

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 6<sup>th</sup> March 2020.



Minister for Infrastructure, Planning and Logistics

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SCHEDULE

AMENDMENT TO NT PLANNING SCHEME

AMENDMENT No. 544

**1. Citation**

This amendment to the NT Planning Scheme may be cited as Amendment No. 544.

**2. Amendment to Schedule 1 to Clause 2.4 – Specific Use Zones**

*After*

SD48 – Rapid Creek Flood Response Zone

*Insert*

SD49

Lot 9077 Town of Nightcliff (47 Progress Drive, Nightcliff)

1. The purpose of this zone is to facilitate development of the land for a complementary mix of commercial, community and residential uses in mixed-use multistorey buildings with high amenity public areas.
2. A use or development is to contribute to the redevelopment of John Stokes Square as an integrated and liveable mixed-use area by:
  - (a) contributing medium density housing choices that respond to the changing needs of the community;
  - (b) prioritising pedestrian and cycle access throughout the site and, where practicable, road linkages to the Nightcliff Village and Woolworths Shopping Centre;
  - (c) providing for community uses and sufficient public open space capable of activating the site and meeting the recreational needs of local residents;
  - (d) limiting uses that are incompatible with residential land uses;
  - (e) use of high-quality landscape and streetscape elements; and
  - (f) street and building design, which demonstrates consideration of building mass, a balance between public and private space, concealment and acoustic treatment of plant and which reflects the Community Safety Design Guide principles.
3. Subdivision within the zone is to have regard to the Mid Suburbs Area Plan and should:
  - (a) provide a high level of internal accessibility and external connections for pedestrian, cycle and vehicle movements including an opportunity to provide direct connection through to Lot 12279, Town of Nightcliff;
  - (b) provide links to commercial facilities and public transport services;
  - (c) provide traffic management to restrain vehicle speed, prioritise pedestrian and cycle paths over those for vehicles, deter through traffic and create safe conditions for all road users;
  - (d) provide for connection to reticulated services;
  - (e) provide 10% of the area of the site (excluding the area intended for use as a police station) as public open space located in the central part of the site
  - (f) provide landscaping of the public realm and streetscapes to provide for visual amenity, shade and pedestrian comfort,

and to the satisfaction of the relevant authority; and

- (g) ensure lots have sufficient area and appropriate dimensions to provide for proposed development.
- (h) the provision of pedestrian and cyclist priority over vehicles both for travel within and through the site including reinforcement of connections to Nightcliff Village and Woolworths Shopping Centre.

4. The land is to be used and developed in accordance with the provisions of Zone C (Commercial).

5. Notwithstanding clause 4:

- (a) the land may be used and developed for a police station without **consent**, if:
  - i. generally located in the north western area of the site on an area of approximately 4100m<sup>2</sup>; and
  - ii. compliant with the requirements of this zone;
- (b) the land may be used and developed for the purposes of an **education establishment and home based child care centre** with **consent**;
- (c) **car park, hostel, hotel, licensed club, medical consulting room, motel, motor repair station, motor body works, service station, place of worship, plant nurseries, and vehicle sales and hire** are prohibited on the land; and
- (d) with **consent**, the south western portion of the parent parcel may be used and developed for the purpose of a **car parking area**, in association with a child care centre on Lot 12279, Town of Nightcliff.

6. Notwithstanding clause 4, all development shall comply with the following setback requirements:

- (a) a minimum 1.8m high solid fencing is to be provided to adjoining zones on the eastern and western boundary of the parent parcel including the boundary with Lot 9017, Town of Nightcliff;
- (b) With the exception of the land set aside for development of a police station, a 3m landscaped setback is to be provided to adjoining zones on the eastern and western boundary of the parent parcel including the boundary with Lot 9017, Town of Nightcliff;
- (c) a minimum 3m setback to side and rear boundaries is to be provided to all residential buildings;
- (d) an additional 0.5m setback to side and rear boundaries is required for each additional 3 metres or part thereof in building length over 18m for all residential buildings to a

maximum setback of 6m;

- (e) where more than one building comprising **residential buildings** that exceed two **storeys** in height are located on a **site**, the distance between residential components of each building is to be the minimum of:
  - i. 6m for walls to non-habitable rooms and habitable rooms without windows or doors; and
  - ii. 9m for walls with windows or doors to habitable rooms or a verandah or balcony.
- 7. Notwithstanding Clause 6(a), car parking driveways may encroach 1m into a landscaped setback to allow for safe and convenient manoeuvring only.
- 8. All internal boundaries shall be provided with a 1.8m screen fence at the time of development, except where that development is or will be integrated with that on an adjoining site or the boundary is with a road reserve or public open space.
- 9. Provision of parking:
  - (a) Vehicle parking requirements for dwellings owned by NT Government Agency are to be determined in accordance with Clause 6.5.1 of the NT Planning Scheme as if the land is in Zone CB in Darwin and include one additional parking bay for service vehicles for each residential building;
  - (b) Parking requirements for the police station are to be determined in accordance with the parking requirements for offices specified in Clause 6.5.1 of the NT Planning Scheme as if the land is in zone C;
  - (c) Vehicle parking for any other use is subject to the requirements of Clause 6.5.1 of the NT Planning Scheme;
  - (d) For residential and mixed use buildings no **car parking spaces** shall be located between that building and the adjoining street boundary;
  - (e) **Car parking areas** that are not available to the public are not to be visible from the street, and
  - (f) all on site **car parking areas** where not under cover, are to incorporate landscaping capable of providing shade and screening to improve amenity.
- 10. The maximum height of any building on site shall not exceed 6 storeys above ground level.
- 11. Notwithstanding clause 10, the maximum height of the police station shall not exceed 3 storeys above ground level.
- 12. The commercial components of a building shall comply with clause 6.4.1 - Plot Ratios of the Planning Scheme.

13. A development application to facilitate development in accordance with this zone is to demonstrate that building design is compatible with other development and public uses on the site, the surrounding locality, and contributes to the overall amenity and quality of public space having regard to:
- (a) the relationship between interfacing land uses;
  - (b) the location of residential uses above ground floor and how they interface with adjoining dwellings;
  - (c) Where practicable, the provision of windows or balconies overlooking public open spaces, footpaths and road reserves to facilitate passive surveillance of these areas;
  - (d) safe pedestrian access to all public open space;
  - (e) building locations, designs and orientation that mitigate, through positioning and screening, potential noise impacts associated with air conditioning compressors and commercial plant equipment within the site and in respect to adjoining residential uses;
  - (f) the avoidance of incompatible land uses;
  - (g) opportunities for buildings to activate streets and to improve ground level amenity along pedestrian corridors on internal connector roads and Progress Drive; and
14. The consent authority may approve an application that is not in accordance with this zone only if it is satisfied that the proposal is appropriate to the site having regard to:
- (a) clauses 1 and 2 of this zone;
  - (b) the objectives of the Mid Suburbs Area Plan for the locality; and
  - (c) the potential impact of the proposal on the amenity of nearby and adjoining properties.

### 3. Definition

In this amendment –

"amending map" means the map, signed by the Minister for Infrastructure, Planning and Logistics and marked "NT Planning Scheme Amendment No. 544", deposited in the office of the Department of Infrastructure, Planning and Logistics, Darwin;

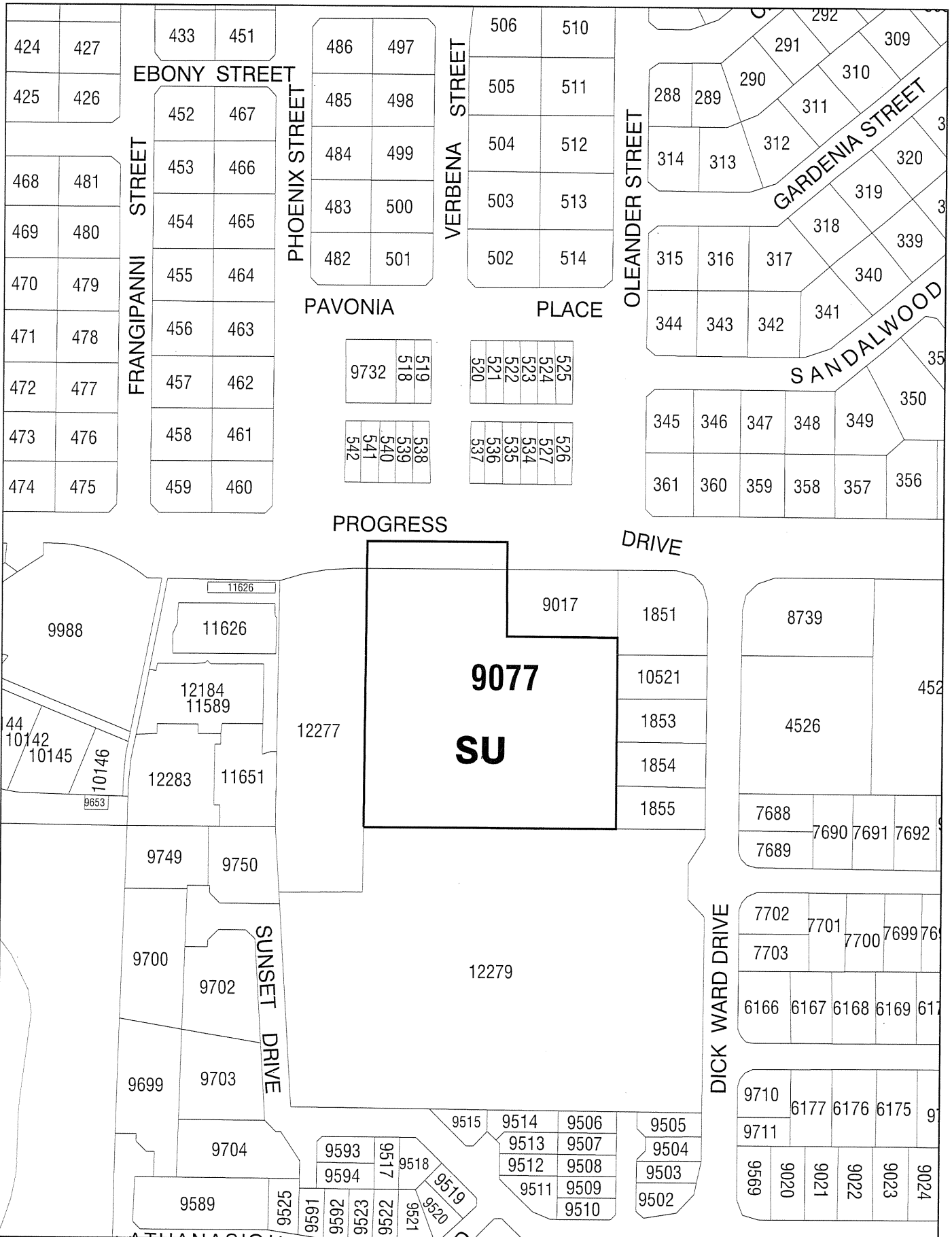
"zoning map" means the zoning map within the meaning of the NT Planning Scheme.

#### 4. Amendment of Zoning Map

The NT Planning Scheme is amended by amending the zoning map relating to Darwin to the extent of its inconsistency with the amending map in respect of the area of land shown on the amending map bounded by a thick black line and lettered **SD49** which is Lot 9077 Town of Nightcliff.

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**NORTHERN TERRITORY OF AUSTRALIA**

***Planning Act 1999***  
**Section 29**

**Reasons for Decision**

**NORTHERN TERRITORY PLANNING SCHEME**  
**AMENDMENT No. 544**

Lot 9077 Town of Nightcliff (47 Progress Drive, Nightcliff) is suitable for rezoning from Zone MR (Medium Density Residential) to **SD49** (Specific Use Zone – Darwin No. 49).

Specifically, this rezoning is suitable because the provisions of the specific use zone:

- reflect the aspirations of the planning policy framework applicable to the site and the locality, including the Darwin Mid Suburbs Area Plan;
- facilitates a new community public open space as the centre piece of future development on the site;
- meet the Objects of the *Planning Act 1999*, which is to provide a framework of controls for the orderly use and development of land;
- provides an appropriate response to the broader policy framework of the NT Government and operational needs of NT Police; and
- will contribute to the creation of new social services and broader housing options for the community.

In approving this amendment, I decided to make a minor alteration to the exhibited version of the proposed specific use zone. This alteration ensures that dwellings not owned by the Northern Territory Government will have access to two car parking spaces. The alteration was made in response to feedback received during the exhibition period for this amendment. Given that this alteration will not impact on the community, I have decided to approve the altered specific use zone without re-exhibition.



**EVA DINA LAWLER**  
Minister for Infrastructure, Planning and Logistics

6 / 3 / 2020