

NORTHERN TERRITORY OF AUSTRALIA

*Planning Act*

AMENDMENT TO NT PLANNING SCHEME

I, PETER GLEN CHANDLER, the Minister for Lands, Planning and the Environment, under section 25(2)(c) of the *Planning Act*:

- (a) alter the proposal to amend the NT Planning Scheme numbered PA2007/0422 in accordance with the Schedule to this instrument; and
- (b) amend the NT Planning Scheme in accordance with the altered proposal.

Dated 13 APRIL 13



Minister for Lands, Planning and the Environment

**SCHEDULE**

**AMENDMENT TO NT PLANNING SCHEME**

**AMENDMENT No. 279**

**1. Citation**

This amendment to the NT Planning Scheme may be cited as Amendment No. 279.

**2. Amendment of clause 2.2**

*Omit clause 2.2 Permitted, Discretionary and Prohibited Development and substitute:*

**2.2 Permitted, Self Assessable, Discretionary and Prohibited Development**

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| <ul style="list-style-type: none"><li>1. Land within a zone may be used or developed only in accordance with the Act and this Planning Scheme.</li><li>2. A use or development of land within a zone is permitted without <b>consent</b> if the use or development:<ul style="list-style-type: none"><li>(a) is shown on the relevant zoning table as permitted; and</li><li>(b) complies with all the provisions of this Planning Scheme relating to that use or development in the zone.</li></ul></li></ul> |
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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 Lands, Planning and the Environment.
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 4, 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.

### 3. Amendment of clause 3

*Delete the definition of "bed and breakfast accommodation"*

After the definition of "home based contracting" –

*insert*

"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.

#### 4. Amendment of clause 7.10.1

*Omit clause 7.10.1 Bed and Breakfast Accommodation and substitute:*

##### 7.10.1 Home Based Visitor Accommodation

1. The purpose of this clause is to ensure that home based visitor accommodation does not detract from the amenity of the locality and primary purpose of the zone in which the use is established.
2. Home based visitor accommodation must:
  - (a) meet the requirements of sub-clauses 3 and 4; and
  - (b) not gain access from a road that is in Zone M (Main Road);in order to be permitted with self assessment.
3. Home based visitor accommodation:
  - (a) is provided on the premises of a dwelling;
  - (b) may not operate if the dwelling is a multiple dwelling;
  - (c) may only operate on a lot with an area of at least 600m<sup>2</sup>;
  - (d) may not accommodate more than six guests at a time on the premises;
  - (e) may only occur if the person or persons operating the use reside on the premises;
  - (f) may only display a business sign that is not more than 0.5m<sup>2</sup> in area;
  - (g) must provide all car parking spaces on-site; and
  - (h) must provide one car parking space for every guest room and two car parking spaces for the residents of the dwelling.
4. Despite anything to the contrary in this Planning Scheme, a car parking area provided for home based visitor accommodation should be designed to:
  - (a) be of a suitable gradient for safe and convenient parking;
  - (b) be sealed and well drained; and
  - (c) be functional in design to allow for safe traffic movement and may include tandem parking where one car parks behind another.
5. Despite anything to the contrary in this Planning Scheme, the consent authority may consent to an illuminated business sign for home based visitor accommodation in Zones H, A, RL and R as long as the sign is not more than 0.5m<sup>2</sup> in area and only if the consent authority is satisfied that the level of illumination is appropriate to the site having regard to the potential impact on the residential amenity of adjoining and nearby properties.

Clause 13.2 Land Adjacent to Main Roads requires approval to gain access from a main road.

Home based visitor accommodation needs to meet the requirements of the Building Code of Australia as Class 1b.

6. The consent authority may approve an application for home based visitor accommodation that accommodates more than six guests only if it is satisfied the use is appropriate to the site having regard to the potential impact of the use on the residential amenity of adjoining and nearby property and where the combined total number of residents and guests is no more than twelve.
7. The consent authority may approve an application for home based visitor accommodation that is not in accordance with sub-clauses 3(e), 3(f), 3(g), 3(h) and 4, only if it is satisfied the proposed home based visitor accommodation is appropriate to the site having regard to the amenity of the streetscape, the effect of vehicle parking on the amenity and character of the street and the potential impact of the use on the residential amenity of adjoining and nearby property.

## 5. Amendment to zoning tables at clause 5.0

*Omit* "bed and breakfast accommodation" from the zoning tables at clause 5.0.

After "home based contracting" *insert* "home based visitor accommodation" in all zoning tables at clause 5.0.

Between "**P** = Permitted" and "**D** = Discretionary" *insert* "**S** = Self Assessable".

*Omit* "**D**" from the zoning tables at clauses 5.1 - 5.7, 5.10, 5.16 – 5.20, 5.23, 5.25 – 5.26 and *insert* "**S**" in column 2 and 7.10.1 in column 3.

*Omit* "**P**" from the zoning table at clause 5.27 and *insert* "**S**" in column 2 and 7.10.1 in column 3.

**NORTHERN TERRITORY OF AUSTRALIA**

***Planning Act***

**NOTICE OF MAKING OF AMENDMENT TO NT PLANNING SCHEME  
AMENDMENT No. 279**

I, PETER GLEN CHANDLER, the Minister for Lands, Planning and the Environment, under section 28(1) of the *Planning Act*, give notice that –

- (a) I have amended the NT Planning Scheme by:
- replacing the term “bed and breakfast accommodation” with a new term “home based visitor accommodation”;
  - changing the definition to introduce the new term and provide more detail of the nature of the business;
  - developing a new method of development assessment referred to as “self assessable” that allows the proponent to assess their own proposal;
  - making “home based visitor accommodation” a self assessable land use category;
  - specifying that the “home based visitor accommodation” may not operate if the dwelling is a multiple dwelling;
  - limiting “home based visitor accommodation” to sites with an area of at least 600m<sup>2</sup>;
  - increasing the number of guests allowed from five to six;
  - including a requirement that the persons operating the “home based visitor accommodation” reside on the premises;
  - including the car parking requirements in the clause so that all matters relating to home based visitor accommodation are contained in the clause;
  - allowing “home based visitor accommodation” in rural areas to have an illuminated business sign; and
  - providing more details about the circumstances that would allow the consent authority to vary the requirements of the clause.
- (b) copies of the amendment, Amendment No 279, are available from the Offices of the Department of Lands, Planning and the Environment at the following locations:
- Ground Floor, Arnhemica House, 16 Parap Road, Parap;
  - First Floor, Alice Plaza, Corner Parsons Street and the Todd Mall, Alice Springs;
  - Level 1, Government Centre, 5 First Street, Katherine; and
  - Regional Office, Leichardt Street, Tennant Creek.

Dated 18 APRIL 2013



Minister for Lands, Planning and the Environment

# NORTHERN TERRITORY OF AUSTRALIA

## *Planning Act* Section 29

### NT PLANNING SCHEME AMENDMENT

#### AMENDMENT No. 279

#### Reasons for Decision

The review of the "bed and breakfast accommodation" requirements in the NT Planning Scheme aims to provide sufficient information in clause 7.10.1 to allow potential operators to understand what is expected of home based visitor accommodation in the Northern Territory. The review addresses the issues raised by submitters and makes the following changes to the NT Planning Scheme:

- replacing the term "bed and breakfast accommodation" with a new term "home based visitor accommodation";
- changing the definition to introduce the new term and provide more detail of the nature of the business;
- developing a new method of development assessment referred to as "self assessable" that allows the proponent to assess their own proposal;
- making "home based visitor accommodation" a self assessable land use category;
- specifying that the "home based visitor accommodation" may not operate if the dwelling is a multiple dwelling;
- limiting "home based visitor accommodation" to sites with an area of at least 600m<sup>2</sup>;
- increasing the number of guests allowed from five to six;
- including a requirement that the persons operating the "home based visitor accommodation" reside on the premises;
- including the car parking requirements in the clause so that all matters relating to home based visitor accommodation are contained in the clause;
- allowing "home based visitor accommodation" in rural areas to have an illuminated business sign; and
- providing more details about the circumstances that would allow the consent authority to vary the requirements of the clause.



PETER GLEN CHANDLER  
Minister for Lands, Planning and the Environment

18/04/2013