



# Consultation Outcomes Report

Building Confidence through Better Planning  
for the Northern Territory -  
Review, Reframe, Renew

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NTG Department of Infrastructure, Planning & Logistics  
06 February 2018

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# Contents

- List of Acronyms 4
- EXECUTIVE SUMMARY 5**
- Why was Consultation Undertaken? 5
- When, how and where was the Consultation Delivered? 5
- What are the Consultation Outcomes? 6
- Strategic Land Use Planning 7
- Development Applications 8
- Compliance & Enforcement 8
- Review of Decisions (Appeal Process) 9
- General 9
- Conclusion 9
- 1 INTRODUCTION 11**
- 1.1 Objective 11
- 1.2 Consultation Approach 11
- 1.3 Consultation Focus & Outcomes 13
- 1.3.1 Quantifying the Engagement Response 13
- 1.3.2 Collating Consultation Outcomes 14
- 1.4 Limitations 14
- 2 STRATEGIC LAND USE PLANNING 15**
- 2.1 Experiences & Opportunities 15
- 2.2 Priorities for NTG 19
- 3 DEVELOPMENT APPLICATION SYSTEM 20**
- 3.1 Experiences & Opportunities 21
- 3.1.1 Conflicting Outcomes 24
- 3.2 Priorities for NTG 24
- 4 COMPLIANCE & ENFORCEMENT 26**
- 4.1 Experience and Opportunities 26
- 4.2 Priorities for NTG 27
- 5 REVIEW OF DECISIONS (APPEAL PROCESS) 28**
- 5.1 Experience & Outcomes 28
- 5.2 NTG Priorities 29
- 6 GENERAL COMMENTS 30**
- 6.1 Experiences & Opportunities 30
- 7 SUMMARY & CONCLUSION 32**

## FIGURES

Figure 1	Consultation Programme – October to December 2017	12
Figure 2	Respondents by location via phone survey	<b>Error! Bookmark not defined.</b>
Figure 3	Opinions about the planning system	18

## TABLES

Table 1	Strategic Planning – Key Themes & Outcomes	15
Table 2	Development Application System – Key Themes & Outcomes	21
Table 3	Compliance & Enforcement – Key Themes & Outcomes	26
Table 4	Review of Decisions (Appeal Process) – Key Themes & Outcomes	28
Table 5	General Comments – Key Themes & Outcomes	30

## List of Acronyms

<b>DA</b>	Development Application
<b>DAS</b>	Development Assessment Services
<b>DCA</b>	Development Consent Authority
<b>DIPL</b>	Department of Infrastructure, Planning and Logistics
<b>EDP</b>	Exceptional Development Permit
<b>EPA</b>	Environment Protection Authority
<b>NT</b>	Northern Territory
<b>NTG</b>	Northern Territory Government
<b>NTCAT</b>	Northern Territory Civil and Administrative Tribunal
<b>NTPS</b>	Northern Territory Planning Scheme

# Executive Summary

## Why was Consultation Undertaken?

Since being elected in 2016, the Northern Territory Government has heard from Territorians that:

- » Planning law and policy are not delivering the best-possible built form and development outcomes.
- » They want a planning and development system that is accessible, transparent and accountable.
- » Government needs to give confidence that the right planning decisions are being made.

In response to this feedback, the Minister for Infrastructure, Planning and Logistics, the Hon Nicole Manison, MLA, announced in October 2017, that the Department of Infrastructure, Planning and Logistics would consult with the community to *review, reframe* and *renew* the current NT Planning System.

The discussion paper '*Building Confidence through Better Planning for the Northern Territory: Review, Reframe, Renew*' was released to support consultation, and assist in gathering ideas on the types of improvements that Territorians want delivered.

Elton Consulting was appointed to undertake independent consultation for stage 1 of the '*Building Confidence through Better Planning for the Northern Territory: Review, Reframe, Renew*' discussion paper (the Discussion Paper).

### Limitations

Consultation occurred simultaneous to numerous other strategic planning projects being delivered by the Northern Territory Government. Any feedback provided during the planning reform consultation process on other policies or Plans (for example Planning for a Vibrant Future or Tennant Creek Land Use Plan) were provided directly to the Department of Infrastructure, Logistics and Planning.

A number of respondents noted consultation fatigue, due to the number of concurrent consultation processes, and limited resources to provide considered responses.

## When, how and where was the Consultation Delivered?

Consultation was undertaken between mid October and mid December 2017.



The consultation process aimed for **meaningful engagement** with a **broad spectrum** of the community, ranging from those who have little-to-no experience with planning, to those who use the planning system extensively and regularly.”

## Consultation Tools

To achieve the objective, a wide variety of consultation tools were used, including:

- » **Direct contact** and **meetings** with key stakeholders and groups, introducing the discussion paper and inviting them to participate in consultation.
- » A random and representative **telephone survey** of 400 Northern Territory residents; aimed at providing statistically significant outcomes.
- » A dedicated **1800 number** for queries.
- » An **online survey**, providing the opportunity for all Territorians to participate.
- » Inviting **written submissions**.
- » Two **industry workshop** sessions, held in Alice Springs and Darwin.
- » One **focus group**, with participants sourced from random telephone respondents.
- » Two **Council workshop** sessions to capture focussed feedback, and involving members from virtually all local government areas in the Territory.
- » **Pop-up** community consultation sessions at local shopping centres and malls.

The telephone and online surveys indicate a proportionate involvement of the communities across the Northern Territory, as well as a broad cross section of all age groups.

Over 1,000 people within the Northern Territory were directly involved in the consultation, with additional residents reading the documents on the website.

## Geographic Distribution

Consultation extended to all Territorians, with options to participate online, by telephone, by written submission. Location specific workshops or community pop-up sessions were held in various locations across Greater Darwin, Alice Springs, and Katherine.

## What are the Consultation Outcomes?

The consultation process provided opportunities to review and provide comment on the planning process including, strategic planning framework, development applications, compliance and enforcement, review of decision making and the community consultation processes.

### Summary

The vast majority of Northern Territorians who participated in various consultation events generally distrust the planning system and decision making process, believe more meaningful participation should occur and there is too much political interference in the planning system. Participants particularly emphasized the need for planning system to be more transparent, inclusive and integrated.

The proportion of people who participated in the telephone or online survey as well as residents who attended the pop-up sessions commented that there is a need for information to be more accessible and clearer, whilst those who used the system more regularly commented on the need for an improved website connecting applicants to all relevant information, as well as making communication with service authorities easier.

A high proportion of the respondents felt that there was insufficient enforcement of planning outcomes, and suggested more should be done to enforce the permits granted.

There were mixed views on the review of the decision making process, in particular, regarding third party appeals. Many participants felt the current review system was adequate provided there was better communication and understanding of the planning process and outcomes. Others were of the view that third party appeal rights should be increased.

Participants from the community consultation workshops, whether from local government or stakeholders/professionals who used the planning system extensively, acknowledged there are positive elements of the planning system but also suggested numerous improvements that could be made. The participants acknowledged positive elements, such as:-

- » The planning system is predominantly an efficient and streamlined system, with timeframes known for development applications.
- » Comparable to other states, the planning system is generally simple.
- » Development Assessment Services (DAS) is easy to deal with and approachable.
- » Electronic submissions of development applications is efficient.
- » Strategic planning has improved significantly and is moving in the right direction.

Below provides a summary of key issues raised within the key planning processes.

## Strategic Land Use Planning

The value of strategic planning was broadly acknowledged by virtually all respondents. The recent work at developing Area Plans and other strategic planning policy acknowledged was raised, with Groups acknowledging that estimating future development, particularly infrastructure and residential needs is a crucial part of government planning. The extent of consultation and the need for communities to have more influence and understand exactly what the strategic planning or Area Plans, was sought. This notwithstanding, the following key areas were identified during the consultation process:

- » Strategic Planning is required for **all areas** and should be a **priority, and reflect a placed based approach**.
- » Improve the depth of strategic planning **research and review**.
- » Decision making and implementation should be **refined**.
- » Strategic planning should be undertaken with **transparency & accountability**.
- » Strategic planning needs to be **context specific / location specific**.
- » Strategic planning **outcomes** need to be improved and coordinated.
- » A comprehensive **legislative review** should be undertaken.
- » A planning **education process** should be started.
- » The way strategic planning projects are released for **consultation** should be reviewed.
- » Focus on **community input**, and outcomes.
- » Planning process should be linked to environmental, mining or ground water legislation and processes, with potential to include environmental sustainability as an object of the Planning Act.

## Development Applications

The most notable outcome from the consultation process, relating to Development Applications, relates to the approval process, the make-up of the Development Consent Authority, and the perceived level of political influence in the Development Process.

Similarly, the understanding of the planning process points to the needs for improved planning education, and broader understanding of the system. This observation arises from direct comments, as well as input received that demonstrates misunderstanding of the planning system.

Across most jurisdictions, and all consultation tools, the need for a hierarchy of applications was raised – implying the need for the application and approvals process to reflect the complexity of applications, along with additional delegations down to officer level to approve minor applications, such as carports.

Key themes arising from this section include:

- » Planning **advice** needs to be more **consistent** and accurate.
- » The application process needs to be more consistent, and **outcomes focussed**, with consideration of the built form, subdivision and good tropical design guidelines.
- » The **robustness of the NTPS** should be improved.
- » The progress of applications should be **trackable**.
- » Planning in **remote towns** should be improved.
- » Provide a structured approach to **service authority comments** and resolving issues.
- » Development applications should be undertaken with **transparency & accountability**.
- » Development application **decision making** should be undertaken **impartially**.
- » The planning process should be **simplified**, and a **hierarchy of applications** should be introduced to streamline simple proposals.
- » Application requirements should reflect the complexity of the proposal to **reduce cost**.
- » A **streamlined variations** process should be implemented.
- » **Consultation** should be balanced and transparent.
- » A **planning education** process should be started.

## Compliance & Enforcement

The compliance and enforcement theme received less input than the strategic land use planning and development application themes. In general terms, the observation is that there is too little compliance and enforcement. It was suggested that a more robust system be put in place to pick up non-compliance without a complaint / report being required.

A further focus of input received, was simplifying the process for complying with development permit conditions, as well as improving enforcement of conditions.

The key points raised were:

- » Compliance and enforcement should be **holistic and consistent**.
- » Conditions of Development Permits should be **enforced diligently**.
- » The outcomes of variation applications should be **communicated to respondents** and service authorities.



- » The compliance process should be **streamlined and strengthened**.

## Review of Decisions (Appeal Process)

There are divergent perspectives on the appeal process. While respondents, particularly through the online and telephone survey, commented on the need for extended third party appeal rights, this was countered by the need for a robust, transparent planning process reducing the need for appeals. The need to consider the economic impact / time cost of the appeal process was also a recurring theme.

Increased appeal rights could be accompanied by a more rigid requirement for what should be included in an appeal to ensure the validity of such an appeal. Concern was raised that wider appeals options would be open to abuse.

The "Review of Decisions (Appeal Process)" theme within the consultation was also frequently confused with the planning (Ministerial and DCA) approvals process. Where this occurred, these responses have been re-allocated to the appropriate section above.

Key themes arising from the consultation included:

- » The strength, and **extent** of third party appeal rights should be improved.
- » Third party appeal rights should consider the **impact on the Economy**.
- » Ensure the NTCAT considers both legal and planning considerations, and should not only be a legal process.

## General

Certain general comments were received through the course of the consultation process. In many cases, these were not related to the Planning System Reform, but related to specific land use concerns, or were related to other strategic planning consultation undertaken simultaneously. Many people from the workshops indicated that a new Act and holistic review of the NTPS is required.

The following points relate specifically to planning system reform:

- » The NTPS needs to be **place specific**.
- » There is a need for the NTPS to include **design guidelines** / requirements.
- » There should be better **co-ordination and integration**.
- » Updating of the NTPS needs better **notification** and distribution.
- » **Transparency and accountability** should be a focus of the planning system.
- » The website and **availability of information** should be improved.
- » Better linkage and **integration with other legislation and processes**, such as environmental, vegetation, ground water and mining.

## Conclusion

In summary, through the consultation process, Territorians have provided the Northern Territory Government with significant input/comment to inform the review of the planning system across elements relating to governance, consultation processes, strategic planning, development application permit process, compliance, enforcement, as well as review of decisions (appeal process).

The consultation process outlined:-

- » a significant number of key planning processes or issues to retain,

- » significant number of improvements that could occur within the legislation,
- » improvement to governance and decision making.

The consultation outcomes highlighted a lot of similarities across all areas of the Northern Territory but also across different residents, or groups of users. The consultation process also obtained mixed views on aspects in the planning process, including appeal rights, or the extent of consultation influence that should or does occur.

The consultation outcomes have provided the Northern Territory Government with some key priorities to immediately improve the planning system, no matter what Northern Territory region or town the participant resided/worked within.

# 1 Introduction

Elton Consulting was appointed to undertake an independent consultation process for stage 1 of the *'Building Confidence through Better Planning for the Northern Territory: Review, Reframe, Renew'* discussion paper (the Discussion Paper).

## 1.1 Objective

The objective of consultation was to gain input, through feedback from community, industry and stakeholders, into opportunities to reform the planning and development system.

The outcomes will enable the Department of Infrastructure, Planning and Logistics to review, reframe and renew the current Northern Territory (NT) planning system.

## 1.2 Consultation Approach

The consultation approach aimed for meaningful engagement with a broad spectrum of the community, ranging from those who have little-to-no experience with planning, to those who use the planning system extensively and regularly.

### Consultation Tools

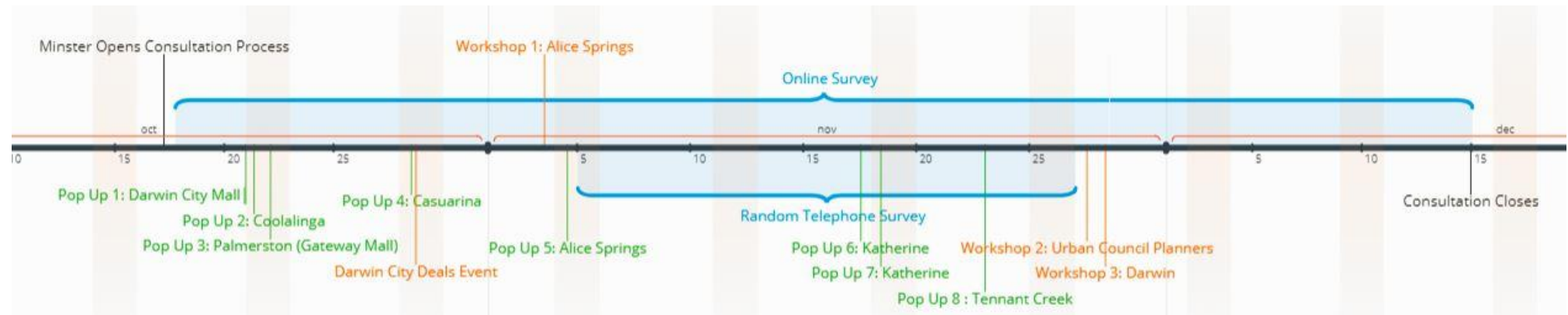
To achieve this, a wide variety of consultation tools were used, including:

- » Direct contact with all key stakeholders, introducing the discussion paper and inviting them to participate in consultation.
- » Meetings with key stakeholders.
- » A random and representative phone survey of 400 Northern Territory residents; aimed at providing statistically significant outcomes.
- » A dedicated 1800 number for queries.
- » An online survey, providing the opportunity for all Territorians to participate.
- » Inviting written submissions.
- » Two industry workshop sessions, held in Alice Springs and Darwin.
- » One focus group, with participants sourced from random telephone respondents.
- » Two Council workshop sessions to capture focussed feedback, and involving members from virtually all local government areas in the Territory.
- » Pop-up community consultation sessions at local shopping centres and malls.

## Timing

Consultation was undertaken between 17 October 2017 and 22 December 2017. The figure below provides a timeline of consultation activities and timeframes.

**Figure 1 Consultation Programme – October to December 2017**



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## 1.3 Consultation Focus & Outcomes

Respondents across all consultation tools were asked questions relating to:

- » **Experience** with the current planning system.
- » **Opportunities** to achieve the six key principles of:
  - > Provides Certainty
  - > Balances Competing Interests
  - > Ensures Transparency
  - > Reduces Complexity
  - > Incorporates Consultation.
  - > Extends opportunities for decisions to be reviewed.

Workshop participants were also asked to provide **priority actions/tasks**.

### 1.3.1 Quantifying the Engagement Response

The outcome of the consultation process resulted in:

- » Under ten telephone calls to the 1800 number.
- » 73 online surveys being completed.
- » 404 participants completing the random telephone survey, with an average completion time of 9.6 minutes.
- » All major local government councils participating and providing comments, comprising approximately 20 participants in two Council workshops in November 2017.
- » The majority of industry, professional and peak bodies having representatives at workshops/meetings both in Alice Springs and in Darwin. Workshops and meetings were held in November with approximately 31 participants over two workshops
- » Approximately 450 people attending pop up sessions in Darwin, Palmerston, Litchfield, Katherine, Tennant Creek and Alice Springs regions across the Territory throughout weekends in October and November 2017.
- » 31 written submissions.
- » Website Analytics:
  - > 868 total site visits.
  - > 329 Discussion paper downloads.
  - > Approximately 700 unique visits (excludes multiple visits from the same IP address).

### 1.3.2 Collating Consultation Outcomes

Responses have been collated, and structured into the following categories:

- » Strategic Planning.
- » Development Applications.
- » Review of Decision Making (Appeal Rights).
- » Compliance & Enforcement.
- » Other / General.

## 1.4 Limitations

It is noted that respondents frequently blurred the lines between planning process being the subject of this consultation, the content of the NT Planning Scheme, as well as various geographically specific strategic planning projects and issues.

Comments and input have therefore been refined in the main body of this report, with the focus being *planning system reform* issues.

## 2 Strategic Land Use Planning

**This section outlines the consultation outcomes specific to the theme of Strategic Planning.**

The value of strategic planning was broadly acknowledged by virtually all respondents, the recent work at developing Area Plans, and other strategic planning policy acknowledged. Groups acknowledge that estimating future development, particularly infrastructure and residential needs is a crucial part of government planning, but it can be difficult due to population fluctuations, and unexpected change. The extent of consultation and the need for communities to have more influence and understand exactly what the strategic planning or Area Plans was sought. In particular community groups considered the new manner of doing Area Plans may be too detailed. This notwithstanding, the following key areas were identified during the consultation process:

- » Strategic Planning is required for **all areas** and should be a **priority**.
- » Improve the depth of strategic planning **research and review**.
- » Decision making and implementation should be **refined**.
- » Strategic planning should be undertaken with **transparency & accountability**.
- » Strategic planning needs to be **context specific / location specific**.
- » Strategic planning **outcomes** need to be improved and coordinated.
- » A comprehensive **legislative review** should be undertaken.
- » A planning **education process** and clarity on Area Plans should be started.
- » The way strategic planning projects are released for **consultation** should be reviewed.
- » Focus on **community input**, community influence and outcomes.

These themes are explored in more detail below.

### 2.1 Experiences & Opportunities

**Table 1 Strategic Planning – Key Themes & Outcomes**

Key Themes	Experiences & Opportunities
<b>Strategic Planning is required for all areas.</b>	<ul style="list-style-type: none"> <li>» The lack of direction of planning for areas such as industrial estates and commercial areas is a detractor for investment.</li> <li>» Planning is needed for rural and regional areas, to support decision making on development pressure and pressures to subdivide.</li> <li>» More consistent planning is needed for remote towns to support Council service delivery.</li> <li>» Strategic planning for specific areas should take into account the impact on other areas and link in with the infrastructure required.</li> </ul>

	<ul style="list-style-type: none"> <li>» The focus on more Area Plans is good.</li> <li>» Area plans should provide definitive certainty on where rezoning and different forms of development will be supported.</li> </ul>
<p><b>Improve depth of strategic planning research.</b></p>	<ul style="list-style-type: none"> <li>» Strategic Planning should: <ul style="list-style-type: none"> <li>&gt; Consider the capacity of physical infrastructure (roads, stormwater, electricity, water, sewerage).</li> <li>&gt; Consider environmental impacts, and protection of natural corridors.</li> <li>&gt; Improving the connection of strategic planning and funding, and service authority strategic planning and implementation. E.g. budgeting for the expansion of service infrastructure.</li> <li>&gt; Consider economic factors/impact and market demand.</li> <li>&gt; Consider environmental impacts, and the potential to incorporate environmentally sustainable development as an objective of the planning system.</li> <li>&gt; Consider and protect of heritage elements.</li> </ul> </li> <li>» The Planning Commission could consult more broadly when considering strategic planning to ensure all interests (often competing / divergent) are considered equally.</li> <li>» Service Authorities, and particularly Councils, should play a larger role in strategic planning to ensure they are able to support service delivery demands resulting from increased development. The lack of involvement of service authorities creates difficulties in implementing projects.</li> <li>» Strategic planning should consider the provision of community purpose land and social infrastructure, so to support the growth in areas, whether residential or employment.</li> <li>» Strategic planning should follow a holistic approach, with a clear vision for development densities, and integrated approach across service agencies, delivery of infrastructure, and delivering public transport.</li> <li>» There are too many, and different technical engineering, road and water guidelines. One set of consolidated technical guidelines should be prepared, in consultation with industry. Consistency is needed across all Councils in the Territory.</li> </ul>
<p><b>Decision making and implementation should be refined.</b></p>	<ul style="list-style-type: none"> <li>» The rezoning component of a concurrent application should only be affected when construction of the DA component is completed, to ensure the zoning change does not extend past the validity period of a permit.</li> <li>» There should be clear guidelines and criteria for rezoning decision making.</li> <li>» There should be clear reasons or justification provided when a decision is made.</li> </ul>
<p><b>Strategic Planning should be a priority.</b></p>	<ul style="list-style-type: none"> <li>» There is a need for Area Planning in more areas, as a priority, to support investment and development.</li> <li>» Area Plans should clearly identify what land can and cannot be used for in future.</li> <li>» Develop neighbourhood character statements to provide better direction for development within specific areas.</li> </ul>

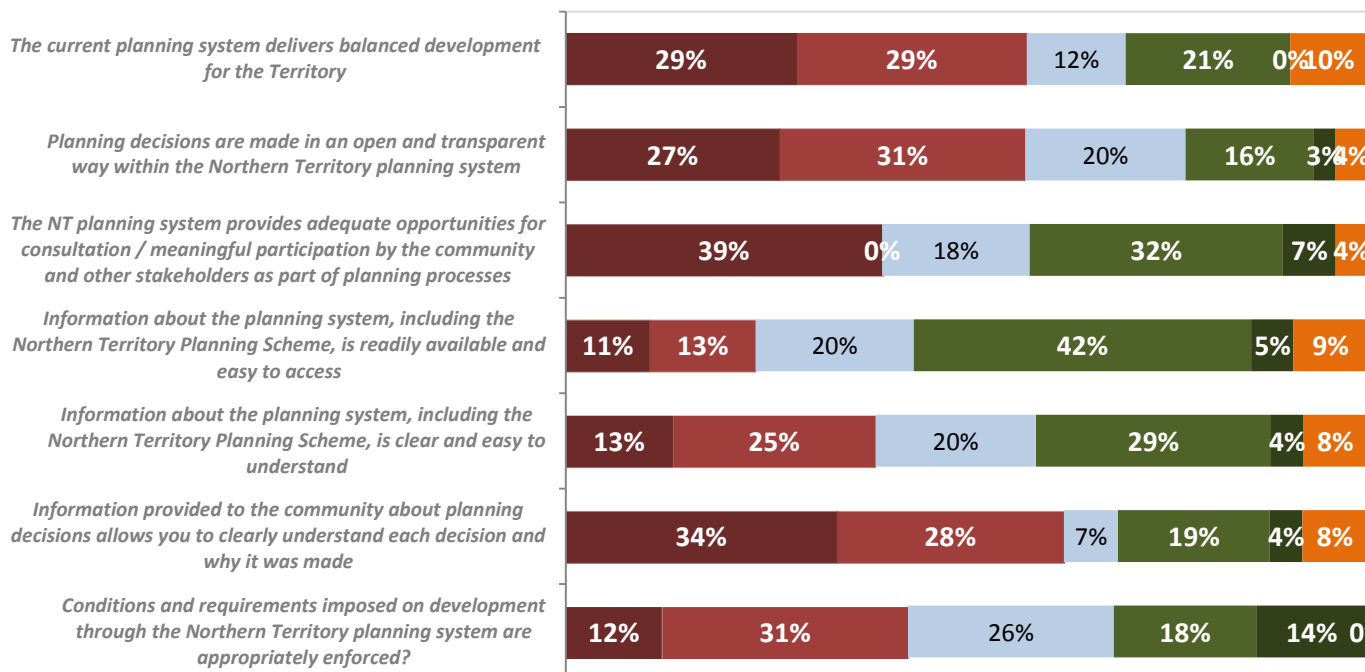


	<ul style="list-style-type: none"> <li>» The number of Specific Use Zones issued points to the current zones being too limiting and specific. Zones should be re-visited and/or additional zones developed to provide clarity and be less restrictive</li> </ul>
<p><b>Strategic planning should be undertaken with transparency &amp; accountability.</b></p>	<ul style="list-style-type: none"> <li>» Strategic planning (including rezonings and Exceptional Development Permits) should be undertaken by professional planners and technicians, with decision making made on planning grounds independent from politics.</li> <li>» There should be consistency in planning regardless of which political party has formed Government.</li> <li>» There should be consistency across electoral cycles to provide certainty in the planning process.</li> <li>» The availability of planning information should be improved; both electronically (online) and in hard copy.</li> <li>» Rezoning and Exceptional Development permit (EDP) reports should be made available in the same manner as Development Application reports.</li> <li>» The timeframe for a Ministerial decision on rezonings and EDPs should be legislated. Rezoning decisions should be based on clear criteria and guidelines.</li> <li>» Development form / proposals should not be altered to achieve specific political government objectives.</li> <li>» Outlining the reasons for the decision on strategic planning rezoning or policy was repeatedly made.</li> </ul>
<p><b>Strategic Planning needs to be context specific / location specific.</b></p>	<ul style="list-style-type: none"> <li>» Certain areas have different character, and context specific planning controls should apply – rather than standardised NT wide controls. For example, Alice Springs CBD, remote towns.</li> </ul>
<p><b>Strategic Planning outcomes need to be improved.</b></p>	<ul style="list-style-type: none"> <li>» The NT Planning Scheme (NTPS) should be refreshed to focus on better built form outcomes.</li> <li>» Amenity should be considered in strategic planning and policy.</li> <li>» The NTPS has been changed incrementally over the past few years. It needs to be reviewed in its entirety, with community input.</li> <li>» Planning “Overlays”, such as flooding or overland flow, vegetation etc. could be included and referenced in the NTPS.</li> </ul>
<p><b>A comprehensive legislative review should be undertaken.</b></p>	<ul style="list-style-type: none"> <li>» The Planning Act should be reviewed and refreshed to simplify the planning system.</li> <li>» A coordinated review of all related legislation, e.g. the Environment Protection Act should be undertaken to remove duplication, and to streamline both processes.</li> </ul>
<p><b>A planning education process should be started.</b></p> <p><i>Note: This section relates to comments, as well as survey results.</i></p>	<ul style="list-style-type: none"> <li>» Improve the understanding of zones, and accessibility of the scheme for non-planners, so the broader community can understand planning</li> <li>» Improve the understanding of Strategic Planning more broadly, and more specifically Area Plans, and the various levels of strategic planning in the NTPS.</li> <li>» There should be clarity or minimum requirements as to what</li> </ul>

	reports or level of detail is needed in rezonings.
<b>The way strategic planning projects are released for consultation should be reviewed.</b>	<ul style="list-style-type: none"> <li>» There are currently too many strategic planning projects being consulted on at the same time – resulting in consultation fatigue.</li> <li>» Too many consultation projects simultaneously affect organisation’s ability to review the project/policy/proposal and prepare comprehensive responses.</li> <li>» Better coordination of strategic planning consultation will allow respondents to collaborate, and work together.</li> </ul>
<b>Focus on Community input, and outcomes.</b>	<ul style="list-style-type: none"> <li>» Community input into strategic planning is vital. <ul style="list-style-type: none"> <li>&gt; The community advisory group model is an opportunity to improve consultation outcomes.</li> </ul> </li> <li>» Improve outcomes of community consultation in strategic planning and policy development: <ul style="list-style-type: none"> <li>&gt; Reflect community consultation outcomes – or explain why they have not been incorporated.</li> <li>&gt; Ensure it is genuine consultation, and not a “tick-the-box” exercise.</li> <li>&gt; Ensure decisions are balanced, and reflect community aspirations and amenity concerns – not weighted in favour of developers.</li> </ul> </li> <li>» Ensure consultation occurs before decisions are made on strategic planning or policy.</li> <li>» Provide a one-stop-shop online for all planning related information.</li> </ul>

**Figure 2 Opinions about the planning system**

■ 1 Strongly disagree ■ 2 ■ 3 Neither agree not disagree ■ 4 ■ 5 Strongly agree ■ Don't know



## 2.2 Priorities for NTG

Respondents at the workshop sessions were asked to provide planning system reform ideas that they consider priorities, or actions, that could be implemented to improve the planning system. Each participant was requested to choose only three key elements as their priorities. The following main themes were common across all workshops:

- » Prioritise Area Plans / Strategic Planning for rural and regional/remote areas, to protect lifestyle and amenity and provide a framework for decision making.
- » Increase the number and extent of consultation within strategic planning
- » Review and expand the number of zones, and strengthen definitions of zones.
- » Provide uniform subdivision design guidelines across the NT.
- » Improve the integration of strategic land use planning and strategic infrastructure planning, coupled with intra- and inter-government cooperation.
- » Introduce development contribution schemes.
- » Review the Planning Act and Northern Territory Planning Scheme (NTPS), with a focus on being simpler and more outcomes focussed.

# 3 Development Application System

**This section outlines the consultation outcomes specific to the theme of Development Applications.**

The most notable outcome from the consultation process, relating to Development Applications, relates to the approval process, the make-up of the Development Consent Authority, and the perceived level of political influence in the Development Process.

Similarly, the understanding of the planning process points to the needs for improved planning education, and broader understanding of the system. This observation arises from direct comments, as well as input received that demonstrates misunderstanding of the planning system.

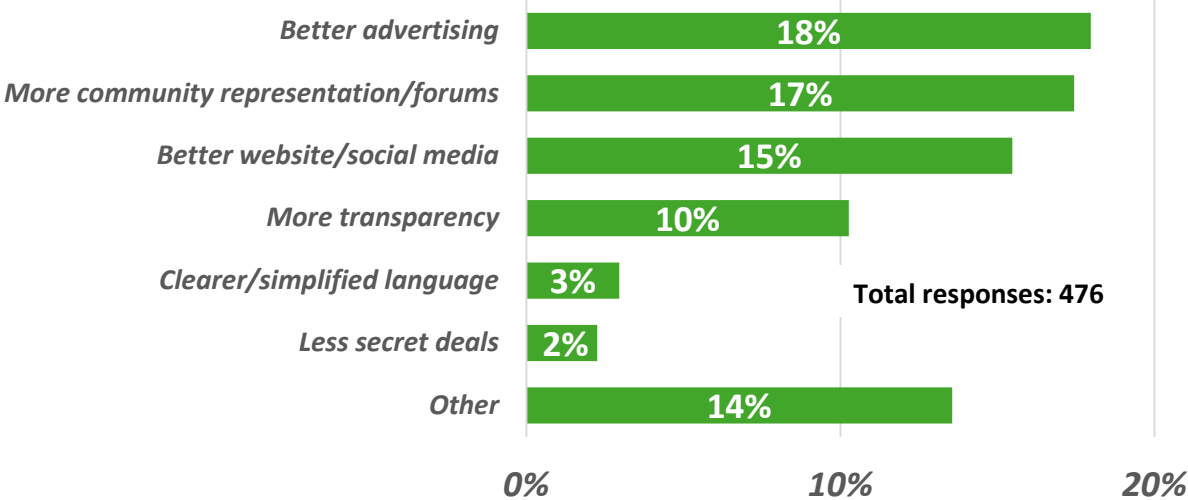
Across most jurisdictions, and all consultation tools, the need for a hierarchy of applications was raised – implying the need for the application and approvals process to reflect the complexity of applications, along with additional delegations down to officer level to approve minor applications, such as carports.

Key themes arising from this section include:

- » Planning **advice** needs to be more **consistent** and accurate.
- » The application process needs to be more consistent, and **outcomes focussed**.
- » The **robustness of the NTPS** should be improved.
- » The progress of applications should be **trackable**.
- » Planning in **remote towns** should be improved.
- » Provide a structured approach to **service authority comments** and resolving issues.
- » Development applications should be undertaken with **transparency & accountability**.
- » Development application **decision making** should be undertaken **impartially**.
- » The planning process should be **simplified**, and a **hierarchy of applications** should be introduced to streamline simple proposals.
- » Application requirements should reflect the complexity of the proposal to **reduce cost**.
- » A **streamlined variations** process should be implemented.
- » **Consultation** should be balanced and transparent.
- » A **planning education** process should be started.

These are explored in more detail below.

**Figure 3** Categorized responses to the question in the telephone survey - 'Can you identify any ways we could make information about the planning system including the NT Planning Scheme better?'



### 3.1 Experiences & Opportunities

**Table 2** Development Application System – Key Themes & Outcomes

Key Themes	Experiences & Outcomes
<b>Planning advice needs to be more consistent and accurate.</b>	<ul style="list-style-type: none"> <li>» Planning advice needs to be more consistent across officers and NT office locations.</li> <li>» Access to planners with specific geographic expertise is important for advice, rather than relying on a duty planner who does not have area specific knowledge.</li> <li>» Need to allow for more detailed pre-lodgement application assessment.</li> <li>» Allow for more mediation to resolve issues before an application is tabled at a DCA hearing.</li> <li>» There needs to be only one point of contact in the planning process, with coordination undertaken by Planning.</li> <li>» Re-instate the regular service authority review meetings, at which applications are discussed collaboratively.</li> </ul>
<b>The application process needs to be more consistent, and outcomes focussed.</b>	<ul style="list-style-type: none"> <li>» The exhibition process does not always match the complexity of the application. Simpler applications should not require exhibition / shortened exhibition.</li> <li>» Processing times across jurisdictions / offices are inconsistent.</li> <li>» Staffing levels need to be addressed, particularly in smaller offices, particularly to deal with more complex applications.</li> <li>» There could be additional skill sets in the NT Planning</li> </ul>

	<p>Department, including skills such as urban design.</p> <ul style="list-style-type: none"> <li>» Assessment of applications are too “tick-the-box”. Assessment should include outcomes based planning assessment, considering the impact of the development on the surrounding community / land uses.</li> <li>» Applications should be performance based, rather than compliance based – with a focus on innovation in the built environment.</li> <li>» Guidelines should be developed to identify acceptable levels of variations</li> </ul>
<b>The robustness of the Northern Territory Planning Scheme (NTPS) should be improved.</b>	<ul style="list-style-type: none"> <li>» Improve the number of definitions and explanations contained in the NTPS.</li> <li>» Improve the description / intent of zones.</li> <li>» Better provision should be made for temporary uses.</li> <li>» Early and better consultation on NTPS changes, and showing clearly changes in the Scheme is useful.</li> </ul>
<b>The progress of applications should be trackable</b>	<ul style="list-style-type: none"> <li>» Provide a mechanism for interested parties to track the progress of the application.</li> </ul>
<b>Planning in remote towns should be improved.</b>	<ul style="list-style-type: none"> <li>» Facilitate streamlined landowner authorisation processes.</li> <li>» Outline roles and responsibilities, and consultation requirements in remote towns.</li> </ul>
<b>Provide a structured approach to service authority comments and resolving issues.</b>	<ul style="list-style-type: none"> <li>» Weighting should be provided on service authority comments, to allow for competing priorities to be assessed and prioritised.</li> <li>» Service authorities should be provided with timeframe for condition precedence.</li> <li>» Better integration of service authority departments and their requirements, and they should not change decisions retrospectively.</li> <li>» Allow for post-exhibition and pre-DCA mediation to resolve issues before a recommendation is developed.</li> </ul>
<b>Development applications should be undertaken with transparency &amp; accountability</b>	<ul style="list-style-type: none"> <li>» The development application process should be followed strictly, and all provisions applied equally to applicants.</li> <li>» Consistent, and not varying, information requirements and process should be applied to all developers.</li> <li>» Variations to development permits should be more transparent, so that submitters and service authorities are aware that variations are being made.</li> <li>» Consider different ways of notifying people of applications, including newspaper, and mail drops to affected residents.</li> <li>» Provide past development permits online, and accessible.</li> <li>» There should be improvements to the advertising notification and then information post advertisement of applications.</li> </ul>
<b>Development application decision making should be undertaken</b>	<ul style="list-style-type: none"> <li>» Ensure that the DCA chairperson is a skills-based appointment, rather than a political appointment.</li> <li>» Review the composition of the DCA to include subject matter</li> </ul>

<p><b>impartially.</b></p>	<p>experts, or a specialised panel to advice/inform the planning decision.</p> <ul style="list-style-type: none"> <li>» Ensure that DCA decisions are consistent, and that reasons for decisions are provided/outlined.</li> </ul>
<p><b>The planning process should be simplified, and a hierarchy of applications should be introduced to streamline simple proposals.</b></p>	<ul style="list-style-type: none"> <li>» To the general person, the current planning process is complicated and a negative experience with substantial “red-tape”.</li> <li>» There is the need for the planning system to have a hierarchy of applications, where simpler proposals follow a shorter / streamlined application process.</li> <li>» Processing timeframes should reflect the complexity of the application.</li> <li>» A wider range of delegations should be provided to officer level for approval of simpler applications.</li> </ul>
<p><b>Application requirements should reflect the complexity of the proposal to reduce cost.</b></p>	<ul style="list-style-type: none"> <li>» Applications can cost a substantial amount of money, not only in application fees, but also consultant costs to prepare an application that meets the requirements of the Act.</li> <li>» Simpler applications / planning issues should be streamlined to reduce requirements and technical reports needed to reduce the cost.</li> <li>» Clearer indication as to which specialist reports are needed for each type of application could assist in avoiding unnecessary, costly specialist reports and studies.</li> </ul>
<p><b>A streamlined and clearer variations process should be implemented.</b></p>	<ul style="list-style-type: none"> <li>» A review of Clause 2.5 of the NTPS is required, to allow for a simpler Development Permit Variation process. In particular, an outline of criteria as to when the waiver may be of “special circumstance” to support the waiver or variation.</li> </ul>
<p><b>Consultation should be balanced and transparent.</b></p>	<ul style="list-style-type: none"> <li>» The applicant should be provided sufficient opportunity to respond to submissions.</li> <li>» Consultation and objections should have a structure, where objections are grounded in planning merit / amenity issues, and avoid personal comments.</li> <li>» Amended application details should be circulated to service authorities and submitters for review, with sufficient time to allow a full assessment.</li> <li>» Consultation should be genuine, and comments from the community should be taken into account in the decision making process.</li> </ul>
<p><b>A planning education process should be started</b> <i>Note: This section relates to comments, as well as survey results.</i></p>	<ul style="list-style-type: none"> <li>» Clearly explain the role of the NTG and Council in the planning process.</li> <li>» Improve the location and accessibility of information. The website is difficult to navigate to find planning information.</li> <li>» Pink signs are too small, particularly for moving traffic.</li> <li>» Outline clearly which agencies should be consulted with for each particular type of application, and at which stage of the application process.</li> <li>» Improve fact sheets and guidelines explaining the planning process clearly, in an accessible way understandable to the</li> </ul>

	<p>general reader.</p> <ul style="list-style-type: none"> <li>» Improve application flow-charts to be more understandable to the general reader.</li> <li>» Improve the connection to the Environmental Assessment process (NT EPA), and explain this process in more detail.</li> </ul>
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### 3.1.1 Conflicting Outcomes

In certain cases, respondents and stakeholders had divergent perspectives. These included:

- » *"The exhibition time is too short" vs "The exhibition time is too long" vs "The exhibition time is just right."*
- » *"Planning assessment should be undertaken by the NTG, not the Councils" vs "Councils should have more planning power."*
- » *"The concurrent application process is good, as it provides more detail through the process" vs "Concurrent applications should not be allowed as the DCA focus on the detailed design, and not the principle of the rezoning."*
- » *"Less flexibility to ensure decisions are free from subjective / opinion based influence" vs "More flexibility to ensure improved design outcomes".*
- » *"More community consultation is required, and comments from the community need to be better reflected, particularly in relation to amenity concerns" vs "Broader consultation would give too much precedence to opponents of development"*

## 3.2 Priorities for NTG

The following priorities were suggested by workshop participants:

- » Introduce a hierarchy of development applications, with reduced application requirements and streamlined processing and approvals of simple applications.
- » Introduce more delegations for approval, particularly for simpler applications.
- » Put in place requirements for objections – e.g. a standard objection form with key areas to be addressed.
- » Introduce a weighting system for objections and submissions.
- » Review definitions in the NTPS to provide more certainty, and reduce grey areas.
- » Review the make-up of the DCA:
  - > Improve the independence by amending the appointment of the Chairperson from a political appointment to a skills-based appointment.
  - > Ensure that membership includes trained professionals.
- » Introduce time limits on service authority comments, including clearing conditions.
- » Design guidelines should form part of the NTPS to improve built form and subdivision outcomes.
- » Improve the availability of information, including improving the website to place all information relevant to development applications in one place.



- » Review the consultation process, including the timing of exhibition based on complexity of the application, the introduction of local advisory committees, and the way community input is assessed.
- » Ensure planners providing advice understand the local context – better access to the area planner, rather than reliance on a duty planner.

# 4 Compliance & Enforcement

**This section outlines the consultation outcomes specific to the theme of Development Applications.**

The compliance and enforcement theme received less input than the strategic land use planning and development application themes. In general terms, the observation is that there is too little compliance and enforcement. It was suggested that a more robust system be put in place to pick up non-compliance without a complaint / report being required.

A further focus of input received, was simplifying the process for complying with development permit conditions, as well as improving enforcement of conditions.

The key points raised were:

- » Compliance and enforcement should be **holistic and consistent**.
- » Conditions of Development Permits should be **enforced diligently**.
- » The outcomes of variation applications should be **communicated to respondents** and service authorities.
- » The compliance process should be **streamlined and strengthened**.

These points are discussed further below.

## 4.1 Experience and Opportunities

**Table 3 Compliance & Enforcement – Key Themes & Outcomes**

Key Themes	Experiences & Opportunities
<b>Compliance and enforcement should be holistic and consistent.</b>	<ul style="list-style-type: none"> <li>» Where an area of non-compliance is identified, it needs to be enforced universally – not in isolation. Anyone undertaking the illegal use should be enforced.</li> <li>» The NTPS needs to be reviewed to ensure clauses cannot be interpreted differently. For example, the experience has been that the new open space requirements and zero lot lines provision are interpreted differently across offices and individuals.</li> <li>» Compliance is difficult in the case of retrospective applications, when the use has already commenced. Stronger provisions are needed to discourage non-compliant development.</li> <li>» More support should be provided to allow government/councils to take enforcement action quickly</li> </ul>

Key Themes	Experiences & Opportunities
<b>Conditions of Development Permits should be enforced diligently.</b>	<ul style="list-style-type: none"> <li>» 17% of online survey respondents (the highest proportion of respondents to this question) indicated that there is little or no enforcement on the conditions of development permits.</li> <li>» Provide a requirement for security deposits / bonds on applicable conditions.</li> <li>» Provide higher fines for non-compliance with conditions.</li> <li>» Improve resourcing of the compliance division to allow for better monitoring of compliance.</li> </ul>
<b>The outcomes of variation applications should be communicated to respondents and service authorities.</b>	<ul style="list-style-type: none"> <li>» Ensure there is better communication of variations to conditions to service authorities (including Councils), to ensure they are working from the most up-to-date list of conditions.</li> </ul>
<b>The compliance process should be streamlined and strengthened.</b>	<ul style="list-style-type: none"> <li>» Establish clear guidelines for acceptable levels of variation from Development Permits.</li> <li>» There should be legislated timeframes for service authorities to provide clearances.</li> <li>» There should be a standard process for service authorities to provide clearances.</li> <li>» A monitoring system should be established to pick up non-compliance, rather than relying on complaints/reports.</li> <li>» There should be stronger penalties for non-compliance.</li> <li>» Infringement notices should be introduced.</li> </ul>

## 4.2 Priorities for NTG

The following priorities were suggested by workshop participants:

- » Establish clear guidelines for acceptable levels of variation / extent of changes that trigger the need for an application.
- » Introduce stronger provisions for enforcements, including higher fines for non-compliance.

# 5 Review of Decisions (Appeal Process)

**This section outlines the consultation outcomes specific to the review of planning decisions (Appeal Process).**

There are divergent perspectives on the appeal process. While respondents, particularly through the online and telephone survey, commented on the need for extended third party appeal rights, this was countered by the need for a robust, transparent planning process reducing the need for appeals. The need to consider the economic impact / time cost of the appeal process was also a recurring theme.

Increased appeal rights could be accompanied by a more rigid requirement for what should be included in an appeal to ensure the validity of such an appeal. Concern was raised that wider appeals options would be open to abuse.

The "Review of Decisions (Appeal Process)" theme within the consultation was also frequently confused with the planning (Ministerial and DCA) approvals process. Where this occurred, these responses have been re-allocated to the appropriate section above.

Key themes arising from the consultation included:

- » The strength, and **extent** of third party appeal rights should be improved.
- » Third party appeal rights should consider the **impact on the Economy**.
- » Ensure the NTCAT has **specialist advice** / members.
- » Review the **structure of NTCAT** in relation to planning appeals.

These explored in detail below.

## 5.1 Experience & Outcomes

**Table 4 Review of Decisions (Appeal Process) – Key Themes & Outcomes**

Key Themes	Description
<b>The strength, and extent of third part appeal rights should be improved.</b>	<ul style="list-style-type: none"> <li>» Appeal rights, based on planning and amenity issues, should be extended to people not directly impacted by development.</li> <li>» Appropriate, and genuine community consultation through the planning process (strategic and development application) is viewed as more important than stronger appeal rights.</li> <li>» Appeal rights should be extended to include zoning decisions and strategic planning.</li> <li>» Third party appeal rights are considered essential, as it provides the opportunity for the community to actively challenge planning decisions.</li> </ul>

Key Themes	Description
<b>Third party appeal rights should consider the impact on the Economy.</b>	<ul style="list-style-type: none"> <li>» Requirements should be set up for appeals, with a structure for vetting appeals before being accepted, to reduce unnecessary and costly responses.</li> <li>» Any increase in third party appeal rights should take into account the impact on development feasibility, and time costs of delays.</li> </ul>
<b>Ensure the NTCAT has specialist advice / members.</b>	<ul style="list-style-type: none"> <li>» NTCAT is viewed as an effective tool as an independent third party.</li> <li>» Assessment of appeals should be made from a specialist, informed planning viewpoint, and not purely from a legal perspective.</li> <li>» NTCAT is a legal process, rather than a political decision, which is positive – it is however too focussed on legal requirements, rather than good planning outcomes.</li> </ul>
<b>Review the structure of NTCAT in relation to planning appeals.</b>	<ul style="list-style-type: none"> <li>» Ensure that reviews happen in a timely manner.</li> <li>» Provide a performance based index on review of an application.</li> <li>» Reviews should reflect context, and planning principles, as well as local context.</li> <li>» Reviews of decisions should be based on the rights of applicants, and with due consultation.</li> <li>» NTCAT should consult a specialist in review of planning decisions.</li> <li>»</li> </ul>

## 5.2 NTG Priorities

The following priorities were suggested by workshop participants:

- » Rezoning / EDP decisions should be appealable.
- » The local context, and planning principles, should form part of appeal reviews – not only legal approach.

# 6 General Comments

**This section outlines the general comments received that relate specifically to Planning System Reform.**

Certain general comments were received through the course of the consultation process. In many cases, these were not related to the Planning System Reform, but related to specific land use concerns, or were related to other strategic planning consultation undertaken simultaneously.

Many people from the workshops indicated that a new Act and holistic review of the NTPS is required.

The following points relate specifically to planning system reform:

- » The NTPS needs to be **place specific**.
- » There is a need for the NTPS to include **design guidelines** / requirements.
- » There should be better **co-ordination and integration**.
- » Updating of the NTPS needs better **notification** and distribution.
- » **Transparency and accountability** should be a focus of the planning system.
- » The website and **availability of information** should be improved.

These are discussed in greater depth below.

## 6.1 Experiences & Opportunities

**Table 5 General Comments – Key Themes & Outcomes**

Key Themes	Experiences and Opportunities
<b>The NTPS needs to be place specific.</b>	<ul style="list-style-type: none"> <li>» Certain towns and suburbs have different character and requirements, making place specific requirements and provisions within the NTPS necessary / appropriate.</li> <li>» Character statements should be included into the NTPS.</li> </ul>
<b>There is a need for the NTPS to include design guidelines / requirements.</b>	<ul style="list-style-type: none"> <li>» Design and subdivision guidelines should be incorporated into the NTPS to guide development, and ensure better built form and subdivision outcomes and amenity.</li> </ul>
<b>There should be better co-ordination and integration.</b>	<ul style="list-style-type: none"> <li>» The various levels of government, and service authorities, should be better integrated to improve the system and provide consistency.</li> <li>» Consultation revealed the need to consider mining leases and titles, environmental, certification, water license and pastoral lands with the planning reform.</li> </ul>
<b>Updating of the NTPS</b>	<ul style="list-style-type: none"> <li>» When the NTPS is updated, distribution of new pages or</li> </ul>

Key Themes	Experiences and Opportunities
<b>needs better notification and distribution.</b>	notification of the changes needs to be better advised / more broadly distributed.
<b>Transparency and accountability should be a focus of the planning system.</b>	» There was the broad perception, on a range of topics, that planning decisions should be de-politicised, and made by impartial specialist people / bodies.
<b>The website and availability of information should be improved.</b>	<ul style="list-style-type: none"> <li>» All relevant information should be available in one place.</li> <li>» The website needs to be improved to be more logical, and with relevant information in the same place.</li> </ul>

## 7 Summary & Conclusion

The community consultation to obtain input and comments to “Building confidence through Better Planning for the Northern Territory” included opportunities for many resident, stakeholders and businesses to be involved in various ways and mechanisms across the Northern Territory, including Darwin, Palmerston, Lichfield, Alice Springs, Katherine and Tennant Creek.

The telephone and online surveys indicate a proportionate involvement of the communities across the Northern Territory, as well as a cross section of age groups. Over 1,000 people within the Northern Territory were directly involved in the consultation, with additional residents reading the documents on the website. The consultation involved a broad spectrum of the community who had little to no experience with planning as well as those who used the planning system extensively and regularly.

The vast majority of communities who participated in the consultation process were of the view that the planning system is not easily understandable and further that it is neither transparent nor provides significant meaningful participation. While many participants (primarily from the workshops) who used the planning system more extensively provided comments that the planning system is working well, but there is a need for improvements. The majority of comments provided by Territorians reflect the need for decision making to be more transparent and with the key reasons for the decision being outlined. A high proportion of the respondents felt that there was insufficient enforcement of planning outcomes, and suggested more should be done to enforce the permits granted. Between the participants there were mixed views on the review of the decision making process, in particular, regarding third party appeals. Many participants felt the current system was adequate provided there was better communication and understanding of the planning process and outcomes.

The inputs and comments from the community consultation were generally consistent across the Northern Territory, with few minor differences between the regional/rural areas and the greater Darwin region. Where differences in perspective were held, these related more to place-based / development specific issues rather than planning system concerns. The participants of the community consultation provided a significant more comment and ideas to reviewing and improving strategic planning and the development application process, rather than enforcement or the review of decisions. However, by far the greatest input from Territorians was based on the decision making process, criteria and skills associated with strategic plans, rezonings and large development applications.

The proportion of people who participated in the telephone or online survey who had not necessarily been involved extensively in the planning process, as well as residents who attended the pop up sessions provided the need for education on the planning system, consultation in the planning system and more information regarding advertising of development applications and the associated process.

Participants from the community consultation workshops, whether from local government or stakeholders/professionals who used the planning system extensively, acknowledged the increasing importance of strategic plans and streamlined efficiency for development permits. Suggested improvements were to have strategic planning for all areas with the need for the integration of transport, infrastructure and land use being coordinated. Decision making of development applications and the need for a “hierarchy of applications” – meaning the application and approvals process reflecting the size and complexity of applications, was commonly raised at workshops.



In summary, Territorians through the consultation process have provided the Northern Territory Government with significant input/comment into the review of the planning system across elements relating to governance, consultation processes, strategic planning, development application permit process, compliance and enforcement as well as review of decisions.



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