

NT PLANNING COMMISSION HEARING

PLANNING SCHEME AMENDMENT

PA2024/0241

Lot 2959 Town of Darwin (93 Ross Smith Avenue, Fannie Bay)
Application to rezone from Zone LR (Low Density Residential) to Zone LMR (Low-Medium
Density Residential)

Agenda Item Number: 1

Meeting Date: 24 February 2025

Attachment A – Exhibition Material
Attachment B – Submissions Received

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Lands Planning

Report to the Planning Commission

This report is prepared under section 22 of the *Planning Act 1999*, and considers the submissions made in relation to the proposal.

1. GENERAL INFORMATION

PROPOSAL:	Application to rezone from Zone LR to Zone LMR.
ADDRESS:	Lot 2959 Town of Darwin (93 Ross Smith Avenue, Fannie Bay)
CURRENT ZONE:	Zone LR (Low Density Residential)
PROPOSED ZONE:	Zone LMR (Low-Medium Density Residential)
PROPOSED LAND USE:	Residential
APPLICANT:	One Planning Consult
LAND OWNER:	Lih Investments Pty Ltd
AREA:	1,310m ²

2. LEGISLATIVE REQUIREMENTS

The Minister for Lands, Planning and Environment is responsible for determining proposals to amend the NT Planning Scheme, including the rezoning of land. The *Planning Act 1999* establishes requirements relating to the exhibition, consultation and reporting of proposed amendments to the NT Planning Scheme.

Under section 22(6), the Planning Commission must hold a hearing if submissions are received during the exhibition period, and the Chairperson is satisfied that a hearing would provide further useful information.

Under section 24(1) of the Act, after a hearing the Planning Commission must provide to the Minister for Lands, Planning and Environment, a written report that addresses the issues raised in the submissions; the issues raised at the hearing and during any consultation; and any other matters the Commission considers the Minister should take into account when considering the proposal.

3. PROPOSAL

The proposal seeks to rezone Lot 2959 Town of Darwin (93 Ross Smith Avenue, Parap) from Zone LR (Low Density Residential) to Zone LMR (Low-Medium Residential).

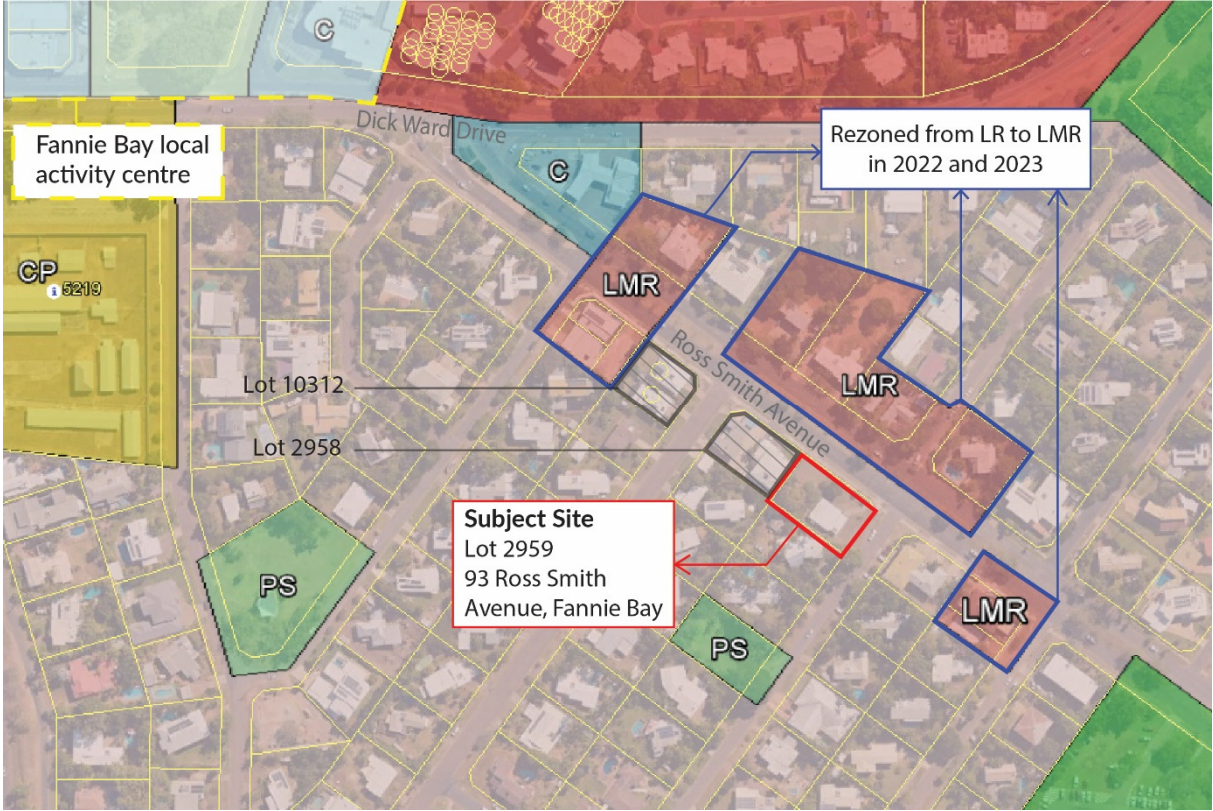
A copy of the application is in **Attachment A**.

According to clause 5.4.1 of the Northern Territory Planning Scheme 2020 (NTPS), the maximum dwelling density in Zone LMR is one dwelling per 300m². Considering that the lot size is 1,310m², new development could accommodate up to four dwellings, with a maximum building height of 8.5 m or two storeys.

4. SITE AND LOCALITY CONTEXT

4.1 Site description

Lot 2959, Town of Darwin (93 Ross Smith Avenue, Fannie Bay), features a single-storey dwelling on a corner lot with dual frontage to Ross Smith Avenue and Giles Street. The site has existing vehicle access from Ross Smith Avenue.



Map 1: Zoning and site surroundings

4.2 Locality description

Located in Fannie Bay, the property is surrounded by Zone LR to the east, south, and west, and Zone LMR to the north across Ross Smith Avenue. Following the introduction of the Darwin Inner Suburbs Area Plan 2016 (DISAP), a number of land owners successfully applied to amend the NTPS to rezone lots from Zone LR to Zone LMR. Multiple dwellings exist on adjacent Lot 2958, west of the site. These are in Zone LR and were approved before both the Darwin Inner Suburbs Area Plan (DISAP) in 2016 and NTPS in 2000. Group dwellings on nearby Lot 10312 were subdivided in January 2016, with lot sizes of 567m² and 532m². Refer to Map 1 showing the location of these lots in relation to the subject site.

Nearby amenities and public open space include the Parap Pool and Smith Park, the latter being located two doors south of the site along Giles Street. The Fannie Bay local activity centre is located within 400 metres walking distance of the site, although it is separated by main roads. The DISAP identifies Ross Smith Avenue and Dick Ward Drive as sub-regional/primary transport corridors.

4.3 Relevant policy

The NTPS applies to the site. There are no NTPS “overlays” (Part 3) relevant to the land.

Strategic Framework

The DISAP provides a framework to guide progressive growth and development within the Inner Suburbs of Darwin. In relation to residential areas a key goal is to ‘to protect the character of established suburbs while facilitating new opportunities that reflect the diverse needs of Darwin’s population.’

The DISAP is premised on focusing new growth and new opportunities toward activity centres to facilitate walkability associated with the co-location of higher density, residential development and a mix of commercial, retail, community facilities and services, public transport and tracts of public open space. These new opportunities are identified in the DISAP as “potential areas for change”.

The DISAP identifies the site as a "potential area for change" for low-medium density residential development commensurate with Zone LMR, along with other properties along Ross Smith Avenue, between Dick Ward Drive and the Parap Swimming Pool.



Map 2: Potential Area for Change - Darwin Inner Suburbs Area Plan

4.4 Relevant planning history

The DISAP was introduced in 2016. Before this, one development approval was issued for the site in 1972. This relates to the construction of the single dwelling on site.

If the rezoning application is approved, the existing dwelling will likely be demolished to allow new residential development in line with the new zoning.

5. EXHIBITION OF PROPOSAL

On 15 November 2024, the Minister for Lands, Planning and Environment determined under section 13(3)(a) of the *Planning Act 1999* (the Act) to continue consideration of the proposed amendment by placing it on exhibition.

The proposal was on public exhibition for a period of 28 days in accordance with the requirements of the Act, from 22 November 2024 to 20 December 2024.

Two objections were received from the public. Submissions from service authorities do not raise any objections to the proposal and identify necessary service upgrades.

6. SUBMISSIONS (Attachment B)

Six (6) submissions (3 service authorities, 1 local authority and 2 public submissions) were received regarding the proposal.

Below is a summary of the matters raised in the submissions, refer Attachments **B1 – B6**.

Public Submissions

Submitter	Discussion Points
<p>Helen Makrylos (Attachment B1)</p>	<ul style="list-style-type: none"> • Concern about lack of detail on expected number of new residents and potential traffic impacts. • Concern about the impact on amenity due to additional housing in an established area. • Concern that useability and access to public open spaces and facilities in the area is misleading. For example: <ul style="list-style-type: none"> ○ Aviator Park is not used by the community and has no community facilities. ○ Fannie Bay Oval is some distance from the site and accessed across a major arterial road. • Concern the proposal will worsen existing traffic congestion and safety issues generated by nearby major road feeders and nearby open spaces and community facilities. • Concern that nearby cycling, walking and public transport networks are inadequate. • Concern that urban infill is not a sound policy as it can lead to overpopulation and can impact the amenity of established areas. • Concern increased density will exacerbate climate change effects (such as trapping heat) and does not respond to Darwin’s tropical climate. • Concern small lot sizes will create noise and social issues along with creating places with “nowhere to go”.

Submitter	Discussion Points
	<ul style="list-style-type: none"> • Concern there has not been community consultation in relation to the proposal.
<p>Helena Jackson (Attachment B2)</p>	<ul style="list-style-type: none"> • Concern more development is reducing Ross Smith Avenue to an overpopulated area for the purpose of commercial gain. • Concern traffic is already congested in the area and unable to support additional traffic, creating safety and congestion issues. • Concerns that additional traffic may affect emergency response activities from the nearby St John's Ambulance headquarters. • The useability of and access to sporting and community facilities nearby was questioned. • Concerns the proposal does not enhance amenity in the area. • Concerns the proposal will not facilitate development that responds to climate change or tropical living. • Concern cycling and walking infrastructure will be put under additional pressure by the proposal. • Concern about the lack of transition between existing traditional housing and new dense housing.

Local Authority Submissions

Submitter	Comments
<p>City of Darwin (Attachment B3)</p>	<ul style="list-style-type: none"> • The DISAP identifies the subject site as a potential area for change. As the proposed rezoning is consistent with the planning framework, City of Darwin raises no concerns with this application.

Service Authority Submissions

Submitter	Comments
Power and Water Corporation (<i>Power Services</i>) (Attachment B4)	<ul style="list-style-type: none"> • PWC does not object the proposed rezoning provided that the landowner shall be responsible to establish suitable underground power servicing requirements for future development. • If the above proposed LMR rezoning application is granted, the landowner shall engage an accredited electrical consultant and contractor to design and construct the required underground power servicing compliance suitable for future development.
Power and Water Corporation (<i>Water and Sewer Services</i>) (Attachment B5)	<ul style="list-style-type: none"> • The developer will need to upgrade the existing water and sewer service and should contact Services Development prior to start of construction. • The existing sewerage easement within Lot 2959 is still required. Structures must not be located on or over a water supply or sewerage easement, or where no easement exists such as within a road reserve without obtaining the prior written approval of Power and Water. • All required works mentioned above must all be at according to Power and Water’s Connection Code and at the developer’s expense. • The Water and Sewer Services Development Section and Power Network Engineering Section be contacted via email a minimum of 1 month prior to construction works commencing.
Transport and Civil Services Divisions (Attachment B6)	<ul style="list-style-type: none"> • Department of Logistics and Infrastructure has no objection in principle to the mentioned change of zoning, as the subject lot is not adjoining the Northern Territory Government controlled road.

7. RECOMMENDATION

That under section 24 of the Planning Act 1999, the Planning Commission reports to the Minister for Lands, Planning and Environment on the issues raised in the submissions, issues raised at the hearing and any other matters the Minister should take into account when making a decision regarding the proposal.