

NORTHERN TERRITORY OF AUSTRALIA

PLANNING REGULATIONS

As in force at 1 February 2007

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 February 2007

PLANNING REGULATIONS

Regulations under the *Planning Act*

Part 1 **Preliminary matters**

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.

Part 2 Development provisions generally

4 Notice of decision relating to exceptional development permit

For section 40(7) of the Act, the following details must be included in the notice of a decision relating to an application for the grant or variation of an exceptional development permit:

- (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 of the land;
- (c) if the notice relates to a decision:
 - (i) to grant a permit – a brief summary of the development or use permitted under the permit; or
 - (ii) to refuse to grant a permit – a brief summary of the development or use proposed in the application; or
 - (iii) to vary a permit – a brief summary of the variation and the development or use permitted under the permit as varied; or
 - (iv) to refuse to vary a permit – a brief summary of the variation proposed in the application.

5 Development application made by electronic transmission

For section 46(2A) of the Act, a development application may be made by email, CD-ROM or other manner of electronic transmission if:

- (a) the transmission is capable of being received and processed by equipment used by the consent authority; and
- (b) the manner of transmission allows for reproduction by the consent authority of hard copies in the same format and of the same quality as the original document, including colour reproduction if applicable.

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

- (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 under subregulation (1) 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 under subregulation (1) 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.
 - (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: 10 penalty units.

Part 3 Developer contributions**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.

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.

Part 4 Third party appeals

12 Definitions

In this Part:

planning control provision means a provision mentioned in section 9(1)(b) of the Act.

residential zone, see regulation 13.

13 Residential zones

- (1) A zone in land to which the NT Planning Scheme applies is a residential zone if it is specified in the planning scheme, or in a map to which the planning scheme refers, as one of the following:
 - (a) SD – Single Dwelling Residential;
 - (b) MD – Multiple Dwelling Residential;
 - (c) MR – Medium Density Residential;
 - (d) HR – High Density Residential;
 - (e) CV – Caravan Parks;
 - (f) CL – Community Living;
 - (g) RR – Rural Residential.
- (2) Each of the following specific use zones in the NT Planning Scheme is a residential zone:
 - (a) SA2;

- (b) SD1, SD8, SD10, SD11, SD12, SD13 and SD17;
 - (c) SK1 and SK3;
 - (d) SP2, SP3 and SP4.
- (3) A zone in land to which the Jabiru Town Plan applies is a residential zone if it is specified in the planning scheme, or in a map to which the planning scheme refers, as a Residential Zone.

Note for subregulation (3)

Under section 184 of the Act, the Jabiru Town Plan is taken to be a specific planning scheme.

- (4) A zone specified as a specific use zone in a planning scheme, or in a map to which the planning scheme refers, is a residential zone if:
- (a) the zone is established (including by changing an existing zone) by an amendment of the planning scheme that takes effect after the commencement of this regulation; and
 - (b) a provision of the planning scheme requires the land in the zone to be developed and used predominantly for dwellings not exceeding 2 storeys above ground level.

14 NT Planning Scheme – when no right of third party appeal

- (1) This regulation specifies circumstances under which there is no right of appeal under section 117 of the Act against a determination of the consent authority relating to development on land to which the NT Planning Scheme applies.
- (2) There is no right of appeal if the determination relates to the subdivision or consolidation of land.
- (3) There is no right of appeal if the determination relates to any of the following proposed developments on land to which a planning control provision applies:
- (a) a single dwelling or multiple dwelling not exceeding 2 storeys above ground level;
 - (b) setbacks for a single dwelling;
 - (c) any other type of development on land in a residential zone if it complies with all the planning control provisions relating to the development;

- (d) any other type of development on land that is not in a residential zone, or for which no zone is specified, unless the land:
 - (i) is adjacent to land in a residential zone; or
 - (ii) is directly opposite land in a residential zone and is on the other side of a road with a reserve of 18 m or less in width.

15 Jabiru Town Plan – when no right of third party appeal

- (1) This regulation specifies circumstances under which there is no right of appeal under section 117 of the Act against a determination of the consent authority relating to development on land to which the Jabiru Town Plan applies.
- (2) There is no right of appeal if the determination relates to the subdivision or consolidation of land.
- (3) There is no right of appeal if the determination relates to any of the following proposed developments on land to which a planning control provision applies:
 - (a) a detached dwelling, attached dwellings or flats not exceeding 2 storeys above ground level;
 - (b) setbacks for a detached dwelling;
 - (c) any other type of development on land in a residential zone if it complies with all the planning control provisions relating to the development;
 - (d) any other type of development on land that is not in a residential zone, or for which no zone is specified, unless the land:
 - (i) is adjacent to land in a residential zone; or
 - (ii) is directly opposite land in a residential zone and is on the other side of a road with a reserve of 18 m or less in width.

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. 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

Planning Amendment (Miscellaneous Matters) Regulations 2005 (SL No. 32, 2005)

Notified	21 September 2005
Commenced	30 September 2005 (r 2, s 2 <i>Planning Amendment Act 2005</i> (Act No. 12, 2005) and <i>Gaz G39</i> , 28 September 2005, p 4)

Planning Amendment (Third Party Appeals) Regulations 2006 (SL No. 45, 2006)

Notified	20 December 2006
Commenced	1 February 2007 (<i>Gaz S1</i> , 1 February 2007)

3 LIST OF AMENDMENTS

pt 1 hdg	ins No. 32, 2005, r 4
r 3	amd No. 9, 2004; No. 11, 2005, r 3
pt 2 hdg	ins No. 32, 2005, r 5
rr 4 – 5	sub No. 32, 2005, r 6
r 6	amd No. 32, 2005, r 7
r 8	amd No. 32, 2005, r 8
pt 3 hdg	ins No. 32, 2005, r 9
pt 4 hdg	ins No. 32, 2005, r 10
	sub No. 45, 2006, r 4

ENDNOTES

rr 12 – 15 ins No. 32, 2005, r 10
 sub No. 45, 2006, r 4
sch 1 – 2 ins No. 32, 2005, r 10
 rep No. 45, 2006, r 5