

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

Submission December 2018

The Property Council of Australia welcomes the Northern Territory Government's Review, Reframe and Renew of the NT Planning System.

We see this as an opportunity to modernise and improve efficiencies within the planning system. A balanced, logical and transparent planning system will enhance development potential and outcomes allowing improved certainty and confidence in property development and investment.

The Northern Territory Government's management and control of the NT Planning System must be maintained.

As the NT population is small relative to other states within Australia, a central Government Planning Department is an efficient and sensible means of ensuring consistency, transparency and confidence for the planning process.

Conversely political representatives (including Local Government) can have the opposite effect on planning. Political representatives on the Development Consent Authority and Ministerial power to approve decisions that fall outside the NT Planning Scheme undermine confidence that planning is a non-political process.

Statutory and Service Authority Approvals

Statutory and Service Authority review, comments and approval during the development process is a necessary part of planning applications. It is important that any application consider the surrounding infrastructure and authorities that manage them. It is critical that accountability, compliance and justification be equal for the Authority submission as it is to the Applicant.

Currently, there are no time constraints on when Statutory and Service Authorities must provide submissions on development applications. There have been many instances of significant delays to developments caused by statutory and service authority bodies taking excessive amounts of time to provide submissions.

Time constraints on the statutory and service authority submissions need to be applied to improve efficiencies within the planning system.

Once submitted, the Authority's submission and agreement should be honoured and maintained. Any retrospective changes to these terms typically results in delays, additional costs and increased risks to a development. Statutory and service authorities should only be permitted to retrospectively change their position during the development process when there are exceptional circumstances or the application itself has changed.

Zoning Definitions

There currently exists misinterpretation and confusion around certain NT Planning Scheme zones. This can be as simple as a zoning's name to the more complex regulations that govern the zoning. As a result, the broader community can have an inappropriate reaction to a development proposal causing resistance to applications that result in delays and disillusionment with the planning process. If clear and logical definitions are not in place the community's expectations of a site conflicts with the actual appropriate use of a development site.

We further caution progression on '*Specific Use*' zones. We understand that no planning system can optimally capture unique conditions that influence certain sites. Yet the creation of new zones to attend to these issues reduces certainty and adds complexity in the planning system as there is no established or pre-defined knowledge of the new zoning and how it integrates into the wider area it is situated. Caveats or guidelines would be more appropriate manner to attend to the unique conditions and therefore reduce confusion around zoning definitions.

Strategic Planning

The Planning Commission to date have made many commendable accomplishments in strategic land-use planning via effective community consultation and developing area plans. However, the transition from the current planning scheme to the area plans recently developed are still ambiguous and no clear guidance is provided as to when and how this will occur. We would encourage the development of strategic staging plans both in zoning upgrades and for service infrastructure that map the intended roll-out of the Planning Commission land-use plans.

Outcomes & Guidelines

We acknowledge current compliance to the NT Planning Scheme is strongly based in prescription and in some instances, does not give the appropriate attention to outcomes best suited to the site, urban planning and quality built environment. We support the introduction of design guidelines that sit in parallel to the site's zoning. These guidelines permit greater flexibility in development solutions yet still adhere to the planning intent of the zone. The guidelines are capable of accommodating elements not captured in the current NT Planning Scheme such as location (CBD, Rural, Suburban?), amenities and surrounding built environment.

Public Comments and Third Party Appeal Rights

As planning and development impact on everyone at some point in their lives, considering the community's point of view is important. Public comments should be weighted accordingly to the level of direct impact the development application has on the public submission. Whether positive or negative, a public comment should have low weighting if the development application has no direct impact on the submitter. Considering low weighted comments in a greater capacity only needlessly slows the process and distracts attention from the more significant points of the application.

We are of the strong view that no changes should be made to third party appeal rights.

Expert Opinions

We support that a wider skillset be adopted in-house within Development Consent Authority. The skillsets should not be limited to design but also assess the economic impacts of future developments.

We express strong concerns of the adoption of an independent or separate "expert" review panel as part of the development approval process. As planning is NT Government controlled, involving members of the private sector to comment on private sector development applications will give rise to considerable conflicts and challenges that will only stagnate the process.

The use of “expert” review panels will likely result in buildings designed to cater the panel’s design philosophies and limit innovative and diversity. In the Territory, there are only a limited amount of “experts” qualified to review development applications and we are very likely to see “expert” design panel members providing comment/advice on specific types of developments that they are not qualified to advise upon.

The use of “expert” design panellist from inter-state would almost certainly lead to poor design outcomes due to their lack of understanding of the Territory’s climate and property market.

The Property Council is the peak body representing the property industry in the Northern Territory. We appreciate the opportunity to comment on the proposal and look forward to continuing to work with you and provide comment.

Should you have any queries or require elaboration, please do not hesitate to contact rpalmer@propertycouncil.com.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ruth Palmer', with a stylized flourish at the end.

Ruth Palmer
NT Executive Director