

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999

AMENDMENT TO NT PLANNING SCHEME 2020

I, EVA DINA LAWLER, 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 25th September 2020.



Minister for Infrastructure, Planning and Logistics

SCHEDULE

AMENDMENT TO NT PLANNING SCHEME 2020

Amendment No. 1

1. Citation

This amendment to the NT Planning Scheme 2020 may be cited as Amendment No. 1.

2. Clause 1.11 Exceptions replaced

Omit, insert

1. This Planning Scheme does not prevent the use or development of unzoned land unless:

- (a) for subdivision or consolidation;
- (b) an Overlay specifically requires **consent**; or

(c) an Interim Development Control Order specifically requires **consent**.

2. Despite subclause 1 this Planning Scheme does not prevent the use or development of land in accordance with Schedule 3 (Exceptions).

(Note: Clause 15 of this Amendment deals with related amendments to Schedule 3)

3. Clause 3.2 CNV – Clearing of Native Vegetation amended

1. Clause 3.2.3

Omit, insert

3. The consent authority may **consent** to the **clearing of native vegetation** that is not in accordance with sub-clause 5 only if it is satisfied that it is consistent with the purpose of this requirement and is appropriate in the context of the **site** and the locality having regard to such matters as:

- (a) the suitability of the site for the proposed use;
- (b) the values associated with the environmental characteristics (as applicable);
- (c) the significance, extent and likelihood of any potential environmental impacts; and
- (d) the measures the application proposes will be implemented to mitigate any potential impacts.

2. Clause 3.2.4(a)

Omit, Insert

(a) a firebreak as specified by the *Bushfires Management Act 2016* or the *Fire and Emergency Act 1996*, up to 5 m wide along a boundary of a lot having an area of 8 ha or less, up to 10 m wide on a lot having an area greater than 8 ha unless otherwise specified by a Regional Fire Control Committee;

4. Clause 4.5 (Zone HR – High Density Residential)

In the Specific Development Requirements column in the Assessment Table, against **Leisure and Recreation**

Omit

5.5.5

Insert

5.8.5

5. Amendment to clause 4.13 (Zone TC – Tourist Commercial)

In the Specific Development Requirements column in the Assessment Table, against “**Food Premises - Restaurant**” and “**Office**”

Omit

5.5.5

Insert

5.5.4

6. Amendment of clause 5.2.4.1 Parking Requirements

In the Column 2 in the Table to Clause 5.2.4.1, against **Hotel/Motel** after suite

Insert

or bedroom

7. Amendment of clause 5.2.4.4 Parking Layout

1. At sub-clause 3(c)

Omit

access

Insert

access

2. At sub-clause 3(j)

Omit

with

8. Amendment of clause 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures

1. At sub-clause 4

Omit

a shed

Insert

sheds

2. **Editor's Note**

Insert

(5) Setbacks relate to lot boundaries and not unit title boundaries.

9. Amendment of clause 5.4.3.3 Reduced Setbacks for Dwellings- Single

At sub-clause 4

Omit

with a zero side ***building setback***

10. Amendment of clause 5.4.10 Home Based Businesses

1. At sub-clause (5)e(v)

Omit

5.2.4.3

Insert

5.2.4.4

2. at **Editor's Notes**

Omit

(2) Office administration functions and activities that do not involve visits by customers or clients, deliveries or noise related activities may occur outside of specific hours of operation.

(3) A 'vehicle' is as defined by the Motor Vehicle Registry

Insert

(2) A 'vehicle' is as defined by the Motor Vehicle Registry

11. Amendment to clause 5.6.2

At sub-clause 4(a) after **site area**

Insert

whichever is greater

12. Amendment to clause 6.3.2 Lot Size and Configuration for Subdivision in Zones RL, R and H and Unzoned Land

After subclause 2

Insert

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.

13. Amendment to clause 6.3.6 Lots less than 8ha for Urban and Community Uses on Unzoned Land

1. At 6.3.6 Lots less than 8ha for Urban and Community Uses on Unzoned Land

Omit

for Urban and Community Uses

2. at Purpose

Omit, Insert

Purpose

Provide for lots less than 8ha on unzoned land where required for:

- (a) appropriately serviced urban and community uses, especially in a township or remote community; or
- (b) the provision of essential infrastructure;
and that
- (c) are of a size and configuration suitable for the intended use; and
- (d) respond to the capability and constraints of the land; and
- (e) are commensurate with the capacity of available infrastructure and services.

3. at subclause 1, following 3-8

Insert

and 10(a)

4. subclause 2

Omit, Insert

- 2. Unless the subdivision is for the provision of essential infrastructure in accordance with the purpose of this clause, the consent authority must not **consent** to a subdivision that is not in accordance with sub-clauses 9 or 10 (b) or (c).

14. Amendment to Schedule 2: Definitions

- 1. Clause 2.1 Defined Uses **agriculture, animal boarding, child care centre, horticulture, medical clinic, motor body works, motor repair station, plant nursery, recycling depot, residential care facility, sex services – commercial premises, shop, showroom sales, stables, transport terminal, veterinary clinic and warehouse**

Insert

This use may include where **ancillary** an **office**.

2. Clause 2.1 **community centre**

Omit

include the **ancillary** preparation and provision of food and drink

Insert

include where **ancillary** an **office** or the preparation and provision of food and drink

3. Clause 2.1 **industry-primary**

Delete

(previously rural industry)

4. Clause 2.1 **leisure and recreation** after **café / takeaway**

Insert

Office

5. Clause 2.1 **vehicles sales and hire** after **café / takeaway**

Omit

may include **ancillary** repair or servicing activities and sale or fitting of accessories

Insert

may include where **ancillary** an **office** or repair or servicing activities and sale or fitting of accessories

6. Clause 2.1 Defined Uses **educational establishment, exhibition centre, leisure and recreation, place of assembly, service station** and **shop**, before **café / takeaway**

Insert

food premises -

7. Clause 2.1 Defined Uses **bar-public, bar-small, hotel / motel, leisure and recreation**, and **shop**, before **restaurant**

Insert

food premises -

8. Clause 2.1 Defined Uses **caravan park**

Delete

restaurant

Insert

Food premises – restaurant

9. Clause 2.2 General Definitions ***common building boundary***

Delete

(remainder of the existing definition deleted)

10. Clause 2.2 General Definitions ***net floor area*** at (c)

Delete

(remainder of the line deleted)

15. Amendment to Schedule 3: Exceptions

1. Clause 2

Omit

2. Clause 3

Delete

Unless specified,

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999
Section 29

Reasons for Decision

NORTHERN TERRITORY PLANNING SCHEME 2020
AMENDMENT No. 1

I have made administrative amendments to the NT Planning Scheme 2020 to address minor drafting errors which have become apparent during assessment of initial applications against the scheme.

The amendment demonstrates the following merits and is considered to be in the public interest as it:

- provides clarity around development exempt from control under the Planning Scheme;
- addresses unintended constraints on the ability of the consent authority to consider the significance of areas of environmental significance when determining an application for the clearing of native vegetation;
- addresses unintended consequences of the transition of the controls of subdivision to the format and structure of the scheme; and
- corrects a range of minor drafting errors.

I have made the amendment without exhibition as the changes are administrative in nature and seek only to clarify the transition of previous development requirements to the new NT Planning Scheme 2020.



EVA DINA LAWLER
Minister for Infrastructure, Planning and Logistics

25/ 9 / 2020