

USER GUIDE TO THE NORTHERN TERRITORY PLANNING SCHEME

Introduction

The Northern Territory Planning Scheme (the Planning Scheme) applies to the whole Territory other than for areas that are subject to a specific planning scheme in accordance with section 8 of the *Planning Act*, eg, the Town of Jabiru.

How the Planning Scheme Works

Planning Principles and Framework

At Part 2 are listed a number of what the Planning Scheme describes as “planning principles”. They are broad expressions of the Northern Territory Government’s commitment to outcomes of land use planning and development control. The Planning Scheme distinguishes between those principles equally applicable across the Territory and those that are specific to a particular region.

The Planning Scheme requires a consent authority to make determinations of development applications in a manner that, if not actively advancing those principles, is consistent with them. A consent authority cannot make a determination that is demonstrably inconsistent with or would frustrate achievement of those principles.

Framework drawings and Area Plans broadly identify the expected nature of development into the future. The zoning maps identify the zones and hence the provisions of the Planning Scheme that may apply to uses within the zones.

Zoned Land

The zoning of land can be readily determined by reference to the zoning maps. These are available at the offices of the Department of Planning and Infrastructure in Darwin, Katherine and Alice Springs. Zoning and other site specific information can also be determined by obtaining (upon application) a Planning Certificate, similarly available from the Department and for which a fee is charged.

Within the title block of a zoning map there may be a diagram identifying a particular location appearing on that map. Where this is the case it indicates an Area Plan, which can be found within the text of the Planning Scheme, applies to that location.

Having determined the applicable zoning, the simplest way of finding out what, if any, provisions apply to the use or development of land is by reference to the zoning table. On the page facing the table is a description of the purpose of the zone. The table lists a range of uses that are defined by the Planning Scheme and appear at clause 3.0.

For each defined use the table indicates whether the use is permitted without the consent of the consent authority, is permissible only with the consent of the consent authority or is prohibited in a particular zone. Where a particular control applies to a use or development, that control is listed by clause number in the table and the clause(s) should be read to obtain full information regarding the manner in which the use or development may be undertaken.

Notes may appear in the margin adjacent to the zone purpose and/ or a particular clause. These are to assist in cross-referencing related matters within the Planning Scheme. It is useful to review each of the clauses to which the notes refer to ensure a full understanding of the provisions applying to a use or development.

Where an Area Plan has been identified on the zoning map as being relevant to a location, reference should also be made to that Plan. The Area Plans are found in Part 8 of the Planning Scheme and include both text and diagram explaining the intentions for use and development in that area. The Plans show the intended land use outcome for the particular location for the guidance of the community and the consent authority. Although not binding on the consent authority, it should not make determinations that are demonstrably inconsistent with or would frustrate the achievement of the outcomes. An Area Plan may be accompanied by Planning Principles specific to the area described.

Land that is subject to zoning within the Planning Scheme includes the municipal areas of Darwin; Palmerston; Litchfield; Katherine (including some adjacent rural areas); Tennant Creek; Alice Springs (including some adjacent rural areas) and Borroloola. The Town of Batchelor; the settlement of Namarada and the Darwin Rural Area (generally extending west of Litchfield Shire and including Cox Peninsula), are also zoned.

Land that is subject of a Specific Use Zone but that is outside the areas described above include Crab Claw Island; the Brewer Industrial Estate (south of Alice Springs); Kings Canyon; Lake Bennett; the King Ash Bay Fishing Club and the Town of Pellew (the Sir Edward Pellew Group of islands).

Unzoned Land

There are several areas of the Territory where land use controls apply but which are not zoned. If land is not within a zone and not subject to the operation of an Act other than the *Planning Act* (eg, the *Pastoral Land Act* or *Mining Act* that control clearing) a permit is required to clear in excess of 1ha of native vegetation.

If land is within 500m of a designated road (see clause 13.4) a permit may be required for the use or development of that land.

Noting the above exceptions and other than for subdivision, unzoned land is not subject to land use controls under the *Planning Act*.

Subdivision

Approval is required for the subdivision or consolidation of any land, zoned or not, that is not controlled by the *Pastoral Lands Act*, however the subdivision of a pastoral property to facilitate a non-pastoral activity does require consent under the *Planning Act* via this Planning Scheme.

The Planning Scheme establishes certain standards for subdivision including minimum lot sizes, general layout, the provision of open space etc. These provisions should be read in conjunction with the requirements of service authorities and local and community government councils that may also have particular requirements relating to their areas of responsibility. Note that the lease of land for a period in excess of 12 years also requires subdivision approval.

Defined Uses

To avoid doubt a range of common land uses and activities are individually defined by clause 3.0. Throughout the Planning Scheme these defined terms appear in bold text. Other than in Zones SD, MD, MR and HR a use or development that is not, in the opinion of the consent authority, adequately defined by the Planning Scheme is automatically considered an unspecified discretionary use meaning that, whatever the circumstances, the consent of the consent authority is necessary. In Zones SD, MD, MR and HR an unspecified use is automatically prohibited.

All other words have their ordinary meaning.

CHECK LIST OF ISSUES	
Issue	Source of Information
What is the use or development?	See definitions at clause 3.0
Is the use or development consistent with the planning principles?	See NT and relevant regional planning principles at Part 2.
What is the zone?	See zoning maps.
What is the purpose of the zone?	See zone purpose statement opposite the relevant zone table.
What uses are allowed in the zone?	See zone table.
What are the rules for the use or development in a zone?	See clauses specified against the use or development in the zone table. See also any clauses specified in the margin notes.
Is there an Area Plan relevant to the area?	See locality key in title block of the zoning map.
Is approval required for access?	See zone map for location of main roads.

What Happens Next?

If consent is required for the use or development of land an application is made to the consent authority (which may be the Development Consent Authority or otherwise the Minister for Planning and Lands depending on the location). The Development Consent Authority is a panel of five members appointed by the Minister. The appropriate form is available from the Department or via the internet. A fee is payable for lodging an application.

The consent authority will:

- advertise the proposal in the newspaper and invite interested persons to inspect the application. Unless deemed by the consent authority to be impracticable a sign is erected on the site describing the proposed use or development. Any person can lodge a submission, either objecting to or supporting a proposal. An objection can be to the proposal in its entirety or to one or more elements of the proposal; and
- refer the application to the appropriate service authorities and if the land is within a local government area, to the Council, for comment.

The consent authority will consider the application in the context of its obligations under the *Planning Act*, the provisions of the Planning Scheme, the comments of the service authorities and Council and any submissions. The consent of the consent authority should not be presumed. The consent authority will consider all applications on their individual merit, exercising the discretion afforded it under the *Planning Act*.

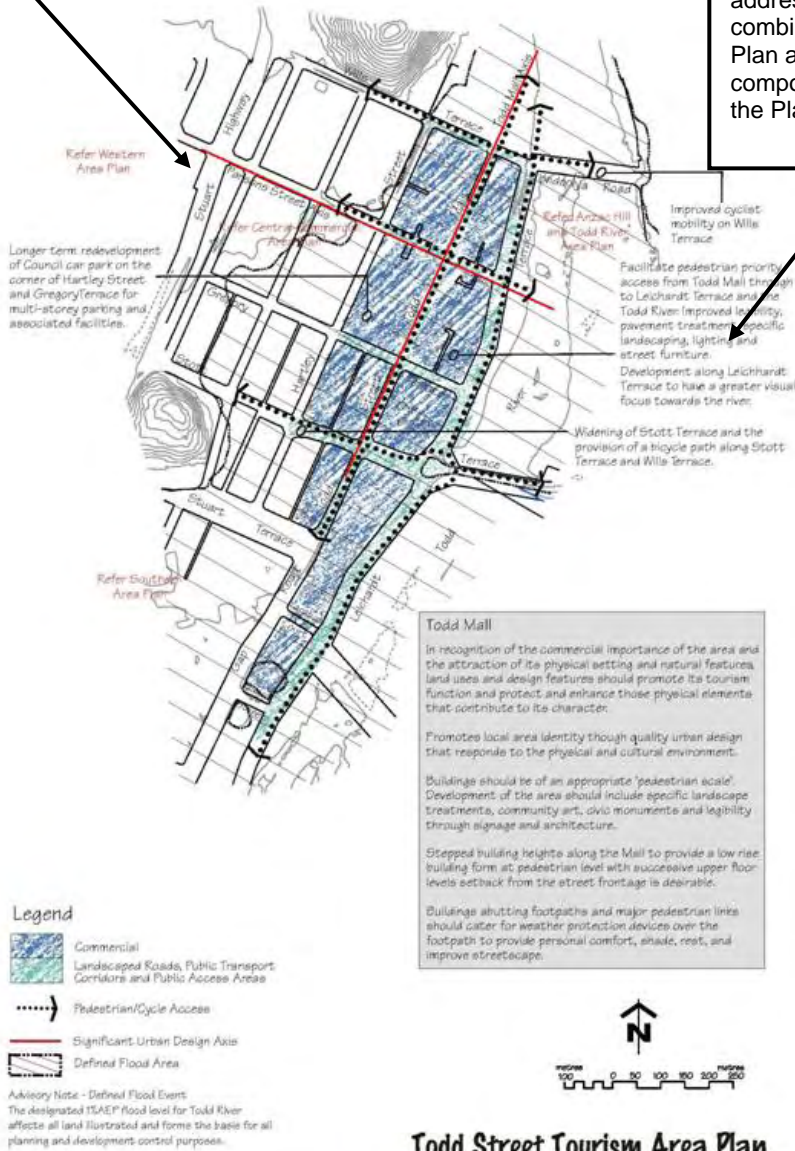
The consent authority may issue a Development Permit which may have conditions attached to it. It may issue a Notice of Refusal that must include reasons for the refusal. Where a right of appeal exists to a person other than the applicant the consent authority will issue a Notice of Determination.

Division 2 of Part 9 of the *Planning Act* sets out those decisions of a consent authority that may be appealed. An appeal against a determination of the consent authority may be lodged with the Lands, Planning and Mining Tribunal within the specified period.

AREA PLANS

The drawing uses the same colour themes as all other graphics forming part of the Planning Scheme.

Notes detailing specific issues expected to be addressed through a combination of the Area Plan and other components or controls in the Planning Scheme.



DEFINITIONS

Words are individually defined.

3.0 DEFINITIONS

In this document, unless inconsistent with the context or subject matter:

"abattoir" means premises used for the slaughter and dressing of animals, and includes the processing of meat from such slaughter;

"agriculture" means, as a commercial enterprise:

- (a) the growing of crops, pasture, timber trees and the like, but does not include a **plant nursery** or **horticulture**; and
- (b) the keeping and breeding of livestock;

but does not include **intensive animal husbandry** or **stables**;

"amenity" in relation to a locality or building, means any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable;

"animal boarding" means premises used as a commercial enterprise for the accommodation or breeding of domestic animals;

"basement" means a **storey** either below ground level or that projects no more than one meter above ground level;

"bed and breakfast accommodation" means temporary accommodation for travellers provided within a **dwelling** by the resident of that **dwelling**;

"building setback" means the distance from any lot boundary to a building;

"business sign" means a device using words, letters or images exhibited for the purpose of advertising, announcement or display restricted to the name of the business carried on and the nature of the services or goods available, on the land on which the sign is erected, and includes, where a number of persons are carrying on different businesses on that land, a sign identifying the place;

"caravan" includes a vehicle registered or eligible for registration within the meaning of the *Motor Vehicles Act* which is designed or adapted for human habitation;

"caravan park" means land used for the parking of **caravans** or the erection or placement and use of tents or cabins for the purpose of providing accommodation;

"caretaker's residence" means a **dwelling** which is ancillary to the lawful use of the land on which it is erected and which is used by the caretaker of the land;

Clause 10.1 refers to animal related use and development.
Clause 10.2 refers to the clearing of native vegetation.

Notes referencing related clauses and definitions.

Clause 10.1 refers to animal related use and development.

See also **storey**

Clause 7.10.1 specifies criteria relating to the use.

Clause 6.7 refers.

Clause 6.10 refers to **business** or **promotion** signs within a Heritage zone.

See also **promotion sign**. Alice Springs, Darwin, Palmerston, Katherine and Tennant Creek municipal councils control the erection of **business** or **promotion** 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.

Clause 7.10.2 limits the use of **caravans** outside **caravan parks**.

Clause 7.10.3 limits the floor area of caretaker's residences.

Other words similarly defined appear in bold where used.

ZONE PURPOSE STATEMENT AND TABLE

