

NORTHERN TERRITORY OF AUSTRALIA
PROPOSAL TO AMEND NT PLANNING SCHEME
PA2011/0776

TELECOMMUNICATIONS FACILITIES THAT ARE NOT LOW IMPACT

The Minister for Lands and Planning is seeking comments on a proposal that will amend the NT Planning Scheme to require consent for all telecommunications facilities that are not defined as low impact by the *Telecommunications (Low-Impact Facilities) Determination* 1997.

The Australian Communications and Media Authority are responsible for ensuring that low-impact telecommunications facilities are installed according to the *Telecommunications Act* 1997 and *Telecommunications Code of Practice* 1997. State and territory governments are responsible for the assessment and consent of telecommunications facilities that are not low impact.

Currently, the NT Planning Scheme only requires consent for the development of mobile telephone communication towers and infrastructure associated with this type of tower. Therefore, consent is not required to develop other telecommunications facilities that are not low impact.

This amendment proposes to change the current situation by requiring consent for the development of all telecommunications facilities that are not low impact. This means that the amenity impacts of any proposed telecommunication facility that are not low impact can be considered by the Development Consent Authority.

Examples of telecommunications facilities which are not low impact include:

- all new lattice towers, poles and masts not attached to a building; and
- telecommunications facilities which are located in environmentally sensitivity areas as defined by the NT Planning Scheme.

The information below highlights the proposed amendments to the NT Planning Scheme. Edits to existing provisions are red text.

Proposed changes to Clause 1.3 (2) (a) (i)

1.3 EXCEPTIONS

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| <p>2. Unless specified, this Planning Scheme does not prevent any of the following:</p> <p>(a) the construction, alteration, repair or maintenance of:</p> <ul style="list-style-type: none">i. facilities for the reticulation of water, sewerage, gas or electricity or, subject to clause 13.5, transmission of telecommunication services telecommunication facilities;ii. stormwater drains; oriii. roads and traffic lights. |
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Telecommunication facilities defined by the Commonwealth as "low impact" are immune from Northern Territory planning control.

Clause 13.5 refers to the development of telecommunication facilities.

Proposed changes to Clause 3 - New definition of Telecommunications Facility

“telecommunications facility” means 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.

Proposed Deletion – Current Clause 13.5

13.5 MOBILE TELEPHONE COMMUNICATIONS TOWERS ETC

1. The purpose of this clause is to ensure the erection of mobile telecommunications towers and infrastructure does not unreasonably detract from the **amenity** of the locality.
2. Despite anything to the contrary in this Planning Scheme, on zoned land, towers, aerials or masts for mobile telephone communications may be developed only with **consent**.

Telecommunication facilities defined by the Commonwealth as “low impact” are immune from Northern Territory planning control.

Proposed Addition – New Clause 13.5

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* (Cwth.) and the *Telecommunications (Low-impact Facilities) Determination* (Cwth.) does not require **consent**.
3. In all other circumstances, the development of a **telecommunication facility** on zoned land requires **consent**.

~~Telecommunication facilities defined by the Commonwealth as “low impact” are immune from Northern Territory planning control.~~

Attached is the Notice of Exhibition under section 17 of the *Planning Act*.

The exhibition period is from Friday 25 November 2011 to Friday 20 January 2011.

Written submissions about the proposed planning scheme amendment are to be received by 4.00pm on Friday, 20 January 2011 and made to:

Mr Michael Holmes
Senior Planner
Strategic Lands Planning
Department of Lands and Planning
GPO Box 1680
DARWIN NT 0801; or

Email: planning@nt.gov.au

Fax: (08) 8999 7189 or

Hand delivered to Ground Floor, Cavenagh House, 38 Cavenagh Street, Darwin.

For more information please telephone 8999 8963.

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

NOTICE OF EXHIBITION OF PROPOSAL
TO AMEND NT PLANNING SCHEME
PA2011/0776

I, GERALD FRANCIS MCCARTHY, the Minister for Lands and Planning give notice under section 17 of the *Planning Act* of the following:

- (a) a proposal to amend the NT Planning Scheme, numbered PA2011/0776 as referred to in (e), is to be exhibited under Division 3 of Part 2 of the Act;
- (b) the amendment is to be exhibited at the following offices of the Department Lands and Planning:
- Ground Floor, Cavenagh House, 38 Cavenagh Street, Darwin;
 - Level 1, Alice Plaza, Todd Mall, Alice Springs;
 - Level 1, Government Centre, 5 First Street, Katherine; and
 - Regional Office, Leichhardt Street, Tennant Creek.
- (c) the period of exhibition is for 28 days, commencing upon first newspaper publication of the notice required by section 17(1);
- (d) written submissions in respect of this exhibition should be made to:
- Michael Holmes
Senior Planner
Strategic Lands Planning
Department of Lands and Planning
GPO Box 1680
DARWIN NT 0801 or
- Fax: (08) 8999 7189 or
- Email: planning@nt.gov.au
- (e) the proposed amendment to the NT Planning Scheme makes changes to Clause 1.3 (Exemption), Clause 3 (Definitions) and Clause 13.5 (Mobile Telephone Communications Towers Etc) to require consent for telecommunications facilities that are not low impact.

Dated 23rd November 2011.


Gerald Francis McCarthy
Minister for Lands and Planning