

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999

AMENDMENT TO NT PLANNING SCHEME 2020

PA2023/0101

I, JOEL FRANCIS BOWDEN, Minister for Infrastructure, Planning and Logistics, under sections 25(3)(b) of the *Planning Act 1999*, amend the NT Planning Scheme 2020 by making the amendment, specified in the Schedule.

Dated 31st JULY

2024



SCHEDULE

AMENDMENT TO NT PLANNING SCHEME 2020

1. Amendment to Part 4 Clause 4.2 Zone LR – Low Density Residential

At sub-clause 5, *Omit*

5. Non-residential activities are limited to **community centres** that:

Insert

5. Non-residential activities such as **community centres**:

2. Amendment to Part 4 Clause 4.3 Zone LMR – Low to Medium Density Residential

At sub-clause 4, *Omit*

4. Non-residential activities are limited to **community centres** that:

Insert

4. Non-residential activities such as **community centres**:

3. Amendment to Part 4 Clause 4.16 Zone DV – Development

At sub-clause 3, *Omit*

3. Other non-industrial activities such as indoor **leisure and recreation, medical clinic and club**, may only be established where they do not jeopardise the ongoing operation and viability of strategic industrial activities or the integrity of the zone.

Insert

3. Other non-industrial activities such as **telecommunications facilities**, indoor **leisure and recreation, medical clinic and club**, may only be established where they do not jeopardise the ongoing operation and viability of strategic industrial activities or the integrity of the zone.

4. Amendment to Part 5 Table to Clause 5.2.4.1: Minimum number of required car parking spaces

Omit

Telecommunications facility	1
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5. Amendment to Part 5 Clause 5.8.10 Telecommunications Facility

Omit

Purpose

Ensure the development of a **telecommunications facility** does not unreasonably detract from the **amenity** of a locality whilst facilitating the provision of telecommunications infrastructure to meet community expectations and needs.

Administration

1. The inspection and maintenance of an established **telecommunications facility** is exempt from the requirements of this clause.

2. An application for a **telecommunications facility** is to include information demonstrating how the **amenity** impacts of a proposal have been minimised using visual communications methods such as photographic images etc.

Requirements

3. Provide a detailed feasibility assessment of at least three sites for the establishment of the facility and the rationale for the preferred site. Wherever possible, the facility should be co-located with existing **telecommunications facilities**.
4. The location and design of a **telecommunications facility** minimises **amenity** impacts through sensitive siting, use of non-reflective finishes and appropriate landscaping.
5. The **amenity** impacts of a proposal are appropriately minimised.

Insert

Purpose

Ensure the development of a **telecommunications facility** does not unreasonably detract from the visual **amenity** of a locality whilst facilitating the provision of telecommunications infrastructure to meet community expectations and needs.

Administration

1. An application for a **telecommunications facility** is to include:
 - (a) information demonstrating how the visual **amenity** impacts of a proposal have been minimised using visual communications methods such as photographic images; and
 - (b) a statement and/or map indicating the extent to which the proposed facility addresses the network capacity for future demand and/or current gaps in service.
2. The consent authority may **consent** to a **telecommunications facility** that is not in accordance with sub-clause 5 if it is satisfied the facility does not unreasonably impact on the visual **amenity** of the public domain.
3. The consent authority may **consent** to a **telecommunications facility** that is not in accordance with sub-clause 6 if it is satisfied the facility is located and designed to be sympathetic to the heritage place and conserve its heritage value.
4. The consent authority may **consent** to a **telecommunications facility** that is not in accordance with sub-clauses 7 if it is satisfied the facility does not unreasonable impact on the visual **amenity** of adjoining residential uses or the public domain.

Requirements

5. A **telecommunications facility** is to:
 - (a) use materials and colours that reduce its visual dominance in the landscape;
 - (b) use non-reflective finishes;
 - (c) be appropriately sited and located to minimise visual **amenity** impacts including impacts on surrounding residential uses and other sensitive land uses; and
 - (d) avoid unreasonable impacts on significant view lines and/or vistas.
6. A **telecommunications facility** is not to be located on or adjoining a **heritage place** declared under the *Heritage Act 2011*.
7. Ground level equipment (i.e. mechanical plant, **ancillary** buildings and structures) is to be visually screened to the public domain and adjoining residential uses by landscaping or vegetation.

Editor's Notes:

1. **Exceptions for some telecommunications facilities are included in Schedule 3.**
2. **Industry Code C564:2020 Mobile Phone Base Station Deployment requires carriers to prepare a summary of the sites considered, and the reasons for selection of the preferred site. A copy of the report can be requested from the carrier.**
3. **Any proposed vehicle access and installation of services within a road reserve must be in accordance with the requirements of the relevant agency responsible for the management of the road.**
4. **Any use or development of land that protrudes into a protected airspace, such as the use of cranes, within 15km of an airport or RAAF base may have additional restrictions and approval requirements from the airport operator under the Airports Act 1996 (Cth), Airports (Protection of Airspace) Regulations 1996 (Cth), and Defence Regulation 2016 (Cth). More Information is available on NT.GOV.AU.**

6. Amendment to Schedule 3: Exceptions

At sub-clause 3, *Insert*:

- (-) The inspection and maintenance of a **telecommunications facility**.

- (-) 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.

- (-) 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.

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999
Section 29

REASONS FOR DECISION

NORTHERN TERRITORY PLANNING SCHEME 2020

PA2023/0101

I have decided to amend the NT Planning Scheme 2020 to streamline the delivery of telecommunications facilities by amending Part 5 Clause 5.8.10 (Telecommunications Facility), Part 5 Clause 5.2.4.1 (Car Parking Spaces), Part 4 Clause 4.2 (Zone LR – Low Density Residential), Part 4 Clause 4.3 (Zone LMR – Low Density Residential), Part 4 Clause 4.16 (Zone DV – Development), and Schedule 3 (Exceptions).

I am satisfied that, pursuant to section 25(2), the amendment:

- (a) promotes the purpose and objectives of the Act as it:
 - i. improves the guidance, relevance, and efficiency of the planning scheme around telecommunications facilities as utility infrastructure for all stakeholders; and
 - ii. has been exhibited in accordance with the requirements of the Act and informed by extensive public consultation.
- (b) is consistent with the strategic framework, as it does not alter or amend the strategic framework nor is it contrary to any strategic framework.
- (c) has merit and is in the public interest as it will streamline the regulatory planning process and provide better outcomes for the provision of telecommunications facilities in appropriate locations. This will ensure a consistent and considered approach to assessment of telecommunications facilities across all zones, while ensuring development requirements are relevant and reasonable

I am satisfied that the alterations made after exhibition are not so significant as to warrant re-exhibition as they do not significantly alter the intent of the amendment and are only intended to provide additional guidance to existing context and respond to matters raised in submissions.


JOEL FRANCIS BOWDEN
Minister for Infrastructure, Planning and Logistics

31 / 7 / 2024