



11.3.2020

To the Chairman of the Legislative Scrutiny Committee,

A. Submission from PLan: the Planning Action Network, Inc regarding the proposed Planning Amendment Bill, 2020

Our organisation has been specifically requested by the NT Government to make a submission to the Legislative Scrutiny Committee,

This is our submission:

PLan: the Planning Action Network, Inc is an incorporated organisation under the NT Associations Act. Our group has been operating in the Northern Territory for at least twenty five years.

PLan's aim is to achieve, for the community, sustainability in terms of social, cultural, environmental and balanced long term economic impacts.

We have been engaged with the planning process for all twenty five years, all the time following 'due process'. We have contributed from our long and deep experience consistently throughout all of the long 'Planning Reform' period. Our observation now is that the planning needs of the community are ignored in this Bill. After all these years, the proposed Bill reads more like a



Development Act in the making rather than a Planning Act, 2030 for the people of the Northern Territory. We particularly note the Bill's most serious inability to continue to recognise the importance of Amenity in all planning situations.

The Bill as now drafted, is not in the public interest, since it is most inadequate as a balanced planning act, neglecting essential provisions for the Territory community.

The Bill also fails most seriously to have sufficient regard to the rights and liberties of individuals. We believe therefore the Bill should be rejected in its present form.

That being the case, we ask the Committee to recommend to the Legislative Assembly to decide against the passing of the Bill into law.

B. Explanation

This Bill was introduced to the NT Legislative Assembly on 13 February, 2020.

One of the most pressing issues expressed by the public in the political 'door knocking' phase of the last NT Election, were requests for better planning to be provide for community needs, and greater transparency in planning as a whole. In particular recognised pathways are needed for the provision of green open spaces, including local parks within walking distances of new built developments, particularly in the CBD, public spaces assigned for other facilities, such as community centres, youth centres, and swimming pools; and the conservation of valued urban natural environments. The Planning Amendment Bill must make provision for the regular

achievement of these kinds of outcomes in proportion to built developments. The public is not prepared to wait in hope for yet another three or four years.

Meanwhile more Community Purposes zoned land has been privatised for built developments, with further large areas under threat. Huge areas have been subdivided into lots too small for tropical living. Public foreshore land has been alienated for private profit, crown land sold with insufficient public notification, urban catchments built on, large areas of natural bush cleared, and leases not supervised and monitored. Future Use Zoned land is being wrongly built on in haste, and heritage objects and places suddenly destroyed. Non complying Exceptional Development Permits continue to be issued without good reason, creating new precedents. Existing zoning is being ignored at every administrative level. Use of 'discretion' seems always in favour of developers. These are issues which need proper legal control and regulation.

Many people have come to live and settle in Darwin because of its unique tropical living, and because it is a good place to raise children. New suburbs continue to be built on small lots, not naturally ventilated, not designed for outdoor living, and with no space for cooling shady gardens. Greater profit is the outcome. Large land areas are being carved up into 'specific use' zones, agreed between developers and the department. There is now new concern at the concept of 'staged' developments.

The new Planning Amendment Bill is now framed precisely to smooth the introduction of denser patterns of 'compact development' as endorsed by the NT Planning Commission. This ubiquitous body has in a short time span, been imposing on the Northern Territory a very long term futuristic strategic planning programme, dependent on its estimated growth of the population. The process in doing so has seemed too forcefully insensitive to the people. It did not focus on the present

community's needs. The NT Planning Commission's next priority was, it seems, the densification of areas beyond the CBD, with multiple dwellings including high rise. This would be inappropriate in terms of our climate, and wellbeing. Now the population is in decline there should be a slowdown and rethink of this planning approach.

It is important to note that Darwin is a small city surrounded by lots of land in a very big Northern Territory, with a very small population. It cannot be equated with Melbourne and Sydney which are large metropolitan areas with huge, rapidly growing populations. In a recent report, the well-known and recognised Deloitte organisation, specialising in planning matters, has reported and documented how Australia's smaller cities grow successfully in a way different from large capital ones. Smaller cities which grow successfully, they show, do so with a greater emphasis on community character, spirit, identity, and participation. That is how our community needs to regain growth and sustainability. Change is now essential to a 'bottom up' approach, to balanced planning instead of a 'top down' insensitive one. Territorians are not fools, and this is what they are entitled to expect from the present government.

The most important failing in the proposed Planning Amendment Bill is its purposeful attack on the word 'AMENITY' in the all-encompassing introductory statement of Purpose and Objects. This change is totally unacceptable. It would be binding on all actions under the new Act, and change its present purpose. AMENITY means 'the general pleasantness of the area in which the community lives and frequents'. The existing Planning Act uses it correctly in the crucial Section 2A Objectives.

This same definition must be honoured and used in the Purpose and Objectives of the proposed Planning Amendment Bill. INSTEAD, IN THE BILL, THE WORD 'AMENITY' HAS BEEN INCORRECTLY USED AS SOMETHING QUITE DIFFERENT, i.e. the pleasantness of a building or other item which is in the process of seeking planning approval. Equally vital and essential is the retention of the full text content of Section 51 as in the present Planning Act. This is the specific clause that the Development Consent Authority (DCA) MUST properly consider in its decision making on development applications. Its contents must not be scrambled, watered down, or confused by large or small amendment in the drafting of the Bill.

There were at least three phases of this intensive and expensive exercise of 'reforming' planning. This lasted through several years, including involving outside 'paid consultants' as well as departmental staff. Throughout all that time, our organisation prepared, wrote, and submitted thousands of hours of well-informed public documentation for better balanced planning, including addressing community needs. There is practically no evidence of this being incorporated in the proposed Planning Amendment Bill.

In the meantime, the Minister continually calls on the public to 'follow proper due process', whilst developers are invited to attend the departmental 'One stop shop', to advance their interests. Issues concerning the public are continually ignored, and mostly never resolved. Many promises have been broken.

This must change for the sake of the Northern Territory, its future, and its people.

C. Summary and Conclusion



The Bill, as now drafted before the Legislative Scrutiny Committee, is not in the public interest, since it is most inadequate as a balanced planning act, neglecting essential provisions for the Territory community.

The Bill also fails most seriously to have sufficient regard to the rights and liberties of individuals. We believe therefore the Bill should be rejected in its present form.

That being the case, we ask the Committee to recommend to the Legislative Assembly to decide against the passing of the Bill into law.

Please promptly acknowledge receipt of this email and place it on the public Parliamentary Record.

NICHOLAS KIRLEW,

Convener,

PLan: the Planning Action Network, Inc

and

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Deputy Convener,

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Appendix Taking Community Out of the Act Presentation.