

20 April 2021



Chairman

Northern Territory Planning Commission
GPO Box 1680
Darwin NT 0801

Sent via email: ntpc@nt.gov.au

Dear Dr. Ritchie

Re: Designing Better Stage 2 Consultation Paper

The Northern Territory Planning Commission (NTPC) has concluded the second stage of consultation for *Designing Better*. This consultation process builds on the work and feedback within Stage 1 of the project. The Urban Development Institute of Australia – Northern Territory (UDIA NT) participated in a stakeholder workshop and briefing session for the *Designing Better* Stage 2 Consultation Paper on 9 April 2021.

UDIA NT would like to thank the NTPC on the collaborative work completed within the Stage 1 and Stage 2 consultations so far. In general, we support the ongoing statutory planning reforms occurring in the Northern Territory and the role of the NTPC in this.

It is understood that the intended outcome of *Designing Better* is to deliver improved statutory building design and encourage superior built form outcomes for residential apartment and mixed-use developments in the NT. The Stage 2 Consultation Paper is divided into two components; Part 1 being the proposed new development requirements to the Northern Territory Planning Scheme (NTPS) and consequential amendments, and Part 2 providing accompanying guidance notes.

UDIA NT offers the following general comments on the *Designing Better* Stage 2 Consultation Paper (Parts 1 and 2), as presented during stakeholder engagement:

Integration of Designing Better

UDIA NT supports the integration of the *Designing Better* provisions directly into the NTPS, rather than as a separate policy. This ensures the *Designing Better* provisions have statutory weight and are streamlined for all users; however, it is unclear if the consultation Design Guidance notes will also be incorporated into the NTPS (either in Part 1, as a Schedule or as a reference document) to ensure ongoing consistency and interpretation of new and/or amended provisions by both users and assessors.

Provisions of Designing Better

- **Landscaping (Clause 5.2.6)**

Designing Better seeks to amend the existing Landscaping clause of the NTPS and introduce a requirement in Zone CB for developments to provide landscaping equivalent to 10% of the site area.

UDIA NT generally supports the requirement for landscaping in Zone CB for all new development or to existing developments where the extent of work/change being undertaken triggers this clause. However; there does not appear to be any thresholds proposed in relation to the application of this clause, which would in theory apply to both an entirely new building and a minor fit out of a change of use in a single tenancy.

The latter scenario would place significant burden on smaller businesses and single tenancies in existing buildings. There needs to be due consideration of scenarios where this clause does not apply for practical reasons.

- **Setbacks to Residential (Clause 5.2.7)**

Designing Better seeks to amend the setbacks for secondary street interfaces between commercial development and residential development. The UDIA NT has no specific concerns with the amendments to this clause, given the specificity of the scenario is unlikely to arise often. However; it is pleasing to see the consent authority retains some flexibility in the application of this clause.

- **Residential Density and Residential Plot Ratio (Clause 5.4.1)**

Designing Better seeks to introduce residential plot ratios as a replacement of the existing rigid dwelling densities in Zones MR, HR, and C. The UDIA NT is supportive of the introduction of residential plot ratios in these zones, in order to allow greater flexibility and easier calculations of yields where mixed dwelling sizes for residential or mixed-use developments are proposed.

Whilst there was some discussion as to how the proposed residential plot ratios were arrived at, there is nonetheless some concern that these figures have not been thoroughly tested, and therefore the net gain or loss to overall density for developers is relatively unconfirmed. It is noted that there is no ability for the consent authority to vary this clause or apply discretionary considerations.

Consideration should be given to the ability of the consent authority to vary the plot ratio requirements where superior design outcomes are met, and where development not unduly impact on the immediate surrounding neighbourhood. Specific circumstances, such as the provision of a certain level of affordable housing options, or social housing options should also be considered as viable reasons for variations to density if appropriate.

- **Residential Height Limitations (Clause 5.4.2)**

UDIA NT is supportive of the increase of Zone C height limitations from 3 storeys to 4 storeys for residential development. This is likely to encourage the design and construction of mixed-use developments.

Whilst beyond the scope of *Designing Better*, it is suggested that the commercial plot ratio of Zone C (currently 1:1) be reviewed at some point in the future to encourage multi-storey commercial developments and greater flexibility in developments in Zone C.

- **Residential Setbacks (Clause 5.4.3)**

Designing Better seeks to amend the setback requirements in Zone MR and HR, and that of residential components in Zone C. These amendments propose a reduction to the front setback requirements and an increase to the side and rear boundaries. The proposed setback requirements will also allow for a reduced front setback to cantilevered balconies.

It is understood that these changes are expected to result in a net gain of floor area over the site, which is generally supported by UDIA NT. However; flexibility in the Scheme should be retained, with the consent authority having the ability to vary both Requirements 6 and 7 of this clause.

Side and rear setbacks of 3 metres to residential buildings in zones MR and ZHR having to provide 2 metres of this setback as landscaping restricts the use of these side and rear boundaries as useable private open space for any ground floor tenancies.

- **Private Open Space for Dwellings-Multiple (5.4.6)**

Designing Better proposes to introduce a standalone clause for private open space requirements for dwelling-multiple developments. The proposed clarification of dwelling-multiple requirements and reduction of excessive requirements for ground floor private open space provision is generally supported by UDIA NT.

- **Building Design for Dwellings-Multiple (5.4.X)**

Designing Better proposes to introduce a standalone clause for building design requirements for dwelling-multiple developments. The proposed clarification of dwelling-multiple requirements in line with Crime Prevention through Environmental Design (CPTED) principles and the Community Safety Design Guide (as amended from time to time) is generally supported by UDIA NT.

- **Building Articulation (Clause 5.4.X)**

The UDIA NT has no specific concerns regarding amendments to this clause (formerly Clause 5.4.3.1).

- **Fencing of Dwellings-Multiple in Zones MR and HR (Clause 5.4.X)**

The UDIA NT has no specific concerns regarding this new clause, which appears to be in line with Crime Prevention through Environmental Design (CPTED) principles and the Community Safety Design Guide (as amended from time to time).

- **Street Frontage of Residential Buildings in Zone CB**

Designing Better proposes to introduce Clause 5.4.X, which addresses the desired interface between residential development and the street frontage in Zone CB.

Whilst the intent of this clause is understood and generally supported; the requirement to provide awnings to all street frontages for residential buildings is likely to significantly impact on the ability/desire to provide ground floor tenancies, particularly as the clause also seeks to locate private and communal open spaces to provide passive surveillance of the street.

- **Design of Commercial and Other Non-Residential Development (Clause 5.5.3)**

The removal of specific zone references within this Clause leaves room for ambiguity of application of provisions. The clause now refers only to commercial, civic, community, recreational, tourist and mixed-use developments, which are not all defined uses or zones within the Scheme. Further clarification is required to ensure appropriate application of this clause.

- **Active Street frontage of Commercial and Mixed-Use Buildings in Zones CB, C and HR (Clause 5.5.X)**

Designing Better proposes to introduce the requirement for commercial and mixed-use buildings to provide a minimum of 60% of the length of the *site* boundary at ground level as active street frontage (noting the requirement for Zone CB in Darwin and Alice Springs remains at 75%). UDIA contends that this provision should be applied to the *primary street* only rather than all site boundaries, as secondary and/or rear streets are largely utilised for services and back of house functions, whilst other side boundaries are often parapet (zero lot line) walls and high levels of activation are not able to be provided.

- **Consequential Amendments**

UDIA NT has no specific concerns regarding consequential amendments to the NTPS.

Summary

UDIA NT thanks you for the opportunity to provide comment on *Designing Better* and proposed amendments to the NTPS. We trust that our feedback has been of assistance and look forward to working with the NTPC and the Department of Infrastructure, Planning and Logistics further to ensure appropriate outcomes throughout the implementation of the *Designing Better* principles and the remainder of the planning reform process.

Should you have any queries relating to the above, please do not hesitate to contact me on 0415 933 635 or ceo@udiant.com.au.

Yours Sincerely



Catriona Tatam

Chief Executive Officer

Urban Development Institute of Australia (NT)