

PART 1

1.0 PRELIMINARY

1.1 CITATION

This document is the Northern Territory Planning Scheme and may be cited as the Scheme.

1.2 APPLICATION

1. This Scheme applies to the whole of the Northern Territory with the exception of an area subject of a specific planning scheme made pursuant to section 8 of the *Planning Act*.
2. Where there is an inconsistency between the contents of Part 3 and Part 8 of the Scheme the provisions of Part 3 prevail.

Provisions relating to subdivision and the clearing of native vegetation apply to most of the Northern Territory.

1.3 EXCEPTIONS

1. Unless specified, other than for subdivision or consolidation or by virtue of an Interim Development Control Order, this Scheme does not prevent the use or development of land that is not zoned.
2. Unless specified, this Scheme does not prevent any of the following:
 - (a) the use or development of land:
 - i. as a road; or
 - ii. for sport and recreation.
 - (b) the construction, alteration, repair or maintenance of:
 - i facilities for the reticulation of water, sewerage, gas or electricity or, subject to clause 13.5, transmission of telecommunications services;
 - ii stormwater drains; or
 - iii roads and traffic lights.
 - (c) the strengthening to a safe condition of a building or works;
 - (d) the erection or display of a sign which is:
 - i. a traffic control or driver advisory guide, service or similar device;
 - ii. displayed under a statutory obligation;
 - iii. on enclosed land or within a building and not readily visible from land outside the enclosure or building;
 - iv. of a temporary nature used to advertise property that is available for rent, lease, sale, auction or inspection subject to clause 6.7;

Clause 13.4 relates to land adjacent to designated roads.

Clause 10.2 requires consent for the clearing of native vegetation.

Telecommunication facilities defined by the Commonwealth as "low impact" are immune from Northern Territory planning control.

Clause 6.10 refers to building works in Zone HT (Heritage).

Subject to clause 6.10 Alice Springs, Darwin, Palmerston, Katherine and Tennant Creek municipal councils control the erection of advertising signs.

On land within a road corridor under the care and control of the Department of Planning and Infrastructure the approval of that Department is also required.

Amendment 16
gazetted 22.08.2007
alters clause 1.3 2(f)

Amendment 26
gazetted 10.08.2007
introduces clause
1.3 2(h)

Amendment 54
gazetted 07.05.2008
introduces clause
1.3 2(i)

- v. displayed on or inside a vehicle, other than a vehicle which is adapted and exhibited primarily as an advertising sign;
- vi. an interpretive sign used for describing a place or an item of historical or educational significance; or
- vii. a public safety advisory sign displayed by a government agency or local authority;
- (e) subject to clause 6.10, the erection or display of a **business sign** or **promotion sign** within the municipalities of Alice Springs, Darwin, Palmerston, Katherine or Tennant Creek;
- (f) the conduct of any mining activity under any mining interest (where the terms "mining activity" and "mining interest" have the same meaning as in the *Mining Management Act*);
- (g) the erection, placement or use of a construction site **office** permitted under the *Building Act*;
- (h) the use or development of land for a period not exceeding 28 days in association with a special community event or festival where management of the event is assisted by a community organisation, education establishment, or recognised religious or charitable organisation, or a department or institutional establishment of the Crown. Any buildings or structures constructed for the purpose are to be removed within the 28 day period.
- (i) The construction of temporary structures on Lot 5244 Town of Darwin for the purposes of relocating existing uses within the Casino during the period of renovation and redevelopment of the site.

Clause 6.10 refers to
Heritage places and
development.

New sub-clause 2(j) to clause 1.3 Exceptions

Planning approval will not be required for the erection of a small shed with a roofed area of 10m² or less. The new Exceptions sub-clause 2(j) is based on the Building Regulations clause 33(2) but the shed size has increased from 6m² to 10m² to accommodate the typical small garden shed.

1.3 EXCEPTIONS

2. Unless specified, this Scheme does not prevent any of the following:
- (j) the erection of a shed that:
 - i. is 6m or more from the **primary street** and 2.5m or more from a **secondary street** when measured to the wall of the shed or where there is no wall, the outer face of any column;
 - ii. has a roofed area of 10m² or less;
 - iii. is 2.3m or less in height;
 - iv. has no openings in walls that are less than 1.5m from a lot or unit title boundary; and
 - v. does not discharge rainwater on an adjacent lot or unit title.

Clause 6.11 refers to setback requirements for garages and sheds not subject to clause 1.3.

If the *Bushfires Act* applies to the land that Act may require provision of a firebreak along the property boundary.

2.9 ANCILLARY USE AND DEVELOPMENT

1. Where a use or development of land is permitted without **consent**, an ancillary use or development which would require **consent** if proposed as the primary use or development, is also permitted without **consent** provided it complies with the provisions of the clauses (if any) specified opposite the use or development in the relevant zoning table.
2. Where the ancillary use or development of land would be prohibited if proposed as the primary use or development, the ancillary use or development is permitted only with **consent**.

New clause 2.10

Multiple dwellings have for many years required development approval under the applicable planning controls. Typically each development permit has endorsed drawings of the development that form part of the permit. Any subsequent alteration to the development by the addition of a carport, pergola or shade structure over an existing parking space has required a variation to the original development approval. Rarely, if ever, is there any planning basis for requiring such approval beyond the need to conform to the original endorsed drawing. The new clause 2.10 removes that requirement for approval.

2.10 CARPORTS, PERGOLAS AND SHADE STRUCTURES TO EXISTING CAR PARKING IN MULTIPLE DWELLING DEVELOPMENTS

Where it is proposed to construct a carport, **pergola** or a shade structure to existing car parking in a **multiple dwelling development consent** is not required if it:

- (a) is constructed in accordance with the **building setback** requirements of clause 7.3;
- (b) is erected over an existing **car parking space**;
- (c) does not discharge rainwater on an adjacent lot or unit title; and
- (d) does not result in non-compliance with the requirements of clause 6.5.3.

Clause 7.3 refers to setback requirements for **multiple dwellings (residential buildings)** and structures without external walls.

Clause 6.5.3 refers to parking layout.

New definitions have been included in clause 3.0 Definitions

A definition of a "pergola" has been included to clarify that it is an unroofed open structure.

The proposed amendment refers to primary and secondary streets in several clauses. On this basis the definitions of "primary street" and "secondary street" are included in clause 3.0 Definitions.

The definition of primary street has been altered to include "but does not include a road in Zone M (Main Road) or PM (Proposed Main Road) where access is prohibited" so that in those instances where a site backs onto an arterial road like Chung Wah Terrace, the primary street setback is measured from the street that is able to provide access to the site.

3.0 DEFINITIONS

"pergola" is an unroofed open structure constructed at ground level without external walls but may be covered with permeable shade cloth;

"primary street" means the street or where there is more than one street, the street with the wider carriageway or that which carries the greater volume of traffic but does not include a road in Zone M or PM where access is prohibited; and

"secondary street" means a street that is not a primary street.

6.10 HERITAGE PLACES AND DEVELOPMENT

1. The purpose of this clause is to ensure that a use or development is not adverse to the significance of a **heritage place or heritage object** in Zone HT.
2. Despite anything to the contrary in this Scheme, where land is Zoned HT, **consent** is required for:
 - (a) the demolition, removal or modification of a building;
 - (b) the construction of a building;
 - (c) the external alteration of a building by structural work, rendering, sandblasting or in any other way;
 - (d) the construction or display of a sign; or
 - (e) any other construction works on the **site**.
3. In determining an application for use or development the consent authority must have regard to the views of the Minister responsible for the administration of the *Heritage Conservation Act* with particular reference to:
 - (a) any applicable heritage study and any applicable heritage policy;
 - (b) whether the location, bulk, form or appearance of any proposed building may have an adverse impact on the character and appearance of adjacent **heritage places or heritage objects**;
 - (c) whether demolition, removal, external alteration or any other works will adversely impact on the significance of the **heritage place or heritage object**; and
 - (d) if the development is for subdivision whether the subdivision design adversely impacts on a **heritage place or heritage object**.

See also clauses 2.3 and 6.5.2.

Any work carried out directly to a **heritage place or heritage object** requires approval under the *Heritage Conservation Act*.

6.11 SHEDS

1. The purpose of this clause is to ensure that sheds in Zones RR, RL, R, A and H are sited so they do not detract from the streetscape or the **amenity** of adjoining land.
2. A shed on a lot Zoned RR, RL, R, A or H that is proposed to be located within 10m of any lot boundary requires **consent**.
3. In this clause a shed includes a roofed area, whether or not it is enclosed by walls, but does not include a verandah, balcony, carport or the like.

Revised clause 6.11 Garages and Sheds

Clause 6.11 has been expanded to deal with garages and sheds in all zones other than industrial zones.

6.11 GARAGES AND SHEDS

1. The purpose of this clause is to ensure that **garages and sheds** are sited so they do not detract from the streetscape or the **amenity** of adjoining land.
2. This clause does not apply in Zones LI, GI and DV.
3. Garages and sheds that are not in association with any other use on land in Zone CB or C are prohibited.
4. In this clause a shed **except in Zones SD, MD, MR and HR** includes a roofed area, whether or not it is enclosed by walls.
5. Garages and sheds are to be set back from lot boundaries in accordance with the table to this clause.

Clause 1.3 sub-clause 2(i) exempts sheds in some circumstances.

Clause 9.1.1 refers to setback requirements for all buildings in Zones LI, GI and DV.

Clause 7.3 refers to setback requirements for residential buildings and ancillary structures such as carports.

TABLE TO CLAUSE 6.11 MINIMUM BUILDING SETBACKS FOR GARAGES AND SHEDS

Lot Boundary	In zones other than CB, C, H, A, R, RL and RR	In zones H, A, R, RL and RR
Primary street frontage	6m	10m <u>or</u> 7.5m in Zones RR and RL for lots with areas less than 1ha
Secondary street frontage	2.5m	10m <u>or</u> 5m in Zones RR and RL for lots with areas less than 1ha
Side and rear lot boundaries	1.5m	10m <u>or</u> 5m in Zones RR and RL for lots with areas less than 1ha

Setbacks relate to lot boundaries and not unit title boundaries.

Building setback is measured:

- (a) to the wall of a garage or shed; or
- (b) where there is no wall, to the outer surface of any support column of the structure.

7.3 BUILDING SETBACKS OF RESIDENTIAL BUILDINGS AND PERGOLAS, CARPORTS AND THE LIKE

1. The purpose of this clause is to ensure **residential buildings**, pergolas, carports and the like are located so they are compatible with **building setbacks** of adjacent buildings and with the streetscape and surrounding development.
2. Subject to clauses 7.4 and 11.1.2 **residential buildings**, pergolas, carports and the like are to be set back from lot boundaries in accordance with table A or B (as the case requires) to this clause.
3. In the tables to this clause:
 - (a) "primary street" means the street with the wider carriageway or that which carries the greater volume of traffic; and
 - (b) "secondary street" means a street that is not a primary street.

Clause 7.4 relates to setbacks and fencing for multiple dwellings and supporting accommodation in Zone MR.

Clause 11.1.2 relates to common building boundaries in integrated residential developments.

TABLE A TO CLAUSE 7.3 MINIMUM BUILDING SETBACKS FOR RESIDENTIAL BUILDINGS

Property Boundary	Other than Multiple Dwellings in Zones other than CB, C, RR, RL, R, A and H	Multiple Dwellings in Zones other than CB, C, RR, RL, R, A and H	Residential Buildings in Zones RR, RL, R, A and H
Street frontages:			
Primary street	7.5m OR in the municipality of Alice Springs – 6.0m for 1 storey OR 7.5m for 2 and 3 storeys	7.5m OR in the municipality of Alice Springs – 6.0m for 1 storey OR 7.5m for 2 and 3 storeys	10.0m
Secondary street	2.5m	2.5m	10.0m
Side and rear with windows or doors to habitable rooms or verandahs and/ or balconies	1.5m	3.0m	10.0m
Side and rear without windows or doors to habitable rooms or verandahs and/ or balconies	1.5m	1.5m OR in the municipality of Alice Springs – 2.5m	10.0m
<p>1. Plus (other than for a single dwelling):</p> <p>(a) for each additional 3m or part thereof in building length over 18m, an additional building setback to the affected boundary of 0.5m;</p> <p>and plus</p> <p>(b) for each additional storey over three storeys above ground level, an additional building setback to that storey of 1.5m from all boundaries.</p>			

The *Building Act* controls setbacks of residential buildings in Zones CB and C.

2. No part of a **residential building** is required to exceed a **building setback** of 10.5m from any boundary.
3. Where more than one building is located on a **site** the setback between buildings is to be a minimum of:
 - (a) 3m for walls without windows to **habitable rooms** or a verandah or balcony;
 - (b) 6m for walls with windows to **habitable rooms** or a verandah or balcony; or
 - (c) 4.5m where one building contains windows to **habitable rooms** or a verandah or balcony and the other does not.
4. The increased **building setback** for a **storey** over three **storeys** is measured from a straight line that is half the average distance between the buildings.
5. The **building setback** to an open verandah or balcony is measured to the outer projection of the verandah or balcony.

TABLE B TO CLAUSE 7.3 MINIMUM BUILDING SETBACKS FOR PERGOLAS, CARPORTS AND THE LIKE		
	Zones RR, RL, R, A And H	All Other Zones Except Zones CB And C
Street Frontages		
Primary street	5.0m	4.5m
Secondary street	5.0m	1.5m
Side and rear	5.0m	1.5m
The location of carports, pergolas and the like should be integrated with the design features of the associated dwelling and not diminish the attractiveness of the streetscape.		

Revised clause 7.3 Building Setbacks of Residential Buildings

The proposed amendment introduces consistent setback rules for all urban areas. There will no longer be separate requirements for Alice Springs. For most urban areas the front setback for one and two storey residential buildings has been reduced to 6m.

The proposed amendment requires taller buildings to be set back from the street boundary ie one and two storey buildings set back 6m, 3 and 4 storey buildings set back 7.5m and each storey above 4 storeys is set back further. Verandahs, balconies and open structures associated with one and two storey residential buildings may be located 4.5m from the front boundary.

Clause 7.3 has a more detailed purpose statement and provides examples of "structures without external walls". Tables A, B and C each include a description of how to measure the building setback for buildings, verandahs, balconies and structures without external walls.

A new clause 7.3.1 deals with additional setback requirements for tall buildings and for long buildings. Currently this requirement appears as notes 1 and 2 to Table A to clause 7.3.

Currently the Scheme requires an additional setback for residential buildings for each additional storey above three storeys. As Zone MR (Medium Density Residential) allows development to four storeys, the fourth storey needs to be either setback further than the other three storeys or the applicant needs to apply to vary the requirement.

The proposed amendment recommends that the additional setback should be required for each additional storey above four storeys thereby applying only in Zone HR (High Density Residential).

A new clause 7.3.2 deals with additional setback requirements on a site between residential buildings. Currently this requirement appears as notes 3 and 4 to Table A to clause 7.3. The note states that the setback between buildings is to be 6 metres where there are habitable rooms, verandahs or balconies. The requirement is considered excessive and the amendment recommends it should be reduced to 4.5 metres.

7.3 BUILDING SETBACKS OF RESIDENTIAL BUILDINGS

1. The purpose of this clause is to ensure **residential buildings and structures without external walls** are located so:
 - they are compatible with the streetscape and surrounding development;
 - as to minimise any adverse effects of building massing when viewed from adjoining land and the street and will not unduly overlook adjoining properties; and
 - as to be compatible with building setbacks of adjacent residential buildings on the same site.
2. In this clause a structure without external walls includes a **carport, pergola, portico and shade sail**.
3. Subject to clauses 7.4 and 11.1.2 residential **buildings and structures without external walls** are to be set back from lot boundaries in accordance with table A or B or C (as the case requires) to this clause.

Residential buildings include caretaker's residence, dependant unit, group home, hostel, hotel, motel, multiple dwellings, single dwelling and supporting accommodation.

Clause 7.4 relates to setbacks and fencing for multiple dwellings and supporting accommodation in zones MD and MR.

Clause 11.1.2 relates to common building boundaries in integrated residential developments.

TABLE A TO CLAUSE 7.3 MINIMUM BUILDING SETBACKS FOR ONE AND TWO STOREY RESIDENTIAL BUILDINGS AND ASSOCIATED OPEN STRUCTURES IN ZONES OTHER THAN CB, C, H, A, R, RL AND RR

Lot Boundary	Minimum Setback
Primary street frontage for 1 and 2 storey buildings	6m <u>and</u> 4.5m for verandahs, balconies and structures without external walls
Secondary street frontage for 1 and 2 storey buildings	2.5m <u>and</u> 1.5m for verandahs, balconies and structures without external walls
Side and rear lot boundaries for 1 and 2 storey buildings	1.5m including structures without external walls <u>and</u> 0.9m for shade sails

Clause 2.4 describes the circumstances when the setback requirements of clause 7.3 apply to specific use zones.

Setbacks relate to lot boundaries and not unit title boundaries.

Building setback is measured from the:

primary and secondary street lot boundaries to:

- the wall of a **residential building**;
- the outermost projection of a balcony, verandah and structures without external walls except that the setback of a shade sail is measured to the outer extremity of the fabric;

side and rear lot boundaries to:

- the wall of a **residential building**;
- the outer surface of the railings of a balcony or a verandah;
- the outer surface of any support column of a verandah at ground level; and
- the outer surface of any support column of structures without external walls except that the setback of a shade sail is measured to the outer extremity of the fabric.

TABLE B TO CLAUSE 7.3 MINIMUM BUILDING SETBACKS FOR RESIDENTIAL BUILDINGS OVER TWO STOREYS IN HEIGHT AND ASSOCIATED OPEN STRUCTURES IN ZONES OTHER THAN CB, C, H, A, R, RL AND RR

Clause 2.4 describes the circumstances when the setback requirements of clause 7.3 apply to specific use zones.

Lot Boundary	Minimum Setback
Primary street frontage for buildings over two storeys in height	7.5m for residential buildings including verandahs and balconies <u>and</u> 4.5m for structures without external walls
Secondary street frontage for buildings over two storeys in height	2.5m for residential buildings including verandahs and balconies <u>and</u> 1.5m for structures without external walls
Side and rear lot boundaries for buildings over two storeys in height	1.5m for: <ul style="list-style-type: none"> • non-habitable rooms; • habitable rooms <u>without</u> windows and/ or doors facing the subject boundary; and • verandahs and/ or balconies where the side of the verandah or balcony is screened to the subject boundary; and • structures without external walls excluding shade sails. 3m for: <ul style="list-style-type: none"> • habitable rooms <u>with</u> windows and/ or doors facing the subject boundary; and • verandahs and/ or balconies facing the subject boundary; and • shade sails.
<p>Building setback is measured from the:</p> <p>primary and secondary street lot boundaries to:</p> <ul style="list-style-type: none"> • the wall of a residential building; • the outermost surface of the railings of a balcony or verandah; • the outer surface of any support column of a verandah at ground level; and • the outermost projection of structures without external walls except that the setback of a shade sail is measured to the outer extremity of the fabric; <p>side and rear lot boundaries to:</p> <ul style="list-style-type: none"> • the wall of a residential building; • the outer surface of the railings of a balcony or a verandah; • the outer surface of any support column of a verandah at ground level; and • the outer surface of any support column of structures without external walls except that the setback of a shade sail is measured to the outer extremity of the fabric. 	

Setbacks relate to lot boundaries and not unit title boundaries.

TABLE C TO CLAUSE 7.3 MINIMUM BUILDING SETBACKS FOR RESIDENTIAL BUILDINGS AND ASSOCIATED OPEN STRUCTURES IN ZONES H, A, R, RL AND RR

Clause 2.4 describes the circumstances when the setback requirements of clause 7.3 apply to specific use zones. Setbacks relate to lot boundaries and not unit title boundaries.

Lot Boundary	Minimum Setback for residential buildings including verandahs and balconies and structures without external walls
Primary street frontage	10m <u>or</u> 7.5m in Zones RR and RL for lots with areas less than 1ha
Secondary street frontage	10m <u>or</u> 5m in Zones RR and RL for lots with areas less than 1ha
Side and rear lot boundaries	10m <u>or</u> 5m in Zones RR and RL for lots with areas less than 1ha
<p>Building setback is measured from the:</p> <p>primary and secondary street lot boundaries to:</p> <ul style="list-style-type: none"> • the wall of a residential building; • the outermost surface of the railings of a balcony or verandah; • the outer surface of any support column of a verandah at ground level; and • the outermost projection of structures without external walls except that the setback of a shade sail is measured to the outer extremity of the fabric; <p>side and rear lot boundaries to:</p> <ul style="list-style-type: none"> • the wall of a residential building; • the outer surface of the railings of a balcony or a verandah; • the outer surface of any support column of a verandah at ground level; and • the outer surface of any support column of structures without external walls except that the setback of a shade sail is measured to the outer extremity of the fabric. 	

7.3.1 Additional Setback Requirements for Buildings longer than 18 metres and for buildings over 4 storeys in height

1. There are setback requirements for buildings, other than **single dwellings** that are longer than 18m or taller than 4 storeys additional to those outlined in the table to clause 7.3.2:
 - (a) for each additional 3m or part thereof in building length over 18m, an additional **building setback** to the affected boundary of 0.5m; and plus
 - (b) for each additional **storey** over four **storeys** above ground level, an additional **building setback** to that storey of 1.5m from all boundaries.
2. No part of a **residential building** is required to exceed a **building setback** of 10.5m from any boundary.

Setbacks relate to lot boundaries and not unit title boundaries.

Note to Clause 7.3.1:

For measuring building length under clause 7.3B, the length of the building excludes verandahs, balconies, carports and porticos that are integrated into the residential building design and fully open to affected boundaries.

7.3.2 Setback Requirements between residential buildings on one site

1. Where more than one building comprising one or two storey **residential buildings** is located on a **site** the setback between buildings is to be a minimum of 3m.
2. Where more than one building comprising **residential buildings** that exceeds 2 storeys in height is located on a **site** the setback between buildings is to be a minimum of:
 - (a) 3m for walls to **non-habitable rooms** and **habitable rooms** without windows or doors; and
 - (b) 4.5m for walls with windows or doors to **habitable rooms** or to a verandah or balcony.

Note to Clause 7.3.2

The **building setback** for each storey over four **storeys** is measured from a straight line that is half the average distance between the buildings.

7.4 BUILDING SETBACKS AND FENCING OF MULTIPLE DWELLINGS AND SUPPORTING ACCOMMODATION IN ZONE MR

1. The purpose of this clause is to minimise the visual and acoustic impact of **multiple dwellings** and **supporting accommodation** on land in Zone MR where that land is adjacent to land in Zone SD.
 2. This clause applies to land in Zone MR that:
 - (a) abuts land in Zone SD; or
 - (b) has frontage to a street with a reservation width not exceeding 18m on the opposite side of which is land in Zone SD.
 3. **Multiple dwellings** and **supporting accommodation** are to provide:
 - (a) a solid screen fence of a minimum height of 1.8m at the boundary with land in Zone SD; and
 - (b) a **building setback** of not less than 3m to the boundary that abuts land in Zone SD and to each frontage of a street reserve not exceeding 18m in width on the opposite side of which is land in Zone SD.
 4. The **building setback** described in sub-clause 3 is to be landscaped to provide a visual screen to the adjacent land Zoned SD for a minimum depth of 3m.
- A consent authority must not **consent** to development that is not in accordance with sub-clause 3(b).

Clause 6.12 refers to landscaping.

7.5 PRIVATE OPEN SPACE

1. The purpose of this clause is to ensure that each **dwelling** has private open space that is:
 - (a) appropriately sited; and
 - (b) of an adequate size to provide for domestic purposes .
2. Private open space areas should:
 - (a) satisfy the minimum area and dimensions contained in the table to this clause; and
 - (b) be directly accessible from the **dwelling** and enable an extension of the function of the **dwelling**.
3. Where the private open space is at ground level and other than for a **single dwelling** it should be:
 - (a) screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or
 - (b) fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting.

Clause 7.6 refers to communal open space.

Revised Clause 7.4

Clause 7.4 has been amended so that it also refers to land in Zone MD that abuts land in Zone SD. The amended setback clause allows two storey multiple dwellings to be located 1.5m from a side boundary. This may cause a loss of amenity where Zone MD abuts Zone SD ie multiple dwellings abutting a single dwelling. The amendment to clause 7.4 requires a 3m landscaped separation between zones.

7.4 BUILDING SETBACKS AND FENCING OF MULTIPLE DWELLINGS AND SUPPORTING ACCOMMODATION IN ZONES MD AND MR

1. The purpose of this clause is to minimise the visual and acoustic impact of **multiple dwellings** and **supporting accommodation** on land in zones MD and MR where that land is adjacent to land in zone SD.
2. This clause applies to land in zones MD and MR that:
 - (a) abuts land in zone SD; or
 - (b) has frontage to a street with a reservation width not exceeding 18m on the opposite side of which is land in zone SD.
3. **Multiple dwellings** and **supporting accommodation** are to provide:
 - (a) a solid screen fence of a minimum height of 1.8m at the boundary with land in zone SD; and
 - (b) a **building setback** of not less than 3m to the boundary that abuts land in zone SD and to each frontage of a street reserve not exceeding 18m in width on the opposite side of which is land in zone SD.
4. The **building setback** described in sub-clause 3 is to be landscaped to provide a visual screen to the adjacent land zoned SD for a minimum depth of 3m.
5. A consent authority must not **consent** to development that is not in accordance with sub-clause 3(b).

Clause 6.12 refers to landscaping.

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

PROPOSED PLANNING SCHEME AMENDMENT PA2007/0273
NORTHERN TERRITORY PLANNING SCHEME

I, DELIA PHOEBE LAWRIE, the Minister for Planning and Lands, with reference to section 17 of the *Planning Act*, give notice that:

- (a) I have decided, under section 12, that a proposed amendment to the NT Planning Scheme, as referred to in (e), is to be exhibited under Division 3 of Part 2 of the Act;
- (b) the amendment is to be exhibited at the Offices of the Department of Planning and Infrastructure at the following locations:
- Ground Floor, Cavenagh House, 38 Cavenagh Street, Darwin;
 - Level 1, Alice Plaza, Todd Mall, Alice Springs;
 - Level 1, Government Centre, 5-7 First Street, Katherine; and
 - Regional Office, Leichhardt Street, Tennant Creek.
- (c) I have determined, under section 15(1), that the proposed amendment is to be exhibited for a period of 10 weeks, commencing upon first newspaper publication of the notice required by section 17(1);
- (d) written submissions in respect of this exhibition should be made to:
- Ann Stephens
Project Manager
Planning Branch
Department of Planning and Infrastructure
GPO Box 1680
DARWIN NT 0801; or
- Facsimile: (08) 8999 7189;
- (e) the proposed amendment to the Northern Territory Planning Scheme clarifies the requirements relating to setback provisions for residential buildings, garages and sheds by:
- specifying the method of measuring setbacks;
 - inserting a new clause 1.3 sub-clause 2(j) which exempts sheds that are ancillary to a residential building from planning approval in some circumstances;
 - inserting a new clause 2.10 (Sheds, Carports and Shade Structures to Existing Car Parking in Multiple Dwelling Developments);
 - omitting clause 6.11 (Sheds) and substituting clause 6.11 (Garages and Sheds);

- omitting clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) and substituting clause 7.3 (Building Setbacks of Residential Buildings); and
- omitting clause 7.4 (Building Setbacks and Fencing of Multiple Dwellings and Supporting Accommodation in Zone MR) and substituting clause 7.4 (Building Setbacks and Fencing of Multiple Dwellings and Supporting Accommodation in Zones MD and MR).

Dated 19 November

2008



DELIA PHOEBE LAWRIE
Minister for Planning and Lands

DRAFT

Please quote: 1491735 PL:cpd

13 February 2009

Mr Doug Lesh
Manager Urban Planning
Development Assessment Services
Department of Planning and Infrastructure
GPO Box 1680
DARWIN NT 0801

Dear Doug

**PLANNING SCHEME AMENDMENT 2007/0273
CHANGES TO BUILDING SETBACK RULES**

Thank you for the Amendment to the Planning Scheme referred to this office 28th November 2008, concerning the above. This letter may be placed before Council's Town Planning Committee at its next meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

Council supports in principle the planning scheme amendment to change the setbacks rules of the N T Planning Scheme, provided the following issues are adequately considered:

- The Planning Scheme Amendment (PSA) does not appear to address the requirement for reduced building setbacks (street setbacks) within new residential estates. The PSA is reducing the minimum street setback from 7.5 metres to 6 metres for single dwellings, but does not make provision for a smaller front setback for new residential estates which typically have smaller lots.
- For example, the Planning Scheme currently requires a 7.5 metre front setback for single dwellings within the Lyons subdivision, as the development provisions of the Specific Use Zone for the suburb do not address the requirement for reduced building setbacks. As a result of this there have been development applications for variations to street setbacks for single dwellings in each stage of the Lyons development. The street setbacks requested are for reduced 3 metre or 4.5 metre front setbacks, which are significantly less than the minimum 7.5 metre front setback required by the Planning Scheme and less than the proposed minimum setback of 6 metres.

- The recent PSA for the Specific Use Zone for suburb of Muirhead proposes small lot sizes, but again does not address the issue of reduced front setbacks, which may be required by the developers of the suburb.
- In summary, the PSA for building setbacks should specifically address the issue of reduced setbacks for single dwellings within new small lot residential estates and/or Specific Use Zones. As you are aware, Council has not supported reduced front setbacks within the Lyons suburb.
- The proposed Clause 3.0 definitions for "primary street" and "secondary street" do not work for residential lots within the Lyons and Muirhead suburbs that back on to Lee Point Road. The proposed definitions would mean that houses which back onto Lee Point Road should have the wider primary street setback to Lee Point Road and narrower secondary street setback to the local suburban residential road. Lee Point Road is not a Zone M (Main Road) within the Planning Scheme.
- The rear and side setback for 2-storey multiple dwellings has been reduced from 3.0 metres (for elevations with a window or door to a habitable room) to 1.5 metres. This means that there is an option for a minimum 3.0 metre setback for multiple dwellings on adjacent lots, which is a very narrow buffer between main living areas of dwellings.

In considering this application, the Authority is requested to take into account any implications of the Disability Discrimination Act (Cth) or the Anti Discrimination Act (NT) with regard to access for the disabled.

Please contact me on 8930 0528 if you wish to discuss the matter.

Yours faithfully

PETER LINDWALL
STRATEGIC TOWN PLANNER