

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999

AMENDMENT TO NT PLANNING SCHEME 2020

PA2023/0077

I, JOSHUA ROLAND BURGOYNE, Minister for Lands, Planning and Environment, under sections 25(3)(b) of the *Planning Act 1999*, amend the NT Planning Scheme 2020 by making the amendment, specified in the Schedule.



Dated 1 - 2 - 2026.

Minister for Lands, Planning and Environment

SCHEDULE

AMENDMENT TO NT PLANNING SCHEME 2020

1. Amendments to Purpose of Clause 5.2.6.1 Landscaping in Zones other than Zone CB

Omit

Ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall amenity of the locality.

Insert

Encourage landscaping that enhances local **amenity** by:

- (a) contributing to safe and attractive public spaces and places;
- (b) responding to the local climate and soil characteristics;
- (c) supporting cooler internal and outdoor areas; and
- (d) recognising the value of retaining existing plants and trees.

2. Amendments to Administration subclause 1 of Clause 5.2.6.1 Landscaping in Zones other than Zone CB

Omit

Landscaping may include provision of paved areas and areas for entertainment and recreational activities.

Insert

Landscaping may include, where subordinate to areas for the planting and growing of plants, impervious or unplanted areas for,

- (a) pedestrian access,
- (b) outdoor recreation, or
- (c) natural or ornamental features and the like.

3. Amendments to include Editor's note to Clause 5.2.6.2 Landscaping in Zones other than Zone CB

Insert

Editor's notes: Refer to [Species Guide for Landscaping in the Northern Territory Planning Scheme](#) for assistance with addressing the requirements of Clause 5.2.6.1.

4. Amendments to Requirements subclause 3 of Clause 5.2.6.2 Landscaping in Zone CB

Omit

Development in Zone CB is to provide areas of landscape planting equivalent to 10% of the site area.

Insert

Development in Zone CB is to provide **landscaping** equivalent to 10% of the site area, excluding any impervious or unplanted areas.

5. Amendments to Editor's notes in Clause 5.2.6.2 Landscaping in Zone CB

Omit

Editor's Notes:

- 1) Any vertical landscaping provided to meet subclause 3 may also contribute to a reduction of car parking under clause 5.9.2.12
- 2) Refer to [Design Guidance: Landscaping in Zone CB](#) for guidance on interpreting requirement 3.

Insert

Editor's Notes:

- 1) Refer to *Species Guide for Landscaping in the Northern Territory Planning Scheme* for assistance with addressing the requirements of subclause 3 of Clause 5.2.6.2.
- 2) Any vertical landscaping within Darwin City Centre provided to meet subclause 3 of Clause 5.2.6.2 may also contribute to a reduction of car parking under clause 5.9.2.12
- 3) Refer to *Design Guidance: Landscaping in Zone CB* for guidance on interpreting subclause 3 of Clause 5.2.6.2.

6. Amendments to Administration Section of Clause 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR, or HR

Omit

The consent authority must not consent to a development that is not in accordance with sub-clause 3, except where:

- (a) the development is covered by an area plan listed in Part 2 (Major Remote Towns) of the Planning Scheme, in which case the consent authority may consent to a development that is not in accordance with sub-clause 3 if the service authority responsible for distribution of electricity, water and sewerage services points to compliance being impractical or prohibited; or
- (b) the development is for the purpose of a child care centre.

Insert

The consent authority may consent to a development that is not in accordance with sub-clause 3 and/or 4, if:

- (a) the development is covered by an area plan listed as a Major Remote Town in Part 2 of the Planning Scheme, if the service authority responsible for distribution of electricity, water and sewerage services provides advice that compliance would be impractical or prohibited; or
- (b) the development is for the establishment of, or change in, use of an existing lawfully established building that has an existing encroachment into the setback required by this clause; or
- (c) the consent authority is satisfied that the development provides adequate setbacks and **landscaping** consistent with the purpose of this clause.

7. Amendments to Requirement 3 of Clause 5.4.6.1 Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group

Omit

Where the private open space for a dwelling-group is at ground level, it should be:

- (a) screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or
- (b) fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting.

Insert

Where the private open space for a dwelling-group is at ground level, it should be:

- (a) screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or
- (b) fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier at maturity.

8. Amendments to Requirement 5 of Clause 5.4.6.2 Private Open Space for Dwelling-multiple

Omit

Where the private open space is at ground level and not adjacent to communal open space, it should be:

- (c) fenced to a maximum height of 1.8m and providing a visual barrier to adjoining dwellings; or
- (d) Planted with dense vegetation which will provide a visual barrier to 1.8m to adjoining to adjoining dwellings within two years of planting.

Insert

Where the private open space is at ground level and not adjacent to communal open space, it should be:

- (e) fenced to a maximum height of 1.8m and providing a visual barrier to adjoining dwellings; or
- (f) Planted with dense vegetation which will provide a visual barrier to 1.8m to adjoining dwellings at maturity.

9. Amendments to Clause 2.2 General Definitions of Schedule 2: Definitions

Insert

Landscaping means the planting and growing of plants, including but not limited to grasses, shrubs and trees.

10. Formatting

Bold and italicise the word ***landscaping*** throughout the NTPS.

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999
Section 29

REASONS FOR DECISION

NORTHERN TERRITORY PLANNING SCHEME 2020

PA2023/0077

I have decided to amend the NT Planning Scheme 2020 to update the landscaping provisions in Part 5 and include a general definition of landscaping in Schedule 2.

I am satisfied that, pursuant to section 25(2), the amendment:

- (a) promotes the purpose and objectives of the Act as it:
 - i. improves clarity and guidance for the provision of landscaping where required by the planning scheme;
 - ii. promotes the sustainable and responsible use and development of land and water resources by supporting landscaping that responds to local climate and soil characteristics; and
 - iii. has been exhibited in accordance with the requirements of the Act.
- (b) is consistent with the strategic framework, as it neither alters nor conflicts with any part thereof.
- (c) has merit and is in the public interest as it enhances outcomes and removes unnecessary and/or overly burdensome requirements when providing landscaping.

I am satisfied that the alterations made after the exhibition are not so significant as to warrant re-exhibition as they do not alter the intent of the amendment.



JOSHUA ROLAND BURGOYNE
Minister for Lands, Planning and Environment