

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 12(2)(a) of the *Planning Act 1999*, amend the NT Planning Scheme 2020 by making the amendment specified in the Schedule.

Dated 18<sup>th</sup> November 2020.



Minister for Infrastructure, Planning and Logistics

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**SCHEDULE**

**AMENDMENT TO NT PLANNING SCHEME 2020**

**Amendment No. 7**

**1. Citation**

This amendment to the NT Planning Scheme 2020 may be cited as Amendment No. 7.

**2. Amendment to Table to Clause 3.1**

At the end of the table

*Insert*

|   |     |
|---|-----|
| Residential Development in Major Remote Towns | MRT |
|---|-----|

### 3. Amendment to Clause 3.2

*Omit*

This includes all land within

*Insert*

This Overlay applies to land within

### 4. Replacement of Clause 3.7

*Omit, insert*

#### 3.7 LSSS – Land Subject to Storm Surge

##### Purpose

Identify areas with a known risk of inundation from primary or secondary storm surges and ensure that development in these areas demonstrates adequate measures to minimise the associated risk to people, damage to property and costs to the general community caused by storm surge.

##### Administration

1. This Overlay applies to land subject to the PSSA and/or the SSSA.
2. This Overlay does not apply to:
  - (a) **outbuildings** and extensions to existing **dwelling**s; or
  - (b) extensions to existing commercial or industrial buildings; or
  - (c) a use or development within the SSSA that would otherwise be *Permitted*, and complies with the requirements of Part 5.
3. In this Overlay:
  - (a) “AEP” means Annual Exceedance Probability, which is the likelihood, in percentage terms, of inundation by storm surge;
  - (b) “PSSA” means Primary Storm Surge Areas, which are those coastal areas within a 1% AEP of inundation by storm surge as defined on mapping produced by the NT Government;
  - (c) “SSSA” means Secondary Storm Surge Areas, which are those coastal areas adjacent to the PSSA with a 0.1% AEP of inundation by storm surge as defined on mapping produced by the NT Government; and
  - (d) “storm surge” means the elevation in sea level which accompanies the movement of a cyclone particularly near, or over, a coastline, attributed to a cyclone’s intensity and wind stress build-up.
4. Land within the PSSA is to be used or developed only with **consent**.

5. The consent authority may **consent** to a use or development within the PSSA that is not in accordance with sub-clauses 7-9 only if it is satisfied that the application demonstrates that there is no increased risk to people and property, including adjoining property.
6. The use or development of land within the SSSA should have regard to sub-clauses 8 and 9.

#### Requirements

7. Development in the PSSA should be limited to uses such as open space, recreation, non-essential public facilities (wastewater treatment works excepted) and short-stay tourist camping/ caravan areas.
8. Development within the SSSA should be confined to those uses permitted in the PSSA as well as industrial and commercial land uses.
9. Residential uses, strategic and community services (such as power generation, defence installations, schools, **hospitals**, public shelters and major transport links) should be avoided in the PSSA and the SSSA.

### **5. Replacement of Clause 3.8**

*Omit, insert*

#### **3.8 LADR – Land Adjacent to a Designated Road**

##### Purpose

Ensure that **access** to a designated road from adjacent land does not prejudice traffic safety or the integrity and operation of the infrastructure.

##### Administration

1. **Access** to a use or development or proposed use or development adjacent to a designated road identified on this Overlay requires **consent**.
2. Despite sub-clause 1, this overlay does not apply where the agency responsible for the management of the designated road has provided written approval for the **access**.
3. The consent authority may only **consent** to an **access** to a use or development where the **access** complies with sub-clause 4.

##### Requirements

4. Any **access** from a designated road corridor must be in accordance with the requirements of the agency responsible for the management of the designated road, to the satisfaction of that agency.

## 6. Amendment to Clause 4.12 (Zone SC – Service Commercial)

In the Specific Development Requirements column in the Assessment Table, against **Leisure and Recreation**

*Insert*

### 5.5.2 Plot Ratio in Commercial Zones

## 7. Amendment to Clause 5.2.4.4

After Administration, *omit, insert:*

1. The consent authority may **consent** to a **car parking area** that is not in accordance with sub clause 4 if it is satisfied that the non-compliance will not:
  - (a) result in adverse impacts on the local road network or internal functionality of the **car parking area**; and
  - (b) unreasonably impact on the **amenity** of the surrounding locality.
2. This clause does not apply to a **car parking area** where the car parking is required in association with a **dwelling-single, dwelling-independent** or a **home based business**.

### Requirements

3. A **car parking area** is to be established, used and maintained for the purpose of vehicle parking only.
4. A **car parking area** is to:
  - (a) be of a suitable gradient for safe and convenient parking;
  - (b) be sealed and well drained;
  - (c) be functional and provide separate access to every **car parking space**;
  - (d) limit the number of **access** points to the road;
  - (e) allow a vehicle to enter from and exit to a road in a forward gear;
  - (f) maximise sight lines for drivers entering or exiting the **car parking area**;
  - (g) be not less than 3m from a road, and the area between the **car parking area** and the road is to be landscaped with species designed to lessen the visual impact of the **car parking area**;
  - (h) be in accordance with the dimensions set out in the diagram to this clause;
  - (i) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and
  - (j) be designed so that parking spaces at the end of and perpendicular to a driveway be 3.5m wide or so that the driveway projects 1m beyond the last parking space.

5. Despite sub-clause 4, dust suppression may be an acceptable alternative to sealed surfaces in non-urban areas.

**8. Amendment to Clause 5.4.4**

At sub-clause 2(a)

*Omit, insert*

- (a) to comply with the requirements of Parts 5 and 6 of the Planning Scheme

**9. Amendment to Clause 5.4.10.1**

At sub-clause 5(d)ix

*Omit, insert*

sufficient car parking for each occupation is provided for, on or off street, in a manner that does not unreasonably impact the safe operation of the local road network or the residential **amenity** of the locality;

At sub-clause 5(e)v

*Omit*

in accordance with Clause 5.2.4.4 (Parking Layout)

**10. Amendment to Clause 5.4.12**

In the Purpose clause

*Omit*

***non-residential***

Insert

non-residential

## 11. Amendment to Clause 5.5.1

At sub-clause 2

*Omit, insert*

2. Where land is Zoned CB premises that are lawfully used for the purposes of **club, leisure and recreation, office, food premises-café/take away, food premises-restaurant or shop** are *Permitted* without **consent** to shift between any of the aforementioned uses provided that the parking requirement under Clause 5.2.4 (Vehicle Parking) does not increase, or sufficient additional on-site car parking is provided in accordance with Clause 5.2.4.1 (Parking Requirements) and Clause 5.2.4.4 (Parking Layout) to meet any increased requirement.

At sub-clause 3

*Omit, insert*

3. Where land is Zoned C, premises that are lawfully used for the purposes of **office, food premises-café/take away, food premises-restaurant, shop or showroom sales** are *Permitted* without **consent** to shift between any of the aforementioned uses provided that the parking requirement under Clause 5.2.4 (Vehicle Parking) does not increase, or sufficient additional on-site car parking is provided in accordance with Clause 5.2.4.1 (Parking Requirements) and Clause 5.2.4.4 (Parking Layout) to meet any increased requirement.

## 12. Amendment to Clause 5.8.10

Sub-clause 5

*Omit, insert*

5. The **amenity** impacts of a proposal are appropriately minimised.

## 13. Amendment to Schedule 2: Definitions

1. Clause 2.1 Defined Uses **helicopter landing site**

*Omit*

land

*Insert*

landing

2. Clause 2.2 General Definitions **outbuilding**

*Omit*

*Permitted*

*Insert*

***primary use***

3. Clause 2.2 General Definitions ***residential building***

*Omit*

**Dwelling-grouped**

*Insert*

**Dwelling-group**

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**NORTHERN TERRITORY OF AUSTRALIA**

***Planning Act 1999***  
**Section 29**

**Reasons for Decision**

**NORTHERN TERRITORY PLANNING SCHEME 2020**  
**AMENDMENT No. 7**

I have made administrative amendments to the NT Planning Scheme 2020 to address minor drafting errors which have become apparent during assessment of initial applications against the scheme.

The amendment demonstrates the following merits and is considered to be in the public interest as it:

- addresses unintended consequences of the transition of the requirements for land subject to storm surge to the format and structure of the scheme;
- addresses undue burden in regards to the introduction of the overlay for land adjacent to designated roads and allows the consent authority to apply discretion; and
- corrects a range of minor drafting errors.

I have made the amendment without exhibition as the changes are administrative in nature and seek only to clarify the transition of previous development requirements to the new NT Planning Scheme 2020.



EVA DINA LAWLER  
Minister for Infrastructure, Planning and Logistics  
18/ 11 / 2020