



Royal Commission into National Natural Disaster Arrangements

Case Scenario Responses of the Northern Territory of Australia

Scenario 1: H the Homeowner

Physical/Environmental: Person H is a homeowner in a rural-urban interface area. H's property of 2000m² borders a forested bushland area. The property contains a single-level house of 200m² which was built in the 1970s and has not been assessed for natural hazard resilience. The property has a number of native plants and trees present between H's house and the edge of the property, to within 5m of the house.

Known regulatory overlays: The property is identified under a bushfire risk overlay.

Additional factors: One edge of the property borders a state forest. Another edge borders bushland of the same type on a private property.

Question	Activity A: H is not planning on altering their property. (I.e. are there any obligations on an individual in the absence of them making any changes to their property?)	Activity B: H would like to build a single-story extension of 50m ² onto their house.	Activity C: H would like to upgrade or rebuild their house to a 'flame zone' Bushfire Attack Level as defined under Australian Standards AS 3959.	Activity D: H would like to upgrade or rebuild their house but comply with only the minimum requirements under the applicable laws and regulations.	Activity E: H would like to clear vegetation and trees to create a break of 30 metres between their house and the bordering bushland to reduce bushfire risk.
1. Which planning and development laws, standards, or other regulatory instruments apply (excluding those that do not relate to natural hazard risk management)?	<p>There is no bushfire risk overlay in the Northern Territory Planning Scheme and there are no designated bushfire prone areas as defined in the National Construction Code (NCC) in the Northern Territory.</p> <p>The particular requirements to maintain a firebreak around the property will depend on whether it is located in a fire protection zone (FPZ) or an emergency response area.</p> <p>Under the <i>Bushfires Management Act 2016 (BMA)</i>, a Fire Protection Zone</p>	<p>The requirements of the <i>Planning Act 1999</i> (NT) as well as the <i>Building Act 1993</i> (NT) would apply.</p> <p>In most circumstances a single dwelling (and any extension or upgrade thereof) is a permitted use under the NT Planning Scheme, i.e. it does not require a planning permit, provided it meets minimum</p>	<p>The requirements of the <i>Planning Act 1999</i> (NT) that would apply are the same as Activity B.</p> <p>The requirements of the <i>Building Act 1993</i> (NT) that would apply to a new single dwelling are the same as Activity B.</p> <p>A building permit may be required for upgrade works depending on the scope and nature of the works. This would be determined by the</p>	Same as Activity C	<p>Requirements to maintain firebreaks under the BMA and <i>Fire and Emergency Regulations 1996</i> are as set out for Activity A.</p> <p>Clause 10.2, Part 4 of the NT Planning Scheme sets out that the requirement for a planning permit for clearing of native vegetation¹ does not apply if it is required for (a) a firebreak up to 5m wide along the boundary of a lot having an area of 8ha or less, unless otherwise specified by a Regional Fire Control Committee; or</p>

¹ 'Clearing of native vegetation' is a defined term in clause 3, part 1 of the NT Planning Scheme (https://nt.gov.au/data/assets/pdf_file/0010/381799/nt-planning-scheme.pdf) to mean the removal or destruction by any means, of native vegetation on an area of land, but excludes incidentally through the grazing of livestock and for a road to access the land or other land.



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	<p>(FPZ) can be declared.² FPZs are usually declared in areas of rural residential development where property size is relatively small and asset density is relatively high. An FPZ declaration invokes a higher level of fire management regulation. If the property is located within a FPZ, H would be required to:</p> <ul style="list-style-type: none"> • install and maintain minimum 4m firebreaks around the perimeter of the land and any permanent structures; and • obtain a permit to burn before using fire on the property. <p>Outside a FPZ, a permit to burn is required if intentionally lighting a fire (other than a small fire) in the open air in a fire danger area during a fire danger period.³</p> <p>If the property is in an emergency response area, regulation 3 of the <i>Fire and Emergency Regulations 1996</i> (NT) provides that H must ensure a firebreak is created and maintained along the entire boundary of the land.</p>	<p>criteria in respect of height, setbacks etc.⁴</p> <p>If it did not meet minimum criteria a planning permit would be required.</p> <p>A building permit would be required to be issued by a private building certifier and the certifier would be responsible for ensuring it was only issued for a proposal that satisfied the minimum planning criteria (or any planning permit issued) and the requirements of the NCC.⁵</p>	<p>private building certifier having regard to the requirements of the <i>Building Act 1993</i> (NT).</p>		<p>(b) a firebreak up to 10m wide along the boundary of a lot having an area greater than 8ha, unless otherwise specified by a Regional Fire Control Committee; or</p> <p>(c) an internal fence line up to 10m wide on a lot having an area greater than 8ha.</p> <p>The Regional Fire Control Committee (now the Regional Bushfires Committee who has delegated this power to the local Senior Fire Control Officer, an employee of Bushfires NT) can approve a greater area pursuant to clause 10.2.2 of the NT Planning Scheme. Consideration of the property's fire risk and fire management plan would be made to determine an application.</p> <p>A permit for such clearing would only be permitted following an inspection of the property by a Fire Control Officer and if satisfied that a wider firebreak is justified on the basis of the property's fire risk. These applications are assessed on a case by case basis, there are no formally established criteria. An</p>
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² *Bushfires Management Act 2016* (NT) s 56.

³ *Bushfires Management Act 2016* (NT) s 73.

⁴ NT Planning Scheme pts 3 and 4.

⁵ *Building Act 1993* (NT) s 59.



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					<p>application to clear a 30m firebreak for a property the size and tenure of H property would only be approved if there was an exceptional fire risk identified.</p> <p>Given the size of the property, the proposed clearing of native vegetation would not constitute more than 1 ha in aggregate of land so no planning permit would be required.⁶</p> <p>All 'clearing of native vegetation' in Zone CN (Conservation) requires a planning permit.⁷</p> <p>If the lot is identified on the zoning map as "Restricted Rural Residential", the clearing of native vegetation must not exceed that which is reasonably necessary for the construction of a dwelling and uses ancillary to it.⁸</p>
<p>2. Are there thresholds at which the activity does not trigger regulatory requirements or at which requirements vary?</p>	<p>Not applicable – no activity planned.</p>	<p>If it did not meet minimum planning criteria, a planning permit would be required (see response to question 1, Activity B above).</p> <p>It is noted that while the particulars of Scenario 1</p>	<p>If it did not meet minimum planning criteria a planning permit would be required (see response to Question 1, Activity C above).</p> <p>It is noted that while the particulars of Scenario 1 make these circumstances unlikely:</p>	<p>Same as Activity C</p>	<p>Refer to response to question 1, Activity E above.</p>

⁶ Northern Territory Planning Scheme part 4, clause 10.2.5.

⁷ Northern Territory Planning Scheme part 4, clause 10.2.4.

⁸ Northern Territory Planning Scheme part 4, clause 10.2.6.



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		<p>make these circumstances unlikely:</p> <ul style="list-style-type: none"> If the land was outside of a zoned area, the <i>Planning Act 1999</i> and NT Planning Scheme would not apply to a dwelling extension. If the land was outside of a declared building control area, the <i>Building Act 1993</i> and NCC would not apply. 	<ul style="list-style-type: none"> If the land was outside of a zoned area the <i>Planning Act 1999</i> and NT Planning Scheme would not apply to a new or upgraded single dwelling. <p>If the land was outside of a declared building control area the <i>Building Act 1993</i> and NCC would not apply.</p>		
<p>3. Which organisations or people will the person or business be required to contact during these processes?</p>	<p>To obtain a permit to burn under the BMA, H would need to contact a fire warden within the local Volunteer Bushfire Brigade, or if not in a brigade area, a fire control officer employed by Bushfires NT.</p>	<ul style="list-style-type: none"> To obtain permit to burn, the requirements are same as for Activity A. Department of Infrastructure, Planning and Logistics (DIPL) Private building certifier 	<p>Same as Activity B.</p>	<p>Same as Activity B.</p>	<p>To obtain permit to burn, the requirements are same as for Activity A.</p> <p>To obtain approval to clear a 30m wide firebreak, H would need to seek approval under clause 10.2.2(a) of the NT Planning Scheme from:</p> <ul style="list-style-type: none"> DIPL if the land is zoned Bushfires NT, Department of Environment and Natural Resources (DENR) if the land is unzoned
<p>4. What prescribed form/s need to be completed during any of these processes?</p>	<p>No prescribed form for permit to burn.</p>	<p>An application for building permit under the <i>Building Act 1993</i> and subsequent application for occupancy certification is required (only in the greater Darwin and</p>	<p>An application for building permit under the <i>Building Act 1993</i> and subsequent application for building certification is required (in the</p>	<p>Same as Activity C.</p>	<p>See response to Activity A.</p> <p>An application for a planning permit to clear native vegetation under the <i>Planning Act 1999</i> is required if more than 1 ha of native vegetation in aggregate.</p>



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		<p>Alice Springs building control areas).</p> <p>If the proposed extension did not meet minimum requirements such as setbacks or height, an application for a planning permit under the <i>Planning Act 1999</i> would also be required.</p>	<p>greater Darwin and Alice Springs building control areas).</p> <p>If the proposed upgrade or new single dwelling did not meet minimum requirements such as setbacks or height, or the land is within a DFA or PSSA, application for a planning permit under the <i>Planning Act 1999</i> would also be required.</p>		
<p>5. What is the prescribed timeframe for providing decisions for the activity, where applicable? What are the timeframes in practice (average, shortest, longest)?</p>	<p>There is no prescribed timeframe for responding to a request for a permit to burn. Permits to burn are generally issued within 48 hours of a request, any delay would be associated with access to the block to conduct an inspection.</p>	<p>While a planning permit is not generally required for a dwelling extension any required application for a planning permit must be determined within 12 weeks⁹ (unless deferred).¹⁰</p> <p>The average processing time for planning permit applications in the preceding two years is 54 days.</p> <p>Private building certifiers are required under the <i>Building Act 1993</i> to determine an application for a building permit within 20 days from receipt of a complete</p>	<p>Same as Activity B.</p>	<p>Same as Activity B.</p>	<p>Same as for Activity A to obtain a permit to burn.</p> <p>DENR issues permits to create a firebreak greater than 10m on average between 2 days and 2 weeks and is dependent on the ability to undertake a property inspection.</p> <p>Any required application for a planning permit must be determined within 12 weeks¹¹ (unless deferred).¹²</p> <p>The average processing time for DIPL for clearing of native vegetation planning permit applications is 51 days, the shortest</p>

⁹ *Planning Act 1999* (NT) s 112.

¹⁰ *Planning Act 1999* (NT) s 46(4).

¹¹ *Planning Act 1999* (NT) s 112.

¹² *Planning Act 1999* (NT) s 46(4).



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		application. Non-compliance is encountered irregularly.			in the preceding 2 year period was 34 days.
6. What costs will be incurred by the person or business in completing these processes?	There are no application fees or other costs for the issue of a permit to burn or for approval to exceed the allowed firebreak clearing width.	<p>If a planning permit is required, an application fee of \$219 and in some circumstances an advertising fee of \$348 (for example, if a planning permit is required because it doesn't meet a front setback, it must be publically advertised. If a planning permit was required because it did not meet a side setback, only the affected neighbour must be notified and there would be no advertising fee).</p> <p>Fees for private building certifiers are set by the individual certifiers but are estimated to be in the order of \$1500 for a small residential extension.</p>	<p>Fees for a planning permit are as set out in Activity B.</p> <p>Fees for private building certifiers are set by the individual certifiers but are estimated to be in the order of \$3000 for a new single residential dwelling and \$1500 for an upgrade/ renovation.</p>	Same as Activity C.	If a planning permit is required an application fee of \$219 and an advertising fee of \$348 would apply.
7. What are the costs and/or legal ramifications of non-compliance or mistakes?	<p>Under the BMA, it is an offence of strict liability to:</p> <ul style="list-style-type: none"> not have a firebreak installed within a FPZ¹³ with a maximum penalty of 20 penalty units and 2 penalty units per day that the offence continues, or an 	The <i>Planning Act 1999</i> (NT) establishes various offences for using or developing land in contravention of the requirements of the Act as set out in s 75 the Act. The maximum penalty for a natural person is generally 200 penalty units and 4	Same as Activity B.	Same as Activity B.	<p>The offence provisions under the BMA and <i>Emergency Regulations 1996</i> (NT) set out at Activity A are applicable.</p> <p>The <i>Planning Act 1999</i> (NT) establishes offences for clearing native vegetation in contravention of the requirements of the Act.¹⁴</p>

¹³ *Bushfires Management Act 2016* s 68.

¹⁴ *Planning Act 1999* (NT) s 75A.



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	<p>infringement notice (2 penalty units) can be issued; and</p> <ul style="list-style-type: none"> not obtain a permit to burn prior to lighting a fire (other than a small fire) in the open air within a FPZ or fire danger area during a fire danger period. Maximum penalty 500 penalty units or 5 years imprisonment.¹⁵ One penalty unit is currently equivalent to \$157. <p>In the event of a firebreak not being installed by H, Bushfires NT and NT Fire and Rescue Service could undertake this work and invoice H for this work.¹⁶</p> <p>For land in an emergency response area, failure to comply with firebreak requirements is an offence under regulation 3 of the <i>Emergency Regulations 1996</i> (NT) with a maximum penalty of 100 penalty units.</p>	<p>penalty units default penalty. Corporations are generally 1000 and 20 penalty units respectively.</p> <p>The <i>Building Act 1993</i> establishes various offences for non-compliance with the Act. The offence most relevant to this scenario is s 55 which requires a person not to carry out building work unless a building permit has been granted. The penalty is 85 penalty units.</p> <p>Other penalties apply to registered practitioners for professional misconduct. (Part 3 and Part 4 of the <i>Building Act 1993</i>).</p>			<p>The maximum penalty for a natural person is 200 penalty units and 1000 penalty units for a corporation.</p>
<p>8. What guidance or other assistance is available to help navigate these processes?</p>	<p>The Northern Territory Government's website nt.gov.au sets out a range of information to assist land owners to understand obligations and requirements.</p> <p>The Development One Stop Shop (https://www.ntlis.nt.gov.au/planning) provides the opportunity for specific advice to be sought from a planner.</p> <p>Building Advisory Services of DIPL has a front counter, phone and email enquiry service to answer queries about the private building certification system and how to engage a certifier.</p>				

¹⁵ *Bushfires Management Act 2016* s 73.

¹⁶ *Bushfires Management Act 2016* (NT) ss 95(5)-(7); *Fire and Emergency Act 1993* s 25.



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Bushfires NT provides online resources both to assist landowners to understand their obligations, and to provide information about fire management techniques. Local Volunteer Bushfire Brigades and Local Fire wardens can provide further guidance and assistance.

H can contact NTFRS for advice via phone, email or mail regarding whether they need to engage with NTFRS and NTFRS may refer H to other agencies as appropriate.



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Scenario 2: The Farmer

Physical/Environmental: Person F is a farmer in a rural area. F's property of 4,000 hectares is mainly grassland used for farming purposes, but also contains forested bushland. The property contains a multi-level farmhouse with some natural hazard mitigation measures (for example, sprinklers on the roof) that have not been built in consultation with any regulatory processes, and a number of sheds, fences and dams. The property does not have access to mains water. The area around the built assets, excluding the fencing, is well cleared.

Known regulatory overlays: The property is identified under both a bushfire risk overlay and a flood risk overlay.

Additional factors: Threatened flora and fauna is present on parts of the property. The property borders a national park on one side.

Question	Activity A: F is not planning on altering their property. (I.e. are there any obligations on an individual in the absence of them making any changes to their property?)	Activity B: F would like to undertake hazard reduction burns on their property to minimise their bushfire risk.	Activity C: F would like to undertake mechanical clearing on their property and in the bordering national park to minimise bushfire risk.	Activity D: F would like to graze their livestock in the bordering national park, stating an intention to minimise bushfire risk.
1. Which planning and development laws, standards, or other regulatory instruments apply (excluding those that do not relate to natural hazard risk management)?	<p>There is no bushfire risk overlay in the Northern Territory Planning Scheme and there are no designated bushfire prone areas as defined in the National Construction Code (NCC) in the Northern Territory.</p> <p>Clause 6.14 (Land subject to flooding and storm surge) of the NT Planning Scheme is only activated by a change of use or a further physical development although notably the clause does not apply to:</p> <ul style="list-style-type: none"> carports, garages, garden sheds, gazebos, pergolas and extensions to existing dwellings; and 	<p>Requirements to obtain a permit to burn under the BMA are as set out for Activity A.</p> <p>In addition, if the property is within a fire management zone and F wishes to conduct aerial burning, a separate permit is required.¹⁷</p>	<p>Clause 10.2, Part 4 of the NT Planning Scheme sets out that the requirement for a planning permit for clearing of native vegetation does not apply if it is required for (a) a firebreak up to 5m wide along the boundary of a lot having an area of 8ha or less, unless otherwise specified by a Regional Fire Control Committee; or (b) a firebreak up to 10m wide along the boundary of a lot having an area greater than 8ha, unless otherwise specified by a Regional Fire Control Committee; or (c) an internal fence line up to 10m wide on a lot having an area greater than 8ha.</p>	<p>F must comply with the provisions of the <i>Territory Parks and Wildlife Conservation Act 1976</i> (NT).¹⁸</p> <p><i>Territory Parks and Wildlife Conservation By-Laws 1984</i> (NT), provide that a person must not take an animal into a park or reserve, except in accordance with a Gazette notice published by Parks and Wildlife Commission of the Northern Territory (the Commission), a permit issued or a sign erected by the Commission permitting animals in an area.¹⁹</p> <p><i>The Territory Parks and Wildlife Conservation Regulations 2001</i> (NT)</p>

¹⁷ *Bushfires Management Act 2016* s 82.

¹⁸ Division 5 – sections 52-54.

¹⁹ By-Law 22.



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Question	Activity A: F is not planning on altering their property. (I.e. are there any obligations on an individual in the absence of them making any changes to their property?)	Activity B: F would like to undertake hazard reduction burns on their property to minimise their bushfire risk.	Activity C: F would like to undertake mechanical clearing on their property and in the bordering national park to minimise bushfire risk.	Activity D: F would like to graze their livestock in the bordering national park, stating an intention to minimise bushfire risk.
	<ul style="list-style-type: none"> • extensions to existing commercial or industrial buildings; which would not otherwise require consent. <p>Under the <i>Bushfires Management Act s 56</i>, a Fire Protection Zone (FPZ) can be declared. FPZs are usually declared in areas of rural residential development where property size is relatively small and asset density is relatively high. An FPZ declaration invokes a higher level of fire management regulation. If the property is located within a FPZ, H would be required to:</p> <ul style="list-style-type: none"> • install and maintain minimum 4m firebreaks around the perimeter of the land and any permanent structures; and • obtain a permit to burn before using fire on the property. <p>There is no general requirement to install a firebreak or to obtain a permit to burn in</p>		<p>If the proposed clearing of native vegetation did not constitute more than 1 ha in aggregate of land (including any area already cleared of native vegetation on the property), no planning permit would be required.²⁰</p> <p>If it did exceed 1 ha a planning permit would be required and the performance criteria set out in Clause 10.3 (Clearing of native vegetation) of the NT Planning Scheme would apply.</p> <p>All 'clearing of native vegetation' in Zone CN (Conservation) requires a planning permit regardless of size of proposed clearing.²¹</p> <p>The Regional Fire Control Committee (now the Regional Bushfires Committee, which has been delegated to the Senior Fire Control Officer, a Bushfires NT employee) can approve a greater area pursuant to clause 10.2.2 of the NT Planning Scheme. Consideration of the property's fire risk and fire management plan would be made to determine an application.</p>	<p>specify which animals are not prohibited entrants. Cattle are included in Schedule 1.²²</p>

²⁰ Northern Territory Planning Scheme part 4, clause 10.2.5.

²¹ Northern Territory Planning Scheme part 4, clause 10.2.4.

²² Section 4 and corresponding Schedule 1.



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Question	Activity A: F is not planning on altering their property. (I.e. are there any obligations on an individual in the absence of them making any changes to their property?)	Activity B: F would like to undertake hazard reduction burns on their property to minimise their bushfire risk.	Activity C: F would like to undertake mechanical clearing on their property and in the bordering national park to minimise bushfire risk.	Activity D: F would like to graze their livestock in the bordering national park, stating an intention to minimise bushfire risk.
	<p>areas outside a FPZ, although a permit²³ to burn is required in a fire danger area²⁴ during a fire danger period²⁵.</p>		<p>To undertake mechanical clearing beyond the construction of a firebreak on the property, F must seek a development approval from the Development Consent Authority or DENR or depending on whether the land is zoned or unzoned under clause 10.2 of the NT Planning Scheme.</p> <p>With respect to clearing on a national park, F must comply with the provisions of the <i>Territory Parks and Wildlife Conservation Act 1976</i> (NT).²⁶</p> <p>The <i>Territory Parks and Wildlife Conservation By-Laws 1984</i> (NT) provides a person must not disturb natural features, unless in accordance with a plan of management in force under the <i>Territory Parks and Wildlife Conservation Act 1976</i> (NT).²⁷</p> <p>F would need to provide evidence to Parks and Wildlife of an Authority Certificate issued by Aboriginal Areas Protection Authority (AAPA) in accordance with the</p>	

²³ *Bushfires Management Act 2016* (NT) s 46.

²⁴ *Bushfires Management Act 2016* (NT) s 63.

²⁵ *Bushfires Management Act 2016* (NT) s 62.

²⁶ Section 66.

²⁷ By-Law 18.



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Question	Activity A: F is not planning on altering their property. (I.e. are there any obligations on an individual in the absence of them making any changes to their property?)	Activity B: F would like to undertake hazard reduction burns on their property to minimise their bushfire risk.	Activity C: F would like to undertake mechanical clearing on their property and in the bordering national park to minimise bushfire risk.	Activity D: F would like to graze their livestock in the bordering national park, stating an intention to minimise bushfire risk.
			<i>Northern Territory Aboriginal Sacred Sites Act 1989</i> (NT).	
2. Are there thresholds at which the activity does not trigger regulatory requirements or at which requirements vary?	No	No	See response to question 1, Activity C above.	No
3. Which organisations or people will the person or business be required to contact during these processes?	To obtain a permit to burn under the BMA, H would need to contact a fire warden within the local Volunteer Bushfire Brigade or, if not in a brigade area, a Fire Control Officer employed by Bushfires NT.	As for Activity A.	<ul style="list-style-type: none"> • DIPL (only if the proposed clearing is more than 1 ha in aggregate of native vegetation on the respective property and the land is zoned). • Bushfires NT, DENR if the proposed clearing is more than 1 ha in aggregate of native vegetation on the respective property and the land is unzoned or if F intends to clear a firebreak greater than 10m wide. • Owner of the park (Department of Tourism, Sport and Culture, Parks Australia or Conservation Land Corporation) • The Commission • AAPA • For a joint management park, F would be required to seek approval 	<ul style="list-style-type: none"> • Owner of the park (Department of Tourism, Sport and Culture, Parks Australia or Conservation Land Corporation) • The Commission • With respect to joint management parks, F would be required to seek approval from the relevant Joint Management Board or Committee and the authorities above (as applicable) prior to the activity taking place.



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Question	Activity A: F is not planning on altering their property. (I.e. are there any obligations on an individual in the absence of them making any changes to their property?)	Activity B: F would like to undertake hazard reduction burns on their property to minimise their bushfire risk.	Activity C: F would like to undertake mechanical clearing on their property and in the bordering national park to minimise bushfire risk.	Activity D: F would like to graze their livestock in the bordering national park, stating an intention to minimise bushfire risk.
			from the relevant Joint Management Board or Committee and the above authorities (as applicable) prior to the activity taking place.	
4. What prescribed form/s need to be completed during any of these processes?	No prescribed form for application for permit to burn.	Same as for Activity A.	<ul style="list-style-type: none"> • Application for a planning permit to clear native vegetation under the <i>Planning Act 1999</i> if more than 1 ha of native vegetation in aggregate or if the land to be cleared is in Zone CN. • Application for a permit to take or interfere with protected wildlife or wildlife for commercial purposes²⁸ • The Applicant may also need to write to the following organisations though there is no prescribed form: <ul style="list-style-type: none"> ○ Conservation Land Corporation (as the land owner where applicable) ○ the relevant joint management Board or Committee (where applicable). 	<ul style="list-style-type: none"> • Application for a permit to take or interfere with protected wildlife or wildlife for commercial purposes²⁹ • The Applicant may also need to write to the following organisations though there is no prescribed form: <ul style="list-style-type: none"> ○ Conservation Land Corporation (as the land owner where applicable) ○ the relevant joint management Board or Committee (where applicable).
5. What is the prescribed timeframe	No prescribed timeframe. Permits to burn are generally issued within 48 hours of a	The timeframe to obtain a permit to burn is the same as for Activity A.	Permits to create a firebreak greater than 10m are issued on average within 2-14 days.	There are no prescribed timeframes for the Director to issue or refuse a permit.

²⁸ Territory Parks and Wildlife Conservation Act 1976 (NT) s 55(2)(a).

²⁹ Territory Parks and Wildlife Conservation Act 1976 (NT) s 55(2)(a).



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Question	Activity A: F is not planning on altering their property. (I.e. are there any obligations on an individual in the absence of them making any changes to their property?)	Activity B: F would like to undertake hazard reduction burns on their property to minimise their bushfire risk.	Activity C: F would like to undertake mechanical clearing on their property and in the bordering national park to minimise bushfire risk.	Activity D: F would like to graze their livestock in the bordering national park, stating an intention to minimise bushfire risk.
<p>for providing decisions for the activity, where applicable? What are the timeframes in practice (average, shortest, longest)?</p>	<p>request. Delays beyond this are generally associated with failure to provide access to the block to conduct an inspection.</p>		<p>Timing is dependent on the provision of access to undertake a property inspection. Any required application for a planning permit must be determined within 12 weeks³⁰ (unless deferred).³¹</p> <p>The average processing time for DIPL for clearing of native vegetation planning applications is 51 days. The shortest in the preceding 2 year period was 34 days.</p> <p>There are no prescribed timeframes for the Director to issue or refuse a permit.³²</p> <p>Permits are generally considered within 2 weeks of receipt. More complicated applications can take up to 6 weeks.</p> <p>AAPA must consult with custodians as soon as practicable (but not later than 60 days or such longer period as the Minister approves).³³ According to AAPA's website, in some cases it may take up to 180 days to process an application.³⁴</p>	<p>Permits are generally considered within 2 weeks of receipt. More complicated applications can take up to 6 weeks.</p> <p>The Conservation Land Corporation generally responds to requests within - 2 weeks.</p> <p>Joint Management Boards/Committee meet between 1 – 6 times a year. Out of session papers are used for urgent matters. Timeframes for response can take between 1-8 weeks.</p>

³⁰ *Planning Act 1999* (NT) s 112.

³¹ *Planning Act 1999* (NT) s 46(4).

³² *Territory Parks and Wildlife Conservation Act 1976* (NT) s 56.

³³ *Northern Territory Aboriginal Sacred Sites Act 1989* (NT) s 19F.

³⁴ <https://www.aapant.org.au/our-services/authority-certificates>.



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Question	Activity A: F is not planning on altering their property. (I.e. are there any obligations on an individual in the absence of them making any changes to their property?)	Activity B: F would like to undertake hazard reduction burns on their property to minimise their bushfire risk.	Activity C: F would like to undertake mechanical clearing on their property and in the bordering national park to minimise bushfire risk.	Activity D: F would like to graze their livestock in the bordering national park, stating an intention to minimise bushfire risk.
			<p>The Conservation Land Corporation generally responds to requests within a 1-2 week timeframe.</p> <p>Joint Management Boards/Committee meet between 1 – 6 times a year. Out of session papers are used for urgent matters. Timeframes for response can take between 1-8 weeks.</p>	
<p>6. What costs will be incurred by the person or business in completing these processes?</p>	<p>There are no application or other costs to obtain a permit to burn or for an application to establish a firebreak more than 10m in width.</p>	<p>Same as for Activity A.</p>	<p>There are no application or other costs to obtain a permit to burn or for an application to establish a firebreak more than 10m in width.</p> <p>If a planning permit is required an application fee of \$219 and an advertising fee of \$348 would apply.</p> <p>The Commission can prescribe a fee for a permit to take or interfere under the <i>Territory Parks and Wildlife Conservation Act 1976</i> (NT).³⁵ There is no charge currently.</p> <p>Fees are payable to obtain an Authority Certificate under the <i>Northern Territory Aboriginal Sacred Sites Act 1989</i> (NT).³⁶</p>	<p>There is currently no prescribed fee for a permit to introduce animals under the <i>Territory Parks and Wildlife Conservation Act 1976</i> (NT).³⁷</p> <p>Joint Management Boards or Committees may request an agistment fee for the activity.</p>

³⁵ Section 55(2)(b).

³⁶ <https://www.aapant.org.au/our-services/authority-certificates>.

³⁷ Sections 52-54.



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Question	Activity A: F is not planning on altering their property. (I.e. are there any obligations on an individual in the absence of them making any changes to their property?)	Activity B: F would like to undertake hazard reduction burns on their property to minimise their bushfire risk.	Activity C: F would like to undertake mechanical clearing on their property and in the bordering national park to minimise bushfire risk.	Activity D: F would like to graze their livestock in the bordering national park, stating an intention to minimise bushfire risk.
			There are no costs requested of the applicant from the Conservation Land Corporation or Joint Management Boards/Committees.	
7. What are the costs and/or legal ramifications of non-compliance or mistakes?	<p>Under the BMA, it is an offence of strict liability to:</p> <ul style="list-style-type: none"> not have a firebreak installed within a FPZ³⁸ with a maximum penalty of 20 penalty units and 2 penalty units per day that the offence continues, or an infringement notice (2 penalty units) can be issued; and not obtain a permit to burn prior to lighting a fire in the open with a FPZ or fire danger area during a fire danger period. Maximum penalty 500 penalty units or 5 years imprisonment.³⁹ One penalty unit is currently equivalent to \$157. 	Same as for Activity A.	<p>The offence provisions under the BMA referred for Activity A equally applies.</p> <p>The <i>Planning Act 1999</i> (NT) establishes offences for clearing native vegetation in contravention of the requirements of the Act. The maximum penalty for a natural person is 200 penalty units and 1000 penalty units for a Corporation.⁴⁰</p> <p>A person must not take or interfere with protected wildlife unless authorised to do so under the <i>Territory Parks and Wildlife Conservation Act 1976</i> (NT).⁴¹</p> <p>In the case of protected wildlife other than threatened wildlife, the maximum penalties are as follows:</p> <ul style="list-style-type: none"> Natural person - 500 penalty units or imprisonment for 5 years 	It is an offence to introduce animals in a park except in accordance with a gazette notice published by the Commission, a permit issued by the Commission or a sign erected by the Commission permitting animals in an area. ⁴² Maximum penalty – 8 penalty units (currently \$1,256).

³⁸ *Bushfires Management Act 2016* s 68.

³⁹ *Bushfires Management Act 2016* (NT) s 73

⁴⁰ *Planning Act 1999* (NT) s 75A.

⁴¹ *Territory Parks and Wildlife Conservation Act 1976* (NT) s 66(1).

⁴² *Territory Parks and Wildlife Conservation By-Laws 1984* (NT) by-law 22(1).



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Question	Activity A: F is not planning on altering their property. (I.e. are there any obligations on an individual in the absence of them making any changes to their property?)	Activity B: F would like to undertake hazard reduction burns on their property to minimise their bushfire risk.	Activity C: F would like to undertake mechanical clearing on their property and in the bordering national park to minimise bushfire risk.	Activity D: F would like to graze their livestock in the bordering national park, stating an intention to minimise bushfire risk.
	<p>In the event of a firebreak not being installed by F, Bushfires NT could undertake this work and invoice F for this work.⁴³</p>		<p>(currently \$78,500 until 30 June 2020);⁴⁴</p> <ul style="list-style-type: none"> • Body Corporate – 2 500 penalty units (currently \$392,000). <p>In the case of threatened wildlife, the maximum penalties are as follows:</p> <ul style="list-style-type: none"> • Natural person – 1000 penalty units or imprisonment for 10 years (currently \$157,000); • Body Corporate – 5000 penalty units (currently \$785,000). <p>Disturbance of Natural Features other than in accordance with a plan of management in force under the <i>Territory Parks and Wildlife Conservation Act 1976</i> (NT) is an offence with a maximum penalty of 40 penalty units and 1 penalty unit for each day during which the offence continues (currently \$6,280 and \$157 each day).⁴⁵</p> <p>Part IV of the <i>Northern Territory Aboriginal Sacred Sites Act 1989</i> (NT) set out offences regarding sacred sites.</p>	

⁴³ *Bushfires Management Act 2016* (NT) s 70

⁴⁴ <https://nt.gov.au/employ/money-and-taxes/taxes,-royalties-and-grants/territory-revenue-office/penalty-units>.

⁴⁵ *Territory Parks and Wildlife Conservation By-Laws 1984* (NT) by-law 18.



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Question	Activity A: F is not planning on altering their property. (I.e. are there any obligations on an individual in the absence of them making any changes to their property?)	Activity B: F would like to undertake hazard reduction burns on their property to minimise their bushfire risk.	Activity C: F would like to undertake mechanical clearing on their property and in the bordering national park to minimise bushfire risk.	Activity D: F would like to graze their livestock in the bordering national park, stating an intention to minimise bushfire risk.
<p>8. What guidance or other assistance is available to help navigate these processes?</p>	<p>The Northern Territory Government's website nt.gov.au sets out a range of information to assist land owners to understand obligations and requirements.</p> <p>The Development One Stop Shop (https://www.ntlis.nt.gov.au/planning) provides the opportunity for specific advice to be sought from a planner.</p> <p>Bushfires NT provides online resources both to assist landowners to understand their obligations, and to provide information about fire management techniques. Local Volunteer Bushfire Brigades and Local Fire wardens can provide further guidance and assistance.</p>	<p>Same as for Activity A.</p>	<p>Same as for Activity A.</p> <p>In addition, Parks and Wildlife has a permit office⁴⁶ and provides secretariat support to the Conservation Land Corporation and the Joint Management Boards and Committees.</p> <p>AAPA provides an online application system with guiding notes and contacts to assist applicants with their application for Authority Certificate.</p>	<p>Parks and Wildlife has a permit office and provides secretariat support to the Conservation Land Corporation and the Joint Management Boards and Committees.</p>

⁴⁶ <https://nt.gov.au/leisure/parks-reserves/plan-your-visit/contact-parks-and-wildlife>.



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Scenario 3: D the Property Developer

Physical/Environmental: Company D is a property developer which has purchased former farmland totalling 400 hectares on the rural-urban interface, with the intention of building a residential development of up to 500 houses. The land is mainly grassland, with some forested bushland and a small area of wetlands. There are around 10 existing buildings on the property that the developer plans on demolishing.

Known regulatory overlays: Part of the land area is within a bushfire overlay, and part is within a flood overlay. These overlays do not overlap.

Additional factors: The wetlands area borders a nationally threatened ecological community. Threatened fauna also cross from this area into the privately owned wetlands.

Question	Activity A: D would like to build up to 500 houses to comply with the minimum requirements relating to natural hazard risk.	Activity B: D would like to build up to 500 houses to comply with best practice relating to managing natural hazard risk.
<p>1. Which planning and development laws, standards, or other regulatory instruments apply (excluding those that do not relate to natural hazard risk management)?</p>	<p>There is no bushfire overlay in the NT under either the NT Planning Scheme or NCC.</p> <p>The requirements of the <i>Planning Act 1999</i> (NT) as well as the <i>Building Act 1993</i> (NT) would apply</p> <p>The applicable processes under the <i>Planning Act 1999</i> (NT) would be dependent on whether the land is identified in strategic land use planning documents to transition to a residential development and also the current zoning of the land.</p> <p>If the land is identified strategically for transition to a residential development but not yet zoned to facilitate the transition, a rezoning (planning scheme amendment) proposal would need to be submitted by Company D to the Minister for Infrastructure Planning and Logistics.</p> <p>If the land is identified strategically for transition to a residential development and already zoned appropriately, while there are alternative options, it would be usual for Company D as a first step to lodge an application for a planning permit to subdivide the land.</p> <p>If the proposed development requires assessment under the <i>Environmental Assessment Act 1982</i> (NT), Company D must also obtain a public environmental</p>	<p>As for Activity A.</p>



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Question	Activity A: D would like to build up to 500 houses to comply with the minimum requirements relating to natural hazard risk.	Activity B: D would like to build up to 500 houses to comply with best practice relating to managing natural hazard risk.
	<p>report or environmental impact statement before the consent authority under the <i>Planning Act 1999</i> (NT) can consider the application.</p> <p>The matters a consent authority must take into account are set out at s 51 of the <i>Planning Act 1999</i> (NT). They include the NT Planning Scheme which establishes minimum criteria for subdivision of land including demonstrating land suitability and capability, domestic water supply, subdivision design and layout. The consent authority circulates applications to a range of service/referral authorities for expert advice such as DENR, Power and Water Corporation (PWC), the local council, Department of Health (DoH), AAPA etc.</p> <p>A building permit would be required to be issued by a private building certifier for the demolition of existing buildings. A building permit would also be required from a private building certifier for all new buildings and would be responsible for ensuring it was only issued for a proposal that satisfied the minimum planning criteria (or any planning permit issued) and the requirements of the NCC.</p>	



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Question	Activity A: D would like to build up to 500 houses to comply with the minimum requirements relating to natural hazard risk.	Activity B: D would like to build up to 500 houses to comply with best practice relating to managing natural hazard risk.
<p>2. Are there thresholds at which the activity does not trigger regulatory requirements or at which requirements vary?</p>	<p>All subdivisions in the Northern Territory require a planning permit.</p> <p>A proposed development would trigger the ‘significant development proposal’ criteria under the <i>Planning Act 1999</i> (NT) if it is considered by the Minister that it ‘may be significant to future land use and development in the Territory’. This could be the case if any of the following apply:</p> <ul style="list-style-type: none"> (a) the carrying out of the development, or subsequent use of the land, may have a significant impact on any of the strategic planning mentioned in s 2A(2)(a) or (b) of the Act; (b) the carrying out of the development, or subsequent use of the land, may have a significant impact on the natural environment or existing amenity of: <ul style="list-style-type: none"> (i) that land or adjoining land; or (ii) other areas of land; (c) another circumstance prescribed by regulation. <p>(Refer to s 50A of the <i>Planning Act 1999</i> for additional information on criteria).</p>	<p>As per Activity A.</p>
<p>3. Which organisations or people will the person or business be required to contact during these processes?</p>	<ul style="list-style-type: none"> • DIPL - All rezoning of land in the Northern Territory requires the approval of the Minister for Infrastructure, Planning and Logistics. While DIPL would circulate any rezoning or planning permit application to other agencies such as the local council, DENR, PWC, DoH, AAPA etc., applicants are encouraged to liaise directly with these agencies in developing their application for a planning permit to ensure its design responds to all requirements from the outset. • Private building certifier 	<p>As per Activity A.</p>
<p>4. What prescribed form/s need to be completed during any of these processes?</p>	<p>If the land is not already appropriately zoned, an application to amend the NT Planning Scheme would be required.</p> <p>Application for a planning permit under the <i>Planning Act 1999</i> for a subdivision.</p>	<p>As per Activity A.</p>



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Question	Activity A: D would like to build up to 500 houses to comply with the minimum requirements relating to natural hazard risk.	Activity B: D would like to build up to 500 houses to comply with best practice relating to managing natural hazard risk.
	<p>Application for building permit under the <i>Building Act 1993</i> for the demolition of existing buildings.</p> <p>Building permits would also be required from a private building certifier for all new buildings.</p>	
<p>5. What is the prescribed timeframe for providing decisions for the activity, where applicable? What are the timeframes in practice (average, shortest, longest)?</p>	<p>There are no prescribed timeframes for planning scheme amendment (rezoning) applications. Generally, rezoning applications take approximately 4-6 months, although this may vary depending on the nature and scale of the proposal. Complex proposals can take significantly longer.</p> <p>If the Minister receives a planning scheme amendment (rezoning) proposal from Company D and determines to continue to consider the proposal under s 13(2)(b) of the <i>Planning Act 1999</i>, a 4 week public exhibition of a proposal is required (s 15(1)).</p> <p>An application for a planning permit must be determined within 12 weeks⁴⁷ (unless deferred)⁴⁸ or the applicant can make an application for review by the Northern Territory Civil and Administrative Tribunal.</p> <p>Applications for subdivision are publically exhibited for a two week period within the 12 week timeframe.</p> <p>Private building certifiers are required to determine a building permit application for demolition or construction within 20 days of receiving a complete application. Non-compliance is encountered irregularly.</p>	<p>As per Activity A.</p>

⁴⁷ *Planning Act 1999* (NT) s 112.

⁴⁸ *Planning Act 1999* (NT) s 46(4).



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Question	Activity A: D would like to build up to 500 houses to comply with the minimum requirements relating to natural hazard risk.	Activity B: D would like to build up to 500 houses to comply with best practice relating to managing natural hazard risk.
6. What costs will be incurred by the person or business in completing these processes?	<p>Planning scheme amendment proposals (including re-zonings) incur a base fee of \$3423. If the Minister determines to proceed with public advertising of the proposal, \$696 is payable for advertising fees.</p> <p>Subdivision applications incur a base fee of \$943 plus \$45 per lot plus \$348 for advertising fees.</p> <p>Fees for private building certifiers are set by the individual certifiers but are generally around \$1500 for a single building demolition and \$3000 for a single dwelling construction.</p>	As per Activity A.
7. What are the costs and/or legal ramifications of non-compliance or mistakes?	<p>The <i>Planning Act 1999</i> (NT) establishes offences for using or developing land in contravention of the requirements of the Act as set out in s 75 of the Act. The maximum penalty for a natural person is generally 200 penalty units and 4 penalty units default penalty. Corporations are generally 1000 and 20 penalty units respectively.</p> <p>The <i>Building Act 1993</i> (NT) establishes offences for non-compliance with the Act. The offence most relevant to this scenario is s 55 which requires a person not to carry out building work unless a building permit has been granted. The penalty is 85 penalty units. Notably other penalties could be applied to registered practitioners for professional misconduct etc. (refer Part 3 and Part 4 of the <i>Building Act 1993</i>).</p>	As per Activity A.
8. What guidance or other assistance is available to help navigate these processes?	<p>The Northern Territory Government's website nt.gov.au sets out a range of information to assist land owners to understand obligations and requirements.</p> <p>The Development One Stop Shop provides the opportunity for specific advice to be sought from a planner and Building Advisory Services has a front counter, phone and email enquiry service to answer queries about the private building certification system and how to engage a certifier.</p>	As per Activity A.



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Scenario 4: P the Public Infrastructure Agency

Physical/Environmental: Department P has been tasked to build public telecommunications infrastructure in a rural area. The site they are building is within forested bushland. There is currently no road access to this location and a road will have to be constructed.

Known regulatory overlays: Part of the land area is within a bushfire overlay.

Additional factors: The land is within a national park.

Question	Activity A: P seeks to comply with the minimum requirements relating to natural hazard risk.	Activity B: P seeks to comply with the best practice relating to natural hazard risk.
<p>1. Which planning and development laws, standards, or other regulatory instruments apply (excluding those that do not relate to natural hazard risk management)?</p>	<p>Clause 13.5 of the NT Planning Scheme deals with telecommunication facilities.</p> <p>Clause 1.3 (Exceptions) of the NT Planning Scheme sets out that the Scheme does not prevent the construction, alteration, repair or maintenance of facilities for transmission of telecommunication services subject to clause 13.5 (Telecommunication facilities). That is facilities for transmission of telecommunication services are exempt from the requirements of the Scheme subject to clause 13.5.</p> <p>A “telecommunications facility” covered by clause 13.5 means land used to accommodate:</p> <ul style="list-style-type: none"> (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. <p>Clause 13.5 sets out that low impact facilities within the <i>Telecommunications Act 1997</i> (Cth) and the <i>Telecommunications (Low-impact Facilities) Determination 2018</i> (Cth) do not require a planning permit.</p> <p>All other ‘telecommunications facilities’ require a planning permit. Clause 13.5 is primarily concerned with limiting amenity impacts and requires</p>	<p>Same as activity A.</p>



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Question	Activity A: P seeks to comply with the minimum requirements relating to natural hazard risk.	Activity B: P seeks to comply with the best practice relating to natural hazard risk.
	<p>demonstration of consideration of colocation options, alternative feasibility assessment of at least three sites, and appropriate design and materials for amenity.</p> <p>The definition of ‘clearing of native vegetation’ in the NT Planning Scheme specifically excludes the removal or destruction of native vegetation for a road to access the land or other land. As such a planning permit for the clearing of native vegetation would only apply if the area to be cleared for the actual site of the telecommunications infrastructure:</p> <ul style="list-style-type: none"> • exceeded 1 ha in aggregate (including any area on the property already cleared) or • is in Zone CN (Conservation) where all native ‘clearing of native vegetation’ requires a planning permit. <p>It is noted that the Northern Territory Government (NTG) generally only has involvement in telecommunications infrastructure when it is on NTG managed land. Typically, telecommunications providers use existing road reserves to accommodate their infrastructure. These are generally managed under either the <i>Control of Roads Act 1953</i> (NT) or <i>Local Government Act 2008</i> (NT) administered by DIPL and local councils respectively. The providers do this through their rights under Commonwealth legislation. Works within public road reserves require approval of the competent authority. ‘Department P’ should contact the relevant competent road authority to seek the relevant information/approvals for ‘Department P’ to carry out works within the road reserve.</p> <p>DIPL is not aware of an instance of having to build a new road, accessed by the public, specifically for a telecommunications purpose.</p>	



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Question	Activity A: P seeks to comply with the minimum requirements relating to natural hazard risk.	Activity B: P seeks to comply with the best practice relating to natural hazard risk.
	<p>With respect to clearing on a national park, P would need to comply with the provisions of the <i>Territory Parks and Wildlife Conservation Act 1976</i> (NT).⁴⁹</p> <p>In accordance with the <i>Territory Parks and Wildlife Conservation By-Laws 1984</i> (NT), a person must not disturb natural features, unless in accordance with a plan of management in force under the Act.⁵⁰</p> <p>In order for the Commission to provide a permit to undertake such an activity, P would need to provide evidence to Parks and Wildlife of an Authority Certificate issued under the <i>Northern Territory Aboriginal Sacred Sites Act 1989</i> (NT).⁵¹</p>	

⁴⁹ Section 66.

⁵⁰ By-Law 18.

⁵¹ Section 19B.



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Question	Activity A: P seeks to comply with the minimum requirements relating to natural hazard risk.	Activity B: P seeks to comply with the best practice relating to natural hazard risk.
<p>2. Are there thresholds at which the activity does not trigger regulatory requirements or at which requirements vary?</p>	<p>The scale and nature of the telecommunications infrastructure would determine whether it:</p> <ul style="list-style-type: none"> • is exempt under clause 1.3 (Exceptions); • does not require a permit as a result of being a low impact facility (as defined by Commonwealth legislation); or • requires a planning permit under 13.5 of the NT Planning Scheme. <p>If the land was in Zone CN a planning permit for the clearing of native vegetation for the telecommunications facility (but not the clearing for any access road – see definition information above) would be required. Otherwise, a native vegetation clearing proposal exceeding 1 ha in aggregate would require approval but anything less would not.</p> <p>If the land was outside of a zoned area the <i>Planning Act 1999</i> (NT) and NT Planning Scheme would not apply in relation to the telecommunications infrastructure, but a clearing of native vegetation application could still be required.</p> <p>If the land was outside of a declared building control area the <i>Building Act 1993</i> and NCC would not apply.</p>	<p>Same as activity A.</p>
<p>3. Which organisations or people will the person or business be required to contact during these processes?</p>	<ul style="list-style-type: none"> • Department of Infrastructure, Planning and Logistics (only if a planning permit is required – see above). • Owner of the national park (NT Department of Tourism, Sport and Culture, Conservation Land Corporation⁵² or Parks Australia) • Private building certifier (only if building permit is required) • The Commission 	<p>Same as activity A.</p>

⁵² *Parks and Wildlife Commission Act 1980* (NT) pt IV.



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Question	Activity A: P seeks to comply with the minimum requirements relating to natural hazard risk.	Activity B: P seeks to comply with the best practice relating to natural hazard risk.
	<ul style="list-style-type: none"> • AAPA • With respect to joint management parks, P would be required to seek approval from the relevant Joint Management Board or Committee prior to the activity taking place. 	
<p>4. What prescribed form/s need to be completed during any of these processes?</p>	<ul style="list-style-type: none"> • Application for a planning permit to clear native vegetation under the <i>Planning Act 1999</i> (NT) if it is not an exempt telecommunication facility or more than 1 ha of native vegetation in aggregate or in Zone CN. • Application for building permit under the <i>Building Act 1993</i> (NT) and subsequent application for occupancy certification (in the greater Darwin and Alice Springs building control areas) if the land is in a declared building control area and requires a building permit. • Application for a permit to take or interfere with protected wildlife or wildlife for commercial purposes⁵³ • Application for an Authority Certificate⁵⁴ • The Applicant may also need to write to the following organisations though there is no prescribed form: <ul style="list-style-type: none"> ○ Conservation Land Corporation (as the land owner where applicable) ○ the relevant Land Councils (where applicable) ○ the responsible Federal Minister for the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> (Cth) ○ the relevant joint management Board or Committee (where applicable). 	<p>Same as Activity A.</p>

⁵³ *Territory Parks and Wildlife Conservation Act 1976* (NT).

⁵⁴ *Northern Territory Aboriginal Sacred Sites Act 1989*.



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Question	Activity A: P seeks to comply with the minimum requirements relating to natural hazard risk.	Activity B: P seeks to comply with the best practice relating to natural hazard risk.
<p>5. What is the prescribed timeframe for providing decisions for the activity, where applicable? What are the timeframes in practice (average, shortest, longest)?</p>	<p>An application for a planning permit must be determined within 12 weeks⁵⁵ (unless deferred)⁵⁶</p> <p>The average processing time for DIPL for clearing of native vegetation planning applications is 51 days, the shortest in the preceding 2 year period was 34 days.</p> <p>Private building certifiers are required under the <i>Building Act 1993</i> to determine an application for a building permit within 20 days of receiving a complete application.</p> <p>There are no prescribed timeframes for the Director to issue or refuse a permit under s 55 of the <i>Territory Parks and Wildlife Conservation Act 1980</i> (NT).⁵⁷ Permits are generally considered within 2 weeks of receipt. More complicated applications can take up to 6 weeks.</p> <p>AAPA must consult with custodians as soon as practicable (but not later than 60 days or such longer period as the Minister approves).⁵⁸ According to AAPA's website, in some cases it may take up to 180 days to process an application.⁵⁹</p> <p>The Conservation Land Corporation generally responds to requests within 1-2 weeks timeframe.</p> <p>Land Council deliberations and decision are the subject of the Executive and the Full Council and would involve Traditional Owner consultations. A recent lease arrangement for a mobile tower on a park that is not joint managed took three</p>	<p>Same as activity A.</p>

⁵⁵ *Planning Act 1999* (NT) s 112.

⁵⁶ *Planning Act 1999* (NT) s 46(4).

⁵⁷ *Territory Parks and Wildlife Conservation Act 1976* (NT) s 56.

⁵⁸ *Northern Territory Aboriginal Sacred Sites Act 1989* (NT) s 19F.

⁵⁹ <https://www.aapant.org.au/our-services/authority-certificates>.



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Question	Activity A: P seeks to comply with the minimum requirements relating to natural hazard risk.	Activity B: P seeks to comply with the best practice relating to natural hazard risk.
	<p>years to finalise. NOTE: An Authority Certificate is required on any park or reserve regardless of its underlying tenure or management arrangements.</p> <p>Federal Government response times are subject to priorities.</p> <p>Joint Management Boards or Committee meet between 1 – 6 times a year. Out of session papers are used for urgent matters. Timeframes for a response can range between 1-8 weeks.</p>	
<p>6. What costs will be incurred by the person or business in completing these processes?</p>	<p>If a planning permit is required an application fee of \$219 and an advertising fee of \$348 would apply.</p> <p>Fees for private building certifiers are set by the individual certifiers but are estimated to be in the order of \$2000 for a telecommunications tower (example only of telecommunication infrastructure that would require a building permit).</p> <p>There is no prescribed fee for a permit to take or interfere with wildlife under the <i>Territory Parks and Wildlife Conservation Act 1976</i> (NT).⁶⁰</p> <p>Fees are payable to obtain an Authority Certificate under the <i>Northern Territory Aboriginal Sacred Sites Act 1989</i> (NT).⁶¹</p> <p>Lease costs are likely to be payable for P. Lease payments range from \$7,000-\$15,000, and are calculated by the Valuer General taking into account the size of the property and improved capital value.</p> <p>P may incur legal costs in relation to negotiating the lease agreement.</p>	<p>Same as activity A</p>
<p>7. What are the costs and/or legal</p>	<p>The <i>Planning Act 1999</i> (NT) establishes offences for clearing native vegetation and developing or using land in contravention of the requirements of the Act.</p>	<p>Same as activity A</p>

⁶⁰ Section 55(2)(b)

⁶¹ <https://www.aapant.org.au/our-services/authority-certificates>.



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Question	Activity A: P seeks to comply with the minimum requirements relating to natural hazard risk.	Activity B: P seeks to comply with the best practice relating to natural hazard risk.
<p>ramifications of non-compliance or mistakes?</p>	<p>The maximum penalty for a natural person is generally 200 penalty units and 1000 penalty units for a Corporation.</p> <p>A person must not take or interfere with protected wildlife unless authorised to do so under the <i>Territory Parks and Wildlife Conservation Act 1976</i> (NT)⁶²</p> <p>In the case of protected wildlife other than threatened wildlife, the maximum penalties are as follows:</p> <ul style="list-style-type: none"> • Natural person - 500 penalty units or imprisonment for 5 years (currently \$78,500 until 30 June 2020);⁶³ • Body Corporate – 2 500 penalty units (currently \$392,000). <p>In the case of threatened wildlife, the maximum penalties are as follows:</p> <ul style="list-style-type: none"> • Natural person – 1000 penalty units or imprisonment for 10 years (currently \$157,000); • Body Corporate – 5000 penalty units (currently \$785,000). <p>Disturbance of Natural Features other than in accordance with a plan of management in force under the <i>Territory Parks and Wildlife Conservation Act 1976</i> (NT) is an offence with a maximum penalty of 40 penalty units and 1 penalty unit for each day during which the offence continues (currently \$6,280 and \$157 each day).⁶⁴</p> <p>Part IV of the <i>Northern Territory Aboriginal Sacred Sites Act 1989</i> (NT) set out offences regarding sacred sites.</p>	

⁶² *Territory Parks and Wildlife Conservation Act 1976* (NT) s 66(1).

⁶³ <https://nt.gov.au/employ/money-and-taxes/taxes,-royalties-and-grants/territory-revenue-office/penalty-units>.

⁶⁴ *Territory Parks and Wildlife Conservation By-Laws 1984* (NT) by-law 18.



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Question	Activity A: P seeks to comply with the minimum requirements relating to natural hazard risk.	Activity B: P seeks to comply with the best practice relating to natural hazard risk.
<p>8. What guidance or other assistance is available to help navigate these processes?</p>	<p>The Northern Territory Government's website nt.gov.au sets out a range of information to assist land owners to understand obligations and requirements.</p> <p>The Development One Stop Shop provides the opportunity for specific advice to be sought from a planner and Building Advisory Services has a front counter, phone and email enquiry service to answer queries about the private building certification system and how to engage a certifier.</p> <p>Parks and Wildlife has a permit office⁶⁵ and provides secretariat support to the Conservation Land Corporation and the Joint Management Boards and Committees. Parks and Wildlife also prepare the required Ministerial and legal documentation in relation to progression of a lease through to the Federal Government.</p> <p>AAPA, Northern Land Council and Central Land Council provides information, forms and contact details to assist P to apply for such activity.</p>	

⁶⁵ <https://nt.gov.au/leisure/parks-reserves/plan-your-visit/contact-parks-and-wildlife>.



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Scenario 5: Roadside verges

Physical/Environmental: Person D is a land owner and has noticed vegetation growing up to the edge of a public road that runs through D's property, which has not been cleared for some time and D considers to be a bushfire risk.

Question	Activity A: D wishes to himself remove the vegetation growing up to the edge of the road, to address the bushfire risk.
1. Which planning and development laws, standards, or other regulatory instruments apply (excluding those that do not relate to natural hazard risk management)?	<p>Pursuant to the <i>Control of Roads Act 1953</i> or <i>Local Government Act 2008</i>, works within public road reserves require approval of the competent authority, which will be either DIPL or the relevant local government body.</p> <p>Clearing of native vegetation within the road reserve does not generally require a planning permit under the <i>Planning Act 1999</i>.</p> <p>Depending on the scale of the clearing, environmental approvals may also be required.</p>
2. Are there thresholds at which the activity does not trigger regulatory requirements or at which requirements vary?	<p>No.</p>
3. Which organisations or people will the person or business be required to contact during these processes?	<p>The competent road authority which may be either the local government or for roads managed by the Northern Territory Government, the Department of Infrastructure, Planning and Logistics.</p> <p>All works require a sacred site clearance certificate from AAPA. For roads on Aboriginal Land, Land Council approval will also be required.</p>
4. What prescribed form/s need to be completed during any of these processes?	<p>A permit to work in the road reserve is required for any works on Northern Territory Government managed roads. This may include traffic guidance schemes for traffic controls, which need to be in accordance with Australian Standards. Refer to this link for more information: https://nt.gov.au/driving/management/apply-for-permit-to-work-within-a-road-reserve</p> <p>If the work is procured by DIPL, there may be further requirements under the contract for other plans such as local participation plans and safety plans.</p>



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Question	Activity A: D wishes to himself remove the vegetation growing up to the edge of the road, to address the bushfire risk.
5. What is the prescribed timeframe for providing decisions for the activity, where applicable? What are the timeframes in practice (average, shortest, longest)?	There are no statutory timeframes for approvals. However, the guidelines for permits to work in the road reserve suggest that applicants should submit the applications for a permit at least 5 days before the intended works.
6. What costs will be incurred by the person or business in completing these processes?	<p>There is a fee for a permit to work in the road reserve. Fees and charges are determined by DIPL permits staff following receipt of an application and fall into 2 categories:</p> <ul style="list-style-type: none"> • Tier 1 – standard, non-complex work - \$200 per permit application. This includes projects that would typically be completed in a single work shift with minor traffic control requirements such as one-off surveying work, repairing a private advertising sign or installing a swimming pool where there is a need for a crane to be parked on a trafficked lane. • Tier 2 – non-program, complex works - A cost estimate shall be provided after lodgement of a permit application or where the scope of the project changes based on an estimate of costs e.g. covering expert pre-project assessments including traffic control plan evaluations and formal technical advice. This includes projects that are conducted over an extended period of time, such as private housing estate developments with a new intersection and drainage works to be constructed to link into the existing road network. <p>Fees of other relevant competent authorities, e.g. local government authorities, may apply.</p> <p>Fees are payable to obtain an Authority Certificate under the <i>Northern Territory Aboriginal Sacred Sites Act 1989 (NT)</i>.⁶⁶</p>
7. What are the costs and/or legal ramifications of non-compliance or mistakes?	Non-compliance or mistakes may lead to various consequences for which the costs and legal ramifications vary. If D carries out works without the required permit, DIPL road inspectors may give a verbal warning or request that works be stopped. Failure to comply with the conditions of a permit to work in the road reserve, particularly in relation to safety requirements may result in injury or death to D or other road users, and could give rise to actions by Worksafe and/or coronial proceedings.

⁶⁶ <https://www.aapant.org.au/our-services/authority-certificates>.



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Question	Activity A: D wishes to himself remove the vegetation growing up to the edge of the road, to address the bushfire risk.
8. What guidance or other assistance is available to help navigate these processes?	Documented guidelines for NTG roads are provided on the nt.gov.au website at: https://nt.gov.au/driving/management/apply-for-permit-to-work-within-a-road-reserve and https://nt.gov.au/driving/management/permission-to-access-a-government-managed-road . Contact details are also available on the website so that further guidance can be provided if required.