

NORTHERN TERRITORY OF AUSTRALIA

PLANNING REGULATIONS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1994, No. 11*

Regulations under the *Planning Act*

I, KEITH JOHN AUSTIN ASCHE, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Planning Act*.

Dated 31 March 1994.

K.J.A. ASCHE
Administrator

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1. CITATION

These Regulations may be cited as the Planning Regulations.

2. COMMENCEMENT

These Regulations shall come into operation on the commencement of the *Planning Act 1993*.

3. PRESCRIBED WORKS

The construction of motor vehicle carriageways and stormwater drains are prescribed works for the purposes of the definition of "infrastructure" in section 26 of the Act.

4. DECLARATION OF MATTERS BY SERVICE AUTHORITIES

Where the service authority is the Territory, a declaration for the purposes of section 32 of the Act may 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.

* Notified in the *Northern Territory Government Gazette* on 18 April 1994.

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5. PRESCRIBED RATE OF INTEREST

For the purposes of section 32(c) (ii) of the Act, the prescribed rate of interest is 1% higher than the standard overdraft rate set from time to time by the bank known as the Commonwealth Bank.

6. WITNESS FEES AND EXPENSES

Where a person is required to attend and give evidence before the Appeals Tribunal for the purposes of the Act, the person shall be paid the fees and expenses that would be payable if he or she were required to attend and give evidence in civil proceedings in the Supreme Court.

7. MANNER AND FORM OF NOTIFICATION OF APPLICATION FOR CONSENT

(1) For the purposes of section 43(3) of the Act, notification of an application shall be given by -

- (a) subject to subregulation (3), placing a sign on or in the vicinity of the land to which the application relates; and
- (b) publishing a notice in a newspaper circulating in the area in which the land to which the application relates is located.

(2) A sign referred to in subregulation (1) (a) shall 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 on which the sign is placed.

(3) Notice under subregulation (1) (a) is not required where, in the opinion of the consent authority -

- (a) it is impractical to comply with the subregulation because of the location of the land; or
- (b) such notice is unlikely to ensure that persons not notified by the notice under subregulation (1) (b) will receive notice of the application.

(4) For the purposes of section 43(3) (c) of the Act, notice is given on the day on which the notice is first published in a newspaper under subregulation (1) (b).

8. MANNER AND FORM OF NOTIFICATION OF DEVELOPMENT APPLICATION

(1) Subject to this regulation, for the purposes of section 50(1) of the Act, notice of a development application shall be given by -

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- (a) placing a sign on or in the vicinity of the land to which the application relates; and
- (b) publishing a notice in a newspaper circulating in the area in which the land to which the application relates is located.

(2) Notice under subregulation (1)(a) is not required where -

- (a) in the opinion of the consent authority, it is impractical to comply with the subregulation because of the location of the land;
- (b) in the opinion of the consent authority, such notice is unlikely to ensure that persons not notified by the notice under subregulation (1)(b) will receive notice of the application; or
- (c) the development application is made only in respect of a sign.

(3) Where -

- (a) a development application is made so as to enable premises to be used for 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, the provision of notice in accordance with subregulation (1) is likely to compromise the safety of the intended future inhabitants of the premises,

notice is not required to be given under subsection (1) but shall instead be given in writing to the owner and the occupier of -

- (c) each parcel of land immediately adjoining the land to which the application relates; and
- (d) where the land is located on one side of a public road, the 3 parcels of land closest to the land on the opposite side of the road.

(4) A sign referred to in subregulation (1)(a) shall 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 on which the sign is placed.

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(5) For the purposes of section 50(1)(c) of the Act, notice is given on the day on which the notice is first published in a newspaper under subregulation (1)(b).
