

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 25(3)(a) of the *Planning Act 1999*, amend the NT Planning Scheme 2020 by making the amendment, specified in the Schedule.

Eva Lawler

Dated *11th July* 2023

Minister for Infrastructure, Planning and Logistics

SCHEDULE

AMENDMENT TO NT PLANNING SCHEME 2020

AMENDMENT No. 81

1. Citation

This amendment to the NT Planning Scheme 2020 may be cited as Amendment No. 81.

2. Amendment Part 1

Omit,

Clause 1.10, sub-clause 3(d)

3. Amendment to Part 4

In the Location Specific Development Requirements column of the Assessment Table in Part 4 for Zone C – Commercial

Insert,

5.9.4 Stuart Park High Street

5.9.5 Parap Village

5.9.6 Nightcliff Village

4. Amendment to Part 5

After sub clause 5.4.19 (2)

Insert,

3. This clause does not apply where an alternative **residential plot ratio** is established under Clause 5.9 (Location specific development requirements).

After sub clause 5.5.2 (1)

Insert,

2. This clause does not apply where an alternative **commercial plot ratio** is established under Clause 5.9 (Location specific development requirements).

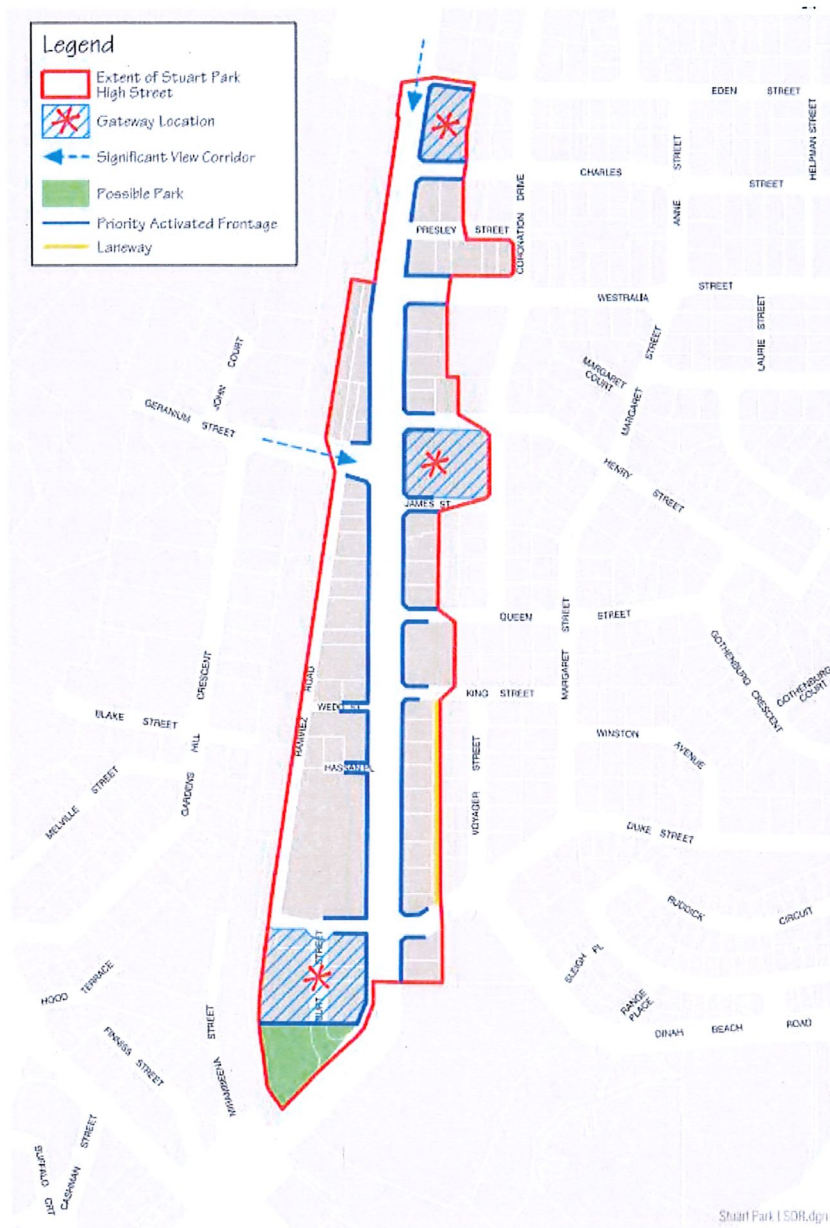
After sub clause 5.9.3.7 (3)

Insert,

5.9.4 Stuart Park High Street

1. This clause incorporates planning and design standards contained in the Darwin Inner Suburbs Area Plan.
2. The diagram to this clause identifies the land to which the requirements of 5.9.4 (Stuart Park High Street) apply, and the key features referred to in the requirements.

Diagram to Clause 5.9.4: Stuart Park High Street Extent and Features



5.9.4.1 Building height

Purpose

Promote **building height** that creates a high street character and contributes to a unique sense of place.

Administration

1. This clause applies to development in Zone C within the area included in the Diagram to Clause 5.9.4 (Stuart Park High Street Extent and Features).
2. The consent authority may **consent** to a development that exceeds the maximum **building height** in sub-clause 4 if it is satisfied the development will contribute to the anticipated character of the area without unreasonably impacting on surrounding development.
3. The consent authority may **consent** to a development that exceeds the maximum **building height** in sub-clause 5 if it is satisfied the development creates an entrance statement that includes accessible public spaces, and provides a building-height transition between the Darwin CBD and the Stuart Park High Street.

Requirements

4. The maximum **building height** for development in Zone C in areas shown on Diagram to Clause 5.9.4 (Stuart Park High Street) is 6 **storeys** up to a maximum **building height** of 26 metres above **ground level**.
5. The gateway site bounded by Ramirez Road/Burt Street, Stuart Highway and the old Railway Reserve may be developed up to 9 **storeys** to a maximum **building height** of 38 metres if land is made available for a park, as identified on the Diagram to Clause 5.9.4 (Stuart Park High Street Extent and Features).

Editor's Note: Any future park established under sub-clause 5 is to be designed and constructed to the satisfaction of the City of Darwin.

5.9.4.2 Development in Gateway Locations

Purpose

Ensure that development on prominent sites serves as a visual anchor point and creates a sense of arrival into the Stuart Park High Street locality.

Administration

1. This clause applies to development proposed in Zone C in a 'Gateway Location' in the Diagram to Clause 5.9.4 (Stuart Park High Street Extent and Features).
2. Every application is to include a design statement prepared by a suitably qualified professional demonstrating how the proposed development has been designed to meet the purpose of this clause.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 4 if it is satisfied the development either:
 - (a) provides a better alternative that will contribute to the enhancement of, and mark the entry point to the Stuart Park High Street precinct; or
 - (b) is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the **site**.

Requirements

4. Development is to be oriented towards the significant view corridors identified in the Diagram to Clause 5.9.4 (Stuart Park High Street Extent and Features) and address the Stuart Highway interface through:
 - (a) additional articulation of building form, envelope and material expression; and
 - (b) variations in **building height** and/or roof sections.

5.9.4.3 Laneway access for mixed-use development

Purpose

Promote the provision of rear site access to development that fronts the Stuart Park High Street to mitigate potential conflicts between vehicles and pedestrians.

Administration

1. This clause applies to development in Zone C in the area bound by Duke Street, King Street and the Stuart Highway, as shown on the Diagram to Clause 5.9.4 (Stuart Park High Street Extent and Features).
2. The consent authority may **consent** to a development that is not in accordance with sub-clause 3 if it is satisfied that development does not unreasonably impact pedestrian movement along the Stuart Highway or prevent the future development of a laneway.

Requirements

3. A public laneway for vehicle access is to be provided at the location shown on the Diagram to Clause 5.9.4 (Stuart Park High Street Extent and Features) in accordance with the requirements of the controlling agency for the relevant road.

5.9.4.4 Active Street Frontage

Purpose

Prioritise active frontage along the Stuart Park High Street to encourage pedestrian activity and strengthen the relationship between buildings and the public domain.

Administration

1. This clause applies to development in Zone C that has frontage to a “priority activated frontage” identified in the Diagram to Clause 5.9.4 (Stuart Park High Street Extent and Features).
2. Every application should include a written acknowledgement from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of service requirements on **active street frontages**.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 6 if it is satisfied that development is designed to facilitate pedestrian movement along the Stuart Highway.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 7 if it is satisfied that the development provides passive surveillance, an attractive interface with the public domain and encourages activity in the streetscape.
5. The consent authority may **consent** to a development that is not in accordance with sub-clause 8 if it is satisfied that the development minimises the visual impact of services on the priority active frontage (as far as practicable).

Requirements

6. No new vehicle access is to be created from the Stuart Highway.
7. Where a **site** boundary is identified as a “priority activated frontage” buildings are to provide a minimum of 75% of the length of that **site** boundary as **active street frontage**, made up of any combination of the following components, where the distance between the individual components is no more than 1.5m:
 - (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
 - (b) operational and legible entrances (excluding fire egress) that are directly accessible from a public space;
 - (c) areas within the **site** that are used for alfresco dining that provide visual interaction with the street; or
 - (d) well-designed spaces that allow for pedestrian movement and/or seating.

8. Services on street level frontages are to be limited to:
- (a) direct single point of access to service equipment for all service authorities;
 - (b) required fire egress; and
 - (c) required fire booster connection points.

Editor's Note: Refer to *Design Guidance for Active Street Frontages* for further guidance when interpreting this clause.

5.9.4.5 Plot ratio for commercial development

Purpose

Encourage commercial development that maintains pedestrian scale in the street.

Administration

1. This clause applies to development in Zone C within the area included in the Diagram to Clause 5.9.4 (Stuart Park High Street Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 3 if it is satisfied the development is of a scale sympathetic to the intended high street character.

Requirements

3. Development is not to exceed a **commercial plot ratio** of 1.8:1.

5.9.4.6 Plot ratio for residential development

Purpose

Encourage mixed use development that provides varied built form that is consistent with the anticipated character of the area.

Administration

1. This clause applies to development in Zone C within the area included in the Diagram to Clause 5.9.6 (Stuart Park High Street Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 3 if it is satisfied the design response mitigates the appearance of visual bulk to the street and neighbouring properties.

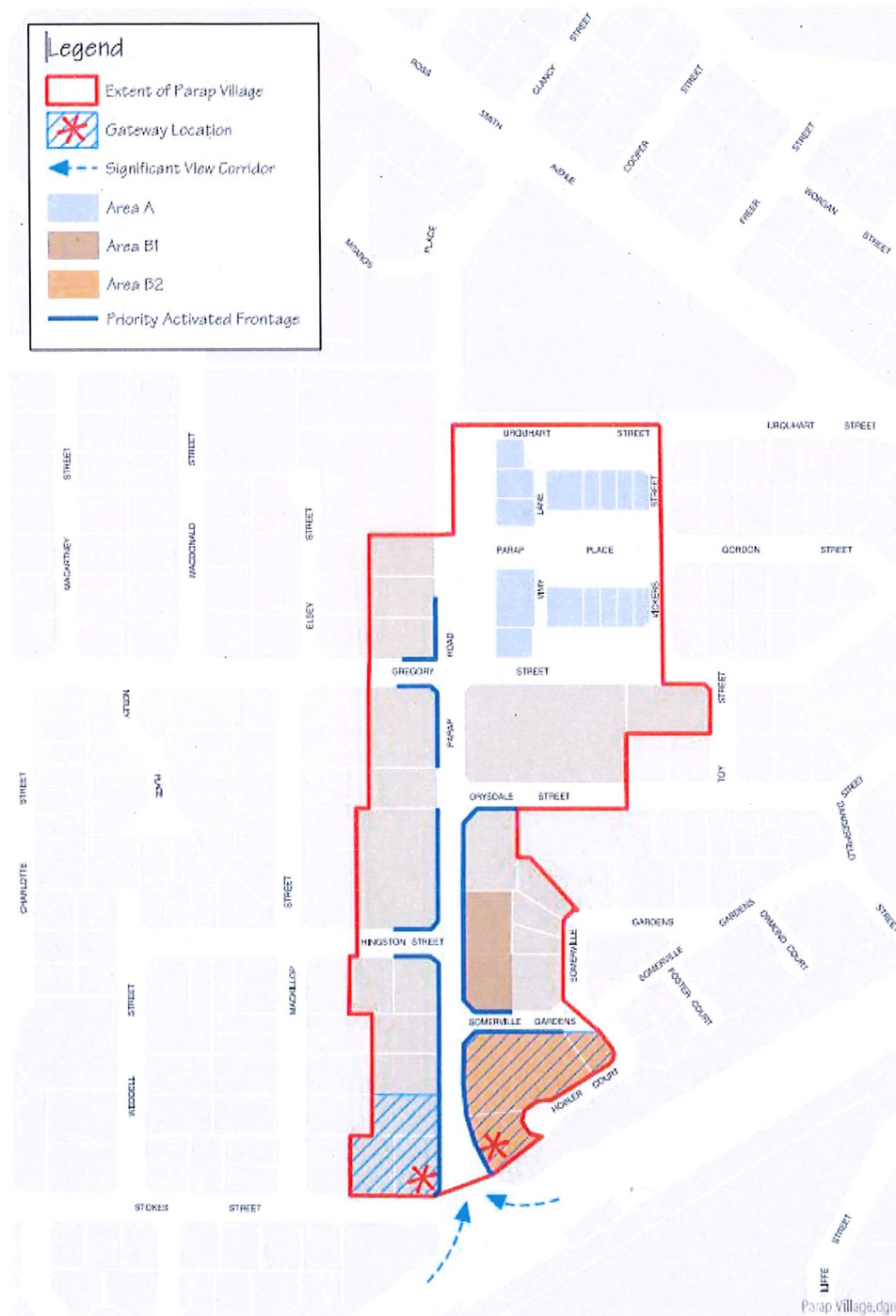
Requirements

3. Development is not to exceed a **residential plot ratio** of 2.5:1.

5.9.5 Parap Village

3. This clause incorporates planning and design standards contained in the Darwin Inner Suburbs Area Plan.
4. The diagram to this clause identifies the land to which the requirements of 5.9.5 (Parap Village) apply, and the key features referred to in the requirements.

Diagram to Clause 5.9.5: Parap Village Extent and Features



5.9.5.1 Building height

Purpose

Promote **building height** that is sympathetic to the village character of Parap.

Administration

1. This clause applies to development in Zone C within the area included in the Diagram to Clause 5.9.5 (Parap Village Extent and Features).
2. The consent authority may **consent** to a development that exceeds the maximum **building height** in sub-clause 3 if satisfied that the development contributes to the anticipated character of the area without unreasonably impacting on surrounding development.

Requirements

3. The maximum **building height** for development in areas shown on Diagram to Clause 5.9.5 (Parap Village Extent and Features) is to be in accordance with the table to this clause.

Table A to Clause 5.9.5.1 Maximum building heights for mixed use development in Zone C	
Area	Maximum building height
A	3 storeys up to a maximum building height of 14 metres above ground level .
B1 and B2	5 storeys up to a maximum building height of 22 metres for B1 and 6 storeys up to a maximum building height of 26 metres for B2, if a new park is constructed that connects Somerville Gardens and Drysdale Street as identified in the Darwin Inner Suburbs Area Plan or 4 storeys up to a maximum building height of 18 metres above ground level .

Editor's Note: Building height for other sites are to be in accordance with Clause 5.2.1 (General Building Height).

5.9.5.2 Development in Gateway Locations

Purpose

Ensure that development on prominent sites serves as a visual anchor point and creates a sense of arrival into the Parap Village precinct.

Administration

1. This clause applies to development proposed in Zone C in a 'Gateway Location' in the Diagram to Clause 5.9.5 (Parap Village Extent and Features).
2. Every application is to include a design statement prepared by a suitably qualified professional demonstrating how the proposed development meets the purpose of this clause.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 4 if it is satisfied that the development either:
 - (c) provides a better alternative that will enhance and mark the entry point of the Parap Village precinct; or
 - (d) is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the gateway **site**.

Requirements

4. Development is to be oriented towards significant view corridors identified in the Diagram to Clause 5.9.5 (Parap Village Extent and Features) and address the Parap Road and Stuart Highway intersection through:
 - (a) additional articulation of building form, envelope and material expression;
 - (b) variations in **building height** and/or roof sections; and
 - (c) corner treatments that accentuate the gateway location.

5.9.5.3 Active Street Frontage

Purpose

Prioritise active frontage along key streets in Parap to encourage pedestrian activity and strengthen the relationship between buildings and the public domain.

Administration

1. This clause applies to development in Zone C that has frontage to a 'priority activated frontage' identified in the Diagram to Clause 5.9.5 (Parap Village Extent and Features).
2. Every application should include a written acknowledgement from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of service requirements on **active street frontages**.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 6 if it is satisfied that the development is designed to facilitate pedestrian movement along the Parap Road.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 7 if it is satisfied that the development provides passive surveillance, an attractive interface with the public domain and encourages activity in the streetscape.
5. The consent authority may **consent** to a development that is not in accordance with sub-clause 8 if it is satisfied that the development minimises the visual impact of services on the priority **active street frontage** (as far as practicable).

Requirements

6. No new vehicle access is to be created from Parap Road.
7. Where a **site** boundary is identified as a 'priority activated frontage' buildings are to provide a minimum of 75% of the length of that **site** boundary as **active street frontage**, made up of any combination of the following components, where the distance between the individual components is no more than 1.5m:
 - (e) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
 - (f) operational and legible entrances (excluding fire egress) that are directly accessible from a public space;
 - (g) areas within the **site** that are used for alfresco dining that provide visual interaction with the street; or
 - (h) well-designed spaces that allow for pedestrian movement and/or seating.

8. Services on street level frontages are to be limited to:
- (a) a direct single point of access to service equipment for all service authorities;
 - (b) required fire egress; and
 - (c) required fire booster connection points.

Editor's Note: Refer to *Design Guidance for Active Street Frontages* for further guidance when interpreting this clause.

5.9.5.4 Plot ratio for residential development

Purpose

Encourage mixed use development on specific sites that provide varied built form that is consistent with the anticipated character of the area.

Administration

1. This clause applies to development in excess of 4 **storeys** in height in Areas B1 and B2 included in the Diagram to Clause 5.9.5 (Parap Village Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 3 if it is satisfied the design response mitigates the appearance of visual bulk to the street and neighbouring properties.

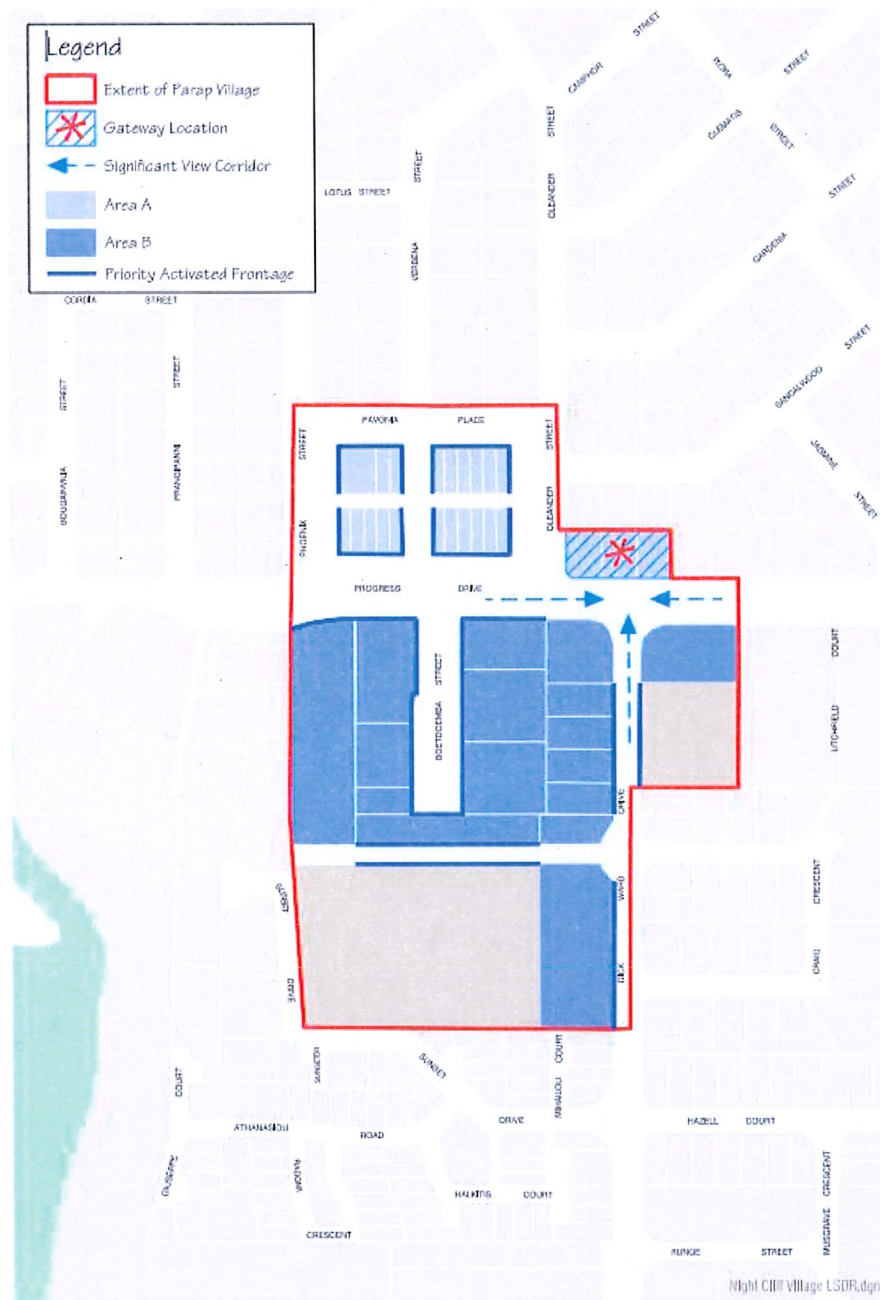
Requirements

3. Development is not to exceed a **residential plot ratio** of 2.5:1.

5.9.6 Nightcliff Village

1. This clause incorporates planning and design standards contained in the Darwin Mid Suburbs Area Plan.
2. The diagram to this clause identifies the land to which the requirements of 5.9.6 (Nightcliff Village Extent and Features) apply, and the key features referred to in the requirements.

Diagram to Clause 5.9.6: Nightcliff Village Extent and Features



5.9.6.1 Building height

Purpose

Promote **building height** that is sympathetic to the Nightcliff Village character.

Administration

1. This clause applies to development on land in Zone C within the area included in the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features).
2. The consent authority may **consent** to a development that exceeds the maximum **building height** in sub-clause 3 if it is satisfied the development reflects the intended character of the area without unreasonably impacting on surrounding development.

Requirements

3. The maximum **building height** for mixed use development in areas shown on Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features) is to be in accordance with the table to this clause.

Table A to Clause 5.9.6.1 Maximum building heights for mixed-use development in Zone C

Area	Maximum building height
A	3 storeys up to a maximum building height of 14 metres above ground level
B	6 storeys up to a maximum building height of 26 metres above ground level .

5.9.6.2 Development in Gateway Locations

Purpose

Ensure that development on prominent sites serves as a visual anchor point and creates a sense of arrival into the Nightcliff Village precinct.

Administration

1. This clause applies to development proposed in Zone C in a 'Gateway Location' in the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features).
2. Every application is to include a design statement prepared by a suitably qualified professional, demonstrating how the proposed development meets the purpose of this clause.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clauses 4 if it is satisfied that the development either:
 - (a) provides a better alternative that will contribute to the enhancement of and mark the entry point to the Nightcliff Village precinct; or
 - (b) is a short term use or development that will not frustrate the ability for future use and development to maximise the development potential of the **site**.

Requirements

4. Development is to be oriented towards the significant view corridor identified in the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features) and address the Dick Ward Drive and Progress Drive intersection through:
 - (a) additional articulation of building form, envelope and material expression; and
 - (b) variations in **building height** and/or roof sections.

5.9.6.3 Active Street Frontage

Purpose

Prioritise active frontage along key streets in Nightcliff to encourage pedestrian activity and strengthen the relationship between buildings and the public domain.

Administration

1. This clause applies to development in Zone C that has frontage to a “priority activated frontage” identified in the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features).
2. Every application should include a written acknowledgement from the agencies responsible for power and water, fire rescue services and the relevant local government council to confirm that all reasonable measures were taken to minimise the impact of service requirements on **active street frontages**.
3. The consent authority may **consent** to a development that is not in accordance with sub-clause 6 if it is satisfied that the development is designed to facilitate pedestrian movement along Progress Avenue or Dick Ward Drive.
4. The consent authority may **consent** to a development that is not in accordance with sub-clause 7 if it is satisfied that the development provides passive surveillance, an attractive interface with the public domain and encourages activity in the streetscape.
5. The consent authority may **consent** to a development that is not in accordance with sub-clause 8 if it is satisfied that the development minimises the visual impact of services on the priority active frontage (as far as practicable).

Requirements

6. No new vehicle access is to be created from Progress Drive or Dick Ward Drive.
7. Where a **site** boundary is identified as a “priority activated frontage” buildings are to provide a minimum of 75% of the length of that **site** boundary as **active street frontage**, made up of any combination of the following components, where the distance between the individual components is no more than 1.5m:
 - (a) windows that maintain clear views to and from the street, with openings that have dimensions not less than 0.9m wide and 1.2m high;
 - (b) operational and legible entrances (excluding fire egress) that are directly accessible from a public space;
 - (c) areas within the **site** that are used for alfresco dining that provide visual interaction with the street; or
 - (d) well-designed spaces that allow for pedestrian movement and/or seating.

8. Services on street level frontages are to be limited to:
- (a) a direct single point of access to service equipment for all service authorities
 - (b) required fire egress
 - (c) required fire booster connection points

Editor's Note: Refer to *Design Guidance for Active Street Frontages* for further guidance when interpreting this clause.

5.9.6.4 Plot ratio for commercial development

Purpose

Ensure **building height**, massing and form maintains pedestrian scale in the street.

Administration

1. This clause applies to development in Zone C within Area B as shown on the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 3 if it is satisfied the development contributes to the pedestrian environment at street level and is appropriate to the scale of the locality.

Requirements

3. Development should not exceed a **commercial plot ratio** of 1.8:1.

5.9.6.5 Plot ratio for residential development

Purpose

To encourage mixed use development that provides varied built form and visual interest consistent with the anticipated character of the area.

Administration

1. This clause applies to development in Zone C in excess of 4 **storeys** within the area included in the Diagram to Clause 5.9.6 (Nightcliff Village Extent and Features).
2. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 3 if it is satisfied the design response mitigates the appearance of visual bulk to the street and neighbouring properties.

Requirements

3. Development should not exceed a **residential plot ratio** of 2.5:1.

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999
Section 29

REASONS FOR DECISION

NORTHERN TERRITORY PLANNING SCHEME 2020
AMENDMENT No. 81

I have decided to introduce Location Specific Development Requirements into Part 5 of the NT Planning Scheme for areas of Parap, Stuart Park and Nightcliff, and make other consequential amendments to Part 1 and Part 5.

I am satisfied that, pursuant to section 25(2), the amendment:

- (a) promotes the purpose and objectives of the Act as it:
 - i. is consistent with the strategic framework for the locality;
 - ii. has been exhibited in accordance with the requirements of the Act; and
 - iii. promotes the sustainable development of land by allowing higher density development in areas that are well serviced by infrastructure and transport networks.
- (b) is consistent with the intent of the Darwin Inner Suburbs Area Plan and the Darwin Mid Suburbs Area Plan.
- (c) has merit and is in the public interest as it will:
 - i. facilitate medium rise, mixed-use commercial and residential development in strategic locations in the inner and mid suburbs of Darwin, consistent with the wishes of the community;
 - ii. facilitate the achievement of best practice design outcomes in mixed use development; and
 - iii. increase the influence of strategic land use planning in development outcomes with an aim to improving design outcomes in strategic locations.



EVA DINA LAWLER
Minister for Infrastructure, Planning and Logistics

11 / 7 / 2023