

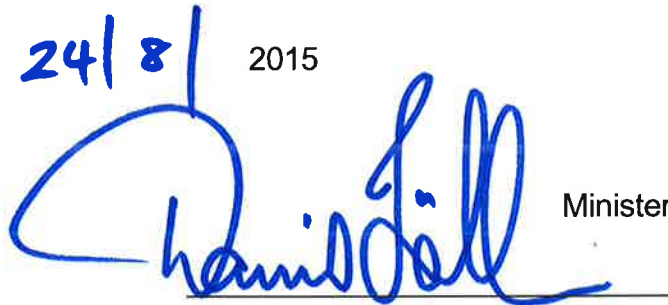
NORTHERN TERRITORY OF AUSTRALIA

*Planning Act*

AMENDMENT TO NT PLANNING SCHEME

I, DAVID WILLIAM TOLLNER, the Minister for Lands and Planning, under section 12(2) of the *Planning Act*, amend the NT Planning Scheme by making the amendment, specified in the Schedule.

Dated 24/8/2015



Minister for Lands and Planning

**SCHEDULE**

**AMENDMENT TO NT PLANNING SCHEME**

**AMENDMENT No. 397**

**1. Citation**

This amendment to the NT Planning Scheme may be cited as Amendment No. 397.

**2. New clause 1.3 (Exceptions) sub-clause (2)(s)**

*after*

clause 1.3 sub-clause (2)(r)

*insert:*

(2)(s). the subdivision of rural or unzoned land to less than 1ha for the purpose of creating a lot to accommodate infrastructure for water supply, sewerage, gas, electricity or telecommunications. This type of subdivision is exempt from:

- i. Clauses 11.4.1 (Site Characteristics in Subdivisions of Rural Land or Unzoned Land for Lots of 1ha or Greater) sub-clauses 2 to 6;

- ii. Clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land);
- iii. Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land sub-clauses 2(b), 2(d) and 2(f); and
- iv. Clause 11.4.7 (Subdivision of Unzoned Land for Lots less than 1ha).

### **3. Amend 11.4 Heading**

*From:* Subdivision of Rural and Unzoned Land

*To:* Subdivision of Rural Residential, Rural and Unzoned Land

### **4. Amend 11.4.1 Heading**

*From:* Site Characteristics in Subdivisions of Rural Land or Unzoned Land

*To:* Site Characteristics in Subdivisions of Rural Land or Unzoned Land for Lots of 1ha or Greater

### **5. New clause 11.4.5 (Subdivision of Land Zoned RR) sub clause (6)**

*after*

clause 11.4.5(5)

*insert:*

clause 11.4.5

- 6. The unconstrained nature of the land is demonstrated by a land suitability assessment addressing the NT Land Suitability Guidelines, prepared by a suitably qualified professional.

### **6. New clause 11.4.7 (Subdivision of Unzoned Land for Lots less than 1ha)**

clause 11.4.6

*insert:*

clause 11.4.7

- 1. The purpose of this clause is to ensure the subdivision of lots less than 1ha in area:
  - a) respond to the physical characteristics of the land;
  - b) are integrated with local infrastructure, community services and facilities; and

- c) are of a size and configuration suited for the intended purpose.
2. Subdivision design must:
- a) minimise alteration or disturbance to natural drainage systems including drainage areas, recognisable watercourses, lagoons and permanent and semi-permanent springs, and incorporate them in public open space where relevant;
  - b) minimise erosion hazard, sedimentation and pollution of watercourses;
  - c) retain and protect significant natural and cultural features including any distinctive landform features or stands of natural vegetation, by incorporating them in public open space where relevant;
  - d) minimising the number of lots in, or exclude from subdivision, areas of high conservation significance and riparian zones;
  - e) comply with clause 11.4.1 (Site Characteristics in Subdivisions of Rural Land or Unzoned Land for Lots of 1ha or Greater) sub-clauses 7 to 8; and
  - f) ensure adequate drainage is provided within the road reserve or via engineered drainage reserves.
3. If the area is serviced with reticulated sewerage and water the subdivision design must comply with clauses 11.2.1 to 11.2.3.
4. Where reticulated water and sewerage is not available the subdivision design must:
- a) comply with clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) with the exception of subclause 2(b);
  - b) demonstrate that the soils are suitable for the on-site absorption of effluent without detriment to the environment and in particular, to ground and surface waters; and
  - c) demonstrate onsite sewerage can be managed and contained within the boundary of the lot.

### 1.3 Exceptions

2. Unless specified, this Planning Scheme does not prevent any of the following:

(s) The subdivision of rural or unzoned land to less than 1ha for the purpose of creating a lot to accommodate infrastructure for water supply, sewerage, gas, electricity or telecommunications. This type of subdivision is exempt from:

- i. Clauses 11.4.1 (Site Characteristics in Subdivisions of Rural Land or Unzoned Land for Lots of 1ha or Greater) sub-clauses 2 to 6;
- ii. Clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land);
- iii. Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land sub-clauses 2(b), 2(d) and 2(f); and
- iv. Clause 11.4.7 (Subdivision of Unzoned Land for Lots less than 1ha).

## 11.4 Subdivision of Rural Residential, Rural and Unzoned Land

### 11.4.1 Site Characteristics in Subdivisions of Rural Land or Unzoned Land for Lots of 1ha or Greater

### 11.4.5 Subdivision of Land Zoned RR

6. The unconstrained nature of the land is demonstrated by a land suitability assessment addressing the NT Land Suitability Guidelines, prepared by a suitably qualified professional.

**11.4.7**

**Subdivision of Unzoned Land for Lots less than 1ha**

1. The purpose of this clause is to ensure the subdivision of lots less than 1ha in area:
  - a) respond to the physical characteristics of the land;
  - b) are integrated with local infrastructure, community services and facilities; and
  - c) are of a size and configuration suited for the intended purpose.
2. Subdivision design must:
  - a) minimise alteration or disturbance to natural drainage systems including drainage areas, recognisable watercourses, lagoons and permanent and semi-permanent springs, and incorporate them in public open space where relevant;
  - b) minimise erosion hazard, sedimentation and pollution of watercourses;
  - c) retain and protect significant natural and cultural features including any distinctive landform features or stands of natural vegetation, by incorporating them in public open space where relevant;
  - d) minimise the number of lots in, or exclude from subdivision, areas of high conservation significance and riparian zones;
  - e) comply with clause 11.4.1 (Site Characteristics in Subdivisions of Rural Land or Unzoned Land for Lots of 1ha or Greater) sub-clauses 7 to 8; and
  - f) ensure adequate drainage is provided within the road reserve or via engineered drainage reserves.

3. If the area is serviced with reticulated sewerage and water the subdivision design must comply with clauses 11.2.1 to 11.2.3.
4. Where reticulated water and sewerage is not available the subdivision design must:
  - a) comply with clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) with the exception of subclause 2(b);
  - b) demonstrate that the soils are suitable for the on-site absorption of effluent without detriment to the environment and in particular, to ground and surface waters; and
  - c) demonstrate onsite sewerage can be managed and contained within the boundary of the lot.

# NORTHERN TERRITORY OF AUSTRALIA

## *Planning Act*

### NOTICE OF AMENDMENT OF NT PLANNING SCHEME AMENDMENT No. 397

I, DAVID WILLIAM TOLLNER, the Minister for Lands and Planning, under section 28(1) of the *Planning Act*, give notice that -

1. I have, under section 12(2) of the Act, amended the NT Planning Scheme by:
  - i. Inserting new clause 1.3 sub-clause (2)(s) that states:

The subdivision of rural or unzoned land to less than 1ha for the purpose of creating a lot to accommodate infrastructure for water supply, sewerage, gas, electricity or telecommunications. This type of subdivision is exempt from:

    - a) Clauses 11.4.1 (Site Characteristics in Subdivisions of Rural Land or Unzoned Land for Lots of 1ha or Greater) sub-clauses 2 to 6;
    - b) Clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land);
    - c) Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land sub-clauses 2(b), 2(d) and 2(f); and
    - d) Clause 11.4.7 (Subdivision of Unzoned Land for Lots less than 1ha).
  - ii. Changing the heading of Clause 11.4 (Subdivision of Rural and Unzoned Land) to:

11.4 Subdivision of Rural Residential, Rural and Unzoned Land
  - iii. Changing the heading of Clause 11.4.1 (Site Characteristics in Subdivisions of Rural Land or Unzoned Land) to:

11.4.1 Site Characteristics in Subdivisions of Rural Land or Unzoned Land for Lots of 1ha or Greater.

- iv. Inserting new clause 11.4.5 (Subdivision of Land Zoned RR) sub-clause (6) that states:

The unconstrained nature of the land is demonstrated by a land suitability assessment addressing the NT Land Suitability Guidelines, prepared by a suitably qualified professional.

- v. Inserting new clause 11.4.7 (Subdivision of Unzoned Land for Lots less than 1ha)

1. The purpose of this clause is to ensure the subdivision of lots less than 1ha in area:
  - a) respond to the physical characteristics of the land;
  - b) are integrated with local infrastructure, community services and facilities; and
  - c) are of a size and configuration suited for the intended purpose.
2. Subdivision design must:
  - a) minimise alteration or disturbance to natural drainage systems including drainage areas, recognisable watercourses, lagoons and permanent and semi-permanent springs, and incorporate them in public open space where relevant;
  - b) minimise erosion hazard, sedimentation and pollution of watercourses;
  - c) retain and protect significant natural and cultural features including any distinctive landform features or stands of natural vegetation, by incorporating them in public open space where relevant;
  - d) minimise the number of lots in, or exclude from subdivision, areas of high conservation significance and riparian zones;
  - e) comply with clause 11.4.1 (Site Characteristics in Subdivisions of Rural Land or Unzoned Land for Lots of 1ha or Greater) sub-clauses 7 to 8; and
  - f) ensure adequate drainage is provided within the road reserve or via engineered drainage reserves.
3. If the area is serviced with reticulated sewerage and water the subdivision design must comply with clauses 11.2.1 to 11.2.3.



4. Where reticulated water and sewerage is not available the subdivision design must:
  - a) comply with clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land) with the exception of subclause 2(b);
  - b) demonstrate that the soils are suitable for the on-site absorption of effluent without detriment to the environment and in particular, to ground and surface waters; and
  - c) demonstrate onsite sewerage can be managed and contained within the boundary of the lot.
2. Copies of the amendment (Amendment No. 397) are available from the Offices of the Department of Lands, Planning and the Environment, Ground Floor, Arnhemica House, 16 Parap Road, Parap.

Dated

24/8/

2015

A handwritten signature in blue ink, appearing to read 'Hamish Ball', with a large loop at the start and a long horizontal stroke at the end.

Minister for Lands and Planning

**NORTHERN TERRITORY OF AUSTRALIA**

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

**Reasons for Decision**

**NORTHERN TERRITORY PLANNING SCHEME**  
**AMENDMENT No. 397**

Amendment 397 constitutes a minor amendment to clause 1.3 (Exceptions).

I have decided to approve this amendment without public exhibition as it introduces clauses that are not so significant as they do not change the original intent of existing clauses relating to the subdivision of land.

The amendment, permitting the development of lots less than 1ha in unzoned areas, exempting lots less than 1ha on rural or unzoned land for essential community infrastructure, and clarifying that a land suitability assessment is required when submitting a subdivision application in Zone RR (Rural Residential) will:

- be particularly beneficial to remote communities as it will permit subdivision of unzoned land for residential purposes and remove the need for cost prohibitive land suitability assessments;
- ensure subdivision of rural or unzoned land for essential community infrastructure such as water supply, power, gas and telecommunications can effortlessly occur throughout the Northern Territory; and
- ensure criteria is available to assess whether land is suited for subdivision on land within Zone RR as was intended when the Land Suitability Assessment requirement was introduced into the NT Planning Scheme on 18 December 2013.



DAVID WILLIAM TOLLNER  
Minister for Lands and Planning

24/ 8 / 2015