

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

AMENDMENT TO NT PLANNING SCHEME

I, PETER GLEN CHANDLER, Minister for Lands, Planning and the Environment, under section 25(2)(c) of the *Planning Act*:

- (a) alter the proposal to amend the NT Planning Scheme numbered PA2013/0345 in accordance with the Schedule to this instrument; and
- (b) amend the NT Planning Scheme in accordance with the altered proposal.

Dated

1 MAY

2014.



Minister for Lands, Planning and the Environment

SCHEDULE

AMENDMENT TO NT PLANNING SCHEME

AMENDMENT No. 321

1. Citation

This amendment to the NT Planning Scheme may be cited as Amendment No. 321.

2. Amendment of clause 3.0

delete the definition of "dependant unit"

after the definition of "hotel" –

insert:

"independent unit" means an ancillary dwelling constructed on the same site as a single dwelling"

3. Amendment of clause 7.10.4

omit

clause 7.10.4

substitute:

7.10.4 Independent Unit

1. The primary purpose of this clause is to ensure that an **independent unit** does not detrimentally impact on the **amenity** of adjoining and nearby property and remains ancillary to the **single dwelling** on a **site**.
2. An **independent unit** may be developed on a **site** provided:
 - (a) there will be no more than two **dwellings** on the **site**;
 - (b) the maximum **floor area** of the **independent unit** in:
 - (i) Zones SD, MD, MR, HR, CV, CL, T, WM, FD and RR shall not exceed 50m²;
 - (ii) Zones R, RL, H and A shall not exceed 80m².
 - (c) there is only one vehicle access point to the road, unless the relevant authority has approved a second access;
 - (d) both **dwellings** will be serviced by a common effluent disposal system or connected to reticulated sewerage;
 - (e) both **dwellings** will be serviced by a single bore or a single connection to a reticulated water supply; and
 - (f) both **dwellings** will be serviced by a single connection to a reticulated power supply.
3. The consent authority must not **consent** to an **independent unit** that is not in accordance with sub-clauses 2 (a), (e) and (f).
4. The consent authority must not **consent** to an **independent unit** that is not in accordance with sub-clause 2 (d) unless:
 - (a) a licenced certifying plumber and drainer provides documentary evidence that an existing effluent disposal system is incapable of accepting the increased load; and
 - (b) documentary evidence is provided by:
 - (i) the Department of Health that a proposed AWTS (Aerated Wastewater Treatment System); or
 - (ii) a licensed certifying plumber and drainer that a proposed onsite wastewater treatment system is appropriate for the proposed development; and
 - (c) it can be demonstrated that the location of existing bores, wells and notional existing on-site effluent systems allow for effluent disposal systems to be sited at least 50m up slope from any seepage line and above the 1% AEP flood event and at least 100m from any groundwater extraction point.
5. The consent authority may approve an application for an **independent unit** that is not in accordance with sub-clause 2 (b) only if it is satisfied the proposed **independent unit** is appropriate to the **site** having regard to the potential impact of the **independent unit** on the **amenity** of adjoining and nearby properties.

4. Amendment of clause 5.0

omit "dependant unit" from the zoning tables at clause 5.0.

after "hotel"

insert:

"independent unit" in column 1, "P = Permitted" in column 2 and "clauses 6.5.1, 7.1, 7.3, 7.5, 7.10.4" in column 3 in the zoning tables at clauses 5.1 – 5.6, 5.16 – 5.20, 5.25 – 5.27.

"independent unit" in column 1, "D = Discretionary" in column 2 and "clauses 6.5.1, 7.1, 7.3, 7.5, 7.10.4" in column 3 in the zoning tables at clauses 5.7, 5.10 and 5.23.

5. Amendment of the table to clause 6.5.1

after "hotel"

insert:

COLUMN 1	COLUMN 2	COLUMN 3
Use or Development	Minimum Number of Car Parking Spaces Required	Minimum Number of Car Parking Spaces Required Within Zone CB in Darwin
Independent Unit	1 per bedroom to a maximum of 2	1 per bedroom to a maximum of 2

6. Amendment of table to clause 7.5

after

TABLE TO CLAUSE 7.5 MINIMUM AREAS OF PRIVATE OPEN SPACE	
Type of Dwelling	Private Open Space Area
single dwellings on a lot less than 600m ²	50m ² (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 6m x 6m.

insert:

Independent Unit	<p>for the single dwelling 50m² (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 6m x 6m;</p> <p>and</p> <p>for the independent unit 45m² (exclusive of driveways and car parking areas) but inclusive of an area with minimum dimensions of 5m x 5m.</p>
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7. Amendment of clause 11.1.4

omit

sub-clause 4

substitute:

The consent authority must not **consent** to a subdivision that results in a separate unit title for:

- (a) an **independent unit**;
- (b) a business associated with a **home occupation, home based child care, home based contracting or medical consulting rooms**; or
- (c) a dependant unit lawfully established prior to the introduction of Amendment No. 321 on gazettal date ##

8. Amendment of Zone SP 9 (Specific Use Zone Palmerston No.9)

omit

sub-clause 9 (a) and (b)

substitute:

The purpose of this clause is to ensure that an **independent unit** is constructed only on **single dwelling** lots that are of sufficient size to support an ancillary **dwelling**.

- (a) an **independent unit** must not be developed on a single dwelling lot that has an area less than 500m².
- (b) subject to sub-clause 9 (a) without consent a building or part of a building may be used, constructed or modified for use as an **independent unit** only if the development complies with all other requirements of the Planning Scheme as if the land were in Zone SD.

delete sub-clause 9 (c)

9. Amendment of all reference to “dependant unit” and replace with a new term “independent unit”

- amend the definition of “multiple dwellings” to read:
“**multiple dwellings**” means a building or group of buildings on a **site** which individually or collectively contain more than one **dwelling** (including service apartments) but does not include an **independent unit**.
- amend Table A to clause 7.1.1 – dwelling density in certain zones to read:

Zone	Dwelling Density
SD, RR, RL, R and for a single dwelling in CL, CV and T	1 single dwelling per lot and may include an independent unit .

- amend the reference notes in column 3 of clause 7.3 to read:
Residential buildings include **caretaker’s residence, independent unit, group home, hostel, hotel, motel, multiple dwellings** and **supporting accommodation**.

- amend clause 12.2 – towns on aboriginal land.
delete the term 'dependant unit' and insert the new term 'independent unit'.
- amend the schedule to clause 2.4 – specific uses: **SD11, SD13, SD15, SD20, SD21, SD23, SD25, SD26, SD33, SK4, SK5, SLB, SL6 and SL11.**
delete the term 'dependant unit' and insert the new term 'independent unit'.
- amend zoning table at clauses 5.8, 5.9, 5.11 – 5.15, 5.21, 5.22 and 5.24.
delete the term 'dependant unit' and insert the new term 'independent unit' in column 1.

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

**NOTICE OF MAKING OF AMENDMENT TO NT PLANNING SCHEME
AMENDMENT No. 321**

I, PETER GLEN CHANDLER, Minister for Lands, Planning and the Environment, under section 28(1) of the *Planning Act*, give notice that –

(a) I have, under section 25(2)(c) of the Act, amended the NT Planning Scheme by:

- replacing the term “dependant unit” with a new term “independent unit”;
- changing the definition to provide flexibility to cater for persons who are not related to the resident reside in the primary dwelling;
- including a requirement of 1 car parking space per bedroom to a maximum of 2 parking spaces;
- including a requirement for private open space area; and
- providing detailed circumstances that would allow the consent authority to vary the requirements of the clause.

(b) copies of the amendment, (Amendment No. 321), are available from the Offices of the Department of Lands, Planning and the Environment:

- Ground Floor, Arnhemica House, 16 Parap Road, Parap;
- Ground Floor, Greenwell Building, 50 Bath Street, Alice Springs;
- Level 1, Government Centre, 5 First Street, Katherine; and
- Regional Office, Leichardt Street, Tennant Creek.

Dated

1 MAY

2014

A handwritten signature in blue ink, appearing to read 'P. G. Chandler', is written over a large, faint circular stamp.

Minister for Lands, Planning and the Environment

NORTHERN TERRITORY OF AUSTRALIA

Planning Act
Section 29

Reasons for Decision

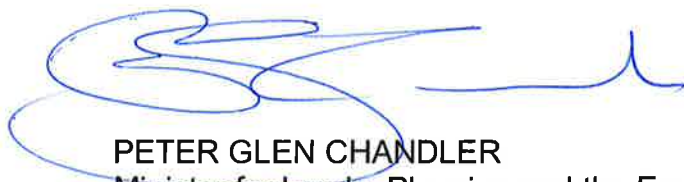
NORTHERN TERRITORY PLANNING SCHEME
AMENDMENT No. 321

The NT Planning Scheme currently defines a “dependant unit” as ancillary to a single dwelling on the site and it is to provide accommodation for a dependant of a resident of the single dwelling.

The review of the “dependant unit” requirements in the NT Planning Scheme aims to provide flexibility to land owners to cater for person who are not related to the resident reside in the primary dwelling.

The review addresses the issues raised by submitters and makes the following changes to the NT Planning Scheme:

- replacing the term “dependant unit” with a new term “independent unit”;
- the independent unit development is to be ancillary to and constructed on the same site as a single dwelling;
- including a requirement of 1 car parking space per bedroom to a maximum of 2 parking spaces;
- including a requirement for private open space area; and
- providing detailed circumstances that would allow the consent authority to vary the requirements of the clause.



PETER GLEN CHANDLER
Minister for Lands, Planning and the Environment

1 / 5 / 2014