



REZONING APPLICATION

SECTION 12A *PLANNING ACT*

PLANNING SCHEME AMENDMENT (REZONING FROM LR to LMR)

LOT 2959 (93) ROSS SMITH AVENUE TOWN OF DARWIN

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APPENDECIES

APPENDIX A, Search Certificate Title

1. Preliminary

1.1 Introduction Summary

One Planning Consult has been engaged on behalf of the proponent to prepare rezoning application pursuant to Section 12A of the *Planning Act*.

Section 12A (2) of the Northern Territory Planning Act requires that a request to amend the Planning Scheme be in writing and include:

- a) an explanation of the proposed amendment.*
- b) a statement of the purpose of the proposed amendment and its desired effect;*
- c) an assessment of the proposed amendment with respect to the matters to be considered by the Minister under section 13(1);*
- d) the details of any community consultation conducted, or to be conducted, in addition to the consultation required under this Act.*

The above matters are discussed in detail at **Section 3** of the statement report below.

Although zoned LR (Low Density Residential), the site is identified as a “Potential Area for Change” to LMR (Low-Medium Density Residential) in the Darwin Inner Suburbs Area Plan.

The development largely meets the intent of relevant strategic policy documents including the Darwin Regional Land Use plan, Compact Urban Growth Policy and the Darwin Inner Suburbs Area Plan.

1.2 Landowner(s) – Section 46 (aa)

Applicant: One Planning Consult on behalf of the proponent

Landowner: Lih Investments Pty Ltd (ACN 637 529 910)

Refer to Search Certificate at **APPENDIX A** obtained at the time of preparing this application report.

1.3 Nature of the application

Pursuant to Section 12A of the Planning Act, the application is seeking amendment of the NT Planning Scheme 2020 for the purpose of rezoning Lot 2959 (93) Ross Smith Avenue, Town of Darwin from LR (Low Density Residential) to LMR (Low to Medium Density Residential). The proposed rezoning will enable development of up to 2 storey residential building(s) in accordance with provisions of LMR zoning under the NT Planning Scheme 2020.

There is no requirement for development application to accompany the rezoning application under Section 12A of the *Planning Act*, however, any future development will require planning consent. The development will be designed in a manner that is site responsive and address any amenity impact issues associated with developments on LMR land zone.

1.4 Overlays

There are no overlays applicable to the subject site.

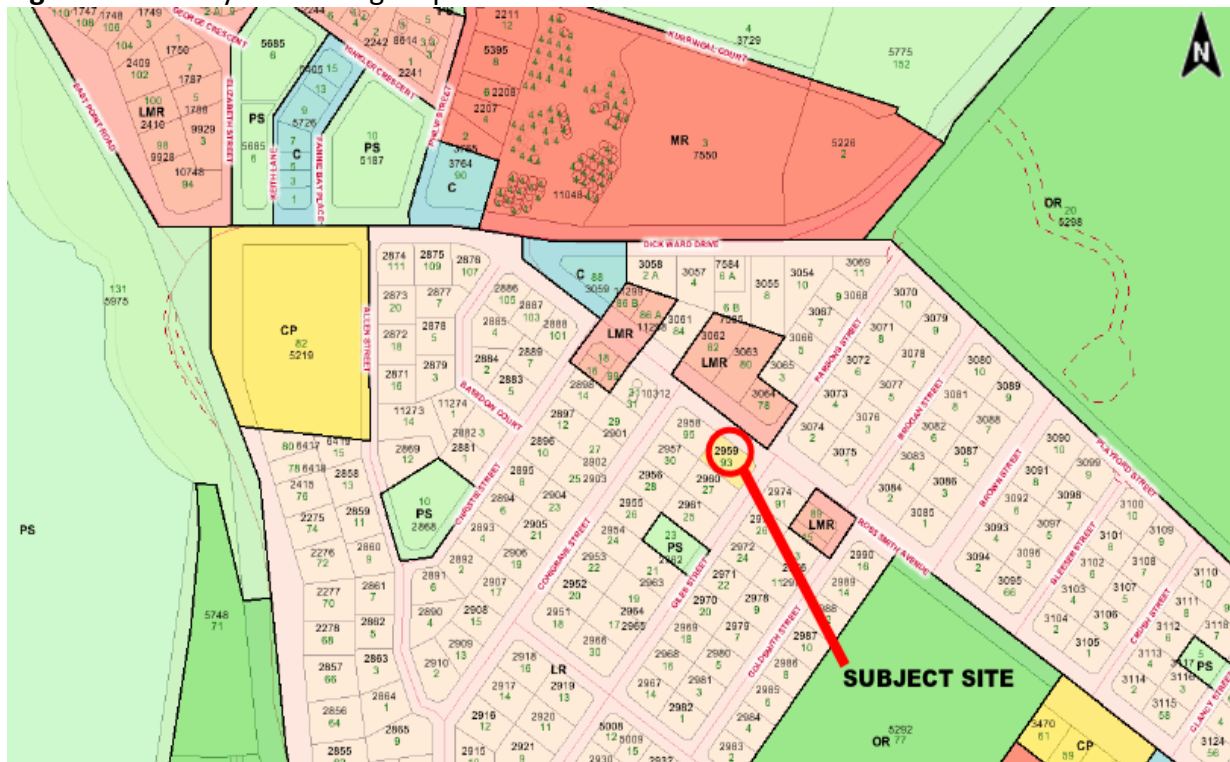
2. Site and Locality Description

The land is zoned LR (Low Density Residential) with an area of 1310m² and located (**Figure 1**) in Fannie Bay suburb. It is corner lot and takes frontages to Ross Smith Avenue and Giles Street. There is an existing dwelling single on site which does not impact on the process of proposed rezoning to LMR. The following land zonings are located close to the site:

- To the northeast and across Ross Smith Avenue is land zoned LMR (Low to Medium Density Residential)
- To the southeast and across Giles Street is land zoned LR (Low Density Residential) and earmarked for LMR (Low to Medium Density Residential) land zoning under the Darwin Inner Suburbs Area Plan.
- To the southwest is land zoned LR (Low Density Residential)
- To the northwest is land zoned LR (Low Density Residential) and earmarked for LMR (Low to Medium Density Residential) land zoning under the Darwin Inner Suburbs Area Plan.

Figure 1: Locality and zoning map

Source: NT Atlas



3. Northern Territory Planning Act

3.1 Section 12A(2)(a)- Explanation of the Proposed Amendment

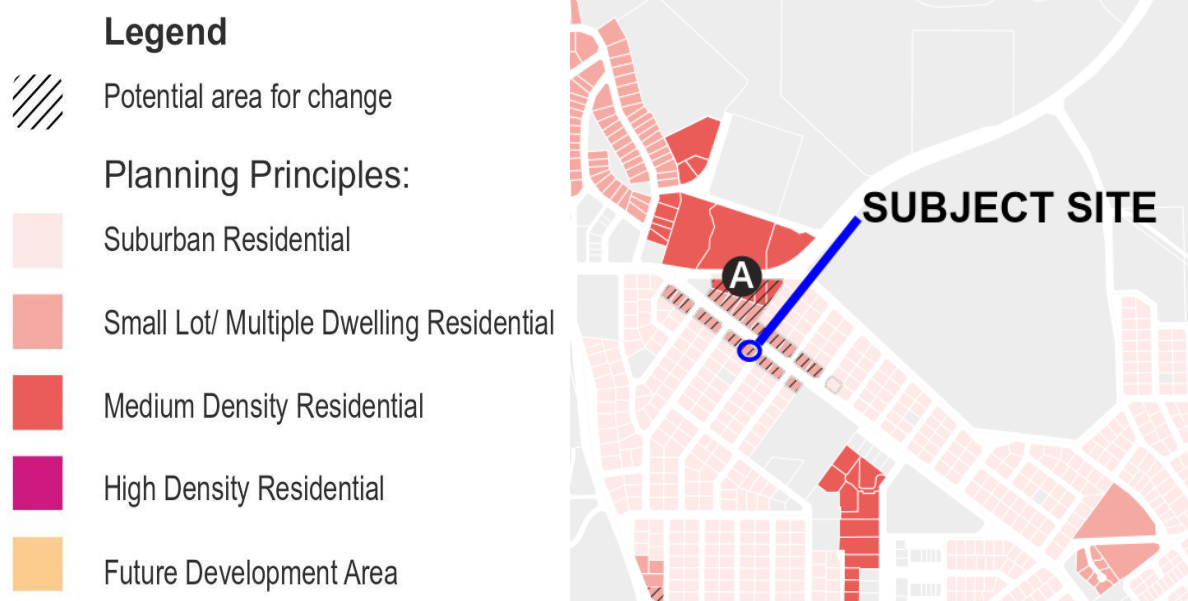
The subject site is Lot 2959 (93) Ross Smith Avenue, Town of Darwin with an area of 1310m². The locational attributes of the site largely meet the intent of relevant strategic policy documents including the Darwin Inner Suburbs Area Plan and Compact Urban Growth Policy.

The Darwin Inner Suburbs Draft Needs Assessment report acknowledges that the “*The Darwin Inner Suburbs will have a role in accommodating a share of population growth expected within the Darwin region over the next 40- 50 years. It is projected that the Inner Suburbs will be required to absorb approximately 800 dwellings over the coming 5-10 years, with 4 490 expected to be absorbed into the area by 2050-2060. These dwellings will be provided through infill development.*”

Accordingly, the proposal takes into account the character of the locality and anticipated land uses as identified in the areas of potential area of change within Darwin Inner Suburbs Area Plan (DISAP). The proposed rezoning will facilitate alignment of the land use with the Area Plan.

The purpose of the Area Plan is to provide a framework to guide progressive growth and development within the Inner Suburbs of Darwin. The subject site is nominated for residential land use as noted at Figure 2 below. The site is currently zoned LR (Low Density Residential), however, nominated for LMR (Low-Medium Density Residential) in accordance with the DISAP.

Figure 2 – Nominated Residential Areas under Darwin Inner Suburbs Area Plan



The lots to the northwest and southeast of the site are nominated for LMR (Low-Medium Density Residential) under the Area Plan with potential to accommodate buildings of up to 2 storeys. The lots to the across Ros smith Avenue are already rezoned LMR consistent with the Area Plan. Further discussion regarding the proposed rezoning from LR (Low Density Residential) to LMR (Low-Medium Density Residential) is noted *throughout this report below*.

3.2 Section 12A(2)(b) - Purpose and Effect of Amendment

3.2.1 Circumstance

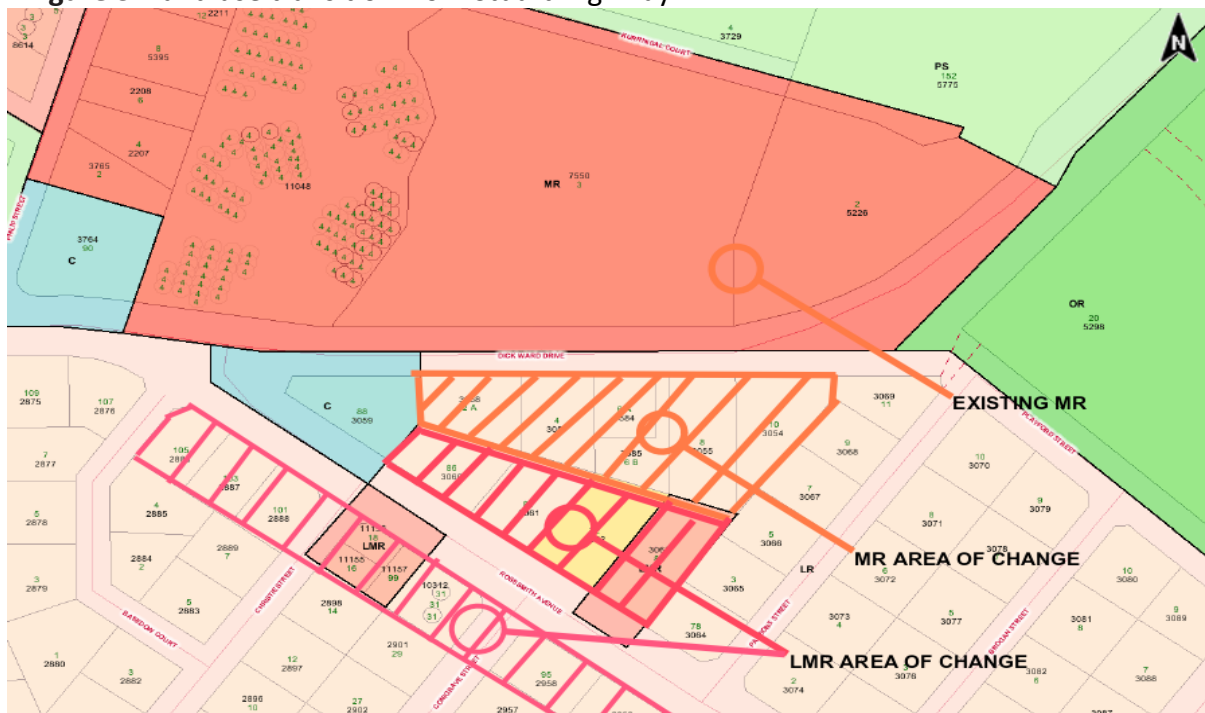
The purpose of the proposed Planning Scheme Amendment is to facilitate the design and development of the site for the purpose of dwelling-group as defined under Schedule 2 of the NT Planning Scheme.

“Dwelling-group means a dwelling that is one of a group of two or more dwellings on the same site such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise and includes a dwelling on a unit title with common property.”

The progression of transition zone density is envisioned within the Darwin Inner Suburbs Area Plan and **Figure 3** below demonstrates the order of land use transition across from Dick Ward Drive towards the subject site. Dick Ward Drive and Ross Smith are major distributor and collector roads located close to the site.

The factors that contribute towards the suitability of the site are its proximity to major public transport bus route, commercial land uses, and other amenities required for establishing compact neighbourhoods and a mixture of residential density.

Figure 3: Land use transition from Stuart Highway



The picture image below depicts the current condition of the site when viewed from Ross Smith Avenue (Image 1) and Giles Street (Image 2)

Image 1 – View from Ross Smith Avenue



Image 2 – View from Giles Street



3.2.2 Effect of Proposed Zone

The application is for NT Planning Scheme Amendment to rezone land from LR (Low Density Residential) land zone to LMR (Low-Medium Density Residential). The proposed zone will enable development of land in accordance with LMR zoning under the NT Planning Scheme 2020.

The primary purpose of LMR (Low-Medium Density Residential) is to provide a range of low-rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available. The subject site is located in an area with reticulated power, water and sewer services.

The proposed rezoning is made in the context of the wider locality where accessibility and proximity to public transport, open space, schools, commercial and recreational land use activities exist. In addition, the Darwin Inner Suburbs Area Plan has earmarked the subject site for potential area of change to LMR.

3.2.3 Character of the Locality

The existing residential developments in the area are characterized by a mixture of varied single (1) to two (2) storey developments. The developments along Ross Smith Avenue are predominantly two storey type buildings. The site is earmarked as potential area of change to LMR zoning with a height limit of up to two (2) storeys consistent with nearby developments. The proposed rezoning is in keeping with the envisaged evolution of developments and zoning under the Darwin Inner Suburbs Area Plan.

3.2.4 Planning Principles

The proposed rezoning (LMR) being a low-medium density limited by lot size is encouraged in neighbourhoods supported by proximity to public transport route, community facilities and commercial activity hub. The location of the site and subsequent rezoning is aligned with general philosophy behind Compact Urban Growth Policy (CUGP) which in principle provides that CUGP localities should:

- *occur around activity centres and public transport nodes, where dwelling and activity density may be at its highest;*
- *occur along transport corridors that are within 400 metres of an activity centre;*
- *maximise cycling and walking access to public transport, commercial and community facilities; and*
- *include a transition zone, where dwelling and activity density will become less intense, and will transition to lower densities generally matching the surrounding locality (generally occurs 400 metres away from the activity centre and public transport node)*

It is evident from the above guiding principles that the Compact Urban Growth Policy underpins the planning principles adopted under the Darwin Inner Suburbs Area Plan in nominating potential area of change. The density becomes less intense as developments transition from MR to LMR and LMR to LR around this part of Fannie Bay along Ross Smith Avenue.

3.2.5 Existing Infrastructure

Reticulated power, water and sewer services are available to service the proposed development and will be connected to these services to the satisfaction of Power and Water Corporation (PWC). All the required upgrades to Power and Water services will be connected to existing infrastructure and to the satisfaction of the relevant service authority. Appropriate measures will be taken to ensure all stormwater is directed into Council's established drainage system.

3.2.6 Access and Traffic

There are no proposed changes to existing access road network. Ross Smith Avenue is a neighbourhood collector road that feeds onto Dick Ward Drive and Stuart Highway. It is expected that due to proximity of the site to Dick Ward Drive, most of the traffic movement to and from the site will predominantly occur via connection with Dick Ward Drive.

3.3 Section 12A(2)(c) - Relevant Matters under Section 13(1)

Section 13(1) of the Act provides relevant matters that the Minister must also consider when considering a request to amend a planning scheme. These are:

(a) *whether the proposed amendment promotes the purpose and objectives of this Act;*

Object 2A (e) of the NT Planning Act is to ensure that strategic planning is applied to planning schemes and implemented in individual planning decisions.

The Darwin Inner Suburbs Area Plan (*the Plan*) is the strategic planning document applicable to the land and locality to give direction through its objectives on how to promote sustainable development of land. The *Plan* adopts Compact Urban Growth Policy as a guide to implementing transition zone close commercial activity nodes and other compatible land uses.

The site has boundary dimensions of:

Front (Ross Smith Av) – approximately 41m

Secondary Front (Giles St) – approximately 24m

Northwestern side – approximately 29m

Southwestern side – approximately 45m

These dimensions provide adequate area and depth to accommodate well-designed LMR development within an allowable dwelling density yield under the NT Planning Scheme 2020.

(b) *whether the proposed amendment, other than a proposed amendment to a strategic framework, is contrary to any strategic framework in the planning scheme;*

The Strategic Frameworks that apply to the proposed amendment comprise the Darwin Regional Land Use Plan (DRLP), Darwin Inner Suburbs Area Plan (DISAP) and Compact Urban

Growth Policy (CUGP). The proposed amendment is not contrary to the outlined Frameworks below.

Compact Urban Growth Policy (CUGP)

This Policy applies to higher density residential proposals in urban brownfield and greenfield localities throughout the Northern Territory. It is used to assess the appropriateness of delivering higher density residential land uses.

This Policy is also used to guide the development of Area Plans, Rezoning and Exceptional Development Applications where higher density residential land uses are proposed.

The site is located within 400m radius of commercial and community facilities as illustrated at Figures 4 and 5 below. The proposed rezoning seeks to maximise cycling and walking access to public transport, commercial and community facilities. The proposed development support one of the objectives of Northern Territory Compact Urban Growth Policy which aims to create compact and mixed activity places that play a role in improving people’s lifestyle, whilst creating healthy people, sustainable economies, sustainable environments and sustainable communities. The future development of LMR land envisaged by this rezoning is in keeping with the character of the locality.



Figure 4: Satellite Image, 400m radius to 82 Ross Smith Avenue

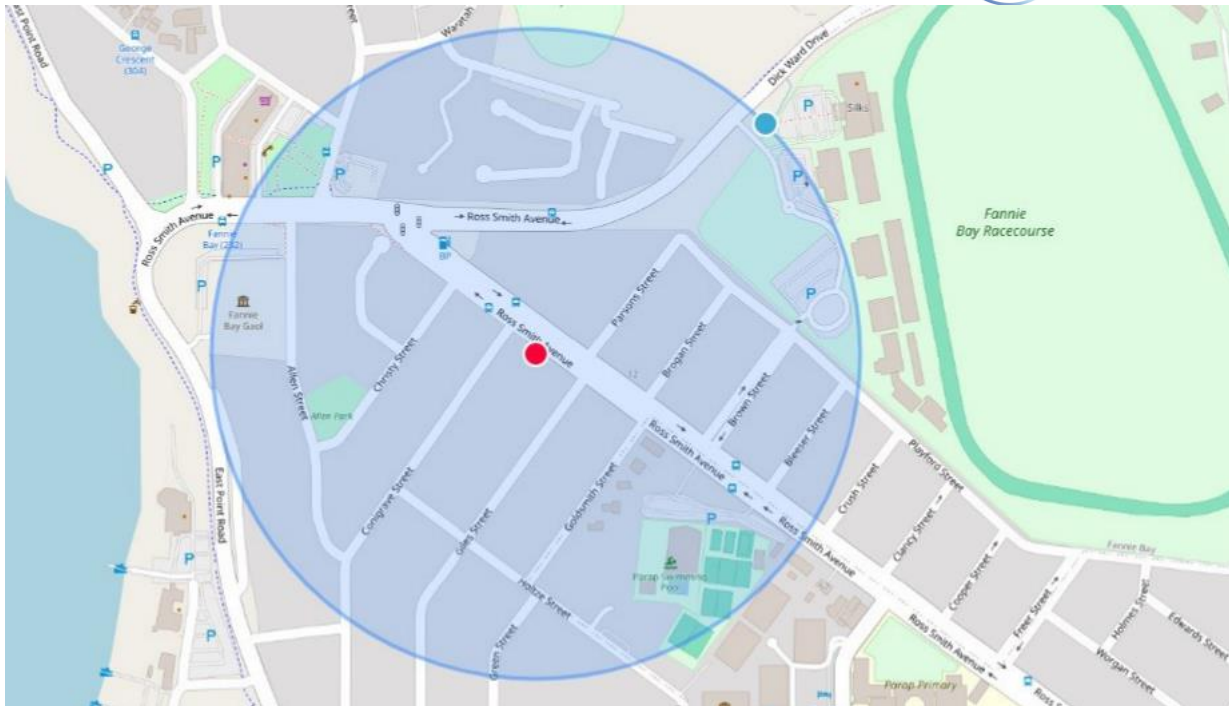


Figure 5: Terrain/Street Image, 400m radius to 82 Ross Smith Avenue

The performance criteria applicable to this Policy comprise:

- **Accessibility**

The objective of this criteria seeks to allow for higher density residential proposals that are within a comfortable walking distance. The key performance indicators considers whether the proposal within 400 metres walking distance of the following:

- (i) an activity centre;*
- (ii) frequent public transport;*
- (iii) public open space; and*
- (iv) schools and other education/ community facilities?*

The subject site is located close to the above criteria points. Nonetheless, the proposed rezoning is consistent with density increase anticipated for the area through the Darwin Inner Suburbs Area Plan (DISAP) which identifies the subject lot and adjoining lots for potential area of change to LMR and MR. The rezoning of the subject site will align the land zoning with the transition zone density of the locality.

- **Neighbourhood Character**

This criterion seeks to encourage higher density residential proposals that:

- (i) positively respond to the established neighbourhood character;*
- (ii) integrate positively with neighbouring lower density localities;*
- (iii) positively contribute to the values of neighbouring heritage sites; and*
- (iv) are consistent with the current or future envisaged pattern of urban development within the locality.*

The proposed rezoning will facilitate development of land consistent with envisaged residential land zones (town planning zoning sequence) under the Area Plan. The Darwin Inner Suburbs Area Plan (DISAP) supports the envisaged future pattern of urban development within the locality as it notes potential areas of change. Further discussion on neighbourhood character is noted at Section 3 of this report above.

- **Traffic Management**

The objective of this criteria seeks to ensure that higher density residential proposals do not cause a detrimental impact on vehicle movement. It is anticipated that the operation of the local road network would not be impacted by the expected traffic increase resulting from future development.

- **Service Infrastructure**

The objective of this criteria seeks to ensure that higher density residential proposals do not cause a detrimental impact on the operation of essential power, water, sewerage and stormwater infrastructure. The subject site is located amongst the potential area of change as identified in the Darwin Inner Suburbs Area Plan (DISAP). The Area Plan is accompanied by Needs Assessment which contains a record of all the technical considerations, infrastructure investigations and community feedback that has informed the Planning Principles and Concepts in this Area Plan. The application and any future development of the site will be circulated to relevant service authorities for comments.

- **Constrained Land**

The objective of this criteria seeks to discourage higher density residential proposals in localities that are affected by noise, public health or public safety constraints. The subject land is not affected by aircraft noise limits, storm surge, odour buffers relating to sewerage infrastructure, biting insects or riverine flooding that would limit development beyond the land zoning.

- **Social Infrastructure**

The objective of this criteria seeks to ensure that higher density residential proposals respond appropriately to the social infrastructure needs of a locality. The subject site is less than 1 hectare, and the scale of envisaged development is unlikely to impact on the existing social infrastructure in the locality.

Darwin Regional Land Use Plan (DRLP)

The Darwin Regional Land Use Plan was prepared by the Northern Territory Planning Commission and incorporated into the Northern Territory Planning Scheme as a policy document in 2015. The plan establishes the vision, goals and intended outcomes of future development at a particular point in time. The documented vision and goals inform more detailed planning for particular localities and the means, sequence, timing and specific responsibilities for implementation.

According to the Darwin Regional Land Use Plan page 20, “...more compact residential areas with increased densities have the potential to support vibrant local centres providing a mix of uses.” The land use structure (page 13 of DRLUP) to this plan identifies the subject site within Urban/ Peri-Urban (variety of housing types; retail and commercial; community facilities and services) in line with the implementation envisioned within Darwin Inner Suburbs Area Plan (DISAP). The key residential objectives identified on the plan are:

- Integrate new and existing residential development to maintain character and create a cohesive society that meets the diverse needs and aspirations of all sectors of the community.
- Ensure sustainable development by encouraging:
 - the efficient use of land, water, energy and other resources
 - accessible and efficient public transport to reduce transport demands
 - cost effective provision and efficient utilisation of infrastructure and services
 - development that is consistent with the community’s economic, social, cultural and environmental values.
 - the creation of character and identity
 - opportunities for community initiatives that support happier, healthier and inclusive communities

The proposed zone will facilitate development in a manner that is consistent with land use structure for the area and appropriate increase of density based on the planning principles adopted under the Compact Urban Growth Policy and potential area of change noted in the Darwin Inner Suburbs Area Plan.

Darwin Inner Suburbs Area Plan (DISAP)

The Darwin Inner Suburbs Area Plan implements the Northern Territory Compact Urban Growth Policy as it identifies compact urban growth localities around activity centres, public transport corridors and other localities that satisfy the objectives of this Policy.

The Plan provides a framework to guide progressive growth and development within the Inner Suburbs of Darwin. The Area Plan provides the opportunity to accommodate the new dwellings forecast for the inner suburbs of Darwin in the Darwin Regional Land Use Plan (2015) of 800 dwellings in the short term and 4 490 in the far term.

The subject site is identified as LR (Low Density Residential) under the zoning maps, however, the vision map to the Area Plan identifies the site as a potential area of change (residential). The Area Plan is premised on focusing new growth close to 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.

(c) whether the proposed amendment is within a declared class of amendments that do not require exhibition;

The proposed amendment is not within a declared class of amendments that do not require exhibition.

(d) whether the proposed amendment is not significant enough to require exhibition

It is likely that the proposed amendment will require exhibition pursuant to Section 18 of the Planning Act.

(e) the merits of the proposed amendment and whether the amendment is in the public interest;

The proposed amendment will facilitate the future residential development of the land consistent with the relevant strategic planning policies applicable to the land. The site is easily accessible and located within an area where higher density is encouraged. The Needs Assessment, Darwin Inner Suburbs Area Plan, Compact Urban Growth Policy and Darwin Regional Land Use Plan are publicly available strategic planning policies that went through rigorous public consultation to assist in reflecting public interest in the formulation of these policies. The order of strategic planning and subsequent amendments of the Planning Scheme are in the public interests. The locality has existing power, water and sewer services that are available to serve the development. Any future upgrades to these services will be done in accordance with requirements of relevant service authorities. Storm water management and access driveway are to meet the requirements of City of Darwin.

(f) any report from the Planning Commission under section 12B(3);

Any report from the Planning Commission will be provided at the Ministers request under Section 12B(1) of the Planning Act.

(g) any other matters the Minister considers appropriate. N/A

3.4 Section 12A(2)(d) – Community Consultation

The proposed Planning Scheme Amendment and any future development application will be available for review and public comment as part of the decision-making process pursuant to Sections 18 and 47 of the Planning Act. In addition, past community consultations undertaken by the Northern Territory Planning Commission and the Department of Infrastructure, Planning and Logistics during the formulation of strategic planning policies, particularly, The Darwin Inner Suburbs Area Plan is relied upon by this application.

4. Conclusion

The proposed rezoning will enable development of the subject land in accordance with the planning provisions of LMR land zoning under the NT Planning Scheme 2020. The locational attributes of the subject site satisfy the key performance criteria and indicators identified under Northern Territory Compact Urban Growth Policy. Furthermore, the proposal is consistent with the other relevant strategic planning policies, including the Darwin Inner Suburbs Area Plan and Darwin Regional Land Use Plan.