

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

WRITTEN QUESTION

Mrs Lambley to the Minister for Infrastructure, Planning and Logistics:

Development Consent Authority

Can the Development Consent Authority override the Planning Scheme?

The public link to the NT Planning Scheme is provided:

<https://nt.gov.au/property/building-and-development/nt-planning-scheme/northern-territory-planning-scheme>

The Development Consent Authority cannot override the Planning Scheme however, they do have the ability under the NT Planning Scheme to exercise discretion in respect to certain standards.

Clause 2.5 of the NT Planning Scheme relates to the 'Exercise of Discretion by the Consent Authority' in considering an application.

2.5 EXERCISE OF DISCRETION BY THE CONSENT AUTHORITY

1. In considering an application for **consent** for a proposed use or development, the consent authority must consider the proposed use or development in its entirety except in relation to:
 - (a) an application to alter or vary a development permit under sections 43A, 46 or 57 of the *Act*; or
 - (b) access to a **main road**.
2. Parts 4 and 5 set out the standards that apply to the development of land, subject to sub-clauses 3, 4 and 5.
3. The consent authority may **consent** to the development of land that does not meet the standard set out in Parts 4 or 5 in circumstances set out in a provision of Parts 4 or 5.
4. The consent authority may **consent** to the development of land that does not meet the standard set out in Parts 4 or 5 if it is satisfied that special circumstances justify the giving of **consent**.
5. When consenting to a development of land, the consent authority may impose a condition requiring a higher standard of development than is set out in a provision of Parts 4 or 5 if it considers it necessary to do so.

Amendment No. 424 published in the NT News on 04.12.2015 introduces sub-clause 3