

# THE NORTHERN TERRITORY OF AUSTRALIA

No. 116 of 1979

## AN ACT

To amend the Planning Act

[Assented to 15 October 1979]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

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| 1. This Act may be cited as the <u>Planning Act</u> (No. 2) 1979.  | Short title   |
| 2. The <u>Planning Act</u> is in this Act referred to as the Principal Act.  | Principal Act   |
| 3. Section 13 of the Principal Act is amended by omitting "section 12(b)" and substituting "section 11".   | Local members to act for planning of local areas                |
| 4. Section 39(1) of the Principal Act is amended by adding at the end "and in that direction may direct that the authority carry out the actions referred to in section 40."   | Preparation and exhibition of draft planning instruments        |
| 5. Section 40 of the Principal Act is amended by omitting all words before and including "the authority shall -" and substituting the following:<br>"The Authority shall, when so directed by the Minister and may, on making a resolution under section 39(5), but not otherwise -" | Public notice of decision to prepare draft planning instruments |
| 6. Section 93 of the Principal Act is amended by inserting after paragraph (v) the following paragraph:<br>"(va) any other prescribed matter;"   | Matters to be taken into account                                |
| 7. Section 110(1) of the Principal Act is amended by inserting after paragraph (h) the following paragraph:<br>"(ha) any other prescribed matter;"   | Matters to be taken into account                                |
| 8. Section 165 of the Principal Act is amended by omitting paragraph (d).  | Regulations   |

Planning (No. 2)

9. Section 180 of the Principal Act is repealed and the following sections substituted:

Saving of  
rights of  
appeal

"180.(1) Where the Authority, in pursuance of section 177, determines an application made under section 38A or 38B of the former Act, a person who could under the former Act have appealed to the Committee against a determination of that application by the Board had the Board determined that application, may appeal to the Appeals Committee within 28 days after the determination by the Authority.

"(2) An appeal under sub-section (1) in relation to an application made under section 38B of the former Act may be heard and determined as though it were an appeal under section 114 in respect of a development application and Part VII applies accordingly.

Development  
appeals

"180A.(1) An appeal that -

(a) was made under section 38A(8A) of the former Act in relation to an application under section 38B of the former Act; and

(b) was pending immediately before the commencement date,

is revived and may be heard or continue to be heard and determined as though it were an appeal made under section 114 in respect of a development application and Part VII applies accordingly.

"(2) For the purposes of continuing to hear and determining an appeal referred to in sub-section (1) which is partly heard, proceedings before the Committee in relation to that appeal shall be deemed to have taken place before the Appeals Committee.

"(3) The Appeals Committee shall hear or continue to hear appeals to which this section relates.

Re-zoning  
appeals

"180B.(1) An appeal that -

(a) was made under section 38A(8A) of the former Act in relation to an application under section 38A of the former Act; and

(b) was pending immediately before the commencement date,

is revived and may be heard or continue to be heard and determined as though it were an appeal made under section 114 in respect of a development application and Part VII applies accordingly.

Planning (No. 2)

"(2) For the purposes of continuing to hear and determining an appeal referred to in sub-section (1) which is partly heard, proceedings before the Committee in relation to that appeal shall be deemed to have taken place before the Appeals Committee.

"(3) An appeal under section 180(1) in relation to an application made under section 38A of the former Act shall be heard and determined under this section.

"(4) The Appeals Committee shall hear or continue to hear appeals to which this section relates.

"(5) The Appeals Committee may determine an appeal to which this section relates by -

- (a) confirming the decision the subject of the appeal; or
- (b) directing the Authority to submit the application under section 38A of the former Act the subject of the appeal to the Minister together with a copy of the reasons for the decision of the Appeals Committee.

"(6) The Authority shall comply with any direction of the Appeals Committee given under sub-section (5)(b).

"(7) Sections 60(1)(a) and (c) and 61 apply to and in relation to an application under section 38A of the former Act submitted to the Minister under this section as though the application constituted a draft planning instrument prepared by the Authority in pursuance of a resolution under section 39(5) and Divisions 2 and 3 of Part III and section 59 had been complied with in relation to the instrument."