

NORTHERN TERRITORY OF AUSTRALIA

*Planning Act*

AMENDMENT TO NT PLANNING SCHEME

I, GERALD FRANCIS MCCARTHY, the Minister for Lands and Planning, under section 25(2)(c) of the *Planning Act*, amend the NT Planning Scheme by making the amendment, specified in the Schedule.

- (a) alter the proposal to amend the NT Planning Scheme numbered PA2009/1007 in accordance with the Schedule to this instrument; and
- (b) amend the NT Planning Scheme in accordance with the altered proposal

Dated

9th July

2011.



Minister for Lands and Planning

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**SCHEDULE**  
**AMENDMENT TO NT PLANNING SCHEME**  
**AMENDMENT No. 105**

**CITATION**

This amendment to the NT Planning Scheme may be cited as Amendment No. 105.

**DEFINITION**

In this amendment –

"Planning Principles and Area Plan" means the map, signed by the Minister for Lands and Planning and marked "NT Planning Scheme Amendment No. 105", deposited in the office of the Department of Lands and Planning, Darwin;

**INTRODUCTION OF PLANNING PRINCIPLES AND AREA PLAN**

The NT Planning Scheme is amended by

- (a) introducing Clause 14.1.3 Frances Bay Planning Principles, and
- (b) Area Plan relating to Frances Bay.

## Amendment No. 105

### PART 8

#### 14.0 AREA PLANS

The interpretation of this Scheme and the determinations of a consent authority are to be consistent with any Area Plan and associated planning principles in this Part applicable in the circumstances.

##### 14.1.3 FRANCES BAY PLANNING PRINCIPLES

Future development within the Frances Bay locality is to:

1. Create a mixed use waterfront precinct combining the interest and activity of a working wharf/port with additional marine and tourism land uses, entertainment, water transport and harbourside living including, for example:
  - (a) wholesale and retail fish markets and associated seafood facilities (cold storage/processing/packaging areas, unloading areas);
  - (b) tourist accommodation (motel/serviced apartments);
  - (c) waterfront and maritime industry including ship repair/maintenance yard for sea going vessels;
  - (d) residential and commercial mixed use;
  - (e) cafes, bars, restaurants and retail;
  - (f) marina facilities;
  - (g) public open space of a size and dimension to host entertainment and events, pedestrian promenades; and
  - (h) facilities to accommodate public transport provision (harbour ferries, buses, taxis and the like).
2. Promote development that integrates compatible land uses and:
  - (a) is consistent with operational requirements of the waterfront and maritime industrial uses permitted in the locality and recognise the primacy of these uses in a working wharf/port;
  - (b) considers the impact of lighting installations on shipping navigation aids;
  - (c) accommodates the safety requirements of ship refuelling at the wharves;
  - (d) taking into consideration existing noise levels and incorporate appropriate design to provide noise attenuation;
  - (e) considers the proximity of the Stokes Hill Aboriginal Sacred Site in determining possible future uses;
  - (f) considers the proximity of the Naval fuel installation;

- (g) Position new marine structures and repair/maintenance yards for sea going vessels to ensure no adverse impacts on the operation of the port having regard to tidal studies and foreshore impacts.
3. Preserve, recognise and integrate declared heritage places, other sites of historical significance and aboriginal sacred sites within the area and nearby through:
    - (a) development of a culture and heritage trail that connects and interprets sites;
    - (b) responsive design that respects items of significance and their setting; and
    - (c) representation of maritime and cultural heritage in the built environment.
  4. Create a safe, accessible, equitable and interesting built environment and public domain, that over time will develop to include:
    - (a) a robust and legible shared use street grid which connects with the adjacent street network, pedestrian and cycle routes;
    - (b) pedestrian and cycle paths which are clearly defined, attractively landscaped to provide shade and interest, well connected to existing adjacent routes and providing safe and direct links to the City, Waterfront and Stuart Park;
    - (c) consistent provision of high quality street furniture, paving, wayfare signage and pathway lighting;
    - (d) thoughtful integration of public art;
    - (e) public access to the water's edge where possible on public land having regard to security, safety and operational requirements of users of the wharves;
    - (f) vistas through the site from Frances Bay Drive to the Harbour;
    - (g) a series of connected, landscaped public open spaces and corridors designed to facilitate comfortable and safe use during the day and night;
    - (h) impounded water bodies with appropriate water quality for their intended use;
    - (i) positive relationships between buildings and streets to promote passive surveillance; and
    - (j) active frontages and visually interesting ground level uses.
  5. Promote climatically responsive, energy efficient urban design and architecture that contributes to the character of the precinct by:
    - (a) implementing sensitive water use practices across the site;
    - (b) implementing a whole-of-site water management system which addresses both stormwater and groundwater;
    - (c) incorporating strong landscape treatments to provide shade and which are largely comprised of native coastal

vegetation;

- (d) identifying areas of pedestrian priority over vehicle traffic;
  - (e) providing seating, shade and weather protection to adjacent pedestrian footpaths;
  - (f) facilitating natural cross ventilation;
  - (g) integrating appropriately sized balconies for outdoor living;
  - (h) minimising direct solar penetration to all buildings through orientation and use of screens, awnings, eaves and the like;
  - (i) using construction materials appropriate to a tropical marine environment; and
  - (j) provision of underground car parking where possible, retained within the building footprint, shaded ground level parking, maximise opportunity for car parking adjacent to the site.
6. Relate the scale of development to both the surroundings and to reflect the desired future character by:
- (a) considering the visual and acoustic privacy of adjoining residential development;
  - (b) recognising the requirements of existing users of the wharves and other adjacent facilities and land uses;
7. All structures:
- (a) exceeding 45 metres above ground level require the prior approval of the Department of Defence
  - (b) north of the navigation channel to the mooring basin are not to exceed 70 metres AHD as shown on the diagram; and
  - (c) south of the navigation channel to the mooring basin are not to exceed 85 metres AHD as shown on the diagram; and
8. Consider the likely effects of climate change on storm surge levels by:
- (a) constructing all marina and sea walls to a minimum top level of 6.5m AHD; and
  - (b) siting the lowest floors of all commercial and residential development at a minimum of 6.5m AHD.

**NORTHERN TERRITORY OF AUSTRALIA**

***Planning Act***

**NOTICE OF MAKING OF AMENDMENT TO NT PLANNING SCHEME**

**AMENDMENT No. 105**

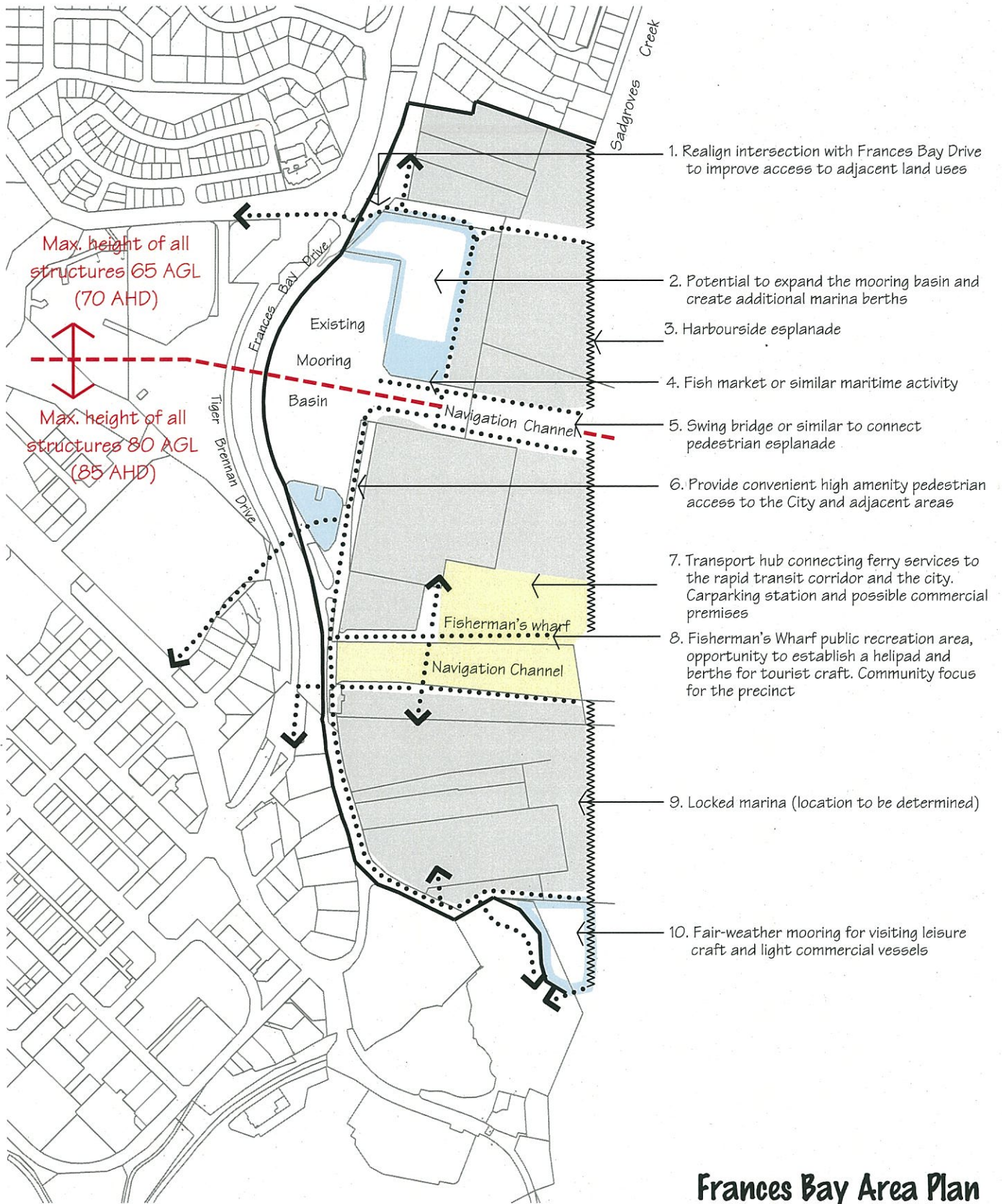
**DARWIN LOCALITY**

I, GERALD FRANCIS MCCARTHY, the Minister for Lands and Planning, under section 28(1) of the *Planning Act*, give notice that –

- (a) I have, under section 25 of the Act, amended the NT Planning Scheme by introducing Clause 14.1.3 Frances Bay Planning Principles and Area Plan.
- (b) copies of the amendment, (Amendment No. 105), are available from the Offices of the Department of Planning and Infrastructure, Ground Floor, 38 Cavenagh Street, Darwin.

Dated 9th July 2011.

  
Minister for Lands and Planning



## Frances Bay Area Plan

April 2011

### Legend

	Community purpose
	Marine commercial
	Waterfront and maritime industrial activities, mixed-use maritime complex integrating residential; maritime industrial; commercial maritime; and tourism activities; that are related to waterfront activity

wwww Harbourside Pedestrian Esplanade  
 ...> Pedestrian Access



75m 0 75 150 225 300m

Frances Bay AreaPlan.dgn

**NORTHERN TERRITORY OF AUSTRALIA**

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

**Reason for Decision**

**NT PLANNING SCHEME AMENDMENT**

**AMENDMENT No. 105**

The Frances Bay Planning Principles and Area Plan are introduced to guide future development and encourage a diversity of uses including maritime industry, tourism accommodation and activity, entertainment, water transport and harbour side living.



GERALD FRANCIS MCCARTHY  
Minister for Lands and Planning

9/7/2011