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:

(a) alter the proposal to amend the NT Planning Scheme numbered PA2008/0373 in accordance with the Schedule to this instrument; and
(b) amend the NT Planning Scheme in accordance with the altered proposal.

Dated 17th December 2009.

[Signature]

Minister for Lands and Planning

SCHEDULE

AMENDMENT TO NT PLANNING SCHEME
AMENDMENT No. 44

1. Citation

This amendment to the NT Planning Scheme may be cited as Amendment No. 44.

2. Substitution of clause 6.3

Omit clause 6.3 Building Heights 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 3500 m²;

   (b) in addition to any communal and private open space required elsewhere by this Scheme, includes 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).
DIAGRAM TO CLAUSE 6.3.1

Legend

- Central Darwin Perimeter Area
  Maximum height 36m Above Ground Level
- Central Darwin Core Area
  Maximum height 80m Above Ground Level

Caution: Clauses 6.3.1 and 6.3.2 do not apply to this land.

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 and the penetration of daylight and breeze circulation between buildings.

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).
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:** Habitable rooms or a verandah or balcony in residential buildings are to be setback a minimum of 6m from adjoining site boundaries other than to a street or public open space.

**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 1200m² in any single tower.
- **Setbacks:** Minimum 6m from the outer extremity of the podium.
- **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, operable 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
NORTHERN TERRITORY OF AUSTRALIA

Planning Act

NOTICE OF MAKING OF AMENDMENT TO NT PLANNING SCHEME

AMENDMENT No. 44

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 substituting clause 6.3 Building Heights in Central Darwin with clause 6.3 Buildings in Central Darwin; and

(b) copies of the amendment, (Amendment No. 44), are available from the Offices of the Department of Lands and Planning, Ground Floor, 38 Cavenagh Street, Darwin.

Dated 17th December 2009

[Signature]

Minister for Lands and Planning
NORTHERN TERRITORY OF AUSTRALIA

Planning Act

Section 29

NT PLANNING SCHEME AMENDMENT

AMENDMENT No. 44

Reasons for Decision

The original NT Planning Scheme Clause 6.3 Building Heights in Central Darwin permitted merit based assessment in relation to building height without any definitive criteria to assess the merit of any development.

The new Clause 6.3 Buildings in Central Darwin determines maximum building heights and volumetric controls for buildings. It also lists a set of urban design requirements to add value to the streetscape and built form in Central Darwin.

The exhibited version of the NT Planning Scheme amendment has been altered in response to the submissions received during the public exhibition and consultation with stakeholders.

Gerald Francis McCarthy
Minister for Lands and Planning

17/12/2009