



Planning Scheme Amendment

LOTS 5727 AND 3494 TOWN OF DARWIN (121 MITCHELL STREET & 12 DOCTORS GULLY ROAD, LARRAKEYAH)

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Attachments:

- | | |
|----------------------------|-------------------------|
| A. Draft Specific Use Zone | C. 3494 Title |
| B. 5727 Title | D. Consultation Summary |

1.0 Introduction

Cunnington Rosse Town Planning and Consulting have been engaged by YWCA Australia, the landowner of lots 5727 and 3494 Town of Darwin, to prepare, lodge and manage a submission to the Northern Territory Minister for Infrastructure, Planning and Logistics to amend the Northern Territory Planning Scheme. The amendment is threefold, and comprises:

- Rezoning the subject land at lots 5727 and 3949 Town of Darwin (121 Mitchell Street and 12 Doctors Gully Road, Darwin City) from Zone LMR (Low Medium Density Residential) to a specific use zone;
- Introducing a specific use zone applicable to the subject land only into **Schedule 4** of the Planning Scheme; and
- Amending the Central Darwin Area Plan to reflect the intended transition from TC (Tourist Commercial) to the proposed Specific Use Zone.

This submission to amend the *Northern Territory Planning Scheme 2020* (the Scheme) is made pursuant to **Section 12A** of the *Northern Territory Planning Act 1999* (the Act).

The report describes the nature of the subject land and locality and considers the relevant planning history, site constraints, proposed uses and development on site, as well as the relevant provisions of **Section 12A(2)** and **Section 13(1)** of the Act, providing justification for the proposed amendment in relation to Northern Territory strategic planning policy and direction.

This report (and application) is to be read together with the draft specific use zone in **Attachment A**, the title details for the subject land in **Attachments B** and **C** and the summary of community consultation undertaken on behalf of the YWCA in **Attachment D**.

1.1 Background and Context

The Northern Territory has the highest rates of family and domestic violence in Australia, with Aboriginal people disproportionately over-represented. There are limited options for women experiencing domestic and family violence to exit crisis accommodation into secure, long-term housing, and no dedicated purpose-built housing for victim-survivors of family and domestic violence has been developed in Darwin or surrounding area. The YWCA have identified an immediate need for long-term housing for women who have been impacted by domestic or family violence.

YWCA National Housing is a community housing provider of medium to long term housing for women. YWCA provide over 120,000 nights of affordable accommodation each year through owned and operated properties in Victoria, Queensland and the Northern Territory.

The YWCA operated the Banyan View Lodge social housing complex within lot 5727 for nearly 50 years prior to its closure in 2019. In 2022, the YWCA purchased lot 3494 in order to improve potential redevelopment and housing options for the Banyan View Lodge site.

1.2 Intended Development Outcomes

The YWCA intend to redevelop the subject land to provide an integrated social and affordable housing complex to improve the availability of long-term housing for women victim-survivors of family and domestic violence, particularly those transitioning from emergency or short-term supported accommodation. The facility would be owned and operated by the YWCA, with a combination of affordable (rented to eligible tenants at a rate not more than 30% of their annual income) and social (through an affiliated public housing provider) housing.

Early development concepts have sought to determine possible development yield ensuring the provision of a range of accommodation types (primarily a range of 1, 2 and 3-bedroom apartments) whilst ensuring an appropriate provision of complimentary and ancillary elements including:

- Vehicle access and car parking, with the intention for car parking in a basement level to ensure desired spatial outcomes and amenity at ground level;
- Provision of management and administration areas, communal facilities, communal and private open space; and
- Service infrastructure, including substations, fire access and egress, booster equipment, metering and electrical switchboards.

Given the nature of surrounding development and land use zones within the immediate locality, development concepts (and the draft Specific Use Zone) have been primarily based on Zone HR (High Density Residential), with specific land use criteria for social and affordable housing to reflect the unique land use demands and outcomes associated with intended development outcomes.

2.0 Site and Locality

2.1 Site

The site is identified and described in **Table 1** and **Figure 1** below.

Site Details	
Location	Lot 5727 and Lot 3494 Town of Darwin (121 Mitchell Street and 12 Doctor Gully Road, Darwin City)
Title Reference and Land Tenure	CUFT 829 953 Estate in Fee Simple (5727); CUFT 866 250 Estate in Fee Simple (3494)
Area	3,488m ² (combined)
Easements	Sewerage Easement to Power and Water Corporation (5727 only)
Planning Considerations (Existing)	
Planning Scheme	Northern Territory Planning Scheme 2020
Zone	LMR (Low-Medium Density Residential)
Strategic Framework	<ul style="list-style-type: none"> Northern Territory Compact Urban Growth Policy Darwin Regional Land Use Plan Central Darwin Area Plan
Planning Considerations (Proposed)	
Planning Scheme	Northern Territory Planning Scheme 2020
Zone	SDX (Specific Use Darwin)
Strategic Framework	<ul style="list-style-type: none"> Darwin Regional Land Use Plan Central Darwin Area Plan
Purpose of Amendment	Dwellings-Multiple for the purpose of social and affordable housing by a registered Community Housing Provider



Figure 1: Subject Site

The subject land comprises lots 5727 and 3494 Town of Darwin, located at 121 Mitchell Street and 12 Doctors Gully Road, Darwin City. Both parcels are owned by YWCA Australia. The site has frontages to Mitchell Street (**Image 1**) and Doctors Gully Road (**Image 2**). Lot 5727 is developed with a two-storey building which previously operated as the Banyan View Lodge (a hostel) and was closed in 2019. Lot 3494 is developed with an elevated dwelling-single.

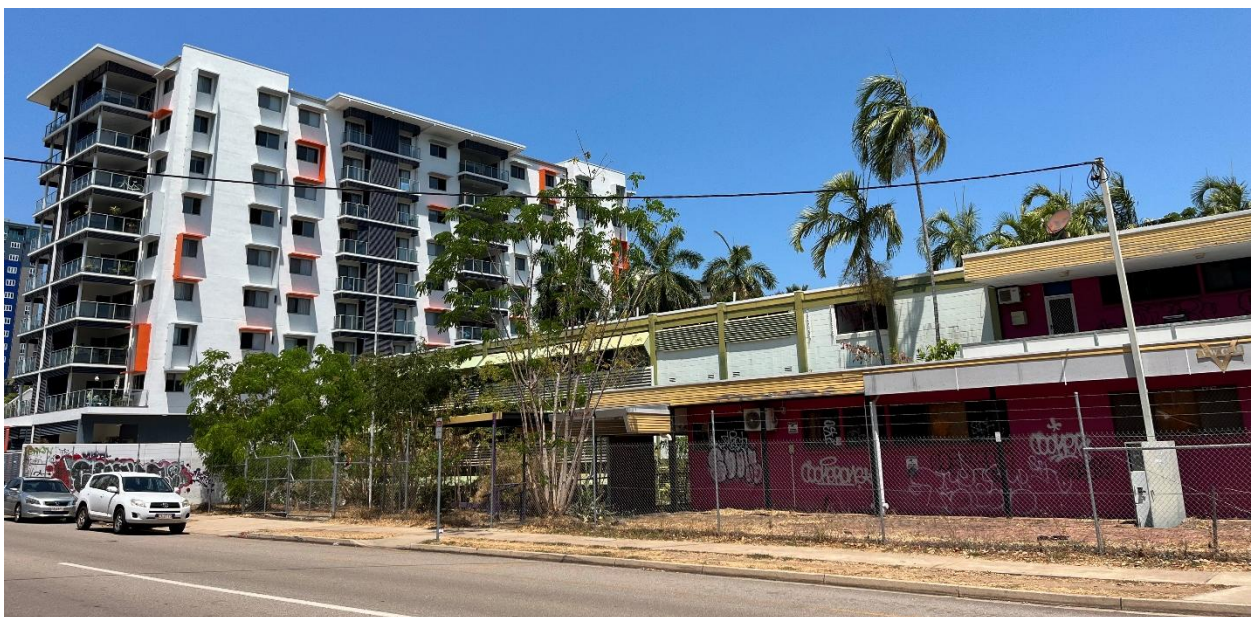


Image 1: Mitchell Street Frontage

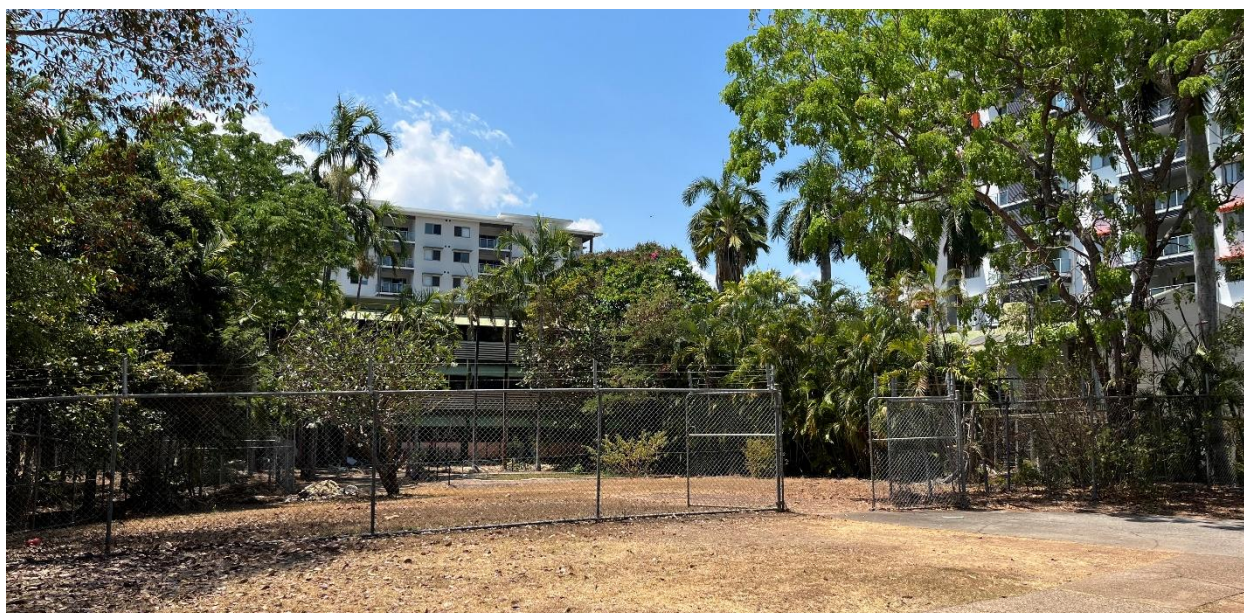


Image 2: Doctors Gully Road Frontage

The site is constrained by a 3 metre wide sewerage easement which runs through Lot 5727 mostly parallel to Mitchell Street (**Figure 2**). Preliminary site servicing investigations have confirmed that the existing DN150 gravity sewer main within the easement was decommissioned in 2016, with the decommissioned section diverted to run adjacent the southeastern property boundary. The existing sewerage easement shown in **Figure 2** above is no longer required, and will be replaced with a new 3 metre wide easement along the southeastern boundary.



Figure 2: Existing easement across 5727

2.2 Locality

Figures 3 and 4 demonstrate the zoning layout within the immediate and broader localities. The site is located on the edge of the Larrakeyah, north-west of the Darwin Central Business District boundary, defined by the CB Zone.



Figure 3: Subject land and immediate locality

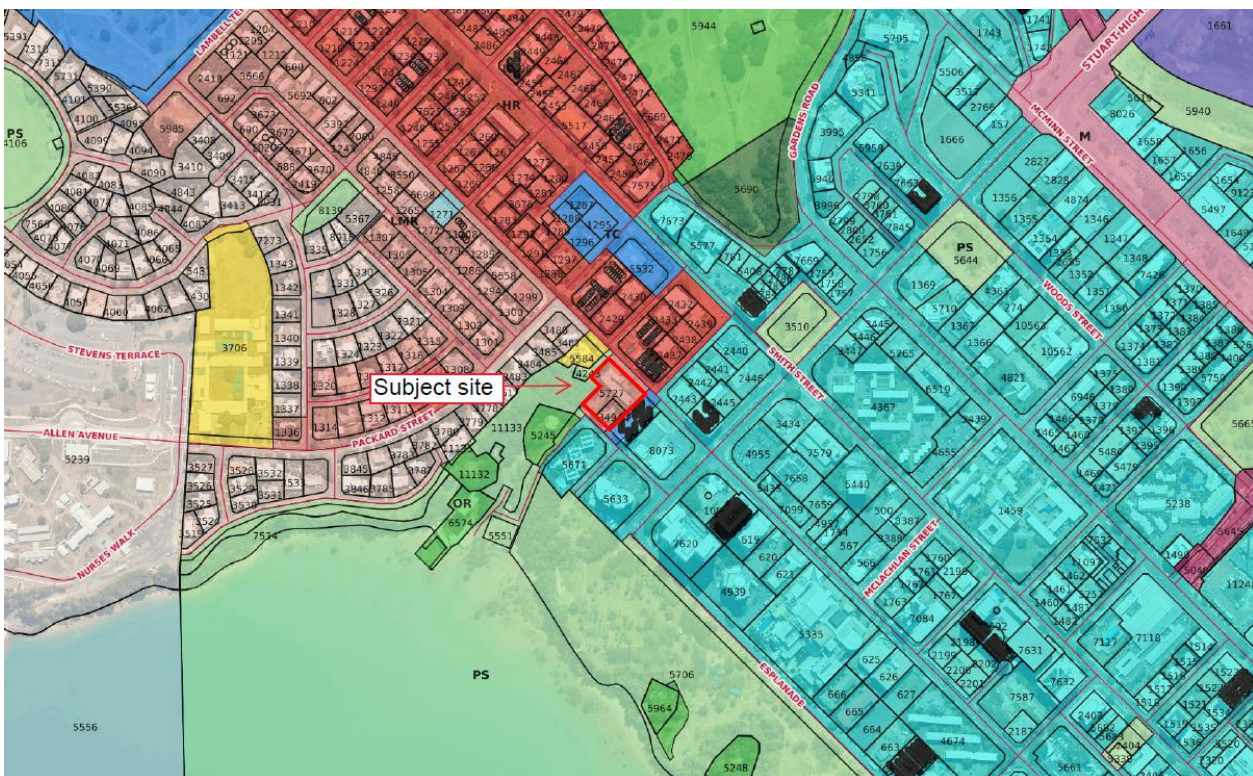


Figure 4: Broader Locality and Zoning

The subject land is located on the north-western CBD fringe, just on the Larrakeyah side of the boundary between the suburb of Larrakeyah and the Darwin CBD.

The immediate locality comprises a range of zones and corresponding land uses, reflecting the city fringe location of the site. Existing zoning includes Central Business, Low-Medium, Medium and High Density Residential, Public Open Space, Organised Recreation, Tourist Commercial and Community Purpose. Land to the northeast, on the opposite side of Mitchell Street, is Zoned HR (High Density Residential) with existing development including 7-storey residential apartment towers (**Image 3**). Land abutting the site to the northwest (Lot 4243) is within Zone PS (Public Open Space) and is developed as a car parking area for the adjacent childcare centre (Lot 5584 – Zone CP) (**Image 4**). Land directly to the east (Lot 11133) is also within Zone PS and comprises the Doctors Gully escarpment. Land to the south (Lot 5671) is within Zone CB (Central Business) and is developed with a 3-storey hostel (the YMCA). Land to the west (Lot 9121) is within Zone TC (Tourist Commercial) and is developed with a 9-storey apartment tower known as the Catalina Apartments (evident in **Image 1**). There are bus stops located directly in front of the site on both sides of Mitchell Street.



Image 3: Mitchell Street High Density Residential Development (North East of the Site)



Image 4: Lot 4243 Carpark

3.0 Planning History

Title documents for both allotments do not identify any planning history directly relevant to the proposed Planning Scheme Amendment.

4.0 Section 12A(2) of the Act

Section **12A(2)** of the Act requires that a request to amend the 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.*

These matters are considered herein.

4.1 Section 12(A)(2)(a) – Explanation of the Proposed Amendment

The primary purpose of the proposed Planning Scheme Amendment is to rezone the subject land from LMR to a Specific Use Zone. There are two secondary elements which are also proposed to be amended, namely the inclusion of the specific use zone (refer proposed zone in **Attachment A**) into **Schedule 4** of the Planning Scheme; and amending the Central Darwin Area Plan to reflect the intended residential land use (rather than the intended tourist commercial use/s identified in the CDAP). The proposed specific use zone has been primarily based on the High Density Residential (HR) Zone, per **Clause 4.5** of the Planning Scheme, however modified to apply specific car parking requirements to, and allow the inclusion of ancillary administration space within a social and affordable housing development. The proposed specific use zone will facilitate the YWCA's proposed development of an integrated affordable and community housing facility providing long-term housing for women victim-survivors of family and domestic violence. The proposed specific use zone:

- Outlines a specific Zone Purpose statement that is consistent with the intended purpose of Zone HR (per **Clause 4.5**) and notes the application of specific (reduced) car parking requirements for housing managed by a registered community housing provider. The zone also notes that a community housing provide means an entity registered under the *Community Housing Providers (National Uniform Legislation) Act 2013* as a Community Housing Provider. The purpose statement and intended reliance on Zone HR seeks to ensure the zone outcomes and subsequent development in response to the location of the land and, whilst recognising social and affordable housing within the zone purpose, is sufficiently flexible to accommodate unrestricted residential development in accordance with Zone HR;
- Provides Administration Clauses to clearly outline:
 - The land to which the specific use zone applies (limited to lots 5727 and 3494 only);
 - That the use and development of land within the specific use zone, together with the applicable general, location-specific and development-specific requirements of the Planning Scheme, are to be applied as if the land were in Zone HR, except where varied within the specific use zone. Through administration subclauses 2 and 3, the specific use zone seeks to ensure land use and development outcomes consistent with Zone HR and thus compatible with the surrounding locality, noting the adjacent development to the south-east, existing development to the south, and predominance of Zone HR Zoned lots on the north-eastern side of Mitchell Street. The reliance on Zone HR to form the fundamental basis for building design and site layout in the Specific Use Zone will apply to building heights, setbacks, the provision of landscaping and communal open space, front fencing and building design, among a number of other general and specific development criteria. The achievement of building outcomes consistent with that anticipated in Zone HR also ensures development outcomes consistent with, indeed potentially less impactful than, the intended TC Zoning per the Central Darwin Area Plan, noting that Zone TC is a higher-intensity zone than HR. Zone TC is not subject to the height limits, fencing design requirements or

residential plot ratio limitations (other than for *rooming accommodation*) that apply to residential development in Zone HR, and allows reduced boundary setbacks for buildings above 4 storeys in height.

In addition to the reliance on the Zone HR land use and development criteria, subclauses 2, 3 and 6 also ensure an applicable framework for other forms of development (other than that proposed by the YWCA) in accordance with Zone HR, without having to specify additional land use and development criteria within the Specific Use Zone. This will ensure future adaptability of the land in the event that the YWCA vacates the premises at some stage in the future, in a manner that is consistent with other forms of development in Zone HR;

- Provides specific car parking criteria for social and affordable housing to reflect the lower car parking demand for specific housing types, and the proximity of the site to the Darwin CB Zone (proposed subclause 7).

The reduced car parking requirement applies to housing (in the form of *dwelling-group* and *dwelling-multiple*) provided and managed by a registered Community Housing Provider only, and other forms of development identified in the Zone HR Assessment Table will be subject to consideration against **Clause 5.2.4**. Detailed consideration of the proposed car parking rates for social and affordable housing are provided in **Section 4.1.1** below. The reliance on **Clause 5.2.4.1** for the applicable car parking requirements for other development extends to the administration subclauses, which guide applicants, the community and the consent authority on the consideration of variations to the specific car parking requirements within the clause; and

- Includes the allowance for an *office* to be established providing it is (and remains) ancillary to the primary use for the purpose of housing by a registered Community Housing Provider and is limited to a maximum of 100m². Whilst **Clause 1.9(1c)** of the Planning Scheme would potentially allow the establishment of an ancillary *office*, proposed subclause 8 provides greater clarity as to the expected development outcomes within the specific use zone, and sets a clear floor area limit for an ancillary administration area.

4.1.1 Required Car Parking for Social and Affordable Housing

Currently the Northern Territory Planning Scheme does not recognise social and affordable housing as distinct from other forms of residential development. There are a number of areas of the Planning Scheme that should apply equally between social and affordable housing, and other, 'unrestricted' forms of residential development, for example site and building layouts, private open space, setbacks and heights. Conversely, there are a number of other requirements in the Planning Scheme that will apply differently given the unique nature of social and affordable housing, including the manner in which it's occupied, the occupants and the integrated and managed nature of the

intended accommodation. Critically, the demand for car parking in an integrated social and affordable housing facility provided and managed by a registered Community Housing Provider is considered to be well below the required provision in **Clause 5.2.4.1** of the Planning Scheme (which requires 2 spaces per dwelling).

The current Planning Scheme rate does not recognise the following:

- The intended occupation of the dwellings for social and affordable housing for women victim-survivors of family and domestic violence, particularly those transitioning from emergency or short-term supported accommodation;
- The integrated and managed nature of the proposed housing which, in the case of the intended development, will be undertaken by the YWCA.

The proposed restriction in subclause 7 of the Specific Use Zone ensures that, for the specific car parking rate to be applied, the dwellings must be provided *and* managed by the YWCA or a similar organisation;

- The proportion of 1-bedroom dwellings within the proposed development and the corresponding physical constraints on occupation and ownership; and
- The proximity of the subject land to the Darwin Central Business District (less than 30 metres at the nearest point to the commencement of Zone CB – Central Business, and less than 140 metres to land on the south-eastern side of Daly Street), noting the applicable car parking requirement on land in Zone CB (commencing less than 30 metres from the subject land) is significantly lower than that which is / would be applicable to the site under **Clause 5.2.4.1**.

The Darwin CB Zone

In relation to this final point above, **Clause 5.2.4.1** applies a car parking requirement of 2 spaces per dwelling (irrespective of the above characteristics), whereas **Clause 5.9.1.11** (*Car Parking Spaces in Darwin City Centre*) requires:

- 1 parking space per bed-sit or 1-bedroom dwelling;
- 1.5 spaces per 2-bedroom dwelling; and
- 1.7 spaces per 3-bedroom dwelling.

Logically, the proximity of the subject land to the CBD, the level of services and facilities therein (including community and government services, commercial land uses and entertainment), the walkability to and within the CBD, and the increased proximity to and availability of public transport, all significantly increase alternative transport opportunities and reduce the reliance on private motor vehicle use and car parking.

This is particularly pertinent when comparing the subject land to other residential land also subject to **Clause 5.2.4.1** and the requirement to provide 2 car parking spaces per dwelling. That is to say, the subject land is unique in its immediate proximity to the Darwin CBD, even compared to the majority of HR Zone lots in the broader locality.

In addition to the lower parking rates required by **Clause 5.9.2.11**, the location of the subject land would also likely apply further parking reductions were the land zoned CB, under **Clause 5.9.2.12** (Reduction in car parking spaces in Darwin City Centre) as:

- *The development is located within 200m of a dedicated off-road bicycle path or on-road bicycle lane (The Esplanade Path extending from the end of Doctors Gully Road, approximately 70 metres from the subject land).*

Accordingly, it is reasonable to assume the Darwin CB rates (per **Clause 5.9.11**) as the basis to then determine the applicable rate specifically for *social and affordable housing*.

Social and Affordable Housing – Case Studies

A number of planning jurisdictions apply specific design criteria for affordable housing due to the different demand for ancillary components (for example car parking) or as an incentive to developers to increase the provision of affordable housing as part of private developments (for example increased building heights or dwelling yields). As they relate to car parking, examples include:

- Victorian Planning Scheme **Clause 52.20-6.7** and **53.20-6.9** applying a requirement of **0.6** parking spaces for each social and affordable dwelling provided through the “Big Housing Program.”
- SA Planning and Design Code – Affordable Housing Overlay **Performance Outcome 4.1** and **Deem to Satisfy Criteria / Designated Performance Feature** stipulating a provision of **0.3** parking spaces per dwelling within a specified distance of certain forms of public transport or public open space, or **1** car park per dwelling in all other cases.

Whilst these rates provide a useful insight into the specific approach taken by other jurisdictions, it is of limited direct relevance in the Northern Territory context. More relevant is a comparison of the proportionate reduction in demand for car parking for affordable housing relative to unrestricted housing. Again utilising the SA Planning and Design Code, residential flat buildings (the comparable definition to *dwelling-multiple*) where not applying the affordable housing overlay require:

- 1 car parking space for 1 and 2-bedroom dwellings;
- 2 car parking spaces for 3+ bedrooms; and
- 0.33 spaces per dwelling for visitor parking.

Compared to the rates applied through the affordable housing overlay this results in:

- Between 0% and 70% reduction for affordable 1 and 2-bedroom dwellings depending on accessibility to public transport;
- Between 50% and 85% reduction for affordable 3-bedroom dwellings depending on accessibility to public transport; and
- No visitor parking criteria for affordable housing.

For the rate of 0.3 parking spaces per dwelling under the SA Planning and Design Code – Affordable Housing Overlay to apply to affordable housing, the dwellings must be within:

- 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service*
- 400 metres of a bus interchange*
- 400 metres of an O-Bahn interchange*
- 400 metres of a passenger rail station*
- 400 metres of a passenger tram station*
- is within 400 metres of the Adelaide Parklands.*

The Code defines a *high frequency public transit* service as a route serviced every 15 minutes between 7:30am and 6:30pm Monday to Friday and every 30 minutes at night, Saturday, Sunday and public holidays until 10:00pm. The required frequency thresholds are more frequent (albeit not significantly) than that provided by bus route 4 which runs along Mitchell Street with bus stop 73 located immediately adjacent the site. As such, point i) above is not met, and points ii) through v) are not applicable. The subject land is within 400 metres of the Darwin Esplanade / Bicentennial Park, a large and regionally significant area of public open space.

Based on the above, and as a useful guide to the local context, the proximity of public transport services and public open space are likely to apply to reduce motor vehicle demand to some extent, although not to the extent recognized in the South Australian policy (ie a reduction of 70% / 85% for one and two bedroom / three bedroom dwellings).

Further research uncovered analysis by David Graham, Senior Principal Transport Engineer with Stantec Australia Pty Ltd as part of a Transport Engineering Impact Review of a residential and retail development project being considered by the Victorian Civil and Administrative Tribunal in May 2023.

The Summary provided:

“As previously indicated, all of the apartments in the amended development proposal will be used for social and affordable housing. None of the apartments will be sold or let on a commercial basis at market rates.

Research indicates that car parking demand rates for social housing are typically lower than those for commercial housing. Indeed, a large study undertaken by Stantec (formerly GTA) in 2017 for the Department of Health & Human Services found an average car ownership rate of 0.64 vehicles per dwelling for social housing sites in the City of Merri-bek, and an average of 0.39 vehicles per dwelling for social housing sites in the middle metro areas as a whole. The surveys also found that car ownership rates were lower for residents of apartments than those in stand-alone houses, and that car ownership rates were lower for one-bedroom dwellings than for dwellings with two or more bedrooms.

Given that the proposed development is an apartment building, with a high percentage of one-bedroom dwellings, and is located adjacent to a tram line and within easy walking distance of a train station, it is likely to have lower than typical car ownership rates. Notwithstanding, conservatively adopting the average surveyed rate for social housing in Merri-bek of 0.64 vehicles per dwelling, the development could generate demand for up to 94 resident car parking spaces.”¹

Whilst the study referenced in the report could not be located, the corresponding parking rates for ‘unrestricted’ apartment dwellings were 1 space for one- or two-bedroom dwellings, and 2 spaces for three-bedroom dwellings. Utilising the average rate of 0.64 for social housing sites in the City of Merri-bek, this equates to a reduction of 36% for one and two bedroom dwellings, and 68% for two bedroom dwellings.

Social and Affordable Housing - Proposed

Based on the above, the reductions in car parking rates between social and affordable housing relative to unrestricted housing have been observed as follows:

- 0% for 1 and 2-bed dwellings in SA outside of specified proximity to public transport and open space (1:1);
- 36% for 1 and 2-bed dwellings in Merri-bek study (0.64:1);
- 50% for 3-bed dwellings in SA outside of specified proximity to public transport and open space (1:2);
- 68% for 3-bed dwellings in Merri-bek study (0.64:2);

¹ Graham, D. (2023) *Proposed Amended Development – Transport Engineering Impact Review*, Melbourne, Victoria; Stantec Australia Pty Ltd; obtained from Merri-bek City Council Website accessed 2 October 2023

- 70% for 1 and 2-bed dwellings in SA within specified proximity to public transport or open space (0.3:1); and
- 85% for 3-bed dwellings in SA within specified proximity to public transport or open space (0.3:2).

For the development of *social and affordable housing* on the subject land, a conservative reduction of **30%** has been applied to the Darwin CB rates for *social and affordable housing* only, on the basis of:

- Immediate proximity to the Darwin CBD;
- Proximity to public transport and public open space; and
- Land use and development control imposed by the Specific Use Zone, particularly the definition of *social and affordable housing*.

The following rates are proposed in subclause 7 of the proposed Specific Use Zone:

Table to Clause 7: Minimum number of Car Parking Spaces Required for housing provided by a registered Community Housing Provider	
Use or Development	Minimum number of Car Parking Spaces Required
Dwelling-group and Dwelling-multiple	0.7 per one bedroom <i>dwelling</i> 1.05 per two bedroom <i>dwelling</i> 1.19 per three bedroom <i>dwelling</i> <u>Plus</u> 2 for every 100m ² of net floor area used for administrative purposes

For the specific parking rate to apply, dwellings must be provided and managed by a community housing provider registered under the *Community Housing Providers (National Uniform Legislation) Act 2013*.

In accordance with the Specific Use Zone, if the dwellings no longer fit this criteria, car parking will need to be considered against **Clause 5.2.4.1** of the Planning Scheme.

4.2 Section 12A(2)(b) – Purpose and Effect of Amendment

The site is owned by YWCA which provides housing and support services for women and their families. YWCA is a registered Community Housing Organisation through the National Regulatory System for Community Housing (NRSCH) and is the only national women's community housing organisation.

The purpose of the proposed Amendment is to facilitate the development of an integrated social and affordable housing facility on a site located in immediate proximity to the Darwin CBD, public transport services and public open space. The intended development will be consistent with the broad definition of *dwelling-multiple* under **Schedule 2** of the Scheme:

dwelling-multiple means a dwelling or serviced apartment that is wholly or partially vertically over or under another dwelling on a site or any dwellings above the ground floor in a mixed use development, and includes a dwelling on a unit title with common property.

As the *dwelling-multiple* definition is a broad residential land use definition that does not limit or otherwise restrict the nature of occupation, the specific use zone ensures the specific car parking criteria applicable to social and affordable housing is limited thereto, and that any future unrestricted residential use or development will be subject to the applicable requirements of the Planning Scheme.

In effect, the amendment will facilitate the development and use of the subject land for:

- Managed social and affordable housing generally subject to the spatial and built form requirements applicable to residential development in Zone HR, with specific car parking and ancillary use criteria reflecting the unique nature of social and affordable housing; and/or
- Land uses identified in the Assessment Table to **Clause 4.5** – Zone HR.

The reliance on Zone HR will apply suitable land use and development controls to ensure compatibility with surrounding zones, existing development and development reasonably anticipated, and provide for development outcomes similar to that identified in the strategic framework, notwithstanding the proposed amendment to the Area Plan.

4.3 Section 12A(2)(c) – Relevant Matters under Section 13(1)

Section 13(1) of the Act requires the Minister to consider the following when considering a request to amend the Planning Scheme.

4.3.1 Section 13(1)(a) - whether the proposed amendment promotes the purpose and objectives of this Act

Section 2A provides the purpose and objectives of the Act. There are a number of elements of the proposed amendment and resultant intended development that promote the purpose and objectives of the Act. The proposed amendment ensures an orderly integration and progression of zoning and subsequently development in a manner that aligns appropriate urban development zones and provides a suitable land use within a mixed inner urban area. The proposed zone will limit unique development requirements to those directly applicable to the specific nature of

social and affordable housing, whilst the reliance on an existing zone for other development and use ensures consistency and flexibility for development / land use should the site need to transition in the future. The intended Specific Use Zone respects existing and reasonably anticipated development on surrounding land, particularly noting the more stringent setback (above 4 storeys) and height requirements for development in Zone HR relative to the TC Zone identified in the Area Plan.

A separate statutory process (development application) and the corresponding reliance on the relevant design and land use provisions of the Planning Scheme (and, where varied, the specific use zone) in the consideration of any future development will ensure positive site and building design outcomes that respect the amenity of the locality. The amendment will enable the use and development of the land in a manner which is sustainable and will not impact on natural environmental or ecological processes.

As it directly relates to the objects in **Section 2A**, the proposal:

- Is an appropriate transition of zoning under the Darwin Regional Land Use Plan, noting the identification of the subject land for *Tourist Commercial* in the Area Plan, and the intended zone ensures built form and land use outcomes (residential) similar to that possible in Zone TC. (refer **Section 4.3.2** for consideration of the Strategic Framework);
- Is consistent with the NT Compact Urban Growth Policy and Darwin Regional Land Use Plan (relevant strategic framework policy);
- Will facilitate the development of social and affordable housing to support the needs of the community;
- Facilitates a statutory planning approval process subject to the relevant design and land use provisions of the Planning Scheme to ensure the good design of buildings in a manner that respects the amenity of the locality;
- Promotes the sustainable development of land in an urban, walkable locality proximate to public transport; and
- Will facilitate a building envelope consistent with development in the immediate locality with a height limitation below that currently envisaged by the Central Darwin Area Plan.

4.3.2 Section 13(1)(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 includes an amendment to the Central Darwin Area Plan, being part of the strategic framework applicable to the subject land. The Northern Territory Compact Urban Growth Policy, Darwin Regional Land Use Plan and Central Darwin Area Plan form the strategic framework applicable to this site.

NT Compact Urban Growth Policy

The NT Compact Urban Growth Policy (CUGP) was introduced in 2015 as a policy document. It applies to higher density residential proposals in urban brownfield and greenfield localities throughout the Northern Territory. The Policy is used to assess the appropriateness of delivering higher density residential land uses, including rezoning applications where higher density residential land uses are proposed, and provides a set of guiding contemporary planning principles for considering an increase to the allowable density of a site.

4.1 Accessibility	
<p>Objective:</p> <p>To allow for higher density residential proposals that are within a comfortable walking distance of: (a) an activity centre where commercial and community facilities are available; and (b) a public transport route (applicable in regions where public transport services are available)</p>	<p>Key Performance Indicators:</p> <ol style="list-style-type: none"> 1. Is the proposal within 400 metres walking distance of the following: (a) an activity centre; (b) frequent public transport; (c) public open space; and (d) schools and other education/ community facilities? 2. Do local walking and cycling routes allow for direct, quick and safe access to public transport, commercial and community facilities?
<p>Response:</p> <p>The site is located within 400m walking distance of the Darwin CBD, being the major regional activity centre within the Top End of the Northern Territory. The site is directly adjacent bus route 4, with frequent services during peak times providing access to the CBD, Charles Darwin University, Casuarina, Alawa, Rapid Creek, Nightcliff and Fannie Bay. An existing childcare centre is located immediately adjacent the site, with the Larrakeyah Primary School approximately 550m walking distance. PS (Public Open Space) land in Doctors Gully is immediately adjacent the site, with formal public open space areas in Bicentennial Park commencing within 120m walking distance. The</p>	

site allows direct access to the on-street shared path / footpath network connecting to public transport, open space, commercial and community facilities.

4.2 Neighbourhood Character

Objective:

To encourage higher density residential proposals that: (a) positively respond to the established neighbourhood character; (b) integrate positively with neighbouring lower density localities; (c) positively contribute to the values of neighbouring heritage sites; and (d) are consistent with the current or future envisaged pattern of urban development within the locality;

Key Performance Indicators:

1. Will the proposal positively contribute to the neighbourhood character by: (a) providing development outcomes consistent with the existing building height and building type in the neighbourhood, or a building height and building type envisaged by an Area Plan or Policy within the NT Planning Scheme; (b) improving the neighbourhood aesthetic through landscaped setbacks and/ or active frontages; and (c) ensuring that heritage places are not dominated or diminished in appearance?
2. Is the proposal continuing an existing town planning zoning sequence or is it consistent with a future development vision outlined by an Area Plan or Policy within the NT Planning Scheme?
3. Is the proposal providing a transition in density, height, bulk and massing where lower density localities are adjacent or adjoining?

Response:

The proposed amendment will facilitate a building height (up to 8 storeys) and type (dwelling-multiple) consistent with existing buildings in Zones HR, CB and TC in the immediate locality, including land immediately adjacent the subject site. Built form outcomes under the proposed specific use zone are consistent (or below) the TC Zone anticipated in the strategic framework, with applicable setback and landscaping requirements for Zone HR ensuring improvements to site appearance and neighbourhood aesthetic. The proposed zone ensures a continuation of built form and density outcomes from the adjacent TC zone and HR Zone opposite. Given the applied HR Zone parameters relative to the anticipated TC Zone and existing development in the locality, the proposed amendment will not result in any incompatible bulking or massing.

4.3 Traffic Management

Objective:

To ensure that higher density residential proposals do not cause

Key Performance Indicators:

1. Can the existing road network support the proposed density increase (ie. is it likely that the development will result in road intersection failure)?

a detrimental impact on vehicle movement.	2. Is the road reservation adjoining the proposal wide enough to cater for on street car parking and vehicle movement? Higher density residential development is not encouraged: (a) in cul-de-sacs; and (b) on road reserves less than 17 metres in width for lower and medium density developments; or (c) on road reserves less than 20 metres in width for high densities.
The site has a relatively wide frontage to both Mitchell Street and Doctors Gully Road which provides opportunity for vehicle access and on-street parking to either road frontage. The dual frontages provide a range of options for vehicle and pedestrian access to minimise potential conflict with existing accesses, public infrastructure and transport networks. Given the density and intensity of surrounding development and the function of the road network, it is expected that the existing road network will support resultant development. The Mitchell Street road reserve exceeds 20 metres, whilst the Doctors Gully road reserve is less than 17 metres.	
4.4 Service Infrastructure	
Objective: To ensure that higher density residential proposals do not cause a detrimental impact on the operation of essential power, water, sewerage and stormwater infrastructure.	Key Performance Indicators: 1. Have the relevant service authorities indicated that power, water, sewerage and stormwater infrastructure: (a) currently exists to adequately cater for the increase in density; or (b) will be provided to a level that will support the envisaged change in population? 2. Is reticulated sewerage infrastructure available within the locality? Higher density residential proposals are only encouraged where reticulated sewerage services are available.
A service infrastructure review undertaken by Muir Consultants determined: <ul style="list-style-type: none"> • The existing site drainage regime to Doctors Gully would be retained for future development, providing for near-direct discharge to the end-of-line receiving environment; • Sufficient potable water connection from the existing DN225 water main in Mitchell Street and/or the existing DN100 reticulation main in Doctors Gully Road; • The existing DN150 sewer main extending through the easement within the central portion of the site was decommissioned in 2016 and is no longer required, thus (subject to redundant infrastructure removal) presents no impediment to development; 	

- Future development will connect via a Type 1 sewer service to the existing PWC access chamber along the southeastern boundary of the site;
- An indoor electrical substation (anticipated 750kVA distribution transformer) will be required to connect to the existing high voltage overhead power line on the northeastern side of Mitchell Street, and/or 11kV underground power along Doctors Gully Road.

Accordingly, sufficient service capacity is available to support development resulting from the proposed amendment.

4.5 Constrained Land

Objective:

To discourage higher density residential proposals in localities that are affected by noise, public health or public safety constraints.

Key Performance Indicators:

1. Is the proposal affected by any constraint where higher residential densities are discouraged? For example, higher densities are discouraged on land affected by the following constraints: (a) Australian Noise Exposure Forecast Contours relating to aircraft noise; (b) Primary or Secondary Storm Surge Areas; (c) odour buffers relating to sewerage infrastructure; (d) biting insects in greenfield developments; and (e) riverine flooding in greenfield development.
2. Is the proposal in accordance with the airport building height limitations applied by: (a) Defence (Area Controls) Regulations 1989; (b) Airports (Protection of Airspace) Regulations 1996: Obstacle Limitation Surface; and (c) Airports (Protection of Airspace) Regulations 1996: Procedures for Air Navigation Services – Aircraft Operations?

Response:

The site is not subject to any identified noise, storm surge or flooding, public health or public safety constraints. The proposal will result in a maximum building height well below operational or Defence height limitations imposed by the Darwin Airport or RAAF Base Darwin.

4.6 Social Infrastructure

Objective:

To ensure that higher density residential proposals respond

Key Performance Indicators:

1. Where a proposal involves a land area greater than 1 hectare, is the social infrastructure (ie. park facilities, community centres etc.) of an adequate standard to cater for the estimated increase in population? Or,

appropriately to the social infrastructure needs of a locality.	<p>will further embellishment, planning for or the provision of new facilities be required?</p> <p>2. Will the redevelopment of a site designated for community purposes result in an unacceptable impact on the provision of social infrastructure in a locality?</p>
<p>Response:</p> <p>The subject site is less than 1ha in area, the proposed development will not unreasonably impact on the provision of any social infrastructure in the locality and the subject land has not been previously designated for community services.</p>	

Darwin Regional Land Use Plan (DRLUP)

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 provides a vision, goals and intended outcomes for development of the Darwin Region, identifies regional opportunities and the intention for development into the medium and long term. The Land Use Structure on Page 13 of the Plan identifies the subject land as *Urban / Peri-Urban*.

Page 16 of the Plan identifies Urban / Peri-Urban to include:

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

Commencing on page 12, the Plan deals with residential land uses and development, and provides the following key residential objectives:

- 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 will provide an appropriate increase in density whilst constraining the height of development to provide a transition from the CB and TC Zones to the high, medium and low-density areas of Larrakeyah. The zone will ensure future development diversifies residential offerings to a broader range of community sectors, has access to public transport, can integrate with infrastructure and services and takes advantage of the proximity and walkability to the CBD. The rezoning will facilitate urban development in a manner consistent with the Regional Land Use Plan, with the Northern Territory Planning Scheme requiring resultant development, amenity, design and use outcomes appropriately consider the surrounding locality.

The specific Urban and Peri-Urban Residential Objectives commencing on Page 15 seek to ensure the provision of a sufficient supply of residential development to provide a range of dwelling types within (or close to) established areas. The Land Use Plan supports infill residential development on underutilised land close to existing transport networks and community or commercial facilities. The subject land is close to public transport routes, collector roads with separate walking and cycling facilities, and community uses such as the Larrakeyah Primary School and Bicentennial Park. The proximity of the site to the Darwin CBD enables improved access to broader public transport services for commuters, and close proximity to employment centres, administrative, commercial, recreation and community facilities.

Central Darwin Area Plan (CDAP)

The Central Darwin Area Plan was finalised by the Northern Territory Planning Commission and incorporated as a policy document in the Planning Scheme in late 2019. The Plan provides a framework for land use and development outcomes within the Central Darwin Area (ie Cullen Bay to the Darwin Waterfront), whilst recognising the importance of historic and culturally significant places, including approaches to preserve and revitalise such places so that they continue to be enjoyed by the Darwin community.

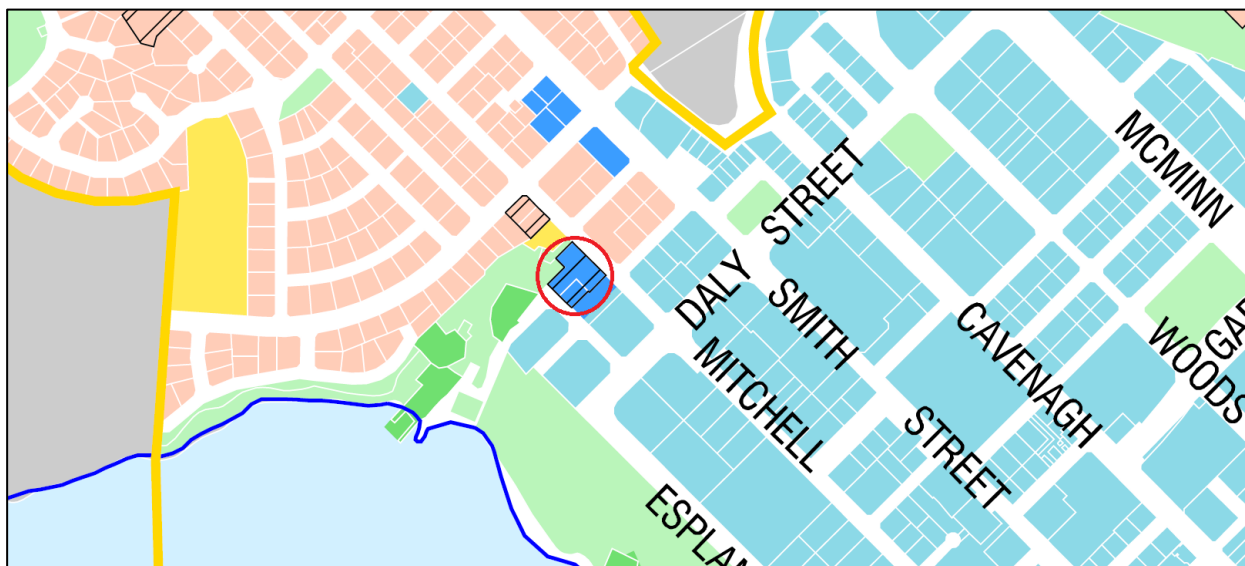


Figure 5: Subject land (circled) per the Central Darwin Area Plan Land Use Vision Map

The current zoning map on page 10 of the Area Plan reflects the existing Low-Medium Density zoning, whilst the Land Use Vision Map on page 13 of the Plan (**Figure 5**) identifies the site as Potential Area for Change, with the underlying intended land use being Tourist Commercial. It is understood that this land use was identified largely based on submissions made on behalf of YWCA to the Northern Territory Planning Commission in 2019 during consultation periods for the Area Plan.

The submissions state an intent to rezone the land to Zone TC (Tourist Commercial) based on the flexibility of the zoning to provide for both commercial and residential development on the subject land. Further, Zone TC enabled the YWCA to sell the land to a private operator, such as a hotelier, to fulfill its highest and best use at the time.

It should be noted that these submissions were made when the land was subject to the former 2007 Planning Scheme. Since then, the current 2020 Planning Scheme has been introduced, which includes more detailed zone outcomes, new assessment categories and revised administration requirements for the zone purpose statements.

Given the increasing need for social and affordable housing in the Darwin Area, the YWCA is now pursuing the development of the land for this purpose, which differs from the development aspirations identified in the Central Darwin Area Plan. Under Zone TC, a *dwelling-multiple* development is Impact Assessable. Zone **Outcome 2** in **Clause 4.13** seeks to limit residential development such that the nature of the activity does not compromise the primary use of the locality for tourist commercial activities. Development of the subject land for *dwelling-multiple*, in the form of social and affordable housing, is likely to form part of the *primary* use of Zone TC in the locality (which would consist of the subject lots together with lot 9121 to the southeast). Clearly Zone **Outcome 2** anticipates residential uses that aren't directly related to tourism are subservient or lower in rank, prevalence or size relative to tourism-related uses (whilst not to the extent of *ancillary*).

The development of the subject land for social and affordable housing as intended could not be said to be subservient, lower in rank, prevalence or size relative to tourism-related uses in the immediate locality, and thus could be inconsistent with **Clause 4.13** were lots 5727 and 3494 zoned TC. Accordingly, the proposed amendment seeks to change the intended development direction identified in the Area Plan from Tourist Commercial to Residential.

The proposed amendment is consistent with the purpose of the Area Plan in catering for the needs of the future population by recognising the role Larrakeyah plays in providing housing diversity in close proximity to the city centre.

4.3.3 Section 13(1)(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.

4.3.4 Section 13(1)(d) - whether the proposed amendment is not significant enough to require exhibition

It is expected that the proposed amendment will require exhibition.

4.3.5 Section 13(1)(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 Compact Urban Growth Policy. Notably, in comparison to the intended development outcomes identified in the Area Plan, the proposed amendment will increase the constraints on height and density of future development and will accordingly ensure it is appropriate in the context of the existing locality.

The proposal will support the development of social and affordable housing and is therefore considered to be in the public interest.

4.3.5 Section 13(1)(f) - any report from the Planning Commission under section 12B(3)

Any report from the Planning Commission will be provided at the Ministers request (made under **Section 12B(1)**) and will (if requested) provide the Commission's views on the strategic planning implications of the proposed amendment.

4.3.6 Section 13(1)(g) any other matters the Minister considers appropriate

The proponent does not submit any other matters for consideration by the Minister at this stage.

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

The YWCA has engaged directly with the following agencies:

- Northern Territory Government Department of Lands, Planning and Environment – Development Assessment Services and Lands Planning;
- Northern Territory Government Department of Housing, Local Government and Community Development;
- City of Darwin; and
- Power and Water Corporation – Services Development and Distribution Development.

YWCA engaged True North Strategic Communication to undertake a preliminary consultation program to understand initial views about the proposed rezoning. Consultation ran for 4 weeks from 19 February to 19 March 2025 and preceded the proposed Planning Scheme Amendment, including the proposed specific use zone, being finalised. Consultation focused on engaging with local residents, businesses and key community groups using various tools and tactics, such as fact sheets, telephone and email, face to face meetings and letterbox drops. True North developed an independent consultation report outlining the consultation findings, and identified and summarised key themes raised during consultation and YWCA's commitment in response. The themes and commitments were provided back to respondents and are included in **Attachment D**.

5.0 Conclusion

The YWCA seeks the Minister's consideration of this submission to amend the Northern Territory Planning to:

- Rezone the Subject land from Zone LMR to a specific use zone;
- Introduce a specific use zone into **Schedule 4** of the Planning Scheme applicable to the subject land only; and
- Amend the Central Darwin Area Plan to reflect the residential nature of the proposed zone.

The proposed amendment will facilitate redevelopment of the subject land to intended provide an integrated social and affordable housing complex owned and operated by the YWCA to improve the availability of long-term housing for women victim-survivors of family and domestic violence, particularly those transitioning from crisis accommodation.

The proposed zone will provide specific criteria applicable to the development of social and affordable housing, whilst retaining flexibility for the transition of future land use and/or development in accordance with Zone HR.

The proposed amendment will facilitate the development of high density housing (including social and affordable housing) in close proximity to the range of commercial, civic, community and recreational facilities in the Darwin CBD, with direct access to public transport services and in a manner compatible with existing and reasonably anticipated development in the surrounding locality.

The Amendment will protect the amenity of existing and future residential uses through its reliance on the relevant Planning Scheme requirements applicable to development in Zone HR, will increase the availability of community services (namely housing) in the Darwin region, and promote the intended land use and development outcomes in the Darwin Regional Land Use Plan. The proposed variation to the Central Darwin Area Plan is appropriate noting the similar built form parameters between Zones HR and TC, and the suitability of the subject land for high density housing.



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