

PART 5

10.0 SUBDIVISION

10.1 SUBDIVISION GENERAL

10.1.1 Minimum Lot Sizes and Requirements

1. The purpose of this clause is to ensure that lots in Zones RJ, IJ, and FDJ will be of a size capable of accommodating potential future uses.
2. Land to which this clause applies should be subdivided in accordance with the minimum lot size and requirements specified in the table to this clause.
3. The consent authority must not **consent** to a subdivision in Zone RJ that reduces a lot size by an area greater than 5% of the minimum specified in the table to this clause.

TABLE TO CLAUSE 10.1.1

| Zone | Minimum Lot Size and Requirements |
|------|-----------------------------------|
| RJ | 300m ² |
| IJ | 1225m ² |
| FDJ | 50ha |

Clause 10.1.2 allows for provision of small lots on for Zone RJ in greenfield areas.

Clause 10.2 refers to residential subdivision requirements.

Clause 10.3 refers to industrial subdivision requirements.

Clause 10.1.3 allows the subdivision of land in Zone FDJ

10.1.2 Lots intended for Zone RJ in Greenfield areas

1. The purpose of this clause is to provide for a range of lot sizes no less than 450m² for **single dwellings** intended for Zone RJ in greenfield areas.
2. Lots created by subdivision in accordance with this clause must be within greenfield areas identified for compact urban growth by a map, plan, design or diagram and associated principles forming part of the Town Plan.
3. Lots created by subdivision in accordance with this clause shall have an area of no less than 450m².
4. Lots created by subdivision in accordance with this clause must have a minimum average lot size of 600m².

NT building legislation may require compliance under the Building Code of Australia for enclosed structures located on boundary properties to be fire rated.

Clause 7.2 relates to the setbacks applicable to **residential buildings** in some zones.

Clause 6.3.4 refers to on-site parking and vehicular access for lots less than 600m².

Clause 7.2.3 allows a reduced setback for single dwellings on lots less than 600m².

10.1.3 Subdivision of Land Zoned FDJ

1. The purpose of this clause is to provide for the subdivision of land in Zone FDJ in a manner that will not prejudice the intended ultimate subdivision and future use or development of the land.
2. Land in Zone FDJ may be subdivided for urban (typically residential or mixed use) development once services are, or can be, made available to that land.
3. Despite anything to the contrary in this Town Plan, the consent authority may permit subdivision into lots of a size and configuration consistent with the intended ultimate zoning of the land.

Clause 6.8 refers to the development of land Zoned FDJ.

Clause 10.1.1 refers to minimum lot sizes in various zones.

Clause 10.1.2 refers to subdivision in Zone RJ for in greenfield areas.

Clause 10.2 refers to residential subdivision.

10.1.4 Subdivision for the Purposes of a Unit Title Scheme

1. The purpose of this clause is to ensure that:
 - (a) the new ownership arrangements resulting from a subdivision to create a unit title scheme allow each element of the development to continue to be available to the occupants of the development and where appropriate to visitors;
 - (b) older developments are upgraded; and
 - (c) development will not have a detrimental environmental effect on the land or result in a loss of **amenity** within the locality.
2. Subject to sub-clauses 3, 4, 5 and 8 a subdivision to create a unit title scheme should meet the requirements of Part 4 of the Town Plan and in particular:
 - (a) all **car parking** provided as a requirement of a development must be available at all times for the use of the occupants of the development and their visitors or clients and be included:
 - i. in common property; or
 - ii. as part of the area under the title for the individual units;
 - (b) any loading bays provided for:
 - i. common use must be in common property; and
 - ii. the sole use of an individual unit must be in the entitlement of that unit;
 - (c) any areas set aside for the communal storage and collection of garbage and other solid waste must be included in common property;
 - (d) any private open space associated with a **dwelling** must be included in the unit entitlement of that **dwelling**; and
 - (e) any communal facilities and amenities or open space provided for **hostels, multiple dwellings** and **supporting accommodation** must be included in common property.

The *Land Title Act 2000* (NT) describes a "lot" as a separate, distinct parcel of land that may be a unit or common property. For the avoidance of confusion, the NT Surveyor General uses the term "unit" for a parcel of land or building unit or common property created under the *Unit Title Schemes Act 2009* (NT) and described on a UTS plan and "lot" for a parcel of land created under the *Land Title Act 2000* (NT) and described on an LTO plan as a "lot".

In a unit title scheme, common property will be identified as a separate unit.

3. A lawfully established use or development on a lot may be subdivided to create a unit title scheme only if the use or development has been upgraded to meet the performance criteria within Part 4 of the Town Plan that apply to the use or development of the land.

If it is not possible to meet the criteria the consent authority must be satisfied that the proposed upgrading is the only practicable design solution.

4. The consent authority must not **consent** to a subdivision that results in a separate unit title for:

- (a) an **independent unit**; or
- (b) a business associated with a **home occupation, home based contracting or medical consulting rooms**.

5. If there is a requirement for a firebreak along the perimeter boundary of the unit title scheme, the consent authority must not **consent** to a subdivision unless the firebreak is within common property.

6. If there is a requirement for common infrastructure including internal roads, water supply, effluent disposal, waste disposal or power generation, the consent authority must not consent to a subdivision unless that infrastructure is within common property or vested in the relevant service authority.

7. Where a subdivision to create a unit title scheme proposes that the land will be vacant at the time titles issue, the land area of individual units should be consistent with clauses 10.1.1 Minimum Lot Sizes and Requirements and 10.1.2 Integrated Residential Development.

For the purpose of sub-clause 7, "land area" does not include:

- (a) common property;
- (b) land that will be permanently inundated; or
- (c) a marina berth.

If the *Bushfires Management Act 2016* (NT) applies to the land that Act may require provision of a firebreak along the property boundary.

10.2 RESIDENTIAL SUBDIVISION

10.2.1 Site Characteristics in Residential Subdivision

1. The purpose of this clause is to ensure residential subdivisions respond to the physical characteristics of the land.
2. Residential subdivision design should:
 - (a) avoid the development of land of excessive slope, unstable or otherwise unsuitable soils (e.g. seasonally waterlogged) and natural drainage lines;
 - (b) ensure, by site selection or site grading, that areas intended for lots less than 600m² do not slope in excess of 2%, such that the need for on-site stormwater structures, retaining walls and the like is minimised;
 - (c) retain and protect significant natural and cultural features;
 - (d) avoid development of land affected by a 1% AEP flood or storm surge event; and
 - (e) retain and protect natural drainage lines and any distinctive landform features or stands of natural vegetation and incorporate them in public open space.

Clause 6.3.4 refers to on-site parking and vehicular access for lots less than 600m².

10.2.2 Infrastructure and Community Facilities in Residential Subdivisions

1. The purpose of this clause is to ensure that residential subdivisions are integrated with infrastructure, community services and facilities.
2. Residential subdivision design should:
 - (a) provide a high level of internal accessibility and external connections for pedestrian, cycle and vehicle movements;
 - (b) provide links to schools and commercial facilities;
 - (c) provide traffic management to restrain vehicle speed, deter through traffic and create safe conditions for all road users;
 - (d) provide for connection to reticulated services;
 - (e) provide a minimum of 10% of the subdivision area as public open space which:
 - i. ensures the majority of **dwellings** are within 400m walking distance of a neighbourhood park;
 - ii. incorporates recreational open space in larger units available for active leisure pursuits;
 - iii. is unencumbered by drains and has sufficient flat area for informal recreation; and
 - iv. is designed to provide a safe environment for users by allowing clear views of the open space from surrounding **dwellings** or passing vehicles.

10.2.3 Lot Size and Configuration in Residential Subdivisions

1. The purpose of this clause is to ensure residential subdivisions contain lots of a size, configuration and orientation suitable for residential purposes.
2. Residential subdivision design should provide that:
 - (a) lots have sufficient area and appropriate dimensions to provide for the proposed density of developments including **dwelling**s, vehicle access, parking and ancillary buildings;
 - (b) lots conform with the building envelope requirements in the table to this clause;
 - (c) there are no battle-axe lots;
 - (d) lots are oriented to allow **dwelling**s to take advantage of environmental conditions such as prevailing breezes and sunlight;
 - (e) lots are connected to reticulated services;
 - (f) potential land use conflicts are minimised by taking account of the visual and acoustic privacy of residents; and
 - (g) where there are lots for medium and higher density residential development, those lots are:
 - i. distributed in small groups serviced by public transport;
 - ii. in close proximity to public open space and with adequate access to community facilities and services; and
 - iii. not located in a cul-de-sac.

| TABLE TO CLAUSE 10.2.3 | |
|--|---|
| Lot Size | Minimum Building Envelope Requirement |
| 300m ² to less than 450m ² | 7m x 15m (exclusive of any boundary setbacks or service authority easements) |
| 450m ² to less than 600m ² | 18m x 15m (exclusive of any boundary setbacks or service authority easements) |
| 600m ² and greater | 17m x 17m (exclusive of any boundary setbacks or service authority easements) |

Clause 7.2.3 allows a reduced setback for single dwellings on lots less than 600m².

Clause 6.3.4 refers to on-site parking and vehicular access for lots less than 600m².

10.2.4 Lots less than 600m² for Single Dwellings

1. The purpose of this clause is to provide for the subdivision of land to accommodate **single dwellings** on lots of less than 600m² in a manner that has regard for vehicle access, on-site parking and street infrastructure.
2. An application to subdivide land to provide lots subject to this clause must include plans and diagrams to demonstrate that proposed lots, building envelopes, private open space, vehicle access, on-site parking and **habitable rooms** facing the street will be provided to meet performance criteria and respond to parking and infrastructure in the adjacent public road.
3. Lots subject to this clause shall not have a boundary to any public road less than specified in the table to this clause.
4. The consent authority must not consent to a subdivision that is not in accordance with subclause 3.

Clause 10.1.1 prescribes the minimum lot size in residential zones.

Clause 6.3.4 refers to vehicle access for **single dwellings** on lots less than 600m².

Clause 7.1 refers to density limitations.

Clause 7.2 refers to **residential building** setbacks.

Clause 7.2.3 allows reduced setbacks for **single dwellings** on lots less than 600m².

Clause 7.3 refers to private open space.

This clause does not apply to subdivision for the purpose of whole-of-town leases in accordance with clause 1.3 sub-clause 3.

| TABLE TO CLAUSE 10.2.4 | |
|--|---|
| Range of Lot Size | Minimum Length of any Boundary to a Public Road |
| 300m ² to less than 450m ² | 10m |
| 450m ² to less than 600m ² | 13m |

10.3 INDUSTRIAL SUBDIVISION

10.3.1 Site Characteristics in Industrial Subdivisions

1. The purpose of this clause is to ensure that industrial lots respond to the physical characteristics of the land.
2. Industrial subdivision design should:
 - (a) avoid the development of land of excessive slope, unstable or otherwise unsuitable soils (e.g. seasonally waterlogged) and natural drainage lines;
 - (b) retain and protect significant natural and cultural features; and
 - (c) avoid development of land affected by a 1% AEP flood or storm surge event.

10.3.2 Infrastructure in Industrial Subdivisions

1. The purpose of this clause is to ensure industrial lots are integrated with required infrastructure.
2. Industrial subdivision design should:
 - (a) incorporate safe connection to the existing road network with particular consideration given to the needs of heavy vehicles;
 - (b) provide a simple layout with a clear hierarchy of roads, avoiding culs-de-sac, battle-axe lots and sharp curves and discouraging unrelated through traffic;
 - (c) minimise access from individual lots to major roads by using minor roads for such access;
 - (d) provide for road reserve and carriageway widths appropriate to the circumstances;
 - (e) provide for connection to reticulated services; and
 - (f) protect service infrastructure by providing/ preserving easements.

The subdivision of land may attract a monetary contribution toward the cost of infrastructure in accordance with a contributions plan under the *Planning Act 1999* (NT).

10.3.3 Lot Size and Configuration in Industrial Subdivisions

1. The purpose of this clause is to ensure lots are of an appropriate size and configuration.
2. Industrial subdivision should:
 - (a) provide for a variety of lot sizes to accommodate a range of activities; and
 - (b) ensure the utility of each lot in terms of:
 - i. building space and accessibility;
 - ii. compatibility with adjacent commercial and residential areas with appropriate buffers (for example roads, landscaping or parks);
 - iii. sufficient space to accommodate the industrial operations and buildings envisaged and make allowance for possible future expansion; and
 - iv. safe vehicle entry and exit.

Clause 10.1.1 refers to minimum industrial lot sizes.

Clause 6.7 refers to landscaping and plant related use and development.