NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999

AMENDMENT TO NT PLANNING SCHEME

I, EVA DINA LAWLER, Minister for Infrastructure, Planning and Logistics, under sections 25(2)(c) of the Planning Act 1999, amend the NT Planning Scheme by making the amendment, specified in the Schedule.

Dated 8th November 2019.

Minister for Infrastructure, Planning and Logistics

SCHEDULE

AMENDMENT TO NT PLANNING SCHEME

AMENDMENT No. 518

1. Citation

This amendment to the NT Planning Scheme may be cited as Amendment No. 518.

2. Definition

In this amendment –

"area plan" means area plan within the meaning of the NT Planning Scheme;
3. Repeal and Substitution of Clause 6.3.1 (Buildings in Central Darwin)

(1) Clause 6.3.1 –

Repeal, substitute

6.3.1 BUILDING HEIGHTS IN THE ESPLANADE CHARACTER AREA

1. The purpose of this clause is to ensure that the height of buildings within the Esplanade Character Area optimise opportunities for harbour views and deliver high quality built form outcomes appropriate for development which fronts Bicentennial Park and the Darwin Harbour.

2. All buildings within the Esplanade Character Area are to have a maximum height of 55m Above Ground Level (AGL).

3. Despite sub-clause 2, the consent authority may consent to a building in the Esplanade Character Area (as shown in the diagram to this clause) having a building height greater than 55m Above Ground Level (AGL) if the development:
   (a) provides podiums to a reduced height of 15m, or 4 storeys (i.e. lower than the maximum permitted height of 25m);
   (b) provides tower elements which promote the visual separation between buildings i.e. slender tower forms;
   (c) provides activated facades and/or habitable rooms to podiums which front a street(s);
   (d) does not provide ground floor car parking or a car parking area that is visible from the street;
   (e) does not provide impermeable fencing within the front setback; and
   (f) provides deep soil planting zone(s) and generous landscaping within a setback area(s).

4. An application for a development under sub-clause 3 must include a site analysis and urban design study prepared by appropriately qualified professionals that demonstrate, to the satisfaction of the consent authority, that the proposed development responds to the attributes of the site and the surroundings neighbourhoods.

5. For the purposes of this clause the height of any point of a building is to be measured from the highest natural point on the site boundary.

6. The consent authority may consent to a development in the Esplanade Character Area that is not in accordance with the requirements of sub-clause 3. In doing so, the consent authority must be satisfied that the design of the development provides an equivalent or higher standard of urban amenity through an exemplary response to building bulk, scale, street interface and on-site landscaping.
(2) Clause 6.3.1, diagram to the clause –

Repeal, substitute

Diagram to Clause 6.3.1

Legend

- Esplanade Character Area

Building Heights within the Esplanade Character Area
4. Amendment of clause 6.3.2 (Volumetric Control in Central Darwin)

(1) Clause 6.3.2, sub-clause 2 –
Omit, substitute

2. This clause applies to land within Zone CB (Central Business) in Central Darwin, with exception to land subject to Focus Area B: Darwin Waterfront, of the Central Darwin Area Plan.

(2) Clause 6.3.2, diagram to the clause –

Omit, substitute

DIAGRAM TO CLAUSE 6.3.2

Site

Measurement: Building height is to be measured from the highest point on the site boundary.

Tier 1 (Podium)

Height: Maximum 25m Above Ground Level (AGL), exclusive of any plant or equipment, aerials, or lightning rods.

Floor Area: Up to 100% of the site area.

Setbacks: Verandahs, balconies or windows to rooms designed for accommodation are to be setback a minimum of 6m from adjoining site boundaries other than to a street or public open space.

Note: For the purpose of this clause accommodation means room designed for being slept in, for domestic living and dining purposes and food preparation areas but does not include bathrooms, toilets, reception and foyer areas and conference rooms.
Subject to clause 6.3.1, maximum 55m AGL in the Esplanade Character Area only, inclusive of any plant or equipment or aerials. This requirement does not apply to lightning rods.

Floor Area: Up to 56% of the **site** area and up to a maximum of 1200m² in any single tower.

Setbacks: Minimum 6m from the site boundary.

Minimum 12m between towers on the same site.

Dimensions: The maximum length of each side of Tier 2 is to be no more than 75% of the length of the adjacent boundary.

5. Amendment of clause 6.3.3 (Urban Design Requirements in Central Darwin)

(1) Clause 6.3.3, sub-clause 2 –

*Omit, substitute*

| 2. This clause applies to land within Zone CB (Central Business) in Central Darwin. |

6. Repeal of clause 14.1.1 (Darwin City Waterfront Planning Principles and Area Plan) and clause 14.1.3 (Frances Bay Planning Principles and Area Plan)

(1) Clause 14.1.1 –

*repeal*

(2) Clause 14.1.3 –

*repeal*
7. Amendment to Schedule 2

Schedule to Clause 2.7 – Reference to Policy –

*Repeal, substitute*

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NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999
Section 29

Reasons for Decision

NORTHERN TERRITORY PLANNING SCHEME
AMENDMENT No. 518

The Central Darwin Area Plan is introduced into the NT Planning Scheme to guide future development and encourage a diversity of uses.

I have also made consequential amendments to the NT Planning Scheme to reflect the introduction of this Area Plan. Specifically, clause 6.3 – Buildings in Central Darwin has been updated to reflect the Area Plan, and the Darwin Waterfront and Frances Bay Area Plans have been deleted because they have been superseded by this Area Plan.

I made alterations to the Central Darwin Area Plan, and consequential amendments, after exhibition. I consider the altered proposal suitable for the Planning Scheme because:

- alterations to the exhibited proposal are in response to, and provide clarity around, issues raised through the exhibition and hearing processes;
- the Area Plan will ensure an adequate supply of land within the City Centre that can be used and developed in a compact urban form; and
- the revised Area Plan supports the strategic land use direction provided by the Darwin Regional Land Use Plan 2015.

I altered the revised Area Plan and consequential amendments after exhibition for the reasons detailed below. I decided not to exhibit these alterations, as they did not change the overall intent of the Area Plan as exhibited.

Alterations to the exhibited Area Plan and consequential amendments

Lot 7495 (39) Stokes Hill Road

In response to the objection from the land owners, this site has been removed from within Focus Area B – Darwin Waterfront, which results in the removal of the proposed height limitation on the site (as proposed by the Area Plan). Note – this site has not previously been subject to a restriction in building height.
The draft Civic and State Square Masterplan
The Area Plan has been updated to extend the ‘Green Link’ network along Harry Chan Avenue.
The area of Central Darwin that is subject to ‘Activated Frontage’ controls was expanded to include lots adjacent to Bennett Street and the Browns Mart Theatre.

Potential Areas for Change and Planning Scheme Amendment process (rezoning)
The Area Plan has been updated to clarify that while the Area Plan identifies sites as ‘Potential Areas for Change’, it defers to the planning scheme amendment process to consider and determine the merit of rezoning proposals.

Activation of Laneways
An Objective and two Acceptable Responses were added to the Mixed Use Theme to require new developments to consider and respond to the potential use of laneways as shared spaces.

Remnant Vegetation
The Environment Map has been modified and Objective 5.2 and Acceptable Response 5.2(i) have been deleted as remnant vegetation on land owned by the NT Government or the City of Darwin could not be subject to the development consent process.

Built Form Controls over Esplanade Character Area
The design criteria for granting height variations have been moved from the Area Plan to the NT Planning Scheme, which ensures that clause 6.3.1 remains the sole control for building height on the Esplanade.
Clause 6.3.1(6) has been modified to grant flexibility to the consent authority to consider and grant consent to proposals which are alternative, but achieve equivalent or better design outcomes, to the stated design criteria.

Glossary of Terms
The Area Plan has been updated to include a glossary of terms to explain technical terminology and to guide the consideration of qualitative design controls.

Diagram to Clause 6.3.2 of the NT Planning Scheme
Lightning rods are exempt from the height limit in recognition of their contribution to safe building design.