

# PART 6 - SUBDIVISION AND CONSOLIDATION REQUIREMENTS

## 6.1 Preliminary

1. Unless otherwise specified by the Act, Regulations or the provisions of Part 1 of this Scheme the subdivision and consolidation of land requires **consent**.

**Editor's note: Zones not mentioned in this Part do not have minimum subdivision requirements, and should respond to the relevant zone purpose and outcomes and the Strategic Framework.**

## 6.2 Subdivision in Zones LR, LMR, MR and HR

### 6.2.1 Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR

#### Purpose

Ensure that subdivision of land for urban residential purposes creates lots of a size, configuration and orientation suitable for residential development at a density envisaged by the zone.

#### Administration

1. The consent authority must not **consent** to a subdivision that reduces a lot size by an area greater than 5% of the minimum specified in Table A to this clause:
  - (a) in Zone LR; or
  - (b) in Zones LR and MR in Alice Springs and adjacent zoned areas.
2. The consent authority must not **consent** to a subdivision in Zone LMR that is not in accordance with Table A to this clause.
3. The consent authority may **consent** to a subdivision in Zone LR, MR or HR that is not in accordance with Table A to this clause only if it is satisfied that all lots created are consistent with the purpose of this clause and the zone purpose and outcomes.
4. The consent authority may **consent** to a subdivision that is not in accordance with sub-clauses 5-12, only if it is satisfied the subdivision is consistent with the purpose of this clause and the zone purpose and outcomes.

## Requirements

5. Land is to be subdivided in accordance with Table A to this clause.
6. Lots are to conform with the building envelope requirements in Table B to this clause.
7. Lots have sufficient area and appropriate dimensions to provide for the proposed density of developments including  **dwellings**, vehicle  **access**, parking and  **ancillary** buildings.
8. There are no battle-axe lots.
9. Lots are oriented to allow  **dwellings** to take advantage of environmental conditions such as prevailing breezes and sunlight.
10. Lots are connected to reticulated services.
11. Potential land use conflicts are minimised by taking account of the visual and acoustic privacy of residents.
12. Where there are lots for medium and higher density residential development, those lots are:
  - (a) distributed in small groups serviced by public transport;
  - (b) in close proximity to  **public open space** and with adequate  **access** to community facilities and services; and
  - (c) not located in a cul-de-sac.

<b>Zone</b>	<b>Minimum Lot Size</b>
LR in greenfield areas identified for compact urban growth in the strategic framework	Average of 600m <sup>2</sup> and no smaller than 450m <sup>2</sup>
LR other than greenfield areas identified for compact urban growth in the strategic framework	800m <sup>2</sup>
LR, MR, HR and lots for <b>residential buildings</b> in Zone T	800m <sup>2</sup>
LMR	300m <sup>2</sup>

Table B to Clause 6.2.1: Lot Size and Configuration in Residential Subdivisions	
Lot Size	Minimum Building Envelope Requirement
300m <sup>2</sup> to less than 450m <sup>2</sup>	7m x 15m (exclusive of any boundary setbacks or service authority easements)
450m <sup>2</sup> to less than 600m <sup>2</sup>	8m x 15m (exclusive of any boundary setbacks or service authority easements).
600m <sup>2</sup> and greater	17m x 17m (exclusive of any boundary setbacks or service authority easements)

## 6.2.2 Lots Less Than 600m<sup>2</sup> for Dwellings-Single

### Purpose

Ensure the subdivision of land to lots of less than 600m<sup>2</sup> will allow residential development that minimises impact on **amenity** and the functionality of the street infrastructure.

### Administration

1. The consent authority must not **consent** to a subdivision that is not in accordance with sub-clauses 3 and 4.
2. An application must provide plans to demonstrate the requirements of sub-clause 4.

### Requirements

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 **site** layout of lots subject to this clause is able to comply with the purpose of this clause and the development requirements for vehicle parking (5.2.4), **building setbacks** (5.4.3 and 5.4.3.3) and private open space (5.4.6).

Table to Clause 6.2.2: Lots Less than 600m <sup>2</sup> for Dwellings-Single	
Range of Lot Size	Minimum length of any Boundary to a Public Road
300m <sup>2</sup> to less than 450m <sup>2</sup>	10m
450m <sup>2</sup> to less than 600m <sup>2</sup>	13m

### 6.2.3 Site Characteristics for Subdivision in Zones LR, LMR, MR and HR

#### Purpose

Ensure that the subdivision of land provides lots suitable for urban residential purposes that respond appropriately to the physical characteristics of the land and does not detrimentally impact on surrounding land.

#### Administration

1. The consent authority may **consent** to a subdivision that is not in accordance with sub-clauses 2-6, only if it is satisfied the subdivision design is consistent with the purpose of this clause.

#### Requirements

2. Avoid the development of land of excessive slope, unstable or otherwise unsuitable soils (e.g. seasonally waterlogged) and natural drainage lines.
3. Ensure, by **site** selection or **site** grading, that areas intended for lots less than 600m<sup>2</sup> do not slope in excess of 2%, such that the need for on-site stormwater structures, retaining walls and the like is minimised.
4. Retain and protect significant natural and cultural features.
5. Avoid development of land affected by a 1% AEP flood or storm surge event.
6. Retain and protect natural drainage lines and any distinctive landform features or stands of natural vegetation and incorporate them into **public open space**.

### 6.2.4 Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR

#### Purpose

Ensure that subdivision of land for residential purposes is appropriately integrated with infrastructure, community services and facilities.

#### Administration

1. The consent authority may **consent** to a subdivision that is not in accordance with sub-clauses 2-7, only if it is satisfied the subdivision is consistent with the purpose of this clause.

## Requirements

2. Provide a high level of internal accessibility and external connections for pedestrian, cycle and vehicle movements.
3. Provide links to schools, commercial facilities and public transport services.
4. Provide traffic management to restrain vehicle speed, deter through traffic and create safe conditions for all road users.
5. Incorporate street networks capable of accommodating safe and convenient bus routes with stops within a 400m radius of a majority of  **dwellings**.
6. Provide for connection to reticulated services.
7. Provide a minimum of 10% of the subdivision area as  **public open space** which:
  - (a) ensures the majority of  **dwellings** are within 400m walking distance of a neighbourhood park;
  - (b) incorporates recreational open space in larger units available for active leisure pursuits;
  - (c) is unencumbered by drains and has sufficient flat area for informal recreation; and
  - (d) is designed to provide a safe environment for users by allowing clear views of the open space from surrounding  **dwellings** or passing vehicles.

## 6.3 Subdivision in Zones RR, RL, R and H, and Unzoned land

### 6.3.1 Subdivision in Zone RR

#### Purpose

Ensure that small lot rural residential subdivisions:

- (a) respond appropriately to the physical characteristics of the land;
- (b) are integrated with local infrastructure, community services and facilities;  
and
- (c) ensure that lots are of a size and configuration suited for the purpose.

#### Administration

1. The consent authority must not **consent** to a subdivision that is not in accordance with sub-clause 6.
2. The consent authority may **consent** to a subdivision that is not in accordance with the table to this clause and sub-clauses 7-10 only if it is satisfied that the subdivision will create lots that all unconstrained land and are consistent with the purpose of this clause.
3. Despite sub-clause 2, the consent authority must not **consent** to a subdivision in Zone RR in Alice Springs and adjacent zoned areas that is not in accordance with the table to this clause.
4. The unconstrained nature of the land is to be demonstrated by a land suitability assessment addressing the NT Land Suitability Guidelines, prepared by a suitably qualified professional.

#### Requirements

5. Land is to be subdivided in accordance with the table to this clause.
6. Each lot is to be connected to reticulated water.
7. Provide for connection to reticulated services. Where no reticulated sewerage is available, demonstrate that the soils are suitable for the on-site absorption of effluent without detriment to the environment and in particular, to ground and surface waters.
8. Provide for adequate drainage within the road reserve or through engineered drainage reserves.
9. Provide sealed roads and direct **access** to a sealed public road.

10. Roads should:
- (a) be designed to:
    - i. interconnect with the existing road network;
    - ii. provide for connections to potential future subdivisions of adjoining lands;
    - iii. provide a clear hierarchy of roads; and
    - iv. minimise individual lot **access** to major roads;
  - (b) respond to the physical characteristics of the land by:
    - i. following ridge lines or contours where possible; and
    - ii. where crossing watercourses be positioned at right angles to the watercourse and minimise the number of crossing points;
  - (c) be located above the 1.0% AEP flood line or any seepage line, whichever is the higher;
  - (d) be designed with discharge drains placed to minimise erosion and associated engineering and maintenance costs;

Table to Clause 6.3.1: Subdivision in Zone RR	
Locality	Minimum Lot Size and Requirements
In Litchfield Municipality, outside of urban / peri-urban areas and rural activity centres	1ha – all unconstrained
All other areas	0.4ha – all unconstrained

### 6.3.2 Lot Size and Configuration for Subdivision in Zones RL, R and H, and Unzoned Land

#### Purpose

Ensure subdivisions of rural and unzoned land:

- (a) have lots that are of a size and configuration suited for the intended purpose;
- (b) have lots that are of a size consistent with the topographical constraints of the land (that may dictate that lots are of an area in excess of the specified minimum); and
- (c) do not impose unsustainable demands on groundwater or unreasonably degrade the environment.

#### Administration

1. The consent authority may **consent** to a subdivision in Zones RL, R, or H that is not in accordance with the minimum lot size specified in the table to this clause only if:
  - (a) the subdivision does not result in an increased lot yield; and
  - (b) the reduced lot size achieves at least one of the following:
    - i. an existing boundary encroachment by a building is remedied;
    - ii. the lots created are more regular in shape;

- iii. **access** is provided to a lot that previously had no **access** or an unsuitable **access**;
  - iv. the subdivision will better meet the overall outcomes for the zone and the relevant components of the strategic framework applicable to the locality;
  - v. the arrangement of lots results in a significant protection of areas of environmental value; or
  - vi. provides opportunity for a future local road network; and
- (c) the consent authority is satisfied that the lots created will be consistent with the purpose of this requirement and the zone purpose and outcomes.
2. The consent authority may **consent** to a subdivision on Unzoned Land that is not in accordance with the table to this clause only if it is satisfied that the lots created will be consistent with the purpose of this requirement.
  3. Despite sub-clause 1, the consent authority must not **consent** to a subdivision in Zone RL in Alice Springs and adjacent zoned areas that is not in accordance with the table to this clause.
  4. Despite sub-clauses 1 and 2, the consent authority must not **consent** to a subdivision that does not comply with sub-clauses 7-9.

#### Requirements

5. Land is to be subdivided in accordance with the table to this clause.
6. Lots are of a size that does not prejudice the economic viability of the proposed use.
7. Each lot is to have a minimum of 1ha of unconstrained land and unconstrained **access** to that land from a public road is to be similarly unconstrained.
8. Lots have a depth to width ratio not exceeding 4:1.
9. Show the location of notional and existing bores, wells and on-site effluent disposal systems and allow for effluent disposal systems to be sited at least 50m up slope from any seepage line and above the 1% AEP flood event and at least 100m from any groundwater extraction point.
10. Incorporate as far as practicable, drainage lines and drainage floors wholly within a single lot.
11. Allow for 70m separation between bores, both proposed and existing.



12. Lot boundaries are to be:
  - (a) at right angles to any watercourse;
  - (b) sufficiently up slope to be outside of seepage zones where following drainage lines; and
  - (c) at right angles to contours or along contours where slope is between 2.0% and 5.0% and follow ridge lines, spurs or contours where slope is above 5.0%.
  
13. Minimise the number of watercourse crossings.

<b>Table to Clause 6.3.2: Lot Size and Configuration for Subdivision in Zones RL, R and H, and Unzoned Land</b>	
<b>Zone</b>	<b>Minimum Lot Size and Requirements</b>
RL	2ha with a minimum of 1ha of unconstrained land
R	8ha with a minimum of 1ha of unconstrained land or 40ha in Alice Springs and Tennant Creek municipalities, with a minimum of 1ha of unconstrained land
H	25ha all unconstrained land
Unzoned Land	8ha

### **6.3.3 Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land**

#### Purpose

Ensure subdivision of land in Zones RR, RL, R and H, and unzoned land, responds to the physical characteristics of the land.

#### Administration

1. The consent authority must not **consent** to a subdivision that does not include 1ha of land per lot in Zones RL, R and Unzoned Land, and 25ha in Zone H, identified as unconstrained in relation to:
  - (a) Storm tide flooding;
  - (b) Riverine flooding;
  - (c) Localised stormwater flooding;

in accordance with the land suitability assessment and stormwater management plan.

2. The consent authority must not **consent** to a subdivision unless the relevant government agencies, local government and service authorities provide formal comment to the consent authority in relation to the land suitability assessment and stormwater management plan and the possibility of storm tide flooding, riverine flooding and localised stormwater flooding of the identified 1ha of land.
3. The consent authority may **consent** to an application that is not in accordance with sub-clauses 4-6 if the application includes preliminary land assessment and stormwater management plans prepared by the applicant and approved by the relevant government agency and or service authority, demonstrating that 1ha of land per lot and all internal roads are unconstrained by localised stormwater flooding and by those issues addressed in the NT Land Suitability Guidelines.

#### Requirements

4. An application to subdivide rural or unzoned land should include the following documents prepared by suitably qualified professionals:
  - (a) a land suitability assessment addressing the NT Land Suitability Guidelines; and
  - (b) a stormwater management plan including but not limited to; the potential impact on neighbouring land, external roads, internal roads and the 1ha of land identified as unconstrained, the upstream and downstream flows and any proposed mitigation measures.
5. The subdivision design must address the constraints as identified in the land suitability assessment and stormwater management plan in relation to the location of internal roads, lot boundaries and the identified 1ha of unconstrained land.
6. An application to subdivide land on the maps “Priority Environmental Management Areas – Litchfield” and “Priority Environmental Management Areas – Katherine” as an area potentially of environmental significance should, on the advice of the relevant government agency, be accompanied by and the consent authority shall have regard to an evaluation by a suitably qualified professional of the environmental significance of the **native vegetation** and land form (e.g. lagoons, wetlands, rugged terrain and drainage systems).
7. An application described in sub-clause 6 must demonstrate that the proposed subdivision design does not adversely affect the environmental values as identified in the evaluation.

8. Subdivision design of rural and unzoned land should:
  - (a) Retain and protect significant natural and cultural features;
  - (b) Minimise the number of lots in, or exclude from subdivision, areas of high conservation significance and riparian zones;
  - (c) Minimise alteration or disturbance to natural drainage systems including drainage areas, recognisable watercourses, lagoons and permanent and semi-permanent springs; and
  - (d) Minimise erosion hazard, sedimentation and pollution of watercourses.

### 6.3.4 Infrastructure for Subdivision in Zones RL, R and Unzoned Land

#### Purpose

Ensure that subdivision of land in Zones RL, R and unzoned land, is integrated with infrastructure, community services and facilities and will not unreasonably affect the environment.

#### Administration

1. The consent authority may **consent** to a subdivision that is not in accordance with sub-clauses 2-7, only if it is satisfied the subdivision is consistent with the purpose of this clause.

#### Requirements

2. Minimise disturbance through earthworks associated with the provision of infrastructure.
3. Provide for connection to reticulated services where practical.
4. Where no reticulated sewerage is available, demonstrate that the soils are suitable for the on-site absorption of effluent without detriment to the environment and in particular to ground and surface waters.
5. Where no reticulated water is available, demonstrate that an adequate supply of groundwater is available for domestic purposes.
6. Roads should:
  - (a) be designed to:
    - i. interconnect with the existing road network;
    - ii. provide for connections to potential future subdivisions of adjoining lands;
    - iii. provide a clear hierarchy of roads; and
    - iv. minimise individual lot **access** to major roads;
  - (b) respond to the physical characteristics of the land by:
    - i. following ridge lines or contours where possible; and
    - ii. where crossing watercourses be positioned at right angles to the watercourse and minimise the number of crossing points;

- (c) be sealed where lot sizes are 2ha or less;
  - (d) be located above the 1.0% AEP flood line or any seepage line, whichever is the higher;
  - (e) be designed with discharge drains placed to minimise erosion and associated engineering and maintenance costs;
  - (f) provide direct **access** to lots and avoid battle-axe strips, however, where justified, battle-axe strips should be:
    - i. not less than 10m wide; and
    - ii. less than 250m in length.
7. Where a road crosses a tidal arm in a rural subdivision it is expected to have a minimum elevation of RL 8m AHD and be designed to enable a discharge of at least a 5.0% AEP flood event.

### 6.3.5 Mineral Resources and Subdivision in Zone RL

#### Purpose

Ensure subdivision does not prejudice the exploitation of mineral resources.

#### Administration

1. The consent authority may **consent** to a subdivision that is not in accordance with sub-clause 2 if it is satisfied the subdivision is consistent with the purpose of the requirement.

#### Requirements

2. Subdivision design is to avoid the creation of lots, the **amenity** of which would be adversely affected by existing or future **mining activities** in the vicinity.

### 6.3.6 Lots less than 8 ha for Urban and Community Uses on Unzoned Land

#### Purpose

Provide for lots less than 8 ha on unzoned land where required for appropriately serviced urban and community uses, especially in a township or remote community, that:

- (a) are of a size and configuration suitable for the intended use;
- (b) respond to the capability and constraints of the land; and
- (c) are commensurate with the capacity of available infrastructure and services.

#### Administration

1. The consent authority may **consent** to a subdivision that is not in accordance with sub-clauses 3-8, only if it is satisfied that the subdivision will result in lots that are consistent with the purpose of this clause.

2. The consent authority must not **consent** to a subdivision that is not in accordance with sub-clause 9 or 10.

### Requirements

3. Minimise alteration or disturbance to natural drainage systems including drainage areas, recognisable watercourses, lagoons and permanent and semi-permanent springs, and incorporate them in **public open space** where relevant.
4. Minimise erosion hazard, sedimentation and pollution of watercourses.
5. Retain and protect significant natural and cultural features including any distinctive landform features or stands of natural vegetation, by incorporating them in **public open space** where relevant.
6. Minimise the number of lots in, or exclude from subdivision, areas of high conservation significance and riparian zones.
7. Comply with clause 6.3.3 (Lots of 1ha or Greater in Zones RL, R and H, and Unzoned Land) sub-clauses 6 to 7.
8. Adequate drainage is to be provided within the road reserve or via engineered drainage reserves.
9. If the area is serviced with reticulated sewerage and water the subdivision design must comply with clauses 6.2.1, 6.2.3 and 6.2.4.
10. Where reticulated water and sewerage is not available the subdivision design must:
  - (a) comply with clause 6.3.2 (Lot Size and Configuration in Subdivision in Zones RL, R and H, and Unzoned Land) with the exception of sub-clause 7;
  - (b) demonstrate that the soils are suitable for the on-site absorption of effluent without detriment to the environment and in particular, to ground and surface waters; and
  - (c) demonstrate on-site sewerage can be managed and contained within the boundary of the lot.

## 6.4 Subdivision in Zones LI, GI and DV

### 6.4.1 Lot Size and Configuration for Subdivision in Zones LI, GI and DV

#### Purpose

Ensure that industrial lots are of an appropriate size and configuration to support industrial activities.

#### Administration

1. The consent authority may **consent** to a subdivision that is not in accordance with sub-clauses 2-4, only if it is satisfied that the subdivision design is consistent with the purpose of this clause.

#### Requirements

2. The minimum lot size is 1225m<sup>2</sup>.
3. Provide for a variety of lot sizes to accommodate a range of activities.
4. Ensure the utility of each lot in terms of:
  - (a) building space and accessibility;
  - (b) compatibility with adjacent commercial and residential areas with appropriate buffers (for example roads, landscaping or parks);
  - (c) sufficient space to accommodate the industrial operations and buildings envisaged and make allowance for possible future expansion; and
  - (d) safe vehicle entry and exit.

### 6.4.2 Site Characteristics for Subdivision in Zones LI, GI and DV

#### Purpose

Ensure that subdivision for industrial lots respond appropriately to the physical characteristics of the land.

#### Administration

1. The consent authority may **consent** to a subdivision that is not in accordance with sub-clauses 2-4, only if it is satisfied the subdivision is consistent with the purpose of this clause.

#### Requirements

2. Avoid the development of land of excessive slope, unstable or otherwise unsuitable soils (e.g. seasonally waterlogged) and natural drainage lines.
3. Retain and protect significant natural and cultural features.

4. Avoid development of land affected by a 1% AEP flood or storm surge event.

### 6.4.3 Infrastructure for Subdivision in Zones LI, GI and DV

#### Purpose

Ensure that lots within industrial subdivisions are appropriately provided, connected and integrated with the required infrastructure.

#### Administration

1. The consent authority may **consent** to a subdivision that is not in accordance with sub-clauses 2-8, only if it is satisfied the subdivision is consistent with the purpose of this clause.

#### Requirements

2. Incorporate safe connection to the existing road network with particular consideration given to the needs of heavy vehicles.
3. 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.
4. Minimise **access** from individual lots to major roads by using minor roads for such **access**.
5. Provide for road reserve and carriageway widths appropriate to the circumstances.
6. Provide for connection to reticulated services.
7. Where no reticulated sewerage is available, demonstrate that the soils are suitable for the on-site absorption of effluent without detriment to the environment, and in particular to ground and surface waters.
8. Protect service infrastructure by providing/ preserving easements.

## 6.5 Subdivision in Other Zones

### 6.5.1 Subdivision in Zone FD

#### Purpose

Provide for the subdivision of land in Zone FD in a manner that will not prejudice the intended ultimate subdivision and future development of the land envisaged in the strategic framework.

#### Administration

1. The consent authority may **consent** to a subdivision that is not in accordance with sub-clauses 3 or 4, only if it is satisfied the subdivision is consistent with the purpose of this clause.
2. An application for subdivision in accordance with sub-clause 4 must include a proposed zoning plan that identifies the intended future zoning.

#### Requirements

3. The minimum lot size is 50ha.
4. Despite sub-clause 3, subdivision may create lots consistent with the intended future zoning if it:
  - (a) complies with the relevant subdivision requirements of the intended future zone;
  - (b) is generally in accordance with an area plan or other relevant component of the strategic framework; and
  - (c) services are, or can be, made available to that land.

### 6.5.2 Subdivision in Zone WM

#### Purpose

Provide for the subdivision of land in Zone WM in a manner that will not compromise the security or quality of the public water supply.

#### Administration

1. The consent authority must receive and have regard a report from any Agency with responsibility for the relevant water source and/or the public water supply on whether the proposed development will be in accordance with sub-clause 5.
2. The consent authority must not **consent** to the subdivision if it is not supported by any Agency with responsibility for the relevant water source and/or the public water supply.



3. The consent authority may **consent** to a subdivision that is not in accordance with sub-clause 4, only if it is satisfied the subdivision is consistent with the purpose of this clause.

#### Requirements

4. The minimum lot size is 50ha.
5. Subdivision of land within Zone WM should:
  - (a) be of a nature or intensity which does not risk contamination of the surface or ground water supply;
  - (b) take account of drainage of the land during the construction stage;
  - (c) provide appropriate facilities for effluent disposal; and
  - (d) provide appropriate facilities for on-site waste collection and disposal.

### **6.5.3 Subdivision in Zone RD**

#### Purpose

Provide for the subdivision of land in Zone RD in a manner that will not compromise the safe operation of an airport.

#### Administration

1. The consent authority may **consent** to a subdivision that is not in accordance with sub-clause 2, only if it is satisfied the subdivision will create lots that are consistent with the purpose of this clause;

#### Requirements

2. The minimum lot size is 50ha.

## 6.6 Other Subdivision Requirements

### 6.6.1 Subdivision for the Purposes of a Unit Title Scheme

#### Purpose

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.

#### Administration

1. A lawfully established development on a lot may be subdivided to create a unit title scheme only if the development has been upgraded to meet the development requirements within Part 5 of the planning scheme that apply to the development of the land.

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

2. The consent authority must not **consent** to a subdivision that results in a separate unit title for:
  - (a) a **dwelling-independent**;
  - (b) a **home based business**; or
  - (c) a dependant unit lawfully established prior to the introduction of Amendment No. 321 published in the NT News on 14 May 2014; or
  - (d) an independent unit, home occupation, home based child care, home based contracting or medical consulting rooms, lawfully established prior to the introduction of this scheme, published in the NT News on 31 July 2020.
3. 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.
4. 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.

5. Despite sub-clause 7, a subdivision to create a unit title scheme on unzoned land may include units with reduced land areas if the unit title scheme addresses the requirements of sub-clause 8.

### Requirements

6. Subject to sub-clauses 1, 2, 3 and 5 a subdivision to create a unit title scheme should meet the requirements of Part 5 of the planning scheme 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 **rooming accommodation, dwellings-group, dwellings-multiple** and **residential care facilities** must be included in common property.
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 the relevant minimum lot size.

For the purpose of sub-clause 6, “land area” does not include:

- (a) common property;
  - (b) land that will be permanently inundated; or
  - (c) a marina berth.
8. A subdivision to create a unit title scheme on Zones R, RL, H and unzoned land must demonstrate that:
    - (a) the intensity of the use is not likely to have a detrimental impact on the locality;
    - (b) on zoned land the density of residential development within the unit title scheme matches that of the zone in which it is located;
    - (c) an adequate supply of potable water is available for the intended development;
    - (d) appropriate sanitation and waste disposal facilities are provided;
    - (e) an appropriate power supply is available to the development;

- (f) there is an adequate separation between:
  - i. activities proposed on common property; and
  - ii. uses on or that can reasonably be expected on land outside the unit title scheme; and
- (g) any proposed **dwelling**s and **non-habitable structures** within a unit title scheme shall be set back at least 10m from the unit title scheme boundary to minimise the potential impact on the existing and future **amenity** of land outside the unit title scheme.

## 6.6.2 Consolidation

### Purpose

Ensure that the consolidation of land results in lots that are of a size and configuration and are appropriately serviced in a manner that achieves the relevant zone purpose and outcomes.

### Administration

1. The consent authority may **consent** to a consolidation that is not in accordance with sub-clause 3 only if the relevant requirement allows.
2. The consent authority must not **consent** to a consolidation that is not in accordance with sub-clause 4.

### Requirements

3. The lot created by consolidation should comply with the relevant development and subdivision requirements including residential density, setbacks, minimum lot size, lot configuration, and connection to reticulated services (where available) and the local road network.
4. The lot created should achieve at least one of the following:
  - (a) the consolidation remedies an existing boundary encroachment by a building;
  - (b) the consolidated lot will be made more regular in shape;
  - (c) **access** is provided to a lot that previously had no **access** or an unsuitable **access**;
  - (d) the consolidated lot enhances compliance with the outcomes for the zone and any Area Plan in which the **site** is situated;
  - (e) the consolidated lot will provide for enhanced economic opportunities in accordance with the zone purpose; or
  - (f) the consolidated lot results in an improvement in the protection of the environment.