

NORTHERN TERRITORY OF AUSTRALIA

PLANNING AMENDMENT (DEVELOPMENT APPLICATIONS)
REGULATIONS 2008

Subordinate Legislation No. 5 of 2008

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 5 of 2008*

Planning Amendment (Development Applications) Regulations 2008

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 16 April 2008.

T. I. Pauling
Administrator

By His Honour's Command

D. P. Lawrie
Minister for Planning and Lands

* Notified in the *Northern Territory Government Gazette* on 23 April 2008.

1 Citation

These Regulations may be cited as the *Planning Amendment (Development Applications) Regulations 2008*.

2 Commencement

These Regulations commence on the commencement of the *Planning Amendment (Development Applications) Act 2008*.

3 Regulations amended

These Regulations amend the *Planning Regulations*.

4 New regulations 8A and 8B

After regulation 8, in Part 2

insert

8A Development applications not requiring public notice

- (1) For section 47A(1)(b) of the Act, no public notice is required to be given in relation to the use of land for the accommodation of the following (who are specified as people requiring privacy):
 - (a) people requiring protection, such as victims of rape or domestic violence;
 - (b) people at risk of harm who are under the care and protection of an organisation (including a government agency) providing community welfare services.
- (2) For section 47A(1)(c) of the Act, no public notice is required to be given in relation to the following development (which is specified as development that will not have a significant impact on existing and future amenity of the area in which the development will be carried out):
 - (a) development on land on which a single dwelling has been built, or is to be built, if:
 - (i) a planning scheme or interim development control order allows the development without consent subject to compliance with performance criteria; and
 - (ii) consent is required only because the development will not fully comply with performance criteria relating to the distance between the dwelling, or a structure ancillary to the dwelling, and a boundary of the land (the **affected**

boundary); and

(iii) the affected boundary does not adjoin a public thoroughfare;

(b) development on land zoned for industrial use if:

(i) a planning scheme or interim development control order allows the development without consent but includes performance criteria relating to the development; and

(ii) consent is required only because the development will not fully comply with the performance criteria; and

(iii) the land does not adjoin a residential zone.

(3) In this regulation:

performance criteria means restrictions or conditions relating to the use or development of land that are imposed under a provision of a planning scheme or an interim development control order.

residential zone, see regulation 13.

8B Persons to be notified privately

(1) If a development application relates to development mentioned in regulation 8A(1), written notice of the application must be served on the following persons:

(a) the owner of each parcel of land adjoining the relevant land;

(b) if the relevant land adjoins a public thoroughfare – the owner of each of the 3 parcels of land closest to and on the opposite side of the thoroughfare to the relevant land;

(c) if the consent authority is giving notice – any other person it considers should be notified of the application;

(d) if the consent authority requires the applicant to give notice – any other person the consent authority considers should be notified of the application and has directed the applicant to notify.

(2) If a development application relates to development mentioned in regulation 8A(2)(a), written notice of the application must be served on the following persons:

(a) the owner of the parcel of land adjoining the affected boundary of the relevant land;

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- (b) if the consent authority is giving notice – any other person it considers should be notified of the application;
 - (c) if the consent authority requires the applicant to give notice – any other person the consent authority considers should be notified of the application and has directed the applicant to notify.
- (3) For section 47A(3)(d) of the Act, the notice must include the following information:
- (a) the Lot, Section or Portion number and street address of the relevant land;
 - (b) the current zone of the relevant land;
 - (c) the name of the person in whose name the development application is made.
- (4) In this regulation:

relevant land means the land on which it is proposed to carry out development mentioned in regulation 8A(1) or (2)(a).

5 Further amendments

The Schedule has effect.

Schedule

regulation 5

Provision	Amendment	
	omit	substitute
regulation 6(1)	section 47(1)	section 47
regulation 6(4) and (5)	whole subregulation	
regulation 7	section 47(1)	section 47
regulation 13(2)(b)	SD13 and SD17	SD13, SD17, SD19, SD20 and SD21
