

NORTHERN TERRITORY OF AUSTRALIA

PLANNING REGULATIONS

As in force at 1 October 1996

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 October 1996

PLANNING REGULATIONS

Regulations under the *Planning Act*

1 Citation

These Regulations may be cited as the *Planning Regulations*.

2 Commencement

These Regulations shall come into operation on the commencement of the *Planning Act 1993*.

2A Exempt subdivisions

For the purposes of paragraph (k) of the definition of **subdivision** in section 3 of the Act, the following subdivisions are prescribed:

- (a) subdivisions within Northern Territory Portions 1192 and 1316;
- (b) a subdivision of a parcel of land for the purposes of enabling a trunk railway line to be constructed, where all the parts of the parcel that are not acquired for the purposes of the trunk railway line remain one parcel.

2B Exempt consolidations

For the purposes of paragraph (e) of the definition of **consolidation** in section 3 of the Act, the consolidation of the following areas of land is prescribed:

All that parcel of land at Casuarina in the Town of Nightcliff, Northern Territory of Australia, being the whole of Lot 4804 and Linton Street as more particularly delineated on Survey Plans OP 1500 and S95/180A respectively and lodged with the Surveyor-General Darwin, together with those parts of Lots 9207 and 9208 bounded by lines described as follows: Commencing at the most eastern corner of Lot 9207; thence southwesterly and generally westerly by southeastern and southern boundaries of the said lot and part of a southern boundary of Lot 9208 to intersect a line bearing 197 degrees 29 minutes 20 seconds from a point situated on a northeastern boundary of Lot 9207 and 17 metres

southeasterly from its most western northwestern corner; thence northeasterly by the said line to intersect the said northeastern boundary of Lot 9207; thence southeasterly, northeasterly and again southeasterly by part of a northeastern, a northwestern and a northeastern boundary of the said lot to the point of commencement.

3 Prescribed works

The construction of motor vehicle carriageways and stormwater drains are prescribed works for the purposes of the definition of *infrastructure* in section 26 of the Act.

4 Declaration of matters by service authorities

Where the service authority is the Territory, a declaration for the purposes of section 32 of the Act may be made by instrument in writing signed by the Minister with primary responsibility for the provision of infrastructure of the type provided by the service authority.

5 Prescribed rate of interest

For the purposes of section 32(c)(ii) of the Act, the prescribed rate of interest is 1% higher than the standard overdraft rate set from time to time by the bank known as the Commonwealth Bank.

6 Witness fees and expenses

Where a person is required to attend and give evidence before the Appeals Tribunal for the purposes of the Act, the person shall be paid the fees and expenses that would be payable if he or she were required to attend and give evidence in civil proceedings in the Supreme Court.

7 Manner and form of notification of application for consent

- (1) For the purposes of section 43(3) of the Act, notification of an application shall be given by:
 - (a) subject to subregulation (3), placing a sign on or in the vicinity of the land to which the application relates; and
 - (b) publishing a notice in a newspaper circulating in the area in which the land to which the application relates is located.
- (2) A sign referred to in subregulation (1)(a) shall be of sufficient size and so placed that a person with normal unimpaired eyesight is able, without optical assistance, to read it from the boundary of the public road nearest to the land on which the sign is placed.

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- (3) Notice under subregulation (1)(a) is not required where, in the opinion of the consent authority:
 - (a) it is impractical to comply with the subregulation because of the location of the land; or
 - (b) such notice is unlikely to ensure that persons not notified by the notice under subregulation (1)(b) will receive notice of the application.
 - (4) For the purposes of section 43(3)(c) of the Act, notice is given on the day on which the notice is first published in a newspaper under subregulation (1)(b).

8 Manner and form of notification of development application

- (1) Subject to this regulation, for the purposes of section 50(1) of the Act, notice of a development application shall be given by:
 - (a) placing a sign on or in the vicinity of the land to which the application relates; and
 - (b) publishing a notice in a newspaper circulating in the area in which the land to which the application relates is located.
- (2) Notice under subregulation (1)(a) is not required where:
 - (a) in the opinion of the consent authority, it is impractical to comply with the subregulation because of the location of the land;
 - (b) in the opinion of the consent authority, such notice is unlikely to ensure that persons not notified by the notice under subregulation (1)(b) will receive notice of the application; or
 - (c) the development application is made only in respect of a sign.
- (3) Where:
 - (a) a development application is made so as to enable premises to be used for short-term accommodation of victims of domestic violence or rape or for the provision of other similar services; and
 - (b) the consent authority is of the opinion that if the application were approved, the provision of notice in accordance with subregulation (1) is likely to compromise the safety of the intended future inhabitants of the premises,

notice is not required to be given under subsection (1) but shall instead be given in writing to the owner and the occupier of:

- (c) each parcel of land immediately adjoining the land to which the application relates; and
 - (d) where the land is located on one side of a public road, the 3 parcels of land closest to the land on the opposite side of the road.
- (4) A sign referred to in subregulation (1)(a) shall be of sufficient size and so placed that a person with normal unimpaired eyesight is able, without optical assistance, to read it from the boundary of the public road nearest to the land on which the sign is placed.
- (5) For the purposes of section 50(1)(c) of the Act, notice is given on the day on which the notice is first published in a newspaper under subregulation (1)(b).

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Planning Regulations (SL No. 11, 1994)***

Notified	18 April 1994
Commenced	18 April 1994 (r 2, s 2 <i>Planning Act</i> (Act No. 85, 1993) and <i>Gaz S28</i> , 18 April 1994)

Amendment of Planning Regulations (SL No. 15, 1996)

Notified	10 April 1996
Commenced	10 April 1996

Amendment of Planning Regulations (SL No. 41, 1996)

Notified	7 August 1996
Commenced	7 August 1996

Amendment of Planning Regulations (SL No. 50, 1996)

Notified	1 October 1996
Commenced	1 October 1996

3 LIST OF AMENDMENTS

r 2A	ins No. 15, 1996 amd No. 50, 1996
r 2B	ins No. 41, 1996