

**NORTHERN TERRITORY OF AUSTRALIA**

***Planning Act***

**AMENDMENT TO NT PLANNING SCHEME**

I, GERALD FRANCIS MCCARTHY, the Minister for Lands and Planning,  
under section 12(2)(a) of the *Planning Act*, amend the NT Planning Scheme  
by making the amendment specified in the schedule.

Dated *21st April* 2010.

  
Minister for Lands and Planning

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**SCHEDULE**

**AMENDMENT TO NT PLANNING SCHEME**

**AMENDMENT No. 124**

**1. Citation**

This amendment to the NT Planning Scheme may be cited as Amendment  
No. 124.

**2. Substitution of clause 6.3**

*Omit clause 6.3 Buildings in Central Darwin and substitute:*

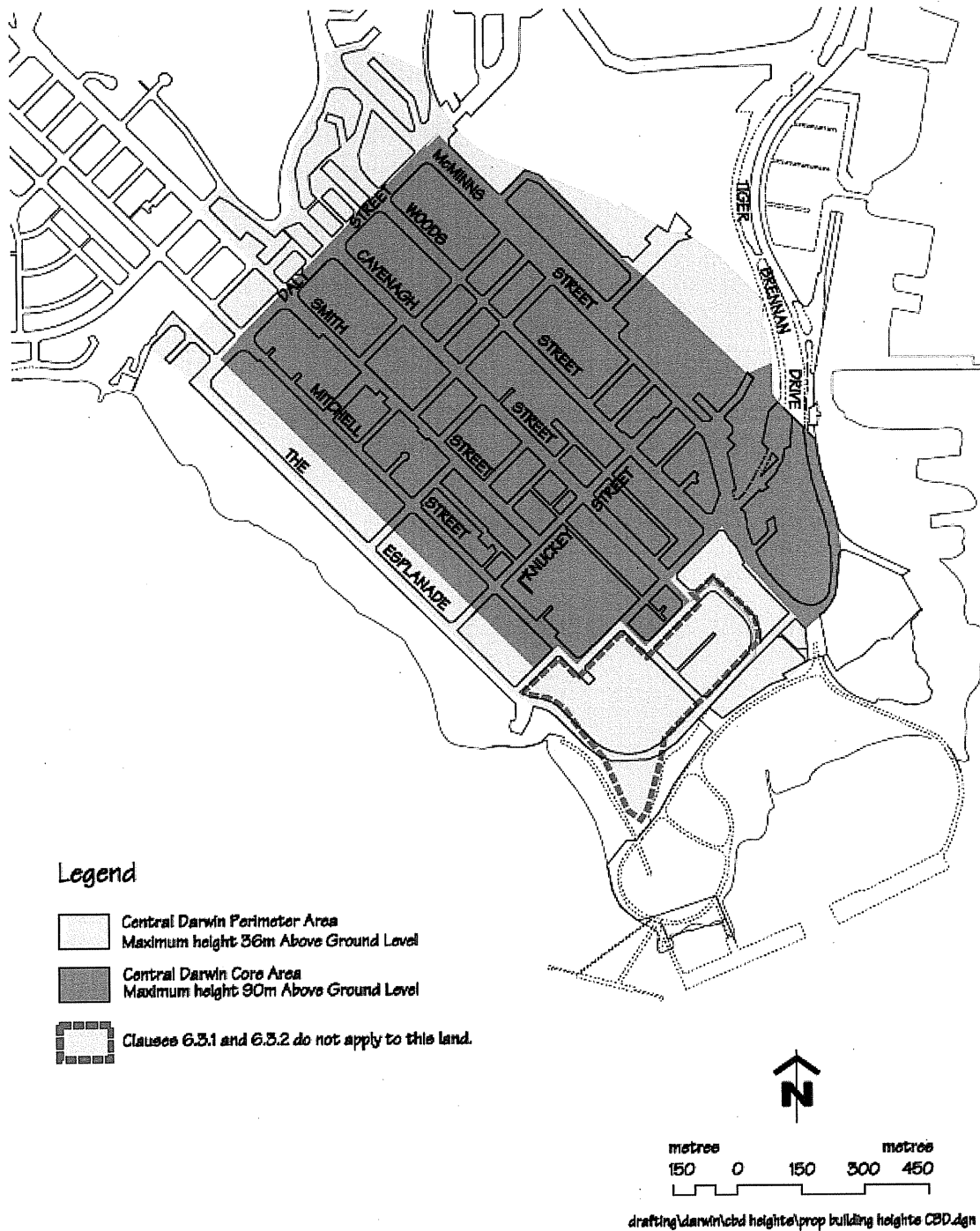
## 6.3 BUILDINGS IN CENTRAL DARWIN

### 6.3.1 Building Heights in Central Darwin

1. The purpose of this clause is to limit the height of buildings within Central Darwin to achieve a city form with the highest buildings and structures at the centre of the peninsula, stepping down towards the perimeter optimising opportunities for harbour views.
2. All buildings within Central Darwin are to be in accordance with the diagram to this clause.
3. Despite sub-clause 2, the consent authority may **consent** to a building in the Perimeter Area to a maximum height of 55m Above Ground Level (AGL) if the development meets the following criteria:
  - (a) the **site** has a combined area equal to or greater than 3500m<sup>2</sup>;
  - (b) in addition to any communal and private open space required elsewhere by the Planning Scheme, include a minimum 15% of the **site** area as publicly accessible open space within the **site**, that provides **amenity** for adjacent streets and is attractive, interesting, comfortable, safe and functional for pedestrians; and
  - (c) it is demonstrated that the building will achieve an energy efficiency outcome greater than that required under the Building Code of Australia.
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 enhances the surrounding neighbourhood without adversely impacting on the existing and future **amenity**.
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 must not **consent** to a development in the Core Area that is not in accordance with this clause.
7. The consent authority must not **consent** to a development in the Perimeter Area that is not in accordance with the requirements of sub-clauses 3(a) and 3(c).

Clauses 7.5 & 7.6 refer to private and communal open space.

DIAGRAM TO CLAUSE 6.3.1



## Building Heights within Central Darwin

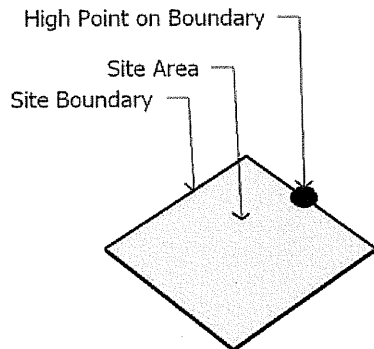
### 6.3.2 Volumetric Control in Central Darwin

1. The purpose of this clause is to ensure the siting and mass of buildings within Central Darwin promotes a built form that maximises the potential for view corridors to Darwin harbour, the penetration of daylight and breeze circulation between buildings and promotes privacy for residents of adjoining properties.
2. Development in Central Darwin must be designed in accordance with the diagram to this clause.
3. This clause does not apply to the land bounded by the dotted orange line delineated on the diagram to Clause 6.3.1.
4. The consent authority must not **consent** to development that does not comply with the requirements in the diagram to this clause that apply to Tier 1 (Podium).

*The Building Act controls setbacks of buildings.*

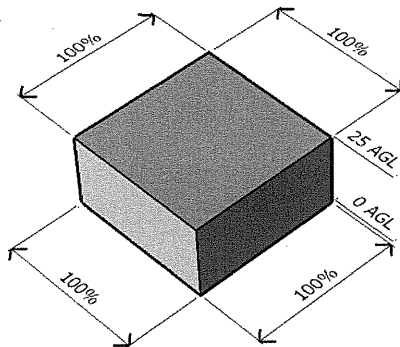
## DIAGRAM TO CLAUSE 6.3.2

### Site



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

### Tier 1 (Podium)



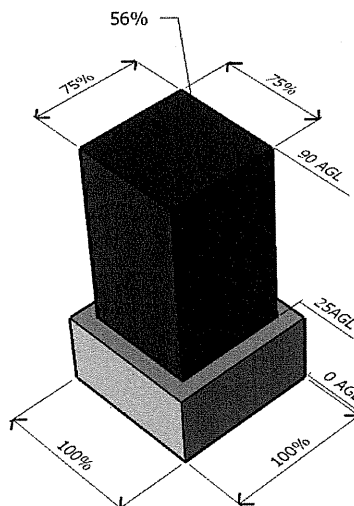
Height: Maximum 25m Above Ground Level (AGL), exclusive of any plant or equipment, aerials or lightning rods.

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

Setbacks: Verandahs, balconies or windows to rooms designed for accommodation are to be set back 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 rooms 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.

### Tier 2 (Tower)



Height: Maximum 90m AGL in the Core Area inclusive of any plant equipment, aerials or lightning rods.

Subject to clause 6.3.1, maximum 55m AGL in the Perimeter Area inclusive of any plant or equipment, aerials or lightning rods.

Floor Area: Up to 56% of the **site** area and up to a maximum of 1200m<sup>2</sup> 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.

### 6.3.3 Urban Design Requirements in Central Darwin

1. The purpose of this clause is to promote exemplary urban design in Central Darwin.
2. The design of buildings in Central Darwin is to:
  - (a) provide 75% of the length of the street boundary at ground level as active street frontage through such treatments as:
    - i. frequent, operational and legible entrances; that are directly accessible from the public footpath;
    - ii. clear glass windows with views to and from the street;
    - iii. open space incorporating active frontages, landscaping and retention of significant existing landscaping;
    - iv. areas that are attractive, safe and functional for pedestrians within the development **site**; and
    - v. areas that allow for alfresco dining.
  - (b) provide awnings to streets for the full extent of the **site** frontage that allow for the planting and growth of mature trees within the road reserve;
  - (c) include no ground level **car parking spaces**;
  - (d) screen **car parking areas** so that they are not visible from the street or public spaces;
  - (e) provide covered pedestrian linkages at ground level from one street to the other in buildings that have dual frontages to north-west or north east aligned streets and or laneways;
  - (f) have building facades that have a clearly articulated base, middle and top; and
  - (g) integrate plant rooms and service equipment on roof tops.
3. The consent authority may **consent** to an application that is not in accordance with sub-clause 2 only if it is satisfied that compliance would be impractical.
4. This clause does not apply to the land bounded by the dotted orange line delineated on the diagram to Clause 6.3.1.

Clause 6.12  
refers to  
landscaping

**NORTHERN TERRITORY OF AUSTRALIA**

***Planning Act***

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

**AMENDMENT No. 124**

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 12 of the Act, amended the NT Planning Scheme by substituting clause 6.3 Buildings in Central Darwin with the amended clause 6.3 Buildings in Central Darwin; and
- (b) copies of the amendment, (Amendment No. 124), are available from the Offices of the Department of Lands and Planning, Ground Floor, 38 Cavenagh Street, Darwin.

Dated 21st April 2010

  
Minister for Lands and Planning

**NORTHERN TERRITORY OF AUSTRALIA**

***Planning Act***

**Section 29**

**NT PLANNING SCHEME AMENDMENT**

**AMENDMENT No. 124**

**Reasons for Decision**

The original NT Planning Scheme Clause 6.3 Buildings in Central Darwin was unclear in its statement about setbacks to habitable rooms adjacent to other developments, to towers on the same site and to the setback of towers off the site boundary.

The new Clause 6.3 Buildings in Central Darwin, clause 6.3.2 clarifies the intent by adding a statement about the purpose of the setbacks to rooms designed for accommodation and adding the words about setbacks between two towers, setback of towers off the site boundary and clarifies the setbacks of verandahs, balconies or windows to rooms designed for accommodation.

Clause 6.3 of the NT Planning Scheme has been amended in response to discussions with concerned stakeholders about the interpretation about setbacks.



**GERALD FRANCIS MCCARTHY**  
Minister for Lands and Planning

21/4 /2010