**NORTHERN TERRITORY OF AUSTRALIA**

**PLANNING ACT 1999**

As in force at 6 October 2025

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# NORTHERN TERRITORY OF AUSTRALIA

As in force at 6 October 2025

## PLANNING ACT 1999

**An Act to provide for appropriate and orderly planning and control of the use and development of land, and for related purposes**

## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *Planning Act 1999*.

### 2 Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

### 2A Purpose and objectives

The purpose of this Act is to establish a system to facilitate planning for the orderly use and development of land to achieve the following objectives:

(a) to ensure that strategic planning is applied to planning schemes and implemented in individual planning decisions;

(b) to ensure that strategic planning reflects the wishes and needs of the community;

(c) to ensure that appropriate public consultation and input are included in the formulation of planning schemes and the making of decisions under planning schemes;

(d) to ensure that the planning system is clear, comprehensive, effective, efficient and accessible to the community;

(e) to promote the sustainable development of land;

(f) to promote the responsible use of land and water resources to limit the adverse effects of development on ecological processes;

(g) to maintain the health of the natural environment and ecological processes;

(h) to protect the quality of life of future generations;

(i) to assist the provision of public utilities, infrastructure and facilities for the benefit of the community;

(j) to promote the good design of buildings and other works that respects the amenity of the locality;

(k) to assist the conservation and enhancement of places, areas, buildings, other works and landforms that are of cultural, aesthetic, architectural or historical value;

(l) to respect and encourage fair and open decision making.

**3 Interpretation**

(1) In this Act, unless the contrary intention appears:

***alteration permit*** means a permit issued and (if applicable) varied under Part 4, Division 3.

***amendment decision***, in relation to a concurrent application, see section 30R(2).

***amendment proposal***, in relation to a concurrent application, see section 30(2).

***amenity***, in relation to a locality or building, means any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.

***appointed member***, in relation to the Commission, means a member appointed under section 81F(2) or (3).

***approved form*** means a form approved under section 135A.

***authorised officer*** means a person appointed under section 76.

***base period of the permit***, in relation to a development permit or an exceptional development permit, means the period commencing on the date of consent and ending on:

(a) the date specified in the permit as the date on which the permit will lapse; or

(b) if no date is specified in the permit as the date on which the permit will lapse – the date 2 years after the relevant date of consent.

***building*** includes a structure of any kind (including a temporary structure) and part of a building or structure.

***Chair*** means the person appointed as the Chair of the Development Consent Authority under section 88(1) and includes a Deputy Chair acting under section 88(3) or (4).

***Chairperson*** means the person appointed to be the Chairperson of the Commission under section 81F(2).

***Commission*** means the Planning Commission established by section 81A.

***committee*** means a committee of the Development Consent Authority established under section 104.

***community member*** means a member of the Development Consent Authority who is appointed under section 89(1)(a) and includes an alternate community member acting under section 89(2).

***concurrent application***, see section 30(1).

***consent authority*** has the meaning in section 4.

***consolidation*** means the amalgamation of 2 or more parcels of land to form a single parcel but does not include:

(a) a consolidation of pastoral land under section 64, 65 or 66 of the *Pastoral Land Act 1992*, if, after consolidation, the land remains pastoral land within the meaning of that Act;

(c) a consolidation of land the subject of a grant of an estate or interest with land already held by the grantee for the purpose of section 16 or 24 of the *Control of Roads Act 1953*;

(d) the consolidation of land vested in a local government council under section 272(3) of the *Local Government Act 2019* with land adjoining that land if the consolidation takes place not later than 12 months after the vesting of the land in the local government council; or

(e) a consolidation or class of consolidation prescribed for the purposes of this definition.

***construct***, in relation to a building, includes:

(a) to build, re-build, erect or re-erect the building;

(b) to make alterations to the building;

(c) to enlarge or extend the building; and

(d) to place or relocate the building on land.

***contact details***, in relation to a person, means the person's postal address or email address.

***contribution*** means the amount, calculated under and in accordance with a contribution plan, payable in accordance with Part 6.

***contribution plan*** means a contribution plan made under section 68.

***council area*** means an area for which a council is constituted under the *Local Government Act 2019*.

***covenant*** has the same meaning as in Part 9, Division 4 of the *Law of Property Act 2000*.

***covenant in gross*** has the same meaning as in Part 9, Division 4 of the *Law of Property Act 2000*.

***date of consent***, in relation to a development permit, means:

(a) the date on which the consent authority issued the development permit under section 54; or

(b) the date on which the consent authority, in accordance with an order under section 125(4) or 130(4), issued or amended the development permit,

whichever is the later.

***Deputy Chair*** means a person appointed as a Deputy Chair of the Development Consent Authority under section 88(2).

***development***, in relation to land, means an activity that involves:

(a) the establishment of, or a change in, the use of the land;

(b) the subdivision or consolidation of the land; or

(c) the carrying out of works on or in relation to the land, including:

(i) excavation or land-filling;

(ii) the clearing of native vegetation;

(iii) the construction of a building;

(iv) the construction or upgrading of roads and drains, other than:

(A) by a statutory corporation, by a statutory authority or corporation incorporated under an Act of the Commonwealth or by a local government council; or

(B) if the works are carried out in pursuance of a statutory responsibility;

(v) the construction or upgrading of hardstand car parking or landscaping; and

(vi) any other operation that affects the physical character of the land.

***development application*** means an application under section 46.

***Development Consent Authority*** means the Authority established by section 82 and includes a Division of the Authority.

***development permit*** means a development permit issued under section 54 or taken to be issued under section 45, as varied under section 57, as varied pursuant to an order under section 130 or as modified under section 66.

***development proposal***, in relation to a concurrent application, see section 30(3).

***Division***, in relation to the Development Consent Authority, means a Division established under section 83.

***Division area*** means the area of a Division as specified in, or as amended by, a notice under section 83.

***Division member***, in relation to a Division of the Development Consent Authority, means a person appointed under section 89 or 90 to be a member in respect of the Division and includes a person appointed under section 91, 93 or 94 to act in the office of a member of the Division while acting as that member.

***easement*** has the same meaning as in Part 9, Division 2 of the *Law of Property Act 2000*.

***easement in gross*** has the same meaning as in Part 9, Division 2 of the *Law of Property Act 2000*.

***element***, in relation to a planning scheme, means any written provision, image, map, plan, design, diagram, requirement or other component of which a planning scheme is constituted.

***enforcement notice*** means a notice issued under section 77.

***exceptional development permit*** means a permit granted under section 40 as varied, if at all, under that section.

***exhibition*** means:

(a) in relation to a proposal – placing the proposal on exhibition under Part 2, Division 3, and giving notice of the proposal as required by that Division; or

(b) in relation to a concurrent application – placing the application on exhibition under Part 2A, Division 3, and giving notice of the application as required by that Division.

***exhibition period***, for a concurrent application, see section 30F(3).

***existing building*** has the meaning in section 33(3).

***existing use*** has the meaning in section 33(1) or (2).

***existing works*** has the meaning in section 33(4).

***formula for calculation*** means a formula for the calculation of contributions that is referred to in section 69(4).

***interim development control order*** means an interim development control order made under Part 3 that is in force from time to time.

***land*** includes land covered by water and buildings constructed on land.

***member*** means:

(a) in relation to the Commission – a member mentioned in section 81F(1); and

(b) in relation to the Development Consent Authority – any of the following:

(i) the Chair;

(ii) a person appointed under section 89 or 90 as a member;

(iii) an alternate member appointed under section 91 while acting as a member;

(iv) a temporary member appointed under section 93 or 94 while acting as a member.

***notice of refusal*** means a notice of refusal served under section 53C.

***NT Planning Scheme*** means the Northern Territory Planning Scheme referred to in section 7.

***owner***, in relation to land held under a lease from the Territory, means the lessee of the land.

***party***, to a review under Part 9, has the meaning in section 118A.

***period of exhibition***, for Part 2, Division 3, see section 14.

***permit***, in relation to land, means any permit issued under this Act that applies to the land.

***planning adviser*** means a planning adviser appointed under section 30A.

***planning scheme*** includes the NT Planning Scheme and any specific planning scheme referred to in section 8.

***policy area*** means a policy area within the meaning of section 69(3).

***prescribed corporation*** means the corporation prescribed under section 9 of the *Local Government Act 2019*.

***prescribed fee*** means a fee prescribed under section 135(1).

***proposal***, for Part 2, Division 3, see section 14.

***Registrar*** means the Registrar within the meaning of the *Northern Territory Civil and Administrative Tribunal Act 2014*.

***Restricted Water Extraction Area*** means an area of land declared under section 14A(1) of the *Water Act 1992*.

***scheme***, see section 5 of the *Unit Title Schemes Act 2009*.

***scheme land***, see section 32(1) of the *Unit Title Schemes Act 2009*.

***service authority*** means the Territory, a minister, the Power and Water Corporation established by the *Power and Water Corporation Act 1987* or a prescribed statutory corporation.

***significant development proposal***, in relation to land, see section 50A(1).

***significant development report***, see section 50B(1).

***statutory corporation*** means a corporation, commission or authority incorporated by name for a public purpose by a law of the Territory, but does not include a local government council.

***strategic framework***, see section 9A.

***subdivision*** has the meaning in section 5.

***submission period***, for a development application, means the period allowed for lodging submissions in relation to the application specified in the notice about the application.

***Surveyor-General*** has the same meaning as in the *Licensed Surveyors Act 1983*.

***Tribunal*** means the Civil and Administrative Tribunal

***works*** means:

(a) any activity on land, other than mining or agriculture, resulting in a physical change to the land or a part of the land; or

(b) the results of such an activity, other than a building.

***zone***, in relation to land, means the zone of the land as specified in a planning scheme or in a map to which a planning scheme refers.

(2) If in this Act the expression ***default penalty*** appears in or at the foot of a section or subsection, section 80B applies in relation to the section or subsection.

*Note for section 3*

*The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act*

## 4 Meaning of *consent authority*

(1) Subject to subsections (4) and (6), if a Division of the Development Consent Authority is not established in relation to an area of land, the Minister is the consent authority in relation to the land.

(2) Subject to subsections (3) and (5), if a Division of the Development Consent Authority is established in relation to an area of land, the Division is the consent authority in relation to the land.

(3) If the Minister is nominated under section 31(3) as the consent authority in relation to an interim development control order, the Minister is the consent authority in relation to:

(a) if the order only relates to a type of development specified in the order – development of that type on the land to which the order relates; or

(b) if the order does not specify that it only relates to a type of development – the land to which the order relates.

(4) If a Division of the Development Consent Authority is nominated under section 31(3) as the consent authority in relation to an interim development control order, the Division is the consent authority in relation to:

(a) if the order only relates to a type of development specified in the order – development of that type on the land to which the order relates; or

(b) if the order does not specify that it only relates to a type of development – the land to which the order relates.

(5) If the Minister directs the Development Consent Authority under section 85(3), the Minister is the consent authority in relation to the particular development application to which the direction relates.

(6) If a Division of the Development Consent Authority is not established in relation to an area of land to which a concurrent application relates, the consent authority in relation to the land is the person or body appointed under section 30D(6)(b) to be the consent authority for the application.

**5 Meaning of *subdivision***

(1) Subject to subsections (2), (3) and (4), in this Act, ***subdivision*** means the division of land into parts available for separate occupation or use, by means of:

(a) sale, transfer or partition; or

(b) lease, agreement, dealing or instrument purporting to render different parts of the land available for separate disposition or separate occupation.

(2) Despite subsection (1), ***subdivision*** does not include:

(a) a subdivision created by:

(i) an acquisition or resumption of land or of an interest in land resulting from an action under the *Lands Acquisition Act 1978* or the *Crown Lands Act 1992*;

(ii) an action under the *Control of Roads Act 1953* or the *Local Government Act 2019* to open a road, or to create a parcel of land to be included in a future road, if all the parts of the parcel that are not or will not be acquired for the purposes of the road will remain one parcel;

(iii) the vesting of land in a local government council under section 272(3) of the *Local Government Act 2019*; or

(iv) a grant of an estate or interest in land for the purpose of section 16 or 24 of the *Control of Roads Act 1953* if it is to be consolidated with the land already held by the grantee;

(c) a subdivision that creates not more than 2 lots if one of the lots is or is intended to be a park or reserve within the meaning of the *Territory Parks and Wildlife Conservation Act 1976*;

(d) the subdivision of pastoral land under section 61 or 66 of the *Pastoral Land Act 1992* if, after the subdivision, the land will remain pastoral land within the meaning of that Act;

(e) a subdivision required under the *Encroachment of Buildings Act 1982*;

(f) a sublease under the *Pastoral Lands Act 1992*;

(g) a subdivision required under any other Act; or

(h) a subdivision, or a subdivision of a class of subdivision, prescribed for the purposes of this section.

(3) Land is not to be taken to be subdivided for the purposes of this Act:

(a) by the grant of a lease, licence or other right to use or occupy a part of the land unless the lease, licence or other right is for a term of more than 12 years; or

(b) by reason only of the lease of part of a building.

(4) For the purposes of subsection (3), a lease, licence or other right to use or occupy a part of land that contains:

(a) an option to renew the lease, licence or right for an additional term from the date of expiration of the lease, licence or right; or

(b) a provision for the granting of a further lease, licence or right for an additional term from the date of expiration of the lease, licence or right,

so that the aggregate of all the terms is more than 12 years is to be taken to be a lease, licence or right for a term of more than 12 years.

(5) Despite subsection (1), ***subdivision*** also does not include a subdivision if:

(a) the subdivision comprises one or more leases granted over Aboriginal land (as defined in section 3(1) of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth)); and

(b) the leases were granted to Indigenous Essential Services Pty Ltd ACN 105 269 636 after 29 June 2009 and before the commencement of this section.

(6) Subsection (5) does not limit the power to make regulations under section 148 to prescribe exemptions for subsection (2)(h).

## 5A Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against this Act.

*Note for section 5A*

*Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.*

## 6 Act to bind Crown

This Act binds the Crown not only in the right of the Territory but also, so far as the legislative power of the Legislative Assembly permits, the Crown in all its other capacities.

## 6A Persons and bodies performing functions under Act

(1) The Minister's functions under this Act are primarily the following:

(a) to make and amend specific planning schemes under Part 2;

(b) to make interim development control orders under Part 3;

(c) to perform the functions of a consent authority in the circumstances specified in section 4;

(d) to appoint members of the various bodies that perform functions under this Act;

(e) to appoint persons who perform administrative or enforcement functions under this Act;

(f) to prescribe fees, approve forms and perform administrative functions under this Act.

(2) The Planning Commission's functions under this Act are specified in section 81B and relate primarily to the following:

(a) to develop strategic planning for the Territory and maintaining the NT Planning Scheme;

(b) to assist the Minister in carrying out the purpose and objectives of this Act.

(3) A consent authority's function under this Act is to make decisions relating to applications to develop land.

(4) The Development Consent Authority's function under this Act is to perform the functions of a consent authority in those places where it is established.

# Part 2 Planning schemes and proposals

## Division 1 Planning schemes

### 7 Northern Territory Planning Scheme

(1) There is a Northern Territory Planning Scheme that applies in relation to the whole of the Territory except any area of land:

(a) in relation to which another planning scheme applies; or

(b) specified in the NT Planning Scheme as being excluded from the application of that Scheme.

(2) The NT Planning Scheme may refer to an area of land by describing the land or referring to a map or plan of the land.

## 8 Other specific planning schemes

(1) The Minister may, on the Minister's own initiative or following a request by a person or body, make a specific planning scheme that applies in relation to the area or areas of land described in the planning scheme or in a map to which the planning scheme refers.

(2) The Minister may, on the Minister's own initiative or following a request by a person or body, repeal a specific planning scheme.

(3) Divisions 2, 3, 4 and 5 apply in relation to the making or repeal of a specific planning scheme as if a reference in those Divisions to an amendment of a planning scheme were a reference to the making or repeal of a specific planning scheme.

(4) If the Minister makes or repeals a specific planning scheme on his or her own initiative, Divisions 3, 4 and 5 apply (with the necessary changes) in relation to that action as if the Minister had received a request for the specific planning scheme to be made or repealed.

## 9 Planning scheme

(1) A planning scheme must further the purpose and objectives of this Act.

(2) A planning scheme must establish the planning provisions that apply to an area of land, which may include the following:

(a) policies to be applied to the use or development of land;

(b) provisions that permit, prohibit, restrict, impose conditions on or otherwise control the use or development of land;

(c) provisions necessary or convenient to give effect to the planning scheme;

(d) maps, plans, designs and diagrams.

(3) A planning scheme may be comprised of the following elements:

(a) a strategic framework for the land to which the planning scheme applies;

(b) overlay provisions;

(c) zone provisions;

(d) use and development requirements;

(e) interpretive provisions and administrative guidelines.

(4) An element of a planning scheme may apply in relation to all or part of the land to which the planning scheme applies.

(5) A planning scheme may refer to, adopt or incorporate, with or without modification, a specified document, as in force at a particular time or as in force from time to time.

(6) A planning scheme is to be interpreted and applied in accordance with its interpretative provisions.

**9A Contents of strategic framework**

A strategic framework consists of the planning policies and plans that apply to an area of land, which may include the following:

(a) the strategic policies and principles that promote the purpose and objectives of this Act and guide the development of land to which the planning scheme applies;

(b) a regional land use plan that establishes the general policies and principles that guide all development of land, land use and resource use in a region and identifies any issues related to long-term planning;

(c) a subregional land use plan that establishes the specific policies and principles that guide all development of land, land use and resource use in a subregion;

(d) an area plan that establishes the specific rules and principles for all development of land, land use and resource use in an area.

**9B Overlay provisions, zone provisions and development requirements and guidelines**

(1) The overlay provisions of a planning scheme consist of the following:

(a) the specific development requirements that prevail over or are in addition to the zone provisions;

(b) a map or other geographic means of determining where the overlay provisions apply.

(2) The zone provisions of a planning scheme consist of the following:

(a) a statement of the purpose of each zone and the outcomes expected for each zone;

(b) a table that states the categories of development that are permitted, prohibited or otherwise controlled and the applicable development requirements in a zone;

(c) one or more maps or other geographic means to identify the applicable zones.

(3) The development requirements in a planning scheme consist of the following:

(a) the requirements that apply to development in a zone;

(b) the subdivision and consolidation requirements for the scheme area.

### 9C Interpretative provisions and administrative guidelines

The interpretative provisions and administrative guidelines in a planning scheme consist of:

(a) any definitions, rules or principles for interpreting or applying the planning scheme; and

(b) any guidance a consent authority is expected to follow when administering the planning scheme, including what it is allowed to consider in relation to specific matters.

## Division 2 Amendments and requests for amendments of planning schemes

### 10 Meaning of *declared class of amendments*

In this Division, a reference to a declared class of amendments is a reference to a class of amendments to which a declaration in force under section 11(3) relates.

### 11 Amendment of planning scheme generally

(1) The Minister may amend a planning scheme in accordance with this Part.

(2) To avoid doubt, the repeal and substitution of a planning scheme in its entirety is an amendment of the planning scheme.

(3) The Minister may declare in writing that, in the Minister's opinion, a class of amendments of a planning scheme is not so significant as to require exhibition.

## 12 Amendment of planning scheme on Minister's initiative

(1) The Minister may decide to amend a planning scheme on his or her own initiative as the Minister sees fit.

(2) If the Minister is satisfied the proposed amendment is within a declared class of amendments or is not so significant as to require exhibition, the Minister may:

(a) amend the planning scheme without taking any further action under Division 3, 4 or 5;

(b) give notice of the amendment in accordance with section 28; and

(c) provide reasons for the amendment in accordance with section 29.

(3) In any other circumstances, Divisions 3, 4 and 5 apply in relation to the proposed amendment.

## 12A Request to amend planning scheme

(1) A person or body may request the Minister to amend a planning scheme.

(2) The request must be in writing and include the following:

(a) an explanation of the proposed amendment;

(b) a statement of the purpose of the proposed amendment and its desired effect;

(c) an assessment of the proposed amendment with respect to the matters to be considered by the Minister under section 13(1);

(d) the details of any community consultation conducted, or to be conducted, in addition to the consultation required under this Act.

(3) The Minister may require the person or body requesting an amendment to provide further information within a specified time if, in the Minister's opinion, additional information is necessary to enable a proper consideration of the request.

(4) The Minister may reject the request without considering it further if:

(a) the additional information is not provided within the time required; or

(b) additional information is provided but the Minister considers it to be insufficient to enable a proper consideration of the request.

(5) If the Minister rejects a request under subsection (4), the Minister must give the person or body written notice of the rejection and the reasons for it.

**12B Planning Commission views on request and decision**

(1) The Minister may ask the Planning Commission for its views on the strategic planning implications of a proposed amendment to a planning scheme.

(2) The Minister must give written notice to the person or body requesting the amendment if the Minister asks the Planning Commission for its views.

(3) The Planning Commission must give the Minister a report on its views if asked under subsection (1).

(4) The Minister must:

(a) give a copy of the Planning Commission's report to the person or body requesting the amendment; and

(b) give that person or body a reasonable opportunity to respond to that report.

**13 Minister's consideration of request and decision**

(1) When considering a request to amend a planning scheme, the Minister must also consider the following:

(a) whether the proposed amendment promotes the purpose and objectives of this Act;

(b) whether the proposed amendment, other than a proposed amendment to a strategic framework, is contrary to any strategic framework in the planning scheme;

(c) whether the proposed amendment is within a declared class of amendments that do not require exhibition;

(d) whether the proposed amendment is not significant enough to require exhibition;

(e) the merits of the proposed amendment and whether the amendment is in the public interest;

(f) any report from the Planning Commission under section 12B(3);

(g) any other matters the Minister considers appropriate.

(2) Despite Divisions 3 and 4, the Minister need not take any action under those Divisions in respect of a proposed amendment if satisfied that:

(a) the proposed amendment is within a declared class of amendments; or

(b) the proposed amendment is not significant enough to require exhibition.

(3) After considering the request, the Minister must:

(a) continue consideration of the proposed amendment by placing it on exhibition; or

(b) amend the planning scheme as proposed; or

(c) refuse to amend the planning scheme.

(4) If the Minister amends the planning scheme as proposed, the Minister must:

(a) give notice of the amendment in accordance with section 28; and

(b) provide reasons for the amendment in accordance with section 29.

(5) As soon as practicable after making the decision, the Minister must give written notice of the decision to the person or body requesting the amendment.

(6) If the Minister refuses to amend the planning scheme as proposed, the notice of the decision must include the reasons for the refusal.

(7) A failure of the Minister to comply with subsection (4)(b) or (6) in relation to a decision does not affect the validity of the Minister's decision.

## Division 2A Plans, guidelines and assessment criteria prepared by Commission

### 13A Application of Division

This Division applies in relation to integrated strategic plans, guidelines and assessment criteria prepared by the Commission for inclusion in the NT Planning Scheme as mentioned in section 81B(b) and (c).

### 13B Procedures to be followed

On receipt of the integrated strategic plans, guidelines or assessment criteria, the Minister must follow the procedures under this Part as if the Commission had requested the amendment of the NT Planning Scheme under Division 2.

## Division 3 Exhibition of proposals

### 14 Definitions

In this Division:

***period of exhibition***, for a proposal, means the period referred to in section 15.

***proposal*** means one of the following:

(a) a proposed amendment of a planning scheme that the Minister has, under Division 2, decided to place on exhibition;

(b) a proposal to grant or vary an exceptional development permit that the Minister has, under Part 4, Division 2, decided to place on exhibition;

(c) an altered proposal within the meaning of section 27.

### 15 Period of exhibition of proposal

(1) Subject to subsection (2), the period of exhibition for a proposal is 28 days starting on the day the notice of the proposal is first published in a newspaper under section 17.

(2) The Minister may determine a longer period of exhibition for a particular proposal or class of proposals.

## 16 Notice relating to rezoning or grant of permit

(1) This section applies in relation to land that will be affected by one of the following proposals if carried out:

(a) a proposal to amend a planning scheme by establishing or changing a zone;

(b) a proposal to grant or vary an exceptional development permit.

(2) Subject to this section, on or before the first day of the period of exhibition for the proposal, the Minister must:

(a) serve a notice on the owner of the land; and

(b) arrange to be placed on or in the vicinity of the land as many signs, in accordance with subsections (4) and (5), as the Minister considers appropriate.

(3) Subsection (2) does not apply if the Minister considers:

(a) it is impracticable to comply with the subsection because of the location of the land or the number of parcels of land; and

(b) it is reasonable to expect that all persons likely to be affected by the proposal will receive sufficient notice of it by means of the notice published in a newspaper under section 17.

(4) A sign referred to in subsection (2)(b) must include the following information:

(a) the current zone of the land;

(b) the zone proposed for the land or the activity that will, despite the zone of the land, be permitted under an exceptional development permit.

(5) A sign referred to in subsection (2)(b) must:

(a) be placed on, or within a reasonable distance from, each public road frontage of the land; and

(b) be clearly legible to a person from a location on the public road nearest to the land.

(6) A person commits an offence if:

(a) a sign is placed on land in accordance with this section; and

(b) the person intentionally removes the sign; and

(c) the removal occurred before the end of the period of exhibition for the proposal.

Maximum penalty: 100 penalty units.

(7) Strict liability applies to subsection (6)(a) and (c).

## 17 Publication of notice of proposal

(1) The Minister must publish, in a newspaper circulating in the Territory or in the area to which the proposal relates, a notice containing the following information:

(a) that a proposal to amend a planning scheme, or to grant or vary an exceptional development permit, is to be placed on exhibition;

(b) the place where or the manner in which the public can view a copy of the application and proposal;

(c) the period of exhibition;

(d) the body to which written submissions about the proposal may be made;

(e) a brief summary of the nature of the proposal.

(2) If the proposal relates to establishing or changing a zone or to a grant or variation of an exceptional development permit, and the Minister considers it to be practicable, the brief summary must include the following information:

(a) the lot number, Section number or Portion number and, if applicable, the street address of the land;

(b) the current zone of the land.

(3) During the period of exhibition, the Minister must publish the notice under subsection (1) a second time.

## 18 Exhibition of proposal

The Minister must exhibit the following at the place or in the manner specified under section 17(1)(b):

(a) a copy of the application;

(b) a copy of the proposal;

(c) a copy of any report from the Commission relevant to the proposal.

### 19 Notice to local government council if proposal relates to land in council area

(1) If a proposal relates to land partly or entirely within a council area, the Minister must give the local government council for the council area written notice of the proposal.

(2) The notice must contain the information specified in the notice published under section 17 and an invitation to the local government council to make a submission about the proposal under section 22.

(3) In response to the notice, the local government council may:

(a) make a submission about the proposal under section 22(1); or

(b) give the Commission advice or comment on the proposal under section 22(4).

## Division 4 Submissions, consultation, hearings and reports about proposals

### 20 Definitions

In this Division:

***proposal*** means a proposal within the meaning of section 14 that has been placed on exhibition in compliance with Division 3.

### 22 Submissions and hearing

(1) A person or body may make a submission about a proposal to the Commission.

(2) The submission must be in writing and lodged with the Commission within the exhibition period.

(3) To be received by the Commission, a submission must:

(a) state the name and contact details of the person or body making the submission; and

(b) in the case of a body or group of persons making the submission:

(i) designate a person as the representative of the body or group; and

(ii) state the name and contact details of the representative; and

(c) be signed by the person making the submission or, in the case of a body or group of persons, the representative.

(4) A local government council may give the Commission advice or comment on a proposal.

(5) Any advice or comment given by a local government council is taken not to be a submission under this section or section 30N if the advice or comment does not oppose or contradict the application.

(6) The Commission must conduct a hearing if:

(a) the Commission receives a submission; and

(b) the Chairperson is satisfied that a hearing would provide further useful information.

(7) If the Commission intends to not conduct a hearing, it must:

(a) notify the local government council and each person or body who made a submission of that intention; and

(b) give the local government council and those persons and bodies a reasonable opportunity to respond to the notice.

(8) The Commission must consider any responses given in response to the notice before deciding not to conduct a hearing.

(9) If the Commission conducts a hearing, it must invite the local government council and each person or body who made a submission to appear at the hearing and be heard in relation to the proposal.

(10) The hearing is to be conducted by the Chairperson, or as otherwise determined by the Chairperson, with a minimum of formality and in a manner that ensures procedural fairness.

**23 Directions by Minister relating to consultation**

(1) If the Minister requires the Commission to carry out consultation in addition to the other processes required by this Division, the Minister must in writing direct the Commission to do so.

(2) The direction may include requirements about the persons with whom, and the manner in which, the consultation is to be carried out.

### 24 Reports

(1) After a hearing has been conducted in respect of submissions about a proposal, and any consultation has been carried out as directed by the Minister, the Commission must provide the Minister with the submissions and a written report about:

(a) issues raised in the submissions;

(b) issues raised at the hearing and during any consultation; and

(c) any other matters the Commission considers the Minister should take into account when considering the proposal.

(2) If no submission is received or no hearing is held by the Commission under section 22, it must provide the Minister with a written report about the following, as applicable:

(a) any submissions received;

(b) the reasons why no hearing was held;

(c) any issues raised during any consultation;

(d) any other matter it considers the Minister should take into account when considering the proposal.

(3) The Minister may also request any other person or body to give the Minister a written report about matters relevant to the proposal or to anything referred to in the Commission's report.

## Division 5 Decisions about proposals

### 25 Minister's action on amendment of planning scheme

(1) This section applies if the Minister receives a report from the Commission under section 24(1) or (2) about a proposal to amend a planning scheme.

(2) When considering the report, the Minister must also consider the following:

(a) whether the proposed amendment promotes the purpose and objectives of this Act;

(b) whether the proposed amendment, other than an amendment to a strategic framework, is contrary to any strategic framework in the planning scheme;

(c) the merits of the proposed amendment and whether the amendment is in the public interest;

(d) any report given under section 24(3);

(e) any other matter the Minister considers appropriate.

(3) Within 90 days after receiving the Commission's report, the Minister must:

(a) amend the planning scheme as proposed; or

(b) alter the proposal and amend the planning scheme in some other way; or

(c) refuse to amend the planning scheme as proposed.

*Note for subsection (3)(b)*

*Section 27 applies to the exhibition of an altered proposal.*

(4) Before making a decision under subsection (3), the Minister may require the proponent to provide further information in relation to the proposal within a specified time.

(5) The Minister must give written notice of a decision under subsection (3) or (4) to the local government council and any person or body who made a submission under section 22.

(6) If the Minister requires further information under subsection (4), the 90-day period to make a decision under subsection (3) is suspended until the earlier of the following:

(a) the date the information is provided;

(b) the time specified in the requirement to provide the further information.

(7) The Minister may refuse to amend the planning scheme as proposed if the proponent does not provide the further information required under subsection (4) within the specified time.

**26 Proposal relating to exceptional development permit**

(1) This section applies in relation to a proposal relating to a grant or variation of an exceptional development permit in respect of which the Minister has received a report or reports under Division 4.

(2) After considering each report and, if applicable, any other matters the Minister is required by this Act to consider in relation to the proposal, the Minister must take an action under section 40.

## 27 Exhibition of altered proposal

(1) This section applies in relation to an altered proposal only if the alteration is to the substance of the proposal and not merely to the format or style in which the proposal was placed on exhibition.

(2) If the Minister is satisfied an alteration is sufficiently extensive or significant to justify the exhibition of the altered proposal, the Minister must place it on exhibition.

(3) Subject to subsection (4), Divisions 3 and 4 and this Division apply in relation to the altered proposal as if the previous proposal had not been on exhibition.

(4) Section 16 applies in relation to an altered proposal only if the zone proposed for the land to which the altered proposal relates is different from the zone proposed in the previous proposal, as specified in the previous notice placed on or in the vicinity of the land under section 16(2)(b).

(5) In this section:

***altered proposal*** means a proposal altered under section 25 or 40.

## 28 Notice of amendment

(1) After the Minister amends a planning scheme, the Minister must publish, in a newspaper circulating in the Territory or in the area to which the amendment relates, a notice containing the following information:

(a) a statement that the Minister has amended the planning scheme named in the notice;

(b) any identifying number or title given to the amendment;

(c) the place where copies of the amendment are available for purchase or inspection.

(2) An amendment of a planning scheme takes effect on the date the notice of the amendment is published in the newspaper.

(3) This section does not apply in relation to any action taken by the Minister under section 40.

## 29 Reasons for decision to be available to public

(1) After the Minister amends or refuses to amend a planning scheme, the Minister must make available for purchase or inspection by the public a copy of the written reasons for the decision.

(2) A failure of the Minister to comply with subsection (1) does not affect the validity of the Minister's decision.

# Part 2A Concurrent applications

## Division 1 Preliminary matters

### 30 Concurrent application

(1) A ***concurrent application*** is an application that:

(a) relates to land to which a planning scheme applies; and

(b) comprises both an amendment proposal and a development proposal.

(2) An ***amendment proposal*** is a proposal for an amendment of a planning scheme under this Part that relates to any of the following:

(a) the establishment or change of a zone;

(b) the establishment or change of a zone and a variation of the provisions of the planning scheme as they will apply to development in the zone after it is established or changed;

(c) a variation of the provisions of the planning scheme not requiring the establishment or change of a zone.

(3) A ***development proposal*** is a proposal, made in connection with an amendment proposal, for development that:

(a) is required by this Act to be carried out under a development permit; and

(b) is proposed to be carried out in accordance with a planning scheme as amended under this Part.

### 30A Planning adviser

The Minister must appoint a public sector employee to be a planning adviser for this Part.

### 30B Meeting with planning adviser required before making concurrent application

(1) After meeting with a planning adviser, either of the following persons is entitled to make a concurrent application:

(a) the owner of land to which the application relates;

(b) a person authorised by the owner of that land to make the application.

(2) A person who intends to make a concurrent application must lodge with the Agency a notice, in the approved form, requesting a meeting with a planning adviser.

(3) As soon as practicable after the notice is lodged, a planning adviser must arrange to hold a meeting with the person about the concurrent application.

(4) The purpose of the meeting is to enable the planning adviser to give the person information and guidance relevant to the concurrent application.

## Division 2 Making concurrent application and initial decision

### 30C Making concurrent application

(1) A concurrent application must be:

(a) made in the approved form to the Minister; and

(b) accompanied by the prescribed fee.

(2) The concurrent application may be made by electronic transmission in a way that is acceptable to the Minister but will not be considered by the Minister until the prescribed fee is paid.

(3) The concurrent application must:

(a) specify the details of the amendment proposal and development proposal; and

(b) specify why a concurrent application is required for the development proposed to be carried out on the land to which the application relates (***the land***); and

(c) include an assessment demonstrating how the development proposal will comply with the planning scheme that applies to the land if the scheme is amended as specified in the amendment proposal; and

(d) include all of the information required by subsection (4) and the approved form.

(4) The concurrent application must contain the following information (as applicable) in relation to each of the proposals comprised in the application:

(a) an assessment demonstrating how the proposal will comply with any interim development control order applying to the land;

(b) a statement specifying:

(i) whether the proposal is required to be referred to the NT EPA under Part 4, Division 3 of the *Environment Protection Act 2019*; and

(ii) whether the proposal has been referred to the NT EPA under Part 4, Division 3 of the *Environment Protection Act 2019*;

(c) an assessment of the proposed amendment with respect to the matters to be considered by the Minister under section 30D(4A);

(d) a description of the physical characteristics of the land and a detailed assessment demonstrating:

(i) the land's suitability for the purpose of the proposal; and

(ii) the effect of the proposal on the land and other land;

(e) a statement specifying:

(i) the public facilities or public open space available in the area in which the land is situated; and

(ii) whether land for public facilities or public open space is to be provided by the applicant; and

(iii) whether it is proposed that facilities or open space be developed by the applicant;

(f) a statement specifying:

(i) the public utilities or infrastructure provided in the area in which the land is situated; and

(ii) any requirement for public facilities and services to be connected to the land; and

(iii) whether public utilities or infrastructure are to be provided by the applicant; and

(iv) whether land is to be provided by the applicant for the provision of public utilities or infrastructure;

(g) an assessment of the potential impact on the existing and future amenity of the area in which the land is situated;

(h) an assessment of the benefit or detriment to the public interest of the proposal;

(ha) if the proposal relates to a subdivision or consolidation of land in a Restricted Water Extraction Area – the information required by section 14C(1) of the *Water Act 1992*;

(i) if the proposal relates to a subdivision of land on which a building is situated – a report from a building certifier, as defined in section 4 of the *Building Act 1993*, as to whether the building will cease to comply with the *Building Act 1993* if the subdivision were to proceed;

(j) for the development of land proposed to be the scheme land of a proposed or existing scheme, or the development of existing scheme land – a plan in the approved form specifying:

(i) information about any building that is, or will be, situated on the scheme land (including, for example, information about the structural integrity and fire safety of the building); and

(ii) if any part of the development is subject to changes that are allowed by regulation – details about that part as required by regulation; and

(iii) any other information prescribed by regulation about the development.

**30D Consideration and initial decision by Minister**

(1) If, in the Minister's opinion, additional information is necessary to enable a proper consideration of the concurrent application, the Minister may require the applicant to provide the information.

(2) If the applicant does not provide any additional information after being required to do so, or the Minister considers that additional information provided by the applicant is insufficient to enable a proper consideration of the concurrent application, the Minister:

(a) may decide to reject the application without considering it further; and

(b) as soon as practicable after making the decision – must give the applicant a notice of, and the reasons for, the decision.

(3) If the Minister considers the development proposal in the concurrent application is a significant development proposal, the Minister may request the Commission to give the Minister a significant development report.

(4) If the Minister requests a significant development report, the Minister must:

(a) defer consideration of the concurrent application; and

(b) give the applicant a notice about the request to the Commission, stating that further consideration of the concurrent application is deferred until the significant development report has been given to the Minister.

(4A) When considering a concurrent application, the Minister must also consider the following:

(a) whether the proposed amendment promotes the purpose and objectives of this Act;

(b) whether the proposed amendment, other than a proposed amendment to a strategic framework, is contrary to any strategic framework in the planning scheme;

(e) the merits of the proposed amendment and whether the amendment is in the public interest;

(f) any report received from the Commission under subsection (3);

(g) any other matters the Minister considers appropriate.

(5) As soon as practicable after considering the concurrent application and the matters referred to in subsection (4A), the Minister may decide to:

(a) accept the application for exhibition; or

(b) refuse to amend the planning scheme as specified in the amendment proposal.

(6) If the Minister makes a decision under subsection (5)(a), the Minister must:

(a) give the applicant a written notice of the decision that specifies the exhibition period for the concurrent application; and

(b) if a Division of the Development Consent Authority has not been established for the area of land to which the concurrent application relates – appoint a person, a Division or another body to be the consent authority for the concurrent application; and

(c) give the consent authority a copy of:

(i) the notice of the decision; and

(ii) the concurrent application; and

(iii) any significant development report given to the Minister as requested under subsection (3).

(7) If the Minister makes a decision under subsection (5)(b):

(a) the decision has the effect that the concurrent application lapses; and

(b) the Minister must give the applicant a written notice of the decision that includes:

(i) the reasons for the refusal to amend the planning scheme; and

(ii) a statement that the concurrent application has lapsed.

## Division 3 Exhibition of concurrent application

### 30E Application of Division

This Division applies if the Minister has decided under section 30D(5)(a) to accept a concurrent application for exhibition.

### 30F Newspaper notice about concurrent application

(1) The Minister must publish in a newspaper circulating in the Territory, or in the area where the land to which the concurrent application relates (***the land***) is situated, a notice containing the following information:

(a) a concurrent application is to be placed on exhibition;

(b) each place where a notice of the details of the application is to be placed on exhibition;

(c) the application is to be placed on exhibition for the exhibition period specified in the notice;

(d) written submissions about the application may be made to the consent authority within the exhibition period;

(e) a brief summary of the amendment proposal and development proposal, which must include the following (as applicable);

(i) the lot number, Section number or Portion number of the land;

(ii) the street address of the land;

(iii) the current zone of the land or a statement that no zone is currently specified for the land;

(iv) the zone proposed for the land.

(2) During the exhibition period, the Minister must publish the notice a second time.

(3) The ***exhibition period*** for a concurrent application is:

(a) 28 days starting on the day the notice about the application is first published in the newspaper; or

(b) if the Minister considers a longer period is required – the period determined by the Minister.

**30G Exhibition of details of concurrent application**

(1) The Minister must place a notice of the details of the concurrent application in a prominent position at each place notified under section 30F(1)(b).

(2) The notice must remain in place for the entire exhibition period.

**30H Notice to local government council**

(1) If the concurrent application relates to land partly or entirely within a council area, the Minister must give the local government council for the council area a notice that includes:

(a) the information contained in the notice published under section 30F(1); and

(b) an invitation to the local government council to make a written submission under section 30M.

(2) The notice must be given on or before the first day of the exhibition period for the concurrent application.

(3) In response to the notice, the local government council may:

(a) make a submission about the proposal under section 30M(1); or

(b) give the consent authority advice or comment on the proposal under section 30M(4).

**30J Signs on land to which concurrent application relates**

(1) Subject to subsection (4), on or before the first day of the exhibition period for the concurrent application the Minister must arrange for one or more signs, as the Minister considers appropriate, to be placed on or in the vicinity of the land to which the application relates (***the land***).

(2) The signs must:

(a) briefly describe the amendment proposal and development proposal in the concurrent application; and

(b) specify the following details, as applicable:

(i) the current zone of the land;

(ii) that no zone is currently specified for the land;

(iii) the zone proposed for the land; and

(c) state that written submissions about the application may be made to the consent authority within the exhibition period; and

(d) be placed on, or within a reasonable distance from, the road frontage of the land; and

(e) be clearly legible to a person from the public road nearest to the land.

(3) A person must not remove a notice placed on land under subsection (1) until after the end of the exhibition period for the concurrent application.

(3A) A person commits an offence if:

(a) a sign is placed on land in accordance with this section; and

(b) the person intentionally removes the sign; and

(c) the removal occurred before the end of the period of exhibition for the concurrent application.

Maximum penalty: 100 penalty units.

(3B) Strict liability applies to subsection (3A)(a) and (c).

(4) Subsection (1) does not apply if the Minister considers:

(a) it is impracticable to comply with the subsection because of the location of the land or the number of parcels of land; and

(b) it is reasonable to expect that all persons likely to be affected by the amendment proposal and development proposal in the concurrent application will receive sufficient notice of it by means of the notice published under section 30F(1).

## Division 4 Procedures and decisions relating to concurrent application placed on exhibition

### 30K Application of Division

This Division applies only in relation to a concurrent application placed on exhibition under Division 3.

### 30L Consultation

(1) The Minister may give the consent authority a written direction to carry out consultation about the concurrent application in addition to considering submissions and conducting a hearing under this Division.

(2) The direction may specify the persons with whom, and the manner in which, the consultation is to be carried out.

### 30M Submissions

(1) A person or body may make a written submission to the consent authority about the following:

(a) the amendment proposal;

(b) the development proposal.

(2) The submission must be in writing and lodged with the consent authority within the exhibition period.

(3) To be received by the consent authority, a submission must:

(a) state the name and contact details of the person or body making the submission; and

(b) in the case of a body or group of persons making the submission:

(i) designate a person as the representative of the body or group; and

(ii) state the name and contact details of the representative; and

(c) be signed by the person making the submission or, in the case of a body or group of persons, the representative.

(4) A local government council may give the consent authority advice or comment on an application.

(5) Any advice or comment given by a local government council is taken not to be a submission under this section or section 30N if the advice or comment does not oppose or contradict the application.

**30N Conducting hearing**

(1) If the consent authority receives any submissions about the concurrent application, it must:

(a) conduct a hearing in relation to the submissions; and

(b) invite each person and body who have made submissions to appear at a hearing and be heard in relation to the application.

(2) The hearing must be conducted with the minimum of formality and in a manner that ensures procedural fairness.

**30P Preliminary decision about development proposal**

(1) As soon as practicable after the end of the exhibition period and (if applicable) after completing procedures for sections 30L and 30N, the consent authority must make a preliminary decision that, if the Minister were to approve the amendment proposal in the concurrent application, the authority would be likely to determine to:

(a) consent to the development proposal under section 30W(1)(a) or (b); or

(b) refuse to consent to the development proposal under section 30W(1)(c).

(2) Before making the preliminary decision, the consent authority must take into account all of the following matters in relation to the concurrent application:

(a) the planning scheme that applies to the land to which the application relates (***the land***);

(b) the amendment proposal in the application;

(c) any significant development report given to the consent authority under section 30D(6)(c)(iii);

(d) any interim development control order in force for the land;

(e) any environment protection objective, as defined in section 4(1) of the *Waste Management and Pollution Control Act 1998*, that is relevant to the land;

(f) any information received as a result of consultations carried out, submissions received, or evidence given at a hearing;

(g) a matter that the Minister has, under section 30ZC(1), directed the consent authority to consider in relation to concurrent applications generally;

(i) the merits of the development proposal as demonstrated in the application;

(j) the capability of the land to support the development proposal and the effect of the proposal on the land, and on other land, the physical characteristics of which may be affected by the proposal;

(k) the public facilities or public open space available in the area in which the land is situated and any requirement for the facilities, or land suitable for public recreation, to be provided by the applicant;

(l) the public utilities or infrastructure provided in the area in which the land is situated and any requirement for:

(i) public facilities and services to be connected to the land; and

(ii) facilities, infrastructure or land to be provided by the applicant;

(m) the potential impact on the existing and future amenity of the area in which the land is situated;

(n) the public interest, including (if relevant) how the following matters are provided for in the application:

(i) community safety through crime prevention principles in design;

(ii) water safety;

(iii) access for persons with disabilities;

(na) if the development proposal relates to a subdivision or consolidation of land in a Restricted Water Extraction Area – whether the subdivision or consolidation complies with the restrictions of sections 14A and 14B of the *Water Act 1992* and the requirements of section 14C(1) of that Act;

(o) if the development proposal relates to a subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building);

(p) any potential impact on natural, social, cultural or heritage values (including, for example, the heritage significance of a heritage place or heritage object under the *Heritage Act 2011*);

(q) any beneficial uses, quality standards, criteria, or objectives, that are declared under the *Water Act 1992*;

(r) other matters the consent authority considers relevant.

(2A) If a development proposal is required to be referred to the NT EPA under Part 4, Division 3 of the *Environment Protection Act 2019*, the consent authority must not make a preliminary decision under this section in relation to the development proposal unless:

(a) the NT EPA has determined that an environmental impact assessment is not required under that Act for that proposal; or

(b) if the NT EPA has determined that an environmental impact assessment is required – an environmental approval has been granted under that Act for the proposal and the decision is consistent with that approval; or

(c) the *Environment Protection Act 2019* otherwise permits the making of the preliminary decision.

(3) If the consent authority considers additional information is necessary to enable it to make a preliminary decision, the authority may require the applicant to provide the information.

### 30Q Report to be given to Minister

(1) After making a preliminary decision under section 30P(1), the consent authority must give the Minister a written report about the concurrent application.

(2) The report must include the following:

(a) the preliminary decision;

(b) any submissions the consent authority received about the concurrent application;

(c) information about any issues raised by submissions or during any consultation carried out by the authority;

(d) information the authority considers the Minister should take into account before making an amendment decision for the application.

(3) The Minister may request any other person or body to give the Minister a written report about matters relevant to the concurrent application or to anything mentioned in the consent authority's report.

### 30R Amendment decision and effect of decision

(1) The Minister must make an amendment decision for the concurrent application as soon as practicable after the Minister has considered the matters mentioned in section 30S.

*Note for subsection (1)*

*See section 30T(2) and (3) in relation to a concurrent application that is altered by the Minister.*

(2) An ***amendment decision*** is a decision to:

(a) approve the amendment proposal:

(i) as specified in the concurrent application; or

(ii) as altered by the Minister under section 30T(1); or

(b) refuse to approve the amendment proposal:

(i) as specified in the concurrent application; or

(ii) as altered by the Minister under section 30T(1).

(3) An amendment decision approving the amendment proposal takes effect:

(a) only if the consent authority consents to the development proposal under section 30W(1)(a) or (b) and, after the determination of any applications under Part 9, issues a development permit under section 54 for the proposal; and

(b) if a development permit is issued – on the date on which the development permit is issued.

(4) An amendment decision refusing to approve the amendment proposal has the effect that the concurrent application lapses.

**30S Matters to be taken into account for amendment decision**

(1) In considering the amendment proposal in the concurrent application, the Minister must take into account all of the following matters in relation to the proposal:

(a) the planning scheme that applies to the land to which the concurrent application relates (***the land***);

(ab) whether the amendment proposal promotes the purpose and objectives of this Act;

(ac) any strategic framework in the planning scheme that applies to the land;

(b) the development proposal in the application;

(c) any significant development report given to the Minister as requested under section 30D(3);

(d) any interim development control order in force for the land;

(e) any environment protection objective, as defined in section 4(1) of the *Waste Management and Pollution Control Act 1998*, that is relevant to the land;

(f) any report given to the Minister under section 30Q;

(h) the merits of the amendment proposal and whether the proposal is in the public interest;

(i) the capability of the land to support the amendment proposal and the effect of the proposal on the land, and on other land, the physical characteristics of which may be affected by the proposal;

(j) the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the applicant;

(k) the public utilities or infrastructure provided in the area in which the land is situated and any requirement for:

(i) public facilities and services to be connected to the land; and

(ii) facilities, infrastructure or land to be provided by the applicant;

(l) the potential impact on the existing and future amenity of the area in which the land is situated;

(m) any potential impact on natural, social, cultural or heritage values (including, for example, the heritage significance of a heritage place or heritage object under the *Heritage Act 2011*);

(n) any beneficial uses, quality standards, criteria or objectives that are declared under the *Water Act 1992*;

(o) other matters the Minister considers relevant.

(2) If an amendment proposal is required to be referred to the NT EPA under Part 4, Division 3 of the *Environment Protection Act 2019*, the Minister must not make an amendment decision under section 30R in relation to the amendment proposal unless:

(a) the NT EPA has determined that an environmental impact assessment is not required under that Act for that proposal; or

(b) if the NT EPA has determined that an environmental impact assessment is required – an environmental approval is granted under that Act for the proposal and the decision is consistent with that approval; or

(c) the *Environment Protection Act 2019* otherwise permits the making of the decision.

### 30T Alteration and exhibition of concurrent application

(1) Before making an amendment decision for the concurrent application, the Minister may decide to alter the amendment proposal.

(2) If the Minister decides to alter the substance of the amendment proposal and is satisfied the alteration is extensive or significant:

(a) the Minister must give notice of the decision to the applicant and the consent authority; and

(b) sections 30F to 30S apply in relation to the altered concurrent application as if it were the original concurrent application; and

(c) all notices under sections 30F to 30J must specify that they relate to an altered amendment proposal.

(3) If the Minister decides to alter the amendment proposal and is satisfied the alteration is not extensive or significant, or is merely to the format or style of the proposal, the Minister must make the amendment decision as soon as practicable after making the alteration.

### 30U Notice of amendment decision

(1) If the Minister makes an amendment decision to approve an amendment proposal for the concurrent application, the Minister must give a written notice of the decision and the reasons for the decision to:

(a) the applicant; and

(b) the consent authority.

(2) The notice to the applicant must specify that:

(a) the concurrent application is not determined by the amendment decision; and

(b) the amendment decision will take effect:

(i) only if the consent authority consents to the development proposal under section 30W(1)(a) or (b) and, after the determination of any applications under Part 9, issues a development permit under section 54 for the proposal; and

(ii) if a development permit is issued – on the date on which it is issued.

(3) If the Minister makes an amendment decision refusing to approve the amendment proposal in the concurrent application, the Minister must give a written notice of the decision to:

(a) the applicant; and

(b) the consent authority; and

(c) each person who made a submission about the application.

(4) The notice must include:

(a) the reasons for the amendment decision; and

(b) a statement that the concurrent application has lapsed.

## Division 5 Determination of development proposal and concurrent application

### 30V Application of Division

This Division applies if the consent authority is given a notice under section 30U(1) specifying that the Minister has approved an amendment proposal for a concurrent application.

### 30W Determination of development proposal

(1) As soon as practicable after the consent authority is given the notice, it must determine to:

(a) consent, either conditionally or unconditionally, to the development proposal in the concurrent application; or

(b) alter the development proposal in the application in the manner it considers appropriate and consent, either conditionally or unconditionally, to the development proposal as altered; or

(c) refuse to consent to the development proposal in the application.

(2) Before making the determination, the consent authority must take into account:

(a) the matters included in the authority's report given to the Minister under section 30Q(1); and

(b) any alteration the Minister has made under section 30T(1) to the amendment proposal in the concurrent application.

(3) Subject to this section, the consent authority must not consent to a proposed development except in accordance with any planning scheme applicable to the development.

(4) The consent authority may take into account the effect the proposed amendment would have on the planning scheme.

(4A) The consent authority must refuse to consent to a development proposal for the subdivision or consolidation of land in a Restricted Water Extraction Area unless the application complies with the restrictions of sections 14A and 14B of the *Water Act 1992* and the requirements of section 14C(1) of that Act.

(5) The Minister may consent to a proposed development despite it being contrary to any strategic framework in the planning scheme applicable to the development.

(6) The Minister may give the Development Consent Authority approval to consent to a proposed development despite it being contrary to any strategic framework in the planning scheme applicable to the development.

(7) The Minister's approval may be obtained by written request setting out the Development Consent Authority's reasons for the request.

(8) The Development Consent Authority is taken to have the Minister's approval if the Minister does not respond in writing to the request within 14 days after receiving the request.

**30Y Notice of consent**

(1) This section applies in relation to a concurrent application if the consent authority determines under section 30W(1)(a) or (b) to consent to the development proposal.

(2) As soon as practicable after determining the development proposal and issuing a development permit under section 54(1), the consent authority must serve a notice of consent on:

(a) the applicant; and

(b) any person (including a local government council) who made a submission about the development proposal under section 30M.

(3) The notice of consent must be in the approved form, containing the following information:

(a) the determination of the development proposal and the reasons for the determination;

(b) the amendment decision and the reasons for the decision;

(c) details about the right of the applicant to apply for review of the determination of the development proposal under section 114.

(4) If there is a local government council for the land to which the concurrent application relates, the consent authority must:

(a) advise the local government council of the determination of the development proposal and the amendment decision; and

(b) give the local government council a copy of the reasons for the determination and decision.

(5) The consent authority must make a copy of the notice of consent available for inspection and purchase by the public.

**30Z Notice of refusal**

(1) This section applies in relation to the concurrent application if the consent authority determines to refuse to consent to the development proposal under section 30W(1)(c).

(2) As soon as practicable after determining the development proposal, the consent authority must serve a notice of refusal on:

(a) the applicant; and

(b) any person (including a local government council) who made a submission about the concurrent application in accordance with section 30M.

(3) The notice of refusal must be in the approved form, containing the following information:

(a) the determination of the development proposal and the reasons for the determination;

(b) the amendment decision and the reasons for the decision;

(c) details about the applicant's right to apply for review of the determination of the development proposal under section 111.

(4) If there is a local government council for the land to which the concurrent application relates, the consent authority must:

(a) advise the local government council of the determination of the development proposal and the amendment decision; and

(b) give the local government council a copy of the reasons for the determination and decision.

(5) The consent authority must make a copy of the notice of refusal available for inspection and purchase by the public.

**30ZA Determination of concurrent application**

(1) This section applies if the development proposal in the concurrent application is determined:

(a) by the consent authority under this Division; or

(b) by the Tribunal under Part 9.

(2) The determination of the development proposal has the effect of also determining the concurrent application.

(3) If the determination of the development proposal is a refusal to consent to the proposal:

(a) the concurrent application lapses; and

(b) the amendment decision for the application does not take effect.

**30ZB Public notice about concurrent application after development permit issued**

(1) As soon as practicable after issuing a development permit under section 54 for a development proposal in a concurrent application, the consent authority must publish a notice in a newspaper circulating:

(a) in the Territory; or

(b) in the area where the development under the permit will be carried out.

(2) The notice must contain the following information:

(a) a statement that:

(i) a concurrent application has been determined; and

(ii) in relation to the application, the Minister has approved an amendment of a planning scheme; and

(iii) the consent authority has issued a development permit for a development proposal in connection with that amendment;

(b) a brief description of the planning scheme amendment and the development proposal;

(c) a statement:

(i) of the date on which the development permit was issued; and

(ii) that the planning scheme amendment took effect on that date;

(d) the place where copies of the following are available for inspection and purchase by the public:

(i) the amendment decision for the concurrent application and the reasons for the decision;

(ii) the determination of the development proposal in the application and the reasons for the determination.

## Division 6 Other matters

### 30ZC Minister may direct consent authority

(1) The Minister may direct the consent authority generally in relation to a matter under this Part other than:

(a) the making of a preliminary decision about a particular development proposal in a concurrent application; or

(b) the determination of a particular development proposal in a concurrent application.

(2) In the performance of its functions and exercise of its powers under this Part, the consent authority is subject to a direction under subsection (1).

# Part 3 Interim development control orders

### 31 Interim development control orders

(1) If the Minister decides that an amendment to a planning scheme is to be made, the Minister may, subject to this section, by notice in the *Gazette*, make an interim development control order in respect of the land or part of the land to which it is proposed the amendment is to apply.

(2) An interim development control order may declare that:

(a) a specified provision of a planning scheme does not apply to all or part of the land to which the order relates;

(b) development specified in the order in all or part of the land to which the order relates may proceed only with a permit granted under Part 5 by the consent authority specified in the order; or

(c) specified types of development are prohibited,

and while the order remains in force the provision does not apply, or development may only proceed or is prohibited, accordingly.

(3) The Minister may, in an interim development control order, nominate himself or herself or a Division of the Development Consent Authority as the consent authority for the purposes of this section in respect of the order or development specified in the order.

(4) An interim development control order takes effect on:

(a) the date it is notified in the *Gazette*; or

(b) if a later date is provided for in the order – that later date.

(5) An interim development control order remains in force for 2 years or a lesser period specified in the order.

(6) An interim development control order must not be made in respect of land within 3 months after the day on which a previous interim development control order affecting that land expires, except if it relates to a different matter to the order that has expired.

**32 Inconsistencies with planning scheme**

(1) The Minister must not make an interim development control order that allows a development of land that, if the order had not been made, would not be lawful under the planning scheme relating to the land.

(2) Subject to subsection (1), if there is an inconsistency between an interim development control order and a planning scheme, the interim development control order prevails and the planning scheme, to the extent of the inconsistency, has no effect for the duration of the order.

# Part 4 Existing uses, existing buildings, existing works and permits

## Division 1 Existing uses, existing buildings and existing works

### 33 Existing use, building and works

(1) For this Part, a use of land is an existing use if the following circumstances apply:

(a) the use was being made immediately before the commencement of a planning scheme, or of an amendment of a planning scheme, relating to the land;

(b) the use was lawful under this Act immediately before the commencement:

(i) as a use permitted without the consent of a consent authority; or

(ii) as a use permitted under a planning scheme only with the consent of the consent authority and to which the consent authority had consented;

(c) the use would cease to be lawful after the commencement if not for this Part.

(2) Also, a use of land is an existing use for this Part if it is permitted only in accordance with an exceptional development permit.

(3) For this Part, a building is an existing building if the following circumstances apply:

(a) the building was in existence immediately before the commencement of a planning scheme, or of an amendment of a planning scheme, relating to the land on which the building is situated;

(b) the building was lawful under this Act immediately before the commencement;

(c) the building would cease to be lawful after the commencement if not for this Part.

(4) For this Part, works are existing works if the following circumstances apply:

(a) the works had been carried out before, or were being carried out immediately before, the commencement of a planning scheme, or of an amendment of a planning scheme, relating to the land on which the works were, or were being, carried out;

(b) the works were lawful under this Act immediately before the commencement;

(c) the works would cease to be lawful after the commencement if not for this Part.

**34 Existing use protected**

(1) Subject to subsection (2), a person does not contravene a planning scheme only by continuing an existing use after the commencement of a conflicting provision.

(2) A person may continue an existing use only if:

(a) the use is restricted to the part of the land on which the use was being made immediately before the commencement of the conflicting provision; and

(b) the intensity of the use is not greater than the intensity of use immediately before the commencement of the conflicting provision.

(3) In this section:

***conflicting provision*** means a provision of a planning scheme, or an amendment of a provision of a planning scheme, with which an existing use conflicts.

**35 Existing works protected**

(1) A person does not contravene a planning scheme only by continuing existing works (whether or not to completion) after the commencement of a conflicting provision.

(2) Existing works and any building constructed as part of those works may be used for the purpose for which they were constructed.

(3) Sections 57 and 59 do not apply to a development permit that relates to existing works.

(4) In this section:

***conflicting provision*** means a provision of a planning scheme, or an amendment of a provision of a planning scheme, with which existing works conflict.

### 36 Repairs and maintenance of existing building or works permitted

A person does not contravene the development provisions by carrying out work to repair or maintain an existing building or existing works.

### 37 Abandonment of existing use

(1) If a person discontinues an existing use of land for a continuous period of not less than 12 months, or a longer period as determined by the Minister, the person is conclusively presumed to have abandoned that use.

(2) Within 12 months after an existing use of land is discontinued, an owner of the land or a person authorised in writing by the owner may apply to the Minister in writing for an extension of the period referred to in subsection (1).

(3) The Minister may determine the application by extending or refusing to extend the period during which the existing use may be discontinued without a person being conclusively presumed to have abandoned the use.

### 37A Application for certificate

(1) An owner of land may apply to the consent authority for a certificate certifying the extent to which:

(a) a current use of the land is an existing use; and

(b) a building or work is an existing building or existing work.

(2) The application must be in the approved form and accompanied by the prescribed fee.

### 37B Decision to issue certificate

(1) After considering an application under section 37A, the consent authority must:

(a) issue the certificate; or

(b) refuse to issue the certificate.

(2) The consent authority may:

(a) describe, in the certificate, the nature and extent of the existing use, existing building or existing work; and

(b) make the certificate subject to terms and conditions; and

(c) provide for exceptions or limitations on the certificate.

(3) If the consent authority refuses to issue the certificate, it must give the applicant notice of the decision with reasons for the refusal.

(4) A certificate issued under this section is evidence of the facts certified as at the date specified in the certificate.

## Division 2 Exceptional development permits

### 38 Application for permit or variation of permit

(1) A person may apply to the Minister for the grant of an exceptional development permit.

(2) An exceptional development permit may permit any of the following in relation to land:

(a) a development or use of the land, although the development or use would otherwise not be lawful under the relevant planning scheme;

(b) a development or use of the land in substitution for an existing use, although the development or use would otherwise not be lawful under the relevant planning scheme;

(c) a modification or alteration of an existing building or existing works that would have a result other than as referred to in section 43B(1) or (2);

(d) the demolition and reconstruction of an existing building that is used for an existing use of the land.

(3) The owner of the land to which an exceptional development permit relates may apply for a variation of the permit.

(4) An application under this section must be in the approved form containing the applicant's proposal and accompanied by the prescribed fee.

(5) An application under this section that relates to a subdivision or consolidation of land in a Restricted Water Extraction Area must be accompanied by the information required by section 14C(1) of the *Water Act 1992*.

**39 Decision on receipt of application**

(1) After receiving an application under section 38, the Minister may decide:

(a) to place the proposal in the application on exhibition;

(b) if the proposal in the application is for a variation of a permit – that the proposal is not so significant as to require exhibition; or

(c) to refuse to grant or vary the exceptional development permit without placing the proposal in the application on exhibition.

(2) As soon as reasonably practicable after deciding to place a proposal on exhibition or to refuse to grant or vary the permit, the Minister must give the applicant written notice of the decision.

(3) If the Minister decides to place a proposal on exhibition, Part 2, Divisions 3, 4 and 5 apply in relation to the proposal.

**40 Grant or variation of permit or refusal to grant or vary**

(1) The Minister must not grant an exceptional development permit for a proposal relating to a development or use referred to in section 38(2)(a) unless the Minister is satisfied it is preferable to issue the permit than to amend the relevant planning scheme.

(2) Subject to subsection (1), if a proposal for the grant of an exceptional development permit has been on exhibition and the Minister has considered the matters referred to in section 26(2), the Minister must:

(a) grant a permit in accordance with the proposal;

(b) alter the proposal and, if section 27(2) applies in relation to the altered proposal, place it on exhibition and take the further actions required by virtue of section 27(3);

(c) alter the proposal and, if section 27(2) does not apply in relation to the altered proposal, grant a permit in accordance with the altered proposal; or

(d) refuse to grant a permit.

(3) If a proposal for a variation of an exceptional development permit has been on exhibition and the Minister has considered the matters referred to in section 26(2), the Minister must:

(a) vary the permit in accordance with the proposal;

(b) alter the proposal and, if section 27(2) applies in relation to the altered proposal, place it on exhibition and take the actions required by virtue of section 27(3);

(c) alter the proposal and, if section 27(2) does not apply in relation to the altered proposal, vary the permit in accordance with the altered proposal; or

(d) refuse to vary the permit.

(4) If the Minister has decided under section 39 that a proposal to vary an exceptional development permit is not so significant as to require exhibition, the Minister must:

(a) vary or refuse to vary the permit; or

(b) alter the proposal and vary the permit in accordance with the altered proposal.

(4A) The Minister must refuse to grant an exceptional development permit for the subdivision or consolidation of land in a Restricted Water Extraction Area unless the application complies with the restrictions of sections 14A and 14B of the *Water Act 1992* and the requirements of section 14C(1) of that Act.

(5) An exceptional development permit may be granted or varied subject to the conditions the Minister thinks fit and specifies in the permit or variation.

(6) The Minister must publish a notice of a decision made under this section in a newspaper circulating in the Territory or in an area to which the decision relates.

(7) The notice must include the prescribed details.

**41 Reasons for decision to be available to public**

The Minister must make available for purchase or inspection by the public a copy of the written reasons for a decision made under section 40.

### 42 Matters to be taken into account when making decision

(1) In deciding whether to grant or vary an exceptional development permit under section 40, the Minister must take into account the matters specified in section 51(1)(d), (h), (j), (k), (m), (n), (p), (pa), (r), (s) and (t).

(2) If a proposal relating to the development or use of land is required to be referred to the NT EPA under Part 4, Division 3 of the *Environment Protection Act 2019*, the Minister must not make a decision under section 40 in relation to the proposal unless:

(a) the NT EPA has determined that an environmental impact assessment is not required under that Act for that proposal; or

(b) if the NT EPA has determined that an environmental impact assessment is required – an environmental approval has been granted under that Act for the proposal and the decision is consistent with that approval; or

(c) the *Environment Protection Act 2019* otherwise permits the making of the decision.

### 42A Duration of permit

(1) Subject to this Part, an exceptional development permit remains in force during the base period of the permit and any extension of the base period under this section or section 42B.

(2) An exceptional development permit does not lapse at the end of the base period but is automatically extended for another 2 years from the date on which it would otherwise lapse if:

(a) works are substantially commenced in accordance with the permit within the base period; and

(b) a consent is conditional on the carrying out of the works.

(3) An exceptional development permit that relates to a plan of subdivision or consolidation does not lapse if, within the base period of the permit or any extension of that period under this section or section 42B, the plan of survey is approved under section 49(3) of the *Licensed Surveyors Act 1983*.

(4) Subject to this Part, an exceptional development permit does not lapse if:

(a) a development under the permit includes or consists of the establishment of, or a change in, a use; and

(b) the use has commenced in accordance with the permit within the base period of the permit or any extension of that period under this section or section 42B.

### 42B Extension of period of permit

(1) The owner of land to which an exceptional development permit applies, or a person authorised in writing by the owner, may apply to the Minister for an extension of the period of the permit.

(2) An application under subsection (1) must:

(a) be lodged before the permit lapses; and

(b) be in the approved form; and

(c) be accompanied by the prescribed fee.

(3) On receipt of an application under subsection (1), the Minister may:

(a) extend the period of the permit as the Minister thinks fit; or

(b) refuse to extend the period of the permit.

(4) The Minister must give the applicant a statement of the reasons if the Minister:

(a) extends the period for a period different from the one requested; or

(b) refuses to extend the period of the permit.

## Division 3 Alteration permits for existing buildings or existing works

### 43A Application for alteration permit

(1) A person may apply to the consent authority for an alteration permit in relation to an existing building or existing works.

(2) The application must be in the approved form and accompanied by the prescribed fee.

### 43B Issue or refusal to issue alteration permit

(1) The consent authority may, in writing, issue an alteration permit if in the opinion of the consent authority:

(a) the proposed alteration will not materially affect the amenity of adjoining or nearby land or premises; and

(b) the alteration does not authorise a substantive change to the existing building or existing works.

(2) Despite subsection (1), an alteration permit must not be issued if it will allow an increase in the number of dwellings capable of separate occupancy.

(3) If the consent authority refuses to issue an alteration permit, the consent authority must give the applicant a statement of the reasons for the refusal.

(4) For subsection (1)(b), a substantive change is:

(a) a change that increases non-compliance with a measurable aspect of the development by more than 5%; or

(b) if the change is not conveniently measurable – an alteration that materially changes the character of the existing building or existing works.

### 43C Conditions may be placed on alteration permit and may be varied

(1) The consent authority may impose on an alteration permit the conditions it thinks fit and specifies in the alteration permit.

(2) The holder of the alteration permit may apply to the consent authority for a variation of the conditions of the permit.

(3) The application must be in the approved form and accompanied by the prescribed fee.

(4) The consent authority may vary the conditions of an alteration permit only if it is satisfied about the matters referred to in section 43B(1) and (2) in relation to the proposed variation.

## Division 4 Certification

### 43D Certification of compliance with exceptional development permit

(1) A person may apply to the Minister for a certificate certifying the extent of compliance with the conditions of an exceptional development permit.

(2) An application under subsection (1) must be in the approved form and accompanied by the prescribed fee.

(3) After considering an application under this section, the Minister must issue a certificate that certifies the extent of compliance.

(4) A certificate issued under this section is evidence of the facts certified as at the date specified in the certificate.

# Part 5 Development permits

## Division 1 Development permits generally

### 44 When development permit is required

This Part applies in any of the following circumstances:

(a) if a provision of a planning scheme allows development only with the consent of the consent authority;

(b) if the proposed development is the subdivision or consolidation of land;

(c) if an interim development control order allows development only with the consent of a consent authority.

### 45 When development permit taken to be issued

If, after a planning scheme is made or amended under Part 2, a particular use of land is permitted only with the consent of the consent authority, a development permit consenting to that use is taken to have been issued if, immediately before the amendment:

(a) the particular use was permitted on the land without the consent of the consent authority; and

(b) that particular use was being made of the land.

### 46 Development applications

(1) The owner of land, or a person authorised in writing by the owner, may apply to the consent authority for consent to carry out a development on the land.

(2) An application under subsection (1) is to be in the approved form and accompanied by the prescribed fee.

(2A) An application under subsection (1) may be made by electronic transmission in the prescribed manner but must not be considered by the consent authority until the prescribed fee is paid.

(3) A development application is to contain the following:

(aa) the name and contact details of:

(i) the applicant and any person on whose behalf the application is made; and

(ii) the owner of the land to which the application relates; and

(iii) any person who entered into an agreement with a person referred to in subparagraph (i) or (ii) to acquire an estate or interest in the land to which the application relates; and

(iv) any person with an interest prescribed by regulation;

(a) an assessment demonstrating how the proposed development will comply with any planning scheme that applies to the land;

(b) an assessment demonstrating how the proposed development will comply with an interim development control order, if any, applying to the land;

(c) a statement specifying:

(i) whether the proposed development is required to be referred to the NT EPA under Part 4, Division 3 of the *Environment Protection Act 2019*; and

(ii) whether the proposed development has been referred to the NT EPA under Part 4, Division 3 of the *Environment Protection Act 2019*;

(d) an assessment demonstrating the merits of the proposed development;

(e) a description of the physical characteristics of the land and a detailed assessment demonstrating the land's suitability for the purposes of the proposed development and the effect of development on that land and other land;

(f) a statement specifying the public facilities or public open space available in the area in which the land is situated, whether land for public facilities or public open space is to be provided by the developer and whether it is proposed that facilities or open space be developed by the developer;

(g) a statement specifying the public utilities or infrastructure provided in the area in which the land is situated, the

requirement for public facilities and services to be connected to the land and whether public utilities or infrastructure are to be provided by the developer or land is to be provided by the developer for the provision of public utilities or infrastructure;

(h) an assessment of the potential impact on the existing and future amenity of the area in which the land is situated;

(j) an assessment of the benefit or detriment to the public interest of the development;

(ja) in the case of a proposed subdivision or consolidation of land in a Restricted Water Extraction Area – the information required by section 14C(1) of the *Water Act 1992*;

(k) in the case of a proposed subdivision of land on which a building is situated – a report from a building certifier within the meaning of the *Building Act 1993* as to whether the building will cease to comply with the *Building Act 1993* if the proposed development were to proceed;

(l) for the development of land proposed to be the scheme land of a proposed or existing scheme, or the development of existing scheme land – a plan in the approved form specifying:

(i) any information about any building that is, or will be, situated on the scheme land (including, for example, information about the structural integrity and fire safety of the building); and

(ii) if any part of the development is subject to changes that are allowed by regulation – details about that part as required by regulation; and

(iii) any other information prescribed by regulation about the development.

(3A) Despite subsection (3), the regulations may prescribe a class or classes of development applications that may contain only some of the reports or information specified in that subsection.

(4) The consent authority may decide to do any of the following in relation to a development application:

(a) if the application does not contain the information required by subsection (3) or (3A), as applicable – reject the application;

(b) if the consent authority considers additional information is necessary to enable it to consider the application properly – require the applicant to provide the information;

(c) if a proposal to amend a planning scheme has been placed on exhibition under Part 2, Division 3, and the consent authority is of the opinion that it should not determine the application until the Minister makes a decision about the proposal under section 25(2) – defer consideration and determination of the application under this Part until the decision is made;

(d) if section 50C applies in relation to the development proposed in the application – defer consideration and determination of the application under this Part until the relevant procedures under that section have been completed.

(5) The consent authority must notify the applicant in writing of a decision under subsection (4).

(6) An applicant must provide the information required by the consent authority under subsection (4)(b) within 30 days of receiving the request or any longer period the consent authority may allow.

(7) The applicant may, in writing, request the consent authority to extend the time to provide the information required under subsection (4)(b) if:

(a) the request is supported by reasons justifying the extension; and

(b) the application has not been rejected under subsection (9).

(8) If the consent authority refuses a request under subsection (7) to extend the time to provide the required information, it must give the applicant notice of the decision setting out the reasons for the refusal.

(9) The consent authority may reject an application if the applicant does not provide the information within 30 days of receiving the request or any longer period extended by the consent authority.

## Division 2 Development applications – notification and consultation

### 47 Public notice of development application

(1) Subject to sections 47A and 47B, before the consent authority determines a development application it must:

(a) give public notice of the application; or

(b) require, by written direction, the applicant to give public notice of the application.

(2) The notice must be given in the prescribed manner and form and must include:

(a) a statement that a development application has been made to the consent authority; and

(b) the details of the application; and

(c) an invitation to members of the public to make written submissions about the application within the period specified in the notice; and

(d) any other information required by the Regulations.

(4) The consent authority may charge the applicant the reasonable costs of giving notice of an application under this section and sections 47B, 48 and 48A.

(5) The minimum submission period for development applications requiring public notice is:

(a) for a development or class of developments prescribed by regulation – 28 days; or

(b) for any other development – 14 days.

*Note for subsection (5)*

*See sections 48(1A) and 48A(2A) for minimum submission periods for development applications requiring no or limited public notice.*

(6) The minimum submission period is calculated from the later of:

(a) the day written notice is given; and

(b) the day any sign is posted.

(7) The consent authority must make copies of the development application available to the public.

**47A Development application requiring no public notice**

No public notice is required for a development application solely for consent to:

(a) carry out the consolidation of land; or

(b) subdivide land under the *Unit Titles Act 1975* or the *Unit Title Schemes Act 2009*, other than to subdivide vacant land.

### 47B Development application requiring limited or no notice

(1) Written notice of the following development applications must be given in accordance with this section:

(a) a development application solely for consent to use or develop land to accommodate people requiring privacy, as prescribed by regulation;

(b) a development application solely for consent to carry out a use or development that will not have a significant effect on the existing and future amenity of the locality, as prescribed by regulation.

(2) The consent authority, or the applicant if so required in writing by the consent authority, must give the notice to any person or class of person prescribed by regulation, unless the development application includes the written consent, in the approved form, of the persons and classes of persons as prescribed.

(3) The notice must include the information specified in section 47(2).

(4) For subsection (3), the minimum submission period that may be specified in the notice, under section 47(2)(c), is 7 days.

### 48 Notice to local government council of development application

(1) If a development application relates to land within the council area of a local government council, the consent authority must give the local government council a written notice that includes:

(a) a statement that a development application has been made to the consent authority; and

(b) the details of the application; and

(c) an invitation to the local government council to make a submission about the application within the submission period specified in the notice.

(1A) If public notice is not required under section 47, the minimum submission period that may be specified in the notice is 7 days.

(2) In response to the notice, the local government council may:

(a) make a submission about the proposal under section 49(3); or

(b) give the consent authority advice or comment on the proposal under section 49(6).

(3) Written notice is not required if a development application includes the approved form completed by the applicable local government council.

### 48A Notice to service authority of development application

(1) The consent authority may give written notice of a development application to any service authority the consent authority considers appropriate.

(2) Any notice to a service authority must include an invitation to the service authority to provide written advice or comment about the application within the submission period specified in the notice.

(2A) If public notice is not required under section 47, the minimum submission period that may be specified in the notice is 7 days.

(3) The consent authority may, on request from a service authority, extend the submission period to provide the advice specified in the notice.

(4) The consent authority must give the applicant written notice of any extension under subsection (3).

(5) Written notice is not required if a development application includes the approved form completed by the applicable service authority.

### 49 Submissions

(1) Any person may make a written submission to the consent authority about a development application to which section 47 applies within the submission period specified in the public notice about the application.

(2) A person given notice under section 47B about a development application may make a written submission to the consent authority about the application within the submission period specified in the notice.

(3) A local government council given notice under section 48 about a development application may make a written submission to the consent authority about the application within the submission period specified in the notice.

(4) The submission must be in writing and lodged with the consent authority within the submission period.

(5) To be received by the consent authority, a submission must:

(a) state the name and contact details of the person or body making the submission; and

(b) in the case of a body or group of persons making the submission:

(i) designate a person as the representative of the body or group; and

(ii) state the name and contact details of the representative; and

(c) be signed by the person making the submission or, in the case of a body or group, the representative.

(6) A local government council may, within the submission period, give the consent authority advice or comment on an application.

(7) Any advice or comment given by a local government council is taken not to be a submission under this section or section 30N if the advice or comment does not oppose or contradict the application.

(8) A person or local government council may request the consent authority to extend a submission period referred to in subsection (4) or (6) or both, if the request is supported by reasons justifying the extension.

(8A) The consent authority may, on request, extend a submission period referred to in subsection (4) or (6) or both, if satisfied that:

(a) the request is not frivolous or vexatious; and

(b) the need for the extension is due to reasons outside the control of the person or local government council making the request; and

(c) the extension is justified by special circumstances.

(8B) The extension of the submission period may not exceed 7 days unless a longer period is justified by exceptional circumstances.

(9) The consent authority must give the applicant written notice of any extension under subsection (8).

### 50 Evidence and information

(1) If a natural person or body corporate makes a submission in accordance with section 49(1) or (2), the consent authority may invite the person or a representative of the body to appear before it and give evidence in relation to the development application.

(2) If a local government council makes a submission in accordance with section 49(3), the consent authority must invite a representative of the council to appear before it and give evidence in relation to the development application.

(3) If the Minister is the consent authority in relation to the land or development to which a submission relates, the Minister may appoint a person or body to receive information from the relevant person or representative mentioned in subsection (1) or (2).

(4) If appropriate, a person or body appointed under subsection (3) may receive information by telephone or other electronic means.

(5) The consent authority may adopt or reject any advice or comment it receives from a service authority under section 48A(2) or a local government council under section 49(6).

## Division 2A Development application relating to significant development proposal

### 50A Significant development proposal

(1) A proposed development of land is a ***significant development proposal*** in relation to the land if the development, as proposed:

(a) requires a development permit; and

(b) may be significant to future land use and development in the Territory.

(2) A proposed development of land is taken to be significant to future land use and development in the Territory if any of the following circumstances apply:

(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 section 2A(2)(a) or (b);

(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:

(i) that land or adjoining land; or

(ii) other areas of land;

(c) another circumstance prescribed by regulation.

(3) Without limiting subsection (2)(c), a regulation may prescribe a circumstance by reference to:

(a) the type of development proposed; or

(b) the extent of the possible impacts of the development, as proposed, on the natural environment or existing amenity of land.

**50B Significant development report**

(1) A ***significant development report*** is a written report by the Commission in relation to a significant development proposal.

(2) The Commission must give the report to the Minister as soon as practicable after it is requested by the Minister under subsection (5) or section 30D(3) or 50C.

(3) In considering a significant development proposal, the Commission must take into account the following:

(a) the purpose and objectives of this Act;

(b) any strategic framework in the planning scheme applicable to the land.

(3A) In its report, the Commission must identify and give advice about the possible effects of the proposal on future land use and development in the Territory.

(4) Without limiting subsection (3)(b), the report may include advice about the following matters:

(a) the strategic planning implications of the significant development proposal;

(b) if appropriate – Crown land that may be suitable for the proposal.

(5) The Minister may request the Commission to give a significant development report in relation to a significant development proposal even if a concurrent application or development application has not yet been made in relation to the proposal.

### 50C When significant development report may be requested

(1) This section applies if:

(a) a consent authority considers that the proposed development described in a development application is a significant development proposal; and

(b) the Commission has not given the Minister a significant development report in relation to the proposal.

(2) If the consent authority is the Minister, he or she may request the Commission to give the Minister a significant development report in relation to the proposed development.

(3) If the consent authority is the Development Consent Authority, it must give the development application to the Minister who must take action under subsection (4) or subsections (5) to (7).

(4) If the Minister considers that the proposed development is not a significant development, the Minister must return the development application to the Development Consent Authority and direct the Authority to determine the application.

(5) If the Minister considers that the proposed development is a significant development proposal, the Minister may:

(a) direct the Development Consent Authority under section 85(3) that the Minister is the consent authority in relation to the development application; or

(b) request the Commission to give the Minister a significant development report relating to the significant development proposal.

(6) If the Minister takes action under subsection (5)(a), the Minister may, before determining the development application, request the Commission to give the Minister a significant development report in relation to the significant development proposal.

(7) If the Minister takes action under subsection (5)(b), the Minister may, after considering the significant development report:

(a) direct the Development Consent Authority under section 85(3) that the Minister is the consent authority in relation to the development application; or

(b) give the report to the Development Consent Authority, together with the development application, and direct the Authority to determine the application.

### 50D Consideration of significant development report

If a significant development report requested under section 50C is given to a consent authority in relation to a development application, the consent authority must take the report into account before determining the application.

## Division 3 Determination of application

### 51 Matters to be taken into account

(1) A consent authority must, in considering a development application, take into account any of the following relevant to the development:

(a) any planning scheme that applies to the land to which the application relates;

(b) any proposed amendments to such a planning scheme:

(i) that have been or are on exhibition under Part 2, Division 3;

(ii) in respect of which a decision has not been made under Part 2, Division 5; and

(iii) that are relevant to the development proposed in the development application;

(c) an interim development control order, if any, in respect of the land to which the application relates;

(d) an environment protection objective as defined in section 4(1) of the *Waste Management and Pollution Control Act 1998* that is relevant to the land to which the application relates;

(e) any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application;

(f) a matter that the Minister has, under section 85, directed it to consider in relation to development applications generally;

(h) the merits of the proposed development as demonstrated in the application;

(j) the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development;

(k) the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer;

(m) the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose;

(n) the potential impact on the existing and future amenity of the area in which the land is situated;

(p) the public interest, including (if relevant) how the following matters are provided for in the application:

(i) community safety through crime prevention principles in design;

(ii) water safety;

(iii) access for persons with disabilities;

(pa) for a proposed subdivision or consolidation of land in a Restricted Water Extraction Area – whether the subdivision or consolidation complies with the restrictions of sections 14A and 14B of the *Water Act 1992* and the requirements of section 14C(1) of that Act;

(q) for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building);

(r) any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*;

(s) any beneficial uses, quality standards, criteria, or objectives, that are declared under the *Water Act 1992*;

(t) other matters it thinks fit.

(2) If a development proposal is required to be referred to the NT EPA under Part 4, Division 3 of the *Environment Protection Act 2019*, the consent authority must not make a decision under this Division in relation to a development application for the proposal unless:

(a) the NT EPA has determined that an environmental impact assessment is not required under that Act for that proposal; or

(b) if the NT EPA has determined that an environmental impact assessment is required – an environmental approval has been granted under that Act for the proposal and the decision is consistent with that approval; or

(c) the *Environment Protection Act 2019* otherwise permits the making of the decision.

(3) When considering a development application under subsection (1), the consent authority must apply the relevant considerations to only those components of the development that triggered the requirement for consent under the planning scheme.

**52 Limits on consent**

(1) The consent authority must not consent to a proposed development that is contrary to any interim development control order applicable to the development.

(1A) The consent authority must not consent to a proposed development for the subdivision or consolidation of land in a Restricted Water Extraction Area unless the application complies with the restrictions of sections 14A and 14B of the *Water Act 1992* and the requirements of section 14C(1) of that Act.

(2) Subject to subsections (3) and (4), the consent authority must not consent to a proposed development except in accordance with any planning scheme applicable to the development.

(3) The Minister may consent to a proposed development despite it being contrary to any strategic framework in the planning scheme applicable to the development.

(4) The Minister may give the Development Consent Authority approval to consent to a proposed development despite it being contrary to any strategic framework in the planning scheme applicable to the development.

(5) The Minister's approval may be obtained by written request setting out the Development Consent Authority's reasons for the request.

(6) The Development Consent Authority is taken to have the Minister's approval if the Minister does not respond in writing to the request within 14 days after receiving the request.

**53 Determination of development application**

As soon as practicable after considering a development application and the matters referred to in sections 51 and 52, the consent authority must determine to:

(a) consent, either conditionally or unconditionally, to the proposed development;

(b) alter the proposed development in the manner it thinks fit and consent, either conditionally or unconditionally, to the proposed development as altered; or

(c) refuse to consent to the proposed development.

**53B Notice of consent**

(1) This section applies in relation to a development application determined by the consent authority in accordance with section 53(a) or (b).

(2) As soon as practicable after determining the development application and issuing a development permit under section 54(1), the consent authority must serve a notice of consent:

(a) on the applicant; and

(b) on any person (including a local government council) who made a submission in relation to the development application in accordance with section 49.

(3) The notice of consent must be in the approved form, containing the following information:

(a) the determination of the consent authority;

(b) the reasons for the determination;

(c) particulars about the right of review under Part 9.

(4) If there is a local government council for the land to which the determination relates, the consent authority must:

(a) advise the local government council of the determination; and

(b) provide the local government council with a copy of the reasons for the determination.

(5) The consent authority must make available for inspection and purchase by the public a copy of the notice of consent.

### 53C Notice of refusal

(1) As soon as practicable after a consent authority determines a development application in accordance with section 53(c), the consent authority must serve a notice of refusal:

(a) on the applicant; and

(b) on any person (including a local government council) who made a submission in relation to the development application in accordance with section 49.

(2) The notice of refusal must be in the approved form, containing the following information:

(a) the determination of the consent authority;

(b) the reasons for the determination;

(c) particulars about the right of review under Part 9.

(3) If there is a local government council for the land to which the development application relates, the consent authority must:

(a) advise the local government council of the determination; and

(b) provide the local government council with a copy of the reasons for the determination.

(4) The consent authority must make available for inspection and purchase by the public a copy of the notice of refusal.

### 54 Development permit

(1) Immediately after a consent authority determines a concurrent application to which section 30Y applies, or a development application to which section 53B applies, it must issue a development permit to the applicant.

(3) A development permit must be in the approved form.

### 55 Conditions may be placed on permits

A consent authority may impose on a development the conditions it thinks fit and specifies in the development permit, including a provision for the permit to lapse on a specified date.

## 56 Conditions may relate to stage of development

A condition under section 55 may:

(a) provide that the development is permitted in stages specified in the permit;

(b) specify the conditions to be satisfied at the conclusion of a stage; and

(c) specify that if a stage is completed in accordance with the conditions specified to relate to that stage, use may be made of the part of the development completed at that stage:

(i) whether the stage completed relates to all or part of the area of land to which the permit relates; and

(ii) although conditions relating to stages yet to be completed have not been complied with.

## 57 Variation of conditions of permit

(1) The owner of land to which a development permit relates, or a person authorised by the owner, may at any time before the permit lapses apply to the consent authority for a variation of a condition of the permit.

(2) The application must be in the approved form and accompanied by the prescribed fee.

(3) The consent authority may, in writing, vary a condition of a development permit if:

(a) the proposed variation will not materially affect the amenity of adjoining or nearby land or premises; and

(b) the variation does not authorise a substantive change to the development approved by the development permit.

(4) Despite subsection (3)(a), a permit must not be varied if it will allow an increase in the number of dwellings capable of separate occupancy.

(5) If the consent authority refuses to vary a condition of a permit in accordance with an application, the consent authority must give to the applicant a statement of the consent authority's reasons for the refusal.

(6) For subsection (3)(b), a substantive change is:

(a) a change that increases non-compliance with a measurable aspect of the development permit by more than 5%; or

(b) if the change is not conveniently measurable – a variation that materially changes the character of the development approved by the development permit.

## Division 3A Determination by Minister of application relating to significant development proposal

### 57A Application of Division

This Division applies in relation to a development application for consent to carry out a development on land if:

(a) the development is the subject of a significant development report; and

(b) the Minister is the consent authority in relation to the application; and

(c) the Minister makes a determination under Division 3 contrary to any of the advice included in the significant development report.

### 57B Reasons for determination and tabling in Legislative Assembly

(1) The Minister must include in the reasons for the determination under section 53B(3) or 53C(2):

(a) the details of the significant development report; and

(b) the reasons why the advice in the report has not been followed.

(2) The Minister must, within 6 sitting days of making the determination, table it in the Legislative Assembly.

## Division 4 Duration of development permits

### 58 Duration of permit

(1) Subject to this Part, a development permit remains in force during the base period of the permit and, if the duration of a permit is extended under this section or section 59, the period of that extension.

(2) If:

(a) a consent is conditional on the carrying out of works; and

(b) those works are substantially commenced in accordance with the permit within the base period of the development permit,

the permit does not lapse at the end of the base period of the permit but instead is automatically extended for another 2 years from the date on which it would otherwise lapse.

(3) A development permit that relates to a plan of subdivision or consolidation does not lapse if, within the base period of the permit or any extension of that period under this section or section 59, the plan of survey is approved under section 49(3) of the *Licensed Surveyors Act 1983*.

(4) Subject to this Part, if a development under a development permit includes or consists of the establishment of or a change in a use, the development permit does not lapse if the use has commenced in accordance with the permit within the base period of the permit or any extension of that period under this section or section 59.

**59 Extension of period of permit**

(1) The owner of land to which a development permit applies, or a person authorised in writing by the owner, may, at any time before the permit lapses, apply to the consent authority for an extension of the period of the permit.

(2) An application under subsection (1) is to be in the approved form and accompanied by the prescribed fee.

(3) On receipt of an application under subsection (1), the consent authority may:

(a) extend the period of the permit as it thinks fit; or

(b) refuse to extend the period of the permit.

(4) If the consent authority makes a determination under subsection (3) other than in accordance with an application, it must give to the applicant a statement of its reasons.

### 59A Lapse of permit on abandonment of permitted use

(1) This section applies in relation to the following development permits:

(a) a development permit taken to be in force by virtue of section 45;

(b) a development permit that remains in force by virtue of section 58(4).

(2) If a person discontinues a permitted use for a continuous period of not less than 12 months, the person is conclusively presumed to have abandoned the permitted use and the development permit is taken to have lapsed.

(3) Within 12 months after a permitted use is discontinued, an owner of the land or a person authorised in writing by the owner may apply to the consent authority in writing for an extension of the period referred to in subsection (2).

(4) The consent authority may determine the application by extending or refusing to extend the period during which the permitted use may be discontinued without a person being conclusively presumed to have abandoned the use.

(5) In this section:

***permitted use*** means a use of land that is taken to be permitted by a development permit referred to in subsection (1)(a) or is permitted by a development permit referred to in subsection (1)(b).

## Division 5 Development works

### 60 Planning scheme may require consultation or agreement

(1) In this section, ***referral authority*** means:

(a) a statutory corporation;

(b) a body corporate;

(c) the holder of a statutory office under a law of the Territory or the Commonwealth;

(d) an Agency; or

(e) a local government council or a minister,

that or who is specified in a planning scheme for the purposes of this section.

(2) A planning scheme may specify that a consent authority must not consent to a development taking place unless it has consulted with, or obtained the agreement of, a referral authority.

(3) If a planning scheme specifies that the agreement of a referral authority must be obtained before the consent authority consents to a development taking place, the planning scheme must specify the matters that the referral authority must take into account in considering whether to agree.

(4) A referral authority may, by notice in writing to the consent authority, specify circumstances in which the consultation or agreement required by a planning scheme may be assumed to have taken place or been given.

(5) A consent authority must not consent to a development unless:

(a) if a planning scheme requires the consent authority to consult with a referral authority before consenting:

(i) the consent authority has consulted with the referral authority; or

(ii) the circumstances in which the consultation required by the planning scheme may be assumed to have taken place exist in relation to the development application; or

(b) if a planning scheme requires the consent authority to obtain the agreement of a referral authority before consenting:

(i) the consent authority has obtained the agreement; or

(ii) the circumstances in which the agreement may be assumed to have been given exist.

## Division 6 Subdivisions and consolidations

### 61 Subdivisions and consolidations of land

(1) The subdivision or consolidation of land must be done in accordance with a plan of survey approved under section 49(3) of the *Licensed Surveyors Act 1983*.

(2) A person commits an offence if:

(a) the person intentionally subdivides or consolidates land; and

(b) the subdivision or consolidation is not in accordance with a plan of survey approved under section 49(3) of the *Licensed Surveyors Act 1983* and the person is reckless in relation to that result.

Maximum penalty: 500 penalty units.

**62 Surveyor-General can only approve survey if consent given**

(1) The Surveyor-General must not approve under section 49(3) of the *Licensed Surveyors Act 1983* a plan of survey submitted under that section for a subdivision or consolidation of land unless satisfied that:

(a) consent under this Part has been given for the subdivision or consolidation; and

(b) if works are required under this Part to be carried out:

(i) they have been carried out in accordance with the requirements of the consent authority; or

(ii) security to the satisfaction of the consent authority has been given for the due completion of the works.

(2) If land proposed to be subdivided is, or the land to be consolidated is to be, the subject of a lease from the Territory containing conditions in relation to the development, the security referred to in subsection (1) may, if the consent authority thinks fit, be the lease.

**63 Purported subdivision or consolidation prohibited**

(1) A transaction purporting to subdivide or consolidate land must not contravene this Part.

(1A) A person commits an offence if:

(a) the person intentionally enters into a transaction; and

(b) the transaction purports to subdivide or consolidate land and the person is reckless in relation to that circumstance; and

(c) the purported subdivision or consolidation would contravene this Part and the person is reckless in relation that result.

Maximum penalty: 500 penalty units.

(2) A transaction purporting to subdivide or consolidate land in contravention of this Part is void.

## 64 Service easements

(1) If a plan of survey approved under section 49(3) of the *Licensed Surveyors Act 1983* for the subdivision or consolidation of land is lodged for registration, as a plan of subdivision, under section 51 of the *Land Title Act 2000* with the Registrar-General and is registered:

(a) all land shown on the plan of survey as a road, street, passage, court, alley, thoroughfare or cul-de-sac vests in fee simple in the Territory and vests, for the purpose specified in the plan of survey, in the service authority or local government council specified in the plan of survey under subsection (4); or

(b) all land shown on the plan of survey as a square, park, water or drainage reserve, reserve or other similar open space vests in fee simple in the service authority or local government council specified in the plan of survey under subsection (4),

by virtue of this section and without further assurance, freed and discharged of all interests, trusts, restrictions, dedications, reservations, obligations, mortgages, encumbrances, contracts, licences, charges and rates of any kind.

(2) If a plan of survey referred to in subsection (1) is registered under the *Land Title Act 2000*, the Registrar-General must make the entries that he or she thinks necessary for the purpose of recording in the land register kept under the *Land Title Act 2000*, in relation to the affected land:

(a) that the plan of survey has been deposited and registered; or

(b) the vesting of the land under subsection (1).

(3) A road, street, passage, court, alley, thoroughfare or cul-de-sac vested under subsection (1) is a road within the meaning and for the purposes of the *Control of Roads Act 1953* and the *Local Government Act 2019*.

(4) A plan of survey referred to in subsection (1) may indicate that land delineated in it is subject to or intended to be subject to an easement or covenant in favour of a specified service authority or local government council.

(5) If a plan of survey referred to in subsection (1) indicates an intended easement or covenant in favour of a specified service authority or local government council and describes it by a description specified in the Schedule or in a regulation made for the purposes of this section then, on the registration of the plan of subdivision under the *Land Title Act 2000*:

(a) the intended easement or covenant is to be an easement or covenant although it may be an easement in gross or a covenant in gross; and

(b) without limiting the power that it may have under any other law in force in the Territory, the service authority or local government council:

(i) is to have the use and benefit of the easement or covenant for the purposes; and

(ii) has for itself and its agents, servants and workmen all the powers,

specified in Schedule 3 to the *Law of Property Act 2000* or that regulation, as the case may be, in relation to that easement or covenant.

(6) If, by virtue of this section, land is the subject of an easement or covenant, the Registrar-General must make the entries in relation to the land in the land register kept under the *Land Title Act 2000* that he or she thinks necessary to evidence the easement or covenant.

(7) If:

(a) a pipe, duct, wire, pole or other thing that is attached to or constructed on, under or above the surface of, land is, by virtue of this section, subject to an easement; and

(b) it was attached to the land or constructed for or in relation to a purpose described in the Schedule or a regulation made for the purposes of this section,

it is not to be taken to be a fixture to the land for the purpose of giving the proprietor of the land a proprietary interest in it.

(8) A service authority or local government council that is the proprietor of an easement referred to in this section may allow any other person, himself or herself or by his or her employees, agents or workers, to enter on and do anything on the land subject to the easement that the proprietor of the easement can do as the proprietor.

(9) A proprietor of land on which is located an easement referred to in this section must not hinder or obstruct a person entering on or doing anything on the land in pursuance of the authority of the service authority or local government council.

(10) For the purposes of this section, ***service authority*** includes a person declared to be a service authority under subsection (11).

(11) The Minister may, by notice in the *Gazette*, declare a person to be a service authority for the purposes of this section.

## Division 7 Certification

### 65 Certification of compliance with permit or Part

(1) A person may apply to the consent authority for a certificate, in the approved form, certifying the extent of compliance with the following:

(a) the conditions of a development permit;

(b) the conditions of an alteration permit;

(c) the requirements of this Part in relation to land.

(2) An application under subsection (1) is to be in the approved form and accompanied by the prescribed fee.

(3) After considering an application under this section, the consent authority must issue a certificate that certifies the extent of compliance.

(4) A certificate issued under this section is prima facie evidence of the facts certified as at the date specified in the certificate.

## Division 8 Revocation and modification of permits

### 66 Minister may revoke or modify permit

(1) Subject to this section, the Minister may, by notice in the *Gazette*, revoke or modify a development permit.

(2) The Minister must not revoke or modify a development permit unless the Minister has:

(a) served notice in writing, in the approved form, on:

(i) the owner or occupier of the land; or

(ii) the person apparently using or developing the land,

of the proposal to revoke or modify the permit;

(b) required the Chair to carry out an inquiry under section 144; and

(c) considered the report provided under section 144.

(3) Before making its report, the Chair or person appointed under section 144(2) to conduct the inquiry must give the persons on whom the notice under subsection (2) was served an opportunity to be heard in relation to the proposed report.

(4) As soon as practicable after receiving the report under section 144, the Minister must decide whether or not to revoke or modify the permit.

(5) The Minister must notify, in writing, the persons served with a notice under subsection (2)(a) of the decision made under subsection (4).

(6) A person commits an offence if:

(a) the person is served with a notice under subsection (2)(a); and

(b) the person intentionally continues to use or develop the land; and

(c) the use or development is only permitted under the permit referred to in the notice.

Maximum penalty: 500 penalty units.

Default penalty: 2 penalty units.

(6A) Strict liability applies to subsection (6)(a) and (c).

(6B) It is a defence to a prosecution for an offence against subsection (6) if:

(a) the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence; or

(b) the conduct occurred after the person received a notice under subsection (5) that the Minister decided not to revoke or modify the permit.

(7) A person commits an offence if:

(a) a permit is modified under subsection (4); and

(b) the person is served with a notice under subsection (5) that the permit was modified; and

(c) the person intentionally continues to use or develop the land; and

(d) the use or development is not permitted under the permit as modified.

Maximum penalty: 500 penalty units.

Default penalty: 4 penalty units.

(7A) Strict liability applies to subsection (7)(a), (b) and (d).

(7B) It is a defence to a prosecution for an offence against subsection (7) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.

(8) After receiving notice under subsection (6) that the Minister has decided not to revoke or modify a permit, an applicant may use or develop the land to which the permit relates, under and in accordance with the permit.

## Part 6 Developer contributions

### 67 Definition

In this Part, ***infrastructure*** means prescribed capital works but does not include:

(a) the repair or maintenance of capital works;

(b) works required as a condition of a development permit to be carried out on the land to which the permit relates; or

(c) the provision of public car parking.

### 68 Making contribution plans

(1) A local government council or service authority may make a contribution plan in accordance with this section.

(2) If a local government council or service authority proposes to make a contribution plan, it must notify the public of the following information:

(a) that the proposed contribution plan will be exhibited;

(b) the place where the proposed plan may be viewed;

(c) that submissions may be made in relation to the plan.

(3) The notice under subsection (2) must be published in a newspaper that:

(a) in the case of a local government council – circulates in the council area in respect of the local government council; and

(b) in the case of a service authority – circulates in the Territory.

(4) The proposed contribution plan must be exhibited at the place specified in the notice for not less than 28 days.

(5) After considering any submissions made in relation to the proposed contribution plan, the local government council or service authority may make the contribution plan as originally proposed or varied as it considers appropriate.

(6) A contribution plan takes effect as follows:

(a) if no date is specified in the *Gazette* notice – the date it is notified in the *Gazette*;

(b) if a date is specified in the *Gazette* notice – the date specified in the notice.

(7) A local government council and service authority must ensure that all contribution plans proposed or made by it are available for inspection and purchase by members of the public.

(8) After 90 days from the date of the *Gazette* notice, a contribution plan cannot in any legal proceedings be declared to be of no effect by virtue only of a defect or irregularity in the procedure for making the plan.

**69 Content of contribution plan**

(1) A contribution plan may specify that the owner of land on which a development of a type specified in the plan occurs will be required to contribute towards the provision of infrastructure or public car parking, as the case may be, in accordance with the plan.

(2) A contribution plan that is made by a local government council applies only to land within the local government council's council area.

(3) A contribution plan relates to the policy area specified in the plan, being land that can appropriately be treated as a discrete area for the provision of infrastructure or public car parking of the type specified in the plan because of:

(a) the location of the land;

(b) land uses in the area of land or other common identifiable characteristics;

(c) the anticipated future development of the area of land; and

(d) the infrastructure or public car parking that is or will be required on the area of land.

(4) A contribution plan is to contain:

(a) a description of the infrastructure or public car parking that is or will be required in the policy area specified in the plan;

(b) a statement of the intended order in which works relating to the development of the infrastructure or public car parking are to occur;

(c) an estimate of, and the method for calculating, the capital cost of works relating to each type of infrastructure or each public car park;

(d) in relation to each type of infrastructure for which a contribution is required – a formula for calculating the contribution, determined having regard to prescribed types of information or estimations and descriptions or other information referred to in this section;

(e) in relation to public car parking – a formula for calculating the contribution, determined having regard to:

(i) the value of the land necessary for an off-street car park in the policy area; and

(ii) the estimated cost of construction of public car parking spaces on that land, using the most appropriate or cost effective form of construction, whether ground level or multi-level and having regard to all the circumstances in the policy area; and

(f) other prescribed information.

(5) A formula referred to in subsection (4)(d) may relate to the following:

(a) the intensity of a development;

(b) the anticipated increased usage of proposed infrastructure as a consequence of a development of a particular type;

(c) other factors specified in the contribution plan.

## 70 Contribution towards car parking

(1) This section applies to a development in a policy area.

(2) A planning scheme may require a particular type of development to provide for car parking as part of the development to meet the expected increased demand for car parking spaces in the policy area as a consequence of the development.

(3) If a planning scheme requires a certain number of car parking spaces to be provided as part of a development, the consent authority may determine, as a condition of the development permit, that a different number of car parking spaces may be provided or no car parking spaces need be provided.

(4) The consent authority must not make such a determination unless:

(a) it has considered all the circumstances of the particular case; and

(b) it is satisfied the intent of the planning scheme will still be fulfilled.

(5) If a condition of a development permit requires a certain number of car parking spaces to be provided as part of the development, the permit may include a condition that a contribution may be paid to the local government council for the policy area instead of providing a specified number of those parking spaces.

(6) The contribution payable to the local government council must be calculated in accordance with section 71.

## 71 Contribution payable

(1) The requirement to pay a contribution is taken to be a condition of the development permit in respect of which the contribution is payable and, subject to subsection (7), the contribution is payable in accordance with this Part by the owner of the land to which the permit relates.

(1A) The owner's contribution for infrastructure or car parking in the plan:

(a) is calculated as part or all of the total cost of the infrastructure or car parking; and

(b) is proportional to the anticipated future use of the infrastructure or car parking attributable to the development of the land.

*Note for subsection (1A)(a)*

*The total cost would include all costs, whether incurred before or after the contribution plan is made.*

(1B) For subsection (1A)(a), the total cost of infrastructure or car parking in the plan must be calculated by reference to the most appropriate and cost-effective form of construction.

(2) A contribution to be provided in accordance with this Part is payable:

(a) if the development consists only of a change in the use to which the land may be put – before the commencement of the new use;

(b) if it is a condition of a development permit relating to the development that, at the completion of each specified stage of the development, a specified number of car parking spaces are to be provided or a proportion of the total contribution as assessed by the local government council in accordance with the contribution plan is to be payable – at the completion of each stage and before commencement of the use of that part of the development in accordance with the conditions of the permit;

(c) if a time for payment is specified in a written agreement with the person who is required to provide the contribution – at that time; or

(d) in a case to which paragraph (a), (b) or (c) does not apply – on completion of the development and before commencement of the use to which the development relates.

(3) A local government council or service authority may, by notice in writing to the owner of land to which a contribution plan made by the council or the authority applies, demand that the owner pay the contribution assessed in accordance with the plan in respect of a development on the land.

(4) A demand may only be made under subsection (3) if the amount, or part of the amount, has become payable under subsection (2).

(5) If a demand for contribution is made under subsection (3) to an owner of land, he or she must pay the amount specified in the notice in accordance with the terms of the notice.

(6) If a demand for contribution is made under subsection (3) to an owner of land in relation to development on that land, the balance from time to time outstanding of the amount demanded is an overriding statutory charge, within the meaning of the *Land Title Act 2000*, on the land.

(7) If a declaration has been made under section 73 or an order has been made under section 125(6) or 130(5), this section applies with the necessary changes in relation to the payment of an amount of contribution to which the declaration or order relates.

(8) The amount of any money spent by an owner of land in constructing infrastructure required under this Part is to be set-off against the contribution payable by the owner under this Part, but is not to exceed the amount of the contribution payable.

**72 Duties of local government council and service authority**

(1) A local government council and service authority to which money is paid in accordance with this Part must:

(a) maintain for each contribution plan an account to provide the infrastructure or car parking spaces; and

(b) pay money received by it in accordance with this Part into the account; and

(c) within a reasonable time, use the money to provide for, or reimburse its costs in previously providing, the infrastructure or car parking for which the contribution was provided.

(2) In the case of a local government council, the account referred to in subsection (1)(a) must be an authorised deposit account as defined in the *Local Government Act 2019*.

**73 Discount, interest rate etc.**

(1) A local government council or service authority may declare:

(a) that a discount is to be given for the prompt payment, or the payment in advance, of a contribution payable under this Part;

(b) the rate or rates of a discount referred to in paragraph (a) and the circumstances in which it is to be given;

(c) the rate of interest payable on a contribution or part of a contribution if, in each case, the contribution is paid late; or

(d) that a refund or remittance of all or part of a contribution otherwise payable is to be made in the special circumstances of a particular case.

(1A) The declaration under subsection (1) must be:

(a) in the case of a body corporate – in the form of a resolution; or

(b) in any other case – in the manner and form prescribed by regulation.

(2) The interest payable under subsection (1)(c) is to be:

(a) calculated on the amount outstanding from time to time on a monthly basis until the contribution is paid in full; and

(b) not more than:

(i) the prescribed rate of interest; or

(ii) in the case of a local government council – the rate of interest payable to it on rates payable under the *Local Government Act 2019* but not paid when due and payable.

(3) A person may apply to the local government council or service authority for a refund or remittance, in the special circumstances of the person, of all or part of a contribution otherwise payable by the person under this Part.

**74 Enforcement of contribution plan**

If a contribution is to be paid to a local government council or service authority under this Part, it may:

(a) if it is the Territory – take proceedings to recover the contribution; and

(b) if it is a local government council or a statutory corporation – in its own name take proceedings to recover the contribution; and

(c) if it is a minister – in the name of the Territory take proceedings to recover the contribution.

# Part 7 Enforcement

## Division 1 Offences

### 75 Use or development contravenes planning scheme

(1) Land must not be used or developed in contravention of the planning scheme that applies to the land, except in accordance with a permit.

(2) A person commits an offence if:

(a) the person intentionally uses or develops land; and

(b) the use or development contravenes the planning scheme that applies to the land and the person is reckless in relation to that result.

Maximum penalty: 500 penalty units.

Default penalty: 4 penalty units.

(3) It is a defence to a prosecution for an offence against subsection (2) if the use or development is in accordance with a permit.

### 75A Use or development contravenes interim development control order

(1) Land must not be used or developed in contravention of an interim development control order, except in accordance with a permit in force immediately before the order was made.

(2) A person commits an offence if:

(a) the person intentionally uses or develops land; and

(b) the use or development contravenes an interim development control order and the person is reckless in relation to that result.

Maximum penalty: 500 penalty units.

Default penalty: 4 penalty units.

(3) It is a defence to a prosecution for an offence against subsection (2) if the use or development is in accordance with a permit that was in force immediately before the order was made.

### 75B Use or development contravenes permit

(1) A person must not use or develop land in a manner that is only permitted in accordance with a permit:

(a) except in accordance with the permit; and

(b) subject to section 56(c), until all the conditions of the permit that must be complied with before the use is permitted have been complied with.

(2) A person commits an offence if:

(a) the person intentionally uses or develops land; and

(b) the use and development is only permitted in accordance with a permit; and

(c) the use or development is not in accordance with the permit and the person is reckless in relation to that result.

Maximum penalty: 500 penalty units.

Default penalty: 4 penalty units.

### 75C Clearing native vegetation

(1) Land must not be developed by clearing it of native vegetation except in accordance with any of the following that applies in relation to the land:

(a) a planning scheme;

(b) an interim development control order;

(c) a permit.

(2) A person commits an offence if:

(a) the person intentionally engages in conduct; and

(b) the conduct results in the clearing of native vegetation on land and the person is reckless in relation to that result; and

(c) the clearing of native vegetation was not in accordance with:

(i) a permit or an interim development control order that applies to the land; or

(ii) if no permit or interim development control order applies to the land – a planning scheme that applies to the land.

Maximum penalty: 500 penalty units.

Default penalty: 4 penalty units.

(3) Strict liability applies to subsection (2)(c).

**75D Contravention of enforcement notice**

(1) A person commits an offence if:

(a) the person is issued an enforcement notice; and

(b) the person intentionally contravenes a requirement of that notice.

Maximum penalty: 500 penalty units.

Default penalty: 4 penalty units.

(2) Strict liability applies to subsection (1)(a).

**75E Failure to identify**

(1) A person commits an offence if:

(a) the person is requested by an authorised officer under section 76K to state the person's name and address; and

(b) the person:

(i) fails to state the person's name and address; or

(ii) states a name that is false in a material particular; or

(iii) states an address other than the full and correct address of the person's usual place of residence or work.

Maximum penalty: 50 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

(3) It is a defence to a prosecution for an offence against subsection (1) if the defendant has a reasonable excuse.

(4) Despite subsection (1), it is not an offence for the person to fail to comply with a request made under section 76K if the authorised officer or police officer who made the request did not inform the person, at the time the request was made, that it is an offence to fail

to comply with the request.

## Division 2 Enforcement powers

### 76 Authorised officers

(1) The Minister may, in writing, appoint authorised officers.

(2) The Minister must not appoint a person to be an authorised officer unless satisfied that the person has the skills, qualifications, training and experience to properly perform the functions of an authorised officer.

(3) For subsection (2), the Minister may require that a person successfully complete a course of training specified by the Minister before the person may be appointed as an authorised officer.

### 76A Authorised officer's functions and powers

(1) An authorised officer has the following functions:

(a) to monitor compliance with this Act, conduct investigations and deal with complaints and other matters;

(b) to issue infringement notices and enforce this Act;

(c) to participate in proceedings before the consent authority;

(d) any other functions conferred on the authorised officer under this or any other Act.

(2) An authorised officer has the powers necessary to perform the officer's functions.

(3) An authorised officer is subject to direction from the Chair and the Minister.

### 76B Identity card

(1) The Chief Executive Officer must give an authorised officer an identity card stating the person's name and that the person is an authorised officer.

(2) The identity card must:

(a) display a recent photograph of the authorised officer; and

(b) state the card's date of issue; and

(c) be signed by the officer.

(3) This section does not prevent the issue of a single identity card to a person for this and another Act.

### 76C Return of identity card

(1) A person who ceases to be an authorised officer must return the person's identity card to the Chief Executive Officer within 21 days after the cessation.

Maximum penalty: 20 penalty units.

(2) An offence against subsection (1) is an offence of strict liability.

(3) It is a defence to a prosecution for an offence against subsection (1) if the person has a reasonable excuse.

### 76D Obstruction of authorised officer

(1) A person commits an offence if:

(a) the person intentionally obstructs another person; and

(b) the other person is an authorised officer; and

(c) the authorised officer is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 200 penalty units or imprisonment for 2 years.

(2) Strict liability applies to subsection (1)(b).

(3) In this section:

***acting in an official capacity***, in relation to an authorised officer, means the officer is exercising powers or performing functions under, or otherwise related to the administration of, this Act.

***obstruct*** includes hinder and resist.

### 76E Authorised officer's identity card

(1) An authorised officer must carry the authorised officer's identity card when exercising a power under this Act.

(2) Before exercising a power under section 76F, an authorised officer must produce the authorised officer's identity card on the request of the occupier or a person apparently in charge of the premises.

## 76F Powers of authorised officer or police officer

(1) An authorised officer or a police officer may exercise the powers specified in this section for the purpose of investigating a contravention of this Part or the regulations if the officer believes on reasonable grounds that the contravention has occurred, is occurring or is likely to occur.

(2) Subject to subsection (1), an authorised officer or a police officer may exercise the following powers:

(a) enter and inspect land or premises;

(b) inspect any book, document or other record;

(c) remove for copying any book, document or record;

(d) seize and remove any thing that the officer believes on reasonable grounds to be evidence of the contravention;

(e) take photographs, record images or make other records of persons, land, premises or things;

(f) measure anything, or take samples of anything found on land or premises;

(g) require any person on land or premises being inspected to give reasonable assistance the officer requires to perform the officer's powers and functions.

*Example for subsection (2)(g)*

*Operate computer equipment to allow the officer access to electronic information.*

(3) Subject to subsection (1), an authorised officer or police officer may, by written notice, require the holder of a permit or the owner or occupier of land or premises relating to a development or proposed development to:

(a) produce a book, document or other record under the person's control; and

(b) answer questions or provide information relating to the person's associates, the land, the premises and the development or proposed development.

*Example for subsection (3)*

*Provide the names of business associates, financial records or blueprints.*

(4) An authorised officer or a police officer may retain a book, document or record removed or produced under this section for as long as reasonably necessary to make copies of the book, document or record.

(5) An authorised officer or a police officer may exercise the powers under this section with the reasonable assistance and force that the officer considers necessary.

### 76G Entering residential premises

(1) An authorised officer or a police officer must not enter residential premises under this Act unless:

(a) an occupier of the premises consents; or

(b) a warrant authorises the entry.

(2) If a part of the premises is used for residential purposes and the other portion for non-residential purposes, the prohibition in subsection (1) applies to the residential part.

### 76H Search warrants

(1) An authorised officer may apply to a Local Court Judge for a search warrant to enter land or premises if the officer believes on reasonable grounds that entry to the premises is necessary for the purpose of an investigation.

(2) A Local Court Judge may issue a warrant if satisfied that there are reasonable grounds that entry to the premises is necessary for the purpose of an investigation.

(3) A search warrant must:

(a) be signed by the Local Court Judge; and

(b) be issued to an authorised person named in the warrant; and

(c) state the purpose for which it is issued; and

(d) specify particular hours during which the entry is authorised or state that the entry is authorised at any time of the day or night; and

(e) include a description of the kind of documents or things in relation to which the powers under the warrant may be exercised; and

(f) specify the date, being a date not later than one month after the date of issue of the warrant, on which the warrant ceases to have effect.

(4) A search warrant authorises an authorised person named in the warrant:

(a) to enter the land or premises specified in the warrant; and

(b) to search the land or premises for documents or things relevant to the investigation; and

(c) to seize any document or thing relevant to the investigation in or on the land or premises; and

(d) to exercise any other powers of an authorised officer under this Act.

(5) A search warrant may be executed, in accordance with its terms, at any time during the period commencing on the date of issue of the warrant and ending at the end of the date specified in accordance with subsection (3)(f).

(6) A person executing a search warrant must, on request by an occupant of the premises to which the warrant relates, show the warrant to that occupant.

**76J Application for search warrant by telephone or other electronic means**

(1) If it is not practicable to apply for a search warrant in person, the application may be made by telephone or other electronic means of communication.

(2) A Local Court Judge who issues a warrant on an application made under subsection (1) must:

(a) complete and sign the warrant; and

(b) record on the warrant the reasons for issuing it; and

(c) inform the authorised officer by telephone or other electronic means of communication of its terms.

(3) When informed of the terms of the warrant under subsection (2)(c), the authorised officer must as soon as practicable:

(a) create 2 copies of the warrant in the terms provided by the Judge; and

(b) write on each copy the name of the Judge and the date and time the warrant was issued; and

(c) forward one copy to the Judge.

(4) The authorised officer may use the remaining copy of the warrant to exercise the powers granted by the warrant signed by the Judge.

(5) After comparing the forwarded copy with the original warrant, the Judge must certify the copy as being in identical substance to the original warrant if so satisfied.

### 76K Identification of person

An authorised officer may request a person the officer believes on reasonable grounds to be committing an offence to state the person's name and the address.

## Division 3 Enforcement notice

### 77 Issuing enforcement notice

The consent authority may issue an enforcement notice to any person it believes on reasonable grounds has contravened, is contravening or is likely to contravene section 75, 75A, 75B or 75C.

### 77A Show cause process

(1) Before issuing an enforcement notice, the consent authority must give a written show cause notice to the proposed recipient of the enforcement notice:

(a) stating the consent authority's intention to issue an enforcement notice; and

(b) asking the recipient to show cause why the enforcement notice should not be issued.

(2) The show cause notice must specify the date by which the recipient must show cause.

(3) The date specified in the show cause notice must be not less than 20 business days after the date of the notice.

(4) The consent authority must consider any response given by the proponent to the show cause notice before making a decision under section 77.

### 77B Exception to show cause process

(1) Despite section 77A, a consent authority may issue an enforcement notice without first giving a show cause notice under that section if the consent authority believes on reasonable grounds that it is not appropriate in the circumstances.

(2) Without limiting the generality of subsection (1), the grounds for not first giving a show cause notice include preventing the following:

(a) the clearing of native vegetation;

(b) an irreversible change to the landscape;

(c) the risk of material environmental harm;

(d) the risk of significant adverse effect on amenity or public health.

### 77C Contents of enforcement notice

(1) An enforcement notice must be in writing and specify the following:

(a) the person to whom it is issued;

(b) the provision that the consent authority believes was, is being or is likely to be contravened by the person and the grounds for that belief;

(c) the action or activity that the person is required to take or refrain from taking to remedy the contravention and to comply with the provision;

(d) the dates or times associated with any requirement in the notice;

(e) the person's right to apply to the Tribunal for review of the notice.

(2) An enforcement notice may impose any requirement reasonably required to remedy or prevent the contravention, including one or more of the following:

(a) a requirement that the person cease, or not commence, a specified activity;

(b) a requirement that the person not undertake or continue a specified activity except at specified times or subject to specified conditions;

(c) a requirement that the person undertake a specified activity within a specified period or at specified times or in specified circumstances;

(d) a requirement prescribed by regulation.

(3) An enforcement notice is binding on each person to whom it is issued.

(4) An application to the Tribunal for review of an enforcement notice does not stay the operation of the notice.

### 77D Variation or revocation of enforcement notice

The consent authority may vary or revoke an enforcement notice by written notice served on each person bound by the enforcement notice.

## Division 4 Complaints and investigations

### 78 Making a complaint

(1) A person may lodge a complaint with a consent authority that a person has contravened this Act or the regulations.

(2) The complaint must:

(a) be made in the approved form; and

(b) state the name and contact details of the person making the complaint; and

(c) specify the ground for the complaint; and

(d) be signed by the complainant.

### 79 Investigation of complaint

(1) The consent authority may investigate a complaint lodged under section 78.

(2) The consent authority may refuse to investigate the complaint if satisfied that:

(a) the complaint is trivial, frivolous or vexatious; or

(b) no grounds exist for the complaint.

(3) Within 14 days after making a decision to investigate the complaint, the consent authority must give the person who is the subject of the complaint written notice of:

(a) the substance of the complaint; and

(b) the consent authority's intention to investigate the complaint; and

(c) the person's right to respond to the complaint under subsection (4).

(4) The person may respond in writing to a complaint, which must be lodged with the consent authority within 14 days after being given the notice referred to in subsection (3).

### 79A Action after investigation

(1) On completing an investigation, the consent authority may do either of the following:

(a) take no further action if satisfied that:

(i) there are no grounds or evidence to justify taking further action; or

(ii) the matter does not warrant taking further action;

(b) take any enforcement action available under this Act, including prosecution and issuing an enforcement notice.

(2) Within 14 days after making a decision under subsection (1)(a), the consent authority must give a decision notice to the following:

(a) the complainant;

(b) the person who was the subject of the complaint.

## Division 5 Other enforcement matters

### 80 Order for investigation expenses

(1) A consent authority may apply to the Local Court for an order under subsection (2) if it has reasonably incurred expenses in taking a sample or conducting an inspection, test, measurement or analysis to investigate an offence being heard by the Local Court.

(2) The Local Court may order a defendant to pay to the Central Holding Authority a reasonable amount for the consent authority's expenses if the Local Court is satisfied that:

(a) the defendant is guilty of an offence against this Part; and

(b) the consent authority has reasonably incurred expenses in taking a sample or conducting an inspection, test, measurement or analysis to investigate the offence; and

(c) it would be just to do so in the circumstances.

**80A Order for compensation**

(1) The Local Court may make an order for compensation under subsection (2) if the Court:

(a) finds a defendant guilty of an offence against this Part; and

(b) finds that, because of the offence, another person has:

(i) suffered loss of income; or

(ii) suffered a reduction in the value of, or damage to, property; or

(iii) incurred expenses to replace or repair property or prevent or minimise, or attempt to prevent or minimise, the loss, reduction or damage.

(2) The Local Court may order the defendant to pay the other person compensation for the loss, reduction or damage suffered or the expenses incurred.

(3) An order under subsection (2) may be made in addition to the imposition of a penalty and any other order made under this Act.

**80B Default penalty may be imposed for continuing offences**

In addition to any penalty specified for an offence against this Act, the Court may impose a default penalty on a person for each day the person continues to commit the offence after the date the person is given an enforcement notice in relation to the alleged offence if:

(a) the offence provides for the default penalty; and

(b) the Court is satisfied that the person continued to commit the offence after the date the person given an enforcement notice.

### 80C Order to remedy contravention or failure

In addition to any other order, a court of competent jurisdiction may order a person who has contravened, or failed to comply with, a provision of this Act or the regulations to remedy the contravention or failure in the manner specified in the order.

### 80D Certificate evidence

(1) In a proceeding for an offence against this Act, a statement of fact may be made in a complaint or information as evidence in respect of the following physical elements of the offence:

(a) that land is Crown land, reserved land, dedicated land, land held under lease or land occupied under licence or agreement;

(b) that a person is authorised to take proceedings, to do an act or perform a duty, or to sue for the recovery of a penalty or other money under this Act;

(c) that there was native vegetation on land at a specified date.

(2) In a proceeding under this Act, a copy of any licence, certificate, map or plan certified under the signature of the Surveyor-General is acceptable as evidence without:

(a) the production of the original document; or

(b) the personal attendance of the Surveyor-General; or

(c) proof of the signature the Surveyor-General.

### 80E Infringement notices

The regulations may provide for infringement notices and the payment of an amount prescribed by regulation instead of a penalty that may otherwise be imposed for a prescribed offence against this Act.

### 80F Criminal liability of executive officer of body corporate – legal burden of proof on prosecution

(1) An executive officer of a body corporate commits an offence if:

(a) the body corporate commits an offence by contravening a declared offence and the officer was reckless about whether the contravention would happen; and

(b) the officer was in a position to influence the conduct of the body corporate in relation to the contravention; and

(c) the officer recklessly failed to take reasonable steps to prevent the contravention.

Maximum penalty: The maximum penalty that may be imposed on an individual for the declared offence.

(2) Strict liability applies to subsection (1)(b).

(3) In deciding whether the executive officer failed to take reasonable steps to prevent the contravention, a court must consider the following:

(a) any action the officer took directed towards ensuring the following, to the extent the action is relevant to the contravention:

(i) the body corporate arranged regular professional assessments of the body corporate's compliance with the declared offence;

(ii) the body corporate implemented any appropriate recommendation arising from an assessment under subparagraph (i);

(iii) the body corporate's employees, agents and contractors had a reasonable knowledge and understanding of the requirement to comply with the declared offence;

(b) any action the officer took when the officer became aware that the contravention was, or could be, about to happen.

(4) Subsection (3) does not limit the matters the court may consider.

(5) This section does not affect the liability of the body corporate.

(6) This section applies whether or not the body corporate is prosecuted for, or found guilty of, a declared offence.

(7) In this section:

***declared offence*** means an offence against any of the following:

(a) section 16(6);

(b) section 30J(3A)

(c) section 61(2);

(d) section 63(1A);

(e) section 66(6) and (7);

(f) section 75(2);

(g) section 75A(2);

(h) section 75B(2);

(i) section 75C(2);

(j) section 75D(1);

(k) section 119(2);

(l) a provision of the regulations prescribed by regulation.

***executive officer***, of a body corporate, means a director or other person who is concerned with, or takes part in, the management of the body corporate.

### 80G Who may prosecute offences against Act

(1) A prosecution under this Act may only be brought in the name of the Development Consent Authority or the Minister.

(2) The Chair and the Minister may authorise a person to bring a prosecution in the name of the Development Consent Authority or the Minister respectively.

### 81 Time for commencing prosecution

A prosecution under this Act must be commenced within 2 years after the latest of the following days:

(a) the day any authorised officer or police officer first becomes aware of the commission of the alleged offence;

(b) the day the alleged offence was committed;

(c) in the case of an alleged continuing offence – the latest day the conduct occurred.

# Part 7A Planning Commission

## Division 1 Establishment of Commission and related matters

### 81A Establishment

The Planning Commission is established.

### 81B Functions

The Commission has the following functions:

(a) to review the NT Planning Scheme at regular intervals;

(b) to prepare integrated strategic plans for inclusion in the NT Planning Scheme;

(c) to prepare guidelines and assessment criteria for inclusion in the NT Planning Scheme;

(d) to carry out community consultation before preparing the plans, guidelines and assessment criteria mentioned in paragraphs (b) and (c);

(da) to receive submissions, carry out consultation as directed by the Minister, and report to the Minister, under Part 2, Division 4;

(e) to provide advice to the Minister or Development Consent Authority (or both) about strategic planning under this Act;

(f) to provide reports to the Minister as requested or required under this Act;

(g) as requested by the Minister or on its own initiative – to conduct research and give the Minister reports about future land use and development in the Territory, taking into account projected economic, social and demographic changes;

(h) as requested by the Minister – other functions to assist in achieving the purpose and objectives of this Act;

(i) other functions conferred on the Commission under this Act.

### 81C Powers

(1) The Commission has the powers necessary to perform its functions.

(2) The Commission may engage persons with appropriate qualifications and expertise to assist the Commission to perform a particular function.

### 81D Independence

(1) The Commission must perform its functions and exercise its powers independently, impartially and in the public interest, taking into account the purpose and objectives of this Act.

(2) The Chairperson and other members of the Commission must, in the performance of their functions and the exercise of their powers:

(a) exercise professional care and act with integrity and diligence; and

(b) comply with any code of conduct established under section 100; and

(c) consider the diverse interests and needs of the community; and

(d) comply with any policies made by the Commission under section 81L(2).

### 81E Staff and facilities

(1) The Chief Executive Officer must provide the Commission with staff and facilities to enable the Commission to properly perform its functions.

(2) A staff member provided to the Commission under subsection (1) is subject only to the direction of the Chairperson.

## Division 2 Membership of Commission

### 81F Constitution and appointment of members

(1) The Commission consists of the following members:

(a) the Chairperson;

(b) the Chair of the Development Consent Authority;

(c) the chairperson of the Heritage Council under the *Heritage Act 2011*;

(d) the chairperson of the NT EPA under the *Northern Territory Environment Protection Authority Act 2012*;

(e) a representative of the prescribed corporation;

(f) any other members to a maximum of 5.

(2) The Minister must appoint a person with appropriate qualifications and expertise to be the Chairperson or a member mentioned in subsection (1)(f).

(3) The Minister must appoint a person mentioned in subsection (1)(e) on the nomination of the prescribed corporation.

(4) At least one person appointed under subsection (1)(f) must:

(a) be eligible for membership in a planning association or institute recognised by the Minister; or

(b) have planning qualifications recognised by the Minister.

**81G Duration and conditions of appointment**

(1) An appointed member holds office:

(a) for 2 years or the shorter period specified in the instrument of appointment; and

(b) on the conditions specified in the instrument of appointment.

(2) The member is eligible for reappointment.

**81H Vacation of office**

(1) A person who is an appointed member ceases to be a member if:

(a) the person resigns by giving written notice to the Minister; or

(b) the person's appointment is terminated under section 81J; or

(c) the person was appointed on the nomination of the prescribed corporation and has ceased to be the representative of the corporation.

(2) The performance of a function or the exercise of a power by the Commission is not affected merely because there is a vacancy in its membership.

**81J Termination of appointment**

(1) The Minister may terminate the appointment of a person as an appointed member:

(a) on the ground of misbehaviour or misconduct; or

(b) on the ground of physical or mental inability to satisfactorily perform the duties of the office; or

(c) if the Minister is satisfied the person has failed to comply with section 81U(2).

(2) The Minister must terminate the appointment of a person as an appointed member:

(a) if the person is absent from 3 consecutive meetings of the Commission without the agreement of a majority of the other members; or

(b) if the person is found guilty of an offence of such a nature that it would be inappropriate for the person to continue as a member; or

(c) if the person:

(i) becomes bankrupt; or

(ii) applies to take the benefit of a law for the relief of bankrupt or insolvent debtors; or

(iii) compounds with creditors or makes an assignment of the person's remuneration for their benefit.

(3) A termination of appointment must be made in writing.

## Division 3 Procedures for particular functions

### 81K Integrated strategic plans

(1) In preparing an integrated strategic plan mentioned in section 81B(b), the Commission may do any of the following:

(a) identify future transport corridors, utility corridors and sites for essential facilities;

(b) provide guidance through master plans on where and how communities or urban areas should grow;

(c) support urban renewal.

(2) For subsection (1)(a), essential facilities include:

(a) facilities for communication, water and power supply, gas and similar condensates, effluent treatment and regional waste; and

(b) other public and social infrastructure.

(3) For subsection (1)(b), the master plans may include maps, policy statements and objectives relating to any of the following:

(a) housing;

(b) transportation;

(c) economic development;

(d) the environment;

(e) open space;

(f) conservation.

(4) This section does not limit the way in which the Commission may perform the function mentioned in section 81B(b).

**81L Community consultation**

(1) Before carrying out community consultation mentioned in section 81B(d), the Commission must decide the appropriate method and extent of the consultation, taking into account the particular proposed integrated strategic plans, guidelines or assessment criteria under consideration.

(2) The Commission must develop, for approval by the Minister, one or more policies in relation to:

(a) its consultations with the public and with specific participants in the planning process; and

(b) public education regarding the roles of the public and the Commission under this Act.

(3) The Commission must publish on its website any policy approved by the Minister under subsection (2).

**81M Preparation of significant development report**

(1) The member of the Commission who is the Chair of the Development Consent Authority must not take any part in the Commission's consideration of a significant development proposal or the preparation of a significant development report in relation to the proposal.

(2) However, subsection (1) does not apply if:

(a) the Minister is the consent authority under section 4(1) in relation to the land to which the significant development proposal relates; or

(b) no development application has been made in relation to the proposal and the Minister has given the Commission written notice that, if an application is made, he or she will direct the Development Consent Authority under section 85(3) that the Minister is the consent authority in relation to the application; or

(c) a development application has been made in relation to the proposal and the Minister has given the Commission written notice that he or she has directed the Development Consent Authority under section 85(3) that the Minister is the consent authority in relation to the application.

## Division 4 General procedures

### 81N Commission decides its procedures

Subject to this Act and the Regulations, the Commission is to decide its own procedures.

### 81P Holding meetings

(1) The Commission must meet as often as is necessary for the performance of its functions.

(2) However, the Commission must meet at least 4 times in each year.

(3) The Chairperson must make appropriate arrangements for the Commission to meet.

(4) The Chairperson must convene a meeting of the Commission when requested by another member to do so.

(5) A meeting convened under subsection (4) must be held on, or as soon as practicable after, the meeting date requested by the member (which must be at least 7 days after the request is made).

### 81Q Quorum

Subject to section 81V(1)(c), the quorum for a meeting of the Commission is a majority of its members.

### 81R Presiding member at meeting

(1) The Chairperson must preside at all meetings of the Commission at which he or she is present.

(2) If the Chairperson is absent from a meeting, the members present must elect a member to preside.

### 81S Voting at meeting

(1) A decision at a meeting of the Commission is to be made by the majority vote of members present and voting.

(2) If there is an equality of votes, the person presiding at the meeting has a casting vote.

### 81T Records of meetings

The Commission must keep accurate records of its meetings.

### 81U Disclosure of personal interest

(1) This section applies if a member has a personal interest in a matter being considered, or about to be considered, at a meeting of the Commission.

(2) The member must disclose the nature of the personal interest to all other members at or before the meeting.

(3) The disclosure must be recorded in the minutes of the meeting at which, or before which, the disclosure is made.

(4) For this section, a member has a personal interest in a matter if the member:

(a) has a direct or indirect financial interest in the matter; or

(b) has a personal, professional, commercial or other relationship with a person and the nature of the relationship is likely to, or may reasonably be regarded as likely to, inhibit or prevent the member from exercising independent judgment about the matter.

### 81V Effect of personal interest

(1) If a member has a personal interest in a matter that is required to be disclosed under section 81U(2):

(a) the member must not take part in any deliberation or decision of the Commission about the matter; and

(b) the member must be disregarded for the purpose of constituting the quorum of the Commission for the deliberation or decision; and

(c) the quorum for the deliberation or decision is a majority of members entitled to participate in the deliberation or decision.

(2) However, a failure by a member to disclose a personal interest in a matter does not, of itself, invalidate any decision of the Commission about the matter.

### 81W Limitation on challenge to decision of member

(1) This section applies if a person who is a member of the Commission:

(a) takes part in any deliberation or decision of the Commission about a matter; and

(b) in another capacity, makes a decision under this Act or any other Act (a ***relevant decision***) in relation to:

(i) the same matter; or

(ii) a place or an area of land in connection with the matter.

(2) A relevant decision must not be challenged, appealed against, reviewed, quashed or called into question in any court or tribunal merely because the person took part in the Commission's deliberation or decision.

(3) A reference in this section to a relevant decision includes a reference to any of the following:

(a) an assessment or report;

(b) an opinion, advice or recommendation.

### 81X Committees

(1) The Commission may establish one or more committees to advise it on matters related to any of the Commission's functions.

(2) A person may be a member of a committee whether or not the person is a member of the Commission.

(3) The member of the Commission who is the Chair of the Development Consent Authority must not be a member of a committee established to advise the Commission on matters related to a significant development proposal (including the preparation of a

significant development report) unless section 81M(2)(a), (b) or (c) applies in relation to the proposal.

## Division 5 Other matters

### 81Y Annual report

(1) The Chairperson must prepare and give to the Minister a report on the performance by the Commission of its functions during each financial year.

(1A) The annual report must include the following:

(a) the particulars of the Commission's activities;

(b) a review of its activities in relation to any policies made by the Commission under section 81L(2);

(c) the results of its activities.

(2) The report must be given to the Minister by 31 October following the end of the financial year.

(3) The Minister must table a copy of the report in the Legislative Assembly within 6 sitting days after the Minister receives the report.

### 81Z Protection from liability

(1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the performance of a function or the exercise of a power as:

(a) a member of the Commission; or

(b) a person engaged by the Commission under section 81C; or

(c) a staff member provided to the Commission under section 81E(1).

(2) In addition, the person is not civilly or criminally liable for an act done or omitted to be done by the Commission in the performance of a function or exercise of a power under this Act.

(3) Subsections (1) and (2) do not affect any liability the Territory would, apart from those subsections, have for the act or omission.

(4) In this section:

***exercise***, of a power, includes the purported exercise of the power.

***performance***, of a function, includes the purported performance of the function.

### 81ZA Unauthorised disclosure of confidential information

(1) A person commits an offence if:

(a) the person is:

(i) a member of the Commission; or

(ii) a person engaged by the Commission under section 81C; or

(iii) a staff member provided to the Commission under section 81E(1); and

(b) the person obtains information in the course of performing a function or exercising a power in the person's capacity referred to in subsection (1); and

(c) the information is confidential and the person is reckless in relation to that circumstance; and

(d) the person intentionally engages in conduct; and

(e) the conduct results in the disclosure of the information and the disclosure is not:

(i) for a purpose connected with the administration of this Act, including a legal proceeding arising out of the operation of this Act; or

(ii) to a person who is otherwise entitled to the information; and

(f) the person is reckless in relation to the result and circumstance referred to in paragraph (e).

Maximum penalty: 50 penalty units or imprisonment for 2 years.

(2) Strict liability applies to subsection (1)(a) and (b).

(3) If the information referred to in subsection (1) relates to a person, it is a defence to a prosecution for an offence against that subsection if the person consented to the disclosure of the information.

*Example for subsection (3)*

*A person to whom the information relates includes a person who has a direct interest in the information remaining confidential because the information is financial, commercial, personal or cultural information.*

*Note for section 81ZA*

*In addition to the circumstances mentioned in this section, a person who discloses information mentioned in this section will not be criminally responsible for an offence if the disclosure is justified or excused by or under a law (see section 43BE of the Criminal Code).*

# Part 8 Development Consent Authority

## Division 1 Establishment of Development Consent Authority and Divisions of Authority

### 82 Development Consent Authority

The Development Consent Authority is established by this section.

### 83 Minister may establish Divisions of Authority

(1) The Minister may, by notice in the *Gazette*:

(a) establish and name a Division of the Development Consent Authority; and

(b) specify the area of the Territory to which the Division is to relate.

(2) The Minister may, by notice in the *Gazette*:

(a) amend a Division area specified in a notice under subsection (1);

(b) rename a Division of the Development Consent Authority; or

(c) abolish a Division of the Development Consent Authority.

(3) The Minister may not declare a Division area or amend a Division area if part of the area or area as amended would be within a council area in respect of a local government council and another part would be within another council area.

## 84 Functions and powers of Development Consent Authority

(1) The functions of a Division of the Development Consent Authority are:

(a) the functions of a consent authority under this Act in relation to the Division area in respect of which the Division was established; and

(b) other functions conferred or imposed on it by or under this or any other Act.

(2) The Development Consent Authority has the powers that are necessary or convenient for, or incidental to, the performance of its functions or the exercise of its powers.

(3) To assist it in performing its functions, the Development Consent Authority may seek advice or assistance from specialist advisors registered under subsection (5).

(4) If the Development Consent Authority seeks advice or assistance from a specialist advisor in relation to a proceeding, it must give the participants in the proceeding:

(a) written notice of the name and speciality of the specialist advisor; and

(b) a copy of the advice or assistance being sought; and

(c) a copy of any advice or a summary of any assistance given by the specialist advisor.

(5) The Minister may maintain a register of the names and contact details of any person willing to act as a specialist advisor to the consent authority if the Minister is satisfied the person has the skills, qualifications or experience prescribed by regulation.

## 85 Minister may direct Authority

(1) The Minister may direct the Development Consent Authority generally or in respect of a particular matter other than:

(a) the determination of a particular development application; or

(b) the contents of any report or recommendation the Authority is required to provide under this Act.

(2) The Development Consent Authority, in the performance of its functions and the exercise of its powers, is subject to a direction of the Minister under subsection (1).

(3) At any time before the Development Consent Authority has served a notice under section 53B or 53C in respect of a particular development application made to it, the Minister may direct the Development Consent Authority that the Minister is the consent authority in relation to the development application.

(4) If the Minister directs the Development Consent Authority under subsection (3), the Development Consent Authority must, as soon as practicable, forward to the Minister the particular development application and all submissions and other documents in relation to the application.

### 86 Delegation

(1) The Development Consent Authority may, by resolution, delegate to an employee within the meaning of the *Public Sector Employment and Management Act 1993* or a member any of its powers and functions under this Act.

(2) If a committee formed under this Act consists only of members of the Development Consent Authority, the Authority may delegate to it any of its powers and functions under this Act.

## Division 2 Membership

### 87 Constitution of Development Consent Authority

(1) The Development Consent Authority consists of:

(a) the Chair; and

(b) the members appointed by the Minister under section 89 or 90.

(2) A person may, under section 89 or 90, be appointed a member of more than one Division.

(3) An employee of the Agency administering this Act is not eligible to be appointed as a member of the Development Consent Authority.

### 88 Chair and Deputy Chair

(1) The Minister may, in writing, appoint a person to be the Chair of the Development Consent Authority for 2 years or a lesser period specified in the instrument.

(1A) Before appointing a person as the Chair of the Development Consent Authority, the Minister must be satisfied that the person has the skills, qualifications or experience to exercise the powers and perform the functions of that office.

(2) The Minister may, in writing, appoint:

(a) a member to be the Deputy Chair of the Development Consent Authority; or

(b) a member to be the Deputy Chair of the Development Consent Authority in respect of one or more Divisions of the Authority.

(3) If the Minister appoints a member to be the Deputy Chair of the Development Consent Authority under subsection (2)(a), the Deputy Chair is to act as the Chair during:

(a) any period when the Chair appointed under subsection (1) is unable to attend a particular meeting; and

(b) any vacancy in the office of Chair.

(4) If the Minister appoints a member to be the Deputy Chair of the Development Consent Authority in respect of a Division under subsection (2)(b), the Deputy Chair is to act as the Chair during:

(a) any period when the Chair appointed under subsection (1) is unable to attend a particular meeting in relation to the Division; and

(b) any vacancy in the office of Chair, but only in relation to matters relating to the Division.

**89 Appointment of members within council area**

(1) If all or part of a Division area is within a council area, the Minister must, in writing, appoint the following persons to be Division members of the Division area:

(a) 2 community members nominated by the local government council under section 91;

(b) one alternate community member nominated by the local government council under section 91;

(c) 2 specialist members.

(2) An alternate community member may act, during the absence or inability to act of a community member, but may not act for more than one community member or for a member appointed to be a Deputy Chair who is acting as Chair under section 88(3) or (4).

(3) An employee of a local government council is not eligible to be appointed as the community member for that local government council.

(4) A person is eligible to be appointed to be a specialist member if the Minister is satisfied the person has the skills, qualifications or experience prescribed by regulation.

(5) The Minister must maintain a register of the names and contact details of persons eligible and willing to be appointed as specialist members.

**89A Training of members**

(1) The Minister must approve a course of training for members of the Development Consent Authority.

(2) Each member of the Development Consent Authority must successfully complete the course of training approved by the Minister before exercising the member's powers or performing the member's functions.

**90 Appointment of members outside council area**

If no part of a Division area is within a council area, the Minister may, in writing, appoint 4 persons he or she thinks fit to be the Division members of the Development Consent Authority in respect of the Division area.

**91 Nomination of community members**

(1) On the Minister's request, a local government council must nominate persons it thinks fit for the Minister to appoint as community members and alternate community members under section 89(1)(a) and (b).

(2) The number of persons nominated must be at least one greater than the number of vacancies to be filled.

(3) If the local government council fails to nominate the number of persons required under subsection (2), the Minister may appoint any person the Minister considers fit.

(4) The Minister must give a local government council written notice and at least 30 days to remedy its failure before making an appointment under subsection (3).

## 92 Term of office of member

(1) Subject to this Act, a member appointed under section 89 or 90 holds office for 2 years or a lesser period specified in the instrument of appointment and is eligible for reappointment.

(2) If a member is appointed under section 89(1)(a) or (b) and the next election (other than a by-election) for the local government council by which the member was nominated is held before the member ceases to be a member, the member holds office until the expiration of 3 months after the declaration of the polls for the election.

(3) If the Minister abolishes a Division of the Development Consent Authority, the members appointed under this Part in respect of the Division cease to be members on and from the date on which the notice abolishing the Division appears in the *Gazette*.

(4) If a local government council is placed under official management under section 318 of the *Local Government Act 2019*, a community member nominated by that local authority continues to be a member, unless the appointment is terminated by the Minister.

*Note for subsection (4)*

*The Minister also has the power to terminate an appointment under section 100A.*

## 93 Chair may appoint member to act in another Division

(1) If the Chair is satisfied that a member appointed in relation to a Division (***the first Division***) in relation to whom there is no alternate member appointed under section 89(1)(b) is prevented by illness, absence, the operation of section 97 or other cause considered sufficient by the Chair, from performing the member's duties of office, the Chair may, in writing, appoint a member in relation to another Division to act as a member in relation to the first Division for a period of not more than 3 months.

(2) The Chair may, in writing, appoint a member in relation to the Division who is:

(a) appointed as a member under section 89(1)(a); or

(b) appointed as a member under section 90,

to act as a member in relation to another Division in the place of a member of that other Division who is required to act as the Chair in relation to that other Division.

(3) The appointment of a member under subsection (1) takes effect on and from the date on which the instrument is signed or a later date specified in the instrument.

(4) If a period of appointment is not specified in an instrument under subsection (1), the appointment is to be taken to be for a period of 3 months on and from the date on which the instrument is signed.

(5) The Chair may, in writing, revoke the appointment of a member of a Division under subsection (1).

**94 Minister may appoint temporary member**

(1) If:

(a) there is a vacancy in the membership of a Division; and

(b) the Minister is of the opinion that it is necessary to appoint a person to act in the vacancy on urgency,

the Minister may, despite sections 89 and 90, in writing, appoint a person to be a temporary member of the Division for a period of not more than 6 months specified in the instrument.

(2) The appointment of a member under subsection (1) takes effect on and from the date on which the instrument is signed or a later date specified in the instrument.

(3) The Minister may, in writing, revoke the appointment of a temporary member of a Division under this section.

**95 Vacancy or defect does not invalidate action of Authority**

(1) The performance of a function or exercise of a power by the Development Consent Authority is not invalid by reason only of there being a vacancy in its membership.

(2) The appointment of a person as a member is not invalid by reason only of a defect or irregularity in or in connection with the appointment of the person.

**96 Resignation of members**

A member may resign office by writing signed by him or her and delivered to the Minister.

## 97 Disclosure of interest

(1) A member who has:

(a) subject to section 99(1), a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Division of which he or she is a member, otherwise than a direct or indirect pecuniary interest as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons and of which he or she is not a director; or

(b) a personal, professional, commercial or other relationship with an applicant or another person or association, which relationship is of a nature that it is likely to, or may reasonably be regarded as likely to, inhibit or prevent the exercise by the member of independent judgment in respect of an application,

must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of his or her interest or relationship at or before a meeting of the Division.

(2) A disclosure under subsection (1) is to be recorded in the minutes of the Division.

(3) A member who has an interest or relationship specified in subsection (1) must not be present during, contribute to or take part in any deliberation or decision of the Division in relation to:

(a) the matter or relationship being considered; and

(b) any discussion as to whether the Chair ought to make a determination under subsection (5).

(4) A member who makes a disclosure under subsection (1) must be disregarded for the purpose of constituting a quorum of the Development Consent Authority in relation to the matter or relationship being considered.

(5) Despite subsections (1) to (4), the Chair may determine the significance or relevance of an interest or relationship disclosed by a member under subsection (1) and, if determined to be insignificant or irrelevant, allow the member:

(a) to be counted for the purposes of constituting a quorum; and

(b) to be present during, contribute to and take part in the deliberation or decision of the Division.

### 98 Offences related to non-disclosure of interest

(1) A person commits an offence if:

(a) the person is a member of the Development Consent Authority; and

(b) the person intentionally attends, contributes to or takes part in a deliberation or decision of the Division of which the person is a member; and

(c) the deliberation or decision is in relation to an interest or relationship referred to in section 97(1); and

(d) the person recklessly fails to disclose that interest or relationship.

Maximum penalty: 50 penalty units.

(2) A person commits an offence if:

(a) the person is a member of the Development Consent Authority; and

(b) the person intentionally attends, contributes to or takes part in a deliberation or decision of the Division of which the person is a member; and

(c) the person has an interest or relationship referred to in section 97(1) and is reckless in relation to that circumstance.

Maximum penalty: 50 penalty units.

(3) Strict liability applies to subsections (1)(a) and (c) and (2)(a).

(4) It is a defence to a prosecution for an offence against subsection (2) if the Chair determined under section 97(5) that the defendant could be present during, contribute to or take part in the deliberation or decision of the Division.

### 98A Independence of community members

(1) A community member must make the decision on a development application independently of any direction or decision from the local government council.

(2) When making the decision under subsection (1), the community member may take into account the opinion of a local government council in relation to a development application made by an applicant other than the local government council.

(3) For section 97, if a community member takes into account the opinion of the local government council under subsection (2):

(a) the Development Consent Authority is taken not to have contravened the rules of natural justice by that reason only; and

(b) the community member is taken not to have an interest or relationship for the purposes of section 97 by that reason only; and

(c) the community member is taken not to have contravened the rules of natural justice by that reason only.

**99 Direct or indirect interests in companies**

(1) For the purposes of section 97, a member who:

(a) is a member of the governing body of, or has a substantial holding (within the meaning of section 9 of the Corporations Act 2001) in; or

(b) has a relevant interest within the meaning of paragraph (a) of the definition of ***relevant interest*** in the Corporations Act 2001 in,

a company which has a direct or indirect interest in a matter is to be taken to have a direct or indirect interest in the matter.

(2) For the purposes of section 97, a person who is an employee of, a partner with, an agent for or a consultant to, a person, partnership, firm or company who or which has a direct or indirect interest in a matter or is representing a party to an application under this Act is to be taken to have an interest in the matter.

**100 Code of Conduct**

(1) The Minister may establish a code of conduct for members of the Planning Commission and the Development Consent Authority.

(2) The Minister must publish on the Agency's website any code of conduct established by the Minister under subsection (1).

(3) A member of the Planning Commission and the Development Consent Authority must abide by any applicable code of conduct established by the Minister under subsection (1).

### 100A Removal from office

(1) The Minister may terminate the appointment of a member of the Development Consent Authority for any of the following reasons:

(a) demonstrated inability to perform the functions of office;

(b) misbehaviour or a failure to abide by a code of conduct established under section 100;

(c) physical or mental incapacity.

(2) The Minister must terminate the appointment of a member of the Development Consent Authority if:

(a) the member is absent from 3 consecutive meetings of the Development Consent Authority without leave from:

(i) in the case of the Chair – the Minister; or

(ii) in the case of a member other than the Chair – the Chair; or

(b) the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit; or

(c) the member is a community member and the local government council requests that the member's appointment be terminated.

(3) If the Minister terminates the appointment of a community member, the Minister must give written reasons for the termination to the member and the local government council that nominated the member.

## Division 3 Procedure

### 101 Meetings of Authority

(1) The Chair is to call meetings of the Development Consent Authority necessary for the performance of its functions and the exercise of its powers.

(2) The Chair must, within 28 days after receiving a written notice, signed by not less than 2 members of a Division, requiring a meeting of the Division to be held, call a meeting of the Division.

(3) At a meeting of a Division of the Development Consent Authority:

(a) the Authority is constituted by the Division members and, if he or she is present, the Chair;

(b) 3 members constitute a quorum;

(c) the Chair, or in the Chair's absence or inability to act, a member elected by the Division members at the meeting is to preside; and

(d) questions arising are to be determined by a majority of the votes of the members present and voting and, in the event of an equality of votes, the member presiding over the meeting is to have, in addition to a deliberative vote, a casting vote.

(4) The procedures of the Development Consent Authority and of committees of the Development Consent Authority, including but not limited to the calling and conduct of meetings, are to be:

(a) as determined from time to time by the Chair; or

(b) in the absence of a determination by the Chair in respect of a particular matter – as determined by the member presiding over a particular meeting.

**102 Attendance of public at meetings**

(1) Subject to this section, the part of a meeting of the Development Consent Authority at which evidence is to be taken in relation to an application for a development permit is to be open to the public and the applicant for a permit.

(2) Despite subsection (1), if, in the opinion of the Chair:

(a) information disclosed or likely to be disclosed at a meeting of the Development Consent Authority in respect of a particular application should be treated as confidential; or

(b) the absence of the public from a meeting of the Development Consent Authority in relation to an application is necessary or likely to be necessary for the orderly conduct of a meeting,

he or she may direct that the meeting be closed to the public.

(3) If the Chair directs under subsection (2) that a meeting is closed to the public, the meeting is closed to the public.

(4) The part of a meeting of the Development Consent Authority during which part deliberations in respect of a development application are occurring is not open to the public or the applicant.

**103 Minutes**

(1) The Development Consent Authority is to cause minutes to be kept of all meetings of the Development Consent Authority and of its committees.

(1A) The minutes must record the following information:

(a) the names of the members attending the meeting;

(b) the names of any members with leave to be absent from the meeting;

(c) each issue voted on during the meeting;

(d) whether any member declared a conflict of interest or abstained from voting;

(e) the number of votes for or against, or abstaining from, a decision in relation to a development application.

(2) The Development Consent Authority is to keep available for public inspection during normal office hours the minutes of meetings of the Development Consent Authority and of its committees.

**104 Committees**

(1) The Development Consent Authority may establish one or more committees for the purposes of advising the Authority on matters related to its functions or for the purpose of performing functions delegated to it under section 86, or for both purposes.

(2) A person may be a member of a committee of the Development Consent Authority whether or not he or she is also a member of the Authority.

**104A Annual report**

(1) The Chair of the Development Consent Authority must prepare and give to the Minister a report on the performance by the Development Consent Authority of its functions during each financial year.

(2) The report must be given to the Minister by 31 October following the end of the financial year.

(3) The Minister must table a copy of the report in the Legislative Assembly within 6 sitting days after the Minister receives the report.

### 105 Protection of members and witnesses

(1) No action or proceeding, civil or criminal, is to lie against a member or person acting with the authority of the Development Consent Authority for or in respect of an act or thing done or omitted to be done in good faith by the member or person or by the Authority in:

(a) the performance or purported performance of a function; or

(b) the exercise or purported exercise of a power,

under this or any other Act imposing a function or conferring a power on the Authority.

(2) A witness appearing before the Development Consent Authority has the same protection and immunity as a witness in proceedings before the Supreme Court.

### 106 Disrupting meeting

(1) The Chair may direct a person to leave a meeting of the Development Consent Authority if, in the opinion of the Chair, the person during the meeting:

(a) is abusive to a member of the Authority; or

(b) interrupts proceedings of the Authority.

(2) A person directed to leave a meeting under subsection (1) must:

(a) leave and not return to that meeting; and

(b) not create a disturbance or take part in creating or continuing a disturbance, in or near a place where the Authority is meeting.

(3) A person commits an offence if the person:

(a) is directed to leave a meeting under subsection (1); and

(b) intentionally contravenes subsection (2).

Maximum penalty: 50 penalty units or imprisonment for 6 months.

(4) Strict liability applies to subsection (3)(a).

## 107 Offence to disclose certain information

(1) A person commits an offence if:

(a) the person is a member of the Development Consent Authority; and

(b) the person obtains information in the course of performing a function connected with the administration of this Act or exercising a power under this Act; and

(c) the information is confidential and the person is reckless in relation to that circumstance; and

(d) the person intentionally engages in conduct; and

(e) the conduct results in the disclosure of the information and the disclosure is not:

(i) for a purpose connected with the administration of this Act, including a legal proceeding arising out of the operation of this Act; or

(ii) to a person who is otherwise entitled to the information; and

(f) the person is reckless in relation to the result and circumstance specified in paragraph (e).

Maximum penalty: 50 penalty units or imprisonment for 6 months.

(2) Strict liability applies to subsection (1)(a) and (b).

(3) If the information mentioned in subsection (1) relates to a person, it is a defence to a charge for an offence against that subsection if the person has consented to the disclosure of the information.

*Example for subsection (3)*

*A person to whom the information relates includes a person who has a direct interest in the information remaining confidential because the information is financial, commercial, personal or cultural information.*

*Note for subsection (3)*

*In addition to the circumstances mentioned in this section, a person who discloses information mentioned in this section will not be criminally responsible for an offence if the disclosure is justified or excused by or under a law (see section 43BE of the Criminal Code).*

# Part 9 Tribunal

## Division 1 Jurisdiction of Tribunal

### 108 Jurisdiction

The Tribunal has the jurisdiction specified in this Division.

### 111 Review of decisions of consent authority

(1) The following decisions of a consent authority are reviewable by the Tribunal:

(a) a decision refusing to consent to a development proposal under section 30W(1)(c);

(b) a decision refusing to issue a certificate under section 37B or 43D;

(c) a decision imposing conditions on the certificate under section 37B(2)(b);

(d) a decision requesting additional information under section 46(4);

(e) a decision refusing to grant an extension of time under section 46(8);

(f) a decision refusing to consent to a proposed development under section 53(c);

(g) a decision issuing an enforcement notice under section 77;

(h) a decision specifying the requirements of an enforcement notice under section 77C.

(2) An application for review of a decision specified in subsection (1) may be made by the following:

(a) the applicant in relation to a decision referred to in subsection (1)(a) to (f);

(b) the person subject to an enforcement notice in relation to a decision referred to in subsection (1)(g) and (h).

(3) An application for review must be made within 28 days after the person is served with the decision notice.

*Note for section 111*

*The Northern Territory Civil and Administrative Tribunal Act 2014 sets out the procedure for applying to Tribunal for review and other relevant matters in relation to reviews.*

### 112 Review if consent authority does not determine application

(1) A person who made an application under section 30C may apply to the Tribunal for a review of a decision of the Minister under that section in relation to the development application component of a concurrent application if, within 49 days after service of the notice under section 30U(1) no notice was served on the applicant under section 30Y or 30Z.

(2) A person who made a development application under section 46 may apply to the Tribunal for a review of any lack of decision by a consent authority to determine the application if:

(a) the consent authority deferred its decision and all other relevant decisions or procedures in relation to the deferral are completed; or

(b) the applicant is not served with a notice under section 53B or 53C within 84 days of making the application.

(3) A person who made an application under section 57 or 59 may apply to the Tribunal for a review of any lack of decision by a consent authority to determine the application if the consent authority does not notify the applicant of a determination within 84 days of the application being made.

(4) For the purposes of a review under this section, the application is taken to be refused under section 30C, 30W, 53, 57 or 59.

(5) Despite subsection (4), the application may be determined under section 30C, 30W, 53, 57 or 59 any time before the Tribunal determines the review.

(6) If the application is determined in accordance with subsection (5), the applicant may:

(a) abandon the application for review to the Tribunal under this section; or

(b) continue the application for review in relation to the actual determination of the consent authority.

(7) The Tribunal must refund to the applicant all fees paid in respect of any abandoned application for review.

### 113 Review of refusal to extend period of development permit

(1) A person who made an application to a consent authority under section 59 may apply to the Tribunal for a review of a determination of the consent authority under that section other than in accordance with the application.

(2) The application must be made within 28 days after the person is given the statement of reasons for the determination under section 59(4).

### 114 Review of determination of concurrent application or development application

(1AA) A person who made a concurrent application under section 30C may apply to the Tribunal for a review of a determination by the consent authority:

(a) under section 30W(1)(b), to alter the development proposal in the application; or

(b) under section 30W(1)(a) or (b), to impose a condition on the development proposal in the application, including a condition referred to in section 70(3).

(1) A person who made a development application under section 46 may apply to the Tribunal for a review of a determination by the consent authority:

(a) under section 53(b), to alter the proposed development in the application; or

(b) under section 53(a) or (b), to impose a condition on the proposed development in the application or on the altered proposed development, including a condition referred to in section 70(3).

(2) The application must be made within 28 days after the person is served with a notice under section 30Y or 53B in respect of the determination.

### 115 Review of refusal to refund or remit contribution

(1) A person who made an application under section 73(3) may apply to the Tribunal for a review of a refusal under that section to refund or remit all or part of a contribution otherwise payable by the person under Part 6.

(2) An application under subsection (1) must be made within 28 days after the applicant is notified in writing of the refusal.

(3) If the person's application under section 73(3) is not determined within 84 days of being received:

(a) the local government council or service authority is taken to have refused to refund or remit any of the contribution otherwise payable by the person; and

(b) the person may apply to the Tribunal for a review at any time after the expiry of those 84 days and before the matter is determined by the local government council or service authority.

(4) Despite subsection (3)(a), the application may be determined under section 73 any time before the Tribunal determines the review.

(5) If the application is determined in accordance with subsection (4), the applicant may:

(a) abandon the application for review to the Tribunal under this section; or

(b) continue the application for review in relation to the actual determination of the local government council or service authority.

(6) The Tribunal must refund to the applicant all fees paid in respect of any abandoned application for review.

**116 Review of refusal to vary condition of development permit**

(1) A person who made an application under section 57 may apply to the Tribunal for a review of a determination of the consent authority under that section refusing to vary the condition in accordance with the application.

(2) The application must be made within 28 days after the person is given the statement of reasons for the determination under section 57(5).

**117A No review jurisdiction for certain determinations of Minister**

(1) The Tribunal has no jurisdiction to review the determination of a development application by the Minister when he or she is the consent authority under section 4(5).

(2) The Minister may, by *Gazette* notice, declare that the Tribunal has no jurisdiction to review a particular determination of the Minister as the consent authority that would otherwise be reviewable under this Division.

## Division 3 Procedures

### 118A Parties to application for review

Each of the following is a party to an application for a review:

(a) the person making the application (the ***applicant***);

(b) for an application other than under section 115 – the consent authority against whose determination or failure to make a determination the application is made;

(c) for an application under section 115 – the local government council or service authority against whose determination or failure to make a determination the application is made.

### 119 No use or development permitted under permit if application for review

(1) Subject to this Act, if an application for a review is made in relation to the issue of a development permit, the holder of the permit must cease all conduct under the permit until the application is determined by the Tribunal.

(2) A person commits an offence if:

(a) the person holds a development permit; and

(b) an application for a review is made in relation to the issue of the development permit; and

(c) the person intentionally engages in conduct; and

(d) the conduct results in the use or development of land in accordance with the permit and the person is reckless in relation to that circumstance.

Maximum penalty: 500 penalty units.

Default penalty: 2 penalty units.

(3) Strict liability applies to subsection (2)(a) and (b).

(4) It is a defence to a prosecution for an offence against subsection (2) if the defendant took reasonable steps and exercised due diligence to prevent the commission of the offence.

**120 Authorities and local government councils to provide information**

(1) On receipt of an application, other than an application under section 115, the Registrar must require the consent authority to provide to the Registrar and each other party, before a date specified by the Registrar in the requirement, copies of all information before it when it made the determination to which the application relates.

(2) On receipt of an application under section 115, the Registrar must require the local government council or service authority to provide to the Registrar and the applicant, before a date specified by the Registrar in the requirement, copies of all information before it when it made the determination under section 73(1)(d) to which the application relates.

(3) The date specified under subsection (1) or (2) is to be at least 7 days before the date to be fixed by the Registrar under section 121 for a conference in relation to the matter.

**130 Determination of application for review**

(2) In determining an application for a review, except an application under section 113 or 115, the Tribunal must take into account the same matters as the consent authority was required to consider when making the decision under review.

(3) The Tribunal must not determine an application for review of a decision to permit a proposed development specified in a concurrent application or development application except in accordance with any planning scheme applicable to the development.

(3A) Subsection (3) does not apply in relation to a concurrent application if the amendment decision for the application will, if it takes effect, amend any planning scheme applicable to the development to enable the development proposal in the application to be carried out in accordance with the planning scheme as amended.

(4) The Tribunal must, in writing, determine an application for a review of a determination of a consent authority by taking one of the following actions:

(a) confirming the determination of the consent authority;

(b) in respect of an application under section 114 only – revoking the determination set out in the notice served under section 30Y or 53B, substituting the determination of the Tribunal and ordering the consent authority to issue a development permit subject to any conditions the Tribunal thinks fit;

(c) ordering the consent authority to issue or vary a development permit subject to any conditions the Tribunal thinks fit.

(5) The Tribunal must determine an application under section 115 by ordering that:

(a) all or some contribution paid or payable by the applicant is to be refunded or remitted by the local government council or service authority; or

(b) no contribution paid or payable by the applicant is to be refunded or remitted by the local government council or service authority.

(6) To avoid doubt, a determination of an application by the Tribunal is a review of the determination of the consent authority, local government council or service authority on its merits.

(7) Also, the Tribunal may take action under subsection (4)(b) or (c) only if satisfied:

(a) the consent authority manifestly failed to take into account a matter referred to in section 30P(2) or 51 (as applicable); or

(b) the determination of the consent authority would result in a planning outcome manifestly contrary to a provision of a planning scheme.

# Part 10 Miscellaneous

## Division 1 Administration

### 134 Delegation by Minister

The Minister may, in writing, delegate to a person any of the Minister's powers and functions under this Act except the following:

(a) the power under section 85 to direct the Development Consent Authority;

(b) the power under section 117A(2) to declare a right to apply for review is no longer exercisable.

### 135 Fees and charges

(1) The Minister may, by notice in the *Gazette*, prescribe the fees to be charged in relation to matters under this Act.

(2) The Minister may, in the circumstances of a particular case, in writing, waive, or remit the whole or part of, a fee prescribed under subsection (1).

(3) An amount may be charged for the provision of a service relating to a matter under this Act for which a charge is not otherwise prescribed if the amount is reasonably proportionate to the reasonable cost of providing the service.

### 135A Approved forms

The Minister may approve forms to be used under this Act.

### 135B Administrative guidelines

(1) The Minister may issue guidelines on how to interpret and administer the provisions of this Act, the regulations and planning schemes.

(2) The guidelines issued under subsection (1) must be consistent with this Act, the regulations and planning schemes.

(3) The Minister may publish the guidelines in the way the Minister considers appropriate.

(4) The members of the Planning Commission and the Development Consent Authority must have regard to the guidelines issued under subsection (1) when performing their functions and exercising their powers.

## Division 2 Notice of instruments under this Act

### 136 Planning schemes to be available to public

(1) The Minister must make available, for purchase or inspection by the public, copies of:

(a) each planning scheme;

(b) all proposed amendments of a planning scheme that have been or are on exhibition;

(c) all land use objectives, control plan amendments and explanatory documents made under the *Planning Act 1979* and the *Planning Act 1993*; and

(d) all repealed provisions of a planning scheme.

(2) A copy of a control plan amendment within the meaning of the *Planning Act 1979* and the *Planning Act 1993* is not to be sold unless an explanatory document in relation to the amendment is sold with the copy.

(3) A copy of provisions of a planning scheme that incorporate a map, plan, design or diagram may be sold although the map, plan, design or design is not sold with the copy.

**137 Certified copies of planning documents, permits etc.**

(1) A person may apply to the Minister for a certified copy of any of the following:

(a) a planning document, as in force at a specified date under a Planning Act;

(b) a permit issued under a Planning Act;

(c) any other document issued under a Planning Act.

(2) The application must be in the approved form and be accompanied by the prescribed fee.

(3) A copy certified under this section is admissible in a court, or before a body or person acting judicially, as evidence of the contents of the document of which it is a copy.

(4) In this section:

***Planning Act*** means any of the following, as in force from time to time:

(a) the *Planning Act 1979*;

(b) the *Planning Act 1993*;

(c) this Act.

***planning document*** means any of the following:

(a) a planning scheme or part of a planning scheme;

(b) planning and development objectives of the Territory, a planning instrument, control plan, land use objective, incorporated document or development provision;

(c) an instrument amending or proposing to amend a document referred to in paragraph (a) or (b).

### 138 Registers and plans for public inspection

A consent authority must retain and keep available for public inspection during normal office hours:

(a) a copy of each plan of subdivision or consolidation approved by the consent authority;

(b) a register of all permits issued by the consent authority; and

(c) a register of all determinations of the Appeals Tribunal, or the Planning Appeals Tribunal under the *Planning Act 1979* and the *Planning Act 1993*, in respect of determinations of the consent authority.

### 139 Service of notices and other documents

(1) Except if otherwise provided in this Act, a notice or other document required by this Act to be given to, or served on, a person may be given or served as follows:

(a) in any manner provided under section 25 of the *Interpretation Act 1978*;

(b) by sending it to the recipient by means of a method of electronic transmission that provides a record of receipt or delivery;

(c) in the case of a corporation – in accordance with the *Corporations Act 2001* (Cth).

(2) A notice under, or arising out of a breach of, this Act or a condition of a permit may, in the case of a corporation without a registered office in the Territory, be served by affixing a copy of the notice on a conspicuous part of the land to which it relates.

### 139A Electronic publication

(1) A requirement under this Act to publish a document in a newspaper may be satisfied by publishing the document on a website or other electronic platform that makes it publicly available in the Territory.

(2) Subsection (1) has effect despite any provision in this Act to the contrary other than the following:

(a) section 68(3);

(b) a provision requiring a notice or document to be published in the *Gazette*.

## Division 3 Planning certificates

### 140 Planning certificates

(1) A person may apply in the approved form accompanied by the prescribed fee to the Minister for a certificate under this section.

(2) A certificate issued under this section is prima facie evidence of the facts certified in it.

(3) A certificate under this section is to:

(a) be in the approved form; and

(b) show in relation to the land in respect of which it is issued as at the date on which the certificate is issued:

(i) whether a provision of a planning scheme or an interim development control order applies;

(ii) in general terms, the effect of restrictions or prohibitions, if any, placed by or under this Act on the use of the land;

(iii) if a development application has been determined within 2 years before the date of the application for a certificate under this section – the nature of the development application and the determination made in respect of it;

(iv) if a permit is in force – the nature of the permit; and

(v) if an application for a permit has been made but no permit or notice relating to the determination of the application has been issued or served – the nature of the application.

(4) If a condition of the permit referred to in section 56 permits the development to which the application relates to be completed in stages, a certificate issued under this section may certify that the requirements of this Act have been complied with in respect of the development of land although not all stages of the development permitted under the development permit have been completed in relation to the balance of that land.

### 141 Effect of planning certificates

(1) For the purpose of proceedings for an offence against this Act taken by or against a person who has obtained a certificate under section 140, the certificate is, in favour of the person, conclusive evidence of the matters stated in it at the time the certificate was issued.

(2) For the purposes of the registration of a plan or instrument intended to affect or evidence the title to land, a certificate under section 140 is, in favour of:

(a) the person to whom the certificate is issued; and

(b) the Registrar-General, the Solicitor for the Northern Territory or another person registering or certifying title,

conclusively presumed to be true and correct.

(3) A claim against the Development Consent Authority in respect of a certificate referred to in this section is a claim against the Territory.

## Division 4 Compensation

### 142 Compensation for abortive expenditure

(1) A person who, relying on a development permit, has incurred expenditure that has been rendered abortive in whole or in part by the revocation or modification of the permit under section 66, may recover the amount of the expenditure under this section from the Territory.

(2) Divisions 2 and 3 of Part VIII of the *Lands Acquisition Act 1978*, with the necessary changes, apply to and in relation to a claim for compensation under subsection (1) as they apply to claims for compensation for abandoned proposals under that Act.

(3) For the purposes of subsection (2), a reference in Divisions 2 and 3 of Part VIII of the *Lands Acquisition Act 1978*:

(a) to a claim for compensation under section 60 of that Act – is to be read as a reference to a claim for compensation under subsection (1);

(b) to the date of service of a notice under section 35 of that Act – is to be read as a reference to the date of service of notice of revocation or modification of a permit under section 66;

(c) to compensation under that Act – is to be read as a reference to compensation under subsection (1); and

(d) to Schedule 2 to that Act – is to be disregarded.

### 143 Compensation and liability

Except as provided by this Act, the Territory is not liable to pay compensation to a person as a result of the operation of this Act or of the due exercise of a power, function, authority or discretion

conferred by this Act unless, in a particular case, it amounts to an acquisition of property within the meaning of section 50 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, in which case the acquisition is to be on just terms.

## Division 5 Other

### 144 Inquiries

(1) The Minister may require the Chair or a Division to conduct an inquiry for purposes connected with the administration of this Act.

(2) The Chair or a Division may appoint a person to conduct an inquiry the Chair or the Division is required to conduct under subsection (1).

(3) The Inquiries Act applies to and in relation to an inquiry under this section as if the Chair or the Division or the person appointed under subsection (2) had been appointed as a Board or Commissioner, as the case may be, under section 4(1) of that Act.

(4) The Development Consent Authority or the person appointed under subsection (2), as the case may be, must provide a report to the Minister setting out the results of an inquiry under this section.

### 144A Advisory committees

(1) The Minister may establish one or more advisory committees to advise the Minister on matters in connection with planning for or control of the use and development of land.

(2) The Minister may set the terms of reference for an advisory committee and appoint the members of the committee as the Minister sees fit.

(3) An advisory committee may be established to provide advice on a specific matter for a limited period of time or to provide ongoing advice.

### 145 Territory lease term of no effect if inconsistent with Scheme or order

If a planning scheme or an interim development control order applies to land the subject of a lease from the Territory, a provision or covenant in the lease that permits or requires the use of the leased land for purposes inconsistent with the planning scheme or order is, to the extent of the inconsistency, of no effect.

### 146 Saving of other laws

Nothing in this Act permits a person to use or develop land in contravention of any other law in force in the Territory.

### 147 Actions not to be invalidated

An action taken by the Development Consent Authority, the Minister or the Appeals Tribunal is not invalid by reason only of administrative error or oversight if the action was done in good faith and will not cause hardship to, or prejudice the interests of, a person.

### 148 Regulations

(1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters:

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act,

and, in particular:

(c) providing for the payment of fees and expenses to witnesses required by this Act to attend and give evidence before the Development Consent Authority, the Appeals Tribunal or any other person; and

(d) prescribing the manner in which fees or payments prescribed are to be calculated or paid; and

(e) prescribing types of easements for the purposes of section 64 and the purposes of, and powers in relation to, those easements; and

(f) providing for the inspection of instruments required to be kept under section 137 and of the registers required to be kept under section 138; and

(g) providing a method for assessing, reviewing and collecting the contribution payable under a contribution plan; and

(h) requiring the notification of administrative interests and information in relation to land affected by this Act; and

(j) prescribe a fine not exceeding 200 penalty units for an offence against a regulation other than an offence of strict liability or absolute liability; and

(k) prescribe a fine not exceeding 100 penalty units for an offence against a regulation that is an offence of strict liability or absolute liability.

(2) The Regulations may provide for any of the following:

(a) offences against the Regulations to be regulatory offences;

(b) the payment of a prescribed amount instead of a penalty that may otherwise be imposed for an offence against this Act or the Regulations, the service of a notice relating to the payment of the amount on a person alleged to have committed the offence and the particulars to be included in the notice.

### 148A Validity of decision

(1) This section applies in relation to the Minister's decision to refuse a request to amend the NT Planning Scheme to change the zones of Lots 6907 and 6908 Town of Darwin, notice of which decision is dated 27 July 2020.

(2) Despite any law to the contrary, the decision is valid, and is taken to have been valid, on and from the date it was made.

## Part 11 Repeal and transitional matters for Planning Act 1999

## Division 1 Repeal and definitions

### 149 Repeal

The *Planning Act 1993* (No. 85 of 1993) is repealed.

### 150 Definitions

In this Part, unless the contrary intention appears:

***commencement date*** means the date of commencement of the *Planning Act 1999*.

***control plan*** and ***control plan amendment*** have the same respective meanings they had in the former Act.

***draft control plan amendment*** has the same meaning as in the former Act.

***former Act*** means the *Planning Act 1993*.

***former Appeals Tribunal*** means the Planning Appeals Tribunal within the meaning of the former Act.

***former Authority*** means the Northern Territory Planning Authority constituted under the former Act.

***former consent authority*** means the consent authority within the meaning of the former Act.

***planning instrument*** means a planning instrument saved under section 134 of the former Act.

## Division 2 Development Consent Authority

### 151 Development Consent Authority to replace Planning Authority

On and from the commencement date:

(a) all real and personal property that immediately before that date was vested in the former Authority vests in the Territory;

(b) all money and liquidated and unliquidated claims that, immediately before that date, were payable to or recoverable by the former Authority are to be money and liquidated and unliquidated claims payable to or recoverable by the Territory;

(c) all proceedings in a court commenced before that date:

(i) by the former Authority and pending immediately before that date are to be taken to be proceedings pending on that date by the Territory and may be continued in the name of the former Authority; and

(ii) by any person against the former Authority and pending immediately before that date are to be taken to be proceedings pending on that date by that person against the Territory;

(d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the former Authority and in force immediately before that date are to be taken to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the Territory;

(e) the Territory may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, in its own name, pursue the same remedies for the recovery of money and claims referred to in this section and for the prosecution of actions and proceedings so referred to as the

former Authority might have done but for the enactment of this Act;

(f) the Territory may enforce and realise any security or charge existing immediately before that date in favour of the former Authority and may exercise any powers thereby conferred on the former Authority as if the security or charge were a security or charge in favour of the Territory;

(g) all debts, money and claims, liquidated and unliquidated, that immediately before that date were due or payable by or recoverable against the former Authority, are to be debts due and payable by, money payable by and claims recoverable against, the Territory; and

(h) all liquidated and unliquidated claims for which the former Authority would, but for the commencement of this Act, have been liable are to be liquidated and unliquidated claims, as the case may be, for which the Territory is to be liable.

**152 References in other documents**

A reference in:

(a) another Act; or

(b) an instrument of a legislative or administrative character (other than an instrument appointing a person as a member of the former Authority),

to the former Authority is to be taken to be a reference to the Development Consent Authority.

**153 Saving of actions**

An act, matter or thing done or omitted to be done before the commencement of this Act by, to or in respect of the former Authority is, to the extent that but for the commencement of this Act that act, matter or thing would on or after the commencement date have had any force or effect or been in operation, to be taken to have been done or omitted to be done by, to or in respect of the Development Consent Authority, as the case may be.

**154 Development Consent Authority to keep records of former Authority**

The Development Consent Authority must retain all records and minutes that the former Authority had kept as required under the former Act.

## Division 3 Components of Planning Scheme

### 155 Saving of objectives

(1) On and from the commencement date, a land use objective in force under the former Act immediately before the commencement date is to be taken to be a land use objective made under this Act.

(2) If a proposed land use objective within the meaning of the former Act , or a proposed amendment to such a land use objective, had been, or begun to be, exhibited under section 8 of the former Act but had not been made under that Act, the proposal is to be taken to be a proposed land use objective or an amendment to a land use objective under this Act and the exhibition is to be taken to have taken, or to be taking, place under section 17 of this Act.

### 156 Saving of control plans

(1) On and from the commencement date, a control plan (including a planning instrument) within the meaning of the former Act in force under the former Act immediately before the commencement date is to be taken to be part of the development provisions under this Act.

(2) If a provision of the development provisions specifies the area to which part of the development provisions is to relate and all of the area specified is within a Division area, the Minister may, within 3 months after the commencement date, by notice in the *Gazette*, amend the development provisions:

(a) by repealing a provision specifying the consent authority in relation to that part of the development provisions; or

(b) by omitting a reference to the Planning Authority and substituting a reference to the consent authority.

(3) Part 2 of this Act does not apply in relation to an amendment to the development provisions made under subsection (2).

### 157 Proposed new control plans

(1) Subject to this section, this Act applies in relation to a proposed control plan existing under the former Act immediately before the commencement date as if it were a proposed amendment to the Development Provisions.

(2) If under the former Act a proposed control plan has been exhibited for part only of the period required by or under section 19 of that Act, this Act applies as if the plan were required under section 17(1) of this Act to be exhibited for all of the period required by or under

section 19 of the former Act in relation to the proposal.

(3) If under the former Act a proposed control plan has completed the exhibition period required by or under section 19 of that Act and the former Authority has made a submission to the Minister under section 23 of the former Act in relation to the plan, the Minister may:

(a) require a further hearing or consultation under section 23 of this Act, in which case Divisions 3 and 4 of Part 2 of this Act apply to the proposed control plan; or

(b) deal with the proposed control plan under Division 4 of Part 2 of this Act,

as if:

(c) a submission made to the former Authority under section 21 of the former Act had been made to the Minister under section 19 of this Act; and

(d) the report under section 23 of the former Act were a report under section 20 of this Act.

(4) If under the former Act a proposed control plan has completed the exhibition period required by or under section 19 of the former Act but the former Authority:

(a) has not made a submission to the Minister under section 23 of the former Act in relation to the proposed plan; and

(b) has not part-heard the matter,

then:

(c) a submission made under section 21 of the former Act in relation to the proposed control plan is to be taken to be a submission made under section 19 of this Act; and

(d) sections 20, 22 and 23 and Division 4 of Part 2 of this Act apply in relation to the proposed control plan.

(5) If under the former Act a proposed control plan has completed the exhibition period required by or under section 19 of the former Act but the former Authority:

(a) has not made a submission to the Minister under section 23 of the former Act in relation to the proposed control plan; and

(b) has part-heard the matter,

then:

(c) a submission made under section 21 of the former Act in relation to the proposed control plan is to be taken to be a submission made under section 19 of this Act;

(d) the Chairman of the Planning Authority within the meaning of the former Act must, within 60 days after the commencement of this Act:

(i) prepare and deliver to the Minister under section 20 of this Act a report as if he or she had been asked to do so under that section; and

(ii) prepare and deliver to the Minister under section 22 of this Act a report on so much of the hearing as has been part-heard as if he or she had been asked to do so under that section;

(e) the Minister must appoint a person under section 22 to complete the hearing and report to the Minister in accordance with that section; and

(f) section 23 and Division 4 of Part 2 apply in relation to the proposed control plan.

**158 If exhibition of draft control plan amendment not completed**

(1) If an application was made under the former Act for an amendment to a control plan but a draft control plan amendment has not, before the commencement date, begun to be exhibited under the former Act, this Act applies as if it were an application made under section 12 of this Act for an amendment to the Planning Scheme consisting of an amendment to the development provisions.

(2) If an application was made under the former Act for an amendment to a control plan but a draft control plan amendment has been exhibited for part only of the period required by or under section 19 of the former Act, this Act applies as if it were an application made under section 12 of this Act for an amendment to the Planning Scheme consisting of an amendment to the development provisions and were required under section 17(1) of this Act to be exhibited for all of the period required by or under section 19 of the former Act in relation to the amendment.

**159 If decision not made in relation to exhibited draft control plan amendments**

(1) If a draft control plan amendment has, under the former Act, completed the exhibition period required by or under section 19 of

that Act and the former Authority has made a submission to the Minister under section 23 of the former Act in relation to the proposed amendment, the Minister may:

(a) require a further hearing or consultation under section 23 of this Act, in which case Divisions 3 and 4 of Part 2 of this Act apply to the amendment; or

(b) deal with the amendment under Division 4 of Part 2 of this Act,

as if:

(c) the proposed amendment were a proposed amendment to the Planning Scheme consisting of an amendment to the development provisions;

(d) a submission made to the former Authority under section 21 of the former Act had been made to the Minister under section 19 of this Act; and

(e) the report under section 23 of the former Act were a report under section 20 of this Act.

(2) If a draft control plan amendment has, under the former Act, completed the exhibition period required by or under section 19 of the former Act and the former Authority:

(a) has not made a submission to the Minister under section 23 of the former Act in relation to the proposed amendment; and

(b) has not part-heard the matter,

then:

(c) a submission made under section 21 of the former Act in relation to the proposed amendment is to be taken to be a submission made under section 19 of this Act; and

(d) sections 20, 22 and 23 and Division 4 of Part 2 of this Act apply in relation to the draft control plan amendment as if it were a proposed amendment to the Planning Scheme consisting of an amendment to the development provisions.

(3) If a draft control plan amendment has, under the former Act, completed the exhibition period required by or under section 19 of the former Act and the former Authority:

(a) has not made a submission to the Minister under section 23 of the former Act in relation to the proposed amendment; and

(b) has part-heard a matter,

then:

(c) a submission made under section 21 of the former Act in relation to the proposed amendment is to be taken to be a submission made under section 19 of this Act;

(d) the Chairman of the Planning Authority within the meaning of the former Act must, within 60 days after the commencement of this Act:

(i) prepare and deliver to the Minister under section 20 of this Act a report as if he or she had been asked to do so under that section; and

(ii) prepare and deliver to the Minister under section 22 of this Act a report on so much of the hearing as has been part-heard as if he or she had been asked to do so under that section;

(e) the Minister must appoint a person under section 22 to complete the hearing; and

(f) section 23 and Division 4 of Part 2 apply as if it were an application made under section 12 of this Act for an amendment to the Planning Scheme consisting of an amendment to the development provisions.

### 160 Declaration of incorporated documents

(1) Despite Part 2 of this Act, the Minister may, in writing, within 30 days after the commencement date, declare an instrument to be an incorporated document.

(2) The Minister must publish in the *Gazette* a notice specifying that an incorporated document has been declared and that copies of the document are available for purchase or viewing at a place specified in the notice.

## Division 4 Development applications, permits, interim development control orders etc.

### 161 Saving of interim development control orders

An interim development control order within the meaning of the former Act that was in force immediately before the commencement date is to be taken to be an interim development control order made under this Act.

### 162 Saving of existing non-conforming uses and works

A use of land (including of a building) or works that was or were lawful immediately before the commencement date under Part 6 of the former Act continues to be lawful under this Act but may be varied under this Act as if it were an existing use or existing works.

### 163 Saving of determinations

A determination saved by section 136 of the former Act and in force immediately before the commencement date continues in force for the period specified in the determination.

### 164 Saving of extensions of period and applications

(1) If a period referred to in section 46 of the former Act was extended under section 47 of the former Act, the period is to be taken to be a period extended under section 37 of this Act commencing at the time it commenced under the former Act.

(2) If an application was received under section 47 of the former Act but was not determined under that section before the commencement date, it is to be taken to be an application under section 37 of this Act.

(3) An application that was received under section 43 of the former Act but was not determined under section 45 of the former Act before the commencement of this Act is to be taken to be an application under section 38 of this Act.

### 165 Saving of existing use determinations and permits

(1) A determination under section 45 of the former Act to consent to a proposal is to be taken to be an exceptional development permit issued under this Act.

(2) A development permit within the meaning of the former Act or a consent taken under section 137 of the former Act to be a development permit issued under that Act is to be taken to be a development permit issued under this Act and to be subject to the conditions, if any, specified on the permit or taken to be the conditions of the permit under that section.

(3) A consent that was, immediately before the commencement date, continuing in force by virtue of the operation of section 138(4) of the former Act is to be taken to be a development permit issued under this Act subject to the conditions, if any, taken under that section to be imposed on the determination.

### 166 Saving of statement of reasons and appeal periods

(1) A statement of reasons issued under section 52(2), 57 or 58 of the former Act is, subject to this section, to be taken to be a statement of the reasons for the determination in respect of a particular matter under section 54, 59 or 57 of this Act, respectively.

(2) A person must not lodge a notice of appeal relating to a statement of reasons referred to in this section after the expiration of 28 days after the date of the determination to which the reasons relate.

### 167 Development applications etc. lodged under former Act

(1) If:

(a) an application was made to the former Authority as consent authority under section 48, 57 or 58 of the former Act;

(b) a hearing in respect of the application was commenced or completed under the former Act; and

(c) a determination in respect of the application was not made before the commencement date,

the former Authority continues in existence for the purposes of determining the application, and may deal with the application under the former Act, as if this Act had not come into operation.

(2) If:

(a) an application was made to the former Authority as consent authority under section 48, 57 or 58 of the former Act; and

(b) a hearing in respect of the application had not been commenced under the former Act,

this Act applies to the application as if it were an application under section 46, 59 or 57, respectively, of this Act.

## Division 5 Contribution plans etc.

### 168 Saving of contribution plans

A contribution plan within the meaning of the former Act that was in force immediately before the commencement date is to be taken to be a contribution plan made under this Act.

### 169 Trust accounts

Money held immediately before the commencement of this Act in a trust account under section 31(2) of the former Act:

(a) is to be taken to be money held in a trust account under section 72(a) of this Act; and

(b) is to be used under and in accordance with Part 6 of this Act.

### 170 Saving of policy areas and claims etc.

If an area of land was, immediately before the commencement date, a policy area within the meaning of the former Act or the *Planning (Parking Space Contributions) Regulations 1990* saved under the former Act and any amendments to those Regulations under that Act:

(a) that area is to be taken to be a policy area within the meaning of this Act;

(b) the method of calculating the amount of a contribution determined under the former Act in respect of the area is to be taken to be a formula for calculation within the meaning of this Act;

(c) all debts, money and claims, liquidated and unliquidated, that, immediately before that date, were due or payable to the local authority by virtue of section 29 or 145 of the former Act continue to be debts or money due or payable to and claims recoverable by the local authority;

(d) any money due or payable to the local authority by virtue of section 29 or 145 of the former Act and paid after the commencement date is to be taken to be money received under section 72 of this Act and is to be dealt with in accordance with that section; and

(e) a rate of interest payable, or a discount, declared under section 32 of the former Act, or a decision to remit or refund money, continues in force until revoked by resolution of the local authority.

## Division 6 Appeals

### 171 Appeal to Appeals Tribunal under former Act

(1) If a notice of appeal within the meaning of the former Act was lodged with the former Appeals Tribunal under section 99 of the former Act and a hearing (other than a preliminary hearing) in

respect of the matter was held under that Act before the commencement date:

(a) the former Appeals Tribunal; and

(b) the former consent authority whose determination is the subject of the notice of appeal,

continue in existence for the purpose of determining the matter and Part 9 of the former Act applies as if the former Act had not been repealed by this Act.

(2) If a notice of appeal was lodged with the former Appeals Tribunal under section 99 of the former Act and a hearing (other than a preliminary hearing) in respect of the matter was not held before the commencement date:

(a) the former consent authority in respect of the land to which the instrument relates is to be the consent authority for the purposes of the appeal; and

(b) this Act applies as if the notice of appeal had been lodged with the Appeals Tribunal under this Act.

(3) If a person had, immediately before the commencement date, a right of appeal to the former Appeals Tribunal under the former Act but had not before the commencement date lodged a notice of appeal under section 99 of the former Act:

(a) a notice of appeal may be lodged under and in accordance with section 118 of this Act as if the determination of the former consent authority were a determination under the relevant corresponding provision of this Act; and

(b) the former consent authority under the former Act whose determination is the subject of the appeal is to be taken to be the consent authority in respect of the land to which the request relates for the purposes of determining the appeal.

**172 Saving of determinations of former Appeals Tribunal**

Without affecting the limitation period to which a claim is subject under the *Limitation Act 1981*, a determination of the former Appeals Tribunal under section 103 of the former Act continues in existence as if it was made under section 130 of this Act.

### 173 Appeals to Supreme Court under former Act

A person who was eligible under the former Act to appeal to the Supreme Court on a question of law may do so as if the former Act had not been repealed.

## Division 7 Miscellaneous

### 174 Saving of notices

(1) A notice served on a person under section 66(2)(a) of the former Act and in force immediately before the commencement date continues in force, and may be enforced, as if it were a notice served under section 66(2)(a) of this Act.

(2) A notice served on a person under section 38 of the former Act and in force immediately before the commencement date continues in force, and may be enforced, as if it were a notice served under section 76 of this Act.

### 175 Saving of rights to compensation

Without affecting the limitation period to which a claim is subject under the *Limitation Act 1981*, section 142 of this Act applies in respect of a person who had a right to receive compensation under section 122 of the former Act as if the right had accrued under this Act.

### 176 Saving of provisions of certain regulations

Regulation 5 and Schedule 3 of the *Planning Regulations 1994* continued in existence under section 135(3) of the former Act continue in existence as if they were made under this Act and as if a reference in regulation 5 of those Regulations to section 4 were a reference to section 3 of this Act, but may be repealed or amended by Regulations made under this Act.

### 177 Saving of inquiries

(1) Subject to this section, an inquiry commenced under section 120 of the former Act is to be taken to be an inquiry under section 144 of this Act.

(2) If the former Authority was directed to conduct an inquiry under section 120 of the former Act, the former Authority continues in existence for the purpose of reporting to the Minister in respect of the inquiry.

(3) If a person other than the former Authority was appointed to conduct an inquiry under section 120 of the former Act, he or she must complete the inquiry and report to the Minister in accordance with section 144 of this Act.

**178 Maintenance of registers**

If, immediately before the commencement date, a register was kept under section 118 of the former Act by the former Authority, the Development Consent Authority must maintain the register in accordance with section 138 of this Act.

**179 Saving of certificates**

(1) A certificate issued under the former Act is to be taken to be a certificate issued under this Act.

(2) A certified copy or extract issued under the former Act is to be taken to be a certified copy or extract issued under this Act.

**180 Saving of restriction on powers under easements**

(1) If:

(a) a plan of survey referred to in section 65(1) of the former Act that was registered before the commencement of the *Statute Law Revision Act (No. 2) 1998* indicates an intended easement in favour of a specified service authority and describes it by a description in Schedule 1 to the former Act; and

(b) the easement is in force immediately before the commencement date,

despite section 64(5) of this Act, the service authority, has, for itself and its agents, servants and workers, only the powers specified in Schedule 1 to f the former Act.

(2) To avoid doubt, subsection (1) includes a local authority that:

(a) was a specified local authority in the easement; and

(b) was described by a description in Schedule 1 to the former Act.

### 181 Transitional regulations

(1) For the purposes only of ensuring the proper transfer of powers, functions and property and the continuity of rights and obligations of persons or bodies under the former Act, the Administrator may make regulations that he or she considers necessary or convenient to be made.

(2) The power given by subsection (1) may only be exercised within 12 months after the commencement date.

(3) A regulation made under this section remains in force until repealed or amended under this Act.

(4) Regulations made under this section may be made retrospective to the commencement date or any date after that commencement date and are to have force accordingly.

(5) To the extent that the provisions of the Regulations made under this section are inconsistent with this Act or a provision of an Act specified in the Regulations, the Regulations are to prevail.

# Part 12 Other transitional matters

## Division 1 Planning Amendment Act 2005

## Subdivision 1 Preliminary matters

### 182 Definitions

In this Part:

***amended***, in relation to a specified provision, means as in force immediately after the commencement of the *Planning Amendment Act 2005*.

***commencement date*** means the date of commencement of the *Planning Amendment Act 2005*.

***former***, in relation to a specified provision, means as in force immediately before the commencement date.

***Planning Scheme*** means the Northern Territory Planning Scheme as in force immediately before the commencement date.

## Subdivision 2 Planning schemes

### 183 Northern Territory Planning Scheme continues in force

(1) The Planning Scheme continues in force as the NT Planning Scheme.

(2) A provision of the Planning Scheme, or a document forming part of the Planning Scheme, that is specified as or taken to be a development provision, land use objective or incorporated document is a provision of the NT Planning Scheme of an applicable category specified in amended section 9(1).

(3) All maps, plans, designs and diagrams included in the Planning Scheme continue in force as part of the NT Planning Scheme.

(4) All maps, plans, designs and diagrams referred to in the Planning Scheme continue to have effect in accordance with the NT Planning Scheme.

(5) This section does not apply in relation to the development provisions referred to in section 184.

### 184 Special planning scheme for town of Jabiru

The document entitled "Jabiru Town Plan" which, immediately before the commencement date, formed part of the development provisions of the Planning Scheme is taken to be a specific planning scheme referred to in amended section 8(1).

## Subdivision 3 Amendments of Northern Territory Planning Scheme

### 185 Meaning of *proposed amendment*

For sections 187, 188 and 189, a proposed amendment is one of the following:

(a) a proposed amendment of the Planning Scheme in respect of which the Minister has made a decision under former section 14(1)(b) to take the actions required under former Part 2, Divisions 3 and 4;

(b) a proposed amendment of the Planning Scheme referred to in paragraph (a) that has been altered by the Minister and which, by virtue of former section 29(1), must be re-exhibited under former Part 2, Division 3.

### 186 Application not decided before commencement date

(1) This section applies in relation to an amendment of the Planning Scheme:

(a) proposed in an application made under former section 12; and

(b) in respect of which the Minister has not, before the commencement date, made a decision under former section 14.

(2) For subsection (1), the Minister is taken not to have made a decision if the Minister:

(a) under former section 14(1)(c) deferred consideration of the amendment as proposed; and

(b) has not, immediately before the commencement date, made any further decision under former section 14.

(3) The Minister must make a decision in respect of the amendment in accordance with amended section 13 as if the amendment had been proposed in a request made under amended section 13(1).

### 187 Proposed amendment not exhibited before commencement date

(1) This section applies in relation to a proposed amendment in respect of which the Minister has not, immediately before the commencement date, determined the period of exhibition under former section 17.

(2) The proposed amendment is taken to be a proposal within the meaning of paragraph (a) or (c), as applicable, of the definition of ***proposal*** in amended section 14.

(3) Amended Part 2, Divisions 3, 4 and 5 apply in relation to the proposed amendment.

### 188 Proposed amendment requiring further actions under former Part 2

(1) This section applies in relation to a proposed amendment in respect of which:

(a) the Minister has, under former section 17, determined the period of exhibition; and

(b) immediately before the commencement date, further actions are required to be taken under former Part 2, Division 3.

(2) Former Part 2, Division 3 continues to apply in relation to the proposed amendment until all the actions required under that Division have been taken.

(3) After all the required actions have been taken, the Minister must take further action in relation to the proposed amendment under amended Part 2, Division 5 as if it were a proposal referred to in amended section 25(1).

### 189 Actions in determining application for proposed amendment

(1) This section applies in relation to a proposed amendment in respect of which:

(a) all actions required to be taken under former Part 2, Division 3 have been taken; and

(b) the Minister has not, before the commencement date, taken action under former section 25, 26 or 27.

(2) The Minister must take further action in relation to the proposed amendment under amended Part 2, Division 5 as if it were a proposal referred to in amended section 25(1).

## Subdivision 4 Exceptional development permits

### 190 Meaning of *proposal*

For this Division, a proposal is one of the following:

(a) a proposal, referred to in former section 14(1)(d)(ii), to consider granting an exceptional development permit under former section 40 instead of considering making an amendment to the Planning Scheme;

(b) a proposal in an application for the grant or variation of an exceptional development permit that the Minister has decided under former section 39 to exhibit under former Part 2, Division 3;

(c) a proposal referred to in paragraph (a) or (b) that has been altered by the Minister and which, by virtue of former section 29(1), must be re-exhibited under former Part 2, Division 3.

### 191 Proposal not exhibited before commencement date

(1) This section applies in relation to a proposal in respect of which the Minister has not, immediately before the commencement date, determined the period of exhibition under former section 17.

(2) The proposal is taken to be a proposal within the meaning of paragraph (b) of the definition of ***proposal*** in amended section 14.

(3) Amended Part 2, Divisions 3, 4 and 5 apply in relation to the proposal.

### 192 Proposal requiring further actions under former Part 2

(1) This section applies in relation to a proposal in respect of which:

(a) the Minister has, under former section 17, determined the period of exhibition; and

(b) immediately before the commencement date, further actions are required to be taken under former Part 2, Division 3.

(2) Former Part 2, Division 3 continues to apply in relation to the proposal until all the actions required to be taken under that Division have been taken.

(3) After all those required actions have been taken, the Minister must take further action in relation to the proposal under amended Part 2, Division 5 as if it were a proposal referred to in amended section 26(1).

### 193 Actions in determining application for proposal

(1) This section applies in relation to a proposal in respect of which:

(a) all actions required to be taken under former Part 2, Division 3 have been taken; and

(b) the Minister has not, before the commencement day, granted or refused to grant an exceptional development permit or varied or refused to vary an exceptional development permit (as applicable).

(2) The Minister must take further action in relation to the proposal under amended Part 2, Division 5 and amended section 40 as if it were a proposal referred to in section 26(1).

## Subdivision 5 Development applications and development permits

### 194 Development application

Former Part 5, Divisions 2 and 3 continue to apply in relation to a development application to the consent authority:

(a) made under former section 46; and

(b) not determined by the consent authority before the commencement date.

### 195 Direction in respect of particular development application

The Minister may direct the Development Consent Authority under amended section 85(3) in respect of a particular development application even if the application was made before the commencement date.

### 196 Application for variation of development permit

Former section 57 continues to apply in relation to an application to the consent authority for a variation of a condition of a development permit:

(a) made under former section 57; and

(b) not determined by the consent authority before the commencement date.

## Subdivision 6 Miscellaneous

### 197 Alternate members for local authority representatives

A person appointed under former section 91(1) to be an alternate member for particular members for a Division:

(a) is taken to have been appointed under amended section 91(1); and

(b) is the alternate member for both members for the Division in office from time to time during the period of appointment of the alternate member.

### 198 Determination of appeals

Former Part 9 continues to apply in relation to all appeals in respect of an application referred to in former Part 9, Division 2 that was made before the commencement date, whether the application is determined before, on or after the commencement date.

## Subdivision 7 Regulations

### 199 Regulations may contain savings or transitional provisions

(1) The Regulations may contain provisions of a savings or transitional nature consequent on the commencement of the *Planning Amendment Act 2005*.

(2) The Regulations may provide that a savings or transitional provision takes effect from a date that is earlier than the date of its publication or notification in the *Gazette* but, if they do so, the provision does not operate so as:

(a) to affect, in a manner prejudicial to any person (other than the Territory), the rights of that person existing before the date of its publication or notification; or

(b) to impose liabilities on a person (other than the Territory) in respect of anything done or omitted to be done before the date of its publication or notification.

(3) If a regulation made under this section is inconsistent with a provision of this Act or a provision of an Act specified in the regulation, the regulation prevails to the extent of the inconsistency.

## Division 2 Land Title and Related Legislation Amendment Act 2008

### 200 Application

(1) The amendments apply to a relevant subdivision or relevant consolidation for which a units plan or a document covered by section 9A of the *Real Property (Unit Titles) Act 1975* is lodged with the Registrar-General on or after the commencement.

*Examples*

*1 A development permit may be issued for a consolidation under a units plan of consolidation if the plan is lodged with the Registrar-General on or after the commencement.*

*2 Section 61 as amended by the Land Title and Related Legislation Amendment Act 2008 does not apply to a subdivision under a units plan lodged with the Registrar-General before the commencement.*

(1A) However, the amendments do not apply to a relevant subdivision that relate to 1 or both of the following:

(a) a development permit or exceptional development permit for the carrying out of works on or in relation to land, that was in force under this Act immediately before the commencement;

(b) a building permit that was in force under the *Building Act 1993* immediately before the commencement.

(1B) The regulations may provide for a matter that is of a savings or transitional nature consequent on the enactment of the *Land Title and Related Legislation Amendment Act 2008* (the ***relevant Act***).

(1C) A regulation mentioned in subsection (1B) may have retrospective operation only to the extent to which the regulation:

(a) does not have effect before the commencement of this section; and

(b) does not disadvantage a person (other than the Territory or a Territory authority) by decreasing the person's rights or imposing liabilities on the person.

(1D) Subsection (1B) and any regulation made under the subsection cease to have effect 1 year after the commencement of this section.

(2) In this section:

***amendments*** means the amendments made to this Act by the *Land Title and Related Legislation Amendment Act 2008*.

***commencement*** means the commencement of the amendments.

***relevant consolidation*** means a consolidation under the *Unit Titles Act 1975*, other than a consolidation of:

(a) lots defined for Part IVB of that Act; or

(b) building lots defined for Part IVC of that Act.

***relevant subdivision*** means a subdivision under the *Unit Titles Act 1975* as defined for Part III, or in section 4(6), of that Act.

## Division 3 Unit Title Schemes Act 2009

### 201 Savings – repeal of section 43

An exceptional development permit in force immediately before the repeal of section 43 by the *Unit Title Schemes Act 2009* that is in force after the repeal has effect as if that section had not been repealed.

### 202 Application for development permit or exceptional development permit

(1) The amendments made to sections 3, 46 and 51 by the *Unit Title Schemes Act 2009* apply to an application for a development permit or exceptional development permit only if:

(a) the application is made on or after the commencement of the amendments (the ***commencement***); or

(b) both of the following apply in relation to the application:

(i) the application was made before the commencement for the development of land for a proposed units plan or building development plan but the development permit or exceptional development permit had not been issued;

(ii) the applicant amends the application to include the information mentioned in section 46(3)(l) and any other information requested by the consent authority and the consent authority accepts the amended application.

(2) The consent authority and the applicant must comply with any requirement (including, for example, a notification requirement) in relation to the application prescribed by regulation.

## Division 4 Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014

### 203 Definitions

In this Division:

***commencement*** means the commencement of Part 18 of the *Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014*.

***former legislation*** means the following as in force immediately before the commencement:

(a) this Act;

(b) the *Lands, Planning and Mining Tribunal Act 1998*.

***former Tribunal*** means the Lands, Planning and Mining Tribunal as in existence under the *Lands, Planning and Mining Tribunal Act 1998* immediately before the commencement of the *Northern Territory Civil and Administrative Tribunal Act 2014*.

***new legislation*** means the following as in force after the commencement:

(a) this Act;

(b) the *Northern Territory Civil and Administrative Tribunal Act 2014*.

### 204 Appeal relating to consent authority's or service authority's determination

(1) This section applies if, before the commencement, a person had a right of appeal under an appeal provision in relation to a determination.

(2) If, before the commencement, the person had not started a proceeding for an appeal and the appeal period under the relevant appeal provision had not expired:

(a) the person may appeal to the former Tribunal against the decision; and

(b) the former legislation applies in relation to the appeal.

(3) If, before the commencement, a person had started a proceeding for an appeal and the former Tribunal had not decided the proceeding, the former legislation applies in relation to the appeal.

(4) In this section:

***appeal period*** means the period within which a person had the right to appeal in relation to a determination as specified in the relevant appeal provision.

***appeal provision*** means sections 111 to 117 as in force immediately before the commencement.

***determination*** includes a failure to give notice of a determination as specified in the relevant appeal provision.

### 205 Consent authority's or service authority's determination made after commencement

(1) This section applies if:

(a) a person had made an application to the consent authority or a service authority before the commencement; and

(b) the consent authority or the service authority determines the application after the commencement.

(2) The new legislation applies in relation to:

(a) giving notice of the decision; and

(b) a person's entitlement to apply for a review of the decision.

### 206 Application before former Tribunal

(1) This section applies if, before the commencement:

(a) a person had made an application under this Act to the former Tribunal; and

(b) the former Tribunal had not decided the application.

(2) The former Tribunal must continue to deal with the application in accordance with the former legislation.

## Division 5 Planning Legislation Amendment Act 2016

### 207 Definitions

In this Division:

***commencement*** means the commencement of section 6 of the *Planning Legislation Amendment Act 2016*.

***proposal***, see section 14.

### 208 Proposal placed on exhibition before commencement

(1) This section applies if, before the commencement, a proposal had been placed on exhibition but a report under section 24 had not been made.

(2) Part 2, Division 4, as in force immediately before the commencement, continues to apply in relation to submissions, consultation, hearings and the report about the proposal.

## Division 6 Environment Protection Act 2019

### 209 Definition

In this Division:

***commencement*** means the commencement of section 294 of the *Environment Protection Act 2019*.

### 210 Environmental assessment completed before commencement

(1) This section applies if:

(a) an application for a development permit or an exceptional development permit or a consent under Part 2A, Division 5 for a development proposal was made before the commencement or within 2 years after the commencement; and

(b) an environmental assessment of the development proposal was completed under the *Environmental Assessment Act 1982* before the commencement; and

(c) the permit or consent was not granted or given before the commencement.

(2) This Act as in force immediately before the commencement continues to apply to the determination of the application for the permit or consent.

## Division 7 Planning Amendment Act 2020

### 211 Definition

In this Division:

***commencement*** means the commencement of section 3 of the *Planning Amendment Act 2020*.

### 212 Administrative matters

(1) The members of the Planning Commission and the Development Consent Authority holding office immediately before the commencement continue to hold office after the commencement on the same terms and conditions that applied to their appointment before the commencement.

(2) A person with authority to enter land under section 77 immediately before the commencement is taken to be an authorised officer appointed under section 76.

### 213 Permits issued before commencement

To avoid doubt, all permits issued before the commencement are subject to the provisions of this Act in force after the commencement.

### 214 Applications and proposals made before commencement

(1) Subject to section 215, any application or proposal that was not determined before the commencement is to proceed and be determined:

(a) in accordance with this Act applicable at the time the determination is made; and

(b) in relation to the elements of the planning scheme applicable at the time the determination is made.

(2) To avoid doubt, subsection (1) applies to the following:

(a) a concurrent application;

(b) a development application;

(c) a proposed amendment of a planning scheme;

(d) a proposal to grant or vary an exceptional development;

(e) a proposal altered under section 25 or 40.

### 215 Specific use zone

(1) If requested by the applicant, a development application in relation to a specific use zone, must be determined:

(a) in accordance with this Act in force immediately before the commencement; and

(b) in relation to the elements of the planning scheme applicable immediately before the commencement.

(2) This section is repealed on the day fixed by the Administrator by *Gazette* notice.

(3) The date fixed under subsection (2) must be at least 5 years after the commencement.

## Division 8 Transitional matters for Water Legislation Amendment Act 2023

### 216 Definition

In this Division:

***commencement*** means the commencement of Part 3 of the *Water Legislation Amendment Act 2023*.

### 217 Applications for subdivision or consolidation made but not determined under *Planning Act 1999*

(1) An application under section 30C(1) to subdivide or consolidate land in a Restricted Water Extraction Area that was made but not determined by the Consent Authority under section 30W(1) before the commencement is subject to the restrictions of sections 14A and 14B of the *Water Act 1992* and the requirements of section 14C(1) of that Act.

(2) An application under section 38(1) to subdivide or consolidate land in a Restricted Water Extraction Area that was made but not determined by the Minister before the commencement is subject to the restrictions of sections 14A and 14B of the *Water Act 1992* and the requirements of section 14C(1) of that Act.

(3) An application under section 46(1) to subdivide or consolidate land in a Restricted Water Extraction Area that was made but not determined by the Consent Authority under section 53 before the commencement is subject to the restrictions of sections 14A and 14B of the *Water Act 1992* and the requirements of section 14C(1) of that Act.

(4) Sections 14A, 14B and 14C of the *Water Act 1992* do not apply in relation to an application under section 59 to extend a period of a development permit if the development permit relates to a subdivision or consolidation of land in a Restricted Water Extraction Area that was consented to by the Consent Authority under section 53(a) or (b) before the commencement.

## Division 9 Petroleum, Planning and Water Legislation Amendment Act 2025

### 218 Decisions made before commencement

(1) This Act as in force immediately before the commencement continues to apply in relation to a decision or determination made under section 30W(1)(a) or (b), 53(a) or (b) or 79A(1)(a) before the commencement.

(2) In this section:

***commencement*** means the commencement of Part 3 of the *Petroleum, Planning and Water Legislation Amendment Act 2025*.

## Division 10 Lands, Planning and Environment Legislation Amendment Act 2025

### 219 Application of amendments to section 57

The amendments to section 57 by the *Lands, Planning and Environment Legislation Amendment Act 2025* apply in relation to the variation of a condition of a development permit even if the development permit that is sought to be varied was issued before the commencement of section 34 of that Act.

# ENDNOTES

## 1 KEY

Key to abbreviations

**amd = amended**
**app = appendix**
**bl = by-law**
**ch = Chapter**
**cl = clause**
**div = Division**
**exp = expires/expired**
**f = forms**
***Gaz* = *Gazette***
**hdg = heading**
**ins = inserted**
**lt = long title**
**nc = not commenced**
**od = order**
**om = omitted**
**pt = Part**
**r = regulation/rule**
**rem = remainder**
**renum = renumbered**
**rep = repealed**
**s = section**
**sch = Schedule**
**sdiv = Subdivision**
**SL = Subordinate Legislation**
**sub = substituted**

## 2 LIST OF LEGISLATION

***Planning Act 1999* (Act No. 55, 1999)**
Assent date 14 December 1999
Commenced 12 April 2000 (*Gaz* S15, 12 April 2000)

***Statute Law Revision Act 2000* (Act No. 19, 2000)**
Assent date 6 June 2000
Commenced 12 July 2000 (*Gaz* G27, 12 July 2000, p 2)

***Land Title (Consequential Amendments) Act 2000* (Act No. 45, 2000)**
Assent date 12 September 2000
Commenced 1 December 2000 (s 2, s 2 *Land Title Act 2000* (Act No. 2, 2000) and *Gaz* G38, 27 September 2000, p 2)

***Law of Property (Consequential Amendments) Act 2000* (Act No. 46, 2000)**
Assent date 12 September 2000
Commenced 1 December 2000 (s 2, s 2 *Law of Property Act 2000* (Act No. 1, 2000) and *Gaz* G38, 27 September 2000, p 2)

***Unit Titles (Consequential Amendments – Building Development) Act 2001* (Act No. 15, 2001)**
Assent date 28 June 2001
Commenced 1 March 2002 (s 2, s 2 *Unit Titles Amendment Act 2001* (Act No. 14, 2001) and *Gaz* G8, 2002, p 6)

***Corporations Reform (Consequential Amendments NT) Act 2001* (Act No. 17, 2001)**
Assent date 29 June 2001
Commenced 15 July 2001 (s 2, s 2 *Corporations Act 2001* (Cth Act No. 50, 2001) and Cth *Gaz* S285, 13 July 2001)

***Statute Law Revision Act 2003* (Act No. 12, 2003)**
Assent date 18 March 2003
Commenced 18 March 2003

***Planning Amendment Act 2005* (Act No. 12, 2005)**

| | |
|---|---|
| Assent date | 17 March 2005 |
| Commenced | 30 September 2005 (*Gaz* G39, 28 September 2005, p 4) |

***Statute Law Revision Act 2007* (Act No. 4, 2007)**

| | |
|---|---|
| Assent date | 8 March 2007 |
| Commenced | 8 March 2007 |

***Land Title and Related Legislation Amendment Act 2008* (Act No. 3, 2008)**

| | |
|---|---|
| Assent date | 11 March 2008 |
| Commenced | pt 6: 18 March 2009 (*Gaz* G11, 13 March 2009, p 4); rem: 1 July 2009 (*Gaz* S30, 26 June 2009) |

***Planning Amendment (Development Applications) Act 2008* (Act No. 4, 2008)**

| | |
|---|---|
| Assent date | 11 March 2008 |
| Commenced | 1 July 2008 (*Gaz* S32, 1 July 2008) |

***Statute Law Revision Act 2008* (Act No. 6, 2008)**

| | |
|---|---|
| Assent date | 11 March 2008 |
| Commenced | 11 March 2008 |

***Local Government (Consequential Amendments) Act 2008* (Act No. 28, 2008)**

| | |
|---|---|
| Assent date | 14 November 2008 |
| Commenced | 1 July 2008 (s 2) |

***Unit Title Schemes Act 2009* (Act No. 14, 2009)**

| | |
|---|---|
| Assent date | 26 May 2009 |
| Commenced | pt 2.3, div 3, sdv 4 and s 135 (to ext ins s 54C): 1 January 2010; s 111: 1 July 2010; rem: 1 July 2009 (s 2, *Gaz* S30, 26 June 2009, p 1, s 2 *Land Title and Related Legislation Amendment Act 2008* (Act No. 3, 2008) and *Gaz* S30, 26 June 2009, p 1) |

***Statute Law Revision Act 2009* (Act No. 25, 2009)**

| | |
|---|---|
| Assent date | 1 September 2009 |
| Commenced | 16 September 2009 (*Gaz* G37, 16 September 2009, p 3) |

***Heritage Act 2011* (Act No. 34, 2011)**

| | |
|---|---|
| Assent date | 15 November 2011 |
| Commenced | 1 October 2012 (*Gaz* S43, 31 July 2012) |

***Planning Amendment Act 2012* (Act No. 26, 2012)**

| | |
|---|---|
| Assent date | 6 December 2012 |
| Commenced | 1 January 2013 (*Gaz* S79, 20 December 2012) |

***Northern Territory Environment Protection Authority Act 2012* (Act No. 28, 2012)**

| | |
|---|---|
| Assent date | 6 December 2012 |
| Commenced | 1 January 2013 (*Gaz* S82, 21 December 2012) |

***Penalties Amendment (Miscellaneous) Act 2013* (Act No. 23, 2013)**

| | |
|---|---|
| Assent date | 12 July 2013 |
| Commenced | 28 August 2013 (*Gaz* G35, 28 August 2013, p 2) |

***Planning Amendment (Concurrent Applications) Act 2014* (Act No. 8, 2014)**

| | |
|---|---|
| Assent date | 20 March 2014 |
| Commenced | 1 May 2014 (*Gaz* G17, 1 May 2014, p 4) |

***Northern Territory Civil and Administrative Tribunal (Conferral of Jurisdiction Amendments) (No. 2) Act 2014* (Act No. 35, 2014)**

Assent date 13 November 2014
Commenced pts 4, 9, 10 and 19: 1 June 2015 (*Gaz* S53, 29 May 2015, p 2); rem: 1 January 2015 (*Gaz* G51, 24 December 2014, p 7)

***Local Court (Related Amendments) Act 2016* (Act No. 8, 2016)**

Assent date 6 April 2016
Commenced 1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and *Gaz* S34, 29 April 2016)

***Planning Legislation Amendment Act 2016* (Act No. 29, 2016)**

Assent date 13 July 2016
Commenced 28 July 2016 (*Gaz* S76, 28 July 2016)

***Statute Law Revision Act 2017* (Act No. 4, 2017)**

Assent date 10 March 2017
Commenced 12 April 2017 (*Gaz* G15, 12 April 2017, p 3)

***Environment Protection Act 2019* (Act No. 31, 2019)**

Assent date 9 October 2019
Commenced 28 June 2020 (*Gaz* G17, 29 April 2020, p 2)

**Amending Legislation**

***Statute Law Revision and Repeals Act 2019* (Act No. 33, 2019)**

Assent date 6 November 2019
Commenced pts 2 and 3: 11 December 2019 (*Gaz* G50, 11 December 2019, p 2); rem: 7 November 2019 (s 2)

***Local Government Act 2019* (Act No. 39, 2019)**

Assent date 13 December 2019
Commenced pt 8.6: 1 July 2022; rem: 1 July 2021 (*Gaz* S27, 30 June 2021)

**Amending Legislation**

***Statute Law Revision Act 2020* (Act No. 26, 2020)**

Assent date 19 November 2020
Commenced 20 November 2020 (s 2)

***Local Government Amendment Act 2021* (Act No. 15, 2021)**

Assent date 25 May 2021
Commenced 26 May 2021 (s 2)

***Planning Amendment Act 2020* (Act No. 19, 2020)**

Assent date 1 July 2020
Commenced 31 July 2020 (*Gaz* G30, 29 July 2020, p 1)

***Statute Law Revision Act 2020* (Act No. 26, 2020)**

Assent date 19 November 2020
Commenced 20 November 2020 (s 2)

***Planning Amendment Act 2021* (Act No. 4, 2021)**

Assent date 10 March 2021
Commenced 11 March 2021 (s 2)

***Statute Law Amendment (Territory Economic Reconstruction) Act 2021*** **(Act No. 19, 2021)**

| | |
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| Assent date | 31 August 2021 |
| Commenced | pt 6: 2 October 2021; rem: 29 September 2021 (*Gaz* G39, 29 September 2021, p 1) |

***Statute Law Amendment (Territory Economic Reconstruction) Act 2022*** **(Act No. 5, 2022)**

| | |
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| Assent date | 14 April 2022 |
| Commenced | pt 7: 25 May 2023 (Gaz G11, 25 May 2023, p 2); rem: 25 May 2022 (*Gaz* G21, 25 May 2022, p 1) |

***Statute Law Revision Act 2023*** **(Act No. 4, 2023)**

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***Water Legislation Amendment Act 2023*** **(Act No. 13, 2023)**

| | |
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| Commenced | 1 August 2023 (*Gaz* G14, 6 July 2023, p 1) |

***Petroleum, Planning and Water Legislation Amendment Act 2025*** **(Act No. 7, 2025)**

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| Assent date | 7 April 2025 |
| Commenced | 8 April 2025 (s 2) |

***Lands, Planning and Environment Legislation Amendment Act 2025*** **(Act No. 25, 2025)**

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|---|---|
| Assent date | 12 September 2025 |
| Commenced | pt 6: 6 October 2025 (s 2(2) and *Gaz* G20, 2 October 2025); rem: 13 September 2025 (s 2(1)) |

## 3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1, 3, 5, 30C, 30P, 30S, 46, 51, 58, 61, 62, 64, 71, 72, 73, 77, 81F, 86, 112, 142, 170, 172, 175, 176, 200 and 203.

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