

NORTHERN TERRITORY OF AUSTRALIA  
PLANNING AMENDMENT REGULATIONS 2009

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Subordinate Legislation No. 24 of 2009

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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.