

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

AMENDMENT TO NT PLANNING SCHEME

I, GERALD FRANCIS MCCARTHY the Minister for Lands and Planning, under section 25(2)(c) of the *Planning Act*, alter the proposal and amend the NT Planning Scheme without re-exhibition by making the amendment, specified in the Schedule.

Dated 1 August 2012.



Minister for Lands and Planning

SCHEDULE

AMENDMENT TO NT PLANNING SCHEME

AMENDMENT No. 225

1. Citation

This amendment to the NT Planning Scheme may be cited as Amendment No. 225.

2. Omission and substitution of sub-clause 2 at clause 1.3

by omitting current

sub-clause 2(b) at clause 1.3

and substituting with

2. Unless specified, this Planning Scheme does not prevent any of the following:

(b) the construction, alteration, repair or maintenance of:

- i. facilities for the reticulation of water, sewerage, gas or electricity or, subject to clause 13.5, telecommunication facilities;
- ii. stormwater drains; or
- iii. roads and traffic lights.

Clause 13.5 refers to the development of telecommunication facilities.

3. Insert definition of “telecommunications facility” in clause 3

After “supporting accommodation” in clause 3

insert

- “**telecommunications facility**” means land used to accommodate:
- (a) any part of the infrastructure of a telecommunications network; or
 - (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or for use, in or in connection with a telecommunications network.

Clause 13.5 refers to the development of telecommunication facilities.

4. Omission and substitution of 13.5

by omitting current

clause 13.5

and substituting with

13.5 TELECOMMUNICATION FACILITIES

1. The purpose of this clause is to ensure the development of a **telecommunications facility** does not unreasonably detract from the **amenity** of a locality.
2. The development of a **telecommunications facility** that is classified as low-impact within the *Telecommunication Act* (Cwlth.) and the *Telecommunications (Low-impact Facilities) Determination* (Cwlth.) does not require **consent**.
3. In all other circumstances, the development of a **telecommunications facility** on zoned land requires **consent**.
4. The inspection and maintenance of a **telecommunications facility** is exempt from the requirements of sub-clause 3.
5. An application for development under sub-clause 3 is to demonstrate:
 - (a) that the facility cannot be co-located with existing **telecommunications facilities** or existing structures;
 - (b) that a detailed feasibility assessment of at least three sites for the establishment of the facility has been undertaken and the rationale for the preferred site;
 - (c) that a community consultation plan consistent with Section 5.5.5 of the Australian Communications Industry Forum Code for Mobile Phone Base Station Deployment (C564:2011) has been prepared, implemented and complied with for the subject site;
 - (d) that the location and design of a **telecommunications facility** minimises **amenity** impacts through sensitive siting, use of non-reflective finishes and appropriate landscaping; and
 - (e) how the **amenity** impacts of a proposal have been minimised using visual communication methods such as photographic images etc.

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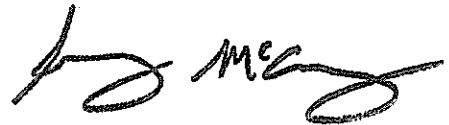
Planning Act

**NOTICE OF MAKING OF AMENDMENT TO NT PLANNING SCHEME
AMENDMENT No. 225**

I, GERALD FRANCIS MCCARTHY, the Minister for Lands and Planning, under section 28(1) of the *Planning Act*, give notice that –

- (a) I have, under section 25(2)(c) of the Act, amended the NT Planning Scheme by:
- revising clause 1.3 (Exemptions) to note that telecommunications facilities are not prevented by the NT Planning Scheme so long as the proposal is consistent with clause 13.5;
 - introducing a definition of telecommunications facility to clause 3; and
 - broadening clause 13.5 to require consent for non-low impact telecommunications facilities.
- (b) copies of the amendment, (Amendment No. 225), are available from the Offices of the Department of Lands and Planning, Ground Floor, 16 Parap Road, Parap.

Dated 1 August 2012



Minister for Lands and Planning

NORTHERN TERRITORY OF AUSTRALIA

Planning Act
Section 29

Reasons for Decision

NORTHERN TERRITORY PLANNING SCHEME
AMENDMENT No. 225

I understand that state and territory governments have the role of assessing the amenity impacts of telecommunications facilities that are not low impact.

I am aware that the current provisions of the NT Planning Scheme only assess the amenity impacts of mobile telephone communication towers. However, I am also aware that there are other telecommunications facilities that are not low impact which should be assessed from an amenity perspective.

This amendment addresses this situation by changing the NT Planning Scheme to require consent for telecommunications facilities that are not low impact. This will allow the Development Consent Authority to consider the potential amenity impacts of any proposed telecommunications facility that is not low impact.

This amendment is consistent with current Australian national practice relating to the assessment of telecommunications facilities.



GERALD FRANCIS MCCARTHY
Minister for Lands and Planning

1 / 8 /2012