

NORTHERN TERRITORY OF AUSTRALIA

*Planning Act 1999*

AMENDMENT TO NT PLANNING SCHEME 2020

I, ANDREW JAMES KIRKMAN, Delegate of the Minister for Infrastructure, Planning and Logistics, under section 12(2)(a) of the *Planning Act 1999*, amend the NT Planning Scheme 2020 by making the amendment specified in the Schedule.



Dated 5 JANUARY 2023.

Delegate of the Minister for Infrastructure, Planning and Logistics

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**SCHEDULE**

**AMENDMENT TO NT PLANNING SCHEME 2020  
Amendment No. 51**

**1. Citation**

This amendment to the NT Planning Scheme 2020 may be cited as Amendment No. 51

**2. Amendment to Clause 1.8**

After sub-clause 1(b)(ii),

*Omit, insert*

- iii. it is for the consolidation of land; or
- iv. it is for the subdivision of land for the purpose of a Unit Title Scheme, where:
  - (1) development consent has been granted; or
  - (2) the development is permitted in the relevant assessment table; or
  - (3) the Unit Title Scheme does not include vacant land,
- v. a provision of the Planning Scheme expressly requires assessment as *Merit Assessable*.

### **3. Amendment to Clause 1.10**

At sub-clause 4(c), after ...outcomes in Part 4,

*Insert*

or Schedule 4.1 Specific Use Zones

### **4. Amendment to Clause 3.4**

1. After sub-clause 1,

*Insert*

2. This overlay does not apply to unzoned land.

2. At sub-clause 5,

*Omit*

...in accordance with sub-clause 5...

*Insert*

...in accordance with sub-clause 6...

### **5. Amendment to Clause 3.6**

At sub-clause 2

*Insert*

(c) unzoned land

### **6. Amendment to Clause 3.7**

1. At sub-clause 2

*Insert*

(d) unzoned land.

2. At sub-clause 3

*Omit*

This Overlay does not apply to:

- (a) outbuildings and extensions to existing dwellings; or
- (b) extensions to existing commercial or industrial buildings; or
- (c) a use or development within the SSSA that would otherwise be Permitted, and complies with the requirements of Part 5.

3. At sub-clause 7

*Omit*

... in accordance with sub-clauses 7-9 only...

*Insert*

...in accordance with sub-clauses 8 -10 only...

4. At sub-clause 8

*Omit*

... have regard to sub-clauses 8 and 9.

*Insert*

...have regard to sub-clauses 9 and 10.

## **7. Amendment to Clause 3.10**

At sub-clause 2(b)

*Omit*

complies with Parts 3 and 5 of this Planning Scheme except as provided for by sub-clause 5; and

*Insert*

complies with Parts 3 and 5 of this Planning Scheme except as provided for by sub-clause 4; and

## **8. Amendment to Clause 3.11**

At sub-clause 1, after ...Town of Nightcliff,

*Insert*

that have been rezoned for the purposes of low-medium residential development.

## **9. Amendment to Part 4**

1. In the Specific Development Requirements column of the Assessment Table in Part 4 for Zones LMR, MR, HR, CL, CB, TC, H, A, HT, FD and T, where dwelling-group is listed,

*Omit*

5.4.7 Communal Open Space

2. In the Specific Development Requirements column of the Assessment Table in Part 4 for Zones LR, LMR, MR, RR, RL, CL and R, where Residential care facility is listed,

*Insert*

#### 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures

### **10. Amendment to Clause 4.7**

In the Specific Development Requirements column of the Assessment Table against Residential Care Facility,

*Insert*

#### 5.4.15 Residential Care Facility

### **11. Amendment to Clause 4.22**

In the Assessment Category column of the Assessment Table against Demountable Structure,

*Omit*

Impact assessable

*Insert*

Permitted

### **12. Amendment to Clause 4.32**

In the Defined Use column of the Assessment Table,

*Omit*

A utility in accordance with the requirements of the agency or service authority responsible for the utility on the land

*Insert*

A utility in accordance with the requirements of the agency, service authority or company responsible for the utility on the land

### 13. Amendment to Clause 5.2.4.1

In Column 2 of the table to Clause 5.2.4.1, against Club,

*Insert*

Plus

Otherwise than specified above, 2.5 for every 100m<sup>2</sup> of **net floor area** unless for the use of a club licensed under the *Liquor Act 2019*.

### 14. Amendment to Clause 5.2.4.3

After sub-clause 3,

*insert*

**Editor's Note:** Where a reduction in car parking is sought across 2 or more categories, the reduction percentages are combined, and the reduction is calculated cumulatively across all categories.

### 15. Amendment to Clause 5.4.3

At sub-clause 6(a),

*Omit*

...noting that no part of the roof structure, including gutters and eaves, is to encroach more than 0.9m into the minimum **building setbacks** (subject to the Building Code of Australia) from the lot boundaries

### 16. Amendment to Clause 5.4.7

1. At Purpose,

*Omit*

**dwelling-group**

2. At sub-clause 1,

*Omit*

**dwelling-group or dwelling-multiple**

*Insert*

**dwelling-multiple**

#### 17. Amendment to Clause 5.4.10

At sub clause 5.4.10.1 5(d) (ix)

*Omit*

Sufficient car parking each occupation...

*Insert*

Sufficient car parking for each occupation...

#### 18. Amendment to Clause 5.4.11

Change **caravan** to *caravan*

#### 19. Amendment to Clause 5.4.12

At Purpose,

*Omit*

That **dwelling-care-takers** are only established...

*Insert*

That a **dwelling-care-takers** is only established...

#### 20. Amendment to Clause 5.5.8

At Purpose,

*Omit*

- (b) does not, because of appearance or the emission of fumes, noise or light, unreasonably the use and enjoyment of adjacent land;
- (c) incorporates appropriate **site** layout, building and landscape design to ensure that there are no unreasonable impacts on the anticipated **amenity** of adjacent land;

*Insert*

- (b) does not, because of appearance or the emission of fumes, noise or light, unreasonably affect the use and enjoyment of the **site** and adjacent land; and
- (c) incorporates appropriate **site** layout, building and landscape design to ensure that there are no unreasonable impacts on the anticipated **amenity** of land adjacent to the land on which the development is taking place.

## **21. Amendment to Clause 5.5.9**

At sub clause 5(e)

*Omit*

...local authority...

*Insert*

...local government council...

## **22. Amendment to Clause 5.5.13**

1. At sub-clause 6,

*Omit*

**site**

*Insert*

site

2. At sub-clause 12(e),

*Omit*

**sites**

*Insert*

sites

## **23. Amendment to Clause 5.8.5**

At Purpose,

*Omit, insert*

- (a) is established in appropriate locations to meet the needs of users;

## **24. Amendment to Clause 5.8.6**

1. At Purpose

*Omit*

Ensure that an emergency service facility is...

*Insert*

Ensure that an emergency services facility is...

2. At sub-clause 1

*Omit*

...an **emergency service facility**...

*Insert*

...an **emergency services facility**...

3. At sub-clause 2

*Omit*

Wherever possible, co-locate the **emergency service facility**

*Insert*

Wherever possible, co-locate the **emergency services facility**

4. At sub-clause 4

*Omit*

The **emergency service facility**...

*Insert*

The **emergency services facility**...

## **25. Amendment to Clause 5.8.7**

At sub-clause 2,

*Omit, insert*

2. The consent authority may **consent** to a **demountable structure** that is not in accordance with sub-clause 4 if it is satisfied that the proposed use and location of the **demountable structure** make compliance unnecessary.
3. The consent authority may consent to a demountable structure that is not in accordance with the table to this clause if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

### Requirements

4. The placement of a **demountable structure** is to:



- (a) include landscaping or architectural embellishments to the **demountable structure** that will enhance the appearance of the structure; and
  - (b) be visually consistent with adjoining or nearby development.
5. **Demountable structures** in:
- (a) zones other than Zones LI, GI and DV are to be set back from lot boundaries in accordance with the table to this clause; and
  - (b) zones LI, GI and DV are to be set back from lot boundaries in accordance with the Table to Clause 5.6.1.

Table to Clause 5.8.7: Demountable Structures		
Lot Boundary	Minimum Setbacks	
	In zones other than CB, C, H, A, R, RL, RR, LI, GI and DV	In zones H, A, RR, R and RL
Primary street frontage	6m	10m <u>or</u> 7.5m in Zones RR and RL for lots with areas less than 1ha
Secondary street frontage	2.5m	10m <u>or</u> 5m in Zones RR and RL for lots with areas less than 1ha
Side and rear lot boundaries	1.5m	10m <u>or</u> 5m in Zones RR and RL for lots with areas less than 1ha
<p><b>Building setback</b> is measured from all boundaries to:</p> <p>The wall of a <b>demountable structure</b>; and</p> <p>Where there is no wall, to the outer surface of any support column of the structure.</p> <p>No part of the roof structure including gutters and eaves, is to encroach more than 0.9m into the minimum <b>building setbacks</b> from the lot boundaries described in the Table to Clause 5.4.3.</p>		

## 26. Amendment to Clause 6.3.1

At sub-clause 2,

*Omit*

... will create lots that all unconstrained land...

*Insert*

... will create lots that comprise all unconstrained land...

## 27. Amendment to Clause 6.3.2

At sub-clause 1,

*Omit, insert*

### Administration

1. The consent authority may **consent** to a subdivision that is not in accordance with sub-clauses 5-10 if it is satisfied that:
  - (a) the subdivision does not result in an increased lot yield; and
  - (b) the lot size and/or configuration achieves at least one of the following:
    - i. an existing boundary encroachment by a building is remedied;
    - ii. the lots created are more regular in shape;
    - iii. **access** is provided to a lot that previously had no **access** or an unsuitable **access**;
    - iv. the subdivision will better meet the overall outcomes for the zone and the relevant components of the strategic framework applicable to the locality;
    - v. the arrangement of lots results in a significant protection of areas of environmental value; or
    - vi. provides opportunity for a future local road network; and
  - (c) the consent authority is satisfied that the lots created will be consistent with the purpose of this requirement and the zone purpose and outcomes.
2. The consent authority may **consent** to a subdivision on Unzoned Land that is not in accordance with the table to this clause only if it is satisfied that the lots created will be consistent with the purpose of this requirement.
3. Despite sub-clause 1, the consent authority must not **consent** to a subdivision in Zone RL in Alice Springs and adjacent zoned areas that is not in accordance with the table to this clause.
4. The unconstrained nature of the land is to be demonstrated by a land suitability assessment addressing the NT Land Suitability Guidelines, in accordance with clause 6.3.3.

**Editor's Note: Lots less than 8ha on unzoned land for urban and community uses and for the provision of essential infrastructure should address Clause 6.3.6.**

### Requirements

5. Land is to be subdivided in accordance with the table to this clause.
6. Lots have a depth to width ratio not exceeding 4:1.
7. Incorporate as far as practicable, drainage lines and drainage floors wholly within a single lot.
8. Allow for 70m separation between bores, both proposed and existing.

9. Lot boundaries are to be:
  - (a) at right angles to any watercourse;
  - (b) sufficiently up slope to be outside of seepage zones where following drainage lines; and
  - (c) at right angles to contours or along contours where slope is between 2.0% and 5.0% and follow ridge lines, spurs or contours where slope is above 5.0%.
10. Minimise the number of watercourse crossings.

**Table to Clause 6.3.2: Lot Size and Configuration for Subdivision in Zones RL, R and H, and Unzoned Land**

Zone	Minimum Lot Size and Requirements
RL	2ha with a minimum of 1ha of unconstrained land
R	8ha with a minimum of 1ha of unconstrained land or 40ha in Alice Springs and Tennant Creek municipalities, with a minimum of 1ha of unconstrained land
H	25ha all unconstrained land
Unzoned Land	8ha

## **28. Amendment to Clause 6.3.3**

1. At sub-clause 2,  
  
*After* local government, *insert*  
  
 council
2. At sub-clause 3  
  
*Omit*  
  
 4-6  
  
*Insert*  
  
 4-7
3. At Requirements,  
  
*Insert*
4. Each lot is to have unconstrained **access** from a public road to the identified unconstrained land.

## 29. Amendment to Schedule 2: Definitions

1. Clause 2.1 Defined Uses **bar-public, bar-small**

*Omit*

**nightclub entertainment facility**

*Insert*

**nightclub entertainment venue**

2. Clause 2.1 Defined Uses **industry-general, industry-light and industry-primary**

*Omit*

...means an **industry**

*Insert*

...means an **industry**

3. Clause 2.1 Defined Uses **excavation and fill**

*Omit*

**excavation and fill** means the removal and importation of material to, from or within a site that will change the **ground level** of the land...

*Insert*

**excavation and fill** means the removal and importation of material to, from or within a site that will change the level of the land...

4. Clause 2.1 Defined uses **caravan**

*Omit*

**caravan** includes a vehicle registered or eligible for registration within the meaning of the *Motor Vehicles Act 1949* which is designed or adapted for human habitation;

At Clause 2.2 General definitions, after **building setback**,

*Insert*

**caravan** includes a vehicle registered or eligible for registration within the meaning of the *Motor Vehicles Act 1949* which is designed or adapted for human habitation;

5. Clause 2.2 General Definitions ***alfresco dining area***

*Omit*

**nightclub entertainment facility**

*Insert*

**nightclub entertainment venue**

6. Clause 2.2 General Definitions ***ancillary***

*Omit*

***ancillary*** means associated with, but auxiliary and subordinate to the primary land use;'

*Insert*

***ancillary*** means associated with, but auxiliary and subordinate to, a primary land use.

7. Clause 2.2 General Definitions ***building height***

*Omit*

(taken from existing height clause)

8. Clause 2.2 General Definitions ***outbuilding***

After ***primary use***,

*Omit*

use

9. Clause 2.2 General Definitions ***primary use***

*Omit*

***primary use*** means the use of land or premises to which all other uses are ancillary.

*Insert*

***primary use*** means a dominant use of land or premises that serves its own purpose.

10. Clause 2.2 General Definitions ***secondary street***

*Omit*

'access'

*Insert*

'frontage'

## **25. Amendment to Schedule 3: Exceptions**

1. At Clause 3(c)(i),

*Omit*

... or, subject to clause 5.8.10, transmission of telecommunications services

2. At Clause 3(d),

*Omit*

...or telecommunications.

## **25. Amendment to Schedule 4 – Specific Use Zones**

In Table B at sub-clause 19 to SP1 of Clause 4.1.2.1 (SP1 Part Lot 15460 Town of Palmerston), in the 'Dwelling Type' column,

*Omit, insert*

**Dwelling-single on a lot less than 450m<sup>2</sup>**

**Dwelling-single on a lot not less than 450m<sup>2</sup>**

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**NORTHERN TERRITORY OF AUSTRALIA**

***Planning Act 1999***  
**Section 29**

**Reasons for Decision**

**NORTHERN TERRITORY PLANNING SCHEME 2020**  
**AMENDMENT No. 51**

I have decided to amend the NT Planning Scheme 2020 to make minor administrative amendments, and to address minor drafting errors which have become apparent during the assessment of applications against the scheme.

I am satisfied that the amendment:

- is not significant enough to require exhibition, as the amendments are administrative in nature and will not change the intent of the planning scheme; and
- has merit and is in the public interest as it;
  - provides clarity around the administration of overlays on unzoned land;
  - provides greater guidance to the consent authority when considering the variation of specific development requirements;
  - updates land use definitions in Schedule 2 to acknowledge contemporary use of land;
  - aligns specific exceptions in Schedule 3 to legislation; and
  - makes minor corrections and other slight adjustments to ensure the scheme remains current and accurate.



ANDREW JAMES KIRKMAN  
Delegate  
Minister for Infrastructure, Planning and Logistics

5 / 1 / 2023