

18 July 2021

Mr. Dick Guit
Team Territory
Land Development Process Review



Via email: (LDProcessReview.DIPL@nt.gov.au)
cc: Jasmine.Husson@nt.gov.au

Dear Mr Guit,

RE: LAND DEVELOPMENT PROCESS REVIEW

The Urban Development Institute of Australia (UDIA) NT is the peak membership body representing all aspects of the development industry in the Northern Territory. As the independent voice for the industry, we seek to work collaboratively with Government, statutory agencies, service authorities and other industry bodies to represent our members and promote best practice urban development.

Several of our members have engaged with you throughout the Land Development Process Review (LDP Review). It is understood that this LDP Review has stemmed from a 'cutting tape' recommendation in the Territory Economic Reconstruction Commission: Final Report (TERC Report).

The LDP review is intended simplify and streamline the Territory's LDP to identify current processes where improvements can be made and examine opportunities to improve operation and efficiency. It is understood that the goal of the review is to ensure the LDP framework is fit-for-purpose and delivers the timely production of lots to the market.

The UDIA NT would like to see a consistent and streamlined LDP across all stages of development, all jurisdictions and all NTG Departmental areas. UDIA NT offers the following comments and recommendations to be considered as part of the LDP Review:

Survey and Titling Process

- UDIA NT recommends changes to the survey plan lodgement process to permit survey plans to be lodged with the Surveyor General prior to the issue of Part V and Certificate of Practical Completion.
- In conjunction with the change to survey plan lodgement processes, the Survey Approvals Online portal should be upgraded to facilitate approval of the survey component, in readiness for Part V approval, and to enable title templates to be prepared. Allowing documents to be electronically signed, through programs such as DocuSign, would increase efficiency (and mitigate lockdown impacts).

- The UDIA NT acknowledges that minor changes to legislation (*Licensed Surveyors Act 1983* and/or the *Planning Act 1999*) may be required but the suite of changes would enable titles to be issued immediately following confirmation that all planning matters have been complied with.

Place Naming Process

- UDIA NT recommends that a review of the Place Naming process should be undertaken as a priority. The current process, which should be a minor part of the overall land development process, often delays the delivery of titles in a timely manner, by failing to achieve the declaration of road and park names in time for title issue. UDIA NT recommends that the Place Names process should be reviewed by someone external to the public service.
- Whilst it is understood that the current Place Names Committee has a very strong mandate towards the use of Aboriginal names, and whilst we understand the intentions behind this mandate, this requirement is not yet legislated and is causing some delays. UDIA NT recommends a separate streamlined process for road naming and park naming for any greenfield or brownfield subdivision, as the development context of road naming has vastly different timeframes and process requirements than the dual naming process, naming of geographical features, naming of places to honour persons, or formalisation of Aboriginal place names.
- The onus should be on the Place Names Committee to liaise with local aboriginal language groups, rather than the developer, if the above mandate is to become legislated. Anecdotally, there has been some ambiguity/confusion regarding who to contact, and even varying opinions within individual organisations about the correct words and meanings.

Development Application (inc. Subdivision) Process

- The Phase 1 review of the *Planning Act 1999* and Planning Scheme has been completed and Phase 2 reforms are currently taking place. Phase 2 considers location specific requirements to provide for more permitted uses, as well as the inclusion of Detailed Area Plan (DAP) development provisions in CBD areas into the Scheme. However, UDIA NT considers that there may also be some benefit in a review of the Development Assessment Services' internal processes. It is recommended that should be done by someone external to the Department.
- Development Assessment Services (DAS) need to take a proactive and not passive role in assessing development applications and critiquing referral responses directly with agencies (i.e., interrogating and testing the validity of planning conditions and deferral requests) before imposing the outcomes requested onto the proponent. Model subdivision conditions will establish a more consistent planning outcome and help mitigate the impacts of staff turnover (in DAS and referral agencies) which is resulting in substantially different planning impositions on multi-stage projects (master planned communities).

- UDIA NT believes that the delegation of authority needs to be expanded to avoid largely compliant applications, with no community objections or valid objections from referral agencies, having to be presented to the DCA which adds unnecessary time, often weeks, to the approval process.
- The Subdivision Development Guidelines (SDG) need to be applied consistently throughout all jurisdictions. Design specifications, technical requirements or development guidelines cannot be amended unilaterally at the moment. It is imperative that any amendments are fully understood, and any implications of those changes workshopped with Industry. Anecdotally, developers have been asked to change development outcomes at the whim of an individual within a service agency, rather than in compliance with the SDG.
- The SDG, the NT Planning Scheme or other compliance regulations should be performance oriented, therefore allowing noncompliant proposals to be assessed on their merits rather than rejected outright.
- The UDIA would strongly advocate for the supply of compliance certification by the design engineer or designing consultant, allowing certification that the submission is in compliance with the relevant technical specifications (whether planning or subdivision). The UDIA notes that the issue of peer reviews has previously been raised, however, we note that this generally occurs within Tier 1 consultancy firms, and we caution the use of external consultants for peer review of design reports and development submissions by local consultants.

Local Government and Service Authorities

- Design approval timeframes associated with Council and service authorities have some room for improvement. Standard response times should be implemented across all authorities in order to ensure a timely land development process. UDIA NT strongly advocates for minimum design approval timeframes, failing which deemed-to-comply provisions need to prevail.
- The abovementioned timeframes also need to flow through to the provision of final clearances for completed works by Council and service authorities.
- Local Councils in areas of ongoing development appear significantly under resourced to perform their role in assessing planning, engineering and landscape drawings consistently and efficiently. Feedback from several members is that there may be too many local government areas with too few constituents, and therefore not enough funding, resources and skills.
- Local Councils and Power Water Corporation (PWC) have historically had a tendency to change requirements overnight with no prior consultation with industry and with no change to the established policy framework. In particular, there is little to no regard with agreed principles or outcomes (engineering and planning) established on master planned communities, each stage appears to be assessed in isolation against the issue of the day or an individual's perspective.

- Bonding policy needs to be clearly established to help guide what and how to efficiently bond items that are creating unreasonable delays. Streetlights are the current case in point, whereby Palmerston Council have decided upon a new process (which is not in any policy framework) whereby they need to be commissioned prior to practical completion, without engaging with industry or PWC on the implications. This has resulted in substantial titling delays (1-2 months) and completed lots sitting behind construction fences awaiting final clearance.

Duty Assessments

- The NT Revenue Office are reasonably progressive in their view on assessing non-original document copies. They will accommodate these requests (if accompanied by an explanatory letter) – it is not the norm for most transactions.
- Whilst electronically signed documents are understood to be permitted, documents must be physically lodged at the NT Revenue Office for assessment. There are only a limited number of locations in the Territory.
- Certain conveyancers are permitted to 'self-assess' documents but it is an onerous process to be certified (and it can potentially expose the conveyancer to some risk if errors occur).
- There is no electronic portal for lodgement or assessment requests (despite documents being accepted in non-original form). A new lodgement portal online would expedite processing (and logistics) – and potentially allow continuity during lockdowns as well.

Property Settlements

- All settlements are conducted in the 'Settlements Rooms' of the Land Titles Office (unless the parties agree elsewhere in 'non-lender' purchase transactions). Settlement times can occur between 11am and 4pm and must be physically attended by the parties.
- This requirement is inefficient and adoption a 'PEXA-type' system (utilised in all other Capital cities in Australia) would revolutionise the conveyancing world. Not only would it provide efficiencies, but it would also allow continuity during restrictions and the opportunity to bring the Territory into current national practice.

Land Titles Office Lodgements

- All lodgements (e.g., transfers, mortgages, covenants, leases, etc) are required to have the original document form lodged in person at the two Land Titles Offices (Darwin & AS). Documents are not permitted to be electronically signed and must be 'wet signed' and originals presented. There are also strict witnessing and execution provisions.
- These requirements can significantly delay transactions and jeopardise meeting contractual conditions (or risk attracting hefty financial penalties for purchasers/sellers).
- Adopting a 'PEXA-type' system could be extended to lodgement of documents also and would provide unlimited benefits for the industry and also for NTG resourcing in the LTO.

- Discussions that some of our members have had with LTO staff do not appear to favour any innovative approaches or exceptional circumstance accommodations. There is scope to allow for flexibility in order to streamline processes and minimise timeframes.

Mr Guit, we as an industry are strongly encouraged by what you are doing and the questions you are asking, and we are excited to see the outcome of this LDP Review. However, as with any process, the effectiveness of a review is only as good as the implementation of the resulting recommendations.

We therefore see the need for strong leadership to communicate the intent, the objective and the goal of what this process is aiming to achieve, right through to the implementation phase. There needs to be a top-down approach to ensure that all levels of NTG Departments, Councils and service authorities have the same objective – to facilitate good development in a timely manner. Only through a collaborative approach between public and private sectors can we successfully examine and refine the LDP.

Please note that the comments and recommendations detailed above do not necessarily represent the position of UDIA as a whole, but instead incorporates a range of feedback from many members. Overall, the UDIA NT wholeheartedly supports the simplification and streamlining of the land development process, and we thank you for the opportunity to provide comment.

Should you require any further information, please do not hesitate to contact the undersigned on 0415 933 635.

Yours sincerely



Catriona Tatam

Chief Executive Officer

Urban Development Institute of Australia (NT)

