



NORTHERN TERRITORY
PLANNING SCHEME 2020



EXPLANATORY
DOCUMENT

*Building Confidence through Better
Planning for the Northern Territory*

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1. Introduction

The proposed Planning Scheme Amendment is to repeal the Northern Territory Planning Scheme in full and substitute it with the Northern Territory Planning Scheme 2020.

When the original Northern Territory Planning Scheme came into effect in 2007, it integrated 40 separate planning documents into a single scheme covering all zoned land in the Northern Territory (except Jabiru). Since then, the Scheme and the *Planning Act 1999* have been subject to numerous amendments.

In 2017, the NT Government began reviewing the Territory's planning system, including looking at how the Act and the Scheme operate. Three stages of public consultation have taken place, the most recent of which (October and November 2019) sought comment on the document *Draft Examples of Possible Changes to the Northern Territory Planning Scheme*.

The consultation has informed the draft Northern Territory Planning Scheme 2020. The amendments reflect changes to the *Planning Act 1999* that enhance the role of strategic planning in guiding decisions and future development, and aim to provide clearer and more accessible planning information.

Compared with the existing Scheme, the proposed new Northern Territory Planning Scheme is intended to:

- be less complex
- be easier for users to navigate
- more clearly identify all requirements and considerations relevant to a particular development and how they will influence the exercise of discretion by the consent authority
- introduce simplified processes for developments with reduced potential for adverse impact.

Although the new Scheme may look different, the zones and associated controls of development within it remain largely unchanged. The reasons for drafting a new Scheme are to:

- provide a framework to deliver the increased focus on the role of strategic planning
- remove duplication either within the Scheme or with other regulatory controls
- introduce a range of policy statements to clearly establish the basis for decisions
- provide a simplified assessment process for minor development that would be expected in a particular zone.

Some minor changes have also been required to enhance the benefits of:

- the move to a more merit based assessment process; and
- the influence of policy and the operation of the planning system.

These changes were outlined in *Draft Examples of Possible Changes to the Northern Territory Planning Scheme*, which was released for consultation concurrently with the draft Bill for amendments to the *Planning Act 1999* in October 2019. The concept was supported by industry and the community subject to further consideration of a draft of the revised scheme.

More comprehensive changes to the Scheme (such as changes to building densities, and minimum lot sizes) and those that may change development rights will need more time for detailed consultation and feedback. It is proposed that a further review of the Scheme will take place after the new structure has been established.

This document groups the proposed changes into two main categories:

- the structure of the new Scheme
- the introduction of Merit Assessable and Impact Assessable development.

At the end of this document is information on how you can be involved in this amendment process.

2. Structure of the new Northern Territory Planning Scheme

What is being done

The scheme is being restructured to:

- clearly identify in logical groups the various components of the planning scheme that will influence decisions
- make the intent of the components clearer.

This will provide better support to achieving the Strategic Framework, outlined in Part 2 of this document, and good development outcomes. The changes to the Scheme accord with the clarification within the Act of the roles and function of various components of a planning scheme.

Why this change is needed

The structure of the existing Scheme and layout of the zoning tables can make it hard to identify all the relevant requirements and considerations for a development. Additionally, the new structure is needed to sharpen the focus on the role and function of the Strategic Framework.

The restructure will make it easier to identify and understand the various components relevant to a proposed development, including the Strategic Framework, Overlays and Development Requirements.

Proposed changes

The following sets out the new structure of the Scheme and explains the proposed changes and the purpose behind the changes.

Part 1: Guidance

Part 1 has been expanded to provide greater direction on how the Scheme is to be used, how the different parts interact with each other, when consent is required and the circumstances in which the consent authority can apply discretion.

This approach clearly establishes the framework of matters that the consent authority must consider in making decisions relating development.

Part 1 also sets out the circumstances in which the consent authority can consider ancillary development that is not otherwise included in the definition of a defined use. For uses that are complementary and subordinate to the defined use, a simpler assessment process is established through changes to the ancillary development clause and the revision of some definitions. A more thorough assessment will be required for uses that may have an impact on adjoining land even if it is ancillary.

Clause 1.9 of the Scheme includes the full requirements for ancillary development.

Proposed changes to the Scheme

Part 1 sets out:

- the structure of the Scheme
- how the Scheme operates
- when consent is required
- the various components of the Scheme relevant to the exercise of discretion

Purpose of the changes

To clarify:

- the overall operation of the planning system
- how the various components influence decisions (i.e. how they are used to inform the exercise of discretion).

Part 2: Strategic Framework

Part 2 is based on best practice land use planning that holistically considers the social, environmental and economic contexts of an area. Early community involvement in the preparation of the strategic plans enhances their role in providing a valid framework for future decisions.

Strategic land use plans (i.e. regional, subregional and area plans) are the result of work by the Northern Territory Planning Commission undertaken jointly with the community, infrastructure providers and other government agencies to:

- identify the utilities, roads, housing and community infrastructure needed to accommodate population growth
- establish a long term vision for land use in the Territory and our communities
- recognise the needs and aspirations of different regions and local communities.

The Planning Amendment Bill 2020 seeks to define the role of strategic plans in the NT planning system to provide enhanced guidance for development, from simple and conventional to complex and innovative.

Part 2 clarifies the role of strategic policy to encourage better development outcomes and to inform decisions to ensure development responds to local circumstances and achieves the broader planning and development vision for the Territory.

Strengthening the role of strategic plans and policy to influence planning and development decisions will:

- facilitate better development outcomes
- allow the community, industry and government to anticipate future development and coordinate infrastructure provision
- provide clear guidance for land use planning decisions so they respond to the local context and environment, as well as the vision for the wider region
- enhance the community's contribution to the vision for their local area
- foster community confidence and understanding of planning processes through early engagement in strategic planning.

Documents included in the Strategic Framework are listed in Part 2, and will continue to be available online.

Proposed changes to the Scheme

Part 2 consolidates strategic policies and strategic land use plans from what was Part 2, Part 8, and Schedule 2.

Purpose of the changes

To:

- make it easy to identify all strategic plans and policies within the Scheme
- clarify how the various levels of plans and policies inform and relate to each other.

Part 3: Overlays

Part 3 introduces overlays, and will bring together and clearly identify specific requirements that have the potential to impact on the assessment category of particular development. The new format clearly articulates when the requirement applies and in what circumstances the consent authority can exercise discretion. It also details any additional requirements due to the nature of the constraint.

An example of an overlay and its potential impact is the LSF Land Subject to Flooding Overlay. This translates provisions in the existing Scheme such that, when land is subject to flooding, all uses require consent even if they would otherwise be permitted in a zone.

An Overlay may change the assessment category identified in the relevant Assessment Table. Where an Overlay specifically requires consent, the following level of assessment will apply to development:

- a. if shown as **Permitted** on the relevant assessment table in Part 4 it becomes **Merit Assessable**;
- b. if shown as **Merit Assessable** on the relevant assessment table in Part 4 it becomes **Impact Assessable**;
- c. all other development is **Impact Assessable**.

Note: Section 3 of this document provides more information on Merit and Impact Assessable development.

Proposed changes to the Scheme	Purpose of the changes
<p>Overlays in the new Part 3 present general development requirements (found in the current Part 4 Performance Criteria) that relate to land constraints (e.g. flooding, storm surge and proximity to an airport).</p> <p>Overlays may change the assessment category and/or apply additional requirements to a development irrespective of the underlying zone.</p> <p>Areas affected by an overlay will be mapped, and each overlay will include:</p> <ul style="list-style-type: none">• a purpose statement• administration statements• the specific requirements associated with the overlay.	<p>To clearly identify all requirements relevant to particular developments by:</p> <ul style="list-style-type: none">• making them easier to find within the Scheme• clarifying that overlay requirements sit above and in addition to the zone-related requirements in later parts of the Scheme.

Part 4: Zone Purposes, Maps and Assessment Tables (previously Part 3)

The zone purpose statements have been revised to more clearly convey what the zone is trying to achieve. The zone purpose is now supported by specific outcomes that provide more detail on the look and function of the zone, including preferred developments and criteria around when other development may be acceptable. The zone purpose and outcomes will support decision making for both development and rezoning.

In response to the evolving complexity of residential options and to better reflect the type of development expected within particular zones, two zones will have new names:

- **Zone SD (Single Dwelling Residential) becomes Zone LR (Low Density Residential)**
- **Zone MD (Multiple Dwelling Residential) becomes Zone LMR (Low-Medium Density Residential).**

These changes acknowledge the distinction between a zone intended to accommodate separate houses on individual lots, and a zone intended to accommodate a range of housing types. The focus of Zone LMR is for single dwellings on smaller individual lots and the integrated development of a number of dwellings on a single lot.

Zoning maps and land information databases will be updated to reflect the revised names.

The zone purpose statements for Commercial, Service Commercial and Light Industrial zones have been revised to clarify where particular development should be established. New zone outcomes further support these changes. The changes are needed to address deficiencies in the way the planning system provides for and responds to changing needs of different commercial and industrial sectors. Clarifying the look and feel of the zones, particularly the Service Commercial and Light Industrial zones, will also assist in guiding the location of future investment and employment. This will ensure the supply of land for retail, commercial and industrial activities is located to maximise the benefits of truly mixed use centres and the delivery of cost-effective public transport.

Section 3 of this document discusses the minor changes to the provisions of particular zones.

Each zone purpose and set of outcomes is accompanied by an assessment table, which is a more detailed version of the existing zoning tables. The assessment tables will comprehensively identify:

- all overlay and development requirements for all permitted and assessable development within a particular zone
- whether or not undefined uses may be considered within that zone.

The steps will be as follows:

- a. identify which defined use in Schedule 2 applies to the development, or if the proposed development is not listed
- b. establish which zone the site is in, and identify any overlays or components of the strategic framework that may be relevant to the proposed development and the site (this function will be available through a new online mapping tool)
- c. refer to the relevant assessment table to identify:
 - i. the assessment category applicable to the defined or undefined use
 - ii. any overlay requirements that may be relevant to the site of the proposed development and that may change the assessment category
 - iii. any relevant development requirements.

Schedule 2 (Definitions) is a list of defined terms to assist in interpreting the Scheme.

The diagram below summarises the information that will be included in the new assessment table. More information on Merit Assessable and Impact Assessable categories is in Section 3 of this document.

ASSESSMENT TABLE – ZONE XY – Xxxxxxxxxx Yyyyyyyyyy				
Defined Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
<i>Defined uses found in Schedule 2 will be listed in this column,</i>	<i>The applicable assessment category (Permitted, Merit Assessable or Impact Assessable) will be listed in this column</i>	<i>Any overlays that may be applicable will be listed in this column</i>	<i>All relevant general development requirements will be listed in this column</i>	<i>Additional development requirements that apply to specific developments will be listed in this column</i>
All other uses defined in Schedule 2 (Definitions)	Prohibited			
Any use not defined in Schedule 2 (Definitions)	<i>The applicable assessment category (Impact Assessable or Prohibited) will be listed here</i>			Part 2, Part 3, Part 4, and Part 5 of this Planning Scheme

Proposed changes to the Scheme

Part 4 enhances the presentation and details around zones by:

- making the purpose for each zone clearer
- introducing outcomes that describe how the purpose of the zone can be achieved
- improving assessment tables to identify the category of assessment and all development requirements relevant to each defined use.

Purpose of the changes

To:

- clarify how each zone is expected to look and function to inform consideration of whether the scale and location of an Impact Assessable development is appropriate in a particular zone
- make it easier to identify all requirements of the Scheme that may apply to a defined use in the zone.

Provisions relevant to land within specific use zones will continue to be identified in a Schedule.

Part 5: Development Requirements (previously Part 4)

Part 5 lists numerous development requirements (previously called performance criteria) that establish criteria that inform the manner in which development may be undertaken. They are divided into two categories:

- general development requirements, which are relevant to a broad range of uses
- specific development requirements, which are relevant to one or a small set of related uses.

Restructuring the development requirements is an important component of the new scheme. It is necessary to replace the reliance on 'special circumstances' that guide the decision making of the consent authority and to allow for variations to requirements. The robust framework established in the new Scheme, including the integration of strategic planning and the restructured development requirements, will now allow the exercise of discretion by the consent authority to be more responsive to specific sites and proposals. This will establish a clear basis for decisions rather than simply relying on 'special circumstances', for which the existing scheme provides no specific benchmarks or guidance. Establishing parameters to guide and inform decisions addresses community concerns in relation to the lack of transparency around decision making.

An example of the new format for development requirements, including those for overlays and subdivision and consolidation, is below.

1.2.3 Development Requirement Title

Purpose

What the requirement is trying to achieve

Administration

1. Whether a variation to the requirement can be considered and under what circumstances
2. Any other matters that will assist the consent authority in applying the requirements

Requirements

3. The minimum standards and measures against which development is assessed

The new scheme introduces a number of new specific development requirements. These will provide more clarity and direction for uses currently identified but lacking requirements to guide decision making and for new defined uses discussed below under definitions.

The new requirements include:

- car wash
- club
- emergency services facility
- food premises
- home based business
- leisure and recreation
- markets
- motor body works and motor repair station
- nightclub entertainment venue, bar-public, and bar-small
- exhibition centre, place of assembly and place of worship
- residential care facility
- rural development
- shopping centre.

Proposed changes to the Scheme

Part 5 enhances the presentation and details of development requirements by:

- making the purpose for each development requirement clearer and more meaningful
- providing specific guidance on the administration of each development requirement, including whether a variation can be considered and under what circumstances
- setting out the standard requirements for a particular development
- amalgamating infrastructure requirements from the previous Part 7 into this part alongside all other development requirements.

Purpose of the changes

To:

- enhance community understanding about what each requirement is intended to achieve
- provide clearer guidance for the consent authority and the community on how the exercising of discretion, particularly for variation of a development requirement is to be considered.

Part 6: Subdivision and Consolidation Requirements (previously Part 5)

Part 6 also applies the new development requirement format. The subdivision requirements have been clearly grouped according to which zones they apply to, and structured to more logically follow each other. Additionally, a development requirement for the consolidation of land has been introduced to provide clear direction on which requirements of the Scheme are to be applied.

Proposed changes to the Scheme

Part 6 enhances the presentation and details of subdivision and consolidation requirements that is consistent with other updated requirements in the scheme.

Purpose of the changes

To maintain a consistent format with other requirements in the Scheme and:

- enhance understanding about what the subdivision requirements are intended to achieve
- provide clearer guidance for the consent authority when exercising discretion.

Part 7: Aboriginal Communities and Towns (previously Part 6)

Proposed changes to the Scheme

The content of this Part remains unchanged.

Purpose of the changes

Conversations around streamlining planning processes in Aboriginal communities and towns are ongoing. The outcomes of these discussions will be incorporated into the Planning Scheme and will be further considered to ensure the best outcomes for the communities.

Schedules

Definitions (previously in Part 1)

Definitions have been split into defined uses and general definitions that set out the meaning the scheme assigns to each term. Some new definitions have been added and some existing definitions have been reviewed. The intention is to maximise the benefits of the streamlining of processes within the planning system, particularly within the context of the introduction of Merit and Impact assessment. As discussed in more detail in Section 3, the distinction between Merit and Impact assessment provides for simplified assessment of developments that would be expected on any site in a zone.

In some instances, a term has been amended but the use being defined remains the same. For example, 'single dwelling' is now 'dwelling-single'. This change allows all uses that can be associated with a dwelling – e.g. dwelling-community residence (previously group home) and dwelling-caretakers (previously caretaker's residence) – to be grouped together, making it easier to navigate the Scheme and identify all requirements relevant to a particular use.

The following defined uses or definitions have been amended:

- caravan park
- car park
- child care centre
- clearing of native vegetation
- club (licensed club)
- dwelling-caretakers (caretaker's residence)
- dwelling-community residence (group home)
- dwelling-independent (independent unit)
- dwelling-multiple (multiple dwelling)
- dwelling-single (single dwelling)
- education establishment
- food premises – restaurant (restaurant)
- home based business (home based contracting, home based occupation, home based visitor accommodation, medical consulting rooms)
- hospital
- hotel/motel (hotel and motel)
- industry-general (general industry)
- industry-light (light industry)
- industry-primary (rural industry)
- leisure and recreation
- office
- place of worship
- plant nursery
- residential care facility (supporting accommodation)
- rooming accommodation (hostel)
- service station
- shop
- showroom sales
- stables

The following defined uses are being introduced:

- bar-public
- bar-small
- car wash
- dwelling-group
- emergency services facility
- exhibition centre
- food premises - cafe/takeaway
- food premises - fast food outlet
- market
- nightclub entertainment venue
- place of assembly
- renewable energy facility
- shopping centre

Some terms have been amended and the use being defined also amended to provide for more streamlined assessment in some zones. For example, a 'licensed club' is now a 'club'. The current definition only applies to a facility that requires a liquor licence. The new definition allows for premises that may or may not include the sale of liquor. This change in definition, in association with new development requirements, allows for simplified approval processes in zones where such facilities would be appropriate such as commercial zones and organised recreation zones.

To simplify the process around consideration of ancillary uses some definitions have been amended to include those uses that would normally be associated with the use. For example, the definition of caravan park now specifically provides for an office, café/takeaway or shop when these facilities are provided for the use of occupants.

In some instances, existing terms and definitions have been amalgamated. For example, 'home based business' combines the four previous different home based uses (home based contracting, home based occupation, home based visitor accommodation and medical consulting rooms). The requirements associated with these uses are similar and repetitive; amalgamation clearly establishes what must be considered in relation to a proposal for home based business activities.

Recognising that common usage of the term 'hotel' has changed over time to now represent commercial accommodation rather than a licensed premises, 'hotel' and 'motel' have been amalgamated to 'hotel/motel' to refer only to accommodation, and new definitions of 'bar-public' and 'bar-small' introduced to refer to standalone commercial licensed premises. This amendment will allow for simplified assessment processes for small licensed premises in commercial zones where such facilities are to be expected.

Within the context of licensed premises, a new definition of nightclub entertainment venue has been introduced. Under the existing scheme, this use is undefined and therefore requires consent anywhere. The inclusion of this definition will allow the introduction of specific development requirements and simplified assessment for such facilities in the central business zone.

In some cases, existing definitions have been further refined into multiple categories. The term 'restaurant' previously covered all types of food service premises from small coffee shops and kiosks, 24-hour fast food outlets, to large restaurants. The breadth of this definition meant that consent was always required in any zone. To differentiate between the different impacts of these types of establishments, three new terms are being introduced:

- food premises-café/takeaway
- food premises-fast food outlet
- food premises-restaurant.

This will enable simplified assessment of small scale facilities in zones where they would be expected. It will allow more detailed assessment of larger uses that have the potential to adversely impact on the expected amenity in a particular zone.

A number of new definitions have been included to provide better guidance around a range of currently undefined uses. The status of a use as undefined currently means it is automatically a discretionary use. The absence of any provisions within the Scheme to guide consideration of such proposals creates concern about the transparency and accountability of the overall planning system. New definitions include emergency services facility, exhibition centre and place of assembly. These definitions will streamline assessment processes for uses less likely to have detrimental impacts.

Definitions associated with signs and domestic livestock have been removed. The Local Government Act 2008 gives local authorities the ability to create and enforce bylaws for a range of matters, including the control of signs and domestic animals. Given that these powers are a legitimate function of local authorities, duplicating such controls in the Scheme creates additional red tape for the community and creates confusion as to the responsible body.

A local authority is currently responsible for any signage within its local road network; therefore it is considered appropriate that control of all signage be devolved to local government.

The definition of domestic livestock was originally introduced to address concerns in relation to the keeping of livestock on rural lots. The provisions have been used only very rarely. Situations in which there are environmental or animal welfare impacts are more appropriately dealt with under other legislation.

The following general definitions are being introduced or amended:

- access
- active street frontage
- ancillary
- Australian Noise Exposure Forecast (ANEF)
- building height
- common building boundary
- fully screened
- heritage place
- industry
- loading bay
- mining activity
- net floor area
- outbuilding
- primary use
- public open space
- residential building
- temporary use

The full list of terms and definitions is at Schedule 2.

Exceptions (previously in Part 1).

Exceptions to the requirements of the Scheme can be permanent or time limited, and are often difficult to interpret.

The new Scheme removes exceptions that no longer apply due to their period of validity expiring and includes others as specific development requirements in the relevant sections of the Scheme.

The following exceptions will be incorporated into Part 5 as specific development requirements:

- 1.3 (2)(w) allowing the expansion of existing permitted uses in Zones LI and GI
- 1.3 (2)(x) allowing the expansion of existing permitted uses in Zones CB, C, SC and TC
- 1.3 (2)(y) allowing an extension, ancillary outbuilding, carport, pergola or a shade sail in association multiple dwellings in Zones SD, MD, MR, HR, CV and CL
- 1.3 (2)(ae) allowing al fresco dining in Zone CB in the Municipality of Darwin that is established prior to 18 June 2020.

The full list of exceptions is at Schedule 4.

Specific Use Zones

A provision in the amended Act will allow existing Specific Use Zones to continue to apply for a transition period of five years. This means the current requirements of the Specific Use Zones will continue to apply and development in these zones will be assessed under the previous Act and Scheme until they can be reviewed and updated to the format of the new Scheme.

Any Specific Use Zones introduced after the commencement of the new Scheme will be in the new format and assessed under that Scheme.

Proposed changes to the Scheme

Interpretative provisions and administrative guidelines are reorganised into Schedules in the back of the Scheme, including:

- definitions
- exceptions
- Specific Use Zones
- list of communities and towns to which Part 7 applies
- guidance documents

Purpose of the changes

Moving these details into Schedules will make the main parts of the Scheme easier to read and navigate.

3. Merit Assessable and Impact Assessable Development

What is being done

'Discretionary' development is being separated into two assessment categories:

- **Merit Assessable** - development that is considered likely to achieve the purpose of a zone if it meets all relevant development requirements. If the proposal does not meet a development requirement, site specific guidance in a relevant Area Plan can be considered when determining whether it is appropriate to vary the requirement within the context of the purpose of the development requirement
- **Impact Assessable** – development that may be suitable to establish in a zone depending on the site suitability, surrounding development, the scale and intensity of the proposed development, and whether adverse impacts can be managed. Impact Assessable development must be considered within the context of the zone purpose and outcomes, and any relevant component of the Strategic Framework.

The assessment category for defined uses will be identified in the assessment tables. Overlays may change the assessment category of a defined use. A Permitted development may become Merit Assessable because of the need for a variation to one or more development requirements. In this case, the Merit Assessment will only need to address the matters that relate to the varied requirement(s).

The matters that must be considered by the consent authority for each assessment category are set out in Part 1 of the new Scheme.

Why this change is needed

'Discretionary' uses in the NT Planning Scheme are uses and developments that must have approval from the consent authority (i.e. uses that need a development permit). The consent authority uses its discretion (its judgement) to decide whether or not to issue a permit, having regard to matters set out in the Act and the Scheme.

Currently, all discretionary uses are treated in the same way regardless of whether the proposed development is something that is straight forward (e.g. reduced setback for a carport) or more complex (e.g. subdivision to create lots for a new suburb).

The introduction of Merit Assessable and Impact Assessable categories will:

- support clearer requirements and a more streamlined process for minor developments or those that may be expected in a particular zone
- ensure that greater rigour is applied to the assessment of complex developments or those that may have impacts on the purpose and outcomes of a particular zone
- make application requirements, considerations and decisions easier to understand.

Greater emphasis on the policy directions within the new Scheme, particularly for Impact Assessable developments, will now ensure that development decisions appropriately consider:

- the purpose and preferred uses for the zone
- how the land surrounding the site is currently developed
- the views and aspirations of the local community within area plans and other components of the Strategic Framework
- how the locality is expected to develop in the future.

Proposed changes

Introduction of the Merit and Impact assessment categories is consistent with industry best practice and focuses the greatest assessment scrutiny on the types of applications with the potential for the greatest impact.

Merit Assessable

Assessment is required to ensure the proposal complies with the development requirements and that the particular site is suitable for the development proposed. The consent authority must also consider all the relevant matters specified under section 51 of the Act. Proposed changes to the Act will allow for a streamlined application and assessment process for some Merit Assessable developments.

Impact Assessable

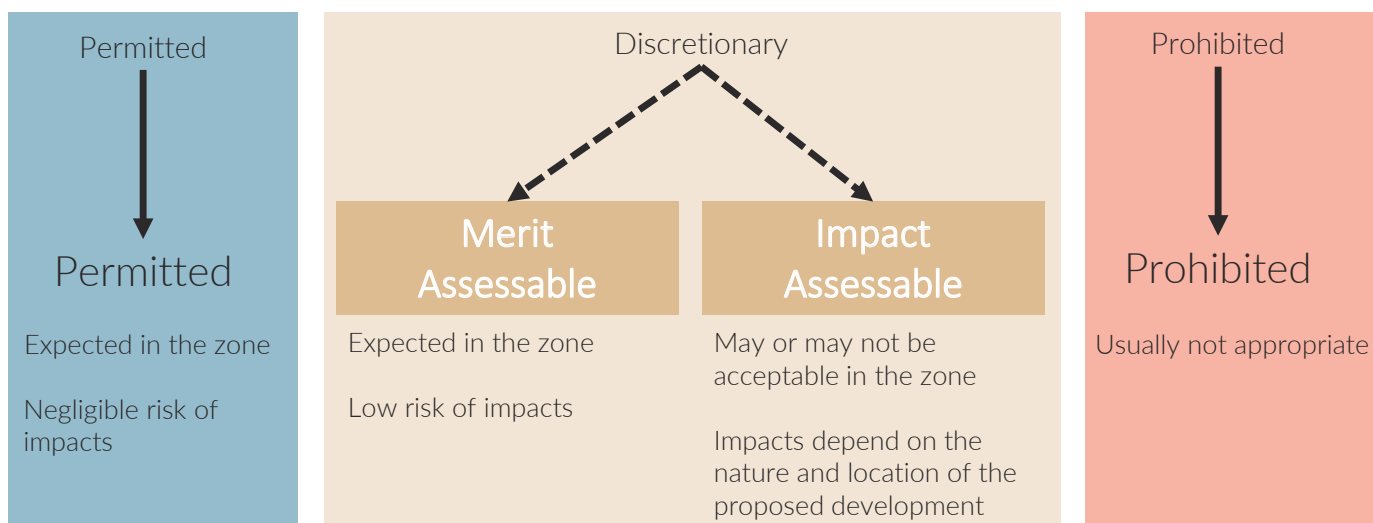
Applications for Impact Assessable development will need to address and be assessed in terms of any relevant component of the Strategic Framework that applies to the locality, the development requirements in Part 5 or Part 6 of the Scheme and the matters specified under section 51 of the Act. This approach will ensure potentially unsuitable uses in a zone are only established if they are achieving the strategic policy outcomes previously developed in consultation with the community.

As discussed above, the Assessment Table for each zone will identify whether a development is Permitted, Merit Assessable, Impact Assessable or Prohibited.

The new scheme retains the intent of the previous assessment categories:

- what was previously permitted development remains permitted
- what was previously discretionary development is now either Merit Assessable or Impact Assessable development
- what was previously prohibited development remains prohibited.

This is represented in the following diagram:



The zones and associated controls of development largely remain unchanged in the new Scheme. The exception is some minor changes that clarify anticipated development within zones, particularly in relation to where development should be established. The changes will also enhance the role of policy and maximise the benefits of distinctions between Merit and Impact assessment.

These changes are:

- Dwelling-group (2) (residential duplex development) is proposed to be permitted within Zone LMR (previously Zone MD). Provided that the duplex complies with all the development requirements, it is considered that it would achieve the purpose of the zone and be consistent with community expectations.
- Office and shop in industrial zones will be Impact Assessable and limited to those that directly serve the needs of industrial uses on the site, or directly support or are compatible with the ongoing industrial use of the zone. This is to ensure that the integrity of industrial precincts is preserved for their intended use for industrial activities and to maximise the contribution that mixed commercial, residential and retail activities will make to the long term vibrancy of commercial and central business districts.
- For food premises, café/takeaways will be Merit Assessable in industrial zones while larger food premises of restaurant and fast food outlets will be Impact Assessable. This change will facilitate the establishment of café/takeaway premises that service the local workforce and ensure that fast food outlets and restaurants do not impact on the potential development of industrial uses in the zone.
- A number of uses in the service commercial zone will be Merit Assessable while other uses have been identified as Impact Assessable. This will ensure they are assessed within the context of the clarified zone purpose. The changes will discourage uses (such as shops, restaurants, offices, licensed clubs and bars) that are not subordinate to the primary development on the site from establishing in the zone. Similarly, a 'shopping centre' will also be discouraged in recognition of the contribution these uses make to the vibrancy of more appropriately located mixed use activity centres.

Clause 1.8 explains the circumstances in which a permitted development may become Merit Assessable due to not complying with all the required development requirements.

The only circumstance in which the assessment category of a development may change from Merit Assessable to Impact Assessable is when consent is required by an Overlay. In all other circumstances, the assessment table will identify the relevant assessment category.

Clause 1.9 provides details on the assessment requirements for ancillary development.

Appendix A to this document provides a full assessment category matrix, listing all zones. It illustrates the existing and proposed assessment categories in relation to existing and proposed defined uses.

4. Issues Outside the Scope of this Amendment

As mentioned in the introduction, this amendment has been developed on the basis of only changing zones and associated controls of development in cases where the change:

- removes duplication
- is in response to the enhanced role of policy in guiding development within a zone
or
- is necessary to maximise the benefits of the introduction of Merit/Impact Assessment.

It is therefore reiterated that this amendment is not intended to implement comprehensive changes to the requirements contained within the Scheme. Issues relating to measurable aspects of the Scheme (e.g. building heights and densities, building design, number of car parks to be provided, minimum lot sizes) are outside the scope of this amendment. A further review of the Scheme will take place after the new structure has been established.

Issues or requests related to the specific zoning of individual parcels of land or documents within the Strategic Framework (i.e. regional, subregional and area plans) are also outside the scope of this amendment.

Issues related to the broader Planning Reform project, such as Development Consent Authority membership, administrative processes, Exceptional Development Permits and notifications and advertising, have been dealt with as part of the process of amending the *Planning Act 1999* and are outside the scope of this amendment.

5. Progressing Existing Planning Applications

Until the new Scheme comes into effect, all planning applications will continue to be assessed against the existing Northern Territory Planning Scheme (2007).

However, in determining an existing application, the consent authority must take into account any proposed amendments to the planning scheme that:

- have been exhibited; and
- have not yet been determined; and
- are relevant to the proposed development in the development application.

(Section 51(b) of the *Planning Act 1999*)

This means that from now until the new Scheme comes into effect, the consent authority will need to take into account how the proposed development responds to the requirements of the new Scheme when making a decision.

Any planning application that has not received a final decision by the time the new Scheme comes into effect will be assessed against the new Scheme.

Planning applications accepted for lodgement after the Northern Territory Planning Scheme 2020 comes into effect will be assessed against the new Scheme.


If you have questions regarding the status of your existing planning application, please contact Development Assessment Services on (08) 8999 6046 or through das.ntg@nt.gov.au.

Appendix A - Comparative Matrix

This matrix shows a comparison between the **proposed defined uses and development** and their **proposed assessment categories**, and the **existing defined uses and development** and their **existing assessment categories**.

(KEY - P= Permitted, D = Discretionary, M = Merit Assessable, I= Impact Assessable, and all other uses not marked with a letter are prohibited)

This illustrates that the majority of permitted uses remain permitted, the majority of prohibited uses remain prohibited and that the majority of discretionary uses are now either merit or impact assessable.

 Identifies the limited number of uses that are now within a different assessment category. These are influenced by the clarification of zone purposes and outcomes and the purposes of individual development requirements.

**Denotes previously undefined uses*

Denotes previously defined uses that have been deleted

Defined Use	L R	L M R	M R	H R	R R	R L	C V	C L	C B	C	S C	T C	L I	G I	D V	P S	O R	H	A	R	C P	C N	H T	R D	W M	F D	T	
Abattoir															I				I									
Abattoir															D				D									
Agriculture						I		P						I				P	P	P				I	I	I		
Agriculture						D		P						D				P	P	P				D	D	D		
Animal Boarding						I					I		I	I	I			I	P	I	I			I		I		
Animal Boarding						D					D		D	D	D			D	P	D	D			D		D		
Bar - Public									M	I	I	M	I	I	I												I	I
Bar - Small									M	M	I	M															I	I
Hotel									D	D	D	D	D	D	D												D	D
Business Sign	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D	P	P	P	P
Caravan Accommodation	P	P	P	P	P	P		P			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Caravan Accommodation	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Caravan Park							M					M							I							I	I	I
Caravan Park							D					D							D							D	D	D

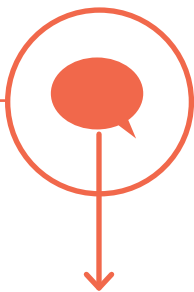
Defined Use	L R	L M R	M R	H R	R R	R L	C V	C L	C B	C	S C	T C	L I	G I	D V	P S	O R	H	A	R	C P	C N	H T	R D	W M	F D	T		
Car Park									M	M	M	M	P	P	I		I									I	I		
Car Park									D	D	D	D	P	P	D		D										D	D	
Car Wash									I	I	M	I	M	M	I													I	
Car Wash*					D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
Child Care Centre			I	M		I		I	M	M		M					I			I	P		I			I	I		
Child Care Centre (17+)				D		D			D	D		D					D			D	P		D			D	D		
Home Based Child Care Centre (up to 16)	D	D	D	D	D	P	D	D				D					D		P	P			D		D	D	D		
Club									M	M	I	M	I		I		M				I						I	I	
Licensed Club									D	D	D	D	D	D	D		D				I						D	D	
Community Centre	I	I	I	M	I	I	I	P	M	M		I	I			I	P			I	P		I				I	I	
Community Centre	D	D	D	D	D	D	D	P	D	D		D	D			D	P			D	P		D				D	D	
Demountable Structures	M	M	M	M	M	P	M	P	I	M	P	M	P	P	P	P	P	P	P	P	P	M	I	M	M	M	M	M	
Demountable Structures	D	D	D	D	D	P	D	P	D	D	P	D	P	P	P	P	P	P	P	P	P	D	D	D	D	D	D	D	
Domestic Livestock					P	P													P	P	P					P	P		
Dwelling - Caretakers								P	P	P	P	P	P	P	I	M	M				P	I	I	I	I	I	I	I	
Caretaker's Residence								P	P	P	P	P	P	P	D	D	D				P	D	D	D	D	D	D	D	
Dwelling - Community Residence	P	P	P	P	P	P		P	P										P	P	P					I	P	P	
Group Home	P	P	P	P	P	P		P	P										P	P	P					P	P	P	
Dwelling - Independent	P	P	P	P	P	P	P	P	M			M							P	P	P			I		P	P	P	
Independent Unit	P	P	P	P	P	P	P	P	D			D							P	P	P			D		P	P	P	
Dwelling - Group (2)		P	I	I				P				I							P	P				I			I	I	
Dwelling - Group (3+)		M	I	I				P				I											I				I	I	
Dwelling - Multiple		M	M	M					M	M		I												I				I	I
Multiple Dwellings		D	D	D					P	D	D		D							P	P				D			D	D

Defined Use	L R	L M R	M R	H R	R R	R L	C V	C L	C B	C	S C	T C	L I	G I	D V	P S	O R	H	A	R	C P	C N	H T	R D	W M	F D	T
Dwelling - Single	P	P	P	P	P	P	P	P				I						P	P	P			I		I	I	P
Single Dwelling	P	P	P	P	P	P	P	P				D						P	P	P			D		D	D	P
Education Establishment				I				P	I		I	I	I	I					I	I	P		I			I	I
Education Establishment				D				P	D		D	D	D	D	D				D	D	P		D			D	D
Emergency Services Facility						I			I		I		M	M	M					I	P					I	I
Emergency Services Facility*					D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Excavation And Fill	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
Excavation And Fill*	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Exhibition Centre									M	I		M									P	I	I				I
Exhibition Centre*					D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Food Premises - Café / Take Away				M			M		M	M	M	M	M	M	M	M	I			I		I	I		I	I	I
Food Premises - Fast Food Outlet									I	I	I	I	I	I												I	I
Food Premises - Restaurant				I			M		M	M	I	M	I	I	I	I				I		I	I		I	I	I
Restaurant				D			D		D	D	D	D	D	D	D	D				D		D	D		D	D	D
Fuel Depot															I	I											
Fuel Depot															D	D											
Helicopter Landing Site						I													P	P	I						I
Helicopter Landing Sites						D													P	P	D						D
Home Based Business	P	P	P	P	P	P		P	P	P	P	P	I			I	I	P	P	P			I		I	P	P
Home Based Contracting	P	P	P	P	P	P	P	P			P	P						P	P	P			D			D	P
Home Based Visitor Accommodation	S	S	S	S	S	S	S	S	S			S						S	S	S			S		S	S	S

Defined Use	L R	L M R	M R	H R	R R	R L	C V	C L	C B	C	S C	T C	L I	G I	D V	P S	O R	H	A	R	C P	C N	H T	R D	W M	F D	T
Home Occupation (caring for up to 5 children now 7)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	D	P	P	P	P	P	P	P	D		D	P	P
Medical Consulting Rooms	D	D	D	D	D	P	D	P	D	D		D							D	P			D			D	D
Horticulture						I		I										P	P	P				I		I	
Horticulture						D		D										P	P	P				D		D	
Hospital																					I					I	I
Hospital																					D					D	D
Hotel/Motel				I			I		M	I	I	M	I	I	I										I	I	I
Hotel									D	D	D	D	D	D	D											D	D
Motel				D			D		D	D	D	D			D										D	D	D
Industry - General														P	I												
General Industry														P	D												
Industry - Light									I		I		P	P	I												I
Light Industry									D		D		P	P	D												
Industry - Primary						I							M	P				P	P	I							
Rural Industry						D							D	P				P	P	D							
Intensive Animal Husbandry						I									I			I	I	I						I	
Intensive Animal Husbandry						D									D			D	D	D						D	
Leisure And Recreation				I			I	I	M	M	M	M	I	I	I	I	M		P		I					I	I
Leisure and Recreation				D			D	D	D	D	D	D	D	D	D	D	D		P		D					D	D
Market									P	P						P	P				P	I	I				P
Market*					D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Medical Clinic				I				P	M	M	I	I	P	P	I						P		I			I	I
Medical Clinic				D				P	D	D	D	D	P	P	D						D		D			D	D

Defined Use	L R	L M R	M R	H R	R R	R L	C V	C L	C B	C	S C	T C	L I	G I	D V	P S	O R	H	A	R	C P	C N	H T	R D	W M	F D	T
Motor Body Works									I		I		P	P	I												I
Motor Body Works									D		D		P	P	D												D
Motor Repair Station									I	I	I		P	P	I												I
Motor Repair Station									D	D	D		P	P	D												D
Nightclub Entertainment Venue									M	I	I	I															
Nightclub Entertainment Venue*					D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Office								I	M	M	I	I	I	I	I								I			I	I
Office								D	D	D	D	D	D	D	D								D			D	D
Passenger Terminal								I			I	I	M	I	I							I					I
Passenger Terminal								D			D	D	D	D	D							D					D
Place of Assembly								M	I		I										I						
Place of Assembly*					D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Place of Worship				I			I	P	M	I	I	I	I	I					I	I	P		I			I	P
Place of Worship				D			D	P	D	D	D	D	D	D					D	D	P		D			D	P
Plant Nursery					I	I		I	I	I	I	I	P	I					P	P	P	I			I	I	I
Plant Nursery					D	D		D	D	D	D	D	P	D					P	P	P	D			D	D	D
Promotion Sign								D	D	D	D	D	D	D	D	D	P				D				D	D	D
Recycling Depot													M	P	I						I						I
Recycling Depot													D	P	D						D						D
Renewable Energy Facility														I	I					I	I					I	I
Renewable Energy Facility*					D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Residential Care Facility	I	I	I	I	I	I		P	M	I	I										I	P				I	I
Supporting Accommodation	D	D	D	D	D	D		P	D	D	D										D	P				D	D

Defined Use	L R	L M R	M R	H R	R R	R L	C V	C L	C B	C	S C	T C	L I	G I	D V	P S	O R	H	A	R	C P	C N	H T	R D	W M	F D	T
Retail Agricultural Stall						P		P										P	P	P				I		I	
Retail Agricultural Stall						P		P										P	P	P				D		D	
Rooming Accommodation				I			I	I	M	I	I	M			I			M	M				I		I		I
Hostel				D			D	D	D	D	D	D			D			M	D				D		D		D
Service Station									I	I	I	I	I	M	I											I	I
Service Station									D	D	D	D	D	D	D											D	D
Shop							I	P	M	M	I	M	I	I	I		I					I	I			I	I
Shopping Centre									I	I	I															I	I
Shop							D	P	D	D	D	D	D	D	D		D					D	D			D	D
Showroom Sales									I	I	P		P	I	I												I
Showroom Sales									D	D	P		P	D	D												D
Stables						I		I									I	I	P	P				I	I		
Stables						D		D									D	D	D	D				D	D		
Telecommunications Facility	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
Telecommunications Facility*					D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Transport Terminal											I		P	P	I			I	I	I							I
Transport Terminal											D		P	P	D			D	D	D							D
Vehicle Sales And Hire									I	I	M	I	P	P	I												I
Vehicle Sales and Hire									D	D	D	D	P	P	D												D
Veterinary Clinic						I			I	I	I		I	P						P	I	I				I	I
Veterinary Clinic						D			D	D	D		D	P						P	D	D				D	D
Warehouse											M		P	P	M					P							I
Warehouse											D		P	P	D					P							D



How to be involved



The exhibition period is from Friday 6 March 2020 to Friday 24 April 2020.



Attend a workshop. Dates and times will be available on the Have Your Say website.



Complete a survey on the Have Your Say website.



Write a submission, through www.ntlis.nt.gov.au/planning.lta.dar.list or provide it to us through

email:
planning.ntg@nt.gov.au

post:
NT Planning Commission
GPO Box 1680
DARWIN, NT 0801

hand delivered:
Level 1
18-20 Cavenagh Street
DARWIN, NT 0800

Further background information is available from the Planning Reform Project website.

For more information contact 8999 8963 or planning.ntg@nt.gov.au.

*Building Confidence through Better
Planning for the Northern Territory*

