

NORTHERN TERRITORY OF AUSTRALIA

Planning Act


AMENDMENT TO NT PLANNING SCHEME

I, DAVID WILLIAM TOLLNER, 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

1/12/

2015.



Minister for Lands and Planning

SCHEDULE

AMENDMENT TO NT PLANNING SCHEME

AMENDMENT No. 424

1. Citation

This amendment to the NT Planning Scheme may be cited as Amendment No. 424.

2. Amendment of clause 2.5

omit

sub-clauses 2, 3, 4 and 5.

substitute:

2. Parts 4 and 5 set out the standards that apply to the development of land, subject to sub-clauses 3, 4 and 5.
3. The consent authority may **consent** to the development of land that does not meet the standard set out in Parts 4 or 5 in circumstances set out in a provision of Parts 4 or 5.
4. The consent authority may **consent** to the development of land that does not meet the standard set out in Parts 4 or 5 if it is satisfied that special circumstances justify the giving of **consent**.

5. When consenting to a development of land, the consent authority may impose a condition requiring a higher standard of development than is set out in a provision of Parts 4 or 5 if it considers it necessary to do so.

3. Amendment of clause 7.1.1

omit

sub-clauses 1(b) and 2.

substitute:

- (b) consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations.
2. The maximum number of dwellings that may be constructed on a site is to be in accordance with tables A, B, C, D and E (as the case requires) to this clause.

introduce sub-clause 3.

3. The consent authority may **consent** to a development that is not in accordance with sub-clause 2 if it is satisfied that compliance with other aspects of this Planning Scheme indicates that the density of the development is appropriate having regard to the purpose of this clause as set out in sub-clause 1.

4. Amendment of clause 7.3.1

omit

sub-clauses 1, 2 and 5

substitute:

1. The purpose of this clause is to ensure that **residential buildings** respond to the potential adverse effects of building massing and visual bulk when viewed from adjoining land and the street.
2. For residential buildings, other than **single dwellings**, that are longer than 18m or taller than 4 **storeys**, there are setback requirements additional to those outlined in the tables to clause 7.3 as follows:
 - (a) for each additional 3m or part thereof in building length over 18m an additional **building setback** to the affected boundary of 0.5m; and
 - (b) for each additional **storey** over four **storeys** above ground level, an additional building setback to that **storey** of 1.5m from all boundaries.

5. The consent authority may **consent** to a development that is not in accordance with sub-clause 2 if it is satisfied that the design of the development adequately mitigates the adverse effects of building massing and visual bulk that may arise from non-conformity with sub-clause 2.

5. Amendment of clause 7.4

omit

sub-clauses 2, 3 and 4.

substitute:

2. This clause applies to land in Zone MR that abuts land in Zone SD.
3. **Multiple dwellings and supporting accommodation** are to provide:
 - (a) a solid screen fence of a minimum height of 1.8m at the boundary with land in Zone SD; and
 - (b) a **building setback** of not less than 3m to the boundary that abuts land in Zone SD, which is to be landscaped and is to provide a visual screen to the adjacent land in Zone SD.
4. A consent authority must not consent to development that is not in accordance with sub-clause 3(b).

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

**NOTICE OF MAKING OF AMENDMENT TO NT PLANNING SCHEME
AMENDMENT No. 424**

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

- (a) I have, under section 12(2) of the *Planning Act*, amended the NT Planning Scheme by:
- i. Revising Clause 2.5 (Exercise of Discretion by the Consent Authority) to provide the consent authority with the ability to consent to a development or land use that satisfies the criteria outlined in the associated clause.
 - ii. Revising Clause 7.1.1 (Residential Density Limitations) to provide guidance on what is meant by land capability and give the consent authority direction as to when consent can be granted.
 - iii. Revising Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) to allow for design responses and to give the consent authority direction as to when consent can be granted.
 - iv. Revising Clause 7.4 (Building Setbacks and Fencing of Multiple Dwellings and Supporting Accommodation in Zone MR) to have the controls listed in this clause only apply when a site in Zone MR (Medium Density Residential) directly abuts a site in Zone SD (Single Dwelling Residential) and to both strengthen the controls and provide greater clarity by making them mandatory when subject to this clause.
- (b) Copies of the amendment, (Amendment No. 424), are available from the Offices of the Department of Lands, Planning and the Environment, Ground Floor, 16 Parap Road, Parap.

Dated

1/12/2015


Minister for Lands and Planning

NORTHERN TERRITORY OF AUSTRALIA

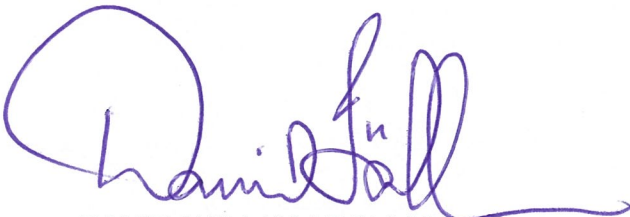
Planning Act
Section 29

Reasons for Decision

NORTHERN TERRITORY PLANNING SCHEME
AMENDMENT No. 424

I have approved an amendment to the NT Planning Scheme as detailed below.

- (a) It was considered necessary to provide for alternative solutions to the test that is currently in Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Planning Scheme for developments or land uses that do not meet the standards set out in Parts 4 and 5.
- (b) The revisions to Clause 7.1.1 (Residential Density Limitations) and Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) are necessary to afford the consent authority the discretion to vary the prescriptive requirements of these clauses when a design method is shown to successfully reflect the purpose statement given for each clause.
- (c) Clause 7.4 (Building Setbacks and Fencing of Multiple Dwellings and Supporting Accommodation in Zone MR) has been modified to simplify interpretation and to focus implementation to sites most impacted.



DAVID WILLIAM TOLLNER
Minister for Lands and Planning

1 / 12 / 2015