

11 November 2014

Director
Lands Planning
Department of Lands, Planning and the Environment
GPO Box 1680
DARWIN NT 0801

By Email: planning@nt.gov.au

Dear Sir,

Amendments to Clause 6.3 - Buildings in Central Darwin (PA2014/0708)

The Property Council of Australia welcomes the opportunity to provide a submission to the Proposed Amendments to Clause 6.3 - Building in Central Darwin (PA2014/0708).

The Northern Territory Division of the Property Council of Australia collectively represents billions of dollars of commercial investment in the Northern Territory. The value of the Property Industry to the NT economy is second only to the Resources Sector.

The Property Council's membership draws together key players from property development, owners of commercial office buildings and shopping centres, financial institutions, the legal sector and construction companies. Its membership also extends to those engaged in the professions, business or industry directly associated with the commercial property industry (architects, engineers, consultants, suppliers, etc.).

As an industry, we not only have a keen interest, but also a financial investment in the future development of the Northern Territory, and we appreciate and take seriously the opportunity to provide feedback on the proposed amendments to the NT Planning Scheme.

We commend the Northern Territory Government for continuing its efforts to pursue better planning rules that will help encourage future development in the Darwin City Centre.

Proposed Amendments to Clause 6.3

The Property Council does not object to the proposed amendment to Clause 6.3 that removes the 90 metre (AGL) height limit from the CBD Core and the 36 metre (AGL) height limit from the CBD Perimeter. However, we do not believe that a review of the Darwin City Centre height limits can be done without simultaneously reviewing the Volumetric and Setback Controls.

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In the past, there have been concerns raised by other stakeholders about the effect of removing the 36 metre (AGL) height limit from the perimeter of the Darwin City Centre, and what effect this might have on the commercial viability of the large high-rise developments within the core of the Darwin City Centre. One particular concern is the possibility that the removal of the 36 metre (AGL) height limit would lead to a doughnut-shaped skyline, where large high-rise buildings line the perimeter of the city and low- or moderate-rise buildings form the Darwin City Centre core.

If a doughnut-shaped skyline did occur, one significant negative effect would be a low overall density across the entire Darwin City Centre versus a high overall density across the same area, achieved through high-rise developments.

The Property Council does believe that the above-mentioned concern has some merit, however, we do believe that future buildings can be designed in a way that encourages high-rise developments to be commercially viable throughout the Darwin City Centre Core and the Perimeter. In order to ensure that it is commercially viable to construct high-rise buildings across the entire Darwin City Centre, we believe that the planning scheme must have appropriate Volumetric and Setback Controls in place. If Darwin is to be a well-performing city, it must have a high level of residential, commercial, and retail activity throughout the City Centre.

Additionally, the removal of height restrictions from the perimeter of the Darwin City Centre is very likely to result in above ground car parking floors rather than basement car parking.

Proposed Amendments to Clause 6.3.2 – Volumetric Control in Central Darwin

The proposed amendment to Clause 6.3.2 (Volumetric Control in Central Darwin), would give the Development Consent Authority the discretion to vary the building podium controls if a development demonstrates a better way of achieving the objectives of Clause 6.3.2.

Not long after these Volumetric and Setback Controls were added into the planning scheme in 2009, it became apparent to the property industry that these controls would not achieve the objectives of the clause for many of the upcoming developments in the Darwin City Centre.

This is particularly the case for developments of less than 36 metres in height or in developments that are located on irregular- or narrow-shaped lots. As a result, many development applications within the Darwin City Centre have been granted development permits that do not comply with the current Volumetric and Setback Controls. There have also been many other developments that have simply chosen to comply with the current Volumetric and Setback Controls, resulting in their buildings not achieving the desired outcome of the Clause 6.3.2.1. The developers did so because it was more convenient for them to design a fully-compliant building, thus eliminating any uncertainty, the need and costs of additional consultants to justify a waiver, and any further delays in obtaining development consent.

The Property Council raised these concerns with the NT Government when the Controls were proposed and has been advocating for a review of the Volumetric and Setback Controls since 2010.

We believe that simply providing the Development Consent Authority the discretion to vary the building podium controls -- if a submission demonstrates a better way of achieving the objectives of the Clause -- does not fix the problems

associated with the Volumetric and Setback Controls. The Property Council believes that in addition to providing the discretion to vary the the building podium controls, the Volumetric and Setback Controls should be amended to provide clear guidance (either by way of specific controls or design guidelines) on the appropriate way of achieving the objectives of the Clause.

It is important to note that the guidance that is required will likely vary depending on the size of the lot, scale of the development and its location. We acknowledge that this is a complex issue and needs further investigation. The Property Council would welcome an opportunity to work with the Department to formalise a solution, as a continuation of the work done previously on the Urban Design Advisory Panel (UDAP).

Building Structures Requiring Approval from Defence and the Airport

Requiring developers to seek approval from the Department of Defence and the Darwin International Airport adds a significant amount of time, cost, and uncertainty to the development process. Currently, the Northern Territory has a very efficient development approval process, compared to other states and territories, and the Property Council believes that every effort should be made to ensure that we maintain this efficiency.

The Airport Building Height Limits Plan (Airport Building Height Limits and the Darwin City Centre Guideline Document - Appendix B) provides an indicative guidance on the maximum building height that would apply to structures exceeding 45 metres north-east of McMinn Street, and 90 metres south-west of McMinn Street.

There appears to have been a significant amount of effort involved in the creation of the Indicative Airport Building Height Limit Plan and we acknowledge the Department of Lands, Planning and the Environment for their efforts in compiling this document.

The Property Council believes that instead of providing a Guideline Document to Clause 2.8 of the NT Planning Scheme, the Government should issue a definitive Airport Building Height Limits Plan. This would effectively eliminate the need to go through the Defence and Airport approval process.

The Indicative Airport Building Height Limit Plan provides a very detailed plan showing site-specific indicative height limits for the entire Darwin City Centre. If the Government was able to take the indicative plan one step further and finalise the height limits for the entire Darwin City Centre, we could eliminate a significant step in the approval process for many future developments.

If the Government does choose to proceed with the requirement to seek approval from the Department of Defence and the Darwin International Airport for developments in the Darwin City Centre exceeding certain height limits, then there must be a commitment from Defence and the Airport that they will provide a definitive response in a timely manner. Currently, we understand that there is no requirement for either the Department of Defence or the Darwin International Airport to provide a response within a reasonable amount of time and this has caused delays on some developments in the past.

It is important to note also that approval from the Department of Defence and Darwin International Airport is required where a crane intrudes into the protected airspace during the construction period.

Darwin Waterfront - Heights

We are uncertain of the intent to limit buildings heights at the Darwin City Waterfront.

Clause 14.1.1.6(d) of the NT Planning Scheme states that:

Development within the Darwin City Waterfront is to be consistent with the following principle:

(d) generally siting the development below the level of the vegetated escarpment;

It is our understanding that the intent of Proposal PA2014/0708 was not to change the existing building height limits at the Darwin City Waterfront, however, the proposed amendments create ambiguity regarding the allowable height limits in this area. We believe the proposed planning scheme amendments should clearly stipulate that the height of the escarpment should not be exceeded within the Darwin City Waterfront Area Plan (excluding the area between Stokes Hill Road and Mavie Street).

Should you require further information, please contact me via email at: bdunn@ljhc.com.au

Yours Sincerely,



Brendan Dunn
President
Northern Territory