



The Northern Territory of Australia

Lands and Mining Tribunal

Practice Direction No 1 of 2001

**Compulsory Conferences and Miscellaneous Matters
under the *Planning Act* 1999**

For the purposes of appeals under Part 9 of the *Planning Act*, please note that:

- the notice of appeal, for the purposes of s118(1), approved by the Minister for Lands Planning and Environment in accordance with the *Planning Act*, is attached
- the prescribed fee, for the purposes of s118(2)(e), is \$550 as prescribed by the Minister for Lands Planning and Environment by notice in Gazette No.S15 of 12 April 2000
- there is no fee prescribed for the purposes of s127(2) of the *Planning Act*.

As Chairperson of the Lands and Mining Tribunal, I make the following Practice Direction:

1. Practice Direction No 5 of 2000 is hereby revoked and the relevant matters are addressed in this Practice Direction No 1 of 2001.
(Note: this is to correct an error in relation to “contemporaneously” in that Direction amongst other things.)
2. Service of a sealed copy of the notice of appeal on the other party to the appeal, in accordance with s118(3) of the *Planning Act*, shall be done as soon as possible after the Notice of Appeal as been lodged with the office of the Registrar of the Tribunal.
Please note that the Development Consent Authority (DCA), whose business address in Darwin is Ground Floor, 38 Cavenagh Street, Darwin, NT, or, in relation to an appeal under section 115, the relevant service authority must be served.
3. The venue for compulsory conferences under section 121 of the *Planning Act* shall be-
Darwin: at a Jury Room in the Supreme Court, Mitchell Street, Darwin
Alice Springs: Magistrates Court conference room, Cnr Parsons and Hartley Streets, Alice Springs

unless the parties are otherwise notified by or on behalf of the Registrar.

4. On being advised by the Registrar of the name of the person nominated, pursuant to s122(2) of the *Planning Act*, to mediate at the compulsory conference, the parties shall advise the Registrar in writing (with a copy to all other parties) as to whether they consent or object to the nomination and, if they object, the reasons for the objection must be provided. Such written advice should be received by the Registrar within 7 days after the nomination of the mediator for the compulsory conference, unless the parties are otherwise notified by or on behalf of the Registrar.
5. The conduct of the compulsory conference is, subject to this Practice Direction and ss123 & 124 of the *Planning Act*, to be in the discretion of the mediator nominated in accordance with s122(2) of the *Planning Act*.
6. A representative of an applicant, not being a natural person, appointed pursuant to the provisions of s123(4) of the *Planning Act* must be:
 - (i) appointed in writing;
 - (ii) appointed with full authority to make all or any decision and or compromise which could have been made by the applicant, which power to decide or compromise shall be stated to have the effect of binding the applicant thereto; and
 - (iii) a copy of the written authority referred to in (i) and (ii) above shall be tabled by or on behalf of the applicant at the commencement of the compulsory conference.
7. In respect of any appeal, other than an appeal under s115 of the *Planning Act*, the Chairman of the DCA or member of the Division that made the decision to which the appeal relates attending the conference:
 - (i) shall be authorised in writing to make all or any decision and or compromise which could have been made by the DCA, which power to decide or compromise shall be stated to have the effect of binding the DCA. This authority can be in terms of a general authority given by the relevant Division; and
 - (ii) a copy of the written authority referred to above shall be tabled on behalf of the DCA at the commencement of the compulsory conference.
8. If the appeal concerned is an appeal made under s115 of the *Planning Act*, the authorised person present and representing the service authority must:
 - (i) be possessed of a copy of the written authority referred to in s123(6) of the *Planning Act*;
 - (ii) such authority must confer on that person the full and complete authority to make all or any decision and or compromise which

could have been made by the service authority, which power to decide or compromise shall be stated to have the effect of binding the service authority; and

(iii) a copy of the authority referred to in (i) and (ii) above shall be tabled by or on behalf of the service authority at the commencement of the compulsory conference.

9. Once a mediator appointed pursuant to s122 of the *Planning Act* has entered into the compulsory conference, the mediator shall, if the compulsory conference is not concluded on the day it commences, adjourn the compulsory conference to a specified date, as may be necessary from time to time, the adjourned date being fixed in consultation with all parties and being no longer than 28 days, until either a compromise or settlement as foreshadowed in s125 is agreed by the parties at the compulsory conference, or the conference fails to achieve such a compromise or settlement.
10. No person, other than a party, a person attending the compulsory conference on behalf of a party, or any other person permitted to take part in the conference pursuant to s123(7) of the *Planning Act*, shall communicate with the mediator nominated pursuant to s122(2) of the *Planning Act* in respect of any fact, matter or circumstance related to a compulsory conference.
11. No party or person attending the compulsory conference on behalf of a party, nor any other person permitted to take part in the conference pursuant to s123(7) of the *Planning Act*, shall –
 - (i) subject to s125(7) of the *Planning Act*, publish to the Tribunal, its members or staff any fact, document or matter addressed at the compulsory conference; nor
 - (ii) communicate with the mediator, outside the compulsory conference proper, in respect of any matter except issues of procedure of the compulsory conference. In the case of an appropriate communication, it shall be in writing with a copy delivered contemporaneously to the other party or parties to the compulsory conference.
12. There being no time period expressed in section 127(1) in relation to the time for giving notice to the Registrar of the Appeals Tribunal, the Tribunal has determined that the period of time is to be a period of 14 days.

David Loadman
Chairperson
8 May 2001

FILE NO.	
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NORTHERN TERRITORY OF AUSTRALIA
Planning Act 1999

Notice of Appeal – section 118

APPELLANT INFORMATION

Appellant:
Name:
Postal address:

For business/company provide ABN or ACN:
Telephone No. (business hours):
Facsimile No. (business hours):

NOTE:
Correspondence will go to the person and address indicated here.

APPELLANT OR APPELLANT'S REPRESENTATIVE TO SIGN

_____ / ____ / _____
Signature Date

GROUND FOR APPEAL

Appeal is being made under section:

111	112	113	114	115	116
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Select one and complete appropriate part of form below:

111. APPEAL AGAINST REFUSAL TO ISSUE PERMIT

Notice of Refusal No.:		Date issued:	
Attach copies of relevant documents.			
Attach statement detailing the grounds for appeal.			

112. APPEAL AGAINST NON-DETERMINATION OF APPLICATION BY THE DEVELOPMENT CONSENT AUTHORITY

Appeal is being made under subsection (select one):

112(1)(a)	112(1)(b)	112(1)(c)	112(2)
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Attach copies of relevant documents.

Attach statement detailing the grounds for appeal.

113. APPEAL AGAINST REFUSAL TO EXTEND PERIOD OF PERMIT

Notice of Refusal No.:		Date issued:	
Attach copies of relevant documents.			
Attach statement detailing the grounds for appeal.			

114. APPEAL AGAINST CONDITION OF PERMIT OR ALTERATION OF PROPOSAL

Development Permit No.:		Date issued:	
Condition or alteration being appealed against:			
Attach copies of relevant documents.			
Attach statement detailing the grounds for appeal.			

115. APPEAL AGAINST REFUSAL TO REFUND OR REMIT CONTRIBUTION

Service Authority:		
Appeal is being made under subsection (select one):	115(1)	115(2)
Subsection 115(1) appeals:		
Date applicant notified of refusal:		
Subsection 115(2) appeals:		
Date application received by service authority:		
Attach copies of relevant documents.		
Attach statement detailing the grounds for appeal.		

116. APPEAL AGAINST REFUSAL TO VARY CONDITION OF DEVELOPMENT PERMIT

Notice of Refusal No.:		Date issued:	
Attach copies of relevant documents.			
Attach statement detailing the grounds for appeal.			

FOR OFFICE USE

COPIES OF DOCUMENTS ATTACHED		
STATEMENT ATTACHED		
Fee \$	Receipt No.	
Signature		
		____ / ____ / ____ Date