

# NORTHERN TERRITORY OF AUSTRALIA

## PLANNING LEGISLATION AMENDMENT ACT 2016

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Act No. 29 of 2016

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 29 of 2016

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An Act to amend the *Planning Act* and the *Planning Regulations*

[Assented to 13 July 2016]  
[Second reading 25 May 2016]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Planning Legislation Amendment Act 2016*.

### 2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

## Part 2 Amendment of Planning Act

### 3 Act amended

This Part amends the *Planning Act*.

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**4 Section 5 amended**

After section 5(4)

*insert*

- (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).

**5 Section 17 amended**

Section 17(1)(d)

*omit*

person or body to whom

*insert*

body to which

**6 Section 20 amended**

Section 20, definitions **prescribed functions** and **reporting body**

*omit*

**7 Section 21 repealed**

Section 21

*repeal*

**8 Section 22 amended**

- (1) Section 22(1)

*omit*

reporting body

---

*insert*

Commission

(2) Section 22(2)

*omit, insert*

(2) If the Commission receives any submissions, the Chairperson, or another member of the Commission authorised by the Chairperson to do so, must do the following:

(a) conduct a hearing in respect of those submissions on behalf of the Commission;

(b) invite all persons who have made submissions to appear at the hearing and be heard in relation to the proposal.

## **9 Section 23 amended**

(1) Section 23(1)

*omit*

a reporting body

*insert*

the Commission

(2) Section 23(1)

*omit*

the reporting body

*insert*

the Commission

## **10 Section 24 amended**

(1) Section 24(1)

*omit*

all words from "the reporting body has" to "must"

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*insert*

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

- (2) Section 24(1)(c) and (2)

*omit*

reporting body

*insert*

Commission

- (3) Section 24(3)

*omit*

reporting body's

*insert*

Commission's

## **11 Section 81B amended**

After section 81B(d)

*insert*

(da) to receive submissions, carry out consultation as directed by the Minister, and report to the Minister, under Part 2, Division 4;

## **12 Part 14, Division 4 inserted**

After section 206

*insert*

## **Division 4 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.

## **Part 3 Amendment of Planning Regulations**

### **13 Regulations amended**

This Part amends the *Planning Regulations*.

### **14 Regulation 3A amended**

- (1) Regulation 3A(2)(b)  
*omit*  
Territory.  
*insert*  
Territory; or
- (2) After regulation 3A(2)(b)  
*insert*  
(c) to Indigenous Essential Services Pty Ltd ACN 105 269 636.
- (3) Regulation 3A(3), definition **commencement date**  
*omit, insert*  
**commencement date** means:
  - (a) for regulation 3A(2)(a) and (b) – the day on which the *Planning Amendment Regulations (No. 2) 2009* commenced; and
  - (b) for regulation 3A(2)(c) – the day on which section 4 of the *Planning Legislation Amendment Act 2016* commenced.

## **Part 4                  Expiry**

### **15                  Expiry of Act**

This Act expires on the day after it commences.