(Residential Density)</i>	Sets density at 1 dwelling per 450 m ² , with consent authority discretion to vary density by up to 10% (1 per 405 m ²).	Remove 10% variation discretion. Require a mandatory Infrastructure Capacity Certificate from Power and Water Corporation (PWC) prior to lodging any density increase above 1 per 800 m ² .	PWC confirmed older networks lack capacity for unanticipated load increases. Discretionary creep to 405 m ² compounds network failure risks without developer-funded upgrades.
Clause 6.2.1 <i>(Table A: Lot Sizes)</i>	Reduces minimum lot size from 800 m ² to 450 m ² across all established Zone LR areas, with 10% variation	Retain 800 m ² minimum as the default baseline in established Zone LR. Allow 450 m ² <i>only</i> within designated Precinct Infill Overlays	Prevents uniform lot splitting in established suburbs. Preserves local character, neighbourhood open space, and suburban deep-soil permeability.

NTPS Clause	Draft Scheme Amendment Proposal	PLan Counter-Proposal	Planning & Environmental Justification
	discretion down to 405 m ² .	supported by utility capacity.	
Clause 6.2.1 <i>(Table B: Building Envelopes)</i>	Removes the 17 m × 17 m building envelope requirement for lots 600 m ² and greater.	Retain mandatory minimum building envelopes and introduce a strict Maximum Site Coverage cap of 45–50% for all infill lots.	Enforces private open space, protects tropical breeze paths, prevents overdevelopment, and mitigates urban heat island impacts.
Clause 6.2.1(8) & Schedule 2.2 <i>(Battle-axe Lots)</i>	Permits battle-axe lots in Zone LR where site geometry requires or to retain an existing dwelling.	Permitted only where: 1. Access handle width is a minimum of 5 m. 2. Driveway hardstand does not exceed 30% of total site area. 3. Access handle is excluded from	Prevents narrow access choke points, guarantees emergency and waste vehicle access, and limits total impervious surface runoff.

NTPS Clause	Draft Scheme Amendment Proposal	PLan Counter-Proposal	Planning & Environmental Justification
		minimum lot calculations.	
Clause 6.2.2 & 5.2.4.5 <i>(Frontage & Access)</i>	Reduces minimum street frontage from 13 m to 12 m for 450 m ² –600 m ² lots, requiring a 6.5 m continuous kerb frontage.	Require a minimum 15m frontage for all infill subdivisions in established suburbs.	Narrow 12 m frontages lead to crossover dominance, removal of street trees, loss of kerbside parking, and degraded streetscape amenity.

Key Guardrail Principles

- **Mandatory Infrastructure Pre-conditions:** Development consent must not be granted under Clause 4.2 or 6.2.1 without written verification from PWC and the relevant municipal council confirming that water, sewerage, power, and stormwater systems can support the additional load without degrading existing service levels.
- **No Statutory Discretionary Creep:** Delete all clauses permitting 10% variations on minimum lot size and density. Allowing statutory exceptions down to 405 m² turns a temporary concession into the practical development baseline.
- **Climate & Canopy Mandate:** Insert explicit site coverage and deep-soil landscaping standards into Clause 5.4.8 to guarantee that at least 30% of any infill site remains unpaved deep soil capable of supporting mature shade trees.

Section 3: Strategic Statutory Pathways & Submission Framework

Part A: Recommended Strategic Statutory Pathways

Rather than pursuing broad amendments to Parts 4, 5, and 6 of the NTPS across all Zone LR land, PLan advocates for a controlled, precinct-led statutory framework that protects community amenity and prevents infrastructure overload:

- **Targeted Precinct Infill Overlays:** Replace universal density relaxations with location-specific overlays tied directly to Area Plans. Infill must be confined to designated corridors around activity centres and high-frequency transport routes where infrastructure capacity is proven.
- **Mandatory Infrastructure Concurrence:** Establish a statutory pre-condition requiring formal written concurrence from Power and Water Corporation (PWC) and the relevant municipal council before any merit assessment application for increased density can be accepted.
- **Local Government Alignment & Opt-Out Provisions:** Respect municipal autonomy by providing explicit opt-out mechanisms for rural/lifestyle municipalities (such as Litchfield Council) and requiring formal Memorandums of Understanding (MoUs) with local councils prior to precinct designation.
- **Developer-Funded Headworks Mandate:** Formally embed the requirement that proponents fund 100% of required power, water, sewer, and stormwater network upgrades, preventing cost-shifting onto ratepayers and local councils.
- **Staged Implementation & Monitoring:** Implement infill changes through pilot precincts with mandatory 2-year review periods to assess tree canopy loss, traffic congestion, kerbside parking impacts, and stormwater runoff before broader rollout.

Part B: Core Submission Demands

1. **Infrastructure Pre-conditions:** Require formal utility capacity certification prior to development application acceptance.
2. **Protection of Suburban Liveability:** Preserve default 800 m² minimums in established suburbs to maintain deep-soil canopy and amenity.
3. **Statutory Integrity:** Eliminate discretionary 10% variations on lot size and density.
4. **Place-Based Growth:** Limit higher density typologies (Dwelling-group and Dwelling-multiple) to strategic, infrastructure-ready precincts rather than allowing ad-hoc developments across all Zone LR land.