

# Appendix A Proposed Planning Scheme Amendment Infill Development and Subdivision in Zone LR

This appendix provides a schedule of the draft amendments to the Northern Territory Planning Scheme 2020 (NTPS). It includes only those clauses of the NTPS that are proposed to be amended; existing provisions not proposed to be amended can be accessed at the current NTPS available [online](#).

This appendix should be read in conjunction with the explanatory document, which outlines the proposed policy amendments and supporting rationale.

- Blue indicates new text
- Red text with a strikethrough indicates text that will be deleted
- Black indicates existing text

## Amendment to Clause 3.6 LSF – Land Subject to Flooding

### Administration

6. The consent authority must not grant **consent** on land in Zone LR that is subject to this overlay for:
  - (a) the creation of a new lot; or
  - (b) **dwelling-group** or **dwelling-multiple**.

## Amendment to Clause 3.7 LSSS – Land Subject to Storm Surge

### Administration

8. The consent authority must not grant **consent** on land in Zone LR that is subject to this overlay for:
  - (a) the creation of a new lot; or
  - (b) **dwelling-group** or **dwelling-multiple**.

## Amendment to Clause 4.2 Zone LR – Low Density Residential

### Zone Purpose

Provide ~~predominantly~~ for low rise urban residential development ~~comprising individual houses~~ and uses compatible with residential **amenity**, in locations where full reticulated services are available.

### Zone Outcomes

1. **Predominantly** **dwelling-single** and associated **dwelling-independent** ~~predominantly~~ generally two storeys or less, on ~~individual lots on~~ a range of lot sizes ~~that respond to provide a diverse mix of housing and accommodate evolving~~ **changing** community needs.

2. **Dwelling-group** and **dwelling-multiple** generally two **storeys** or less to contribute to housing diversity in a manner consistent with the **amenity** of the zone.

| ASSESSMENT TABLE – ZONE LR – LOW DENSITY RESIDENTIAL |                     |                                                                                                                                                                                                                                                                                                                                               |                                                                            |                                            |                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Defined Use                                          | Assessment Category | Overlays                                                                                                                                                                                                                                                                                                                                      | General Development Requirements                                           | Location Specific Development Requirements | Specific Development Requirements                                                                                                                                                                                                                                                                                                      |
| Caravan Accommodation                                | Permitted           | 3.4 CR – Coastal Reclamation<br><br>3.6 LSF – Land Subject to Flooding<br><br>3.7 LSSS – Land Subject to Storm Surge<br><br>3.8 LADR – Land Adjacent to a Designated Road<br><br>3.12 RDKE – Residential Development in the Katherine East Locality<br><br>3.14 HHLSI – Land in proximity to Helicopter Landing Sites of Strategic Importance | 5.2.1 General Height control                                               |                                            | 5.4.11 Caravan Accommodation                                                                                                                                                                                                                                                                                                           |
| Community Centre                                     | Impact assessable   |                                                                                                                                                                                                                                                                                                                                               | 5.2.4 Car Parking                                                          |                                            |                                                                                                                                                                                                                                                                                                                                        |
| Demountable Structures                               | Merit assessable    |                                                                                                                                                                                                                                                                                                                                               | 5.2.6 Landscaping                                                          |                                            | 5.8.7 Demountable Structures                                                                                                                                                                                                                                                                                                           |
| Dwelling-Community Residence                         | Permitted           |                                                                                                                                                                                                                                                                                                                                               | 5.2.7 Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR |                                            | 5.4.14 Dwelling-Community Residence                                                                                                                                                                                                                                                                                                    |
| Dwelling-Independent                                 | Permitted           |                                                                                                                                                                                                                                                                                                                                               |                                                                            |                                            | 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures<br>5.4.6 Private Open Space<br>5.4.13 Dwelling-Independent                                                                                                                                                                                                   |
| Dwelling-group                                       | Merit Assessable    |                                                                                                                                                                                                                                                                                                                                               |                                                                            |                                            | 5.4.1 Residential Density<br>5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures<br>5.4.4 Extensions and Structures Ancillary to a Dwelling-Group or Dwelling-Multiple Development<br>5.4.6 Private Open Space<br>5.4.8 Residential Building Design<br>5.4.17 Building Articulation                              |
| Dwelling-multiple                                    | Merit Assessable    |                                                                                                                                                                                                                                                                                                                                               |                                                                            |                                            | 5.4.1 Residential Density<br>5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures<br>5.4.4 Extensions and Structures Ancillary to a Dwelling-Group or Dwelling-Multiple Development<br>5.4.6 Private Open Space<br>5.4.7 Communal Open Space<br>5.4.8 Residential Building Design<br>5.4.17 Building Articulation |
| Dwelling-Single                                      | Permitted           |                                                                                                                                                                                                                                                                                                                                               |                                                                            |                                            | 5.4.1 Residential Density<br>5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures<br>5.4.6 Private Open Space                                                                                                                                                                                                     |

| ASSESSMENT TABLE – ZONE LR – LOW DENSITY RESIDENTIAL              |                     |          |                                  |                                            |                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------|---------------------|----------|----------------------------------|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Defined Use                                                       | Assessment Category | Overlays | General Development Requirements | Location Specific Development Requirements | Specific Development Requirements                                                                                                                                                                                                            |
|                                                                   |                     |          |                                  |                                            | 5.4.17 Building Articulation                                                                                                                                                                                                                 |
| Excavation and Fill                                               | Impact assessable   |          |                                  |                                            | 5.8.9 Excavation and Fill                                                                                                                                                                                                                    |
| Home Based Business                                               | Permitted           |          |                                  |                                            | 5.4.10 Home Based Businesses                                                                                                                                                                                                                 |
| Residential Care Facility                                         | Impact assessable   |          |                                  |                                            | 5.4.1 Residential Density<br>5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures<br>5.4.7 Communal Open Space<br>5.4.8 Residential Building Design<br>5.4.15 Residential Care Facility<br>5.4.17 Building Articulation |
| Sex Services-Home Based Business                                  | Permitted           |          |                                  |                                            | 5.4.10 Homes Based Businesses                                                                                                                                                                                                                |
| Telecommunications Facility                                       | Impact assessable   |          |                                  |                                            | 5.8.10 Telecommunications Facility                                                                                                                                                                                                           |
| All other uses defined in Schedule 2 (Definitions)                | Prohibited          |          |                                  |                                            |                                                                                                                                                                                                                                              |
| Undefined Uses<br>Any use not defined in Schedule 2 (Definitions) | Prohibited          |          |                                  |                                            |                                                                                                                                                                                                                                              |

## Amendment to Clause 5.2.4 - Car Parking

5.2.4.5 Vehicle Access ~~and On-site Parking~~ for **Dwellings-Single** on Lots Less than 600m<sup>2</sup> ~~but not less than 300m<sup>2</sup>~~

### Purpose

Ensure that ~~the siting of~~ vehicle ~~access driveways and on-site parking spaces~~ for **dwelling-single** on lots less than 600m<sup>2</sup> ~~and not less than 300m<sup>2</sup>~~ does not unduly reduce the ~~availability of kerbside vehicle parking or the amenity~~ of a public road ~~or the availability of kerbside vehicle parking in the public road.~~

### Administration

- The consent authority may **consent** to a use or development that is not in accordance with sub clauses 2 and 3 if it is satisfied that the non-compliance will not:
  - result in adverse impacts on the local road network; and
  - unreasonably impact on the **amenity** of the surrounding locality; and

(c) the authority responsible for the local road network approves the alteration.

#### Requirements

2. ~~The on-site parking and its~~ Except for a **battle-axe lot**, vehicle ~~access from the public road shall is to~~ be located to ensure that the lot's street frontage has a minimum continuous length of 6.5m without ~~on-site parking or~~ vehicle **access** within that length.
3. Vehicular ~~access shall is to~~ be via a single driveway, no wider than 3.5m ~~where required by the table to this clause~~.

| Table to Clause 5.2.4.5: Vehicle Access and On-site Parking for Dwellings-Single on Lots Less than 600m <sup>2</sup> but not less than 300m <sup>2</sup> |                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Range of Lot Size                                                                                                                                        | Vehicle Access Driveways                                                                                        |
| 300m <sup>2</sup> to less than 450m <sup>2</sup>                                                                                                         | Vehicle <del>access</del> shall be via a single driveway where the boundary to the public road is less than 13m |
| 450m <sup>2</sup> to less than 600m <sup>2</sup>                                                                                                         | Vehicle <del>access</del> shall be via a single driveway where the boundary to the public road is less than 15m |

## Amendment to Clause 5.4.1 - Residential Density

#### Purpose

Ensure that the development of **residential buildings**:

- (a) is of a density compatible with adjoining or nearby existing development or development reasonably anticipated;
- (b) is of a density compatible with the existing or planned provision of reticulated services and community facilities which will service the area; and
- (c) is consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations.

#### Administration

1. The consent authority may **consent** to a development that is not in accordance with sub-clause ~~2-3~~ only if it is satisfied it is consistent with the purpose of this clause ~~and the zone purpose and outcomes~~, and it is appropriate to the **site** having regard to such matters as its location, scale and impact on adjoining and nearby property;
2. Notwithstanding subclause 1, the consent authority may only **consent** to a development in Zone LR that exceeds the maximum density specified in Table A, where the density is increased by no more than 10%.

**Editor's Note:** Variations may allow for a maximum dwelling density of 1 dwelling per 405 m<sup>2</sup> in Zone LR, subject to satisfaction of subclause (1).

#### Requirements

3. The maximum number of **dwelling**s that may be constructed on a **site** is to be determined in accordance with Table A, B, C or D (as the case requires) to this clause.

| Table A to Clause 5.4.1: Dwelling Density in Certain Zones |                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Zone                                                       | Dwelling Density                                                                                                                                                                                                                                                                                          |
| LR, <del>RR, RL, R and CV</del>                            | 1 dwelling-single per lot and may include a dwelling-independent<br>Or<br>1 dwelling per 450m <sup>2</sup> as part of a dwelling-group or dwelling-multiple                                                                                                                                               |
| LMR                                                        | 1 dwelling-single per lot and may include a dwelling-independent<br>or<br>1 dwelling per 150m <sup>2</sup> for a 1 bedroom dwelling as part of a dwelling-group or dwelling-multiple<br>or<br>1 dwelling per 300m <sup>2</sup> for a 2+ bedroom dwelling as part of a dwelling-group or dwelling-multiple |
| RR, RL, R and CV                                           | 1 dwelling-single per lot and may include a dwelling independent                                                                                                                                                                                                                                          |
| CL                                                         | 1 dwelling-single per lot and may include a dwelling-independent<br>or<br>1 dwelling per 300m <sup>2</sup> as part of a dwelling-group                                                                                                                                                                    |
| T                                                          | 1 dwelling-single per lot and may include a dwelling-independent<br>or<br>1 dwelling per 300m <sup>2</sup> as part of a dwelling-group or dwelling-multiple                                                                                                                                               |
| H and A                                                    | 1 dwelling-single per lot and may include a dwelling-independent<br>or<br>2 dwellings per lot as part of a dwelling-group                                                                                                                                                                                 |

## Amendment to Clause 5.4.3 - Building Setbacks of Residential Buildings and Ancillary Structures

### Editor's Notes:

- (7) For battle-axe lots, all boundaries, except for the boundary adjoining a road, are taken to be a side or rear boundary.

## Amendment to Clause 5.4.3.3 - Reduced Setbacks for Dwellings-Single

### 5.4.3.3 Reduced Setbacks for Dwellings-Single

#### Purpose

Provide flexibility for the design and siting of **dwellings-single** that adopt specified reduced setbacks in a manner that responds to the streetscape and surrounding development.

#### Administration

1. This clause does not apply if a building setback plan in Schedule 9 applies to the land and establishes specific boundary setbacks.
2. This clause does not apply to *battle-axe lots*.
3. The consent authority must not **consent** to a **dwelling-single** subject to this clause that does not comply with sub-clauses 4, 5 and 6.
4. Despite Table A to clause 5.4.3, a dwelling-single on a lot less than 600m<sup>2</sup> but not less than 300m<sup>2</sup> may, in accordance with the table to this clause, have a zero **building setback** to a side boundary, providing:
  - (a) that boundary is internal to the subdivision that created the lot; and
  - (b) that lot was created after the inclusion of this clause to the Planning Scheme (Amendment No. 320, introduced on 26 March 2014).
5. Despite Table A to clause 5.4.3 a **dwelling-single** on a lot less than 600m<sup>2</sup> but not less than 300m<sup>2</sup> may, in accordance with the table to this clause, have a reduced front setback to **habitable rooms** only, providing:
  - (a) the area of the reduction is to allow an equal increase to the minimum provision of compliant private open space in accordance with clause 5.4.6;
  - (b) that any garages or carports have a front setback no less than 6m; and
  - (c) a landscaped area is included along the front boundary that will provide visual **amenity** to the public road.
6. Despite Table A to clause 5.4.3, a **dwelling-single** on a lot greater than 600m<sup>2</sup> may, in accordance with the table to this clause, have a reduced front setback to **habitable rooms** only, providing:
  - (a) the area of reduced setback is offset by an equal area with an increased setback;
  - (b) the setback increase is equal in dimension to the setback reduction; and
  - (c) the area of increased setback is at least 3m from the nearest side or **secondary street** boundary.

| Table to Clause 5.4.3.3: Reduced building setbacks for dwellings-single |                                                                                                                                                                        |
|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lot Size                                                                | Minimum Building Setbacks                                                                                                                                              |
| 300m <sup>2</sup> to less than 450m <sup>2</sup>                        | Zero setback is permitted to no more than one side boundary of the lot.<br>3m to the <b>primary street</b> frontage.                                                   |
| 450m <sup>2</sup> to less than 600m <sup>2</sup>                        | Zero setback is permitted to one side boundary of the lot only where a 3m setback is provided to the other side boundary.<br>3m to the <b>primary street</b> frontage. |
| 600m <sup>2</sup> or greater                                            | 4.5m to the <b>primary street</b> frontage.                                                                                                                            |

## Amendment to Clause 6.2.1 - Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR

### Purpose

Ensure that subdivision of land ~~for urban residential purposes in Zones LR, LMR, MR and HR~~ creates lots ~~of a size, configuration and orientation suitable for residential development at a density envisaged by the zone~~ with appropriate dimensions, area and layout for residential development.

### Administration

1. The consent authority may **consent** to a subdivision that reduces a lot size in Zone LR by no more than 10% of the minimum specified in Table A to this clause if it is satisfied that all lots are consistent with the purpose of this clause and have adequate space for dwellings, ancillary buildings, open space and landscaping and vehicle access and parking.
2. The consent authority ~~must not~~ may **consent** to a subdivision that reduces a lot size in Zone MR in Alice Springs by ~~an area greater~~ no more than 5% of the minimum specified in Table A to this clause:  
~~(a) in Zone LR; or~~  
~~(b) in Zones LR and MR in Alice Springs and adjacent zoned areas.~~
3. The consent authority must not **consent** to a subdivision in Zone LMR that is not in accordance with Table A to this clause.
4. The consent authority may **consent** to a subdivision in Zone ~~LR~~, MR or HR that is not in accordance with Table A to this clause only if it is satisfied that all lots created are consistent with the purpose of this clause and the zone purpose and outcomes.
5. The consent authority may **consent** to a subdivision that is not in accordance with sub-clauses ~~5-12~~ 7-10, only if it is satisfied the subdivision is consistent with the purpose of this clause and the zone purpose and outcomes.

### Requirements

6. Land is to be subdivided in accordance with Table A to this clause.
  7. Lots are to conform with the building envelope requirements in Table B to this clause.
  8. ~~There are no~~ **Battle-axe lots** are to be avoided unless located in Zone LR and:
    - (a) the configuration is necessary due to site irregularity; or
    - (b) the configuration enables the retention of an existing dwelling.
  9. Lots are oriented to allow **dwellings** to take advantage of environmental conditions such as prevailing breezes and sunlight.
  10. ~~Lots are connected to reticulated services.~~
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~~11. Potential land use conflicts are minimised by taking account of the visual and acoustic privacy of residents.~~

12. Where there are lots for medium and higher density residential development, those lots are:
- (a) distributed in small groups serviced by public transport;
  - (b) in close proximity to **public open space** and with adequate **access** to community facilities and services; and
  - (c) not located in a cul-de-sac.

| Table A to Clause 6.2.1: Lot Size and Configuration in <del>Residential Subdivisions</del> Zones LR, LMR, MR and HR |                                                                             |
|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| Zone                                                                                                                | Minimum Lot Size                                                            |
| <del>LR in greenfield areas identified for compact urban growth in the strategic framework</del>                    | <del>Average of 600m<sup>2</sup> and no smaller than 450m<sup>2</sup></del> |
| <del>LR other than greenfield areas identified for compact urban growth in the strategic framework</del>            | <del>800m<sup>2</sup></del>                                                 |
| LMR                                                                                                                 | 300m <sup>2</sup>                                                           |
| LR                                                                                                                  | 450m <sup>2</sup> (excluding any <b>battle-axe lot</b> access strip)        |
| MR, HR and lots for residential buildings in Zone T                                                                 | 800m <sup>2</sup>                                                           |

| Table B to Clause 6.2.1: Lot Size and Configuration in <del>Residential Subdivisions</del> Zones LR, LMR, MR and HR |                                                                                           |
|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Lot Size                                                                                                            | Minimum Building Envelope Requirement                                                     |
| <del>300m<sup>2</sup> to</del> Less than 450m <sup>2</sup>                                                          | 7m x 15m (exclusive of any boundary setbacks or service authority easements)              |
| 450m <sup>2</sup> <del>and above to less than 600m<sup>2</sup></del>                                                | 8m x 15m (exclusive of any boundary setbacks or service authority easements).             |
| <del>600m<sup>2</sup> and greater</del>                                                                             | <del>17m x 17m (exclusive of any boundary setbacks or service authority easements).</del> |

## Amendment to Clause 6.2.2 - Lots less than 600m<sup>2</sup> for Dwellings-Single

### 6.2.2 Lots Less Than 600m<sup>2</sup> ~~for Dwellings-Single~~

#### Purpose

~~To~~ Ensure the subdivision of land to lots of less than 600m<sup>2</sup> will allow residential development that minimises impact on **amenity** and the functionality of the street infrastructure.

#### Administration

1. The consent authority must not **consent** to a subdivision that is not in accordance with sub-clauses 3 and 4.
2. An application must provide plans to demonstrate the requirements of sub-clause 4.

#### Requirements

3. ~~Except for a battle-axe lot,~~ lots subject to this clause ~~shall not~~ **are to** have a boundary to any public road **not** less than specified in the table to this clause.
4. The **site** layout of lots subject to this clause is able to comply with the purpose of this clause and the development requirements for vehicle parking (5.2.4), **building setbacks** (5.4.3 and 5.4.3.3) and private open space (5.4.6).

| Table to Clause 6.2.2: Lots Less than 600m <sup>2</sup> <del>for Dwellings-Single</del> |                                                 |
|-----------------------------------------------------------------------------------------|-------------------------------------------------|
| Range of lot size                                                                       | Minimum length of any boundary to a public road |
| <del>300m<sup>2</sup> to</del> Less than 450m <sup>2</sup>                              | 10m                                             |
| 450m <sup>2</sup> <del>and above to less than</del> <del>600m<sup>2</sup></del>         | <del>12</del> 13m                               |

## Amendment to Clause 6.3.4 - Infrastructure for Subdivision in Zones RL, R and Unzoned Land

#### Requirements

6. Roads should:
  - (a) be designed to:
    - i. interconnect with the existing road network;
    - ii. provide for connections to potential future subdivisions of adjoining lands;
    - iii. provide a clear hierarchy of roads; and
    - iv. minimise individual lot **access** to major roads;
  - (b) respond to the physical characteristics of the land by:
    - i. following ridge lines or contours where possible; and
    - ii. where crossing watercourses be positioned at right angles to the watercourse and minimise the number of crossing points;
  - (c) be sealed where lot sizes are 2ha or less;

- (d) be located above the 1.0% AEP flood line or any seepage line, whichever is the higher;
  - (e) be designed with discharge drains placed to minimise erosion and associated engineering and maintenance costs;
  - (f) provide direct **access** to lots and avoid ~~battle-axe strips~~ **battle-axe lots**, however, where ~~justified a battle-axe lot~~ **strips is justified**, the ~~battle-axe strips~~ **access strip** should be:
    - i. not less than 10m wide; and
    - ii. less than 250m in length.
7. Where a road crosses a tidal arm in a rural subdivision it is expected to have a minimum elevation of RL 8m AHD and be designed to enable a discharge of at least a 5.0% AEP flood event.

**Editor's Note: The Code of Practice for Wastewater Management provides further guidance on the requirements of a site-and-soil evaluator.**

## Amendment to Schedule 2.2 – General Definitions

**Battle-axe lot** means a lot that:

- (a) is located behind another lot;
- (b) contains an access strip; and
- (c) can only be accessed via that access strip.