



NORTHERN TERRITORY
**PLANNING
COMMISSION**

DRAFT

Proposal for Dual Occupancy in Zone SD (Single Dwelling Residential)

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1. Introduction

This document forms part of the consultation material prepared by the NT Planning Commission for the purpose of seeking community feedback on a proposal to introduce the opportunity for dual occupancy development to occur within the Single Dwelling Zone of the NT Planning Scheme.

“Dual Occupancy” generally refers to the ability to develop a second house on what has previously been a single residential lot. This proposal provides that this development can be built as an attached, semi-detached or as a fully detached house. The minimum lot size on which this type of development can occur is proposed as 800m², with each dwelling requiring a minimum site area of 400m². The development can also be undertaken as a redevelopment of a lot on which there is an existing single house or as a new development of a vacant lot.

The proposal also provides that such developments may be subdivided or a unit title scheme created.

The introduction of this development option would require a number of changes to the Planning Scheme. Drafts of these changes are set out and explained below, including the specific design and lot size requirements.

2. Draft Changes to the NT Planning Scheme

For the relevant clauses the current Planning Scheme text is shown in **blue**, with proposed changes shown in **red**. Where an existing clause has been substantially amended this is shown entirely in **red**.

2.1 Part 3 Clause 5.1 Zone SD – Single Dwelling Residential

Explanation of Amendment

The purpose statement for Zone SD is modified to include reference to dual occupancy (two multiple dwellings) subject to specific development controls. The Zone SD zoning table is also proposed to be amended to allow for the discretionary approval of multiple dwellings which is the main change to enable dual occupancy development to be permitted. The identification of multiple dwellings as ‘Discretionary’ as opposed to ‘Permitted’ provides that such development proposals can be refused if not compliant with the requirements of the scheme.

5.1 ZONE SD – SINGLE DWELLING RESIDENTIAL

1. The primary purpose of Zone SD is to provide for **single dwellings** on individual lots.
2. **Alternative housing options may be provided through the development of a maximum of two dwellings on a lot that meets specific development criteria.**
3. Non-residential uses or development should be limited to those which predominantly service the local neighbourhood and do not have any detrimental effect on residential **amenity**.

ZONING TABLE – ZONE SD			
abattoir	x		
agriculture	x		
animal boarding	x		
business sign	P	6.7	
caravan park	x		
caretaker's residence	x		
car park	x		
child care centre	x		
community centre	D	6.1, 6.5.1	
domestic livestock	x		
education establishment	x		
fuel depot	x		
general industry	x		
group home	P	7.1, 7.10.5	
home based child care centre	D	6.5.1, 7.10.6	
home based contracting	P	7.10.8	
home based visitor accommodation	S	7.10.1	
home occupation	P	7.10.7	
horticulture	x		
hospital	x		
hostel	x		
hotel	x		
independent unit	P	6.5.1, 7.1, 7.3, 7.5, 7.10.4	
intensive animal husbandry	x		
leisure and recreation	x		
licensed club	x		
light industry	x		
medical clinic	x		
medical consulting rooms	D	6.5.1, 7.10.9	
motel	x		
motor body works	x		
motor repair station	x		
multiple dwellings	D	6.5, 7.1, 7.2.2, 7.3, 7.5, 7.7, 7.8.	
office	x		
passenger terminal	x		
place of worship	x		
plant nursery	x		
promotion sign	x		
recycling depot	x		
restaurant	x		
retail agricultural stall	x		
rural industry	x		
service station	x		
shop	x		
showroom sales	x		
single dwelling	P	6.5.1, 7.1, 7.3, 7.5	
stables	x		
supporting accommodation	D	6.5.1, 7.1, 7.5, 7.6, 7.7, 7.8	
transport terminal	x		
vehicle sales and hire	x		
veterinary clinic	x		
warehouse	x		
P = Permitted S = Self Assessable D = Discretionary x = Prohibited			

2.2 Part 4 Clause 7.1.1 Residential Density Limitations

Explanation of Amendment

Clause 7.1.1 sets out the limits of the scheme on the number of dwellings that can be developed on individual lots in the various scheme zones. The proposed amendment of this clause provides that for zone SD where a lot is in excess of 800m² and meets other requirements of the scheme a maximum of two dwellings may be developed.

7.1.1 Residential Density Limitations

1. The purpose of this clause is to ensure that residential development is:
 - (a) of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area; and
 - (b) 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.
2. The maximum number of **dwellings** that may be constructed on a **site** is to be determined in accordance with tables A, B, C, D and E (as the case requires) to this clause.
3. The consent authority may consent to a development that is not in accordance with sub-clause 2 if it is satisfied that compliance with other aspects of this Planning Scheme indicates that the density of the development is appropriate having regard to the purpose of this clause as set out in sub-clause 1.

TABLE A TO CLAUSE 7.1.1 – DWELLING DENSITY IN CERTAIN ZONES

Zone	Dwelling Density
SD	1 single dwelling per lot and may include an independent unit . 2 dwellings per lot where that lot has a site area not less than 800m ² and meets the requirements of Clause 7.2.2.
SD , RR, RL, R and for a single dwelling in CL, CV and T	1 single dwelling per lot and may include an independent unit .
MD and for multiple dwellings in CL and T	1 per 300m ²

2.3 Part 4 Clause 7.1.2 Residential Height Limitations

Explanation of Amendment

Clause 7.1.2 and the associated table set the height limit for residential development. Within zone SD this control currently only applies to single dwelling development, limited to a maximum of 2 storeys and 8.5m high. The proposed amendment to the Table will ensure that this height limit also applies to multiple dwellings in zone SD built under the proposed dual occupancy provisions.

TABLE TO CLAUSE 7.1.2 – DWELLING HEIGHT AND MAXIMUM NUMBER OF STOREYS IN CERTAIN ZONES	
Zone	Maximum Number of Storeys and Maximum Dwelling Height above Ground Level for Residential Buildings
SD and for a single dwelling in Zones CL, CV and T	2 – to a maximum height of 8.5m
MD and for multiple dwellings in Zones SD, CL, T	2 – to a maximum height of 8.5m
MR other than in Alice Springs	4 maximum
MR and TC in Alice Springs	3 maximum
HR	8+*
RR	2 – to a maximum height of 8.5m
RL	2 – to a maximum height of 8.5m
R	2 – to a maximum height of 8.5m
C	3
* The consent authority may consent to a development application for a building that exceeds 8 storeys in height in Zone HR only if it is satisfied that special circumstances justify the giving of consent .	

2.4 Part 4 Introduction of new Clause 7.2.2 Dual Occupancy in Zone SD – Single Dwelling Residential

Explanation of Amendment

Proposed clause 7.2.2 is introduced to establish the primary site and development requirements to permit development of a maximum of two dwellings on a lot within Zone SD. The clause confirms a minimum overall lot area of 800m² is required and that each proposed individual dwelling shall have a site area of minimum 400m². Requirements in respect to storm surge and location in proximity to airport noise are designed to ensure the suitability of the site for further development.

The proposed changes also include renumbering of associated clauses.

Introduce new sub-clause heading:

“7.2 Development of Second Dwellings”

Renumber existing sub-clause 7.2 as:

“7.2.1 Second Dwellings in Zones H and A”

Introduce new sub-clause 7.2.2 as follows:

7.2.2 Dual Occupancy in Zone SD – Single Dwelling Residential

1. The purpose of this clause is to permit two dwellings on individual lots in zone SD.
2. Multiple dwellings may be developed on a lot in Zone SD provided that:
 - (a) there will be a maximum of two dwellings on the lot;
 - (b) the lot has an area of not less than 800m² with each individual dwelling having a minimum site area of not less than 400m²;
 - (c) no part of the lot is within the Primary Storm Surge Area;
 - (d) no part of the lot is subject to the Australian Noise Exposure Forecast 20 unit value contour line or greater; and
 - (e) the development will comply with this clause and other scheme requirements except that the provision of communal open space pursuant to Clause 7.6 will not be required.

2.5 Part 4 Clause 7.3.2 Distance between Residential Buildings on One Site

Explanation of Amendment

This proposed amendment provides an exemption for dual occupancy development from the standard requirement for residential buildings on the same lot to be separated by a minimum of 3 metres. The intention of this clause is to allow the development of dual occupancy in a number of forms including the conversion of existing dwellings to two dwelling units and the allowance for new dwellings as attached or semi-detached buildings. This proposal does not impact on the requirement for fire separation of separate dwelling units which is a matter that would still be required to be addressed under the applicable building code.

7.3.2 Distance 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 distance between buildings is to be a minimum of 3m.
2. Notwithstanding 1. above a multiple dwelling in Zone SD may be built without separation from another multiple dwelling on the same lot.
3. Where more than one building comprising **residential buildings** that exceeds two **storeys** in height is located on a **site** the distance 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.
4. For each **storey** over 4 **storeys**, the distance between buildings referred to in sub-clause 2 is measured from a straight line that is half the average distance between the walls of the buildings.

2.6 Part 4 Clause 7.3.3 Reduced Setbacks for Single Dwellings on lots less than 600m² but not less than 300m²

Explanation of Amendment

The proposed change to this clause provides flexibility for reduced setbacks to internal lot boundaries for dual occupancy development as currently applies to single dwellings only under specific circumstances.

7.3.3 Reduced Setbacks for ~~Single~~ Dwellings on Lots less than 600m² but not less than 300m²

1. The purpose of this clause is to maximise design opportunities for residential dwellings.
2. This clause applies to **single dwellings** and multiple dwellings in Zone SD, on lots less than 600m² but not less than 300m² only.
3. Despite Table A to clause 7.3, a **single dwelling** subject to this clause 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.
4. Any part of a dwelling utilising a zero building setback shall have its external wall erected to the boundary with no gap.
5. Despite Table A to clause 7.3, a **single dwelling on a lot** subject to this clause 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 7.5;
 - (b) that any non-habitable structure, such as a garage or carport, shall 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.

TABLE TO CLAUSE 7.3.3

Lot Size	Building Setbacks
300m ² to less than 450m ²	<p>A zero building setback is permitted to no more than one side boundary of the lot subject to the provisions of sub-clause 3.</p> <p>The front building setback may be reduced to no less than 3 metres subject to the provisions of sub-clause 4 5.</p>
450m ² to less than 600m ²	<p>If a 3m setback is provided to one side boundary:</p> <p>a zero building setback is permitted to no more than one side boundary of the lot; and</p> <p>the front building setback may be reduced to no less than 3 metres subject to the provisions of sub-clause 4 5.</p>

2.7 Part 4 Clause 7.6 Communal Open Space

Explanation of Amendment

This clause is amended to delete the requirement for the provision of communal open space for dual occupancy development. Such developments will generally take the form of two single houses with associated private open space and no common areas making this requirement unnecessary.

7.6 COMMUNAL OPEN SPACE

1. The purpose of this clause is to ensure that suitable areas for communal open space are provided for **hostels, multiple dwellings** and **supporting accommodation**.
2. This clause does not apply to the development of **multiple dwellings** to a maximum of 2 dwellings in Zone SD.
3. A minimum of 15% of the **site**, being not less than 6m wide at any point, is to be communal open space.
4. The design of the communal open space should consider:
 - (a) the overall **dwelling** density proposed for the **site**;
 - (b) the proximity and quality of alternative private or public open space;
 - (c) the need to clearly distinguish communal open space from private and public open space and the need to maintain the reasonable privacy of nearby **dwellings**;
 - (d) the type of activities provided for ;
 - (e) the projected needs of children for outdoor play;
 - (f) the provision of landscaping and shade;
 - (g) safety issues including lighting and informal surveillance;
 - (h) on-site traffic circulation; and
 - (i) future maintenance and management requirements.
5. The consent authority may approve an application for a **multiple dwelling** development comprising serviced apartments in Zone TC that is not in accordance with sub-clause ~~2~~ 3 only if it is satisfied that the private open space associated with each dwelling provides appropriate opportunities for outdoor activities.

2.8 Part 5 Clause 11.1 Subdivision General

Explanation of Amendment

Clause 11.1 sets out the requirements for subdivision of land within the scheme area including minimum lot sizes. To enable the subdivision of a lot within zone SD on which a dual occupancy development has been built it is proposed to introduce a specific new clause, 11.1.4. This clause provides that such developments can be subdivided into two lots of not less than 400m², each of which is designed to contain a separate dwelling.

Renumber existing sub-clause 11.1.4 as 11.1.5:

'~~11.1.4-5~~. Subdivision for the purposes of a unit title scheme'

Introduce new clause 11.1.4 as follows:

11.1.4 Subdivision of Multiple Dwellings in Zone SD

1. The purpose of this clause is to provide for the subdivision of multiple dwelling developments in Zone SD.
2. Notwithstanding the lot size requirements of the Table to Clause 11.1.1 a lot in Zone SD of not less than 800m² and for which a development permit for 2 dwellings has been issued may be subdivided in accordance with that permit.
3. Lots created pursuant to this clause shall have an area of not less than 400m².