

# NORTHERN TERRITORY OF AUSTRALIA

## PLANNING REGULATIONS

As in force at 18 May 2005

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 18 May 2005

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## PLANNING REGULATIONS

### Regulations under the *Planning Act*

#### 1 Citation

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

#### 2 Commencement

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

#### 3 Exempt subdivisions

For the purposes of paragraph (h) of the definition of **subdivision** in section 5(2) 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, if all the parts of the parcel that are not acquired for the purposes of the trunk railway line remain one parcel;
- (c) subleases within Northern Territory Portion 1478;
- (d) areas of land proposed for the development or use of, or being developed or used for, the following:
  - (i) an onshore gas plant near Wadeye community and a gas pipeline between the gas plant and the coastline in that locality;
  - (ii) a gas pipeline from Wadeye to Gove.

#### 4 Notice of decision in respect of abandonment of existing use

For the purpose of section 37(6) of the Act, the following details are prescribed:

- (a) the Lot, Section or Portion number of the land to which the application relates and the street address of the land;

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- (b) the current zone in relation to the land;
  - (c) the name of the person in whose name the application was lodged;
  - (d) a brief summary of the discontinued existing use to which the application relates;
  - (e) the date on which the existing use was discontinued;
  - (f) whether the Minister determined the application by extending or refusing to extend the period during which the use of the land could be discontinued without a person being conclusively presumed to have abandoned the use, and the period of the extension, if any.

**5 Notice of decision in respect of exceptional development permit**

For the purposes of section 40(7) of the Act, the following details are prescribed:

- (a) the Lot, Section or Portion number of the land to which the notice relates and the street address of the land;
- (b) the zone in relation to the land;
- (c) if the notice relates to a decision:
  - (i) to grant a permit – a brief summary of the use that is permitted under the permit;
  - (ii) to refuse to grant a permit – a brief summary of the use in relation to which the permit was sought;
  - (iii) to vary a permit – a brief summary of the variation and the use that is permitted under the permit as varied;
  - (iv) to refuse to vary a permit – a brief summary of the variation that was sought.

**6 Public notice of development application**

- (1) For the purposes of section 47(1) of the Act, the public are to be notified of a development application by:
  - (a) the publication of a notice in accordance with regulation 7 in a newspaper circulating in the Territory generally or in an area in which is situated the land to which the notice relates; and

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- (b) the placement on or in the vicinity of the land of the number of notices in accordance with regulation 7 that the consent authority thinks fit, for the whole of the period specified in the notice in accordance with regulation 7(f).
- (2) Notice is not required to be placed on land in accordance with subregulation (1)(b) if in the opinion of the consent authority:
    - (a) it is impractical to comply with the subregulation because of the location of the land; and
    - (b) the notice placed in a newspaper under subregulation (1)(a) is such that all persons likely to be affected by the development to which the development application relates could reasonably be expected to have notice of it.
  - (3) Notice is not required to be placed on land in accordance with subregulation (1)(b) if the development application is made only in respect of a sign.
  - (4) Notice is not required to be placed on land in accordance with subregulation (1)(b) if:
    - (a) the development application is made so as to enable premises to be used for the 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, notice in accordance with subregulation (1)(a) would be likely to compromise the safety of the intended future inhabitants of the premises.
  - (5) In the case of a development application to which subregulation (4) applies, notice is to be given in writing to:
    - (a) the owner and the occupier of each parcel of land adjoining the land to which the application relates;
    - (b) if the land to which the application relates adjoins a public road – the 3 parcels of land closest to, and on the opposite side of the road to, the land; and
    - (c) other persons, if any, that the consent authority thinks ought to be notified of the development application.

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- (6) The notice to be placed on land in accordance with subregulation (1)(b) is to 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.

## **7 Form of public notice**

A notice for the purposes of section 47(1) of the Act of a development application is to contain the following information:

- (a) the Lot, Section or Portion number of the land to which the development application relates and the street address of the land;
- (b) the current zone in relation to the land;
- (c) the name of the person in whose name the development application was lodged;
- (d) a brief summary of the proposal set out in the development application;
- (e) the place where the development application is to be exhibited;
- (f) the period, beginning on the date on which the notice is first published in the newspaper under regulation 6(1)(a) and ending on a date specified in the notice that is not earlier than 14 days after the date of publication of the notice, during which a submission in relation to the development application may be made;
- (g) the place at which a submission in relation to the development application may be lodged.

## **8 Notice not to be removed before end of exhibition period**

A person must not remove a notice placed on land in accordance with regulation 6(1)(b) until after the end of the period specified in the notice under regulation 7(f).

Penalty: \$1,000.

## **9 Definition of *infrastructure***

For the purposes of the definition of *infrastructure* in section 67 of the Act, the construction of motor vehicle carriageways and stormwater drains are prescribed.

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**10 Declaration of matters by service authorities**

A declaration for the purposes of section 73(1) of the Act by a service authority that is the Territory is to 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.

**11 Prescribed rate of interest**

For the purposes of section 73(2)(b)(i) of the Act, the prescribed rate of interest is 1% higher than the standard overdraft rate set from time to time by the Commonwealth Bank.

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## ENDNOTES

### 1 KEY

Key to abbreviations

amd = amended  
app = appendix  
bl = by-law  
ch = Chapter  
cl = clause  
div = Division  
exp = expires/expired  
f = forms  
Gaz = Gazette  
hdg = heading  
ins = inserted  
lt = long title  
nc = not commenced

od = order  
om = omitted  
pt = Part  
r = regulation/rule  
rem = remainder  
renum = renumbered  
rep = repealed  
s = section  
sch = Schedule  
sdiv = Subdivision  
SL = Subordinate Legislation  
sub = substituted

### 2 LIST OF LEGISLATION

***Planning Regulations (SL No. 16, 2000)***

Notified	12 April 2000
Commenced	12 April 2000

***Amendment of Planning Regulations (SL No. 9, 2004)***

Notified	31 March 2004
Commenced	31 March 2004

***Planning Amendment (Exempt Subdivisions) Regulations 2005 (SL No. 11, 2005)***

Notified	18 May 2005
Commenced	18 May 2005

### 3 LIST OF AMENDMENTS

r 3                      amd No. 9, 2004; No. 11, 2005, r 3