

PART 1

1.0 PRELIMINARY

1.1 CITATION

This document is the Northern Territory Planning Scheme and 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 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 Planning 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 Planning Scheme does not prevent the use or development of land that is not zoned.
2. Unless specified, this Planning 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.

- 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.

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)

2.0 ADMINISTRATION

2.1 ZONES

The zones referred to in this Planning Scheme are those shown on the zoning maps.

2.2 PERMITTED, DISCRETIONARY AND PROHIBITED DEVELOPMENT

1. Land within a zone may be used or developed only in accordance with the Act and this Planning Scheme.
2. A use or development of land within a zone is permitted without **consent** if the use or development:
 - (a) is shown on the relevant zoning table as permitted; and
 - (b) complies with all the provisions of this Planning Scheme relating to that use or development in the zone.
3. A use or development of land within a zone requires **consent** if any of the following apply in relation to the use or development:
 - (a) it is shown on the relevant zoning table as discretionary;
 - (b) subject to sub-clause 4, it is not shown on the relevant zoning table;
 - (c) it does not comply with all the provisions of this Planning Scheme relating to that use or development within the zone; or
 - (d) a provision of this Planning Scheme expressly requires **consent**.
4. Subject to clause 2.3, a use or development of land within a zone is prohibited if the use or development is:
 - (a) in Zones SD, MD, MR or HR and is not shown on the relevant zoning table; or
 - (b) shown on the relevant zoning table as prohibited.

2.3 USE OR DEVELOPMENT OF A HERITAGE PLACE

1. Despite anything to the contrary in this Planning Scheme the consent authority may **consent** to a use or development of a **heritage place** that would otherwise be prohibited.
2. The consent authority must not **consent** to a use or development under sub-clause 1 except with the concurrence of the Minister responsible for the administration of the *Heritage Conservation Act*.

2.4 SPECIFIC USE ZONES

1. Despite anything to the contrary in this Planning Scheme, land described in Schedule 1 (Specific Use Zones) may be used or developed as specified in the Schedule subject to any conditions specified in the Schedule and any further conditions imposed by the consent authority.
2. The provisions of Parts 1, 2, 4, 5, 7 and 8 apply to development described in Schedule 1 except where they conflict with any conditions specified in that Schedule.

2.5 EXERCISE OF DISCRETION BY THE CONSENT AUTHORITY

1. In considering an application for **consent** for a proposed use or development, the consent authority must consider the proposed use or development in its entirety except in relation to:
 - (a) an application to alter or vary a development permit pursuant to sections 43A, 46 or 57 of the Act; or
 - (b) access to a **main road**.
2. Parts 4 and 5 set out the standards that apply to the development of land, subject to sub-clauses 3 and 4.
3. The consent authority may **consent** to the development of land that does not meet the standard set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of **consent**.
4. 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 provision of Parts 4 or 5 if it considers it necessary to do so.

2.6 SUBDIVISION OF LAND

Land may be subdivided or consolidated only with **consent** and subject to the relevant provisions of Part 5 of this Planning Scheme.

2.7 REFERENCE TO POLICY

1. The interpretation of this Planning Scheme and the determinations of a consent authority must have regard to the policies and planning concepts expressed in those documents appearing in Schedule 2 and ensure that a use or development or proposed use or development is consistent with them.
2. Where there is an inconsistency between any applicable policy and this Planning Scheme, the provisions of the Planning Scheme will prevail.

2.8 REFERENCE TO GUIDELINES

1. Applications for a use or development must demonstrate consideration of and the consent authority must have regard to any guidelines applicable to the use or development appearing in Schedule 3 and ensure that a use or development or proposed use or development is consistent with them.
2. Where there is an inconsistency between any applicable guideline and this Planning Scheme, the provisions of the Planning Scheme will prevail.

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**.

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 metre 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;

Clause 10.1 refers to animal related use and development.

Clause 10.2 refers to the **clearing of native vegetation**.

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**.

“**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;

“**car park**” means the parking of motor vehicles otherwise than as an ancillary use of land;

“**car parking area**” means an area set aside or designated for the parking of three or more motor vehicles;

“**car parking space**” means a space designated for the parking of one motor vehicle;

“**child care centre**” means premises used for the caring for 17 or more children;

“**clearing of native vegetation**” means the removal or destruction, by any means, of **native vegetation** on an area of land, other than:

- (a) the removal or destruction of a declared weed within the meaning of the *Weeds Management Act* or of a plant removed under the *Plant Diseases Act*;
- (b) the lopping of a tree;
- (c) incidentally through the grazing of livestock;
- (d) the harvesting of **native vegetation** planted for harvest;
- (e) for a road to access the land or other land;
- (f) in the course of Aboriginal traditional use, including the gathering of food or the production of cultural artefacts;
- (g) by fire;
- (h) the removal or destruction of **native vegetation** occurring on a **site** previously cleared in accordance with a permit issued under the Act; or
- (i) incidentally through mowing an area previously cleared of **native vegetation**;

and includes the selective removal of a species of plant, a group of species of plants, a storey or group of storeys in whole or in part;

“**common building boundary**” means the designated boundary between one lot and an adjoining lot in the same subdivision;

“**community centre**” means a building or part of a building designed or adapted primarily to provide facilities for social, sporting or cultural purposes but does not include premises licensed under the *Liquor Act*;

“**consent**” means the consent of the consent authority within the meaning of the *Planning Act*;

Clause 7.10.3 limits the floor area of **caretaker’s residences**.

Clause 6.5.3 specifies criteria relating to parking layout.

Clause 6.5.3 specifies criteria relating to parking layout.

For most uses the Building Code of Australia requires the provision of parking for disabled people.

Clause 8.1.5 specifies criteria relating to the use.

Clauses 10.2 and 10.3 refer.

Clause 11.1.2 provides for lots of less than 800m².

“**demountable structure**” means a building, including transport containers, which is wholly or substantially prefabricated and which is designed to be transported from **site to site**, but does not include a **caravan** or transportable module used in conjunction with an **education establishment** or as a construction site **office**, or a prefabricated **dwelling**;

Clause 6.8 refers to the placement of **demountable structures**.

“**dependant unit**” means a **dwelling** ancillary to and constructed on the same **site** as a **single dwelling** for the purpose of providing accommodation for a dependant of a resident of the **single dwelling**;

Clause 7.10.4 limits the **floor area** of a **dependant unit**.

“**domestic livestock**” means the keeping, exercising or training, other than as a commercial enterprise, of any of the following:

Clause 10.1 refers to animal related use and development.

- (a) horses or other equine animals;
- (b) ox, buffalo or other bovine animals;
- (c) camels; or
- (d) pigs;

“**dwelling**” means a building, or part of a building, designed, constructed or adapted as a self-contained residence;

“**education establishment**” means an academy, college, kindergarten, lecture hall, primary or secondary school, technical college or university, but does not include a **place of worship**;

“**floor area**” in relation to a building, includes all wall thicknesses of the external walls and all roof areas used as floors, but does not include verandahs, balconies or areas set aside for car parking or access thereto;

See also **net floor area**.

“**fuel depot**” means a depot for the storage or sale of solid, liquid or gaseous fuel, but does not include a **service station**;

“**general industry**” means an **industry** other than a **light industry** or a **rural industry**;

See also **industry, light industry and rural industry**.

“**group home**” means a **dwelling**:

Clause 7.10.5 refers to the operation of the use.

- (a) occupied by persons who are not necessarily related and who live together as a single household, with or without paid supervision or care; and
- (b) where management of the household is assisted by a community organisation, **education establishment**, or recognised religious or charitable organisation, or a department or institutional establishment of the Crown;

but does not include supporting **accommodation**;

“**habitable room**” means any room of a **dwelling** other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room or other space of a specialised nature occupied neither frequently nor for extended periods;

“**heritage object**” means a heritage object within the meaning of the *Heritage Conservation Act*;

“**heritage place**” means a heritage place within the meaning of the *Heritage Conservation Act*;

“home based child care centre” means the caring in a **dwelling** for six to a maximum of 16 children including children who reside in the **dwelling**, by a person who resides in the **dwelling**;

“home based contracting” means the storage on the **site** of a **dwelling** of materials and/ or vehicles associated with a business operated by a person resident in the **dwelling**, but which business does not operate on the **site** of the **dwelling**;

“home occupation” means an occupation or profession which is carried on in a **dwelling** or on the **site** of a **dwelling** by a person resident in the **dwelling** and may include the caring for up to five children including children who reside in the **dwelling**;

“horticulture” means the commercial cultivation of fruit, vegetables, flowers and the like;

“hospital” means a building used to provide health services including preventative care, diagnosis, medical and surgical treatment and counselling to persons admitted as in-patients;

“hostel” includes boarding houses, guest houses, lodging houses and other premises used to provide board or lodging with communal toilet, ablution, dining or cooking facilities but does not include **bed and breakfast accommodation** or a **group home**;

“hotel” means premises which require a licence under the *Liquor Act* and where, as a principal part of the business, alcoholic beverages are ordinarily sold to the public for consumption on the premises whether or not accommodation is provided for members of the public and whether or not meals are served, but does not include a **licensed club, motel** or **restaurant**;

“industry” includes the following operations:

- (a) the carrying out of a process of manufacture whether or not to produce a finished article;
- (b) the dismantling of an article, machinery or vehicle;
- (c) the treatment of waste materials;
- (d) the packaging of goods or machinery;
- (e) the process of testing or analysis of an article, goods or materials;
- (f) the storage of goods, equipment or vehicles not in association with any other activity on the **site**, but not including **transport terminal, vehicle sales and hire** or **warehouse**;

and if on the same land as any of the operations referred to in paragraphs (a) to (f) above:

- (g) the storage of goods used in conjunction with or resulting from any of the above operations;
- (h) the provision of amenities for persons engaged in the operations;
- (i) the sale of goods resulting from the operations;
- (j) any work of administration or accounting in connection with an operation; and

Clause 7.10.8 refers to the operation of the use.

Clause 7.10.7 refers to the operation of the use.

See also **agriculture**.

See also **general industry, light industry** and **rural industry**.

(k) an industry or class of industry particularly described in this Planning Scheme;

but does not include **motor body works**, **motor repair station** or a **home occupation**;

“**intensive animal husbandry**” means:

(a) the keeping and feeding of animals, including poultry and pigs, in sheds, stalls, ponds, compounds or stockyards; or

(b) aquaculture;

as a commercial enterprise;

“**leisure and recreation**” means the provision indoors or outdoors of recreation, leisure or sporting activities and includes cinemas, theatres, sporting facilities and the like as a commercial enterprise but does not include a **licensed club** or **community centre**;

“**licensed club**” means premises used as club rooms which require a licence under the *Liquor Act*;

“**light industry**” means an **industry** in which the process carried on, the machinery used and the goods and commodities carried to and from the premises on which the **industry** is sited are not of such a kind as are likely to adversely affect the **amenity** of the surrounding locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;

“**main road**” means a main road defined on the zoning maps;

“**medical clinic**” means a building or place used by one or more medical practitioners, physiotherapists, dentists or persons ordinarily associated with health care, or their employees, but does not include a **hospital**;

“**medical consulting rooms**” means a room or suite of rooms on the **site** of a **single dwelling** used by a resident of that **dwelling** for the purposes of his or her work as a medical practitioner, dentist or person ordinarily associated with health care;

“**mezzanine**” means an intermediate floor within a room;

“**mining**” means all modes of extracting either minerals or extractive minerals by underground, surface or open-cut workings, other than in pursuance of an extractive mineral permit issued under the *Mining Act* or an authorisation under section 178(2) of that Act for a like purpose and includes the crushing, storage or processing of such material on the land from which the material is extracted or on land adjacent thereto;

“**motel**” means premises wholly or principally used for the accommodation of travellers and the vehicles used by them, whether or not the building is also used to provide meals to the travellers or to members of the general public and whether or not the premises are licensed under the *Liquor Act*, but does not include **bed and breakfast accommodation**;

“**motor body works**” means premises for repairing the body work of motor vehicles and includes body building, panel beating or spray painting of motor vehicles;

Clause 10.1 refers to animal related use and development.

See also **general industry**, **industry** and **rural industry**.

Clause 7.10.9 refers to the operation of the use.

See also **storey**

Clause 11.4.4 refers.

“motor repair station” means premises used for carrying out repairs to motor vehicles but does not include a **motor body works** or a **transport terminal**;

“multiple dwellings” means a building or group of buildings on a **site** which individually or collectively contain more than one **dwelling** (including serviced apartments) but does not include a **dependant unit**;

“native vegetation” means terrestrial and inter-tidal flora indigenous to the Northern Territory, including grasses, shrubs and mangroves;

“net floor area” in relation to a building, includes all the area between internal surfaces of external walls but does not include:

- (a) stairs, cleaners cupboards, ablution facilities, lift shafts, escalators or tea rooms where tea rooms are provided as a standard facility in the building;
- (b) lobbies between lifts facing other lifts servicing the same floor;
- (c) areas set aside as public space or thoroughfares and not used exclusively by the occupiers of the building;
- (d) areas set aside as plant and lift motor rooms;
- (e) areas set aside for use of service delivery vehicles; and
- (f) areas set aside for car parking or access;

“office” means a building or part of a building used for the conduct of administration whether public or otherwise, the practice of a profession, or the carrying on of mercantile, banking, insurance, legal, clerical or similar services, but does not include a **home occupation**;

“passenger terminal” means premises used as a railway or bus station, shipping passenger terminal, airline passenger terminal, hoverport or heliport;

“place of worship” means premises used as a church, chapel, mosque, temple, synagogue or place of religious instruction or worship or for the purpose of religious training;

“plant nursery” means premises principally used for the growing and/ or display of plants for sale, whether or not seeds, equipment, soil, sand, rocks, railway sleepers or other associated products are displayed or sold, but does not include the use of land for **agriculture** or **horticulture**;

“plot ratio” means the **floor area** divided by the area of the **site**;

Serviced apartments attract a different requirement for **car parking**. See clause 6.5.1

See also **floor area**.

Clause 8.1.2 refers to interchangeable uses in Zones CB and C.

“promotion sign” means a device using words, letters or images exhibited for the purpose of advertising, announcement or display which contains information relating to:

- (a) goods, services or products not provided, produced or sold; or
- (b) events or activities which are not carried on;
- (c) on the land or in the building on which the sign is constructed or erected;

“proposed main road” means a proposed main road shown on the zoning maps;

“recycling depot” means premises used for the collection, storage or sale of scrap metals, waste paper, rags, bottles or other scrap material or goods, or used for dismantling, storage or salvaging of machinery whether or not parts of them are for sale;

“residential building” means a building or part of a building used or developed or proposed to be used or developed for a **caretaker’s residence, dependant unit, group home, hostel, hotel** (where the **hotel** includes accommodation available to members of the public), **motel, multiple dwellings, single dwelling or supporting accommodation**;

“restaurant” means premises (other than a **shop**, or part of a **hotel** or a **motel**) in which meals are served to the public whether or not the premises provides a drive-through service or requires a licence under the *Liquor Act*;

“retail agricultural stall” means a building used for the display and retail sale of agricultural, market garden or horticultural produce grown on the land on which the building is erected;

“rural industry” means an **industry** which involves the treatment, processing or packing of primary products transported to the **site** where the goods and commodities carried to and from the premises on which the **industry** is sited are not of such a kind as are likely to adversely affect the **amenity** of the surrounding locality;

“service station” means premises used for the sale by retail of fuels, oils and other products for use in connection with the operation of motor vehicles, whether or not it includes convenience shopping, but does not include a **fuel depot, motor repair station or motor body works**;

Clause 6.7 refers.

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

See also business sign.

Alice Springs, Darwin, Katherine, Palmerston and Tennant Creek municipal councils control the erection of **business and 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 7.1 refers to building heights and clause 7.3 to setback requirements.

Clause 8.1.2 refers to interchangeable uses in Zones CB and C.

See also **general industry, industry and light industry**.

Clause 10.6 refers.

Clause 8.1.4 refers.

“shop” means premises used for the display and sale by retail or for hire of goods or services but does not include a **restaurant, retail agricultural stall, service station, showroom sales or vehicle sales and hire**;

Clause 8.1.2 refers to interchangeable uses in zones CB and C.

“showroom sales” means the sale or hire in premises of goods of a bulky nature including:

- (a) furniture, floor coverings, furnishings, household appliances or camping gear; or
- (b) materials, tools, equipment or machinery for use in **industry**, commerce, the trades, primary production, medical purposes or party hire;

“single dwelling” means a building containing one **dwelling** only;

“site” means an area of land, whether consisting of one lot or more, which is the subject of an application to the consent authority;

“sport and recreation” means the use of land for recreation purposes, but does not include such a use which involves commercial transactions, motor sports or activities which, by virtue of the generation of noise or disturbance, will adversely affect the **amenity** of adjoining land nor does it include **leisure and recreation**;

Clause 1.3 2(a)(ii) refers.

“stables” means premises used for the keeping, exercising or training of horses or other animals of burden but does not include **domestic livestock or intensive animal husbandry**;

Clause 10.1 refers to animal related use and development.

“storey” means that part of a building between floor levels. If there is no floor above, it is the part between the floor level and the ceiling. It may comprise an attic, **basement** or built over area for car parking;

“supporting accommodation” means:

- (a) a convalescent or nursing home, an orphanage, a children’s home, an institution for poor or disadvantaged persons or a home for the care of aged persons; or
- (b) premises used by people moving from their homes or an institution and living for a short time in shared, supporting or rehabilitating accommodation,

but does not include a **group home**;

“transport terminal” means premises used for the:

Clause 10.5 refers.

- (a) loading, discharge or storage of goods in the course of the transport of those goods by air, road, rail or ship;
- (b) garaging and basic maintenance of fleet vehicles; or
- (c) servicing, repair and garaging of buses;

“vehicle sales and hire” means premises used wholly or principally for the display for sale by retail or for rental of motor vehicles, **caravans**, trailers, farm machinery or boats but does not include **motor body works, motor repair station, a shop or showroom sales**;

“veterinary clinic” means premises used for the medical treatment of animals, whether or not the animals are boarded there as part of the treatment;

“warehouse” means premises used for the bulk storage of goods, or the display and sale of goods by wholesale.