

NORTHERN TERRITORY OF AUSTRALIA

PLANNING AMENDMENT REGULATIONS 2009

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Subordinate Legislation No. 24 of 2009

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TABLE OF PROVISIONS

1	Citation .....	2
2	Commencement .....	2
3	Regulations amended.....	2
4	New regulation 5A .....	2
	5A      Development application in relation to scheme land	
5	Amendment of regulation 8A (Development applications not requiring public notice) .....	3
6	New regulation 8C .....	3
	8C      Matters to be taken into account for proposed subdivision of non- vacant land	





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## ***Planning Amendment Regulations 2009***

I, Thomas Ian Pauling, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Planning Act*.

Dated 24 June 2009

T. I. PAULING  
Administrator

By His Honour's Command

D. P. Lawrie  
Minister for Planning and Lands

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\* Notified in the *Northern Territory Government Gazette* on 26 June 2009.

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**1 Citation**

These Regulations may be cited as the *Planning Amendment Regulations 2009*.

**2 Commencement**

These Regulations commence on the commencement of Chapter 4, Part 4.4, Division 10 of the *Unit Title Schemes Act*.

**3 Regulations amended**

These Regulations amend the *Planning Regulations*.

**4 New regulation 5A**

After regulation 5

*insert*

**5A Development application in relation to scheme land**

(1) For section 46(3)(l)(iii) of the Act, the following information about the development must be specified in the plan:

- (a) details of each exclusive use by-law that applies, or will apply, to any part of the scheme land;
- (b) if the scheme is intended to be developed progressively:
  - (i) the boundaries of the scheme land affected by each stage of the development; and
  - (ii) a statement of the broad concepts for the implementation of each stage.

(2) In this regulation:

***exclusive use by-law***, see section 97(1) of the *Unit Title Schemes Act*.

***intended to be developed progressively***, in relation to a scheme, see section 64(1) and (2) of the *Unit Title Schemes Act*.

***stage***, see section 5 of the *Unit Title Schemes Act*.

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- 5 Amendment of regulation 8A (Development applications not requiring public notice)**
- (1) Regulation 8A(2)
- omit*
- impact on
- substitute*
- impact on the
- (2) Regulation 8A(2)(b)(iii)
- omit*
- zone.
- substitute*
- zone;
- (3) After regulation 8A(2)(b)
- insert*
- (c) a subdivision under the *Unit Titles Act* or for the purposes of the *Unit Title Schemes Act*, other than a subdivision of vacant land.
- 6 New regulation 8C**
- After regulation 8B, in Part 2
- insert*
- 8C Matters to be taken into account for proposed subdivision of non-vacant land**
- (1) This regulation applies to a development application for a proposed subdivision of land on which a building is situated.
- (2) For section 51(q) of the Act, the consent authority must take into account whether parts of the building are suitable for separate ownership or occupation, having regard to the following:
- (a) the structural integrity of the building;
- (b) the fire safety qualities of the walls and other proposed boundaries within the building;

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- (c) if the building is situated in a part of the Territory to which Part 6 of the *Building Act* applies under section 6 of that Act – the requirements in relation to structural integrity and fire safety prescribed under that Act at the date the development application was made.