

NORTHERN TERRITORY OF AUSTRALIA
PLANNING AMENDMENT (THIRD PARTY APPEALS)
REGULATIONS 2006

Subordinate Legislation No. 45 of 2006

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 45 of 2006*

Planning Amendment (Third Party Appeals) Regulations 2006

I, EDWARD JOSEPH EGAN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Planning Act*.

Dated 12 December 2006.

E. J. EGAN
Administrator

By His Honour's Command

C. B. BURNS
Minister for Health
acting for the
Minister for Planning and Lands

* Notified in the *Northern Territory Government Gazette* on 20 December 2006.

1. Citation

These Regulations may be cited as the *Planning Amendment (Third Party Appeals) Regulations 2006*.

2. Regulations amended

These Regulations amend the *Planning Regulations*.

3. Commencement

These Regulations commence on the date fixed by the Minister by *Gazette* notice.

4. Repeal and substitution of Part 4

Part 4

repeal, substitute

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.

5. Repeal of Schedules 1 and 2

Schedules 1 and 2

repeal