NORTHERN TERRITORY OF AUSTRALIA

Planning Act

AMENDMENT TO NT PLANNING SCHEME

I, EVA DINA LAWLER, Minister for Infrastructure, Planning and Logistics, under sections 25(2)(c) of the Planning Act, amend the NT Planning Scheme by making the amendment, specified in the Schedule.

Dated 5th February 2019.

Minister for Infrastructure, Planning and Logistics

SCHEDULE

AMENDMENT TO NT PLANNING SCHEME

AMENDMENT No. 494

1. Citation

This amendment to the NT Planning Scheme may be cited as Amendment No. 494.

2. Amend Clause 2.9 – Ancillary Use and Development

   Insert at beginning of subclause 1

   Unless expressly provided by this Planning Scheme,
3. Amend Clause 3.0 – Definitions

After

“habitable room” means any room of a dwelling other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room or other space of a specialised nature occupied neither frequently nor for extended periods;

Insert

“helicopter landing site” means a place that may be used for the purposes of landing or taking-off of helicopters, other than as a commercial enterprise and does not include a helicopter engaged in the provision of emergency service operations, transport terminal, or passenger terminal.

4. Amend Clause 5 – Zone Purpose and Tables

In the table to clauses 5.1 - SD (Single Dwelling Residential), 5.2 - MD (Multiple Dwelling Residential), 5.3 - MR (Medium Density Residential), 5.4 - HR (High Density Residential), 5.5 - CV (Caravan Parks), 5.6 - CL Community Living, 5.7 - CB (Central Business), 5.8 - C (Commercial), 5.9 - SC (Service Commercial), 5.10 - TC (Tourist Commercial), 5.11 - LI (Light Industry), 5.12 - GI (General Industry), 5.13 - DV (Development), 5.14 - PS (Public Open Space), 5.15 - OR (Organised Recreation), 5.18 - RR (Rural Residential), 5.21 - CP (Community Purpose), 5.22 - CN (Conservation), 5.23 - HT (Heritage), 5.24 - RD (Restricted Development), 5.25 - Water Management (WM), and 5.27 - T (Township)

after

group home

insert

“Helicopter Landing Site” X

and

In the table to clauses 5.19 - RL (Rural Living), 5.20 – R (Rural) and 5.26 – FD (Future Development)

after

group home

insert

“Helicopter Landing Site” D 7.10.10

and
In the table to clauses 5.16 - H (Horticulture), 5.17 – A (Agriculture)

after

**group home**

*insert*

"**Helicopter Landing Site**" P 7.10.10

5. **Introduce new Clause 7.10.10 – Helicopter Landing Sites**

*After*

Clause 7.10.9 Medical Consulting Rooms

*insert*

new clause 7.10.10 Helicopter Landing Site
1. The purpose of this clause is to ensure that a **helicopter landing site** (HLS) is established and operated in a manner that does not detrimentally impact on the amenity of adjoining and nearby property and remains ancillary to the single dwelling on a site.

2. A HLS requires **consent** where proposed as an ancillary use or development when the primary use or development of the land is permitted without consent.

3. A HLS may be developed on the site of a dwelling where:
   
   (a) the use of the HLS is by a resident of the dwelling;
   
   (b) the HLS is located on the site in accordance with the recommendations of the acoustic report required at sub-clause 4;
   
   (c) the HLS is more than 500 metres from a building used for a school, child care centre or hospital;
   
   (d) use of the HLS is limited to helicopters of less than 2 tonnes total weight;
   
   (e) helicopter operations do not take place before 7am or after sunset on a weekday and helicopter operations do not take place before 8am or after sunset on a weekend;
   
   (f) the HLS is sealed and maintained, or is a watered grass area so that dust generated by the operation is appropriately managed to prevent its escape beyond the perimeter of the property;
   
   (g) the property boundaries within 60 metres of the centre point of the HLS are landscaped to minimise the visual impacts on the existing and future amenity of adjacent areas;
   
   (h) not more than one helicopter is kept on the site; and
   
   (i) appropriate facilities are provided for the storage and handling of fuel, including:
   
   i. locating fuel storage units on hard stand, sealed areas; and
   
   ii. providing appropriate firefighting equipment and spill management kits within close proximity of the storage area.

4. An application to the consent authority for a HLS must include an acoustic report that assesses and addresses impacts on:
(a) the residential amenity of nearby property, including areas set aside for the keeping of domestic livestock; and / or

(b) areas of environmental or cultural sensitivity (including bird nesting areas); and / or

(c) facilities such as nursing homes, hospitals, child care centres or schools.

5. The acoustic report required at sub-clause 4 is to identify:

(a) the separation distances required between the HLS and any adjoining residential use, areas set aside for keeping domestic livestock, environmentally sensitive areas or culturally sensitive areas; and

(b) the most appropriate location for the HLS on the site, ensuring that it is sited to achieve the least impact on any existing, or any reasonably anticipated:

i. adjoining residential use; and/ or

ii. area of environmental or cultural sensitivity; and/ or

iii. areas set aside for keeping domestic livestock.

6. In addition to the requirements of sub-clause 5(a), development of a HLS within Zone RL (Rural Living) is to provide a minimum separation distance of 100 metres from the centre point of the proposed HLS to any site boundary.
NORTHERN TERRITORY OF AUSTRALIA

Planning Act
Section 29

Reasons for Decision

NORTHERN TERRITORY PLANNING SCHEME
AMENDMENT No. 494

I have approved a Planning Scheme Amendment that introduces controls for the establishment of helicopter landing sites for private use.

In June 2017, the NT Supreme Court highlighted that the NT Planning Scheme does not have provisions that regulate the private use of helicopters by residents of a dwelling on a site. This decision also determined that the operation of a private helicopter for the resident of a dwelling is akin to the common use of a car, and therefore does not require consent (Farris vs Development Consent Authority [2017] NTSC 44).

It is commonly understood that helicopters have noise and dust impacts nearby to where a take-off or departure procedure is occurring. Therefore, the new controls are necessary to ensure that a helicopter landing site for private use does not unreasonably intrude on residential amenity.

These controls prohibit helicopter landing sites as the primary use of the land in all zones, except for in Zone RL (Rural Living), Zone R (Rural), Zone FD (Future Development), Zone H (Horticulture) and Zone A (Agriculture), where the landing site will now need to comply with new rules contained in NT Planning Scheme.

Without these controls, the NT Planning Scheme is failing to regulate the amenity impacts of a helicopter landing site.

The approved amendment has been altered post exhibition. I chose to approve an altered proposal in response to feedback received from submitters.

I have chosen not to re-exhibit the altered proposal because the changes:

• represent a clarification of the intention of the original proposal; and

• have result in more stringent provisions around future control of development rather than a significant alteration to the substance of the proposal.

EVA DINA LAWLER
Minister for Infrastructure, Planning and Logistics

5/2/2019