

NORTHERN TERRITORY OF AUSTRALIA

PLANNING AMENDMENT (CONCURRENT APPLICATIONS) ACT 2014

Act No. 8 of 2014

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 8 of 2014

An Act to amend the *Planning Act*

[Assented to 20 March 2014]
[Second reading 4 December 2013]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Planning Amendment (Concurrent Applications) Act 2014*.

2 Commencement

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

3 Act amended

This Act amends the *Planning Act*.

4 Section 3 amended

(1) Section 3(1), definitions *exhibition* and *notice of determination*
omit

(2) Section 3(1)
insert (in alphabetical order)

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

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

concurrent application, see section 30(1).

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

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).

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

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

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

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

5 Section 4 amended

- (1) Section 4(1)

omit

subsection (4)

insert

subsections (4) and (6)

- (2) After section 4(5)

insert

- (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.

6 Part 2A inserted

After section 29

insert

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

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- (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) if a public environmental report or an environmental impact statement has been prepared or is required under the *Environmental Assessment Act* in relation to the proposal:
 - (i) a copy of the report or statement; and
 - (ii) the results of any assessment of the report or statement under that Act;
 - (c) an assessment demonstrating the merits of the proposal;
 - (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

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- (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;
 - (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*, as to whether the building will cease to comply with the *Building Act* 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.

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- (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.
 - (5) As soon as practicable after considering the concurrent application, any additional information provided by the applicant and any significant development report, 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

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- (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.

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- (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 authority

- (1) If the concurrent application relates to land partly or entirely within a council area, the Minister must give the local authority 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 authority 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.

30J Notices 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 notices, 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 notice must:
 - (a) include a brief description of 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) no zone is currently specified for the land;
 - (iii) the zone proposed for the land; and

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- (c) be large enough and placed in a position to enable a person with normal unimpaired eyesight to read it, without optical assistance, from the boundary of 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.

Maximum penalty: If the offender is a natural person –
100 penalty units.

If the offender is a body corporate –
500 penalty units.

- (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) Within the exhibition period for the concurrent application, a person may make a written submission about the application to the consent authority.

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- (2) The submission may relate to the amendment proposal, the development proposal, or to both proposals.

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 all persons 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*, 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;

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- (g) a matter that the Minister has, under section 30ZC(1), directed the consent authority to consider in relation to concurrent applications generally;
 - (h) if a public environmental report or an environmental impact statement has been prepared or is required under the *Environmental Assessment Act* in relation to the application:
 - (i) the report or statement; and
 - (ii) the results of any assessment of the report or statement under that Act;
 - (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;
 - (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*);
 - (q) any beneficial uses, quality standards, criteria, or objectives, that are declared under the *Water Act*;
 - (r) other matters the consent authority considers relevant.
- (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 appeals 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

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***);
- (b) the development proposal in the application;
- (c) any significant development report given to the Minister as requested under section 30D(3);

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- (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*, that is relevant to the land;
 - (f) the reports given to the Minister under section 30Q;
 - (g) if a public environmental report or an environmental impact statement has been prepared or is required under the *Environmental Assessment Act* in relation to the application:
 - (i) the report or statement; and
 - (ii) the results of any assessment of the report or statement under that Act;
 - (h) the merits of the amendment proposal as demonstrated in the application;
 - (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*);
 - (n) any beneficial uses, quality standards, criteria or objectives that are declared under the *Water Act*;
 - (o) other matters the Minister considers relevant.

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 appeals 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.

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- (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.

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- (3) The consent authority must not consent to the development proposal under subsection (1)(a) or (b) if:
- (a) in its opinion, the proposal is contrary to a planning scheme provision referred to in section 9(1)(a); or
 - (b) the proposal is contrary to a planning scheme provision referred to in section 9(1)(b) or an interim development control order.
- (4) Subsection (3) does not apply in relation to the development proposal if the amendment decision for the concurrent application will, if it takes effect, amend the provision mentioned in that subsection to enable the development proposal to be carried out in accordance with the planning scheme as amended.
- (5) Despite being of the opinion mentioned in subsection (3)(a), the consent authority may consent to the development proposal if:
- (a) it gives the Minister written notice of its opinion and requests the Minister to approve the giving of consent; and
 - (b) within 14 days after the consent authority gives notice, the Minister:
 - (i) gives the consent authority written approval of the request; or
 - (ii) has not responded to the notice by either approving or refusing the request.

30X Notice of determination to consent

- (1) This section applies in relation to the concurrent application if:
- (a) the consent authority determines under section 30W(1)(a) or (b) to consent to the development proposal; and
 - (b) both of the following circumstances apply:
 - (i) submissions were made about the concurrent application in accordance with section 30M;
 - (ii) there is a right of appeal in relation to the development proposal under section 117.
- (2) As soon as practicable after determining the development proposal, the consent authority must serve a notice of determination on:
- (a) the applicant; and

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- (b) each person (including a local authority) who made a submission about the concurrent application.
- (3) The notice of determination 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 for the concurrent application and the reasons for the decision;
 - (c) details about:
 - (i) the right of the applicant to appeal against the determination of the development proposal under section 114; and
 - (ii) the right of a person who made a submission about the concurrent application to appeal against the determination under section 117.
- (4) If there is a local authority for the land to which the concurrent application relates and the local authority did not make a submission about the application, the consent authority must:
- (a) advise the local authority of the determination of the development proposal and the amendment decision; and
 - (b) give the local authority a copy of the reasons for the determination and the decision.
- (5) The consent authority must make a copy of the notice of determination available for inspection and purchase by the public.

30Y Notice of consent

- (1) This section applies in relation to the concurrent application if:
- (a) the consent authority determines under section 30W(1)(a) or (b) to consent to the development proposal; and
 - (b) one of the following circumstances applies:
 - (i) no submissions were made about the concurrent application in accordance with section 30M;
 - (ii) submissions were made but there is no right of appeal under section 117 in relation to the development proposal.

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- (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 authority) who made a submission.
 - (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:
 - (i) the right of the applicant to appeal against the determination of the development proposal under section 114; and
 - (ii) if submissions were made – the reasons why a person who made a submission has no right of appeal under section 117.
 - (4) If there is a local authority for the land to which the concurrent application relates, the consent authority must:
 - (a) advise the local authority of the determination of the development proposal and the amendment decision; and
 - (b) give the local authority 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

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- (b) any person (including a local authority) 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 appeal against the determination of the development proposal under section 111.
 - (4) If there is a local authority for the land to which the concurrent application relates, the consent authority must:
 - (a) advise the local authority of the determination of the development proposal and the amendment decision; and
 - (b) give the local authority 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 Appeals 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).

7 Section 111 amended

- (1) Before section 111(1)

insert
- (1AA) A person who made a concurrent application under section 30C may appeal to the Appeals Tribunal against a determination of the consent authority under section 30W(1)(c) refusing to consent to the development proposal in the application.
- (2) Section 111(2)

omit

53C

insert

30Z or 53C (as applicable)

8 Section 112 amended

- (1) Before section 112(1)

insert
- (1AA) A person who made a concurrent application under section 30C may appeal to the Appeals Tribunal if the person:
 - (a) has been given a notice under section 30U(1) of the amendment decision approving the amendment proposal in the application; and

(b) within 7 weeks after being given the notice has not been served with a notice under section 30X, 30Y or 30Z.

(2) Section 112(4) and (5), after "under section"

insert

30W,

9 Section 114 amended

(1) Section 114, heading, before "**development**"

insert

concurrent application or

(2) Before section 114(1)

insert

(1AA) A person who made a concurrent application under section 30C may appeal to the Appeals Tribunal against 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).

(3) Section 114(2), after "section"

insert

30X, 30Y,

10 Section 117 amended

(1) Section 117, heading, before "**development**"

insert

concurrent applications and

(2) Before section 117(1)

insert

(1AA) Subject to the Regulations, a person or local authority who made a submission in accordance with section 30M in relation to a concurrent application may appeal to the Appeals Tribunal against a determination under section 30W(1)(a) or (b):

(a) to consent to the development proposal, as proposed or as altered; or

(b) to impose conditions on the development proposal or altered development proposal, including a condition referred to in section 70(3).

(3) Section 117(2), before "development"

insert

a concurrent application or

11 Section 130 amended

(1) Section 130(2)

omit

section 51

insert

section 30P(2) or 51 (as applicable)

(2) Section 130(3), before "if:"

insert

specified in a concurrent application or development application

(3) After section 130(3)

insert

(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 a provision mentioned in that subsection to enable the development proposal in the application to be carried out in accordance with the planning scheme as amended.

(4) Section 130(4)(b)

omit

section 53A

insert

section 30X, 30Y, 53A

(5) Section 130(7)(a)

omit

51

insert

30P(2) or 51 (as applicable)

12 Act further amended

The Schedule has effect.

13 Expiry of Act

This Act expires on the day after it commences.

Schedule Act further amended

section 12

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 16(2)(a)	cause a notice to be served	serve a notice
section 16(2)(b)	cause	arrange
section 17(1)	all words from "cause" to "relates"	publish, in a newspaper circulating in the Territory or in the area to which the proposal relates, a notice containing the following information
section 17(3)	all words from "cause" to " <i>Gazette</i> "	publish the notice under subsection (1) a second time
section 18(1)	all words from "cause" to "exhibition"	place a notice of the details of the proposal
section 18(2)	all words from "placed" to "proposal"	must remain in place for the entire exhibition period
section 28(1)	cause to be published in the <i>Gazette</i> a notice	publish, in a newspaper circulating in the Territory or in the area to which the amendment relates, a notice
section 28(2)	<i>Gazette</i>	newspaper
section 40(6)	all words from "give" to "section"	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

section 50B(2), after "section"		30D(3) or
section 50B(5), after "if a"		concurrent application or
section 51(d)	within the meaning	as defined in section 4(1)
section 51(s)	section 73 of	
section 53A, heading, after " determination "		to consent
section 54(1), after "determines"		a concurrent application to which section 30Y applies, or
section 54(2)	53A(2)	30X(2) or 53A(2) (as applicable)
section 118A(d), before "development"		concurrent application or
section 120(1)	in respect of the application under section 46, 57 or 59	
section 129(1)(b)	51	30P(2) or 51 (as applicable)
section 129(2)(b)	49 or gave evidence or information under section 50	30M or 49, gave evidence or information at a hearing mentioned in section 30N or gave evidence or information under section 50 (as applicable)
