

Serial 130
Planning Amendment (Development Applications) Bill 2007
Ms Lawrie

A Bill for an Act to amend the *Planning Act*



NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2007

An Act to amend the *Planning Act*

[Assented to [] 2007]
[Second reading [] 2007]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Planning Amendment (Development Applications) Act 2007*.

2 Commencement

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

3 Act amended

This Act amends the *Planning Act*.

4 Repeal and substitution of Part 5, Division 2

Part 5, Division 2

repeal, substitute

Division 2 Development applications – notification and consultation

47 Public notice of development application

- (1) Before the consent authority determines a development application, other than an application to which section 47A applies, it must give

public notice of the application or, in writing, require the applicant to do so.

- (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, which must end no earlier than 14 days after the date on which notice is given; and
 - (d) any other information required by the Regulations.
- (3) If the consent authority gives public notice of the application, it may charge the applicant the reasonable costs of notification.

47A Development application not requiring public notice

- (1) No public notice is required to be given of a development application that is solely for consent to carry out the following development:
 - (a) the consolidation of land;
 - (b) the establishment of, or a change in, the use of land for the accommodation of people requiring privacy, as specified by the Regulations;
 - (c) development, specified by the Regulations, that will not have a significant impact on the existing and future amenity of the area in which the development will be carried out.
- (2) Before the consent authority determines a development application relating to development mentioned in subsection (1), it must give notice of the application to the persons the Regulations require to be notified or, in writing, require the applicant to do so.
- (3) 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 the recipient to make a written submission about the application within the period specified in the notice, which must end no earlier than 14 days after the date on which the notice is given; and
 - (d) any other information required by the Regulations.
- (4) If the consent authority gives notice of the application, it may charge the applicant the reasonable costs of notification.

48 Notice to local authority of development application

- (1) If a development application relates to land within the council area of a local authority, the consent authority must give the local authority 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 authority to make a submission about the application within the period specified in the notice, which must end no earlier than 14 days after the date on which the notice is given.
- (2) The consent authority may charge the applicant the reasonable costs of notification.

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 period specified in the public notice about the application.
- (2) A person given notice under section 47A about a development application may make a written submission to the consent authority about the application within the period specified in the notice.
- (3) A local authority given notice under section 48 about a development application may make a written submission to the consent authority about the application within the period specified in the notice.

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 authority makes a submission in accordance with section 49(3), the consent authority must invite a representative of the authority 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 Amendment of section 51 (Matters to be taken into account)

Section 51(e)

omit

49

substitute

49, and any evidence or information received under section 50,

6 Amendment of section 53 (Determination of development application)

Section 53

omit

all the words from "As" to "considered"

substitute

As soon as practicable after considering a development application and

7 Amendment of section 102 (Meetings to be open)

- (1) Section 102, heading

omit, substitute

Attendance of public at meetings

(2) Section 102(1)

omit

subsection (2)

substitute

this section

(3) After section 102(4)

insert

(5) A meeting of the Development Consent Authority must not be open to the public if evidence is to be taken in relation to a development application to which section 47A applies.