

7 July 2009

Please quote: 1481987 PL:cpd

Mr David Haylock
Strategic Lands Planning
Department of Planning and Infrastructure
GPO Box 1680
DARWIN NT 0801

Dear David

Council's Response to NT Planning Scheme Amendment PA 2008/0373

I refer to the proposed NT Planning Scheme Amendment PA2008/0373 to amend Clause 6.3 Building Heights in Central Darwin. The proposal was considered at Council's Town Planning Committee of 1 July 2009.

Council provides the following comments for the consideration of the Department:

Council does not support the proposed changes to Planning Rules and Guidelines, NT Planning Scheme Amendment PA 2008/0373.

Council raises the following concerns in relation to the proposed Amendment and requests that the Government take these matters into consideration and that the Amendment be modified.

- Highest buildings should be located in the centre of the Darwin CBD to protect views and breezeways rather than a blanket 90 metre height limit across the whole of the Darwin CBD;
- The development of 100% of sites up to 25 metres in height could mean no setback for pedestrians at ground level and could result in bulky podium development throughout the CBD. Larger sites in particular need detailed study so that pedestrian areas can be created adjacent to footpaths.
- The controls may encourage box like development if developers only develop to 25 metres with a 100% site coverage;
- The building and volumetric controls could encourage site amalgamations and result in the loss of the low scale character of parts of the Darwin CBD. Future development controls should not erode the small scale activities and buildings that contribute to the core of Darwin's identity;

.../2

- The volumetric controls involving building setbacks at the nominated height will mean that buildings will not produce the same amount of floor space under current height controls, without prior consultation with the landowner, Darwin City Council;
- There is concern that the proposed controls could promote monotonous development in the Darwin CBD.
- While Council supports the concept of a 'civic precinct' it is concerned as landowner that the Civic Centre and adjacent land shown on the diagram to clause 6.3.1 is excluded from the proposed amendment to building heights in the Darwin CB zone;
- Council believes that there is a need to develop a strategic plan for the Darwin CBD which identifies precincts such as entertainment; retail; commercial residential and open space. It is noted that the civic precinct has been created as part of the amendment and it is considered that this concept be applied to the remainder of the CBD.
- Council considers that an up to date land use study be made of the Darwin CBD to assist in identifying precincts. Such a study is an essential tool to form the basis of development control plans which can guide development projects;
- Once precincts have been identified, development control plans can be prepared to build on urban design and architectural themes; and
- Protection is required of special areas such as the Esplanade and the potential for a green park system surrounding the CBD.

Other issues requiring consideration in planning the Darwin CBD:

- The capacity of public space and infrastructure to support a potential increase in: commercial activity, workforce numbers, residential population density and traffic volumes;
- Consideration of planning opportunities and development control plans for significant CBD sites, i.e.: the Woolworths and the GPO car park sites. The architecture for these sites needs to be distinctive and responsive to Darwin's tropical climate.
- That Council's Streetscape Plan and other relevant plans be incorporated in the NT Planning Scheme. The Cavenagh Street Masterplan and Smith Street Mall – Future Directions Plan should be used to form the basis of an Open Space and Recreation Plan for the CBD; and
- A requirement for a contribution by developers to public art, culture and heritage within the Darwin CBD be included in the NT Planning Scheme.

Council understands that public comments close on 10 July 2009, however, given the importance of this Planning Scheme Amendment to the future of the Darwin CBD, Council requests a formal special meeting with representatives from the Department of Planning and Infrastructure so that Council can provide more detailed feedback. Such a meeting could take place within the next four weeks. This should still provide Government with sufficient time to consider the matter prior to a final decision.

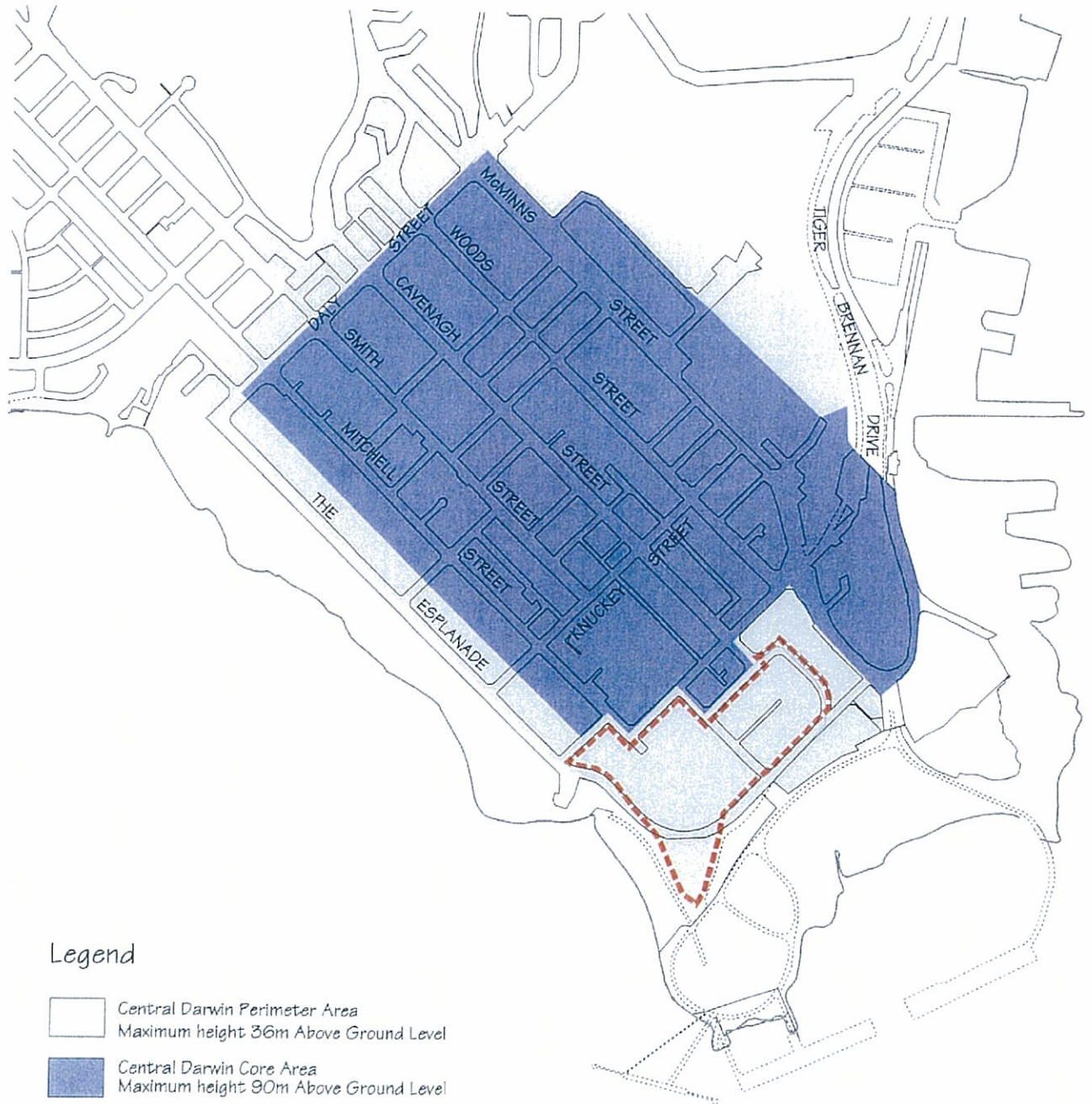
A copy of Council's letter of 10 February 2009 in relation to the earlier proposal on "Building Height and Volumetric Controls for the Darwin CBD", for your information.

Please contact me on 89300581 to arrange a mutually suitable time for the meeting with Council.

Yours faithfully

LUCCIO CERCARELLI
GENERAL MANGER INFRASTRUCTURE

Building Heights within Central Darwin



Legend




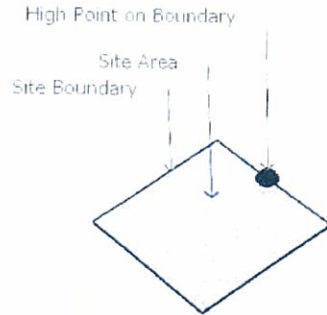
-  Central Darwin Perimeter Area
Maximum height 36m Above Ground Level
-  Central Darwin Core Area
Maximum height 90m Above Ground Level
-  Clauses 6.3.1 and 6.3.2 do not apply to this land.



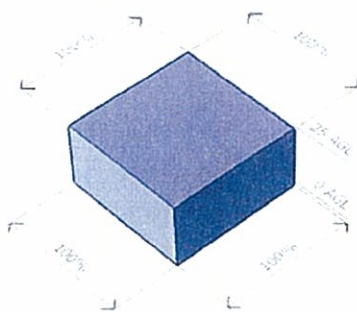
DIAGRAM TO CLAUSE 6.3.2

Site



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

Tier 1 (Podium)

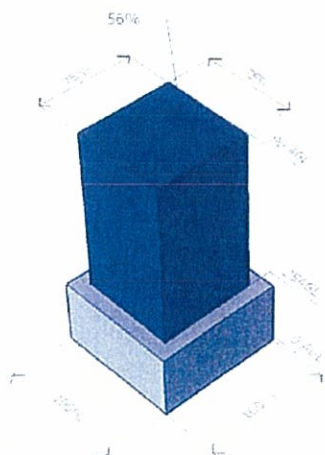


Height: Maximum 25m Above Ground Level (AGL), exclusive of any plant or equipment, aerials or lightning rods.

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 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).

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

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).

The *Building Act* controls setbacks of buildings.