



# STATEMENT OF EFFECT.

FEBRUARY 2025

PARTIAL REZONING  
FROM OR  
(ORGANISED  
RECREATION) TO LR  
(LOW DENSITY  
RESIDENTIAL).

77 ROSS SMITH AVENUE,  
PARAP (PART LOT 5292  
TOWN OF DARWIN)



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## SUMMARY.

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PLANNING SCHEME AMENDMENT DETAILS.	
Proposed PSA.	Partial Rezoning from OR (Organised Recreation) to LR (Low Density Residential) and associated changes to the Darwin Inner Suburbs Area Plan.
Current Zoning.	OR (Organised Recreation)
Proposed Zoning.	LR (Low Density Residential)
Purpose of Proposed PSA.	Facilitate the subdivision of the site and allow existing dwelling (former Dwelling - Caretakers) within a residential zone. Associated changes to the Darwin Inner Suburbs Area Plan are proposed to ensure consistency.
Consent Authority.	Minister for Lands, Planning & Environment
Site Address.	77 Ross Smith Avenue, Parap (Lot 5292 Town of Darwin)
Owner Details.	City of Darwin
Beneficiaries.	N/A.
Applicant.	Tatam Planning Co.
Contact Address.	PO Box 2224 Darwin NT 0801.
Contact Person.	Catriona Tatam.
Contact Email.	cat@tatamplanningco.com.au.
Job Reference.	J091.

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**PLANNING SCHEME AMENDMENT – PARTIAL REZONING**  
**FROM OR (ORGANISED RECREATION) TO LR (LOW DENSITY RESIDENTIAL)**  
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## **1. INTRODUCTION.**

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### **1.1 PLANNING SCHEME AMENDMENT.**

Tatam Planning Co. has been engaged by the City of Darwin to prepare a Planning Scheme Amendment for Part Lot 5292 Town of Darwin (77 Ross Smith Avenue, Parap). The Planning Scheme Amendment (PSA) is for a partial rezoning from OR (Organised Recreation) to LR (Low Density Residential) for a small portion of the site, in order to facilitate the subdivision of the site where the existing Dwelling - Caretakers is located.

The subject site is shown as being within the Organised Recreation land use structure within the Darwin Inner Suburbs Area Plan (DISAP). The proposed partial rezoning from OR (Organised Recreation) to LR (Low Density Residential) requires a concurrent change to the DISAP from the Social Infrastructure framework in Part 3.4 to the Residential framework within Part 3.1.

This application is made pursuant to Section 12A of the *Northern Territory Planning Act 1999*, and the assessment contained herein demonstrates that the proposal is in compliance with all requirements under the *NT Planning Act 1999*.

It is noted that the proposed subdivision has been lodged at the same time as the proposed PSA, but can be considered independently under Section 44(b) of the *NT Planning Act* (rather than a Concurrent Application under Section 30(1)).

### **1.2 CONTENTS OF THIS PLANNING SCHEME AMENDMENT.**

This Planning Scheme Amendment has been prepared to support the proposed rezoning. Included within this Planning Scheme Amendment are the following attachments:

- **Attachment A.** Certificate of Title Documents.
- **Attachment B.** Survey Plan.
- **Attachment C.** Site Aerial.
- **Attachment D.** Current Site Zoning.
- **Attachment E.** Current Darwin Inner Suburbs Area Plan Extracts.
- **Attachment F.** Proposed Site Zoning.
- **Attachment G.** Proposed Darwin Inner Suburbs Area Plan Extracts.
- **Attachment H.** City of Darwin Parap Pool Master Plan.

In preparing this Planning Scheme Amendment, Tatam Planning Co. has conducted a site and locality inspection, examined the development and site history, discussed the proposed rezoning with the client, and considered the relevant provisions of the *NT Planning Act 1999* (NTPA).

It is noted that Tatam Planning Co. also liaised with the Development Assessment Services (DAS) and Lands Planning unit within the Department of Infrastructure, Planning & Logistics. Verbal advice provided by DAS in early September 2024 indicated that an application to rezone the site from OR to LR and an associated change to the DISAP should be lodged separately to that of the proposed subdivision. That is, the application should not be lodged as a formal concurrent application, although the applications will be lodged concurrently.

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### 1.3 OWNERSHIP OF THE SITE AND BENEFICIARIES.

The Title identifies the current landowner of Lot 5292 Town of Darwin as The City of Darwin. This application is lodged by Tatam Planning Co with the landowner's consent.

It is our understanding that no other persons in a beneficiary to this specific application other than those identified above. Title documents for the site are provided in **Attachment A**.

### 1.4 PLANNING HISTORY OF THE SITE.

The Certificate of Title lists the previous building and development approvals issued over the site. The development approvals of relevance to the DA are described in **Table 1**.

**TABLE 1: PLANNING HISTORY.**

PERMIT.	DATE ISSUED.	APPLICATION PURPOSE.
DV0847	18/02/1983	Clubhouse & Courts
S2304	30/03/1992	Subdivision to create 1 lot.
Building Permit	unknown	Waterslide & pumphouse
Building Permit	08/06/1999	Shade Structure
Building Permit	01/11/2011	Shade Structure
DP16/0302	22/06/2016	Alterations and Additions to existing Leisure and Recreation facility (Parap Pool)
DP16/0302A	22/12/2016	Redevelopment of Parap Leisure & Sports Center (Leisure & Rec use)
Building Permit	16/09/2017	Good Neighbour Colorbond fencing
Building Permit	03/10/2017	Shade Structure
DP17/0405	19/10/2017	Redevelopment of Parap Leisure & Sports Center (Leisure & Rec use)
Building Permit	09/10/2017	Leisure and Recreation facilities including 2 x Swimming Pools
Building Permit	09/01/2018	Storage Shed and Carport
Building Permit	14/05/2019	Removal of internal walls and new kitchenette to ground floor
Building Permit	26/04/2019	Arafura Games Parap Pool, Marquees for Public Assembly
Building Permit	14/05/2019	Demolition of Arafura Games Parap Pool, Marquees for Public Assembly
Building Permit	02/02/2021	Shade Sail
Building Permit	17/03/2021	PV Solar Panel installation
Building Permit	09/12/2021	Ground Floor renovations

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No reference is made to the existing Caretaker's Dwelling in the above approvals. It is considered likely that the Dwelling - Caretakers has existing use rights and is considered to be a Deemed Permit under Section 45 of the Act.

Title documents for the site are provided in **Attachment A**.

## **2. SITE AND LOCALITY.**

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### **2.1 DESCRIPTION OF LOCALITY.**

The subject site is located within the suburb of Parap. Parap is considered to be one of the inner-city suburbs of Darwin and is included within the Darwin Inner Suburbs Area Plan (DISAP). The area comprises predominantly residential uses, with the dominant housing typology being single dwellings, with some Dwellings-Group on land in Zone LR and LMR.

The locality also includes areas of commercial land, public open space, and organised recreation. In close proximity to the site, there is commercial development along parts of Ross Smith Avenue, as well as the Parap Village commercial area.

There is ample public open space in the immediate area, including Fannie Bay Oval, Allen Park, Aviators Park, Fannie Bay Foreshore, and the East Point Reserve. The suburb also includes extensive areas of Organised Recreation, including the Parap Pool (located on the subject site), Fannie Bay Race Course, the 1934 Qantas hangar and the various sailing and boating clubs near Vestey's Beach/ Fannie Bay.

Community purpose sites in the area include the historic Fannie Bay Gaol, Parap Primary School, Parap Preschool, Parap Girl Guides Hall, and the Royal Life Saving Society.

### **2.2 DESCRIPTION OF THE SITE.**

The subject site is Lot 5292 Town of Darwin, also known as 77 Ross Smith Avenue, Parap. This site measures 38,000m<sup>2</sup> (3.8 ha), and is currently zoned OR (Organised Recreation).

The site is a large irregular shaped lot with dual frontage to both Ross Smith Avenue and Holtze Street. The subject site is developed as the City of Darwin's Parap Pool, and this application specifically relates to the existing Caretaker's Dwelling for the Parap Pool on site. The existing Caretaker's Dwelling fronts onto Holtze Street.

The site contains the following development:

- Reception, Office and Swim club house
- 50m pool with large shade structure
- Splash/ play area
- Pump house and storage sheds
- Tennis Clubhouse and tennis/netball courts (10)
- Royal Lifesaving Head Office and Store areas.
- Visitor car parking area and vehicle access points from Ross Smith Avenue
- Dwelling - Caretakers with single vehicle crossover to Holtze Street
- Associated fencing and landscaping.

Survey Plan S 80/106 is provided at **Attachment B**. A site aerial is provided at **Attachment C**. A current zoning plan is provided at **Attachment D**.

It is noted that there is a Parap Pool Master Plan applicable to the site, which is intended to guide the future development of the site. Refer **Attachment H**.

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**2.3 DARWIN INNER SUBURBS AREA PLAN.**

The subject site is shown as being within the Organised Recreation land use structure within the Darwin Inner Suburbs Area Plan (DISAP), which reflects the current OR zoning and the use of the site by the City of Darwin as the Parap Pool development.

It is noted that the DISAP applies a specific 'Parap Community Hub Concept' to the site. Development within this concept area is to be in accordance with the City of Darwin's Parap Pool Master Plan. This document is provided at **Attachment H**, but does not conflict with the proposed partial rezoning or intended administrative changes to the DISAP. The 'Parap Community Hub Concept' will still apply to the remainder of the Parap Pool site.

The site is proposed to be partially rezoned from OR (Organised Recreation) to LR (Low Density Residential) and resulting changes made to the DISAP. The proposed partial rezoning requires a concurrent change to the DISAP from the Social Infrastructure framework in Part 3.4 to the Residential framework within Part 3.1.

An extract of the current DISAP mapping and provisions is provided at **Attachment E**. An extract of the proposed DISAP mapping and provisions is provided at **Attachment G**.



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### **3. PROPOSED PLANNING SCHEME AMENDMENT - REZONING.**

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#### **3.1 CURRENT ZONING.**

The current zoning of the site is OR (Organised Recreation). The site has been developed as the Parap Pool facility and other ancillary recreational uses in line with the land use intent of the zone.

The current zoning is shown at **Attachment D**.

#### **3.2 PROPOSED ZONING.**

The proposed partial zoning of the site is LR (Low Density Residential), noting that the proposed rezoning affects only 1,100m<sup>2</sup> of the site. The majority of the site (3.69ha) is to remain zoned OR (Organised Recreation).

The partial rezoning is intended to complement the subdivision of Lot A (Parap Pool facility – 3.69ha) and Lot B (Dwelling - Caretakers – 1,100m<sup>2</sup>). The rezoning will allow the existing Dwelling - Caretakers to be considered as a Dwelling – Single, which is a permitted use in Zone LR.

It is noted that whilst the subdivision can occur without the rezoning (and visa-versa), the Dwelling - Caretakers cannot be considered as such without any associated use to caretake on the same site once subdivided. Therefore, once subdivided, the existing Dwelling - Caretakers (Merit Assessable in Zone OR) would be considered as a Dwelling – Single, which is prohibited in Zone OR.

The rezoning from OR to LR is considered the most appropriate approach in regard to subdividing the site and allowing the existing Dwelling – Caretakers to be converted to a Dwelling -Single. A Dwelling- Single is a permitted use within Zone LR and no consent is required, where compliant with all provisions of the Scheme.

The proposed zoning is shown at **Attachment F**.

#### **3.3 PROPOSED UPDATES TO THE DISAP.**

To ensure consistency within the strategic framework, the proposed Planning Scheme Amendment contained within this report includes a minor change to the DISAP to reflect the changes and applicable residential strategic provisions applicable to the site. It is proposed to designate the site as being 'Residential - Low Density' in line with the proposed zoning.

The updating of the DISAP as part of this PSA is at the discretion of the Minister and the Department of Lands, Planning and Environment.

The proposed changes to the DISAP mapping is shown at **Attachment F**.

## **4. NT PLANNING ACT 1999.**

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### **4.1 CLAUSE 2A – PURPOSE AND OBJECTIVES.**

The purpose of the NT Planning Act 1999 (NTPA) is to establish a system to facilitate planning for the orderly use and development of land to achieve the following objectives:

- a) to ensure that strategic planning is applied to planning schemes and implemented in individual planning decisions;*
- b) to ensure that strategic planning reflects the wishes and needs of the community;*
- c) to ensure that appropriate public consultation and input are included in the formulation of planning schemes and the making of decisions under planning schemes;*
- d) to ensure that the planning system is clear, comprehensive, effective, efficient and accessible to the community;*
- e) to promote the sustainable development of land;*
- f) to promote the responsible use of land and water resources to limit the adverse effects of development on ecological processes;*
- g) to maintain the health of the natural environment and ecological processes;*
- h) to protect the quality of life of future generations;*
- i) to assist the provision of public utilities, infrastructure and facilities for the benefit of the community;*
- j) to promote the good design of buildings and other works that respects the amenity of the locality;*
- k) to assist the conservation and enhancement of places, areas, buildings, other works and landforms that are of cultural, aesthetic, architectural or historical value;*
- l) to respect and encourage fair and open decision making and public access to processes for review of planning related decisions.*

The proposed Planning Scheme Amendment for the partial rezoning of Lot 5292 Town of Darwin (77 Ross Smith Avenue, Parap) from OR (Organised Recreation) to LR (Low Density Residential) has been assessed as part of the report contained herein to ensure compliance with the Purpose and Objectives of the NTPA.

### **4.2 CLAUSE 6A - PERSONS AND BODIES PERFORMING FUNCTIONS UNDER ACT**

Under this Clause, the Minister's functions under this Act include:

- a) to make and amend specific planning schemes under Part 2;*

The Minister is identified as the Consent Authority for the proposed Planning Scheme Amendment.

### **4.3 CLAUSE 12A(2) - REQUEST TO AMEND PLANNING SCHEME**

Under this clause, a person or body may request the Minister to amend a planning scheme. The request must be in writing and include the following:

- a) an explanation of the proposed amendment;*

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This application seeks a Planning Scheme Amendment to the Northern Territory Planning Scheme 2020, through the intended partial rezoning of Lot 5292 Town of Darwin (77 Ross Smith Avenue, Parap) from Zone OR (Organised Recreation) to LR (Low Density Residential). Associated changes to the DISAP will ensure that the proposed rezoning is consistent with the applicable strategic frameworks and the low density outcomes anticipated in the immediate area under the Darwin Inner Suburbs Area Plan.

*b) a statement of the purpose of the proposed amendment and its desired effect;*

The purpose of the proposed amendment is to partially rezone the site from OR (Organised Recreation) to LR (Low Density Residential), noting that the proposed rezoning affects only 1,100m<sup>2</sup> of the site. The majority of the site (3.69ha) is to remain zoned OR (Organised Recreation).

The partial rezoning is intended to complement the subdivision of Lot A (Parap Pool facility – 3.69ha) and Lot B (Dwelling - Caretakers – 1,100m<sup>2</sup>). The rezoning will allow the existing Dwelling - Caretakers to be considered as a Dwelling – Single, which is a permitted use in Zone LR.

It is noted that whilst the subdivision can occur without the rezoning (and visa-versa), the Dwelling - Caretakers cannot be considered as such without any associated use to caretake on the same site once subdivided. Therefore, once subdivided, the existing Dwelling - Caretakers (Merit Assessable in Zone OR) would be considered as a Dwelling – Single, which is prohibited in Zone OR.

The rezoning from OR to LR is considered the most appropriate approach in regard to subdividing the site and allowing the existing Dwelling – Caretakers to be converted to a Dwelling -Single. A Dwelling- Single is a permitted use within Zone LR and no consent is required, where compliant with all provisions of the Scheme.

The proposed zoning is shown at **Attachment F**.

*c) an assessment of the proposed amendment with respect to the matters to be considered by the Minister under section 13(1);*

This report comprises an assessment of the proposed amendment, having due consideration to the matters considered by the Minister under Section 13(1). Refer assessment below.

*d) the details of any community consultation conducted, or to be conducted, in addition to the consultation required under this Act.*

No preliminary community consultation has been undertaken in relation to this specific rezoning application. Should the Minister accept the proposed Planning Scheme Amendment for the purposes of exhibition, the proposed rezoning will be exhibited per the requirements of the Act. This will be for a 28-day period and will include a sign on site and inclusion in the online Planning Notices.

#### **4.4 CLAUSE 13 - MINISTER'S CONSIDERATION OF REQUEST AND DECISION**

(1) When considering a request to amend a planning scheme, the Minister must also consider the following:

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

The proposed amendment is considered to be in general alignment with the purpose and objectives of the Act under Clause 2A, particularly in relation to subclauses (a) and (b). The proposed amendment includes

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relevant changes to the strategic planning framework in place to ensure consistency. The changes to the DISAP strategic framework underwent community consultation to ensure it reflected the wishes and needs of the community, and any proposed changes will be exhibited to the community. This ensures that orderly and proper planning decisions can be made.

- 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 proposed amendment is subject to the following strategic frameworks:

- Darwin Regional Land Use Plan; and
- Darwin Inner Suburbs Area Plan.

The proposed amendment includes an amendment to the strategic framework of the DISAP. A detailed assessment of the proposed rezoning against these Strategic Frameworks is provided below.

#### ***4.4.1 DARWIN REGIONAL LAND USE PLAN***

The subject site is within the 'Urban / Peri-Urban' land use structure under the Darwin Regional Land Use Plan (DRLUP). The 'Urban / Peri-Urban' land use structure contemplates the following development outcomes:

- A variety of housing types;
- Retail and commercial;
- Community facilities and services;
- Sport, recreation, and urban open space; and
- Natural and conservation areas.

The proposed partial rezoning will not impact on the delivery of a variety of housing types, as the intended zone will allow the existing Dwelling – Caretaker on site to convert to that of Dwelling - Single without any physical changes on site. The rezoning will formalise existing development in a manner consistent with the DRLUP, with the NTPS provisions ensuring resultant amenity, design, and land use outcomes of the development on site appropriately consider the surrounding locality.

The proposed amendment is consistent with the broad regional strategic land uses envisaged under the DRLUP.

#### ***4.4.2 DARWIN INNER SUBURBS AREA PLAN***

The intent of the Darwin Inner Suburbs Area Plan (DISAP) is to provide a detailed land use framework within the context of the broad regional strategic planning policies established by the Darwin Regional Land Use Plan 2015.

The subject site is shown as being within the Organised Recreation land use structure within the Darwin Inner Suburbs Area Plan (DISAP), which reflects the current OR zoning and the use of the site by the City of Darwin as the Parap Pool development.

It is noted that the DISAP applies a specific 'Parap Community Hub Concept' to the site. Development within this concept area is to be in accordance with the City of Darwin's Parap Pool Master Plan. This document is provided at **Attachment H**, but does not conflict with the proposed partial rezoning or intended administrative changes to the DISAP. The 'Parap Community Hub

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Concept' will still apply to the remainder of the Parap Pool site.

The proposed partial rezoning requires a concurrent change to the DISAP from the Social Infrastructure framework in Part 3.4 to the Residential framework within Part 3.1.

The DISAP goal for Residential land use areas is to *"protect and recognise the aesthetics and associated lifestyle of established residential areas while facilitating new housing opportunities that reflect the diverse needs of Darwin's regional population"*.

The objectives of the DISAP in regard to the 'Residential – Low Density' areas are as follows:

Residential - Low Density	
Objectives	Acceptable Responses
<ol style="list-style-type: none"><li>1. <i>Development of new single detached dwellings.</i></li><li>2. <i>Limit the impact of new single dwelling development on the established neighbourhood character.</i></li><li>3. <i>Limited change in built form and neighbourhood character.</i></li></ol>	Development is to be in accordance with the provisions of Zone LR (Low Density Residential), subject to any Concepts identified herein.

The proposed amendment is for a rezoning from OR (Organised Recreation) to LR (low Density Residential), and the above provisions are considered suitable to the site.

The rezoning would allow the subdivision of the Dwelling- Caretakers lot from the main Parap Pool Site, and conversion of this use to the permitted Dwelling – Single use within the proposed residential zone. No physical development is intended on site at this point in time, noting that development of the site under the LR zone would broadly limit the use of the site to that of single residential development and would not allow for further subdivision or densification of the residential lot (under the existing Scheme provisions at the time of writing). Therefore no impacts to the established character of the neighbourhood or changes to built form are likely.

An extract of the current DISAP mapping and provisions is provided at **Attachment E**. An extract of the proposed DISAP mapping and provisions is provided at **Attachment G**.

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

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

- d) *whether the proposed amendment is not significant enough to require exhibition;*

Pending the Minister's decision, the amendment may require exhibition. It is respectfully requested that the Minister waive exhibition, on the basis that the residential intention of the site is already existing by way of the existing Dwelling – Caretakers, which is intended to be retained as a Dwelling – Single once subdivided. It is not considered that the proposed amendment is so significant as to require exhibition, as it only seeks to formalise and future-proof the residential use on site.

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

The merits of the proposed amendment are as follows:

- The site is considered suitable for the intended zone.
- The existing use (Dwelling – Caretakers) and intended use (Dwelling – Single) of the site are compatible with the surrounding area.
- The nature of the rezoning to LR (Low Density Residential) is suitable to the local context.
- The proposed partial rezoning will not introduce negative impacts on the surrounding area.
- The proposed Planning Scheme Amendment not detrimental to the public interest due to the application of orderly and proper planning in line with the amended strategic framework (as proposed) and established planning processes under the Act.
- The proposed Planning Scheme Amendment will enable the land to be utilised for a residential purpose in a residential zone, rather than for caretaker purposes in a non-residential zone.

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

Should the Minister request a report from the Planning Commission, it is noted that such a report shall be considered as part of this Planning Scheme Amendment.

*g) any other matters the Minister considers appropriate.*

Noted.

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## CONCLUSION.

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Tatam Planning Co. has been engaged by the City of Darwin to prepare a Planning Scheme Amendment for Part Lot 5292 Town of Darwin (77 Ross Smith Avenue, Parap). The Planning Scheme Amendment (PSA) is for a partial rezoning from OR (Organised Recreation) to LR (Low Density Residential) for a small portion of the site, in order to facilitate the subdivision of the site where the existing Dwelling - Caretakers is located.

The subject site is not shown as being within a residential land use structure, with the site designated as non-residential (shown in grey) within the Darwin Inner Suburbs Area Plan (DISAP). The proposed partial rezoning from OR (Organised Recreation) to LR (Low Density Residential) requires a concurrent change to the DISAP to define the residential density envisaged.

This application is made pursuant to Section 12A of the *Northern Territory Planning Act 1999*, and the assessment contained herein demonstrates that the proposal is in compliance with all requirements under the *NT Planning Act 1999*.

It is noted that the proposed subdivision has been lodged at the same time as the proposed PSA, but can be considered independently under Section 44(b) of the *NT Planning Act* (rather than a Concurrent Application under Section 30(1)).

The merits of the proposed amendment are as follows:

- The site is considered suitable for the intended zone.
- The existing use (Dwelling – Caretakers) and intended use (Dwelling – Single) of the site are compatible with the surrounding area.
- The nature of the rezoning to LR (Low Density Residential) is suitable to the local context.
- The proposed partial rezoning will not introduce negative impacts on the surrounding area.
- The proposed Planning Scheme Amendment not detrimental to the public interest due to the application of orderly and proper planning in line with the amended strategic framework (as proposed) and established planning processes under the Act.
- The proposed Planning Scheme Amendment will enable the land to be utilised for a residential purpose in a residential zone, rather than for caretaker purposes in a non-residential zone.

In consideration of the requirements of all relevant statutory planning tests of the NTPA, there are considered to be reasonable grounds for the Minister to either waive or approve the exhibition of the proposal, and subsequently determine to amend the Planning Scheme to rezone Lot 5292 Town of Darwin (77 Ross Smith Avenue) from OR (Organised Recreation) to LR (Low Density Residential).