

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*, amend the NT Planning Scheme by making the amendment, specified in the Schedule.

Dated 12 NOV 2013.



Minister for Lands, Planning and the Environment

SCHEDULE

AMENDMENT TO NT PLANNING SCHEME

AMENDMENT No. 306

1. Citation

This amendment to the NT Planning Scheme may be cited as Amendment No. 306.

2. Definition

In this amendment –

"amending map" means the map, signed by the Minister for Lands, Planning and the Environment and marked "NT Planning Scheme Amendment No. 306", deposited in the office of the Department of Lands, Planning and the Environment, Darwin;

"zoning map" means the zoning map within the meaning of the NT Planning Scheme.

3. Amendment of Zoning Map

The NT Planning Scheme is amended by amending the zoning map relating to Marrakai to the extent of its inconsistency with the amending map in respect of the area of land shown on the amending map bounded by a thick black line and lettered **SM1** which is NT Portion 1731.

4. Amendment to Schedule 1 to clause 2.4

The NT Planning Scheme is amended by:

- (a) Amending schedule 1 to clause 2.4 – Specific Uses to introduce **SM1** (Specific Use Zone Marrakai Number 1), as outlined below:

NT Portion 1731 (804 Arnhem Highway, Marrakai).

1. The purpose of this zone is to facilitate a rural living subdivision which responds to the unique natural and physical characteristics of the land and the locality, including:
 - (a) Responding to the nature and needs of the locality, both now and in the future, including the allowance of land for any necessary community or commercial facilities;
 - (b) responding to the proximity of the site to the Adelaide River Flood Plains;
 - (c) responding to the high quality local environment features including wetlands, floodplains, seasonal billabongs and woodland and monsoon forest areas;
 - (d) repairing and protecting areas which are currently exposed to erosion and/or degradation;
 - (e) minimising the potential for localised flooding;
 - (f) ensuring lots are appropriately sized and configured; and
 - (g) providing for individual ownership of environmental and drainage features of the land to enable improved management of these areas.
2. Unless otherwise stated in this clause, development within the land shall be in accordance with Clause 5.19 as if the land were located in the Rural Living Zone.
3. Notwithstanding Clause 2, with consent, land may be used or developed for the purpose of **agriculture** provided the following:
 - (a) the scale and intensity of the use or development is appropriate for the size of allotment and accords with the objectives of Clause 1;
 - (b) the application demonstrates the capability of the land for the intended purpose, including soil and terrain types, availability of groundwater and the consideration of environmental impacts from erosion and runoff;
 - (c) large scale agriculture and intensive farming does not occur; and
 - (d) that agriculture is generally ancillary to the primary use on the site.
4. In addition to those identified within Clause 5.19, the following uses are also prohibited within the zone:
 - (a) Stables;
 - (b) rural industry;
 - (c) plant nursery;
 - (d) intensive animal husbandry;
 - (e) horticulture; and
 - (f) animal boarding.
5. With consent, lots 1 – 7 identified on Diagram A may also be developed for tourism, commercial or community purposes as if the land were located in Zone TC. Multiple dwellings are not permitted on these lots.

6. Subdivision design should:
- (a) Provide a minimum lot size of 2.0 hectares, including 1.0 hectare of unconstrained land (identified in Diagram C to this clause), comprising land which is above seepage lines, not of excessive slope (greater than 1:10) and not affected by consistent seasonal inundation;
 - (b) Provide an average lot size of not less than 7.0 hectares;
 - (c) demonstrate that each lot has access to groundwater or rainwater adequate for domestic purposes, and will not pose unsustainable demands on groundwater;
 - (d) ensure each lot can accommodate an on-site waste water storage/treatment system without adverse impact on the environment;
 - (e) confirm the location of notional and existing bores and on-site effluent disposal systems, including:
 - i. a separation of 70 metres between bores;
 - ii. effluent disposal systems located at least 50 metres up slope from any seepage line and above the 1% AEP flood event; and
 - iii. effluent disposal systems at least 100 metres from any groundwater extraction point;
 - (f) ensure that each lot can contain a square area not less than 90 metres by 90 metres; and
 - (g) avoid battle-axe lots.
7. Subdivision and subsequent allotment development should ensure all allotments are consistent with Diagram B to this clause.
8. As per the Diagram A to this clause, *Environmental Control Areas* comprise unstable, or otherwise unsuitable soils or natural drainage lines. The following requirements apply:
- (a) Aside from **domestic livestock**, no development including clearing can be undertaken within an *Environmental Control Area*;
 - (b) Notwithstanding the above, *Environmental Control Areas* within Lots 1, 2, 3 and 4 may be developed for the following, in accordance with clause 1 of this zone, and in accordance with Zone TC:
 - i. **Business sign**;
 - ii. **Caravan park**;
 - iii. **Hotel**;
 - iv. **Leisure and recreation**;
 - v. **Motel**;
 - vi. **Restaurant**; and
 - vii. **Shop**.

- (c) Fencing, whether along boundaries or otherwise, should comprise specifically selected environmental control fencing, to ensure unimpeded wildlife access. Environmental control fencing is to comprise single wire strands, with lower strand consisting only of barbless wire, a minimum of 0.5 metres above ground level, supported by galvanised star pickets. Each galvanised star picket is to be separated by at least 4.0 metres.
 - (d) Fire breaks within *Environmental Control Areas* will be slashed or compacted gravel only, and no grading or other earthworks are to occur.
9. As per Diagram A to this clause, *Sanctuary Areas* comprise features and areas of high conservation value, including areas of monsoon vine forest, seasonal billabongs and drainage areas. The following requirements apply to *Sanctuary Areas*:
- (a) no development, including clearing can be undertaken; *and*
 - (b) the construction of fencing and fire breaks is not permitted.
10. The clearing of native vegetation on land not contained within an *Environmental Control Area* or *Sanctuary Area* as defined in Diagram B to this clause, and of more than one hectare in aggregate of land (including any area already cleared of native vegetation) requires consent.
11. Clause 10 does not apply to selective clearing permitted pursuant to clause 13, the exemptions contained within Part 4, Clause 10.2 subclause 2 of the NT Planning Scheme, or if the clearing of native vegetation is required or controlled under any Act in force in the Territory.
12. Notwithstanding the above, the provisions of this clause do not restrict the clearing of a firebreak or fire access trail in accordance with written instructions from Bushfires NT.
13. All road frontages, except access driveways, firebreaks or footpaths, are to be vegetated to a minimum depth of 15 metres, comprising the retention of existing vegetation with a trunk diameter of 100mm or more, measured at 1m above ground level.
14. Roads in subdivision design should:
- (a) be designed to interconnect with the existing road network;
 - (b) provide for connections to reticulated services where practicable;
 - (c) provide for connections to potential future subdivisions of adjoining lands;
 - (d) provide a clear hierarchy of roads;
 - (e) minimise individual lot accesses to major roads;
 - (f) ensure every lot has direct and unconstrained access to a sealed, all weather public road;
 - (g) ensure internal road reserves are constructed in accordance with Northern Territory Government requirements;

- (h) minimise disturbance through earthworks and respond to the physical characteristics of the locality by following ridge lines or contours, and minimising watercourse crossings as far as possible; and
- (i) be designed with discharge drains placed to minimise erosion and associated engineering and maintenance costs.

15. Where it is unavoidable that roads cross below seepage lines in *Environmental Control and Sanctuary Areas*:

- (a) The crossing should be provided at or as near as practical to right angles to the watercourse;
- (b) Crossings should be designed to minimise impedance to water flow, and allow for the safe passage of aquatic and smaller terrestrial fauna species; and
- (c) Signage should be employed to reduce speed limits and slow traffic.







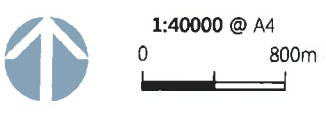
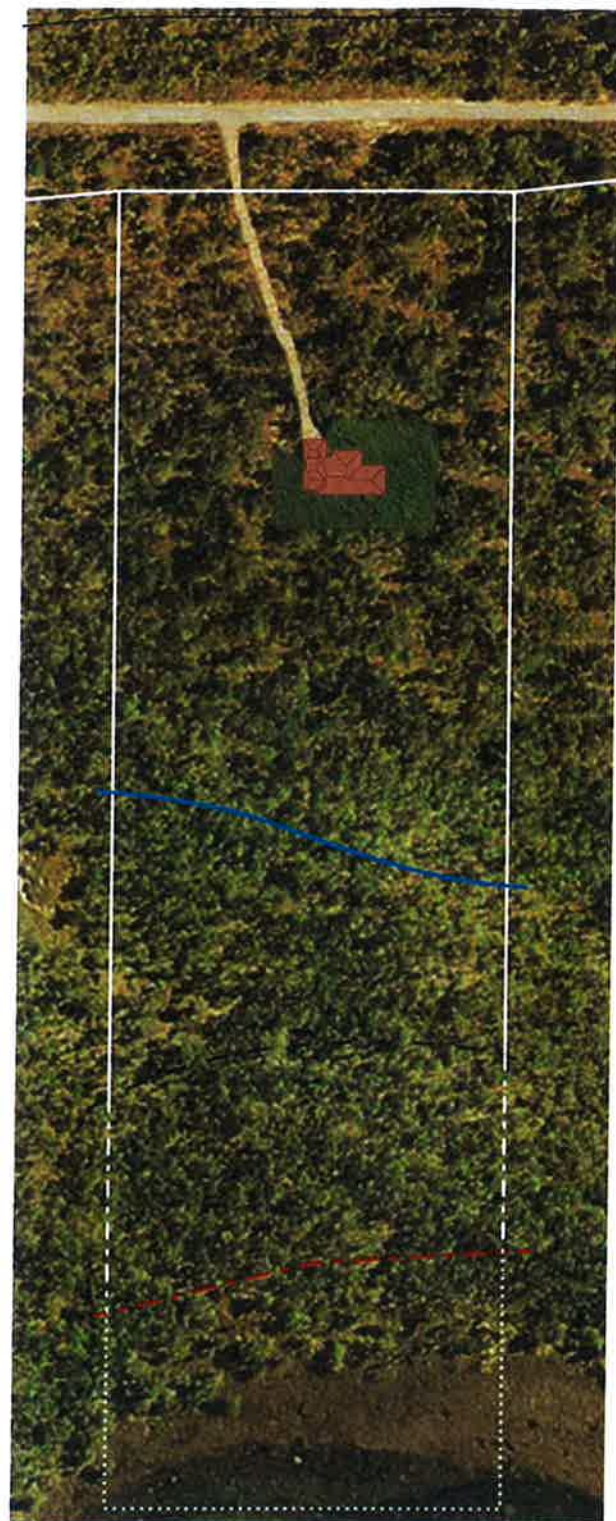
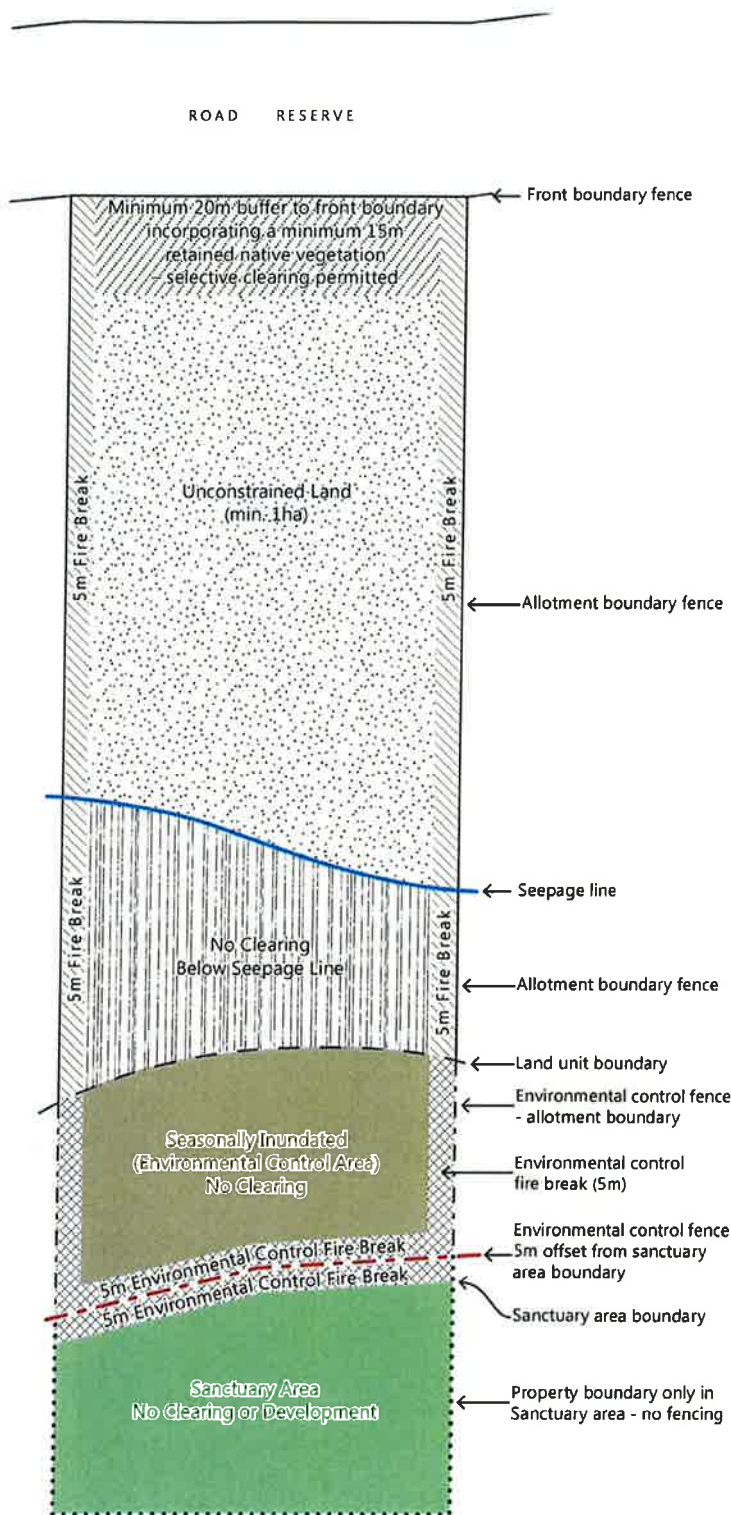
-  Tourism, Commercial or Community Use
-  Proposed Access Location
-  Environmental Control Area
-  Sanctuary (No Impact) Area

Diagram A: Sanctuary & Environmental Control Areas

MARRAKAI



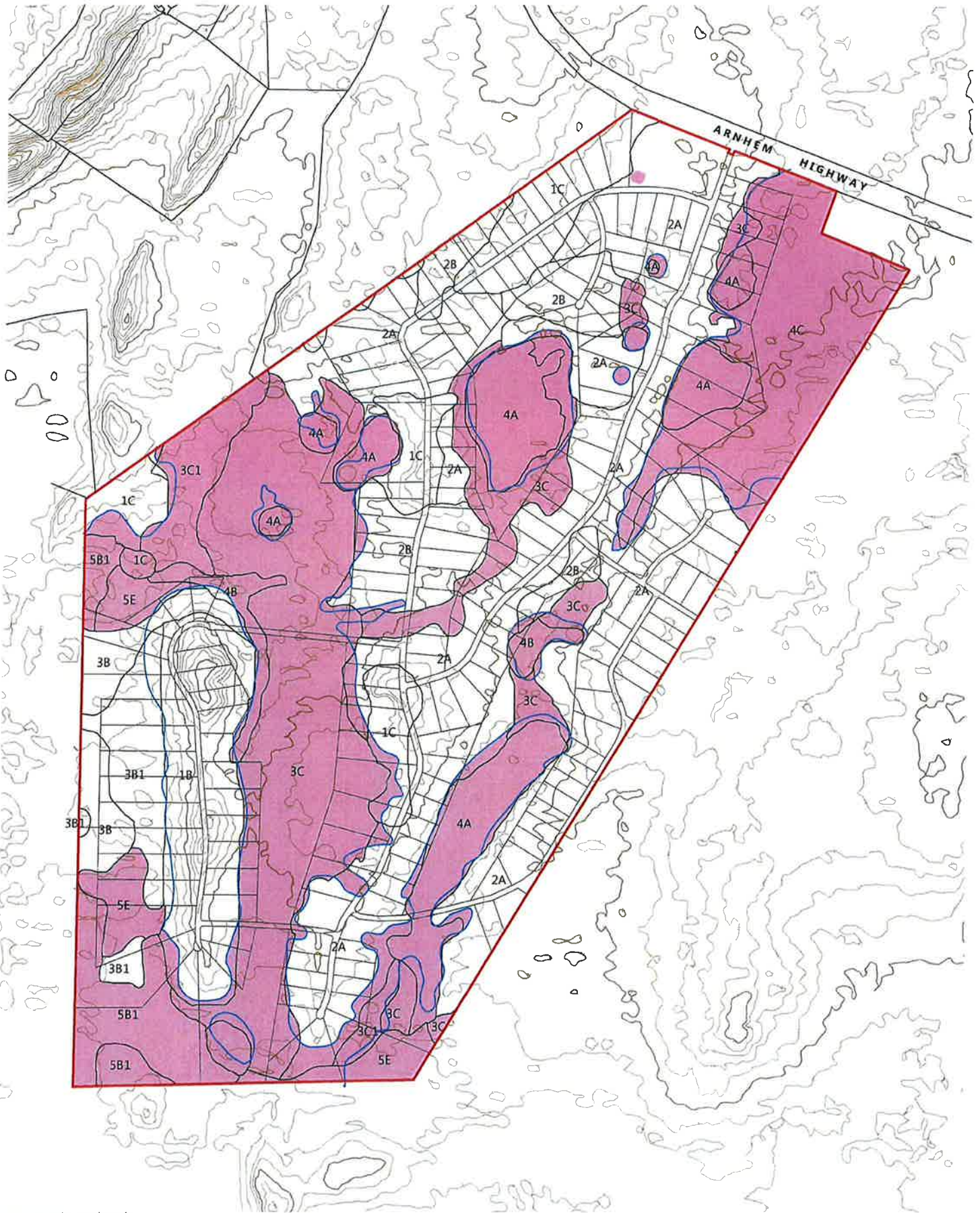


- Environmental Control Area
- Sanctuary (No Impact) Area
- Boundary Fence
- Environmental Control Fence
- Allotment Boundary - No Fence
- Environmental Control Fence (5m offset from Sanctuary Boundary)

Diagram B: Indicative Lot Layout Plan

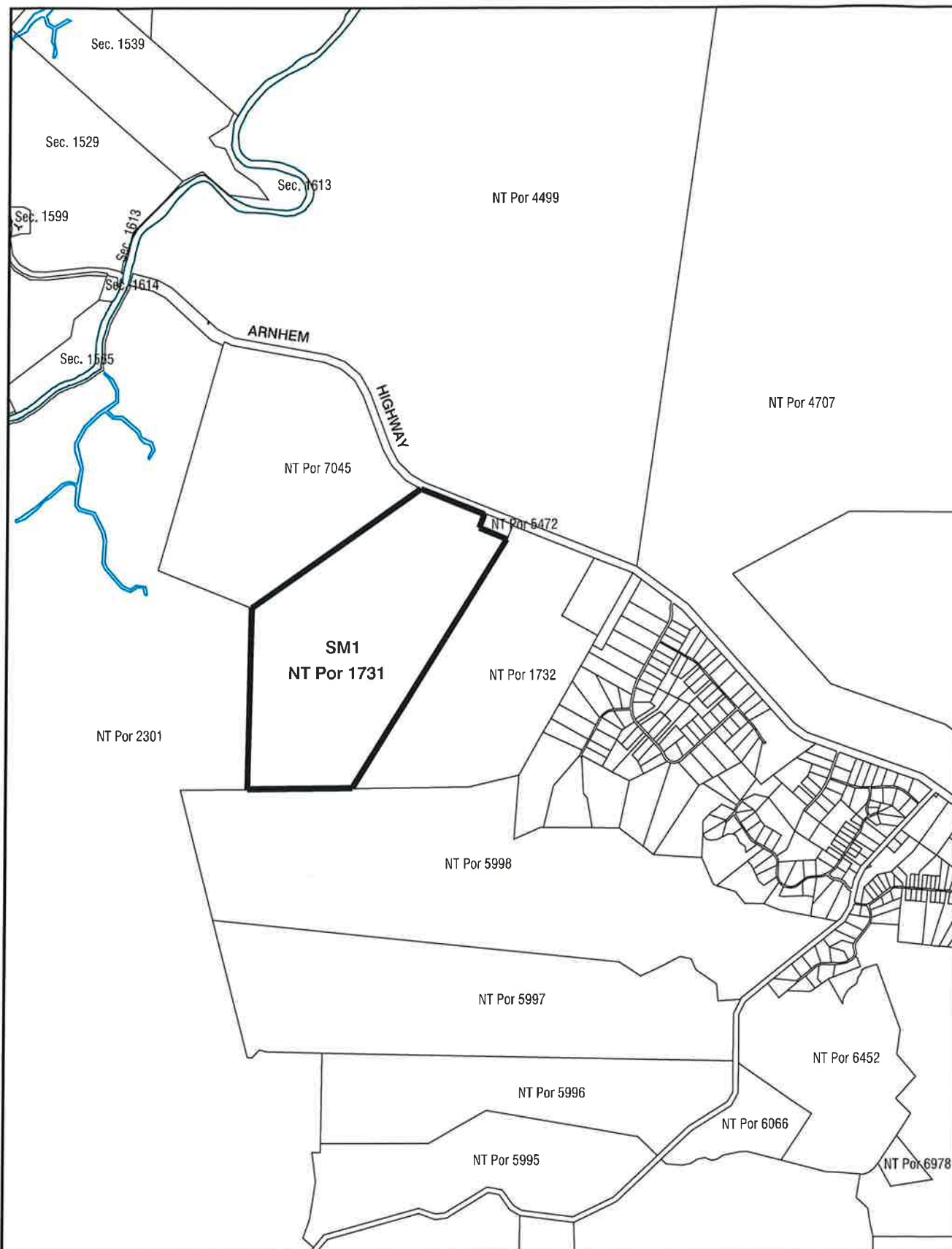
804 Arnhem Highway
Portion 1731
MARRAKAI

For Gimbell's Investments Pty Ltd



- Subject Land Boundary
- Seepage Line
- Land Unit Division
- Constrained Areas: 3C, 3C1, 4A, 4B, 4C, 5B1, 5E

Diagram C: Constraints Plan
 804 Arnhem Highway
 Portion 1731
 MARRAKAI
 For Gimbell Investments Pty Ltd



**NT PLANNING SCHEME
AMENDMENT No. 306
NT Portion 1731 Marrakai**

MINISTER FOR LANDS, PLANNING AND THE ENVIRONMENT

Date 12.11.13



**Northern
Territory
Government**

Department of Lands, Planning and the Environment

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Scale 1: 100000 @ A4

File No. PA2013/1731

Date: 25-Sep-13

Drawing Name: PSA NT Por 1731 Marrakai.dgn

NORTHERN TERRITORY OF AUSTRALIA

Planning Act
Section 29

Reasons for Decision

NORTHERN TERRITORY PLANNING SCHEME
AMENDMENT No. 306

NT Portion 1731 (804 Arnhem Highway, Marrakai) is suitable for rezoning from unzoned to Specific Use Zone Marrakai No. 1 (SM1).

Specifically, this rezoning is suitable because:

- the intention to provide lots with an average land area of 7 ha is in line with existing development in close proximity to the site;
- the proposal is seen to uphold the principle to value land for its inherent ecosystem functions in protecting native flora, fauna, soil and water resources; and
- the proposal contributes to a built, rural and natural environment supporting the diverse lifestyle and the social, cultural and economic development of the Territory that promotes best practice environmental management.



PETER GLEN CHANDLER
Minister for Lands, Planning and the Environment

12/ 11 / 2013

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

**NOTICE OF MAKING OF AMENDMENT TO NT PLANNING SCHEME
AMENDMENT No. 306**

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 rezoning NT Portion 1731 from no Zone to Specific Use Marrakai No.1 (SM1) facilitating a rural living subdivision enabling the development of a rural living subdivision that responds to the natural and physical characteristics of the land and the locality; and
- (b) copies of the amendment, (Amendment No. 306), are available from the Offices of the Department of Lands, Planning and the Environment, Ground Floor, 16 Parap Road, Parap.

Dated 12 NOV 2013



Minister for Lands, Planning and the Environment