

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

AMENDMENT TO NT PLANNING SCHEME

I, DAVID WILLIAM TOLLNER, Minister for Lands and Planning, under section 25(2)(c) of the *Planning Act*, amend the NT Planning Scheme by making the amendment, specified in the Schedule.

Dated

9/9/2015.



Minister for Lands and Planning

SCHEDULE

AMENDMENT TO NT PLANNING SCHEME

AMENDMENT No. 415

1. Citation

This amendment to the NT Planning Scheme may be cited as Amendment No. 415.

2. Replacement of Clause 11.1.2

Omit:

clause 11.1.2

substitute:

11.1.2 Lots intended for Zone SD 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 SD 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 planning principles forming part of the Planning Scheme.
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.

Clause 6.5.4 refers to on-site parking and vehicular access for lots less than 600m².

Clause 7.3.3 allows a reduced setbacks for single dwellings on lots less than 600m².

3. Amendment of Clause 11.2.1

Omit:

clause 11.2.1

substitute:

11.2.1 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 into public open space.

Clause 6.5.4 refers to on-site parking and vehicular access for lots less than 600m².

4. Amendment of table to Clause 11.2.3

Omit:

Table to Clause 11.2.3

substitute:

| Table to Clause 11.2.3 | |
|--|---|
| 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 | 8m 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 7.3.3 refers to reduced building setbacks for lots less than 600m²

5. Amendment to Clause 11.2.4

Omit:

Clause 11.2.4

substitute:

11.2.4 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 11.1.1 prescribes the minimum lot size in residential zones.

Clause 6.5.4 refers to vehicle access for **single dwellings** on lots less than 600m².

Clause 7.3 refers to **residential building** setbacks.

Clause 7.3.3 allows reduced setbacks for **single dwellings** on lots less than 600m².

Clause 7.5 refers to private open space.

| Table to Clause 11.2.4 | |
|--|---|
| 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 |

6. Amendment to Clause 6.5.4

Omit:

Clause 6.5.4

substitute:

6.5.4 Vehicle Access and On-site Parking for Single Dwellings on Lots less than 600m² but not less than 300m²

1. The purpose of this clause is to ensure that vehicle access driveways and on-site parking spaces for **single dwellings** on lots less than 600m² and not less than 300m² do not unduly reduce the amenity of a public road or the availability of kerbside vehicle parking in the public road.
2. The on-site parking and its vehicle access from the public road shall be located to ensure that the lot's street frontage has a minimum continuous length of 6.5 metres without on-site parking or vehicle access within that length.
3. Vehicular access shall be via a single driveway, no wider than 3.5 metres, where required by the table to this clause.

Clause 7.3.3 allows a reduced setbacks for single dwellings on lots less than 600m².

| Table to Clause 6.5.4 | |
|--|---|
| Lot Size | Vehicle Access Driveways |
| 300m ² to less than 450m ² | Vehicle access shall be via a single driveway where the boundary to the public road is less than 13m . |
| 450m ² to less than 600m ² | Vehicle access shall be via a single driveway where the boundary to the public road is less than 15m . |

Clause 11.2.4 refers to subdivision applications and frontage widths for lots less than 600m².

7. Amendment to Clause 7.3.3

Omit:

Clause 7.3.3

substitute:

7.3.3 Reduced Setbacks for Single Dwellings on Lots less than 600m² but not less than 300m²

1. The purpose of this clause is to allow **single dwellings** on lots less than 600m² but not less than 300m² to maximise design opportunities without unduly impacting on adjacent development.
2. Despite Table A to clause 7.3, a **single dwelling** subject to this clause may, in accordance with the table to this clause, have a zero building setback to a side boundary, providing:
 - (a) that boundary is internal to the subdivision that created the lot; and
 - (b) that lot was created after the inclusion of this clause to the Planning Scheme.
3. Any part of a dwelling utilising a zero building setback shall have its external wall erected to the boundary with no gap.
4. Despite Table A to clause 7.3, a **single dwelling** on a lot subject to this clause may, in accordance with the table to this clause, have a reduced front setback to **habitable rooms** only, providing:
 - (a) the area of the reduction is to allow an equal increase to the minimum provision of compliant private open space in accordance with clause 7.5;
 - (b) that any non-habitable structure, such as a garage or carport, shall have a front setback no less than 6m; and
 - (c) a landscaped area is included along the front boundary that will provide visual amenity to the public road.

Clause 6.5.4 refers to on-site parking and vehicular access for lots less than 600m² in some circumstances.

Table to Clause 7.3.3

| Lot Size | Building Setbacks |
|--|---|
| 300m ² to less than 450m ² | A zero building setback is permitted to no more than one side boundary of the lot. The front building setback may be reduced to no less than 3 metres subject to the provisions of subclause 4. |
| 450m ² to less than 600m ² | If a 3m setback is provided to one side boundary: <ul style="list-style-type: none">• a zero building setback is permitted to no more than one side boundary of the lot; and• the front building setback may be reduced to no less than 3 metres subject to the provisions of subclause 4. |

Clause 6.5.4 refers to on-site parking and vehicular access for lots less than 600m².

8. Amendment to Clause 7.5

Omit:

Wording to Clause 7.5 (retain table)

substitute:

7.5 Private Open Space

1. The purpose of this clause is to ensure that each dwelling has private open space that is:
 - (a) of an adequate size to provide for domestic purposes;
 - (b) appropriately sited, permeable and open to the sky; and
 - (c) inclusive of areas of deep soil for shade tree planting.
2. Private open space areas should:
 - (a) satisfy the minimum area and dimensions contained in the table to this clause;
 - (b) be directly accessible from the dwelling and enable an extension of the function of the dwelling; and
 - (c) be permeable and open to the sky.
3. Private open space on lots less than 600m² should:
 - (a) be sufficiently permeable to allow stormwater infiltration and lessen stormwater runoff from the site;
 - (b) include at least one area of approximately 5m² for the deep soil planting of shade trees; and
 - (c) allow for landscaping at the property frontage to complement the visual amenity of the streetscape.
4. Where the private open space is at ground level and other than for a single dwelling, or a single dwelling and associated independent unit it should be:
 - (a) screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or
 - (b) fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting.
5. The location of the private open space should take into account views from the site, the natural features of the site and the location of any private open space or habitable room associated with neighbouring dwellings.

Clause 7.6 refers to communal open space.

6. If a **dwelling** within a **multiple dwelling** development has no direct access at ground level to private open space, compliance with subclauses 2(c) and 3 is not required providing the **multiple dwelling** development incorporates communal open space.
7. The consent authority may approve an application for a **multiple dwelling** development comprising serviced apartments in Zone TC that is not in accordance with subclauses 2 and 3 only if it is satisfied that the communal open space and communal facilities will adequately meet the activity needs of residents.

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

**NOTICE OF MAKING OF AMENDMENT TO NT PLANNING SCHEME
AMENDMENT No. 415**

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 25(2)(c) of the Act, amended the NT Planning Scheme by:
- i. Replacing Clause 11.1.2 (Integrated Residential Development) with new Clause 11.1.2 (Lots intended for Zone SD in Greenfield Areas) to encourage a range of lot sizes by setting the average to 600m²;
 - ii. Revising Clause 11.2.1 (Site Characteristics in Residential Subdivision) to deliver more serviceable sites and avoid ambiguity by introducing measurable criteria of the maximum slope considered appropriate for small lots;
 - iii. Revising Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) by reducing the envelope width for lots between 450m² and 600m² to allow for narrower and deeper lots;
 - iv. Revising Clause 11.2.4 (Lots less than 600m² for Single Dwellings) to provide the minimum length of any boundary to a road and clarify the information required for assessment;
 - v. Revising Clause 6.5.4 (Vehicle Access and On-site Parking for Single Dwellings on Lots less than 600m² in Zone MD) to not be subject to a particular zone and require single vehicle access where the property frontage is less than 15m;
 - vi. Revising Clause 7.3.3 (Building Setbacks for Single Dwellings on Lots less than 600m² in Zone MD) to be not subject to a particular zone, provide options for reduced setbacks and manage the impact of vehicle garaging and non-habitable structures; and
 - vii. Revising Clause 7.5 (Private Open Space) to require the area to be sufficiently permeable, open to the sky and include an area of deep soil for shade tree planting.

- (b) copies of the amendment, (Amendment No. 415), are available from the Offices of the Department of Lands, Planning and the Environment, Ground Floor, 16 Parap Road, Parap;

Dated

9/9/2015



Minister for Lands and Planning

NORTHERN TERRITORY OF AUSTRALIA

Planning Act **Section 29**

Reasons for Decision

NORTHERN TERRITORY PLANNING SCHEME **AMENDMENT No. 415**

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

SUBDIVISION

- Replacement of Clause 11.1.2 (Integrated Residential Development) with new Clause 11.1.2 (Lots intended for Zone SD in Greenfield Areas) to encourage a range of lot sizes by setting the average to 600m²;
- Revision of Clause 11.2.1 (Site Characteristics in Residential Subdivision) to deliver more serviceable sites and avoid ambiguity by introducing measurable criteria of the maximum slope considered appropriate for small lots;
- Revision of Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) by reducing the envelope width for lots between 450m² and 600m² to allow for narrower and deeper lots; and
- Revision of Clause 11.2.4 (Lots less than 600m² for Single Dwellings) to provide the minimum length of any boundary to a road and clarify the information required for assessment.


PERFORMANCE CRITERIA

- Revision of Clause 6.5.4 (Vehicle Access and On-site Parking for Single Dwellings on Lots less than 600m² in Zone MD) to not be subject to a particular zone and require single vehicle access where the property frontage is less than 15m;
- Revision of Clause 7.3.3 (Building Setbacks for Single Dwellings on Lots less than 600m² in Zone MD) to be not subject to a particular zone, provide options for reduced setbacks and manage the impact of vehicle garaging and non-habitable structures; and

- Revision of Clause 7.5 (Private Open Space) to require the area to be sufficiently permeable, open to the sky and include an area of deep soil for shade tree planting.

I believe these changes are necessary as they:

- provide a land use planning framework that responds to market demands for smaller, more affordable lots;
- increase flexibility and land use-efficiency for greenfield residential development through the delivery of a range of lot sizes; and
- reduce the dependency on utilising special use zones to facilitate residential subdivisions.



DAVID WILLIAM TOLLNER
Minister for Lands and Planning

9 / 9 / 2015