

## PART 1

### 1.0 PRELIMINARY

#### 1.1 CITATION

This document is the Northern Territory Planning Scheme and may be cited as the Planning Scheme.

#### 1.2 APPLICATION

1. This Planning Scheme applies to the whole of the Northern Territory with the exception of an area subject of a specific planning scheme made under section 8 of the *Planning Act*.
2. Where there is an inconsistency between the contents of Part 3 and Part 8 of the Planning Scheme the provisions of Part 3 prevail.

Provisions relating to subdivision and the **clearing of native vegetation** apply to most of the Northern Territory.

#### 1.3 EXCEPTIONS

1. Unless specified, other than for subdivision or consolidation or by virtue of an Interim Development Control Order, this Planning Scheme does not prevent the use or development of land that is not zoned.
2. Unless specified, this Planning Scheme does not prevent any of the following:
  - (a) the use or development of land:
    - i. as a road; or
    - ii. for **sport and recreation**;
  - (b) the construction, alteration, repair or maintenance of:
    - i. facilities for the reticulation of water, sewerage, gas or electricity or, subject to clause 13.5, transmission of telecommunications services;
    - ii. public infrastructure for stormwater drainage and flood mitigation; or
    - iii. roads and traffic lights;
  - (c) the strengthening to a safe condition of a building or works;
  - (d) the erection or display of a sign which is:
    - i. a traffic control or driver advisory guide, service or similar device;
    - ii. displayed under a statutory obligation;
    - iii. on enclosed land or within a building and not readily visible from land outside the enclosure or building;
    - iv. of a temporary nature used to advertise property that is available for rent, lease, sale, auction or inspection subject to clause 6.7;
    - v. displayed on or inside a vehicle, other than a vehicle which is adapted and exhibited primarily as an advertising sign;

Clause 10.2 requires consent for the **clearing of native vegetation**.

Clause 13.5 refers to the development of telecommunication facilities.

Clause 6.10 refers to building works in Zone HT (Heritage).

Subject to clause 6.10 Alice Springs, Darwin, Palmerston, Katherine and Tennant Creek municipal councils control the erection of advertising signs.

On land within a road corridor under the care and control of the Department of Transport the approval of that Department is also required.

Amendment No. 225 gazetted 15.08.2012 alters sub-clause 2(b).

Amendment No. 543 published in the NT News on 13.03.2020 amends subclause (b)ii

Amendment No. 16  
gazetted 22.08.2007  
alters sub-clause 2(f).

Amendment No. 26  
gazetted 10.08.2007  
introduces sub-clause  
2(h).

Amendment No. 54  
gazetted 07.05.2008  
introduces sub-clause  
2(i).

Amendment No. 103  
gazetted 26.10.2009  
introduces sub-clause  
2(j).

Amendment No. 204  
gazetted 15.02.2012  
omits sub-clauses 2 (i)  
and (j).

Amendment No. 451  
published in the NT  
News on 29.07.2016  
omits and substitutes  
sub-clause 2(k).

Amendment No. 142  
gazetted 04.08.2010  
introduces sub-clause  
2(l).

Amendment No. 204  
gazetted 15.02.2012  
introduces sub-clause  
2(m) which lapsed on  
30.06.2012.

Amendment No. 239  
gazetted 18.07.2012  
introduces sub-clause  
2(n).

Amendment No. 242  
gazetted 25.07.2012  
introduces sub-clause  
2(o).

- vi. an interpretive sign used for describing a place or an item of historical or educational significance; or
- vii. a public safety advisory sign displayed by a government agency or local authority;
- (e) subject to clause 6.10, the erection or display of a **business sign** or **promotion sign** within the municipalities of Alice Springs, Darwin, Palmerston, Katherine or Tennant Creek;
- (f) the conduct of any mining activity under any mining interest (where the terms "mining activity" and "mining interest" have the same meaning as in the *Mining Management Act*);
- (g) the erection, placement or use of a construction site **office** permitted under the *Building Act*;
- (h) the use or development of land for a period not exceeding 28 days in association with a special community event or festival where management of the event is assisted by a community organisation, education establishment, or recognised religious or charitable organisation, or a department or institutional establishment of the Crown. Any buildings or structures constructed for the purpose are to be removed within the 28 day period;
- (i) OMITTED;
- (j) OMITTED;
- (k) the erection of one or more sheds in Zones other than H, A, RR, RL and R that:
  - i. is 6m or more from the **primary street** and 2.5m or more from a **secondary street** when measured to the wall of the shed or where there is no wall, the outer face of any column;
  - ii. has a cumulative floor area of 15m<sup>2</sup> or less;
  - iii. is 2.5m or less in height;
  - iv. has no openings in walls that are less than 1.5m from a lot or unit title; and
  - v. does not discharge rainwater on an adjacent lot or unit title.
- (l) the continued use of a community or government facility or infrastructure established prior to 1 February 2007 and listed in Schedule 6;
- (m) lapsed 30 June 2012.
- (n) earthworks associated with construction of a driveway on Section 5901 Hundred of Bagot.
- (o) the temporary use of Lot 5654 Town of Darwin for a community garden until 1 July 2017 despite the requirements of clause 13.3 Main Roads and Proposed Main Roads;

Amendment No. 254  
gazetted 20.02.2013  
introduces sub-clause  
2(p).

Amendment No.280  
gazetted 15.05.2013  
introduces sub-clause  
2(q).

Amendment No. 311  
gazetted 22.01.2014  
introduces sub-clause  
2(r).

Amendment No. 381  
published in the NT  
News on 27.03.2015  
introduces sub-clause  
3.

Amendment No. 420  
published in the NT  
News on 02.10.2015  
introduces sub-clause  
2(t).

Amendment No. 445  
published in the NT  
News on 29.07.2016  
introduces sub-clause  
2(u).

Amendment No. 451  
published in the NT  
News on 29.07.2016  
introduces sub-clause  
2(v).

Amendment No. 451  
published in the NT  
News on 29.07.2016  
introduces sub-clause  
2(w).

- (p) the construction of drainage works in the vicinity of Sections 3407, 3408, 5210, 5211, 5212, 5213, 5214 and 5215 Hundred of Strangways.
- (q) the erection of eight 12m high light poles in association with the Alice Springs Go-kart track on Lot 5196 Town of Alice Springs.
- (r) the erection of a 17m high projection screen in association with the Blatherskite Park Showground on Lot 5687 Town of Alice Springs.
- (s) the subdivision of rural or unzoned land to less than 1ha for the purpose of creating a lot to accommodate infrastructure for water supply, sewerage, gas, electricity or telecommunications. This type of subdivision is exempt from:
  - i. Clauses 11.4.1 (Site Characteristics in Subdivisions of Rural Land or Unzoned Land for Lots of 1ha or Greater) sub-clauses 2 to 6;
  - ii. Clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land);
  - iii. Clause 11.4.3 (Lot Size and Configuration in Subdivision of Rural and Unzoned Land sub-clauses 2(b), 2(d) and 2(f); and
  - iv. Clause 11.4.7 (Subdivision in Unzoned Land for Lots less than 1ha).
- (t) the clearing of native vegetation on Lots 5646s and 5979 Town of Darwin for the purposes of maintaining drainage infrastructure and land filling on Lot 8434 Town of Darwin to facilitate the ongoing maintenance of the Ludmilla Creek catchment.
- (u) the construction and maintenance of works at Lot 4221 Town of Darwin and Section 4294 Hundred of Bagot that are associated with the mitigation of stormwater flooding.
- (v) a shade sail of 30m<sup>2</sup> or less for all non-residential zones.
- (w) the use or development of land in Zones LI and GI for the purpose of expansion of an existing use that is not a prohibited use and where the proposed use or development:
  - i. complies with the standards of Part 4 and 5 of this Planning Scheme;
  - ii. is a maximum of 200m<sup>2</sup> or 15% of the area of the **site**, whichever is the greater;
  - iii. is not located over a registered easement;
  - iv. is not located over a lot boundary, including over a road reserve;
  - v. will not inhibit vehicular access to the lot, parking on the lot, or loading and unloading on or from the lot;
  - vi. will not reduce the area of land or buildings allocated to waste management or service vehicle access thereto;

Amendment No. 451  
published in the NT  
News on 29.07.2016  
introduces sub-clause  
2(x)

- vii. is not a **demountable structure** or a **residential building**; and
  - viii. is not located on a lot that abuts land that is in Zone SD, MD, MR or HR.
- (x) the use or development of land in Zones CB, C, SC and TC for the purpose of expansion of an existing use that is not a prohibited use and where that use or development:
- i. complies with the standards of Part 4 and 5 of this Planning Scheme;
  - ii. is a maximum of 100m<sup>2</sup> or 15% of the **site**, whichever is the greater;
  - iii. is not located over a registered easement;
  - iv. is not located over a lot boundary, including over a road reserve;
  - v. will not inhibit vehicular access to the lot, parking on the lot, or loading and unloading on or from the lot;
  - vi. will not reduce the area of land or buildings allocated to waste management or service vehicle access thereto;
  - vii. is not a **demountable structure** or a **residential building**;
  - viii. will not reduce the area of clear glass or level of transparency of the façade of the existing premises as viewed from the **primary street**;
  - ix. will not reduce the level of accessibility for people with disabilities; and
  - x. will not increase the height of the existing premises.

Amendment No. 451  
published in the NT  
News on 29.07.2016  
introduces sub-clause  
2(y)

- (y) where it is proposed to construct an extension, ancillary outbuilding, carport, **pergola** or a shade sail in association with one or more dwellings in a **multiple dwelling** development in Zones SD, MD, MR, HR, CV and CL, **consent** is not required if it:
- i. complies with the standards of Part 4 and 5 of the Planning Scheme;
  - ii. will not allow an increase in the number of dwellings capable of separate occupancy;
  - iii. is contained wholly within the respective unit title and is not on or over a registered easement; and
  - iv. will not result in an additional storey or an increase in the maximum height of the development.

(z) the use and development of Lot 7732 Town of Alice Springs for the purpose of a community centre and office until 29 December 2017.

(aa) the use and development of Lot 9543 Town of Palmerston for the purposes of an education establishment until 29 June 2018; and

(ab) the use and development of Lot 1143 Town of Katherine for the purposes of an education establishment and toilet

Amendment No. 491  
published in the NT  
News on 26.01.2018  
introduces sub-clauses  
(aa) and (ab)

Amendment No. 519 published in the NT News on 19.04.2019 introduces sub-clause (ac)

Amendment No. 510 published in the NT News on 07.06.2019 introduces sub-clause (ad) and (ae).

Amendment No. 522 published in the NT News on 14.06.2019 introduces sub-clause (af).

Amendment No. 537 published in the NT News on 24.01.2019 introduces sub-clause (ag).

block until 29 June 2018.

- (ac) the use and development of part lot 1 Hundred of Strangways adjacent to section 5368 Hundred of Strangways for leisure and recreation until 31 October 2019
- (ad) subleasing of car parking spaces that are contained within a legally established building in Zone CB in the Municipality of Darwin. Any use of the land for the purposes of a car park permitted only by virtue of this clause, is to cease on 18 June 2020.
- (ae) the use or development of the land for the purposes of an alfresco dining area in Zone CB in the Municipality of Darwin, only if the alfresco dining use:
  - i. is established prior to 18 June 2020;
  - ii. is associated with a lawfully established use;
  - iii. does not constrain the function or reduce the number of any on-site car parking spaces, loading bays or ancillary manoeuvring spaces; and
  - iv. does not involve development adjoining or adjacent to a tree within adjoining private property, parkland or road reserve, or written agreement has been obtained from the relevant land owner, the City of Darwin or the Minister for Infrastructure, Planning and Logistics to indicate that the development will not adversely impact on either the root system or branches of the tree.
- (af) the use and development of Section 2284 Hundred of Strangways for an education establishment with ancillary accommodation until 25 May 2020.
- (ag) subleasing of **car parking spaces** that are contained within a legally established building in Zone CB in Central Darwin.
- (ah) the temporary use and/or development of land for medical or health related activities associated with the need to rapidly respond to the COVID-19 Pandemic as advised necessary by a department or institutional establishment of the Crown. Following the COVID-19 Pandemic being declared finished by the Northern Territory Government, the use and/or development must cease and the land must, within 12 months, be reinstated to its previous state unless otherwise approved.
- (ai) Physical improvements associated with an existing use, funded by either the 'Home Improvement Scheme', the 'Business Improvement Grant' or the 'Immediate Work Grant' under the March 2020 'Jobs Rescue and Recovery Plan' response to the COVID-19 pandemic, specifically where the physical improvements are:
  - i. Internal works, physical upgrades and improvements; or
  - ii. External works using the 'Home Improvement Scheme' that are fully compliant with Part 4 of the Planning Scheme.

Amendment No. 383 published in the NT News on 17.04.2015 introduces sub-clause 4.

Amendment No. 426 published in the NT News on 16.11.2015 introduces sub-clause 5.

Amendment No. 507 published in the NT News on 18.01.2019 introduces sub-clause 6.

Amendment No. 537 published in the NT News on 24.01.2020 introduces clause 7.

- (aj) the clearing of native vegetation associated with the development of a Youth Justice Centre on Section 4225 Hundred of Bagot.
3. Subdivision for the purpose of whole-of-town leases to formalise land title arrangements for existing infrastructure (including site servicing):
- (a) applies only to land granted under the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)*, Community Living Areas as described in the *Associations Act*, and the communities of Canteen Creek and Nauiyu; and
- (b) is exempt from Part 5 of this Planning Scheme other than:
- i. Clause 11.1.1 (Minimum Lot Sizes and Requirements);
  - ii. Clause 11.1.3 (Subdivision of Land Zoned FD);
  - iii. Clause 11.1.4 (Subdivision for the Purposes of a Unit Title Scheme);
  - iv. Clause 11.2.2 (Infrastructure and Community Facilities in Residential Subdivisions);
  - v. Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions);
  - vi. Clause 11.3.2 (Infrastructure in Industrial Subdivisions);
  - vii. Clause 11.3.2 (Infrastructure in Industrial Subdivisions);
  - viii. Clause 11.3.3 (Lot Size and Configuration in Industrial Subdivisions);
  - ix. Clause 11.4.1 (Site Characteristics of Subdivisions of Rural and Unzoned Land) sub-clauses 1 and 9; and
4. Clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land) sub-clauses 1, 2 and 3(a). The installation of demountable structures for the purpose of providing temporary emergency accommodation and ancillary uses is permitted only on land within the boundaries of Galiwin'ku Area Plan (refer to clause 14.6.20). Any buildings or demountable structures constructed or provided for the purpose are to be removed within a four year period.
5. If specified under this sub-clause, transitional arrangements may apply to the development or use of land not in compliance with an amended provision of the Planning Scheme:
- (a) In relation to Amendment No. 415 to Clause 7.5 (Private Open Space), dated 18 September 2015, full compliance with the amended provision is not required if a building permit has been issued or a contract to build has been signed for the development of land prior to 6 November 2015.
6. The installation of demountable structures for the purpose of 10 temporary dwellings to provide transitional accommodation is permitted only on NT Portion 2087 (Administrative Lot 10 and 11, Townsite of Mara), Lots 463, 497, 625, 773, 789 and 790, Town of Borroloola. The demountable structures used for this purpose must be removed by 30 June 2022.
7. This Planning Scheme does not prevent the use or development

of land for the purpose of an alfresco dining area on land within Zone CB (Central Business) in Central Darwin, only if the alfresco dining area use:

- (a) is located at ground level;
- (b) is associated with a lawfully established use;
- (c) does not constrain the function or reduce the number of any on-site car parking spaces, loading bays or ancillary manoeuvring spaces; and
- (d) does not involve development adjacent to a tree within a road reserve or park, or written agreement has been obtained from the relevant authority to indicate that the development will not adversely impact on either the root system or branches of a tree within the road reserve or park.

For purposes of this exception only, alfresco dining means an 'open air dining area', which may include a courtyard, a beer garden, a deck or any other space within private property boundaries or (subject to land owner **consent**) on public land or road reserve, which is:

- permanently open along at least two sides;
- the open sides are at least of equal length to the sides bounded by a wall or the like; and
- where tables and chairs are provided as a seating space for a business whose main function is the provision of food and/or beverages.

## **2.0 ADMINISTRATION**

### **2.1 ZONES**

The zones referred to in this Planning Scheme are those shown on the zoning maps.

### **2.2 PERMITTED, SELF ASSESSABLE, DISCRETIONARY AND PROHIBITED DEVELOPMENT**

Amendment No. 279  
gazetted 08.05.2013  
omits and substitutes  
clause 2.2

1. Land within a zone may be used or developed only in accordance with the Act and this Planning Scheme.
2. A use or development of land within a zone is permitted without consent if the use or development:
  - (a) is shown on the relevant zoning table as permitted; and
  - (b) complies with all the provisions of this Planning Scheme relating to that use or development in the zone.
3. A use or development of land within a zone is self assessable if the use or development:
  - (a) is shown on the relevant zoning table as self assessable;
  - (b) complies with all the provisions of this Planning Scheme relating to that use or development in the zone; andthe approved form is completed and lodged with the Department of Infrastructure, Planning and Logistics.
4. A use or development of land within a zone requires consent if any of the following apply in relation to the use or development:
  - (a) it is shown on the relevant zoning table as discretionary;
  - (b) subject to sub-clause 5, it is not shown on the relevant zoning table;
  - (c) it does not comply with all the provisions of this Planning Scheme relating to that use or development within the zone; or
  - (d) a provision of this Planning Scheme expressly requires consent.
5. Subject to clause 2.3, a use or development of land within a zone is prohibited if the use or development is:
  - (a) in Zones SD, MD, MR or HR and is not shown on the relevant zoning table; or
  - (b) shown on the relevant zoning table as prohibited.

### **2.3 USE OR DEVELOPMENT OF A HERITAGE PLACE**



1. Despite anything to the contrary in this Planning Scheme the consent authority may **consent** to a use or development of a **heritage place** that would otherwise be prohibited.
2. The consent authority must not **consent** to a use or development under sub-clause 1 except with the concurrence of the Minister responsible for the administration of the *Heritage Act*.

## 2.4 SPECIFIC USE ZONES

1. Despite anything to the contrary in this Planning Scheme, land described in Schedule 1 (Specific Use Zones) may be used or developed as specified in the Schedule subject to any conditions specified in the Schedule and any further conditions imposed by the consent authority.
2. The provisions of Parts 1, 2, 4, 5, 7 and 8 apply to development described in Schedule 1 except where they conflict with any conditions specified in that Schedule.

## 2.5 EXERCISE OF DISCRETION BY THE CONSENT AUTHORITY

1. In considering an application for **consent** for a proposed use or development, the consent authority must consider the proposed use or development in its entirety except in relation to:
  - (a) an application to alter or vary a development permit under sections 43A, 46 or 57 of the *Act*; or
  - (b) access to a **main road**.
2. Parts 4 and 5 set out the standards that apply to the development of land, subject to sub-clauses 3, 4 and 5.
3. The consent authority may **consent** to the development of land that does not meet the standard set out in Parts 4 or 5 in circumstances set out in a provision of Parts 4 or 5.
4. The consent authority may **consent** to the development of land that does not meet the standard set out in Parts 4 or 5 if it is satisfied that special circumstances justify the giving of **consent**.
5. When consenting to a development of land, the consent authority may impose a condition requiring a higher standard of development than is set out in a provision of Parts 4 or 5 if it considers it necessary to do so.

Amendment No. 424 published in the NT News on 04.12.2015 introduces sub-clause 3

## 2.6 SUBDIVISION OF LAND

Land may be subdivided or consolidated only with **consent** and subject to the relevant provisions of Part 5 of this Planning Scheme.

## 2.7 REFERENCE TO POLICY

1. The interpretation of this Planning Scheme and the determinations of a consent authority must have regard to the policies and planning concepts expressed in those documents appearing in Part 8 or Schedule 2 and ensure that a use or development or proposed use or development is consistent with them.
2. Where there is an inconsistency between any applicable policy and this Planning Scheme, the provisions of the Planning Scheme will prevail.

Amendment No. 320 gazetted 26.03.2014 omits and substitutes clause 2.7

## 2.8 REFERENCE TO GUIDELINES

1. Applications for a use or development must demonstrate consideration of and the consent authority must have regard to any guidelines applicable to the use or development appearing in Schedule 3 and ensure that a use or development or proposed use or development is consistent with them.
2. Where there is an inconsistency between any applicable guideline and this Planning Scheme, the provisions of the Planning Scheme will prevail.

## 2.9 ANCILLARY USE AND DEVELOPMENT

1. Unless expressly provided by this Planning Scheme, where a use or development of land is permitted without **consent**, an ancillary use or development which would require **consent** if proposed as the primary use or development, is also permitted without **consent** provided it complies with the provisions of the clauses (if any) specified opposite the use or development in the relevant zoning table.
2. Where the ancillary use or development of land would be prohibited if proposed as the primary use or development, the ancillary use or development is permitted only with **consent**.

## 2.10 OMITTED

Amendment No. 451 published in the NT News on 29.07.2016 omits clause 2.10 (Carports, Pergolas and Shade Sails over Existing Car Parking in Multiple Dwelling Developments)



### 3.0 DEFINITIONS

In this document, unless inconsistent with the context or subject matter:

“**abattoir**” means premises used for the slaughter and dressing of animals, and includes the processing of meat from such slaughter;

“**agriculture**” means, as a commercial enterprise:

- (a) the growing of crops, pasture, timber trees and the like, but does not include a **plant nursery** or **horticulture**; and
- (b) the keeping and breeding of livestock;

but does not include **intensive animal husbandry** or **stables**;

“**amenity**” in relation to a locality or building, means any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable;

“**animal boarding**” means premises used as a commercial enterprise for the accommodation or breeding of domestic animals;

“**basement**” means a **storey** either below ground level or that projects no more than one metre above ground level;

“bed and breakfast accommodation”

“**building setback**” means the distance from any lot boundary to a building and shall be measured from all boundaries to:

- the wall of a building;
- the outer surface of the railings of a balcony or verandah;
- the outer surface of any support column of a ground level verandah; and
- the outer surface of any support column for structures without external walls except that the setback of a shade sail is measured to the outer extremity of the fabric.

In the event of a **site** having frontage to more than one street, the **building setback** through the corner truncation is measured from the intersecting point of the **primary street setback** and the **secondary street setback**.

Clause 10.1 refers to animal related use and development.

Clause 10.2 refers to the **clearing of native vegetation**.

Clause 10.1 refers to animal related use and development.

See also **storey**

Amendment No. 279 gazetted 8.05.2013 deletes the term “bed and breakfast accommodation” and replaced by a new term “**home based visitor accommodation**”

Amendment No. 451 published in the NT News on 29.07.2016 omits and substitutes the definition of “**Building Setback**”

<p>“<b>business sign</b>” means a device using words, letters or images exhibited for the purpose of advertising, announcement or display restricted to the name of the business carried on and the nature of the services or goods available, on the land on which the sign is erected, and includes, where a number of persons are carrying on different businesses on that land, a sign identifying the place;</p> <p>“<b>caravan</b>” includes a vehicle registered or eligible for registration within the meaning of the <i>Motor Vehicles Act</i> which is designed or adapted for human habitation;</p> <p>“<b>caravan park</b>” means land used for the parking of <b>caravans</b> or the erection or placement and use of tents or cabins for the purpose of providing accommodation;</p> <p>“<b>caretaker’s residence</b>” means a <b>dwelling</b> which is ancillary to the lawful use of the land on which it is erected and which is used by the caretaker of the land;</p> <p>“<b>car park</b>” means the parking of motor vehicles otherwise than as an ancillary use of land;</p> <p>“<b>car parking area</b>” means an area set aside or designated for the parking of three or more motor vehicles;</p> <p>“<b>car parking space</b>” means a space designated for the parking of one motor vehicle;</p> <p>“<b>child care centre</b>” means premises used for the caring for 17 or more children;</p>	<p>Clause 6.7 refers.</p> <p>Clause 6.10 refers to <b>business</b> or <b>promotion</b> signs within a Heritage zone.</p> <p>See also <b>promotion sign</b>. Alice Springs, Darwin, Palmerston, Katherine and Tennant Creek municipal councils control the erection of <b>business</b> or <b>promotion</b> signs.</p> <p>On land within a road corridor under the care and control of the Department of Transport the approval of that Department is also required.</p> <p>Clause 7.10.2 limits the use of <b>caravans</b> outside <b>caravan parks</b>.</p> <p>Clause 7.10.3 limits the floor area of <b>caretaker’s residences</b>.</p> <p>Clause 6.5.3 specifies criteria relating to parking layout.</p> <p>Clause 6.5.3 specifies criteria relating to parking layout.</p> <p>For most uses the Building Code of Australia requires the provision of parking for disabled people.</p> <p>Clause 8.1.5 specifies criteria relating to the use.</p>
<p>“<b>clearing of native vegetation</b>” means the removal or destruction, by any means, of <b>native vegetation</b> on an area of land, other than:</p> <ul style="list-style-type: none"> <li>(a) the removal or destruction of a declared weed within the meaning of the <i>Weeds Management Act</i> or of a plant removed under the <i>Plant Diseases Act</i>;</li> <li>(b) the lopping of a tree;</li> <li>(c) incidentally through the grazing of livestock;</li> <li>(d) the harvesting of <b>native vegetation</b> planted for harvest;</li> <li>(e) for a road to access the land or other land;</li> <li>(f) in the course of Aboriginal traditional use, including the gathering of food or the production of cultural artefacts;</li> <li>(g) by fire;</li> </ul>	<p>Clauses 10.2 and 10.3 refer.</p>

- (h) the removal or destruction of **native vegetation** occurring on a **site** previously cleared in accordance with a permit issued under the Act; or
- (i) incidentally through mowing an area previously cleared of **native vegetation**;

and includes the selective removal of a species of plant, a group of species of plants, a storey or group of storeys in whole or in part;

**“commercial sex service premises”** means a premises from which a **sex services business** operates and that business engages **sex workers** (but does not include **sex services business** as a **home occupation**).

**“common building boundary”** means the designated boundary between one lot and an adjoining lot in the same subdivision;

**“community centre”** means a building or part of a building designed or adapted primarily to provide facilities for social, sporting or cultural purposes but does not include premises licensed under the *Liquor Act*;

**“consent”** means the consent of the consent authority within the meaning of the *Planning Act*;

**“demountable structure”** means a building, including transport containers, which is wholly or substantially prefabricated and which is designed to be transported from site to site, but does not include a **caravan** or transportable module used in conjunction with an **education establishment** or as a **medical clinic** or as a construction site office or a prefabricated **dwelling**;

**“dependant unit”**;

**“domestic livestock”** means the keeping, exercising or training, other than as a commercial enterprise, of any of the following:

- (a) horses or other equine animals;
- (b) ox, buffalo or other bovine animals;
- (c) camels; or
- (d) pigs;

**“dwelling”** means a building, or part of a building, designed, constructed or adapted as a self-contained residence;

**“education establishment”** means an academy, college, kindergarten, lecture hall, primary or secondary school, technical college or university, but does not include a place of worship;

**“end of trip facilities”** means secure bicycle storage, showers, changing rooms, lockers and other facilities that support cycling and other active modes of transport.

Amendment No.546  
Published in the NT  
News on 12.06.2020  
introduces the term  
and definition for  
**‘Commercial Sex  
Service premises’**

Amendment No.16  
gazetted 17.03.2010  
amends the definition  
of **“demountable  
structure”**

Amendment No. 321  
published in the NT  
News on 4.05.2014  
deletes the term  
“dependant unit” and  
replaced by a new term  
**“independent unit”**

Amendment No.547  
Published in the NT  
News on 12.06.2020  
introduces the term and  
definition for **‘end of  
trip facilities’**

Clause 11.1.2 provides  
for lots of less than  
800m<sup>2</sup>.

Clause 6.8 refers  
to the placement  
of **demountable  
structures**.

Clause 10.1 refers to  
animal related use and  
development.

“**floor area**” in relation to a building, includes all wall thicknesses of the external walls and all roof areas used as floors, but does not include verandahs, balconies or areas set aside for car parking or access thereto;

“**fuel depot**” means a depot for the storage or sale of solid, liquid or gaseous fuel, but does not include a **service station**;

“**fully screened**”, in relation to a verandah or balcony, means a permanently fixed durable external screen, designed and coloured to blend in with the development to at least 1.7m above floor level, which is no more than 25% transparent and consists of perforated panels or trellis with a maximum of 25% openings or solid translucent panels or louvered slats, which are only able to be opened to a 45<sup>o</sup> angle and do not allow direct overlooking into an adjacent **residential building**.

“**general industry**” means an **industry** other than a **light industry** or a **rural industry**;

“**ground level**” means the ground surface level that exists on a site prior to the commencement of earth or construction works associated with the development of a building.

“**group home**” means a **dwelling**:

- (a) occupied by persons who are not necessarily related and who live together as a single household, with or without paid supervision or care; and
- (b) where management of the household is assisted by a community organisation, **education establishment** or recognised religious or charitable organisation, or a department or institutional establishment of the Crown;

but does not include **supporting accommodation**;

“**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;

“**heritage object**” means a heritage object within the meaning of the *Heritage Act*;

“**helicopter landing site**” “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.

“**home based child care centre**” means the caring in a **dwelling** for six to a maximum of 16 children including children who reside in the **dwelling**, by a person who resides in the **dwelling**;

“**heritage place**” means a heritage place within the meaning of the *Heritage Act*;

“**home based contracting**” means the storage on the **site** of a **dwelling** of materials and/ or vehicles associated with a business operated by a person resident in the **dwelling**, but which business does not operate on the **site** of the **dwelling**;

See also **net floor area**.

See also **industry**, **light industry** and **rural industry**.

Clause 6.1 and 7.1 refers to the measurement of residential building height

Clause 7.10.8 refers to the operation of the use.

Amendment No. 451 published in the NT News on 29.07.2016 introduces the term and definition for “**Fully Screened**”

Amendment No.176 gazetted 28.09.2011 clarifies how to measure building height.

Amendment No.494 gazetted 22.02.19 introduces the term and definition for “**helicopter landing sites**”

Amendment No. 279 gazetted 8.05.2013 introduces the definition "home based visitor accommodation"

Amendment No. 546 published in the NT News on 12.06.2020 omits and replaces the term 'Home Occupation'

Amendment No. 321 published in the NT News on 14.05.2014 introduces the definition of "independent unit"

"**home based visitor accommodation**" means temporary accommodation provided on the premises of a **dwelling** by the resident of that **dwelling**, as a commercial enterprise for persons away from their normal place of residence but does not include a **hostel**.

"**home occupation**" means an occupation or profession which is carried on in a **dwelling** or on the **site** of a **dwelling** by a person resident in the **dwelling**, and may include:

(a) the caring for up to five children including children who reside in the **dwelling**; or

(b) a **sex services business** consisting of up to two **sex workers** who reside in the **dwelling** plus one support staff.

"**horticulture**" means the commercial cultivation of fruit, vegetables, flowers and the like;

"**hospital**" means a building used to provide health services including preventative care, diagnosis, medical and surgical treatment and counselling to persons admitted as in-patients;

"**hostel**" includes boarding houses, guest houses, lodging houses and other premises used to provide board or lodging with communal toilet, ablution, dining or cooking facilities but does not include **home based visitor accommodation** or a **group home**;

"**hotel**" means premises which require a licence under the *Liquor Act* and where, as a principal part of the business, alcoholic beverages are ordinarily sold to the public for consumption on the premises whether or not accommodation is provided for members of the public and whether or not meals are served, but does not include a **licensed club**, **motel** or **restaurant**;

"**independent unit**" means an ancillary **dwelling** constructed on the same **site** as a **single dwelling**;

"**industry**" includes the following operations:

- (a) the carrying out of a process of manufacture whether or not to produce a finished article;
- (b) the dismantling of an article, machinery or vehicle;
- (c) the treatment of waste materials;
- (d) the packaging of goods or machinery;
- (e) the process of testing or analysis of an article, goods or materials;
- (f) the storage of goods, equipment or vehicles not in association with any other activity on the **site**, but not including **transport terminal**, **vehicle sales and hire** or **warehouse**;

and if on the same land as any of the operations referred to in paragraphs (a) to (f) above:

- (g) the storage of goods used in conjunction with or resulting from any of the above operations;

Clause 7.10.1 specifies criteria relating to the use.

Clause 7.10.7 refers to the operation of the use.

See also **agriculture**.

See also **general industry**, **light industry** and **rural industry**



- (h) the provision of amenities for persons engaged in the operations;
- (i) the sale of goods resulting from the operations;
- (j) any work of administration or accounting in connection with an operation; and
- (k) an industry or class of industry particularly described in this Planning Scheme;

but does not include **motor body works, motor repair station** or a **home occupation**;

**“intensive animal husbandry”** means:

- (a) the keeping and feeding of animals, including poultry and pigs, in sheds, stalls, ponds, compounds or stockyards; or
- (b) aquaculture;

as a commercial enterprise;

**“leisure and recreation”** means the provision indoors or outdoors of recreation, leisure or sporting activities and includes cinemas, theatres, sporting facilities and the like as a commercial enterprise but does not include a **licensed club** or **community centre**;

**“licensed club”** means premises used as club rooms which require a licence under the *Liquor Act*;

**“light industry”** means an **industry** in which the process carried on, the machinery used and the goods and commodities carried to and from the premises on which the **industry** is sited are not of such a kind as are likely to adversely affect the **amenity** of the surrounding locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;

**“main road”** means a main road defined on the zoning maps;

**“medical clinic”** means a building or place used by one or more medical practitioners, physiotherapists, dentists or persons ordinarily associated with health care, or their employees, but does not include a **hospital**;

**“medical consulting rooms”** means a room or suite of rooms on the **site** of a **single dwelling** used by a resident of that **dwelling** for the purposes of his or her work as a medical practitioner, dentist or person ordinarily associated with health care;

**“mezzanine”** means an intermediate floor within a room;

**“mining”** means all modes of extracting either minerals or extractive minerals by underground, surface or open-cut workings, other than in pursuance of an extractive mineral permit issued under the

*Mining Act* or an authorisation under section 178(2) of that Act for a like purpose and includes the crushing, storage or processing of such material on the land from which the material is extracted or on land adjacent thereto;

Clause 10.1 refers to animal related use and development.

See also **general industry, industry** and **rural industry**.

Clause 7.10.9 refers to the operation of the use.

See also **storey**

Clause 11.4.4 refers.

“**motel**” means premises wholly or principally used for the accommodation of travellers and the vehicles used by them, whether or not the building is also used to provide meals to the travellers or to members of the general public and whether or not the premises are licensed under the *Liquor Act*, but does not include **home based visitor accommodation**;

“**motor body works**” means premises for repairing the body work of motor vehicles and includes body building, panel beating or spray painting of motor vehicles;

“**motor repair station**” means premises used for carrying out repairs to motor vehicles but does not include a **motor body works** or a **transport terminal**;

“**multiple dwellings**” means a building or group of buildings on a **site** which individually or collectively contain more than one **dwelling** (including serviced apartments) but does not include an **independent unit**;

“**native vegetation**” means terrestrial and inter-tidal flora indigenous to the Northern Territory, including grasses, shrubs and mangroves;

“**net floor area**” in relation to a building, includes all the area between internal surfaces of external walls but does not include:

- (a) stairs, cleaners cupboards, ablution facilities, lift shafts, escalators or tea rooms where tea rooms are provided as a standard facility in the building;
- (b) lobbies between lifts facing other lifts servicing the same floor;
- (c) areas set aside as public space or thoroughfares and not used exclusively by the occupiers of the building;
- (d) areas set aside as plant and lift motor rooms;
- (e) areas set aside for use of service delivery vehicles; and
- (f) areas set aside for car parking or access;

“**non-residential building**” means a building that is not a **residential building** or a non-habitable structure such as a shed, carport or garage.

“**office**” means a building or part of a building used for the conduct of administration whether public or otherwise, the practice of a profession, or the carrying on of mercantile, banking, insurance, legal, clerical or similar services, but does not include a **home occupation**;

“**passenger terminal**” means premises used as a railway or bus station, shipping passenger terminal, airline passenger terminal, hoverport or heliport;

“**pergola**” is an unroofed open structure constructed at ground level without external walls but may be covered with permeable shade cloth;

Serviced apartments attract a different requirement for **car parking**. See clause 6.5.1

See also **floor area**.

Clause 8.1.2 refers to interchangeable uses in Zones CB and C.

Amendment No.547  
Published in the NT  
News on 12.06.2020  
introduces the term  
and definition for ‘**non-  
residential building**’

Amendment No. 106  
gazetted 16.12.2009  
introduces a definition  
of “**pergola**”

Amendment No. 106 gazetted 16.12.2009 introduces a definition of "primary street"

"**place of worship**" means premises used as a church, chapel, mosque, temple, synagogue or place of religious instruction or worship or for the purpose of religious training;

"**plant nursery**" means premises principally used for the growing and/ or display of plants for sale, whether or not seeds, equipment, soil, sand, rocks, railway sleepers or other associated products are displayed or sold, but does not include the use of land for **agriculture** or **horticulture**;

"**plot ratio**" means the **floor area** divided by the area of the **site**;

"**primary street**" means the street or where there is more than one street, the street with the wider carriageway or that which carries the greater volume of traffic but does not include any street where access is prohibited by the controlling Agency;

"**promotion sign**" means a device using words, letters or images exhibited for the purpose of advertising, announcement or display which contains information relating to:

- (a) goods, services or products not provided, produced or sold; or
- (b) events or activities which are not carried out on the land or in the building on which the sign is constructed or erected;

"**proposed main road**" means a proposed main road shown on the zoning maps;

"**recycling depot**" means premises used for the collection, storage or sale of scrap metals, waste paper, rags, bottles or other scrap material or goods, or used for dismantling, storage or salvaging of machinery whether or not parts of them are for sale;

"**residential building**" means a building or part of a building used or developed or proposed to be used or developed for a **caretaker's residence, independent unit, group home, hostel, hotel** (where the **hotel** includes accommodation available to members of the public), **motel, multiple dwellings, single dwelling** or **supporting accommodation**;

"**restaurant**" means premises (other than a **shop**, or part of a **hotel** or a **motel**) in which meals are served to the public whether or not the premises provides a drive-through service or requires a licence under the *Liquor Act*;

"**retail agricultural stall**" means a building used for the display and retail sale of agricultural, market garden or horticultural produce grown on the land on which the building is erected;

"**rural industry**" means an **industry** which involves the treatment, processing or packing of primary products transported to the **site** where the goods and commodities carried to and from the premises on which the **industry** is sited are not of such a kind as are likely to adversely affect the **amenity** of the surrounding locality;

See also **secondary street**

Clause 6.7 refers.

Clause 6.10 refers to **business** or **promotion signs** within a Heritage zone.

See also business sign.

Alice Springs, Darwin, Katherine, Palmerston and Tennant Creek municipal councils control the erection of **business** and **promotion signs**.

On land within a road corridor under the care and control of the Department of Transport the approval of that Department is also required.

Clause 7.1 refers to building heights and clause 7.3 to setback requirements.

Clause 8.1.2 refers to interchangeable uses in Zones CB and C.

See also **general industry, industry** and **light industry**.

Clause 10.6 refers.

Amendment No. 451 published in the NT News on 29.07.2016 omits and substitutes the definition of **“Secondary street”**

Amendment No. 451 published in the NT News on 29.07.2016 introduces the term and definition for **“Serviced apartment”**

Amendment No. 546 published in the NT News on 12.06.2020 introduces the terms and definitions for **“Sex Worker”**, **“Sex Work”** and **“Sex Services Business”**

Amendment No. 452 published in the NT News on 29.07.2016 introduces the term and definition for **“Site coverage”**

Amendment No. 483 published in the NT News on 06.10.2017 omits the term and definition for **“Site coverage”**

**“secondary street”** means – in the case of a site that has access to more than one public street – the street or streets that are not the primary street;

**“serviced apartment”** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and which is regularly serviced or cleaned by an owner or manager of the building or by an agent of an owner or manager of the building.

**“service station”** means premises used for the sale by retail of fuels, oils and other products for use in connection with the operation of motor vehicles, whether or not it includes convenience shopping, but does not include a **fuel depot, motor repair station or motor body works**;

**“sex worker”** means a person who performs **sex work**.

**“sex work”** means the provision by a person of services that involve the person participating in sexual activity with another person in return for payment or reward.

**“sex services business”** means a business that provides for or arranges **sex work**.

**“shop”** means premises used for the display and sale by retail or for hire of goods or services but does not include a **restaurant, retail agricultural stall, service station, showroom sales or vehicle sales and hire**;

**“showroom sales”** means the sale or hire in premises of goods of a bulky nature including:

- (a) furniture, floor coverings, furnishings, household appliances or camping gear; or
- (b) materials, tools, equipment or machinery for use in **industry**, commerce, the trades, primary production, medical purposes or party hire;

**“single dwelling”** means a building containing one **dwelling** only;

**“site”** means an area of land, whether consisting of one lot or more, which is the subject of an application to the consent authority;

**“sport and recreation”** means the use of land for recreation purposes, but does not include such a use which involves commercial transactions, motor sports or activities which, by virtue of the generation of noise or disturbance, will adversely affect the **amenity** of adjoining land nor does it include **leisure and recreation**;

See also **primary street**.

Clause 8.1.4 refers.

Clause 8.1.2 refers to interchangeable uses in zones CB and C.

Clause 1.3 subclause 2(a)(ii) refers.

**stables**” means premises used for the keeping, exercising or training of horses or other animals of burden but does not include **domestic livestock** or **intensive animal husbandry**;

**“storey”** means that part of a building between floor levels. If there is no floor above, it is the part between the floor level and the ceiling. It may comprise an attic, **basement** or built over area for car parking;

**“supporting accommodation”** means:

- (a) a convalescent or nursing home, an orphanage, a children’s home, an institution for poor or disadvantaged persons, or a home for the care of aged persons; or
- (b) premises used by people moving from their homes or an institution and living for a short time in shared, supporting or rehabilitating accommodation where day-to-day management and operation of the premises is provided by a community organisation or recognised religious or charitable organisation or a department or institutional establishment of the Crown.

**“telecommunications facility”** means land used to accommodate:

- (a) any part of the infrastructure of a telecommunications network; or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or for use, in or in connection with a telecommunications network.

**“transport terminal”** means premises used for the:

- (a) loading, discharge or storage of goods in the course of the transport of those goods by air, road, rail or ship;
- (b) garaging and basic maintenance of fleet vehicles; or
- (c) servicing, repair and garaging of buses;

**“vehicle sales and hire”** means premises used wholly or principally for the display for sale by retail or for rental of motor vehicles, **caravans**, trailers, farm machinery or boats but does not include **motor body works**, **motor repair station**, a **shop** or **showroom sales**;

**“veterinary clinic”** means premises used for the medical treatment of animals, whether or not the animals are boarded there as part of the treatment;

**“warehouse”** means premises used for the bulk storage of goods, or the display and sale of goods by wholesale.

Clause 10.1 refers to animal related use and development.

Clause 13.5 refers to the development of telecommunication facilities.

Clause 10.5 refers.

Amendment No. 451 published in the NT News on 29.07.2016 omits and substitutes the definition of **“Supporting Accommodation”**

Amendment No. 225 gazetted 15.08.2012 introduces the definition “telecommunications facility”.

