

Serial 178
Planning Legislation Amendment Bill 2016
Mr Tollner

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

NORTHERN TERRITORY OF AUSTRALIA

PLANNING LEGISLATION AMENDMENT ACT 2016

Act No. [] of 2016

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2016

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

[Assented to [] 2016]
[Second reading [] 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*.

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7 Section 21 repealed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"

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.