

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 13(3)(b) of the *Planning Act 1999*, amend the NT Planning Scheme 2020 by making the amendment, specified in the Schedule.

Dated 7th October 2022.



Minister for Infrastructure, Planning and Logistics

SCHEDULE

AMENDMENT TO NT PLANNING SCHEME 2020

AMENDMENT No. 65

1. Citation

This amendment to the NT Planning Scheme 2020 may be cited as Amendment No. 65

2. Definition

In this amendment –

"amending map" means the map, signed by the Minister for Infrastructure, Planning and Logistics and marked "NT Planning Scheme 2020 Amendment No. 65", deposited in the office of the Department of Infrastructure, Planning and Logistics, Darwin;

"zoning map" means the zoning map within the meaning of the NT Planning Scheme 2020.

3. Amendment of Zoning Map

The NT Planning Scheme 2020 is amended by amending the zoning map relating to Darwin to the extent of its inconsistency with the amending map in respect of the area of land shown on the amending map bounded by a thick black line and lettered LR, LMR, RR, PS and SD2, which is part Lot 9370 Town of Nightcliff.

4. Amendment to Schedule 4: Specific Use Zones

4.1.3 Specific Uses – Darwin

4.1.3.2 SD2 Part Lot 9370 Town of Nightcliff

Purpose

To allow limited commercial development that supports the needs of the immediate residential community and respects the residential scale and amenity of the locality.

Administration

1. This specific use zone applies to part Lot 9370 Town of Nightcliff.
2. The use and development of land subject to this specific use zone is to be in accordance with the table to this zone.
3. General and specific development requirements for **childcare centre**, **food premises-café/takeaway**, **food premises-restaurant**, and **office** are to be applied as if the land were in Zone C (Commercial).
4. The consent authority may **consent** to a development not in accordance with sub-clause 12 if satisfied that the development does not impact the safety of the surrounding local road network.
5. The consent authority may **consent** to a development not in accordance with subclause 13 if satisfied that the scale of the development does not compromise the potential to provide a range of commercial uses within the zone.

Zone Outcomes

6. Building design, site layout and landscaping provide a sympathetic interface to the surrounding residential development.

7. Development is to:
 - (a) support the needs of the immediate residential community;
 - (b) be of a scale and intensity compatible with the residential character and amenity of the area;
 - (c) avoid adverse impacts on the surrounding road network; and
 - (d) be managed to minimise unreasonable impacts on the amenity of surrounding residents.
8. Innovative building design, site layout and landscaping that:
 - (a) responds to microclimates, including breeze flow;
 - (b) minimises privacy and overlooking impacts;
 - (c) reduces the appearance of building mass relative to its surroundings; and
 - (d) creates attractive outdoor spaces and enhances the streetscape.
9. Development that is designed to provide clear connections within the development and to external pedestrian, bicycle, public and road transport networks and infrastructure to promote accessibility and use.
10. Development which incorporates appropriate urban and landscape design that creates attractive and functional buildings, streets and places.
11. Development is operated in a manner to ensure that there is no unreasonable loss of amenity for surrounding premises, having regard to the commercial nature of the zone and adjacent residential land.

Requirements

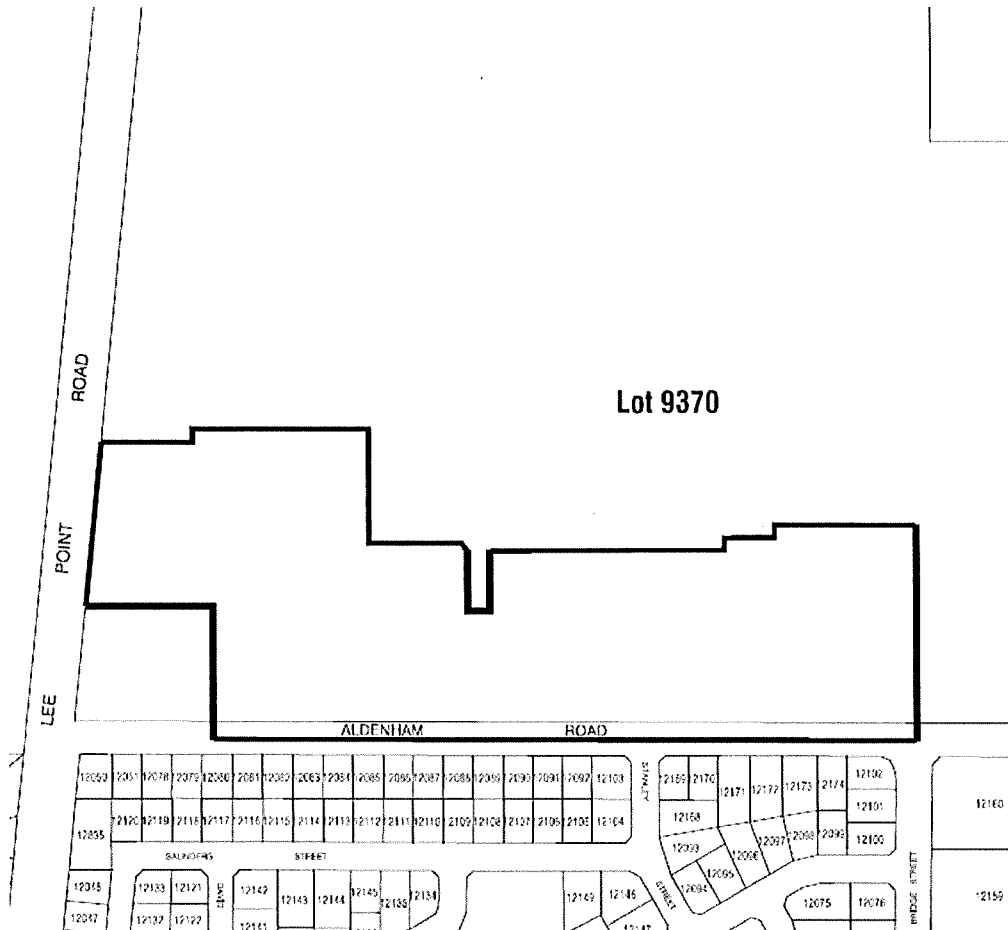
12. Vehicle access to the **site** is to be from Lee Point Road or Aldenham Road.
13. The maximum **floor area** for **offices** within the zone is not to exceed a combined total of 200m², except where the **office** is ancillary to another use.

ASSESSMENT TABLE – SPECIFIC USE ZONE FOR PART LOT 9370

Defined use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Child Care Centre	Merit Assessable		5.2.1 General Height Control 5.2.4 Vehicle Parking 5.2.5 Loading Bays 5.2.6 Landscaping	5.5.2 Plot Ratios in Commercial Zones 5.5.3 Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, and FD 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.7 Child Care Centre
Food Premises-Café/Take Away	Merit Assessable		5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR 5.3.7 End of Trip Facilities in Zones HR, CB, C, SC and TC	5.5.2 Plot Ratios in Commercial Zones 5.5.3 Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, and FD 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.11 Food Premises
Food premises - restaurant	Merit Assessable			5.5.2 Plot Ratios in Commercial Zones 5.5.3 Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, and FD 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC 5.5.11 Food Premises
Office	Merit Assessable			5.5.2 Plot Ratios in Commercial Zones 5.5.3 Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, and FD 5.5.4 Expansion of Existing Development in Zones CB, C, SC and TC
All other uses defined in Schedule 2 (Definitions)	Prohibited			
Undefined Uses	Prohibited			
Any use not defined in this table or in Schedule 2 (Definitions)				

5. Amendment to Schedule 9: Building Setback Plans

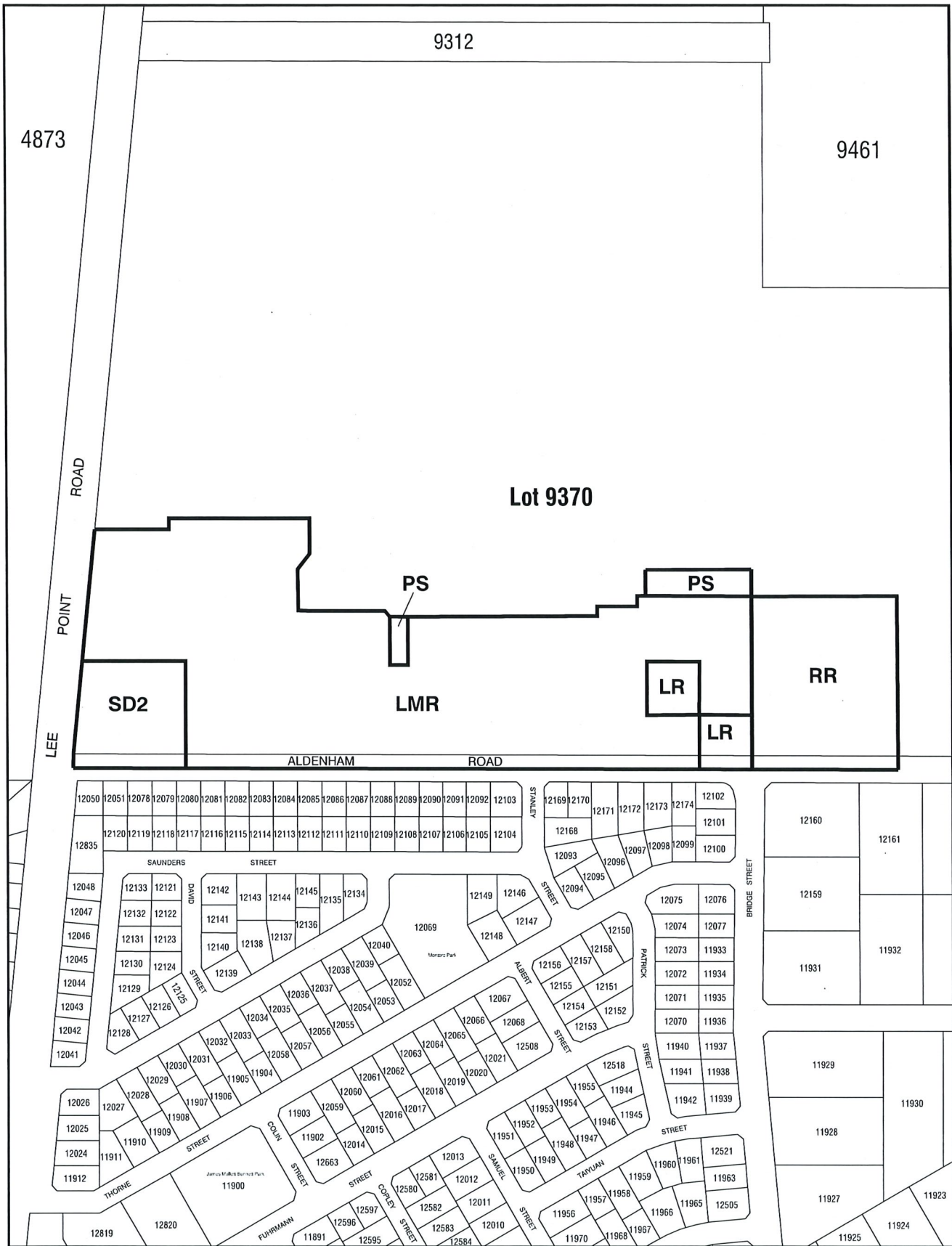
Lee Point Estate



1. The following setbacks apply to any lot identified within the thick black line

Table A – Front and Rear Setback Requirements in Zones LR and LMR	
Lot Boundary	Minimum Setback
Primary street frontage	5.5m for a garage or carport
	4.5m for <i>residential buildings</i> and <i>ancillary</i> structures with external walls
	3.0m for <i>ancillary</i> structures without external walls (excluding carports)
	3.0m for shade sails, to a maximum height of 2.5m at the minimum setback
Rear lot boundary	4m for <i>residential buildings</i> and <i>ancillary</i> structures with external walls
	3m for <i>ancillary</i> structures without external walls

NOTE: This setback plan only applies to the primary street frontage and the rear lot boundary. All other setbacks are to be in accordance with Clause 5.4.3 or 5.4.3.3 (as applicable)



NT PLANNING SCHEME
 AMENDMENT No. 65
 Part Lot 9370 TOWN OF NIGHTCLIFF



Department of Infrastructure, Planning and Logistics



Scale 1: 4000 @ A4



MINISTER FOR INFRASTRUCTURE, PLANNING AND LOGISTICS

Wa Laub

Date 7/10/22

File No. PA2022/0258

Date: 14-Sep-22

Drawing Name: PSA Lot 9370 Nightcliff.dgn

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999
Section 29

REASONS FOR DECISION

NORTHERN TERRITORY PLANNING SCHEME 2020

AMENDMENT No. 65

Pursuant to section 13(3)(b), I have decided to:

- rezone part Lot 9370 Town of Nightcliff from Zone FD (Future Development) to Zone LR (Low Density Residential), Zone LMR (Low-Medium Density Residential), Zone RR (Rural Residential), Zone PS (Public Open Space) and Zone SU (Specific Use);
- add a new Specific Use Zone SD2 to Schedule 4 of the Scheme; and
- introduce a new building setback plan (Lee Point Estate) into Schedule 9 of the Scheme.

I have approved the amendment as I am satisfied that, pursuant to section 13(1), the amendment:

- (a) promotes the purpose and objectives of the Act as it is consistent with the Lee Point Planning Principles and Area Plan, which forms part of the Strategic Framework; and
- (b) has merit and is in the public interest as:
 - i. it will facilitate the development of Stage 1A of the Lee Point Estate, in accordance with the approved masterplan as part of DP19/0050 and DP19/0050A; and
 - ii. it will allow for a small convenience centre to be developed that will service the needs of the immediate community.

Pursuant to section 13(2)(b) I am satisfied that the amendment is not significant enough to require exhibition as the amendment is administrative in nature and is consistent with the Lee Point Planning Principles and Area Plan.



EVA DINA LAWLER
Minister for Infrastructure, Planning and Logistics

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