



PROGRESSING  
PLANNING REFORM  
**AN OVERVIEW**

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*Building Confidence through Better  
Planning for the Northern Territory*

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# Introduction

Government is committed to an open and accountable planning system that values community participation, is easy to understand, supports economic development through streamlined assessment processes, promotes sustainable development, and values the Territory environment.

To continue to build the Territory, we need a planning system that is flexible, innovative, embraces technology and respects the unique characteristics of our diverse communities.

The first step for planning reform outlined how the current system operates and sought ideas about how it could be improved to deliver better development outcomes for the community.

The second step presented an overall strategy for reform and provided technical explanations of a set of proposed priority reforms that responded to the first round of consultation. The reform directions are to:

- strengthen and clarify the planning framework to deliver better planning and development outcomes;
- make the planning system more open and accountable to improve public understanding and confidence in planning decisions; and
- improve connections with the public to better value, encourage and support community contributions to planning processes.

The current step advances the reform directions and responds to previous consultation through the introduction of a *Consultation Draft Bill for Amendments to the Planning Act 1999*. Changes to the Act will be supported by a restructured and enhanced Northern Territory Planning Scheme. The Government has now released:

- A **Snapshot** to explain the Government's overall strategy to progress priority planning system reforms; and
- An **Overview** which presents a summary of the reforms with links to:
  - the **Consultation Draft Bill for Amendments to the Planning Act 1999**; and
  - a **Draft Examples of Possible Changes to the Northern Territory Planning Scheme**.

Briefings and consultation sessions will be held throughout the Territory and you are invited to participate in these sessions and contribute to the discussion.

# How to use this document

This **Overview** will guide you through the proposed reforms to the planning system, especially the changes to the *Planning Act 1999* as presented in the consultation draft Bill. Possible changes to the NT Planning Scheme are also described and examples of how the revised Planning Scheme might look are provided to help you understand how the proposed Act changes will be implemented.

## References to the Act

A **Consultation Draft Bill for Amendments to the Planning Act 1999** is currently available for comment. You are encouraged to make comments about the wording and intent of the consultation draft Bill. Once this consultation period is finished, changes will be made to the draft Bill and the law-making process will proceed with introduction of the Bill to the Legislative Assembly.

In each section of this **Overview**, you will find a table that refers to the specific sections of the Act that will be changed to support the reforms described in that section. You can use the references in the table to find the corresponding changes to the Act within the **consultation draft Bill**.

**Example table in this Overview**

Changes to the Act	Reference to the draft Bill
<b>Proposed changes to the Act</b>	
<b>4 - Section 2A replaced</b>	
<b>2A Purpose and objectives</b>	
Enhance the current objects of the Act to guide the creation, interpretation and changes to components of the planning system.	

**Example extract from the consultation draft Bill**

**4 Section 2A replaced**

Section 2A  
*repeal, insert*

**2A Purpose and objectives**

The purpose of this Act is to establish a system for the planning of land development to achieve the following objectives:

(a) to ensure that planning is conducted within a strategic framework;

The diagram illustrates the mapping between the table and the draft Bill. A red circle highlights '4 - Section 2A replaced' in the table, with a red arrow pointing to the corresponding section in the draft Bill. A blue circle highlights '2A Purpose and objectives' in the table, with a blue arrow pointing to the corresponding text in the draft Bill. A blue box at the bottom of the table contains the text 'Section number and title to be used in the amended Act'.

## References to the Planning Scheme

A ***Draft Examples of Possible Changes to the Northern Territory Planning Scheme*** is available to give you an indication of how the Planning Scheme will look and function with the changes to the Act. Once the draft of the revised Planning Scheme is complete, it will be placed on extended exhibition to enable detailed industry and community consideration and comment.

In each section of this **Overview**, you will find a table that refers to possible changes to the Planning Scheme. You can use the Part references to find the corresponding example of the revised Planning Scheme Part within the ***Draft Examples of Possible Changes to the Northern Territory Planning Scheme***.

Example table in this Overview

Changes to the Planning Scheme	Reference to Part of the Planning Scheme
<b>Proposed changes to the Planning Scheme</b> <b>PART 1 – GUIDANCE</b> Part 1 will be revised to: <ul style="list-style-type: none"><li>establish the Strategic Framework as a component of the Planning Scheme</li><li>identify the role of the Strategic Framework in the operation of the Planning Scheme</li><li>provide detail on how the components of the Strategic Framework are used to inform discretion when the consent authority considers a development application</li></ul>	Extract from the <i>Draft Examples of Possible Changes to the Planning Scheme</i> <b>PART 1 - GUIDANCE</b> <b>1.1 Citation</b> 1) The Northern Territory Planning Scheme 2020 may be cited as the Planning Scheme. <b>1.2 Application</b> 1) This planning scheme applies to the whole of the Northern Territory with the exception of an area subject of a specific planning scheme made under section 8 of the <i>Planning Act</i> ####.

When providing feedback on the changes described in this Overview, please let us know:

Do the proposed changes to the Act and Planning Scheme reasonably address your key areas of concern?

Of the changes proposed, which do you feel will have the greatest benefit?

What other changes to the Act or Planning Scheme do you think are needed?

# What are the changes?

## 1. Strengthen the role of strategic planning

### What is being done

Both the *Planning Act 1999* (the Act) and the Northern Territory Planning Scheme (the Planning Scheme) are being revised to clearly identify the role of strategic planning. This will emphasise the importance of the Strategic Framework (including a hierarchy of strategic plans) and provide details about how the framework is used to influence:

- development of new strategic plans and policies;
- changes to the NT Planning Scheme (eg rezoning); and
- development decisions.

The reforms described throughout this paper work together to make a stronger role for strategic planning to deliver better development outcomes.

### Why this change is needed

Best practice land use planning holistically considers the social, environmental and economic context of an area and encourages early community involvement.

The NT Planning Commission implements this approach by working with the community, infrastructure providers and other government agencies to:

- identify the utilities, roads, housing and community infrastructure needs to accommodate population growth;
- establish a long term vision for land use in the Territory and our communities; and
- recognise the needs and aspirations of different regions and local communities.

The products of this work are strategic plans (eg area plans) that the Minister includes in the Planning Scheme.

The role of strategic plans in the NT planning system is not currently defined in the Act and the Planning Scheme, and reliance has been placed on 'one size fits all' development requirements. While these requirements are appropriate for the assessment of simple and conventional developments, they provide limited guidance for more complex or innovative developments.

Clarification of the role of strategic policy will encourage better development outcomes and inform decisions to ensure all development responds to local circumstances and achieves the broader vision for the Territory.

Strengthening the role of strategic plans and policy to influence planning and development decisions will:

- facilitate better development outcomes;
- allow the community, industry and government to anticipate future development and coordinate infrastructure provision;
- provide clear guidance for decisions so that they reflect the local context and environment, as well as the vision for the wider region;
- enhance the community's contribution to the vision for their local area; and
- foster community confidence and understanding of planning processes through early engagement in strategic planning.

## How this responds to consultation

The community, developers and government agencies generally support a stronger role for strategic planning. In particular, this change responds to calls for planning decisions to take better account of local factors and coordination of infrastructure provision.

Development of strong strategic plans will be supported by [improved planning information and public engagement](#).

## Changes to the Act

Proposed changes to the Act	Purpose of the changes
<p><b>4 - Section 2A replaced</b></p> <p><b>2A Purpose and objectives</b> Enhance the current objects of the Act to guide the creation, interpretation and changes to components of the planning system.</p> <p><b>7 - Section 6A inserted</b></p> <p><b>6A Persons and bodies performing functions under this Act</b> Establish who is responsible for particular decisions.</p>	<p>To support a fair, transparent and accountable system by clearly establishing:</p> <ul style="list-style-type: none"> <li>the broad range of considerations that should guide the planning system; and</li> <li>a clear structure for procedures and decision making roles and responsibilities.</li> </ul>
<p><b>8 - Section 9 replaced</b></p> <p><b>9 Planning scheme</b> Establish:</p> <ul style="list-style-type: none"> <li>the components of the framework including strategic policies and strategic land use plans; and</li> <li>how the components relate to each other.</li> </ul>	<p>To improve understanding about the:</p> <ul style="list-style-type: none"> <li>components of the Planning Scheme;</li> <li>their relationship to each other; and</li> <li>their role in informing decisions.</li> </ul> <p>See also <a href="#">make the Planning Scheme more user-friendly</a>.</p>
<p><b>9 – Section 13 replaced</b></p> <p><b>13AA Planning Commission views on request and decision</b> Give the Minister the option to request the Planning Commission provide advice on strategic planning implications of a proposal to amend the Planning Scheme.</p> <p><i>Subsequent change:</i></p> <p><b>45 – Section 81B amended</b></p> <p><b>81B Functions</b> Include advice to Minister as described above as a new function for the Planning Commission.</p>	<p>To ensure strategic implications are appropriately considered, recognising that the functions of the Planning Commission include review of the NT Planning Scheme and the preparation of strategic policies and plans.</p>

Proposed changes to the Act	Purpose of the changes
<p><b>19 - Section 30W amended</b>  <b>30W Determination of development proposal; and</b></p> <p><b>32 - Section 52 replaced</b>  <b>52 No consent if development contrary to planning scheme or order</b>  Require the consent authority to take account of the Strategic Framework in making determinations.</p>	<p>To clarify that the consent authority must consider the Strategic Framework in making a decision.</p> <p><a href="#">Simplified development assessment processes</a> will establish which components of the Strategic Framework are relevant in particular circumstances.</p>

## Changes to the Planning Scheme

Proposed changes to the Planning Scheme	Purpose of the changes
<p><b>PART 1 – GUIDANCE</b>  Part 1 will be revised to:</p> <ul style="list-style-type: none"> <li>• establish the Strategic Framework as a component of the Planning Scheme</li> <li>• identify the role of the Strategic Framework in the operation of the Planning Scheme</li> <li>• provide detail on how the components of the Strategic Framework are used to inform discretion when the consent authority considers a development application</li> </ul>	<p>To:</p> <ul style="list-style-type: none"> <li>• clarify and strengthen the role of the Strategic Framework within the Planning Scheme;</li> <li>• set out a clear structure that ensures that strategic plans and policies can effectively inform discretion for development decisions; and</li> <li>• clearly establish the basis of decisions relating to variations to address the uncertainty created by current reliance on ‘special circumstances’.</li> </ul> <p>Relevant considerations will depend on the level of assessment (see also <a href="#">simplify development assessment processes</a>).</p>
<p><b>PART 2 – STRATEGIC FRAMEWORK</b>  The new Part 2 will consolidate strategic plans and policies currently found under Part 2, Part 8 and Schedule 2. The new Part 2 will identify:</p> <ul style="list-style-type: none"> <li>• the purpose of Strategic Framework;</li> <li>• the components and operation of the Strategic Framework;</li> <li>• Strategic Planning Policies that apply across the Territory; and</li> <li>• the Hierarchy of Strategic Land Use Plans.</li> </ul>	<p>To:</p> <ul style="list-style-type: none"> <li>• consolidate the Strategic Framework to make it easy to identify all strategic plans and policies (see also <a href="#">make the Planning Scheme more user-friendly</a>).</li> <li>• clarify how the various levels of plans and policies inform and relate to each other, including: <ul style="list-style-type: none"> <li>○ that more detailed plans are informed by higher levels of plans;</li> <li>○ that in the case of inconsistencies between plans at various levels the more detailed plans prevail; and</li> <li>○ that in the absence of more detailed plans higher level plans can guide interpretation.</li> </ul> </li> </ul>



## 2. Make the Planning Scheme more user-friendly

### What is being done

The NT Planning Scheme will be revised to more logically group together related provisions and make the intent of the provisions clearer. This will ensure decision makers can better support achievement of the strategic planning framework and good development outcomes. These changes to the Planning Scheme will also reflect the changes to the Act.

Changes to the structure of the Planning Scheme will come into effect as an amendment to the current Planning Scheme. Extended public exhibition in early 2020 will enable detailed industry and community consideration and comment before the new Planning Scheme is adopted.

### Why this change is needed

The current Planning Scheme was the first integration of multiple Town Plans and land use objectives into a single document. This complex process resulted in the Planning Scheme being difficult to navigate and use. For example, the structure of the current Planning Scheme and layout of the zoning tables can make it hard to identify all the relevant requirements and considerations for a development. Additionally, the role and function of strategic plans needs to be more prominent.

The restructure will make it easier to find, understand and apply the Strategic Framework, development requirements and any other provisions that are relevant to a proposed development.

### How this responds to consultation

The proposed revision of the Planning Scheme responds to calls for clearer information and the need to improve the robustness of the NT Planning Scheme. The restructure is also essential to assist understanding of the [stronger role of strategic planning](#) and [simplified development application processes](#).

### Changes to the Act

Proposed changes to the Act	Purpose of the changes
<p><b>8 - Section 9 replaced</b></p> <p><b>9 Planning Scheme</b></p> <p><b>9A Contents of strategic framework</b></p> <p><b>9B Overlay provisions, zone provisions and development requirements and guidelines</b></p> <p><b>9C Interpretative provisions and administrative guidelines</b></p> <p>Clarify the potential components of a planning scheme being:</p> <ul style="list-style-type: none"> <li>• a strategic framework;</li> <li>• overlays;</li> <li>• zones;</li> <li>• development requirements; and</li> <li>• interpretative provisions and administrative guidelines.</li> </ul> <p>These components are explained in more detail in the table on <b>Changes to the Planning Scheme</b> on the next page.</p>	<p>To establish a clear and concise framework for planning schemes</p> <p>See also <a href="#">strengthen the role of strategic planning</a>.</p>

## Changes to the Planning Scheme

Proposed changes to the Planning Scheme	Purpose of the changes
<p><b>PART 1 – GUIDANCE</b></p> <p>Part 1 will set out:</p> <ul style="list-style-type: none"> <li>• the structure of the Planning Scheme;</li> <li>• how the Planning Scheme operates;</li> <li>• when consent is required; and</li> <li>• the various components of the Planning Scheme relevant to the exercise of discretion</li> </ul>	<p>To clarify:</p> <ul style="list-style-type: none"> <li>• the overall operation of the planning system; and</li> <li>• how the various components influence decisions (ie how they are used to inform the exercise of discretion).</li> </ul> <p>See also <a href="#">strengthen the role of strategic planning</a>.</p>
<p><b>PART 2 – STRATEGIC FRAMEWORK</b></p> <p>Part 2 will consolidate strategic policies and strategic land use plans from what was Part 2, Part 8, and Schedule 2.</p>	<p>To:</p> <ul style="list-style-type: none"> <li>• make it easy to identify all strategic plans and policies within the Planning Scheme; and</li> <li>• clarify how the various levels of plans and policies inform and relate to each other.</li> </ul> <p>See also <a href="#">strengthen the role of strategic planning</a>.</p>
<p><b>PART 3 – OVERLAYS</b></p> <p>Overlays found in the new Part 3 are a new way of presenting general development requirements (found in the current Part 4 Performance Criteria) that relate to land constraints (e.g. flooding, storm surge and proximity to an airport).</p> <p>Overlays may change the assessment category and/or assign additional requirements to a development irrespective of the underlying zone.</p> <p>Areas affected by an overlay will be mapped, and each overlay will include:</p> <ul style="list-style-type: none"> <li>• a purpose statement</li> <li>• administration statements</li> <li>• the requirements associated with the overlay</li> </ul>	<p>To clearly identify all requirements relevant to particular developments by:</p> <ul style="list-style-type: none"> <li>• making them easier to find within the Planning Scheme; and</li> <li>• clarifying that overlay requirements sit above and in addition to the zone-related requirements in later parts of the Planning Scheme.</li> </ul>

Proposed changes to the Planning Scheme	Purpose of the changes
<p><b>PART 4 – ZONE PURPOSES, MAPS AND ASSESSMENT TABLES</b> <i>(previously Part 3)</i></p> <p>Part 4 will enhance the presentation and details around zones by:</p> <ul style="list-style-type: none"> <li>making the purpose for each zone clearer</li> <li>introducing outcomes that describe how the purpose of the zone will be achieved</li> <li>improving assessment tables to identify the category of assessment and <b>all</b> development requirements relevant to defined uses</li> </ul> <p>Provisions for infrastructure zones (previously Part 7) will also be moved to Part 4.</p>	<p>To:</p> <ul style="list-style-type: none"> <li>clarify how each zone is expected to look and function;</li> <li>identify matters that inform consideration of whether an impact assessable development is compatible with the zone; and</li> <li>make it easier to identify all requirements of the Planning Scheme that may apply to a defined use in the zone.</li> </ul> <p>Provisions relevant to land within Specific Use Zones will continue to be identified in a Schedule.</p> <p>These changes concisely and clearly establish the information that is the basis for decisions.</p>
<p><b>PART 5 – DEVELOPMENT REQUIREMENTS</b> <i>(previously Part 4)</i></p> <p>Part 5 will enhance the presentation and details of Development Requirements by:</p> <ul style="list-style-type: none"> <li>making the purpose for each development requirement clearer and more meaningful</li> <li>providing more guidance on the administration of each development requirement, including whether a variation can be considered and under what circumstances</li> <li>setting out the standard requirements for a particular development</li> </ul>	<p>To:</p> <ul style="list-style-type: none"> <li>enhance community understanding about what each requirement is intended to achieve; and</li> <li>provide clearer guidance for the consent authority when exercising discretion, particularly for variation of a development requirement.</li> </ul>
<p><b>PART 6 – SUBDIVISION AND CONSOLIDATION REQUIREMENTS</b> <i>(previously Part 5)</i></p> <p>Part 6 will enhance the presentation and details of Subdivision and Consolidation Requirements with formatting that is consistent with other updated requirements in the Planning Scheme.</p> <p>Note: there is no example provided for this Part in the <i>Draft of Possible Changes to the Planning Scheme</i>.</p>	<p>To maintain a consistent format with other requirements in the Planning Scheme and similarly:</p> <ul style="list-style-type: none"> <li>enhance understanding about what the subdivision requirements are intended to achieve; and</li> <li>provide clearer guidance for the consent authority when exercising discretion.</li> </ul>
<p><b>PART 7 – ABORIGINAL COMMUNITIES AND TOWNS</b> <i>(previously Part 6)</i></p> <p>The content of this Part will remain unchanged.</p> <p>Note: there is no example provided for this Part in the <i>Draft of Possible Changes to the Planning Scheme</i>.</p>	<p>Conversations around planning for Aboriginal communities and towns remain ongoing. These provisions will not be changed through Planning Reform in order to retain flexibility in discussions with stakeholders in remote communities.</p>

Proposed changes to the Planning Scheme	Purpose of the changes
<p><b>INTERPRETATIVE PROVISIONS AND ADMINISTRATIVE GUIDELINES</b></p> <p>Interpretative provisions and administrative guidelines will be reorganised into Schedules in the back of the Planning Scheme, including:</p> <ul style="list-style-type: none"> <li>• definitions</li> <li>• exceptions</li> <li>• strategic plans and policies</li> <li>• zone maps (including overlays)</li> <li>• specific use zones</li> <li>• list of communities and towns to which Part 7 applies</li> <li>• guidance documents</li> </ul> <p>Note: there is no example provided for this Part in the <i>Draft of Possible Changes to the Planning Scheme</i>.</p>	<p>Moving these details into Schedules will make the main parts of the Planning Scheme easier to read and navigate.</p>

### 3. Simplify development application processes

#### What is being done

“Discretionary” development will be separated into two assessment categories:

**Merit Assessable** – development that is considered to achieve the purpose of a zone if it meets the purpose of all relevant development requirements and any site-specific guidance in an area plan; or

**Impact Assessable** – development that may be suitable to establish in a zone depending on the site suitability, surrounding development, the scale and intensity of the proposed development, and whether adverse impacts can be managed. Impact Assessable development must be considered within the context of the zone purpose and outcomes, and any relevant component of the Strategic Framework.

A Permitted development may become Merit Assessable because of the need for a variation to one or more development requirements. In this case, the Merit Assessment will only need to address the matters that relate to the varied requirement(s).

The assessment category will be identified in the assessment tables. Overlays or the need to vary development requirements may change the assessment category. The matters that must be considered for each assessment category will be set out in the beginning of the revised Planning Scheme.

#### Why this change is needed

“Discretionary” uses in the NT Planning Scheme are uses and developments that must have approval from the consent authority (ie uses that need a Development Permit). The consent authority uses its “discretion” (its judgement) to decide whether or not to issue a permit, having regard to matters set out in the Act and the Planning Scheme.

Currently, all discretionary uses are treated in the same way regardless of whether the proposed development is simple (eg reduced setback for a car port) or more complex (eg subdivision to create lots for a new suburb).

The introduction of Merit Assessable and Impact Assessable categories will clearly set out what strategic plans and policies apply to particular developments (see also [strengthen the role of strategic planning](#)). This will:

- support simpler requirements and a more streamlined process for simpler developments;
- ensure that more rigor is applied to more complex developments; and
- make application requirements, considerations and decisions easier to understand.

Greater emphasis on the policy directions within the Planning Scheme, particularly for Impact Assessable developments, will now ensure that development decisions appropriately respond to:

- the purpose and preferred uses for the zone;
- how the land surrounding the site is currently developed; and
- how the locality is expected to develop in the future.

## How this responds to consultation

The introduction of Merit and Impact Assessment categories provides the clarity requested on how strategic plans and policies will influence decisions about development applications. The changes ensure that the local (or subregional or regional where appropriate) context is taken into account for all development requiring consent.

The introduction of these assessment categories clarifies how an application is determined by:

- simplifying the assessment of a fully compliant Merit Assessable development;
- specifying how variations to development requirements will be considered and under what circumstances; and
- identifying those developments that will be subject to greater scrutiny (Impact Assessable development).

## Changes to the Act

N/A

## Changes to the Planning Scheme

Proposed changes to the Planning Scheme	Purpose of the changes
<p><b>PART 1 – GUIDANCE</b> Part 1 will provide specific guidance in relation to the:</p> <ul style="list-style-type: none"> <li>• Operation of the Planning Scheme (Clause 1.7)</li> <li>• When development consent is required including the distinction between Merit and Impact Assessable (Clause 1.8)</li> <li>• Ancillary use and development (Clause 1.9)</li> <li>• The parameters which will inform decisions of the consent authority depending on the relevant level of assessment (Clause 1.10)</li> </ul>	<p>These changes provide the community with meaningful information about the planning system and what informs decisions by:</p> <ul style="list-style-type: none"> <li>• clarifying the operation of the Planning Scheme</li> <li>• providing a tiered approach to the level of assessment depending on the complexity and possible impact of proposal within the context of the zone of the land;</li> <li>• clarifying provisions around ancillary uses; and</li> <li>• providing structure around what informs discretion to address ambiguities around how the Planning Scheme operates.</li> </ul>
<p><b>PART 4 – ZONE PURPOSES, MAPS AND ASSESSMENT TABLES</b> <i>(previously Part 3)</i> Improved assessment tables associated with each zone will identify:</p> <ul style="list-style-type: none"> <li>• the category of assessment;</li> <li>• Potential influences (eg Overlays) on the category of assessment; and</li> <li>• development requirements for defined uses.</li> </ul>	<p>The improved assessment tables will clearly identify the category of assessment that applies to a development and identify all overlay or development requirements which may impact on the category of assessment.</p> <p>Clearly establishing criteria which will inform assessment decisions will enhance community confidence in the operation of the planning system. See also <a href="#">make the Planning Scheme more user-friendly</a>.</p>

Proposed changes to the Planning Scheme	Purpose of the changes
<p><b>PART 5 – DEVELOPMENT REQUIREMENTS</b> and <b>PART 6 – SUBDIVISION AND CONSOLIDATION REQUIREMENTS</b></p> <p>All development requirements are to have a clear purpose, administration statements and requirements.</p> <p>Note: there is no example provided for Part 6 in the <i>Draft of Possible Changes to the Planning Scheme</i>.</p>	<p>Changes to Parts 5 and 6 will clearly set out whether a variation may be considered by the consent authority and under what circumstances. Providing meaningful information will minimise the lack of certainty associated with the current operation of the Planning Scheme.</p> <p>See also <a href="#">make the Planning Scheme more user-friendly</a>.</p>

## 4. Revise notification requirements

### What is being done

Improvements to the Act and associated revisions to the *Planning Regulations 2000* (the Regulations) will better target notices to the people most likely to be affected by a proposed development or rezoning.

#### Requirements for notification signs

The Regulations will be amended to improve “pink” and “yellow” notification signs by:

- requiring more relevant information on signs; and
- allowing more flexibility for sign placement.

Further investigation of options and consultation regarding the changes to the signs will occur later in the reform process.

#### Notification streams for development applications

Two new streams of notification will be introduced for development applications requiring public notification:

**Local notification** – for minor developments that only have localised impacts. Applications will be simplified and notification will only be required to immediate local residents by letter and a sign on the land. Newspaper advertisement will not be required.

**Designated development** – for developments that require greater community consultation due to their location or nature. The minimum exhibition period for designated developments will be increased to 28 days.

Consultation will occur later in the reform process to determine which developments will be subject to the new notification streams. The Regulations will list the types of development that will be subject to each stream.

The existing **standard notification** requirements, including newspaper advertising, will continue to apply to most development applications.

### Why this change is needed

Currently, “pink signs” (for development applications) and “yellow signs” (for rezoning applications) are the way most local residents find out about a planning application. Revised requirements for sign information will ensure that signs provide a more detailed overview of the proposal. The location where signs can be placed will also be made more flexible, providing increased visibility.

The local notification stream will simplify notification requirements for some applications while ensuring that local residents are informed.

A longer exhibition period for designated developments will ensure the community have more time to review development proposals that may substantially impact on public amenity, the environment and/or attract a high degree of community interest.



## How this responds to consultation

The new streams of notification respond to calls for a hierarchy of applications that reflect the complexity of the proposed development.

Specifically, the extended exhibition requirements for “designated developments” respond to service authority and community group calls for increased submission periods for complex developments. These new requirements will also resolve concerns around the previously proposed “pre-application consultation”.

## Changes to the Act

Proposed changes to the Act	Purpose of the changes
<p><b>- Section 16 amended</b>  <b>16 Notice relating to rezoning or grant of permit; and</b></p> <p><b>16 - Section 30J amended</b>  <b>30J Notices on land to which concurrent application relates</b></p> <p>Amend requirements for notices to:</p> <ul style="list-style-type: none"> <li>• clarify the requirements for planning scheme amendment and DA signs placed on land;</li> <li>• differentiate between notices provided to landowners, and notices (signs) placed on the land; and</li> <li>• increase flexibility for the location of signs to focus on ensuring the visibility of the signs from an adjoining public road.</li> </ul>	<p>To:</p> <ul style="list-style-type: none"> <li>• ensure signs are placed to maximise the availability of information for those potentially impacted by the proposal; and</li> <li>• address administrative issues associated with the lack of distinction between “notices” and “signs”.</li> </ul>
<p><b>23 - Section 46 amended</b>  <b>46 Development applications</b></p> <p>Introduce the opportunity for the Regulations to identify that minor applications need to address only some of the requirements identified in s46.</p>	<p>Simplifying application processes for minor developments recognises that some of the requirements that currently need to be addressed are irrelevant to a simple application such as a boundary setback variation.</p>

Proposed changes to the Act	Purpose of the changes
<p><b>24 - Section 47 amended</b>  <b>47 Public notice of development application</b>            Introduce the opportunity for the Regulations to identify ‘designated development’ to be subject to an extended 28 day exhibition period.</p> <p><i>Subsequent changes:</i></p> <p><b>26 - Section 48 amended</b>  <b>48 Notice to local authority of development application</b></p> <p>and</p> <p><b>82 – Section 111 and 112 replaced</b>  <b>111 Review of decisions of consent authority consent authority</b>  <b>112 Review if consent authority does not determine application</b></p> <p>Extend the overall decision making period to accommodate the longer exhibition period.</p>	<p>These changes represent a balance between:</p> <ul style="list-style-type: none"> <li>• concerns about delays to the consideration of an application because of delayed service authority responses; and</li> <li>• calls for more time to comment.</li> </ul>
<p><b>25 – Section 47A replaced</b>  <b>47A Development application requiring no public notice; and</b>  <b>47B Development application requiring only local notice</b></p> <p>Introduce the opportunity for the Regulations to prescribe an expanded range of uses that may be subject to ‘local notification’. ‘Local notification’ will require the erection of a sign and notification of adjoining landowners and occupiers.</p>	<p>To introduce an expanded range of local notifications and requirements for signs that will enhance the opportunities for the local neighbourhood to comment on issues of concern in the locality.</p>

### Changes to the Planning Scheme

N/A

## 5. Introduce criteria for planning scheme amendments

### What is being done

The Act will specify what must now be provided in an application requesting the Minister to amend the Planning Scheme. This will include how the proposal:

- achieves the intended outcomes of the Act;
- benefits the Planning Scheme; and
- benefits the public interest.

The Act will also specify matters that the Minister must consider when making decisions about a request to amend the Planning Scheme. These will include whether the amendment:

- promotes the purpose and objectives of the Act; and
- is consistent with the Strategic Framework in the Planning Scheme.

### Why this change is needed

The Act currently provides no guidance on what information should be included in an application to amend the Planning Scheme (including rezoning). There are also no specified matters to guide the Minister in making a decision.

Establishing what information must be included in an application will result in:

- less need for further information from the applicant;
- better focused applications for the Minister to consider; and
- better structured information for the public when applications are exhibited.

Including in the Act matters that the Minister must consider will:

- enhance transparency around the Minister's decisions;
- make it easier for applicants and the community to understand the matters that are considered and that influence decisions; and
- assist applicants and submitters to better frame their application or submission.

### How this responds to consultation

Providing criteria that the Minister must consider was strongly supported by all stakeholders including industry and the community. This responds to calls for more transparency about what informs the Minister's decisions.

### Changes to the Act

Proposed changes to the Act	Purpose of the changes
<b>4 - Section 2A replaced</b> <b>2A Purpose and objectives</b> Introduce a comprehensive purpose and objectives of the Act.	To provide overarching guidance to inform creation and amendments of a planning scheme and associated policies, zones and development requirements.

Proposed changes to the Act	Purpose of the changes
<p><b>9 Section 13 replaced</b></p> <p><b>13 Request to amend planning scheme</b> Introduce:</p> <ul style="list-style-type: none"> <li>• matters a request to amend the planning scheme must address;</li> <li>• opportunity for the Minister to request further information; and</li> <li>• to reject the request if the required information is not submitted within the timeframe specified.</li> </ul> <p><b>13AA Planning Commission views on request and decision</b></p> <p><b>13AB Minister’s consideration of request and decision</b> Introduce additional criteria to inform the Minister’s consideration of a request to amend a planning scheme (see also <a href="#">strengthen the role of strategic planning</a>).</p>	<p>Establishing matters for consideration by the Minister will provide guidance, particularly for proponents, as to what an application needs to address and will ensure the Minister has all the information that is required to be considered.</p> <p>Clarification around parameters that will inform both the request for and consideration of a request for changes to a planning scheme, will address often raised concerns about the role of the Minister and the basis on which decisions are made.</p>

### Changes to the Planning Scheme

N/A

## 6. Streamline application timeframes

### What is being done

#### Changes to the Planning Scheme amendment process

Timeframes for Planning Scheme amendment applications will be introduced for:

- an applicant to respond to the Minister’s request for further information within a specified timeframe; and
- the Minister to make a decision (90 days after receiving the report from the Planning Commission).

The ability to extend these timeframes will include notification of the applicant and any submitters.

The Act will also allow the Planning Commission to choose to not hold a hearing if it will not be of benefit.

#### Changes to development applications

Timeframes for development applications will be introduced for:

- an applicant to respond to the consent authority’s request for further information (30 days after receiving the request); and
- service authorities to provide comments (to align with the public exhibition period).

A distinction will be made between a local authority “comment or view” or a “submission”. This will allow Councils to nominate if they are providing technical advice about their infrastructure, or making a submission as an advocate of the community. If only technical advice is provided, and no submission is received from the Council, the consent authority will not have to invite a Council representative to attend a meeting.

### Why this change is needed

Introducing timeframes will reduce unnecessary delays, and strengthen certainty and transparency by ensuring that both applicants and submitters:

- are aware of and notified at key decision points;
- know what is being considered during these timeframes; and
- are aware of why an application is delayed if consideration is deferred.

### How this responds to consultation

These changes respond to calls for more certainty and consistency in application processes. Timeframes were strongly supported by all sectors of the community.

## Changes to the Act

Proposed changes to the Act	Purpose of the changes
<p><b>5 - Section 3 amended</b></p> <p><b>3 Interpretation</b> The definition of ‘service authority’ is amended to separate local authority from the definition of a service authority</p> <p><i>Subsequent changes:</i></p> <p><b>11 - Section 19 amended</b> <b>19 Notice to local authority if proposal relates to land in council area;</b> and</p> <p><b>12 - Section 22 replaced</b> <b>22 Submissions and hearing;</b> and</p> <p><b>15 - Section 30H amended</b> <b>30H Notice to local authority;</b> and</p> <p><b>17 - Section 30M amended</b> <b>30M Submissions;</b> and</p> <p><b>28 - Section 49 amended</b> <b>49 Submissions</b></p> <p>Differentiate between a ‘comment or view’ as opposed to a ‘submission’ by the local authority to omit the need for a hearing when the local authority is providing advice only.</p>	<p>To reduce planning application timeframes by reducing the need for hearings where the advice only relates to technical matters.</p>
<p><b>9 - Section 13 replaced</b></p> <p><b>13 Request to amend planning scheme</b> Introduce that if the applicant fails to respond to a request for further information or resubmission of planning scheme amendment proposal within the time specified by the Minister, the Minister may reject the request without considering it further.</p>	<p>Currently there is no process for deferral of a planning scheme amendment application. This change will mean that an application with no action within a reasonable time can be closed.</p>
<p><b>12 - Section 22 replaced</b></p> <p><b>22 Submissions and hearing</b> Provide the Planning Commission with the discretion to not hold a hearing if it is satisfied no useful further information will be provided.</p> <p><i>Subsequent change:</i></p> <p><b>13 - Section 24 amended</b> <b>24 Reports</b></p> <p>Require the Planning Commission to report on why a hearing was considered not to be necessary.</p>	<p>To reduce the timeframes for proposed amendments which attract submissions in support or raising only minor concerns. The Commission must report on the reasons for not holding a hearing to maintain transparency whilst reducing unnecessary administrative processes.</p>

Proposed changes to the Act	Purpose of the changes
<p><b>14 - Section 25 replaced</b>  <b>25 Minister's action on amendment to planning scheme</b>            Introduce provisions that require or allow the Minister to:</p> <ul style="list-style-type: none"> <li>• make a decision in relation to a proposed amendment within 90 days of receiving a report from the Planning Commission</li> <li>• defer consideration of a proposal following exhibition and require the provision of additional information</li> <li>• notify any person who made a submission of a decision to defer consideration and require further information.</li> <li>• refuse an application if the requested further information is not provided.</li> </ul>	<p>To ensure that submitters and applicants are notified about the progress of proposals and responds to both industry and community concern about the decision making processes around amendments to the Planning Scheme.</p>
<p><b>24 - Section 47 amended</b>  <b>47 Public notice of development application; and</b>  <b>25 - Section 47A replaced</b>  <b>47A Development application not requiring public notice</b>  <b>47B Development application requiring only local notice; and</b>  <b>26 - Section 48 amended</b>  <b>48 Notice to local authority of development application; and</b>  <b>27 - Section 48A inserted</b>  <b>48A Notice to service authority of development application; and</b>  <b>28 - Section 49 amended</b>  <b>49 Submissions; and</b>  <b>29 - Section 50 amended</b>  <b>50 Evidence and information</b>            Introduce a range of provisions around the exhibition of development applications and the submission of comments including:</p> <ul style="list-style-type: none"> <li>• standard exhibition of 14 days;</li> <li>• exhibition of 28 days for certain prescribed, more complex developments;</li> <li>• the option for the consent authority to accept or reject advice provided by a service authority; and</li> <li>• the ability for the consent authority to grant an extension of time to service authorities if the applicant is notified.</li> </ul>	<p>To establish a more robust process around seeking meaningful input to assist in the consideration and determination of applications.</p> <p>The longer exhibition for designated developments will enhance the potential for identification of any significant issues to inform initial decisions and minimise the need for deferral for further consideration.</p>

Proposed changes to the Act	Purpose of the changes
<p><b>23 - Section 46 amended</b></p> <p><b>46 Development applications</b></p> <p>To clarify the process around a consent authority request for further information including:</p> <ul style="list-style-type: none"> <li>• 30 days to provide the information;</li> <li>• An opportunity for an extension of the 30 days; and</li> <li>• The option for the consent authority to reject the application if the information is not provided</li> </ul>	<p>To provide both industry and the community with information about the decision making processes and encourage the submission of adequate applications to minimise delays and deferrals.</p>

**Changes to the Planning Scheme**

N/A



## 7. Introduce more effective enforcement tools

### What is being done

New enforcement tools will be introduced including:

**Show Cause Notice** – acts as a first notice of an alleged offence. This notice advises a person that a planning breach is suspected and that they are required to ‘show cause’ why further enforcement action should not be taken. A person issued with a Show Cause Notice has the opportunity to immediately rectify the alleged non-compliance and respond to the consent authority. If the consent authority is not satisfied with the action taken or the response, it may proceed to issue an Enforcement Notice.

**Enforcement Notice** – replaces the current ‘Notice to Cease’. This notice may require a person to:

- cease the work or use;
- act within conditions that limit the impacts of the activity;
- carry out rectification works (eg demolition of a building or planting of vegetation); or
- take any other action specified to address the non-compliance.

**Penalty Infringement Notice (PIN)** – an on-the-spot fine for minor offences that may be issued by an authorised enforcement officer.

An Enforcement Notice may be issued without the prior need for a Show Cause Notice to prevent activity that may need immediate action (eg illegal clearing of native vegetation).

Rights to review will be introduced for any person issued with an Enforcement Notice or PIN. A right to review will also be included for a person who makes a complaint to the consent authority if the consent authority decides not to issue an Enforcement Notice. This right to review will be limited to the same circumstances where a third party has a right to review issue of a development permit.

New powers and protections will be introduced for authorised enforcement officers to aid investigations into alleged offences.

Maximum penalties will increase from 200 penalty units for an individual to 500 penalty units and for a corporation from 1000 to 2500 penalty units to better reflect the value the community places on compliance with the Act.

New liabilities will also be introduced to place greater accountability on executives of body corporates and land owners in relation to offences. These liabilities will be balanced by grounds for defence.

### Why the changes are needed

The NT planning system is currently lacking in effective tools to discourage, investigate, penalise and order rectification of illegal uses and development.

A stronger and more flexible enforcement toolset is needed to:

- help build a culture of compliance;
- create a fairer environment for those that do the right thing;
- increase penalties to better reflect the value the community places on compliance with the Act; and
- strengthen protection of the environment and amenity of all Territorians.

### How this responds to consultation

There was significant support in the community for stronger enforcement. These changes seek to build trust in the planning system and create a fairer environment for those who ‘do the right thing’.

Some concerns were raised in consultation around proposed liabilities which have been resolved through the inclusion of clear grounds for defence.

## Changes to the Act

Part 7 of the Act deals with enforcement. To introduce stronger and more flexible enforcement tools, Part 7 will be replaced in full (see consultation draft Bill reference **44 - Part 7 replaced**).

<b>Proposed changes to the Act</b>	<b>Purpose of the changes</b>
<b>Division 3 Enforcement notice</b> <ul style="list-style-type: none"> <li>• 77 Issuing enforcement notice</li> <li>• 77C Contents of enforcement notice</li> <li>• 77D Variation or revocation of enforcement notice</li> </ul> <b>Division 1 Offences</b> <ul style="list-style-type: none"> <li>• 75D Contravention of enforcement notice</li> </ul>	Introduce enforcement notices.
<b>Division 3 Enforcement notice</b> <ul style="list-style-type: none"> <li>• 77A Show cause process</li> </ul>	Introduce show cause notices.
<b>Division 3 Enforcement notice</b> <ul style="list-style-type: none"> <li>• 77B Exception to show cause process</li> </ul>	Introduce a process to issue an enforcement notice without the need for a show cause notice.
<b>Division 5 Other enforcement matters</b> <ul style="list-style-type: none"> <li>• 80E Infringement notices</li> </ul>	Introduce penalty infringement notices (PINs).
<b>Division 2 Entry and inspections of premises</b> <ul style="list-style-type: none"> <li>• 76 Authorised officers</li> <li>• 76A Authorised officer's functions and powers</li> <li>• 76B Identity card</li> <li>• 76C Return of identity card</li> <li>• 76D Obstruction of authorised officer</li> <li>• 76E Authorised officer's identity card</li> <li>• 76F Entry and inspections by authorised officer or police officer</li> <li>• 76G Entering residential premises</li> <li>• 76H Identification of person</li> </ul> <b>Division 1 Offences</b> <ul style="list-style-type: none"> <li>• 75E Failure to identify</li> </ul>	Enhance powers for enforcement officers.
<b>Division 1 Offences</b> <ul style="list-style-type: none"> <li>• 75 Use or development contravenes planning scheme</li> <li>• 75A Use or development contravenes interim development control order</li> <li>• 75B Use or development contravenes permit</li> <li>• 75C Clearing native vegetation</li> </ul>	Increase maximum penalties.

<b>Proposed changes to the Act</b>	<b>Purpose of the changes</b>
<b>Division 1 Offences</b> <ul style="list-style-type: none"> <li>• 75C Clearing native vegetation</li> <li>• 75D Contravention of enforcement notice</li> </ul> <b>Division 5 Other enforcement matters</b> <ul style="list-style-type: none"> <li>• 80F Criminal liability of executive officer of body corporate – legal burden of proof on prosecution</li> </ul>	<p>Introduce liabilities and related grounds for defence.</p> <p>Note that general grounds of defence are also available in accordance with Part IIAA of the Criminal Code.</p>
<b>Division 4 Complaints and investigations</b> <ul style="list-style-type: none"> <li>• 78 Making a complaint</li> <li>• 79 Investigation of complaint</li> <li>• 79A Action after investigation</li> </ul>	<p>Introduce the right for a complainant to review a DCA decision not to issue an enforcement notice, in alignment with those available for development approvals.</p>
<b>Division 5 Other enforcement matters</b> <ul style="list-style-type: none"> <li>• 80 Order for investigation expenses</li> <li>• 80A Order for compensation</li> <li>• 80C Order to remedy contravention or failure</li> </ul>	<p>Introduce that the Local Court can award costs and order compensation.</p>

### Changes to the Planning Scheme

N/A

## 8. Introduce new Development Consent Authority membership and reporting requirements

### What is being done

All members of the Development Consent Authority (DCA) will need to:

- have relevant qualifications, skills or experience in a planning related field;
- undergo training about the NT planning system prior to commencing; and
- adhere to a code of conduct.

A more robust process will be introduced for the appointment and termination of DCA members by the Minister including:

- what to do if a Council is placed under official management;
- that employees of a Council and the agency responsible for administering the *Planning Act* (ie the Department of Infrastructure, Planning and Logistics) are ineligible for appointment; and
- that the Minister has discretion to not appoint a person nominated by the Council.

In addition, the Minister will be able to appoint a pool of specialist members to support the DCA in its decision making. The Chair may call upon specialist members to provide advice to the DCA around their area of expertise.

### Why this change is needed

The community's confidence that the correct decisions are being made will be enhanced if members have appropriate skills, and meetings are conducted in a way that values community participation and demonstrates proper consideration of the issues.

The new requirements will:

- increase planning related expertise in the DCA;
- provide more support for DCA members in their role; and
- minimise real and perceived conflicts of interest.

### How this responds to consultation

These changes respond to calls for more expertise on the DCA and more transparency around membership and DCA decisions.

Consultation identified a range of concerns around previous proposals for legal qualification for the Chair and a change of name for the DCA. As a result, these proposals are not being progressed.

## Changes to the Act

Proposed changes to the Act	Purpose of the changes
<p><b>55 Section 88 amended</b>  <b>88 Chairman and Deputy Chairman</b>            Require the Minister to be satisfied when appointing the Chair of the DCA that the person is suitably qualified.</p>	<p>Restore confidence in DCA decisions by supporting a knowledgeable and accountable DCA and establishing a more robust process for the appointment and termination of DCA members.</p>
<p><b>56 Section 89 replaced</b>  <b>89 Appointment of members within council area</b>            Establish:</p> <ul style="list-style-type: none"> <li>• the appointment of specialist members with skills, qualifications or experience on the DCA;</li> <li>• that employees of a local authority or of the agency responsible for administering the <i>Planning Act</i> are ineligible for appointment to the DCA; and</li> <li>• the Minister is not obliged to appoint persons nominated by the local authority to be members of the DCA.</li> </ul> <p><b>89A Training of members</b>            Require all DCA members to complete mandatory training.</p>	
<p><b>58 Section 92 amended</b>  <b>92 Term of office of member</b>            Allow the Minister to terminate the appointment of a local authority member if the Council is placed under official management.</p>	
<p><b>61 Section 98 replaced</b>  <b>98 Offences related to non-disclosure of interest</b>  <b>98A Independence of local authority members</b>            Provide clarity around the independence of local authority members and offences related to conflicts of interest.</p>	
<p><b>62 Section 100 replaced</b>  <b>100 Code of Conduct</b>  <b>100A Removal from office</b>            Allow the Minister to terminate any member for a breach of the Code of Conduct</p>	

## Changes to the Planning Scheme

N/A

## 9. Improve planning information and public engagement

### What is being done

Information about the planning system will be made more accessible through an online planning ‘portal’ featuring:

- central access to planning notices, decisions, mapping and online systems;
- ‘Plain English’ information about the planning system, processes and considerations, and how to be involved; and
- improved navigation and search ability.

Other changes to the Act to improve the availability of information about the planning system, decisions and processes will include requirements for:

- the Planning Commission to produce a community engagement policy and include a review of its activities under the policy in its annual report;
- the DCA to provide an annual report and publish voting on development proposal decisions; and
- submissions to include submitter details including name, signature and contact details.

A new administrative practice will be introduced whereby planners will contact submitters to discuss their concerns and to outline the assessment process.

The Planning Commission report to the Minister under Section 24 of the Act will also be made public.

### Why these changes are needed

Community confidence and ability to participate meaningfully in planning processes is impacted by a lack of transparency as well as misunderstandings about the operation of the planning system.

The aim of these changes is to:

- improve the content and accessibility of planning information;
- build community understanding of planning process and the capacity to engage meaningfully;
- improve confidence and understanding of the Planning Commission’s engagement processes;
- improve transparency of DCA decisions; and
- ensure that submissions contain sufficient details to:
  - facilitate contact with submitters to clarify issues
  - ensure submitters are notified of key decisions
  - ensure submitters qualify for third party rights of review where these are available.

### How this responds to consultation

These changes respond to the need for clearer information about planning processes, more detail about how decisions are made, and more information and support for how the public can be involved. The changes work together with [revised notification requirements](#) and [new criteria for planning scheme amendments](#) to improve awareness and the transparency of the planning system.

Ongoing improvements to website content, Planning Commission engagement processes and customer service will continue to be progressed over time.

## Changes to the Act

Proposed changes to the Act	Purpose of the change
<p><b>65 – Section 103 amended</b>  <b>103 Minutes</b>            Require that DCA meeting minutes are to record how each member in attendance votes on any decision relating to a development application.</p>	<p>To improve transparency relating to decisions made by the DCA.</p>
<p><b>66 – Section 104A inserted</b>  <b>104A Annual Report</b>            Introduce requirements that:</p> <ul style="list-style-type: none"> <li>• the Chair of the DCA must provide the Minister with a report on the performance of its functions; and</li> <li>• the Minister must table a copy of the report in the Legislative Assembly.</li> </ul>	<p>The publication of an annual report of the DCA’s performance will improve the public availability of information and contribute to improved transparency of the planning system. The NT Planning Commission is already subject to a similar requirement.</p>
<p><b>12 – Section 22 replaced</b>  <b>22 Submissions and hearing</b> (NT Planning Commission); and  <b>17 – Section 30M amended</b>  <b>30M Submissions</b> (Concurrent Applications); and  <b>28 – Section 49 amended</b>  <b>49 Submissions</b> (Development Applications)            Require that, for a submission to a planning application to be considered received by the DCA or the Planning Commission, the submission must:</p> <ul style="list-style-type: none"> <li>• be received during the exhibition period;</li> <li>• be in writing (electronic acceptable);</li> <li>• be signed by the person making the submission (email signature is acceptable);</li> <li>• include the name and contact details of each person making the submission; and</li> <li>• identify one person to be the nominated contact in the case of multiple signatories.</li> </ul>	<p>To ensure that people who make submissions are able to be contacted and kept informed of the processes and progress of the planning application</p> <p>These changes also ensure those with third party rights of review are aware of and able to exercise those rights.</p>

## Changes to the Planning Scheme

N/A

## **10. Extend third party rights of review to Zone RL (Rural Living)**

### **What is being done**

Third party rights of review are being introduced for development in and adjacent to Zone RL (Rural Living). These are consistent with third party rights of review in other residential zones.

### **Why this change is needed**

Development of lots within Zone RL (Rural Living) has changed over time to become primarily for residential uses with an expectation for a high level of amenity that aligns closely with residential zones.

Given community expectation for Zone RL (Rural Living) to function like a residential zone, it is being given the same third party rights of review as other residential zones.

### **How this responds to consultation**

This change provides a balanced response to a wide range of opinions on whether or not to expand third party rights of review. The change recognises the potential for impacts on amenity in residential zones without unnecessarily delaying development. It is also recognised that pathways exist in other legislation to resolve environmental, health and nuisance issues.

### **Changes to the Act**

N/A

Changes will be made to the Regulations in due course to include Zone RL (Rural Living) in the list of residential zones.

### **Changes to the Planning Scheme**

N/A



# 11. Create more certainty for legal existing uses

## What is being done

The Act will allow for a person to apply for a certificate that confirms that an existing use, building or works was legally established. The onus will be on the applicant to demonstrate legal establishment and continuous operation to the satisfaction of the consent authority. As part of the certificate, the consent authority may:

- include conditions about the operation of the use, building or work;
- define the nature and extent of the existing use, building or work; and
- provide for exceptions or limitations to the certificate.

## Why this change is needed

Owners and operators are currently unable to confirm the legitimacy of an existing activity. This can be problematic if the land changes ownership or if a dispute arises. This addition to the Act will allow a person to obtain a certificate if they can prove they have existing use rights under the Act.

## How this responds to consultation

This change responds to objections to using “15 years” as a benchmark for establishing existing use rights. The change now requires an applicant to prove the legal establishment and continuous operation to the satisfaction of the consent authority in order to receive the certainty of a certificate of existing use.

## Changes to the Act

Proposed changes to the Act	Purpose of the changes
<p><b>20 – Sections 37A and 37B inserted</b>  <b>37A Application for certificate;</b> and  <b>37B Decision to issue certificate</b>            Provide the opportunity for:</p> <ul style="list-style-type: none"> <li>• a person to make an application to the consent authority for a certificate establishing the legality and extent of an existing use</li> <li>• the consent authority to impose conditions to define the extent and intensity of the use; and</li> <li>• a right to review a consent authority decision relating to a certificate.</li> </ul>	<p>These changes will address long standing ambiguities around the legality or otherwise of existing uses, noting it will be the applicant’s responsibility to demonstrate the legal establishment and continuous operation of the use to the satisfaction of the consent authority</p>

## Changes to the Planning Scheme

N/A

## 12. Support infrastructure contributions

### What is being done

Changes to the Act will allow developer contribution plans to facilitate payments for amounts already spent on the construction of infrastructure required to support future development of a locality.

### Why this change is needed

This change will facilitate ongoing and timely infrastructure provision by allowing for more flexibility around when developer contribution payments can be made under the Act.

The changes will support work on a developer contributions framework that is being carried out separately from planning reform and will be subject to a separate consultation process.

### How this responds to consultation

These changes respond to the identified need to better coordinate infrastructure provision and land use planning. The changes will support a more fair and certain system for infrastructure funding for developers.

### Changes to the Act

Proposed changes to the Act	Purpose of the changes
<b>40 – Section 71 amended</b> <b>71 Contribution payable</b> Allow a contributions plan to require retrospective contributions to infrastructure that has already been developed.	These changes will increase the flexibility for when infrastructure contribution payments can be required.

### Changes to the Planning Scheme

N/A

# 13. Miscellaneous minor changes to the Act

## What is being done

This section includes a number of minor changes to the Act that:

- clarify the current planning system within the Act;
- update terminology; or
- are a minor consequential change supporting larger reform items.

## Why these changes are needed

The larger reform offers the opportunity to clarify and update the wording, terms and processes in the Act.

## How this responds to consultation

These changes generally weren't prompted by consultation.

## Changes to the Act

Proposed changes to the Act	Purpose of the change
<p><b>5 – Section 3 amended</b></p> <p><b>Section 3 Interpretation</b> Update definitions so that:</p> <ul style="list-style-type: none"> <li>• “<i>base period of the permit</i>” will also apply to Exceptional Development Permits to establish the validity of the permits</li> <li>• “<i>Chairman</i>” replaced with gender neutral “<i>Chair</i>”</li> <li>• “<i>Deputy Chairman</i>” replaced with gender neutral <i>Deputy Chair</i>”</li> </ul>	To clarify and update a number of terms and references throughout the Act.
<p><b>7 – Section 6A inserted</b></p> <p><b>6A Persons and bodies performing functions under this Act</b> Clarify and define roles of decision makers in the front of the Act.</p>	
<p><b>22 Part 4, Division 4 inserted</b></p> <p><b>43D Certification of compliance with exceptional development permit</b> Include provision for the Minister to issue a certificate of compliance for developments approved under an Exceptional Development Permit</p>	The ability to apply for a certificate of compliance for an Exceptional Development Permit will mirror the ability to request a certificate of compliance for a Development Permit.
<p><b>23 – Section 46 amended</b></p> <p><b>46 Development applications</b> Require the consent authority to notify the applicant of a deferral or rejection of an application to provide further information.</p>	<p>To ensure that the reference to the notification process required to establish the grounds for review by the NTCAT of a deferral decision by the consent authority can be met.</p> <p>The Department and DCA currently notifies the applicant via administrative process even though this is not required by the Act.</p>

Proposed changes to the Act	Purpose of the change
<p><b>31 – Section 51 amended</b>  <b>51 Matters to be taken into account</b>  Grant the consent authority discretion to consider only those matters relevant to the application.</p>	<p>Some of the matters prescribed can be irrelevant to minor developments but increase the administrative burden on applicants, Development Assessment Services and the consent authority.</p>
<p><b>46 – Section 81D replaced</b>  <b>81D Independence</b>  Increase guidance around the role and responsibilities of Planning Commission members</p>	<p>To provide the community and industry with confidence that the work of the Planning Commission is undertaken in a professional manner and in accordance with a code of conduct.</p>
<p><b>47 – Section 81F inserted</b>  <b>81F Constitution and appointment of members</b>  Introduce that at least one person appointed under to the Commission must be a qualified planner or member of a planning association or institute recognised by the Minister</p>	<p>To ensure that the Commission has at least one member with direct planning expertise.</p>
<p><b>48 – Section 81L amended</b>  <b>81L Community consultation</b>  Introduce the requirement for the Planning Commission to prepare a community engagement policy that includes performance outcomes. The community engagement policy must be approved by the Minister.</p> <p><i>Subsequent change:</i></p> <p><b>51 - Section 81Y amended</b>  <b>81Y Annual Report</b>  The annual report provided by the Planning Commission to the Minister must include details of the Planning Commission’s delivery of the community engagement performance outcomes.</p>	<p>These changes will formalise the Planning Commission’s engagement policy so that there is:</p> <ul style="list-style-type: none"> <li>• public awareness of what can be expected; and</li> <li>• continuity of consultation activities across changes to Commission membership.</li> </ul> <p>Once approved by the Minister, the Planning Commission must publish and make any of its policies publicly available.</p>
<p><b>74 – Section 135B inserted</b>  <b>135B Administrative directions</b>  Provide for the development and implementation of directions</p>	<p>This change will allow the Minister to develop and publish directions to provide clarity around the administration of the Act. Any direction published would need to be considered by the consent authority, when making decisions</p>
<p><b>77 - Section 139A inserted</b>  <b>139A Electronic publication</b>  Enable the expanded use of electronic services for publication of notices.</p>	<p>When there is a requirement to publish a document in a newspaper, this change will introduce flexibility for publication to occur on a website or other electronic platform.</p>







## How to be involved

To access more information, provide a submission, or to find out about consultation activities, get in touch with us at:



[www.haveyoursay.nt.gov.au](http://www.haveyoursay.nt.gov.au)

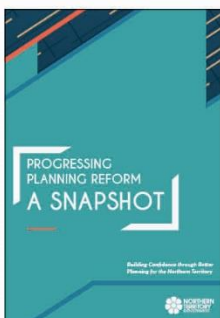


[planningreform@nt.gov.au](mailto:planningreform@nt.gov.au)

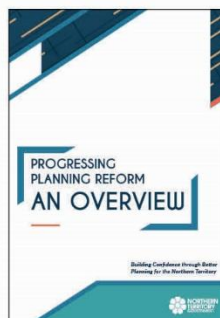


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## Related documents



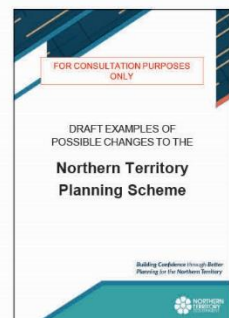
Planning Reform: a Snapshot



Progressing Planning Reform: an Overview



Consultation Draft of a Bill for Amendments to the *Planning Act 1999*



Draft Examples of Possible Changes to the NT Planning Scheme







***Building Confidence through Better  
Planning for the Northern Territory***

