



# Progressing Planning Reform: An Overview - Stakeholder & Community Engagement

Consultation Outcomes Report

**Client:** NT Department of Infrastructure, Planning and Logistics

**Date:** 09 January 2020

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<b>Date</b>	9 January 2020
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<b>Version</b>	200109
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## ICON CREDITS:

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## List of Acronyms

- » **DA** Development Application
- » **DAS** Development Assessment Services
- » **DCA** Development Consent Authority
- » **DIPL** Department of Infrastructure, Planning and Logistics
- » **EDP** Exceptional Development Permit
- » **EPA** Environment Protection Authority
- » **ILIS** Integrated Land Information System
- » **LGANT** Local Government Association of the Northern Territory
- » **NGO** Non-Government Organisation
- » **NT** Northern Territory
- » **NTG** Northern Territory Government
- » **NTCAT** Northern Territory Civil and Administrative Tribunal
- » **NTPS** Northern Territory Planning Scheme
- » **PSA** Planning Scheme Amendment

# Executive summary

The objective of consultation was to provide an opportunity for all Northern Territorians to submit comments and feedback about proposed changes to the Planning Act 1999.

Identified stakeholders included:

- » Community members and community groups
- » Industry associations
- » Stakeholders who attended workshops in previous planning reform stages
- » Professionals and industry members including planning professionals, legal professionals and environmental groups
- » Local Government, as well as the Local Government Association of the Northern Territory (LGANT)
- » Territory Government, in particular Northern Territory Planning Commission (NTPC) and Development Consent Authority (DCA).

This report summarises the views, written and verbal comments and insights of stakeholders received during the consultation process.



Participants from workshops in Katherine, Alice Springs and greater Darwin, along with approximately 65 written submissions, were generally of the view that the proposed planning reforms in the draft Planning Bill and structure for the Northern Territory Planning Scheme was **going in the right direction**.

While exceptions are noted in subsequent sections of this report, the majority of participants were **supportive** of:



- » Strategic planning playing a greater role in the NT planning system, and the **hierarchy of the strategic planning framework**
- » **Criteria** which the Minister for Planning will need to take into consideration when making a **decision relating to a PSA**, along with the proposed **fixed decision-making timeframe**.
- » The **longer public exhibition period** for more complex development applications
- » **Changes to the Development Consent Authority**, including code of conduct, process to manage conflict of interest, training and introduction of specialist advisors
- » Enhanced **enforcement** provisions
- » Introducing **overlays**, particularly if this is integrated with the online ILIS mapping function
- » The **restructuring** of the NT Planning Scheme to make it easier to access information
- » Introducing the option for **local notification**
- » Introducing **set requirements for development applications**.

Areas requiring **clarification**, or with key **questions** common across all stakeholders included:



- » A regional difference in relation to **use of land Zoned RL** was apparent, with varying perceptions of appropriate planning controls and outcomes noted as context specific
- » The need to define which uses would be **merit or impact assessable** applications
- » The need to define which uses would require **local notification** only
- » In general terms it was noted that there would be the need for a clear, **“plain English” education campaign** to ensure broad community and industry understanding of the new way of doing planning in NT
- » The need to clarify how **specialist advisors** to the Development Consent Authority would be managed.

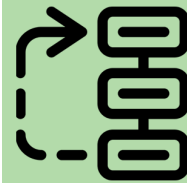
Most key **concerns** were quite similar across the majority of the stakeholders, namely:



- » Suggesting that **amenity** should be reintroduced into the Act
- » The need for objectives in the Planning Act to include other categories such as **environmental sustainability, Aboriginal Heritage, health** and **arts and culture**.
- » Requesting that the outlined **timeframe for planning scheme amendments** be expanded to include all steps in the process. The introduction of a timeframe only for decision making was not seen as going far enough.
- » Asking for greater **clarity** with regards to **infrastructure contributions**
- » Whether or not the **voting of the DCA** would be made public received mixed response
- » The Minister’s right to not accept the **nomination** for the **local community member on the DCA** received a mixed but generally negative response.

## Priority Areas

While certain areas were not consistent, the broad priority areas across all groups included:



- » Providing a **timeframe for planning scheme amendments** from exhibition **through all milestones** to the Minister decision
- » Resolving the **framework for specialist members** to DCA
- » Enforcement of **service authorities providing their comments during the exhibition period**
- » Re-introducing **Amenity** into the Act.
- » Resolving the process if the Minister does not accept a **local authority’s nomination for DCA membership**.
- » Resolving the **timeframes and triggers for re-exhibition** of applications when additional information has been requested.
- » Establishing **guidelines** for the identification of land uses subject to **local notification**.
- » Enshrining good **community engagement** at every level of planning.
- » Extending the **infrastructure definition** to include social infrastructure and open space.

This report provides a summary of the community and key stakeholder feedback and comments on the Consultation Draft Bill for Amendments to the Planning Act 1999; and the Draft Examples of Possible Changes to the Northern Territory Planning Scheme.

This is provided to the Northern Territory Government, to refine the proposed changes to the Act before the official Bill to amend the Planning Act 1999 is introduced into the Legislative Assembly.

# 1 Introduction



Elton Consulting was appointed to manage an independent consultation process, and prepare a consultation outcomes report for Stage 3 of the Northern Territory planning reform process – Progressing Planning Reform.

## 1.1 Objective

The objective of consultation was to provide an opportunity for all Northern Territorians to submit comments and feedback about proposed changes to the *Planning Act 1999*.

Identified stakeholders included:

- » Community members and community groups
- » Industry associations
- » Stakeholders who attended workshops in previous planning reform stages
- » Professionals and industry members including planning professionals, legal professionals and environmental groups
- » Local Government, as well as the Local Government Association of the Northern Territory (LGANT)
- » Territory Government, in particular Northern Territory Planning Commission (NTPC) and Development Consent Authority (DCA).

This report summarises the views, written and verbal comments and insights of stakeholders received during the consultation process.

The consultation outcomes are captured in this report to enable the Department of Infrastructure, Planning and Logistics and the Minister for Infrastructure,

Planning and Logistics to understand the feedback received and then decide on any actions necessary to progress the reforms of the planning system, including adoption of the amended Planning Act.

The next stage of reforming the planning system, following adoption of the amended legislation will include amendments to the structure and some content of the Northern Territory (NT) Planning Scheme – which will be the subject of further engagement.

## 1.2 Background

This round of consultation comprises the third in a series of engagement to support improvements to the Northern Territory planning system:

### Stage 1

In late 2017, the Northern Territory Government heard from the community during the consultation period associated with the Discussion Paper Building Confidence through Better Planning for the Northern Territory: Review, Reframe, Renew’.

Elton Consulting was engaged in 2017 to consult with all sectors of the community on the current planning system in the Northern Territory. Feedback about the strengths of the planning system, its shortcomings and suggestions for improvement were provided to inform a package of proposed planning reforms. The full consultation outcomes report from Stage 1 can be found at <https://haveyoursay.nt.gov.au/planningreform>.

## Stage 2

At the end of July 2018, the Minister for Infrastructure, Planning and Logistics released the Planning Reforms Directions Paper and Planning Reform Phase 1 - Priority Reforms Paper, drafted by the Northern Territory Government in response to the feedback heard during Stage 1 consultation.

The Directions Paper introduced:

- » Three overarching directions for planning reform guided by the six principles (from Stage 1) and reflected community feedback.
- » The two phases over which reforms will be delivered.
- » A snapshot of the proposed reforms and issues considered to be outside the scope of this phase of the review.

Stage 2 consultation was undertaken in August and September 2018 to gather feedback from the community and key stakeholders on the P1PRP.

The full consultation outcomes report from Stage 2 can be found at <https://dipl.nt.gov.au/projects/planning-reform>.

## Stage 3

In October 2019, the Minister for Infrastructure, Planning and Logistics released the Consultation Draft Bill for Amendments to the Planning Act 1999.

This was accompanied by examples of possible changes to the Northern Territory Planning Scheme to illustrate how changes to the NT Planning Scheme may look in response to the amendments proposed to the legislation.

Progressing Planning Reform: An Overview was published as a guide to help understand how the proposed changes are intended to improve the planning system, and guide readers to relevant areas of the technical documents.

Elton Consulting was appointed to undertake the consultation of this third stage of planning reform. Feedback will be used to refine the proposed changes to the Act before the official Bill to amend the Planning Act 1999 is introduced into the Legislative Assembly.

Feedback will also help inform the drafting of the restructure of the NT Planning Scheme prior to formal exhibition of a revised NT Planning Scheme, as well as the amendment to the Planning Regulations.

**Figure 1 Presenting Proposed Amendments**



## 1.3 Consultation approach and involvement

A range of community engagement tools were used to achieve meaningful and effective engagement on the Progressing Planning Reform: An Overview.

- » Direct contact and meetings with key stakeholders and groups, introducing the proposed amendments and draft bill, and inviting them to participate in consultation. Direct contact was also made with all stakeholders who had attended previous planning reform workshops to ensure ongoing input.
- » Inviting written submissions through the online *haveyoursay* website.
- » 15 workshop sessions, held in Katherine, Alice Springs and Darwin.
- » An additional public information session was held at the request of a Darwin community-led planning advocacy group.

Many people within the Northern Territory have been directly involved in the consultation, including people downloading and reading the documents on the website.



Separate to Elton Consulting's formal engagement process, the Department of Infrastructure, Planning and Logistics (DIPL) undertook a number of additional presentations or briefings with various stakeholders, including NTPC and DCA members.

The purpose of these presentations was to provide information to stakeholders rather than gather input/feedback. The feedback from the information briefing sessions was captured by DIPL, and comments incorporated into this report.

### Consultation workshops

The consultation process focused on in-depth, detailed and **meaningful engagement** with key stakeholders and groups who had previously participated in the 2017 Stage 1 and 2018 Stage 2 consultations or those who had an interest in this stage of planning reform.

The aim of the workshops was to obtain detailed and focused input and comments into the Consultation Draft Bill for Amendments to the Planning Act 1999; and the Draft Examples of Possible Changes to the NT Planning Scheme.

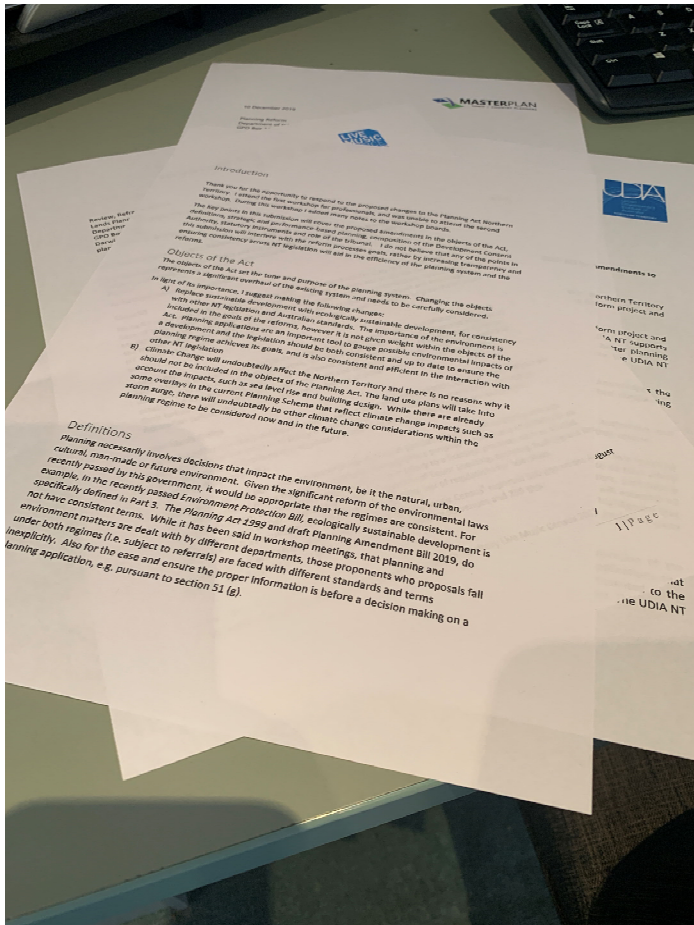
This was structured around the **13 key themes of the amendments** outlined in the document - Progressing Planning Reform: An Overview, namely:

1. Strengthen the role of strategic planning
2. Make the Planning Scheme more user friendly
3. Simplify development application process
4. Revise notification requirements
5. Introduce criteria for planning scheme amendments
6. Streamline application timeframes
7. Introduce more effective enforcement tools
8. Introduce new Development Consent Authority membership and reporting requirements
9. Improve planning information and public engagement
10. Extend third party rights of review to Zone RL (Rural Living)
11. Create more certainty for legal existing uses
12. Support infrastructure contributions
13. Miscellaneous minor changes to the Act

## Timing

Consultation was undertaken between 7 October and 28 November 2019. Written submissions were received up to 6 December 2019.

**Figure 2 Submissions were received up to 6 December 2019**



## 1.4 Consultation outcomes

All input and discussions were captured and have been outlined in this report under the **planning reform themes** outlined in the “Progressing Planning Reform: An Overview” document. This document was used as the key collateral in the workshops as it provided the simplest summary of the proposed amendments.

Outcomes relating to the themes of what Elton Consulting have heard or captured in workshops, and key issues and summary of written outcomes received, are broken as two separate sections of this report.

## 1.5 Limitations

Respondents at times found it difficult to differentiate between the planning process as the subject of consultation rather than the development control provisions contained in the Northern Territory Planning Scheme (NT Planning Scheme). It is understood that the review of the Northern Territory Planning Scheme will be undertaken in 2020.

Comments and input have therefore been refined in the main body of this report, with the focus being on the *Progressing Planning Reform: An Overview*, which describes the priority reforms of the planning system reform.

## 2 Workshop outcomes

This section outlines the consultation outcomes, including feedback received during workshops and briefing sessions. They are structured in accordance with stakeholder group, and feedback aligned with the 13 main areas of amendments, as outlined in the consultation material and referenced in Section 1 of this report.

### 2.1 Overview



Participants from workshops in Katherine, Alice Springs and greater Darwin were generally of the view that the proposed planning reforms and structure of the Northern Territory Planning Scheme was **going in the right direction**.


Some comments raised issues that relate to development outcomes, building design and detailed controls, related to the NT Planning Scheme specifically, and not always aligned with the review of the planning system. These comments have been noted for DIPL to consider when reviewing the NT Planning Scheme.

While exceptions are noted in subsequent sections of this report, the majority of participants were **supportive** of:




- » Strategic planning playing a greater role in the NT planning system, and the **hierarchy of the strategic planning framework**
- » **Criteria** which the Minister for Planning will need to take into consideration when making a **decision relating to a PSA**, along with the proposed **fixed decision-making timeframe**.
- » The **longer public exhibition period** for more complex development applications
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Areas requiring **clarification**, or with key **questions** common across all stakeholders included:



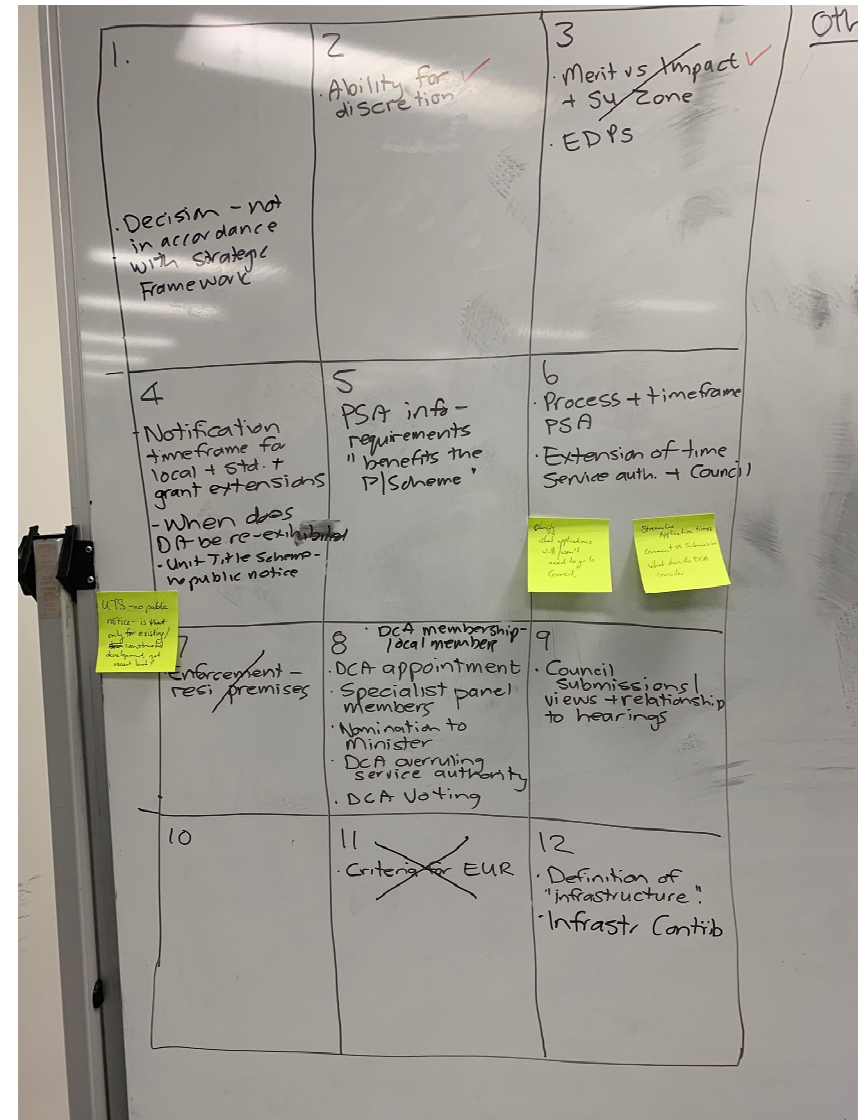
- » A regional difference in relation to **use of land Zoned RL** was apparent, with varying perceptions of appropriate planning controls and outcomes noted as context specific
- » The need to define which uses would be **merit or impact assessable** applications
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- » The need to clarify how **specialist advisors** to the Development Consent Authority would be managed.

Most key **concerns** were quite similar across the majority of the stakeholders, namely:



- » Suggesting that **amenity** should be reintroduced into the Act
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- » Asking for greater **clarity** with regards to **infrastructure contributions**
- » Whether or not the **voting of the DCA** would be made public received mixed response
- » The Minister's right to not accept the **nomination** for the **local community member on the DCA** received a mixed but generally negative response.

**Figure 3 Workshopping Planning Reforms**



## 2.2 Local government

Representatives of Councils across the Northern Territory were generally supportive of the majority of the planning reforms. Overall it was considered that:



### Positive comments

- » Proposed amendments were easy to read
- » Changes to planning zoning tables, levels of assessment and changes to notification requirements were supported
- » The proposed criteria to inform/guide the Ministers' decision making is supported as it provides more transparency and demonstrates accountability in the decision making process
- » The stronger role of strategic planning is good. It will make it easier to comprehend changes to land uses, to see how it will be implemented and for Councils to be able to plan for and provide supporting infrastructure
- » Amendments incorporating overlays will provide spatial information which is clearer to understand.



### Questions and suggested improvements

- » Regional Councils felt that more strategic planning is needed to assist with land release and planning in remote areas
- » Council felt that strategic planning needs to be reviewed frequently to remain up to date
- » There should be additional timeframes outlined and provided during a planning scheme amendment – allowing for timeframes for each step of the process
- » Regional Councils noted the need for improved planning controls in the NTPS in relation to unzoned land
- » There was support for the specialised members of the DCA however, the manner in which the process, code of conduct and conflict of interest would be managed was queried
- » Improved compliance monitoring and enforcement powers were supported; however, resourcing was questioned
- » It was suggested that there should be a definition of 'infrastructure' in Contributions Plan, as it was felt that more items should form part of the Plans, such as social and public infrastructure, and open space.

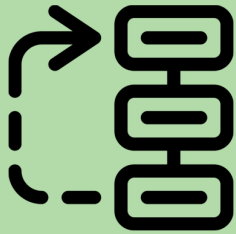


**Concerns**

- » Concern was raised on the process by which the Minister for Planning would veto a Council nomination of a DCA member, and how that position would be filled. Most Councils were not supportive of this proposed reform.
- » It is important to hold a Reporting Body hearing in relation to a PSA, or alternatively the ground for, or process related to, not holding a hearing should be clearly outlined.

**Priority Areas**

Local government stakeholders identified the following priority areas:



- » Strengthening **strategic planning**
- » **Defining infrastructure** for the purposes of development contributions plans to include public open space, public art and social infrastructure
- » Clarifying the specific **circumstances in which a reporting body hearing would not be held**, particularly when a Council provides comment
- » Clarifying the **role and functioning of specialist advisors** to the DCA
- » Providing a **code of conduct and procedure to manage conflict of interests** for both DCA members and specialist advisors
- » Resolving a **time frame for PSAs** for each stage of the process
- » Requiring a detailed pre-exhibition review of development applications
- » Clarifying **how the DCA would weight Council comments** on a development application if empowered not to consider all service authority submissions when making a decision.

Table 1 summarises the workshops held with local government representatives.

**Table 1 Summary of Local Government Workshop Outcomes**

Planning Reform	Comments / Input
<b>1 Strengthen the role of strategic planning</b>	<ul style="list-style-type: none"> <li>» The strengthening of strategic planning was seen as extremely positive and was considered a priority by greater Darwin councils.</li> <li>» Councils support the stronger role of strategic planning, and believe it makes it easier to comprehend changes to land use, to see how it will be implemented and for Council to be able to provide supporting infrastructure.</li> <li>» Council representatives commented that there should be more guidance for the design of places and buildings, with a specific emphasis on climate responsive design.</li> <li>» Council commented that they will have more influence and involvement in local planning through strategic planning process and planning for supporting infrastructure. They indicated that this process is supported.</li> <li>» Council representatives queried how a decision will be made when (a) a development or area is not in accordance with strategic framework, or (b) not foreseen in the strategic framework, or (c) a deliberate decision is made not to support the application for a good reason. Strategic planning decisions in these cases need to be confirmed, and it was suggested that the Minister will need to record this decision in his/her reasons. Some councils queried whether it is in these circumstances that the council can provide advice to the Minister?</li> <li>» It was commented that strategic plans need to be kept up to date, as otherwise it will not reflect the current circumstances within the area.</li> <li>» Currently, background technical or justification reports supporting the strategic framework are incorporated into the scheme as reference documents. Clarification is needed as to whether if they will still form part of the Scheme. Council supports this occurring.</li> </ul>
<b>2 Make the Planning Scheme more user friendly</b>	<ul style="list-style-type: none"> <li>» The proposed intent and changes to zoning tables is supported.</li> <li>» The improvements about what is included in a zone objective is supported, and that the table also allow it to be clear what needs to be addressed in an application.</li> <li>» It was commented that the overall quality of applications needs to be improved to ensure consistency in evaluation. It was suggested that a clear outline or set of criteria of what needs to be addressed by an applicant should be included in the scheme.</li> <li>» The introduction of overlays is seen as positive and as it is visual, it will be easier to understand.</li> <li>» It was suggested that there is an opportunity for the overlay to apply to certain areas, not zones, or certain land use types, for example, a heritage overlay for a certain section of a town.</li> </ul>

Planning Reform	Comments / Input
	<ul style="list-style-type: none"> <li>» Participants were concerned, and were of the view, that the evidence and base information source of the overlays need to be clear and backed by evidence. Further it was considered important to understand how the overlay layers can be, or will be, updated.</li> <li>» Clarity needs to be provided about where and how the background and reference documents are included, as this is not clear in the reforms.</li> <li>» Councils suggested putting more timeframes into the PSA process, namely at each stage of the process. There should be more timeframes to provide more certainty.</li> <li>» Council planners commented that Section 52 of the Act as well as in Section 1.10 of the Planning Scheme needs to provide wording for the DCA to exercise "discretion", It was suggested that legal advice should be obtained in this regard.</li> <li>» There is a need to update ILIS to ensure updated planning information is accessible.</li> </ul>
<p><b>3 Simplify development application process</b></p>	<ul style="list-style-type: none"> <li>» Clarity with regards to exceptional development permits (EDPs) were required, especially how the Minister will be considering EDPs when the words in the Act are not being changed. It was suggested that for concurrent applications, the Act should allow for retrospective rezoning back to its original zone if the permit expires.</li> <li>» The reforms should be clear as to which applications will be sent to council to comment on.</li> <li>» Planners within greater Darwin area are of the view that if application is not complete, then DAS should not accept the application when it is lodged, or the application should be stopped prior to exhibition. This process was preferred by Council planners rather than deferral later in the process. Alternatively, there should an inclusion into the reforms that there is a need for a pre-advertisement review of the application with DAS, especially in more complex applications.</li> <li>» Conversely, planners in the Alice Springs region commented that discretion by Department staff needs to be shown to support applicants that are unable to provide a complete application, when reviewing an application for completeness.</li> <li>» After a deferral is made by DCA, it is necessary to confirm when, or under what circumstances an application would need to be re-exhibited. This would need to consider: <ul style="list-style-type: none"> <li>&gt; Changes to the content of an application, or the form of the proposed development</li> <li>&gt; If there is a significant time delay between the original exhibition and lodgement of a revised application / provision of additional information</li> <li>&gt; Whether there will be recirculation to service authorities only, and which service authorities, based on the nature of the changes.</li> </ul> </li> </ul>

Planning Reform	Comments / Input
<b>4 Revise notification requirements</b>	<ul style="list-style-type: none"> <li>» Designated notification of 28 days exhibition period for more complex application is supported and seen as a priority</li> <li>» The weight of the response as a result of the exhibition, and role of service authorities and councils, must be defined more clearly, as there was concern that DCA could override their comments.</li> <li>» The proposed amendments are not clear as to who, or if council can be involved in deciding whether the application is placed on exhibition for 14 or 28 days, or whether these criteria will be outlined in Regulations?</li> <li>» Clarity is required as to what the situation would be if the Council does not make a submission/comment during the exhibition period, and this is in particular in the regional areas where the development would have no impact.</li> <li>» The legislation needs to be explicit that Councils also have the ability to ask for an extension of time, same as with service agencies.</li> <li>» Councils requested clarity as to whether notification of a development application is to be sent to the owner and occupier, not the owner or occupier.</li> </ul>
<b>5 Introduce criteria for planning scheme amendments (PSA)</b>	<ul style="list-style-type: none"> <li>» The proposed criteria to inform/guide the Ministers' decision making is supported as it is more transparent and demonstrates accountability</li> <li>» Greater Darwin Council planners queried whether for a PSA the criteria should also include demonstration of a "benefit or improvement to Planning Scheme". It was acknowledged that this criterion would need to be clearly defined.</li> <li>» Council planners felt that there should be some more specific requirements or circumstances in the Act about when a Reporting Body hearing might not be held – e.g. a legislative requirement to get confirmation that people will not attend.</li> </ul>
<b>6 Streamline application timeframes</b>	<ul style="list-style-type: none"> <li>» Regional Council planners supported the clearer timeframes and expectations for service authorities to make their submission, which will assist with internal Council timeframes and project management, and will assist with communicating any perceived delays to the applicant or the community.</li> <li>» Supported the proposal for including timeframes for decision making of the Minister for a PSA</li> <li>» Supported the timeframes for submissions/responses to be submitted</li> <li>» Councils considered it necessary that a timeframe should be outlined from the time the PSA is considered at a Reporting Body Hearing to the time the report is sent from Department of Land Planning to the Minister. This was seen as critical for transparency.</li> <li>» The request for the extension of time ability for a service authority should also apply for local authority. Time extensions should be allowed for Councils</li> </ul>

Planning Reform	Comments / Input
	<ul style="list-style-type: none"> <li>» It is considered necessary that clarity be provided as to which and when applications will be sent to council, or clarification as to whether all applications be sent to Council?</li> </ul>
<b>7 Introduce more effective enforcement tools</b>	<ul style="list-style-type: none"> <li>» Greater Darwin and Alice Springs council planners commented that this proposed reform is a high priority and enforcement is required. The proposed changes are seen as positive, and provide sufficient ability to tackle non-compliance effectively.</li> </ul>
<b>8 Introduce new Development Consent Authority membership and reporting requirements</b>	<ul style="list-style-type: none"> <li>» Many of the proposed amendments to the process was supported, for example the training for DCA members, code of conduct, and conflict of interest.</li> <li>» The reforms may allow for the DCA override a service authority comment as part of their decision-making process. Council were concerned that the DCA may also be able to override Council's comments. This may have direct implications on areas of Council responsibility, particularly if the condition relates to Council's asset/ownership of infrastructure. It was therefore suggested that the reforms be explicit in outlining when it would be appropriate for the DCA to override a service authority submission, with particular emphasis on Council comments.</li> <li>» The introduction of a clear code of conduct for DCA members was supported. It was emphasised that the enforcement of this would be important.</li> <li>» Darwin Council planners support the concept of the specialist members panel, and suggested that a code of conduct, including a conflict of interest policy, should also be required for these specialist members.</li> <li>» It was also felt that there needs to be clear guidance about the roles and process of the advice from specialist members. Further, it was commented that the specialist member services are likely result in a time delay and therefore the timeframe for the specialist members need to be made clear or the timeframes publicly outlined.</li> <li>» Council planner requested that the advice from specialist members should be made publicly available.</li> <li>» The principle of the local appointed member of the DCA was outlined as a key issue. The issues related to obtaining clarification as to what qualification or skill a local member is required to hold.</li> <li>» Another key issue raised by Council is the process relating to when the Minister does not agree to the nomination by council of the local representative to the DCA. It was considered appropriate that the Minister refer the nomination back to council to allows a second option/alternative nomination, or perhaps Council should forward two nominations to the Minister to consider. The reasons for refusal of a nomination must be provided to Council.</li> <li>» It was requested to clarify if the specialist panel member is a member of the DCA, or if part of a "pool" to provide advice to DCA.</li> </ul>

Planning Reform	Comments / Input
	<ul style="list-style-type: none"> <li>» Councils support the proposed code of conduct and conflicts of interest, and queried if the members declaration becomes public, and then what happens with legal review process if a conflict is declared. It was emphasized that the conflict of interest must be enforced. Alice Springs and regional council planners in particular were concerned about the potential conflict of interest that arises in a small jurisdiction, and requested clear protocols to manage this.</li> <li>» Minutes should record who has a conflict of interest.</li> <li>» Council were not supportive of the DCA voting being public as it was considered important that the member can feel free to make an informed decision without it leading to politicising the issues.</li> <li>» Greater Darwin Councils felt that the exclusion of council members on the DCA, should also be extended to service agencies as well as territory agencies, such as DENR.</li> <li>» The proposed amendments need to clarify if Section 50 allows the ability of DCA to reject advice from local authority? Councils also queried whether the DCA is qualified to make a call to reject advice from Council / a service authority? The legislation may need to be reworded.</li> </ul>
<b>9 Improve planning information and public engagement</b>	<ul style="list-style-type: none"> <li>» It is considered important to hold a Reporting Body hearing in relation to PSA, or alternatively the ground for, or process for, not holding a hearing should be clear and clarified. The reason for not holding a hearing and the report, should be made public. Alternatively, a process should be outlined where people can outline/identify in their submission if a hearing should be held.</li> <li>» If the council is not invited to a hearing when giving a “comment” vs a “submission” they may not take the “comment” option because they may be worried that they won’t be invited to a hearing if the application becomes contentious. This principle should be reconsidered in the planning reforms</li> </ul>
<b>10 Extend third party rights of review to Zone RL (Rural Living)</b>	No comments raised.
<b>11 Create more certainty for legal existing uses</b>	No comments raised.
<b>12 Support infrastructure contributions</b>	<ul style="list-style-type: none"> <li>» The changes to land use overtime is easier to comprehend with the planning for infrastructure. This reform is therefore supported.</li> <li>» Council Darwin Planners support the retrospective implementation of contribution plans.</li> <li>» Greater Darwin councils suggested that there be a definition of ‘infrastructure’ in Contributions Plan, as it was felt that more items should form part of the Plans, such as social and public infrastructure, public art and open space.</li> </ul>

Planning Reform	Comments / Input
	» Contribution Plans should clarify monies that the council can obtain from the contribution to deliver infrastructure. It was considered important that Section 70(6) – the NTG needs to prove that council won't be at a loss from these changed reforms.
<b>13 Miscellaneous minor changes to the Act</b>	» The planning reforms should take the opportunity to provide clarity to exceptional development permits.



**Gaps identified and general comments made during the workshops:**

- » The quality of development applications needs to improve, and it was therefore felt there was a gap in the current planning reforms. It was suggested that there should be a checklist or list of what should form part of a standard for application to make the application adequate. This could be considered as part of the administrative process, or in the regulations
- » Strategic and statutory planning in Aboriginal areas, Aboriginal land and the link to the Aboriginal Land Rights Act, seems to have not been included in the reforms. Further, funding for the Aboriginal land areas has not been considered in the reforms
- » Strategic Plans and direction for more land release within town boundaries need to be included in the reforms
- » Questions were raised about the link between planning reforms and the other legislation, such as environment, mining etc, with the need for an improved interrelationship between these distinct pieces of legislation
- » Representatives from regional council's noted that the amendments do not address current planning and servicing issues in areas of unzoned land. Consideration should be given to introducing more stringent requirements and clarification through the update of the NT Planning Scheme in 2020.

## 2.3 Community groups and residents

Community members across the different regions were generally supportive of the majority of the planning reforms. Overall it was considered that:



### Positive comments

- » The restructure of NTPS is going in the right direction and seems to provide more logic to where to look for aspects
- » The introduction of timeframes for Planning Scheme Amendments was generally viewed as positive
- » There is support for strong and impactful enforcement with clear consequences, including excessive clearing in rural residential areas
- » The inclusion of a pool of specialist members on the DCA is good.



### Questions and suggested improvements

- » Infrastructure plans need to be linked to land use, with the timing for the infrastructure being provided when it is needed. This approach can inform when government should provide the infrastructure and therefore not waste ratepayer's money
- » The Strategic planning framework and process is still confusing and must be undertaken with the local community
- » The differentiation and relationship between merit assessable and impact assessable caused confusion and clarification was requested by virtually all community participants (i.e. who makes the decision in regard to what is merit and what is impact assessable, at what point does a merit assessable development become impact assessable?)
- » Late objections should be allowed to be received, with clear guidance as to when this is permitted, as residents are of the view that 14 days exhibition is too short
- » In Alice Springs it was noted that enforcement generally only followed a complaint or where noticeable impacts occurred. It was felt that enforcement should include active policing
- » DCA members should undertake site visits, particularly where there will be an impact
- » As strategic planning is more important, the role of council is important on the DCA. For this reason, it was commented that if the Minister has the discretion not appointing one of the local members being nominated, then he/she must provide the reasons or request council for another nomination
- » If an existing use right certificate is granted, it was commented that it should have a timeframe associated to the use/development, particularly so as not to impact on future development or surrounding development changes
- » Many community members commented that DIPL should have the responsibility to educate the public on using the NTPS and the planning system and have a dedicated person to assist them.



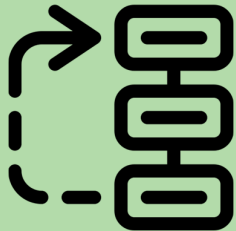
**Concerns**

- » The major concern was that the issue of amenity had been removed, with several community members and a Darwin based community led planning advocacy group requesting reintroduction of amenity into Clause 2A
- » Some community groups were of the view that the strategic plans do not recognise the near-term development and use. Some community groups suggested that strategic planning needs to be for a certain and shorter timeframe
- » A Darwin community led planning advocacy group did not support that local notification does not include an advert in newspaper for everyone to be aware. The Group believe that all notices should be in the paper and on site.

Many community members in workshops provided comments that they felt that there needed to be improved planning controls in the planning scheme in order that the NT could obtain better designed buildings or places, as well as tropical design. It was explained at the workshops that the current planning reforms do not at this stage include changes to design controls. Explanation was provided that detailed controls may be included into the amendments to the planning scheme in future.

**Priority Areas**

Community members and stakeholders identified the following priority areas:



- » Enshrining **amenity** in the Act
- » Ensuring the Act is **community focussed**, rather than development focussed
- » Considering in detail which developments will be subject to local assessment
- » Ensuring **genuine community engagement** is at the centre of all planning decisions, including strategic planning.

Outcomes from engagement with the community are outlined in Table 2 below.

**Table 2 Summary of community workshops and engagement outcomes**


Planning Reform	Comments / Input
<p><b>1 Strengthen the role of strategic planning</b></p>	<ul style="list-style-type: none"> <li>» Strategic planning needs to be locally focused. The initiation of strategic planning should be undertaken with the local community who can consider the impact on the local area. The strategic framework also needs flexibility to be able to be updated as the community needs change over time.</li> <li>» Some community groups were of the view that the strategic plans are not recognising the near-term development and use; the community can't interpret long term land use goals when dealing with development here-and-now. Some community groups suggested that strategic planning needs to be for a definite period and shorter timeframe.</li> <li>» Infrastructure plans need to be linked to land use, with the timing for the infrastructure being provided when it is needed. This approach can inform when government should provide the infrastructure, and therefore not waste ratepayers' money.</li> <li>» The term "Strategic Planning" needs to be clear, and therefore should be defined in the Bill.</li> <li>» The most significant concern for residents is that the principle of "amenity" should be retained in section 2A of the Act. All development should assess amenity to ensure the best outcomes for residents. Similarly, it was suggested that additional objectives including health, Aboriginal Culture and social outcomes should be included in the Act.</li> <li>» Where the NTPC proposes new zones, this should be consulted on before formal amendment of the Bill.</li> <li>» Once the strategic planning process is complete, the NTPC should be dissolved and planning left to the Planning Department.</li> <li>» There is concern that Area Plans are sometimes ignored, or changed to suit a development application without consultation. The status of Area Plans should be strengthened to ensure the development outcomes that were consulted on during preparation of the Area Plan are achieved.</li> <li>» Specific Use Zones and Exceptional Development Permits have become a problem, and should not be allowed to continue.</li> </ul>
<p><b>2 Make the Planning Scheme more user friendly</b></p>	<ul style="list-style-type: none"> <li>» Some Darwin community groups commented that the restructure of NTPS is going in the right direction and seems to provide more logic and understanding in how to find relevant information.</li> <li>» Some Darwin residents noted that the proposed framework seems to be making good steps toward supporting inclusions, such as tropical design guides, to take effect.</li> </ul>

Planning Reform	Comments / Input
<b>3 Simplify development application process</b>	<ul style="list-style-type: none"> <li>» The differentiation and relationship between merit assessable and impact assessable is unclear (i.e. who makes the decision in regard to what is merit and what is impact assessable, at what point does a merit assessable development become impact assessable?)</li> <li>» Alice springs community members believed the simplification and restructuring of the scheme would be beneficial to one-time users, with no previous experience.</li> <li>» The changes to the Act and Planning Scheme need to be supported by a simple “how to” guide for first time, or one-time clients of the planning system.</li> <li>» Similarly, it should be easier to find the contact details for service agencies – particularly at the pre-consultation stage and during the clearance of conditions process.</li> </ul>
<b>4 Revise notification requirements</b>	<ul style="list-style-type: none"> <li>» There is support for the new notification sign to be placed on site with photo.</li> <li>» Queries in relation to local notifications, and which development types they refer to, were frequent. There was some community anxiety that they would lose the ability to know what was happening in their suburbs. This issue could be resolved through engagement on the regulations that introduce the various development types subject to local notification.</li> <li>» Clarity is required in regards to if a Council’s comment is their technical advice or their view, as it is felt that a Council technical officers should have the same standing as DIPL staff to provide advice in a non-voting manner at DCA meetings (can also put forward Council view). This also allows local DCA member to have different view from Council at DCA meeting and in decision making process.</li> <li>» Council’s local government role will be diminished; Reporting Body hearings should occur if Council comment received</li> <li>» Darwin community group did not support local notification as it does not include an advert in newspaper for everyone to be aware. The Group believe that the fee for the advert in the paper can be included in the application fee. Some residents and community advocacy group are concerned the local notification will have broader impacts, and prevent the community from knowing what is going on. Similarly letters of notification should reach both the resident and registered owner of properties.</li> <li>» Late objections should be allowed to be received, with clear guidance as to when this is permitted, as residents are of the view that 14 days exhibition is too short. The Act should give DCA the discretion to consider late objections.</li> <li>» There is concern by some residents that in providing their name, address and telephone number on submission, if submission goes to developer, they may contact submitters and bully them. An option is that the details are “blackout” when the submissions is provided to the applicant.</li> </ul>

Planning Reform	Comments / Input
	<ul style="list-style-type: none"> <li>» There should be a black-out period prescribed in the Act to prevent exhibition over Christmas and other key holidays – or extend the exhibition period accordingly.</li> </ul>
<b>5 Introduce criteria for planning scheme amendments</b>	<ul style="list-style-type: none"> <li>» Darwin community group is concerned that the Minister has the discretion to ignore assessment criteria, as consideration of the criteria was not mandatory.</li> <li>» The community would like improved community consultation. Will the NTPC community engagement charter be available for public consultation before being considered by the Minister / being finalised, as the community would like the opportunity to comment on how the NTPC should engage with the community. It was commented that consultation needs to be more face-to-face, traditional public meetings (with a strong chair and clear meeting code of conduct), bi-partisan in information presented (not just pamphlet), use of various forms of advertising required, not just social media and needs to be more sensitive to community views and not as dismissive.</li> <li>» It was commented that it is important to define when a Reporting Body hearing can take place, who is invited and how it occurs, and further what members of the NTPC should be present at the hearing.</li> <li>» The introduction of timeframes for Planning Scheme Amendments was generally viewed as positive.</li> </ul>
<b>6 Streamline application timeframes</b>	<ul style="list-style-type: none"> <li>» A development one-stop-shop for the community, not only developers, should be established to allow the community to discuss applications with departmental planners.</li> <li>» Applications that provide inadequate information should be rejected with reasons given, and not placed on public exhibition until complete.</li> </ul>
<b>7 Introduce more effective enforcement tools</b>	<ul style="list-style-type: none"> <li>» Need strong and impactful enforcement with clear consequences, including excessive clearing in rural residential areas.</li> <li>» Conversely, residents in Alice Springs suggested leniency is needed with existing industrial uses in rural residential land due to a lack of availability of affordable industrial land.</li> <li>» It was commented that there should be stronger action at the beginning of reform process to 'right the wrongs'.</li> <li>» New enforcement is good with the timeliness of taking action.</li> <li>» Enforcement was noted as critical, and it was queried whether DIPL could also be able to undertake enforcement not just DCA.</li> <li>» It was felt that the new enforcement powers would make people take the Planning Act more seriously.</li> <li>» In Alice Springs it was noted that enforcement generally only followed a complaint or where noticeable impacts occurred. It was felt that enforcement should include active policing.</li> </ul>

Planning Reform	Comments / Input
<p><b>8 Introduce new Development Consent Authority membership and reporting requirements</b></p>	<ul style="list-style-type: none"> <li>» Darwin and Alice Springs residents commented that the inclusion of a pool of specialist members on the DCA is good.</li> <li>» DCA members should undertake site visits, particularly where there will be an impact.</li> <li>» DAS's report to the DCA should not include a recommendation, as it pre-empts submitter's involvement at a DCA meeting.</li> <li>» In relation to the DCA code of conduct, it is considered that the meetings do not provide equity to all submitters. Currently it is not considered equitable that submitters cannot repeat issues of previous submitters, and are instructed to keep verbal submissions short with new information only.</li> <li>» As strategic planning is more important, this means that the local knowledge is very important. The community think the role of council is important on the DCA. For this reason, it was commented that if the Minister has the discretion to not appoint one of the local members being nominated, then he/she must provide the reasons for this decision, and/or request council to provide a further nomination.</li> <li>» In relation to the Minister's ability to veto a nomination, it was suggested that if that occurs that Council should have the opportunity to put forward alternatives rather than the alternative nomination being at the discretion of the Minister.</li> <li>» It was suggested by a community led planning advocacy group and community members that the DCA should allow all submitters to speak before receiving a report or recommendation on the application. Submitters should be allowed to speak regardless of whether or not they have new information to raise.</li> </ul>
<p><b>9 Improve planning information and public engagement</b></p>	<ul style="list-style-type: none"> <li>» Some Darwin residents and a community led planning advocacy group did not believe engagement was occurring adequately, and that improved community engagement particularly on strategic planning should be clearly outlined in the Act or Regulations.</li> <li>» It was felt that NTPC engagement occurs by people without planning knowledge. Engagement should be undertaken by qualified professionals that understand the planning system, and proposals to be able to engage meaningfully with, and explain clearly to, the community.</li> </ul>
<p><b>10 Extend third party rights of review to Zone RL (Rural Living)</b></p>	<ul style="list-style-type: none"> <li>» In Darwin it was suggested that the appeal rights should be extended to Zone R (Rural), as they face the same issues and concerns as Zone RL (Rural Living).</li> <li>» Appeal rights should be expanded. At the moment the only alternative is a Supreme Court process which is too costly for the man on the street.</li> </ul>
<p><b>11 Create more certainty for legal existing uses</b></p>	<ul style="list-style-type: none"> <li>» There is confusion about the definition of existing use rights and whether a certificate can be issued if the use established was done so illegally.</li> </ul>

Planning Reform	Comments / Input
	<ul style="list-style-type: none"> <li>» If an existing use right certificate is granted, it was commented that it should have a timeframe associated to the use/development, particularly so as not to impact on future development or surrounding development changes</li> <li>» Need to commit to enforcement action on those uses that are deemed illegal.</li> <li>» A community led planning advocacy group are opposed to this amendment if it results in illegal uses being given legitimacy and allowed to continue.</li> </ul>
<p><b>12 Support infrastructure contributions</b></p>	<ul style="list-style-type: none"> <li>» The Planning Act is more of a development act, as it only deals with development and does not provide for other aspects of planning, such as social and public infrastructure. Contributions plans need to include provision for social and public infrastructure (land and buildings/money to acquire/develop infrastructure).</li> </ul>
<p><b>13 Miscellaneous minor changes to the Act</b></p>	<ul style="list-style-type: none"> <li>» Amenity is really important to the community. Representatives noted that Part 2A of the Act, has changed where the word “amenity” has been left out/dropped. This is not supported. The whole concept of “amenity” seems to have been lost in the Bill and in the objective of the Act.</li> <li>» Darwin residents commented that the inclusion of Objective (g) in the Bill is good, noting the need to relook at the Bill, as the word “purpose” and “object” are both included and there does not seem to be consistency with terminology.</li> <li>» Some Darwin community groups indicated that the objective of Act relates to “facilitate development of land” which is a concern. The word “facilitate” means try to get it to happen. The words should be replaced by “for”.</li> </ul>



**Gaps identified and general comments made during the workshops:**

- » DIPL should have the responsibility to educate the public on using the NTPS and the planning system (potentially more appropriate to parallel website improvements) and have a dedicated person to assist them.
- » In general terms, the Planning Act and System is seen as a “development focussed” system. It should be revisited to ensure community outcomes including open space and community facilities are delivered.
- » Road widths and development parameters should be included in the Planning Act, as that is where it will have the most weight.
- » The changes to the planning system should be exhibited with the amendments to development controls, as the two are intrinsically linked.

**Figure 4 Delivering community workshops**

### 2.3.1 Land Use and Zoning Issues Raised by Community Members

During the consultation process a number of key issues were raised relating to specific development outcomes or planning controls. The following captures key points, which have been included for consideration by the Minister during the review of the NT Planning Scheme provisions in 2020:

- » Many community members and stakeholders raise issues with the specific use zones and exceptional development permits. The proposed amendments are viewed as strengthening the planning system and providing for a mechanism to deliver development, without requiring either a SU Zone or EDP.
- » Questions relating to specific development parameters, including height, front and side boundaries, local amenity (trees and lot sizes) in established Darwin suburbs, and climate responsive housing design.
- » The quality of the built form outcomes in Darwin CBD, including the need to deliver more public open space in the CBD.

- » The loss of land zoned CP (Community Purposes) without a detailed social infrastructure assessment, and the lack of new community infrastructure established through new development (infill and Greenfield).
- » Community would like to have input into the design of dwellings and units. There is a concern about housing design and the associated impacts on climate responsiveness and amenity, with an eye on climate change.

## 2.4 Professional bodies and groups

Representatives of professional organisations across the Northern Territory were generally supportive of the majority of the planning reforms. Overall it was considered that:



### Positive comments

- » Incorporating strategic planning as a critical element in planning and coordinating it in the planning scheme is extremely positive
- » Support for the Planning Commission's report to the Minister being made public
- » Changes proposed to the structure of the planning scheme is supported, and many (including those in the regional areas) are of the view that the new assessment tables are good
- » Streamlining of the development application process as well as timeframes for PSA is positive
- » Splitting the exhibition process for larger or simpler development applications is supported
- » The provision of more detail in exhibition signage was seen as positive.
- » Imposing a timeframe on service authorities is critical in order to provide certainty and not delay the planning process
- » Introducing criteria that the Minister needs to consider for PSA provides more confidence about decision making by the Minister and is supported
- » The various process options for enforcement is supported as the reforms now start to introduce a culture of enforcement
- » The changes proposed for the DCA, namely having a specialist pool, code of conduct as well as training for non-planners is supported. Further it was commented that DCA and DAS could now have the ability to exercise discretion which can lead to performance outcomes and not "tick the box" outcomes is positive.



### Questions and suggested improvements

- » It was noted that there are no timelines for Department of Lands and Planning, nor timeframes for the NTPC preparing their report to go to the Minister. There should be an outlined timeframe for each of the points in the process, namely initial decision to exhibit, scheduling of reporting body hearing, providing the reports to the Minister, and the final decision by the Minister. This issue of providing timeframes was considered to be the most important priority for NT Government to reconsider in the planning reforms
- » The concept of a specialist member panel is supported, provided that a framework or regulations be established regarding the type of advice provided, when advice is provided, how the advice is provided, how the specialist members work, and if they make decisions or how their advice is applied

- » In the regional areas, it was considered that the voting by DCA should be made public, but not by name just overall vote. This is critical so that community or applicants do not start to pick up a trend by a specific DCA member, or particular members do not get lobbied
- » The Bill should provide for a framework to broaden the contributions in the future, which also allows certain contributions to be waived, in certain circumstances
- » Some regional areas were of the view that the Planning Scheme would now allow variation and enable more planning merit to be considered in applications

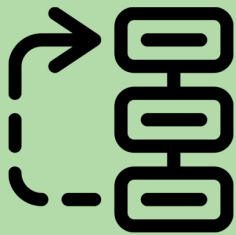


**Concerns**

- » Most professional group workshops stated that the reforms have not considered the DCA discretion for conditions being included within a permit, wording of conditions, or whether comments from service authorities need to be included into the permit or not. This is particularly the case with Power and Water. The DCA should have discretion to include relevant conditions or condition precedence in the permit
- » The reforms do not address the clearance certificate process, particularly obtaining clearance from council and agencies. This is important as there is a major time delay in this process.

**Priority Areas**

Professional groups and representatives identified the following priority areas:



- » Providing a **timeframe for planning scheme amendments** from exhibition **through all milestones** to the Minister decision
- » Resolving the **framework for specialist members** to DCA
- » Enforcement of **service authorities providing their comments during the exhibition period**
- » Clarifying the **scope and type of infrastructure contributions**, and as to whether it is payment of funds plus works
- » **Infrastructure Contribution Plans**, should include open space
- » **Simplifying** the development application process
- » Improving **planning information**.

Table 3 outlines positive comments, areas of concern, or questions raised where further clarity or consideration needs to be made post the workshops by the NT Government.

**Table 3 Summary of Professional Bodies and Groups Workshop Outcomes**


Planning Reform	Comment / Input
<b>1 Strengthen the role of strategic planning</b>	<ul style="list-style-type: none"> <li>» Incorporating strategic planning as a critical element in planning and coordinating it in the planning scheme is extremely positive.</li> <li>» Support that the Planning Commission's report to the Minister will be made public.</li> </ul>
<b>2 Make the Planning Scheme more user friendly</b>	<ul style="list-style-type: none"> <li>» Changes proposed to the structure of the planning scheme is supported, and many (including those in the regional areas) are of the view that the new assessment tables are good.</li> <li>» Some regional areas were of the view that the Planning Scheme would now allow variation and enable more planning merit to be considered in applications.</li> <li>» Professional bodies noted that clear overlays, mapped and well described is a positive improvement, noting that further clarity is required on whether a planning scheme amendment would be required to change the overlays when, for example, technical information changes - this could be a cumbersome process. This is particularly the case due to the changing nature of some of the overlays, for example flood mapping or vegetation.</li> <li>» Overlays are seen as good, to help understand inputs to the development process graphically, and ensure none are missed.</li> <li>» Providing easy to read and easy to understand process and applications was considered to be a priority as part of the planning reforms.</li> </ul>
<b>3 Simplify development application process</b>	<ul style="list-style-type: none"> <li>» Streamlining of the development application process and PSA is positive.</li> <li>» Planning information should be easier to find on the website, and on line links needs to be enhanced and improved.</li> <li>» Introduction of merit assessment is positive, as it will clearly demonstrate the process.</li> <li>» Consideration should be given during the review of the NT Planning system to relax some development controls, such as shade sails over driveways.</li> <li>» Clarity should be provided on when an application is considered complete for the purposes of assessment.</li> </ul>
<b>4 Revise notification requirements</b>	<ul style="list-style-type: none"> <li>» Splitting the exhibition process for larger or simpler development applications is supported.</li> <li>» New public exhibition signs with more details is really good.</li> </ul>

Planning Reform	Comment / Input
	<ul style="list-style-type: none"> <li>» Imposing a timeframe on service authorities is critical and supported so as not to delay the planning process. Comments were made that service authorities do not respect timeframes for submitting their comments, and therefore there is a need for the timeframes to be enforced. The necessity for the service agencies to provide comment in a timely way was seen as a priority for inclusion in the planning reforms.</li> <li>» Given the number of sign failures, some guidance is needed about seasonal winds, checking vandalism as well as accepting declaration without noting any details (time checked, action).</li> <li>» Submissions need to be relevant to the application, not just standard conditions from service authorities.</li> </ul>
<p><b>5 Introduce criteria for planning scheme amendments</b></p>	<ul style="list-style-type: none"> <li>» Introducing criteria that the Minister needs to consider for PSA provides more confidence about decision making and is supported. This planning reforms was supported by regional areas.</li> <li>» The need for the Minister to provide reasons for his/her decisions relating to planning scheme amendments is supported.</li> <li>» More guidelines and policy are needed so as to reduce the number of amendments which may erode strategic planning is supported.</li> </ul>
<p><b>6 Streamline application timeframes</b></p>	<ul style="list-style-type: none"> <li>» There needs to be clarity as to the timing of the release of the NTPC report to the Minister, and that this should be released prior to the Minister making his/her decision.</li> <li>» The inclusion of 90 days for the Minister to make a decision from receiving the report for a planning scheme amendment is good. Comments were made that this timeframe is pointless if the process to progress a report from time of exhibition to the Minister for consideration is not also stipulated.</li> <li>» It was suggested that rather than a 90-day decision period, that the Minister should make a decision within 45 days, or make the decision within 45 days, and allow for one extension by a further 45 days. An alternative option would be that the report should reach the Minister within 45 days following exhibition, and a decision made within 45 days.</li> <li>» While it is positive that timeframes have been outlined in the reforms for the Minister, it was noted that there are neither timelines for the Department of Infrastructure, Planning and Logistics, nor timeframes for the NTPC to prepare their report to go to the Minister. It was therefore suggested that timeframe should be outlined for each of the points in the process, namely initial decision to exhibit, scheduling of hearing, providing the reports to the Minister, and the final decision by the Minister. This issue of providing timeframes was considered to be the most important priority for NT Government to reconsider in the planning reforms.</li> <li>» The applicant should see, and obtain a copy, of the NTPC and Department of Infrastructure, Planning and Logistics' assessment report to the Minister.</li> </ul>

Planning Reform	Comment / Input
	<ul style="list-style-type: none"> <li>» The reforms need to outline what the process or trigger is for when a document or information is resubmitted, after the deferral has been granted. Will the development application need to be re-exhibited or not?</li> <li>» It was suggested that before a proposal is exhibited, that DAS undertake a thorough review of the application and request appropriate further information to support the completeness of the application.</li> <li>» DAS should have more delegation to make decisions on merit assessment applications.</li> <li>» It is the DCAs responsibility to consider the service agencies comments, and when the comments are late the DCA should have the option of not applying the conditions/precedent. It is acknowledged that without the agency submission, the DCA could hesitate to make a decision, and as such the Bill needs to ensure service agencies retain the timeframes. Further, if the agency has not submitted their comments, the reform should ensure that the DCA hearing is not delayed.</li> <li>» In regional areas, the comment was made that the service authorities should provide their submissions within the timeframe, and if not, then perhaps the comment is not included in the assessment. The option that DAS could write to an agency to ensure they submit a comment was supported.</li> <li>» Having all submitters details on a submission related to a development application was supported, as this ensured accountability by the submitter.</li> </ul>
<b>7 Introduce more effective enforcement tools</b>	<ul style="list-style-type: none"> <li>» The various process options for enforcement is supported, particularly that the reforms now start to introduce a culture of enforcement.</li> <li>» It was suggested that perhaps a cost could be added to rates to cover the cost for non-complying or perhaps an incentive could be that a reduction to the cost if a development exceeds the requirements.</li> <li>» Enforcing the conditions of a permit, and complying with the conditions needs to be strengthened.</li> <li>» There should be more enforcement with the cost/penalty being high.</li> <li>» The focus on enforcement is viewed as positive, subject to clarifying how this would be resourced. Would Councils be approached to assist, and if so, would there be financial compensation?</li> </ul>
<b>8 Introduce new Development Consent Authority membership and reporting requirements</b>	<ul style="list-style-type: none"> <li>» The changes proposed for the DCA, namely having a specialist pool, code of conduct as well as training for non-planners is supported and positive.</li> <li>» That DCA and DAS has the ability to exercise discretion which can lead to performance outcomes and not "tick the box" outcomes is positive.</li> <li>» The concept of a specialist member panel is supported, subject to the amendments or future regulations incorporating a framework regarding the type of advice provided, when do they provide advice, how is the advice provided, how the specialist members work, if they make decisions or how is their advice applied. The</li> </ul>

Planning Reform	Comment / Input
	<p>framework around this procedure should ensure integrity in the decisions. The framework around the specialist members and how it would work was considered a high priority for the government to include/reconsider in the planning reforms.</p> <ul style="list-style-type: none"> <li>» It was proposed that pool members should be a temporary division member when called upon for advice, rather than just providing ad-hoc advice. Clarity is required on the number of pool members.</li> <li>» Clarity is needed as to what is the timeframe that a pool member has to provide the advice to the DCA.</li> <li>» If the specialist member is from interstate, the availability and accessibility need to be determined.</li> <li>» The specialist members should include a national residential specialist, as it may sometimes be difficult to find someone without a conflict of interest.</li> <li>» In the regional areas, it was considered that the voting by DCA should be made public. It was suggested that this not be by name, just an overall count of the vote. This is critical so that community or applicants do not start to pick up a trend by a specific DCA member, or particular members do not get lobbied.</li> <li>» The legislation needs to very clearly define that it is Council and Departmental staff that are not permitted to stand for membership, while elected Councillors can.</li> </ul>
<b>9 Improve planning information and public engagement</b>	None
<b>10 Extend third party rights of review to Zone RL (Rural Living)</b>	<ul style="list-style-type: none"> <li>» This is considered reasonable given new threats such as pesticides, fertiliser drift and genetically modified dangers.</li> </ul>
<b>11 Create more certainty for legal existing uses</b>	<ul style="list-style-type: none"> <li>» This is still unclear as to whether it is transferrable or expires with the individual or the property.</li> <li>» Legal existing use rights should be publicly searchable which includes the basic information.</li> </ul>
<b>12 Support infrastructure contributions</b>	<ul style="list-style-type: none"> <li>» Support that the Planning Bill as it provides more robust arrangements for contribution requirements as proposed.</li> <li>» The Bill should provide for a framework to broaden the contributions in the future, which also allows certain contributions to be waived, in certain circumstances.</li> <li>» It is unclear how the Power and Water Plans will link in with the Infrastructure Contribution Plans. It was commented that in some cases, the submission from Power and Water are not applicable or can be included as a condition of the permit. The reforms should allow the DCA to have the discretion to include, or not include, conditions in a permit.</li> </ul>

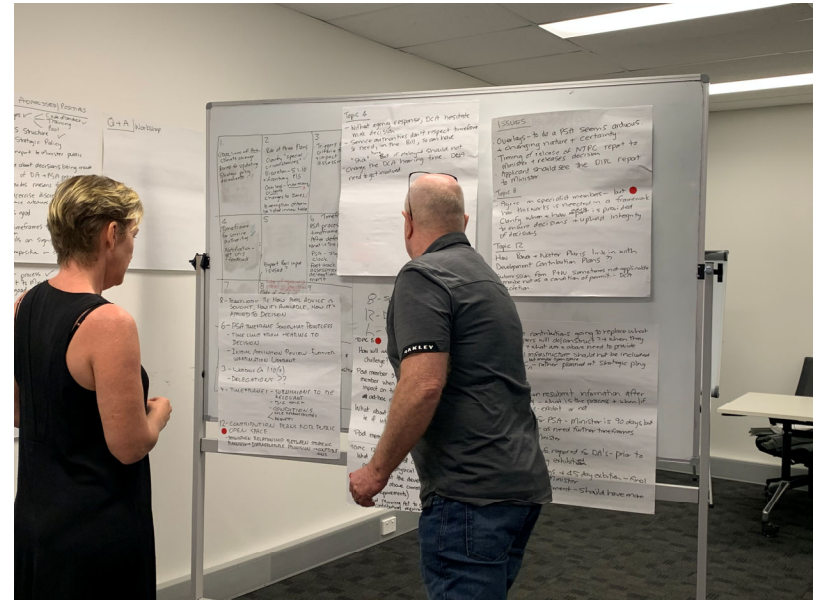
Planning Reform	Comment / Input
	<ul style="list-style-type: none"> <li>» Clarity is needed as to whether the Infrastructure Contribution Plans will replace the developer from constructing or doing the work, or will it be over and above the developer doing the work? There should be clarity and criteria for this circumstance.</li> <li>» Social infrastructure should not be provided as part of the Infrastructure Contribution Plans, rather, these should be planned for at the strategic planning framework stage. If there has to be a contribution, then it should only be for open space.</li> <li>» The scope of the Infrastructure Contribution Plans needs to be defined, as well as if it includes the payment of dollars and/or the provision of infrastructure. These two aspects were seen as important in finalising in the planning reforms.</li> <li>» There needs to be a stronger relationship between strategic planning, infrastructure provision and contributions payable.</li> </ul>
<b>13 Miscellaneous minor changes to the Act</b>	None noted.



**Gaps identified and general comments made during the workshops:**

- » The reforms have not considered the DCA discretion for conditions being included within a permit, wording of conditions, or whether comments from service authorities need to be included into the permit or not. This is particularly the case with Power and Water. The DCA should have discretion to include relevant conditions or condition precedence in the permit
- » The reforms do not address the clearance certificate process, particularly obtaining clearance from council and agencies. This is important as there is a major time delay in this process
- » The reforms do not address Aboriginal Cultural Heritage, and in particular enshrining the correct processes for agencies and developers to follow to ensure the protection, preservation and enhancement of cultural sites.

Figure 5 Professional organisations' workshops



## 2.5 Development Industry

Representatives of industry, including developers were generally supportive of the majority of the planning reforms. Overall it was considered that:



### Positive comments

- » An emphasis on strategic planning would lead to development certainty
- » The strengthening of the Strategic framework is good and can give bigger picture to the community and the development industry
- » The new format of requirements and performance guidance in NTPS is good, with clear objective and criteria. There was overwhelming, and frequent comments supporting the removal of "special circumstances"
- » The principle of the overlays is supported and should be extended to further aspects, as well as being based on cadastre and technical data, and also included in ILIS
- » The provision of criteria to guide the Ministers decision in PSA was supported by all workshop participants as it provided a level of accountability by Minister
- » Support for the changes proposed to the DCA in the reforms, including training of DCA members, Council officers not being members on the DCA, Code of conduct and conflict of interest as well as annual DCA report
- » In Alice Springs it was noted that the ability to obtain a certificate confirming land use legality would resolve existing issues with non-compliant older buildings, and therefore the amendment was supported
- » General support for the principle that the land use and infrastructure should be planned together at a strategic planning level.



### Questions and suggested improvements

- » There was support for the discretionary uses to be split into merit and impact assessment, provided that the impact assessable process is better defined and explained
- » The industry indicated that service authorities and council should provide their comments during the exhibition period, and if they do not then the DCA should not be obliged to consider the submission, the application is not taken into consideration or the principles of "deemed to comply" should be introduced
- » Any reports provided to the Minister, whether from DIPL or NTPC, should be made public so the assessment and recommendation is transparent as well as that, industry can review all aspects/criteria that have been assess which makes the political decision making transparent
- » Industry representatives in Alice Springs questioned the equity of development contributions, suggesting the need for pro-rata contributions or cost recovery models.



**Concerns**

- » There were mixed comments across NT on whether the voting of DCA members should be made public, as it was commented that panel members may be victimised.

Outcomes of engagement with Industry representatives are outlined in Table 4. Some regional distinctions are noted where relevant.

**Table 4 Summary of Industry Representatives Workshop Outcomes**

Planning Reform		Comments / Input
<b>1</b>	<b>Strengthen the role of strategic planning</b>	<ul style="list-style-type: none"> <li>» The strategic framework will bring more transparency, accountability and confidence to the system.</li> <li>» The strategic framework having more importance and being upfront is supported, and it provides the “bigger picture” for industry.</li> <li>» The strengthening of the Strategic framework is good and can give a bigger land use and growth picture to the community and the development industry. In particular the hierarchy of strategic plans, and the fact that Area Plans can include master plan/precinct plan detail is supported.</li> <li>» Area Plans should include “overlays” such as land use, sequence of development, and infrastructure so to give confidence to the implementation as well as guidance to the service authorities.</li> <li>» There was confusion by many workshop participants regarding the circumstances as to when an Area Plan would take precedent over, or does not require, a site to be rezoned. Area Plans should be allowed to incur some flexibility (for example a road location may change) as long as the outcome is achieved.</li> <li>» Land use planning and infrastructure planning occurring in parallel is supported.</li> </ul>
<b>2</b>	<b>Make the Planning Scheme more user friendly</b>	<ul style="list-style-type: none"> <li>» The new format of requirements and performance guidance in NTPS is good, with clear objective and criteria. There was overwhelming and frequent support for the removal of “special circumstances”.</li> <li>» The proposed amendments allowed the scheme to now provide some flexibility and vary development provisions to enable great outcomes.</li> <li>» There was support that the zoning table will include reference to all relevant clauses.</li> <li>» It was suggested by some industry groups that the SU Zones should be abolished.</li> </ul>

Planning Reform	Comments / Input
	<ul style="list-style-type: none"> <li>» The principle of the overlays is supported and should be extended to further aspects. They should be cadastral based and also included in ILIS.</li> <li>» Providing the zoning and category of application in tables and outlining the planning controls is a good outcome.</li> <li>» The concept of overlays is supported, with the suggestion that the overlays be in ILIS and related to Lot boundaries. The introduction of overlays was also supported in Alice Springs, where they were seen as specifically useful in addressing local land use character, such as the historical development of dual occupancy. Further, the use of overlays is seen to more adequately address natural constraints such as flooding, and is therefore supported. An opinion was raised that overlays should be based on quality technical data, for example accurate flood mapping, to avoid delays and other administrative implications related to development.</li> <li>» It was suggested that all terms should have clearly articulated definitions. For example, the current wording of Clause 3.0 is ambiguous and a definition for "ancillary and "undefined" should be included.</li> </ul>
<p><b>3 Simplify development application process</b></p>	<ul style="list-style-type: none"> <li>» Comments provided indicated that there is a need to clarify "merit and impact" applications, and their link to the type of application for exhibition.</li> <li>» Support for the discretionary uses to be split into merit and impact assessment.</li> <li>» Impact assessment which provides for a merit-based assessment approach, is supported subject to the process being better defined and explained.</li> <li>» A website that demonstrates the progress of an application will support transparency, and be clear.</li> </ul>
<p><b>4 Revise notification requirements</b></p>	<ul style="list-style-type: none"> <li>» The industry supports the principle that submissions should include name and details, so there is accountability for the submission and liaison can occur. Further, it was suggested by one Darwin industry group that a submitter should identify how their issues raised are "relevant" to the proposal.</li> <li>» There is support for the 14-day local notification period being related to the street in which the proposal is being proposed. Only immediate neighbours need to be able to have their say when an application considered. Not people outside the zone.</li> <li>» It was suggested that DIPL needs to clearly define what development requires 28-day notification, as currently it is not clear.</li> <li>» During the workshops as there was confusion regarding the type of application and the type of notification.</li> <li>» The industry indicated that service authorities and council should provide their comments during the exhibition period, and if they do not then the DCA should not be obliged to consider the submission, the application is not taken into consideration or the principles of "deemed to comply" should be introduced.</li> </ul>

Planning Reform	Comments / Input
	<p>There needs to be more consideration for options to motivate and get the authority to take responsibility as well as be more involved in strategic planning.</p> <ul style="list-style-type: none"> <li>» The regulations should ensure that the conditions of the permit are implemented based on the policy or standard at the date of consent, so not to enable the service authority or council to change the policy as the project is constructed.</li> <li>» Clarify is required as to whether the exhibition timeframe is all days, workdays, and/or includes/excludes public holidays. Further direction is required as to what is the process or circumstances for accepting late submissions.</li> <li>» In relation to public submissions, a comment was made that the DCA should be able to give more weighting to those people more affected/impacted by the proposed development.</li> </ul>
<p><b>5 Introduce criteria for planning scheme amendments</b></p>	<ul style="list-style-type: none"> <li>» The criteria provide for a level of accountability to Minister, and was supported by all workshop participants.</li> <li>» Any reports to Minister, whether from DIPL or NTPC, should be made public so the assessment and recommendation is transparent as well as that, industry can review all aspects/criteria that have been assess which makes the political decision making transparent. If the DIPL cannot be made public, then it is suggested that a copy of the report be given to the applicant.</li> <li>» The process should be clear, and the industry requires to understand when a decision is not made in accordance with strategic plan, what is the process?</li> <li>» Industry groups were of the view that the Minister should request a report from the NTPC if a proposal is inconsistent with the strategic framework. One workshop group in Darwin stated that the report from NTPC to Minister should be mandatory, not optional.</li> <li>» It was suggested in one workshop that the NTPC should “have a say” and recommendation, not only report what they have heard at a reporting body hearing.</li> </ul>
<p><b>6 Streamline application timeframes</b></p>	<ul style="list-style-type: none"> <li>» It was suggested by one industry group in Darwin, that if a PSA application is in accordance with strategic plan then a hearing by NTPC may not be necessary.</li> <li>» Creating a framework to view or monitor service authority submissions was suggested in order that the industry can see where the progress of the submission.</li> <li>» In Alice Springs comments were made that the existing planning process can be long, protracted and confusing. The amendments appear to be good common sense.</li> </ul>
<p><b>7 Introduce more effective enforcement tools</b></p>	<ul style="list-style-type: none"> <li>» The enforcement is dependent on intra- and inter-departmental involvement, resulting in participant querying how enforcements will be actually applied?</li> </ul>

Planning Reform	Comments / Input
<p><b>8 Introduce new Development Consent Authority membership and reporting requirements</b></p>	<ul style="list-style-type: none"> <li>» Darwin industry groups support the DCA changes proposed in the reforms, including training of DCA members, Council officers not being members on the DCA, Code of conduct and conflict of interest as well as annual DCA report.</li> <li>» Some Darwin based workshop participants were of the view that a DCA should have a planner as a member, or at least a planner as a specialist member of the DCA.</li> <li>» It was suggested by two workshops that the DCA members should do a site visit prior to a hearing.</li> <li>» Comments provided by Darwin based industry that Councillors should also not be a member on DCA.</li> <li>» There were mixed comments on whether the voting of DCA members should be made public, as it was commented that panel members may be victimised. Some industry representatives felt that the DCA deliberations should be made in open, noting that it is the closed session discussion that is the problem. People want to know how the DCA comes to their decision.</li> <li>» The announcement of DCA member changes should be transparent and publicised.</li> <li>» The annual report and minutes of DCA meetings should be publicly available.</li> <li>» Clarity is required as to what information is needed to enable the DCA to use its discretion to approve variations to the planning controls?</li> <li>» Comments were provided that there needs to be clear guidance or criteria that outline the decision-making capacity and role of the specialist member. When specialist reports are prepared, these should inform DCA decisions.</li> <li>» The circumstances under which a specialist panel is requested to provide advice, and under which circumstances the specialist panel would provide input to an appeal should be outlined.</li> <li>» There should be a framework around whether a specialist report is different to a service authority comment.</li> <li>» Guidelines should be provided to the DCA when an objection is not relevant. DAS should approach objectors to discuss the objections.</li> <li>» Concern was raised in relation to the ability of the Minister to veto a Council nomination. There should be more focus on requiring the correct skills or post nomination training to understand the planning system. It is suggested that if this proceeds that the Minister should provide reasons for the non-appointment of a member. These reasons need to be more detailed than current Ministerial reasons given for decisions (e.g. rezoning decisions).</li> </ul>
<p><b>9 Improve planning information and public engagement</b></p>	<ul style="list-style-type: none"> <li>» Strategic planning must include consultation with the land owners.</li> <li>» Public engagement needs to be better managed.</li> </ul>

Planning Reform		Comments / Input
<b>10</b>	<b>Extend third party rights of review to Zone RL (Rural Living)</b>	<ul style="list-style-type: none"> <li>» In Alice Springs concern was raised that third-party appeal may extend the application process due to the number of non-residential uses in operation in the rural area.</li> </ul>
<b>11</b>	<b>Create more certainty for legal existing uses</b>	<ul style="list-style-type: none"> <li>» Clarity was requested as to whether obtaining a certificate meant it was to occur under the process relating to merit or impact assessable?</li> <li>» Clarity was sought as to who makes the decision of an existing use right certificate?</li> <li>» Comments were made that the process to obtain an existing use right certificate needs to be outlined.</li> <li>» In Alice Springs it was noted that the ability to obtain a certificate confirming land use legality would resolve existing issues with non-compliant older buildings, and therefore this amendment was supported.</li> </ul>
<b>12</b>	<b>Support infrastructure contributions</b>	<ul style="list-style-type: none"> <li>» There is support for the land use and infrastructure being planned together at a strategic level.</li> <li>» Clarity was required as to whether infrastructure plans will be referenced in planning scheme, and if not, how can the contribution plan be recognised or known, and be transparent to understand and view.</li> <li>» Support that all developments should be refunded by new users coming on board, and should contribute to the original developer.</li> <li>» Industry representatives in Alice Springs questioned the equity of development contributions, suggesting the need for pro-rata contributions or cost recovery models.</li> </ul>
<b>13</b>	<b>Miscellaneous minor changes to the Act</b>	<ul style="list-style-type: none"> <li>» The development industry supported the direction of the reforms, and indicated that anything that makes the planning system more accessible to the general public/those outside of the planning system is supported. As a result, making it easier to secure financing due to a transparent system is supported.</li> </ul>

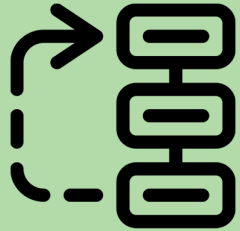


**Gaps identified and general comments made during the workshops:**

- » There should be a review of the conditions of the permit by DCA, where the wording of conditions of permit should not be “to the satisfaction of ...” but rather the conditions must outline the specific guidelines, as otherwise agencies change the policy or standards over the period of trying to achieve the permit conditions.

## Priority Areas

Industry representatives identified the following priority areas:



- » Providing a **timeframe for planning scheme amendments** from exhibition **through all milestones** to the Minister decision
- » Resolving the **framework for specialist members** to DCA
- » Enforcement of **service authorities providing their comments during the exhibition period**
- » Implementing **local notification, and merit / impact assessable** applications
- » **Simplifying** the development application process.

**Figure 6 Workshop Images**



### 2.5.1 Land Use Issues Raised by Industry Groups

In addition to issues raised relating specifically to the proposed changes to the NT Planning Act and the structure of the NT Planning Scheme, Industry Groups raised the following key land use issues. These are recorded to support the future amendment to the NT Planning Scheme land use controls:

- » How the interface between zoned and unzoned land is dealt with – in particular capturing clearing of native vegetation on unzoned land in the zoning provisions needs to be confirmed.
- » That the strategic planning process should include the identification and provision of more industrial land.
- » Consideration for relaxing requirements for industrial land uses in Rural Living Zones due to the lower land cost (Alice Springs specific) is required.

## 2.6 Planning Commission and Development Consent Authority

Representatives of the NTPC and DCA were generally supportive of the majority of the planning reforms.

*"The reforms are fantastic, creating more clarity (in the planning system), particularly for the community. A genuine effort has been made."*


Positive comments, issues of concern, or issues raised where further clarity or consideration needs to be made post the workshops by NT Government, is outlined in the table below.

**Table 5 Summary of Planning Commission and Development Consent Authority Hearing Briefings**

Planning Reform	Comments / Inputs
1 <b>Strengthen the role of strategic planning</b>	» The additional flexibility and discretion for the DCA to approve development consistent with strategic planning is good.
2 <b>Make the Planning Scheme more user friendly</b>	None.
3 <b>Simplify development application process</b>	» Overall, the amendments will result in a more condensed, streamlined and transparent consultation process, with improved communication and transparency. Even though there are more steps to the process, the proposed reforms are sensible
4 <b>Revise notification requirements</b>	<ul style="list-style-type: none"> <li>» The three levels of notification are supported.</li> <li>» Requiring submitter detail information to support submissions is good.</li> <li>» The reforms have struck a balance between the applicant requirements and the ability for the community to object / appeal.</li> </ul>
5 <b>Introduce criteria for planning scheme amendments</b>	None.
6 <b>Streamline application timeframes</b>	» Noting the increased discretion for the NTPC to not hold a hearing for a PSA, and the new ability to distinguish between a Council "comment" or "submission", could there also be an ability for the DCA to choose not to hold a hearing where they see this will not add value to the process.

Planning Reform	Comments / Inputs
<b>7 Introduce more effective enforcement tools</b>	<ul style="list-style-type: none"> <li>» The reforms will introduce clear consequences for illegal uses, with the enforcement providing “more teeth” and promoting a culture of compliance.</li> <li>» The three levels of notices for enforcement is positive.</li> </ul>
<b>8 Introduce new Development Consent Authority membership and reporting requirements</b>	<p>In relation to local council nominations, it was discussed that there are issues with stopping the nomination of council employees</p> <ul style="list-style-type: none"> <li>&gt; It is noted that it’s about the perception of conflict of interest</li> <li>&gt; If that’s the case, should employees of other service authorities also be excluded from nomination?</li> <li>&gt; Everyone in the NT has a potential for conflicts as it’s such a small place</li> </ul> <p>In relation to publishing voting outcomes:</p> <ul style="list-style-type: none"> <li>» While DCA members usually agree on a decision, there is quite often a lot of conversation around the conditions.</li> <li>» There is concern that published voting could result in targeting of individuals, resulting in: <ul style="list-style-type: none"> <li>&gt; It being harder to get nominations.</li> <li>&gt; There being more political decisions.</li> <li>&gt; Other “boards” don’t distinguish individuals when making a decision.</li> <li>&gt; It was suggested that the individual votes could be recorded but not made public.</li> <li>&gt; It was suggested that voting numbers only, and not names, be made public as a compromise.</li> </ul> </li> <li>» The provision of training for DCA members was viewed as particularly positive.</li> <li>» Questions were raised in relation to the Minister’s discretion to accept a Council nomination, and specifically: <ul style="list-style-type: none"> <li>&gt; If the Minister refuses a council nomination, does council have to nominate someone else?</li> <li>&gt; On what grounds would the Minister be able to refuse the council’s nominations</li> <li>&gt; Litchfield council is proposing the minister just justify her decision in writing and ask for a new nomination</li> <li>&gt; It was noted that there is often difficulty getting council nominations, particularly for the smaller councils, and this may be exacerbated by the proposed amendment.</li> </ul> </li> </ul>
<b>9 Improve planning information and public engagement</b>	<ul style="list-style-type: none"> <li>» The need for the NTPC to publish an engagement strategy is supported, as pathways for community involvement needs to be clearer.</li> </ul>
<b>10 Extend third party rights of review to Zone RL (Rural Living)</b>	<ul style="list-style-type: none"> <li>» The 3rd party review in Zone RL required further clarification</li> </ul>

Planning Reform		Comments / Inputs
11	Create more certainty for legal existing uses	None
12	Support infrastructure contributions	None
13	Miscellaneous minor changes to the Act	None

 **Gaps identified and general comments made during the workshops:**

- » Could there be a “comment” vs “submission pathway for public submissions also? As some people “don’t support” but don’t “object”.

## 3 Written Submission Analysis

The chapter of this outcomes report provides a summary of all relevant submissions regarding the proposed stage three planning reform to the amendments to the Northern Territory Planning Act 1999 and amendments to the strategic direction of the Northern Territory Planning Scheme, exhibited up until in Friday 29 November 2019.

### 3.1 Overview

All submissions detailed in the below table, were received via online submissions at [https://haveyoursay.nt.gov.au/planningreform/survey\\_tools/changes-to-the-planning-act-upload-a-written-submission](https://haveyoursay.nt.gov.au/planningreform/survey_tools/changes-to-the-planning-act-upload-a-written-submission). In total 65 submissions were received during the exhibition period. The breakdown of the submissions includes:

- » 50 Community members
  - > 30 submissions received were from community living in suburbs within Darwin including Fannie Bay, Palmerston, Ludmilla Winnellie Nightcliff and The Gardens, or community organisations or Non-government organisations.
  - > 3 from Alice Springs
  - > 17 submissions did not provide an address or area
- » 4 Local Government Agencies including The City of Darwin, Lichfield Council, City of Palmerston and Alice Springs Council
- » 8 from stakeholders in the development industry including Music organisation, Architects, Lawyers, Planners and Community Groups
- » 3 government stakeholders being Department of Environment and Natural Resources, Medical Entomology and the Department of Health NT.

The table has filtered the key issues outlined in submissions, with a summary of the submissions being provided by stakeholder groups being individual community submissions, submission from stakeholder groups within the development industry (development industry bodies and organisations, architects, planners, lawyers etc.) and finally submissions from local governments and government agencies.

## 3.2 Local Government

A summary of the key points raised in the submissions are outlined below.

**Table 6 Analysis of Local Government Written Submissions**

Planning Reform	Key issues raised in submission
<p><b>1 Strengthen the role of strategic planning</b></p>	<ul style="list-style-type: none"> <li>» Four Councils provided submissions and were generally supportive of the amendments to the Planning Act.</li> <li>» Councils viewed strategic planning as positive, suggesting that the strategic planning process could include more input from Council to ensure high quality urban design outcomes in line with community vision.</li> <li>» One Council objects that a previous item on "amenity" has been removed and the revised text has no reference to amenity. The submission indicates that the effect of amenity on existing residents is a key consideration of best practice planning. It is recommended to include "minimising adverse impacts of development on existing amenity and, wherever possible, ensuring that amenity is enhanced as a result of development".</li> <li>» Councils support strengthening the Strategic Framework in the Planning Scheme.</li> <li>» One council notes they have previously indicated a desire to create strategic policy documents and have them formally recognised within the Planning Scheme.</li> <li>» One council commented that the Planning Scheme currently contains several obsolete provisions, particularly those relating to specific land parcels in Clause 1.3 (exceptions) and Schedule 1 (Specific Use Zones). These should be overhauled and any obsolete provisions deleted as part of the reform process.</li> </ul>
<p><b>2 Make the Planning Scheme more user friendly</b></p>	<ul style="list-style-type: none"> <li>» Councils support the introduction of overlays to the planning scheme and see it aiding a clearer understanding of planning systems for all and to provide a better account of localised factors.</li> <li>» Changes are viewed as positive with two councils requesting greater input from Council into the final Planning Scheme structure.</li> <li>» Council has suggested 'static' maps may not provide the best user experience and that Overlays be mapped in an online system with the ability to layer constraints and opportunities for a property.</li> <li>» One Council identified that overlays currently neglect 'heritage' and 'culture'. Council considers that protection of natural and cultural heritage and Aboriginal sacred sites could be encompassed via the use of Heritage Overlays, like other jurisdictions within Australia.</li> <li>» One council noted zoning should be mapped in a separate user-friendly online system with the ability to obtain layer constraints.</li> </ul>

Planning Reform	Key issues raised in submission
	<ul style="list-style-type: none"> <li>» Councils strongly supports the increased awareness and strengthening the role of the strategic planning framework in the Planning Scheme.</li> <li>» One council considers that there is value in retaining existing referenced documents (Policies and Guidelines) and background material and have asked if there will be further consultation should those policies and guidelines be earmarked for redundancy.</li> <li>» One council suggests more clarity is required for 'Benefits the planning scheme' as they are unsure the public will understand. They recommend the wording be more specific to understand requirements of 'benefits'.</li> </ul>
<p><b>3 Simplify development application process</b></p>	<ul style="list-style-type: none"> <li>» One regional council supports simplifying the development application process and timeframes for mums and dads, tradies and authorities that rely on these permits to continue service delivery. Council also highlighted that the application process needs to reduce the burden on small land owners and small business developments by not asking for too much supporting information such as flood impact study and reports when the impact is really a matter for NT government to address through broader flood mitigation.</li> <li>» One council would appreciate being included in determining what should be considered as; 'Permitted', 'Merit Assessable', 'Impact Assessable' and 'Prohibited' to ensure Council infrastructure is protected.</li> </ul>
<p><b>4 Revise notification requirements</b></p>	<ul style="list-style-type: none"> <li>» Council commented that the changes are positive, and requested that they have the opportunity to provide further input into this aspect.</li> <li>» Clear and concise information on notification signs will provide the community with a better understanding of the specifics of a proposal.</li> <li>» The ability to apply different notification categories enables a more streamlined process for minor applications and greater awareness of larger / more impactful proposals. It is critical that Council be involved in future changes to Regulation regarding the determination of "local" and "designated" development / notification types.</li> <li>» One council request further details of the circumstances where a "proposed amendment is not significant enough to require exhibition".</li> <li>» Councils support the changes of the Planning Act particularly the separation of 'local authority' and service authority' from one another within the Act. It was noted that to achieve this, Section 64 would require amending to be consistent with the revised 'service authority' definition.</li> <li>» One council requested clarity where some developments have multiple street frontages and notification requirements should reflect this.it was also requested that there is a need to clarify and define what is 'immediate local residents'</li> <li>» Councils support input on the type of development applications to be considered for 'designated development' notification i.e. 28 days as opposed to 14 days. This is an important acknowledgement that</li> </ul>

Planning Reform	Key issues raised in submission
	<p>some applications are difficult to provide detailed commentary on within the current timeframes. Council still encourage Developers to meet with Council prior to lodgement of larger developments/ scheme amendments.</p> <ul style="list-style-type: none"> <li>» One council advocates for the wording in the Act to state that the “consent authority must give written notice to any person who owns and/or occupies land adjoining the land”.</li> <li>» One Council stated their objection to clause 48(2) as they wish to be invited to all DCA meetings in their jurisdiction.</li> <li>» One council advocates that clause 48A (3) be amended to allow a local authority to request an extension of time to make a submission in addition to a service authority.</li> <li>» Councils commented that they would like to work with DAS to determine how submissions should identify if they are making a “comment or view” as this may determine if a Development Consent Authority (DCA) hearing is held or not.</li> <li>» Three Councils suggested that in terms of section 117(2) amend “14 days” to “28 days”.</li> <li>» Local notification will “require the erection of a sign and notification of adjoining landowners and occupiers.” The changes proposed by Section 47B (2) states that the “consent authority must give written notice to any person who owns or occupies land adjoining the land.” Council advocates for the wording in the Act to state that the “consent authority must give written notice to any person who owns and/or occupies land adjoining the land” consistent with the intent of the changes.</li> </ul>
<p><b>5 Introduce criteria for planning scheme amendments</b></p>	<p>One Council objects to amendment of Clause 81D as this provision will not be able to be enforced as long as the NTPC holds reporting body hearings on applications proposed by the NTPC. There will always be a perceived bias of the NTPC holding hearings and writing reports on strategic planning documents, area plans, regional plans, and PSAs proposed by the NTPC.</p>
<p><b>6 Streamline application timeframes</b></p>	<ul style="list-style-type: none"> <li>» Simplification of the development application processes are a positive change subject to input from Council on changes to the Scheme relating to procedural and development categorisation.</li> <li>» Changes around notification and time limits are generally positive, although specific wording of the Amendment Bill in relation to Council submission, and timeframes and consideration should be addressed.</li> <li>» Two councils support the separation of ‘local authority’ and ‘service authority’ from one another in the Act.</li> </ul>
<p><b>7 Introduce more effective enforcement tools</b></p>	<ul style="list-style-type: none"> <li>» This was generally supported by all four Council who provided a submission.</li> <li>» One regional Council supports enforcement of the scheme for non-compliant developments, recognising that this is due to unfeasible cost implications on the project and impacts caused due to timeframes imposed</li> </ul>

Planning Reform	Key issues raised in submission
	<p>through the planning process. E.g. Construction of shed being double or more due to projected liabilities and certification process.</p> <ul style="list-style-type: none"> <li>» One council commented that Section 76(1) provides the Minister the ability to “appoint authorised officers” in writing. This provision does not explicitly state that Council employees will be authorised officers, but it doesn’t limit such opportunity either. Council wants to ensure that whilst the Minister can appoint an ‘authorised officer’ as per 76(1), that the intention is not for staff at City of Darwin to undertake such duties.</li> <li>» Councils supports the changes proposed to discourage, investigate, penalise and order rectification of illegal uses and development as proposed.</li> </ul>
<p><b>8 Introduce new Development Consent Authority membership and reporting requirements</b></p>	<ul style="list-style-type: none"> <li>» One council indicated that the requirements relating to qualifications and experience, mandatory training, the creation of and adherence to a code of conduct are all positive measures that will provide a stronger framework for a more robust and transparent DCA. Likewise, the ability for the DCA to seek input from a pool of industry experts on specific matters will improve the resources available to the consent authority and improve decision making and the decisions themselves.</li> <li>» Councils raised concerns over the lack of framework for the manner in which expert advice on development applications would be sought, how this would be made available to the public, or providing opportunities for rebuttal or questioning.</li> <li>» One council raised concerns regarding Ministers discretion to appoint member of the DCA which opens the door to the DCA potentially including no member of the Council.</li> <li>» One council supports DCA voting to be made public.</li> <li>» Councils supports the introduction of “a course of training for members of the Development Consent Authority” to be successfully completed “before exercising the member’s powers or performing the member’s functions.”</li> <li>» Some councils supported the deliberations of the DCA, including the public hearing, discussion and decision-making processes should be open to the public, whilst other councils’ object to making voting public.</li> <li>» Councils strongly object to the proposed change to the process of appointment of local authority members to DCA. One council noted that they currently nominate an alternate local authority member; it is noted that the Act changes do not provide requirements or provisions for proxies. Councils questions how the Minister would be better placed to determine if a local authority member would be suitable or not for appointment. Any discretion by the Minister should be clearly outlined in the Act.</li> <li>» One council suggested that in the interest of greater transparency, the deliberations of the DCA, including the public hearing, discussion and decision-making processes should be open to the public. The council also</li> </ul>

Planning Reform	Key issues raised in submission
	<p>recommends that these meetings be webcast, particularly considering remote communities of the Northern Territory, noting that some items must be discussed in confidence (closed section).</p> <ul style="list-style-type: none"> <li>» One council welcomes a criterion requiring the Chair of the DCA to have the appropriate skills, qualifications or related experience.</li> <li>» A regional Council supports the DCA membership requirements in particular the training to elected member representing Council that will impart additional planning knowledge to help with better decision making.</li> <li>» Council offers that Section 103(1A) should identify any conflict of interest if a member were included in discussions/voting processes as allowed by Section 97.</li> </ul>
<p><b>9 Improve planning information and public engagement</b></p>	<ul style="list-style-type: none"> <li>» One council objected to changing the wording of the public engagement section as it may undermine Councils comments on development proposals.</li> <li>» One council commented that Section 49 (of the Act) should be expanded or enable Council the ability to nominate to make its submission under Section 49(3).</li> <li>» The Alice Springs Town Council has stated they have explained its difficulty with the planning process and supported the better flow of information and engagement with affected stakeholders, including the public.</li> </ul>
<p><b>10 Extend third party rights of review to Zone RL (Rural Living)</b></p>	<ul style="list-style-type: none"> <li>» Council have no issue with the changes.</li> </ul>
<p><b>11 Create more certainty for legal existing uses</b></p>	<ul style="list-style-type: none"> <li>» Councils have no issue with the changes.</li> </ul>
<p><b>12 Support infrastructure contributions</b></p>	<ul style="list-style-type: none"> <li>» The proposed amendments are generally supported.</li> <li>» One council stated that- infrastructure needs to include 'social' and 'community' infrastructure, not just prescribed capital works.</li> <li>» Councils require certainty that the changes will not adversely impact council or hinder Councils ability to collect monies in accordance with established regulations. Further, submissions require certainty that the changes will not result in any negative financial implications for council, before suitable arrangements can be made.</li> <li>» One council supports the provision that enables "retrospective contributions to infrastructure that has already been developed."</li> <li>» One council requested that any changes made in relation to contributions be undertaken in conjunction with local government.</li> </ul>

Planning Reform	Key issues raised in submission
	<ul style="list-style-type: none"> <li data-bbox="724 302 1976 477">» Council through ongoing discussions has identified a desire for flexibility within the Act to create contribution plans for a broader range of infrastructure beyond roads and stormwater for example. Council advocates for the provision of social infrastructure and public art to meet the community’s needs and tourism demands. This will allow local governments to ensure that all developments respond to local circumstances and achieve a broader vision for the Northern Territory. Council suggests that all contribution framework changes be made on a holistic basis.</li> <li data-bbox="724 492 1976 667">» One regional council is supportive of infrastructure contributions but also conscious that the current car parking contribution scheme introduced through planning remains ineffective to Council. Council will be supportive of any contribution from NT Government to alleviate its CBD parking shortage impact through a grant to fund the construction of a multistorey parking facility. It is understood that the contribution from the developer will offset the cost of installation of headworks and infrastructure undertaken by the relevant state government department.</li> </ul>
<p><b>13 Miscellaneous minor changes to the Act</b></p>	<ul style="list-style-type: none"> <li data-bbox="724 686 1976 748">» Exceptional Development Permits (EDP) create a sense of uncertainty for the community and local governments. Changes are required to EDP to realign with the original intent are supported.</li> <li data-bbox="724 761 1976 823">» Council strongly objects to this proposal 139A as Publishing only in electronic format unfairly disadvantages those individuals without internet access, or adequate internet access.</li> </ul>

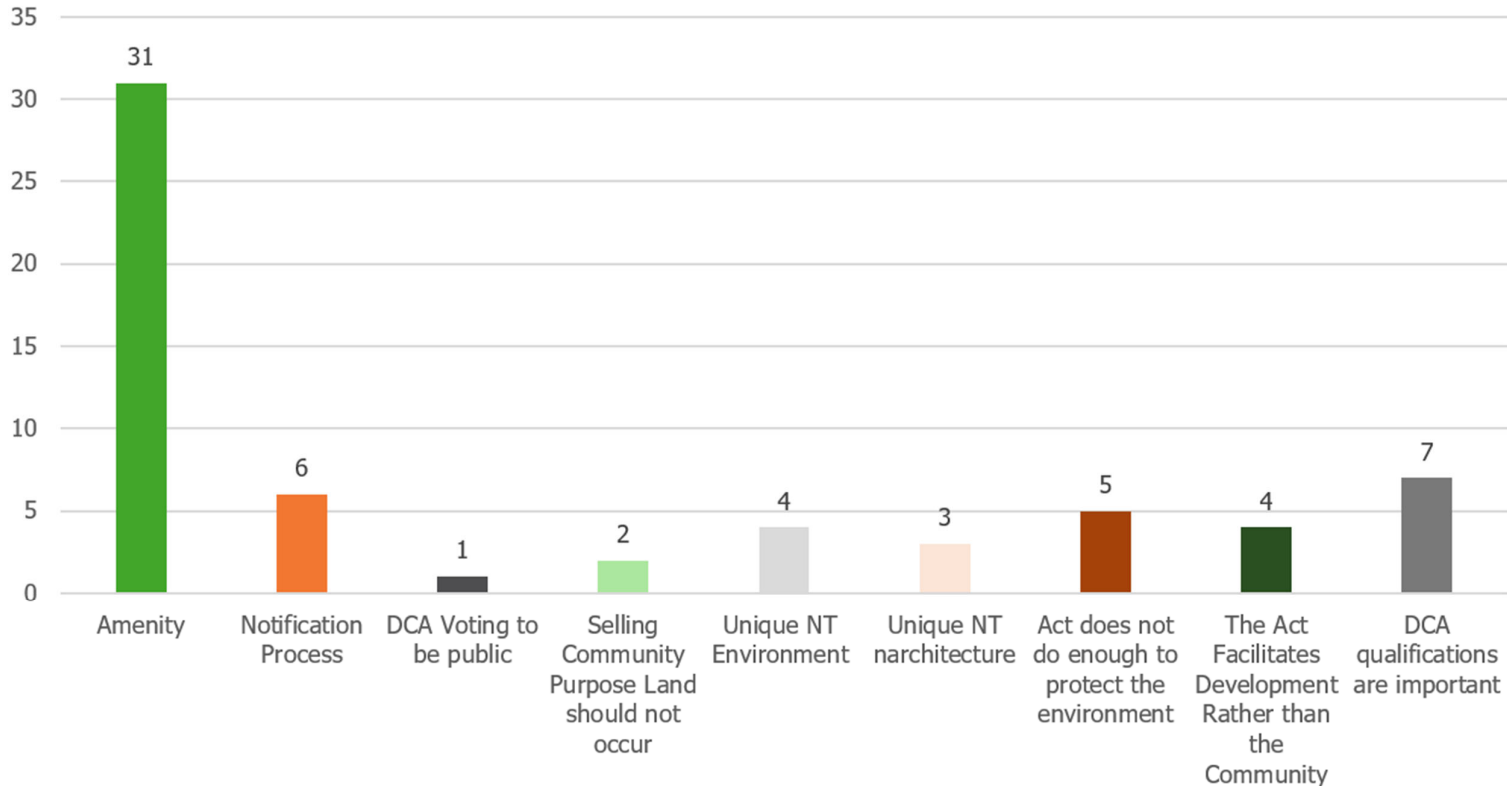
### 3.3 Community groups and residents

#### 3.3.1 Analysis of Written Submissions by Content

Fifty written submissions were received in total from community members.

An analysis of key areas of interest or concern were undertaken, outlined graphically in Figure 7, below. This represents a snapshot only, with a detailed analysis of submissions at Section 3.3.2.

**Figure 7 Main areas of interest raised in community written submissions by number of times raised**





From this analysis it is evident that:

- » The main area of concern is the removal of amenity from Section 2(A) of the Act. These submissions noted their disappointment or objection to the omission of 'Amenity' within the strategic objectives of the Act. In many submissions the community commented that the amenity within NT is unique and therefore should be preserved and enhanced within the planning legislation.
- » The second area of interest relates to the make-up of the DCA, and emphasising support of DCA members to be qualified to make decisions on planning applications.
- » The third area of interest relates to the process for local notification.
- » Built form outcomes, and the natural environment are of key interest to the community, and should be considered during the review of the NT Planning Scheme Development Controls.

### 3.3.2 Detailed Analysis of Community Groups Written Submissions

A summary of the key points raised in the submissions are outlined below.

**Table 7 Analysis of Community Groups and Residents Written Submissions**

Planning Reform	Key issues raised in submission
<p><b>1 Strengthen the role of strategic planning</b></p>	<ul style="list-style-type: none"> <li>» One submission stated that the section of the reforms relating to submissions and hearings, is too complicated and would be better left unchanged. It was commented that the NT Planning Scheme needs to be readable and the proposed changes just complicate matters.</li> <li>» 31 submissions commented on the omission of 'Amenity' from the amended Act. These submissions noted their "extreme disappointment" or objection to the omission of 'Amenity' within the strategic objectives of the Act. In many submissions the community commented that the amenity within NT is unique and therefore should be preserved and enhanced within the planning legislation.</li> <li>» There was support for having clear fundamental objectives in the Act, and decision-making criteria and accountability measured in the Act.</li> <li>» The proposed objective to 'facilitate' development provide the incorrect purpose of the planning legislation. Four members of the community feel the objective of the statement should be to encourage sustainable development, and protect the unique tropical environment.</li> </ul>

Planning Reform	Key issues raised in submission
	<ul style="list-style-type: none"> <li>» One submission wanted Clauses 2A (e), (f) and (g) to be restored - as these show that the public interest, rights of residents and developers needing ecologically sustainable development in planning law and respected by all planning decision-makers.</li> <li>» One community led planning advocacy group stated their support for the reform on the condition that policy guidance and strategic planning should not come at the expense of necessary prescriptive controls on land use and development.</li> <li>» It was also noted by one community member that the Act endorses plans that are not in existence and thus are premature in the proposal.</li> <li>» One community member suggested replacing sustainable development with ecologically sustainable development, for consistency with other NT legislation and Australian standards.</li> <li>» Environment Centre NT suggested specific wording changes to the objectives of the Act to strengthen the outcomes of ecological sustainable development, ensure effective responses to climate change, ensure amenity is enhanced and that the planning system is clear, comprehensive, effective, efficient and accessible to the community.</li> <li>» It was mentioned within three of the submissions that the objectives of the legislation extend too far into the future to be realistically achieved. It was suggested that a more practical and pragmatic set of objectives and timeframes for strategic planning should be considered.</li> </ul>
<p><b>2 Make the Planning Scheme more user friendly</b></p>	<ul style="list-style-type: none"> <li>» Six members of the community raised concerns about the planning documents only being available in electronic form. It was noted that many Territorians do not have frequent and adequate access to a computer or the internet.</li> <li>» The planning legislation has not been written in plain English and has been noted as being difficult to understand. It was also noted in a submission that the documents are extremely technical and difficult to understand from a public point of view.</li> </ul>
<p><b>3 Simplify development application process</b></p>	<ul style="list-style-type: none"> <li>» It was noted that development with shorter exhibition period/deadlines and assessment periods do not fully allow the community to be notified or object to development applications.</li> <li>» One submission suggested reducing burden on small land owners and small business developments by not asking for too much supporting information, such as flood impact study and reports, when the impact is really a matter for NT government to address through broader flood mitigation.</li> <li>» One submission did not support changes to the NT Planning Scheme which includes terms like "Merit Assessable and Impact Assessable". The comment was that the current terminology of prohibited, discretionary, permitted - easier for the average person to understand.</li> </ul>

Planning Reform	Key issues raised in submission
	<ul style="list-style-type: none"> <li>» The Environment Centre NT recommended the following amendments:                             <ul style="list-style-type: none"> <li>&gt; to allow for planning adviser who provide support to applicants to also support submitters</li> <li>&gt; the proponent should demonstrate how the purpose and objectives of Act will be achieved</li> <li>&gt; exhibition period to be changed to 42 days</li> <li>&gt; development proposals to be assessed against purpose and objectives of Act, notably compliance with ESD principles.</li> </ul> </li> </ul>
<p><b>4</b>    <b>Revise notification requirements</b></p>	<ul style="list-style-type: none"> <li>» Notification time periods should not include public holidays, school holidays and other informal holiday periods such as Christmas, as it does not sufficiently allow for the public to be informed of new development as many are away from home and could potentially miss the notification period.</li> <li>» One member of the community requested greater clarity on the submission period for development on notification, as well as stating that all late submissions should be rejected by Authorities as the system should be fair for developers and community members.</li> <li>» One submission called for “No two-level changes” for advertising of development applications as it is too complex.</li> <li>» One submission stated that the Minister should be required to publicly report why exceptional development permit (EDPs) are approved rather than seeking to amend the planning scheme. The same submitter stated that criteria should be developed to assess whether EDPs should be placed on exhibition.</li> <li>» Six submissions stated that all development applications should remain being notified within the newspapers, as many Territorians do not frequently have access to computers and the internet.</li> <li>» One person praised the use of new technology and suggested that emails should be sent to adjoining landowners of development, as well as letter drop.</li> <li>» One submission stated that streamlining of notifications should not mean cutting notices from local paper</li> <li>» One submission suggested the government should provide opportunities for submitters to have their personal details held in confidence by the Commission or consent authority.</li> </ul>
<p><b>5</b>    <b>Introduce criteria for planning scheme amendments</b></p>	<ul style="list-style-type: none"> <li>» Two submissions stated ‘Amenity’ should be considered and reintroduced to the Planning Act as a criterion for the Minister, especially where development will have a significant effect on the existing amenity of the area.</li> <li>» Planning scheme proposals should also be assessed against objectives of the Act, notable compliance with ESD principles.</li> </ul>
<p><b>6</b>    <b>Streamline application timeframes</b></p>	<ul style="list-style-type: none"> <li>» Two members of the community saw the streamlining of development approvals as positive.</li> </ul>

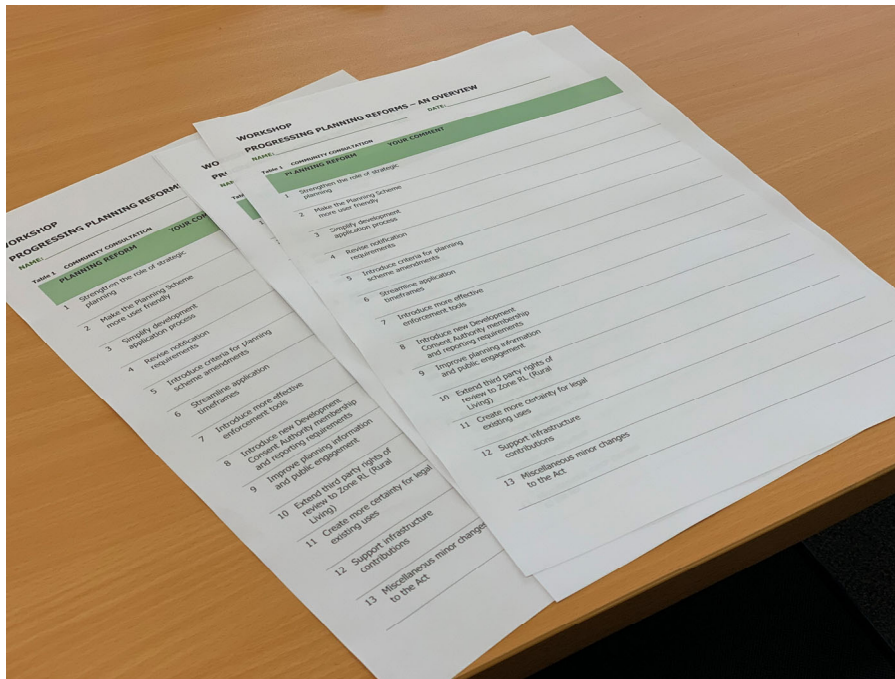
Planning Reform	Key issues raised in submission
	<ul style="list-style-type: none"> <li>» Other members of the community stated that the development assessment process should be the same for all developments to provide a fair and equitable system.</li> <li>» One member of the community requested clarity as to what constitutes “works” that warrant an additional 2 year to the base permit period for subdivision developments.</li> <li>» The consultation / public notice period for developments, and small-scale domestic alterations, particularly over times when the Darwin population may be on extended leave from Darwin, need to be for a longer period. Fourteen days is too short, especially over the December/ January holiday period when many home owners are away.</li> <li>» It was commented that the principle of when a submission is made or is not made, and the associations with holding a hearing or not, is too confusing. The submission further indicated that if no submission is received or no hearing is held by the Commission, it must provide the Minister with a written report.</li> <li>» One submission stated that the proposal for where no public notices are required relating to (a) carry out the consolidation of land; or (b) develop land to accommodate people requiring privacy, as prescribed by regulation; or (c) subdivide land under the Unit Titles Act 1975 or for the purposes of the Unit Title Schemes Act 2009, other than to subdivide vacant land; or (d) carry out a development, specified by the regulations, that will not have a significant effect on the existing and future amenity of the area in which it will be carried out, is not supported.</li> </ul>
<p><b>7 Introduce more effective enforcement tools</b></p>	<ul style="list-style-type: none"> <li>» Enforcement of planning conditions was generally supported.</li> <li>» One submission stated “I support the concept of greater powers for authorised officers under the Act and penalties for non-compliance with the legislation.</li> <li>» It was noted that there is insufficient ongoing assessment and enforcement of development that receives approval. One member of the community stated that there are cases where known developments have several conditions which need rectifying.</li> <li>» A few submissions indicated that greater enforcement is to be applied to protect the environment, especially native vegetation, soil and landforms.</li> <li>» One submission called for greater changes to clauses to not allow native land clearing.</li> </ul>
<p><b>8 Introduce new Development Consent Authority membership and reporting requirements</b></p>	<ul style="list-style-type: none"> <li>» Three submissions questioned whether 4 members on a DCA is sufficient to adequately assess proposed developments?</li> <li>» Three community members noted the DCA deliberation / voting should be more transparent and be open to public.</li> </ul>

Planning Reform	Key issues raised in submission
	<ul style="list-style-type: none"> <li>» One community member stated that the appointment of two Council members forming the Panel of DCA division members should be retained. All other proposed changes are supported and should be adopted.</li> <li>» One submission noted that although the idea of specialist’s members to the DCA to assist in the decision-making process is supported, the applicant should not be privy to the specialist members expertise and opinion. This was noted as problematic from an administrative law perspective as those impacted by a decision may not be afforded natural justice. Three alternatives were suggested to avoid this circumstance, including:               <ul style="list-style-type: none"> <li>&gt; Specialist be engaged on behalf of the DCA</li> <li>&gt; DCA is assisted by expert witnesses, with no specialist members</li> <li>&gt; Specialist members become full time DCA members</li> </ul> </li> <li>» One submission suggested that at least one of the members on the DCA be a qualified town planner</li> <li>» One submission stated that the clause associated with the Minister appointing anyone to be the local authority member should be removed as it gives the impression that the person does not have to come from a local authority or the local authority.</li> </ul>
<p><b>9 Improve planning information and public engagement</b></p>	<ul style="list-style-type: none"> <li>» Many submissions stated that the current public engagement methods are ‘watering down’ the public interest in development assessment. It was repeatedly mentioned that public engagement in NT is insufficient with one member stating that one pop-up with a box-tick questionnaire is not “meaningful engagement”.</li> <li>» There was concern that the methods of public consultation are unclear and thus consultation lends itself to cater for developer only, and not the community as a whole. It was suggested in a submission that the public consultation methodology should become more transparent.</li> <li>» The community want greater input to the DCA decision making and feel the current process neglects the public interest.</li> </ul>
<p><b>10 Extend third party rights of review to Zone RL (Rural Living)</b></p>	<ul style="list-style-type: none"> <li>» One resident feared the third-party involvement in review of rural lots will create a culture of extinguishing entrepreneurship of many home run businesses and aid in the economic decline of the region. A further resident stated that many a business in the NT has been started or enhanced by using a rural block. The comment was made that the third-party review may create an avenue for others to hinder someone’s livelihood.</li> <li>» All Rural Living and Rural property owners objecting to inappropriate development should have the same third-party rights of appeal as single dwelling residents. Without this right, objecting to inappropriate planning developments in the first place is a farce.</li> </ul>

Planning Reform	Key issues raised in submission
<b>11 Create more certainty for legal existing uses</b>	<ul style="list-style-type: none"> <li>» Two submissions were explicitly supportive of the changes.</li> <li>» One community member requested greater certainty around existing businesses on rural lots and in particular knowing that changes in the planning system won't be unnecessarily applied to all landowners in retrospect.</li> </ul>
<b>12 Support infrastructure contributions</b>	<ul style="list-style-type: none"> <li>» One Community member is supportive of infrastructure contributions, raising questions on how effective this will be, noting that the current car parking contribution scheme introduced through planning remains ineffective to Council.</li> <li>» One community member supports any contribution from NT Government to alleviate the CBD parking shortage.</li> <li>» One submission understood that the contribution from the developer will offset the cost of installation of headworks and infrastructure undertaken by the relevant state government department.</li> </ul>
<b>13 Miscellaneous minor changes to the Act</b>	<ul style="list-style-type: none"> <li>» One community member supports the concept of appeal/review mechanisms for all decisions. It was felt that NTCAT appeal would be much simpler and cheaper than the Supreme Court.</li> <li>» Many submitters do not support exceptional development permit clauses. It was stated in numerous submissions that the EDP clause makes little sense to the community and is not supported.</li> <li>» One community member requested clarity on the amendments to section 51, so that the community can understand what matters will be taken into account when assessing an application.</li> </ul>
<b>General comments</b>	<ul style="list-style-type: none"> <li>» Three submissions outlined the need for greater transparency about selling off community land.</li> <li>» Many of the submissions stated opposition for high rise and infill development.</li> <li>» Four submissions provided comment on the unique tropical environment of the NT. The submissions raised the need for improved architecture and wanting a style of architecture to suit the extreme environment, which is not just copied from other cities around the world.</li> <li>» One member of the community stated the current regulations of designing to 5-star energy rating does not work in a tropical environment and that greater emphasis needs to be placed on creating suitable architecture for tropical environments.</li> <li>» Three submissions stated their concern about the proposed Act not doing enough to preserve the environmental value of the Territory.</li> <li>» Many submissions stated that "transparency" of the government needs to improve and the community should be more heavily involved in the decision-making process.</li> </ul>

Planning Reform	Key issues raised in submission
	<ul style="list-style-type: none"> <li>» One submission stated that the government should abolish the Act in relation to regional or remote towns and re-instate all the Town Plans. The submission stated that the Town Plans worked well, were better controlled and Town Plans looked after the interest of residents.</li> <li>» A community led planning advocacy group suggested larger minimum lot sizes for larger homes for Territorian families.</li> </ul>

**Figure 8 Workshops delved into planning reform in detail**



## 3.4 Industry

A summary of the key points raised in the submissions are outlined below.

**Table 8 Analysis of Development Industry Written Submissions**

Planning Reform	Key issues raised in submission
<p><b>1 Strengthen the role of strategic planning</b></p>	<ul style="list-style-type: none"> <li>» Industry supports the move to performance-based planning and acknowledges the importance of the Strategic Framework and the associated hierarchy when considering planning applications and subsequent assessment.</li> <li>» One submission requested clarification of the purpose in section 2A is to "establish a system for planning the "sustainable" development of land.", and the definition of "Sustainable" development of land?</li> <li>» Industry bodies have request clarification on the role of Strategic Planning and Area Plans, specifically the opportunity to challenge the "Area Maps" within the scheme, and clarify when this occurs via a rezoning or a new variation of Area Plan maps that align with the purpose statements in the Scheme.</li> <li>» Concern is held, and clarity is sought, by industry regarding the legislative weight of overlays, as they are largely "Trigger Mapping", and should not represent a final finding on a constraint of a site.</li> <li>» Property Council supports the proposed amendments.</li> <li>» One industry environmental group stated that the Bill should recognise climate change, through the objectives, as well as in strategic planning principles and policy, overlay provisions, criteria for decision-makers (such as the DCA) and in building sustainability standards and benchmarks for new developments.</li> <li>» The industry environmental group stated that there was insufficient integration of ecologically sustainable development (ESD) in the principles of the Act, and the Act should adopt the approach for proponents to 'avoid, mitigate and offset' the impacts of a development proposal. Further it was suggested that there be additional safeguard mechanisms to clearly link the two legislative frameworks, Planning Act and environmental impact assessment under the Environmental Protection Act.</li> <li>» PIA supports the NT Government setting out a timeframe and priority order for the review, renewal or deletion of strategic policies.</li> </ul>
<p><b>2 Make the Planning Scheme more user friendly</b></p>	<ul style="list-style-type: none"> <li>» One submission suggested that the Planning scheme should include incentives to retain, offsets or tradable floor area for heritage and conservation.</li> <li>» Some professional consultancies support the intent to revise the overall structure of the NT Planning Scheme (the Scheme) as part of the reform.</li> </ul>

Planning Reform	Key issues raised in submission
	<ul style="list-style-type: none"> <li>» Some professional consultancies support the introduction of overlays particularly useful if introduced in the appropriate context. Correctly identifying constraints and updating overlays as new data becomes available or lot boundaries change will also assist decision makers and industry greatly.</li> <li>» Updating zoning tables, zone purpose statements, land use definitions and terminology is also strongly supported provided it is done in manner that is clear and concise.</li> <li>» One property industry group stated that it should be mandatory for the Minister to receive independent written advice from the Planning Commission.</li> <li>» One submission stated that Section 4(a) notice of amendment should also include reasons and reference to Planning Commission written advice for decisions.</li> </ul>
<p><b>3 Simplify development application process</b></p>	<ul style="list-style-type: none"> <li>» One submission suggested that the new changes in the development application process will make the system slower.</li> <li>» DAS should be able to reject application with insufficient information so to ensure better quality submissions.</li> <li>» Some professional consultancies support the introduction of the distinction between merit and impact assessable discretionary uses, provided that industry be given clarity on how this will work, especially if it relies upon clear and concise Scheme definitions, zone purpose statements and requirements, and also Area Plans.</li> <li>» Many professional consultancies strongly support the proposed deletion of clause 2.5 (Exercise of Discretion by the Consent Authority), and particularly subclause 4 ('Special Circumstances') from any new Scheme. It was stated that for an applicant, it is virtually impossible to sustain an argument under clause 2.5 with confidence and certainty as the identification of 'special circumstances' is a highly subjective exercise in itself.</li> <li>» One professional consultancy suggested that if clause 2.5 of the Scheme is to be removed, then section 51(t) of the Act must be reviewed to ensure consistency and increase transparency in assessment and decision-making</li> </ul>
<p><b>4 Revise notification requirements</b></p>	<ul style="list-style-type: none"> <li>» One industry body supports transparency and public notification, noting concern for irrelevant and vexatious submissions that cloud decision making and slow the planning assessment process.</li> <li>» One professional body stated that there should not be unequal weight given to a couple of complaints/concerns with no or limited consideration of the overall development meeting the strategic framework.</li> <li>» One professional consultancy supported the revised notification timeframes for 'local notification' while not agreeing that the notification for 'designated development' needs to be extended to 28 days as other forms of engagement supersede the need for the extended timeframes. The following matters were identified in justifying the reduction of designated development notification period to 21 days:</li> </ul>

Planning Reform	Key issues raised in submission
	<ul style="list-style-type: none"> <li>&gt; A 28-day exhibition period does not factor in the timing of DCA hearings.</li> <li>&gt; A 28-day exhibition is reserved for PSA proposals and EDP applications. To suggest that a 'designated development', which is likely to be impact assessable, warrants the same level of consideration by authorities and the public conflicts with the various measures to streamline the planning process.</li> <li>&gt; extending the referral period to 28 days will have no benefit to either the applicant or the assessment of the development in comparison to existing timeframes, particularly if there is a mechanism for service authorities to seek an extension to the allowable timeframe.</li> <li>» In relation to community groups, greater consultation and community feedback is supported, provided that guidelines are developed to ensure that a submission is properly made and contains arguments based on planning merit. Discretion for decision makers to disregard a submission in its entirety should be considered if it is not based on planning merit.</li> </ul>
<p><b>5 Introduce criteria for planning scheme amendments</b></p>	<ul style="list-style-type: none"> <li>» Providing clear guidance to the Minister for approvals is critical and is supported.</li> </ul>
<p><b>6 Streamline application timeframes</b></p>	<ul style="list-style-type: none"> <li>» One industry body commented that the proposed 90-day timeframe for a decision of a Minister in relation to a rezoning application appears excessive and should be halved to 45 days which presents adequate time for a decision and any clarification of matters, particularly when considering the report presented by the Planning Commission will establish all facts and details of the proposal and outcomes of consultation.</li> <li>» One industry body suggested that the timeliness of Service Authority comments and responses is an opportunity to improve accountability and transparency in the system. This would be reliant on accountability in adhering to the timeframes. The implementation of a timeframe system for responses is an opportunity for service authorities to review internal processes and improve service delivery.</li> <li>» One industry body suggests that the assessment report should publish the timed response of service authorities in relation to an application. Should delays for assessment result from delayed responses without good reason, accountability measures should be considered such as "Deemed Approval" measures, not unlike other jurisdictions.</li> <li>» One professional consultancy supports the proposed timeframes for PSA's and development applications, with concerns raised regarding the transparency and timeframe of the process prior to the Minister making a decision within the 90 days allocation.</li> <li>» One industry body believes a stronger framework and requirements for submissions on both amendments and development applications must be established, and suggests submitters should provide rational grounds when lodging a submission on a proposal. Submissions should be relevant to applicable clauses of the</li> </ul>

Planning Reform	Key issues raised in submission
	<p>scheme in order to be considered as “properly made”. Irrelevant objections that do not draw on relevant clauses, policies or provisions of the scheme are currently a barrier to streamlining the planning system.</p> <ul style="list-style-type: none"> <li>» Development industry bodies recommend the Minister introduce a clear accountable timeframe-based process for the clearance of development approval conditions as part of planning reform.</li> <li>» One professional body suggested that applicants are notified of where the application is in the process against the timeframes.</li> <li>» One professional body recommended that the NT Government to consider deeper reform of referral processes and timing and consider incentives such as providing the DCA with the legal powers of the referral agency should they not respond during the exhibition period.</li> <li>» One industry body stated they have concerns around the intent of Section 5 and 6 and the Development Consent Authority abusing this process, and requested inserting additional safe guards / controls.</li> </ul>
<p><b>7</b>    <b>Introduce more effective enforcement tools</b></p>	<ul style="list-style-type: none"> <li>» Specialised Land &amp; Environment Courts are not yet feasible for the NT’s small population base and are a further delay.</li> <li>» This reform was generally supported.</li> <li>» Environment industry body support the enforcement provisions although consider they do not go far enough, with the maximum penalty amounts inadequate to the offence provisions.</li> <li>» Environment industry body support a tiered system of offences that each include strict liability offences.</li> </ul>
<p><b>8</b>    <b>Introduce new Development Consent Authority membership and reporting requirements</b></p>	<ul style="list-style-type: none"> <li>» Requiring 'formal qualification' of DCA members prevents life experience and restricts qualifications to what is available, making local experience less important than theory applicable for coastal Universities.</li> <li>» Proposed changes to Development Consent Authority (DCA) membership and reporting requirements are supported by the development industry, having particular regard to an emphasis on mandating the relevant qualifications, skills and experience of members to sit on a planning decision-making panel.</li> <li>» Development industry body support training to DCA members, and suggested that they can provide training to DCA members, such as a “Development 101” course to give DCA members an understanding of the development industry. One professional consultancy noted DCA members should be educated in the difference between the related legislation i.e. the functions of the Building Act versus the functions of the Planning Act.</li> <li>» One submission stated that the members of the DCA should only be permitted to serve a term of appointment of 2.5 political terms.</li> </ul>

Planning Reform	Key issues raised in submission
	<ul style="list-style-type: none"> <li>» One professional consultancy supports the proposed requirement for the Development Consent Authority (DCA) to have qualifications in a planning related field, undergo rigorous training about the NT planning system and to develop and adhere to a publicly available code of conduct.</li> <li>» One professional consultancy also called for a pool of specialist to become available to support decision making by the DCA when required.</li> <li>» One professional body stated that the rejection of a person recommended by the council to the Minister should be based on merit and must be transparent on how a decision was determined.</li> <li>» One professional body urges the NT Government to consider the value of Registered Planner as a requirement for DCA membership in recognition of the high proficiency, professional development and ethics embodied in this category of professional planner.</li> </ul>
<b>9 Improve planning information and public engagement</b>	<ul style="list-style-type: none"> <li>» One professional body supports the recommendation of having a clear and transparent process that provides certainty to the community.</li> </ul>
<b>10 Extend third party rights of review to Zone RL (Rural Living)</b>	<ul style="list-style-type: none"> <li>» One professional body supports the third-party appeal rights to Zone RL recognizing that this provides equity to residences in the rural community.</li> <li>» The environmental industry body states that the restrictions on third party appeal rights included in the existing Planning Regulations must be repealed. Any limitations on the availability of merits review be based on the level of impact of a development (i.e. merits review not available for low impact development), rather than making an artificial distinction based on amenity only.</li> </ul>
<b>11 Create more certainty for legal existing uses</b>	<ul style="list-style-type: none"> <li>» One professional body supports the recommendations which provide legal certainty to existing use.</li> <li>» One professional consultancy requested clarity on how to demonstrate continuation of an existing use for 15 years or greater.</li> </ul>
<b>12 Support infrastructure contributions</b>	<ul style="list-style-type: none"> <li>» One professional body supports the changes to the infrastructure contributions which provide equity for developments which should encourage investment in new projects thus stimulating the construction sector.</li> <li>» One industry body suggests that a new independent body should be established to hold, receive and spend car parking contributions to avoid conflict of interests.</li> <li>» One industry body suggest that there is a need to insert a maximum fixed period of 10 years for the purposes of supplying car parking infrastructure under any Plan.</li> <li>» One industry body support the proposed amendments provided that there are no adverse retrospective consequences for existing developments, and that contributions are restricted to only normal and standard infrastructure items (i.e. power, water, sewer and car parking).</li> </ul>

Planning Reform	Key issues raised in submission
<p><b>13 Miscellaneous minor changes to the Act</b></p>	<ul style="list-style-type: none"> <li>» One professional body support the recommendations to update wording and terminology as part of the reforms.</li> </ul>
<p><b>General Comments</b></p>	<ul style="list-style-type: none"> <li>» One submission provided detailed comment on landscaping controls, retaining native vegetation, implementing water sensitive urban design standards and procedures.</li> <li>» One submission suggested that the regulations should support sustainability relating specifically to supporting ecological processes in urban development.</li> <li>» One submission suggested that the planning scheme be amended to amend the zoning tables to facilitate mixed residential, commercial and industrial land uses.</li> <li>» A submission relating to the group music industry requested the creation of an arts / entertainment precinct to be delivered in the NT similar to WA and Queensland State legislation. The submission provided detailed case studies and requested changes to planning scheme land use permissibility and controls.</li> <li>» One industry body highlighted that further reform is needed around minimum lots sizes. A review of Lots sizes is required to consider development forms to be more closely aligned with contemporary living choices which includes individual titles for appropriately zoned small lots and terrace type housing.</li> <li>» One industry body has requested inserting a reasonable and finite time period in which contributions are liable and collected from an existing development for the purposes of a car parking contribution plan.</li> <li>» One industry body recommended that the Commission also takes into account potential negative economic impacts on existing property owners and the broader property market.</li> </ul>

## 3.5 NT Government Agency Submissions

Several NT Government Agencies made submissions. These related primarily to suggestions or comments that influence or play a role in their assessment of Development Application or Planning Scheme Amendments during the agency referral period. Key comments by agency are summarised below. It is noted that some of these comments relate to future stages of engagement in relation to the proposed changes to the NT Planning Scheme.

**Table 9 Assessment of NT Government Agency Submissions**

Agency / Department	Key issues raised in submission	Relevance
<b>Medical Entomology</b>	<ul style="list-style-type: none"> <li>» Medical Entomology currently rely on the NT Planning Scheme exceptions to enable timely maintenance works to be carried on existing drains to reduce the potential for mosquito breeding.</li> <li>» It is recommended that the stormwater drain maintenance exception be carried over into the updated NT Planning Scheme.</li> </ul>	Planning Scheme Review
<b>Department of Environment and Natural Resources</b>	<ul style="list-style-type: none"> <li>» The proposed development of map overlays is supported and may be used to identify areas that require environmental impact assessment consideration, such as:               <ul style="list-style-type: none"> <li>&gt; Development in areas of recognised high biodiversity / environmental sensitivity may trigger the need for a proponent to refer a proposal to the NT EPA for consideration under the Environmental Assessment Act 1982 or Environment Protection Act 2019 (EP Act) (following its commencement).</li> <li>&gt; Avoidance of development within areas subject to known potential environmental impacts, risks and constraints, such as those associated with: odour (e.g. sewage treatment plants); noise (e.g. flight paths); biting insects; contaminated soils; contaminated groundwater; radioactivity; future conflicting development (e.g. future road corridor); water control districts (e.g. areas of recharge of a potable aquifer); mineral / gas resources likely to be mined in future; waterlogged or dispersible soils; zones of potential industrial hazard (e.g. modelled areas of high risk in the case of an industrial accident, blast, chemical spill, ground/surface water contamination or radiation leak).</li> </ul> </li> </ul>	Make the Planning Scheme more user friendly

Agency / Department	Key issues raised in submission	Relevance
<b>Department of Environment and Natural Resources</b>	» Based on experience of officers in the Environment Division in relation to compliance and enforcement, the Environment Division would welcome an opportunity to discuss its experience with relevant officers from DIPL.	Introduce More Effective Enforcement Tools
<b>The Department of Health NT, Public Health Directorate</b>	» There is no mention about amendments to Clause 11.4.3 Lot size and configuration in subdivision of rural or unzoned land. The submissions outline that this clause needs to be reviewed as the detailed requirements conflict with the DoH Code of Practice for Onsite Wastewater Management. The Department states that the new Code will soon be released for public and NTG agency comment so it is recommended that DIPL provide comment on the Code, especially with respect to setbacks.	NT Planning Scheme Review

## 4 Progressing Planning Reforms – Summary and Conclusion



The community consultation and exhibition of the Northern Territory Government's Draft Bill for Amendments to the Planning Act 1999 reached more than 200 people through written submissions or attendance at workshops

Elton Consulting has captured and presented all inputs and discussions under the 13 reform categories of:

1. Strengthen the role of strategic planning
2. Make the Planning Scheme more user friendly
3. Simplify development application process
4. Revise notification requirements
5. Introduce criteria for planning scheme amendments
6. Streamline application timeframes
7. Introduce more effective enforcement tools
8. Introduce new Development Consent Authority membership and reporting requirements
9. Improve planning information and public engagement
10. Extend third party rights of review to Zone RL (Rural Living)
11. Create more certainty for legal existing uses
12. Support infrastructure contributions
13. Miscellaneous minor changes to the Act

The community and key stakeholders provided feedback and input on all aspects of the proposed changes to the Planning Act. Feedback from councils, community and industry showed broad support for the amendments, along with suggestions for improvements, noting:

- » Clear differences occur in regions (for example between Darwin, Katherine and Alice Springs) as well as sub-regionally (for example between Darwin, Palmerston and Litchfield). The introduction of development in accordance with an Area Plan, to achieve locally context specific outcomes as well as overlays to direct development in accordance with local character or environmental factors (such as flooding) was generally met with enthusiasm.
- » The omission of Amenity from Section 2(A) of the Act was viewed as negative by community and Council stakeholders. Suggestions made, including one submission that referenced a number of interstate legislation, pointed to the need to reflect current and future amenity as a key principal enshrined in the legislation.
- » Several stakeholders raised the need to enshrine additional values into the Act in addition to intergenerational equity and amenity, including:
  - > Aboriginal and Torres Strait Islander Culture.
  - > Culture, including the performing and fine arts.
  - > Social outcomes, including enhanced emphasis on community facilities and health and wellbeing outcomes.

The key findings of engagement, include stakeholders and the community being **supportive** of:



- » Strategic planning playing a greater role in the NT planning system, and the **hierarchy of the strategic planning framework**
- » **Criteria** which the Minister for Planning will need to take into consideration when making a **decision relating to a PSA**, along with the proposed **fixed decision-making timeframe**.
- » The **longer public exhibition period** for more complex development applications
- » **Changes to the Development Consent Authority**, including code of conduct, process to manage conflict of interest, training and introduction of specialist advisors
- » Enhanced **enforcement** provisions
- » Introducing **overlays**, particularly if this is integrated with the online ILIS mapping function
- » The **restructuring** of the NT Planning Scheme to make it easier to access information
- » Introducing the option for **local notification**
- » Introducing **set requirements for development applications**.



This report provides a summary of the community and key stakeholder feedback and comments on the Consultation Draft Bill for Amendments to the Planning Act 1999; and the Draft Examples of Possible Changes to the Northern Territory Planning Scheme. This is provided to the Northern Territory Government, to refine the proposed changes to the Act before the official Bill to amend the Planning Act 1999 is introduced into the Legislative Assembly.

The following areas requiring **clarification**, or with key **questions** common across all stakeholders:



- » A regional difference in relation to **use of land Zoned RL** was apparent, with varying perceptions of appropriate planning controls and outcomes noted as context specific
- » The need to define which uses would be **merit or impact assessable** applications
- » The need to define which uses would require **local notification** only
- » In general terms it was noted that there would be the need for a clear, **"plain English" education campaign** to ensure broad community and industry understanding of the new way of doing planning in NT
- » The need to clarify how **specialist advisors** to the Development Consent Authority would be managed.

Some ongoing **concerns** such as:



- » Suggesting that **amenity** should be reintroduced into the Act
- » The need for objectives in the Planning Act to include other categories such as **environmental sustainability, Aboriginal Heritage, health and arts and culture**.
- » Requesting that the outlined **timeframe for planning scheme amendments** be expanded to include all steps in the process. The introduction of a timeframe only for decision making was not seen as going far enough.
- » Asking for greater **clarity** with regards to **infrastructure contributions**
- » Whether or not the **voting of the DCA** would be made public received mixed response
- » The Minister's right to not accept the **nomination** for the **local community member on the DCA** received a mixed but generally negative response.



# Appendices

A Planning Reform Consultation Presentation

# A **Planning Reform Consultation Presentation**

Department of Infrastructure, Planning and Logistics

# Planning Reform

*Building Confidence through Better Planning for the Northern Territory*



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# Why is the planning system being reformed?

Reform initiated by Government in response to calls from industry and the community to improve the system.

Consultation has confirmed that the current system is not broken but that there is room for improvement.

**The focus is on enhancing the current system** for the Territory, particularly in relation to the role of strategic plans that are developed in consultation with the community.

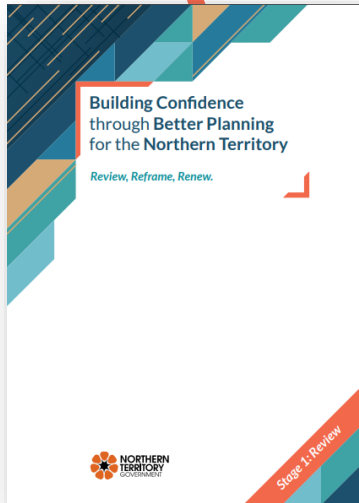
## Aim of the reforms

To improve community and industry confidence and deliver better development outcomes by:

- > Improving transparency and accountability
- > Encouraging innovation and new investment

# How did we get here?

## Stage 1 2017



Sought initial ideas on improvements needed to the planning system

## Stage 2 2018



Reported back with:

- > directions for implementing planning reform
- > ideas for priority reforms

# Why are we here today?

Stage 3

NOW



1. Clarify:
  - > proposed changes to the *Planning Act 1999*
  - > possible supporting changes to the structure of the NT Planning Scheme
2. Answer questions

## What's next?



2020

The outcomes of the consultation will inform:

- A draft Bill for consideration by Government early in 2020
- A proposed amendment to the NT Planning Scheme for consideration by the Minister early in 2020
- Amendments to the Regulations

# Progressing planning reform

# Reform initiatives

# Reform initiatives

- 1 Strengthen the role of strategic planning
- 2 Make the Planning Scheme more user-friendly
- 3 Simplify development application processes
- 4 Revise notification requirements
- 5 Introduce criteria for planning scheme amendments
- 6 Streamline application timeframes

- 7 Introduce more effective enforcement tools
- 8 Development Consent Authority membership and reporting
- 9 Planning information and public engagement
- 10 Extend third party rights of review to Zone RL (Rural Living)
- 11 Create more certainty for legal existing uses
- 12 Support infrastructure contributions

# 1 — Strengthen the role of strategic planning

**Objects of the Act expanded** to:

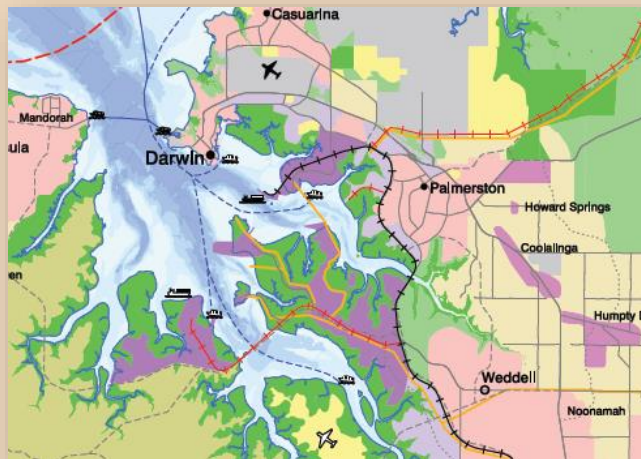
- > increase the **emphasis on strategic planning**,
- > incorporate principles of **sustainable development** and **intergenerational equity**; and
- > clarify that the Act is to assist, not override or replace, decision making responsibilities that are established under other legislation (eg *Environment Protection Act*, *Heritage Act*).

Strategic policies and plans:

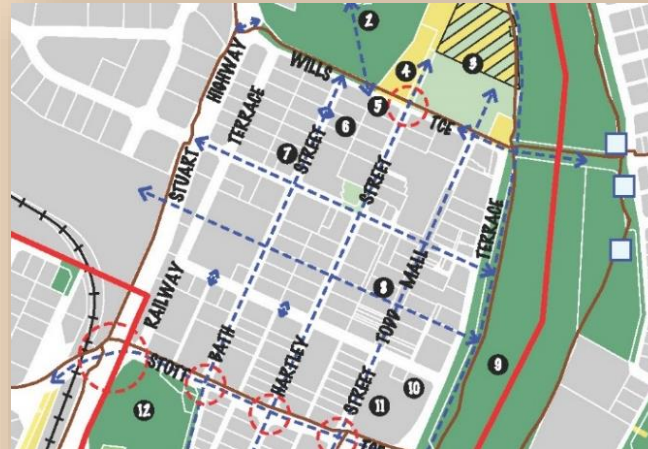
- are prepared by the NTPC with the community to reflect the different **needs of different local communities**
- are included in the NT Planning Scheme by the Minister

**Amendments to the Act** and **Planning Scheme** will clarify how strategic policies and plans are used to:

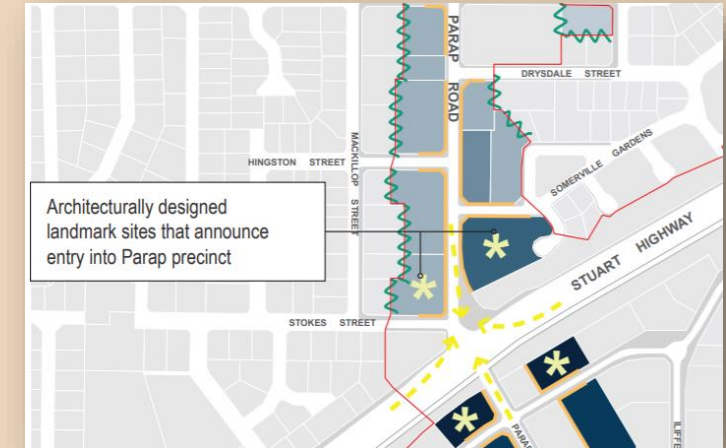
- > guide amendments to the Scheme (including rezoning)



- > support infrastructure planning



- > inform decisions to take account of local differences



# 2

## Make the Planning Scheme more user-friendly

**Changes to the Act** will identify the components of a planning scheme and what each component does.

The intent of the **restructure of the Planning Scheme** is to:

### PART 2

4.0	Planning Principles and Framework .....
4.1	Northern Territory .....
4.2	Darwin Region .....
4.3	Alice Springs .....
4.4	Katherine .....
4.5	Tennant Creek .....

### PART 8

14.0	Area Plans .....
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SCHEDULE TO CLAUSE 2.7 - REFERENCE TO POLICY .....

- > more logically group Scheme components to clarify how strategic plans and policies influence development outcomes

### ZONING TABLE – ZONE A

abattoir	D	6.1, 6.5.1, 10.1, 10.2
agriculture	P	6.1, 10.1, 10.2
animal boarding	P	6.1, 6.5.1, 10.1, 10.2
business sign	P	6.7
caravan park	D	6.1, 6.5.1, 10.2
caretaker's residence	X	
car park	X	

- > clearly identify all development requirements that may apply to the development

# New Scheme Structure

Part 1 – Guidance

Part 2 – Strategic framework

Part 3 – Overlays

Part 4 – Zones and assessment tables

Parts 5 and 6 – Development and subdivision requirements

Part 7 – Aboriginal communities and towns

Schedules (eg definitions and exemptions)

## Guidance (Part 1)

### Establishes

- > Structure of the Scheme
- > How the Scheme operates
- > When consent is required
- > What informs discretion

(Noting that 'special circumstances' is proposed to be replaced with more specific guidance)

# Strategic Framework (Part 2)

Developing the strategic framework

Interpreting the strategic framework

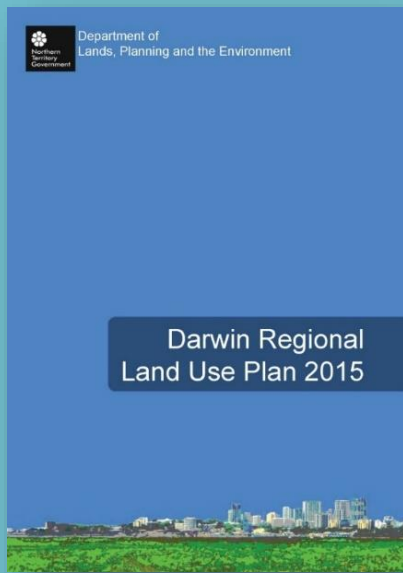
Strategic Planning Policies (eg Compact Urban Growth Policy)

Strategic Land Use Plans

Regional Land Use Plans

Sub Regional Land Use Plans

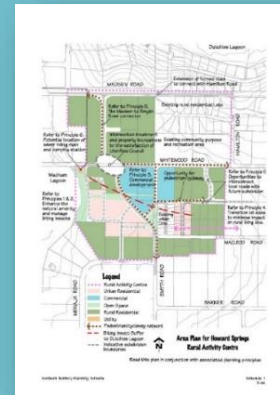
Area Plans



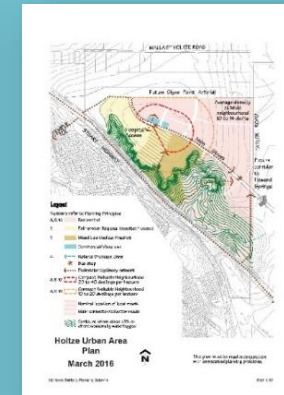
Darwin Region



Litchfield Sub Region



Howard Springs



Holtze

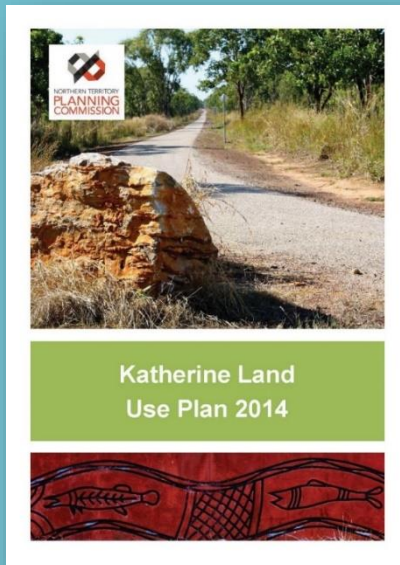
## Strategic Framework (Part 2)

Developing the strategic framework

Strategic Planning Policies (eg Compact Urban Growth Policy)

Strategic Land Use Plans

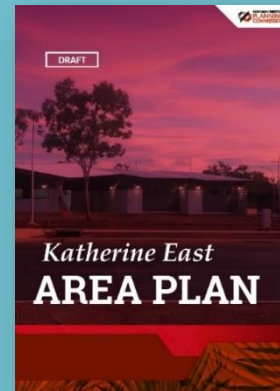
Regional Land Use Plans



Katherine Region

Sub Regional Land Use Plans

Area Plans



Katherine East

Interpreting the strategic framework

# Strategic Framework (Part 2)

Developing the strategic framework

Interpreting the strategic framework

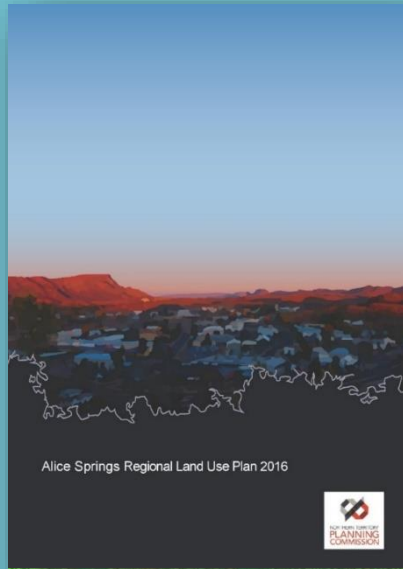
Strategic Planning Policies (eg Compact Urban Growth Policy)

Strategic Land Use Plans

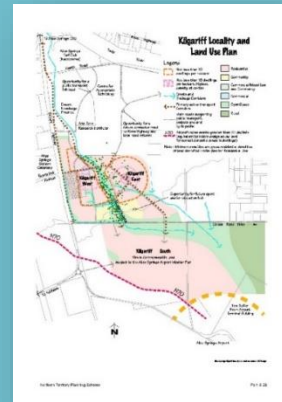
Regional Land Use Plans

Sub Regional Land Use Plans

Area Plans



Alice Springs Region



Kilgariff



Central Alice Springs

## Overlays (Part 3)

Overlays are a new way of presenting existing **development requirements** that relate to land constraints (eg flood affected land).

Overlays are different from other development requirements as they:

- > are **mapped**
- > prevail over zones so they can:
  - apply **additional requirements**
  - **change the assessment category** of a development



## Zones and assessment tables (Part 4)

### Zone Purpose

What the zone is trying to achieve overall

### Zone Outcomes

More detail on the look and function of the zone including:

- > preferred developments
- > criteria around when less-preferred developments may be acceptable

## Eg Zone MR – Medium Density Residential

### Zone Purpose

Provide for a range of low to mid rise housing options close to community facilities, commercial uses, public transport and/or open space, where reticulated services can support medium density residential development.

### Zone Outcomes

- 1) a diversity of low and medium density residential developments generally not exceeding four storeys;
- 2) **home based businesses** operated in a manner consistent with residential amenity;
- 3) **residential care facilities** and **community residences** of a scale and operated in a way that is compatible with the character and amenity associated with medium density residential development;
- 4) ...

## Zones and assessment tables (Part 4)

ZONING TABLE – ZONE A

abattoir	D	6.1, 6.5.1, 10.1, 10.2
agriculture	P	6.1, 10.1, 10.2
animal boarding	P	6.1, 6.5.1, 10.1, 10.2
business sign	P	6.7
caravan park	D	6.1, 6.5.1, 10.2
caretaker's residence	X	
car park	X	

Defined Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Dwelling - Independent				
Dwellings - Multiple				
Excavation and fill				
All other uses defined in Schedule 1 (Definitions)				
Any use not defined in Schedule 1 (Definitions)				

## Development and subdivision requirements (Parts 5 & 6)

### **Purpose**

What the requirement is trying to achieve

### **Administration**

Whether a variation to the requirement can be considered and under what circumstances

### **Requirements**

The minimum standards and measures against which development is assessed

## Eg Service Station

### Purpose

Ensure that service stations:

- a) are developed in locations that provide convenient access and do not interfere with the safe or efficient operation of the local road and footpath network;
- b) do not, because of appearance or the emission of fumes or noise, unreasonably affect the use and enjoyment of adjacent land;
- c) incorporate appropriate building and landscape design to ensure that there is no unreasonable loss of amenity for surrounding premises; and
- d) incorporate appropriate environmental management measures to minimise the risk of pollution or contamination of land and water.

### Administration

1. The consent authority may **consent** to a **service station** that is not in accordance with sub-clauses 2 and 3 only if it is satisfied it is consistent with the purpose of this clause having regard to such matters as its location, nature, scale and impact on surrounding amenity.

### Requirements

2. ...

## Development and subdivision requirements (Parts 5 & 6)

### Purpose

What the requirement is trying to achieve

### Administration

Whether a variation to the requirement can be considered and under what circumstances

### Requirements

The minimum standards and measures against which development is assessed

ASSESSMENT TABLE - ZONE MR - MEDIUM DENSITY RESIDENTIAL				
Defined Use	Assessment Category	Overlays	General Development Requirements	Specific Development Requirements
Dwelling - Independent		3.# Land subject to flooding	6.1 General Height control	6.8.4 Dwelling - Independent; 6.4 Private Open Space
Dwellings - Multiple			6.5 Vehicle Parking	6.3.4 Building Setbacks and Fencing of Dwellings....
			6.12 Landscaping	
Excavation and fill			7.3 Building setbacks	5.13 Excavation and fill
All other uses defined in Schedule 1 (Definitions)				
Any use not defined in Schedule 1 (Definitions)				Note: Undefined uses are prohibited in residential zones

# 3

## Simplify development application processes

Permitted

↓

Permitted

Expected in the zone

Negligible risk of impacts

Discretionary

↙ ↘

Merit Assessable	Impact Assessable
Expected in the zone	May or may not be acceptable in the zone
Low risk of impacts	Impacts depend on the nature and location of the proposed development

Prohibited

↓

Prohibited

Usually not appropriate

# Merit and Impact Assessable Developments

## Merit Assessable:

Assessed against:

- > overlays
- > development requirements
- > If a variation is sought:
  - the purpose and outcomes of the zone
  - any relevant area plan

## Impact Assessable

Assessed against all the above and **always**:

- > the purpose and outcomes of the zone
- > any relevant component of the strategic framework

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Excavation and fill	Impact assessable		6.12 Landscaping	5.13 Excavation and fill
All other uses defined in Schedule 1 (Definitions)	Prohibited		7.3 Building setbacks	
Any use not defined in Schedule 1 (Definitions)	Prohibited			Note: Undefined uses are prohibited in residential zones

## Local notification

14 day exhibition

Sign on the land

Letter to adjoining owners & occupiers

No newspaper advertisement

Online viewing & submissions

## Standard notification

14 day exhibition

Sign on the land

Newspaper advertisement

Online viewing & submissions

## Notification of designated development

28 day exhibition

Sign on the land

Newspaper advertisement

Online viewing & submissions

*Regulations will identify affected development types*



Northern  
Territory  
Government

# NOTICE OF DEVELOPMENT APPLICATION

**Submission Deadline: Midnight, <DD MM YYYY>**



**Site Address:** Lot 1234 Town of Darwin  
987 Planning Street, Darwin

**Proposal:** 10 x 2 bedroom dwellings - multiple in a 4 storey building with undercroft car parking

**Zone(s):** MR (Medium Density Residential)

**Applicant:** JOHN SMITH

**Application Ref:** PA2012/3456

## APPLICANT VARIATIONS:

Car Parking (cl x.x)

Communal Open Space (cl.x.x)

## View the Application & Lodge Your Submission:



**ONLINE:** [www.ntlis.nt.gov.au/planning](http://www.ntlis.nt.gov.au/planning) Or use QR Code

**IN PERSON:** Level 1, Energy House, 18-20 Cavenagh Street, Darwin City

**BY POST:** Development Assessment Services  
GPO Box 1680, DARWIN NT 0801

## Contact:

**Development Assessment Services**

**PHONE:** (08) 8999 6046

**EMAIL:** [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au)

In accordance with Notification Requirements of the *Planning Act*



# NOTICE OF PROPOSED REZONING

**Submission Deadline: Midnight, <DD MM YYYY>**



**Site Address:** Lot 1234, Town of Darwin  
987 Planning Street, Darwin

**Proposed Zone(s):** MR (Medium Density Residential)

**Current Zone(s):** HR (High Density Residential)

**Applicant:** JOHN SMITH

**Application Ref:** PA2012/3456

**Purpose of Rezoning:**  
To facilitate high density residential development

## View the Application & Lodge Your Submission:



**ONLINE:** [www.ntlis.nt.gov.au/planning](http://www.ntlis.nt.gov.au/planning) Or use QR Code

**IN PERSON:** Level 1, Energy House, 18-20 Cavenagh Street, Darwin City

**BY POST:** Lands Planning  
GPO Box 1680, DARWIN NT 0801

## Contact:

**Lands Planning**

**PHONE:** (08) 8999 8963

**EMAIL:** [planning.ntg@nt.gov.au](mailto:planning.ntg@nt.gov.au)

In accordance with Notification Requirements of the *Planning Act*

Regulations will specify what goes on the new signs

# 5

## Introduce criteria for planning scheme amendments

The Minister is responsible for amendments of the NT Planning Scheme. The Act currently provides for a request to be made and the Minister to make a decision.

**Changes to the Act** establish:

- > what a request to the Minister must address
- > what the Minister must consider when making a decision, including:
  - > the purpose and objectives of the Act
  - > the strategic framework



# 6

## Streamline application timeframes

**Changes to the Act** establish new timeframes for:

### Planning Scheme Amendment

- > **an applicant to provide additional information** within a timeframe specified by the Minister
- > **the Minister to make a decision on a proposed PSA** within 90 days of receipt of the Planning Commission report

### Development Application

- > **an applicant to provide additional information** within 30 days
- > **service authorities to provide comments** within the public exhibition period

## Other changes to the Act:

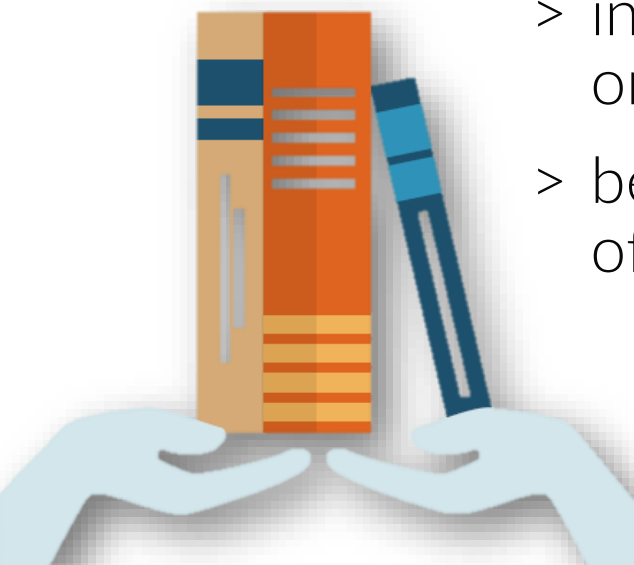
- > establish distinctions between a Council's "comment or view" or a "submission"
- > allow the Planning Commission to not hold a hearing if it is satisfied a hearing will not provide further useful information.

# 7

## More effective enforcement tools

Stronger and more flexible enforcement tools 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
- > better discourage, support prosecution of, and allow rectification of breaches of the Act



## Introduce to the Act new powers for:

<b>Show Cause Notice</b>	First notice to “show cause” why enforcement should not be taken.
<b>Enforcement Notice</b>	<p>Replaces current “Notice to Cease”.</p> <p>Gives the consent authority greater powers to:</p> <ul style="list-style-type: none"><li>&gt; require work or use to cease</li><li>&gt; impose conditions that limit impacts</li><li>&gt; require rectification works</li><li>&gt; require other action.</li></ul> <p>May be issued without a Show Cause Notice to prevent activity that needs immediate action.</p>
<b>Penalty Infringement Notice (PIN)</b>	On the spot fine for minor offences.

Other **changes to the Act** will:

- > allow the Local Court to **order compensation** and **award costs** for investigation
- > establish various **liabilities** and associated **grounds for defence**
- > **increase penalties** for offences
- > clarify and enhance the **powers of authorised officers** to investigate complaints



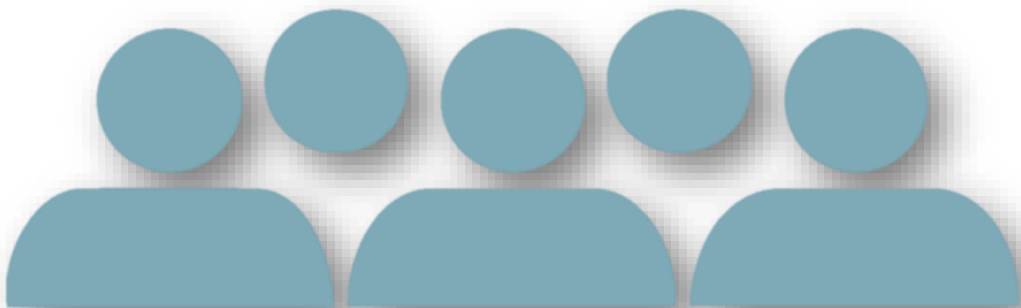
# 8

## Changes to the DCA

Introduce more **criteria for the appointment and termination of DCA members:**

- > what to do if Council is placed under management
- > that employees of Council and DIPL are ineligible for appointment
- > that the Minister is not required to appoint a person nominated by the Council

Introduce a **pool of specialist members** with **qualifications, skills or experience in a planning related field**



All DCA members will be required to:

- > undergo **training** about the NT planning system prior to commencing
- > adhere to a new **code of conduct**

### Amendments to the Act to:

- > require the **Planning Commission** to produce a **community engagement policy**
- > require the **DCA** to provide an **annual report** and **publish voting** on decisions
- > require **submissions** to **include submitter details** including name, signature and contact details

### In addition to the Act amendments:

- > better information will also be supported by **better online content**.
- > **more decision information** will be available by making the Planning Commission report to the Minister publically available.

# 10 — Extend third party rights of review to Zone RL

## Changes to the *Planning Regulations*:

- > Include Zone RL (Rural Living) as a residential zone
- > Extend the limited rights of review available to third parties in residential zones to Zone RL



11

## — Create more certainty for legal existing uses —

**Introduce to the Act** the ability to apply for a certificate of existing use, building or works.

The onus will be on the applicant to demonstrate legal establishment and continuous operation to the satisfaction of the consent authority.

12

## — Support for infrastructure contributions —

**Changes to the Act** will allow developer contributions to reimburse amounts already spent on the construction of infrastructure that supports development of a locality.

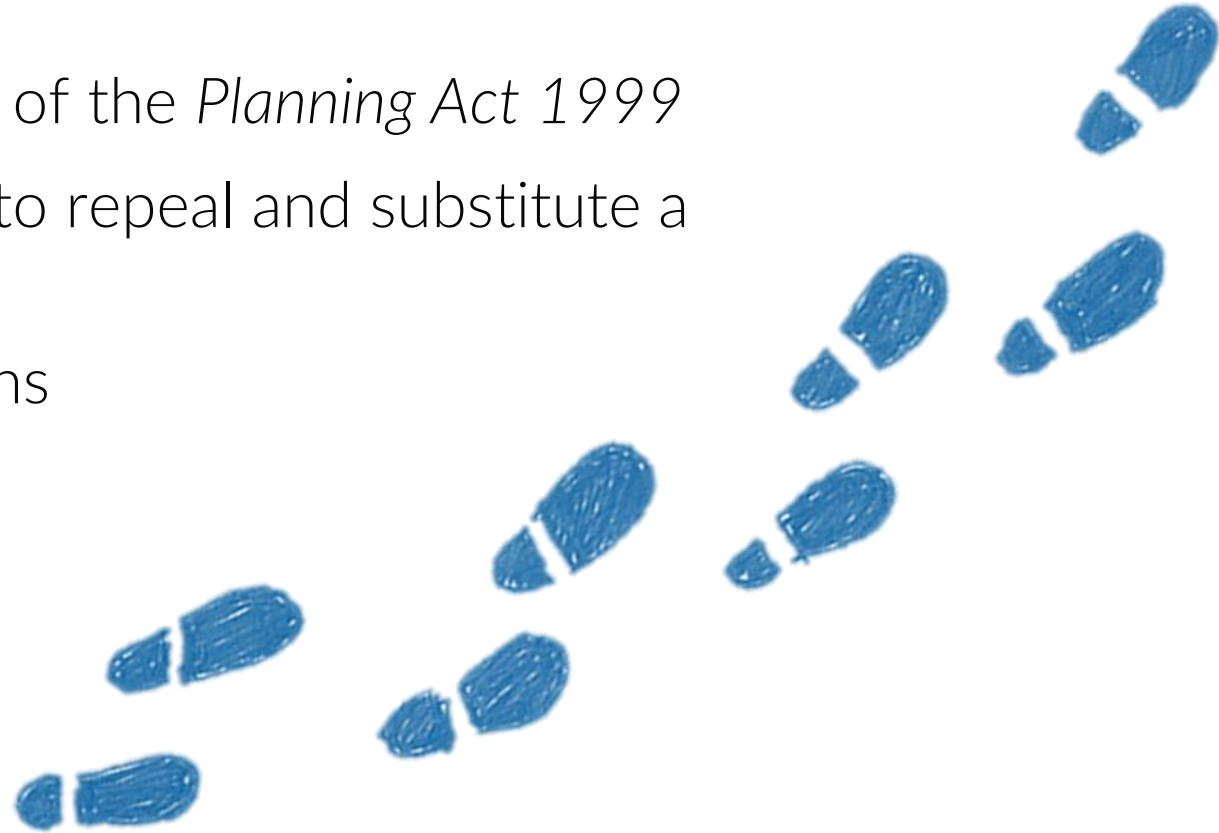
Further consultation on the developer contribution framework will happen as a separate process from planning reform.

# Next steps

# Next Steps

The next steps will be to consider issues raised during consultation followed by:

- consideration of a Bill for amendment of the *Planning Act 1999*
- exhibition of a proposed amendment to repeal and substitute a revised NT Planning Scheme
- public consultation on draft Regulations



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