

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999 **Section 29**

REASONS FOR DECISION

NORTHERN TERRITORY PLANNING SCHEME 2020 **AMENDMENT No. 67**

I have decided to amend the NT Planning Scheme 2020 to introduce an overlay, omit and replace Parts 4 and 5, and amend Clause 3.6 LSF – Land Subject to Flooding, Clause 3.7 LSSS – Land Subject to Storm Surge and Schedule 2 (Planning Reform Phase 2 Stage 1).

I am satisfied that, pursuant to section 25(2), the amendment:

- (a) promotes the purpose and objectives of the Act as it:
 - i. has been exhibited in accordance with the requirements of the Act and informed by extensive public consultation; and
 - ii. it improves the effectiveness and efficiency of the planning scheme and the strategic framework;
- (b) is consistent with the strategic framework as it incorporates local design responses from the Central Alice Springs Area Plan, Central Darwin Area Plan and Central Palmerston Area Plan into new Location Specific Development Requirements in Part 5 of the NTPS 2020;
- (c) has merit and is in the public interest as:
 - i. it streamlines regulatory planning processes, in particular by reducing assessment categories for some uses in Zones CB and C and through expanded interchangeable use provisions; and
 - ii. improves built form design outcomes in residential, mixed-use and commercial development;
- (d) implements the Planning Commission's Designing Better project by introducing:
 - i. landscaping requirements in Zone CB to green the urban streetscape and minimise heat capture;
 - ii. setback requirements in Zones MR, HR and C that are more appropriate to the zone context;
 - iii. development requirements for the design of dwellings-multiple which encourage better apartment design that is climatically appropriate and sympathetic to the streetscape;

- iv. building articulation requirements for new apartment buildings to reduce the perceived visual bulk of long buildings and allow for cross ventilation;
 - v. fencing requirements for apartment developments in Zones MR and HR to ensure fences are designed to allow for passive surveillance to the street and improve safety by allowing sightlines for vehicles, pedestrians and cyclists;
 - vi. requirements for residential buildings to address the ground level interface in Zone CB to improve activation on the street;
 - vii. a residential plot ratio for apartment and mixed use developments in Zones MR, HR and C to provide more flexibility for building designers and encourage a variety of built form outcomes;
 - viii. commercial specific development requirements in Zones C and CB to improve design outcomes in commercial areas, including through the provision of awnings;
 - ix. active street frontage requirements in Zone CB to increase activity within the streetscape and improve pedestrian amenity;
 - x. active building frontage requirements in Zone C to encourage building designs that allow for passive surveillance of car parking areas in the suburban context;
- (e) implements the Territory Economic Reconstruction Committee's economic recovery actions by:
- i. reducing the assessment category of bar-small, food premises-café/takeaway, food premises-restaurant, office (up to 1 storey above ground level) and shop to permitted and education establishment to merit assessable in Zone CB;
 - ii. reducing the assessment category of food premises-café/takeaway, food premises-restaurant, office (up to 1 storey above ground level) and shop to permitted, bar-small and exhibition centre to merit assessable and education establishment from prohibited to impact assessable in Zone C;
 - iii. allowing for additional low risk uses that can be interchanged in commercial zones without the need for a development permit;
 - iv. transitioning quasi development requirements from the Central Alice Springs, Central Darwin and Central Palmerston area plans into location specific development requirements in Part 5; and

- v. introducing a new Overlay 3.13 GL – Gateway Locations to implement the gateway location design requirements contained within the location specific development requirements in a clear and transparent manner.

I am satisfied that the alterations made after exhibition represent a clarification of the intention of the original proposal and are not so significant to warrant re-exhibition. The alterations respond to a further review of the requirements and to matters raised in submissions and do not alter the substance of the proposal.



EVA DINA LAWLER

Minister for Infrastructure, Planning and Logistics

6 / 2 / 2023

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999

AMENDMENT TO NT PLANNING SCHEME 2020

I, EVA DINA LAWLER, Minister for Infrastructure, Planning and Logistics, under sections 25(3)(b) of the *Planning Act 1999*, amend the NT Planning Scheme 2020 by making the amendment, specified in the Schedule.

Dated 6th February 2023.



Minister for Infrastructure, Planning and Logistics

SCHEDULE

AMENDMENT TO NT PLANNING SCHEME 2020

AMENDMENT No. 67

1. Citation

This amendment to the NT Planning Scheme 2020 may be cited as Amendment No. 67.

2. Amendment to Table to Clause 3.1

At the end of the table, *insert*:

Gateway Locations	GL
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3. Amendment to Clause 3.6

At sub-clause 2, *insert*:

- (c) any use that complies with Clause 5.5.1 (Interchangeable Use and Development in Specific Zones);

4. Amendment to Clause 3.7

At sub-clause 2, *insert*:

- (d) any use or development within a PSSA or SSSA that complies with Clause 5.5.1 (Interchangeable Use and Development in Specific Zones) which but for this Overlay, would not require **consent**.

5. Introduction of new Clause 3.13

After Clause 3.12, *insert*:

3.13 GL – Gateway Locations

Purpose

Ensure that the use or development of land identified as a Gateway Location is designed to respect and enhance the unique characteristics of the locality.

Administration

1. This Overlay applies to any **site** within Zone C or CB identified as a Gateway Location in Clause 5.9 (Location Specific Development Requirements) except:
 - (a) where a use or development complies with Clause 5.5.1 (Interchangeable Use and Development), and but for this Overlay, would not require **consent**.
2. The use and development of land subject to this Overlay requires **consent**.
3. The consent authority may **consent** to a use or development that is not in accordance with sub-clause 5 only if it grants **consent** through the relevant clause in Clause 5.9 (Location Specific Development Requirements).

Requirements

4. Building design must be in accordance with the relevant requirements for gateway locations identified in Clause 5.9 (Location Specific Development Requirements).

6. Amendment to Part 4: Zones and Assessment Tables

Omit and replace Part 4

7. Amendment to Part 5: Development Requirements

Omit and replace Part 5

8. Amendment to Schedule 2: Definitions

1. Clause 2.1 Defined Uses **dwelling-multiple**

Omit

dwelling-multiple means a **dwelling** or serviced apartment that is wholly or partially vertically over or under another **dwelling** on a **site** and includes any **dwelling**s above the ground floor in a mixed use development, and includes a **dwelling** on a unit title with common property;

Insert

dwelling-multiple means a **dwelling** or **serviced apartment** that is wholly or partially vertically over or under another **dwelling** on a **site** or any **dwelling**s above the ground floor in a mixed use development, and includes a **dwelling** on a unit title with common property;

2. Clause 2.2 General Definitions **active street frontage**

Omit

active street frontage means any frontage of a building that creates activity on the adjacent street or another public place. Unless otherwise specified, **active street frontage**:

- (a) contains active uses such as retail, entertainment and dining uses for a minimum of 75% of the street front boundary,
- (b) is built to the street front boundary at ground level;
- (c) has windows and door openings to the adjacent street or public place; and
- (d) minimises driveway and servicing access across the active street frontage;

Insert

active street frontage means any **ground level** frontage of a commercial building that stimulates interest and activity on the adjacent street, or to a public space.

3. Clause 2.2 General Definitions **articulation**

After **ancillary**,

Insert

articulation means the variation to the building line in the horizontal plane by the stepping and recessing of external walls;

4. Clause 2.2 General Definitions **building height**

Omit

building height means the vertical distance between the **ground level** and the highest point of the building roof (apex) or parapet at any point, but not

including any load bearing antenna, aerial, chimney, flagpole or the like; (taken from existing height clause);

Insert

building height means the vertical distance directly between the **ground level** and the highest point of the building roof (apex) or parapet at any point.

5. Clause 2.2 General Definitions **commercial floor area**

After **car parking space**,

Insert

commercial floor area is the **floor area** that can be allocated for commercial uses within a development;

6. Clause 2.2 General Definitions **commercial plot ratio**

After **commercial floor area**,

Insert

commercial plot ratio is the relationship between the total **commercial floor area** compared to the area of the **site**;

7. Clause 2.2 General Definitions **residential floor area**

After **residential building**,

Insert

residential floor area is the floor space that can be used for residential living purposes within a development. This does not include:

- (a) shared spaces such as stair wells, hallways, corridors and lift shafts etc;
- (b) machinery, bin storage areas, and air conditioning or equipment rooms;
- (c) any **car parking areas** (including above, below and ground level parking);
- (d) any space, that is wholly below **ground level**;
- (e) storerooms contained outside of a **dwelling**;
- (f) any communal open space including but not limited to lobbies, courtyards, roof terraces, pool areas etc.

8. Clause 2.2 General Definitions **residential plot ratio**

After **residential floor area**,

Insert

residential plot ratio is the **relationship** between the total **residential floor area** compared to the area of the site;

9. Clause 2.2 General Definitions **visually permeable**

After **storey**,

Insert

visually permeable means the ability to see through;
