

Schedule 3: Exceptions

1. The exceptions in this schedule are included to enable the efficient provision of public utilities, infrastructure and facilities for the benefit of the community.
2. *Omitted.*
3. This Planning Scheme does not prevent any of the following:
 - (a) the construction, operation, alteration, repair or maintenance of a road or **main road**;
 - (b) the use or development of land for **sport and recreation**;
 - (c) the construction, alteration, repair or maintenance of:
 - i. facilities for the reticulation of water, sewerage, gas or electricity; and
 - ii. public infrastructure for stormwater drainage and flood mitigation;
 - (d) the subdivision of rural or unzoned land to less than 1ha for the purpose of creating a lot to accommodate infrastructure for water supply, sewerage, gas, electricity. This type of subdivision is exempt from:
 - i. Clause 6.3.1 (Lot Size and Configuration for Subdivision in Zones RL, R and H, and Unzoned Land) sub-clauses 7, 9 and 11;
 - ii. Clause 6.3.3 (Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RL, R and H, and Unzoned Land) sub-clauses 1-5;
 - iii. Clause 6.3.4 (Infrastructure for Subdivision in Zones RL, R and H, and Unzoned Land);
 - iv. Clause 6.3.6 (Lots less than 8 ha for Urban and Community Uses on Unzoned Land);
 - (e) the strengthening to a safe condition of a building or works;
 - (f) the erection, placement or use of a construction site office permitted under the Building Act 1993;
 - (g) a shade sail of 30m² or less for all non-residential zones;
 - (h) the erection or display of a sign which is:
 - i. a traffic control or driver advisory guide, service or similar device;
 - ii. displayed under a statutory obligation;
 - iii. on enclosed land or within a building and not readily visible from land outside the enclosure or building;
 - iv. of a temporary nature used to advertise property that is available for rent, lease, sale, auction or inspection
 - v. displayed on or inside a vehicle, other than a vehicle which is adapted and exhibited primarily as an advertising sign;
 - vi. an interpretative sign used for describing a place or an item of historical or education significance; or
 - vii. a public safety advisory sign displayed by a government agency or local authority;
 - (i) the conduct of any **mining activity** under any mining interest (where the terms “**mining activity**” and “mining interest” have the same meaning as in the *Mining Management Act 2001*);

- (j) the development of land for a period not exceeding 28 days in association with a special community event or festival where management of the event is assisted by a community organisation, **education establishment**, or recognised religious or charitable organisation, or a department or institutional establishment of the Crown. Any buildings or structures constructed for the purpose are to be removed within the 28 day period;
- (k) the erection of a 17m high projection screen in association with the Blatherskite Park Showground on Lot 5687 Town of Alice Springs;
- (l) subleasing of **car parking spaces** that are contained within a legally established building in Zone CB in Central Darwin;
- (m) the temporary use and/or development of land for medical or health related activities associated with the need to rapidly respond to the COVID-19 Pandemic as advised necessary by a department or institutional establishment of the Crown. Following the COVID-19 Pandemic being declared finished by the Northern Territory Government, the use and/or development must cease and the land, within 12 months, be reinstated to its previous state unless otherwise approved;
- (n) physical improvements associated with an existing use, funded by either the 'Home Improvement Scheme', the 'Business Improvement Grant' or the 'Immediate Work Grant' under the March 2020 'Jobs Rescue and Recovery Plan' response to the COVID-19 Pandemic, specifically where the physical improvements are:
 - i. internal works, physical upgrades and improvements; or
 - ii. external works using the 'Home Improvement Scheme' that are fully compliant with Part 5 of the Planning Scheme.
- (o) the **clearing of native vegetation** associated with the development of a Youth Justice Centre on Section 4225 Hundred of Bagot.
- (p) the temporary use of Lot 9200 Town of Nightcliff for the purpose of a shop until 21 October 2022.
- (q) the use of the existing development at Section 1253 Hundred of Howard (769 Chinner Road, Lake Bennett) in accordance with the conditions of Development Permit DP05/0271 and its subsequent variation permits, for the purpose of the operation of the Lake Bennett resort, including accommodation and associated facilities, as constructed as at 10 May 2021, subject to compliance with all other relevant Northern Territory legislation.
- (r) the temporary use of Stokes Hill Wharf carpark, Lot 10156 Town of Darwin, for the purpose of installing and operating a Skyline Precinct (Observation Wheel and associated activations including mini-golf) to 22 October 2023, subject to compliance with all other relevant Northern Territory legislation.

- (s) the temporary use of Portion 1263 Hundred of Bagot (Charles Darwin National Park), Portions 2346, 2347, 2348, 2349, 2236, 1764, 1765 Hundred of Bagot, and Sections 6196 and 6210 Hundred of Bagot for 'leisure and recreation' (Side by Side Vehicle tours and storage) until 15 October 2022, subject to compliance with all other relevant Northern Territory legislation.
- (t) the development of lots 26, 27, 30, 31, 32, 33, 37, 38, 39, 41, 42, 43, 44, 46, 47, 51, 52, 53, 54, 55 Town of Kalkarindji for the purposes of dwellings-single.
- (u) Development associated with the Northern Territory Remote Housing Program, provided it complies with all requirements in this Planning Scheme other than Clause 3.6 (LSF – Land Subject to Flooding).
- (v) The clearing of native vegetation associated with the development of Paru Road on NT Portion 1644 as part of the Tiwi Islands Road Upgrade Program.
- (w) The development of any residential building under the Northern Territory Remote Housing Program through to 30 June 2030 on land within:
 - i. A Residential Zone (as identified in Table to Clause 4.1: Index of Zones); or
 - ii. Any other zoned land that applies a level of assessment other than prohibited.
- (x) Mobile food and drink premises, including where **ancillary to sport and recreation**, that operate on public land or a road reserve controlled by a government agency or local government council, provided that approval has been obtained from the controlling agency for the land.
- (y) The temporary placement of demountable structures for the purpose of accommodation and ancillary administration at the Darwin Correctional Facility (Section 6222, Hundred of Bagot) until 30 June 2028, subject to compliance with all other relevant Northern Territory legislation.
- (z) The use of Section 6128 Hundred of Bagot (Manigurr-Ma – Centre for National Resilience) for temporary accommodation purposes in an existing fit for purpose facility by the Australian Government until 30 June 2031.
- (aa) The clearing of native vegetation associated with two borrow pits contained within Section 2830, and 2940 Hundred of Goyder; and within the footprint of the former Rum Jungle mine site located within Section 2968 Hundred of Goyder to facilitate remediation activities at the former Rum Jungle mine site, subject to compliance with Environmental Approval EP2023/022-001.
- (ab) the development of part of Portion 2173 Hundred of Bagot for the purpose of a temporary **residential care facility** (Sobering Up Shelter) in **demountable structures** until 30 June 2029, subject to compliance with all other relevant Northern Territory legislation.
- (ac) The inspection and maintenance of a **telecommunications facility**.
- (ad) The extension or replacement of a **telecommunications facility** if:
 - i. the extension of the facility will not increase the height of the existing facility by more than 5m, providing it has not been previously extended; or
 - ii. the replacement facility is constructed on the same site within 20m of the existing facility and is less than 5m taller than the existing facility.

- (ae) The use and development of a **telecommunications facility** in:
- i. Zones LI, GI, U and DV if:
 - a. it is located at least 150m from land in a residential zone;
 - b. it has a maximum height of 40m; and
 - c. it is set back at least 3m or in accordance with setback requirements in the Table to Clause 5.6.1, from any lot boundary abutting a public road; or
 - ii. Zone H and A if:
 - a. it is located at least 150m from land in a residential zone; and
 - b. has a maximum height of 50m.
- (af) The use and development of part of Portion 2173 Hundred of Bagot for the purpose of a temporary correctional facility and associated support services until 31 December 2026, subject to compliance with all other relevant Northern Territory legislation.
4. Subdivision for the purpose of whole-of-town leases to formalise land title arrangements for existing infrastructure (including site servicing):
- (a) applies only to land granted under the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)*, Community Living Areas as described in the *Associations Act 2003*, and the communities of Canteen Creek and Nauiyu; and
 - (b) is exempt from Part 6 of this Planning Scheme other than:
 - i. the relevant minimum lot size requirements;
 - ii. Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR);
 - iii. Clause 6.2.4 (Infrastructure and Community Facilities in Zones LR, LMR, MR and HR);
 - iv. Clause 6.3.3 (Site Characteristics for Subdivision for Lots 1ha or Greater in Zones RL, R and H and Unzoned Land) purpose and sub-clause 8.
 - v. Clause 6.3.4 (Infrastructure for Subdivision in Zones RL, R and H and Unzoned Land) purpose and sub-clauses 2-6(a).
 - vi. Clause 6.4.1 (Lot Size and Configuration for Subdivision in Zones LI, GI and DV);
 - vii. Clause 6.4.3 (Infrastructure for Subdivision in Zones LI, GI and DV);
 - viii. Clause 6.5.1 (Subdivision in Zone FD);
 - ix. Clause 6.6.1 (Subdivision for the Purposes of a Unit Title Scheme);
5. The installation of **demountable structures** for the purpose of providing temporary emergency accommodation and **ancillary** uses is permitted only on land within the boundaries of Galiwin'ku Area Plan (refer to Clause 2.4). Any buildings or **demountable structures** constructed or provided for the purpose are to be removed within a four year period.

6. If specified under this sub-clause, transitional arrangements may apply to the development or use of land not in compliance with an amended provision of the Planning Scheme:
 - (a) In relation to Amendment No.415 to Clause 7.5 (Private Open Space), dated 18 September 2015, full compliance with the amended provision is not required if a building permit has been issued or a contract to build has been signed for the development of land prior to 6 November 2015;

7. The installation of **demountable structures** for the purpose of 10 temporary **dwellingings** to provide transitional accommodation is permitted only on NT Portion 2087 (Administrative Lot 10 and 11, Townsite of Mara), Lots 463, 497, 625, 773, 789 and 790, Town of Borroloola. The **demountable structures** used for this purpose must be removed by 30 June 2025.