



SUBMISSION

Lands and Planning Legislation Amendment (Red Tape Reduction) Bill 2026 Serial 77

To	Legislative Scrutiny Committee Legislative Assembly of the Northern Territory
By email	LSC@nt.gov.au
Submitted by	Litchfield Council
Date	7 September 2026
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1. Overview

Litchfield Council (hereafter, 'Council') welcomes the opportunity to make a submission to the Legislative Scrutiny Committee on the Lands and Planning Legislation Amendment (Red Tape Reduction) Bill 2026 (Serial 77) (hereafter, the 'Bill').

Council does not oppose the reduction of unnecessary regulatory burden. As discussed at **Section 4**, several amendments in the Bill improve the rigour of the building and planning systems and Council supports them.

Council's position on the balance of the Bill is straightforward. A number of provisions do not reduce administrative burden. They reduce the statutory role of local government in decisions whose consequences local government is then required to manage.

In three instances the Bill removes a mandatory entitlement that local government presently holds and replaces it with a discretion exercised by another party.

In a fourth it removes a statutory requirement to consult Council about assets Council owns. Council does not agree to any of them.

Council notes that none of these provisions is described in those terms in the Explanatory Statement, and that according to the official written transcript, none was raised at the public briefing held on 31 August 2026.

Council has not resolved a position on the Bill. This submission is made at officer level, and any endorsement by Council would follow.

2. Council positions

Council asks the Committee to approach the Bill on the following basis.

- Council does not accept any reduction in its existing statutory involvement in planning, development and place naming decisions affecting its municipality. Council's involvement in these processes is not administrative burden; it is the means by which Council can contribute to and manage the consequences of a decision which affect it, and its community who live and work in the Litchfield municipality.
- Where the Bill increases rigour, certainty or transparency, Council would be supportive of the proposed amendments.
- Where the Bill removes or qualifies an entitlement Council presently holds, Council opposes it and asks that the provision be withdrawn or redrafted so that the entitlement is preserved.
- Where an efficiency objective is legitimate, Council submits that it can be met by confining a process rather than by removing local government from it. Council has identified, in each case, an amendment that would achieve the Department's stated objective without reducing Council's role.

Council makes 30 recommendations. They are consolidated at Attachment A. Council has not sought to comment on every one of the 86 clauses in the Bill.

3. Council's interest in the Bill

Litchfield is a rural and urban residential municipality adjoining Darwin and Palmerston, experiencing ongoing growth and land use change, including rural and urban residential subdivision, industrial and logistics development on the Darwin periphery, and development associated with the use and management of groundwater resources.

Council does not determine development applications. Under the Planning Act 1999 that function sits with the consent authority. What Council does is carry the consequences, and in the case of subdivision it does so by operation of law. Under S.64 of the Planning Act, on registration of the plan of survey the roads, drainage reserves, parks and open space created by a subdivision vest in Council. Following vesting and acceptance, Council assumes the long-term ownership, operation, maintenance and renewal responsibilities associated with those public assets. The adequacy of the infrastructure delivered at the time of subdivision therefore has long-term financial, operational and public safety implications for Council and the community. Council is thereafter the roads authority, the drainage authority, the manager of the open space and the addressing authority, and it is Council that receives the enquiries when a road floods, a culvert proves undersized, an intersection proves unsafe or a bore fails.

Council also holds a defined statutory role in each of the systems the Bill amends:

- under S.48 and S.49(3) of the Planning Act 1999, Council is entitled to notice of a development application in its area and may make a submission on it;
- under S.50(2), if Council makes a submission the consent authority must invite a representative of Council to appear before it and give evidence;
- under S.22(7), (8) and (9), Council is entitled to be notified if the Planning Commission intends not to conduct a hearing on a planning scheme amendment, to respond to that intention, and to appear if a hearing is held;
- under S.91, Council nominates the community members appointed to the relevant Division of the Development Consent Authority;
- under Schedule 2 of the Building Regulations 1993, Council is a reporting authority whose consent is required to a discharge of surface water on to a road, public place or adjoining property, and to construction or alteration within a road reserve;
- under S.9(1A) and S.9(4)(a) of the Place Names Act 1967, Council is an interested person whose views must be sought before a place within its area is named.

The Bill reduces four of those six. It leaves the automatic transfer of assets to Council at S.64 entirely untouched. The effect of the Bill, taken as a whole, is that Council's responsibilities remain exactly as they are while its opportunities to influence the decisions that create those responsibilities are narrowed. Council asks the Committee to consider each provision in that light.

4. Amendments supported

Council identifies the following so that the Committee understands Council's objections are directed at specific provisions and not at the Bill as a whole. Each of these increases rigour rather than reducing it. Where support is conditional, that is stated.

- Clause 16 (S.59(1)(b), Building Act 1993) removes the ability to grant a building permit concurrently with the required reports, approvals or consents being granted or supplied. A

building permit will no longer be able to be issued at the same moment Council's stormwater or road reserve consent is given. Council supports this without qualification.

- Clause 29(2) and (5) (Schedule 3, Cl.'s 5(2) and 6(2), Building Act 1993) removes the words 'or intends to apply' and requires an applicant to actually supply the relevant report or consent. Council supports this without qualification.
- Clause 43 (new Reg.20CA, Building Regulations 1993) requires a copy of each relevant planning or other prescribed consent, report or approval to accompany a builder's declaration, so that Council's consent forms part of the completed record. Council supports this without qualification.
- Clause 65 (S.38(2), Planning Act 1999) confines an exceptional development permit to the matters listed in that subsection. Council supports this without qualification.
- Clause 77 (S.89(2), Planning Act 1999) allows an alternate community member to act during a vacancy in the office of a community member, not only during an absence. At present the community voice Council nominates can be absent from a Division for the whole of a vacancy. Council supports this without qualification.
- Clauses 18, 20 and 21 remove 'in all material respects' from the Building Act inspection and occupancy provisions, raising the standard from substantial to full compliance. Council supports this without qualification.
- Clause 35 (Reg.8(2A), Building Regulations 1993) gives a reporting authority express power to request additional documents and to inspect the building work it is required to report on. Council supports this only if the amendments sought at Recommendations 22 and 25 are made. Without them the power cannot be exercised except at the cost of the limited time Council already has.

5. Planning Act 1999

5.1. Clause 69 — removal of Council's right to be heard by the consent authority

This is the provision of greatest concern to Council.

S.50(2) of the Planning Act 1999 presently provides:

If a local government council makes a submission in accordance with S.49(3), the consent authority must invite a representative of the council to appear before it and give evidence in relation to the development application.

That is a mandatory entitlement, and it is specific to local government. It is the mechanism by which Council places evidence about local roads, traffic, drainage, stormwater capacity, infrastructure servicing and local amenity before the Development Consent Authority — evidence that Council holds and that no other participant in the process holds.

Clause 69 repeals it. Under the Bill, S.50(1) provides that the consent authority must hold a meeting only if it receives a submission under S.49 and 'the relevant entity' — the Minister, or the Chair of the relevant Division of the Development Consent Authority — considers that a meeting would aid the consent authority's understanding of issues raised in submissions or provide further useful evidence or information. If a meeting is held, new S.50(2) provides that the consent authority 'may invite' any person or body who made a submission to attend and give evidence.

Council's ability to be heard therefore becomes doubly discretionary. The Chair decides whether a meeting occurs at all. If one does, the Chair decides whether Council is invited to it. Council would retain the right to lodge a written submission and nothing beyond it.

Council does not accept that this is red tape reduction. It is the removal of a right. Council is not a member of the public who has made a submission. It is the authority in which the road, the drain and the reserve will vest under S.64 once the development is built, and which will be asked by residents to remedy what the approval did not address. Removing the one point in the process at which Council can be questioned, and can answer, reduces the quality of the information available to the decision-maker and does so in the class of matter where Council's information is least replaceable.

Council further notes that it is not a 'service authority' for the purposes of S.48A. Service authority is defined in S.3 as the Territory, a minister, the Power and Water Corporation or a prescribed statutory corporation, and statutory corporation expressly does not include a local government council. S.'s 48 and 49(3) are therefore Council's only statutory entry point into development assessment. Narrowing what follows from a S.49(3) submission narrows the whole of Council's role.

Council accepts that a consent authority should not be obliged to convene a meeting on every application in which any submission is received. That objective is met by confining the obligation to submissions made by a local government council, not by abolishing it.

Recommendation 1: That Clause 69 be amended to retain an entitlement specific to local government, to the effect that if a local government council makes a submission under S.49(3), the consent authority must hold a meeting and must invite a representative of the council to attend the meeting and give evidence.

Recommendation 2: That, if the Committee is not minded to accept Recommendation 1, Clause 69 be amended so that where the relevant entity decides not to hold a meeting or decides not to invite a council that has made a submission, the decision and the reasons for it must be given to the council in writing before the application is determined, and the council may make a further written submission in response.

5.2. Clause 66 — exceptional development permits granted without exhibition

S.39(1) presently allows the Minister, on receiving an application under S.38, to place the proposal on exhibition; or, 'if the proposal in the application is for a variation of a permit', to decide that the proposal is not so significant as to require exhibition; or to refuse the application without exhibition.

Clause 66 omits the words confining the second pathway to variations.

The effect is that the Minister may decide that an application for the grant of a new exceptional development permit is not so significant as to require exhibition. Exhibition is the trigger for Part 2, Divisions 3, 4 and 5 under S.39(3). Without exhibition there is no public notice, no submission right under S.22, no report to the Minister under S.24, no notice to Council and no hearing.

An exceptional development permit is, by definition, an approval for development or use that would otherwise not be lawful under the relevant planning scheme. It is the most consequential form of approval available under the Act and the one for which the case for public and local government scrutiny is strongest. The Bill would allow it to be granted with no external involvement at all.

The Explanatory Statement describes Clause 66 as enabling a significance assessment for initial exceptional development permits, previously limited to variations. Council submits that this does not

convey the effect of the amendment, and notes that it was not addressed at the public briefing on 31 August 2026. Council opposes the clause.

Recommendation 3: That Clause 66 be withdrawn and the confinement of the 'not so significant as to require exhibition' pathway to a variation of an exceptional development permit be retained.

Recommendation 4: That, if Clause 66 is to proceed in any form, it be confined to classes of proposal prescribed by regulation, and the Minister be required to give written notice to the local government council for the area, to invite and consider the council's comment, and to publish reasons, before granting a permit without exhibition.

5.3. Clause 61 — Planning Commission hearings on planning scheme amendments

S.22 presently provides three protections in favour of local government that Clause 61 removes in their entirety:

- S.22(7): if the Commission intends not to conduct a hearing it must notify the local government council and each person or body who made a submission of that intention, and give them a reasonable opportunity to respond;
- S.22(8): the Commission must consider any responses before deciding not to conduct a hearing;
- S.22(9): if the Commission conducts a hearing, it must invite the local government council and each person or body who made a submission to appear at the hearing and be heard.

Clause 61 replaces all three. A hearing is to be held if the Chairperson considers it would aid the Commission's understanding of issues raised in submissions or provide further useful evidence or information, and if a hearing is held the Commission 'may invite' any person or body who made a submission to attend and give evidence.

Council opposes the removal of each of the three protections.

S.22(7) and (8) are the only means by which Council learns that its submission on a planning scheme amendment will not be tested at a hearing, and the only opportunity Council has to put further material before that decision becomes final. The Department's evidence at the public briefing was that the requirement can cause delay where a single party or a small number of submissions is involved. Council does not accept that abolition is the proportionate response to that concern. The delay the Department describes arises from the obligation to notify and hear from every submitter. It does not arise from notifying the council for the area, of which there is only ever one.

S.22(9) is Council's entitlement to appear. Its removal was not identified at the public briefing and is not drawn out in the Explanatory Statement. Planning scheme amendments determine the future development pattern of the municipality and the infrastructure Council will be required to provide and maintain. Where Council has taken the step of lodging a submission on one, it should be entitled to appear at any hearing that is held.

Council also draws attention to the operation of S.22(5), under which advice or comment given by a council is taken not to be a submission if it does not oppose or contradict the application. The practical consequence is that Council must formally oppose a proposal in order to secure standing under S.22 at all. Removing the entitlements that presently follow from that standing renders it nominal.

Recommendation 5: That Clause 61 be amended to retain, in relation to a local government council, the effect of S.22(7) and (8), so that where the Commission intends not to conduct a hearing on a

proposal affecting a council area it must notify that council, give the council a reasonable opportunity to respond, and consider any response before deciding. If the Committee accepts the Department's efficiency concern, that concern is met by confining the obligation to the local government council for the area rather than extending it to every submitter.

Recommendation 6: That Clause 61 be amended to retain, in relation to a local government council, the effect of S.22(9), so that where a council has made a submission and a hearing is conducted, the Commission must invite the council to appear and be heard.

Recommendation 7: That the Commission be required to give reasons for a decision not to conduct a hearing in relation to a proposal affecting a local government area.

5.4. Clause 74 — delegation by the Northern Territory Planning Commission

New S.81CA allows the Planning Commission, by resolution, to delegate to the Chairperson or any other member any of its powers and functions under the Act.

The delegation is unlimited on its face. It is not confined to the routine reporting role the Department described at the public briefing. It extends to significant development reports under S.50B and to the Commission's advice on the strategic framework.

Read with Clause 61, the combined effect is that a single delegate may decide that no hearing will be held on a planning scheme amendment affecting Litchfield, without notifying Council, without considering any response from Council, and without any obligation to invite Council to appear if a hearing is held. Council does not accept that decisions determining the extent of its own participation should be capable of being made by a single delegated member. The cumulative effect of the two clauses is greater than either alone and neither the Explanatory Statement nor the public briefing addressed the interaction.

Recommendation 8: That S.81CA be amended to exclude from the powers capable of delegation the power to decide whether to conduct a hearing under S.22, and the preparation of significant development reports under S.50B; and that an instrument of delegation under S.81CA be published on the Commission's website.

5.5. Clause 67 — notice of development applications to Council

Clause 67 inserts the words 'under subsection (1)' into S.48(3), so that written notice is not required under S.48(1) if a development application includes the approved form completed by the applicable local government council.

The clause is presented as a drafting clarification. Its effect is to confirm and entrench an existing gap in Council's notice rights, and Council does not support it proceeding on its own.

In practice an applicant obtains a completed Council form at pre-lodgement, on a concept. The application lodged some months later may differ from the concept the form addressed. Because the form is attached, Council receives no notice of the application as lodged and no invitation to make a submission under S.49(3). Council's participation is fixed at the point of the earliest and least informed engagement it has with the proposal, and Council has no means of knowing that the proposal has changed.

If the Bill is to put the operation of S.48(3) beyond doubt, Council submits that it should do so on terms that make the provision workable.

Recommendation 9: That S.48(3) be amended so that it applies only where the approved form was completed by the council in relation to the application as lodged and within three months before lodgement.

Recommendation 10: That S.48(3) be amended to make clear that a local government council may make a submission under S.49(3) notwithstanding that written notice was not required under S.48(1).

5.6. Clauses 60, 62 and 63 — consistency with the strategic framework

These clauses replace the test in S.'s 13(1)(b), 25(2)(b) and 30D(4A)(b). Two changes are made together.

The first is a change from whether a proposed amendment is 'contrary to' the strategic framework to whether it is 'consistent with' it. That raises the bar and Council supports it.

The second narrows the test to 'the parts of the strategic framework in the planning scheme that are relevant to the amendment'. Council does not support the narrowing. The strategic framework applying to Litchfield includes the Litchfield Subregional Land Use Plan, and its provisions on rural residential character, water resources and infrastructure sequencing should be engaged by any rezoning in the municipality, whether or not a proponent characterises them as relevant to the amendment sought. As drafted, the provision permits a selective reading of the framework and offers no means of testing the selection.

Recommendation 11: That 'relevant to the amendment' be expressed to include any part of the strategic framework relevant to the land or to the use proposed; and that the decision-maker be required to identify in the reasons for decision which parts of the strategic framework were treated as relevant and why.

5.7. Clauses 71, 72 and 73 — enforcement

Council supports the introduction of new S.79AA. Enforcement that depends on a complaint being lodged is a longstanding practical problem, and a pathway that allows a matter to be brought forward without one is an improvement. Council's concern is that the pathway is not made available to it.

Only an authorised officer — a person appointed by the Minister under S.76 — may refer a matter under S.79AA. A council that identifies unlawful development in its area has no ability to refer. Further, where a matter proceeds by referral rather than complaint there is no complainant, so under S.79A(2) as amended by Clause 73 no third party is told the outcome. A council that reported the matter is told nothing. Council is frequently the first to identify unlawful development, through its own compliance, infrastructure and customer request functions, and is often the only party with a continuing interest in the outcome.

On Clause 71, reducing the minimum show cause period from 20 business days to 20 days shortens the period for response from approximately four weeks to under three. Council supports prompt enforcement action but does not support achieving it by reducing procedural fairness. Recipients in Litchfield are frequently individual rural landholders without ready access to planning or legal advice.

Recommendation 12: That S.79AA be amended so that a local government council may refer an alleged contravention occurring in its area to the consent authority for investigation.

Recommendation 13: That S.79AA and S.79A be amended so that the local government council for the area in which an alleged contravention occurred is notified of the decision whether to investigate and of the outcome of the investigation.

Recommendation 14: That Clause 71 be withdrawn and S.77A(3) retain a minimum period of 20 business days or, in the alternative, not less than 28 days.

5.8. Clause 79 — retrospective application to submissions already made

New S.221(2) applies the amended S.22 to a submission made before commencement where the Commission had not yet decided whether to conduct a hearing. New S.221(8) applies the amended S.50 to a submission made under S.49 before commencement where a meeting had not yet been held.

The effect is that a submission Council has already lodged, in reliance on the participation rights then in force, would be dealt with under the reduced rights. Council opposes this. By contrast, S.221(4) provides a carefully constructed transitional accommodation for the reduction of the Minister's decision period under S.25(3). The Bill therefore protects the position of a decision-maker whose timeframe is shortened while giving no protection to a submitter whose rights are removed.

Recommendation 15: That S.221 be amended so that S.'s 22 and 50, as in force at the date a submission was made, continue to apply in relation to that submission.

6. Place Names Act 1967

Council has been closely involved in place naming within its municipality and opposes the Place Names amendments as they affect local government.

S.9(1A) presently requires that, before the Place Names Committee reports to the Minister, the views of interested persons be sought. S.9(4)(a) provides that where the report relates to a place within a local government area, interested persons includes the local government council established for that area. Council therefore has a statutory entitlement to be consulted on the naming of any place in its municipality.

Clause 52 confines the Committee's remit to places specified in S.4A(1)(a), (b), (da), (e), (f) and (g). Clause 51 splits S.4A(1)(d), so that a park or garden open to or used by the public sits in paragraph (d) and a reserve or a recreation or sporting ground sits in new paragraph (da). The combined effect is that roads, streets, lanes, trails and thoroughfares under S.4A(1)(c), and public parks and gardens under S.4A(1)(d), are removed from the Committee's remit and moved to the Surveyor-General under new S.10A.

New S.10A contains no equivalent of S.9(1A). There is no requirement to seek the views of interested persons and therefore no requirement to seek the views of the council. Council's statutory entitlement to be consulted about the naming of roads and parks within its own municipality is removed and nothing is put in its place. Council opposes that outcome.

The Department's evidence on 31 August 2026 was that most road and neighbourhood park names arise in new subdivisions where no residents yet live, that a naming theme is usually applied, and that such names are non-controversial. Council does not accept that this justifies removing its entitlement. Consultation with Council is not principally a check on controversy. Council is the roads authority, the addressing authority and, by operation of S.64 of the Planning Act, the owner of the roads and parks in question. Road and park names in Litchfield sit in Council's asset registers, on Council's signage, in Council's rural addressing data and in the data relied on by emergency services. Consultation with Council is how a name is made to work. The Department's efficiency objective is met by streamlining the process, not by removing the owner of the asset from it, and Council's views can be sought within a defined period without materially affecting approval timeframes.

Council also draws the Committee's attention to a drafting anomaly. New S.10A(3) provides that the Surveyor-General must not make a recommendation in relation to a road, street, lane, trail or thoroughfare 'that is not vested in the Territory or a local government council' unless the owner agrees. The protection is given only to owners other than the Territory and councils. The result is that a road vested in Litchfield Council may be named or renamed without Council's agreement, while a privately owned road may not. Council, as the owner of the asset, would have less statutory standing than a private landowner. Council can identify no policy basis for that result and suspects it is unintended.

A further concern arises from the combination of Clauses 53 and 55. Under new S.10A(1) the Surveyor-General makes the recommendation. Under new S.11A(1A) the Minister may delegate the S.11(3)(a) approval power to the Surveyor-General. The same office may therefore both recommend and approve, without committee oversight and, as the Bill stands, without any obligation to consult the council in whose area the place lies. Council notes that local government presently holds structural representation in this process: under S.5(3)(b) one member of the Place Names Committee is appointed from among persons nominated by the Local Government Association of the Northern Territory. Moving a class of naming out of the Committee removes local government's only structural voice in relation to that class, at the same time as it removes the consultation requirement.

Recommendation 16: That new S.10A include a requirement equivalent to S.'s 9(1A) and 9(4)(a), so that before making a recommendation in relation to a place within a local government area the Surveyor-General must seek the views of the council for that area and provide those views to the Minister.

Recommendation 17: That S.10A(3) be amended so that a road, street, lane, trail or thoroughfare vested in a local government council may not be the subject of a recommendation unless that council agrees.

Recommendation 18: That the delegation in new S.11A(1A) not extend to approving a recommendation the Surveyor-General has made under S.10A(1); or, at a minimum, that it be exercisable only where the views of the relevant council have been sought and no objection has been received.

Recommendation 19: That S.11D require written notice to the local government council for the area of any name approved for a place within that area, and that the register under S.11B be maintained in a publicly accessible, searchable online form.

7. Building Regulations 1993 — Council as a reporting authority

Under Schedule 2 of the Building Regulations 1993, Council is a reporting authority for any building that will effect a discharge of surface water on to the road, public place or adjoining property, or that requires new construction or alteration to existing conditions or facilities within a road reserve. Council's role in each case is to consent, not merely to report. This is the mechanism by which vehicle crossovers, road reserve works and stormwater connections to Council's network are settled.

Schedule 3, Clause 7 of the Building Act 1993 provides that a reporting authority is taken to have responded to a request for a report or consent if the response is not provided within the prescribed time. Reg.9 sets that time at 10 days. Council can therefore be taken to have consented to a stormwater discharge on to its road network, or to works within its road reserve, by the passage of 10 days. Council then carries the drainage or asset consequence permanently, with no opportunity to have imposed a condition.

The Bill makes three changes to that position, and Council opposes the balance of them.

Clause 35 extends Council's role as a reporting authority to an amendment to a building permit, and Clause 29(1) and (4) makes the corresponding change to Schedule 3, Clauses 5 and 6. Council supports being consulted on amendments, since an amendment can alter a stormwater discharge as readily as an original application. Council does not accept the extension on the present terms, because it enlarges the range of matters on which Council may be deemed to have consented without giving Council any additional time in which to respond.

Clause 36 replaces Reg.9. The 10-day period is now measured from receipt of the request together with the information required under Reg.8(2), which is an improvement Council supports. However, new Reg.9(2) and (3) allow only the Northern Territory Fire and Rescue Service to give notice that an extension of time is required, and only its time is extended. Clause 29(7) amends Schedule 3, Clause 7 to accommodate that extension.

Council does not contest the extension provided to the fire service. Council asks why the same accommodation is not extended to councils. The operational position is identical: a request may arrive requiring the assessment of a stormwater design against a local drainage network, and 10 days may not be sufficient to do that properly. If the consequence of the fire service running out of time is considered serious enough to warrant a safety valve, the consequence of a council being deemed to have consented to a discharge it has not assessed is no less serious, and it is permanent.

Clause 38 illustrates the point. New Reg.16A allows a building certifier to request a report from the Northern Territory Fire and Rescue Service at occupancy certification stage, so that the service can confirm that what was built accords with what it reported on. Council has no equivalent. Council consents to the stormwater design and to the road reserve works at building permit stage, and has no statutory means of confirming, before the building is occupied, that they were constructed as consented. The Bill creates precisely the mechanism Council needs and confines it to another authority.

Finally, new Schedule 3, Clause 11 inserted by Clause 29(8) distinguishes between reporting authorities. Where a building certifier does not follow a recommendation of the Northern Territory Fire and Rescue Service, the certifier must provide a statement of the reasons for the decision under Clause 11(2)(c)(ii). Where a certifier does not follow the recommendation of any other reporting authority, including Council, only a copy of the decision is required under Clause 11(1)(b). Council can identify no reason for the distinction.

Recommendation 20: That Reg.9(2) and (3) be extended to all reporting authorities or, at a minimum, to local government councils.

Recommendation 21: That, if Recommendation 20 is not accepted, Schedule 3, Clause 7 of the Building Act 1993 be amended so that it does not operate to deem a consent to have been given where the matter is a consent rather than a report.

Recommendation 22: That a request for additional documents under new Reg.8(2A)(a) suspend the running of the Reg.9 period until the documents are supplied.

Recommendation 23: That Reg. 16A be extended to enable a building certifier to request a report from the local government council at occupancy certification stage on works within the road reserve and on stormwater discharge that the council consented to at building permit stage.

Recommendation 24: That the statement of reasons requirement in new Schedule 3, Clause 11(2)(c)(ii) apply to all reporting authorities.

Recommendation 25: That the Council entry in Schedule 2 be reviewed and extended to cover discharge into council stormwater drainage infrastructure, drainage easements and public open space, and to occupancy certification consequential on Reg.16A.

8. Building Act 1993 — public assembly and legacy buildings

Council supports the Bill's response to the Ombudsman's investigation report *Can we fix it? Building certification in the NT*. The pathway created by Clauses 22 and 40 for legacy buildings is workable and Council expects to make use of it in relation to its own older community facilities. Council raises two matters.

First, the Bill responds to the Ombudsman's recommendations 1, 2 and 4 but does not implement recommendation 3, which was that the Department consider the merits of additional legislative measures to ensure appropriate checks are made on an ongoing and regular basis on the continuing safety, health and amenity of buildings used for public assembly. Clause 19 moves in the opposite direction, allowing a building used for public assembly to be occupied on a certificate of existence or a certificate of substantial compliance rather than an occupancy permit. Council is the owner or lessor of a number of buildings and places used for public assembly and supports the introduction of an ongoing checking regime for that class of building.

Second, Clause 19 inserts S.66(3), exempting a temporary structure that is a marquee or shade structure and does not have tiered seating or fixed internal structures from occupancy certification entirely. Council opposes the exemption in its present form. Council is frequently the owner of the land on which public events are held and the authority that approves their use of that land. Litchfield is within a cyclone region and wind loading on temporary structures is a material risk. An exemption expressed without reference to size, occupant capacity or wind loading transfers risk to Council as landowner and event approver, and leaves Council with no certification on which to rely.

Recommendation 26: That the Bill be amended, or a commitment given, to implement the Ombudsman's recommendation 3 in relation to buildings used for public assembly.

Recommendation 27: That the exemption in S.66(3) be conditioned by reference to floor area or occupant capacity, and that engineered tie-down and wind-loading certification be required for exempt structures within cyclone regions.

Recommendation 28: That the local government council for the area be notified where a certificate of existence is granted for an Importance Level 3 or 4 building within its area.

Recommendation 29: That Reg.36G be amended so that a certificate of existence is not an available form of occupancy certification for a relocated Class 1a building, given that such a building is re-erected on a new site with new footings, connections and stormwater arrangements.

9. Valuation of Land Act 1963

Council levies rates under the Local Government Act 2019 on the basis of valuations made under the Valuation of Land Act 1963. Council supports the modernisation of the service provisions but raises one matter.

Clause 84 provides that a document sent by email is taken to be given when it is sent. Clause 81 replaces 'receives' with 'is given' in S.18(1), so that the period within which an owner may object to a valuation runs from that point. An owner whose email fails, is filtered or is misaddressed may lose the right to object without ever knowing that a valuation issued. Owners in that position raise the matter with Council in the first instance, because it is Council that issues the rates notice.

Recommendation 30: That S.44(2) provide that a document sent by email is taken to be given on the business day after it is sent, and that the Valuer-General be empowered to extend the period for objection where a person satisfies the Valuer-General that the notice was not received.

10. Summary

Council supports a reduction in unnecessary regulatory burden and has identified seven provisions of the Bill that it supports without qualification. Council does not accept that the removal of local government from planning, development and place naming processes is a reduction in regulatory burden. It is a transfer of influence away from the level of government that carries the resulting cost.

The Bill leaves entirely untouched the vesting of subdivision assets in Council under S.64 of the Planning Act. Council will continue to own, operate, maintain and renew the roads, drains, crossovers, footpaths and reserves that development creates. What the Bill changes is Council's ability to influence the decisions that determine what Council will be required to manage. Council asks the Committee not to endorse that outcome.

Council asks the Committee to give particular attention to Clause 69, Clause 66, Clause 61, Clause 74 and the Place Names amendments at Clauses 51 to 57. In each case a mandatory entitlement presently held by local government is replaced by a discretion exercised by another party, and in each case the effect of the change is not squarely described in the Explanatory Statement. In each case Council has identified an amendment that would meet the Department's stated objective without removing Council from the process.

Council would welcome the opportunity to appear before the Committee.

Attachment A — Consolidated recommendations

No.	Recommendation
R1	That Clause 69 be amended to retain an entitlement specific to local government, to the effect that if a local government council makes a submission under S.49(3), the consent authority must hold a meeting and must invite a representative of the council to attend the meeting and give evidence.
R2	That, if the Committee is not minded to accept Recommendation 1, Clause 69 be amended so that where the relevant entity decides not to hold a meeting, or decides not to invite a council that has made a submission, the decision and the reasons for it must be given to the council in writing before the application is determined, and the council may make a further written submission in response.
R3	That Clause 66 be withdrawn and the confinement of the 'not so significant as to require exhibition' pathway to a variation of an exceptional development permit be retained.
R4	That, if Clause 66 is to proceed in any form, it be confined to classes of proposal prescribed by regulation, and the Minister be required to give written notice to the local government council for the area, to invite and consider the council's comment, and to publish reasons, before granting a permit without exhibition.
R5	That Clause 61 be amended to retain, in relation to a local government council, the effect of S.22(7) and (8), so that where the Commission intends not to conduct a hearing on a proposal affecting a council area it must notify that council, give the council a reasonable opportunity to respond, and consider any response before deciding. If the Committee accepts the Department's efficiency concern, that concern is met by confining the obligation to the local government council for the area rather than extending it to every submitter.
R6	That Clause 61 be amended to retain, in relation to a local government council, the effect of S.22(9), so that where a council has made a submission and a hearing is conducted, the Commission must invite the council to appear and be heard.
R7	That the Commission be required to give reasons for a decision not to conduct a hearing in relation to a proposal affecting a local government area.
R8	That S.81CA be amended to exclude from the powers capable of delegation the power to decide whether to conduct a hearing under S.22, and the preparation of significant development reports under S.50B; and that an instrument of delegation under S.81CA be published on the Commission's website.
R9	That S.48(3) be amended so that it applies only where the approved form was completed by the council in relation to the application as lodged and within three months before lodgement.
R10	That S.48(3) be amended to make clear that a local government council may make a submission under S.49(3) notwithstanding that written notice was not required under S.48(1).
R11	That 'relevant to the amendment' be expressed to include any part of the strategic framework relevant to the land or to the use proposed; and that the decision-maker be required to identify in the reasons for decision which parts of the strategic framework were treated as relevant and why.
R12	That S.79AA be amended so that a local government council may refer an alleged contravention occurring in its area to the consent authority for investigation.
R13	That S.79AA and S.79A be amended so that the local government council for the area in which an alleged contravention occurred is notified of the decision whether to investigate and of the outcome of the investigation.

No.	Recommendation
R14	That Clause 71 be withdrawn and S.77A(3) retain a minimum period of 20 business days or, in the alternative, not less than 28 days.
R15	That S.221 be amended so that S.22 and S.50, as in force at the date a submission was made, continue to apply in relation to that submission.
R16	That new S.10A include a requirement equivalent to S.9(1A) and S.9(4)(a), so that before making a recommendation in relation to a place within a local government area the Surveyor-General must seek the views of the council for that area and provide those views to the Minister.
R17	That S.10A(3) be amended so that a road, street, lane, trail or thoroughfare vested in a local government council may not be the subject of a recommendation unless that council agrees.
R18	That the delegation in new S.11A(1A) not extend to approving a recommendation the Surveyor-General has made under S.10A(1); or, at a minimum, that it be exercisable only where the views of the relevant council have been sought and no objection has been received.
R19	That S.11D require written notice to the local government council for the area of any name approved for a place within that area, and that the register under S.11B be maintained in a publicly accessible, searchable online form.
R20	That Reg.9(2) and (3) be extended to all reporting authorities or, at a minimum, to local government councils.
R21	That, if Recommendation 20 is not accepted, Schedule 3, Clause 7 of the Building Act 1993 be amended so that it does not operate to deem a consent to have been given where the matter is a consent rather than a report.
R22	That a request for additional documents under new Reg.8(2A)(a) suspend the running of the Reg.9 period until the documents are supplied.
R23	That Reg.16A be extended to enable a building certifier to request a report from the local government council at occupancy certification stage on works within the road reserve and on stormwater discharge that the council consented to at building permit stage.
R24	That the statement of reasons requirement in new Schedule 3, Clause 11(2)(c)(ii) apply to all reporting authorities.
R25	That the Council entry in Schedule 2 be reviewed and extended to cover discharge into council stormwater drainage infrastructure, drainage easements and public open space, and to occupancy certification consequential on Reg.16A.
R26	That the Bill be amended, or a commitment given, to implement the Ombudsman's recommendation 3 in relation to buildings used for public assembly.
R27	That the exemption in S.66(3) be conditioned by reference to floor area or occupant capacity, and that engineered tie-down and wind-loading certification be required for exempt structures within cyclone regions.
R28	That the local government council for the area be notified where a certificate of existence is granted for an Importance Level 3 or 4 building within its area.
R29	That Reg.36G be amended so that a certificate of existence is not an available form of occupancy certification for a relocated Class 1a building, given that such a building is re-erected on a new site with new footings, connections and stormwater arrangements.
R30	That S.44(2) provide that a document sent by email is taken to be given on the business day after it is sent, and that the Valuer-General be empowered to extend the period for objection where a person satisfies the Valuer-General that the notice was not received.