

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. Unless specified, other than for subdivision or consolidation or by virtue of an Overlay or Interim Development Control Order, this Planning Scheme does not prevent the use or development of land that is not zoned.
3. Unless specified, 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 or, subject to clause 5.8.10, transmission of telecommunications services; 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 or telecommunications. 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.
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 **dwelling**s to provide transitional accommodation is permitted only on NT Portion 2087 (Administrative Lot 10 and 11, Townsite of Mara), Lots 462, 497, 625, 773, 789 and 790, Town of Borroloola. The **demountable structures** used for this purpose must be removed by 30 June 2022.