

**FOR CONSULTATION PURPOSES  
ONLY**

**DRAFT EXAMPLES OF  
POSSIBLE CHANGES TO THE**

# **Northern Territory Planning Scheme**

*Building Confidence through Better  
Planning for the Northern Territory*

# PROGRESSING PLANNING REFORM

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Draft for Consultation

## Introduction

To progress planning reform, the Government has released:

- A **Snapshot** to explain the Government's overall strategy to implement priority planning system reforms; and
- An **Overview** which presents a summary of the reforms with links to:
  - the ***Consultation Draft Bill for Amendments to the Planning Act 1999***; and
  - this ***Draft Examples of Possible Changes to the Northern Territory Planning Scheme***.

## How to use this document

This document is intended to be read together with ***Progressing Planning Reform – An Overview*** and the ***Consultation Draft Bill for Amendments to the Planning Act 1999***

This document **does not** present a complete or final version of a revised Planning Scheme.

Excerpts of a 'new look' Planning Scheme are provided in this document only as examples. This is to give an indication of the potential new structure and operation of the Planning Scheme, to support understanding of how the reformed system will work as a whole.

Future exhibition of a formal proposal to amend the NT Planning Scheme will present the revised Planning Scheme in full and provide the opportunity for detailed feedback.

# Summary of proposed changes to the NT Planning Scheme

Changes to the NT Planning Scheme respond to feedback from the community and industry that planning information needs to be clearer and more accessible. In particular, the need was identified for planning decisions to be based on more holistic and informed consideration of environmental, social and economic issues to increase the focus on producing good development outcomes.

Feedback also highlighted the need to enhance the influence of strategic planning on development decisions and to streamline processes.

This document provides an indication of the potential look and feel of a revised NT Planning Scheme that will make the Planning Scheme easier to use, clarify the role of strategic planning and more clearly establish the basis for decisions.

## Part 1 - Guidance

This section will:

- provide greater clarity around the structure of the Planning Scheme, particularly in relation to the role of policy;
- introduce new assessment categories to distinguish between development reasonably expected in a zone and development that has the potential to adversely impact on preferred development in an area; and
- establish what informs the exercise of discretion by the consent authority.

## Part 2 - Strategic Framework

This section will establish:

- the role and function of the strategic policies and land use plans;
- how the various components of the strategic framework relate to each other; and
- the existing policies and plans within the strategic framework.

**Part 3 - Overlays** introduces the concept of overlays, the possible overlays that could be included, and provides an example of the likely format of an individual overlay.

**Part 4 - Zones and Assessment Tables** outline the purpose and outcomes to be achieved by the zones and an example of the proposed 'new look' assessment table (previously zone table). The new format of the assessment table will assist users by clearly identifying the assessment category and all development requirements that may apply to a development within a zone.

**Part 5 – Development Requirements** establish guidance and criteria for assessment of development and an example of the 'new look' development requirements (previously performance criteria). The new format for the requirements includes an enhanced purpose of the requirement, clarification of when and how the requirements are to influence the exercise of discretion by the consent authority, and the requirements themselves.

# Example Parts of a revised NT Planning Scheme

## PART 1 - GUIDANCE

### 1.1 Citation

- 1) The Northern Territory Planning Scheme 2020 may be cited as the Planning Scheme.

### 1.2 Application

- 1) This planning scheme applies to the whole of the Northern Territory with the exception of an area subject of a specific planning scheme made under section 8 of the *Planning Act #####*.

### 1.3 Purpose of the Planning Scheme

- 1) The purpose of the Planning Scheme is to:
  - a) further the Objects of the Planning Act #####;
  - b) establish the strategic planning framework to inform and guide all development in the Territory;
  - c) establish controls to guide development; and
  - d) provide a clear framework for the assessment and determination of development applications.

### 1.4 Commencement

- 1) The Planning Scheme came into effect on Date Month Year.  
Amendments that have been included in the Planning Scheme are listed in Appendix #.

### 1.5 Interpretation

- 1) A reference in the Planning Scheme to any Act includes any regulation or instrument made under it and, where amended or replaced, means the latest version of the legislation, regulation or instrument.
- 2) A reference in the Planning Scheme to an external document or standard means the latest version of the document or standard.

## 1.6 Structure of the Planning Scheme

1) The structure of the Planning Scheme includes:

a) Strategic Framework (Part 2)

The Strategic Framework establishes guidance to facilitate development and decision making in a coordinated manner while recognising the differences between various regions and local areas across the Planning Scheme area.

b) Overlays (Part 3)

Overlays including overlay maps (Schedule #) identify areas subject to additional requirements because of specific constraints on development.

c) Zones and Assessment Tables (Part 4)

Zone maps (Schedule #) and associated zone purpose statements, outcomes and assessment tables provide a structure for control of the development of land.

Specific Use Zones shown on the zone maps for certain areas provide for particular development outcomes which are not consistent with the available zones or Development Requirements within the Planning Scheme. The provisions of the Specific Use Zones are contained in Schedule #.

d) Development Requirements (Part 5)

Requirements that apply to development within the Planning Scheme area and are divided into two categories:

- i. General Development Requirements; and
- ii. Specific Development Requirements.

e) Subdivision and Consolidation Requirements (Part 6)

Requirements that apply to the subdivision and consolidation of land within the Planning Scheme area.

f) Aboriginal Communities and Towns (Part 7)

Requirements that apply to development within Aboriginal Communities and Towns listed in Schedule #.

g) Schedules

The Schedules provide a range of interpretive provisions and administrative guidelines to supplement considerations and directions within the Parts of the Planning Scheme.

## 1.7 Operation of the Planning Scheme

- 1) Where there is inconsistency between Parts within the Planning Scheme, the following rules apply:
  - a) the Strategic Framework in Part 2 is to guide the interpretation of all Parts;
  - b) Overlays in Part 3 prevail over all Parts to the extent of the inconsistency;
  - c) Area Plans within the Strategic Framework prevail over zone purposes and outcomes in Part 4 (but not over the assessment category set out in the assessment tables) and Parts 5 and 6 to the extent of the inconsistency; and
  - d) Zone purposes and outcomes in Part 4 prevail over Parts 5 and 6 to the extent of the inconsistency.
  - e) The provisions of Parts 1, 2, 3, 5, 6 and 7 apply to development described in Schedule 2 (Specific Use Zones) except where they conflict with any conditions specified in Schedule 2.

## 1.8 When development consent is required

- 1) The need for consent and the level of assessment that applies to the development of land is set out in the framework below:
  - a) **Permitted** – development that is compatible with the purpose of the zone provided it is established and operated to comply with all relevant development requirements.

Development of land is **Permitted** without consent when the following apply:

- i. it is shown as **Permitted** on the relevant assessment table in Part 4; and
  - ii. it does not require consent by virtue of an overlay in Part 3; and
  - iii. it complies with all relevant development requirements set out in Part 5; or
  - iv. a provision of the Planning Scheme expressly sets out that it is **Permitted**.
- b) **Merit Assessable** – development that requires the exercise of discretion by the consent authority to ensure it can be established and operated in a way that does not impact on the amenity of the area and accords with the relevant zone purpose and outcomes.

Development of land requires consent and is **Merit Assessable** when any of the following apply:



- i. it is shown as **Merit Assessable** on the relevant assessment table in Part 4;
- ii. it is shown as **Permitted** on the relevant assessment table in Part 4 but:
  - (1) requires consent by virtue of an Overlay as set out in Part 3; or
  - (2) does not comply with the relevant development requirements set out in Part 5;
- iii. it is for the consolidation of land; or
- iv. a provision of the Planning Scheme expressly requires assessment as **Merit Assessable**.

*Editor's note: the Planning Act and Regulations exempt some types of consolidation and subdivision from requiring consent.*

- c) **Impact Assessable** – development that requires the exercise of discretion by the consent authority to determine if it is appropriate given the location of the site and the potential impacts on surrounding uses, and if it accords with the Strategic Framework.

Development of land requires consent and is **Impact Assessable** when any of the following apply:

- i. it is shown as **Impact Assessable** on the relevant assessment table in Part 4;
  - ii. it is for the subdivision of land; or
  - iii. it is identified as **Impact Assessable** in Clause 1.9; or
  - iv. it is a Prohibited development which relates to a heritage place as set out in Clause 1.10.7(b); or
  - v. a provision of this Planning Scheme expressly requires assessment as **Impact Assessable**.
- d) **Prohibited** – development to which the consent authority must not grant consent.

Development of land is **Prohibited** if:

- i. it is shown as **Prohibited** on the relevant zoning table in Part 4, unless it is ancillary as allowed by Clause 1.9; or
- ii. a provision of this Planning Scheme expressly prohibits consent.

## 1.9 Ancillary development

- 1) Unless expressly provided for in this Planning Scheme:
  - a) where the definition of a development in Schedule 1 includes developments that may be established if ancillary, the ancillary developments included in the definition are Permitted provided they comply with any relevant development requirements in Parts 3 and 5;
  - b) if an ancillary development described in (a) does not comply with Parts 3 and 5, the ancillary development requires consent and the level of assessment that applies is Impact assessable; and
  - c) an ancillary development not specified in the definition of a development in Schedule 1 requires consent and the level of assessment that applies is Impact assessable.

## 1.10 Exercise of Discretion by the Consent Authority

- 1) In considering an application for consent for a development, the consent authority must consider the development in its entirety except in relation to:
  - a) an application to alter, change or vary a development permit under sections 43A, 46 or 57 of the Act;
  - b) access to a **main road**; or
  - c) a **Merit Assessable** development under Clause 1.8.1(b)(ii)(2).
- 2) In considering an application for consent for a development that has become **Merit Assessable** under Clause 1.8.1(b)(ii)(2), the consent authority must consider only the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.
- 3) In considering an application for consent for development identified as **Merit Assessable** the consent authority must take into account all of the following:
  - a) the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
  - b) any Overlays and associated requirements in Part 3 that apply to the land; and
  - c) the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6; and
  - d) if an Area Plan in Part 2 applies to the land, any component relevant to a variation of requirements in Parts 5 or 6.
- 4) In considering an application for consent for development identified as **Impact Assessable** the consent authority must take into account all of the following:

- a) any relevant requirements, including the purpose of the requirements, as set out in Parts 4 or 5;
  - b) any Overlays and associated requirements in Part 3 that apply to the land
  - c) the relevant zone purpose and outcomes in Part 4; and
  - d) any component of the Strategic Framework relevant to the land as set out in Part 2.
- 5) The consent authority may consent to a proposed development that is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to the:
- a) the administration clause of the requirement; and
  - b) the considerations listed under Clause 1.10.3 or 1.10.4.
- 6) When consenting to a development of land, the consent authority may impose a condition requiring a higher standard of development than is set out in a requirement of Parts 3, 5 or 6 if it considers it necessary to the achievement of the Strategic Framework, the purpose of the overlay or the zone, or it considers it is otherwise necessary to do so.
- 7) The consent authority must not grant consent for a use or development identified as **Prohibited** unless:
- a) the **Prohibited** use or development is ancillary as set out in Clause 1.9; or
  - b) the **Prohibited** use or development relates to a heritage place and it has the approval of the Minister responsible for the administration of the *Heritage Act*.

### 1.11 Exceptions

- 1) Unless specified, other than for subdivision or consolidation or by virtue of an Interim Development Control Order or the overlay for the clearing of native vegetation, the Planning Scheme does not prevent the development of land that is not zoned or any development identified at Schedule #.

## **PART 2 – STRATEGIC FRAMEWORK**

### **2.1 Role of the Strategic Framework**

- 1) The Strategic Framework:
  - a) promotes the Objects of the *Planning Act* ##### through the establishment of strategic policy and strategic land use plans to guide development;
  - b) establishes a strategic direction for the Northern Territory and its regions that facilitates long term management of development to achieve coordinated and efficient planning outcomes;
  - c) provides guidance on strategic planning priorities and intended outcomes of future development;
  - d) balances the following considerations to inform strategic planning and decision making for development:
    - i. the sustainable use of resources and the protection of the natural environment and ecological processes;
    - ii. the integration of land use planning with transport and physical infrastructure planning to provide for the equitable, accessible, logical and efficient provision of such services;
    - iii. the facilitation of industrial, business and other employment and wealth generating activities to promote, support and engender economic development;
    - iv. the promotion of diverse housing options and the integration of planning for community facilities and services to foster a more connected, resilient and supported society;
    - v. the recognition of the unique characteristics, challenges and aspirations in different areas and communities within the scheme area; and
    - vi. the protection of places and buildings, which are of heritage or cultural value.

### **2.2 Components and operation of the Strategic Framework**

- 1) The Strategic Framework consists of strategic planning policies and strategic land use plans.
- 2) Strategic Planning Policies  
Strategic Planning Policies establish high level policies, principles and strategic directions to guide future development.

Strategic Planning Policies:

- a) may apply generally or to a particular issue or matter; and
- b) inform and guide:
  - i. the preparation of Strategic Land Use Plans;
  - ii. decision making in the absence of Strategic Land Use Plans applicable to a particular site or issue; and
  - iii. decision making in relation to variations to any component of the hierarchy of Strategic Land Use Plans.

3) Strategic Land Use Plans

The hierarchy of Strategic Land Use Plans specified at Table # includes:

- a) Regional Land Use Plans – applicable to the region established by the plan that:
  - i. identify high level characteristics and needs that will shape growth;
  - ii. establish a long term plan to respond to identified characteristics and needs that inform the distribution and management of anticipated growth across the region;
  - iii. identify the need for and locations to accommodate regional infrastructure; and
  - iv. identify issues needing further investigation or consideration during preparation of more detailed Strategic Planning Policies or Strategic Land Use Plans.
- b) Subregional Land Use Plans – applicable to a component of a region that:
  - i. build on the higher level of guidance from any relevant Strategic Planning Policy and/or Regional Land Use Plan;
  - ii. establish more detailed guidance for development based on more detailed investigation or evaluation of characteristics and needs;
  - iii. identify the need for and sites to accommodate subregional infrastructure; and
  - iv. may include concept plans and other related conditions for specific locations that foreshadow the need for more detailed and / or site specific land use planning.
- c) Area Plans – establish a further level of detailed guidance, including concepts, for the future development of particular localities, neighbourhoods, focus areas or streets to:

- i. advance the policy objectives of any relevant Regional Land Use Plan and/or Subregional Land Use Plans;
  - ii. respond to constraints and land suitability as identified through any relevant Regional Land Use Plan and/or Subregional Land Use Plans;
  - iii. respond to the local character, needs and aspirations of the community;
  - iv. provide, in some circumstances, guidance for:
    - (a) variation from a zone purpose and/or outcome in Part 4 to account for the local context set out in the Area Plan
    - (b) variation of requirements in Parts 5 or 6 that may be required to achieve the objectives of the Area Plan; or
    - (c) a higher standard of development than is set out in a requirement of Parts 5 or 6 to help achieve the objectives of the Area Plan.
- 2) The Strategic Framework guides the interpretation of all Parts of the Planning Scheme.

Where there is inconsistency between the components of the Strategic Framework, Area Plans, providing the most detailed level of guidance, prevail over higher-order Subregional or Regional Land Use Plans to the extent of any inconsistencies.

Subregional Land Use Plans, Regional Land Use Plans and Strategic Planning Policies will guide interpretation of the Planning Scheme when:

- a) there is no applicable Area Plan;
- b) the Area Plan does not provide guidance on a particular issue;
- c) a development does not accord with an Area Plan; or
- d) a new Area Plan is being created or a change is proposed to an existing Area Plan.

### 2.3 Strategic Planning Policies

- 1) Strategic Planning Policies for the Planning Scheme are identified in Table 1:

**Table 1**

Compact Urban Growth Policy

## 2.4 Hierarchy of Strategic Land Use Plans

- 1) The Hierarchy of Strategic Land Use Plans for the Planning Scheme are identified in Table 2:

<b>Table 2</b>		
<b>Regional Plans</b>		
	Sub Regional Plans	
	Area Plans	
<b>Darwin Region</b>		
<b>Darwin Regional Land Use Plan 2015</b>		
	Berrimah North Area Plan	
	Berrimah Farm Area Plan	
	Central Darwin Area Plan	
	Darwin Inner Suburbs Area Plan	
	Darwin Mid Suburbs Area Plan	
	Lee Point Area Plan	
	Litchfield Subregional Land Use Plan	
	Coolalinga Activity Centre Area Plan	
	Holtze Area Plan	
	Howard Springs Activity Centre Area Plan	
	Humpty Doo Activity Centre Area Plan	
	Coomalie Planning Concepts and Land Use Objectives	
	Batchelor Area Plan	
	Palmerston	
	Archer Area Plan	
	Central Palmerston Area Plan	
	Durack Masterplan	
	Palmerston Eastern Suburbs Area Plan	
	Finniss Planning Concepts and Land Use Objectives	
<b>Alice Springs Region</b>		
<b>Alice Springs Regional Land Use Plan</b>		
	Arumbera Area Plan	
	Central Alice Springs Area Plan	
	Kilgariff Area Plan	
<b>Barkly Region</b>		
<b>Tennant Creek Land Use Plan</b>		
<b>Katherine Region</b>		
<b>Katherine Land Use Plan 2014</b>		
	Katherine East Area Plan	
<b>Major Remote Towns</b>		
	Ali Curung Area Plan	
	Angurugu Area Plan	
	Borrooloola Area Plan	
	Daguragu Area Plan	
	Elliot Area Plan	

	Galiwin'ku Area Plan
	Gapuwiyana Area Plan
	Gunbalanya Area Plan
	Hermannsburg Area Plan
	Kalkarindji Area Plan
	Lajamanu Area Plan
	Maningrida Area Plan
	Milingimbi Area Plan
	Milyakburra Area Plan
	Ngukurr Area Plan
	Numbulwar Area Plan
	Papunya Area Plan
	Ramingining Area Plan
	Umbakumba Area Plan
	Wadeye Area Plan
	Wurrumiyanga Area Plan
	Yirrkala Area Plan
	Yuendumu Area Plan



## PART 3 - OVERLAYS

### 3.1 Preliminary

- 1) Overlays identify areas subject to particular requirements because of constraints or characteristics including (but not limited to):
  - a) risk from natural hazard;
  - b) the presence of significant environmental values or natural resources;
  - c) limitations arising from existing or planned significant developments; and / or
  - d) particular opportunities for development.
- 2) The requirements of an overlay apply in addition to the provisions of the zone and the requirements contained in Parts 5 and 6.
- 3) An overlay may change the assessment category of a development if so specified.
- 4) Overlays for this Planning Scheme are mapped and included in Schedule #
- 5) Overlays which apply in this Planning Scheme are listed in Table #.

**Table #: Index of Overlays:**

<b>Overlay</b>	<b>Scheme Map Identifier</b>
Clearing of native vegetation	<b>CNV</b> with a number
Restricted Rural Residential	<b>RRR</b> with a number
Coastal Landfill	<b>CL</b> with a number
Darwin Harbour Dredging	<b>DHD</b> with a number
Land in Proximity to Airports	<b>LPA</b> with a number
Land subject to Flooding	<b>LSF</b> with a number
Land subject to Storm Surge	<b>LSSS</b> with a number
Land Adjacent to a Main Road	<b>LMP</b> with a number

## POSSIBLE STRUCTURE OF AN OVERLAY

This example is provided only to show the possible structure of an overlay. Please do not provide detailed comment on the content and requirements.

### 3.# Land subject to flooding

#### Purpose

To identify the land subject to the flooding in order to reduce risk to people, damage to property and costs to the general community caused by flooding.

#### Administration

- 1) Despite anything to the contrary in this Planning Scheme and subject to sub-clause 3, land identified within *Land subject to flooding Overlay* is to be used or developed only with **consent**.
- 2) This clause does not apply to:
  - a) carports, garages, garden sheds, gazebos, pergolas and extensions to existing dwellings; and
  - b) extensions to existing commercial or industrial buildings; which, but for this clause, would not require consent.
- 3) In this clause:
  - a) “flood level” means the water level associated with a 1.0% AEP flood event or where that level cannot be determined, the level determined by the Controller of Water Resources within the meaning of the Water Act;
  - b) “AEP” means Annual Exceedance Probability, which is the likelihood, in percentage terms, of a flood of a given size occurring in a specified area in any one year;
  - c) “DFE” means Defined Flood Event, which:
    - i. in an area subject to a floodplain management plan that defines a flood event, is as specified in that plan; or
    - ii. if there is no floodplain management plan that defines a flood event for an area, is the 1% AEP flood event;
  - d) “DFA” means Defined Flood Area, which is the area that is inundated by the DFE as defined on mapping produced by the Department of Environment and Natural Resources;

- 4) The consent authority may approve an application that is not in accordance with sub-clause 6 only if it is satisfied that there is no increased risk to people and property including adjoining property.

### Development Requirements

- 5) In a DFA:
  - a) the storage or disposal of environmentally hazardous industrial material and the development of **fuel depots** should be avoided;
  - b) the minimum floor level of **habitable rooms** should be 300mm above the flood level for the **site**; and
  - c) the use of fill to achieve required floor levels should be avoided.

Example of how the overlay will appear on online mapping



## PART 4 – ZONES AND ASSESSMENT TABLES

### 4.1 Preliminary

- 1) Land subject to this planning scheme is organised into zones to facilitate the location of compatible development.
- 2) Zones are mapped and included in Schedule #.
- 3) Each Zone includes:
  - a) the purpose of the zone;
  - b) the outcomes that will achieve the purpose of the zone; and
  - c) an assessment table.
- 4) The assessment tables identify the following as they apply to a defined development:
  - a) The assessment category as either:
    - i. Permitted;
    - ii. Merit Assessable;
    - iii. Impact Assessable; or
    - iv. Prohibited;
  - b) Overlays that may influence the assessment category and/or apply additional requirements to development depending on the location of the site;

*Editor's note: Schedule # identifies areas subject to overlays and Part 3 provides details of each of the overlays.*

- c) Development requirements that inform the manner in which a development may be undertaken, which may be a combination of:
      - i. Specific development requirements applicable to a narrow range of developments as specified in the requirement;
      - ii. General development requirements that apply to a broad range of developments across a range of zones.
- 5) To determine the assessment category and relevant requirements:
  - a) establish which definition in Schedule # applies to the development;
  - b) refer to the relevant zone map in Schedule X to identify the zone applicable to the site of the development, any relevant overlays or applicable components of the strategic framework;
  - c) refer to the assessment table to identify:
    - i. the assessment category applicable to the development;

- ii. Any Overlays applicable to the site; and
- iii. Development Requirements relevant to the defined use.

*Editor's note: General Definitions in Schedule # will assist in determining compliance with Development Requirements or otherwise.*

- 6) Zones which apply in this Planning Scheme are listed in Table #.

**Table # - Index of Zones**

<b>Residential Zones</b>	
LR	Low Density Residential
LMR	Low/Medium Density Residential
MR	Medium Density Residential
HR	High Density Residential
CV	Caravan Parks
CL	Community Living
RR	Rural Residential
RL	Rural Living
<b>Commercial Zones</b>	
CB	Central Business
C	Commercial
SC	Service Commercial
TC	Tourist Commercial
<b>Industrial Zones</b>	
LI	Light Industry
GI	General Industry
DV	Development
<b>Recreational Zones</b>	
PS	Public Open Space
OR	Organised Recreation
<b>Rural Zones</b>	
H	Horticulture
A	Agriculture
R	Rural
<b>Other Zones</b>	
CP	Community Purposes

CN	Conservation
HT	Heritage
RD	Restricted Development
WM	Water Management
FD	Future Development
T	Township
SU	Specific Use
<b>Infrastructure Zones</b>	
MR	Main Road
PM	Proposed Main Road
RW	Railway
U	Utilities

## POSSIBLE STRUCTURE OF ZONES AND ASSESSMENT TABLES

This example is provided only to show the possible structure of a zone and associated assessment table. Please do not provide detailed comment on the numbers, titles and content.

### 4.# Zone MR – Medium Density Residential

#### Zone Purpose

Provide for a range of low to mid rise housing options close to community facilities, commercial uses, public transport and/or open space, where reticulated services can support medium density residential development.

#### Zone Outcomes

- 1) a diversity of low and medium density residential developments generally not exceeding four storeys;
- 2) **home based businesses** operated in a manner consistent with residential amenity;
- 3) **residential care facilities** and **community residences** of a scale and operated in a way that is compatible with the character and amenity associated with medium density residential development;
- 4) non-residential activities such as **community centres** and **child care centres** that:
  - a) support the needs of the immediate residential community;
  - b) are of a scale and intensity compatible with the residential character and amenity of the area;
  - c) wherever possible, are co-located with other non-residential activities in the locality;
  - d) avoid adverse impacts on the surrounding road network; and
  - e) are managed to minimise unreasonable impacts on the amenity of surrounding residents.
- 5) building design, site layout and landscaping provide a sympathetic interface to adjoining lots, provides privacy and attractive outdoor spaces, and enhances the streetscape;
- 6) an efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks and with convenient access to open space, community and educational facilities; and
- 7) no uses that are undefined in the **Part 1- 3.0 Definitions**.



<b>ASSESSMENT TABLE – ZONE MR – MEDIUM DENSITY RESIDENTIAL</b>				
Titles and numbering of clauses within this table are provided as examples only.				
Defined Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Caravan accommodation	Permitted	3.# Land subject to flooding 3.# Land subject to Storm surge 3.# Coastal Landfill	6.1 General Height control  6.5 Vehicle Parking  6.12 Landscaping  7.3 Building setbacks	6.8.2 Caravan accommodation
Child care centre	Impact assessable			7.1.4 Child care centres
Community centre	Impact assessable			To be drafted
Community residence	Permitted			6.8.5 Community residence
Demountable structures	Merit assessable			5.8 Demountable Structures
Dwelling – Group – 2	Impact assessable			6.3.4 Building Setbacks and Fencing of Dwellings – group, Dwellings - multiple and residential care facility in Zone MR; 6.4 Private Open Space; 6.5 Communal Open Space; 6.7 Building design for dwellings-multiple, rooming accommodation and residential care facilities
Dwelling – Group – 3 or more	Impact assessable			6.3.4 Building Setbacks and Fencing of Dwellings – group, Dwellings - multiple and residential care facility in Zone MR; 6.4 Private Open Space; 6.5 Communal Open Space; 6.7 Building design for dwellings-multiple, rooming accommodation and residential care facilities
Dwelling - Independent	Permitted			6.8.4 Dwelling – Independent; 6.4 Private Open Space
Dwellings - Multiple	Merit assessable			6.3.4 Building Setbacks and Fencing of Dwellings – group, Dwellings - multiple and residential care facility in Zone MR; 6.4 Private Open Space; 6.5 Communal Open Space; 6.7 Building design for dwellings-multiple, rooming accommodation and residential care facilities
Dwelling - Single	Permitted			6.4 Private Open Space
Excavation and fill	Impact assessable			5.13 Excavation and fill
Home based business	Permitted			6.8.1 Home based Business
Non-residential structures	Permitted			6.9 Non-residential structures
Residential care facility	Impact assessable			6.3.4 Building Setbacks and Fencing of Dwellings – group, Dwellings - multiple and residential care facility in Zone MR
Telecommunications facility	Impact assessable			5.14 Telecommunications facility. Note low impact facilities exempt.
All other uses defined in Schedule 1 (Definitions)	Prohibited			
Undefined Uses Any use not defined in Schedule 1 (Definitions)	Prohibited	<b>Note:</b> Undefined uses are prohibited in residential zones		



#### **4.# Zone C – Commercial**

##### **Zone Purpose**

Provide for a range of business and community uses ranging from neighbourhood convenience shopping to regional mixed use centres. Commercial areas should be functional, safe and visually attractive business, community and service centres.

##### **Zone Outcomes**

- 1) development is of a scale and character appropriate to the commercial purpose of the locality and predominantly in low-rise buildings to 3 storeys;
- 2) diversity of activities including retail business activities such as shops, showroom sales and vehicle sales, a mix of other business activities including restaurants, nightclub entertainment facility, medical clinics, offices and community activities and support services that encourage an active, mixed use environment;
- 3) development of a limited range of residential uses, including dwellings - multiple and rooming accommodation, only where it includes, on the ground floor, occupancies for commercial activity of a floor area that is consistent with the locality;
- 4) the greatest diversity and intensity of development is located in areas with access to public transport facilities, and all development has a clear connection to pedestrian, bicycle, public transport and road transport networks and infrastructure;
- 5) wherever practicable, business activities and community activities are co-located and designed to contribute to 24-hour safety, security and the vitality of the locality;
- 6) development incorporates a high standard of urban and landscape design that creates attractive and functional buildings, streets and places;
- 7) developments are operated to ensure that there is no unreasonable loss of amenity for surrounding premises, having regard to the mixed use nature of the zone;
- 8) development is provided with the appropriate urban services including, roads, pedestrian and cycle paths, reticulated water, sewerage, stormwater drainage and electricity and telecommunication infrastructure; and
- 9) uses that are undefined in the Part 1- 3.0 Definitions may occur only when assessment has determined that the use is appropriate in the zone having regard to such matters as its location, nature, scale and intensity.

<b>ASSESSMENT TABLE – ZONE C – COMMERCIAL</b>				
Titles and numbering of clauses within this table are provided as examples only.				
Defined Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Caravan accommodation	Permitted	3.# Land subject to flooding	6.1 General Height control	6.8.2 Caravan accommodation
Carpark	Impact assessable			6.5 Vehicle Parking
Carwash	Impact assessable	3.# Land subject to storm surge	6.12 Landscaping	7.1.5 Carwash; 7.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T
Child care centre	Impact assessable			7.3 Building setbacks
Community centre	Impact assessable	3.# Coastal Landfill		5.4 Plot ratios and site coverage; 7.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T
Club	Impact assessable			5.4 Plot ratios and site coverage; 5.6 Loading Bays; 7.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T; 8.1.3 Club
Demountable structures	Merit assessable			5.8 Demountable Structures
Dwelling - Caretakers	Permitted			7.1 Residential density; 6.8.3 Dwelling - Caretakers
Dwellings - Multiple	Impact assessable			6.4 Private Open Space; 6.5 Communal Open Space; 6.7 Building design for dwellings-multiple, rooming accommodation and residential care facilities; 6.7 Residential development in Zone C;
Excavation and fill	Impact assessable			5.13 Excavation and fill
Food and drink outlet	Impact assessable			7.1.7 Food and Drink Outlet
Home based business	Permitted			6.8.1 Home based Business
Hotel	Impact assessable			5.4 Plot ratios and site coverage; 5.6 Loading Bays; 7.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T
Leisure and recreation	Impact assessable			5.4 Plot ratios and site coverage; 7.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T; 8.1.5 Recreational Uses
Medical clinic	Impact assessable			5.4 Plot ratios and site coverage; 7.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T
Motel	Impact assessable			5.6 Loading Bays; 7.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T
Motor repair station	Impact assessable			5.4 Plot ratios and site coverage; 9.1.3 Motor Repair Stations and Motor Body Works
Nightclub entertainment facility	Impact assessable			7.1.6 Nightclub entertainment facility
Non-residential structures	Permitted			6.9 Non-residential structures
Office	Impact assessable	5.4 Plot ratios and site coverage; 5.6 Loading Bays; 7.1.2 Interchangeable use rights in Zones CB and C; 7.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T		
Place of worship	Impact assessable	5.4 Plot ratios and site coverage; 7.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T; 8.1.4 Place of Worship and Place of Public Assembly;		

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Plant nursery	Impact assessable		6.4 Plot ratios and site coverage;
Residential care facility	Impact assessable		6.4 Private Open Space; 6.5 Communal Open Space; 6.7 Building design for dwellings-multiple, rooming accommodation and residential care facilities; 6.7 Residential development in Zone C;
Restaurant	Merit assessable		5.4 Plot ratios and site coverage;5.6 Loading Bays; 7.1.2 Interchangeable use rights in Zones CB and C; 7.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T
Rooming accommodation	Impact assessable		5.4 Plot ratios and site coverage; 6.5 Communal Open Space; 6.7 Building design for dwellings-multiple, rooming accommodation and residential care facilities; 7.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T
Service station	Impact assessable		5.4 Plot ratios and site coverage; 7.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T; 7.1.3 Service Stations
Shop	Merit assessable		5.4 Plot ratios and site coverage;5.6 Loading Bays; 7.1.2 Interchangeable use rights in Zones CB and C; 7.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T
Shopping centre	Impact assessable		5.4 Plot ratios and site coverage;5.6 Loading Bays; 7.1.2 Interchangeable use rights in Zones CB and C; 7.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T, 7.1.8 Shopping Centre
Showroom sales	Impact assessable		5.4 Plot ratios and site coverage;5.6 Loading Bays; 7.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T; 7.1.2 Interchangeable use rights in Zones CB and C
Telecommunications facility	Impact assessable		5.14 Telecommunications facility. Note: low impact facilities exempt.
Vehicle sales and hire	Impact assessable		5.4 Plot ratios and site coverage; 7.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T
Veterinary clinic	Impact assessable		5.4 Plot ratios and site coverage; 7.2 Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T
All other uses defined in Schedule 1 (Definitions)	Prohibited		
Undefined Uses Any use not defined in Schedule 1 (Definitions)	Impact assessable		The Planning Scheme - Part 2, Part 3, Part 4, Part 5

## PART 5 – DEVELOPMENT REQUIREMENTS

### 5.1 Preliminary

- 1) Development Requirements establish guidance and criteria for assessing development that is **Permitted, Merit** or **Impact Assessable**. Development requirements may apply:
  - a) generally to a broad range of uses (General Development Requirements); and
  - b) specifically to one or a small set of related uses (Specific Development Requirements).
- 2) Each Development Requirement identifies:
  - a) the purpose of the requirement;
  - b) how the requirement is administered;
  - c) the details of the requirement.
- 3) The identification of the purpose and administration of the requirements are intended to:
  - a) meaningfully inform the exercise of discretion by the consent authority;
  - b) provide clarity around the application of the requirement; and
  - c) establish the basis for decisions.

## POSSIBLE STRUCTURE OF DEVELOPMENT REQUIREMENTS

This example is provided only to show the possible structure of a development requirement. Please do not provide detailed comment on the content and requirements.

### 5.x Service Stations

#### Purpose

Ensure that **service stations**:

- a) are developed in locations that provide convenient access and do not interfere with the safe or efficient operation of the local road and footpath network;
- b) do not, because of appearance or the emission of fumes or noise, unreasonably affect the use and enjoyment of adjacent land;
- c) incorporate appropriate building and landscape design to ensure that there is no unreasonable loss of amenity for surrounding premises; and
- d) incorporate appropriate environmental management measures to minimise the risk of pollution or contamination of land and water.

#### Administration

1. The consent authority may **consent** to a **service station** that is not in accordance with sub-clauses 2 and 3 only if it is satisfied it is consistent with the purpose of this clause having regard to such matters as its location, nature, scale and impact on surrounding amenity.

#### Requirements

2. A site may be developed for a **service station** only where:
  - a) fuel bowsers and any motor repair station associated with the service station, are located at least 20m from any residential or commercial development and visually screened from that development;
  - b) fuel bowsers are setback from the road reserve in accordance with *Australian Standard AS1940 – The storage and handling of flammable and combustible liquids*;
  - c) the design of the site is such that:
    - i. vehicular access and egress does not create a traffic hazard on adjacent roads;
    - ii. vehicles are able to enter and exit to a road in a forward gear;
    - iii. vehicular crossings of the footpath are not more than 9m wide, nor closer than 6m to another vehicular crossing and not closer than 15m to a road intersection; and
    - iv. inlets to bulk fuel storage tanks are situated so that tankers discharging fuel stand wholly within the site.
  - d) Street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m; and

- e) if the site is within a 1% AEP flood event or storm surge, the service station is designed to withstand the flood event or storm surge without risk of pollution.

## **5.x Development of Land in Zone WM (Water Management)**

### **Purpose**

Ensure that any use or development of land within Zone WM does not contaminate the public water supply and is consistent with the requirements of the relevant service authority and the Agency responsible for the relevant water source and the public water supply.

### **Administration**

- 1) Consent is not to be granted to an application for subdivision or development of land in Zone WM unless the relevant service authority and the Agency responsible for the relevant water source and the public water supply has provided the consent authority with a report confirming the proposed subdivision or development will be in accordance with sub-clause 2.

### **Requirements**

- 2) Development 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 both the construction and operational stages;
  - c) provide appropriate facilities for effluent disposal; and
  - d) provide appropriate facilities for on-site waste collection and disposal.



## How to be involved

To access more information, provide a submission, or to find out about consultation activities, get in touch with us at:



[www.haveyoursay.nt.gov.au](http://www.haveyoursay.nt.gov.au)

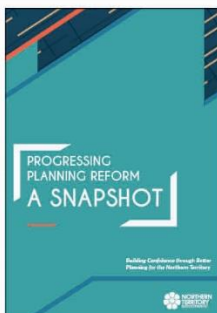


[planningreform@nt.gov.au](mailto:planningreform@nt.gov.au)

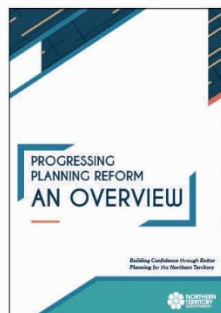


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## Related documents



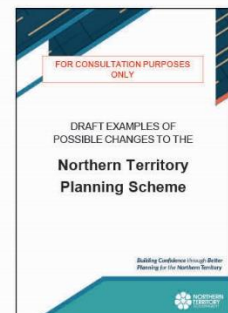
Planning Reform: a Snapshot



Progressing Planning Reform: an Overview



Consultation Draft of a Bill for Amendments to the *Planning Act 1999*



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