

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999

AMENDMENT TO NT PLANNING SCHEME 2020

I, EVA DINA LAWLER, Minister for Infrastructure, Planning and Logistics, under sections 12(2)(a) of the *Planning Act 1999*, amend the NT Planning Scheme 2020 by making the amendment, specified in the Schedule.

Dated 20th January 2021.



Minister for Infrastructure, Planning and Logistics

SCHEDULE

AMENDMENT TO NT PLANNING SCHEME 2020

AMENDMENT No. 5

1. Citation

This amendment to the NT Planning Scheme 2020 may be cited as Amendment No. 5.

2. Amendment to Table to Clause 3.1

At the end of the table, *insert*:

Rapid Creek Flood Response	RCFR
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3. Introduction of new Clause 3.11

After clause 3.10, *insert*:

3.11 RCFR – Rapid Creek Flood Response

Purpose

Facilitate re-development along Rapid Creek for residential purposes in a manner that:

- (a) mitigates the 1%AEP riverine flooding and storm surge risk to proposed and existing development; and
- (b) reduces risk to the community and improves resident safety during a flood event.

Administration

1. This overlay applies to Lots 1086, 1087, 1214, 1218, 1225, 1226, 1227, 1234, 1235, 1236, 1237, 1245, 1246, 1247, 1257, 1258, 1259, 1272, 1273, 1525, 1526, 1609, 1610, 1611, 1612, 1668, 1669, 1670, 1674, 1675 Town of Nightcliff.
2. This overlay applies only to use and development of land for **dwelling** and **dwelling**.
3. Development subject to this overlay requires **consent**.
4. The use and development subject to this overlay is not subject to the following overlays:
 - 3.6 (LSF – Land Subject to Flooding) and
 - 3.7 (LSSS – Land Subject to Storm Surge).
5. For the purposes of this overlay, the defined flood height for a site is the higher level of either:
 - (a) the 1% AEP riverine flood level established under Appendix C of the Rapid Creek Flood Study – Flood Modelling Results 2018; or
 - (b) the primary storm surge level.
6. An application for development subject to this overlay must include documentation prepared by a suitably qualified registered and practicing engineer recognised under the National Engineering Register certifying that the proposed development will meet the requirements of subclauses 8-11. Documentation must include:
 - (a) a stormwater management plan and
 - (b) a structural conditions report.
7. The consent authority must not **consent** to a development that is not in accordance with the requirements of this overlay as certified by documentation required under subclause 6.

Requirements

8. The minimum finished site level at any point (except required access ramps) must be at least equivalent to the defined flood height for that site.
9. The minimum floor height of all habitable rooms must be 300mm above the defined flood height for that site, including any retained existing development that may need to be adapted to comply.
10. The development must adequately mitigate the potential impacts of stormwater associated with the conveyance of any pre-existing stormwater flows from an adjoining or adjacent property to the street or a public drainage system; and
11. The development must be capable of withstanding hydrostatic and hydrodynamic forces of flood waters and storm surge impacting on the specific site.

4. Amendment of Clause 4.3 – Zone LMR (Low-Medium Density)

In the Overlay column of the Assessment Table, *insert:*

3.11 RCFR – Rapid Creek Flood Response

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Section 29

Reasons for Decision

NORTHERN TERRITORY PLANNING SCHEME 2020

AMENDMENT No. 5

I have decided to introduce a new overlay, Clause 3.11 RCFR (Rapid Creek Flood Response) into the NT Planning Scheme 2020 to replace Specific Use Zone SD48 (Specific Use Darwin No. 48) of the previous scheme.

I decided to make the amendment because I am satisfied that the amendment has merit and is in the public interest as it:

- transitions the requirements of SD48 of the previous scheme to the format and structure of the NT Planning Scheme 2020;
- applies specific development requirements to the use and development of land affected by riverine flooding and storm surge, to ensure the subject land is developed in a manner that improves the safety of residents during flood and storm surge events;
- is consistent with the Rapid Creek Flood Mitigation Action Plan recommendations; and
- is consistent with the residential land use Concept C included in the Darwin Mid Suburbs Area Plan.

I am satisfied that the amendment is not so significant as to require exhibition as the changes are administrative in nature by transitioning existing requirements. The inclusion of SD48 in the previous scheme was exhibited in accordance with the requirements of the Act, and no changes have been made to the nature or extent of how and where those requirements apply.



EVA DINA LAWLER

Minister for Infrastructure, Planning and Logistics

20/ 1 / 2021